



European Union

**Technical Assistance for Evaluation of Rule of Law sector
implemented and financed by IPA Programme and other
Donors in the Republic of Serbia**

Framework Contract Beneficiaries – Lot 7

Letter of Contract No. 2013/313178

Final Evaluation Report

June 2013



**The project is funded by
the European Union**



**The project is implemented by
European Consultants Organisation**

ABBREVIATIONS AND ACRONYMS

AML	Anti-Money Laundering
APML	Agency for the Prevention of Money Laundering
CFT	Combating Terrorist Financing
CoE	Council of Europe
DAC	Development Assistance Committee
DMSCA	Directorate for Management of Seized and Confiscated Assets
EC	European Commission
EU	European Union
EUD	European Union Delegation
EUR	Euro
EQ	Evaluation question
FIU	Financial Investigation Unit
Giz	Deutsche Gesellschaft für Internationale Zusammenarbeit
GRECO	Group of States against Corruption
HJC	High Judicial Council
IBM	Integrated Border Management
IPA	Instrument for Pre-Accession Assistance
IOM	International Agency for Migration
IT	Information Technology
ISDACON	Information System for Coordination of Development Assistance to the Republic of Serbia
JRGA	Judicial Reform and Government Accountability Project
MIPD	Multi-Annual Indicative Planning Document
MOJPA	Ministry of Justice and Public Administration
Moneyval	Council of Europe's Committee of Experts on the Evaluation of Anti-money laundering Measures and the Financing of Terrorism
MS	Member State
NAD	Needs Assessment Document
NGO	Non-Governmental Organisation
NPI	National Programme of Integration of Serbia into the EU
ODA	Official Development Assistance
OECD	Organisation of Economic Cooperation and Development
PPP	Public Private Partnership
RPPO	Republican Public Prosecutor Office
SAPA	Standardized Software Application for Prison Administration
SAPO	Standardized Software Application for the Prosecution Organization
SAPS	Standardized Software Application for the Serbian Judiciary
SEIO	Serbia European Integration Office
SIDA	Swedish International Development Agency
SPP	Separations of Powers Project
SSQ	Sector specific question
ToR	Terms of Reference
UN	United Nations
UNDOC	United Nations Office on Drugs and Crime
UNHCR	United Nations Refugee Agency
US	United States of America
USAID	United States Assistance for International Development
WB	World Bank

Table of Contents

Executive Summary.....	4
1. Introduction.....	7
2. Mapping of Assistance.....	8
3. Conclusions and recommendations	32
4. Proposals for policy objectives for the next EU multi financial framework 2014-2020.....	41
5. Proposals for indicators	44
 ANNEXES	47
Annex 1: Terms of Reference	47
Annex 2: Recorded Allocations for Home Affairs, Legal and Judicial Development 2007-2012.....	48
Annex 3: The evaluation questions	56
Annex 4: Sample of projects to be evaluated.....	58
Annex 5: Interviews	60

Executive Summary

The purpose of this evaluation was to provide an independent view on the use of the international development assistance in the Rule of Law sector to the Republic of Serbia in the period of 2007-2011. The findings and recommendations should contribute to the effectiveness of international assistance in the future programming periods.

In line with the ToR and beneficiary comments the findings of this evaluation are grouped according to five evaluation criteria and answering the evaluation questions formulated for this evaluation exercise.

Relevance

Overall, relevance of the Rule of Law interventions is high. Content-wise, the quality of the programming documents is high. The evaluation has absolutely no critical observation with regard to translating the priorities and needs of Serbia into sectoral programming documents. The technical aspects of programming per project level, however, can be strengthened. In many instances, more attention should be given to setting conditionalities. For instance, two major obstacles for justice projects were unstable political environment and a lack of absorption capacities (lack of staff, lack of proper partners). Both these problem issues could only be controlled by placing conditionalities before launching the projects. In this perspective technical matters in programming have a crucial role on impacts and sustainability, therefore there is a high priority in following procedural recommendations provided in this evaluation.

Efficiency

Overall, the cooperation level between donor-beneficiary and donor society are good. In some aspects however, the cooperation in donor society can be improved – for instance in equalising rules of remuneration for local staff when carrying out project related activities, learning from each other in terms best project modalities, indicator systems, etc. Neither of the projects under the scope of evaluation experienced serious difficulties due to financial issues, apart from budgetary constraints in having more staff (which is essentially an indicator to poor project planning rather than efficiency).

Indicators

A lot of focus and efforts are put of preparing sectoral and project indicators. Overall, the quality of indicators is sufficient, especially having in mind that sectoral indicators are being developed for the first time by Serbian authorities. More thinking however, needs to be given to the use of indicators. First, the evaluation believes that all sector level indicators should be taken from national strategic documents. The practice of international donors creating their own impact level sectoral indicators to be used for monitoring of international assistance programmes/sector progress exclusively is not functional. The efforts should be rather focused on strengthening local strategic planning, including systems for indicator monitoring. This would also help to fully integrate the international assistance in the overall national development. Second, regular ex-post monitoring on the utilisation of project deliverables should be introduced. Monitoring and reporting on active projects is very good. However, in order to strengthen accountability on impacts and sustainability of the assistance, contractors and beneficiaries should use simple ex-post monitoring that would allow for factual reporting on the utilisation of the deliverables and lesson learning at practical bottom up level.

It is vital that indicators reflecting on the perception of an improved situation by citizens are also used along with technical indicators.

Effectiveness and Impacts

The justice chain is as impactful as much impact is achieved with its weakest element. It is a success to note that the investigative services are opening more criminal cases, as this shows the effect of the

increased capacity delivered by the EU and other donors. But this success can easily be dimmed if the prosecution of the cases, or the court procedures are not prepared to handle this increased workload, and cases are delayed or even do not reach courts at all. The overall effectiveness and impacts of donor interventions in justice sector are below medium firstly due to unstable political situation within the judiciary and constrains in staffing/ other circumstances creating obstacles for the successful uptake of project deliverables. The overall success of Home Affairs interventions are medium. The best indicator of the status of the Justice and Home Affairs sectors can be measured by surveys conducted among the population. Indicators like "trust in the investigative and justice system", "perception of personal safety in everyday life", "the level of criminality in the country" are but a few which can only be measured through direct surveys of the population.

Some projects are a complete success. For instance, a project for assisting refugees and IDPs. The number of collective centres has been reduced from about 80 to only 17 in 2013, and further reduction is planned. This obviously has a strong impact, relieving the Government of this burden. Also, the solution to the population of these centres is carried out in a dignitary and sustainable way. Another story of full success is a construction of an extra wing to the prison in Krusevac which achieved full impact in offering more dignified, morally sounder circumstances for juvenile prisoners of the most vulnerable age group, 14-18 years old.

Overall, the donors society should further strengthening rule of law institutions, by both - using political measures (i.e., supporting the independence of High Judicial Councils) and also by giving aid through classic technical assistance measures where the political/strategic development is more settled.

IT solutions for Judiciary

Using projects for developing IT solutions is not efficient and effective. Modern trends in EU Member states are going in a different direction than using public procurement/projects at individual institution's level. Due to the lifetime cycle of IT solutions, the necessary update and maintenance, a more cost efficient and also sustainable solution is outsourcing the IT for the judiciary through PPP (Public Private Partnership). If this option is not appropriate in the Serbian environment, in order to avoid long programming cycles (like in IPA) and problems with compatibility of software due to different contracting/aging, the donors should be setting up a Multi-Donor IT Fund with a sufficiently long implementation period, better strategic coordination, better efficiency and accountability for the applicability of the IT solutions as well as agreement on gradually reducing donor contribution to IT solutions. In order to be sustainable, the IT solutions for the judiciary should be financed by at least 50% from the state budget and the overall annual spending on the systems should be comparable to spending in similarly developed Central European countries, e.g. Germany spends annually 2 € per inhabitant on IT solutions in the judiciary ¹.

Cost Efficiency

In terms of **cost-efficiency** of the assistance the value of money is better with small scale, permanent missions. Also, cost efficiency can be improved by having longer but more flexible projects with annually approved action plans.

Sustainability

Sustainability of the assistance can get only as good as impacts are achieved. Due to the pace of the reforms, the needs change quickly, and thus deliverables can objectively become irrelevant with passing time. For instance, after the elections some strategies, like the strategy for the reform of the judiciary, had to be re-worked again. Hopefully, these changes are for the better. However, the absolute majority of the interviewed international consultants attested that the cooperation in projects

¹ Page 203 in The functioning of judicial systems and the situation of the economy in the European Union Member States
COMPILED REPORT of CEPEJ, Strasbourg, 2013

seriously slows down after elections despite the fact that cooperation in projects is with civil servants rather than politicians. It indicates that Serbia is a very young democracy, where political agenda is often mixed up with civil service agenda. Also, it is often a hindrance to impacts and sustainability if key persons in the middle ranks are rotated to new positions in an untimely fashion. Since these are mostly the participants of the capacity building exercises within projects, the impact / sustainability is often diluted in way, too. In sum, the overall sustainability of the assistance is low. There is a need for starting factual monitoring and reporting on the utilisation of the deliverables (discussed under indicators). Hopefully, such simple ex-post monitoring carried out by beneficiaries themselves would provide grounds for open discussion and lesson learning which will increasing project sustainability.

1. Introduction

The terms of reference (ToR) define that the *global objective of this framework contract is to maximise impact of financial assistance in the sector Rule of Law in Serbia from the EU and other Donors.*

The ToR further explain that *this evaluation is intended to assist the Government of Serbia to perform an assessment/evaluation of the ODA (Official Development Assistance) as defined by the OECD/DAC within the Rule of Law sector for period 2007-2011, meaning projects implemented and financed by IPA Programme, bilateral donors in Serbia and concessional loans with grant element of at least 25%.*

The main beneficiaries of the evaluation are EU Delegation in Belgrade, the Government of Serbia represented by the Serbian European Integration Office (SEIO), Ministry of Interior, Ministry of Justice and Public Administration, and other relevant institutions in the Sector.

The group of evaluators consists of three persons: Dagne EITUTYTE (Team Leader), Tamas KISS (Expert 2 Home Affairs), and Bernd MESSERSCHMIDT (Expert 3 Justice).

The Rule of Law evaluation is carried out in a context of overall sectoral evaluation (8 sectors). Many of the evaluation questions should be comparable between the sectors. Currently this is the third evaluation framework contract of this group.

The inception phase fieldwork took place in the period from 25 March 2013 through 29 March 2013. The draft inception report was submitted on 8 April 2013. The inception report was finalised and approved on 25 April 2013. As a matter of exception the evaluation was allowed to start the field mission before the inception report was approved because of extremely tight deadlines for the delivery of this evaluation due to Orthodox Easter Holiday period.

The field mission took place from 14 April through 30 April 2013 and from 8 May through 23 May 2013. The draft report was circulated by the end of May 2013 and the presentation of the initial findings took place on 12 June 2013. All major stakeholders were invited to give their direct reflection on the Draft Evaluation Report and especially recommendations passed.

The evaluation was facing considerable challenges in finding and arranging interviews with some of the stakeholders due to holiday period before and after the Orthodox Easter. Because of which drafting and field mission phases had to be merged into one that caused additional stress and very short deadlines for completing the Draft Evaluation report.

Secondly, international donors, apart from Norway, initially had difficulties in sharing with the evaluation their internal programming, reporting and detailed budgets due to a lack of a prior written arrangement on such disclosure. The SEIO and European Union Delegation were duly informed on the situation and the evaluation started to receive the documents that they wanted at the end of this evaluation, but again, not from all donors and not in full.

The following schedule for discussions and commenting of the Draft Evaluation Report was agreed by the EU Delegation and SEIO:

Timetable as agreed on 17 May 2013

Deadline	Output
27 May 2013	Submission of the Draft Evaluation Report
29 May 2013	Distribution of the Draft Evaluation Report to all Stakeholders
12 June 2013	Presentation of the Findings of the Report and Focus Group Discussions
19 June 2013	Closing Date for Stakeholder Comments
28 June 2013	Submission of the Final Evaluation Report

The evaluation expresses their gratitude to all stakeholders who kindly participated in this evaluation exercise and provided support to evaluators.

2. Mapping of Assistance

Support since 2007

The ToR require the evaluation to map Official Development Assistance (ODA) interventions in the sector Rule of Law, which include the EU financial assistance provided to Serbia under Instrument of Pre-Accession Assistance (IPA) and other development assistance provided by other partners in the area Rule of Law in line with MIPD 2011-2013.

The evaluators will have to focus particularly on the assistance during the period of 2007-2011.

The information about the support to the Rule of Law sector since 2007 has been taken from ISDACon² (Information System for Coordination of Development Assistance to the Republic of Serbia) data base. The assistance is listed per year and per – subsector Legal and Judicial Development, Home Affairs, Conflict Prevention and Resolution and Human Rights. The totals are provided per year per each subsector and then the overall total per Rule of Law sector during 2007-2011³. Some discrepancies in figures may occur due to exchange rate calculations and due to the fact how the donations are allocated to sectors in ISDACon.

In the Evaluation Report the evaluation will compare the figures on the Rule of Law sector allocations as contain in ISDACon and the EU Delegation (if this data is assessable).

Annex 2 contains allocations for Legal and Judicial Development and Home affairs per each year starting from 2007, including project titles and donors. Having such list will be useful for evaluators for the future field work.

Sector: Conflict Prevention and Resolution, Home Affairs, Human Rights, Legal and Judicial Development, values in Millions of Euro

	2007	2008	2009	2010	2011	Total
Legal and Judicial development	15.82	20.90	11.01	10.93	16.76	75.42
Home affairs	8.99	5.06	3.07	11.56	7.40	36.07
Conflict prevention	2.52	7.73	1.70	4.34	0.98	17.31
Human Rights	0.00	0.00	2.50	0.00	0.00	2.50
Total	27.37	33.69	18.27	26.83	25.14	131.29

Report created by ISDACon on 12.04.2013

As can be seen from Annex 2, *Recorded allocations for Home Affairs and Justice and Judicial Development Sectors*, every key support area – policing, border management, migration issues, human trafficking, fight against corruption and organised crime, witness protection, judicial reform issues, separations of powers, efficiency of the judiciary, legal aid, training of judges, cyber-crime, transparency and efficiency for prosecutors and penal system, combating gender based violence, issues with regard to protection of human and minority rights has been continuously benefiting from the international assistance projects.

The scope of this evaluation covers all the main international partners in justice sector in Serbia. They are the EU Delegation (European Union through the IPA), the OSCE, USAID, Embassy of Norway,

² <http://www.evropa.gov.rs/Evropa/PublicSite/DonationSearch.aspx> as of 04 April 2013.

³ The year is taken as development partner budget year, whereas contracting and implementation of the project may often last through several subsequent years especially in connection to larger projects.

GIZ (German Federal Ministry of Economic Cooperation and Development) and the World Bank (combining the resources of multiple donor countries⁴).

Some interventions in law enforcement are also supported by the Council of Europe. The US Embassy is a co-operating partner of the Directorate of Border Police, supplying equipment and capacity buildings. UNODC (United Nations Office on Drugs and Crime) is cooperating with the Criminal Police on drugs issues. UNHCR (the United Nations Refugee Agency) is a major donor in the sphere of handling of asylum seekers and IOM (International Organisation for Migration) is supporting some return operations of irregular migrants and also a humanitarian assistance is provided for the care of victims of trafficking in aliens. Finally, some bilateral assistance from Governments (i.e. the United Kingdom) is also guaranteed to selected projects in the home affairs sector.

Although USAID is preparing its leave from this country, as of the period of this evaluation, international community's help through donation and projects was quite equally divided between EU and USAID, two biggest donors.

USAID projects were with larger budgets, active in longer period of time. Their approach was often in bottom up direction, trying to establish examples of good practice (in pilot courts, in departments of Councils, etc.) and in that way to make solid ground for implementing of the right solutions into the entire system (through practice or through adopting of the new solutions in the laws)

USAID projects

Separation of Powers Program 2008-2013 (SPP) This project is dealing with court efficiency and establishing and functioning of budgetary office in High Judicial Council (HJC). The aim of this project is to support Serbian National Judicial Reform Strategy in fields of independence (helping to the HJC to establish and make fully operational its budgetary function) and accountability (work with courts in order to help them to identify more effective ways of conducting their regular activities in order to increase efficiency of court work and to disseminate these in as more court as it is possible. They work with 10 courts but in various occasions and in different ways these techniques for more efficient court work are being disseminated to other courts).

In order to make case management more efficient and to reduce huge backlog of cases in courts, SPP (together with their pilot courts) drafted and published Best court practice Guide, which is from 2012 more or less used in the courts.

In field of independence SPP made enormous effort and succeeded to help to the HJC to establish budget department and to make it functional. It is important to mention that this has been done in very problematic period when HJC was absolutely turned just to the issue of re-election and its review, so they totally neglected all other aspects of their potential capacities.

Judicial Reform and Government Accountability (JRGA) 2011-2016 this project is assisting to the HJC in further establishing and capacity building. JRGA is working with 6 misdemeanour courts (initially, now even more) and Administrative court (also, they are working with independent agencies and civil society). The goal is to assist to the misdemeanour courts in improving of their transparency and efficiency. The Project works on revision of Law on misdemeanours.

⁴ DFID (GBP 800,000), the Kingdom of Spain (EUR 490,000), the Kingdom of Denmark (EUR 333,000), Switzerland (USD 1,090,000) the Kingdom of Norway (EUR 250,000), the Kingdom of the Netherlands (USD 300,000), Slovenia (EUR 100,000) and the Kingdom of Sweden (SEK 31,000,000). Switzerland decided to increase its contribution to the Trust Fund in 2011 by an additional CHF 500,000. After fulfilling its contributions in full and with satisfaction of the outcomes and reporting on activities, the Kingdom of the Netherlands ended its cooperation with the Trust Fund during 2011. The European Union Delegation in Serbia has expressed intentions to contribute to the Trust Fund during 2012. The EU Instrument for Pre-Accession (IPA) Management Committee approved IPA funding for Serbia during 2011 and intend to join the MDTF-JSS through an IPA funded contribution in early 2012. The total funds for the EU contribution are anticipated to be EUR 2 million. During April – May 2013 the negotiations with EU to join the Trust Fund are in the final stage.

EU Projects

The EU projects were focused on helping to the judicial authorities of Serbia to establish independent system by establishing new judicial bodies (High Judicial Council, High Prosecutorial Council, Judicial Academy), by drafting and adopting Judicial laws and by-laws (criteria for election, disciplinary criteria and criteria for evaluation).

EU significantly assisted, through its projects in establishing of High Judicial and Prosecutorial Councils. The work involved fundamental changes in the system, establishing a different foundation for entire judicial system. Again, the failure with judicial re-elections (as well as with the re-setting a new court network) made this work much harder and its results less visible. Beside general help to the judicial authorities in solving of this problem with re-election and monitoring review of that procedure, EU had other projects, namely:

Standardized System for Judiciary Education and Training, Improvement of efficiency and transparency of the judiciary system, Improvement of the Penalty system, Improvement of Transparency and Efficiency, Capacity building in the Seized Property Management Directorate and upgrading of the system of seizure of property acquired in criminal activity, Further alignment of the Penal system of the Republic of Serbia with EU standards and strengthening alternative sanction systems, Fight against organized crime and corruption: Strengthening the Prosecutors' network, Support to the implementation of reforms related to good governance.

In the sector of Home Affairs the EU helped with supporting displaced persons and refugees, Human rights and Protection of Minorities. The EU also provided help to Serbian Integrated Border Management in suppression of illegal migration and provided help to Police Reform, also financed reparations for juvenile prison.

It should be mentioned that EU IPA funding for the alleviating problems of the most vulnerable refugees and internationally displaced persons (IPD) is very important, because of the scope of the problem – the overall number of refugees in Serbia totals to circa 270000, whereas a project of about 5 mln. EUR can provide sustainable solutions to livelihoods of a few hundreds of such families. The EU support to prevention of illegal migrations and reduction of illegal activities (smuggling of goods vehicle and travellers, corruption) is also very important because it requires taking up of good practices and unprecedented level of collaboration across agencies, different states and the private sector, where EU IPA projects can contribute greatly. An EU IPA project for border management authorities provided opportunities to include Europe's best practices in the border security sector (IBM) in the national legislation and procedures of Serbia. The Serbian Border Guards became structurally more advanced, leaner, and also more comparable to their European counterparts. This will result in an increased communication and better coordination of joint efforts, however a lot of further efforts will be required to further develop institutional structure for IBM that could effectively combat irregular migration through the Balkan-route.

MDTF World Bank, gathered nine donors (EU, UK, SIDA-Sweden, Norway, Holland, Spain, Slovenia, Denmark and Switzerland), is focused on conducting surveys, analysis, establishing Serbia's legal aid system and working on new National Judicial Reform Strategy and its Action plan.

GERMANY

GIZ - In project Legal Reform in Serbia funded by German government GIZ conducted survey on improvement of the legislative process in Serbia. They are also supporting to the newly established Chamber of Enforcement agents. This cooperation will last till 2018.

IRZ - The German Foundation for International Legal Cooperation – IRZ has activities in the field of Competition Law, Constitutional Law and Criminal procedural Law. Project which was supporting Constitutional Court ended in 2011. IRZ organized and conducted trainings for judges and prosecutors in order to prepare them for new role in Criminal procedure, predicted by new solutions in Criminal Procedural Law.

OSCE Mission to Serbia in past three years was supporting fight against corruption, work on new Criminal Procedure Code, helping the Judicial Academy to establish initial training program for candidate judges and prosecutors and setting up mentoring system. OSCE was helping to the HJC in developing of the procedures for disciplinary issues and evaluating of judges. Also, OSCE was helping to the strengthening of the capacities of judicial institutions which are dealing with war crimes.

Netherlands. The Embassy of Netherlands financed development of software for the registry of enforcement officers. This is very important action in direction of establishment of enforcement service and also of Chamber of Bailiffs. The Embassy of Netherlands also supported Judicial Academy in field of Administration of Justice in Cross-border disputes.

Norway. Project Improving the Delivery of Justice in Serbia, funded by Norwegian Government, implemented by IMG (International Management Group) last couple of years works on improving of transparency and efficiency in several pilot courts in Serbia, but also have activities in field of Juvenile Justice and disciplinary liability of judges (works with HJC).

The donors have been cooperating sufficiently well in terms of not having overlapping of projects. Donors are usually well informed of each other's activities and expert specialisations. Smaller donors are very good about finding their niche and effectively using their lesser funding where it is needed. Within the scope of projects under this evaluation, there was only one minor instance when a donor was not invited to comment on a strategy document (though this was envisaged in their project plan) because another donor was chosen as advisor for this particular strategy preparation. Overall, one important donor explained their policies in choosing local partners in rather pragmatic terms – "because donor competition at Judiciary Academy is too high, we work with other institutions". Sometimes national institutions, too, complained that "there were too many trainings, and our prosecutors had to run around for events leaving their primary duties undone". In all cases, the ultimate responsibility in managing donors will have to rest with the direct beneficiary itself (strategic development, bottom up project initiation, ownership and responsibility for utilising project deliverables) which will solve all minor issues of donor competition or oversaturation of donor initiatives within some target institutions.

Efficiency-wise decisions where donors agreed to join their resources into one trust fund seem to be wise, especially when beneficiary organisations were less experienced in managing multiple donor activities. Practically, however, the common sense wisdom holds true that smaller investments (with regard to service contracts) are being used more efficiently.

SECTOR CONCLUSIONS

The three most important and urgent priorities in the Rule of Law Sector are:

1. Reform of the Judiciary - just and fair trial
 - Judicial Independence
 - Judicial Quality, Efficiency and Accountability
2. Reform of the Ministry of Interior – feeling of safety by population, fighting against serious crime, combating migration, organizational measures in the sphere of asylum
3. Anticorruption as institutional set up
 - accountability and professionalism of administration (appointments on merits / accountability for results)

It is vital that the reforms are carried out focusing on the perception of an improved situation by citizens.

Relevance

Judiciary

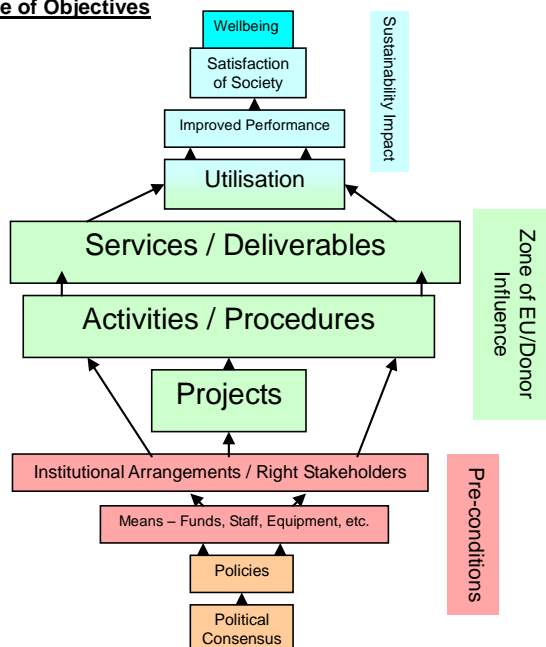
Content-wise all judicial projects are relevant

Relevance of all the judiciary projects under the scope of this evaluation is **high** in terms of their content. The needs of Serbia with regard to judicial development are many, the pertaining NPI objectives and programming documents of individual interventions are precisely worded to target those problems. The evaluation has absolutely no critical observation with regard to translating the priorities and needs of Serbia into programming documents in Justice sub-sector. All the stakeholders interviewed confirmed that they were consulted before launching projects, and that they could express their needs when planning future projects. In this respect the evaluation has no recommendation to

make with regard what future potential needs should be addressed by the new financial perspective 2014-2020 better than can be formulated by the stakeholders themselves.

At the same time, **technical aspects of programming can be improved**. In this respect *relevance* or more exactly *feasibility* of the interventions is only **medium** or even **low**. It should be highlighted that feasibility problems usually relate to the receiving side (issues with regard to sustainable utilisation of the assistance). With regard to Judiciary projects, these technical aspects are of key importance for achieving impacts, therefore, the majority of recommendations in connection to judiciary sector

Tree of Objectives



relate to technical issues rather than content matters.

As of today, the zone of influence of the EU mostly focuses on strategic programming documents, projects itself, their implementation and accountability for deliverables and services. Whereas fulfilling necessary pre-conditions, involving all relevant stakeholders in the project as well as follow-up on utilisation of deliverables largely depends on national authorities. See the picture Tree of Objectives to the left.

Technical assistance, even if it is fully relevant in terms of content, will be utilised and provide impacts only when both zones the one above and the one below the zone of implementation will be strengthened. For instance, with regard to pre-conditions, it is necessary to involve all relevant stakeholders in the planning process, to ensure that necessary levels of staff and institutional arrangements to cooperate with the advisors as well as evaluate issues of political environment that may be crucial for the progress with the envisaged reforms. Where the preconditions are clearly not met, the donor should be seriously considering delaying project implementation until the preconditions are met.

As it will be analysed in the next relevance question, unstable political environment and a lack of absorption capacities (lack of staff, lack of proper partners) were the major obstacles for judiciary projects. In this respect judiciary projects were not planned safely, taking into consideration all possible mitigations for smooth progressing with activities and for the smooth uptake of the deliverables.

General Reforms in the Judiciary

The overarching issues of in the Rule of Law sector are about securing the independence and impartiality as well as quality and efficiency of the Judiciary. The problems of independence and quality are tightly intertwined. According to Ministry of Justice and Public Administration lack of independence affects the outcome of a marginal number of cases – as opposed to more than 99% of cases affected by the lack of judicial quality and efficiency. It is true, however, the level of quality and efficiency in the judiciary is likely to have been directly related to judicial elections (experience and competence of elected judges, criteria for their selection, organisation of judicial networks, level of administrative resources available, staffing issues, etc). According to the Ministry of Justice and Public Administration, problems in the functioning of the Serbian justice sector are caused by the lack of efficient procedural and substantive laws/rules and the judiciary's accountability for the proper application of the law. It is absolutely true. Besides, as it was highlighted by a number of stakeholders, the key problem area was implementation. There have been many laws and reforms documents passed, however, the solutions provided were not always backed by resources/secondary law that would ensure their implementation. On one hand, it may be understandable as the country undergoes lots of changes in a short period of time but with constrained resources. On the other hand, failing implementation causes public disappointment over judiciary, law enforcement and government in general that can be very damaging politically in the longer run (populist parties winning future elections which would be disrupting to the constructive work of the government and the EU negotiations).

