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NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

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Ministry of Foreign Affairs
Republic of Korea

A

ACCMIS - Automated Court Case Management Information System

AMCJ - Association of Magistrate Court Judges

AWC - Autonomous Women Center

B

BCHR - Belgrade Center for Human Rights

C

CoE - Council of Europe

CRPM – Center for Research and Policy Making

CSO - Civil Society Organisation

CUPS - Center for Advanced Legal Studies

E

ESE - Association for Emancipation, Solidarity and Equality of Women

ECHR – European Court of Human Rights

EU - European Union

F

FOIA - Freedom of Information Act

FOS - Foundation Open Society – Serbia

H

HJC – High Judicial Council

HLC - Humanitarian Law Center

I

ICT - Information and Communication Technology

ICTY - International Criminal Tribunal for the former Yugoslavia

IDPs - Internally Displaced Persons

J

JA - Judicial Academy

JAS - Judges’ Association of Serbia

M

MDRI - Mental Disability Rights International

MOJ –Ministry of Justice

N

NGO - Non Governmental Organisation

O

OSCE - Organisation for Security and Cooperation

P

PTF - Partnership for Transparency Fund

S

SPO - State Prosecutorial Council

U

USAID - The United States Agency for International Development

Y

YUCOM - Lawyers Committee for Human Rights

Methodology

The report was composed in accordance with a constructed methodology which encompassed numerous reports and analyzes, from civil society organizations as well as from government institutions and international institutions. In addition to the analysis of written materials, wealth of information was collected by performing interviews with relevant stakeholders with expertise in the field of judiciary. The methods that were used when writing the report are: normative, dogmatic, axiological, comparative, content analysis and method of logical reasoning. **Normative method** is used to determine the relevant elements of the system of legal norms and the examination of its internal cohesion. **Dogmatic method** is used to determine the meaning of a legal norm which is the subject of the research. Bearing in mind the complementary role of this method compared to the normative method, the conclusion is that the fields of their application will coincide when creating report. **Axiological method** gives an evaluation of the existing normative solutions in relation to the reference value system. Application of this method logically follows once the normative and dogmatic approach determines the scope, the relationship and the meaning of the relevant legal norms. **Comparative method** has a special significance for this research. Comparative administrative law is a relatively new discipline in comparison with other areas of law in which a comparative analysis is already deeply rooted. The main reason lies in the perception of local administrative system as a unique organizational system which is suited only to the political, social, economic and cultural characteristics of the system of government and not to transnational accepted values and interests. Comparative assessment of the provisions contained in a particular representative national legislations, without doubt, serves as an unavoidable way to clearly and unambiguously distinguish necessary, universal, constant and essential elements from the accidental, particular and the transient attributes and to accurately identify the extent to which the essence of the legal phenomenon is achieved in the positive law and at what pace. The **content analysis** will be applied during source processing through their critical review and by opposing the offered arguments. Finally, the **method of logical reasoning** as a method particularly important for the study of social sciences, in the cases where indirect way is the only possible form to verify the set hypotheses, will inevitably follow any of the above mentioned methods.

Country: Serbia

Author: Milan Antonijevic

(please provide also short bio of the author(s) (one sentence) to be put in the footnote and longer version of the bio (1000 characters max) to be put in the authors section of the comparative report.

Short bio:

Milan Antonijević born in 1975 in Belgrade, Serbia where he graduated at the Law Faculty at Belgrade University and holds a LLM degree in International Law. As a UK Foreign Office Chevening Scholar attended Peace Studies at University of Bradford, with a thesis Using Democracy for Peace in Serbia (2009 – 2010). Since 2002 works in Lawyers Committee for Human Rights – YUCOM, where he was elected for director in 2010, and is currently on that position. Through the Deputy Prime Minister's Poverty Reduction Strategy Implementation Focal Point as independent expert worked on drafting set of laws on educational system within the Ministry of Education (laws adopted in 2009) and Law on Social Welfare (adopted in 2010). Worked as a consultant on Impunity Watch project conducted in Serbia and Guatemala (2007 to 2009), OSCE (2008 – present), World Bank (2014) and many others international and domestic institutions.

Through civil society organisations and YUCOM, active in the society and media in areas such as reform of the judiciary and EU integrations, anticorruption, fight against discrimination, freedom of speech, freedom of assembly and many more.

Published numerous expert articles and gave interviews to domestic and international media on legal aspects and human rights protection and democratization processes in Serbia and the region. He is writer and co writer of publications dealing with human and minority rights, access to justice, reform of judiciary, negotiations with the EU, free legal aid, discrimination, independent institutions, hate speech, hate crime and many others published by YUCOM, Center for Peace Studies Zagreb, Youth Initiative for Human Rights, Association of Prosecutors of Serbia, Center for Advanced Legal Studies and others. Also, on behalf of YUCOM coordinates the National Convention of the EU for Chapter 23. Holds a Certificate of Award issued by Freedom House Washington in 2003. He speaks fluently English and French, uses the Hungarian language.

Part 1.

Introduction

Summary (max. one page, 2000 characters).

Please summarise your main findings as well as state of interaction, collaboration between NGOs and judiciary in your country. What is most important? What is characteristic?

Overall, Serbia's judicial system performs at a lower standard than that of EU Member States. The sector embarked on successive reforms which have caused much upheaval but produced limited results in terms of performance improvement. In these conditions NGOs are striving to influence the system, advocate for the changes, give suggestions, participate in the dialogue and to support positive changes.

As related to the relations of CSOs and judiciary, new process of EU integrations, since 2012, speeded up the interaction. CSOs are now being consulted, especially through National Convention on European Union¹ on many of the reform issues, especially on the Chapter 23 of the EU integrations that covers judiciary and fundamental rights. Also, CSOs are active in trainings of the judges in the areas of human rights protection, through Judicial Academy and other organisations.

In Serbia, as a developing country in the process of EU integrations, the need for the civil society to both educate itself and to educate/influence the instruments of governance is being recognized. Therefore, the more and more CSOs are included in various seminars, trainings and roundtables organized by judiciary.

Also, many CSOs include public institutions in their activities, having representatives of judiciary as keynote speakers, thus enlarging the cooperation and mutual trust.

Special attention CSOs are paying on High Judicial Council and State Council of Prosecutors, bodies defined in Constitution as guarantees of judicial independence.² Within this process CSOs have active role in reaffirming the role of these bodies crucial for independence and impartiality of the judiciary.

Civil society in Serbia has large influence on judicial reforms. NGOs and professional associations of judges and prosecutors, also registered as NGOs are giving insight into the situation in the judiciary, with concrete recommendations. Active role of NGOs in influencing Serbian judiciary goes back to Milosevic time, during the 1990ies, when large number of judges, prosecutors and professionals from the courts and prosecution were expelled from the judiciary for opposing Milosevic, many of them formed NGOs, becoming active in the times of wars and complete breakdown of judiciary. NGOs were also active in the post October 2000 changes, after the fall of

¹ <http://eukonvent.org/eng/about-national-convention-on-the-eu/>

² In that sense, YUCOM, together with the OSCE monitored the election for High Judicial Council and State Council of Prosecutors among judges and prosecutors at the end of 2015, and is expected to publish reports in February 2016.

Milosevic, influencing judicial reform, advocating for lustration, leading to the Law on lustration, adopted in 2003. However this law was never implemented, commission for lustration was never formed and in 2013 the deadline for lustration, set by the Law expired, leaving judiciary intact, with judges and prosecutors being active in cases opposing human rights, election frauds and similar reasons for lustration. CSOs got new role during the re election of judges that occurred in 2009, as a substitute for lustration, where large number of judges and prosecutors were not reelected. Professional organizations, followed by other CSOs analyzed the process and warned stakeholders on shortcomings of the process. Later on, following the decision of the Constitutional Court process of re-election of both judges and prosecutors was declared unconstitutional, thus returning all the non elected back to courts and office of the prosecutor.

Nowadays NGOs are active in the EU negotiation process, mainly through National Convention on EU, coordinating the process of negotiations for chapter 23³, dealing with judiciary. NGOs were actively involved in commenting government positions in Action plan for chapter 23, with special focus to judiciary and prosecution. In 2015 National Convention on EU issued recommendations on the process of election of members of the High Judicial Council and State Prosecutorial Council, as two bodies defined in the Constitution as a guarantee on independence of judiciary and prosecution.

Short country information

(max. 1000-1500 characters)

Please provide short information about your country including:

- **its name**
- **population and ethnic origin if important**
- **size**
- **basics of political system**
- **any other basic information that could be relevant from the point of view of our project**

The Republic of Serbia is located in the Western Balkans, bordered by the countries of Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Montenegro, Romania, and the disputed territory of Kosovo. The capital city is Belgrade. Serbia has a population of approximately seven million people, 83.3% of which are ethnic Serbs. Other major ethnic groups include Hungarians (3.5% of the

³ Chapter 23, according to the announcements of the EU and assessment of the quality of the Action Plan drafted by MoJ will be opened in the first half of 2016.

population), Bosniaks (2%), and Romany (2.1%). Excluding Kosovo, Serbia has a land area of about 77,474 km². Serbia is a parliamentary democracy with a multi-party system, where the government is divided into three branches: legislative, judicial, and the executive branch. Serbia has unicameral parliament which is composed of 250 proportionally elected members who serve four-year terms. They represent, foremost, the national public interest. Parliamentary elections took place in March 2014. Eighty-five women gained seats in the National Assembly (34%). The prime minister and cabinet members have executive authority. The head of state is the president, but he has no executive, legislative⁴ or judicial authority. This is a ceremonial role. The chief of state is President Tomislav Nikolic and the head of government is Prime Minister Aleksandar Vucic.

As related to the size of the country, including Kosovo size is 88.361 km² Excluding Kosovo 77.474 km². At the moment, Serbia does not recognize the declared independence of its former province of Kosovo. However, “the two sides normalised relations in 2013 in an EU-brokered deal.”⁵ Serbia is currently seeking to become a part of the European Union. Also Brussels agreement has elements of resolving the relations between Serbia and Kosovo institutions, including judiciary and prosecution⁶, quotas for Serbian judges and prosecutors and other court personnel and other relevant points for normalizing relations.

Serbia submitted an application to become a part of the EU in 2009 and in 2014, Serbia’s EU accession talks began. However, economic reforms will be necessary as Serbia was “hit hard by the global downturn”⁷ and needs to reach certain economic criteria as a condition for EU membership.

Judicial system organization information

(max. 2000 characters)

Types of courts and instances.

The judicial system in Serbia is established by the Constitution and several laws, in particular the Law on Organisation of Courts – which regulates the organisation, jurisdiction, system and structure of courts – and the Law on Judges (hereafter LoJ) – which includes provisions on the election and the status of judges and on their disciplinary accountability. Both laws were adopted in 2008.⁸

⁴ President signs the laws after adopted in the National Assembly. Exceptionally President can refuse to sign the law, thus giving it back to the National Assembly for reconsidering.

⁵ BBC news, Serbia country profile - Overview - <http://www.bbc.com/news/world-europe-17907947>

⁶ On Brussels agreement: <http://www.balkaninsight.com/en/article/belgrade-pristina-reach-deal-on-judiciary>

⁷ BBC news, Serbia country profile - Overview - <http://www.bbc.com/news/world-europe-17907947>

⁸ “RS Official Gazette” no. 116/08 of 27 December 2008

Since January 1st, 2014 a new network of courts has began operating which implies a new organization of courts of general and special jurisdiction. Pursuant to article 143(1) of the Constitution, judicial power is vested in courts of general and special jurisdiction. Courts of general jurisdiction are basic courts (66), high courts (25), appellate courts (4) and the Supreme Court of Cassation, which is the court of highest instance in Serbia. Courts of special jurisdiction are commercial courts (16), the Commercial Appellate Court, misdemeanour courts (44), the Higher Misdemeanour Court and the Administrative Court. A basic court is established for the territory of a town, or one or several municipalities, a high court for the territory of one or several basic courts, an appellate court for the territory of several high courts, while a misdemeanour court is established for the territory of a town or one or more municipalities. In addition, Serbia has a Constitutional Court⁹ which is competent, in particular, to decide on the compatibility of legislation with the Constitution and with national and international law, on conflicts of jurisdiction and on the banning of a political party, trade union or civic association.

Additionally, in 2003, specialized panel on war crimes were established within the Serbian court system (chamber of the high court for war crimes). The panel has jurisdiction over alleged violations of the Basic Criminal Code and crimes against humanity, international law, and criminal acts as defined by the Statute of the International Criminal Tribunal for the former Yugoslavia. Within this court, special prosecutor for war crimes is operating.

Also in 2003 specialized panel on organized crime was set (also as chamber of the high court for organized crime) as well as special prosecutor for organized crime.

In Serbia it is common practice that several courts are located in the same building, while other courts are located across multiple buildings. The MOJ estimates that there are approximately 408 facilities, but there is no definitive list.

There are 1,701 courtrooms and 1,897 other judicial offices in the Serbian courts. Specifically, the Supreme Court of Cassation is comprised of more than 60 judges organized into 3- and 5-member panels for criminal, civil, and administrative cases and the Constitutional Court is comprised of 15 judges.

The court system comprises professional judges and lay judges. All professional judges belong to a single professional group and are subject to the same rules, including those related to recruitment and career, integrity and disciplinary accountability. According to the Decision of the High Judicial Council (hereafter HJC) on the number of judges, the total number of professional judges in Serbia is 3 096; in November 2014, there were 2 790 filled judicial posts. The authorities indicate that more than 60% of all professional judges are female but no precise data is available. According to the Decision of the HJC on the number of lay judges, the total number of lay judges in Serbia is 2 997. Lay judges participate in the first instance criminal and

⁹ See articles 166 to 175 of the Constitution

civil proceedings when the Criminal Procedure Code or Civil Procedure Law prescribes it. They have equal voting rights in the decision-making process when the court panel makes a decision, as well as in making decisions on the merits when the Criminal Procedure Code or Civil Procedure Law prescribes it. Lay judges also participate in proceedings before the commercial courts and the Commercial Appellate Court.¹⁰

Beside these court instances, Serbia, within the 2006 Constitution introduced the possibility to address Constitutional Court with constitutional Appeal. Constitutional appeal may be lodged by any person (or entity) who believes that an individual act or action of a state authority or organization vested with public powers violated or denied a human or minority rights and freedoms guaranteed by the Constitution.

Who appoints judges and how

Under article 153 of the Constitution, the High Judicial Council is established as an independent and autonomous body to provide for and guarantee the independence and autonomy of courts and judges. It has 11 members, three of whom are members by post (the President of the Supreme Court of Cassation, the Minister of Justice and the President of the authorised committee of the National Assembly, i.e. the Committee on Justice). The other eight members are elected by the National Assembly for a five year term, from candidates proposed by the competent bodies and elected on direct elections between judges¹¹. Six members of the HJC must be judges. The HJC is competent to elect judges to permanent office and to propose candidates for election for a first three-year mandate, to appoint lay judges, to rule on the termination of a judge's functions, to propose the election and dismissal of the President of the Supreme Court of Cassation and court presidents to the National Assembly, to decide on the transfer and assignment of judges, to rule on the process of the performance evaluation of judges and court presidents, to rule on issues of immunity of judges and members of the HJC, to rule on the incompatibility of other services and jobs, to perform tasks in respect of the implementation of the National Strategy for the Reform of the Judiciary within its remit and to perform other duties as specified by law.¹²

Who represents judges

The High Judicial Council is an independent body which ensures and guarantees the independence and autonomy of courts and judges. Council was established on April 6, 2009 and has 11 members. It is composed of the President of the Supreme Court of Cassation, Justice Minister and the Chairman of the relevant committee of the National

¹⁰GRECO, Evaluation report Serbia, Strasbourg, 2. July 2015, page 27.

