



# USAID/SERBIA

## MIDTERM PERFORMANCE EVALUATION OF THE RULE OF LAW PROJECT

### FINAL REPORT

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## ACRONYMS

AP	Action Plan (EU Chapter 23)
AMELP	Activity, Monitoring, Evaluation, and Learning Plan
CDCS	Country Development Cooperation Strategy
CMS	Case Management System
EQ	Evaluation Question
ER	Expected Result
ET	Evaluation Team
EU	European Union
HCC	High Court Council
JDS	Judicial Development Strategy
LOES	Law on Enforcement and Security
MEL	Monitoring, Evaluation, and Learning
MOJ	Ministry of Justice
MSI	Management Systems International
NGO	Nongovernmental Organization
NJRS	National Judicial Reform Strategy
PEO	Public Enforcement Officer
PIS	<i>Pravosudni informacioni sistem</i> (Judicial Information System)
ROLP	Rule of Law Project
SAO	State Attorney's Office
SCC	Supreme Court of Cassation
WG	Working Group

## **EXECUTIVE SUMMARY**

### **EVALUATION PURPOSE**

Conducted in December 2019 by Management Systems International (MSI), this midterm performance evaluation of the United States Agency for International Development (USAID)/Serbia Rule of Law Project (ROLP) aims to assess progress to date toward ROLP objectives, identify potential areas for program modification and emphasis, and inform future USAID justice sector programming.

### **PROJECT BACKGROUND**

A four-year \$9.8 million project that started in July 2017, ROLP supports justice sector reforms that enhance timely delivery of justice for Serbian citizens. ROLP works with the courts, public enforcement agents, and the State Attorney's Office (SAO) to increase judicial efficiency and transparency and improve access to justice while maintaining flexibility to respond to emerging issues in the ever-evolving Serbian justice system. ROLP consists of two components, each with several tasks and subtasks: (1) to assess and develop the national judicial reform strategy and support associated judiciary activities and (2) to strengthen judgment enforcement and build SAO capacity.

### **EVALUATION QUESTIONS**

This evaluation addresses the following evaluation questions (EQs):

EQ1. To what extent is the program on track to accomplish the inputs, outputs and likely outcomes expected under both components of the program?

EQ2. What link can be determined between progress toward the activity's objectives and the activity's results?

EQ3. What were the key contributing factors and lessons learned in generating these results?

EQ4. Does the evaluation team have recommendations for adaptation of interventions within the current scope and remaining implementation period of the contract in order to increase the effectiveness of the project?

### **EVALUATION METHODS AND LIMITATIONS**

The evaluation team used a mixed-methods iterative process, using multiple sources to determine the most evidence-based approach. This included a program document review, key informant interviews (KIIs), group interviews, and one observation effort at an Open Door court event for the public held at the court in Zrenjanin. The team conducted interviews between December 2 and December 18, 2019, and held 36 KII meetings, three group meetings, and one observation event, meeting with 67 stakeholders engaged in rule-of-law activities. The team was aware of the potential for recall bias, response bias, and sampling bias and undertook to mitigate any evaluation limitations due to these issues as much as possible. Where the team could not meet with specific stakeholders, it sought to meet with substitutes. For example, despite efforts, it was not possible to organize the meeting with the First Basic Court in Belgrade. Instead, the team met with the Second and Third Basic Courts in Belgrade.

### **OVERALL ASSESSMENT**

Court efficiency technical solution efforts are attaining results. ROLP has managed through adaptive practices and persistent consultation processes to put in place several valuable e-tools for court and related institution management and interconnection. This provides a solid basis for further innovation and implementation during and beyond the project.

Despite similar consultation processes, policy/legislative solution efforts have had more mixed results. Policy reform efforts have been most fruitful in moving forward the national Judicial Development Strategy (JDS) and amendments to the Law on Enforcement and Security (LOES). There has been less success in other areas of reform, such as the status of judicial assistants, where constitutional amendment considerations have kept these and other policy reform efforts in limbo, and with the Chamber of Public Enforcement Officers, where internal issues within the Chamber and this not being a current priority for the MOJ have impacted progress.

Implementation adjustments should focus on capturing capacity skill application, piloting new tools with court and related institutions' staff in various contexts, including in institutions outside of Belgrade, and increasing public education efforts on reforms in the public enforcement process as well as other court processes. Intentional design for 2021 and beyond needs to be both flexible and fixed to ensure consistency and utility in USAID support of Serbia's further judicial reform efforts and progress.

## **INTRODUCTION AND PROJECT BACKGROUND**

Since 2001, United States Agency for International Development (USAID)/Serbia has worked to increase regional stability in the Balkans by helping Serbia integrate into Euro-Atlantic institutions, in accordance with Goal 6 of the EUR/E&E Joint Regional Strategy—"Balkans Fully Integrated into Euro-Atlantic Institutions." USAID's Country Development Cooperation Strategy (CDCS) 2013–2020 targeted assistance programs help Serbia implement reforms to expand its economy, strengthen key institutions' accountability and responsiveness, and thereby meet the requirements for membership in the EU and other Euro-Atlantic organizations.

Firm rule of law – enabling Serbian public institutions to meet their obligations to citizens in a democratic society, instilling public confidence in the government, and shoring up the structures and resources required to create a functioning democratic state—is essential for Serbia's EU accession. The European Commission has stressed that European *Aquis* chapters 23 and 24 on the justice system will remain open until the end of Serbia's accession negotiations, and the EU will therefore continuously monitor Serbia's development in strengthening the rule of law.

In line with the national judicial reform strategy (NJRS), Serbia is receiving significant assistance to support justice sector reforms, mostly from the EU through the Instrument for Pre-Accession Assistance but also through the World Bank, OSCE, Council of Europe, Embassy of the Netherlands, and other donors. And for more than a decade, USAID/Serbia has worked to improve access to justice, case management, and court efficiency. These improvements have resulted in cases being tried more quickly and efficiently, which in turn has fostered greater trust in Serbian justice institutions among citizens, businesses, and investors.

The USAID/Serbia Rule-of-Law Project (ROLP), a four-year \$9.8 million project that started in July 2017, supports justice sector reforms that enhance timely delivery of justice for Serbian citizens. ROLP works with the courts, public enforcement agents, and the State Attorney's Office (SAO) to increase judicial efficiency and transparency and improve access to justice while maintaining flexibility to respond to emerging issues in the ever-evolving Serbian justice system. ROLP consists of two components, each with several tasks and subtasks: (1) to assess and develop the NJRS and support associated judiciary activities and (2) to strengthen judgment enforcement and build SAO capacity.

## EVALUATION PURPOSE AND EVALUATION QUESTIONS

### EVALUATION PURPOSE

This midterm performance evaluation, conducted in December 2019 by Management Systems International (MSI), aims to assess ROLP's effectiveness and progress toward objectives and identify recommendations for the remainder of the program and for future USAID justice sector programming.

### EVALUATION QUESTIONS

This evaluation addresses the following evaluation questions (EQs):

EQ1. To what extent is the program on track to accomplish the inputs, outputs, and likely outcomes expected under both components of the program?

EQ2. What link can be determined between progress toward the activity's objectives and the activity's results?

EQ3. What were the key contributing factors and lessons learned in generating these results?

EQ4. Does the evaluation team have recommendations for adaptation of interventions within the current scope and remaining implementation period of the contract in order to increase the effectiveness of the project?

## EVALUATION METHODS AND LIMITATIONS

### EVALUATION APPROACH

The evaluation team (ET) addressed each EQ by examining the two program components separately and then together to ensure comprehensive coverage of all tasks and subtasks. For EQ1, the ET systematically examined the project data on inputs and outputs to date for each of these to determine the extent to which the program has achieved its performance markers. It also examined the Activity Monitoring, Evaluation, and Learning Plan (AMELP) for each component to compare expected outputs, outcomes (results), and indicators at midterm. Based on this information, the ET engaged with informants to verify the secondary data and obtain information on other aspects of the programming process, including any unintended outputs and outcomes.

For EQ2, the ET looked at the links among each component's outcomes or results, AMELP expected results (ERs), and the larger activity objectives. The team examined the extent to which project results are advancing overall progress on Serbia's judicial reform process on a policy level and on increasing judicial efficiency and access to justice in the courts and supporting institutions.

For EQ3, the ET identified implementation and contextual factors that have affected results to date. The ET mapped out apparent contributing factors, lessons learned, and any examples of formal and informal adaptive learning according to the programming documentation. It then further explored the details around these issues with key program stakeholders.

For EQ4, the ET determined which inputs and processes can be adapted or scaled up to achieve greater results. Key informant interviews (KIIs), which examined perceived need, interest, resource, and political considerations, provided the ET with feedback to develop utilization-focused recommendations. In

addition, in accordance with USAID's request during the in-briefing, the ET considered future judicial reform programming and has provided a set of recommendations for 2021 and beyond.

## **DATA COLLECTION AND ANALYSIS METHODS**

Before arriving in Serbia, the ET began their review of key ROLP documents, including work plans, quarterly and annual progress reports, the evolving AMELP, and some key product outputs. Based on this desk review, the team sketched out descriptive overviews of program efforts to date for each question and developed seven semi structured interview guides for direct beneficiaries, subgrantee/subcontractors, implementers, USAID, donors (including other USAID rule-of-law activities), external actors, and group interviews (judicial assistants and public enforcement officers). After arriving in Serbia, the team met with USAID to agree on selected site locations and to identify additional key informants. During the next two-and-a-half weeks, the team met with 67 key informants during 36 meetings; conducted a site visit to the Appellate Court, Public Attorney's Office, and SAO regional office in Kragujevac; and attended an Open Door court event in Zrenjanin, organized through the USAID Constituencies for Judicial Reform in Serbia project. In addition, the team conducted group interviews with seven public enforcement officers and two group interviews with seven judicial assistants (three in Belgrade and four in Kragujevac).

Throughout the fieldwork, the team took an iterative approach to interpreting and synthesizing data. This approach included daily briefings to share impressions and key points from interviews. These efforts formed the basis of the two-day team analysis workshop, held at the end of the interview process, where all key themes and trends were identified across each component and corresponding tasks and used to synthesize key findings, form initial conclusions, and identify recommendations. The team then presented these to USAID, which provided an opportunity for clarification and discussion.

## **EVALUATION LIMITATIONS**

The evaluation had several potential limitations:

*Recall bias:* Multiple actors in Serbia are working on rule-of-law issues so key informants may not accurately remember particular ROLP intervention activities. Similarly, participants in multiple ROLP activities may blend their experiences into a composite memory or response and then fail to distinguish between them as separate activities in their responses. The ET mitigated this bias primarily through a semi-structured interview protocol that included questioning about specific activities.

*Response bias:* Informants may have expressed positive views of the project because they would like to stay involved with it and fear that a negative evaluation could halt project opportunities. The ET mitigated this bias in two ways. First, the ET stressed that it would maintain confidentiality and then explained the team's independence from both USAID and the activity. Second, as with recall bias, the ET designed questions to elicit specific examples that helped identify response bias.

*Selection bias:* Contacts provided by the implementers could have led to the team hearing only from people who have had positive experiences. The ET mitigated this bias by trying to expand beyond implementer-provided contacts through an informal snowballing process and by identifying non-treatment contacts through other lists or networks. As with the other forms of bias, multiple sources of data and questions eliciting specific examples helped to mitigate risk.

The ET combated all of these biases by clearly discussing the evaluation’s intentions with key informants, asking questions that required specific examples as well as perceptions, and using multiple sources of data for analysis.

## FINDINGS

This section presents findings for Components 1 and 2, divided by their respective tasks.

### COMPONENT 1

Component 1 tasks include assessing the expiring National Judicial Reform Strategy (NJRS), developing a new strategy, and supporting associated judiciary activities.

#### TASK 1: ASSESSMENT AND DEVELOPMENT OF SERBIA’S NATIONAL JUDICIAL REFORM STRATEGY

1.1.1 ROLP carried out all the envisioned tasks and outputs for furthering efforts, with some adaptations in accordance with MOJ stakeholder interests. All key domestic and international actors involved view the developed documents as covering the tasks anticipated and as providing further policy guidance in judicial reform efforts.

