



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1. General and financial information

1.1. Demographic and economic data

1.1.1. Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[6 951 235]

Comments <https://www.stat.gov.rs/oblasti/stanovnistvo/procene-stanovnistva/>



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002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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003. Per capita GDP (in €) in current prices for the reference year

[6 092]

Comments <https://www.statista.com/statistics/440521/gross-domestic-product-gdp-per-capita-in-serbia/>

004. Average gross annual salary (in €) for the reference year

[8 471]

NA

Comments <https://www.stat.gov.rs/sr-Latn/oblasti/trziste-rada/zarade>

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[117.58]

Allow decimals : 5

NAP

Comments This is on 1/1/2021 in Euro

A1. Please indicate the sources for answering the questions in this part

Sources:

1.1.2 Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	258 060 016 [] NA [] NAP	251 414 052 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	130 647 531 [] NA [] NAP	128 851 856 [] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	6 776 632 [] NA [] NAP	3 587 801 [] NA [] NAP
2.1 Investments in computerisation	[X] NA [] NAP	[X] NA [] NAP
2.2 Maintenance of the IT equipment of courts	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	119 073 967 [] NA [] NAP	117 458 464 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	48 477 [] NA [] NAP	41 812 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	1 241 791 [] NA [] NAP	1 204 921 [] NA [] NAP
6. Annual public budget allocated to training	[] NA [X] NAP	[] NA [X] NAP
7. Other (please specify)	271 618 [] NA [] NAP	269 198 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Other: Additional furniture for new court buildings
Part of the legal aid budget is included in "justice expenses" and cannot be calculated separately
The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts and legal aid together	[] NA [X] NAP	[] NA [X] NAP

Total annual public budget allocated to all courts, public prosecution services and legal aid together	293 146 909 [] NA [] NAP	279 484 639 [] NA [] NAP
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Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	(X) Yes, at the beginning of the procedure () Yes, at a later stage () No
for other than criminal cases	(X) Yes, at the beginning of the procedure () Yes, at a later stage () No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? Litigants must pay a court fee to initiate a proceeding at court of general jurisdiction in civil matters. This is also the case in criminal matters, when the criminal proceeding is conducted on a private lawsuit.

008-1. Please briefly present the methodology of calculation of these court fees:

- Court fees are calculated in accordance with the Law on Court Fees. The employees at the court administrative office determine the amount of court fees by the rules and scales (formulas) established in the Tariff of Court Fees, which is an integral part of the Law on Court Fees, with calculations depending on the type of dispute/procedure, the value of the dispute and court actions, as well as court jurisdiction. Court fees in litigation and enforcement proceedings are determined in the context of the minimum and maximum amounts. For example, before a court of general jurisdiction specified in the minimum amount of 16 € (for value of the dispute up to 772 €), up to a maximum fee of 806 € for the claim and counterclaim, as well as for the trial verdict. In civil, enforcement, and some non-contentious proceedings, as well as in administrative disputes, taxes are paid according to the value of the dispute at the time of filing law suits, and as the value of the dispute is the main claim, except in clearly specified subjects of dispute, when the law provides for a lump amount (ex. in proceedings for the determination or denial of paternity). If the value of the disputed cannot be determined, or if its value is not determined by the law, as the value in a civil action is taken the amount of 124 €, while the amount for the enforcement procedure for example is 62 €, regardless of which court has jurisdiction to resolve the dispute. On the other hand, tariff no. for privately initiated criminal proceedings provide for a lump sum amounts (ex. 8 € per private criminal lawsuit and counterclaim). The charged fees are an income to the budget of the Republic of Serbia.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[143]
[] NA
[] NAP

Comments When filing a lawsuit, a litigant must pay a fee. The amount of the fee depends on the value of the dispute.

009. Annual income of court fees received by the State (in €):

[39 619 142]

[] NA

[] NAP

Comments Due to covid19 situation, fewer lawsuits have been initiated and therefore fewer fees have been paid than in the previous years.

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)

2. for cases not brought to court (legal advice, ADR and other legal services)

Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

Data shall be available for the next report.