¹¹ Above is explained that YUCOM monitored the process of direct election of the members of the HJC in December 2015.

¹²Ibid., page 28.-29.

Assembly as members ex officio, and eight electoral members elected by the National Assembly, in accordance with the law. Electoral members include six tenured judges, one of which is from the territory of autonomous provinces, and two respected and prominent lawyers with at least 15 years of professional experience: currently one of them is a practicing attorney and the other professor of a law faculty.

In Serbia there are a number of judges associations.

Judges' Association of Serbia (JAS) is a professional, non governmental, non profit organization in favor of the establishment of an independent, impartial, professional, efficient and accountable judiciary, through affirmation of law as a profession, advancement of regulations, strengthening of respect, professional ethics and the dignity of judges, with a goal of promoting the rule of law. JAS today has approximately 1000 registered members and 25 branches covering entire territory of the Republic of Serbia, while the Head Office is in Belgrade. It works through 10 Commissions in different fields of law. *Association of Magistrate Court Judges (AMCJ)* was founded in April 2003 also as a non profit and professional organization. Organization counts 610 members (63 judicial assistants). The aim of the Association is the preservation of independence, reputation and dignity of the profession and organization of seminars, conferences, lectures and round tables. It's main tasks are the promotion and protection of human rights and harmonization of the legal system of the Republic of Serbia with international law.

Association of Judicial Associates of Serbia was founded on Jan 21, 2014 as a non-governmental, non-political, voluntary, professional, non-profit organization. It was founded by the judicial advisors and assistants dissatisfied with the status they have in the Serbian judiciary. Association advocates for finding solutions, in the shortest possible period of time, for judicial and prosecutorial advisors and assistants which will finally lead to their appointment to the judicial and prosecutorial functions, and will also improve their overall position in the Serbian judiciary. Other professional CSOs are also working in the range of supporting independent judiciary.

What are main challenges judiciary face according to research, reports, public debate?

Within this paragraph we used findings from the Serbian Judicial Functional Review drafted by World Bank in Serbia in 2014, as a comprehensive document where large number of stakeholders was consulted, from judiciary, ministry, civil society, bar chambers, independent institutions. Document was presented in Brussels in 2015 and is seen as a basic document both from the side of Serbian authorities, as well as by the

CSOs dealing with judiciary. Shortcomings of the judicial system within this document are the same ones pointed out by NGOs consulted during the research process.

“Overall, the judiciary needs clearer assignment of responsibility for human resources policy making, more sophisticated management, and better-defined systems for human resources than those that are currently in place.”¹³ Improving court management is a new tendency introduced by the reform process of the Judiciary and CSOs are addressing court managers in order to receive data, exchange experience and point out the shortcomings.

“In addition, judges struggle to conduct research and keep abreast of new legislation, cases, procedures, and practices. Before 2014, the only legal databases with consolidated legislation were maintained by private companies on paid subscription basis, and since few courts publish their court decisions, access to these texts is very limited, even for judges.” CSOs are also using the data published by the courts for their analysis in specific interest

In addition, the EU has cited the establishment, resourcing, staffing, and proper functioning of independent agencies, the anti-corruption reforms in Serbia’s judicial system, and public administration as key elements of the accession process. While still building their capacity to fulfill their respective mandates, independent agencies struggle to have a noticeable impact on institutional corruption in Serbia. Supporting oversight, including the work of the independent agencies, Parliament, and civil society, is a key priority for Serbia’s EU accession and a focus of assistance for USAID and other donors.¹⁴¹⁵

“In terms of efficiency, the system struggles with a legacy of bureaucracy and red tape. New cases proceed at an improved pace, and several efficiency parameters are within or close to the range currently found among EU Member States. However, courts are clogged with old cases that go unattended. Arcane processes cause delays, and procedural abuses by parties go largely unchecked. The quality of justice services is affected by poorly drafted legislation, inconsistent jurisprudence and high appeal rates. Rudimentary tools to standardize quality in service delivery, such as templates and checklists for routine procedures, do not exist. The judiciary remains marred by perceptions of corruption and undue influence, and while performance in this area is improving, it continues to lag EU Member States and regional neighbors. Access to justice services is constrained by high court and attorney fees, and attorney fees blow out further due to delays and inefficiencies in case processing. Support for indigent court users is inadequate. Access to basic legal information, such as consolidated

¹³ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 278, date 13/01/2016

¹⁴ Abbreviated country development cooperation strategy fiscal year 2013-2017, USAID, page 15.

¹⁵ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 278, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

legislation and lay formats of basic laws, is insufficient. The prospect of alternative dispute resolution holds promise but remains elusive after a series of failed reforms.”^{16[6]}

“In recent years, one could reasonably have expected the judicial system to have performed much better than it has. Workloads decreased dramatically due to reductions in incoming caseloads and increases in resources, including massive and growing arrears and further appointments of hundreds judges and staff. With lighter workloads and more judges and staff, there lay significant opportunities to improve sector performance. However, these opportunities were not realized. In the path towards EU accession, the Serbian judicial system can ill afford to miss such opportunities again.”¹⁷

Another issue where NGOs were active is monitoring and alarming on statute of limitation in criminal cases, as a clear signal that the judiciary do not function properly. NGOs addressed the issue in media regularly, thus influencing the judiciary.

“Instead, the sector embarked on successive reforms which have caused much upheaval but produced limited results in terms of performance improvement. These included two network reorganizations, the dismissal and reappointment of more than 800 judges and prosecutors, massive file transfers, changes in roles and responsibilities between actors, and the passage of ill-conceived laws that have quickly become ‘stillborn’ and required successive changes. These efforts consumed the energy of stakeholders and generated much work. However, they have done little to alter performance, which remained lackluster. Meanwhile, simpler reforms that could generate higher impact have not been prioritized, such as critical ICT upgrades, continuing training, lay guides, process simplification and managerial support for Court Presidents. Now, the sector craves stability and requires a more measured approach to reform that focuses on practical improvements to services for users.”¹⁸

There is excessive variation across courts in terms of service delivery, which undermines access to justice and uniformity in the application of law. Several courts perform extremely well against many of the agreed indicators in the Performance Framework, but there are pockets of under performing courts that reflect poorly on the rest of the sector and fail to deliver the services people need. Workloads are not equitably distributed, leaving some courts are very busy, and others demonstrably less so. Court practices differ across the country in areas of importance for court users, such as complaints handling and the application of court fee waivers for indigent court users. Progress has been noted in some areas of court management, such as ICT improvements and procedural reforms. However, gains are fragile and have yet to instill

¹⁶ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 3, date 13/01/2016, <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

¹⁷ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 3, date 13/01/2016, <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

¹⁸ *Ibid.*, page 5.

changes in behavior among judges, prosecutors, attorneys and court staff. There are isolated sites of innovation in service delivery, often in courts outside of Belgrade, where progress has been made in specific areas, such as backlog reduction, service of process and stakeholder coordination. However, these innovations have been driven by the personal initiative of individuals or with donor support. Innovators have rarely been recognized and the lessons from innovations have not been shared in a systemic way or replicated in other courts. As a result, averages and generalizations about the Serbian judiciary are misleading.¹⁹

Additionally in the practice of CSOs another issue was identified. Court statistics should be improved in order to give better insight into the work of courts and prosecutors. Namely, court statistics in Serbia cover only criminal acts, not specific lines, nor the usage of aggravating circumstances. In that sense, it is hard to trace cases of hate crime²⁰ as an area where CSOs are extremely active in monitoring processes and representing victims.

What is the level of public trust in the judiciary (according to official research)?

The judicial system is one of the least trusted institutions in Serbia. According to the public survey, 71% of citizens do not trust the courts, and 70% of citizens do not trust the prosecutor office. The rate of positive evaluations moves around 15 %, while more than 90 % of citizens consider that judicial proceedings take longer than it should. The vast majority of citizens believe that judiciary is not effective, independent and enough professional, what are the standards that the country must achieve in the framework of harmonization in Chapter 23 in the membership negotiations with the EU. Also, according to the survey, 84% of respondents disagreed with the statement that the judiciary is efficient, with 83% disagreed that it's independent from the politics and other interest groups, 82 % disagreed that it's impartial and 72 % disagreed that it's professional. More than 60 % of citizens believe that the harmonization in the membership negotiations with the EU will have positive impact on the judicial system in Serbia.²¹

Although surveys indicate that the perceived prevalence of corruption is declining across the system, in Misdemeanor Courts public trust and confidence is falling.

“Serbia’s judiciary also ranks the worst in comparison to neighboring countries in the region, including both, EU and non-EU members.”²²

¹⁹ *Ibid.*

²⁰ Hate crime (hatred as a motive) in Serbian Criminal Code is defined as an aggravating circumstance for all crimes, not as a separate crime.

²¹ Research conducted by the Ipsos Strategic Marketing for the purpose of News Agency Beta. Available on <http://www.euractiv.rs/pregovori-sa-eu/8212-graani-srbije-ne-veruju-institucijama>

²² Serbian Judicial Functional Review, 2014, page 168.

General questions on NGOs engagement in interaction, collaboration with the judiciary

- **In the section above, you listed main challenges the judiciary faces. Are those challenges addressed by the NGOs? If yes, how? If not, why not?**

Civil society is deeply motivated and involved in the judicial reform process, and is seen as a key actor in the changes. In all of the areas listed CSOs are active, modifying the policy and influencing the change.

Types and examples of NGOs – courts interactions

The scope of the interactions is broad; we can name various ways of interaction between NGOs and judiciary (see following points).

Please provide information whether in your country NGOs are engaging into particular type of interaction. Please provide some history of this type of involvement and give examples of particular activities of particular NGOs. Please do not limit your comments to your own NGO but refer to wide scope of NGOs (in most countries they are different NGOs that get in contact with courts and judges, for instance: consumer NGOs, court watch NGOs, environmental NGOs, feminist NGOs, human rights NGOs, NGOs combating discrimination, NGOs focusing on access to information etc.).

As explained earlier, CSOs have long history of interaction with judiciary dating back to the period of Milošević in the 1990-ies. When the war started, a number of judges opposing repressive regime left the judiciary or were expelled from the judicial system. Many of them formed or supported NGOs thus continuing the fight for democracy and human rights through CSOs. Some of the politically motivated cases from the 1990-ies were represented by NGOs²³ and scope of interaction was mainly in the area of opposing misuse of the courts by the ruling party in politically motivated cases including the covering of the election fraud in 1996. and 2000. After October 5th and democratic changes, scope of the work of CSOs as related to judiciary changed and interaction is nowadays in several different areas.

Therefore, we could single out several types of activities that are giving the full picture of cooperation between CSOs and judiciary (courts).

1. Trial monitoring

Just as example of those that are the most active we could list NGOs such as Humanitarian Law Center, Belgrade Center for Human Rights, Lawyers'

²³ Humanitarian Law Center, YUCOM and others.

Committee for Human Rights - YUCOM, Youth Initiative for Human Rights, Woman in Black, CHRIS Network, Autonomous women center and many others. These trial monitoring are conducted on a regular basis in various areas such as war crimes, organized crime, corruption, discrimination and violations of human rights in general, including hate speech and hate crime. During the nineties, NGOs were monitoring trials to politically motivated processes, but in this area NGOs were active in direct representation. From 2000 NGOs are monitoring different set of trials, from torture cases in prisons and detention, during the former regime and other human rights violations. Nowadays, these trial monitoring occurs in other areas, as listed above. The process of monitoring is mainly conducted without impediments, except in smaller number of cases where the courtrooms do not fit to the public demand.

2. Representation before the court

In most details, same list of NGOs are providing Free legal aid in cases of human rights violations and raising the practice of respect of human rights, introducing international standards of human rights protection, using the practice of the European Court of Human Rights etc. Therefore again the list is: Humanitarian Law Center, Belgrade Center for Human Rights, Lawyers' Committee for Human Rights - YUCOM, PRAXIS, Astra, Youth Initiative for Human Rights, CHRIS Network, Autonomous women center and many others. In this area, similar to the trial monitoring, there were different periods of NGO engagement, from the representation in politically motivated cases²⁴ to the representation of cases of discrimination and other human rights violations. Consumer NGOs have limited actions, more on a policy level than in direct representation, but their capacity is rising in this area.

3. Trainings of judges.

Number of organisations are recognized as active in the trainings of judges, court associates and others. List is as follows: Belgrade Center for Human Rights²⁵, Lawyers Committee for Human Rights – YUCOM²⁶, Helsinki

²⁴ Lawyers Committee for Human Rights – YUCOM, Humanitarian Law Center and a limited number of other NGOs that emerged during the period of Milosevic.

²⁵ More informations on trainings you may find on:
<http://www.bgcentar.org.rs/obrazovanje/seminari-za-pravnike/>,
http://www.coe.org.rs/eng/activities_sr/?conid=156

²⁶ More information you may find on:
<http://www.yucom.org.rs/rest.php?tip=vestgalerija&idSek=14&idSubSek=50&id=31&status=drug>

Committee for Human Rights in Serbia, MDRI²⁷, ASTRA, Autonomous Women's Center. There are several periods where the training component was intensified. Before 2000, NGOs were not accepted by the judiciary, Ministry of justice, nor consulted in any of the human rights issue, although they were very active, supporting judges that opposed the undemocratic regime of Slobodan Milosevic. After the fall of Milosevic, trainings and interaction started, with the short break during the government of Vojislav Kostunica specifically in the period from 2006 – 2008. Process of trainings followed the ratifying international documents, acceptance of Serbia to the Council of Europe in 2003. Hence the topic of most trainings was in the area of human rights international standards.

4. Data collection and court practice analysis

Large list of NGOs use Freedom of Information act²⁸ to obtain data from the courts, starting from functioning of the court administration, work of High Judicial Council, as well as to obtain information from the trials in specific areas of their interest. FOIA provides that these informations will be delivered to NGOs without any fee. NGOs made also portals with the information collected and promoted the work of judiciary in specific areas²⁹.

5. EU integrations and judiciary

Number of NGOs are involved in the judiciary reform process and EU integration activities. National Convent on EU (with more than 50 members of the working group for chapter 23), PrEUgovor, Partners for Changes, Open Society Foundation and many others.