Initially per the USAID award scope of work the ROLP was tasked to undertake an impact assessment of the NJRS and its action plan and then to support the drafting of a new strategy and action plan in line with Chapter 23 of the European *Acquis*. However per project documentation and implementer feedback, the MOJ asked the project to shift from the initial task of conducting an impact assessment of the NJRS to ROLP conducted a general assessment of the NJRS (2013–2018) and accompanying action plan, which served as the basis for developing a new NJRS for 2019–2024. The NJRS 2019–2024 first draft—renamed as the National Judicial Development Strategy (NJDS) and then further shortened to the Judicial Development Strategy (JDS)—was completed in early 2019 and later refined through working group (WG) consultations. ROLP then worked to align and harmonize the JDS with activities outlined in Action Plan (AP) 23 and for AP23 to be the action plan for the JDS<sup>1</sup> This harmonization and review process in Brussels and now in Serbia (internal WG and public consultation) has been ongoing, with finalization and adoption of the JDS expected in early 2020.

“Many proposals in this document (JDS) are now considered ‘something that has to be done,’ so a type of co-ownership. This is a new step.”

Legal Expert

1.1.2 Some stakeholders still expressed concerns about the comprehensiveness of the JDS content.<sup>2</sup> Part of the concern, according to the EU, stemmed from the MOJ’s request for a general assessment rather than the originally planned impact assessment, making the assessment more descriptive than analytical. Others involved in the strategy development process pointed out that the new JDS was not as ambitious as the previous strategy, particularly on independence issues (including budgeting provisions) and did not have the level of detail necessary for benchmarking considerations. One informant acknowledged that not all the JDS measures are as precise as possible but that key actors agree on the

<sup>1</sup> In relation to this the JDS has four principles or goals, which match the four areas covered in the AP 23. For more information see the document: Comparative Overview of JDS 2019–2024 – AP23, as found in Y2Q4 ROL Project Quarterly Report, Annex C.

<sup>2</sup>The ET did not do a content analysis of the JDS as this would have been outside the current SOW of the midterm evaluation.

direction the measures suggest and where things need to next develop. Overall, even those critical of the content recognized that the key objective was getting a realistic plan in place that all agreed to (and aligned to AP23) that could then be improved later. They felt the current JDS version had achieved this. As a key official in the process noted, “The new strategy is more realistic, and timelines are realistic, and this is the key difference from the old strategy and why we can more realistically implement (it).”

**1.1.3** ROLP’s comprehensive consultation strategy was essential for getting all necessary stakeholders to engage in and own the process. Those engaged with assessment, development, and consultation efforts described how ROLP brought together stakeholders from the MOJ, the courts, the EU and donor community, and civil society, as well as legal experts, suggesting that that this is one of the first times such a facilitation process had been achieved in this way. Many also noted that USAID’s rule-of-law track record, combined with the implementer’s legal expert team, contributed substantially to the willingness of the MOJ, the High Court Council (HCC), the Supreme Court of Cassation (SCC), and others to work together on the assessment and development efforts. As one long-time judge in the system noted, “The court system still looks at USAID as a fair player, and the Belgrade environment is such that people will not go to many events unless (it is) worth it.”<sup>3</sup>

**1.1.4** Similarly, participants in the process highlighted that ROLP’s facilitation created a conducive atmosphere that encouraged critical but civil discussion and eventual ownership of the process. This was seen as a shift from previous consultation processes characterized by rancor and lack of transparency. As one participant further noted, “Participants were surprised with being asked their opinions and even more surprised that when not accepted, it was clearly explained why.” Such a setting, legal experts argue, resulted in participants feeling satisfied that they could support the content. As another informant commented, there have been few if any negative comments in the media during this time about the JDS, which is rare given Serbia’s highly politically polarized environment.

**1.1.5** Both U.S. and EU informants identified their donor coordination as critical for JDS success as well as the benefits that this cooperation has created. Both sides described a joint vision of main objectives. ROLP worked closely with the EU-funded project “EU for Justice – Support to Chapter 23,” and informants from both projects described regular communication and good cooperation throughout the many phases and shifts of the JDS development process.

They also pointed out that the decision to closely align the JDS with the AP23 allowed them to use the AP23 as the action plan for the JDS and to recommend a new joint body and secretariat for implementation rather than separate implementation bodies. This, they argued, would make the implementation more efficient and focused. Another expert involved in the process pointed out that JDS harmonization with AP23 helped to bring back attention to administrative procedure within the judiciary, which had been overlooked in the previous strategy. Overall, the EU pointed out that cooperation went well on the JDS because USAID and the EU had cooperated on ROLP’s first efforts with the strategy from the design stage.

Key court officials and donors highlighted the need to closely support the JDS upon adoption with consistent donor engagement. Several legal experts noted the need to ensure through JDS implementation a focus on quality control. The SCC focused on the fact that constitutional amendment changes likely in 2020 and the beginning of JDS implementation will require attention beyond ROLP’s

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<sup>3</sup> Reluctance to participate in such efforts, several legal experts noted, is due partly to the fallout from the 2009–2010 judicial reform process, when many judicial officials and legal experts felt that little real consultation went into the reform efforts.

envisioned scope, expressing hope that ROLP could be extended or that USAID rule-of-law programming would continue. EU donors highlighted a similar concern and noted anticipated plans for a one-year extension of their IPA support in implementation of Chapter 23 through 2021.

## **TASK 2: IMPLEMENT SELECT ACTIVITIES UNDER SERBIA'S NATIONAL JUDICIAL REFORM STRATEGY**

Subtasks include e-tools, improved court operations, improved human resource practices, and transparency and accountability.

### **Subtask 1.2.1 E-tools**

ROLP has focused on two areas of engagement to address enhanced justice through e-tools. These include building system-wide connectivity in the courts through expansion of the PIS system<sup>4</sup> and training court staff on the PIS software.

**1.2.1.1** Program documents and informants confirm that ROLP supported the Judicial Information System (PIS) expansion to interconnect 15 data exchange protocols. ROLP assisted the development of 9 of these 15 through a unified PIS website, promoted use of the software, and trained court staff in select courts on the software.<sup>5</sup> According to program documentation and implementer feedback, ROLP having fulfilled its intended efforts with PIS then shifted IT support from the PIS system to focus more attention on the e-support efforts for SAO and to ensure ROLP programming efforts were evenly spread across planned activities.

**1.2.1.2** The PIS is being used actively in courts around Serbia, although it is still being learned, according to court presidents, judges, and judicial assistants from Belgrade Second and Third Basic Courts, Belgrade Higher Court, and Kragujevac appellate courts. For example, all judicial assistants involved in group interviews confirmed that they used the PIS regularly even as they noted that not every judge or staff member is comfortable with or interested in the system. The court president of one of Belgrade's Basic Courts estimated that 40 of the 52 judges in the court are regularly using the PIS in their daily work; he suggested that those not using the system were older and unlikely to switch over. ROLP tracking suggests that there had been over 2.3 million clicks by more than 4,000 users from 244 judicial institutions and professions between October 2017 when it started and the end of Y3Q1.<sup>6</sup>

**1.2.1.3** Feedback also suggests that judicial institution users of the PIS system see the system's efficiency value for their daily work, and this is improving overall court efficiency. Court officials noted that PIS expansion was designed in consultation with them and felt that it was fit for its purpose. They noted that the system is improving their efficiency in case review and processing. ROLP indicators partially capture this efficiency by tracking the number of PIS queries to outside sources; by the end of Y3Q1, ROLP

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<sup>4</sup> In accordance with ROLP activity design, the PIS system is also covered in Component 2 in relation to use of the PIS by Public Enforcement Officers. Please see Component 2 Narrative Findings for further details.

<sup>5</sup> ROLP indicators provide total number of judicial personnel trained rather than a specific breakdown of training for PIS-related efforts in their quarterly reports, however ROLP notes that these are available on the ROLP's training database. Per the ROL Performance Monitoring and Evaluation indicators, through September 2019, this included 2,033 individuals. For more specific PIS training efforts, ROL quarterly reports document a number of trainings and workshops from Y1Q4 through Y2Q4 that include a workshop for IT staff in Belgrade June 29, 2018, ROLP field assistance to courts in Mionica, Valjevo, the Higher Court of Smederovo, Higher Court of Belgrade, Basic Courts in Prokuplje, Jagodina, Backa Palanka, Gornji Milanovac, Despotovac, Dimitrovograd, Ub, Sjenica, Raska Bujanovac, Priboj, Becej, Pozarevac Veliko Gradiste, and Petrovac na Mlavi.

<sup>6</sup> For more information see ROL Y3Q1 report and the AMELP for indicator calculations

documentation suggests a \$4.9m indirectly generated budget savings with 4,624,198 fewer paper documents exchanged, and 96,337 staff workdays saved.<sup>7</sup>

**1.2.1.4** The MOJ and courts are aligned in their interests to make the PIS work. The MOJ and the court official stakeholders signaled similar interests to use the PIS system more comprehensively and effectively, which suggests further shared institutionalization efforts and efficiency. They also noted that the system developed to date is expected to fit into the anticipated EU system-wide support effort in 2022. EU informants expressed admiration for ROLP results in the PIS system as well as their plans to further these efforts in their next programming phase toward the end of 2021.

**1.2.1.5** At the same time, despite shared interests to make the PIS system work, neither regulations nor system-wide practices have caught up with the PIS. Judges and judicial assistants explained that the current regulations on keeping paper and electronic copies of cases partially undercut efficiency efforts. The ET saw this combination of paper filing and computer filing on its different court visits.

### Subtask 1.2.2 Improved Court Operations

ROLP has focused on three areas to improve court operations, including the service of process system, the collection of court fees, and the system for managing expert witnesses and translators.

**1.2.2.1** ROLP took a systematic, evidence-based consultative approach to addressing the court operation problems. For court service of process, programming documents and involved informants described how ROLP worked closely with the MOJ, HCC, SCC, and the Post Office to study the practical and legislative issues surrounding service of process. It then looked for current best practices of addressing this in the system and studied the efforts taken by the Second Basic Court of Belgrade. Based on this, it worked with stakeholders to propose and develop a QR coding system for envelopes based on the example of the Second Basic Court of Belgrade. As part of this development, ROLP also

Experts noted that these have been the same problems for 20 years in the courts, but no one dealt with the issues in such a practical way before.

included a focus and development of regulatory provisions with the MOJ to amend the Court Rule Book of Procedures to develop a guide for service of court documents and to ensure that the QR coding system and QR camera solutions proposed could be part of the court AVP case management system.

**1.2.2.2** For collection of court fees, ROLP similarly focused on identifying the key practical and regulatory issues surrounding fee payment. Program documents delineate a series of consultation processes and WG meetings with key courts and actors around Serbia during much of Year 1, which identified the administrative need to transfer the administrative duty of collection of fees to

#### Process and Product Outputs for Service of Process not Captured by MEL Data

1. Workshops with seven basic courts on impediments
2. Assessment of normative framework governing service of process
3. Cost benefit and economic impact assessment on specific courts to ID best practices
4. Guide for efficient service of process
5. Stakeholder discussions using assessments
6. Recommendation unifying legislative provisions to improve business operations in courts and post office
7. Assessment of Second Basic Court model and how to adapt
8. Meetings with HCC, MOJ, SCC, and Post Office on agreement to technical instructions

<sup>7</sup> For more information see ROL Y3Q1 report and the AMELP for indicator calculations.

administrative staff and to define clear categories for those exempt from paying fees.<sup>8</sup> It also focused on technical solutions for centralized processing of tracking, calculating, and processing court fees through the AVP system. This included the development of a unique control number for each case for tracking abilities.

**1.2.2.3** The ET learned from the Third Basic Court that testing of both these processes has been slightly delayed from fall of 2019 to early 2020. Delays in the piloting appear due to a combination of IT issues and coordination with the MOJ. ROLP staff noted that once rollout takes place in the pilot courts, a period of testing and then expansion to other courts is planned during Years 3 and 4.

**1.2.2.4** Current rule-of-law indicators do not capture ROLP efforts to date. Baseline data have been collected for future assessment of how these two processes/tools will make court proceedings more efficient in time and money. However, these do not capture the time and effort gone into the basic areas of activity for both processes. (See text box listing major ROLP process and product output examples from the service of process efforts.)