In order to deal with these problems the sector must achieve some sort of stability, inasmuch as it is possible to achieve within the context of reforms. Judges and prosecutors must be sure that election of various judicial appointees will be made on merits, free on political influences, and that efficient evaluation methodologies will provide for firm accountability for the quality and efficiency of their performance. Moreover, judiciary should be provided with regular opportunities for training.

Following the strategy of the judiciary reform, this stability can be achieved by transferring responsibilities from the Ministry of Justice and Public Administration to High Judicial Councils. This is a huge change in the system but at the end of the process the new system should be more stable and efficient. The faster the reform is implemented, the less instability the system has to experience.

From the perspective of running donor projects in Justice Sector, the major challenge during the last several years related to the unstable environment that the judiciary has to operate in this country. The evaluation believes that a precondition for improving quality and efficiency is stability of judicial placements and fixing the right incentives for promoting quality and efficiency.

In those case where donors choose to work on *ad hoc* decisions and launched projects in courts (groups of courts), though such might have been improving processes in individual courts, the new improved procedures might be easily blocked on the central level. Therefore, the donors cannot avoid directly involving in their projects the right decision makers (first of all, the high judicial councils and the Ministry of Justice and Public Administration). Moreover, the donors must be sure that the right decision makers will assume responsibilities for the uptake of the deliverables in judiciary projects. At the end, the judiciary system is very hierarchical and any good idea with regard to judiciary efficiency must be promoted and mainstreamed centrally through the juridical governing bodies.

Constitutionally protected status matched by a high level of competence and accountability

As of this evaluation, the primary concern is not about the lack of technical expertise, but rather a lack of consensus of all national parties (the ruling parties as well as the opposition) in taking practical steps that would effectively promote separations of powers principles in safeguarding the judiciary from undue political influences as well as changing the way in which the judiciary performs their junctions.

At the same time, the evaluation agrees with the comment of the Ministry of Justice and Public administration that it would be wrong to believe that once the independence of the judiciary is strengthened – the problems in the justice sector will be solved. Far from that. As the Ministry of Justice and Public administration points out there is a need of improvement in many spheres – development of the use of case law to allow uniformity and predictability of court decisions, improved legal writing, especially in the area of reasoning of the decisions, standardisation of legal analysis, improving the efficiency of the service of the process, strengthening the procedural discipline of the parties to a lawsuit, developing institutes of *res judicata* and issues of preclusion, improving efficiency of the trial conduct, etc. It is absolutely true.

Besides, in the longer run, focusing all the attention to impartiality of judiciary may lead to wrong ends. For instance, in the most of the new EU countries judiciary has full constitutional protection and very high salaries. The trust for the judiciary, however, varies from country to country. In some countries like Lithuania, the accountability for the quality of the judiciary was largely left for its self-regulation. As a consequence (or as a part of more complex causes), even though Lithuanian judiciary does rate high in terms of technical criteria and is praised on international level, trust of society for judiciary is very low. The courts and society are inter-dependable. It is only when citizens have trust for judiciary that one can hope to have full public support for the implementation of the principle of genuine independence of courts.

Political influence and technical assistance

In order to influence preconditions, which are under national government authority level, the EU should be resorting political measures, for instance, supporting independence and impartiality of the newly established High Judicial and Prosecutorial Councils.

At the same time, the judicial institutions in this country are very young and even if the projects cannot be expected to run very smoothly and efficiency, the judiciary should be given a chance in benefiting from donor experience and resources.

It is true that the only meaningful projects for the judiciary during the last several years were targeting practical technical issues at local court level (USAID, Norway), however, as it was pointed out above, the promotion of good practice always requires support and attention of central judiciary institutions, even if it was challenging to receive in the volatile environment that they are now.

The root cause of this unstable situation is very well known for a lay person on the street. It is rather typical for all Eastern / Southern European countries – a political culture where a winning party (coalition) believe that they can introduce the needed changes only with their “own” loyal people (including top/medium level civil servants and the judiciary/law enforcement). Inasmuch as transparent, fair and result based evaluation on merits systems do not exist, the rotation process after the change of power is very difficult to judge (if it is for the better or for the worse). In any case, national

appointments are always a matter to be fully decided by the national authorities and the evaluation (EU) has not rights to step over in this process. However, it is impossible to deny that the level of rotations after the elections is too high to be considered a norm and that in general, an undue intensive rotation after the elections negatively affects the work of many beneficiaries involved in the EU/other donor projects, and thus it negatively affects the effect use of the EU/other donor funds.

The means for changing this political culture should be political rather than general institutional strengthening that the EU is used to working through IPA. At least this is an expectation of many local stakeholders and foreign donors that the EU, which is the biggest donor in the country, must use its influence in helping the country to change some aspects of its political culture instead of continuing to act via strengthening of institutions method which is not always the right means to act in this situation.

Following the interviews with the stakeholders the steps that would help to stabilise the situation in the judiciary are quite well know and well discussed nationally. The starting point is national consensus on appointees for the High Judicial / Prosecutorial Councils. The election process of the Councils will work only if the candidates proposed will be truly independent and accepted as reliable, competent and impartial by the opposition and the ruling parties equally. The National Judicial Reform Strategy 2013/2018 recognised the process of appointments for the High Judicial Councils as one of the issues requiring some measures to successfully carry out the reform. The solution calls for changes in the Constitution. According to evaluation, rectifying this aspect of appointments requires more than a change for formal rules on appointments (numbers of candidates proposed by the Ministry of Justice and the National Assembly). It can be reached only via political inter-party and perhaps EU / donors' discussion and will of decision makers to secure independence and impartiality of judiciary in the long term (more than during one election period).

The next practical steps in stabilising the situation:

- 1) Implementation of a new court network (based on factual information for the most reasonable allocation of resources, including a reliable system of case weighting)
- 2) Permanent appointments of Judges and Prosecutors (especially presidents of Appellate Courts)
- 3) Evaluation of Judges and Prosecutors (based on working results after a period of 3 years); taking disciplinary means to leave in the system only those judges/prosecutors which demonstrate the best results.
- 4) Meanwhile a greater number of judges/prosecutors will help to reduce the backlog; each court should have a workable strategy in dealing with the backlog of cases.

The evaluation is not putting these observations as a recommendation because the matter is too sensitive to be given guidance by an outsider and also because it should be addressed to politicians who are not stakeholders of this evaluation.

Cross - country comparison

National political agreements have been successfully used among other accession countries where consensus on some key issues for the accession process was needed. Currently, the opposition and the ruling parties agree on the priority in joining the EU, therefore getting a national political agreement may be a feasible solution. Failure in finding effective means for increasing the public trust into the independence and impartiality of the judiciary will have very serious consequences in the longer term. According to the European Migration Network survey in Lithuania "lack of justice" and "unacceptable treatment by employers" is among the key reasons after economic and social insecurity that cause mass emigration from the country.

Judicial training

There are many donors who express their wish in cooperating with the Judicial Academy. It is an advantage because the Judicial academy can be choosy in selecting the right partners, mostly fitting their needs (within some limitations as no ex-pat acting judges be commissioned by donor projects to carry out trainings for the Academy). At the same time, the abundance of assistance does not provide incentives for being cost-efficient and sustainable because the trainings/other advice may be re-done anew with new projects. The evaluation believes that regular and follow up on utilisation of deliverables can help to strengthen the long term impacts and sustainability of the advice provided to Judiciary Academy. As of today, however, the key issue for the judicial academy is that many strategic decisions with regard to judicial training should be taken together with the High Judicial and Prosecutorial Councils which, due to political instability, cannot allocate appropriate attention and focus to Judicial training matters. This hinders developments at the Academy, too.

Alternative Sanctions, Juvenile Justice

Compared to other sectoral developments in the Rule of Law sector, the enforcement of penal sanctions has progressed a lot during the last ten years. The current developments in the projects, which were not without shortcomings, have a good momentum for building a longer term success, essentially due to the right focus and support given by the Directorate of the Enforcement of Penal Sanctions of the Ministry of Justice and Public Administration. The Juvenile justice sector, though having lesser target group, and lesser attention by the national authorities, can also have good prospects for success provided the donors and national stakeholders decide to focus their attention on this field.

IT Solutions for the Judiciary

Following the information from interviews, around 70 % of the IT budget of the judiciary in Serbia is provided through IPA or other donors, with the remaining 30 % coming from the National State budget and there were no plans to increase the national part of the funding as of the time of this evaluation. According to this evaluation, the national funding share should be at least 50% in order to safeguard sustainability on give more ownership to the National Government.

It is obvious that software developed for a specific institution or sector might not always be inter-operational and compatible with other IT solutions used in other state administrative bodies. As of today, IPA contractors have been working on ensuring interconnections in pilot projects between those solutions that were supported by IPA funding to courts, the public prosecutor offices and the prison administration. No interconnection with police (criminal procedure) has been ensured; no compatibility (reported) is with the USAID funded software for misdemeanour courts and the AVP system running in the courts of general jurisdiction. It is unclear if the support from Italy to the Public Prosecutors Office related to a software solution for confiscated assets will be compatible with other IT solutions. Additional IT support for specific issues was also provided by a money laundering project. Again, it is unclear to which extent this software is compatible with other IT solutions financed by IPA.

Following interviews, issues on interconnectivity on the IT solutions will be analysed (at least to some extent) and a proposal for another IPA project will be prepared by the authors of the ICT Strategy. As of May 2013 this documents has not yet been finalized. Furthermore, IPAA diagnostic report as well as a penultimate report funded by the multi donor trust fund have been recently published.

IPA 2007 and 2008 IT solutions are only operational in pilot courts/administration. The funding for their full scale roll out is unclear, thus it is likely to be hampered by the lifetime of software solutions, maintenance and regular updates (which are unavoidable, whereas IPA IT contracts do not have standards guarantee periods which would normally in such contract be of two-three years). The lack of coordination (local ownership) with regard to the overall strategy in IT issues is demonstrated by the fact that major investments (IPA 2007 and IPA 2008) have been implemented without a proper IT Strategy.

Having an ICT strategy is of key importance, however, strategies are prepared when there is sustainable funding for their implementation, otherwise a strategy dates and in general its importance and meaning depreciates.

Historically, preparing IT solutions for the judiciary via donor funding has always been challenging. The systems which were developed in later nineties early two thousands, SENA – a module for the courts and TINA – module for the prosecutor's offices which ended up on piloting stage. The next attempt "Libra" (USAID), was later modernised to Case Management Software or "AVP" for commercial courts (USAID). In 2009, "AVP" was further developed (supported by the World Bank from the Multi-Donor Trust Fund). The full roll out of AVP started in 2010 and ended in 2012, it is functional in basic and higher courts. However, the Supreme Cassation Court, Administrative Court and Appellate Courts remained without AVP software. The next step was about starting a new software with better applications (under IPA 2007 and later IPAs). The new application (SAPS, SAPA, SAPO) are more advanced and according to the initial idea they should be eventually replacing the AVP (by integrating the AVP database in the new SAPS system). In parallel there are several other systems developed that are not compatible with the new IPA software solutions (i.e., the USAID software for misdemeanour courts).

The historic record for IT developments shows how difficult it is to manage a universal IT system in the judiciary. This type of development must always have a long term strategy and even more importantly – a continuous stable financing.

It should be taken into notice that modern trends in EU Member states are going in a different direction like they are envisaged in Serbia for the judiciary. Due to the lifetime cycle of IT solutions, the necessary update and maintenance, IT for the judiciary are outsourced through Public Private Partnership (PPP) because it is a more cost-effective solution than the development of isolated software solutions through projects. One example of such arrangement is in a German region of Baden Württemberg. It goes without saying that data protection and data security have to be ensured. True, data security is easier to carry out when it is fully under public control. However, practically in every country the most of the courts/public administration software and hardware is being developed / produced by private companies. Therefore misuse of data can occur both in the private in the public spheres. The contract regulating the PPP has to take care of the data security as well as provide for appropriate monitoring of these provisions.

If an idea of having Public Private Partnership would not be easily applicable within the Serbian environment, a way of dealing with the ICT development (avoiding IPA programming cycles) would be setting up a Multi-Donor Trust for ICT Funding which would have:

- Sufficiently long implementation period,
- Better coordination, efficiency and accountability for the applicability of the ICT solutions
- Donor - beneficiary agreement in gradually reducing donor share in financing Serbian IT systems for the Judiciary.

If donors agreed contributing to the ICT development, the current costs levels (circa EUR 10 mln. annually) should be compared to those actually incurred by other countries in Western and Central European Judiciary administrations, where funding comes from National Budgets rather than the EU funding)⁵.

⁵ Figures for funding can be found in "The functioning of judicial systems and the situation of the economy in the European Union Member States" COMPILED REPORT of CEPEJ, Strasbourg, 2013

Home Affairs

Reforms in Home Affairs

In a society like Serbia, the development of the rule of law, especially in the justice and home affairs sector carries extreme importance. Formerly part of the federal state of Yugoslavia, the independent Serbia is now in the process of developing democratic and flexible state administration.

The development of the structures of the Home Affairs sector is particularly important as these services are in daily contact with the ordinary citizens, and their visibility, their perception is of great political importance in every country. Also, the issues of refugees and internally displaced persons (IDPs) is literally felt by every citizen, as practically everyone has a relative, a friend or an acquaintance who is in some kind of contact with one of those vulnerable persons/families by housing them or assisting them in another way.

The Serbian Police, including the Border Guards, the fire-fighters, but also the prosecution, the judges or the staff of the Correctional Facilities are in everyday direct contact with the citizens during the protection of public security, of state security or the criminal investigations etc. It is thus very clear that development of these services and agencies can only be performed along the lines of a very well developed strategy.

The Hierarchy of Strategies

Lesson learnt: there is no coherent, valid, prioritized national development strategy in Serbia.

During the evaluation each beneficiary Service or Agency mentioned the existence of a development strategy for their own institute. Sometimes this strategy has expired, a new was being adopted and the ensuing Action Plans were also in the make. In other cases, the evaluators were shown the valid, "functioning" strategy document, which allegedly served as basis for all development intervention, even the ones financed by donor stakeholders.

However, when questions were asked about the compatibility of the given strategy with that of the other service or agency, the answer was normally negative. There was no coherence in the implementation of the strategies when it comes to the overall development of the state Administration.

The hierarchy of strategies presupposes the existence of a national strategy, developed by the Government of the country and normally prepared for the long term (10-15 years, sometimes even longer); having in mind that political cycles of a developing democracy can have an effect of such long term plans. Therefore, it is important to note that strategies should be considered to be living documents, which should be revised regularly and their validity to be approved time and again. It should be avoided, though, that each political side will engage in the development of their own "National Strategies", such a strategy should be of such quality that all major political stakeholders of the country can agree to it. Changing the main course of national development every 3-4 years would seriously hamper real development, political, economic and social, and can send the signal to the external stakeholders of a country with no proper commitment. The National Development Strategy of Serbia should be developed by the Government and made into a Government Decree.

This document should serve as departure point for the development of sectoral strategies, such as the Justice and Home Affairs sector, the Social Economy sector, the Economy sector etc. Again, this document should be developed with a view to the tasks emanating from the national strategy and by developing the strategic goals characteristic for the given sector.

And, logically, based on the relevant sectoral strategy, with a view to the national and other sectoral strategies, the institutional strategy for the different Ministries, Agencies, Services or Institutions should be developed in a harmonized way. Such a document, i.e. the Development Strategy of the Serbian Police will be consistent with the overall goals of the nation, and will also be harmonized with the strategies of the neighbouring Ministries and Services. Only in this way it can be achieved that the political, economic and social development goals of the Government can be achieved and financed in a coherent, effective way.

Donor stakeholders should assist the Government in embarking at this road (strategy making can take years) by providing the necessary expertise and the resources to this endeavour. Until such a hierarchy of strategies does not exist, some of the interventions will necessarily be superfluous, out of time and the adequate impact will be hard to achieve.

While the above is true for institutional development projects, many real needs exist in this sector which can be successfully implemented in a partnership setup. Work projects, some supply projects and also capacity building projects can be planned and allocated while the strategy development project is being implemented, which have the prospect of achieving the necessary impact and will also be sustainable.

The evaluation cannot prepare a recommendation with regard to Hierarchy of Strategies because it should be addressed to political level which is not a stakeholder of this evaluation.

The key to success of institutional development projects

Even with this condition in place, not all projects can be successfully implemented. Apart from an adopted and functional hierarchy of strategies in Serbia, there are normally four conditions which have to be fulfilled for a successful implementation:

- Political support. This is very important as a reform project normally requires some revisions of the legislative acts and by-laws. By securing the political support of not only the Government but also the opposition forces it can be assured that the continuity and sustainability of the projects will be guaranteed, and also, the Legislative process can be facilitated.
- Support of the high ranking line managers. It is obvious that the support of the line managers is essential, as they can thwart any political decision or will in a very subtle way: showing full collaboration but doing everything to delay any changes. Also, changes will no doubt interfere with the interest of some high ranking managers. The full understanding of the reform process and the understanding of the reform strategy has normally the effect of leaders even accepting the reduction of their power or the reorganization of their structures.
- Financial resources. Needless to say that reorganization is a time consuming and expensive process, where external assistance is required. The procurement of European and other expertise, the increasing involvement of national capacities in trainings and consulting processes should be supported by external stakeholders to ensure the continuity of the process.
- Theoretical and practical capacities. Frequently, it is impossible to find professionals who are sufficiently trained and experienced in the process of strategic reforms. For this reason, external capacities and knowledge is to be procured and regularly delivered to the Government in reform. The European Delegation has an important role in allocating and inviting professionals who are able to contribute to such processes.

Sectoral issues of home affairs projects evaluated

The best indicator of the status of the Justice and Home Affairs sector can be measured by surveys conducted among the population. Indicators like "trust in the investigative and justice system", "perception of personal safety in everyday life", "the level of criminality in the country" are but a few which can only be measured through direct surveys of the population.

The justice chain is as impactful as much impact is achieved with its weakest element. It is a success to note that the investigative services are opening more criminal cases, as this shows the effect of the increased capacity delivered by the EU and other donors. But this success can easily be dimmed if the prosecution of the cases, or the court procedures, are not prepared to handle this increased workload, and cases are delayed or even do not reach the courts at all.

Judging from the documents of the projects evaluated in the Home Affairs sub-sector, and from detailed interviews with different stakeholders, the interventions of the EU are successful in their

impacts to the level of 6 on the scale of 10, when it comes to the implementation of the main objectives of their respective ToRs, both written and non-written.

It is certainly of great impact to train more and more officers in European best practices, to contribute to the establishment of internal control mechanism for the servicemen, to implement Twinning-type projects, with European technical expertise being present in Serbia on a continuous basis, etc. as these interventions approximate the technical knowledge and the cooperation and coordination capacity of the servicemen in this country to their counterparts in the EU. Another effective way of assistance is the supplies, the procurement of state-of-the-art equipment to increase the capacity of the policemen to achieve their constitutional tasks. For instance, the border guards can be more successful in detaining irregular migrants, arriving from the South and East of the country, and this impacts the number of irregular migrants in Serbia but also reduces the quantity reaching the territory of the European Union.

It was, however, hinted at several occasions that some training are visited by policemen or border guards with a view of also getting the equipment, much like a trade-off, which sounds like a very negative approach. The root of this attitude can be traced back to the lack of vision of the future goals, tasks and structure of the given institution, as described above.

It is a hindrance to the real impact in many cases, that key persons in the middle ranks are rotated to new positions in an untimely fashion. Since these are mostly the participants of the capacity building exercises within a project, the impact planned to be achieved is often diluted prematurely. It is in many cases impossible for the serviceman to utilize the acquired capacities in his/her new positions, and the achieved effect is not turned into real results.

Some projects are a complete success. The one assisting refugees and IDPs in the judgement of the evaluators is one good example. The project completely addresses a genuine need of the Government of Serbia, the reduction of the state resources spent on assisting this vulnerable group. As a result of the joint effort of the Government, the donors, the contractors and other stakeholders, the number of collective centres has been reduced from about 80 to only 17 in 2013, and further reduction is planned. This obviously has a strong impact, relieving the Government of this burden.

Also, the solution to the population of these centres is carried out in a dignitary and sustainable way. The project – thoughtfully – rather aims to help fewer families, but keep the dignity, then to fraction the available assistance to such an extent where it would lose its effect on these refugees/IDPs.

Along the same lines, the construction of an extra wing to the prison in Krusevac achieved full impact in offering more dignified, morally sounder circumstances for juvenile prisoners of the most vulnerable age group, 14-18 years old. As a result of the works, they could be separated physically from juvenile prisoners of the age 19-23, who actually qualify as young adults. It is obvious for those acquainted with prison circumstances, the older were playing havoc with the younger ones, apart from moral abuse, even physical or sexual abuse was impossible to avoid. The new circumstances are certainly a great step to achieving European standards in the Justice sector in all regards.

Asylum seekers

Serbia is hosting an immense number of refugees and Internally Displaced Persons (IDP). These categories have different definition from those applied by other countries in the world.

“Refugees” mean persons displaced by the wars of the former Yugoslavia from Croatia and Bosnia-Herzegovina, whereas **“IDPs”** are persons originating from Kosovo⁶. The number of refugees stands at around 70 thousand and IDPs around 210 thousand.

However, there are also an increasing number of **“classical” asylum seekers**, falling under the 1951 Geneva Convention of the Status of Refugees, arriving from far away countries and applying for protection. In 2011, there were 3100 such applications filed, but only about 490 of them were

⁶ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

registered as asylum seekers in Serbia. During their procedure they are dealt with mainly by UNHCR as until today, not a single person received refugee status in Serbia.

It is visible from these numbers that Serbia is in a unique situation in terms of asylum seekers. From the above mentioned three “categories”, the major part are actually citizen of a country of the former Yugoslavia, speaks the language of the state (Serbian) and in most of the cases they are of Serbian nationality (but not citizens of this country). Obviously, the main goal of this government sector is to find humane, dignified and sustainable long term solution to the situation of each of these persons.

In case of refugees and IDPs, there are a number of projects implemented by the European Union and also UNHCR, and other donors. As it was stated, the goal is the long-term sustainable solution for these people now living in Community Centres run by the Serbian Government.

For IDPs, the most ideal solution would be **return to their places of origin**, and either take back their old houses or relocate in other available accommodation in Kosovo. With the assistance of the international community, some families have already returned, and their solution seems to be durable (about 200 families), but the numbers are very low compared to the total number of IDPs.

The problem in this case is that tens of thousands of refugees and IDP are in this situation already more than ten years, and return solutions are more and more difficult to find. Serbia must increase its political, economic and social determination to find a real durable solution, whether by returning these vulnerable people or integrate them in the Serbian society along very carefully elaborated plans.

The case of “classical” asylum seekers is very different from the above. In this case the asylum seeker is normally not a former citizen of Yugoslavia, cannot speak the language, and arrives from far away countries in search of protection. Maybe many of them would qualify for the status of refugee according to the 1951 Geneva Convention, but many of those who apply for this status does not get registered, or leaves the process before the interview.

The Asylum Office has not yet been established according to the law; it is now functioning within the structure of the Border Police, which is a counter advisable practice. It is difficult for a vulnerable asylum seeker to give the full information about his background to a policeman. It is thus strongly advisable to **establish the Asylum Office as a separate, civilian authority** (or part of such an authority) and to ensure that the staff is properly trained in the Convention matters and has a compassionate attitude towards refugees. All applicants must go through a quick interview and a quick decision is to be taken about their registration and provision of a temporary residence document.

According to UNHCR, the Office deserves credit for the procedures and for the relatively relaxed handling of the asylum seekers. However, it is to be noticed that out of about 3100 asylum applicants in the end not a single asylum seeker received refugee status, and most of the applicants simply disappeared from the procedure. These **abusers of the asylum procedure** are a sub-category of the illegal migrants, and the state should prosecute such mala fide behaviour of foreigners, even by sanctioning them with immediate return to the country of arrival or country of origin.

Migration

Migration (**regular and irregular**) is an extremely complex phenomenon in Serbia from the point of view of the state administration. Given the broad variety of categories of migrants, many different Ministries or agencies have responsibilities in handling this process.

The country lies on the so called “Balkan-route” of irregular migration, a well-defined route of large number of mainly economic refugees, traveling through Turkey–Greece, then crossing FYROM and Serbia towards the European Union. The relatively easy entry regulations of Turkey make this country a fashionable target for people seeking better life in a richer part of the world. Different nationalities from Africa, Pakistan, Afghanistan, Bangladesh, Iraq etc. arrive in Turkey with a view to travel further towards the EU. Judging from the statistics of the EU countries neighbouring Serbia, many reach the external Schengen border and even find their way to the territory of the Union in an illegal manner. Many reach their target by utilising the services of human smugglers who organize the transportation of these “refugees” across the Schengen border.

The special situation of Serbia in relation to refugees and IDPs, residing in the country mainly as a result of the different wars on the Balkan between 1991-1998, is described in a different chapter.

Management of this migration process *is a joint task* for the border police, the criminal police, the commissariat for refugees, and other government organs. It is clear, that there must be a very well-functioning cooperation and coordination between the State organs themselves, and also with the representatives of the international community to tackle this phenomenon successfully.

The Government of Serbia realized the gravity of the problem and in the years 2006–2009 numerous sector strategies were produced to establish the path of development for the different agencies, dealing with different categories. However, a **lack of coordination** was still noticed which drove the Government to produce the Migration Management Strategy which was adopted on 23rd of July 2009. The strategy foresees establishment and implementation of mechanisms for comprehensive and continuous monitoring of migration flows in the Republic of Serbia, the completion of the strategic, legal and institutional framework for joint migration management, and creation of conditions for integration and social inclusion of migrants. Migration management must be in accordance with the European Union association policy, as well as with specific demographic trends and long-term development needs of the Republic of Serbia.

This above mentioned roadmap, however, still fails to achieve the ultimate goal of having as few as possible people with non-Serbian citizenship in an irregular situation in the country.

As it can be judged from the available information, the problems roots can be traced back to several aspects.

FYROM seems to be the country from which most of the irregular migrants arrive. This fact would require an extremely **close cooperation** with the police authorities of that country, a day-to-day information exchange channel would be required for early warnings on possible migratory flashes; the existing readmission agreement must have long ago been operationalized. There are very few signs of the cooperation with the Southern neighbour, the readmission agreement has been used in about 20-30 cases; this is not enough.

It is also understood, that there is a **lack of accommodation capacity for the detained irregular migrants** and procedures for return and readmission are quite long. In some cases, the police might choose to close their eyes for some irregular migrants, thereby allowing them to move on towards the North and in the same time reducing the pressure on accommodation and return procedures. It is understood also, that groups of irregular migrants are being collected by smugglers in pensions and small hotels in some Northern cities of Serbia, waiting for the favourable conditions to cross the border illegally. The criminal police must have the same information, yet most of these groups are still successful.

However, this attitude is unacceptable in the European Union. The European Union must be in the position to assist the national authorities in handling detained migrants, and also assisting them in establishing the conditions for their successful return, preferable to their home countries. But it is the national authority, ultimately the Government who is responsible for the detention and management of these irregular migrants. Additional facilities (alien centres) should be opened to offer non-prison accommodation for irregular migrants until their faith is regularized. **Criminal police must be in constant communication with border police** in order to establish the pensions and other dwellings offering shelter to illegal migrants, and the abetting of crime must be established. Confiscation of the asset must be the penalty for this crime.

An **operative migration management centre** could be established, perhaps at the border police, where each stakeholder government agency should be represented and ad-hoc decisions could be taken reflecting the changing situation in terms of increase the success of combating irregular migration.

Return capacities must be increased and it is obvious that this is a very costly procedure. Sometimes establishing the nationality of a migrant is already difficult, and therefore the international community should offer the necessary assistance, both on a bilateral and on a multilateral level.

Human and Minority Rights

Serbia deserves credit for having gone a long way in guaranteeing human and minority rights in the civil and enforcement sphere of the national administration.

The establishment of the office of the National Human Rights Institution, the Ombudsman, is a crucial step forward, and the decision to broaden its activities with functions of the National Preventive Mechanism is also very positive. However, the Government should provide the Office of the **Ombudsman with the necessary additional resources**, both in terms of financial allocations and adequate staffing, so as to enable the office to fulfil these tasks with success.

Gender equality is ensured by a law adopted in 2009, however, very little has been achieved in this regard. It is highly advisable to exercise **positive discrimination in regard to women** filling high-ranking, decision making positions in the state administration, in enforcement bodies, to assist the improvement of equal approach to different categories of citizens. Also, the **remuneration** of men and women should as a rule be on equal level, the State should constantly strive to achieve this equilibrium.