Area where civil society was extremely active is providing free legal aid, starting from the 1990-ies, where oppression and torture was addressed by NGOs providing free legal aid to victims, to the current period where wide areas are covered, from asylum seekers, to police brutality, family violence, hate crime, hate speech, freedom of expression, freedom of assembly, discrimination, consumer protection and many more. Reforms are currently underway to expand legal aid in line with EU practice by providing

²⁷ More information you may find on: <http://righttoactcampaign.com/campaigning-for-the-right-to-act-in-serbia/>

²⁸ Adopted in 2004

²⁹ For more information consult: www.antikorupcija.yucom.org.rs

both³⁰ 'primary legal aid' (legal information and preliminary advice) and 'secondary' (legal representation) to the poor and certain vulnerable groups. Draft law is finalised in 2015, CSO representatives were part of the working group³¹ however the law is yet not adopted in the parliament. Awaiting the Law on Free Legal Aid, Civil Society Organisations are currently the only institutions in Serbia that provide free-of-charge service to inform and help victims of crime, in recognition of their vulnerability and specific justice needs. Certain legal support is provided by local self government, bar chamber and legal clinics within law faculties³².

In brief, we could single out characteristic NGOs activities that are indicative for addressing the challenges that judiciary faced since 1990.

1. the work of the women's rights organization Autonomous Women's Center³³, which started developing its capacities to offer legal protection to women since 1993. It continuously offers free legal aid and counselling to victims of domestic violence, active in influencing judiciary, advocating for changes of the legislation;
2. the Belgrade Center for Human Rights (BCHR) nowadays works with asylum seekers, and who were provided with free legal aid. BCHR followed cases of police brutality and represented clients before the ECtHR and issues a year report on Human Rights that covers also judiciary.
3. the human rights' legal protection continuously offered by the Lawyers Committee for Human Rights YUCOM³⁴ before Serbian courts, but also before ECHR and UN Committee for Human Rights, which was registered in Serbia in 1997; and
4. comprehensive trial monitoring programmes, which started with specific organisations³⁵ monitoring processes, mainly in the area of War Crimes, and which assisted the country in its judicial and legal reforms. Humanitarian Law Center is good representative of the organisation conducting systematic monitoring of trials, with often addressing to the judicial system, whenever there is an obstacle to the trials monitored.

³⁰ Serbian Judicial Functional Review

³¹ CUPS, YUCOM and Partners for Democratic Change

³² Legal clinics on Law faculties are currently operational only in Belgrade, Novi Sad and Niš.

³³ More information on the work of Autonomieous Women Center you may find on:

http://www.womenngo.org.rs/images/izvestaji-o-radu/pdf/10_godina.pdf

³⁴ For more info, please see: <http://en.yucom.org.rs/yucom-2013-annual-report/>

³⁵ Humanitarian Law Center

- **What aspects of judiciary should be monitored by civil society according to NGOs? According to judges?**

Monitoring of the court processes and functioning of judiciary goes in two directions, one is trial monitoring that CSOs are conducting on a regular basis in different areas³⁶ and secondly on the policy level, through expert organisations monitoring the judicial reform. Also, large number of organisations is included in this process of judicial reform, through working groups drafting the laws and regulations. CSOs are also taking part in public debate on different laws regulating the judiciary as well as analysed the judicial reform process, using different means, including testing of the constitutionality of laws regulating the judiciary before the Constitutional Court of Serbia³⁷.

Specific situation occurred in the process of drafting of the National Strategy of the Judicial Reform in 2014 when the Ministry of Justice formed a working group for that task. Ministry chose also a representative from civil society. CSOs alarmed the public and the Ministry as the person representing the civil society within this working group was neither the expert, nor had any involvement with the civil society. Also, NGOs active in the area of judiciary were not called to be a member of this working group. CSOs are also active in the area of integrity of judges, analysing ethical standards and level of corruption within judiciary.

Judges also see the monitoring process conducted by NGOs as a valuable tool for improvements in the functioning of the judiciary.

- **Who is eligible to conduct such a monitoring, what are the competences needed?**

Eligibility for monitoring the performance of judiciary as well as direct trial monitoring is driven from the competences of civil society, where extensive experience of CSOs is leaving no space for posing that question. World Bank in 2015 conducted a vast survey on judiciary - Functional Review on Serbian Judiciary where data was collected from different sources, both from the judiciary itself and from the CSOs, thus proving that NGOs in Serbia have good insight into the problems of judiciary.

³⁶ Systematic trial monitoring is conducted in the area of war crimes, where OSCE gathered a group of NGOs that are monitoring trials on the daily basis. These organisations are Belgrade Center for Human Rights, Lawyers Committee for Human Rights - YUCOM and Humanitarian Law Center. Other areas covered by CSOs are hate crime, hate speech, freedom of assembly, attacks on human rights defenders, anticorruption and in these areas report from the trial monitoring are published.

³⁷ YUCOM in 2005 started testing the constitutionality of the Law on Judges and the authorities of the Minister to influence the process of election of judges.

- **Do you see any trends, developments in NGO engagement in the judicial affairs? Do you see any obstacles to this work?**

Since the establishment of the Judicial Academy, High Judicial Council and State Council of Prosecutors, NGOs are more actively involved in judicial affairs. This includes seminars and trainings in human rights field, national and international standards, sharing NGOs' experiences in representing before international bodies etc. NGOs are also invited to give their comments on new laws/bylaws during the implementation phase and their suggestions on the need of changes in the legislative system are also considered. This is also visible through National Convention on EU, already described, where NGOs submitted their views on the Action Plan for Chapter 23 that is in the final stage of the writing at the moment.

Civil society is regularly using the Parliament and its new control role³⁸ in order to raise issue of non implementation of specific laws. In that sense, organisations dealing with gender based violence held public hearing in the Parliament in 2015 with specific topic of violence in the family and implementation of the criminal code and other practices of the judiciary. Beside MPs and CSOs, representatives of the judiciary and prosecution and independent institutions participated on the public hearing, thus giving their view on this burning issue.

Trial monitoring and direct representation conducted by CSOs is also in line with improvement of performance of the judiciary.

It is hard to maintain high attention from the institutions, it is mainly influenced by the attention of the international community and the focus that EU and other members of the international community is relying to. In that sense, regular contacts of NGOs dealing with judiciary with the Ministry of Justice are held, especially in the new EU integration process. This is the standpoint of the most of the organisations contacted during the research process.

- **How to deliver NGO feedback to judiciary? What are the best ways used in your country? Is there any problem in communication with judicial bodies, courts, and judges when delivering feedback?**

- **Is the result of work of NGOs (regarding judiciary) being treated seriously? Are project findings and reports discussed, studied, answered? By whom, how?**

- **What is the overall attitude of the general public towards the NGO engagement in judicial matters? Are there any characteristic voices? Is there a support or the opposite?**

- **What are ways for the Judiciary to take into account NGO feedback?**

³⁸ new role of the Parliament in not only adopting the laws, but also monitoring their implementation.

- Do NGOs collaborate, have common projects, and interact with judges associations? If not, why not? If yes, please provide examples.
- Are NGOs represented in the official judicial bodies or bodies relevant for the judiciary (judicial council, consultative bodies, other)?
- Are NGOs being invited by judicial bodies to meetings, seminar, conferences etc.?
- Does curriculum for future judges (judicial academy) or judges in service include information about NGOs and their possible role in the Society and in the judicial proceedings?
- Are there any critical voices about NGOs engagement in the judicial matters? What mistakes NGOs make? What shall be improved, changed in NGO approaches? What are opinions of judges on the above issues?
- Are NGOs (especially in their monitoring activities) collaborating with academia (scientists, researchers, sociologists of law)? What are the forms and scope of such collaboration?
- Is the idea of ranking (rating) of courts (based on chosen criteria) present in your country. Are NGOs in any way involved in this?
- Is there a funding for such a work (related to judiciary) available in your country? Is this available from public sources (what) or private (what)? Are there any recent changes in this matter?

If we analyze influence of NGOs to the work of the judiciary, beside participation in the dialogue, one of the methods used is addressing the public through media. This is seen as the most influential mean to draw attention of the judiciary (and the relevant ministry) on shortcomings in their work, especially systematic errors described above, from statute of limitation, to the length of procedure and breach of human rights in general. By analyzing concrete cases, and addressing the public, NGOs conduct limited and legitimate pressure on the judiciary.

Reports and findings published by NGOs are considered by all relevant stakeholders, they are also used for the Country Report that EU publishes every year. NGOs are consulted in the process of evaluation of performance of judiciary and its reports are analyzed on different levels, from addressing of the MPs in Serbian Parliament to the relevant ministries.

Conferences organized by the judiciary, courts and prosecutors, JA and MoJ regularly invites NGOs, however, there is a lack of systematic invitation program, in order to reflect diversity of NGOs.

Most of the interviewed NGOs have cooperation with academia, members of the academic community are invited to present their views on conferences organized by civil society and regularly consulted. However, we have to point out that there is a low

level of understanding of human rights amongst some of the professors of the law school and therefore some of the closer links are missing. NGOs also cooperate with legal clinics on law schools in Serbia, educating students, exchanging views on judiciary and legal topics with signed memorandum of understanding³⁹.

Also international cooperation of NGOs with academia is present, many of the major NGOs have links with universities and have internship programs, not only for law students from Serbia, but also worldwide.

Public supports the work of the NGOs related to the monitoring of court performance as opposed to some other areas, such as transitional justice and protecting human rights, where attitude of the public is not in favor of NGO involvement, as a legacy from the period of 1990.ies.

NGOs do not have their members in the HJC or the State Prosecutorial Council, nor in any of the consultative bodies. There is a future reform of the HJC and SPC envisaged by the end of 2017, where also the Constitution will be changes, so there is a possibility to advocate for NGO involvement in these bodies.

NGOs are collecting good practice examples and pointing out the shortcomings (bad examples)⁴⁰ and in that way creating an unofficial list of ranking the courts. Systematic rating/ranking is not conducted by NGOs, nor by any other authority (academia, ministry).

Curriculum for future judges do not explicitly give adequate information on the NGOs, however, recently, as described above, there are trainings provided by NGOs to the future judges and for the permanent education of current judges.

As related to free legal aid, we have to give more information on the pressure that NGOs are currently experiencing. There is "a bias in favor of secondary legal aid, to be provided predominantly by attorneys, while doing little to encourage primary legal aid, which would be provided by CSOs, municipal legal aid centers, trade unions and law faculties. Yet, the efficient delivery of primary legal services is likely to have the greatest benefit in terms of increasing access to justice for the largest number of Serbian citizens and could be delivered at much lower unit costs."⁴¹

Members of the Roma community, refugees, and internally displaced persons (IDPs) share the opinion that courts do not treat all members of the public equally and NGOs are alerting on that.

"Certain Civil Society Organizations (CSOs) report that they receive very limited advance notice of public debates on the laws on judiciary, even on complex draft legislation, such as Criminal Code. Debates are unstructured and few suggestions are

³⁹ Eg.: YUCOM signed the memorandum of understanding with Belgrade Law School

⁴⁰ NGO year reports published by different NGOs have these aspects - from LGBT organisations, gender, consumer organisations, to general human rights organisations.

⁴¹ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 178, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

incorporated. Once tabled in Parliament, laws are routinely passed under emergency procedure, further limiting debate.”⁴² This was also visible during the EU negotiation process and drafting of the Action Plan for Chapter 23, that MoJ organized. The fast process of drafting this document was expected and CSOs responded to it adequately. National Convention on EU organized public debate during each step of the drafting process, organizing NGOs to give their comments, both in writing and orally on the sessions organized in the Parliament.

“There remains a high risk that these laws, like other reforms in recent years, will become ‘stillborn’ if fiscal and operational implications are not carefully planned or if implementation arrangements are weak.”⁴³

As related to the funding, NGOs are mainly relying on foreign donors, mainly from EU, and other EU countries, Norway, Switzerland, US, Australia and many more. Both foreign governments and foundations are funding activities of NGOs, with small percentage provided from internal sources in Serbia and rarely from MoJ. General fundraising and philanthropy is not developed, especially for NGOs dealing with human rights. Areas where funding could be raised from variety of sources are related to child rights and limited to women rights.

There is a tendency of donors leaving the country and the region, and it may have impact on the capacity of NGOs to stay on the foot with judiciary addressing its problems.

Legal framework. Standing of NGOs.

- **Besides monitoring, some NGOs have Attorneys-at-Law who are specialized in human rights’ protection and thus may represent clients before national/international bodies. Some laws (i.e. the Antidiscrimination Act, The Public Information Act...) allow NGOs themselves to take a case into representation. They also may file complaints to the Constitutional Court and independent bodies.**

- **What types of proceedings (civil, administrative, criminal, etc.) may NGOs engage in? Are there any differences in NGOs’ standing in different types of proceedings?**

NGOs may engage in civil procedure as a party in a case and there are no differences in their standing during the procedure.

⁴² Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 129, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

⁴³ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 178, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

They may also initiate the procedure before the Constitutional Court, filing a constitutional complaint on behalf of a victim of certain human right violation.

In criminal cases, NGOs may not engage unless they have a lawyer, but they can file a criminal charge. NGOs that are providing free legal aid either engage lawyers for specific court cases⁴⁴ or have relations with attorneys to provide free legal aid as in house lawyers. Pro bono practice of lawyers, offering free services to NGOs is not developed, despite several attempts, only few legal offices provided free services.

NGOs are also active before ECHR and UN Committees, where they represented clients and further on worked on the implementation of these decisions before Serbian authorities⁴⁵.

- **Are associations entitled to act on behalf of parties (to represent a party in court)? Under what terms and conditions?**

Participation of NGOs in court proceedings is defined by various laws. The general act that defines representation of clients before courts is the Law on Civil Procedure. According to this act, the right to act on behalf of a victim is entitled to Attorneys-at-Law, primarily. Besides attorneys, victim may be represented by a relative or a husband/spouse, representative of Municipal Legal Aid Service and the representative of one's Trade Union.

In cases for protection of human rights, such as hate speech cases, antidiscrimination cases etc, NGOs are entitled to act on behalf of a party. Laws that regulate specific human right field, always contain an article that defines a right of NGO to file a lawsuit and represent the party during the procedure.

- **Are associations entitled to act in support of parties (to join already existing proceedings)? Under what terms and conditions?**

Only as monitors of the court proceedings, or Attorney-at-law as an individual hired by the association according to the Law.

- **Does your national law allows for actiopopularis (when NGOs act in the public interest on their own behalf, without a specific party/victim to support or represent)? Please give details.**

Actio popularis is allowed only in anti-discriminative proceedings, according to the Anti-Discrimination Law. Previously it was allowed in all civil proceedings, but was

⁴⁴ for example CHRIS network, consisting of 5 offices in Serbia provides free legal aid and engage lawyers for direct representation of clients whose human rights are violated.

⁴⁵ See ECHR YUCOMs case VAM vs Serbia <http://lawdem.slilic.com/en/postupak-izvršenja-odluke-evropskog-suda-za-ljudska-prava-slucaj-v-a-m/> and <http://www.yucom.org.rs/rest.php?tip=vestgalerija&idSek=18&idSubSek=61&id=26&status=drugi> and UN Committee case Bodrozic vs Serbia <https://www1.umn.edu/humanrts/undocs/1180-2003.html> .

changed with the changes in the Law on the Civil Procedure. Those cases are usually strategic cases, and will be elaborated in later section.