**1.2.2.5** According to program documentation and stakeholder feedback, the processing of service and collection of fee tools are expected to be effective tools for addressing these two areas of court functioning and to make them more efficient; however, as a judge with experience using the service of process tools from the Second Basic Court of Belgrade cautioned, it will reduce mistakes with names and so forth, but reduction of case time depends more on other factors, most notably the number of cases a judge has. In the Second Basic Court, this is on average 250 cases a judge, but in other courts, informants note the number is significantly higher.<sup>9</sup>

**1.2.2.6.** Stakeholder feedback suggests that the focus and consultation processes for both areas were thorough. Court officials as well as the MOJ noted enthusiasm for the two system solutions and now focus on getting the two system tools in place. Notably, the EU and Embassy of the Netherlands also noted high praise for ROLP in these areas and expressed support for further ROLP testing and implementation efforts with the courts and the MOJ.

**1.2.2.7.** For the third area, the ROLP was asked to support the legal and logistical support to the MOJ-appointed WG for drafting a new law on expert witnesses and draft law on court interpreters and translators. The WG was appointed at the end of 2018, but until now, the MOJ has initiated no further action, according to program documentation and ROLP. Several informants linked delays in MOJ capacities to manage and carry out the multiple reform efforts at the same time.

### **Subtask 1.2.3 Improved Human Resource Practices**

ROLP worked on two basic tracks concerning judicial assistants. The first track focused on designing policy and legal recommendations to resolve legal and professional judicial status. The second track focused on increasing current judicial assistants' skill levels. This involved designing and delivering trainings on legal reasoning for first-instance civil courts.

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<sup>8</sup> In accordance with program documentation, WGs had three areas of focus: (1) system-level solution for changing legislative framework; (2) creating unique control number for payments; and (3) assigning these administrative tasks to judicial assistants and or other administrative staff.

<sup>9</sup> For example, the court president of one of Belgrade's Basic Courts explained that after they were assigned 80,000 old cases from 2006/7, these combined with new cases each month means judges on average now have 1000 cases at one time.

**1.2.3.1** ROLP conducted a wide consultation process to better understand the interests and possibilities of resolving the judicial assistant position status. According to program documents, the Judicial Academy, judicial assistant organizations, and ROLP staff engaged in the process, this involved an initial judicial assistant satisfaction survey followed by a policy paper outlining the options for resolving key legal and career path concerns. Further stakeholder feedback from the MOJ, HCC, judicial assistants, and the Judicial Academy suggests that by identifying and analyzing the problem, stakeholders have agreed on key policy components to be addressed (legal status, definition of criteria, career advancement path, etc.).

**1.2.3.2** However, discussions with judicial assistants and related professional association representatives also highlighted the challenges of changing—most judicial assistants see their goal as becoming a judge. Although this goal is not in contrast with establishing a professional qualification system and defined legal status, judicial assistants expressed concern about the lack of information, transparency, and certainty in the current system and around the proposed changes. They also expressed mixed levels of hope that changes could improve their situation.

**1.2.3.3** ROLP and key legal experts noted that any legal progress on resolving the status of judicial assistants is linked to larger constitutional amendment changes. ROLP is putting in place plans for continuing work on the status issues in parallel with any expected constitutional changes—namely, ROLP staff described working on the regulatory efforts in WGs to provide a regulatory remedy in line with current legislation as well as “being ready” with legal remedy solutions if constitutional changes take place during the next 18 months of the project.

**1.2.3.4** ROLP-subgranted nongovernmental organizations (NGOs) engaged with judicial assistants and judicial experts indicated that including law students and interns in the socialization efforts has helped fill a gap in the current educational track between law faculties and the judicial system. They also stressed that this portion of the population needs to be more closely involved in any proposed solution for judicial assistants. Judicial Academy informants further stressed that the larger solution to improve judicial quality efforts needs to start with the law faculties and early career legal professionals.

**1.2.3.5** Several NGOs subgranted to work on the judicial assistant efforts benefited in unexpected ways from their cooperation with ROLP. Namely, two smaller and less experienced NGOs described their subgrant experience as providing them with key skills in project management and reporting for a donor like USAID. They also noted they would be more able to apply for such USAID and other bilateral donor funding in the future.

**1.2.3.6** The judicial assistant training provided was considered useful and was being used. Most interviewed had not had such comprehensive training before and appreciated the trainings for providing this context. Assistants particularly identified the European Court of Human Rights analysis and legal drafting portion as useful, as well as the practical nature of the training and the high-quality trainer (who is well respected in the judiciary). Feedback from judicial assistants undergoing training suggested that they use much of their training in their daily work. Judges suggested that this is improving the judicial assistants’ work but did not have enough firsthand experience with trainees to definitively note enhanced performance.

**1.2.3.7.** Still, discussions with assistants highlighted the fact that trainings are not fully targeted on intended beneficiaries. Some assistants from second-instance courts attended even though trainings were for first-instance court assistants; others already had significant experience and experience with the European Court of Human Rights specifically. ROLP documents and program staff noted the challenges of getting the same set of assistants for the second round of training. Assistant feedback also

noted clear focus areas for further training as well as interest in being consulted before the trainings on designing the content of trainings.

**1.2.3.8.** Indicators for the first portion of the task effort are on track, based on project outputs for undertaking a survey, developing a policy paper on judicial assistant status next steps, and so forth. There is less clarity about whether indicators for the training efforts, which were intended to cover effects of resolved judicial assistant status, capture ROLP efforts and will clearly show progress by ROLP's end.

ROLP has aimed to clarify judicial assistants' role within the court system to make this system more efficient. According to ROLP discussions, the theory of change for interventions has been based on the idea that clear career definitions and assessment would give judicial assistants more responsibility (which would in turn lift some administrative burdens from judges and make proceedings more efficient) and result in higher job satisfaction, with the intention of creating a career track for judicial assistants that does not focus solely on becoming judges. Efficiency effects, hence, may be beyond the length of ROLP given the current legal status and pending legislation. According to ROLP and those involved with the judicial assistant position clarification, it is not clear if the legal and regulatory issues will be resolved in the next 18 months. Regardless, attention to these regulations and further training would need additional attention beyond the project.

#### **Subtask 1.2.4 Transparency and Accountability**

ROLP has focused on three areas to improve transparency and accountability: improving the gathering, use, and presentation of court statistics with four appellate courts and the Higher Court of Belgrade by designing a new user-friendly format with data visualization for annual reports; developing communication strategies for the HCC and the courts and enhancing the HCC Board of Ethics. As part of the ROLP communications strategy efforts, —supporting court public relations (PR) officials—began with consultation processes in YR3Q1 and is not covered in this evaluation.

**1.2.4.1** ROLP's work with four appellate courts and the Higher Court of Belgrade on design and presentation of visually appealing annual reports for 2017 and 2018 was positively received in the courts. The courts also noted that these were well received by the public, including NGOs and media. A historical monograph was also developed to mark the 90-year functioning of the Belgrade Higher Court.

According to feedback from two of these courts, the court annual reports and monograph were seen as enhancing the courts' transparency. The court presidents posited that public, media, and court affiliates positively reacted to the reports. NGO feedback suggested that the reports were indeed more user friendly and informative for the public. However, at least one NGO familiar with the efforts also noted that more information could still be added.

**1.2.4.2** Report development efforts also influenced the way at least some of the courts gather and categorize data. One court official indicated that they had developed new ways to gather and group statistics and, in this process, shifted how the court gathered some of the information, including previously untracked metrics such as case duration and status of old and outdated cases. Court officials expressed interest in continuing to collect data and present it in these ways for reports (on their website) regardless of future funding for paper publications.

“Every time we provide information to the public it helps. But we also have clear situations where answers are not given in a timely way and this changes immediately the perception of the court.”  
SCC

**1.2.4.3** In addition, in at least one court, report development created additional momentum to develop other citizen-friendly transparency offerings. As described by the Higher Court of Belgrade and ROLP staff, the positive press and feedback received from publication of the annual report and the historical monograph led the court to ask for further ROLP assistance on developing a new information corner in the court lobby. This is currently in process and expected to include electronic information notices, among other features, to promote ease of use.

**1.2.4.4** ROLP selected courts as leaders in enhanced reporting efforts that already had a track record in communication and outreach efforts. For example, the Higher Court of Belgrade described how they regularly provided a weekly list of high-profile organized crime and war crimes cases for media; staff of the Appellate Court of Kragujevac described the president of the court as having a good reputation with local media and making herself available for public statements.

**1.2.4.5** SCC and HCC leadership see the communication strategies developed for each institution as useful and are implementing them. According to program documentation and stakeholders involved in the process, ROLP worked with the HCC and the courts<sup>10</sup> to design a communication strategy for HCC and the courts (2018–2022). This was adopted during late spring 2019. HCC and SCC informants described different implementation challenges, including building up internal communications expertise, but generally expressed confidence that problems would be addressed. They also exhibited ownership of the process and interest in integrating the strategies into their communication efforts and practices across the courts. The SCC president noted, “Now it is simply the time to begin implementing and to ensure that we spread these policies and guidelines beyond Belgrade to make more judges more comfortable in front of the media.”

**1.2.4.6** The ROLP communication strategy workshops for PRs/media coordinators from basic, higher and appellate courts are described by HCC and SCC informants attending the workshops as socializing court actors to what is important about communication, but this is only the start of the process. HCC and SCC informants suggested that these efforts have changed attitudes (to some degree) about how to communicate. This is a process, they posited, that “needs to sink in,” and then show its results. Specifically, SCC and HCC leadership highlighted the need for further support and training of respective staff and court staff on key strategy components, including strengthening the Judicial Academy’s capacity to take on such PR and communication trainings. This includes basic things like writing press releases, as well as further internal networking of experiences.<sup>11</sup>

**1.2.4.7** There is little data available to track how public transparency and perception of court institutions may have changed due to ROLP interventions. ROLP engaged the NGO CESID to undertake a court user perception survey on legal enforcement of judgments at the beginning of the project,<sup>12</sup> and a second survey is planned during Year 3. However, there is no clear way to track how these newly adopted communication strategies may or may not affect public perception of the HCC, SCC, and specific courts<sup>13</sup> and courts in general.<sup>14</sup> HCC and SCC informants also noted that it will take time to

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<sup>10</sup> This includes the SCC and all other courts.

<sup>11</sup> ROLP Year 3 focus on PR networks is beginning to address this need.

<sup>12</sup> This survey was completed in early 2018 and presented in March 2018. For more details on survey findings see: <https://en.rolps.org/news/perception-survey-on-the-enforcement-of-judgments-in-serbia>

<sup>13</sup> Several judges also reminded the ET that courts can be transparent and communicative, but court users are divided 50/50 between those that win and lose cases; hence satisfaction levels best-case scenario will also likely mirror experiences of court users.

<sup>14</sup> It should be noted that NDI and the World Bank both track perceptions of the courts, but such measurements would not necessarily reflect any changes since the ROLP assistance.

determine whether the substantial efforts will shorten and improve court processes and change public perceptions. Individual court presidents explained that they have no specific monitoring efforts in place to track public perceptions in their courts.

**1.2.4.8** ROLP's cooperation with the USAID-supported YUCOM Constituencies for Judicial Reform Activity<sup>15</sup> is increasing attention to court issues, but as of yet there are no clear results in public opinion shifts. YUCOM and its partners started the Activity in January 2019 focused on assessing and improving public opinion, and they have cooperated with ROLP court performance and most recently on issues of public enforcement officer public awareness and education through their Open Door court events. YUCOM and partners are beginning to track citizen users of the court and their perceptions, but as of yet there is no clear tracking or linkage between ROLP interventions on court performance issues and shifts in public attitudes in relation to this.

**1.2.4.9** ROLP's cooperation with YUCOM also had an unexpected positive outcome—expanding NGO access to and cooperation with court officials. YUCOM described how their official cooperation with ROLP gave them first-time access to SCC officials. Namely, SCC's satisfaction with ROLP support “opened the door” for YUCOM to get a meeting with the SCC president and to begin institutional cooperation with YUCOM and indirectly with its 11 other NGO partners that are part of the Constituencies for Judicial Reform Activity. YUCOM credited ROLP for providing this access, something that they could not do until now despite their many years of working on rule-of-law issues.

**1.2.4.10** In the third area of engagement, the SCC and HCC described how ROLP worked closely with the HCC to develop analysis of ethical guidelines with recommendations for bylaws and laws to be amended.<sup>16</sup> HCC and SCC informants noted that the ROLP expert inputs were of high quality and that this cooperation was welcome. However, they noted that the Draft Rule Book of the HCC Board of Ethics developed with ROLP's help is currently in implementation limbo due to internal and constitutional issues.