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments Legal aid does not include coverage or exemption from court fees. Exemption from fee payment is regulated by the Law on court fees.

Article 9

The Republic of Serbia, state bodies and special organizations, bodies of the autonomous province and bodies of local self-government units, Red Cross organizations, as well as dependents in proceedings related to legal subsistence and persons demanding payment of the minimum wage are exempt from paying the tax.

The fee for submissions and actions is not paid by persons who donate their property to the Republic of Serbia, social-humanitarian, scientific or cultural organizations, institutions or foundations or renounce property rights on real estate in their favor or cede other real rights on real estate without compensation.

A foreign state is exempt from paying the tax if it is provided by an international agreement or under the condition of reciprocity.

In case of doubt about the existence of reciprocity, the opinion is given by the ministry in charge of justice.

A party in a non-litigation procedure is exempt from paying the fee for actions or procedures entrusted by the court to a notary public.

The parties are exempt from paying the fee if the civil proceedings are completed by the day of the conclusion of the first hearing for the main hearing through mediation, court settlement, recognition of the claim or waiver of the claim.

Article 10

The court may exempt the taxpayer from paying the tax if by paying the tax, having in mind the amount of funds from which the taxpayer and members of his household support themselves, those funds would be reduced to such an extent that their social security would be endangered.

The decision referred to in paragraph 1 of this Article shall be made by the first instance court on the proposal of the taxpayer. Before making a decision, the court will assess all the circumstances, and in particular will take into account the value relevant for the collection of the tax, the total income of the taxpayer and members of his household, the number of persons supported by the taxpayer.

For the purposes of this law, a household means a community of living, earning and spending the earned income.

Dependents, in terms of this law are:

- 1) minor children, ie adopted children,
- 2) children, ie adopted children in regular schooling or part-time studies, if they are unemployed - up to the age of 26,
- 3) grandchildren, if their parents do not support them and if they live in a household with the obligor,
- 4) spouse and
- 5) parents, ie adoptive parents.

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

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013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	40 654 710 [] NA [] NAP	39 831 571 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	(X) Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
Other ministry	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
Parliament	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
Supreme Court	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
High Judicial Council	(X) Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
Courts	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
Inspection body	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP
Other	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP	() Yes () No [] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify:

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years’ budget costs	<input type="checkbox"/>]	<input checked="" type="checkbox"/> X]
Special needs assessment	<input type="checkbox"/>]	<input type="checkbox"/>]
Number of judges/non judges’ staff	<input type="checkbox"/>]	<input checked="" type="checkbox"/> X]
Number of incoming cases	<input type="checkbox"/>]	<input type="checkbox"/>]
Number of pending cases	<input type="checkbox"/>]	<input checked="" type="checkbox"/> X]
Number of resolved cases	<input type="checkbox"/>]	<input type="checkbox"/>]
Other	<input type="checkbox"/>]	<input type="checkbox"/>]

] NAP

Comments - If “Other”, please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Court President and/or judge(s)	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP
Head of court administration and/or non-judges	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X) Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP
Mixed body (judge(s) and non-judge(s))	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP
Other	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP	<input type="checkbox"/> () Yes <input type="checkbox"/> () No <input type="checkbox"/>] NAP

Comments - If “Other”, please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

A2. Please indicate the sources for answering the questions in this part

Sources:

1.1.3 Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	307 027 282 [] NA [] NAP	290 679 172 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: All data was collected except information from the State Council of Prosecutors, we did not obtain data from them

015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

	Included
Courts	(X) Yes () No [] NAP
Legal aid	(X) Yes () No [] NAP
Public prosecution services	(X) Yes () No [] NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
High Judicial Council	(X) Yes () No [] NAP
High Prosecutorial Council	() Yes () No [] NAP
Constitutional court	(X) Yes () No [] NAP

Judicial management body	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
State advocacy	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

If "Other", please specify:

A3. Please indicate the sources for answering the questions in this part

Sources:

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- Court Rules of Procedure - Article 2

The internal organization and work of the court are separate from the trial and include administrative, technical, professional, informational, financial and other supporting activities important to the judiciary.