- **Does your national law allows for class action (when NGOs act in the interest of more than one individual party/victim for claims arising from the same event)? Please give details.**

Class actions are allowed in national law, and are usually strategic cases for the NGOs. More about class actions taken by NGOs will be elaborated in later section.

- **Are there any legal limits or practical barriers based on the interpretation of law that limit NGOs activities related to the proceedings or generally projects related to judiciary (like for instance restrictions on the entrance to the court)?**

NGO activists (including Woman in Black and other NGO activists) have repeatedly been prevented from attending some trials as an expert. The main reason for this is the fact that there is no clear criteria to distinguish public from experts. As an explanation for non-release of the activists was that there was insufficient capacity and space to accept all. In addition to NGO activists, journalists were given priority and released to attend trials, although they are not members of the professional community. This says a lot about the incompetence of judges and attitude towards the NGO sector.

“Despite several years of deliberation in working groups, there remain some concerns with the latest draft of the law. For example, the current draft creates a bias in favor of secondary legal aid, to be provided predominantly by attorneys, while doing little to encourage primary legal aid, which would be provided by CSOs, municipal legal aid centers, and law faculties. A significant challenge going forward will be to ensure that primary legal aid is adequately funded and delivered consistently throughout the country.”⁴⁶

NGOs monitoring, advocating and engaging in the legislative process regarding judiciary

This section also covers engagement of the NGOs in the debate on judiciary and its systemic changes that may be part (or not) of the legislative process.

- Do NGOs in your country engage in this type of activity?

⁴⁶ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 23, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

NGOs are engaged in the debate on judiciary by participating on public debates, participating in the working groups for the adoption of laws, submitting initiatives for the assessment of constitutionality, through media campaign etc.

- If yes, please provide more information, examples of particular organizations, examples of particular projects

One of the most useful tools is the initiative for the assessment of constitutionality, which lead to many successful changes in Serbian legislative system. NGOs were submitting those initiatives for many laws, including the Law on Judges, the Law on Civil Procedure, the Law on Non-Contentious Procedure etc. For example, the initiative for the assessment of constitutionality of Article 85 of the Law on Civil Procedure led to the positive decision of the Constitutional court, but unfortunately, later it was adopted again in the Parliament, without public hearing or any participation of the NGOs.

Currently, YUCOM is participating in the working group for the adoption of Law on Free Legal Aid.

This is another very useful tool for participation in the legislative processes and changes of the judicial system.

- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others

- Please share information on any barriers, problems, NGOs face in this type of activity

The main barrier is the fact that most of the relevant stakeholders are often challenging the credibility of NGOs, considering that only professionals may be engaged in these processes, and contesting whether NGOs are capable to be considered as professionals.

- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)

- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

A major challenge that NGOs face in this type of activity is that the awareness of law and practice is limited, even among professionals. “Judges, prosecutors, and lawyers struggle to conduct research and keep abreast of new legislation, cases, procedures, and practices. Before 2014, the only legal databases with consolidated

legislation were maintained by private companies on paid subscription basis. Since few courts publish their court decisions, access to these is very limited.”⁴⁷

Trial monitoring, trial observation, court watch

There are different kinds of trial observation. Shortly it may be divided into more in depth specialized observation of particular cases or types of cases (often but not necessary of the high profile cases) done by experts or court watch activity when common citizens (usually not lawyers, sometimes students) visit the court for one day and observe “the culture of judging”.

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity

A number of NGOs are engaged in activities such as trial monitoring, trial observation and court watch. There is a good developed practice of trial monitoring by NGOs in Serbia.

Quite often, trial monitoring is conducted through various projects in which those NGOs are engaged. Main topics of monitoring are discrimination, corruption, war crimes, and they are usually monitored by lawyers and attorneys, but there are also people from different branches and students who are interns in some of organizations that monitor cases.

YUCOM implemented a project *Regional action against corruption: Support to the judiciary in fight against corruption in the Western Balkans* with the support of Partnership for Transparency Fund (PTF). During this project partners made effort to support judiciary by monitoring trials for criminal offenses and conducted the comparative overview of situation in Croatia, Bosnia and Herzegovina and Serbia. Partners realised that the monitoring of the work of the judiciary representatives and incitement to close communication and coordinated action of all engaged subjects in combating corruption, is a scope in which civil society can be a corrective factor and a

⁴⁷ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 24, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

partner to judiciary as well as to other state mechanisms in the fight against corruption. Recommendations which came after these activities can be summarized in a few important points:

- Ensure greater independence of the judicial institutions, especially through clearer and more precise procedures for the election of the holders of judicial or prosecutorial functions
- The system of being elected to the judicial function and the function of public prosecutors, as well as the resolution from it, have to be changed in direction in which there is no political influence. This primarily relates to the eventual elimination of the probationary period for judges election, since it is confirmed that this is the most influence period when it comes to the likeliness of corruption.

Regarding the legislative framework it is clear that the grouping of offenses with corruptive elements into a specific group in the law and the definition of clear protective structures affected could make the prosecution more effective. This also came as a conclusion of the trial monitoring conducted by NGOs in the area of anticorruption.

Additionally, during the interviews few topics fe recommendations were singled out by NGOs:

- Educate specialized experts in the areas that are specifically marked as vulnerable, especially in the area of family violence, hate speech and hate crime. This recommendation has also impediment in the fact that court cases are assigned to judges randomly, not taking into consideration their professionalisation and this is seen as additional guarantee of impartiality.
- Also, in cases that require knowledge from several areas, which require a more detailed expert analysis, a council of experts should be formed, as often their opinion is the key evidence in proceedings with corruptive elements since it is confirmed that this is the most influential period when it comes to the likeliness of corruption
- The early detection of committing offences with corruption elements should be improved. For this reason, it is necessary to reduce the administrative apparatus, ensure stricter selection criteria and reinforce control of the public corporation and registration of companies, or to focus on the prevention of the problem
- Raise the level of confidence in judicial institutions through transparent procedures and improve the communication of judicial institutions with journalists and other monitors
- Introduce as obligatory internet presentations of courts with electronic database, which would facilitate obtaining data on the proceedings and trial schedule.

For example, *Judicial Monitoring Network* was created by several organizations from Serbia: The Network of the Committees for Human Rights in Serbia – CHRIS, Lawyers’ Committee for Human Rights – YUCOM, Belgrade Centre for Human Rights and Gay Straight Alliance. This Network was created through the [Coalition for Equality STEP](#) project. The Network was created as a response to low transparency of discrimination trials and insufficient public interest for them. Monitoring of the trials is necessary in order to organize legal framework and enable its complete implementation, and particularly the implementation of the Anti-Discrimination Law. Adequate monitoring of discrimination trials, undertaken by the broader network of organizations, fills the existing gap between the legal framework and its implementation, because, due to close communication, useful information is exchanged more efficiently and quality of monitoring is improved.

YUCOM is part of a Network of organizations that also monitor trials for corruption. Through the [„Adequate support to Serbia's judiciary through monitoring the trials for corruption“](#) project, our goal is to improve and enable effective rule of law in the region and to help in the development of a judicial system that will effectively contribute to combating corruption. Attending hearings and involvement of civil society and citizens in the monitoring of procedures for criminal acts with elements of corruption YUCOM is promoting a model of legitimate "pressure" on all actors of the criminal proceedings so they approach their roles more responsibly.

The project *„Strengthening the capacity of civil society organizations monitoring trials“* is carried out under the auspices of the OSCE Mission to Serbia. The project aims to contribute to the advancement of the rule of law in Serbia, particularly the criminal justice system and accountability for war crimes, through the evaluation of harmonization of standards by the national war crimes trials which are in accordance to international standards, as well as through the construction of a sustainable network of war crimes monitors and the mechanism for the exchange of information.

Among many organizations supporting these actions, we can certainly mention Belgrade Centre for Human Rights, Youth Initiatives for Human Rights, Open Society Foundation, Network of the Committees for Human Rights in Serbia – CHRIS, Women in Black that are also themselves directly intervening in the judiciary, leading advocacy actions, conducting trial monitoring or conducting trainings of judges. While some cases which attract the public attention are still in progress, many interested parties are starting and continuing monitoring the trials.

Involvement of NGOs in court trials.

This section includes strategic litigation (impact litigation, test cases), providing amicus curiae brief, as well as engaging in the proceedings in other possible ways, like social/citizens representative and similar. Please also include information on *actio popularis* and *class action* cases if possible and done by NGOs.

- Do NGOs in your country engage in this type of activity?**
- If yes, please provide more information, examples of particular organizations, examples of particular projects**
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others**
- Please share information on any barriers, problems, NGOs face in this type of activity**
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)**
- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity**

NGOs in Serbia are engaged in this type of activity. There are a few organizations which provide free legal aid (legal advices, information and litigation) for citizens: Praxis, Autonomous women center, Astra, YUCOM, Chris network, Belgrade centre for human rights and others. Most of them are providing aid in special fields such as: migrations, woman’s rights, aid for trafficking victims, discrimination, social care etc.

There is big need for more active legal aid. Serbia still does not have Law on free legal aid and many citizens are forced to ask for CSOs help, more than CSO sector is capable to provide. The biggest problem is lack of resources – human resources, as well as financial. All these mentioned organizations are providing free legal aid since their founding. They are working on strategic human right cases, providing advices and information for citizens. They are also connecting citizens with organizations specialized for certain fields of law (where it is possible) or relevant state institutions. They have a free call centre for legal aid.

Strategic litigation is one of the main activities of those NGOs providing free legal aid. Usually it depends on the certain fields of law that particular NGO is practicing, for example cases of discrimination, mobbing, hate crime, hate speech, etc. YUCOM is continuously engaged in numerous litigations in previously mentioned cases, by representing a particular victim of a violation of law or a specific group (class action). In 2015, for example, YUCOM brought the case of forced evictions of Roma families who fled the Kosovo war in 1999, to the European Court of Human Rights and stopped the state from separating families and forbade the state to demolish buildings and to evict Roma families until alternative accommodation is found. Those interim measures of the European Court of Human Rights are found to be very useful, and should be practiced

by NGOs more in the future. On the other hand, there is a huge number of NGOs representations in the anti-discrimination procedures, procedures of restoration of legal capacity, mobbings, hate crimes, hate speeches, etc.

NGOs working in the field of access to information. Transparency.

This section covers information on courts and their operation (including access to jurisprudence as well as access to information on administration and finances of courts).,,

- Do NGOs in your country engage in this type of activity?**
- If yes, please provide more information, examples of particular organizations, examples of particular projects**
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others**
- Please share information on any barriers, problems, NGOs face in this type of activity**
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)**
- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity**

NGOs active in the area of access to justice, rule of law and legislative changes are using information on courts and their operations, particularly jurisprudence in specific types of legal proceedings. Some of the information can be found online, such as court decisions and other information linked to procedures before the court, but information on administration and finances of courts are not available online. For that information, NGOs and individuals that are interested in these issues have to submit request⁴⁸ for free access to information of public importance⁴⁹. According to the Law on free access to information of public interest, every citizen has the right to access the information of public interest, and if the information is not available, one can access it using this request. After its submission, the state organ has an obligation to allow the access to the information. Commissioner for Information of Public Interest and Protection of Personal Data may independently initiate proceedings for the protection of this right, or on the basis of the complaint.⁵⁰

In practice it often happens that some information of public interest is missing. Mostly it is about certain document that could be of huge importance in certain cases.

⁴⁸ Law on free access to information of public interest, "Official Gazette of the Republic of Serbia", No. 120/2004, 54/2007, 104/2009 i 36/2010, Ar 15

⁴⁹ YUCOM, Transparency Serbia and others submitted requests for free access to information related to judiciary. Eg. YUCOM asked data on anti corruption cases led in 2013 and 2014.

⁵⁰ Law on free access to information of public interest, "Official Gazette of the Republic of Serbia", No. 120/2004, 54/2007, 104/2009 i 36/2010

For example, in 2015, YUCOM was active in the case of unfounded charging of voluntary insurance of citizens via communal services. The document that was of crucial importance for this case was not available for the public, even though it was about the rights and obligations of general public. YUCOM sent the request to the relevant stakeholder, and after the negative response, YUCOM submitted the complaint to the Commissioner which resulted in receiving the disputed document, and the case was able to be continued.

“Academics and NGOs with well-developed research capacities could use the data available to conduct further analysis if it was presented in an amenable format. To date, there has been no analysis of who uses annual report information or to what ends. In other judiciaries, analysis by academics and leading CSOs has been important in identifying the developments that may have slipped to the judiciary.”⁵¹

In addition, in cases when in-depth analysis has to be conducted, NGOs and other research teams use request for free access to information of public importance, as relevant data are not always available online.

NGOs defending judiciary and judicial independence

While NGOs exercise social control over judiciary they may also act when the judiciary is under attack (especially political) and its independence is under threat.

- ***Do NGOs in your country engage in this type of activity?***
- ***If yes, please provide more information, examples of particular organizations, examples of particular projects***
- ***Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others***
- ***Please share information on any barriers, problems, NGOs face in this type of activity***
- ***If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)***
- ***Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity***

Yes, together with Judges association, YUCOM and other organisations dealing with judiciary (mentioned above as providers of Free Legal Aid) are organising campaigns and NGOs were more active in the process of re election of judges, that was questioned before the Constitutional Court of Serbia since 2010. Judges and prosecutors submitted Constitutional Appeal in the cases of reelection.

⁵¹ Multi-Donor Trust Fund for Justice Sector Support in Serbia, *Serbian Judicial Functional Review*, October 2014, pg 236, date 13/01/2016 <http://www.mdtfjss.org.rs/sjfr/en/executive-summary/2-2c-human-resource-management>

Also, NGOs are questioning the work of the High Judicial Council (HJC), thus supporting the judiciary and its independence. In that sense specific role has Association of Judges as the professional NGO dealing with judiciary that is active in control of the judiciary and advocating for its independence. Association of Judges was very critical in the process of re election of judges and addressed directly the HJC⁵². The same activity was conducted by Association of Prosecutors, in the area of reelection of prosecutors.

As described earlier, reaction on every political pressure is traditionally conducted by CSOs since the 1990-ies and the period of Milosevic. Civil society was at that time seen as the enemy of the Milošević regime and its actions were proclaimed as treason, foreign mercenary.

Also organisations are conducting trainings of judges related to integrity and human right areas, such as discrimination. All those activities are conducted jointly with Judicial Academy.

Trainings and workshops for judges organized by expert NGOs

This section covers educational activities organized by NGOs or in collaboration with NGOs dedicated to judges and judicial staff. This also covers NGOs (and their work) being an inspiration for creating official curricula.

- Do NGOs in your country engage in this type of activity?**
- If yes, please provide more information, examples of particular organizations, examples of particular projects**
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others**
- Please share information on any barriers, problems, NGOs face in this type of activity**
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)**
- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity**

NGOs do engage in this type of activities. Communication between NGOs profiled as contributors in providing training, recommendations and meetings for the members of the judiciary on relevant topics in domestic law is on the good level. Serbian Judicial Academy cooperates very often with relevant NGOs as described earlier. We have already elaborated trainings conducted by Belgrade Center for Human Rights, as well as those provided by AWC and MDRI.