## **COMPONENT 2**

Component 2 consists of two tasks—strengthen judgment enforcement and build SAO capacity—with several subtasks. It aims to support more timely, consistent, and reliable judgment enforcement and to strengthen SAO capacities to improve performance and reduce the time and costs associated with cases brought against the State. Program efforts under Component 2 include the development of e-tools, legislative and regulatory review, individual and institutional capacity building, and public awareness.

### **TASK 1: ENFORCEMENT OF JUDGMENTS STRENGTHENED**

Task 1 includes the following subtasks: improve systems for efficient and predictable enforcement, legislative and regulatory changes for improved enforcement procedures, strengthen institutional capacities for sound monitoring and accountability of enforcement officers, raise public awareness on the importance of the system of judgments, and build the capacity of the Chamber of Public Enforcement Officers.

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<sup>15</sup> For more information on the Activity see: <http://en.yucom.org.rs/constituencies-for-judicial-reform-in-serbia/>

<sup>16</sup> In accordance with program documentation (Y1Q3), this included 35 recommendations for improving the relevant legal framework, including recommendations for changes to the Law on HCC and the Law on Judges, and changes to the HCC rules of procedure and bylaws. These formed the basis for drafting the rulebook for the HCC Board of Ethics.

## **Subtask 2.1.1 Improved Systems in Place for Efficient and Predictable Enforcement**

ROLP anticipated developing e-tools to render enforcement procedures more efficient and less costly for all parties involved. These e-tools include upgrading the PIS with the MOJ and other institutions, targeted assistance in unifying electronic reporting mechanisms for PEOs to the MOJ, and e-tools in line with the Law on Enforcement and Security (LOES).

**2.1.1.1** ROLP undertook significant assessment and consultative efforts to address enforcement system deficiencies. According to program documents and the MOJ, the Chamber of Public Enforcement Officers, and ROLP, this started with a business process analysis as a platform upon which all other project activity built. This workflow analysis was complemented by an assessment of the functional and technical requirements for data exchange among stakeholders in enforcing judgments. Consultation efforts highlighted the need to provide technical assistance for further development of the PIS system that would further diversify the range of data available through the PIS information system for both the court enforcement departments and the public enforcement officer (PEOs).

**2.1.1.2** PEO and court official feedback confirmed that officers have begun to actively use the PIS system upgraded by ROLP. The Chamber, as well as individual enforcement officers, reported that all officers are using the system daily in their work and that it has improved their efficiency by saving time. However, PEOs raised concerns that the PIS works only if all institutions update information regularly. They depend on the abilities of other key government institutions from the national bank to the other ministries to ensure continued diligence in keeping the system updated and cooperating with the judiciary. At present, on occasion, the PEOs are still required to contact individual institutions in writing to verify the information sought.

**2.1.1.3** Document review and KIs with the MOJ and ROLP reported that the project could not conclude an agreement with the National Bank of Serbia (NBS) to allow full access to information on bank accounts of physical and legal entities,<sup>17</sup> one of the key pieces of data for effective enforcement. Informants suggested that this was due to the NBS's lack of responsiveness on any initiatives beyond electronic information exchange; furthermore, they noted that the MOJ indicated that it was not willing to undertake automatic electronic enforcement at this time<sup>18</sup>, so this activity was dropped.

**2.1.1.4** ROLP developed, tested, and began using the eZIO application and handed it over to the MOJ, enabling PEOs to electronically submit documents to the Cadaster to provide up-to-date information on real estate involved in enforcement procedures. PEOs confirmed that they received training and a user manual and that they are regularly using the system in their daily work, which they noted has saved time and improved accuracy and accountability.

**2.1.1.5** Key e-tools developed by ROLP are now embedded within the MOJ. The MOJ confirmed that both the PIS and the eZIO systems and a complete set of technical documentation were transferred to the MOJ in 2019, which is now responsible for its functioning as well as its hardware and software maintenance. The MOJ has expressed its commitment and confidence that it can support these systems.

**2.1.1.6** ROLP efforts to develop e-tools to aid enforcement processes and public information availability are underway but yet to be tested. In addition to the PIS and eZIO systems, the project has developed a range of targeted e-tools that complement the existing case management system and provide

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<sup>17</sup> Through PIS, a PEO can get information on the bank name and account number for a legal or physical entity, but not the amount of money currently in the account.

<sup>18</sup> Please see USAID Rule of Law Project in Serbia, Y3 Work Plan, p.27

connectivity between PEO offices and other participants in the enforcement procedure, as well as targeted assistance to unify the electronic reporting by PEOs to the MOJ. This has largely centered on the development of an electronic notice board, which will enable easier access to information on enforcement procedures for citizens.

The e-noticeboard will be introduced on January 1, 2020, and its use will be mandatory—training has been delivered and was well received by participants. Key stakeholders confirmed their awareness of the tool and its usage; however, the tool has yet to be tested, and some courts—for example, the First Basic Court in Belgrade—were not clear when it would be introduced. It is thus too early to assess impact.

**2.1.1.7** The e-tools developed have broad support from key actors involved from the MOJ, the Chamber of Public Enforcement Officers, and courts. Stakeholders perceived that the e-noticeboard will be a key tool of the court and will serve the courts and PEOs as an information delivery tool. Furthermore, it is envisaged by stakeholders that it will enable officers to perform service of process in an efficient, secure, and simple manner and allow courts to monitor process and performance.

**2.1.1.8** The indicators for this subtask only partially capture progress under this sub-activity. Indicator 9, *the ratio of enforcement actions against monetary assets to the total number of enforcement actions*, is already exceeding its 2020 target. If the backlogged enforcement cases, which were transferred to public enforcement officers during 2017 after the LOES amendments in 2016, are excluded from the statistics on indicator 7, *average time for enforcement of judgment*, data also show a reduction from 125 days in 2017 to 93 days in 2018.

### **Subtask 2.1.2 Legislative and Regulatory Changes for Improved Enforcement Procedures**

ROLP focused on providing support to the process of developing LOES amendments, as well as secondary legislation and regulations.

**2.1.2.1** The MOJ, the Chamber of Public Enforcement Officers, and ROLP confirmed that LOES amendments will come into force on January 1, 2020, as a direct result of ROLP interventions. The project undertook a gap assessment examining the primary and secondary legislation to gauge the impact of laws, regulations, rulebooks, and procedures that are affecting enforcement efficiency. This was followed by WG meetings, roundtables, facilitation, and expert support, which resulted in all parties agreeing to the amendments and the amendments being adopted.

**2.1.2.2** ROLP undertook clear analytical and consultative processes (highlighted in the textbox), which led to the development of LOES amendments. Stakeholders reported satisfaction with both the process and with the end result and see the amendments as an improvement to the previous law. All stakeholders anticipate that the amendments will introduce positive changes into the system, in particular through the introduction of the e-noticeboard (see above), e-auction, and soft collection mechanisms and appear ready to introduce these changes.

**2.1.2.3** These consultative processes also have ensured compliance with requisite EU standards. PEOs, court officials, and ROLP highlighted that the LOES amendments comply with EU *Acquis* and the European Commission for the Efficiency of Justice standards. The Council of Europe noted that ROLP coordinated all domestic and international parties to ensure appropriate content provisions.

**2.1.2.4** LOES next steps involve development of the necessary secondary legislation and by-laws, in particular on the development of professional standards and monitoring. Stakeholders suggested that they will require further training to support them in implementation of the new provisions in the law. Given the scheduled elections and likely adoption of the constitutional amendments, key stakeholders noted that it is unlikely that all required steps will be finalized within the remaining 18-month project implementation period.

### **Subtask 2.1.3 Strengthening Institutional Capacities for Sound Monitoring and Accountability of Enforcement Officers**

ROLP adopted a twin-track approach under this subtask: designing an institutional development plan for the Chamber of PEOs and developing oversight capacities.

#### **Processes that led to the development of LOES amendments**

- Gap assessment, which identified findings and recommendations
- Establishment of a working group (WG), composed of judges from all court levels, public enforcement officers, law professors, lawyers, and representatives of the business community and project
- Roundtables/WG mini-retreat
- Facilitation
- Expert support in developing secondary legislation—professional standards/tariff, rulebook for e-auctions, rulebook for soft collection
- Instructions to enable smooth implementation of LOES transitional procedures

**2.1.3.1** Interventions under this subtask demonstrate ROLP’s adaptive and flexible approach. The MOJ and PEOs described in detail that activities under this subtask focused initially on developing a monitoring tool within the MOJ to monitor PEOs. However, the MOJ decided that it wanted to pursue this activity without project support,<sup>19</sup> and the project shifted its attention to developing a monitoring system within the Chamber of Public Enforcement Officers. To this end, the project supported the Chamber in conducting its first monitoring cycle in 2019, although the MOJ has now requested support from the project to implement the monitoring tool that it developed alone.

**2.1.3.2** As reported by both the Chamber and individual PEOs, initial results from the monitoring exercise highlight the need to develop professional standards from which criteria can be developed to accurately assess the PEOs. Additional tools such as a Manual of Inspection and standard reporting templates are also required. The Chamber acknowledges that these tools should have been developed prior to the initial monitoring cycle. The ET also noted that as a result of this, the initial round of monitoring undertaken and completed in September 2019 was reduced to statistical data gathering, which has limited use. Once the Professional Standards are adopted, criteria should be developed against which the PEOs can be monitored.

**2.1.3.3** The project has been unable to capture progress in this area as indicator 8, *increased monitoring of public enforcement officers by the MOJ based upon enhanced monitoring mechanisms*, refers only to monitoring conducted by the MOJ, which has not been furthered with ROLP support. However, ROLP has made progress in developing the Chamber’s monitoring capacities, as described above.

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<sup>19</sup> The MOJ decided to pursue this activity without project support and with their own financial means but noted that they will require support from the project to implement the tool.

### **Subtask 2.1.4 Improved Public Understanding and Acceptance on the Importance of the System of Judgments in Serbia**

ROLP efforts under this subtask focused initially on four areas: designing and conducting a comprehensive public perception survey on the enforcement system and enforcement officers and conducting subsequent follow-up surveys; conducting public education campaigns; training media to raise awareness of the enforcement system; and supporting the Chamber of Public Enforcement Officers in disseminating information on enforcement.

**2.1.4.1** As a first step in understanding the context and anticipated design of the public education campaign, in November 2017, the project partnered with CESID<sup>20</sup> on conducting a comprehensive perception survey on the enforcement system. The baseline survey provided both quantitative and qualitative data and confirmed that the public largely has a negative perception of the enforcement process and of public enforcement officers. CESID among others suggested that raising awareness through TV and to a lesser extent radio should be a consideration for addressing public perceptions.

**2.1.4.2** ROLP had to adapt to ever-changing circumstances during the first part of the project, which delayed public education campaigning. ROLP informed the ET that it had planned to launch a public education campaign, but due to delays to tie the campaign to the public consultations on LOES, it instead had to react to a very negative media campaign conducted by all major news sources in Serbia. ROLP and individual PEOs informed the ET that this included public assaults on PEOs and death threats being spray-painted on their offices in some areas. This resulted in the project having a less active focus on raising public awareness of enforcement and more reactive responses to the circumstances that arose.

**2.1.4.3** ROLP's technical PR support has had mixed results. Due to the prolonged negative media campaign against public enforcement officers, the project reacted by providing crisis PR support to the Chamber, including supporting the capacities of the Chamber's PR spokesperson, in addition to PR training for individual officers through expert technical assistance. Chamber-level institutional support has been difficult to build upon as two PR spokespeople have already left the position and the Chamber is still waiting for a replacement. Individual officer trainings yielded more positive results. All participants expressed their overwhelming appreciation of the PR training provided through the project to PEOs who consistently confirmed the high quality of the training and its practical application in their work. They reported that it provided them with the skills and tools required to deal with the media and boosted their confidence, according to the Chamber and individual officers.

**2.1.4.4** Discussions with PEOs and court officials confirmed that there remains a very negative attitude of the public toward both the officers and the system. This is exacerbated in Belgrade, where the

#### **Public Perception Survey – Main Findings**

The main conclusions of the survey, completed in February 2018, are the following:

Citizens have a predominantly negative attitude toward both the enforcement process and the public enforcement officers and in general feel they lack information about enforcement.

Citizens are insufficiently aware of all the benefits and opportunities provided to them in the enforcement process.

