

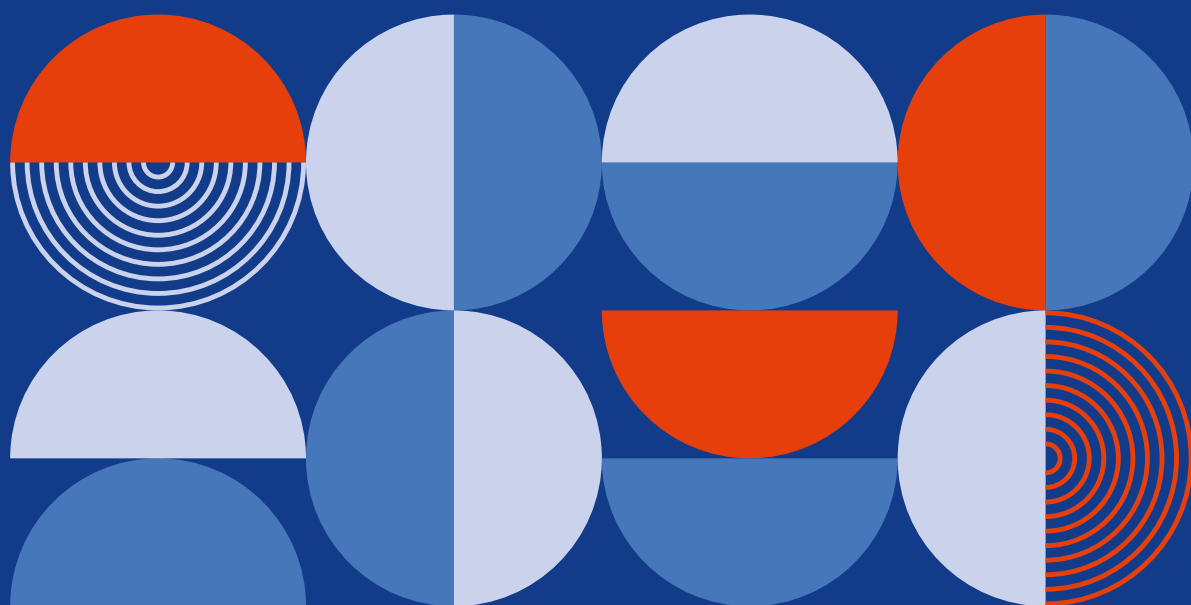
SUPPORT FOR THE IMPLEMENTATION OF JUDICIAL REFORM IN SERBIA

# JUDICIAL REFORM CONFERENCE

CONSTITUTIONAL AMENDMENTS • NEW LEGISLATION

• TOWARDS EFFECTIVE IMPLEMENTATION

## PROGRAMME



**Tuesday, 21 February 2023**

***The Hyatt Regency***

Milentija Popovića 5

Belgrade, Serbia



Republic of Serbia  
Ministry of  
Justice

Co-funded  
by the European Union



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Co-funded and implemented  
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# THE STATE OF PLAY IN THE JUSTICE SECTOR REFORM IN SERBIA

Serbia has been working on strengthening the independence of the judiciary through various reforms for over a decade. Nevertheless, for the first time since the adoption of the 2006 Constitution, the constitutional and legislative reform was inspired by key European standards. Following intensive work of the Ministry of Justice to develop constitutional amendments in 2020, accompanied by an inclusive public discussion and two rounds of consultations with the Venice Commission in late 2021, the citizens of the Republic of Serbia confirmed the proposed amendments to the Constitution with the referendum held on 16 January 2022.

The amended Constitution was promulgated on 9 February 2022 by the National Assembly, which set the one-year deadline for the alignment of the judicial laws with the new Constitution. The Working Groups of the Ministry of Justice intensively engaged in the preparation of draft laws since April 2022, with assistance provided by the joint EU-Council of Europe Project “Support for the Implementation of Judicial Reform in Serbia”. To meet the European standards, principles, best practices and recommendations of the Council of Europe monitoring and advisory bodies such as the Group of States against Corruption GRECO, and Consultative Council of European Judges and Prosecutors (CCJE and CCPE) fed into the work of the working groups. In October 2022 the Venice Commission issued the Opinion on the judicial laws, and in December the follow-up Opinion on the judicial laws, as well as the Opinion on the prosecutorial laws. As a part of the fulfilment of the Interim Benchmarks in the process of European Union accession, the Republic of Serbia committed to fully implement the recommendations contained in the Venice Commission’s opinions.

Following an overarching public consultation which lasted from September 2022 to January 2023, the new Law on Organization of Courts, the Law on Judges, the Law on High Judicial Council, as well as the Law on Public Prosecution and the Law on High Prosecutorial Council were adopted by the National Assembly.