These activities are organized in such a way that the court performs its function legally, timely and efficiently, in order to make it easier for the parties to perform their work in court at the lowest possible cost.

Article 3

The President of the Court (hereinafter: the President) shall take care of the implementation and proper application of the Rules of Procedure by issuing orders and instructions.

The application of the Rules of Procedure is supervised by the ministry in charge of judicial affairs (hereinafter: the ministry), through a person authorized to supervise.

Article 7

The president heads the court administration. The President may entrust certain tasks of the court administration to the Deputy President and the Presidents of the Departments.

The president of the court cannot be entrusted with deciding on the rights of judges on the basis of work, determining the annual work schedule, deciding on the employment of court staff when determined by law, as well as on removing judges and lay judges from office.

In larger courts, a special organizational unit for performing court administration tasks may be organized, which is managed by the court organizer (court manager).

In court affairs, the president is assisted by the court secretary and the court manager

Article 14a

The court has a court secretary.

The secretary of the court assists the president of the court in performing the tasks of the court administration which contribute to the realization of the function of the president of the court, in accordance with the law, these rules of procedure and the act on internal organization and systematization of jobs in the court.

If the court does not have a court manager, the president may entrust organizational and technical affairs to the court secretary.

Article 14b

A court of republic rank, an appellate court and a court with 30 or more judges have a court manager.

If there are seats of several courts in one place that do not meet the conditions referred to in paragraph 1 of this Article, those courts shall have a joint court manager, whose position shall be systematized in the court of general jurisdiction of the highest degree in that place.

Notwithstanding paragraph 1 of this Article, if several courts are located in the same building, they may have a joint court manager whose position is systematized in accordance with the agreement of the president of those courts.

The president entrusts the court manager with the organization and coordination of material-financial and organizational-technical affairs.

The manager of the court is responsible to the president of the court for the tasks entrusted to him.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- Rulebook on administration in Public Prosecutor's Offices Article 1

This rulebook regulates the administration in public prosecutor's offices.

The Public Prosecutor's Office consists of the Public Prosecutor, Deputy Public Prosecutors and employees who perform professional, administrative-technical and other tasks.

The work of the Public Prosecutor's Office is managed by the Public Prosecutor, who is the holder of the administration in the Public

Prosecutor's Office and is responsible for the proper and timely work of the Public Prosecutor's Office.

Article 2

The Administration in the Public Prosecutor's Office includes the management of the Public Prosecutor's Office, tasks and authorizations related to the organization of work, material, financial, administrative and other tasks that ensure proper, accurate, timely and lawful work of the Public Prosecutor's Office. prosecution; use of public prosecutor's office features, official language and script; arranging and organizing the work of the public prosecutor's office; taking care of uniform and timely treatment and use of the most efficient methods and technical means in administrative operations; monitoring and studying public prosecutor's and court practice; acting on complaints and petitions of citizens on the work of public prosecutors, deputy public prosecutors and employees of the public prosecutor's office; the attitude of the public prosecutor's office towards other state bodies, citizens and the public; protect the confidentiality of data; keeping registers, auxiliary books, directories and other records; handling items and items of value; handling of archival material; keeping statistics; material and financial operations of the public prosecutor's office; establishing standards regarding office space and equipment and other issues of importance for the work of the public prosecutor's office.

Max characters value : 10 000

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice, ADR and other legal services	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

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018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions

(e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2 Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	27 695 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 340 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 355 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Actual average duration	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes

are envisaged for criminal and other than criminal cases please provide more information:



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021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify: Article 59 Paragraph 1 of Criminal Procedure Code: When criminal proceedings are conducted for a criminal offense for which the law prescribes sentence of imprisonment for more than five years, to the victim, at his request, may be appointed a lawyer if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the costs of representation.

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	() Yes (X) No [] NAP
Victims	() Yes (X) No [] NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

(X) Yes

() No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	3 063 [] NA [] NAP	[X] NA [] NAP
Full legal aid to the applicant for other than criminal cases	3 063 [] NA [] NAP	[X] NA [] NAP

Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. Is the decision to grant or refuse legal aid taken by:

- the judge(s) dealing with the main case
 another judge or official
 an authority external to the court
 several authorities (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? Free legal aid and free legal support can be funded from donations and project funding.