⁵² For more details please consult: <http://www.naslovi.net/2012-05-24/akter/drustvo-sudij-kritikuje-vss/3489088>

Just as an example, we could describe YUCOMs activity in this area. Namely, YUCOM organized six panel discussions in Serbia (Novi Pazar, Negotin, Valjevo, Niš, Novi Sad and Belgrade) in 2012 where the role of each of the main actors of criminal proceedings – judiciary, prosecution, defence and the police in combating corruption was discussed. On the panels focus was also on obstacles and prerequisites for more efficient corruption criminal proceedings as well as the communication and cooperation amongst them. Discussions were the places for open dialogue between representatives of the three actors as to build up the communication and cooperation and to talk over the burning issues and all of the difficulties in combating corruption. NGOs also presented their findings, thus leading the discussion. The follow up was the publication of YUCOM with observations and recommendations.

Recommendations given by the relevant organizations are often taken into account when changing the legislation, or writing shadow or other reports. At the other hand this way the civil society becomes the bridge between different types of the judiciary, and a strong link of communication. On the panels YUCOM organised, judges and prosecutors stated that they need more panels with opened discussion on the topics such as the one that YUCOM chose.

It was also agreed that education for judges, court experts, prosecutors and police officers is crucial for better understanding of specific areas where corruption rises and exists. Actors of criminal proceedings noticed that they need more specific knowledge about economic issues, taxes, stock market etc, as to know how to deal with and to direct expertise in non-jurisdictional areas as economics, finances, taxes, civil engineering etc.

NGOs as organizations educating citizens in about the judiciary

This section cover all possible types of education and awareness raising about judiciary done by NGOs. This may include trial simulation, visits in courts, other events in interaction with courts and judges.

- Do NGOs in your country engage in this type of activity?**
- If yes, please provide more information, examples of particular organizations, examples of particular projects**
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others**
- Please share information on any barriers, problems, NGOs face in this type of activity**
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)**
- Please note whether you attach “the organization business card” or “project business card” relevant for this type of activity**

NGOs do provide education for the citizens, especially for students, legal clinics and young activists, you may find more information in the organisational cards. This usually happens in a form of seminars, workshops or presentations. There is a developing practice of trial monitoring where law students or students from other relevant studies are engaged, and present in the courtrooms. They are previously being trained by the NGO experts on the ways and problems of conducting the monitoring. NGOs who provide this kind of training are YUCOM and Youth Initiative for Human Rights, as well as Law Clinics of the University of Belgrade.

The idea of organizing workshops for students is to train the volunteers, human rights activists, journalists and researchers for monitoring and get them to know basic human rights standards and basic principles of criminal proceedings as well as specific issues concerning usually complex corruption cases. Workshops include presentations from the experienced prosecutors and judges as well as journalists with integrity in investigative journalism and objective and professional reporting from courts and on criminal proceedings for corruption.

Also, media are used as a tool for educating citizens, NGOs are often consulted when media are preparing information on judiciary, either general comments, or specific cases that NGOs are monitoring, representing.

Any other form of NGOs – courts interactions that do not fit into previous types

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please list them here.

We pointed out different forms, and here we would add the communication with international community interested in judicial reform process. Serbia has the opportunity to use the mechanism of EU integration for further focus on judiciary and NGOs are largely using this opportunity.

International cooperation

Were/ are there any important projects in our area of interest that were done as a part on international projects or in international cooperation?

Before we start listing projects related to judiciary, we just wanted to clarify that the projects are regional, because they include several countries from the Western Balkans.

1. Regional Action Against Corruption⁵³: Support for the Judiciary in the Fight Against Corruption in the Western Balkans - Activities in detecting systemic deficiencies in the

⁵³ [Anticorruption - Monitoring the trials for corruption](#)

response of the judiciary in criminal acts with elements of corruption and monitoring the trials, and to promote professional and objective coverage of criminal proceedings for offenses with elements of corruption. This project is implemented by organization from Serbia, Croatia and Bosnia and Herzegovina.

Publications: A) [For Efficient Judiciary Against Corruption](#); B) [Straightening Judiciary in Combating Corruption](#)

2. Judiciary in the fight against corruption⁵⁴ - Project which is implemented by the Transparency International from Czech Republic and Transparency Serbia;

Publication: [How to Fight Corruption? Current Problems and Issues from the Work of Repressive Anti Corruption Bodies in the Context of EU Integration](#)

3. Connecting civil society in the protection of marginalized human rights in Serbia, Montenegro, and Kosovo⁵⁵ - Coalition regarding this project is formed with goal of implementing a regional action to improve the status of human rights in Serbia, Montenegro, and Kosovo, in the area of monitoring court procedures for discrimination. The key problems in realizing human rights, similar or the same in the three countries, connect activists, lawyers, and researchers, who are all motivated by the same goal – achieving full equality, tolerance, understanding, and cooperation. The existing intolerance, as yet elusive justice, and inequality are caused by untested or insufficiently robust mechanisms of human rights protection, the lack of implementation of positive regulations, and generally inadequate state response to human rights violations.

Publications: A) [Equality - Regulation and reality](#) B) [Three views on combating discrimination](#)

4. [Triple A for citizens](#) - The project Triple A for citizens (access to information, advice and active help) is implemented in the framework of the European Commission's Partnership programme for Civil Society organizations. It is based on the principle that everyone has the right to be informed on their rights. In order to achieve this goal and strengthen the role of civil society, the project encompasses a multitude of services provided to citizens to enable them to access information on their right as well as obtain advice and active help in exercising them. It encourages non-governmental organizations to provide information, advice and active help to citizens on their rights in the Western Balkans and Turkey. Project is implemented by organizations from Serbia, Croatia, Kosovo, Bosnia and Herzegovina and Turkey. There are numerous publications that are made within the framework of this project and they are all available on the [Triple A for citizens website](#).

⁵⁴ [Transparency Serbia](#)

⁵⁵ [Coalition for Equality STEP](#)

5. [Courts as Policy-Makers?: Examining the Role of Constitutional Courts as Agents of Change in the Western Balkans](#) - This research project investigated the contribution of constitutional courts to democratic transition and consolidation in the countries of the former Yugoslavia, focusing on examining the capacity, positioning, legitimacy and overall performance of constitutional courts in resolving important political and social issues in four transitional countries of the Western Balkans. This project was implemented by the Center for Social Research Analitika, in cooperation with Belgrade Centre for Human Rights, Group for Legal and Political Studies from Kosovo and CRPM – Center for Research and Policy Making from Macedonia.

6. [Human Rights and Business Portal: Serbia](#) - Through implementation of the project Human Rights and Business Portal: Serbia, Belgrade Center for Human Rights in partnership with Danish Institute for Human Rights introduced to Serbian general and expert public relatively new human rights concept. Main stage of the project was production of Human Rights and Business Country Briefings for Serbia. Country Briefings covered potential business impacts on the human rights and labor standards enshrined in the International Bill of Human Rights and in a range of International Labor Organization Conventions. Briefing covered with sensitive labour issues like vulnerable groups, child labor, forced labor, environment, land and property, etc.

Part 2

NGOs “organization cards”

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Belgrade Centre for Human Rights

Street Kneza Milosa 4, 11000 Belgrade

+381 11 3085 328

bgcentar@bgcentar.org.rs ; <http://www.bgcentar.org.rs/bgcentar/eng-lat/>

The principal goals of the Centre are advancement of knowledge in the field of human rights and humanitarian law, development of democracy, strengthening of the rule of law and the civil society in Serbia and other countries in transition from authoritarianism to democracy.

The most important fields of the work of the Centre are:

- [Education](#)
- Research
- [Publishing](#)
- Public promotional activities (lectures, manifestations, public debates, film and radio productions, etc.)

- Drafting model laws and projects for the reform and improvement of state institutions
- [Reporting on the state of enjoyment of human rights](#)
- Humanitarian assistance
- Co-operation with national and international organisations and institutions active in the field of promotion of human rights, rule of law and democracy
- Providing legal assistance to asylum seekers
- Active involvement in the process of european integration
- Support of volunteerism

For its achievements in the area of human rights, the Centre was awarded the Bruno Kreisky Prize for 2000. The Belgrade Centre is member of the Association of Human Rights Institutes (AHRI) and the Balkan Human Rights Network and from 2013 member of European Council of Refugee and Exiles (ECRE).

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information.

Transparency;

- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good

practices of interaction between NGO and the judiciary.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

The Belgrade Centre for Human Rights (Beogradski centar za ljudska prava) was established by a group of human rights experts and activists in February 1995 as a non-profit, non-governmental organisation. At that time the goal of the Centre was to fight against the authoritarian regime of Slobodan Milosevic and for the establishment of democracy, strengthening of the rule of law and the civil society in Serbia. The main purpose of the Centre is to study human rights and humanitarian law, to disseminate knowledge about them and to educate individuals engaged in this area. It hopes, thereby, to promote the development of democracy and rule of law in Serbia and other successor states of the former Yugoslavia and societies in transition from authoritarian to democratic rule. Since the democratic change the Centre is actively involved in reforming Serbian society, and endeavours to raise the consciousness of the citizens on the importance and dimensions of the idea of human rights and individual freedoms and to establish a favourable climate for their full respect and enjoyment. Advancement of theory, legislation and practice of human rights remain in the focus of the Centre's activities. Nevertheless, the Centre has set itself a new goal aimed at assisting Serbian institutions in the process of European integrations.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Association of judicial associates of Serbia
AJAS/APSS

Street Nemanjina 9, Belgrade, Serbia
asocijacija@apss.rs
nina.nicovic@gmail.com (Vice president of AJAS)
www.apss.rs

Twitter: AJAS@AjasAssociates
Facebook: Asocijacija Pravosudnih Savetnika Srbije
Асоцијација правосудних саветника Србије

Judicial reform, transparency and merit based selection of candidates for the judges and public prosecutors post, advancement of professionals in the judiciary based on objective criteria.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information.

Transparency;

- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

- Monitoring and participating on working groups of High Judicial Council, Ministry of Justice, NGO's for drafting most important judicial laws concerning key activities mentioned above for AJAS (Judicial reform, transparency and merit based selection of candidates for the judges and public prosecutors post, advancement of professionals in the judiciary based on objective criteria)

- Speakers and participants of international conferences regarding judiciary, raising awareness on issues in the Serbian judiciary
- Cooperating on a regular basis with expert missions from the EU concerning set of judicial laws
- Protecting the interests of professionals in the judiciary-judicial and public prosecutors associates in Serbia, raising the awareness of the issue to all of the major stakeholders, international organizations and the media
- Cooperating and coordinating with relevant stakeholders concerning the reform of the Serbian judiciary (Judges Association of Serbia, Association of public prosecutors of Serbia, Bar Association of Belgrade, Bar Association of Serbia, YUCOM, Partners for Democratic change Serbia and various other NGO's also Ministry of Justice)
- Notifying the public and the citizens through active media involvement concerning issues in the Serbian judiciary

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Participation in working groups in drafting:

- the guidelines for the future work of Judicial Academy (Ministry of Justice)
- the guidelines and Rule Book on review of work of judicial associates (High Judicial Council)
- analysis of the position of judicial and public prosecutors associates in the Serbian judiciary (Ministry of Justice)

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Exclusion from the working groups on drafting Laws and rule Books of the most important set of judicial laws concerning selection of judges and public prosecutors. Public debate limited to a very short period of time and without feedbacks.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Key resources of AJAS are experts with tremendous experience in the all areas

of the judiciary and partnerships with relevant stakeholders/members of the professional public- Judges Association of Serbia, Association of public prosecutors of Serbia, Bar Association of Belgrade, Bar Association of Serbia, YUCOM, Partners for Democratic change Serbia and various other NGO's also Ministry of Justice.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Network of the Committees for Human Rights in Serbia CHRIS, Dragan Djordjevic Network coordinator, office@chris-network.org , ++38118526234; ++381694466982

CHRIS Network provides a direct free legal aid to citizens, makes analyses of existing data, and monitors specific cases of non-respect of human rights, with an objective to alter and amend the existing legal and sub legal regulations in cooperation with national and international organisations and institutions on the territory of Serbia.

The CHRIS Network seeks to realize this vision through implementing activities within the following areas:

Rule of Law:

- Ø improve compliance with Human Rights obligations and accountability of duty holders,
- Ø Increase citizens' access to legal assistance.

Non-Discrimination:

- Ø improve legislative and other mechanisms for the protection against discrimination,
- Improve means of expression for minorities and other discriminated groups.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are

outcomes of the project and deliverables (reports, publications) of the project. Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information.

Transparency;

- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

The basic objective of the project “Legal Aid Network CHRIS “is a free legal aid with aim to increase access to justice different categories of citizens in Serbia and proceedings the specific cases of human rights violation. Implementation of the project also have task to improve position of marginalized groups (especially persons with disabilities) on local level by implementing antidiscrimination laws in practice, increase the capacities of minority organizations for the protection of their members rights and future self-advocacy processes. Also, realized in the same time project “CHRIS Legal Aid Network for Roma people“ is to enable a greater approach to justice for Roma national minority through the program of free legal aid in the region where the CHRIS Network operates, especially in cases of discrimination.

- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);

1. Monitoring of the application of law at the level of instituted cases on behalf of citizens by the CHRIS Network. So far, the CHRIS Network has instituted 95 proceedings before courts in Serbia.

- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary :

1. Monitoring of the application of law at the level of instituted cases on behalf of citizens. The CHRIS Network within the framework of the activities of a number of coalitions (Coalition against Discrimination, Access to Justice Coalition,

Committee of Lawyers for Human Rights Yucom/KORAK Coalition) implements law monitoring activities as well as public advocacy for advancement of Serbian legal framework.

- Trainings and workshops for judges organized by expert NGOs

1. So far, the CHRIS has organised a number of seminars for representatives of judiciary.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

The best interaction and cooperation was realised during the implementation of education programme in the form of seminars/trainings/workshops; and a particularly successful one was the latest workshop on action against trafficking in human beings realised in cooperation with the French Embassy (<http://chris-network.org/2015/04/radionica-o-borbi-protiv-trgovine-ljudima/>)

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

So far, the judiciary generally regarded the non-governmental organisations with distrust, especially non-governmental organisations having judicial representation in their programmes. On the other hand, we have not faced any problems in relation to educational programmes; there is openness of the courts thereof. The Prosecutor's Office representatives are more reserved for any kind of cooperation, particularly in smaller communities.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The CHRIS Network programmes in the five towns with the CHRIS Network's offices, are realised by 16 employees, out of which 5 are lawyers; and additionally, 12 lawyers are involved for representation.

1. The CHRIS Network has a pool of lawyers who are educated for

- representation before the European Court for Human Rights in Strasbourg.
2. A pool of expert associates who participated in drawing up laws.
 3. Cooperation with judges from France. We are planning specific trainings for judiciary representatives with them.
 4. A pool of lawyers who may be involved in monitoring of 5 Higher and Basic Courts out of Belgrade in Serbia.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Association of Public Prosecutors and Deputy Public Prosecutors of Serbia (PAS),
Resavska 16a, Phone number +381 11 30 31 909, 11000 Belgrade
www.uts.org.rs , office@uts.org.rs

Association of Public Prosecutors and Deputy Public Prosecutors of Serbia is a voluntary, professional, non-government and professional organization founded to achieve the objectives in the field of law and improving the status of the profession.