Businesses have a more positive perception of the public enforcement officers (businesses with prior experience were more likely to see them in a positive light [30%], whereas the greatest proportion held neutral views).

The media insufficiently, and inaccurately, reports on enforcement.

<sup>20</sup>See: [https://en.rolps.org/public/documents/upload/Web\\_ROL\\_Enforcement\\_Survey\\_presentation.pdf](https://en.rolps.org/public/documents/upload/Web_ROL_Enforcement_Survey_presentation.pdf)

majority of enforcement actions take place.<sup>21</sup> In general, enforcement officers felt that the MOJ is not doing enough to support them. All officers reported how distressing this persistent campaign has been, how they do not feel secure in their job, and how many have been verbally abused as a result. They feel that they were not sufficiently supported by the MOJ or even the Chamber.

**2.1.4.5** At the same time, there is a lack of comprehensive reporting on the benefits and opportunities that public enforcement efforts can provide. For example, in Kragujevac, an officer described how their office has successfully obtained salaries for employees from both private and public employers who had not paid their salaries; however, this remains unreported.

**2.1.4.6** ROLP project collaboration was reported as going well with its sister project, the USAID YUCOM-led Constituencies for Judicial Reform in Serbia, particularly through the organization of the Open Door court events between the judiciary and members of the public on public enforcement themes. However, it is too early to measure the results of this collaboration.

### **Subtask 2.1.5 Institutional Capacity Building of the Chamber of Public Enforcement Officers**

The Chamber of Public Enforcement Officers is a relatively new institution, so the project has focused on two key areas to build its capacities to efficiently manage its portfolio of tasks: training for public enforcement officers and inter-institutional coordination.

**2.1.5.1** The project informed the ET that this subtask focused initially on establishing a Coordination Council that, however, failed to materialize due to its composition and modus operandi, which ROLP and the Chamber reported as being un-implementable due to certain regulatory issues on judges' participation in such a body. Therefore, establishment of a Harmonization Council is envisaged.

**2.1.5.2** Training on the LOES amendments for PEOs and judges was conducted through 10 planned sessions delivered in October–December 2019. Participants confirmed their level of satisfaction with the training, which they feel has prepared them for the implementation of the new law; however, they also feel that additional training will be required once the law is in force. Participants are of the opinion that the first few months of implementation of the new Law will identify areas where further training is required.

**2.1.5.3** The Chamber reported that it was satisfied with ROLP support in drafting its first-ever development plan and that it is implementing the plan accordingly. The Chamber and ROLP anticipate that this is a precursor to strategic planning for the institution.

**2.1.5.4** The ET found through talks with the Chamber and MOJ that low capacities and a reported lack of interest within certain elements of the Chamber, combined with a weak relationship among the higher levels of the Chamber and a weak relationship between the Chamber and the MOJ, have hindered progress in this area. The ET found a lack of clarity on the Chamber's role in supporting PEOs and on the roles and responsibilities of the Chamber and the MOJ.

**2.1.5.5** Further, as reported by all stakeholders, the PEOs do not have a proper legal status and are not fully embedded into the judicial system, being regulated only through the LOES. It is unclear whether the

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<sup>21</sup>This can easily be confirmed by looking at media reports covering enforcement issues.

MOJ has an interest in addressing this issue and in developing a law on enforcement officers, which would regulate the profession similarly to other free legal professions, such as notaries and mediators.

## **TASK 2: SUPPORT TO THE STATE ATTORNEY'S OFFICE**

### **Subtask 2.2.1 Business Process Streamlining and the Case Management System**

#### **INTRODUCTION**

ROLP HAS UPGRADED A FIT-FOR-PURPOSE CASE MANAGEMENT SYSTEM FOR THE SAO AND IMPROVED THE SAO'S OPERATIONS AND BUSINESS PROCESSES.

**2.2.1.1** ROLP support is the first donor assistance provided to the SAO, so the project had to start from scratch in designing its support. Therefore, at the outset it conducted business process mapping and a diagnostic analysis of technical capacities and needs in all SAO offices, which shaped the support provided. This included the seat in Belgrade and its 11 regional offices and identified the need to upgrade the case management system, LURIS. Stakeholders confirmed that the analysis focused on three key areas: statistical reporting, legislative framework, and case management through the case management system.

**2.2.1.2** Since then, the SAO confirmed that the project has supported developing the hardware and software capacities of the LURIS system, which will be tested in Belgrade during the first quarter of 2020. The SAO reported that they have been highly satisfied with the cooperation, communication, and coordination with ROLP, which they felt always listened and responded to their needs and suggestions.

**2.2.1.3** Stakeholders in the regional offices commented about how their needs often differ from those of the seat in Belgrade. For example, their capacities are much lower and they have far higher equipment needs, including printers and computers, which have not been upgraded since 2002. Additional comments were received that the regional offices cannot upgrade their own equipment due to resource constraints and do not even have storage space for maintaining their paper archives.

**2.2.1.4** ROLP practiced adaptive programming with the SAO when they identified the actual capacity levels within the institution. For example, the ET was informed that many staff within the SAO are computer illiterate. ROLP reacted to this situation by providing basic IT literacy training, initially with the seat of the SAO, which is now being extended to the 11 regional offices. The SAO seat reported both the need for this training and their level of satisfaction with it. The project informed the ET that they have initiated a procurement procedure for LURIS upgrade services and will provide IT equipment where required. ROLP informed that LURIS upgrades were procured in October 2019 and the development/implementation process is ongoing.

### **Subtask 2.2.2. SAO Capacity Development**

ROLP provided capacity development support to the SAO at both the individual and institutional levels based on the SAO's strategic plan, developed with ROLP support (see below under 2.2.3).

**2.2.2.1** ROLP has been working with the SAO to build basic capacities, with most efforts in very early stages. ROLP described SAO and regional office capacities as very weak, and the ET confirmed this assessment when speaking with SAO stakeholders. To address this, ROLP helped the project develop the first comprehensive SAO strategic plan (see below), which identified further necessary skills training. Stakeholders confirmed that this included management training, human resources, procurement, and

budget planning, among other areas. Based on this, a training needs assessment was conducted, followed by the development of training curricula and materials and the delivery of training.

**2.2.2.2** The SAO described how ROLP provided initial training on the upgraded LURIS system and in other areas of management training, with apparently positive effects, at least for Belgrade-based participants. The SAO seat in particular reported their satisfaction with the training and their ability to apply it in daily work.

“I use the training provided on a daily basis.”

SAO staff member

However, the regional office in Kragujevac highlighted the difficulties in attending trainings, which are organized either in Belgrade or at inconvenient times, such as in August. For example, they reported that participants could not attend a team-building training due to the summer vacation and having not attended the first sessions were thus not eligible to attend the two subsequent follow-on sessions. ROLP clarified that this training was on strategic planning and not teambuilding as understood by the SAO regional office in Kragujevac.

**2.2.2.3** ROLP managed to carry out training efforts through an ad hoc arrangement with the Judicial Academy. The Judicial Academy provided training either in its seat in Belgrade or through its network of regional offices. However, the SAO is still not a constitutional category and thus does not fall within the mandate of the Judicial Academy but rather the fledgling National Academy for Public Administration Reform. To overcome this, the Judicial Academy and the SAO signed a protocol and both parties relayed their high level of satisfaction with the arrangement. That said, stakeholders commented that this arrangement is not sustainable because the SAO does not fall under the Judicial Academy’s mandate.

### **Subtask 2.2.3 Addressing the organizational deficiencies and weaknesses through Strategic Planning and Regulatory Change**

Through this subtask, the project helped the SAO develop its strategic planning capacities and reviewed the SAO legislative framework.

**2.2.3.1** The SAO confirmed that ROLP provided support in introducing strategic planning. The primary goal of the strategic plan is to define the SAO’s position within the system of government; however, stakeholders confirmed that due to the constitutional amendments, this activity has been put on hold. The SAO strategic plan was developed through a consultation process and associated workshops and was adopted in March 2019. SAO officials suggested that the strategic plan is useful in guiding the SAO in its communication plan, long-term training plan, budget advocacy plan, human resource strategy, and regulatory reform plan. However, the SAO emphasized that it cannot implement the plan alone and will require considerable ROLP support beyond the remaining 18 months.

“The project helped us to optimize all processes.”  
SAO staff member

**2.2.3.2** The project is supporting two of the five priorities of the strategic plan in upgrading the case management system and its testing and rollout and through business process streamlining activities. The SAO reported their high level of satisfaction with ROLP support in facilitating the strategic planning process and with the strategic plan itself. It is too early to see the effects of the plan’s implementation.

**2.2.3.3** As reported by the SAO and ROLP, the MOJ has not shown willingness to amend the legislative framework relating to the SAO, which is required to address the functioning of the SAO and its regional offices and to provide a clear division of duties and responsibilities. Despite efforts by the project to

analyze regional models of the SAOs in Europe and the respective regulatory framework, progress cannot be seen in this area.

**2.2.3.4** The SAO confirmed that the legislative framework makes no distinction between SAOs and those belonging to attorneys' offices at various levels of local self-government. Further, the SAO is not envisaged as a constitutional category, which leaves its position ambiguous.

**2.2.3.5** Indicators relating to the SAO do not capture the huge efforts that the project has made to strengthen this institution but are focused on improving the delivery of justice. Although indicator 11, *reduced time duration and costs of cases represented by SAO*, as a result of increased number of settlements in select cases involving project interventions (95,480 days as of September 2019) and cost (7,503,561 RSD/US \$71,982) for the State and litigants yields very impressive results, it captures only progress in implementing the Settlement Guidelines. Other project interventions and support are not captured.

#### **Subtask 2.2.4 Inter-institutional Cooperation**

ROLP has increased cooperation between the SAO, government bodies that the SAO represents, and the judiciary, while also developing mechanisms for out-of-court settlements.

**2.2.4.1** ROLP developed *Guidelines for Improvement and Promotion of Out-of-Court Settlement Conclusion and Execution in Proceedings on Protection of the Right to Trial within a Reasonable Time* (Settlement Guidelines) in 2018. The SAO and court officials confirmed their high level of satisfaction with the process of convening all stakeholders and developing successful settlement guidelines.

**2.2.4.2** Use of the settlement guidelines has already improved efficiency significantly. In just over a year of implementation, significant time and cost efficiencies have been documented, according to programming documents. A total of 699 cases have been settled with a reported saving of 95,480 court days and 7,503,561 RSD/US\$71,982 (data as of September 2019).

**2.2.4.3** However, SAO informants reported that outside Belgrade there is little desire among lawyers to settle cases due to low caseload and their desire to maximize income potential by continuing cases. It is perceived that lawyers have no incentive to settle cases outside of Belgrade. They also suggested that the judiciary often provide conflicting opinions on settling cases and that the court fees as a result of continuing cases are very high.

**2.2.4.4** Intra- and inter-institutional communication is still low. Based on interviews with the SAO and its regional offices, there is still a lack of internal coordination within the SAO and with other line ministries. Baseline data and targets have not yet been developed to measure progress in increased cooperation between the SAO, government bodies that the SAO represents, and the judiciary; thus, the ET cannot assess any progress in this area.

#### **Subtask 2.2.5 SAO Professional Development**

ROLP helped upgrade the SAO's website and initiated discussions on establishing a national State Attorneys' Association.

**2.2.5.1** ROLP support included developing and upgrading the SAO's website and preliminary discussions on developing a professional association of public attorneys. The project helped the SAO to finalize the design and content website design and content of the website in early 2019, although the website was not publicly released online. ROLP informed the ET that after further fine-tuning in line with comments

received from the Serbian body in charge of regulating websites of public institutions, the updated SAO site will go live and online in February 2020. The SAO representatives expressed their high level of satisfaction with the new website, which they perceive as raising their profile both within the system and among the public. The SAO decided to postpone the State Attorneys' Association's establishment and registration until it has relocated and until after the constitutional amendments are adopted as this will be too late for ROLP to support the launching of the Association with funds from its grants program, Subtask 2.2.5 has now been dropped and is not included in the project's Y3 work plan.