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice - Judiciary Department

2.2. Court users and victims

2.2.1 Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following:

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	<input type="checkbox"/> https://www.pravno-informacioni-sistem.rs/unifiedSearch?q=zakon%20o%20krivi%C4%8D	<input type="checkbox"/>

Case-law of the higher court/s

()_(X) Website of the Ministry of Justice – Court Portal: www.portal.sud.rs; Websites of the SCC and courts of appeal: www.vk.sud.rs; www.bg.ap.sud.rs; www.ikragujevac.com; www.ni.ap.sud.rs; www.ns.ap.sud.rs; www.pa.sud.rs; www.pkap.sud.rs; The Supreme Court of Cassation on its website, <http://www.vk.sud.rs/sr/solrsearch> page, has publicly made available a case law database comprised of approximately 12.000 anonymized decisions of the Supreme Court of Serbia and Supreme Court of Cassation. __ Until 20 September 2021 the total number of judgments available to public through the new case law data base has grown to 24,800 judgments judgments (anonymized) including Supreme Court of Cassation and appellate courts (4 appellate courts, Commercial Court of Appeal and Misdemeanor Court of Appeal (www.sudskapraksa.sud.rs/sudska-praksa))._ The Commercial Court of Appeal in Belgrade publishes in quarterly intervals the most recent case law in the Bulletin of Judicial Practice of Commercial Courts, in the “Commercial Advisor”, prepared by the Case Law Department of the Commercial Court of Appeal. The Supreme Court of Cassation also keeps a database of case law, which is posted on the website of the court, including legal opinions which it adopted with respect to harmonization of case law of appellate courts: <http://www.vk.sud.rs/sr/%D0%>

()

	B1%D0%B0%D0%B7%D0%B0- %D1%81%D1%83%D0%B4% D1%81%D0%BA%D0%B5	
Information about the judicial system (organisation of courts, court proceedings, etc)	() https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2008/116/1/reg	()
Other documents (e.g. forms, downloadable forms, online registration forms)	() http://www.prvisud.rs/obraci ; www.up.sud.rs ; www.bg.vi.sud.rs ;	()

Comment - Please specify what documents and information are included in “Other documents”

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

- () Yes, always
 () No
 (X) Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify: In accordance with the Article 308 Paragraph 3 of The Civil Procedure Code, at the preliminary hearing, the court will decide which evidence to present at the main hearing and will determine the time frame for conducting the procedure (Article 10, paragraph 2).

This rule is not prescribed by The Criminal Procedure Code.

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of terrorism	(X) Yes () No	(X) Yes () No	(X) Yes () No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	(X) Yes () No	(X) Yes () No	() Yes (X) No
Persons with disabilities	(X) Yes () No	(X) Yes () No	() Yes (X) No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify: The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.

An especially vulnerable witness may also be examined in his place of living or other premises or in an authorized institution professionally qualified for examining especially vulnerable persons. In such case the authority conducting proceedings may order application of these measures.

An especially vulnerable witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness’s vulnerability and rights of defense (Art. 104 CPC).

If there exist circumstances which indicate that by giving testimony or answering certain questions a witness would expose himself or persons close to him to a danger to life, health, freedom or property of substantial size, the court may authorize one or more measures of special protection by issuing a ruling determining a status of protected witness.

The measures of special protection include questioning the protected witness under conditions and in a manner ensuring that his identity is not revealed to the general public, and exceptionally also to the defendant and his defense counsel, in accordance with this Code (Art. 105 CPC).

The measures of special protection ensuring that the identity of a protected witness is not revealed to the public are excluding the public from the trial and prohibition of publication of data about the identity of the witness.

The measure of special protection whereby data about the identity of a protected witness is withheld from the defendant and his defense

counsel may be ordered by the court exceptionally if after taking statements from witnesses and the public prosecutor it determines that the life, health or freedom of the witness or a person close to him is threatened to such an extent that it justifies restricting the right to defence and that the witness is credible (Art. 106 CPC).

The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.