The Association is a professional organisation with the mission to contribute to the development of the legal system in Serbia through regulatory improvement, strengthening of relevant institutions and holders of public prosecutorial function through developmental, educational and research activities.

Areas of activity: active participation in reform of justice sector and judiciary projects; research work; professional training of the PAS members; publishing of researches, manuals, guides; international and regional cooperation with judicial professional associations and CSOs; capacity building of the PAS, encouraging of the members to take part in the PAS activities and judicial reform.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the

organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project. Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
 - Trial monitoring, trial observation, court watch;
 - Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
 - NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
 - NGOs working in the field of access to information.
- Transparency;
- Trainings and workshops for judges organized by expert NGOs
 - NGOs as organizations educating citizens about the judiciary;
 - NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

Some of projects of the Prosecutors Association of Serbia:

- “ Strengthening independence and integrity of prosecutors”
- “ Citizens and judiciary jointly against corruption”
- “Handling Family Violence Cases”, “ Counselling Against Family Violence”
- “Enhancing the role of Serbian prosecutors in the judicial reform process”
- “Manual for Public prosecutors on new Criminal Procedure Code”

Deliverables of projects:

Amendments to the legislation, inclusion of the PAS proposals to the strategic documents (like National Judicial Reform Strategy – strengthening independence and accountability, establishment of the Strategic Implementation Commission with the PAS members), Alternative Reports, research documents on work of the judiciary

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good

practices of interaction between NGO and the judiciary.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Since we are professional association of prosecutors we do not have problems in collaboration and communication. However, sometimes there is misunderstanding related to the publicly available information and application of the public access to information.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Pool of Domestic and international experts in field of rule of law.

Partnerships with different profile organizations (Toplica Centre for Democracy and Human Rights, Belgrade Center for Security Policy, Foundation for Open Society, YUCOM, MEDEL, International Association of Prosecutors, at the regional level – Centre for Civic Education MNE and Institut Alternativa MNE)
Experience in researches of judiciary, access to courts and prosecution offices in country and internationally through the MEDEL and IAP

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Sandzak Committee for protection of human rights and freedoms

st. 1.Maj 85/a, Novi Pazar, Serbia
Tel. 020/323011
email: sanodbor@eunet.rs

Key areas: rule of law, promotion of protection of human rights, social vulnerable groups, media and state institutions monitoring, systematic data collection and data analysis on Human rights violation, minority rights, protection against discrimination, contributing to public interest, enhancing democratic capacities for civil society, free legal aid and information related to protection of Human rights, victim protection from domestic violence and discrimination, Human rights education for youngster, providing basic information of human rights, scientific and professional research of Human rights, democratizing society, trial process monitoring in accordance with European Charter of Human rights, etc.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information.

Transparency;

- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Providing free legal aid to marginalized groups in Southwest Serbia
(In the current undergoing project's framework, free legal aid is

provided to citizens with a focus on protection of impoverished group in interacting with Court. Special regard is taken towards use of legal rights on judiciary proceedings in a reasonable deadline. Free legal aid is provided to victims of domestic violence, etc.)

- Advisory Office for Citizens
- Trial process monitoring of discrimination

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Providing free legal aid to citizens who are in process with judiciary authorities, and the outcome is acceleration of judicial proceeding, raising awareness about rights of impoverished group, and citizens rights on a trial in a reasonable deadline.

On topic on free legal aid, several seminars were organized in cooperation with Higher and Magistrate Court in Novi Pazar.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Our organization has good cooperation and communication with judiciary authorities. The problems in judiciary that we see are lack of judges and decreased workspace capacity. Imbalanced jurisprudence in almost identical cases is one of the key problems in judiciary system.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

We have trained team of law experts who have capacities and experience to resolve tasks which they encounter. In that team, we have two lawyers and one advocate.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

Sanjak Committee for protection of human rights and freedoms is an organization that deals with helping citizens in resolving legal issues and protecting vulnerable social groups in judicial proceedings with Court and authorities. In terms of direct communication, cooperation with judicial representatives is sufficient.

Above stated question that we answered are dealing with interaction between our organization and the judiciary in which we never had difficulties or problems. The reason is that our organization is dealing with providing free legal aid to citizens who are faced with problems. We are not in direct communication and cooperation or work-related with judiciary.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Lawyers' Committee for Human Rights - YUCOM

Street KnezaMilosa 4, 11103 Belgrade

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

The objectives of the Lawyers' Committee for Human Rights:

- respecting, protecting and promoting human rights and freedoms;
- advocating respect for the principles of the rule of law;
- disseminating of ideas and raising awareness of the need to respect, protect and promote human rights and freedoms;
- harmonizing national constitutions, statutes, laws and regulations with international and European standards and conventions;
- cooperating with national and international associations and organizations that are committed to promoting the ideas and practice of the human rights which are compatible with the objectives of which the Committee is committed;
- Realizing other objectives that are interests in promoting the ideas, practice of protection and promotion of human rights and the rule of law.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are

outcomes of the project and deliverables (reports, publications) of the project.

Projects of YUCOM related to judiciary:

- Scoping Study on Judiciary reform
- Towards transparent and effective mechanism of direct citizens involvement in the process of development and adoption of legislation in Serbia
- Rule of Law and Human Rights component / Parliamentary reform
- Change the constitution on-line and off-line
- Supporting Adequate Response of the Serbian Judiciary through Corruption Trial Monitoring
- Access to justice (Justice for all)
- Access, assistance, active help – Triple A for citizens
- More Effective Judicial Cooperation with Civil Society
- Regional Anti-Corruption Action: Supporting the Judiciary in Combating Corruption in the Western Balkans
- From Law to Justice – Sustainable Legal Aid System in Serbia
- Strengthening capacities of civil society organisations to take over trial monitoring
- Regional Network - Enhancing the rule of law, judiciary reform and fight against corruption
- Monitoring the elections for the High Judicial Council and the State Prosecutors' Council

Most important Activities related to judiciary are:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Yucom's team was monitoring elections for members of The High Judicial Council and elections for members of The State Prosecutors Council. Representatives of the judiciary for the presence of civil society representatives in the elections looked favorably because this enabled objectively reporting on the procedure of elections.

PROBLEMS AND BARIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Currently Serbian Justice system is overloaded. Judges are occupied with more than possible number of cases, which lead to the fact that sometimes it was impossible to organize a meeting with them. Justice is not looking favorably towards CSOs, probably because civil society organizations often criticize the work of state organs, and there is a fear that they might be subject to subsequent criticism.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

YUCOM is an NGO that has assisted the educational and professional training of lawyers and attorneys within local NGOs in more than 20 local communities in Serbia for the provision of legal aid in the area of protection of human rights in the period 1998-2002, through its program of Local Community Legal Aid Network (LCLAN). At the time, YUCOM's model of a network of legal aid offices had become a reference model for assessing the potential development of an institutionalized national legal aid network, made by the OSCE Mission in FRY in 2002. At the same time, YUCOM has become renowned for its efforts to publicly address the question of access to justice and fair trials, as well as advocating changes in these areas. In addition to being recognized for its Access to Justice initiatives, YUCOM has held a number of seminars, public and expert debates on the issue (notably the 2001 Kiev conference on Advocating for Legal Reform,

organized by the American Bar Association, where YUCOM representatives had, even before the democratic changes in the country, held a workshop on campaigning for legal reform in transition countries), and is widely recognized as an organization with a know-how for rendering legal aid and advocating changes in the legislation. During 2004, a YUCOM Expert Team, in association with the Public Interest Law Initiative (PILI), a Columbia University program, and with the support of DFID, implemented the Access to Justice project, in which YUCOM has contributed to the development and creation of questionnaires for analysis of criminal and civil cases, the training of lawyers and attorneys in local communities for the analysis of criminal and civil cases, and has shaped the existing legal framework of the right to defense and representation in criminal, civil, and administrative procedures. This study was envisioned to be the initial phase of analysing the situation in Serbia of the normative and functional status of the right to representation in practice, where legal aid is concerned. YUCOM is actively involved in the development of new legislation and a favourable environment for the definition and provision of legal aid and promotion of right to access to justice in Serbia. In 2006, YUCOM implemented a survey on the capacity of Serbian NGOs to provide legal aid services to citizens, which is presently used by various working groups engaged in drafting new legislation of legal aid in Serbia.

YUCOM as a member of numerous ad-hoc coalitions (as is Group of 8 NGOs for Confronting the Past), today has both capacity and long-term experience in successful leading of campaigns for the reform of legislation and legal practices.

YUCOM has been successful in drafting and lobbying for the implementation of a number of important laws such as:

- the Amnesty Law based on YUCOM's draft proposal and adopted in 2000;
- the Introduction of Conscientious Objection into the Army Law, as a result of a YUCOM draft proposal and campaign in 2003;
- opening the issue of civil control of Army and Police for the first time ever;
- drafting a Model Law on Opening of Files of Secret Services in 2005;
- introducing provisions against Violence against Women into the Law on Labor Relations, after a YUCOM draft proposal and campaign, in 2003;

– the Public Information Law and Broadcasting Act, adopted in 2003, where YUCOM participated in the drafting team;

– campaigning the incorporation of torture in the amended Criminal (Pena) Code of the Republic of Serbia in 2005, where YUCOM represented local partners in Serbia.

Lawyers Committee for Human Rights, as a member of the National Convention of the EU (which is a permanent body within which thematically structured debate of representatives of the state administration, political parties, non-governmental organizations, experts, businesses, unions and professional organizations is leading) is coordinator on working group of the chapter 23 on the accession of Serbia to the European Union.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

The Lawyers' Committee For Human Rights (YUCOM) was founded in November 1997 (then called Yugoslav Lawyers Committee for Human Rights) as an expert, voluntary, non-governmental organization whose members are legal experts engaged in promoting and advocating the idea of the rule of law to uphold human rights, raising public awareness, conceiving, designing and leading civic initiatives, rendering legal assistance to victims of human rights violation, as well as developing cooperation with national and international organizations involved in human rights protection and promotion. YUCOM is recognized as an organization advocating human rights and promoting active participation of citizens in legal initiatives. It has profiled itself and gained much recognition as a human rights defenders' organization.

Part 3

“Projects cards”

PROJECT TITLE - Human Rights Retraining for Lawyers in the Countries of the Former Yugoslavia

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade

+381 11 3085 328

bgcentar@bgcentar.org.rs ; <http://www.bgcentar.org.rs/bgcentar/eng-lat/>

contact person: Vesna Petrovic

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- the essence of the project – a description in a few sentences (strategic objective)
- objectives of the project
- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

Object of the action is to enable lawyers active in various branches of government, judiciary, NGOs and in the law profession, to better understand human rights issues; to teach them to become aware of the importance of human rights and to acquire the necessary skills to safeguard the rule of law; to substitute the insufficient knowledge about the international mechanisms for the promotion and protection of human rights by training seminars focused on international standards and procedures for the protection of human rights. Besides providing the trainees with necessary knowledge and skills in these fields, it was of great importance to familiarize the participants with the

jurisprudence and actual practice in their countries and abroad, as well as with the decisions of the European Court of Human Rights and supervisory bodies of the international human rights treaties.

Results of the action: more than 500 legal practitioners passed through the seminars improving their knowledge about human rights and reconciliation process in the region which is of crucial importance for the war crimes trials in the targeted countries. The project addressed the whole population of active lawyers in Bosnian, Macedonian, Croat, and Serbian-speaking parts of the South–Eastern Europe. The project was limited to members of the legal profession in a narrower sense (judges, prosecutors, advocates, court advisors, NGOs activists, etc.) to target those of them who can serve as the best multipliers, i.e. future lecturers, course organisers, trainers at universities or alternative schools organised by non-governmental organisation. In 2005, 2006 and 2007, 15 seminars, 2 evaluation meetings and meetings of Supreme Courts judges as well as experts dealing with human rights education were held. Most of the trainees are nowadays multipliers, teaching human rights other members of their profession and human rights activists. They are contributing to the improvement of governance and the general social atmosphere in their countries.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Monitoring and reporting the activities of judicial institutions in Serbia in the field of organized crime, war crimes, discrimination and domestic violence

TYPE OF THE PROJECT trial observation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade
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bgcentar@bgcentar.org.rs ; <http://www.bgcentar.org.rs/bgcentar/eng-lat/>
contact person: Vesna Petrovic

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Object of the action is to increase capacity of civil society organizations to influence and contribute to the establishment of accessible, transparent and effective justice systems that support the democratic application and enforcement of the rule of law, which is sensitive to the issues of gender and marginalized people. The project is divided into three phases of implementation: preparatory phase, monitoring phase and reporting phase.

Target groups of this project were graduated law students – NGOs activists, judges, assistant judges, prosecutors and attorneys at law. Direct beneficiaries are NGOs activists, members of judiciary, legal professionals, public officials, MP's, experts and scholars. The report was distributed to the following beneficiaries on the national level: High Judicial Council, police, Supreme Court, district and municipality courts, MP's - Parliamentary committees, NGO's.

Results of the action: Developed methodology for monitoring of the processes within the judicial system in Serbia; Team of young experts (NGOs activists) adequately trained; Created databases in four areas of intervention (war crime, discrimination, domestic violence and corrective justice); Created and distributed four reports to the current status and recommendations related to monitored areas; Distributed e-bulletins informing on the status of the implementation of the project; Final report prepared so as to include general overview of the judiciary institutions' results with recommendations for improvement of their status and

practice; Information exchanged between the beneficiary groups; Press-conferences and four roundtables held.

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OTHER INFORMATION

PROJECT TITLE - Monitoring the Process of Accession of Serbia to the EU TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade
+381 11 3085 328

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contact person: Vesna Petrovic

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- other relevant information

Object of the action: After the political changes in 2000, the Governments and the Parliaments have adopted around 300 reform laws, numerous strategies (e.g. for accession to the EU, IT development, reform of public administration, fight against corruption, decade of Roma inclusion, etc.). This project contributed to estimate more objectively the capacity of the state and the society to secure the realistic conditions for the continuous economic and democratic development; to define and take necessary steps and mechanisms for efficient implementation of the reform policies and to build and strengthen the public consensus about the need of pro-European and democratic development which is in the interest of all citizens. Main activity was monitoring and reporting about the implementation of human rights in Serbia; monitoring and advocacy of the implementation of the relevant reform policies - one of the conditions for the signing of the Stabilization and Association Agreement. The work on this project also represents the »friendly« activities of the civil society and placing its capacities in the function of the country development and benefit of citizens and not only criticism towards the government.

Results of the action: BCHR made a study and three summary reports about the legislation, its implementation and the capacity and work of the institutions responsible for the human rights situation in the country. Apart from monitoring and reporting the role of BCHR was to act as consultant to the relevant stakeholders and the European Commission.