## CONCLUSIONS

### **EQ1. To what extent is the program on track to accomplish the inputs, outputs and likely outcomes expected under both components of the program?**

#### **Component I**

##### Task 1: Assessment and Development of Serbia' National Judicial Reform Strategy

ROLP completed the assessment of the previous NJRS and has made significant progress toward finalizing the next national judicial strategy—now called the JDS (2019–2024). All key stakeholders see the JDS as a guide for realistic implementation and alignment with Chapter 23 Action Plan, which serves also as the JDS Action Plan. They envision that this will serve as the blueprint for further judicial reform efforts during ROLP and beyond.

##### Task 2: Implement Selected Activities under Serbia's National Judicial Reform Strategy

###### Subtask 1.2.1: E-tools

ROLP supported PIS expansion to have inter-connection with 15 data sets and promoted its use in the courts. While utilization of the tools is still being disseminated and 'digested' by court officials, active court use during the past year is already showing efficiency cost savings. ROLP having fulfilled its intended efforts with PIS then shifted e-tool support from the PIS system to focus more attention on the e-support efforts for SAO.

###### Subtask 1.2.2: Improve Court Operations

There has been clear progress in two of the three areas of engagement: service of process and the collection of court fees. ROLP has identified systematic and regulatory problems and solutions and has developed tools, regulations, and guides to address the problems. Planned piloting of both proposed tools and enhanced system protocols have been slightly delayed from fall 2019 to early 2020 in the Belgrade Third Basic Court, but anticipated rollout after this will spread to other courts. The third area of engagement, on improving the system for managing expert witnesses and translators, has seen little movement by the MOJ, so ROLP has not been able to move this forward.

###### Subtask 1.2.3: Improved Human Resource Practices

ROLP has made progress in getting key stakeholders aware and ready to address the judicial assistant status issue. By comprehensively analyzing the problem and presenting it in a policy paper, ROLP has helped stakeholders come to an agreement on key policy components to be addressed (legal status, definition of criteria, career advancement path, etc.). Next-step planning includes whether to pursue legal changes with the constitutional amendments or regulatory changes without the constitutional amendments in place. Two rounds of training for a set of judicial assistants have been completed, with more planned; initial feedback on the trainings suggests that they are having positive effects, and further trainings in both broad and targeted thematic areas are needed during and beyond the project.

#### Subtask 1.2.4: Transparency and Accountability

ROLP efforts have had the most traction in working with courts to develop and present data. ROLP improved the gathering and use of court data with select courts through two annual report cycles, which received favorable feedback. These select courts see the benefits and are likely to continue with enhanced data presentation. ROLP has developed a communication strategy with the HCC and SCC and has begun to shift ways of thinking and designing PR engagement in the courts, but this is still in the early stages and needs more support during the remainder of the project, including ROLP's current efforts on PR network consultation. The third area of focus, on enhancing the HCC Board of Ethics, resulted in a Draft Rule Book, but implementation is still in limbo due to internal and constitutional issues.

## Component 2

### TASK 1: ENFORCEMENT OF JUDGMENTS STRENGTHENED

#### Subtask 2.1.1: – Improved Systems in place for Efficient and Predictable Enforcement

ROLP has developed a suite of e-tools recognized as key for introducing more efficiency and greater access to the enforcement system. The already completed introduction of public enforcement officers into the PIS system is already increasing efficiency, has lowered costs for debtors, which is reflected in the new Tariff adopted by the MOJ in December 2019, and will provide a basis for further improvements. The upgrading of the PIS and handover of the eZIO system to the MOJ also ensures some system ownership and sustainability after the end of the program.

#### Subtask 2.1.2: Legislative and Regulatory Changes for Improved Enforcement Procedures

ROLP convened all relevant stakeholders and facilitated the process necessary for introducing LOES amendments, which have subsequently been adopted and which will come into force on January 1, 2020. The amended LOES is accepted by all stakeholders as positive and is anticipated to save time and costs and introduce greater predictability into the system of enforcing judgments.

#### Subtask 2.1.3: – Strengthening Institutional Capacities for Sound Monitoring and Accountability of Enforcement Officers

Efforts to develop the MOJ's monitoring capacities were not realized due to the MOJ's change in approach. The project adapted by instead supporting the Chamber of Public Enforcement Officers in developing its own internal monitoring capacities. The first round of monitoring was undertaken in 2019 but was reduced to statistical data results, as well as internal office operations and equipment checks. However, ROLP plans to work further with the Chamber to improve these monitoring efforts and potentially with the MOJ in supporting the implementation of its monitoring tool.

#### Subtask 2.1.4: Improved Public Understanding and Acceptance on the Importance of the System of Judgments in Serbia

Efforts to work with the institutions and the public to raise awareness have been challenging, as most emphasis has been on PR training rather than outreach at this point. PR training has helped, but it is too early to see substantial changes given the overwhelmingly negative public perception of enforcement proceedings and officers.

#### Subtask 2.1.5 Institutional Capacity building of the Chamber of Public Enforcement Officers

Efforts are in progress with the Chamber, but it has low capacities, internal management conflicts, and a weak relationship with the MOJ.

## Task 2: Support to the State Attorney's Office

### Subtask 2.2.1: Business Process Streamlining and the Case Management System

The project is providing the first-ever donor assistance to the SAO and has made progress in developing its strategic planning, delivery of trainings, and initial attempts to streamline business processes, in particular through upgrading the case management system, LURIS. Assessment is premature at this point and key diagnostic work on evaluating the SAO caseload, ICT capacities, and business processes may not have fully captured the realities and needs, particularly in the regional offices.

### Subtask 2.2.2. SAO Capacity Development

Trainings on trial within a reasonable time and the Settlement Guidelines have been delivered for the SAO through the Judicial Academy, which have been well received by participants, but no mechanisms are in place to capture the effects of training and it is too early to assess any impact. Computer literacy training was provided directly by ROLP.

### Subtask 2.2.3 Addressing the Organizational Deficiencies and Weaknesses through Strategic Planning and Regulatory Change

The project has supported the SAO through a consultation process to develop its strategic plan, which was adopted in March 2019. The project is supporting two components—business process streamlining and case management system efforts—but it is still too early to track any progress.

### Subtask 2.2.4 Inter-institutional Cooperation

ROLP's most significant support to the SAO can be found under this subtask, as the project has helped develop and implement the Settlement Guidelines, signed in July 2018. These have already produced significant time and cost efficiencies. ROLP also supported the development of a tracking tool for the SAO to register all settlements concluded under the Guidelines and track data to measure the impact of their implementation. Despite these achievements, much work needs to be done to support intra- and inter-institutional communication.

### Subtask 2.2.5 SAO Professional Development

Despite initial successes in launching the SAO's upgraded website and initiating discussions on the development of a professional association of public attorneys in Serbia, this subtask has now been dropped, as per SAO decision and as discussed above under 2.2.5.1.

## **EQ2. What link can be determined between progress toward the activity's objectives and the activity's results?**

ROLP has made the clearest progress on advancing Serbia's judicial reform process on a policy level with its assessment and development of the JDS. Although the JDS has yet to be adopted, this process has provided a blueprint for further reform refinements for the midterm period and will likely serve ROLP, USAID, and other donors as they support rule-of-law efforts in Serbia.

ROLP has had mixed results in increasing judicial efficiency and access to justice in the courts and supporting institutions, so progress toward larger objectives is uneven. Mixed results have been partially due to political and institutional contextual considerations described in the narrative findings and further delineated in EQ 3 factors. Mixed results have also been due to how the ROLP AMELP captures indicator results and the current midterm timing.

Time and cost savings indicate the most progress in judicial efficiency. Using e-tools, particularly the PIS, has shown some of the clearest results. For example, indicators on cost savings through the PIS show that ROLP exceeded its 2019 target of PIS use and has indirectly generated budget savings of 51 million RSD (\$4.9m) and has reduced the number of document exchanges by 4,624,198. These savings translate to less costly and more efficient judicial and enforcement proceedings for citizens. Similarly, the introduction of the Settlement Guidelines for the SAO has resulted in clear savings of time (95,480 days as of Sept 2019) and cost (7,503,561 RSD/US \$71,982) for the State and litigants.

Both of these efforts have been in place for roughly one year and therefore have adequate data. Other e-tools—from service of process to the e-noticeboard—that are anticipated to bring similar cost and time savings have been in the development stage, have or need to have baselines established, and/or will soon be piloted and thus do not have results to date.

Other ROLP efforts to improve efficiency through focus on judicial assistants or training public enforcement officers and the SAO, and thereby the efficiency of the courts and related institutions, are in early stages and do not have specific AMELP indicators and data that would capture capacity skill gains and application until the end of the project. Primary data from this evaluation suggest that these items will likely improve performance but also that more efforts are likely to be needed for the remainder of the project.

The many efforts the ROLP has taken to bring e-tools, different procedures and practices into the court system and affiliated institutions are fundamental to eventual results in efficiency and access to justice, but, these multistep processes are not being clearly tracked in a way that easily shows the roadmap for adopting a policy/practice or piloting a product and then the expected efficiency results. The exception to some extent is how AMELP data track the policy process on judicial assistant status; however, here again its link to end-result efficiency gains is somewhat tenuous. The narrative findings explain that each of these subtasks has had multiple steps and mostly these appear on track, but so far most of these steps clearly link to indicators that are endline or lagging indicators.

The narrative findings also indicate limited progress in increasing access to justice, in terms of communication and outreach activities. Transparency and accountability mechanisms are internally getting in place, but these efforts are still in early stages and are still not visible in a way that would shift general public perception. Similarly, project efforts to support awareness campaigns and outreach exceed 2019 targets, but there are no clear measurements of how these events may enhance awareness and understanding. In one area, the understanding of enforcement processes, there are baseline survey data from 2018 but another follow-up survey is not scheduled until 2020. So far, no smaller samples of citizen perceptions have been undertaken to provide any direct link between project interventions on initial communication and PR-related results and changes in perceptions. For example, no measurements or assessments have been undertaken related to activities to develop websites and communication strategies for courts, the Chamber of Public Enforcement Officers, and the SAO.

Finally, embedded in the articulated objectives of efficiency and access to justice is the idea that improvements in these areas will correlate with improvements in quality of the courts and affiliated institutions. However, there are no clear indicators or data that can capture quality considerations, either with training results or with other system enhancement efforts. Narrative findings suggest that court officials and donors are mindful of the need to address quality concerns.

### **EQ3. What were the key contributing factors and lessons learned in generating these results?**

#### Positive Contributing Factors

*USAID Rule-of-Law Brand.* ROLP has benefited from the USAID track record on rule-of-law efforts for the past two decades in Serbia. Judicial institutions were amenable to ROLP because key institutions had firsthand experience in benefiting from USAID support. This combined with the implementer staff's high professional credentials and proven experience to present a credible partner to judicial institutions and actors. This context allowed ROLP to get people around the table for such efforts as the JDS as well as to bring together interests from the MOJ, HCC, SCC, and other judicial and supporting institution actors on various reforms.

*Flexibility.* USAID was known for being more flexible than other donors, and the implementer's particularly flexible approach was critical to getting things done. MOJ and EU actors were notable for their praise of this flexibility, which resulted in several starts and stops in various project areas but which ultimately enabled progress, with ROLP taking the opportunity in areas when they presented themselves. For example, ROLP pivoted from supporting the MOJ to develop its monitoring capacities of public enforcement officers to directly working with the Chamber of Public Enforcement Officers on developing its internal monitoring mechanisms and procedures.

*Donor Alignment.* Donor alignment on key ROLP areas resulted in more tangible progress. ROLP efforts to create a constructive cooperation are notable, and the results to date are clear. EU agreement for the JDS approach aligned with Action Plan 23; EU satisfaction with ROLP taking over particular technical efforts within court functioning, such as the PIS system to service of process; and work with the public enforcement officers and SAO all resulted in either complementary programming or at the very least no duplicative programming.

*Intentional Design.* Another key factor for ROLP progress to date, particularly in relation to e-tools and technical solutions, is that ROLP's efforts expanded on existing system designs. ROLP assessed how the systems were working or had planned development and then worked with the key stakeholders to (further) develop the systems. This approach took advantage of what was already familiar and working and determined how to upgrade and expand the tools. It also kept in mind how to ensure compatibility with anticipated upgrades of the larger court case management system with EU efforts in 2021.