The Law on Program of Protection of Participants in Criminal Proceedings envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:

- 1) against constitutional order and security;
- 2) against humanity and other goods protected by international law;
- 3) organized crime.

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children’s Houses”
- Other, please specify
- NAP

Comment

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other).

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

- []
- NA
- NAP

Criminal liability resulting in sentence of privation of liberty

- []
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

032. Does your country allocate compensation for victims of offences?

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
- No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

- Yes
- No

Comments - If yes, please specify:

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Excessive length of proceedings	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Non-execution of court decisions	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Wrongful arrest	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Wrongful conviction	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Other	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time ("RS Official Gazette", No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal;

3) request for just satisfaction. Request for just satisfaction includes the right to payment of monetary compensation for non-pecuniary damages or pecuniary damages caused to a party by violation of the right to a trial within a reasonable time (monetary compensation). A party may file a lawsuit against the Republic of Serbia for monetary compensation within one year from the day when it acquired the right to fair satisfaction (Articles 26-33 of this Law). The amount of compensation for non pecuniary damages is limited to EUR 300 - 3,000 and regarding pecuniary damages it is to be determined by court in accordance with the principle of causality and provisions of the Law on Contracts and Torts. The statistics concerning these lawsuits are presented regarding questions 32 and 36 referring to “other than criminal law cases.

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above:

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify:

No

Comment - If you have additional comments please specify:

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments We have answered before, so in accordance with that, we would like to inform you that on December 31, 2020, there were:

- Number of complaints received - 5739
- Number of complaints against the work of the court - 3104
- Number of complaints against the work of lower courts - 1101
- Number of well-founded complaints - 1102
- Number of complaints in the paper - 483

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Ministry of Justice	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	159 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	96 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.1 First instance courts of general jurisdiction - legal entities	91 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.2 Second instance courts of general jurisdiction - legal entities	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2 Total number of specialised courts - legal entities	63 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify: Other specialised court - Misdemeanor Courts Insolvency cases are under the jurisdiction on Commercial Courts.

Juvenile offenders cases, fight against terrorism, organized crime and corruption (4 Special Departments of Higher Courts in Belgrade, Novi Sad, Niš and Kraljevo), acting as a first instance courts, and are not considered as a specialized courts, only as departments of Higher Courts. Enforcement of criminal sanctions, Family and Labour disputes are under the jurisdiction of Basic and Higher Courts, acting as first instance Courts.

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	152 <input type="checkbox"/> NA <input type="checkbox"/> NAP
All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	159 <input type="checkbox"/> NA <input type="checkbox"/> NAP

=

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
A small claim	82 [] NA [] NAP
An employment dismissal	66 [] NA [] NAP
A robbery	91 [] NA [] NAP
An insolvency case	16 [] NA [] NAP

Comments

045-1. Is your definition of a small claim the same as the one in the Explanatory note? Yes No

Comments - If not, please give your definition of a small claim:

045-2. Please indicate the value in € of a small claim:

[3 000]

Comments

C. Please indicate the sources for answering the questions in this part

Sources: The Law in Organization of Courts

The Law on the Seats and Territorial Jurisdictions of Courts and Public Prosecutor's Offices

The Law on Civil Procedure

3.2. Court staff**3.2.1 Judges and non-judge staff**

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	2 649 [] NA [] NAP	742 [] NA [] NAP	1 907 [] NA [] NAP
1. Number of first instance professional judges	2 289 [] NA [] NAP	665 [] NA [] NAP	1 624 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	318 [] NA [] NAP	62 [] NA [] NAP	256 [] NA [] NAP
3. Number of Supreme Court professional judges	42 [] NA [] NAP	15 [] NA [] NAP	27 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanor courts, commercial courts, Administrative Court);

16.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanor Court of Appeal;

16.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation).

Judges of the Administrative Court are considered as first instance judges, bearing in mind that the

Administrative Court is a republic court of special jurisdiction, which at first instance resolves administrative disputes (currently, single instance procedure) and performs other duties determined by law.