REPORT

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The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Monitoring of the Activity of the Judiciary and Other State Bodies – Initiatives for the Improvement of Legislature and Practice
TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
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The overall objective was to increase capacity of civil society organizations to influence and contribute to the establishment of accessible, transparent and effective justice systems that support the democratic application and enforcement of the rule of law, which is sensitive to the issues of gender and marginalized people. Specific objectives were to continue monitoring the work of courts and state authorities in the areas of organised crime, war crimes, discrimination and family violence; to define and publish policy papers on each of the above-mentioned areas; to formulate quality, mutually harmonised and applicable legal solutions for effectively combating specific forms of unlawful conduct; to strengthen communication with and advocacy work targeting decision makers (by lobbying for the submission and adoption of drafted bills and other legal initiatives).

Results: the electronic database containing all of the monitoring reports and extracts from the relevant legislation was created. BCHR produced 4 policy papers on selected topics; four round tables were organised and experts, scholars, journalists showed interest for round tables and discussion and conclusions that were reached; the proposed legal solutions were then reviewed in meetings with the National Assembly party caucuses and representatives of

the Justice Ministry; some legislative proposals were amended in accordance with the findings of the expert groups, e.g. Law against discrimination; final press conference was organised. Press coverage: 19 media reports.

REPORT

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OTHER INFORMATION

PROJECT TITLE - Belgrade Seminar on the Impact of International Courts on Domestic Proceedings

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade

+381 11 3085 328

bgcentar@bgcentar.org.rs ; <http://www.bgcentar.org.rs/bgcentar/eng-lat/>

contact person: Vesna Petrovic

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- the project compared to other activities (was it a continuation or a part of a

bigger project?)

- other relevant information

The seminar is designed to present and discuss the initial findings of the domestic project on the impact of international criminal courts on domestic criminal proceedings in the Balkans and on ways to increase cooperation between the two sets of institutions.

The DOMAC project (a four university three-year project funded by the EU) has been collecting information in the 18 months before the realizing of seminar on the normative impact of international criminal courts, their effect on prosecution and sentencing policies and their contribution to capacity building at the domestic level in different geographical regions, including the Balkans. The project was aimed to issue recommendations to the EU and other national and international actors that would strengthen the co-operation between national and international courts functioning in the aftermath of mass atrocity situations.

The purpose of the seminar was to present the initial findings of DOMAC researchers to Balkan-based experts – practitioners and academics – in order to obtain their reaction to the findings and to facilitate discussion on the questions the reports raise.

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OTHER INFORMATION

PROJECT TITLE - Researching deprivation of legal capacity in Serbia through analysis of court decisions

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights

Street Kneza Milosa 4, 11000 Belgrade

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Object of the action: To determine to what extent is practice of the state organs in the procedure for deprivation of legal capacity is in line with international human rights standards. Persons with mental and intellectual difficulties are one of the most vulnerable groups in Serbian society. They are often institutionalized or segregated by other means. Deprivation of legal capacity become the main tool for their disempowerment and for putting them under legal control. Final outcome of such proceedings is that of complete removal of most of their human rights (right to work, found a family, vote, choose their place of residence etc). We intend to find out if legal proceedings, which are currently regulated by obsolete and inappropriate law, meet the minimum procedural requirements pertaining to fair trial, whether they infringe their right to privacy and family life and the right to effective remedy. By conducting a thorough research we can more accurately than ever before point towards main problems not just from the formal but also practical standpoint.

Target groups is pretty wide and include but is not limiting to persons with mental health problems and intellectual disabilities, CSOs dealing with persons with disabilities in particular and human rights in general, state institutions (relevant ministries, courts, social care centers, independent bodies such as commissioner for equality, ombudsman etc.)

Results of the action: Comprehensive research based on more than 1000 court decisions determined that the procedures on deprivation of legal capacity from 2008 to 2010 have been conducted without minimal fair trial guarantees. It was also evident that the extent of deprivation of human rights is not proportional to the legitimate aim pursued and that it violates right to privacy and family. Finally the right to effective legal remedy in these proceedings is more often than not illusionary and thus ineffective.

BCHR held a press conference where the final results were presented to the public. We also had a number of interviews, press releases and meetings with relevant stakeholders on possible avenues for altering existing practice and reforming relevant legislation.

REPORT

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The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Transparent Work of the Judicial Authorities – Starting Point for Addressing the Problem of Overcrowding in the Penitentiaries
TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade
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- other relevant information

Object of the action: The Belgrade Centre for Human Rights and its regional partners (the Human Rights Center of the University of Sarajevo, the Croatian Helsinki Committee in Zagreb and the Centre for Democracy and Human Rights in Podgorica (CEDEM)) have been successfully cooperating in 2002 on this project. Participants were members of the legal profession including lawyers active in various branches of government, the judiciary, and representatives of private practice active in Bosnia and Herzegovina, Croatia and Serbia. In 2003 seminars aimed to present the rights proclaimed by the European Convention of Human Rights and Fundamental Freedoms (ECHR).

In this phase of the project five regional seminars were organised in all countries of the region. Each seminar lasted five days and introduced between 20 and 30 target group representatives to the right to a fair trial, the right to liberty and security, the right to peaceful enjoyment of property, the prohibition of discrimination and the prohibition of torture and other cruel, inhuman or degrading

treatment or punishment.

The Belgrade Centre provided the programme for the seminars on human rights. It was designed to meet the pre-assessed needs of the participants, as well as the recommendations received during the first phase of the project. In each programme, active participation was promoted by a balance between lectures, case studies, panel discussions and moot courts.

Participants had the opportunity to hear lectures by judges in the Norwegian Supreme Court, law experts for the European Court of Human Rights, Judicial officers from the Independent Judicial Commission, the Human Rights Ombudsman for Bosnia and Herzegovina, etc. These experts provided the application of law aspect of these rights, sharing their experiences in applying the ECHR on an everyday basis.

Regional aspects of each right were presented by experts from Serbia, Montenegro, Bosnia and Herzegovina and Croatia, allowing each group to exchange experiences and ideas and discuss potential solutions applicable in the region.

The goal of the project was re-education of the rule of law, human rights and humanitarian law to a target group of law professionals who were subject to a system of education that did not provide them with an opportunity to be properly introduced to the international promotion and protection of human rights.

The success of the project was evaluated through questionnaires distributed at each seminar. The overall conclusion is satisfaction with the seminar and the lecturers (international and national), the duration of the seminar, and its organisation. Respondents saw the introduction of human rights standards to legal professionals as the best base for a solid, permanent solution. Participants concluded that although their legal systems are different, they all encounter the same problems in the field of prohibition of discrimination. Their recommendations most frequently addressed their interest in more in-depth aspects of the application of the ECHR, a need for more panel discussions and moot court sessions, as well as their desire to hear from more regional experts.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Support to Law Drafting and Promotion of HR Awareness in the FRY Judiciary

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade
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- other relevant information

Object of the action: In the first phase of the project, a seminar on human rights for judges was organised by the Belgrade Centre for Human Rights, with help from CINS and financial support of the European Commission. The main purpose of the course was to introduce members of judiciary to human rights law and culture, enable them to pay respect on the international human rights standards in their every-day work, as well as to enable them to lecture in this field. Twenty-three participants from five towns in Serbia took part in the seminar. The majority

of classes were given in form of lectures, followed by discussions, and there were several case-study sessions that proved to be lively and popular. Lecturers were chosen among the most prominent experts from Yugoslavia and abroad. The meeting of the judges who participated in the first phase of the project and their tutors was held.

During the second phase of the project, a book containing case law of the European Court for Human Rights was published. It has 480 pages and consists of introductory remarks (generally on the European Convention on Human Rights, on the European Court for Human Rights and the procedure before the Court), followed by the review of 13 decisions of the European Court for Human Rights. The book also contains 3 appendixes: European Convention on Human Rights and Fundamental Freedoms with Protocol 11, Rules of Court and the Application Form of the Court.

After that, 4 weekend seminars were organised throughout Serbia for their colleagues (Novi Sad, Niš, Mataruška Banja and Belgrade). The programme for all four seminars consisted of the same topics. The covered topics were: Human rights and rule of law; Legal sources and protection of human rights; International organisations and human rights; Procedures for the protection of human rights within the United Nations; Procedure for the protection of human rights within the Council of Europe; Right to fair trial – Art. 6 (1) of the ECHR; Right to fair trial – Art. 6 (2 and 3) of the ECHR; Prohibition of discrimination – European standards; Prohibition of discrimination in the UN system; Humanitarian law – legal regulation and basic principles; International criminal acts and procedure before the courts; Cooperation with international criminal tribunals and Moot court.

The most important result that was achieved was enabling a group of judges (27) to give the lectures in the field of human rights. motion and protection of human rights.

REPORT

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The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Human Rights Courses for Judges TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights
Street Kneza Milosa 4, 11000 Belgrade

+381 11 3085 328

bgcentar@bgcentar.org.rs ; <http://www.bgcentar.org.rs/bgcentar/eng-lat/>

contact person: Vesna Petrovic

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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Object of the action: The Belgrade Centre for Human Rights organised five ten to twelve day long human rights courses for judges and three weekend seminars for judges. Of the five courses, four took place at Hotel Metropol in Belgrade and one took place in Palić. Course lecturers were prominent members of the legal profession and university professors from Serbia and abroad. A total of 21 foreign human rights experts were incorporated for their practical experience in international human rights bodies and courts. The course was comprised of lectures, panel discussions, moot court sessions, and workshops. Lectures covered such topics as: the role and development of human rights; conditions for the enjoyment of human rights; restrictions and derogations of human rights; international sources of human rights; international procedures for human rights

protection; jurisprudence of the European Court for Human Rights; domestic sources of human rights; human rights cases before Yugoslav courts; and lectures on various rights.

Three weekend seminars were organised to accommodate members of the judiciary who were unable to attend the course programmes, and reached a total audience of 111 participants from various towns in Serbia. These seminars focused on human rights standards regarding the European Convention on Human Rights and decisions of the European Court of Human Rights and supervisory bodies of the international human rights treaties.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Human Rights Seminars for Law Enforcement Professionals TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Belgrade Centre for Human Rights

Street Kneza Milosa 4, 11000 Belgrade

+381 11 3085 328

bgcentar@bgcentar.org.rs ; <http://www.bgcentar.org.rs/bgcentar/eng-lat/>

contact person: Vesna Petrovic

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

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Object of the action: Clearly any movement to foster respect for human rights had to include, from its very inception, a program to educate the police force and their managing officials of the tenets of human rights law. In order to work toward this goal of police education, the Centre organised four 4-day seminars directed specifically at the law enforcement profession. Participants (30 per seminar) were selected by the Board of the Belgrade Centre in close cooperation with the Federal and Republican Ministry of the Interior. Seminars were comprised of a combination of case studies, workshops, and lectures from both domestic and foreign human rights experts. The seminars began with an overview of the concrete rights the police force must respect, and covered specific institutions and human rights protection mechanisms, as well as general theory.

As in BCHR seminars for the judiciary, these seminars covered specific institutions and mechanisms of human rights as well as an overview of the concrete rights they must respect. The participants also became familiar with the rights and norms enshrined in various United Nations documents including the Convention against Torture and the Code of Conduct for Law Enforcement Officials.

Results of the action: The purpose of the seminars was to instil in the police force the understanding that it is its duty to protect the human rights of citizens and to put an end to the cycle of power abuse that has been rampant in the Yugoslav police force for the past several decades.

A further goal of the seminars was to gather members of the law enforcement profession to explore from their respective positions the new Criminal Procedure Code (CPC), adopted in 2001, which provides more comprehensive guarantees for the suspect, accused and defendant in criminal proceedings. This would thus contribute to better implementation of the CPC.

REPORT

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OTHER INFORMATION

PROJECT TITLE - "Strengthening independence and integrity of prosecutors"

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Association of Public Prosecutors and Deputy Public Prosecutors of Serbia (PAS),

Resavska 16a, Phone number +381 11 30 31 909, 11000 Belgrade

www.uts.org.rs , office@uts.org.rs

Marina Matic

Marina.matic@uts.org.rs

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- the essence of the project – a description in a few sentences (strategic objective)

- objectives of the project

- elements/phases of the project (in chronological order)

- methods/tools used

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The project idea is to contribute to the strengthening of the SPC capacity to become true guardian of prosecutors' autonomy and to increase its capacities for administration of justice based on the data gathered through the independent research (focus groups, interviews with all prosecutors and deputies, round tables where results from the research will be discussed).

Objective of the project is Support to strengthening role, position and perception of the State Prosecutorial Council defined in Constitution as guardian of prosecutors' autonomy, through facts gathered in the research.

Phases of the project are:

1. Preparation phase
2. Opinion poll/research
3. Public discussion
4. Recommendations on State Prosecutorial Council Strategy

Methods used are Interviews/focus groups and round tables. Outcomes of the project:

- Identification of prosecutors' opinion/perception on role of the State Prosecutorial Council
- Identification of level of knowledge among prosecutors related to competences and role of the State Prosecutorial Council
- Improvement of knowledge on European standards related to the judicial councils and their role (Council of Europe recommendations and opinions as well as different Council models)
- Recommendations for improvement of position of the State Prosecutorial Council

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Reports in English produced in this project were submitted by the project team in English to the Netherlands Embassy and to the Steering Committee. Also, research results were published in a book "Strengthening the position,

competence and integrity of State Prosecutorial Council” (www.uts.org.rs)

The name and contact of the project coordinator/ the author of the final report is Marina Maric

OTHER INFORMATION

PROJECT TITLE - Performance and Efficiency of Public Prosecutor's Offices in Relation to Criminal Reports Referring to Human Rights Violations
TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Network of the Committees for Human Rights in Serbia CHRIS, Dragan Djordjevic Network coordinator, office@chris-network.org , www.chris-network.org
++38118526234; ++381694466982

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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Performance and Efficiency of Public Prosecutor's Offices in Relation to Criminal Reports Referring to Human Rights Violations research is aimed at raise public awareness about human rights , what is the role of public prosecutor's offices in a modern state in relation to human rights protection; and, on the basis of the research published within the framework of this publication, to point out to the most frequent criminal offences emanating from such criminal reports, as well as

the manner the public prosecutor's offices treat them, and what is the "fate" of such criminal reports.

The research included several thematic sub-categories for purpose of showing where criminal reports about human rights violations had been filed in Serbia, in relation to which criminal offences, who reports alleged human rights violations, who against, public prosecutor's actions upon filed reports, reasons for denying criminal reports, then, whether applicant is informed about the denial of criminal report, as well as whether the applicant continued the proceeding with a private lawsuit after the criminal report was denied by public prosecutor. Finally, the respondents also "assessed" whether they trusted the work of public prosecutor's offices. In this regard, the research is divided in three sections:

- 1) The period observed and the criminal offences structure in the reports for alleged human rights violations;
- 2) Criminal reports applicants and persons against whom reports are filed;
- 3) Work and actions of public prosecutors upon criminal reports filed.

The research was realised on the basis of analysing questionnaires, criminal reports and interviews, with the help of local non-governmental organisations in over 20 municipalities and towns in Serbia.

Outcomes of the project are separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.