Freedom of religion is guaranteed in the Constitution and also in cardinal legislation on Churches and Religious Communities. The law guarantees the registration of churches and religious communities according to a well-established set of criteria. It also guarantees freedom of religion for the citizens of Serbia, and the freedom to express this relationship. It is, however, important to **increase dialogue between the different religious groups**, as well as religious and non-religious groups, to **increase mutual understanding, tolerance and acceptance** among the diversified groups of people.

It is of major concern that no organisation for independent, effective and systematic monitoring of police detention premises exists in Serbia. The poor and inadequate conditions of detention in police detention premises, as well as the fact that accused and suspects have been held together, is also deplorable. Police should be the main factor of guaranteeing the basic human rights of each and every citizen and resident of the country and must be transparent in their procedures. It must be noted here, that some infrastructural improvements in Krusevac prison is a great step in improving human rights of juvenile detainees; two age groups (14-19 and 19-23 years) were separated from each other, which results in a more humane and dignified prison term for these inmates. However, an **independent monitoring system of the detention facilities of the police must be established** and given the necessary resources to be able to carry out its job independently, or well established internationally and nationally recognized human rights NGOs must be given access.

Handling the criminal cases of **trafficking in human beings, especially of children for sexual abuse**, is of special emphasis in regard the rule of law. This extremely lucrative worldwide business is in effect a trade in slaves, children, and are going against many UN conventions governing the area of Human Rights as well as combating trans-border criminality. With all available resources, the state must **investigate, prosecute and punish all perpetrators, smugglers, and those aiding and abetting** this crime; should offer **adequate protection** and care to the children victims to this crime, and also has to establish **witness protection mechanisms** to all foreign witnesses prepared to support the investigations.

As access to practically all social benefits, employment and administrative services is dependent on the personal identification document, Serbia should take appropriate steps to **supply each citizen and resident of the country with an adequate personal ID**. Many refugees or IDPs cannot access health or educational services simply because of the lack of a document; this is clearly discrimination and should be avoided.

Serbia is a truly multicultural state and as such, is taking care of the freedom of its minorities. Minority councils have been established to represent the special interests of these groups of people. Minorities have representation in elected bodies both at the local and regional as well as the national level. The Ministry of Justice is monitoring the claims of abuse of minority rights and regroups resources as needed. The State should continue its efforts aimed at ensuring full **protection and equal treatment of members of national minorities** under its jurisdiction, to continue to ensure representation of members of national minorities at national and local organs.

The **Office of Human and Minority Rights** is the state organ dealing with the above tasks in the national administration of Serbia. The main tasks of this office are, on the one hand, to supervise the activities of the Serbian Government in relation to the adopted UN Conventions and other international legal instruments, to prepare guidelines for the Government to better implement these instruments and other recommendations adopted by the international human rights organizations; and on the other hand, to supervise the activities of the Government in terms of guaranteeing equal rights to all social groups as well as all minorities of the country.

This office at present is at the end of an on-going institutional development process of the Government, when its format and affiliation in the structure changed several times during the last few years. Some donor projects even lost their target by delivering supplies to an entity which was not the same as the one in the contract.

Obviously, such situations have to be avoided. But more important: this office is actually dealing with two main areas of the administration, which **could be considered to be dealt with in the framework of two separate offices**. There are many examples of different Governments' structures where these issues are not dealt within one entity.

Human rights are universal, agreed upon by the states members of the UN system as well as the European countries in the framework of the Council of Europe; the European Union adopted the UN Covenant on Human Rights entirely. These legally binding international instruments should *per definition* be observed by all government ministries and agencies.

The Office has an important role in supervising the implementation of the international instruments by the national Government, in producing guidelines to improve implementation and to inform the stakeholders of any new reports and recommendations prepared by the international organizations. This Office has achieved great results in this regard, and its role within the administration must be strengthened: it could i.e. act as a Human Rights supervisor of all activities of the enforcement sector, the direct example of the supervision of police detentions is right at hand.

It is certainly advisable to make a **clear distinction between the tasks of this Office and those of the Ombudsman's**, as normally that office is responsible to represent the citizen in a disagreement with the Government on Human Rights issues; whereas the Office has a more internal; controlling and supervising role to be fulfilled. **Minority Rights is an area sufficiently big and complicated to be handled within a separate entity**, however, the present setup of an integrated Office is a useful way for the Government to make sure that Human and Minority Rights are developing according to international conventions and that the Government as a whole and the enforcement sector specifically, are fully observing these agreements at their actions within the Justice and Home Affairs sector.

Further EU support is required to strengthen and reinforce the implementation capacities of this Office, and also the capacities to follow the numerous international developments in this area.

It is clear from the past activities of the main donor (EU) and of the other donors that great results have regularly been achieved by developing the capacities in this area, as it is also clearly visible from the numerous progress reports, the peer reviews of the results. The field should be further strengthened, both by capacity building and supplies, as the development of the executive capacity of the Government will also require a higher level of intervention from the Office of Human and Minority Rights.

Anti-corruption

This evaluation did not include any project directly dealing with the issues of anti-corruption, therefore the description of the sector is taken from the 2012 progress report and included here with the purpose of a better general overview only.

The Government has adopted its **National Anti-Corruption Strategy for 2013–2018** and the corresponding Action Plan. The six main principles are very valid (rule of law, zero tolerance towards corruption, accountability, comprehensive implementation of measures, cooperation at all levels, efficiency and transparency), the ensuing **Action Plan should be meticulously implemented**.

The Anti-Corruption Agency's powers, which focus on prevention, are increased. The Agency started

to implement the 2011 Law on the Financing of Political Activities. It adopted implementing legislation on the monitoring of electoral campaigns and set up an extensive network for the monitoring of the 2012 elections. The Agency is also in charge of targeted checks on asset declarations it has received. This activity led to misdemeanour judgements in two cases, and criminal charges in another. The Agency has published a report on the financing of the 2013 electoral campaign on 31 May 2013, the continuous efforts will be needed to establish a track record of effective checks on party funding. As of today, the agency has not yet made full use of its powers and needs to improve cooperation with relevant stakeholders to investigate declarations of assets effectively.

The special prosecutor for corruption and organised crime launched investigations into 115 corruption cases in 2011. These included several medium- to high-level cases. There was a marked increase in the number of lower-level corruption cases for which the prosecutor's offices initiated investigations in 2011, but in the great majority of such cases sanctions remained lenient. Further efforts are needed to establish a track record of prosecution and conviction, particularly in high-level cases. The **law enforcement bodies need to become more proactive and develop their ability to conduct financial investigations**. There was little action to protect whistle-blowers.

Internal checks by the customs administration and the police have continued to result in a sizeable number of cases being investigated and penalties imposed. Public procurement, management of public enterprises, privatisation procedures and public expenditure remain areas of serious concern, in which **independent supervision and capacity for the early detection of wrongdoing and conflicts of interest** are underdeveloped. Health and Education remain particularly vulnerable to corruption. **Comprehensive risk analyses** for areas vulnerable to corruption are needed. Coordination between all stakeholders needs to be strengthened to ensure effective prevention and prosecution of corruption cases.

Police

Although not a sub-sector *per definition*, the police must be handled under a different heading. The **relevance** of all assistance cannot be questioned: as the police is the enforcement body which stands closest to the citizens, as their work is judged by the population on a daily basis, as the **effectiveness and efficiency** of their work is crucial for the rule of law, we need to set some priorities for the upcoming few years.

All staff of the police should attend **trainings and further trainings** for their ability to act according to the legislation in force in Serbia. As the country is in the state of reform, legislation changes frequently, and these changes must be obeyed by the police. They must continuously observe the principles of **basic human rights** while taking action with citizens.

Introduce and secure the functioning of **subsidiarity**: problems should be solved at the level where they appeared. In most of the cases it is not necessary to report cases to higher management levels, as this will unnecessarily prolong the procedure. Police staff should be trained and made aware of the principle and the positive effects of using this method. Except for the major cities, the policeman is a person well known to the population, one of them; and this makes it possible to utilize his/her sound judgement to solve minor, local issues. This momentum should be used to **reduce unnecessary administration (bureaucracy)** and to raise the moral of the police force.

The **number of management levels** must be carefully scrutinized, and a development plan to be established for their **possible reduction**. Following the logic of subsidiary action of the police, less and less levels of management, white collar policemen, will be required. Apart from bringing **higher efficiency** in the work of the police, from the reduction of time required to bring a case to prosecution, even budgetary savings can be achieved. Communication will be better, as less and less unnecessary levels are included in the system.

The **jurisdiction of the different branches** of the police must be evaluated and corrective actions might be needed. Analysis of the prevailing typical cases could bring to surface some **discrepancies** in the jurisdiction of the branches (i.e. criminal vs. traffic police or others), **elimination and correction** of such situation can further increase **effectiveness** in the work of police.

Having all the above in mind, **integrated thinking of enforcement activities** is an advisable way forward in increasing **effectiveness and efficiency** of all the law enforcement activities of the state. **Communication, coordination and cooperation** (the “3C”s) between the different branches of the police, and in an extended way, between all the law enforcement agencies, the broad enforcement community **must be institutionalized**. Exchange of crucial information, divided on a “must know” and “need to know” basis, as well as useful **follow-up and feedback information** will lead the planning and implementation of the enforcement activities to be **sustainable** in the entire sector.

Border Police

The Directorate of the Border Police (BP) needs a substantial analysis of their jurisdiction and territorial powers. In order to increase effectiveness, the Directorate should not deal with activities which are not directly relevant to its core task: the control of the borders.

The success of the BP will profit from a re-evaluation of its core activities, and of the main stream of migration routes. The **territorial competence** of the BP has to be revised; there are examples in the European Union where the jurisdiction of the BP is extended to the whole territory of the country. Many criminal activities, related to the border, are not committed at the border, their investigation and evaluation requires such powers to be exercised also in the depth of the country.

Dislocation of the BP has to be reviewed, and brought in line with the major flows of migration.

IBM, as a reform strategy must be obeyed and the cooperation mechanisms established throughout the years should be made functional.

Money Laundering

The compliance of the Serbian AML/CFT legislation with the Council of Europe's Moneyval recommendations and applicable international standards is growing up. The efficiency of the national institutions increased in terms of money laundering and finance terrorism ensuring higher compliance with international standards. Issues like the National Risk Assessment, Supervisory Risk Base approach, reviewed legislation and recommended amendments will enable the Serbian Government to fight against money laundering and terrorist financing in more efficient and effective manner.

At the level of individual institutions, the capacities of the staff have already increased, through trainings, MOCK trial, study visits, improved IT infrastructure by provision of software ensuring that the Financial Intelligence Unit (FIU) infrastructure is modern with trained staff that will deliver more efficient and good quality analyses. In addition the project has contributed to strengthening inter-agency cooperation between relevant bodies of the AML/CTF system.

The training modules developed within the project enable APML to use them for learning solutions without future external assistance.

APML is currently understaffed and lacks suitable office premises. Addressing these issues by the provision of adequate facilities and reinforcing its human resources will enable an increased and effective prevention and control of money laundering and terrorist financing in the country.

Proposal for policy objectives for 2014-2020:

- Ensure adequate staffing of APML
- Ensure adequate office premises for APML
- Continue with the implementation of the recommendations of the Second 3rd Round Written Progress Report submitted to MONEYVAL of December 2012,
- Comply with the “*International Standards On Combating Money Laundering And The Financing Of Terrorism & Proliferation*” from February 2012 of the Financial Action Task Force
- Maintain a high level of interagency cooperation

Efficiency

Overall, the level of cooperation between the partners is good. The financing issues did not cause any delays in implementation. The most important and reoccurring challenges are about (1) shifting focus of attention from donor projects after the elections and (2) staffing issues within local administration. As it was mentioned, civil servants replacements is a matter of political culture which will be, hopefully, normalising with time. The second issue on low staffing levels for absorbing the donor advice is also not a matter of efficiency but rather of a poor programming and firstly relates to infeasible planning when projects are planned based on contractor capacities to deliver rather than beneficiary's capacities and other necessary conditions to absorb the assistance.

Thus, in order to improve the efficiency, projects should be programmed more realistically, giving the beneficiaries themselves more rights and responsibilities assume only that much of assistance and in such intensity that their staff could feasible manage. Some pressure create by the assistance projects may be good in terms that it encourages changes, however, this pressure should be reasonable.

Implementation modalities

Comparing Different Modalities of Assistance

Modality of Assistance	Pros	Cons
Twinning	Allows for sustainable lesson learning and setting good practices from other more advanced EU colleagues / institutions	Requires a lot of capacities (person/days, other resources) of the beneficiary institution and staff to be able to cooperate with the advisors who are physically located within the beneficiary office and need to be provided with information/knowledge on the local legal environment, social-economic realities, speedy translation of documents in case of strategy building, etc. The twinning will help with general advice on the issues rather than complete some concrete tasks on behalf of the beneficiary.
	Provides more safeguards that twinning advisors will have the right institutional experience to advice on the issues important for the accession	It could be very counterproductive to advice beneficiaries having twinning mode of assistance in a prescribed manner without having them realised about the absorption capacity needs. According to one donor the twinning arrangement failed to produce any significant results in justice sector. The main problem with twinning approach was that design of twinning assistance rests with the experienced colleagues from other countries so the beneficiary end up with project that rely on their expertise rather than on the actual needs of the beneficiary (supply driven assistance).
Technical Assistance (TA)	TA can have the same good capacity building properties as twinning (if proper internal arrangements for close cooperation with beneficiary staff are installed)	If TA functions as a twinning (transferring know-how on some particular issues), it is very useful to ensure the sustainability related to capacity building, but requires considerable absorption capacities
	Assistance is well suited for providing those services that should be normally outsources by	If TA is used for replacement of beneficiary capacities, the effects of such help is short termed and unsustainable. Also, it

	the beneficiary institution (no need to build in-house capacities) such as IT services, evaluation services, Public relation campaigns, etc.	demoralises other civil servants who should work hand to hand with externally commissioned experts, but who may rather see themselves as secondary type of personnel (lower pay, fewer responsibilities) compared to highly pay external TA experts.
Arrangements used under Structural Funds	The structural funds allow compensating operational costs (wage fund included). Therefore it would be possible to compensate wages of those civil servants that are directly involved in the EU matters. The arrangement allows supporting human resource capacities of the member states and provides sustainability of the position.	In the long run, the beneficiaries may get used in heavily relaying on donor help for sustaining their staff. There are no guarantees that national government will be able to replace donor funding with the state budget resources when the agreed period of wage compensation expires.

General guidance in choosing the best modality of assistance

When the beneficiary organisation has little absorption capacities it might be worth considering using a type of long term technical facilities via compensation into the wage fund (fully or partially or on gradually reducing mode) in connection to those positions of the civil servants that are key for the accession issues. An additional advantage of the arrangement is that donors/EU may have more say against undue political rotation of civil servants when their salaries are compensated via special EU/donor technical facilities.

During the preliminary discussions over the recommendations of this evaluation, the EU Delegation expressed their opinion that salary toppings might not be the best advice and disagreed with this recommendation. It is true that the negative side of this arrangement is that compensations into the wage fund might not be sustainable. If they last for a relatively short period (a year or two) it is unlikely to expect that national budget will get considerably stronger during such a short period and would be able to replace the EU compensation with sustainable national budget funding. Therefore, this additional funding would be counter – productive as newly hired staff had to be reduced again. The risk is very high that even if lead by the best of their intentions, national authorities may fail their obligation to replace donor funding due to objective budgetary constraints as it has happened before with other type of arrangements where donors paid for national experts working in ministries.

Therefore, the evaluation does not add the suggestion on compensation into the wage fund into the table of recommendations.

Technical assistance / Twinning contracts should be used for concrete know-how transfer issues. However, it should never be expected that experts will be carrying out the tasks (daily job) of the civil servants. For instance, in case of legal drafting matters the Ministries should be represented by their own civil servants. Where civil servants do not have some specific knowledge related to some strategy/law the Ministry may decide to use some short term local legal experts on advising on the issues concerned, but should rather restrain on commissioning external experts to carry out the drafting on Ministry's behalf.

In some circumstances it may be considered using several types of assistance modalities at the same time – for instance, compensations into salary fund for full-time civil servants dealing with the EU accession tasks and Technical Assistance / Twinning for their capacity building.

From the beneficiary point the best are those modalities of assistance which are longer (up to five years) and allowing for updates in annual activity plans (i.e., OSCE, USAID). Also, beneficiaries tend to value more concrete supply / construction contracts over institutional building measures.

Coherence

In general, the selected contracts linked well with other related interventions. The evaluation did not encounter problems where EU financial assistance would have been incoherent and non-complimentary to the national budget and other donors (apart from the issues on insufficient staffing which an indicator of a poor project planning).

Local staff remuneration from donor funds

It is a very sensitive issue. The evaluation does not have a readily available answer whether it would be appropriate to allow such remuneration and under which conditions. However, currently there were instances in projects under the scope of this evaluation where one donor could remunerate the local staff (civil servants) for the involvement in drafting strategic documents, while other donor did not allow such remunerations. The evaluation believes that such different approaches in the remuneration practices can create unhealthy incentives for choosing one rather than other donors and, thus, should be discussed in donor forum and equalised.

According to information of this evaluation, there are the following differences in remuneration of local staff (civil servants) for their involvement in additional work in the recipient country (like strategy drafting):

Allowed	Not Allowed
OSCE	USAID
The Netherlands	EU
	Norway

Cost-efficiency

In terms of cost-efficiency the value of money is better with small scale, permanent missions (OSCE). Also, cost efficiency can be improved by having longer but more flexible projects with annually approved action plans (USAID).

Effectiveness and Impact

With regard to justice projects, the internal indicator system usually would monitor process related deliverables (strategy developed, analysis completed, etc.) which does not allow verifying the content wise progress – achieved by the specific reforms. The impact level indicators, except for longer projects, are usually above the project reach to monitor their success, too. Therefore, with regard to the EU projects, the main source of reflection on impacts and sustainability are independent monitor's reports (ROM) or evaluations (like this report), which is not sufficient for objective reflection.

In sum, individual project evaluation attached to this report give some positive indications that some impacts with regard to justice projects may be achieved. Overall, however, the effectiveness and impacts of donor interventions in justice sector are below medium firstly due to unstable political situation within the judiciary and constrains in staffing / other circumstances creating obstacles for the successful uptake of project deliverables.

Indicators

The quality and the use of indicators vary. On the level of deliverables (results) the indicator systems are usually very good – very detailed (sometimes overly detailed) and properly monitored by both the project implementers, and the EU Delegation (other donors). With regard to sectoral/ impact indicators – they are very challenging to monitoring for shorter than 4-5 years projects (all EU projects). See for more conclusions and recommendations on sectoral indicators in Chapter 5. Usually, the difficulty is not about having good indicators on paper (or the indicators that would be in line with overarching

sector strategies) but have a workable system on ground, people in charge who would be checking on indicators which are above project result level.

The EU should be systematically improving monitoring systems at the utilisation level within the ex-post perspective. The impact level indicators cannot be checked during implementation stage (in shorter projects of circa 2 year), and thus reflections on the prospects of impacts/sustainability usually remains vague or is simply unreliable.

Overall, the efforts, time and resources spent on monitoring and evaluation seem to be very high. According to unconfirmed data, during the time of this evaluation (spring 2013) there were some 10 or more other sectoral or regional evaluations taking place, some of them overlapping (for instance, SEIO global evaluation on all the sectors from SIDA funds and this EU Delegation's commissioned evaluation).

In connection to the EU projects, most of the monitoring takes place with regard to active projects, for instance, Result Oriented Monitoring (ROM) which is carried out by independent monitors or new Project Monitoring prepared by stakeholders and SEIO, which will be carried out under Decentralised Implementation System starting with IPA 2013⁷. In their practical use these monitoring reports are very similar - conclusions and findings are based on the same factual information and worded per same five evaluation criteria. The idea of having this type of monitoring is good, but it takes a lot of resources to prepare such reporting according to a standard formatting that is comparable in all IPA countries. With all the respect towards the efforts that it takes to prepare such reports, practically this ongoing monitoring is not very useful with regard to providing insights on longer term impact and their sustainability.

In order to be efficient, problems should be solved where they arise. It holds true also with regard to increasing sustainability and impacts which primarily depends on the contractor and the beneficiary (they know the issues and problems best). Therefore, reporting and lesson learning on the utilisation of the donor advice should also be taking place at this bottom level rather than at the EU Delegation, SEIO, or independent monitors and EU Headquarters. Naturally, it might not be simple to fully rely on self-management, however, there should be a systematic monitoring and lesson learning at this ground level first, and only then, key conclusions can be reported and brought up to higher levels. Therefore, it would be more efficient to strengthen self-evaluation and reporting on the utilisation of project deliverables per project basis on an ex-post perspective as follows:

- 1) Firstly, each project should follow a good practice where project contractors should not only report on the deliverables (activities carried out and results achieved), but also on challenges/recommendation in the uptake of the deliverables. It is often done now, too.
- 2) Secondly, each beneficiary should be required to report on the uptake of project deliverables in ex-post perspective (after circa 1-2 years of the project end). The reporting should be as simple as possible following the same project report format as prepared by the project contractor (adding an additional column for comments on the utilisation of each deliverables). This evaluation carried out similar ex-post monitoring with regards to one justice project (finished about 1.5 years from this evaluation). It showed that though the project was evaluated as relevant, due to a variety of reasons the deliverables were too complex to sustain practically and the level of the application of the know-how remained very marginal.
- 3) In order to strengthen the accountability on utilisation, project beneficiaries might be required to hold sectoral discussion and lesson learning on ex-post stage (similarly as in sectoral monitoring meetings that are held with regard to active projects).

⁷ The Project Monitoring Report shall be submitted at least twice a year for the preparation of the Sectoral Monitoring reports and upon request (by the NAO to the PAO, by the PAO to SPOs) to be annexed to the requests for funds from the NAO to the EC

Such kind of simple accountability and lesson learning on ex-post perspective would be very important for the beneficiaries themselves who then could better programme projects to avoid poor utilisation, and in general, feel more accountable for the application and incorporation of donor advice.

Further, the fact that each beneficiary should report on the factual uptake (utilisation) of project deliverables and explain how that improved their performance would likely to have positive influence on the reliability of sectoral indicators and how much sectoral changes can be attributed to donor activities. Besides, it is noticeable that longer projects (up to 5 years, with annually approved plans of actions), usually have better monitoring indicators which allow to report on impacts during project life-time / or are required to commission independent monitoring service to account for factual impacts of their interventions.

Visibility

The EU projects followed the standard visibility rules. Following interviews, however, the most visible players in the Rule of Law sector are the USAID and the OSCE. The reason or better visibility in spite of much lower investments compared to the EU is that their projects have greater length and because of this they naturally attract more connections and appreciation from the national players.

Sustainability

The institutional framework was fully adequate to deliver programmes. The experts and national staff demonstrated good level of cooperation. As it was mentioned before, the key problems were low absorption capacity (or constrains in hiring local staff in sufficient numbers) or the unstable political environment (High Judicial Councils) that hampered the involvement of local staff in cooperation activities more intensively.

With regard to justice projects, the findings of sustainability of are not concrete. The actual outputs (equipment supplied, analysis passed, and trainings) cannot be accounted for as impacts. Other sectoral impacts can hardly be expected to be achieved within the limited (circa 2 year) project span, and thus again remain unattested.

With regard to sustainable administrative capacity building the findings are also on a lower end. On one hand, by participating in a variety of trainings, being trained as trainers, undergoing on-the-job trainings, working on strategies and drafting new legal provisions, going on training visits abroad, the local staff must be taking up new know - how. On the other hand, the administrative capacity building was not measured by any indicators within the selected scope of projects, and thus is difficult to attest or even to target reliably. Besides, election - related rotation of the upper medium positions (Directors of the Departments) is high and this again impairs sustainability in terms of sustaining individuals who benefited from project experience. Overall the sustainability of assistance can only be rated as low.

3. Conclusions and recommendations

The table below includes evaluation of sectors/subsectors of 6 evaluation criteria from Low, Medium or High. The ratings are given based on the evaluated scope of projects. Feasibility is added to the standard five evaluation criteria. It can be considered as a composite part of relevance, however, under the current situation this technical aspect of planning interventions for sustainable impacts is of key importance therefore it is singled out as an individual criterion. Ratings on effectiveness/impact as well as sustainability are fairly low because the evaluators have to assess the impact against wording of wider and specific objectives which are usually formulated very broadly.

Criterion Sector/Subsector	Relevance	Feasibility	Efficiency	Effectiveness / Impact	Sustainability
Overall Judiciary	High	Low	Medium	Medium / Low	Low
Court Efficiency	High	Low	Medium	Medium/Low	Low
Judicial training	High	Low	Medium	Low	Low
IT solutions	High	Low	Medium	Low	Low
Alternative Sanctions	High	Low	Medium	Medium/Low	Medium
Juvenile Justice	High	Low	Medium	Low	Low
Overall Home Affairs	High	Medium/Low	Medium/Low	Medium	Medium/Low
Asylum	High	Medium	Medium	High / Medium	Medium
Human and Minority Rights	High	Medium	Low	Low	Medium
Migration	High	Low	Low	Low	Low
Anti-Corruption	High	Low	Low	Low	Low
Police	High	Low	Medium	Medium / Low	Low
Border Police	High	High	Medium	Medium	Medium
Money Laundering	High	Medium	Medium	Medium / Low	Medium

Procedural issues - Out of the Box Thinking

The most important recommendations of this evaluation report regard procedural issues. As it can be seen from the table above, content-wise all the projects are highly relevant, however, their feasibility should be improved in order to yield good impacts. Therefore recommendations regard general rules of EU programming as well as accountability for the use of deliverables.

A lot of resources for improving impacts should be drawn from the system itself. The problem is that IPA programming and implementation system is not geared to follow up on impacts - what is really applied and incorporated into daily practises after the project is finished.

The slow picking up on impacts is rather typical for all pre-accession countries. For instance, ex-post Phare evaluation in Lithuania also found that the assistance from 1999-2001 had low impacts until the beneficiary agencies became strong enough to plan and use the assistance according to their own pace and needs. The situation is rather paradoxical, because IPA assistance is mostly suitable for politically stable / better developed countries or stronger counterparts in the beneficiary countries. Whereas the priority is to strengthen the weakest part of the system where the most of the problems are situated.