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

[] For the purposes of early retirement

[] Other reason, please specify:

[] Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

Total (%)	Male (%)	Females (%)

Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	2 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
First instance	2 289 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Second instance	318 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Supreme court	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If "Other", please explain which types of cases:

=

047. Number of court presidents (professional judges).

Total	Males	Females
--------------	--------------	----------------

Total number of court presidents (1 + 2 + 3)	159 [] NA [] NAP	61 [] NA [] NAP	98 [] NA [] NAP
1. Number of first instance court presidents	152 [] NA [] NAP	57 [] NA [] NAP	95 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	6 [] NA [] NAP	3 [] NA [] NAP	3 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- () No
- [X] NAP

Comments

049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

	Figure
Gross figure	2 130 [] NA [] NAP
In full time equivalent	[X] NA [] NAP

Comments The High Judicial Council enacted a decision on 23 December 2019 on the appointment of lay judges (judges jurors) for a mandate period of the following 5 years. The number of lay judges appointed by the decision was 2000. On 8 September 2020 The High Judicial Council enacted a decision on the appointment of 130 lay

judges for mandate of 5 years. The effective number of lay judges is 2130.

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	()	()	(X)
Criminal cases (misdemeanour and/or minor)	()	()	(X)
Family law cases	()	()	(X)
Labour law cases	()	()	(X)
Social law cases	()	(X)	()
Commercial law cases	()	()	(X)
Insolvency cases	()	(X)	()
Other civil cases	()	(X)	()

[] NAP

Comments - If "Other civil cases", please specify: In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Judicial Council.

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type(s) of case(s)?

[] Criminal cases

[] Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

=

052. Number of non-judge staff who are working in courts (if possible on 31 December of the

reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	8 909 [] NA [] NAP	2 491 [] NA [] NAP	6 418 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	3 790 [] NA [] NAP	372 [] NA [] NAP	3 418 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	3 435 [] NA [] NAP	1 015 [] NA [] NAP	2 420 [] NA [] NAP
4. Technical staff	1 684 [] NA [] NAP	1 104 [] NA [] NAP	580 [] NA [] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other non-judge staff", please specify:

052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	8 909 [] NA [] NAP	2 491 [] NA [] NAP	6 418 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	7 994 [] NA [] NAP	2 289 [] NA [] NAP	5 705 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	708 [] NA [] NAP	135 [] NA [] NAP	573 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	207 [] NA [] NAP	67 [] NA [] NAP	140 [] NA [] NAP

Comments

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments Security of Courts (Court Guard) is part of the Directorate for the Execution of Criminal Sanctions, which is under the jurisdiction of the Ministry of Justice.

C1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice Judicial Academy
--

3.3. Public prosecution

3.3.1 Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	785 [] NA [] NAP	336 [] NA [] NAP	449 [] NA [] NAP
1. Number of prosecutors at first instance level	725 [] NA [] NAP	304 [] NA [] NAP	421 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	48 [] NA [] NAP	26 [] NA [] NAP	22 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	12 [] NA [] NAP	6 [] NA [] NAP	6 [] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above: Number of prosecutors at first instance level:

1. Basic public prosecutor's offices: total 476; males: 186; females: 290
2. Senior public prosecutor's offices: total 226; males 102; female's 124
3. Prosecution for organized crime: total 13; males 10; female's 3
4. Prosecution for war crimes: total 10; males 6; female's 4

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

- () Yes
(X) No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- [] Child-care
[] Elderly care
[] For the purposes of early retirement
[] Other reason, please specify:
[] Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

Total (%)	Male (%)	Females (%)

Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	90 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance level	85 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of heads of prosecution offices at Supreme Court level	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

- Yes
- No

Comments - If yes, please specify their titles and functions:

057-1. Please specify their number (in full-time equivalent):

[]
 [X] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

() Yes

(X) No

[] NAP

Comments

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

060. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	1 117 [] NA	263 [] NA	854 [] NA

Comments

C2. Please indicate the sources for answering the questions in this part

Sources:

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on any grounds is prohibited.

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year or you have additional comments, please specify: Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

For example, Article 3 of the Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents ("Official Gazette of RS", No 94/2016) prescribes that in the election of judges with permanent tenure in another or higher court, as well as in the process of proposing candidates for court presidents, discrimination on any grounds is prohibited.