The publication with the research findings

[\(http://chris-network.org/2013/06/istrazivanje-rad-i-efikasnost-javnog-tuzilastva-u-vezi-sa-krivicnim-prijavama-koje-se-odnose-na-povrede-ljudskih-prava/](http://chris-network.org/2013/06/istrazivanje-rad-i-efikasnost-javnog-tuzilastva-u-vezi-sa-krivicnim-prijavama-koje-se-odnose-na-povrede-ljudskih-prava/)

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The publication is structured in three parts. The first part endeavours to explain a reader the concept of human rights, its development and the constitutional guarantees of human rights stipulated by the Constitution of the Republic of Serbia. The second part explains a reader more closely the role and significance

of public prosecutor's offices in the protection of human rights in Serbian positive legal system; and this by explaining the internal organisation of the prosecutor's office, and in particular its responsibilities. The third part of the publication is the research results of the Centre for Peace and Development of Democracy, which was implemented in the period from January 1 to July 1 2010, within the framework of the Research on Performance and Efficiency of Serbian Public Prosecutor's Offices research. The Centre attempted to find out - by sending a questionnaire to local partners, in priority to non-governmental organisations - the ways that the public prosecutor's office acts upon criminal reports related to various situations where allegedly human rights have been violated by committing criminal offences that lead to such alleged allegations. It ought to be emphasised that there have been no relevant research on the role of public prosecutor's office in relation to the protection of human rights in Serbia so far.

URL - <http://chris-network.org/2013/06/istrazivanje-rad-i-efikasnost-javnog-tuzilastva-u-vezi-sa-krivicnim-prijavama-koje-se-odnose-na-povrede-ljudskih-prava/>

- Fund for an Open Society Serbia, Mihajlo Čolak Program Coordinator (Rule of Law and Transitional Justice) Fund for an Open Society E-mail: mcolak@fosserbia.org www.fosserbia.org , Tel: (+381 11) 3025 800 (+381 11) 3025 828 (direct)

- Network of the Committees for Human Rights in Serbia CHRIS, Dragan Djordjevic Network coordinator, office@chris-network.org , www.chris-network.org ++38118526234; ++381694466982

s and judicial reform

OTHER INFORMATION

PROJECT TITLE - Monitoring the elections for the High Judicial Council and the State Prosecutors' Council

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible
Lawyers' Committee for Human Rights - YUCOM
+381 11 33 44 235
office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- the essence of the project – a description in a few sentences (strategic

objective)

- objectives of the project
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The project objective was to ensure that the results of the elections for the High Judicial Council and State Prosecutors' Council reflect the will of judges and prosecutors who voted and to ensure that the elections for the councils were organized in a fair and transparent manner.

The project was organized in three phases:

1. Preparations for the election monitoring
2. Monitoring elections by observing the process at the polling stations and by interviewing the voters
3. Producing a report that gives overview of how the elections unfolded and makes proposals on what needs to be changed

Training sessions and workshops were organized and questionnaires were developed. Monitors were present at the polling stations observing the process and also conducted interviews with judges and prosecutors. Elections for the Councils were organized in a fair and transparent manner with only minor infractions observed.

REPORT

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The report, once completed will be made available at OSCE website. It will

address the respect for the electoral process and irregularities and problems encountered during monitoring as well as give recommendations for possible reforms.

Responsible person for the final report for this project is Momcilo Zivadinovic - momcilo.zivadinovic@yucom.org.rs

OTHER INFORMATION

PROJECT TITLE - Regional Network - Enhancing the rule of law, judiciary reform and fight against corruption

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible
Lawyers' Committee for Human Rights - YUCOM
+381 11 33 44 235
office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The overall object of the Action: Creating a rule of law network focused on fight against corruption in 4 countries that have common past and have EU integration process as common goal and common future.

Results of the action are: 1) Successful advocacy for laws and regulations related to fight against corruption as defined in the Chapter 23 in 4 countries; 2) Collecting data, specifically needed for the EU integration process, that will be

evaluated by the European Commission. As an example – trial monitoring and its conclusions will be one of the data presented in the process; 3) Enhanced cooperation with law schools in the region on developing trial monitoring teams and teams for monitoring Chapter 23.; 4) Creating commitment of citizens and experts in monitoring fight against corruption, with special focus to the region; 5) Raising awareness on activities listed in the Chapter 23 as related to fight against corruption.

REPORT

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OTHER INFORMATION

PROJECT TITLE - Towards transparent and effective mechanism of direct citizens involvement in the process of development and adoption of legislation in Serbia

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers' Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

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The overall object of the Action “Towards transparent and effective mechanism of direct citizens’ involvement in the process of development and adoption of legislation in Serbia” is to enable direct citizens’ involvement in the process of development and adoption of legislation in Serbia.

Results of the action are: (1) Scoping study of legislative process, (2) Substantive public debate on parliamentary transparency generated, (3) Government recognize need to establish mechanisms to involve citizens in the legislative process.

REPORT

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OTHER INFORMATION

PROJECT TITLE - Rule of Law and Human Rights component / Parliamentary reform

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers’ Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The overall object of the Action “Rule of Law and Human Rights component / Parliamentary reform” is to improve knowledge on human rights among parliamentary staff and to improve legislative procedures and human rights and rule of law aspects of legislation.

Results of the action are: (1) Develop and accomplish the training in Human Rights and Rule of Law aspects of legislation for senior staff employed in the National Assembly of the Republic of Serbia, (2) Develop guidelines on the Human Rights and Rule of Law aspects of legislation, (3) Follow and monitor the implementation of the guidelines on the Human Rights and Rule of Law aspects of legislation through one piece of legislation.

REPORT

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OTHER INFORMATION

PROJECT TITLE - Change the constitution on-line and off-line

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers' Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The overall object of the Action “Change the constitution on-line and off-line” is to set the stage for amendments to the Constitution of the Republic of Serbia that deepen formal and actual commitment to human rights and freedoms, in line with international human rights, freedoms and democracy standards and EU directives.

Results of the action are: (1) Use modern technologies and social networks to further advocate and gain support for the initiative of Constitutional Changes, (2) Identify and document main human rights, freedoms and democracy-related flaws in the Constitution of the Republic of Serbia against international standards and the implementation or lack thereof of adopted solutions, (3) Strengthen argumentation of CSO advocacy, leading to constitutional changes in line with CSO priorities agreed upon through a participatory consultation process facilitated by YUCOM and based on YUCOM analysis, (4) Build government's and political parties support for amendments in the Constitution in line with CSO advocacy priorities, (5) Establishing the project database and website.

REPORT

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Within the project “Change the constitution on-line and off-line” publications “The Constitution of the Republic of Serbia - shortcomings and the need for reform”⁵⁶ and “The Constitution of the Republic of Serbia - Seven Years of Legal Uncertainty and Five Priorities for Change”⁵⁷ were made. They are both available on the YUCOMs web portal. Those reports represents a preliminary reports on the shortcomings of the Constitution of the Republic of Serbia in 2006 and were created as a result of the team work YUCOM's lawyers and experts on the gap analysis on existing constitutional text and constitutional practice. Reports contain results of continuous consultation process and research that YUCOM staff implemented in daily practice of providing assistance to citizens who they threatened the constitutional rights and freedoms.

Responsible person for the final report for this project is Marko Milenkovic - marko.milenkovic@yucom.org.rs

OTHER INFORMATION

PROJECT TITLE - Supporting Adequate Response of the Serbian Judiciary through Corruption Trial Monitoring

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers' Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

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⁵⁶ http://www.yucom.org.rs/upload/vestgalerija_103_9/1369316608_GS0_Preliminarni-izve%C5%A1taj-o-nedostacima-Ustava-Republike-Srbije-i-predlozi-za-reformu.pdf

⁵⁷ <http://www.yucom.org.rs/upload/Izvestaj%20ustav%20priprema%20WEB.pdf>

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The overall object of the Action “Supporting Adequate Response of the Serbian Judiciary through Corruption Trial Monitoring” is to improve judicial efficiency, impartiality, and fairness in processing anti-corruption cases, to raise awareness among the general public and legal professionals of corruption problems and existing anti-corruption mechanisms and to provide recommendations for improvement of the legislation, mechanisms and procedures.

Results of the action are: (1) Establishing the project database and website, (2) Selection and monitoring of a set of case trials, (3) Workshops and panel discussions.

REPORT

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OTHER INFORMATION

PROJECT TITLE - Access to justice (Justice for all)

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers’ Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

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The overall object of the Action “Access to justice (Justice for all)” is to map the existing institutional practices, the legal framework, the access to justice, the advocacy to improve the legal aid system and the participation of civil society organizations in order to foster efficiency and fairness of the judiciary in Serbia.

Results of the action are: (1) Creation a strategy for the reform of the free legal aid system in the country, (2) Published publication.

REPORT

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The study whose results were presented in the report has two objectives. The first objective is to detect and analyze the obstacles faced by citizens who try to exercise their rights before courts and state bodies. The second objective is to gain a deeper insight into the experiences of the free legal aid as a mechanism is available to those citizens who are in exercising their rights meet financial barriers or discrimination. Lawyers Committee for Human Rights has continuously engaged in the identification and recognition of the significant role that free legal

aid system has for realization of human rights, social inclusion and the rule of law in Serbian society. Presented research makes a contribution to the establishment effective and sustainable system of free legal aid in Serbia that will be able to ensure equal access to justice, the equality of citizens before the law and respect the rule of law. Final report in the form of publication is available on the YUCOMs web platform.⁵⁸

OTHER INFORMATION

PROJECT TITLE - Access, assistance, active help – Triple A for citizens TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers' Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The project Triple A for Citizens aims to strengthen the role of civil society organisations which provide Access to information, Advice and Active help (free legal aid) services to citizens with regards to their rights in Bosnia and Herzegovina, Serbia, Kosovo, Macedonia, Albania, Montenegro and Turkey. A targeted outcome is the creation of a European network of citizens advice

⁵⁸ http://www.yucom.org.rs/wp-content/uploads/2015/04/BPP-veliki-_web.pdf

organisations working on citizens rights.

The overall object of the Action "Access, assistance, active help – Triple A for citizens" is to challenge the myth that the citizens of post – communist societies are passive by showing no interest in the defense of their own rights.

Results of the action are: (1) Establish where are Serbia, Kosovo, Croatia, Bosnia & Herzegovina and Turkey stand today regarding the topic of counseling for citizens – are there any assumptions for their existence, which are the forms of counseling, where and to what extend does counseling already exist Publish publication, (2) Implement the research on the bases to collect information on the topic at one central place, (3) Publish a call for financing of organizations wishing to add the dimension of counselling in their work.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

National report on the information, consultation and active assistance to citizens in Serbia is a result of research of the Lawyers Committee for Human rights in the framework of the "Three A for citizens: access to information, advice and active help. " The study included an analysis of the legal framework in the field of information, consulting citizens and providing free legal aid. Report provides an overview of duties regarding providing information and advices established by regulations of the RS. It also gives a list of legally recognized legal aid providers in various procedures before state bodies and courts. The report shows the current state of regulation of free legal aid and comments on the draft Law on free legal aid, which was produced within the the former composition of the working group of the competent Ministry.

Report could be found on the the YUCOMs web portal⁵⁹, and all other relevant information could be found on the Triple A web portal⁶⁰.

Responsible person for the final report for this project is Katarina Golubovic -

⁵⁹ <http://www.yucom.org.rs/tri-a-za-gradane-pristup-informacijama-savetima-i-aktivnoj-pomoci/>

⁶⁰ <http://ecas.org/publications/>

katarina.golubovic@yucom.org.rs

OTHER INFORMATION

PROJECT TITLE - Regional Anti-Corruption Action: Supporting the Judiciary in Combating Corruption in the Western Balkans
TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Lawyers' Committee for Human Rights - YUCOM

+381 11 33 44 235

office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

- the essence of the project – a description in a few sentences (strategic objective)
- objectives of the project
- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The overall object of the Action: Moving the rule of law agenda forward, supporting judicial reform in the region and reducing corruption.

Results of the action are: 1) Network developed and capacities built; Two-day initial meeting organized; Workshops organized; 2) Monitoring the cases with the corruptive elements conducted; 3) Awareness raised and informing conducted; Comprehensive anti-corruption website developed; 4) Promotional video made; 5) Policy paper written.

REPORT

The report, if published: information about the report, a few words about what is in

the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

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Trial monitoring gave us good ground for further work on combating anti-corruption. With data collected, our argumentation was strengthened. YUCOM established close link with Anti-Corruption Agency, Anti-Corruption Council, parts of the judiciary, representatives of the High Court of Cassation, Ministry of Justice and other bodies.

YUCOM's reports and findings were presented to the World Bank Serbian Judicial Functional Review (SJFR) during 2013 and 2014 and we spoke on findings with the team drafting this document. Namely, it was presented to Ms. Georgia Harley, World Bank Public Sector Specialist¹ and Mr. Srdjan Svircev from WB Belgrade Office along with the other representatives of the WB team. YUCOM got the opportunity to submit comments to the first version of the SJFR and they were included in the final draft.

WB presented the document on the meeting in Brussels in February 2015 attended by State Secretary of the Ministry of Justice, WB officials in Brussels, representatives of the DG Enlargement and YUCOMs director. Web portal became a good tool to show the findings and to gather other relevant material.

All relevant information regarding this project, including report⁶¹, could be found on the web portal *Anticorruption - monitoring the trial for corruption*⁶²

Responsible person for the final report for this project is Jovana Spremo - jovana.spremo@yucom.org.rs

OTHER INFORMATION

PROJECT TITLE - From Law to Justice – Sustainable Legal Aid System in Serbia
TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

⁶¹ <http://antikorupcija.yucom.org.rs/wp-content/uploads/2015/09/Strengthening-the-Judiciary-in-Combating-Corruption-WEB-2.pdf>

⁶² <http://antikorupcija.yucom.org.rs/>

Contact information, www, person responsible

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PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

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- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The overall object of the Action: To develop a sustainable system of free legal aid and improving the capacity of providers of free legal aid in Serbia.

Results of the action are: 1) strengthening the capacity of providers of free legal aid to a comprehensive and coordinated way provide legal assistance, and 2) creating a favourable environment for improving access to justice and the promotion and strengthening of the rule of law.

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE - Strengthening capacities of civil society organisations to take over trial monitoring

TYPE OF THE PROJECT

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT
Contact information, www, person responsible

Lawyers' Committee for Human Rights - YUCOM
+381 11 33 44 235
office@yucom.org.rs ; <http://www.yucom.org.rs/>

PROJECT DESCRIPTION (*please be concise, but max 3000 characters*)

- the essence of the project – a description in a few sentences (strategic objective)
- objectives of the project
- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/ reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The overall object of the Action: The overall objective of the project is to contribute to advancement of the rule of law in Serbia by ensuring the existence of independent and well-prepared monitoring and reporting bodies.

Results of the action are: 1) CSO monitors employed by three CSOs to carry out the tasks assigned under the project; 2) Monitors and additional CSOs employees are trained to monitor trials in accordance with the Serbian law, international standards and best practices; 3) The CSO trial monitors follow war crimes trials (monitoring of hearings, collection and analysis of documents, legal research) first under OSCE's coaching and then autonomously; 4) The CSOs issue reports based on the monitoring observations, making them available to the authorities and to the public; 5) The selected CSOs are committed and able to carry on regular monitoring of war crimes trials after the completion of the project.

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

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OTHER INFORMATION