For comparison, the OSCE or USAID function with incomparably smaller annual budgets, however, their interventions usually have better impacts. Firstly, it is because the EU projects are too short for building a consensus with national counterparts in starting changes, introducing them to basic law level, working out through secondary legislation and especially when monitoring their practical application. In order to be more effective the EU IPA scheme should do something differently, use out of the box thinking in order to become more adaptable to the situation of the Southern European countries that IPA has to function now on. For instance, in order to practically focus on the application of the outputs, some pilot projects may be designed with 3 + 1 year implementation period - three years on the ground, one year left for the beneficiary to work on independently in moving on with the reforms, and again, after a lapse of one year, the same contractor (if cooperation turns out to be successful) coming back to the country for monitoring and reflecting on the application of changes in practical terms. IPA could also learn from the practises of other donors where it is a norm that annual implementation plans define actual activities reflecting to changing environment

CONCLUSION AND RECOMMENDATIONS

	Findings	Recommendations	Addressee / Timing for implementation
1.	The impacts and sustainability in Judiciary sector reforms greatly depend on consensus in all political parties in respecting the Separation of Powers principles. It turned out practically impossible to run assistance projects involving High Judicial Council because of volatile and instable environment that they had to operate	1. Carefully weight chances for success of the future projects for the judiciary before contracting the assistance. 2. Use both the political measures and technical assistance to support the High Judicial and the High Prosecutorial Councils. The EU as the most influential and biggest donor in the country should be more often using political measures for influencing issues on political nature rather than purely relying on institutional building measures.	EU Delegation During the Next Programming Cycle of IPA / when contracting IPA 2013/2012 where feasible

	in.		
2.	<p>Sometimes the conditions agreed to by the beneficiaries in the beginning of a project are not met, or are gradually becoming void as implementation advances.</p> <p>For instance, in the case of one project, the beneficiary agency has been reorganized three times during the project life of one year. The result is practically non-existent impact, archives of the project difficult to locate, and some equipment (software) delivered are not at all in use. The structure had in the meantime has lost its competence over one of the areas assisted with the project.</p>	<p>Elaborate an element of conditionality to each project, political and economic goals are to be fulfilled and staff and other resources are to be guaranteed throughout project life.</p> <p>Ideally, there should be an element of sanction to conditionality in case of non-compliance. (There are other donors, which have the policy of repossessing the provided equipment in case of non-satisfactory utilization discovered through regular monitoring after the end of the project.)</p> <p>Major changes (reorganizations) as in the discussed instance, can to some extent be foreseen, and the EU Delegation Task Mangers should not be reluctant to propose a postponement of the whole project until the situation around the beneficiary or beneficiaries clears up. The achievable impact would be much stronger if such disturbances, like the constant reorganization of the beneficiary, do not happen during the lifetime of the project.</p>	EU Delegation during programming of and contracting of the assistance, continuously
3.	Low absorption capacity = bad programming.	Limitation of staffing must always be taken into consideration when planning projects and taken as a matter of reality rather than be presented as an unforeseen risk for project implementation.	EU Delegation when programming projects, SEIO/ EU Delegation when monitoring projects, continuously
4.	Strengthen the accountability for outcomes of each individual project. Currently the direct beneficiaries tend to see project indicators as a matter to be settled between the EU Delegation/Donor and the Contractor rather than the Beneficiary and the Contractor.	More rights and responsibilities in planning of the assistance as well as setting indicators should be given to national authorities. Thus, when releasing the funding the donors as well as SEIO must be sure that right decisions makers on the national side are included in the project steering and given rights and responsibilities for setting and achieving project indicators. The evaluation believes it is very important to secure ownership and accountability for results of those beneficiaries which will be directly implementing the project, rather than coordinating bodies. This is especially	SEIO, EU Delegation, Other Donors, Ministry of Justice and Public Administration, High Judicial and Prosecutorial Councils.

		true with regard to judiciary, because of hierarchical nature of the system where each new decision have to be promoted and mainstreamed centrally through the juridical governing bodies.	During the next programming Cycle of IPA / also when programming other donor assistance programmes and projects; continuous application
5.	Following interviews, efficiency and value of money increases having longer but more flexible projects with annually approved action plans (USAID). Longer projects are seen as producing more impact.	In case of dealing with longer term reforms, it is advisable to run longer projects (circa 5 years) but with annually designed and approved activity plans. EU Delegation as the largest and the most important donor in Serbia now could take up good practices from other donors.	EU Delegation EU Headquarters in Brussels, when changing requirements for IPA programming and implementation.
6.	Donors should be systematically improving ex post monitoring (utilisation of deliverables in the time perspective) rather than barely accounting for the deliverables as of the project completion time.	<p>Strengthen self-evaluation and reporting on the utilisation of project deliverables per project basis on ex-post perspective:</p> <ol style="list-style-type: none"> 1. In addition to reporting on the deliverables (activities carried out and results achieved), each project contractor should be required to report on the utilisation of the deliverables (as of the completion) and highlight the future challenges / recommendations with this regard. 2. Each beneficiary should be required to report on the uptake of project deliverables on ex-post perspective (after circa 2 years of the project end). <p>In order to strengthen the accountability on utilisation, project beneficiaries might be required to hold sectoral discussion and lesson learning on ex-post stage (similarly to sectoral monitoring meetings that are held with regard to active projects).</p> <p>The subsidiary principle should be observed – it is more efficient to deal with problems where they appear – contractor/beneficiary should be obliged to carry out self-evaluation on the utilisation of deliverables, rather than hiring independent monitors to observe sustainability and report on that to the EU</p>	<p>EU Delegation, SEIO, other donors like World Bank</p> <p>Ex-post monitoring on the utilisation of deliverables should be discussed among stakeholders, and formally included among contractual requirements when signing cooperation agreements between the donor and the beneficiary.</p> <p>Regular sectoral discussions on the use of deliverables on ex-post perspective can start in the EU Delegation within circa 2 years, when beneficiaries</p>

		Headquarters in Brussels (ROM).	are well informed and prepared for such exercise.
7.	<p>IT solutions</p> <p>Modern trends in EU Member states are going in a different direction like they are envisaged in Serbia for the judiciary. Due to the lifetime cycle of IT solutions, the necessary update and maintenance, a more cost efficient solution is outsourcing the IT for the judiciary through PPP (Public Private Partnership) rather than developing a variety of isolated software solutions through projects.</p>	<ol style="list-style-type: none"> 1. A possible solution to dealing with ICT strategy development (avoiding IPA programming cycles) is setting up a Multi-Donor IT Fund with a sufficiently long implementation period, better coordination, better efficiency and accountability for the applicability of the IT solutions as well as agreement on gradually reducing donor contribution to IT solutions. 2. Compare indicative ICT development costs for Serbian judiciary (circa EUR 10 mln. annually) to those actually incurred by other Western and Central European countries when funding comes from National Budgets rather than the EU funds. 	<p>EU Delegation / Donor Forum</p> <p>The issues should be raised during the first upcoming donor forum meeting.</p>
8.	<p>Though in general the coordination between the donors is good, in some minor instances, several donors⁸ programmed the assistance with regard to preparation of the same strategic document. (unnecessary competition / duplication/ of donor efforts)</p>	<p>During programming of the EU IPA assistance, use participatory techniques designed for building consensus among multi-partner/donor projects, including:</p> <ol style="list-style-type: none"> 1. Stakeholder Analysis 2. Problem Analysis 3. Target Setting (to be used for NAD indicators) 4. Actual project design (PF) <p>This way the donors would be not only informed by <i>involved</i> in sectoral/project level planning and duplications of efforts will be avoided.</p> <p>Make use of the available EU / or other donor participatory method toolkits and promote them as a good practice.</p>	<p>EU Delegation, SEIO when it assumes a greater role in programming</p> <p>Including donors in programming process during the next programming cycle of IPA</p>
9.	<p>Rules of some donors allow paying the beneficiary staff (i.e., per diem) for the</p>	<p>Equalise the donor policy for the remuneration of the beneficiary staff when participating/cooperating with donor assistance projects.</p>	<p>Donor Forum</p> <p>The issues should be</p>

⁸ The situation is concretely described in Annex 6, under project "Strengthening the Alternative Sanctions System 10SER/01/06/31/01", chapter on relevance.

	participation in some joint activities (i.e. strategy drafting). This might create some unhealthy incentives for the beneficiaries wishing to cooperate with some donors more than others.		discussed during the next upcoming donor forum meeting.
10.	The best indicators of the status of the Justice and Home Affairs sector can be measured by surveys conducted among the population. Indicators like “trust in the investigative and justice system”, “perception of personal safety in everyday life”, “the level of criminality in the country” are but a few which can only be measured through direct surveys of the population	Conduct regular surveys in different clusters of the population on these issues using professional public opinion research institutes.	SEIO, EU Delegation when working on sectoral indicators on impact level During this/next programming cycle inasmuch such indicators are accepted by individual institutions which are charged with their implementation.
11.	Some training are visited by policemen or border guards with a view of securing the provision of the equipment, much like a trade-off, which sounds like a very negative approach. The root of this attitude can be traced back to the lack of vision of the future goals, tasks and structure of the given institution, as described above.	Conditionality must be introduced at the drafting stage of ToRs of projects with multiple components. More efforts should be placed on the introductory part of these projects, making the future goals, tasks and structure of the given institution clear to the top and middle ranking managers.	Donor forum, EU Delegation, SEIO During programming exercise, continuous application
12.	The Asylum Office has not yet been established according to the law; it is now functioning within the structure of the Border Police.	Establish the Asylum Office as an independent, civilian Office, with assistance from EUD and UNHCR	Government of Serbia ⁹ As soon as feasible (The Government of Serbia is not a stakeholder of this evaluation, therefore this

⁹ The Government of Serbia is not a stakeholder of this evaluation, therefore this recommendation does not have a direct address and is included just for general information.

			recommendation does not have a direct address and is included just for general information)
13.	There is a serious lack of coordination and cooperation in the field of management of migration in Serbia.	<p>The recommendation to overcome this situation has several aspects:</p> <ul style="list-style-type: none"> ▪ Implement the IBM strategy and the migration strategy of the country ▪ Improve cooperation with FYROM on migration issues ▪ Construct accommodation capacities for detained irregular migrants ▪ Establish 24 hour hotline communication between criminal police and border police on issues of irregular migration and trafficking in aliens ▪ Evaluate the feasibility of an operative migration management centre, hosted by the border police directorate and including experts of all agencies responsible for any migration-related task ▪ Increase return capacities of irregulars ▪ Investigate, prosecute and punish ALL perpetrators of human trafficking, including children for sexual abuse ▪ Establish an effective witness protection mechanism to save the witnesses to these prosecutions ▪ Establish care centres for abused, trafficked women and children 	<p>SEIO, EUD (for general information when programming assistance)</p> <p>National institutions in charge of the implementation of the recommendations</p> <p>When only feasible depending on budgetary situation, staffing, etc.</p>
14.	No organisation for independent, effective and systematic monitoring of police detention premises exists.	<p>A monitoring system of the detention facilities of the police must be established</p> <ul style="list-style-type: none"> ▪ Either an independent Government agency (ombudsman) and given the necessary ▪ Or a well-established, internationally and nationally recognized Human Rights NGO must be given access 	<p>Donor Forum, SEIO, EU Delegation (for general information when programming assistance)</p> <p>Government of Serbia¹⁰; other involved stakeholders (NGO)</p>
15.	Anti-corruption activities are still not effective	<ul style="list-style-type: none"> ▪ Proactive approach to investigating and prosecuting corruption ▪ Build up a solid track record of convictions, including in high-level cases, 	Anticorruption agency

¹⁰ The Government of Serbia is not a stakeholder of this evaluation, therefore this recommendation does not have a direct address and is included just for general information

		<p>particularly in cases of misuse of public funds.</p> <ul style="list-style-type: none"> ▪ More effective inter-agency coordination is needed to significantly improve performance in combating corruption. ▪ Risk assessment mapping at central and local administrations in order to identify vulnerable positions. ▪ The success of the implementation and consolidation of anti-corruption policies presupposes that illegal or unethical practices are no longer accepted by the large majority of the society as a natural way of dealing with public affairs. The rejection of such practices will require a long-term process aimed at changing mentalities and attitudes. The first prerequisite for this is public trust in the rule of the law and in public governance institutions needs to be given greater importance. It is indispensable to lawfully treat and respect individual rights and to reduce arbitrariness in public decision-making. ▪ More informative campaigns are necessary and must be extended throughout the country, showing how to identify corruption and what are the damages that corruption can cause for every citizen, for the international reputation of the country (which in turn affects foreign investment), and finally for democracy. Providing further training on ethics for civil servants could also have a positive impact. ▪ Higher priority should be given to the implementation of existing laws rather than to law-drafting activities. It is first and foremost the responsibility of the executive level of administrative authorities (such as ministers, directors of departments and heads of units) to ensure, within their respective realms, the compliance of civil servants with the law and integrity of administrative behaviour. Awareness raising measures are required to improve the executive level of administrative authorities' understanding that ensuring transparency and preventing corruption is in the first instance an internal executive and supervisory task within the respective administrative authority. ▪ The following measures are proposed for the special department/unit such as: <ul style="list-style-type: none"> ○ Internal training of staff on prevention of corruption, ○ Regular talks with individuals in order to refresh the knowledge on 	
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		fighting and preventing corruption, ○ External training of staff, ○ Job rotation within the administration, ○ Regular control by internal revision, ○ Improvement of the internal control system, ○ Protection of whistle-blowers and involvement of integrity managers with a specific department/unit.	
16.	The structure of the Police Directorate must be streamlined	■ Establish the system of subsidiarity (problems are to be solved where they appear, as low in the system as possible) and make sure that the system is used without compromise ■ Re-evaluate the core activities of the police, establish jurisdiction and powers of each of the management level – reduce these levels	SEIO, EUD (for their general information only, when programming the assistance) Police Directorate

4. Proposals for policy objectives for the next EU multi financial framework 2014-2020

Planned Objectives for the future IPA assistance

Serbian Office for EU Integration (SEIO) has initiated the preparation of new planning document, which will define needs of the Republic of Serbia for international assistance in the 2014-2017 period, with projections until 2020.

The document will define priorities and measures on the sector level, serving as the platform for programming IPA II and other multilateral and bilateral assistance to the Republic of Serbia. Differently from the previous years, within IPA II there will be two sectors Justice and Home Affairs that will encompass all the assistance to the Rule of Law cluster.

Following interview with the SEIO, many of the broad objectives under the Rule of Law sector listed in the Needs of the Republic of Serbia for International Assistance 2011-2013 will be similar to the current ones: To name a few – reduction of the backlog of cases, effective case management and effective enforcement of judgements, especially with regards to cases of organised crime, corruption, money laundering, drugs smuggling, etc; performance judicial evaluation, preparation, negotiation and expenditure of budgetary funds necessary for the work the judiciary institution; efficient implementation of human and minority rights, border management, prevention of illegal migration, further reform of the police, etc.

Strategic planning

The evaluators agree with the priority fields indicated. Overall, the programming will be fully satisfactory only with the right hierarchy of strategies and indicators on the national level. This goal cannot be achieved overnight; however, the EU and the national authorities have to keep this goal in mind. There won't be any good programming and accountability (indicators) without major changes on national strategy building.

Sub-sectoral priorities and recommendations

Judiciary is the most urgent sub-sector as of today. Both political measures as well as technical assistance should be employed in order to achieve some progress in this sub-sector.

Traditionally, other two key subsectors are very important, but very difficult to achieve any significant progress with – namely, **fight against corruption** (because it affects all the society) and resolving problems of **asylum and displaced persons** (because of their problem gravity and costs in dealing with the issues).

Fight against corruption

The specific recommendations with regard to fight against corruption should be implemented by all relevant institutions (i.e., courts, public prosecutors offices, etc.) in this sector. These efforts should be closely coordinated by the national anticorruption agency and also to be considered while programming policy objectives under IPA (by other donors):

- Proactive approach to investigating and prosecuting corruption and
- Build up a solid track record of convictions, including in high-level cases, particularly in cases of misuse of public funds.
- More effective inter-agency coordination is needed to significantly improve performance in combating corruption.
- Risk assessment mapping at central and local administrations in order to identify vulnerable positions.

- The success of the implementation and consolidation of anti-corruption policies presupposes that illegal or unethical practices are no longer accepted by the large majority of the society as a natural way of dealing with public affairs. The rejection of such practices will require a long-term process aimed at changing mentalities and attitudes. The first prerequisite for this is public trust in the rule of the law and in public governance institutions needs to be given greater importance. It is indispensable to lawfully treat and respect individual rights and to reduce arbitrariness in public decision-making.
- More informative campaigns are necessary and must be extended throughout the country, showing how to identify corruption and what are the damages that corruption can cause for every citizen, for the international reputation of the country (which in turn affects foreign investment), and finally for democracy. Providing further training on ethics for civil servants could also have a positive impact.
- Higher priority should be given to the implementation of existing laws rather than to law-drafting activities. It is first and foremost the responsibility of the executive level of administrative authorities (such as ministers, directors of departments and heads of units) to ensure, within their respective realms, the compliance of civil servants with the law and integrity of administrative behaviour. Awareness raising measures are required to improve the executive level of administrative authorities' understanding that ensuring transparency and preventing corruption is in the first instance an internal executive and supervisory task within the respective administrative authority.

Asylum and Displaced Persons

It is strongly advisable to **establish the Asylum Office as a separate, civilian authority** (or part of such an authority) and to ensure that the staff is properly trained in the Convention matters and has a compassionate attitude towards refugees.

The latest project for refugees and displaced persons (*Supporting access to rights, employment and livelihood enhancement of refugees and IPDs in Serbia*) is rated as very successful. In this regard, it is necessary to continue with these kind of projects, because actual IDP needs are still substantial and the help must also come from international community to deal with them.

Human and Minority Rights

The office is dealing with two main areas of the administration which ~~would be better off if separated~~ **are both extremely important**. Human rights should per definition be observed by all government ministries and agencies. Their monitoring ~~could be considered to be outsourced to non-Governmental organizations as well as preparing new guidelines based on the agreements and results achieved at the international level is to be handled by a high capacity office~~. **National and international NGOs could play additional and supporting role**. These well-established national and international NGOs normally do their job on a very professional level; give the signals or the necessary critique to Government actions which fall short on observing the basic rights. **The international donor stakeholders should continue to assist in the capacity building of this office**. **On the other hand, Minority Rights is an area sufficiently big and complicated which could be handled also in the format of a to be handled within a separate entity**, be it an Office, an Agency or a Directorate in the Ministry of Interior. In such a way overlapping with other entities could be avoided and the tasks of this office could be formulated in a synergetic way with other administrative units of the Government **however this setup is a useful combination for achieving integrated results in the broader area of Human rights**. Besides, **As an immediate development result, the Office could get the power to act as an independent monitoring system agency of the detention facilities of the police must be established and then should be** given the necessary resources to be able to carry out its job independently.

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Alternative sanctions and Juvenile justice

With regard to enforcement of sanctions subsector, such as alternative sanctions or juvenile justice, the continuation of the reforms are very much needed, however, it is difficult to advice when it would be the right timing for starting new projects (when the stakeholders are ready to accept the assistance in terms of local staff capacities to work with foreign advisors). Following experience in other new European countries it might be not be advisable to have capacities building projects every year, as it stretches local staff obligations who might also want to have some project free years.

In addition to those priority sectors, further activities should be continued in Police, Border Police and Money Laundering combating (detailed recommendations attached under sectoral conclusions).

5. Proposals for indicators

Regarding Sectoral NAD indicators (provided to evaluations for comments in March)

General

As evaluators we have seen many impact level indicators used at variety of programming documents – pre-accession, accession and structural funds programming documents.

The overwhelming evidence is that indicators are useful only when they created and constantly monitored by national authorities rather than set up by only with regard to EU assistance programmes.

Therefore, the only winning solution is to use national indicators created by pertaining Strategic documents (see Sectoral Conclusions, the Hierarchy of Strategies) of individual Rule of Law authorities (High Judicial Council, Council of Juvenile Justice, etc, Directorate of the Enforcement of Penal Sanctions, etc) If such indicators are absent – encourage introducing result based management practises at national level and start installing such indicators at national level (within national strategic documents / bodies or authorities who report to Government in connection to implementation of national strategies with regard to RULE of LAW sectoral developments). It is essential that all indicators used in NAD should be an 'active ones' – actually used by policy implementers/advisory bodies to report against in their annual progress (annually reporting documents). And it is only then that SEIO can start up using the same indicators for the EU sectoral level programming and reporting on the success of the EU/other donor contribution towards sectoral progress.

With regard to programming exercise for future

Creating an over-detailed, ad hoc indicator system for NAD is a mistake.

Another important rule is always to start from a simple and usable system. It can be improved later gradually moving to a more complex one.

At the present, we as external evaluators cannot say what specific indicators are actually used in the RULE of LAW sector. However, we believe that for the start Justice sub-sector may limit its broad level sectoral indicators to 5 main ones and used additional 10 indicators for each specific area within the Justice sector (inasmuch as such indicators can really be taken up, understood and appreciated at national level).

Creating a complex system with a mixture of different level indicators - than cannot be really properly assessed in practice - is a mistake. It will create a burden for the ministries involved, and be a deterrent in applying monitoring exercise in general. It would be a pity if monitoring and evaluation are seen as burdening bureaucratic exercise with no practical value, rather than a useful tool. Therefore, we strongly encourage the SEIO to start from an indicator system which is as simple as possible.

Comments to some typical issues

Indicator:

"Enhance legal certainty and efficiency of judicial system",

Source of Verification: Evaluations/EC Report, Report of the Council of Europe and specialized committees, etc.

Comment:

Where the source of indicator is taken from other reports or evaluations, usually it is not functional, because the reports do not have smart targets in themselves and only reflect on sectoral situation advising for some improvements.

Indicator: Advancing the strategic and legislative framework for justice sector reform, including the penitentiary system

Source: Strategy Adopted. Ideally, the smart indicator should not be about a passed document, but concrete target issues that should be in each strategic document – number of inmates reduced to 4000-6000 by 2017, due to a widened scope of alternative sanctions, etc.

Adopting a strategy is a process indicator, it will not reflect on the impacts of the strategy Adoption of legislative documents can be used as a strategic indicator only with regard to major reform documents, like approving new Codes.

Example of Indicators for Judiciary

Support to the sector in the years to come should closely follow the negotiations of chapter 23 and 24 of the accession talks. In this sense the assistance will be complementary to the goals to achieve.

Sector indicators:

- 20 % increase of the public trust into the independence and impartiality of the judiciary by 2020.
- Back-logs in courts reduced by 50 % by 2020 (comparing to the base line level of 2013)
- Duration of court proceedings reduced in average to 8 months in 2020.
- Acceptance of court decisions by parties increased by 50 % in 2020.
- All court rooms in Serbia renovated and refurbished by 2020

On a lower level the following indicators (process level milestones) might be used:

1. Organised Crime

- Fight against organised crime and high level corruption enhanced by 10 % increase of high level cases indictments per year until 2020
- At least 5 joint organised crime cross boarder investigation teams set up and investigations initiated per year on the basis of mutual legal assistance in criminal matters.

2. Corruption

- At least 10 ranks lower in the transparency index (CPI) by end of 2020
- Code of ethics/conduct adopted by the relevant institutions like High Court Council, High Prosecutorial Council, Ministry of Justice and implemented in court administration, prison administration, public prosecutor's office

3. Efficiency in Courts

- Back-log reduction strategy effective by 2014
- Alternative dispute settlements in place and operational by end of 2015

4. Major Legislative Changes/efficiency of court proceedings

- Improved notification services by end of 2014
- Revised procedural codes adopted by end of 2016
- All judges trained in peaceful settlement of cases by end of 2020
- Speed recognition software introduced in all courts of Serbia by end of 2017

5. Trust towards judicial system (procedural indicators only to be used as milestones leading to strategic indicators)

- Revision of the rules for appeals in all procedural codes by end of 2016
- Public awareness campaign implemented by end of 2017

Example of Indicators for Home Affairs

Indicators must provide opportunity to measure the real changes in the implementation of constitutional tasks of a given sector or agency.

Sector indicators

- Feeling of safety of the population increases 50% by 2020 (baseline 2013, through survey).
- Public perception of irregular migration is improving 30% by 2017 (baseline 2013, through survey)
- The indicator is a composite of increasing numbers of detentions of irregular migrants, including the reduction of fake asylum cases; decreasing number of migrants returned from the EU; state is returning more irregulars to their countries of origin)
- Number of visible cases to combat the organized crime networks is increasing (increased number of investigations that are brought to prosecution (1), to courts (2); and convictions of organised criminal elements (3) increases by 5% point from the base line level if this is feasible to forecast)
- Number of visible public disorders decreases to 10% of all events by 2017

Police:

- Number of criminal cases initiated by law enforcement agencies and brought to prosecution (court) is increasing by 10% each year (so far as the criminological forecasting is available).
- Number of organized criminal cases initiated by the police and brought to court (ending with conviction) is increasing by 5% each (so far as the criminological forecasting is available).
- Information exchange between criminal, operative and public security branches increases by 10% each year (to be measured through official information request sheets/forms).
- Number of violations of public security during mass events (demonstrations, sporting events etc.) is decreasing year-by-year 10%, to reach maximum 10% of all events in 2017.

Border Security Directorate:

- Number of returns at the Southern and Eastern borders is increasing by 7-8 % compared to the previous year (as % of the total number of passengers).
- Number of detentions of irregular migrants at the Southern and Eastern borders is increasing by 10-12% compared to the previous year (as % of the total number of passengers).
- Number of irregular migrants received in readmission framework from Northern EU neighbours is decreasing 10% yearly.
- Processing time of asylum cases is decreased to 60 days by 2018 (average processing time is decreasing yearly).
- Document falsification cases investigated, brought to prosecution, brought to court and convicted (as above).

ANNEXES

Annex 1: Terms of Reference

Attached in pdf document.

Annex 2: Recorded Allocations for Home Affairs, Legal and Judicial Development 2007-2012

From ISDACON as of 04 April 2013-04-05

2007 Home Affairs

project SAVA	3,379,018.00	SEK ¹¹	Finished	Sweden
IOM regional avslut SEE	1,061,710.00	SEK	Finished	Sweden
SEESAC, phase 3	350,000.00	EUR	Finished	UNDP
Support to Police Reform in Serbia	1,656,468.00	EUR	Finished	OSCE - Organization for Security and Cooperation in Europe
Improving Border Control Standards	5,500,000.00	EUR	Started	European Union
Police Reform: Internal Affairs	1,000,000.00	EUR	Finished	European Union

2008 Home Affairs

Development of community policing through facilitating training and problem oriented policing in the Republic of Serbia	449,142.00	EUR	Finished	Norway
Development of the Information System for Border Crossing Control	4,000,000.00	EUR	Started	European Union
Regional Police Coordinator	2,455,640.00	SEK	Finished	Sweden
Support to NGOs - Advancing Institutional Response to Challenges of Trafficking in Human Beings in the Republic of Serbia	380,000.00	EUR	Finished	Austria

2009 Home Affairs

Anti Human Trafficking	200,000.00	USD ¹²	Started	Switzerland
Belgrade District Court explosive detector	26,105.00	USD	Finished	United States

¹¹ Exchange rate 1 SEK = 0.12 EUR

¹² 1 USD = 0.78 EUR

CD Commissioner for Inform.	268,502.00	USD	Finished	UNDP
Crime Intelligence 2	15,000,000.00	SEK	Announced	Sweden
Development of community policing phase 2	60,997.00	EUR	Finished	Norway
ERRC Regional Roma	2,273,700.00	SEK	Finished	Sweden
Evaluation of the Human Resources management in the Ministry of Interior	66,827.00	EUR	Finished	Norway
Serbia Police Strategy	2,366,124.00	SEK	Finished	Sweden
Strengthened Integrated Border Management in the Western Balkans and Turkey	752,610.00	USD	Finished	United Nations
Training on counteraction, fight against corruption in the police sector	18,000.00	EUR	Finished	Poland
WCR Court Equipment	6,381.00	USD	Finished	United States
WCR Prosecutor's Office	12,932.00	USD	Finished	United States

2010 Home Affairs

Capacity building for participation in peacekeeping missions.	3,600.00	EUR	Finished	Slovenia
Capacity building in the area of strategic analysis and planning	4,570.00	EUR	Started	Slovenia
Capacity Building of Institutions involved in Migration Management and the Reintegration of Returnees	150,000.00	USD	Finished	United Nations
Development of Basic Police Training Centre in Sremska Kamenica, Serbia – Phase II: Renovation of Library, Classrooms and Curriculum Development Unit	2,626,376.00	NOK ¹³	Finished	Norway
Establishment of Efficient System for Prevention and Suppression of Illegal Migrations on the Territory of the Republic of Serbia	5,000,000.00	EUR	Started	European Union
Migration South West Serbia	1,650,000.00	CHF ¹⁴	Finished	Switzerland
National Capacity Development for Disaster Risk Management	26,000.00	USD	Finished	UNDP

¹³ 1 NOK = 0.13 EUR

¹⁴ 1 CHF = 0.82 EUR

Police reform programme	6,314,808.00	SEK	Finished	Sweden
Prevention of Modern Slavery in Serbia	100,000.00	USD	Started	United Nations
Providing psychological assistance to the police officers	5,130.00	EUR	Finished	Slovenia
Response to the effect of the Kraljevo earthquake	20,000.00	USD	Finished	UNDP
SEESAC WPON	53,818.00	USD	Finished	UNDP
SSR Serbia Demo	27,750,000.00	SEK	Finished	Sweden
Strategic management MoI	10,240,000.00	SEK	Started	Sweden
Support to the Serbian Forensic Centre through the strengthening of the Toxicology Laboratory	180,000.00	EUR	Finished	Spain
2011 Home Affairs				
Migration and Socio-Economic Development in the Western Balkans	1,092,795.00	USD	Started	United Nations
MIIP phase 3, Improvement in the fields of the human resources and procurements	34,000,000.00	NOK	Started	Norway
Review and Revision of the Current State and Needs of Former Tenancy Rights Holders in the Republic of Serbia	277,288.00	USD	Started	United Nations
Strategic management MoI	13,765,500.00	SEK	Started	Sweden
Strengthening of Laboratory Examinations and Crime Scene Investigations in the Serbian Ministry of Interior's Criminal Technical Centre in Užice	4,300,000.00	NOK	Started	Norway
2012 Home Affairs				
Development of the Ministry of Interior of the Republic of Serbia 2012-2014, phase 2	31,100,000.00	SEK	Started	Sweden
Police affairs	1,544,800.00	EUR	Finished	OSCE - Organization for Security and Cooperation in Europe
Police reform and migration management	3,910,000.00	EU	Contracte	European Union