*Process-based Approach.* ROLP had a clear methodology for addressing the tasks it set out to resolve. This started with an assessment of the problem, stakeholder consultation, further analysis, presentation of policy solutions, co-design and more consultations, and finally testing and piloting. This very focused formula ensured that the key issues were clearly uncovered and understood by stakeholders, and as a result realistic solutions could be proposed. It also had the effect of giving ownership over these processes and the eventual solutions to the stakeholders themselves. The SCC/HCC communication strategies, the JDS, and the e-noticeboard are just a few examples where stakeholders clearly see the benefits of the solution and will take them forward as part of their own efforts.

#### Challenges

*Dynamic Political and Policy Environments.* Particularly in the last year, efforts to move policy issues forward have been partially stymied by larger political contextual factors. Several policy solutions identified through ROLP efforts—such as the status of judicial assistants, the HCC Board of Ethics, and the positioning of public enforcement officers and the SAO in the judicial system—have been in limbo due

to expected adoption of constitutional amendments, which related to larger rule-of-law proposed changes. In addition, the upcoming election year has made domestic institutions reluctant to make big decisions or policy moves. ROLP has worked as far as possible to ensure movement across all areas of its programming, but at least in some of the areas, no further progress is possible until the constitutional amendments are adopted and the elections are over.

*Interinstitutional Tensions.* Interinstitutional tension between the MOJ and the courts has grown as attention to independence of judiciary issues has increased efforts by the courts to lead reform efforts, even though budgeting power and policy decisions are mostly still under the auspices of the MOJ. Also, the MOJ has positioned itself as the gatekeeper for donor coordination even though the SCC and other bodies also have direct contact with donors. In practical terms, this has meant that the MOJ and SCC, HCC, Chamber of Public Enforcement Officers, and other cooperation has required particular attention and support, but it has also resulted in less than optimal MOJ support for some efforts, such as strengthening the Chamber of Public Enforcement Officers.

*Low Capacities and Shared Visions.* ROLP has also had to manage support to actors that have had lower capacities than anticipated and mixed visions of what needs to be done. When taking on efforts with the Chamber of Public Enforcement Officers and with the SAO particularly, few had a clear idea of the actual capacities in place. And ROLP was surprised at the low capacities and level of support both institutions would need. Part of the challenge has been that few stakeholders involved in these institutions have had a clear vision of how to address their respective challenges and that neither institution is well positioned in the system. Further, ROLP is the first donor support provided to the SAO, meaning that ROLP has had to start from scratch.

*Donor Coordination.* Although ROLP has mostly managed to cooperate with the other major donors on rule-of-law issues, the process has been challenging at some junctures. Particularly in working with the EU on assessing and developing next-step judicial strategies and the MOJ in general, ROLP has had to be consistently flexible to get things done. This has allowed it to fill in the gaps of many different rule-of-law programming areas but has made it difficult to have a comprehensive approach as a program. ROLP has brought together the disparate efforts into a larger program and has in the process been praised for this, but the donor context that required this approach needs to also be acknowledged.

## Lessons Learned

As noted above, flexibility has contributed to progress in ROLP efforts, and the lesson that ROLP can take from its efforts to date is that flexibility and adaptability are key to partnering with the MOJ and accomplishing agreed-upon objectives. The MOJ and other stakeholders suggest that now is the time to develop better rule-of-law policies and practices from the basis that has been set, remaining flexible to fill in and adapt programming support as needed. The MOJ particularly has this view of rule of law and has appreciated this flexibility, seeing ROLP therefore as a valuable partner.

A second lesson is that where the MOJ has the will and (capacity) to advance a reform forward, there is a good chance it will make progress. However, where there is less MOJ will (potentially with the Chamber of Public Enforcement Officers) and where other constitutional issues particularly put solutions in limbo, less progress can be expected and ROLP expectations should be lowered accordingly.

Similarly, where donor alignment has been in place, progress has been considerable—for example, with the JDS and agreement that ROLP lead efforts with the SAO and Chamber of Public Enforcement Officers. Donor alignment can also provide joint platforms for event presentation and spreading of

ROLP products/ideas to a wider set of stakeholders, as has been the case with cooperation with the Embassy of the Netherlands, the World Bank, the Council of Europe, the EU, and others.

For ROLP interventions on improving capacities, skill enhancement always has some systematic and contextual limitations. For example, judicial assistants have likely become better equipped to do their jobs through training and are using the new skills, but the larger structural uncertainties around their positions mean that more training will have only some effect on improving their performance and hence the performance of the judges and the courts, in accordance with the ROLP theory of change. Similarly, public enforcement officer training helps individuals perform better, but the structural concerns about status and performance need to be clarified and bolstered before such training interventions can have more positive effects.

Finally, NGO engagement with rule-of-law actors and with ROLP efforts can have positive unexpected outcomes for all sides. Between rule-of-law actors and the NGOs, professional cooperation builds bridges, allowing better ways to monitor and build confidence in court performance. More implementer cooperation with NGOs broadens the scope/reach of ROLP programming, as has been the case in widening programming on judicial assistants to include law students.

## RECOMMENDATIONS

**EQ4. Does the evaluation team have recommendations for adaptation of interventions within the current scope and remaining implementation period of the contract in order to increase the effectiveness of the project?**

Recommendations are divided into three sections. The first section provides a summary of all key recommendations to the ROLP and USAID for the remaining time of the ROLP; the second section provides specific recommendations addressed to ROLP by components, tasks, and subtasks. The third section provides strategy recommendations addressed to USAID for ROL programming beyond 2021.

### REMAINING PROJECT IMPLEMENTATION PERIOD TO 2021

The ET strongly recommends that ROLP seek a funded one-year extension to complete and fully embed the newly developed systems and processes into the judicial system. It is common practice for USAID projects to last for five years, but due to the expected exit of USAID support to Serbia, the project was designed to last for four years. Consistently, stakeholders commented that there is a strong need for the project to last five years to consolidate gains and finalize all anticipated activities.

An extension of ROLP would also align with EU projects, which are systematically being extended until the end of 2021. During this time, the constitutional amendments will be adopted, elections will take place, and the new government will be formed. The extension will allow time for the project to consolidate its gains and to develop the next project with the new government.

If the project is extended, the ET recommends the following additions and/or shifts. These have been grouped around four key areas that the ET sees as the main project interventions and processes.

#### I. Legislative/Policy Review and Monitoring

ROLP should adopt a twin-track approach: monitoring legislation and policy that the project has assisted in developing (e.g., JDS and LOES) and developing new legislation. ROLP should continue pursuing the

development of legislation on judicial assistants once the constitutional amendments have been adopted and the new government formed. Similarly, ROLP should initiate discussions on amendments to the law on the SAO as well as a potential law on public enforcement officers. Secondary legislation in the form of by-laws and regulations should be developed—for example, professional standards for public enforcement officers and a manual of inspection for public enforcement officers. These were originally envisaged by the project but have so far not been developed.

## 2. Individual and Institutional Capacity Development

ROLP should continue to strengthen its capacity development approach at both institutional and individual levels. At the individual level, this includes support to judicial assistants, court officials, public enforcement officers, and SAO staff. At the institutional level, continued support should be provided to the Chamber of Public Enforcement Officers and the SAO. However, there should be additional consultation on skill training need. In particular, judicial assistants felt there was a need for this. ROLP should also shift toward more systematized capturing of skill use. This could be through after-training assessments to measure increase in knowledge, extent of applied learning back on the job, and effect on business operations.

## 3. E-Tools

The project has upgrade and/or developed a suite of e-tools aimed at improving efficiency as well as transparency and accountability. As discussed above, these are at different stages; some, such as the upgraded PIS and eZIO, have been piloted, refined, rolled out, and transferred to the MOJ, whereas others, such as court fees, service of process and LURIS, have yet to be piloted. In view of the anticipated EU justice sector IT connectivity program, expected in 2021, for the remaining project implementation period, ROLP should focus on piloting, refining, and rolling out already developed e-tools as planned plus a few adjustments. As part of this, the piloting and rollout should be context specific because what might work in Belgrade might not work in some of the regional offices/courts.

For this phase, ROLP should track not only measurements on efficiency progress but also how the systems are being used and the level of confidence and satisfaction users have with the system (through systematically capturing training application). ROLP should be ready to identify glitches in the larger system effort (whether IT, protocols, inter-institutional cooperation, or other) to support their resolution. Further alignment with EU efforts is also recommended; however, all e-tools have been designed so that they can be incorporated into the proposed EU system and further developed or expanded as required.

## 4. Public Awareness

The ET strongly recommends that ROLP address public awareness for the remaining implementation period. Although certain activities have already been conducted in this regard—for example, the development of communication strategies for the HCC and SCC, select court reporting development and outreach support, development of websites for the SAO, PR training for public enforcement officers, and the first public perception survey, in addition to public events conducted through YUCOM—few results can be found in public awareness. The project should consider how best to reach the population; although open-door events can be effective, they can reach only a limited number of people. By far the most effective medium of reaching the public is television and/or radio, and this should be kept in mind. ROLP should develop a crosscutting awareness-raising strategy and further work in partnerships and coalitions with civil society, such as with YUCOM, including identifying their wish list of information to include in annual court reports to be accessible to citizens. Individual court surveys

should be used to track performance and linked to PR efforts. A considerable focus of the awareness-raising activities should be on enforcement, where no gains can be seen in public perception.

## INDIVIDUAL TASK RECOMMENDATIONS

### COMPONENT I

#### Task 1 Assess and Develop the NJRS

*1.1.1 Monitor and support implementation with focus on quality concerns.* ROLP should continue to support the finalization of the JDS consultation and adoption process and work closely with all relevant domestic and international stakeholders to ensure that the newly formed committee for JDS implementation has the necessary capacities and that sufficient attention is given to bolstering quality benchmarks and considerations.

*1.1.2 Consider an interim internal stocktaking of JDS implementation by ROLP end.* JDS implementation is likely to be in place for approximately one year before ROLP officially ends. An assessment on progress at that time could provide guidance for potential course correction and future programming.

#### Task 2

##### Subtask 1.2.1: E-Tools

E-tool development is an area that all parties generally have agreement, and most of the challenges are focused on the details of implementation. Accordingly, as the project further supports e-tool implementation, it should consider the following efforts:

*1.2.1.1 Continue to track and expand upon measurements of efficiency progress.* ROLP should continue to track savings, differentiating as far as possible by types of courts and locations. This will allow a more fine-tuned understanding of actual implementation by court types and locations and provide ROLP and court officials a clearer picture of where additional assistance might be needed and of glitches in the system.

*1.2.1.2 Consider tracking user satisfaction levels.* Based on ROLP training and workshop beneficiaries in a sample set of courts, begin tracking user confidence and actual satisfaction levels. This will provide a clearer understanding of skills gained and how the system works on a daily basis. It will also provide a clearer picture of implementation progress and highlight where more attention is needed and where problems may arise (IT, protocols, inter-institutional cooperation, or something else) to support their resolution.

*1.2.1.3 Further align with the EU as they develop the larger judicial-wide interconnectivity and case management system.* The PIS and other e-tools will eventually be absorbed into an EU-led justice sector-wide IT connectivity system anticipated to start at the end of 2021. Coordination with the EU on this has been and will remain essential to ensure optimal capability and smooth transition.

##### Subtask 1.2.2: Improved Court Operations

ROLP needs to continue its efforts to pilot, review, and spread the service of process and fee payment tools throughout the court system as first priority. If the MOJ decides to move forward on improving the system for managing of expert witnesses and translators, ROLP should consider the extent to which they can provide support during the remainder of the project given that most efforts under this subtask should be to pilot and spread the two tools being introduced in early 2020. A key component of this

effort beyond ROLP's expected result indicators is to systematically capture training applications and any key concerns users have to resolve any gaps in the system. Therefore, the recommendations noted for e-tools under 1.2.1 above are also applicable here:

*1.2.2.1 Continue to track and expand upon measurements of efficiency progress.*

*1.2.2.2 Consider tracking user satisfaction levels.*

*1.2.2.3 Further align with the EU as they develop the larger judicial-wide interconnectivity and case management system.*

#### Subtask 1.2.3: Improved Human Resource Practices

For the most part, the ROLP has a clear path for what it intends to do in the next eighteen months in relation to judicial assistants. To bolster this and with an eye to proving a further basis for engagement, the following recommendations are put forward for consideration.