The adoption of this entirely new normative framework on the judiciary represents a chance for Serbia to set the ground for a novel approach in the field of the rule of law. Yet, it is the implementation of the new rules that will empower an environment that safeguards the independence of judges and public prosecutors, advances the mechanisms of election of judicial and prosecutorial office holders and objective evaluation of their work. As the Venice Commission highlights in its opinions the legislative amendments should be accompanied by a change in the legal culture within the judiciary. The joint European Union/Council of Europe co-operation programmes remain at disposal to the Serbian authorities to support further initiatives aimed at securing independence of the judiciary, as appropriate.

This Conference represents a forum to discuss possible reaches of the new judicial laws and the vital non-legislative measures which should contribute to securing an independent and future-oriented judiciary of good reputation.





**08:30 – 09:30**    **Registration of participants / Welcome coffee**

**09:30 – 10:30**    **OPENING SPEECHES**

**Chair: Tobias FLESSENKEMPER**

Head of Office, Council of Europe Office in Belgrade

**Ana BRNABIĆ**

Prime Minister, Republic of Serbia

**H.E. Emanuele GIAUFRET**

Ambassador of the European Union to the Republic of Serbia

**Christophe POIREL**

Human Rights Director, Directorate General Human Rights and Rule of Law, Council of Europe

**H.E. Annika BEN DAVID**

Ambassador of Sweden (Presidency of the Council of the European Union)

**KEYNOTE ADDRESSES: FROM AMENDING THE CONSTITUTION AND JUDICIAL LEGISLATION**

**TO EFFICIENT IMPLEMENTATION IN PRACTICE**

**Maja POPOVIĆ**

Minister, Ministry of Justice

**Jasmina VASOVIĆ**

President of the Supreme Court of Cassation and President of the High Judicial Council

**Zagorka DOLOVAC**

Republic Public Prosecutor and President of the State Prosecutorial Council

**10:30 – 11:00**    **Coffee Break / Media Statements / Family Photo**

**11:00 – 13:00**    **PANEL DISCUSSION: SETTING GROUNDS FOR JUDICIAL AND PROSECUTORIAL**

**INDEPENDENCE THROUGH LEGAL FRAMEWORK**

**Vladimir VINŠ and Jovan ĆOSIĆ**

Assistant Ministers, Ministry of Justice

*Legislative safeguards of judicial and prosecutorial independence*

**Zorana DELIBAŠIĆ**

Judge, Deputy President of the High Judicial Council

*Protection of judges from undue influence – the experience of the High Judicial Council and new competencies*

**Branko STAMENKOVIĆ**

Deputy Republic Public Prosecutor and Deputy President of the State Prosecutorial Council

*Protection of public prosecutors from undue influence – the experience of the State Prosecutorial Council and new competencies*

**Dragana BOLJEVIĆ**

Judge of the Supreme Court of Cassation, Honorary President of the Judges' Association of Serbia

*Legal framework as the basis for advancing the independence of the judiciary*

**Dr Goran ILIĆ**

Deputy Republic Public Prosecutor, Member of the Presidency of the Prosecutors' Association of Serbia  
*Limitations to the hierarchical structure of the public prosecution or how was the public prosecutors' power without accountability constrained?*

**Mirjana VISENTIN**

Council of Europe expert  
*Towards full compliance of the new judicial and prosecutorial laws with the latest European standards*

**► Moderator: Zoran STANOJEVIĆ**

Journalist

**13:00 – 14:15**    **Lunch**

**14:15 – 16:15**    **PANEL DISCUSSION: WHAT ELSE MUST HAPPEN? DESIGNING NON-LEGISLATIVE MEASURES TO BOOST JUDICIAL AND PROSECUTORIAL INDEPENDENCE**

**Jelena DERETIĆ**

Assistant Minister, Ministry of Justice  
*Human resources in the judiciary: creating an environment conducive to positive selection*

**Nenad VUJIĆ**

Director, Judicial Academy  
*Judicial training in service of strengthening the position of the judiciary*

**Dr Katarina GOLUBOVIĆ**

President, Lawyers' Committee for Human Rights YUCOM  
*Legal culture and the role of civil society – space for improvements?*

**Dr Miroslav ĐORĐEVIĆ**

Research Fellow, Institute for Comparative Law  
*Altering legal culture at law faculties – enhancing formal education of future holders of judicial and prosecutorial office*

**Dr Maria MOUSMOUTI**

Council of Europe expert  
*Changing the legal culture: experiences from Council of Europe member-states*

**► Moderator: Zoran STANOJEVIĆ**

Journalist

**16:15 – 16:30**    **Coffee Break**

**16:30 – 17:00**    **CLOSING REMARKS**

**Livija PAVIĆEVIĆ**

State Secretary, Ministry of Justice

**Plamena HALACHEVA**

Deputy Head of the European Union Delegation to the Republic of Serbia

**Christophe POIREL**

Human Rights Director, Directorate General Human Rights and Rule of Law, Council of Europe

**► Moderator: Dr Elena JOVANOVSKA BREZOSKA**

Head of Southeast Europe Unit, Co-operation Programmes Division, Council of Europe