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Regional Housing Programme (Sarajevo Process) 2nd phase	74,700,000.00	EUR	Started	European Union
Regional Support for Inclusive Education	4,645,650.00	EUR	Started	European Union
Support for gender mainstreaming in policing practices in SEE	100,000.00	USD	Started	UNDP
Support for improvement of the living conditions of forced migrants and closure of Collective Centres	15,200,000.00	EUR	Contracted	European Union
Witness Protection in the Fight against Organised Crime and Corruption (WINPRO II)	7,000,000.00	EUR	Started	European Union
2007 Legal and Judicial Development				
Consolidated free legal assistance	50,000.00	EUR	Finished	Spain
Improvement of efficiency and transparency of judiciary system	3,000,000.00	EUR	Started	European Union
Improvement of Penalty System	5,000,000.00	EUR	Started	European Union
Improving the delivery of Justice in the courts in Serbia	1,128,570.00	EUR	Finished	Norway
Juvenile Justice and protection of children from violence, abuse and neglect	573,000.00	EUR	Finished	UNICEF - United Nations Children Fund
Legal Aid	8,832,000.00	SEK	Finished	Sweden
Legal and Judicial reform	1,012,939.00	EUR	Finished	OSCE - Organization for Security and Cooperation in Europe
PMT Free Legal Aid	350,000.00	SEK	Finished	Sweden

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Standardised System for Education and Training of Judges and Prosecutors	2,000,000.00	EUR	Finished	European Union
Support to establishment of efficient and objective system for election and education of judges	170,000.00	EUR	Finished	Spain
Support to the Establishment of the Ombudsman Office	1,000,000.00	EUR	Started	European Union
UNDP Regional Roma	8,290,227.00	SEK	Finished	Sweden

2008 Legal and Judicial Development

AGREEMENT ON DONATION BETWEEN THE OFFICE OF THE RESIDENT LEGAL ADVISOR, U.S. EMBASSY BELGRADE AND BELGRADE DISTRICT COURT /ORGANIZED CRIME DEPARTMENT	6,700.00	USD	Finished	United States
American Bar Association's Central European and Eurasian Law Initiative	900,000.00	USD	Finished	United States
Capacity building for suppression of cyber crime in Serbia	100,000.00	EUR	Finished	Spain
Commercial Court Administration Strengthening Activity	727,941.00	USD	Finished	United States
Fight against Corruption	2,500,000.00	EUR	Started	European Union
Fight against organised crime, in particular illicit drug trafficking, and the prevention of terrorism.	2,500,000.00	EUR	Finished	European Union
Improvement of Transparency and Efficiency (Prosecutors and Penal System)	4,500,000.00	EUR	Started	European Union
Improving the delivery of Justice in the Courts in Serbia – phase II	749,860.00	EUR	Finished	Norway
Justice Sector Reform - (Multi-Donor Trust Fund)	600,000.00	CHF	Finished	Switzerland

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Multi Donor Trust Fund for Justice Sector Support in the Republic of Serbia	107,622.00	EUR	Finished	Norway
Political Processes Program	5,823,335.00	USD	Finished	United States
Regional support to strengthen the Southeast European Cooperative Initiative (SECI) Centre / SELEC for combating trans border crime.	1,500,000.00	EUR	Finished	European Union
Separation of Powers Program	5,458,000.00	USD	Finished	United States
Strengthening the capacity of judicial institutions in Serbia to deal with war crimes	878,102.00	EUR	Started	Netherlands
Support to Belgrade District Court- Security Equipment	20,000.00	USD	Finished	United States
Technical Assistace and Advisory Services for the Legislation Reform, phase IV	2,200,000.00	EUR	Started	Germany
U.S. support to combat organized crime	64,172.00	USD	Finished	United States
U.S. SUPPORT TO PROSECUTORS' ASSOCIATION OF SERBIA	9,000.00	USD	Finished	United States

2009 Legal and Judicial Development

Capacity building of the Directorate for Confiscated Property and improving the system of Criminal Asset Confiscation	2,500,000.00	EUR	Started	European Union
Combating Gender Based Violence	7,000.00	USD	Started	UNDP
Computer equipment for anti corruption departments	36,640.00	USD	Finished	United States
Computer equipment for Prosecutors Association	6,889.00	USD	Finished	United States
Cooperation in Criminal Justice: Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO).	4,000,000.00	EUR	Started	European Union

Economic Justice for Poor	20,000.00	USD	Finished	UNDP
Establishment of efficient and functional mechanisms for mutual legal assistance in the Republic of Serbia	100,000.00	EUR	Finished	Netherlands
Free Legal Aid MDTF	31,000,000.00	SEK	Started	Sweden
Improving the delivery of Justice in the Courts in Serbia - 3rd phase	771,305.00	EUR	Finished	Norway
Justice Sector Support Programme through Multi Donor Trust Fund	800,000.00	GBP ¹⁵	Finished	United Kingdom
Multi Donor Trust Fund - support Serbia's justice sector	31,000,000.00	SEK	Started	Sweden
Multi Donor Trust Fund for Justice Sector Support in the Republic of Serbia	250,000.00	EUR	Finished	Norway

2010 Legal and Judicial Development

Economic Justice for Poor	95,150.00	USD	Finished	UNDP
Fight against organised crime and corruption: Strengthening the Prosecutors' Network	5,000,000.00	EUR	Started	European Union
Further Alignment of Penalty system of Republic of Serbia with EU standards and strengthening alternative sanction system	5,500,000.00	EUR	Started	European Union
Improving delivery of Justice in Serbia	33,000,000.00	NOK	Started	Norway
Regional Cooperation in Criminal Justice: Strengthening capacities in the fight against cybercrime	2,500,000.00	EUR	Started	European Union
Support to Serbian government in combating corruption and implementation of the Anticorruption strategy	225,900.00	USD	Finished	UNDP

2011 Legal and Judicial Development

Strengthening the rule of law in Serbia	9,750,000.00	EUR	Started	European Union
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¹⁵ 1 GBP = 1.18 EUR

Support for the implementation of strategies for IDPs, refugees and returnees	7,000,000.00	EUR	Started	European Union
Support to Anti-corruption Efforts in Serbia	20,462.00	USD	Finished	UNDP

2012 Legal and Judicial Development

Embassy fund for civil society organizations in 2012 - legal development sector and anti-corruption	6,511,000.00	NO K	Started	Norway
Embassy fund for small scale projects in 2012 - judicial reform and anti-corruption sector	2,483,000.00	NO K	Started	Norway
Improvement of the quality and capacity accommodation of the Penal and Correctional Facilities in the City of Valjevo	25,000,000.00	NO K	Started	Norway
Rule of Law and Human Rights	1,038,000.00	EUR	Finished	OSCE - Organization for Security and Cooperation in Europe
Support to the Rule of Law System	13,600,000.00	EUR	Contracted	European Union

Annex 3: The evaluation questions

Criteria group Relevance (objectives vs needs)

EQ 1. What is the full mapping of EU and other donors' support in the Sector?¹⁶

EQ 2. How effectively have priorities and needs of Serbia been translated into programming of assistance based on the priorities identified in the NPI and programming documents?

SS Q1. How was the path of reforms at the Rule of Law level?¹⁷

SS Q2. The Ministry of Interior approved an Internal Development Strategy, for the period 2011-2016, which mentions the need to fill the gap created by the lack of a comprehensive strategy plan that would set up a framework for development of the ministry of interior, the lack of efficient mechanism for evaluating the quality of the results and the need to define key areas of strategic importance, therefore this strategy needs to be taken into account during the evaluation.¹⁸

Criteria group Efficiency (means vs activities and results)

EQ 3. To what extent has financial assistance been effective in achieving the sector results?

Coherence / complementarity

EQ 9. To what extent were the donors' chosen implementation modalities relevant, efficient, and aligned with each other?

EQ 10. How well were the selected contract linked to other related contracts and whether other contracts could deliver better?

EQ 11. To what extent was the support provided by the EC financial instruments coherent and complementary to the national budget and other donors?

Indicators

EQ 12. Have suitable and appropriate indicators been established, allowing for reasonable and efficient measuring of results, outcomes and, when applicable, impacts? If yes, are they SMART? Which better indicators can be proposed (including baselines and targets) at sector and policy objectives level?

EQ 13. Are the indicators in line with the over arching sector strategies and policy priorities?

Visibility

EQ 16. Has the EU assistance achieved maximum visibility? Did the implemented visibility activities succeed in convey the key strategic messages justifying the delivered assistance?

IT solutions

SSQ 3. In how far has the EU support ensured that IT systems in the judiciary are interconnected? Are they used, reliable, performing properly and contributing to efficiency? (i.e., facilitate exchange of information between databases and allows to track cases from law enforcement, judiciary to penitentiary based on a single case number)

SSQ 4. Why the software's have been changed so often? Have the relevant ministries (and other relevant institutions HJC, SPC, prisons, courts ...) a clear picture of their needs (software and hardware). How much budget is needed? When the ICT Strategy is going to be finalised, adopted? Is it of quality (taking the right questions, providing concrete next steps and measurable results? What is the link with the national budget (co-financing) for licences, maintenance, help-desks...?

Multi-Donor Trust Fund

SSQ 8. How the role of Multi Donor Trust Fund can be improved?

Criteria group Effectiveness (results vs immediate objectives)

EQ 4. Were the immediate and intermediate results delivered by the evaluated assistance translated into the desired and expected impacts? To what extent did they contribute to achieve the strategic objectives and priorities linked to reconstruction and reconciliation? Can impacts be sufficiently quantified?

¹⁶ It is not strictly an evaluation questions, rather an issue that might related to evaluation

¹⁷ The same as above.

¹⁸ The same as above.

SSQ 7. To what extent has EU support been used to effectively drive forward reforms by the authorities?

Criteria group Impact (immediate objectives vs sectoral objectives)

EQ 6. What was the impact of the assistance? Were the additional (negative or positive) impacts?

EQ 8. Were there elements which could hamper the impact and/or sustainability of assistance? If yes, what measures were or could be undertaken to prevent negative effects of such elements.

Corruption

SSQ 5. In How far has EU and other donor support for the fight against corruption led to concrete results in reducing corruption in Serbia?

Human and Minority Rights

SSQ 6. How far has EU and other donor support in the field of human and minority rights led to the improvement in their protection and promotion?

Crimes

SSQ 9. How effective has EU support been in reducing all types of crime in Serbia

Criteria group Sustainability

Sustainable administrative and institutional capacity

EQ 5. Were the achieved results sustainable, especially in terms of retaining improved administrative capacity and maintenance of provided investment?

EQ 14. Has sustainable capacity been created in the beneficiary institution to manage policy challenges and future assistance?

EQ 15. Was the institutional framework adequate to deliver programmes in a sustainable manner?

Sustainable Impacts

EQ 7. Were the identified impacts sustainable?

Lessons Learned and Recommendations

1. Which lessons can be learned for the implementation of assistance?
2. Which had been the weaknesses and strength of assistance?
3. Could financial assistance have been better coordinated / aligned with reforms to improve effectiveness, impact and sustainability?
4. Which type of assistance and reforms achieved the most sustainable results under provided assistance and the reasons behind that?
5. What are the needs of the sectors not covered so far by the assistance?
6. What are the potential future needs that need to be addressed by the new financial perspective 2014-2020

Annex 4: Sample of projects to be evaluated

Some interventions, though grouped under one heading may consists of several projects.

1. Justice Sector Reform - (Multi-Donor Trust Fund) ¹⁹	3,400 000.00	EUR	Different	Multi
2. Separation of Powers Program	3,781,136.00	EUR	Finished	United States
3. Further Alignment of Penalty system of Republic of Serbia with EU standards and strengthening alternative sanction system	5,500,000.00	EUR	Started	European Union
4. Fight against organised crime and corruption: Strengthening the Prosecutors' Network	5,000,000.00	EUR	Started	European Union
5. Project against Money Laundering and Terrorist Financing in Serbia	2,000,000.00	EUR	Started	European Union
6. Support to the implementation of legal reforms in Serbia, phase 1 (2011-2013) by GIZ ²⁰	2,800,000.00	EUR	Started	Germany
7. Improvement of Transparency and Efficiency (Prosecutors and Penal System)	4,500,000.00	EUR	Started	European Union
8. Capacity building of the Directorate for Confiscated Property and improving the system of Criminal Asset Confiscation	2,500,000.00	EUR	Started	European Union
9. Improvement of efficiency and transparency of judiciary system	3,000,000.00	EUR	Started	European Union
10. Standardized System for Judiciary Education and Training	1,450,000.00	EUR	Finished	European Union
11. Supporting access to rights, employment and livelihood enhancement of refugees and IDPs in Serbia	4,600,000.00	EUR	Unclear	European Union
12. Implementation of the Serbian Integrated Border Management Strategy	1,500,000.00	EUR	Finished	European Union
13. Judicial Reform and Government Accountability Program JRGA	4,534,431.00	EUR	Finished	United States
14. Improving the Delivery of Justice in the Courts in Serbia (by Improvement the Juvenile Justice System)	600,000.00	EUR	Started	Norway
15. Human Rights and Protection of Minorities	1,500,000.00	EUR	Started	European Union
16. Police Reform: Internal Affairs (it is not fully clear if this is the project referred to in the ToR Twinning on Policy reform Internal Affairs on the Police (2009-2011, value 850,000 EUR)	1,000,000.00	EUR	Finished	European Union
17. Establishment of Efficient System for Prevention and Suppression of Illegal Migrations on the Territory of the Republic of Serbia	5,000,000.00	EUR	Started	European Union
18. Improvement of Penalty System	5,000,000.00	EUR	Started	European Union

¹⁹ Some parts of the Multi Donor Trust Fund will be evaluated

²⁰ Could not find this project in ISDA CON

19. OSCE activities (for comparing different modes of assistance)			Ongoing	OSCE
TOTAL	49,665,567.00	EUR		

Overall value of the projects under evaluation is 49,665,567.00 EUR which compared to total for the Rule of Law Sector during 2007-2011 donor budget years (131.29 mln. EUR) accounts for 37,9% of the overall grant.

Annex 5: Interviews

Meetings, APRIL 2013		
19 April, 2013 Friday		
Time	Name / Agency	Meeting place/contacts
10:00 DE; TK	Mr. Marko Jovanovic Surveys	Belgrade City Conference Room
DE; TK	Mr. Slobodan Ljubisici IT expert	Café Monument
22 April 2013, Monday		
11:00 DE	Mr. Halvor Gjengstø Programme Manager "Improving the delivery of Justice in Serbia" Norway	Genex Apartmani in New Belgrade Vladimira Popovica 6, suite B 10 Tel.: +381 11 711 87 82 Fax.: +381 11 711 87 81 Mobile: +381 63 10 67 939 e-mail: halvor.gjengsto@img.int-org
14:00 DE	Mr. David Perry Key Expert EU Project Strengthening the Alternative Sanctions System in Serbia GIZ RS	Kneza Milosa 16/VI 11000 Belgrade Serbia T: +381 11 26 42 132 M UK: +44 7919 575 392 M: +381 63 861 7417 F: +381 11 26 42 587
16:00 DE, TK, BM	Ms. Danka Vasic Head of the Department for preparation of projects in the area of judiciary and public administration Ministry of Justice and Public Administration Sector for European Integration and International Projects	Birčaninova 6 11000 Beograd Tel. +381 11 3622 248 email: danka.vasic@mpravde.gov.rs web: www.mpravde.gov.rs
23 April 2013, Tuesday		
8:30 DE	Mr. Halvor Gjengstø Programme Manager "Improving the delivery of Justice in Serbia", Norway	Genex Apartmani in New Belgrade Vladimira Popovica 6, suite B 10 Tel.: +381 11 711 87 82 Fax.: +381 11 711 87 81 Mobile: +381 63 10 67 939 e-mail: halvor.gjengsto@img.int-org
12:00 DE, BM	Mr Milan Tanasković, MOJPA	Nemanjina 22-26, 2 nd floor, office number 6
24 April 2013, Wednesday		
9:00 DE	with Mrs Ines Cerović Juvenile Justice Reform component "Improving the delivery of Justice in Serbia", Norway	Genex Apartmani in New Belgrade Vladimira Popovica 6, suite B 10 Tel.: +381 11 711 87 82 Fax.: +381 11 711 87 81 Mobile: +381 63 10 67 939 e-mail: halvor.gjengsto@img.int-org
10:00TK	Mr Gianluca Vannini, Ms. Maria Matic,	Delegation of the European Union,

	Ms. Marzia Palotta	Republic of Serbia address: Vladimira Popovica 40, New Belgrade, Belgrade tel: +381 11 3083 200 tel direct: +381 11 3083 298 Fax: +381 11 3083 201 e mail gianluca.vannini@eeas.europa.eu
10:00BM	Mr. Marjanovic , Head of IT Department of the Prison Administration, MOJPA	MOJPA, Nemanjina 22-26, MOJPA
25 April 2013, Thursday		
10:00TK	Ms Ida Ristic, Ministry of Interior	Kneza Milosa 86a
10:00DE, BM	Mr Bojan Perovic, MOJPA IT department	Nemanjina 22-26
11:30TK	Ms Ana Petrovic, Mr Milos Oparnica Assistant Minister, Head of Internal affairs sector, Ministry of Interior	Bul. Zorana Djindjica 104, New Belgrade
12:00 DE	Mr Milan Delić Government of the Republic of Serbia European Integration Office Sector for Planning, Programming, Monitoring and Reporting on EU Funds and Development Assistance	Nemanjina 34, Beograd Tel: + 381 11 3061 220 Fax: + 381 11 3061 110 E-mail: mdelic@seio.gov.rs Web: www.seio.gov.rs
12:30TK	Ms Tanja Milutinovic, Chief of Crime Intelligence Section, Ministry of Interior, Ms Jelena Vasiljevic, Assistant of Director of Border Police Directorate, Department for Suppression of Cross Border Crime and crime Intelligence	Bulevar Mihajla pupina 2, New Belgrade, Tel/fax- +381113139611, Cell- +381648924402
14:00 DE, BM	Mr Rob Force, Ms Milena Zivkovic, USAID	Caffe Monument, Admirala Geprata street
15:00 TK	Mr Dejan Trifunovic Border Police Directorate Mol, Republic of Serbia	Bulevar Mihajla pupina 2, New Belgrade, +381 11 3008 220 +381 64 892 1315
26 April 2013, Friday		
9:00 DE, BM	Ms Majda Krsikapa, High Judicial Council, Ms Jelisaveta Čolanović, Supreme court of Cassation	Resavska 42
10:00TK	Ms Marina Cremonese Representative of Danish Refugee Council	Danish Refugee Council, Sindjeliceva Street 18, Office number: 011 3443574
12:30 DE; TK; BM	Mr. Backovic, Assistant Minister in Ministry of Justice and Public Administration	MOJPA, Bircaninova st 6, II floor, office 5.
15:00BM	Ms Saskia Devries	saskia.devries@rjt.gov.rs
29 April 2013, Monday		
9:00 BM	Mr Branko Stamenkovic, Republic Public Prosecutor's Office International Affairs and Legal Assistance Department Head of the Special Prosecutor's Office for High-Tech Crime	Nemanjina 22-26, 7th floor, B wing, office number 9 Office: +381.11.363.1184 Direct: +381.11.363.1774 Mobile: +381.64.832.40.57 branko.stamenkovic@rjt.gov.rs
10:00TK	Mr Milos Marojevic Independent advisor	Office for human and minority rights Address:11 070 Beograd, Bulevar

	Head of Group for implementation of EU funded projects Office for human and minority rights	Mihajla Pupina 2, East side, office number 554 phone: +381 11 22 50 646 mob phone: +381 62 80 55 034 fax: +381 11 21 42 021
11:00BM	Mr Aleksandar Vujičić Director Ministry of Finance and Economy Administration for the Prevention of Money Laundering www.apml.org.rs	Ministry of Finance and Economy Masarikova 2, Belgrade Tel: +381 11 2060151 Fax: +381 11 2060150
12:15BM	Ms Biljana Pavlović, Director of the Directorate for management of seized and confiscated assets , Mr Vladimir Čeklić, Directorate for management of seized and confiscated assets, MOJPA	Directorate for management of seized and confiscated assets, MOJPA Addres: Nemanjina 22-26 Telephone: +381113616-572 biljana.pavlovic@mpravde.gov.rs v.ceklic@mpravde.gov.rs
14:00BM	Dr. Mike FALKE, Project Leader, and Jan FLASCHE, legal expert GIZ, Legal reform in Serbia	Giz premised in New Belgrade
15:00TK	Ms Svetlana Djukić	Delegation of the European Union, Republic of Serbia Addres:: Vladimira Popovica 40, New Belgrade, Belgrade tel: +381 11 3083 200 tel direct: +381 11 3083 275 Svetlana.DJUKIC@eeas.europa.eu
16:00BM	Ms Marija Mitic EEAS	Delegation of EU, Republic of Serbia, Addres: Vladimira Popovica 40, New Belgrade
30 April 2013, Tuesday		
9:00TK	Ms Jelena Marić, Councellor for planning and preparation of EU funded projects Commissariat for Refugees and Migration of the Republic of Serbia	Commissariat for Refugees and Migration of the Republic of Serbia, Addres: Narodnih heroja no. 4 Street, Tel:+381 11 312-9590 Mob: +381 64 828-1637
9:00BM	Ms Dragana Lukic, JRG	Cara Urosa 9, Telephone +381654081975
10:00TK	Mr Sinisa Bralic Head of Socio Economic and Public Administration Reform Department EPTISA Regional Office for SEE	EPTISA Regional Office for SEE Dubljanska Street 8, Belgrade (Republic of Serbia) Tel.: +381 11 2400 222 / 211 / 233 Fax: +381 11 2400 111 (or +34 91 182 02 22) Mob.: +381 63 224 916 e-mail: sbralic@eptisa.com Skype ID: Sinisa_Bralic www.eptisasee.com
11:00BM	Ms Teodora Lukovic Local Project Officer Project against Money Laundering and Terrorist Financing in Serbia (MOLI Serbia) Council of Europe	Council of Europe Blue Center, Block 26, Building B 3 Spanskih boraca Belgrade Serbia Tel. +381 11 71555 20 Mob:+381 69 157 1356 Email: teodora.lukovic@coe.int

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Meetings, MAY 2013		
Time	Name / Agency	Meeting place/contacts
8 May, 2013 Wednesday		
9:00 DE	dr Milan Stevovic, Director Prison Administration, Chairman of Project Steering Committee	Nemanjina 22-26, 2 nd floor, wing D, office number 2
9 May, 2013, Thursday		
9:30 DE	Ms Dragana Lukić, JRGA, USAID project	Cara Urosa 9, Telephone +381654081975
16:30 DE	Mr G.A.Koukoulas, MSc, PMP, Senior IT consultant, Project manager-Improvement of transparency and efficiency (prosecutor and penal system)	ComTrade d.o.o. premises in New Belgrade with address: Savski Nasip 7
10 May, 2013, Friday		
10:00 DE	dr Zoran Stevanovic, Research Fellow at the Institute for Criminological and Sociological Research (former former Director of Prison Administration), member of PSC	Institute for Criminological and Sociological Research, Gračanička 18 Tel. 0642301730, e-mail: zoranstev_iksi@yahoo.com
13 May, 2013, Monday		
15:00 DE	Mr Dragan Obrenović, IT specialist MDTF contractor	Telephone- +381652226248
14 May, 2013, Tuesday		
14:00 DE	Mr Nikola Vojnović, Mr Milan Nikolić, Mr Slobodan Šarić, SPP USAID project	SPP USAID, Prote Mateje 26, Belgrade, N.Vojnović phone number +381628830142
16 May, 2013, Thursday		
10:00 DE	Ms Nataša Novaković, Mr Sinisa Milatovic OSCE	OSCE Mission, Španskih boraca 1, 2 nd floor
17 May, 2013, Friday		
9:30 DE	SEIO Mr Luka Pivljanin, Mr Milan Delic, Mr Milos Golubovic EU Delegation Mr Konstantinos Soupilas Government of the Republic of Serbia European Integration Office Sector for Planning, Programming, Monitoring and Reporting on EU Funds and Development Assistance	Nemanjina 34, Beograd Tel: + 381 11 3061 209 Mob: +38164 823 62 85 Fax: + 381 11 3061 110 E-mail: lpivljanin@seio.gov.rs
11:00 DE	Mr Roger McGarva, Team Leader, Strengthening the Alternative Sanctions System in Serbia, GIZ	Kneza Milosa 16/VI 11000 Belgrade Serbia

		Tel. +381 11 26 42 132 e-mail: roger.mcgarva@giz.de
20 May, 2013, Monday		
10:00 DE	Mr Nenad Vujić, Judicial Academy, director	Judicial Academy, Karadjordjeva 48 Telephone: +381631211219
12:00 DE	Mr Srdjan Svirčev, World Bank	Mr Svirčev office, Telephone: +38163257642
14:00 DE	Dr Milan Škulić, Law Professor, Alternative sanctions Project Expert and Member of MoJ Working Group on Law on Probation	Telephone number: +381653594555

Annex 6: Evaluations per Project

Project Title	Multi-Donor Trust Fund for Justice Sector Support in Serbia (TF071444)
Project Area	Serbia
Budget	Circa USD 8.7 million
Funding	(Multiple Donor Countries ²¹)
Implementation	World Bank (Hybrid facility executed jointly by the World Bank and Serbian Ministry of Justice and Public Administration)
Duration	2008-2011 (extended to 31 Dec 2015) ongoing

Short description

The main development objective of the Trust Fund is “Facilitation of the acceleration of Serbia’s European Union integration process pertaining to Justice Sector”. The Trust Fund was created as a vehicle to pool donor contribution in order to finance a coordinated work programme to support the Ministry of Justice (later, Ministry of Justice and Public Administration (MOJPA)) and other justice sector institutions on the implementation of the priority reforms. It was established with as a quick fix resource for dealing with a variety of issues.

Relevance

The idea behind establishing such a Trust Fund seemed to be a sound one, however, from the point of view of this evaluation, the Fund’s mode of assistance is well designed for delivering high quality short - medium term outputs but rather weak in safeguarding their longer term applicability and sustainability. Ultimately, the ownership and sustainability of the results depends on the Client (MoJPA and Judiciary) however, due to objective reasons, similar quick fix funds would function sustainably only in such environments where each and every action financed under a fund is unquestionably subdued to a stable overarching strategy which safeguard their applicability. Whereas in Serbia the Rule of Law Environment is particularly volatile and instable, therefore having a quick – fix trust fund in this environment can be questioned. The Trust Fund has been trying to mitigate the instability of the political environment by choosing to finance such activities that are valuable in itself – for instance, *A justice sector Public Expenditure and Institutional Review, A baseline survey of the experience and perception of justice sector performance by justice sector users and the general public; Analysis of the Criminal Chain Process, Development of the Information and Communication Technology (ICT) Strategy*, etc. However, in many instances, the application of the findings of these analysis will depend on political will that is beyond the reach of influence of the Trust Fund.

Efficiency

The evaluation has too little information on comparative price level and practices in the field for weighting cost efficiency of each deliverable. However, the time spend in delivering of some of the outputs has been extended by 2 or even 3 times over the original plan. The delays are explained by a lack of MoJPA’s absorptive capacity and experience in managing

²¹ In 2013 EU Delegation in Serbia will contribute to the Trust Fund from IPA. The total EU contribution will be EUR 2 mln.

projects. On one hand this feature of the Trust Fund to postpone the delivery of the results due to political instability has been named as advantage over other modes of assistance because it allows for picking up of the deliverables after some time, instead of closing the project with half-finished results. At the same time a flexible approach to deadlines can be seen as Fund's weakness in terms of cost efficiency, because delays in delivery mean inflated costs (in terms of actual spending, and also in terms of beneficiary staff input in time and efforts, lost momentum in progressing with application of the findings, etc.)

For instance, according to the ToR the ICT strategy should have been prepared in 32 weeks (8 months), however, it has been under development since 2011 and has not been completed as of the time of this evaluation. The ICT strategy by its nature deal with technical issues, therefore connecting the delays with changed political leadership at the ministry cannot be a reason to cause such long delays.

Effectiveness and Impact

The Fond is accountable for the delivery of the outputs rather than their application (outcomes). In this respect there is little evidence in the MTRF reporting regarding to what extent the financial assistance has been effective in achieving sector results (outcomes).

The outcome indicators for the Development Objective - Facilitation of the acceleration of Serbia's European Union Integration process pertaining to the justice sector - are the following²²:

1. Updated National Judicial Reform Strategy (NJRS), Implementation Plan and NJRS results framework together provide a satisfactory basis for tracking and reporting progress on justice sector performance.
2. Period Stakeholder surveys show improved private sector and public ratings for justice sector efficiency and performance
3. Increasing share of justice sector ODA is on budget
4. Strategic outreach and monitoring and evaluation (M&E) arrangements are institutionalised so as to track and report justice sector reform progress and impact.