*1.2.3.1 Provide assistants with as comprehensive information on the regulatory/legal remedy process and anticipated plans as possible.* Through ROLP, judicial assistants have been engaged to provide inputs on their career status and futures, and this should be commended. To further involve them, a clearer feedback loop from key actors (HCC, Judicial Academy, and related professional associations) needs to be put in place to ensure that they feel part of and empowered in the process regardless of whether legislation changes of status or pursued. As part of this, consider sharing best practices from courts where judicial assistants identify particularly useful operational manners of working in their courts that can be shared with other assistants and judges to encourage good standards.

*1.2.3.2 Focus further attention on pre- and early career judicial assistants.* Although ROLP currently has a Request for Applications out on "strengthening cooperation between the judiciary and law faculties," ROLP should also consider the policy implications for the position of "intern" in the courts and provide more clarity in the link among law faculty graduates, interns, and judicial assistants. Although the policy efforts for the next 18 months focus on judicial assistants' regulatory and legal status, they should also address training for these early career actors.

*1.2.3.3 Develop more targeted trainings in consultation with judicial assistants.* Training is in demand, but ROLP should identify further training areas and work more closely with the Judicial Academy on developing both focused and broad trainings for judicial assistants and interns as models for entrance and continuing education training requirements.

*1.2.3.4 Track training capacity gains and application.* ROLP is well placed to track capacity gains and application for training a select set of judicial assistants in specific courts. This might provide a more nuanced picture of how skill enhancement improves professional performance and eventual efficiency in the court structure. It would also provide a clearer way to ensure training relevance.

#### Subtask 1.2.4: Transparency and Accountability

Much of the first portion of the project has focused on getting strategies and templates in place to aid in better communication. During the second half of the project, more attention should be focused on capturing the extent to which these enhanced practices may be having an effect.

*1.2.4.1 Consider working with the SCC and HCC to introduce a court survey public perception tracking system.* ROLP could assist in the development of a basic methodology for the courts to

begin to track their own public perception efforts. Through working with the SCC and HCC to develop and spread this, such a methodology would provide courts with clearer understandings of where they might need to further their communication efforts.

1.2.4.2 As part of this or as a pilot for this, consider working with select courts to track performance and links to PR efforts. Close cooperation with four appellate courts and the Higher Court of Belgrade provided a useful basis to work with these courts to track individual court performance perceptions. This could be done in cooperation with YUCOM or other NGOs as well as part of an effort to enhance NGO and judicial cooperation.

1.2.4.3 Consider engaging with NGOs to design a wish list of court data to present to the public. The annual reports produced through ROLP are a good start for enhanced data presentation and types of data presented. These can likely be further refined, and NGOs working on rule of law would be well placed to be involved in this consultative process.

## COMPONENT 2

### Task 1

#### Subtask 2.1.1: Improved Systems for Efficient and Predictable Enforcement

All parties agree on e-tools, and most of the challenges concern implementation details. Accordingly, as the project further supports e-tool implementation, it should consider the following:

*2.1.1.1 Pilot and rollout e-tools and include non-Belgrade training contexts.* As ROLP starts to pilot the developed e-tools, it will be important to include piloting in courts outside Belgrade, where the context and capacities may be different, to ensure that the tools are relevant and contextually tailored. Systematic training and follow-up should be undertaken to measure skill usage and user satisfaction and further refine the tools as required.

*2.1.1.2 Enhance promotion of e-tool offerings with the public.* Wider promotion of tools such as the e-noticeboard is strongly recommended. This will not only raise awareness of the tool itself and how it can be used to ease the enforcement procedure but may also contribute to a more positive portrayal of enforcement proceedings.

*2.1.1.3 Record maintenance on the PIS system.* ROLP cannot influence other institutions to maintain accurate records in the PIS system, but it should focus some attention on raising awareness among all institutions included in the PIS on the importance of accurate and up-to-date records and potential impact of incorrect or outdated records.

*2.1.1.4 Coordinate with the EU.* All e-tools developed by ROLP will be absorbed into the EU justice sector connectivity project anticipated in 2021. In this context, not only should the project ensure maximum coordination and alignment with the EU, but it should also now turn its focus away from the development of additional e-tools to different areas.

#### Subtask 2.1.2: Legislative and Regulatory Changes for Improved Enforcement Procedures

*2.1.2.1 Support LOES implementation.* Once the LOES amendments are in force (January 2020), ROLP should support the law's implementation, together with the development of and amendments to requisite secondary legislation and regulations, in particular targeting professional public enforcement

officer standards passed in December 2019 with additional regulations on PEO office operations, etc. Originally part of the ROLP Year 3 work plan, it has not come to fruition and should now be prioritized for ROLP to gain traction in this area.

*2.1.2.2 Support LOES monitoring.* Enhance LOES monitoring to help identify any potential gaps, outline areas for improvement, and hold implementers to account. ROLP is encouraged to support the government, judiciary, and civil society to collect and analyze data on LOES implementation to help identify and evaluate the amendments' impact.

*2.1.2.3 Deliver training.* Supplementary training on the law's implementation should be provided based on needs, systematically capturing training application. Although some training has been conducted and is envisaged, the training does not currently capture capacity enhancements and training application, which would indicate additional gaps and needs.

#### Subtask 2.1.3: Strengthen Institutional Capacities for Sound Monitoring and Accountability of Enforcement Officers

*2.1.3.1 Support the MOJ to monitor public enforcement officers.* Once professional standards for public enforcement officers are developed, the project should support the MOJ in implementing its own monitoring tool, which should provide the necessary oversight of officers in accordance with the law.

*2.1.3.2 Provide additional support to the Chamber's monitoring cycle.* Follow the cycle of public enforcement officer monitoring by the Chamber at least twice more to ensure that it is properly tested, refined, implemented, and embedded into the system. Only one cycle will be possible within the remaining 18 months of project implementation.

#### Subtask 2.1.4: Public Awareness Raising on the Importance of the System of Judgments

*2.1.4.1 Raise public awareness.* The remaining project implementation period should be used as an opportunity to raise public education, not only of parties to enforcement actions but also of the general public. Support both the MOJ and the Chamber to disseminate information and to promote the enforcement system. This will require clarity on where public enforcement officers fit in the system.

*2.1.4.2 Strengthen links with civil society.* Building on the success of its collaboration with YUCOM, ROLP should develop and nurture greater links between enforcement officers and civil society to overcome what is perceived by the public as one of the most negative aspects of court functioning.

#### Subtask 2.1.5: Institutional Capacity Building for the Chamber of Public Enforcement Officers

*2.1.5.1 Institutional capacity development for supporting public enforcement officers.* Consider developing the capacities of both the Chamber of Public Enforcement Officers and the MOJ to represent and support the profession both internally and in public. Not only could this raise the profession's profile, but it could also provide individual public enforcement officers with the level of support they are seeking to perform their duties professionally.

*2.1.5.2 Develop legislation to legalize the position of public enforcement officers in the system.* Consider initiating a dialogue on the possible long-term development of a law on public enforcement officers. The law would regulate the status of enforcement officers to fully embed them in the system. This approach

has proven successful for other free legal professions such as notaries and mediators. The initial dialogue could be informed by analyses, comparative examples, and best practices from similar jurisdictions.

## Task 2

Given that this was the first donor intervention with SAO, efforts to achieve results have taken some time, but this should not dissuade ROLP from furthering its efforts in the envisioned areas of engagement. With this in mind, the following recommendations are highlighted.

### Subtask 2.2.1: Business Process Streamlining and the Case Management System

*2.2.1.1 Design context-specific, tailor-made interventions.* Consider designing interventions that are tailor-made to the specific context in each SAO office, since capacities vary considerably. Focus on the regional offices, where capacities are extremely low.

### Subtask 2.2.2: SAO Capacity Development

*2.2.2.1 Develop custom-made training plan.* While the project is supporting the SAO to develop a long-term training plan as part of year 3 planning, it is recommended that this be as comprehensive as possible, highlighting thematic areas of intervention and custom-made for each of the regional offices of the SAO based on their individual needs and requirements. This will help address the capacity shortfalls and assist in raising all capacities to the same level.

*2.2.2.2 Consider appropriate organization of training.* To ensure the highest level of participation in capacity development events, ROLP should organize trainings that facilitate the participation of trainees, particularly those in the regional offices.

*2.2.2.3 Position the SAO as a constitutional category.* Consider reactivating the issue of positioning the SAO as a constitutional category, which would clarify its status and positioning within the system. Initial steps could include analyzing comparable jurisdictions and reestablishing the WG tasked with initiating a dialogue and researching possible options and models once the constitutional amendments are in place.

### Subtask 2.2.3: Addressing Organizational Deficiencies and Weaknesses through Strategic Planning and Regulatory Change

*2.2.3.1 Support implementation of the strategic plan.* Consider providing continuous support for implementation of the entire SAO strategic plan, based on SAO needs and in view of its capacities.

*2.2.3.2 Support development of legislative amendments.* Consider how to reactivate facilitating amendment of relevant primary and secondary legislation. This could include bringing all stakeholders on board through a dialogue process, notably the MOJ; establishment of a WG; and provision of expert technical advisory support.

*2.2.3.3 Support the positioning of the SAO in the system.* Consider reopening dialogue on positioning the SAO as a constitutional category to fully regulate its status. This could include studies in comparative jurisdictions and organizing a dialogue process for all stakeholders to discuss options and models.

#### Subtask 2.2.4: Inter-institutional Cooperation

2.2.4.1 *Implement multidisciplinary capacity development.* Consider additional multidisciplinary capacity development to raise stakeholder awareness on the implementation, advantages, and usage of the Settlement Guidelines, in particular for lawyers and the judiciary, and with a focus on training outside Belgrade.

2.2.4.2 *Consider data disaggregation by region.* The ET strongly recommends that the project consider supporting the SAO to disaggregate data on time and cost efficiencies by region to identify where the Settlement Guidelines are being best implemented and where additional efforts are required.

2.2.4.3 *Further strengthen internal and external coordination and communication.* Consider how to best strengthen internal and external coordination and communication mechanisms to improve the efficiency of the SAO and its regional offices. This could include continuous coordination and creating and strengthening linkages with other line ministries.

#### Subtask 2.2.5: SAO Professional Development

Since ROLP has dropped this activity as described above, the ET has no recommendations.

### 2021 AND BEYOND

Looking beyond ROLP's end, the ET presents the following recommendations for the focus and structure of future USAID rule-of-law programming:

#### Focus: Fixed and Flexible Three-Pot Programming

There are several areas where ROLP should consider further engagement beyond the next 18 months, given that these areas will need more time and support to attain results—for example, further work with the SAO, the Chamber of Public Enforcement Officers, and judicial assistant status. This portion of USAID programming would align with a more traditional trajectory of specific institutional strengthening programming.

A second area of programming could focus on midterm and long-term quality issues. The Judicial Academy could be an institutional partner. There would be clear synergies between building up a robust programming profile for the Academy with the specific areas of intervention noted above, but also for covering overall judicial official and related institutional training and performance quality control.

A third area of programming should be designated as a flexible funding and operational area. This will allow the program to adapt as necessary to changing needs and the reform efforts in play. Some considerations for how to use such a flexible funding mechanism could include the following: (1) whether USAID can play a role in initial startup of efforts that the EU or other donors can eventually take over; (2) whether USAID has the advantage through being able to build funding mechanisms/cooperation between institutions and NGOs; (3) whether there is a need for stop-gap or topping-off funding to get something accomplished; and (4) where there might be USAID and U.S. experience subject area expertise that is requested by stakeholders.

### Structure: No Gaps and Longer

Follow-on USAID rule-of-law efforts should try to ensure that there is no gap in USAID support after the end of ROLP, whether in 2021 or beyond. Regardless, stakeholders emphasized the need to not lose time in a critical set of years following the elections, anticipated constitutional changes, and would want a steady partner—whether ROLP in its current form or a similar version—that has known, credible staff. Any new version of rule-of-law efforts should also be longer—back to the five-year duration if possible—to ensure that any programming can cover two governments and fully embed activities into the system.

### Management: More Monitoring, Evaluation, and Learning and Continued Close EU Donor Coordination

Internal: Any future USAID rule-of-law programming should embed more active monitoring, evaluation, and learning (MEL) into the program design. Any programming that focuses on a combination of process-based interventions, policy efforts, and capacity- and institution-building efforts requires a more fine-tuned MEL set of indicators that will provide interim as well as end-line programming results to let the program know how it is doing.

External: Further close cooperation with the EU should continue to be emphasized. Both major donors will continue to work both with the MOJ and with the judiciary, and this requires close cooperation as part of all project design and implementation.