As it is highlighted in Sectoral Conclusions, in order to achieve non-reversible progress with Separation of Powers principles and effectively stabilise the work of the Judiciary, national agreement and goodwill of all political powers in the country is needed first, rather than donor assistance and know-how in how to achieve this result.

A lot of outputs delivered by the Fund have a lot of potential being effective provided the findings will be used at the policy decision makers (for instance, with regard to monitoring and evaluation - tracking and reporting on the progress in justice sector reform processes, analysis of the Criminal Chain Process, ICT strategy for Justice Sector, following up to the perception survey from 2010, etc.)

Overall, the internal indicator system used to monitor the deliverables are mostly related to process (strategy developed, analysis completed, etc.) which does not allow to verify the level of effectiveness of the outputs. See more comments on indicators in Section 5.

Sustainability

As it has been mentioned under relevance, the design of this Fund is firstly aimed at quick fix of the current needs rather than sustainable long term capacity building. Judging from multiple examples in other countries, it is unsustainable to replace the lacking human resources by outsourced consultants. Typically, technical services should be commissioned with regard to

²² Following Multi Donor Trust Fund for Justice Sector Support in Serbia (TF071444) Annual Report 2011.

such activities that the beneficiary institution cannot possess and is not planning to develop in the future (for instance, ICT services, or commissioning other highly technical studies or analysis). Some of the consultants working in the MoJPA now (i.e., EU Integration, International Cooperation, Justice Sector Policy) are essentially replacing MoJPA civil servants which is undesirable practice from the point of view sustainability. At the same time, the evaluation understands that the MoJPA, especially in the beginning of negotiations process, may need to have some outsourced competencies with regard to particular EU / International Cooperation fields.

Recommendations in connection to this project: Wage fund compensation rather than outsourcing consultants

The evaluators understand that the outsourced consultants in the MoJPA have their contracts concluded by the end of the MTRF period, so there is little room for recommendations in this case. However, for the future the donors may choose to apply practices of Structural Funds rather than using classical Technical Assistance modality when wanting to ease the financial burden of local beneficiaries due to increased work scope because of EU accession process. Namely, the donors may agree to compensate wage fund (to some agreed share of even by 100%) for those positions of the beneficiary staff whose duties directly relate to accession tasks. The crucial difference compared to running Technical Assistance scheme is that all beneficiary staff must be employed by the Ministry and their wages must be of the same level and structure as for other civil servants employed by the Ministry. This way there will be no gap in treating of employees as civil servants and others – as outsourced experts when they essentially perform daily tasks assigned to a position description. Secondly, compensation of the wage fund does not create difficulties in sustaining experienced staff within the civil service which will be a great problem when having to persuade the outsourced consultants to join the administration when their TA contracts expire.

Project Title	Separations of Powers Programme
Project Area	Serbia
Budget	USD 10,468,559.00
Funding	USAID
Duration	2008-2013 ongoing

Short description

The Separation of Powers Programme (SPP) is for helping Serbia to move closer to European Union accession by strengthening the division of power and authority more equally among Serbia's three branches of government. The work plan includes three tasks – judiciary capacity (Task 1, ongoing until August 2013), court administration (Task 2, ongoing until August 2013), parliament capacity (Task 3, finished in 2011). The evaluation focused on two components related to judicial reform.

Relevance

The USAID programme differs from the EU IPA because of this length (the programme is of 5 years) and flexibility (it can be adapted to changing circumstances through its annual work plans). These two factors give this mode of assistance a significant advantage when operating in a rapidly changing and volatile environment such as Rule of Law sector in Serbia. Moreover, the USAIP programme probably has a system of SMART indicators of achievement (the so-called performance based indicators) which can target performance objectives rather than barely fix procedural milestones.

Yet another distinct advantage of this particular SPP programme (in connection to Task 1 and Task 2) were its target - practical issues down at courts' level of involvement rather than political strategy/decision makers level, which helped the project to progress even in very unstable environment.

Efficiency

The SPP focused its attention to local counterparts in the judiciary which are much less targeted by other donors compared to the central decision makers. This was a positive factor for efficient cooperation and practical bottom up changes in the selected courts. Following indirect opinions of the stakeholders, the beneficiaries see the USAID projects as more efficient in reallocating their budgets for items that were not envisaged in the programming documents. The EU projects usually are more rigid with regard to eligibility of spending.

Effectiveness

Overall, the project has a very sound approach in reduction of the backlog. The major practical achievement of this project is a state of the art system for budget preparation to all 129 courts in Serbia and the High Court of Cassation. The system is called BPMIS - budget planning and management information system. SPP additionally developed other automated tools (Court Profile Report and Status of Funds Report) which are now generating various reports to help Serbian courts and the High Court of Cassation and which can help the courts to advocate for a fairer and balanced judicial budget before Ministry of Finance.

Impact

The majority of the interviewed parties singled out the USAID SPP as a project which has been able to demonstrate sector level results (reducing back-log of cases). On the other hand, the evaluation itself has not seen any direct monitoring information which could have demonstrated the success of the activities undertaken.

The performance Objectives for the Separation of Powers Programme have concrete goals in mind to be achieved in defined time frame

Task 1 Develop the Judiciary's Capacity to Allocate, Acquire and Manage Resources

No	Performance Objective
1	After four years, the budget and finance office and judicial leaders prepares an integrated budget for all courts
2	After five years, budget and finance staff and judicial leaders deal directly with the Ministry of Finance in budget preparations/negotiations
3	After five years, substantial progress is noted for Factor 10 (Budgetary Input) of the Judicial Reform Index ("the judiciary has a meaningful opportunity to influence the amount of money allocated to it by the legislative and/or executive branches, and once funds are allocated to the judiciary, the judiciary can has control over is own budget and how such funds are expended.")
4	After four years, the judiciary has adopted five – and 10- years development plans.

Task 2 Assist the Judiciary in Making the Administration of Justice more Efficient, Transparent and Responsive to the Needs of its Users

No	Performance Objective
5	After four years, a career track for court managers/administrators is in place, and the authorities have approved a plan for placement of court administrators throughout the court system.
6	After three years, additional trained court administrators/managers are working within the system.
7	After four years, additional trained court administrators / managers are working within the system.
8	After five years, all positions identified in the plan for placement of court administrators have been filled.
9	After five years, the average number of cases pending for more than two years has been reduced, and the average number of cases pending for more than four years in select courts has been reduced.
10	After five years, the average case processing time in selected courts has been reduced
11	After five years, substantial progress in noted for Factor 28 (Case Assignment) of the Judicial Reform Index.
12	After five years, substantial progress in noted for Factor 18 (Case Assignment) of the Judicial Reform Index.
13	After four years, a significantly lower percentage of users of selected courts report offering and paying bribes to the judiciary and court personnel.

14	After four years, and even more after five years, there is greater openness of court proceedings and information about court operations, increased support for judicial independence and reform, and reduced perception of corruption in courts.
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Source: Mid-Term evaluation Report of as of January 2012

The system of performance objectives allows for a very good reflection with regard to the degree of success of the intervention. Indicators reflect on both the immediate and intermediate results (i.e., “trained court administrators are working within the system”) and how they translate into the desired and expected impacts (“average number of cases pending is reduced”) (“lower percentage of users of selected courts report offering and paying bribes to the judiciary and court personnel”).

Currently, the project is finishing a draft of the National Backlog Reduction Strategy (2013-2018), which will be reviewed by the High Judicial Council and Ministry of Justice and Public Administration for further adoption on national level. Primarily, the strategy is based on best practices of 10 SPP partner courts, captured in Best Practices Guide. However, a precondition to efficient court management is central political decision making - having a properly balanced court network with reasoned resource allocation (also taking into consideration case weighting). Whereas it has been repeatedly pointed out that currently some courts are not sufficiently staffed with judges and support personnel while other have adequate resources. Similarly, some courts are in adequate facilities while some are not and have to accommodate the workload demands and personnel.

Sustainability

Sustainability of the impacts is the most challenging to achieve, because it usually depends on central decision makers. With regard to some issues, for instance, adopting long term development plans and making budget proposals in a unified manner and negotiating them directly with Ministry of Finance, the project has progressed significantly and the impacts will likely to be sustained. Politically, however, it is not fully clear if by 2014 the High Judicial Council will be able to have control over its own budget and how funds are expended. At the same time, it should be highlighted that even in this politically complex situation measures implemented by the SPP are appreciated, and the local courts themselves support their continuation, as well as promote the message of their success to other courts.

Project Title	Strengthening the Alternative Sanctions System 10SER/01/06/31/01
Budget	EUR 2 000 000 Service Contract for Strengthening the Alternative Sanctions System (additional EUR 400 000 for extension of 10 months)
Other PF Contracts	EUR 150 0000 Supply Contract for Equipment for tracking of persons under the regime of alternative sanctions
	EUR 800 000 Service Contract For Vocational training of Convicts
	EUR 1 200 000 Supply Contact for Equipment for Vocational Training of Convicts
Funding	EU (IPA 2009)
Duration	September 2011 – July 2014 extended from 24 months to 34 months

Short description

The project aims at more effective management of the medium risk offenders by increased use of Community Sanctions and Measures which include Electronic Monitoring. The project has three components:

- Improve the legal and institutional framework
- Improve methods and increase capacity
- Foster support and understanding

The main project beneficiaries are Ministry of Justice, Directorate for Enforcement of Penal Sanctions, Alternative Sanctions Division, piloted Prison's administrations, also Judicial and Prosecutorial branches.

Relevance

The Project Fiche and Terms of Reference are prepared skilfully, proposing sound methods of interventions. However, it is a standardised, rather much too over-prescriptive approach on implementing projects on alternative sanctions. Some key results are clearly too ambitious to achieve in the local environment within the given time perspective, for instance, "to have the range of Community Sanctions and Measures operate and managed according to standards set down as European best practice for Service". In the reality, if the project achieved 30% - 40% alignment to standards (and effectively monitored the progress after the end of the project) it would have been a very substantial achievement.

Overall, all the beneficiaries interviewed stated that the project was developed according to their needs. Never the less, at a closer look the original ToR ideas in running some activities should have been modified/removed at a later stage because they were impossible to achieve (for instance, "including NGOs in the offender rehabilitation process before the convicts are released", which is not allowed by law; "developing probation recruitment systems" - have to be run following national requirements) or simply not required because they have been covered by other donors (i.e., participating in drafting of the 2013-2020 Strategy on Further Development of the System of Enforcement of Criminal Sanctions, where the contractor was prepared to give advice on matters related to alternative sanctions, however, the lead partner in strategy drafting was chosen to be the OSCE).

The contractor was also not required to deliver some other results, though they could be implemented and still seem to be very relevant, for instance, developing a business case that could have been used to prove the need to increase the spending on alternative sanctions as it saved the prison department's overall spending in the longer term.

Most importantly, the parties who developed this project did not consider it essential to include any preconditions relating to national administration's capacities to have the staff who were

the main target group of this project (in connection to the effective use of monitoring equipment as well as Commissioner for Community Sanctions). It is fully understandable that national authorities might be challenged in budgetary terms about expand its staffing to the needed levels. Therefore, it is always a sign of poor design if a project is commenced under circumstances which are premature for proper delivery of its activities.

Fortunately for this project, a positive decision was reached at the Directorate for Enforcement of Penal Sanctions with regard to expanding the current 10 positions of the Commissioners by additional 20 ones (information as of May 2013). Besides, the project has been extended by additional 10 months which would allow it to complete the majority of its results (though at additional 20% funding is required).

As a conclusion, though the project is a highly relative with regard to sectoral needs and longer term perspective in developing a sound alternative sanctions system, some key aspects in programming stage are missing, namely setting preconditions for the start of the project and also giving more rights and responsibilities directly to the beneficiary in designing its own indicators of achievement and then being responsible to their implementation together with the contractor.

Efficiency

The EU IPA rules on approving the spending for minor items are much too rigid to be sensible, whereas the ratio of the overall project budget compared to numbers of the direct target group, the recipients of the assistance, is allowed to be very generous.

Also, the policy with regard to procurement of equipment (electronic monitoring) can be questioned. It is an issue of relevance which affects efficiency, because It would have been logical to firstly agree on the effective practices in the use of the electronic equipment and safeguard the employment of the needed number of personnel who will be carrying out the monitoring 24 hours a day, before actually making arrangements for the equipment (purchase of renting).

Effectiveness and Impact

All interviewed parties were positive about the achievements of the project. With some reservations the project will be able to contribute to sectoral objectives in terms of all three components

ToR Goals	Accomplishments
Component 1: Improved legal and institutional framework	Legislation governing the operations of the Alternative Sanctions Department and its institutional status is in line with the standards advocated by the Council of Europe. The Draft law on Probation (submitted for discussion in May 2013) will be largely in line with the standards advocated by the Council of Europe with, with exception of electronic monitoring which is used in a rather more stringent way.)
Component 2: Improving Methods and Increasing Capacity	Results for this component as listed in the terms of reference are too high to be achieved during one project. However, the project has made a contribution towards the goals set
Goals:	Accomplished: 14 offices will be established

The Department has established a national service operating throughout all regions of the Republic of Serbia.

Goals:

The Alternative Sanctions Department operates according to standards set down as European best practice / Community Sanctions and Measures are based on the principles established in the European Probation Rules / The implementation and application of Electronic Monitoring is developed, expanded and fully evaluated in order to make the most effective contribution to the supervision of offenders in the community.

Component 3: Fostering Support and Understanding

Goals:

The judiciary has a clear understanding of and respect for Community Sanctions and Measures and particularly the operation of electronic monitoring.

Other Government Departments play appropriate roles in the rehabilitation of offenders.

Agreements are secured with NGOs to support offender rehabilitation needs.

Community Sanction Measures will enjoy a wider understanding and support from the general public and key interest groups.

another 20 not yet (one for each court centre).

Electronic monitoring will be national, but the monitoring quality can still be questioned

Forecast for achievement:

More practical implementation guidance as well as training of the trainers will be needed to achieve the goals set, if the results are achieved by 20%-30% this will be a good sectoral progress.

Forecast:

The project will be able to contribute to the raised goals to some extent, however the real impacts are not clear. Ideally, the sectoral objectives should include the target on the number of inmate reduction due to widespread use of alternative sanctions. For instance, bring down the number of inmates to 6000-7000²³ (out of current 11000) in 4-5 years, use prison facilities only for those offenders who are more at risk to society.

It will also be crucial to connect planning of the targets to overall budget line for the Enforcement of Penal Sanctions because more spending on alternative sanctions reduce the spending for prisons. In practical terms reduction of spending for institutions (prisons) will be always met with resistance and strong political will will be required to enforce such strategic decisions.

Sustainability

Because of political support at the MoJPA and the Directorate for Enforcement of Penal Sanctions, support of international community and other donors (especially OSCE which has been working in the field for a number of years) the progress achieved in the application of alternative sanctions has some good prospects in terms of sustainability. As of today, the most important issue is to approve the longer term strategy of the Directorate for Enforcement of Penal Sanctions with concrete time bound indicators on inmate levels and move on with its implementation plan.

²³ Or some other practically achievable target.

Project Title	Fight against organized crime and corruption (Prosecutors` Network)
Project Area	Albania, Bosnia and Herzegovina, Croatia, Kosovo ²⁴ , Macedonia ²⁵ , Montenegro, Serbia
Budget	EUR 5 720 000
Funding	EU (IPA 2010) 5 Mio €; Germany 720.000 €
Duration	15 November 2011 – 14 November 2013 (ongoing)

Short description

The project targets the Public/State Prosecutors' Offices of the Beneficiaries and National Contact Points of the Prosecutors' Network of the Western Balkans, as well as Kosovo. Long term experts resident within the region (seconded public prosecutors from the EU Member States) are closely cooperating with the Offices of the General/State Prosecutors in the Western Balkans responsible for international cooperation in dealing with prosecutions and investigations of organised crime, linked cases of economic and financial crime, corruption, and terrorism. The secondment of the long term experts is to be governed by the practical requirements of the needs of the beneficiaries.

The EU seconded public prosecutors provide advisory support, knowledge and expertise in the daily activities of the General/State Prosecutor in the Beneficiaries, thus contributing to the strengthening of international cooperation capacities (set up of joint investigation teams, mutual legal assistance, transfer of proceedings, request of extradition) and to the improvement of professional standards of the General/State Prosecutor's Offices.

There was a similar regional project prior to the existing one also fostering regional cooperation between public prosecutors financed by the EU "Support to the Prosecutors' Network".

Relevance

The project is relevant because its activities are contributing to improved cross-border and international judicial cooperation. They enable the beneficiary countries to investigate and prosecute cross-border crime, in particular organised crime and corruption through the development of the prosecutorial network and joint training activities. The project is also embedded in the priorities of Serbia, as the fight against organised crime and corruption is part of the national strategy on fighting organised crime. In the future it might be considered to merge this network with already existing ones also with the involvement of EU Member States. Access to EUROJUST and European Judicial Network should be supported.

Efficiency

The project is achieving the intended outputs in a timely and efficient manner. Especially the seconded public prosecutor provided valuable input and advice on a daily basis to the Serbian beneficiary. The seconded Public Prosecutor from MS provided advice in 35 cases in the first year of her secondment to the Republican Public Prosecutor Office in Serbia. In most of the cases the advice was to facilitate communication as well as implementation of outgoing requests for international cooperation in criminal matters and tactical advice in organised crime cases, like how to conduct the investigations, if cross boarder aspects are relevant.

²⁴ Under UNSCR 1244/99

²⁵ Former Yugoslav Republic of Macedonia

The project is coherent and complementary to national project, good cooperation with national projects ensured through coordination meeting. As this is a regional project the focus is slightly different than in pure national projects. The main advantages of this project are a peer to peer focus on regional development, due to the fact, that the level of development is different in participating states. This result in an improvement by weak partners so they are guided by the stronger regional partners. Regional projects are less influenced by political actors and no political blockades have been noticed. The creation of an operational regional network is benefitting from experiences from different EU MS. The project was not designed contrary to national budget.

SMART indicators have been developed as an output of the baseline study performed at an initial stage of the project. The project maintains a website respecting the EU visibility guidelines. Flyers and brochures with key messages have been produced and distributed.

Effectiveness and Impact

By the end of the project the operational capacity and capabilities of the State Prosecutors' Office in Serbia to prosecute and investigate cross-border organised crime and linked cases of economic and financial crime and corruption will be improved and strengthened through the advice provided by the seconded public prosecutor as well as the training activities of the project and the institutionalization of the regional network.

The projects activities also have an impact on improved cross-border and international judicial cooperation in Serbia to investigate and prosecute cross-border crime, in particular organized crime and corruption through the strengthening and fostering of the regional network of public prosecutors as well as the training activities implemented.

There are no statistical data available to which extent EU support have been effective in reducing crime. In Serbia like in any other country the increase/decrease of crime is depending of different factors like reporting habits, detection methods, investigation capacities, socio/economic situation etc. which are not directly linked to EU support. Therefore a link between EU support and crime statistics does not really exist.

Sustainability

In terms of financial sustainability, there must be significant efforts put into promoting the need to priorities at the national level the provision of adequate human and material resources to enable the self-sustained continuation of effective international cooperation in criminal investigations and prosecutions upon the action's completion. The regional network of public prosecutors will be sustainable due to the fact that the ties developed will be used after the end of the project. They will be used for joint investigation team and efficient mutual legal assistance. In terms of institutional sustainability, the project suggests concrete measures for organising and managing the Prosecutors' Network effectively with minimal input. The aim is to put the structures in practice in the course of the action, so that the project can accompany the own management of the Network for some time and provide for a smooth transition. As for the structural impact of modernised legislation, implementing regulations, newly established methods etc., their sustainability may be positively impacted by once established good working relationships among the Beneficiaries and with European MS and platforms like EUROJUST. The extent to which relevant international conventions, regional/multi- or bilateral agreements and/or Memoranda of Understanding for regional cooperation are in place will positively impact on the sustainability of the new structures and policies.

Conclusions and recommendations with regard to this project

No	Finding	Recommendation
1	Mostly, the requests for cooperation in criminal matters have to be addressed within the region. The regional network would facilitate this process. There is no real need for the network to be set up by the project. It would be more useful to merge the new network with already existing. The Serbian RPPO was not involved in the design of the project. Enhanced cooperation with surroundings EU Member States is needed.	Merge the network with already existing regional network.
2	A regional project has a lot of partners and beneficiaries resulting in complex project management. Due to the fact that usually there is a central project management unit in one of the countries it is considered as a national project of the country where the unit is located.	To avoid such effects and to increase local ownership decentralised project management might be considered also in regional projects.

Proposal for policy objectives for next MMF

Enhance cross border cooperation and with EUROJUST and European Judicial Network in fighting organised crime and corruption by creating of joint investigation teams when indicated

Proposal for indicators

At least 10 joint investigation teams established for high level corruption cases and organised crime between the regional public prosecutor services by the end of 2017.

Project Title	Improvement of Transparency and Efficiency (Prosecutors and Penal System)
Project Area	Serbia
Budget	EUR 4 500000
Funding	EU (IPA 2008)
Duration	21/05/2012 to 20/11/2013 ongoing

Short Description

The project will develop Standardized Software Application for the Prosecution Organization (SAPO) and Standardized Software Application for Prison Administration (SAPA), and provide training and pilot for the SAPO-SAPA-SAPS Integrated Information Exchange. The project builds on the IPA 2007 project which helped to introduce the case management software SAPS into courts. The currently used systems by the prosecutors are "Libra", in some cases KTX. The use of new software can always come as obstacle for more conservative users who are reluctant to accept a new software. Historically, even with a decree of Ministry of Justice on the use of older version software in all courts of Serbia, the resistance against the system was high, which resulted in the development of new case management software.

Relevance

The intervention logic is clear and realistic. In order to achieve the overall objective to improve the efficiency and transparency of the judicial system by enhancing its overall technical capacity the 3 project results are relevant because the improved statistical data and the information to be obtained via internet are contributing to a more transparent judicial system in Serbia. Through the use of case management software the project will also enhance the efficiency of the prosecutorial offices and the prison management in pilot administrations. This case management system will not only allow the judiciary to tackle the individual case in a more efficient way it will also provide valuable statistical information for the leaders and managers of the administrations allowing them to react fast to avoid back locks and reallocate human and financial resources according the real needs identified by an analysis of the statistical system.

The four-fold Project Purpose and three results with measurable indicators are well developed to contribute to the Overall Objective. Some of the risks linked to the Prosecution Office's weaker absorption capacity materialized and may hamper the timely completion of the project despite risk management measures. The MoJPA, as the main beneficiary, is in charge of coordinating the activities of the Project Organization and Project Administration for this project.

Efficiency

The project will develop case management software for Public Prosecutor and case management software for prison administration for pilot administrations, with 2 central data centres, thus reducing the costs for data server in each administration like the AVP software require. The software will be based on open source software thus enabling the Serbian authorities to maintain and update the software also after the end of the project. The software will be compatible with the 2 software systems which are running for mutual legal assistance and the asset database for confiscated assets; it will be not compatible with the case management software which will be developed for the misdemeanour courts with the support of USAID. It is unclear to which extent it will be compatible with current software applications used in the prison administration and the public prosecutors offices. At the end of the project

the software will only be operational in 13 pilot public prosecutor offices and 12 pilot prison administrations. The roll out to other public prosecutor offices/ prison administrations is not foreseen by this project. Due to the lifecycle of software applications and the unclear funding of the roll out, the software developed might not be used beyond the pilot administrations.

Regarding the prison administration the project will establish efficiently hardware delivered and installed with a central server and documentation centre and software in 12 pilot prisons administrations running by end of June 2013. Until end of July 2013 80 trainers and 500 future users of the software have been trained.

Regarding the development of the case management software for the public prosecutor offices the central data centre is set up; however the software will only be fully operational in 13 out of 67 offices. For the printing of the barcodes around 20 to 30.000 € are needed annually from the national budget, this contribution is not ensured

SMART indicators have been identified in the project fiche allowing assessing the achievements of the results. However it is not clear from the indicators that only some pilot administrations should benefit in full from the output of the project. Visibility is ensured and applied in all outputs/activities of the project.

Effectiveness and Impact

By the end of the project the activities will contribute to the improvement of efficiency of the prosecutorial and the penal systems of the Republic of Serbia by introducing an efficient case management and statistical system at least for the pilot administrations and increasing public access to information in all judicial branches.

The project will allow in the pilot prison administration easily to produce, analyze and access statistical data of the penal system. The project will also have an impact on improved transparency of the prosecutorial and penal systems by enhancing the public availability of data and other information. The project will further contribute to a decrease in the time necessary for the administration of a typical case in prosecutorial offices, thus resulting in an impact for the reduction and avoidance of back-locks in the pilot administrations.

Regarding the prison administration the project will achieve that a unified software is in place at least at the pilot administration and at central level. It will allow a better follow up of prisoners in cases of transfer between two prisons and allow easier communication with other institutions. At the same time it was noticed, that data protection is not yet a real issue within the prison administration.

With respect to the public prosecutor services the web portal is seen as positive to increase transparency and raise awareness. On the other side the case management software for fighting organized crime cases is provided by Italy as bilateral assistance. It is not clear if this software is compatible with SAPA.

Sustainability

It is questionable if IPA programming in this case or donor intervention in general is suitable for IT development in the judiciary, because of the lifetime of software and necessary updates beyond IPA funding. Circa 70 % of IT budget is financed by donors and 30 % by the State budget, which does not seem to be a sustainable solution for IT development. Regarding prison administration, the maintenance and follow up will be secured by IT staff of Prison Administration and also for the Public Prosecutors. Due to the fact that the software developed is open source software, no follow licensing is needed. At the same SAPA does not reflect the requirements of the new Criminal Procedure Code which requires close linkages to the police investigators. It is not clear if the MoJPA will undertake a nationwide deployment of the SAPA and SAPO software to all related sites apart from those selected for deployment under this project within reasonable time. A sufficient number of users/IT administrators will be trained by the project, so the application of the software in daily practice seems to be ensured

however the following has to be also taken into consideration while ensuring sustainability of the project:

1. Establish a Help / Support Desk operating by Ministry of Justice and Public Administration personnel in order to support Public Prosecutor's Office and Prison Administration sites which are using SAPO and SAPA S/W applications.
2. Ensure appropriate funding to Ministry of Justice and Public Administration to support Public Prosecutor and Prison Administration's users as well as to maintain the H/W – System S/W and Applications – so far financing has not been ensured.
3. Ensure appropriate funding for the SAPO and SAPA roll out to the remaining offices – so far, financing has not been ensured.

Recommendations:

Introduction of speed –recognition software in the Serbian judiciary only if already developed in Serbia for commercial purposes.

No more funding of IT solutions by IPA without national co-financing of at least 50 %.

Project Title	Improvement of Transparency and Efficiency
Project Area	Serbia
Budget	EUR 3 000 000
Funding	EU (IPA 2007)
Duration	07/03/2011 to 07/01/2013

Short Description

The purpose of the project was to design, develop and implement a new Standardized Software Application for the Serbian Judiciary (SAPS) for all types of Serbian courts initially used and tested in pilot court administration, in Belgrade and Sremska Mitrovica courts, and training of users for integrated system. The new software application will replace the existing applications in the pilot courts. In most of the courts of general jurisdiction the AVP software is in use. It also included training of users in chosen courts and provision of maintenance services for the implemented courts.

The EU funded case management SENA software was finalized in 2006. However it was never used in the practice of the Serbian judiciary. As obstacle it was stated that the users were reluctant to accept the software. Also there was a degree issued by the Ministry of Justice that the SENA software should be applied in all major courts of Serbia the resistance against this SENA software was high.

Relevance

The project is relevant as it contributes to the improvement of the efficiency and transparency of the judiciary system through the development of a modern statistical and case management system in pilot courts introduced using the unified system of data collection on efficiency of the courts and judges, the change of the practice of courts to improve court efficiency and reduce backlogs and ensuring an adequate level of public access to information pertaining to judicial proceeding and statistics in judicial system achieved in line with best standards and EU practices. This case management system will not only allow in the pilot courts to tackle the individual case in a more efficient way it will also provide valuable statistical information for the leaders and managers of the administrations allowing them to react fast to avoid back locks and reallocate human and financial resources according the real needs identified by an analysis of the statistical system.

Efficiency

The project was efficient by reducing the number of backlogs at courts and shortening the length of proceeding in cases by the development of a Standardized Software Application for the Serbian Judiciary (SAPS) designed for targeted courts and appropriate Business Analysis Report; tested, and its initial release delivered including migrated data from the existing software application, the training of users, system administrators and trainers trained. The SAPS software deployed in the Appeal Courts in Belgrade, Nis, Novi Sad and Kragujevac, in the Supreme Court of Cassation, Administrative Court and Basic and Higher Court in Sremska Mitrovica. Additionally, the user and administration manuals, training materials, detailed functional specification and the data model made in Serbian and delivered to the Ministry of Justice and amendments to the Court Rule Book that support the use of SAPS software drafted and submitted to the Ministry of Justice. The source code of the SAPS software with relevant software documentation was delivered to the Ministry of Justice.

The objectives of the overall solution were to process large amounts of data and documents within a unified information system with guaranteed high quality in minimum time while assuring integrity and security of the system. The new solution enables easier and more efficient handling of court cases. The subject of the project was to implement a new integrated system which would allow the beneficiary to efficiently and economically conduct their business and provide faster information access for end-users in the pilot courts administration. SMART indicators have been identified in the project fiche allowing assessing the achievements of the results. However it is not clear from the indicators that only some pilot administrations should benefit in full from the output of the project. Visibility is ensured and applied in all outputs/activities of the project.

Effectiveness and Impact

The SAPS was developed and implemented into the Supreme Court of Cassation, Administrative court and all its departments, all four Courts of Appeals, High Court in Sremska Mitrovica and Basic court in Sremska Mitrovica.

The following improvements were achieved:

The impact of this project, in addition to increasing the efficiency and transparency of the work in the courts in which SAPS was implemented, is also to, based on hands-on experience and good practice learned during implementation, establish guidelines for further implementation into the all remaining courts of general jurisdiction in the Republic of Serbia .

At the end of the project 9 Courts use SAPS, the remaining 77 courts are using AVP software which requires a server in each court and is therefore costly to maintain, besides statistical reports produced with the old software are not reliable.

As reported backlog of cases only exists at the level of district courts in Serbia. Due to the fact that the project is concentrated only on higher courts the project could not contribute to the reduction of backlogs.

Sustainability

It is questionable if IPA programming is suitable for IT projects, because of the lifetime of software and requested updates. According to unconfirmed information, circa 70 % of IT budget in Serbian judiciary is financed by donors and about 30 % - by the State budget. The national financial part is too small to be a sustainable solution for IT development. Due to the fact that the software developed is open source software no follow licensing needed. SAPS does not reflect the requirements of the new Criminal Procedure Code which requires close linkages to the police investigators. Unclear if the MoJPA will undertake a nationwide deployment of the SAPS software to all related sites apart from those selected for deployment under this project, within reasonable time to achieve the overall objective of the project. A sufficient number of users/IT administrators were trained by the project, so the application of the software in daily practice seems to be ensured.

In order to ensure sustainability the following has to be taken into consideration:

- First level of user support (help desk). Operator's task is to register a call and submit information into the system for tracking claims and requests. If the request is simple enough operators should be able also to resolve it.
- Management of user support consisting of request classification, assignment to appropriate organization or external contractor to resolution and to track resolution progress. Giving the fact that this is a complex system there could be several external contractors for different areas. For example, if network issue is detected, organization for network support or external contractor for network support should be called, but if application issue is detected then Atos should be called.

- Administration and management of hardware-communication infrastructure, first level support to of hardware-communication equipment and contact with external contractor. System and data center monitoring.
- SAPS administration, adjustment and change of registry information, new user set up, user data change etc. Data base monitoring, contact with external contractor for application support (Atos), testing of code delivered by Atos in case of bug fixing or deployment of additional request etc.
- IT operation which consider defining of backup procedures, monitoring air conditioning systems, anti-fire protection etc.

I. Recommendations

- Introduction of speed –recognition software in the Serbian judiciary only if already developed in Serbia for commercial purposes.
- **Introduce a case tracking system that** provides a single, centrally managed case tracking system for use by court staff in civil, family, small claims and criminal cases. It automatically monitors regulated time periods for individual cases as prescribed by the rules; provides an automated index of cases; generates many required forms, notices and court lists; and also provides a calendaring and scheduling tool for trial schedulers.
- **Video conferencing to be available in all Serbian courts of general jurisdiction**
- **Electronic Courtroom in commercial case:** A model electronic courtroom should be created in commercial courts to service a high-volume commercial cases and support large volumes of evidence, electronic evidence presentation and remote witness testimony, particularly in multi-jurisdictional hearings.
- **Introduction of electronic court files**
- **Introduce document cameras:** Document cameras capture paper and other physical evidence and project the image in the courtroom.
- **Provide mobile IT cart:** A portable cart delivers a laptop computer, video projection and playback, audio amplification, a document camera and laser printer
- **Introduce audio amplification for hearing impaired**

Automatic Case Processing – AVP²⁶

which were developed earlier by USAID and World Bank multi donor trust fund

Name	„Automatsko Vođenje Predmeta“ (Automatic Case Processing) – AVP		
Version number			
Date of last change			
Implementation status	Implemented		
Replaced application	Libra, SENA		
Vendor	MEGA		
Business area supported	Management of court cases		
Description	AVP enables management of all types of cases within courts, as well all operations of the court administration. The system is flexible and allows easily creation of new and modifications of existing registries, through parameterization and organization of the system of codes.		
Functionality	<p>Basic operations of AVP are:</p> <ul style="list-style-type: none"> Manage basic information on cases (case number, case type, depending on the registry and the date of receipt). Records of judges who are responsible for the subjects as well as records of all the judges who had previously worked on the case. History of all actions and decisions on the subject. Enabled for the subsequent definitions of new procedures, to respond to changes in judicial practice by the user. Records of the interconnections of the case. Records of participants in the proceedings with all the data. Participants in proceedings are divided into 5 categories: individuals, businesses, lawyers, government agencies and others. Monitoring of court fees to the level of billing, collection and treatment of all the taxes. Scanning of documents in a particular case and creating electronic database of all cases. Word templates for all documents created within the court. 		
Number of users	Approx. 4700 judicial staff, in around 180 different court locations including court units		
User roles	Judges, Judge Assistants, Archive, Registry, Clerks		
Interfaces	To	From	Data transferred
	Central server replication	Central server replication	cases
Application architecture	Web		
Development	Customized application		
Security controls	Username/password, user permissions		
Available documentation	Yes		
Code base ownership / restrictions	Ministry		
Cost			
Current gaps / problems	The solution does not provide sufficient flexibility and robustness to work on a centralised location, that's why it works in a distributed environment (most of the courts have their own servers)		
Quality of data			

²⁶ This is additional background information on the developments in IT solution for Judiciary. It was provided following a comment from one of the stakeholders.

Quality of functions	
Quality of support	
Quality of operations	
Other relevant information	There is possibility that new SAPS system (fully centralized, web-based access) would replace AVP.

Project Title	Judicial Reform and Government Accountability Project (JRGA)
Project Area	Serbia
Budget	USD 21 800 000
Funding	USAID
Duration	03/05/2011 to 02/05/2016 ongoing

Short Description

The JRGA project is designed to improve Serbia's rule of law, judicial efficiency, independence and integrity and the openness and accountability of government operations overall, both for the sake of the people of Serbia, and to help Serbia move closer to EU accession and participation in other Euro-Atlantic institutions, by focusing on the work of Serbia's courts (particularly the misdemeanour courts and the new Administrative Court), Serbia's four Independent Agencies, and the work of other groups and organizations supporting these reforms.

Relevance

The project is relevant because its activities are contributing to improved government operations through efficient, transparent and accountable provision of Government services and strengthened checks and balances. The project develops case management software for the misdemeanour courts. As reported, this software solution is not compatible with the EU funded SAPS program. The missing of local ownership as well as a well coordinated approach in the development of IT solutions for the sector is once again hampering integrated solutions. The project further develops further a database for decisions of administrative courts.

Efficiency

Good cooperation with national projects ensured through coordination meetings. SMART indicators have been developed. The indicators are the number of government/court officials trained per year. The project maintains a website. Flyers and brochures with key messages have been produced and distributed.

Effectiveness and Impact

The project provides a long list of benefits:

- Open hearings of all the Misdemeanour, High Misdemeanour and Administrative courts are the rule rather than the exception, and are dignified, fair, accessible and safe for all participants, including victims of family and domestic violence;
- Cases of all types in all the Misdemeanour, High Misdemeanour and Administrative Courts are resolved more quickly and backlogged cases are resolved within established standards for timely case processing;
- Court costs and fines from all types of cases in all the Misdemeanour and High Misdemeanour Courts are paid on time;
- Courts implement coordinated policies for the handling of cases involving related issues and/or parties, including those pertaining to family violence;
- Judges from all the Misdemeanour and High Misdemeanour Courts show improved performance against Serbian-government-established competency standards ;

- Court users can easily find the information they need about the operations of the Administrative, Misdemeanour and High Misdemeanour Courts;
- The Serbian public receives more positive information about the operations of all the Misdemeanour and High Misdemeanour Courts; and

Sustainability

It is likely that reconstruction of court rooms as well as the training of staff will have a sustainable impact. However, separate misdemeanour courts are not the best European practice, especially in smaller countries like Serbia. In most EU countries these functions are performed by the courts of general jurisdiction. After more considerations it might be considered to integrate misdemeanour courts in the courts of general jurisdiction in Serbia, too.

Project Title	Legal Reform Project in Serbia Phase 1 (2011-2013)
Project Area	Serbia
Budget	2.800.000,00 €
Funding	German Federal Ministry for Economic Cooperation and Development
Implementation	giz
Duration	2011 ongoing

Note: No real project documentation was made available.

Short Description

The project, aims to improve the legislative process in Serbia, implementation of laws and, Compliant implementing and popularizing of legislation along with optimizing the legislative process together constitute three closely interrelated approaches to cooperation with Serbia. Above and beyond consulting on organisational and policy-making issues, the project is especially committed to fostering cooperation with trade associations and chambers of industry and commerce, universities, research and continuing education institutes, media and civil society organisations. Since 2001 giz Legal Reform has had a strong on-site presence in Serbia and is also actively engaged in legal reform activities in other South-East European countries. In Serbia the previous activities concentrated on the establishment of notary services and the drafting of civil and commercial legislation.

Relevance

The project is dealing with systemic reform of the law making process in close cooperation with the government and the parliament, civil society and business community.. During this process Serbia is actively reforming its legal framework and thus contributing to legal predictability and security, especially important for creating enabling economic environment. The project is also embedded in the priorities of Serbia for the alignment with the EU Acquis, like increasing the judicial efficiency through introduction of modern legal professions like notaries and enforcement agents.

Efficiency

Until date the project is achieving the intended outputs in a timely and efficient manner. The project support the legislative Process and intends to improve the legislative process through introduction of modern legislative techniques, the coordination of the participating ministries and institutions as well as by involving representatives and associations from the private sector and civil society. This will provide the Serbian legislators with a modern and up to date tool for legal drafting allowing the involvement of all actors from an early drafting stage. In parallel, project is supporting capacity building of Serbian administration in policy making area, intending to improve capacities of civil servants for drafting and more efficient implementation of laws. Additionally the project will assure that the implementation of systemic laws and legal regulations in the domain of Serbian civil and commercial law complies with EU standards and support Serbia's economic development and integration into the South - East Europe. The activities of the project will strengthen the information flow from the lawmaker to the citizens, especially to the business community: significantly raise the number of business people, representatives of business associations and NGOs that feel sufficiently informed about selected key areas of civil and commercial law through public discussion forums. The project maintains a website, <http://www.legalreform.rs/index.php/en/>. Flyers and brochures with key

messages have been produced and distributed. The project is coherent and complementary to other national project, good cooperation with national projects ensured through coordination meeting.

SMART Indicators have been developed for the three components of the project.

Effectiveness and Impact

So far the project achieved the following results:

- 100 insolvency administrators trained and prepared
- 170 candidates for becoming Private Enforcement Agent trained 66 licensed
- 400 candidates for becoming public notaries trained and prepared
- 700 attendees to 5 European Legal Policy Forums accompanied by extensive media coverage
- 700 copies of the 280 – pages Survey on Serbia's Legislative Process
- 8,500 copies and 11 issues of the journal "Challenges to EU Integration"
- 22,980 page views on the website for public notaries www.beleznik.org
- 25,237 page views on the project's website www.legalreform.rs in 2012
- 159,000 citizens informed with a campaign rising awareness of public notaries in Serbia

Sustainability

It seems that the advice provided will increase the capacity of the Serbian Government in drafting and implementation of legislation in a modern and effective way.

Other Observations:

The introduction of a functioning notary system in Serbia has not been completed. The process started between 2004 and 2007 when all the major aspects for the notary public have been settled. However it looks that there is not enough local ownership to drive the introduction of this new profession in Serbia. Until date the reform process is mainly donor driven.

Meetings have been held with Dr. Mike FALKE, Project Leader, and Jan FLASCHE, legal expert, on 29th April 2013 at 14.00 hrs in the premises of the project.

Project Title	Capacity building of the Directorate for Management of Seized and Confiscated Assets and Support to the Development of the System for Search, Seizure and Confiscation of the Proceeds from Crime and its Key Institutions in Serbia
Project Area	Serbia
Budget	EUR 2 500000
Funding	EU (IPA 2009)
Implementation	Council of Europe
Duration	01/04/2010 to 31/03/2013 finished

Short Description

The project is based on addressing two basic needs: the need to support the functionality of the Directorate for Management of Seized and Confiscated Assets (DMSCA) and the Financial Investigation Unit (FIU), and the need to enable professionals within the Asset Recovery system (namely, the DMSCA, the FIU, prosecutors and courts) to respond effectively to the fight against organised crime in Serbia. The Project supports the commitment of the government to fight organised crime as set out in the Law on Confiscation of the Proceeds from Crime (hereinafter: the Law), and the new Criminal Procedure Code. It is also consistent with the European Union standards, the Stabilisation and Association Agreement and the Council of Europe (CoE) framework. It builds on the results of previous projects funded by the EU and implemented by the CoE. There was no project before supporting directly the Directorate as the the Directorate was established in 2008. The Economic Crime PACO-Serbia project (December 2005 until May 2008) provided support to the legal framework development.

Relevance

The project is relevant because its activities are contributing to democracy and the rule of law by suppressing organized crime and corruption in accordance with EU/international standards and MONEYVAL/GRECO recommendations for the Republic of Serbia. The activities will enable the beneficiary to investigate and prosecute proceeds of illegal activities in a professional manner. The project is also embedded in the priorities of Serbia, as the fight against organised crime and corruption is part of the national strategy on fighting organised crime.

Efficiency

The project has achieved the intended outputs in a timely and efficient manner, by developing the legal framework developed in cooperation with relevant partner institutions, in line with EU/international standards and implemented through multi-agency cooperation.

Effectiveness and Impact

By the end of the project the operational capacity and capabilities of the Directorate for Confiscated Property Management as well as other key institutions involved in the search, seizure, management and confiscation of the proceeds from crime in the Republic of Serbia are enhanced. An increased number of financial investigations and cases completed at the court were noticed. Also the timelines necessary for the completion of financial crime cases at the courts, comparing to previous 3 years decreased and the Directorate for Confiscated

Property Management, police and judicial bodies efficiently implementing new working methods on the daily level without problems.

Sustainability

There is clear recognition and political support to the project's contribution to the Asset Recovery system. The project supports development of its partners to be able to continue and build on the results. The biggest challenge to the project remains the sustainability of institutional capacity development in terms of future budgets for the DMSCA and FIUs. Further support to the capacity of the courts to address asset recovery cases is also needed.

In order to increase the number of cases future training of judges and public prosecutors is recommended as well as an improved international cooperation. Besides, transparent and efficient procedures for managing of confiscated assets should be developed.

Project Title	Project against Money Laundering and Terrorism Financing in Serbia
Project Area	Serbia
Budget	EUR 2 200 000
Funding	EU (IPA 2009) 2,0 Mio €, CoE contribution 200.000 €
Implementation	Council of Europe
Duration	15/11/2010 to 15/11/2013 ongoing

Short description

The project aim is to strengthen the capacities of the Serbian institutions involved in the AML/CTF effort to implement the National Strategy for the Prevention of Money Laundering and Financing Terrorism and fulfil the European Partnership commitments (short and medium term) in line with the Council of Europe's Moneyval recommendations and applicable international standards. Mid-term and long term impact is to effectively limit the level of money laundering and economic crime in Serbia, thus making it a safer place for investment.

The Economic Crime PACO-Serbia project (December 2005 until May 2008) provided support to the legal framework development.

Relevance

The project is highly relevant as it addresses a number of specific issues concerning the control of money laundering and financing terrorism and is the most comprehensive AML project in Serbia to date. Specifically, the Overall Objective and Project Purpose correspond to national measures of the Action Plan on the implementation of the National Strategy on Anti-Money Laundering and Counter Financing of Terrorism and its overall process of implementation. The immediate impact of the proposed project is to strengthen the capacities of the Serbian institutions involved in the AML/CTF effort to implement the National Strategy for the Prevention of Money Laundering and Financing Terrorism and fulfil the European Partnership commitments (short and medium term) in line with the Council of Europe's Moneyval recommendations and applicable international standards. Mid-term and long term impact is to effectively limit the level of money laundering and economic crime in Serbia, thus making it a safer place for investment.

The project has also to provide software for the AML. It is unclear if the software developed within this project is compatible with the SAPS and SAPO software developed by other projects.

Efficiency

Until date the project is achieving the intended outputs in a timely and efficient manner. It seems that the project is well embedded. CoE as an implementer is well accepted and recognized in Serbia. It fits to the National Strategy for the Prevention of Money Laundering and Financing Terrorism which was adopted in 2008

Project news, upcoming events, and outputs/deliveries are reported on a section of the Council of Europe Economic Crime website (www.coe.int/economiccrime) and the section of the Council of Europe Office in Belgrade website which is exclusively dedicated to the project (www.coe.org.rs). The website report on project activities and ongoing public events is regularly updated. Furthermore, as the Council of Europe's main counterpart in the MOLI Serbia Project, the Administration for the Prevention of Money Laundering has the link to the project web address on its webpage.

Effectiveness and Impact

By the end of the project the operational capacity and capabilities of the anti-money laundering and counter-terrorist financing system in Serbia in terms of legislation, skills and operational capacities will be improved and strengthened.

The following impacts are listed:

- The Serbian authorities have a clear analysis of the legislative basis of their AML/CFT system and recommendations as to amendments necessary to comply with EU and international standards.
- The APML can now look forward to the procurement of a major upgrade to their IT system.
- A major policy decision has been made by the Serbian authorities to undertake a National Risk Assessment on money laundering and terrorism financing vulnerabilities.

Sustainability

The project does not seek to create new structures but rather to support public services in efficient carrying out their functions and at the same time to strengthen their capacities as administration structures and with regard to interagency co-operation.

The selected intervention logic will ensure the sustainability of results based on the assumption that the government's commitment to effectively prevent and control economic and organised crime will be maintained in the future. Improvement of the quality and consistency of legislation and ensuring its conformity with international standards will set solid foundations for the further development of the system. Given the ongoing European integration process and firm political commitment to follow on this track, it is assumed to be very unlikely to see this trend changed. This effort will be coupled with activities to improve the enforcement of the legislation which will be ensured through training on the one hand and support to the drafting of the necessary bylaws, regulations and guidelines on the other.

This project proves the value of the institutions playing the key roles in the AML/CTF system and will convince the authorities to make sufficient resources available in the future to follow up on the results of the project and maintain the capacity of the system. This is further strengthened by the potential of this system to pay back in a longer run a significant part of the investment made in its development through tracking and confiscation of criminal assets.

The activities are designed to be sustainable in that the training materials and programmes can be updated and used in the future also without external assistance. Strong ownership of these tools by the beneficiary will be ensured. Trainers trained by the project will also be made use of in the future.

Project Title	Standardized System for Judiciary Education and Training
Project Area	Serbia
Budget	EUR 1 450 000
Funding	EU IPA (2007)
Duration	Sep 2009 – Sep 2011 completed

Short description

The overall objective of the project was “to strengthen the efficiency and transparency of courts and prosecutorial offices, by establishing a new system of appropriate training before and during appointment of personnel to judicial functions”. It had two specific objectives - 1) Appropriate training (practical and theoretical) provided by the Judicial Academy for lawyers that are entering judicial professions based on EU standards and criteria; and 2) Continuous training of judges and prosecutors provided by the Judicial Academy in order to increase their professional capacities and strengthen the overall efficiency of the judicial system.

Relevance

In spite of the formulation of its objectives, practically the project was mostly geared to capacity building of the Judicial Academy by setting up efficient management practices, rather than dealing with substantial law matters. The focus on know-how in efficient practices is fully appropriate, however the objectives of the project should have been worded differently. The project was seen as very relevant and was well received by the beneficiary because it was coming at the right time when the Judiciary Training Centre was reorganised to the Judicial Academy.

Efficiency

The project seemed to have progressed smoothly, there weren't any issues raised (at least in project reporting documents) with regard to its implementation. Regarding the ratio of the overall spending and the actual application of the deliverables, the project would not be rated as cost efficient if compared to prices for similar trainings on the market (i.e., Strategy building). On the other hand, trainings and experts in the project were of special qualification (experts on judicial trainings).

Effectiveness and Impact

In order to check on the outcomes of the project in the ex-post perspective, the evaluation wanted to conduct a survey with judges who participated in the trainings. However, it would not have been realistic to expect that Judges who participated in short trainings (2 days) on general matters of the EU Law would remember such training after 2,5 years. Therefore the evaluation decided to do an ex-post check on the use of the project outputs and follow-up on project recommendations. See Annex 6. After this exercise, it can be seen that full incorporation (daily use) of the deliverables is less than 1/5. Therefore, even if the project was well received and produced the outcomes, due to a variety of reasons its impacts are indirect or partial. The evaluation believes that ex-post checks on other projects in the sector would be yielding similar results, too, because it requires a lot of commitment, political will and also resources to start using new practises.

Sustainability

As Annex 6 indicates, sustainability of the outputs is weak. For instance, with regard to Monitoring and Evaluation activities, the project did not have funding for supplying the IT part, so the advice given remains only on paper and has not been used practically. This means that the Judicial Academy will still need a comprehensive monitoring and evaluation system, whereas advice given by the project will stay unused.

Project Title	Improving the Delivery of Justice in the Courts in Serbia (by Improvement the Juvenile Justice System)
Project Area	Serbia
Budget	EUR 632 000 It is a part of a larger (EUR 5 331 324) programme which also targets selected Basic and Higher Courts and the High Judicial Council (physical infrastructure support and provision for increased administrative capacities)
Funding	Norway
Duration	April 2011 – December 2013 (33 months) ongoing

Short description

Specific Objectives of the Reform of the Juvenile Justice system:

- To improve the juvenile justice system in implementing diversionary measures and alternative sanctions for juvenile offenders
- To strengthen the Juvenile Justice Council to play a key catalyst role in reform of juvenile justice system
- To improve the situation of children deprived of their liberty
- To intensify the implementation of special protection provisions of Juvenile Justice Law concerning Children as victims and witnesses

Relevance

The project on the Reform of the Juvenile Justice system is prepared in a transparent manner, having clear objectives and well worded results and indicators and sources for their verification. Some of the objective (and especially indicators) seem to be rather ambitious to be implemented throughout the life-time of this project. For instance, "Diversionary schemes in the juvenile justice system in Serbia are institutionalised in a cross-organisational and multidisciplinary manner, in line with international standards". Never the less, the project is highly relevant in terms that there is little other activity happening apart from this project that would be dealing with the issues of juvenile justice. The main risk of the design surrounds the beneficiary contributions and commitment in achieving the goals set by the project. Overall, the support of the experienced contractor (who's experience also include working for the Ministry of Justice as a short term experts) is very valuable, however, the project will be designed reliable only when both the donor (contractor) and the direct beneficiaries commit to achieving its goals. Under the present situation the project did not have a direct counterpart in one of the key players in justice policy making - the Ministry of Justice and Public Administration - who should have also been directly owning the results of this project.

Efficiency

Cost efficiency, compared to other programmes, is very good. The overall project budget (for 33 months) is not large compared to deliverables/outcomes expected.

Effectiveness and impact

Following the interviews with other stakeholders, effectiveness and impact of the intervention will be medium, do the fact that juvenile justice matters are not at the top priority list on the national reform agenda and more efforts will be needed to systematically introduce the

internationally accepted standards. The project plans to monitor its result indicators which will allow for a good reflection with regard to immediate and longer term impacts.

Sustainability

The project produced a number of fact based materials (manual) that are likely to be sustained and used as a reference. Strengthening of the Juvenile Justice Council is likely to have some sustainable effects, too. However, more efforts (international support) and especially support and commitment from the national stakeholders will be needed to move on with the reforms in the juvenile justice system.

Project Title	OSCE activities (for comparing different modes of assistance)
Project Area	Serbia
Budget	Unified Budget for Programme Rule Of Law and Human Rights EUR 1,038,000 (2012) EUR 1,138,800 (2011) EUR 1,179,100 (2010)
Funding	OSCE
Implementation	OSCE staff
Duration	Permanent mission

Short description

The OSCE mission to Serbia, Programme Rule of Law and Human Rights, Objective 1: to Promote Reform of the Serbian Legal System with Particular Emphasis on Criminal Justice

Relevance

The activities of the OSCE mission in Serbia are permanent and the budget – very limited. Due to these two factors (very well developed background information of the sector and its players as well as limited financial resources) the OSCE activities have to be designed with great precision. Following interviews, the OSCE is usually named as one of the main players within the criminal reforms fields.

Efficiency

In terms of visibility and outcomes compared to annual budget, the OSCE is the most cost efficient donor in the field. In terms of variety of expert experience, and the scope of deliverables (supply) contracts, the OSCE cannot compete with other donors especially EU IPA. Nevertheless, it can offer more simple quick fix solution (publishing reports, organising conferences) whereas with EU IPA long programming and complex implementation periods are needed.

Effectiveness, Impact and Sustainability

The OSCE reporting is simple and straightforward (less than half page narrative for each of the outputs). The sustainability of the interventions is naturally supported via the ongoing interaction with the same national players. In general, having small but permanent missions seems to be giving much better results compared to formal and complex project cycle management. Less is more.

Project Title	Supporting access to rights, employment and livelihood enhancement of refugees and IDPs in Serbia
Project Area	Serbia
Budget	EUR 4 600 000
Funding	EU (IPA 2009)
Duration	03/2011 to 04/2013

Short description

Project objectives are:

- To contribute to resolving the problems of refugees and IDPs in the Republic of Serbia through the provision of adequate support.
- To promote livelihood enhancement of the most vulnerable IDP and refugee families through facilitated access to essential rights.

The breakout of armed conflicts in the former SFRY Republics led to influx of more than half a million refugees to Serbia. The Republic of Serbia is one of the six countries on the world and the only one in Europe with a protracted refugee situation with more than 95,000 refugees in its territory after more than sixteen years.

The total displaced population in Serbia at the beginning of the project, including refugees (from BiH and HR) and internally displaced persons (IDPs, from Kosovo) amounted to 305,000 individuals. From that number about 6,200 persons lived in 74 collective centers. (By 2013, the number of collective centers was reduced to only 17, and the plans are to close another 9 of them.)

This project is to ensure improvement of living conditions and the full access to the rights necessary for sustainable return/integration. The Ministry of Labour and Social Policy is involved in the issue of assistance to the IDP population in Serbia through efforts aimed at improving their social inclusion and reducing poverty among this vulnerable group. One of the manners for achieving this goal is through rationalisation and decentralisation of social protection services and the development of community-based alternatives which enable IDPs to independently achieve livelihoods and at the same time provide a valuable service to their communities.

Relevance

Throughout earlier years, projects aiming at livelihood enhancement of the most vulnerable IDPs from collective centres and private accommodation were initiated. It is necessary to continue with these projects, and based on positive outcomes and lessons learned, to further develop some future projects as actual IDP needs are still substantial.

Some figures that indicate the real situation:

- Unemployment rate among refugees is 33%, significantly higher than in the local population;
- 29% of refugees have monthly incomes of less than EUR 48, which is a threshold for social welfare benefits;
- 61% of refugees do not have a housing solution;
- Only 5% of refugees opted for repatriation to their country of origin.

The planning process initiated at local level in targeted municipalities has already raised awareness about refugees'/IDPs' problems. It has triggered interest in other neighbouring communities who expressed the willingness to participate in this process as well. The majority of municipalities in Serbia have shown great interest in tackling this issue in a more systematic and planned manner.

Efficiency

The Government is making great efforts to take different options into consideration to address the needs of refugees and IDPs for free legal assistance which is essential for exercising their rights which are inextricably related to the process of sustainable return/integration. However, taking into consideration the size of the displaced population in Serbia, the Government of Serbia has been allocating maximum yet objectively insufficient funding, to remedy the existing problems, rendering international support essential.

Effectiveness

The indicators for this project are very well developed, they are easy to measure and easy to fulfil. An evaluation based on these indicators is still not possible as the project is just now closing, but it is clear that these indicators are possible to evaluate.

The project was able to achieve its specific objective, as it effectively assisted the above mentioned families in finding a sustainable solution for their lives, whether by returning to their places of origin or to achieve greater social inclusion in Serbia. It must be mentioned, however, that the number of refugees and IDPs still living in Serbia is more than 270 000 and only a few hundred of them could be reached with this project. So the greater impact of the project, to improve the overall refugee and IDP situation of Serbia could only partially be achieved, the society would hardly notice any changes in this regard.

It is a firm conviction of the evaluators that this project should be repeated as many times as possible to assist the Government of Serbia further in solving this enormous burden. The closing of the collective centres is but the first step on this path, but the refugees and IDPs living in private solutions are also to be addressed. It is advisable to develop new strategies to increase the outreach of these programmes to a wider circle of beneficiaries (e.g. TV-ads).

Impact

The project will have an impact not only on the life of direct target groups (refugees and IDPs) who will be able to achieve their preferred durable solution – integration or return, but also on the wider domestic population and local community in terms of better quality of life.

In the long run, the proposed Project would have multiple positive impacts such as reduction of refugee and IDP dependency on social contributions (family income support, one-off assistance in cash, etc.) from the budget of the Republic of Serbia, contribution to resolving the housing problems of refugees/IDPs and contribution to resolving unemployment issues. Furthermore, closure of collective centers will be facilitated and project beneficiaries who are currently living in collective centers would have an opportunity to begin a new life. Restoring of property rights to rightful owners and securing the possibility for them to act upon their rights will provide them with the real precondition to opt for return and/or integration.

Sustainability

The project contributes to resolving the problems of refugees and IDPs by establishing comprehensive model of coordination of the responsible actors on the central and local level. The beneficiary municipalities and line ministries acquired experience and employ this know-how in their daily work. Moreover, the local civil servants can prepare projects that involve several municipalities so that they can share experiences and improve their local capacities in tackling the problems of refugees and IDPs.

The project also strengthened local level institutions in the Republic of Serbia, including centres for social welfare, in their ability to carry out the reform of social services and protection, through their monitoring and coordination role, but also in training and employing persons for the provision of certain types of social services outside the social welfare centres.

A particular mechanism for budgeting of the extended social services, such as social housing or provision of socially based services, is already well backed up by the Law on Social Protection and Social Security for Citizens and the relevant strategies for social protection.

Project Title	Establishment of Efficient System for Prevention and Suppression of Illegal Migrations on the Territory of the Republic of Serbia
Project Area	Serbia
Budget	EUR 5 000 000
Funding	EU (IPA 2009)
Duration	15/11/2010 to 15/11/2013 ongoing

Short description

The territory of the Republic of Serbia is a transit area on migrants' ways from non-EU countries to EU countries; therefore, activities of state authorities in the field of migrations management can be considered as a part of overall efforts in fight against organized crime and terrorism.

All forms of organized crime, including illegal migrations and THB, more and more rely on high-tech crime. Therefore, efficient establishment of prevention system requires increase of investigative methods and capacities in the field of high-tech (cyber) crime.

Illegal migrants use high-tech crime for provision of forged documents later used for travelling to EU countries. Criminal associations involved in trafficking in human beings (THB) and illegal migrations rely more and more their communication and communication with potential victims on IT misuse, by covering their identity, and by usage of services and technologies they obstruct efficient electronic surveillance of communication by competent authorities. Improvement of capacities in Criminal Police and Border Police Directorates in the field of high-tech crime could significantly contribute to efficient co-ordination and communication, as well as to discovering and prosecution of high-tech crime related offences.

Relevance

It is clear from the above description, that irregular migration as a branch abused by organized criminality, functions in increasingly sophisticated IT environment. The false and falsified passports and other travel documents, the credit card crimes, the avoidance of interception of communication through Skype and other IP methods requires increasingly higher education of police agents, better specialization of law enforcement branches in different IT-criminality.

Efficiency

Serbian Criminal and Border Police did not have the necessary capacities and equipment to combat these activities. Even the identification of illegal migrants detained and accommodated in the Aliens' Shelter could not sometimes be identified for long periods. Obviously, the project's planning addressed all these needs and requirements, both in terms of capacity building and equipment supply.

Effectiveness

The main objectives and their respective indicators are well developed and detailed. The effectiveness indicators are well placed, though more concentrating on the trends of development (process) than specific results to be achieved (outcomes), it would have been possible to present them in a more SMART manner. The project has embarked upon the fulfilling of the set targets.

With the new IT system in place, which will be compatible and interconnected between all the branches of the Ministry of Interior, functional database(s), MoI staff aware of the databases and using them on a daily basis to register and exchange relevant data on the combating of irregular migration and related criminality, the impact of reduction of irregular migration, IT-criminality, document abuse etc. will be achieved.

Impact

The efficient control functions will also result in a reduction of illegal activities (smuggling of goods, vehicles and travellers, corruption) and will facilitate trade in the region.

Coupled with the need to combat terrorism, border agencies need unprecedented levels of collaboration across agencies, among nations and with the private sector. Any type of technical modernisation requires coordination among many diverse functions and initiatives.

Indicators for these impacts are the numbers mentioned in the general section of the evaluation of Home Affairs section. Judging by the project Description of Action and the Work plan, these impacts will be achieved and maintained.

Sustainability

The equipment for efficient suppression of high tech crime will be maintained, managed and updated after project completion. The costs of this will be met by the Ministry of Interior and the provision of training to the maintenance and IT teams within the respective stakeholder organisations is a critical activity in terms of project sustainability. The project will also produce manuals to guide users on how to input and manage data. The project will build training capacity so that the MoI can carry out data management training in the future.

All this makes it a reliable guess that the impacts and effects of this project will be sustainable after project closure and even in the long run. The level of the criminality, the advancement of the EU association process will create a need for the Serbian enforcement agencies to maintain their combating capacities but also their capacities to connect with their European counterparts on a daily basis.

Project Title	Implementation of the Serbian Integrated Border Management Strategy
Project Area	Serbia
Budget	EUR 1 500 000
Duration	06/2009 to 03/2011

Short description:

The specific objectives of this project were:

- Identification of shortages and gaps hampering the border related services from fulfilling their mandates in fundamental areas
- Implementation of the planned re-organization of IBM relevant services
- Revising, drafting and adopting the relevant primary and secondary legislation in the IBM field
- Continued build-up of capacity within the IBM services, continuous education and training

The European Partnership Agreement between the EU and Serbia encourages Serbia to develop and modernise institutions responsible for cross-border commerce facilitation and to ensure the implementation of the Serbian Integrated Border Management strategy (IBM strategy), as well as the associated Action Plan (AP).

Serbia seeks to harmonise legal and operational procedures among the different IBM relevant services. Its focus is on improving the flow of passengers as well as the flow of goods. Furthermore, Serbia already participates in regional programs and has established bi-lateral contacts to neighbouring countries. Moreover, Serbia actively serves as a host for international organisations with a view to improve its border management capacities.

In 2006 an IBM strategy for Serbia was elaborated. This strategy outlined fundamental problems to be resolved and has been assessed by a team of external consultants, who has deemed it to be in compliance with the European Commission's Guidelines for IBM in the Western Balkan as well as compatible with the core principles of the Schengen Catalogues of Best Practice. The strategy established a road map for the development of sectorial strategies and implementation plans. The IBM strategy also defines responsibilities and mandates, sets strategic goals and outlines basic directions for actions to be taken during the modernisation process.

As regards the institutional framework for IBM, a Coordinating body was established in 2009. Members of this coordinating body are the Ministers of the four border services involved (Border Police (Ministry of Interior), Customs Administration (Ministry for Finance) and the Veterinary and Phyto-Sanitary Inspection (Ministry of Agriculture, Forestry and Water Management)). At the same time a cooperation agreement was elaborated and signed by the members of the Coordinating body.

Relevance

Serbia is one of the most affected countries by irregular migration pressure of the Balkan-route. Illegal migrants arrive mainly from FYR of Macedonia and Bulgaria. (These countries in turn receive them from Greece, and finally from Turkey.) The situation of Kosovo is a very difficult issue to tackle in terms of border security, controls at the border are not effectuated, and thus it can be abused for irregular migration purposes.

The Serbian Border Police (Border Directorate of the MoI) is in dire need to enforce its activities, to utilize all cooperation schemes possible in-country and externally to be able to combat the flow of irregular migrants. In the North, at the Schengen external border, the crime of trafficking and human smuggling thrives, and capacities are low. There have been several initiatives by neighbouring EU MS, by the Frontex, and others to assist Belgrade in this work, but all help is not sufficient.

This twinning project was a great step on the road to

- Establish sound legal basis for IBM,
- Assist in developing the proper institutional background for full impact,
- And to transfer the necessary capacities for decision makers and executives in the border service to effectively combat irregular migration and related crimes.

Effectiveness

The indicators to this project can be summarized as follows:

- All main legislation revised and brought into compliance with European IBM practices. Legal inconsistencies and loop holes closed.
- Inter-service and cross-service cooperation has been institutionalised and integrated into day to day procedures.
- Ensure swift and smooth procedures at the border, but at the same time ensure proper safeguards for criminal cross border activity.
- Cross service consensus regarding the future training model has been achieved as well as a plan for how to implement future trainings.
- A complete human resource plan finalised and an agreement on budget in place to ensure implementation of the human resource plan.

Comments on indicators

The indicators of this project must give a tool to measure the daily effect and impact of the project activities which are of soft nature (legislation, agreements, improved procedures, cooperation etc.). Setting IBM in motion is a very time consuming process, includes many activities which are quite difficult to measure (i.e. consensus over the training modules), but its impact will be speedier processing of border traffic, increased capacity to deal with illegal activities at the border and the overall reduction of financial resources needed for an efficient result.

These indicators are quite general in nature, but given the project's specific objectives they serve the purpose. Some are even measureable, though the formulations could be more specific, to ensure exact evaluation of the project.

The indicator "Ensure swift and smooth procedures at the border, but at the same time ensure proper safeguards for criminal cross border activity" is one of the main indicators, presenting the result of the improved procedures at the border, yet it fails to give smart value to it. "Processing of a passenger is decreased to 20 seconds by 2013 using risk analysis and integrated approach" would be a formulation that would set the goal for a real effect of this project.

This project has achieved its specific objectives. All the legislative, strategic and border directorate-level documents have been produced, gaps were identified and closed. Consensus over the training modules has been reached and the necessary trainings have been conducted for the future trainers of IBM at the respective training institutions of the agencies. IBM cooperation has been institutionalized, a Coordination body at the level of Ministers established, working structure also established.

At project closure not all official documents have been adopted by the relevant agencies, but this was also under way.

Impact

The wider objective of this project is to include one of Europe's best practices in the border security sector, IBM, in the national legislation and procedures of Serbia. In this way, the border management becomes more effective and efficient, proceeding times for passengers and goods are reduced while the security is increased.

The Serbian Border Guards become structurally more advanced, leaner, and also more comparable to their European counterparts. This will result in an increased communication and better coordination of joint efforts. This is also a prerequisite to possibly be able to get included in European joint operations, even the ones coordinated by Frontex.

Indicators are not provided for these objectives and they would also be premature to talk about. The project certainly contributed to the achievement of these wider objectives as it assisted the beneficiaries in implementing their own strategy, to establish a sound legal basis and to further develop the institutional structure for IBM.

Sustainability

The impact achieved by this project is easily sustainable as it does not require financial resources. The *primus inter pares* agency of IBM (the Border directorate) has to keep the coordination body running, the IBM Working Group meeting regularly and to further develop the cohesion of the enforcement and inspection services at the border. The EU must continue to assist the IBM agencies with strategy development, institutional development, equipment supplies and introduction of the agencies into international schemes to combat irregular migration through the Balkan-route.

Project Title	Implementation of Priorities in the Areas of Human Rights and the Protection of National Minority Groups
Project Area	Serbia
Budget	EUR 1 500 000
Funding	EU (IPA 2009)
Duration	12/2010 to 11/2011

Short description

Legislation in the Republic of Serbia is broadly harmonized with international standards of protection of human rights, and standards of rule of law work toward the effective impeding of systematic forms of human rights violations. However, there are still problems that affect primarily the most vulnerable groups in society. The most substantial issues concern the possibility of effective and efficient implementation of the adopted laws. Stronger actions are necessary in the direction of fulfilling those rights, including through legislative activities, trainings, education and awareness raising campaigns, as well as through the adoption of strategic documents and action plans in the field. The Republic of Serbia is successor state to the State Union of Serbia and Montenegro, and thus of a number of international legal obligations in the field of human rights.

Since March 2002, the European Commission has reported regularly to the Council and the Parliament on progress made by the countries of the Western Balkans region. For Serbia, it is pointed out, based on the findings of the Committee for the Prevention of Torture, linked to the Convention against Torture, in their May 2006 report, that "a number of shortcomings concerning ill-treatment by the police, pre-trial detention and prison conditions. Moreover, there continues to be reports of cases of ill-treatment by the police. Serbian has not yet fully complied with UNCAT recommendations on individual cases of torture". Efforts have been taken to improve the conditions in the prison system. There has been progress in the implementation of the legislation on execution of penal sentences and on juvenile offenders, and the improvement and reconstruction of prison facilities is on-going.

According to the European Commission reports, there have also been improvements concerning representation of minorities in public administration through a number of measures: publication of competitions in minority languages, vocational training in minority languages, proportional representation in multi-ethnic regions and continuous monitoring of representation of minority groups in public services. Improvements have also been registered concerning education in minorities' languages. However, it has been noted that there has been no progress in the adoption of new legislation needed to better regulate the status, work and election of the National Councils for the minority groups. Problems persisted in the area of information in minority languages.

The State Department regular report on the situation of human rights in Serbia for 2006 also provides key insights, pointing to the need for furthering minority integration into several fields, building of institutional capacities and activities related to monitoring of torture / ill treatment. Particular attention is given to vulnerable groups, including IDP, Roma, returnees and refugees.

Regarding institutional / administrative capacity, the Agency for Human and Minority Rights (AHMR) (former Ministry for Human and Minority Rights) has secured substantive achievements in the field of human rights protection and promotion of social cohesion and inter-ethnic relations. However, relevant sectors still require particular capacity building. According to the Implementation Plan, a key activity is the elaboration of a plan of institutional development of the Sector for international cooperation and finalizing all obligations that

derive from the membership in the Council of Europe. The AHMR already has a sector dedicated to this activity, however, the system is not capable of performing the overall coordination and cooperation effort in the field of human rights and minority protection, and is particularly not capable of replying to all inquiries and demands made by EU structures and institutions.

Relevance

It is obvious from the above short description that Serbia needs assistance to further approximate its activities to European standards, to fulfil its commitments emanating from the membership in the Council of Europe in the field of human and minority rights. The present situation in this regard is still far from optimal, the principle of rule of law suffers frequently mainly in the field of minority rights and prisons.

Project planning was done in close cooperation with the beneficiary agency. It reflects the genuine need of Serbian agencies and individual officials to acquire increased capacities in this field. The project foresees both educational and equipment supply components, the objectives to be achieved are thoughtfully composed.

Effectiveness

Specific objectives and indicators for this project:

1. Improved knowledge and implementation of policies by key stakeholders through trainings / education.
 - Number of training sessions and trained participants.
 - Text of the manual, number of manuals distributed, number of institutions included into the activity.
 - Number of relevant institutions and individuals (prison system institutions, incarceration institutions, medical facilities, prison hospitals, Ministry of Health officials, Ministry of Interior officials) participating in training sessions and joint activities.
 - Number of training sessions with members of National Councils of National Minorities.
2. Improved capacities of key institutions to implement human and minority rights obligations through technical assistance
 - Number of twinning sessions, trainings and institutional support mechanisms implemented.
 - Number of consultative meetings between AHMR, Ministry of Justice, Ministry of Finance and courts, number of judgements implemented, number of cases against Serbia before the EcourtHR.
 - Lists of indicators, number of monitoring missions / reports.
 - Number of campaign activities (media / marketing activities) realized, number of participating incarceration / health institutions.
 - Number of media / marketing activities performed within awareness raising campaign, number of participating institutions (minorities).
 - Number of minority language publications supported, language systematization exercises, bi-lingual education systems
3. Increased technical facilities to report / monitor and follow up on implementation of human and minority rights standards through procurement
 - Installation of supplied equipment and collected data on cases of maltreatment
 - Installation of supplied equipment and data collected from field offices

- Installation of supplied equipment and number of publications and material produced.

Comments

The indicators show how widespread and to what extent delicate area is being addressed by this project. In many cases though they remain at the level of effect indicator, some are even only delivery indicators (i.e. trainings held).

It can be noted that the trainings have been all implemented but because of the constant reorganization and rotation of staff members they had little impact. The same can be mentioned about the Study Tours. They were organized in an interesting way, but as before, the colleagues who participated were soon out of the system.

Training manuals and other written reference tools were produced, but they were not published therefore the planned impact was not achieved.

The information campaign component, intended for the minority groups to receive information about the different new opportunities to report any mistreatment or degrading behaviour, was never implemented, the implementation simply run out of time. The project in this regard achieved zero impact.

The implementation of the supply component was not much more successful. The 300 thousand-worth IT equipment was procured and delivered in the worst possible moment, at the physical dissolution of the Ministry. It was a problem to sign the delivery bill, and also, to find a guarded, closed location to place the equipment. A call centre was also delivered which was not at all needed. Judging from this information, the technical description of the project was not sufficiently coordinated with the intended beneficiary.

The above problems can be traced back to two major issues. The Agency of Human and Minority Rights has been in a constant reorganization during the last few years. It changed name and structure three times, during this short period it was a Ministry, then a Department in another Ministry, later an Agency and now it is an Office. All these restructuring resulted in the constant modifications in the legal basis for jurisdiction and competences; the position of the issue within the Government was constantly shifting as different levels of importance were assigned to the administration of this area; the staff working in this field has been constantly changing. Having such circumstances, it would have been advisable to postpone the project altogether and focus on the assistance to the Government to achieve a more or less constant place for this unit within the Administration, with jurisdiction and competences based on laws, by-laws.

The other major issue was the selection of the implementing partner, a consulting agency which had little affinity to the local realities. The representatives of this agency were present only for very short periods of time in Belgrade, and made the impression that they have little experience in organizing media campaigns for instance.

It can clearly be said, that judging from the available written information, and from the interviews conducted, this project is a failure, notwithstanding the fact that planned delivery of most of its components took place during the project's lifetime. While the planning and the programming were still in coordination with the beneficiary, the impossibility of the timing of this project was not noticed. The project should have been postponed to a more stable period in terms of the Office's situation.

It is highly recommended to take with emphasis into consideration the lessons learnt from this project in any further programming in the field of rule of law.

Project Title	Twinning on Policy Reform Internal affairs on the Police
Project Area	Serbia
Budget	EUR 850 000 and EUR 150 000
Funding	EU (IPA 2009)
Duration	2009 to 2011

Short description

According to the Police Law of 2005, there are competences for internal affairs for the first time in the history of the police of the Republic of Serbia, the Law established the Sector for Internal Control of the Police. Internal Affairs Sector is an independent organizational unit of the Ministry of Interior of the Republic of Serbia that monitors the legality of work performed by MoI law enforcement officers, especially when they conduct police tasks and use police powers in order to safeguard and protect human rights.

The OSCE, a key benefactor in this sector in Serbia, in its report *"Police Reform in Serbia: Towards the Creation of a Modern and Accountable Police Force"* (OSCE 2004) identified the need for some elements within political parties to acknowledge that the police service is not a political tool and that accountability is often confused with control. Operational independent control and accountability must rest within an independent and professional police service.

The OSCE and other actors acknowledge that the Internal Affairs Sector requires significant support if it is to realize its mandate. The Ministry of Interior accepts to implement the new Police Law and that more resources are required and that Internal Affairs Sector is dependent on organizational resources of other units of the Ministry of Interior.

With the aim to strengthen its operational independence in work, The Sector has need to use, according to order of competent court, measures of special investigative techniques in independent way, by using special technical devices and equipment. The twinning project envisaged study visits, expert training and training of police officers of the Sector in line with the best practice of EU member states that will be a determinative factor in choosing a twinning partner and without bias to any MS EU.

The new internal organization of the Sector established a new Division for Covert audio and optic surveillance of the suspect. Reasons for existence of this Division are specified in the possibilities for implementation of provisions from Article 146 of Criminal Code Procedure of the Republic of Serbia. It is justifiably expected, that the work of this Division should contribute significantly to qualitative gathering of evidence material which is of interest for the investigation with the help of technical devices for which the supply has been approved 150.000 € in budget of this Project.

The Sector had limited success in detecting corruption cases where police officer were involved by using present standard evidences, because it doesn't have appropriate operative technique and devices which would be used in line with the law. Use of these methods and procedures for application of special investigative techniques and devices in line with Criminal Procedure Code and European standards that are used in MS EU will significantly contribute to a higher percentage of detected corruption criminal offences, secure high quality evidence material for successful investigation against police officers and serve as a preventive measure for all police officers.

Relevance

The Internal Affairs sector is underutilised in any corruption investigations despite the availability of good quality intelligence. It suffers from low recognition within the Ministry, poor

professional relations with senior management and is held in low esteem by fellow officers. Whilst the sector has a mandate, for “corruption investigations” it is almost exclusively used to deal with relatively minor misdemeanour cases. It has little opportunity to investigate serious criminality or senior officers who engage in corrupt and unethical activities.

Serbia does not have a developed and coordinated response to tackling police corruption despite the publication of a 5 year anti-corruption strategy. This limits the impact upon officer's behaviours and attitudes and delivers little benefit for the public. Corruption investigations are allocated to a number of other investigative teams and IAS are often not told about investigations until after the investigation is finished or arrests are made. The Internal Affairs sector has a low visibility and low influence within the Ministry of Interior.

Efficiency

As it can be learned from the final report of this project, there was a gap during the planning of the project between the donor and the beneficiary side. The Internal control Sector practically did not exist at the time of the beginning of the project. Staff had to be commanded here from other areas of the police, who could be the first echelon for the capacity building component. The Police had gradually upgraded the number of staff to about 60 in 2013, but it has still a very low priority in the police and its tasks are not adequate.

Effectiveness

The main objective of the project:

Assist the Serbian Police force in meeting EU standards of professionalism and conduct.

1. Promote the independence, professionalism and capabilities of Sector for Internal Control of the Police (formerly the General Inspectorate of Public Security Section) to push forward police reform in Serbia.
2. Support the means and mechanisms of Sector for Internal Control of the Police to identify and prevent police corruption and misuse of power.

Results

1. Implementation of EU best practices in the Sector's operational, command and control procedures
2. Improved communication between central and regional offices leading to increased case identification and penalties
3. Increased administrative capacity and improved inter-agency cooperation
4. Strengthening of cooperation and coordination between competent ministries and other public institutions is strengthened

The project was only in a limited way contributed to the achievement of the specific objective. While the capacities of the staff of the Sector have no doubt been increased, the attitude developed with the loss of the supply component of the project is working against the production of tangible results.

Impact

The project has limited impact in terms of producing tangible results in reducing the intra-police corruption and other crimes and misdemeanours. While the training element had been fully implemented in the circle of the available staff (about 30-40 persons), the specialized, state of the art, operative equipment could not be delivered to the beneficiary due to the

failure of the tender. Without this equipment the high quality training is also of limited use, the trained police staff cannot utilize the acquired capacities.

It must be noted though, that the UK provided equipment to the Serbian Inner Sector of the Police on a bilateral basis, however, these were of lesser quality and older models.

This project can be considered as one which is able to contribute to the wider objective in a very limited way. The collapse of the supply part of the project is seen as an annoying factor by the beneficiaries at the Police.

Sustainability

The results of the project are sustainable in the short run, but the achieved capacity building will shortly disperse by the rotation of the trained staff into other areas of service within the police.

Recommendations per this project

- To the Serbian Government: allocate higher priority to the completion of the Internal control Sector with staff and equipment, as well as clear legal mandate to execute its tasks within the circle of all enforcement agencies (police, customs, fire-fighters etc.)
- To the EU Delegation: more attention should be allocated to the planning of such projects. As it is mentioned in the sectoral recommendations, valid strategy of development should be required as well as an initial commitment to provide all the necessary staff for the achievement of the wider impact planned with the project. Conditionality should be introduced, with the possible sanction of suspending the implementation of the project.

Project Title	Improvement of the Penalty System, Construction of Housing units in the Juvenile Detention Facility in Krusevac, Serbia (CRIS 259-138, 07SER01/05/21/002) Reconstruction of Security Prison Fence in Nis (CRIS 259-130, 07SER01/05/21/001)
Project Area	Serbia
Budget	EUR 4 700 000
Funding	EU (IPA 2007)
Duration	03/2011 to 04/2013

Short description

The project comprised two works contracts and one common service contract for supervision of the works:

1. Contract 1: New housing units were constructed to extend the existing facilities in Krusevac which already hosts 230 juvenile inmates. The new blocks, constructed within the existing perimeter of the prison, will house 180 of them and also will receive new inmates.
The construction delivers a total of 5000 m² of useful area in ten buildings of two or three storeys. With all the installations included, the houses will serve as dormitories for inmates and as office space for the institution's staff.
2. Contract 2: Construction of approx. 1000 m of new security fence of the prison in Nis, to fully replace the previous one. In addition, seven watchtowers are also to be constructed.

Relevance

In the case of the Krusevac Juvenile Prison, the need for development was obvious: juvenile inmates between the age of 14 and 23 were held together which could cause severe interruption in the normal development of younger inmates. The new blocks, separated by an internal fence will make it possible to separate the "younger" age group inmates from the "older" age group.

The perimeter security fence of Nis prison was in ruinous condition, this is proven by the pictures shown to the evaluator, taken before the reconstruction began. There is no doubt that security within the prison and outside could only be guaranteed with the urgent building of a completely new security fence.

Efficiency

The EU Delegation Task Manager together with the Task Manager from the Ministry of Justice Department of Enforcement of Criminal Sanctions had frequent, regular contact with the supervisors of the construction. From all the information made available to the evaluator, it can be proved that the construction contractors were selected through a transparent selection procedure, the tender was based on solid technical description of the projects and all scope of works were designed based on the real needs of the beneficiary. Project funds were used systematically and economically to achieve the main effect, the high quality construction of the buildings.

Effectiveness

Overall project objective:

Improving human rights protection in juvenile institutions during the execution of sanctions in the Republic of Serbia, including improvement of security measures in detention facilities.

Indicators:

1. Ten buildings in the prison of Krusevac, with all installations (approx. 5000m²) built.
2. New security fence for the prison in Nis (approx. 1000 m), with seven watchtowers, constructed.

Comments on indicators:

The indicators are measurable, focus on the nature of the project and give opportunity to unambiguous evaluation of the project objective.

The project was able to achieve its specific objective on both sites.

The conditions of inmates in the juvenile prison improved, human rights of a more vulnerable, younger age group is now fully observed. Also, the overcrowded nature of the former infrastructure, with sub-standard, old conditions, is now substantially improved. All inmates are now housed in better conditions; this corresponds to the European standards for prisons.

Impact

The project's wider objective is to improve the social standards in the Republic of Serbia, which also includes the standards observed in the penitentiary facilities in the country. Improvement of human rights situation and also the right to moral development, dignity, are the wider objectives as well.

There were no specific indicators given for this project in this regard. To measure the improvement in social standards, human rights situation or dignified prison time, surveys must be conducted among the prison population and also outside prisons; this will measure overall perception of the society of the penitentiary system.

This project contributes to its wider objectives, thus makes an important impact to the penitentiary system of Serbia but also to the overall improvement of social standards, human rights and dignified serving of penalties by inmates. Old, ruinous, crowded facilities were exchanged into newly built, modern buildings, offering more space per inmate and approximating the system of penitentiary to the European standards. The separation of two age groups, the vulnerable 14-18 years old inmates from the 19-23 year old inmates, creates a better moral and human rights condition in the juvenile prison.

In all ways, this project can be considered a success.

Sustainability

The sustainability of this project is not questionable. The ten new buildings will no doubt result in increased utility costs (electricity, heating, water), but this cost is easily bearable by the Penitentiary Administration. This project creates the opportunity for more inmates to be placed in the given prison without major traumas, through the reduction of over crowdedness. Maintenance costs are not foreseen for the next few years.

The new external fence does not require any additional resources to maintain, the lighting was also functioning on the old fence, maintenance or investments are not foreseen for the next few years. The financial increase to the Administration is negligible, the project outcomes are sustainable in the long term.