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If "yes", please specify:[Comment] (X) No
Head of prosecution services	() Yes If "yes", please specify:[Comment] (X) No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

() Yes

(X) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? NAP

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
The recruitment of judges	()	(X)
The promotion of judges	()	(X)
The recruitment of prosecutors	()	(X)
The promotion of prosecutors	()	(X)
The recruitment of non-judge staff	()	(X)
The promotion of non-judge staff	(X)	()

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments: On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text)

The competence of the Commissioner for Protection of Equality is established and regulated by the Law on the Prohibition of Discrimination ("Official Gazette of the Republic of Serbia", No. 22/2009).

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

The Commissioner for Protection of Equality in Serbia is an independent, autonomous and specialized state authority established on the basis of the Law on Prohibition of Discrimination from 2009. The task of this state authority is to prevent all forms, types and cases of discrimination, to protect the equality of natural persons and legal entities in all spheres of social relations, to oversee the enforcement of anti-discrimination regulations, and to improve realization and protection of equality. In line with the Law on Prohibition of Discrimination, the Commissioner has the Professional Service which helps them to perform their duties. The Professional Service is established on the basis of the Act on Internal Organization and Job Systematization, which was approved by the National Assembly. The Professional Service consists of sectors, as the basic organizational units, the Commissioner's Office as a separate internal unit, departments and groups.

[] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. to block a decision or allow an appeal)

The Commissioner gives his/her opinion on whether there has been a violation of the provisions of the Law on Prohibition of Discrimination within 90 days of the day of receiving a complaint, of which he/she shall inform the person who submitted the complaint and the person against whom the complaint was submitted. If he/she decides that there has been a violation of the provisions of this Law, the Commissioner issues a recommendation to the person against whom the complaint was submitted, suggesting a way of redressing the violation in question. The person to whom the recommendation is addressed is obliged to act upon it and to redress the violation in question within 30 days of the day of receiving it and to inform the Commissioner of it. If the person to whom a recommendation is addressed fails to act upon it, that is, if he/she fails to redress the violation in question, the Commissioner shall caution him/her. Should this person fail to redress the violation in question within 30 days of having been cautioned, the Commissioner may inform the public about it.

For activities of the Commissioner for Protection of Equality regarding gender equality please see: <http://ravnopravnost.gov.rs/en/gender-equality-in-serbia-and-prevention-of-discrimination-against-women/>.

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - Please specify the details of this person/institution, in particular its titles and function:

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(X)
Replacement of absent persons	(X)	()
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

[X] NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- [] Recruitment procedures, please specify:
- [] Appointment to the position of court president, please specify:
- [] Appointment to the position of head of prosecution services, please specify:
- [] Promotion procedures and access to the functions of responsibility, please specify:
- [] Other studies, please specify:

[X] NAP

Comments - Please specify also the reference documents.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> Defined and coordinated at national level by one institution <input checked="" type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance

of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): The Sectoral Council for Information and Communication Technologies adopts the Strategy and policy for the development of ICT in the judiciary. It consists of 14 entities, of which some are representatives of the courts and some are representatives of sectors or organizational units within the Ministry of Justice.

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - please also describe in case of “other alternatives” The Ministry of Justice is responsible for maintaining and developing the judicial information system.

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify Number of times that the electronic services are used by the users

Comments (please specify examples of the impact) E.g. electronic insight into the status of cases of basic, higher and commercial courts in three months was performed 4850000 times by parties and attorneys.

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security

policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist): Law on Information Security.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criminal	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Administrative	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - if it exists in other matters please specify Case law database includes judgments of the Supreme Court of Cassation, 2nd instance court decisions (relevant cases from Appellate Courts, Misdemeanour Appellate Court and Commercial Appellate Court) and should include decisions of the Administrative Court (by the end of the year) The administrative disputes are ruled before the Administrative Court while extraordinary legal remedies are available in administrative disputes before the Supreme Court of Cassation. There is no third instance competence in this type of cases.

Judgments of Higher Courts (which have competence in certain types of cases to decide as first instance courts), currently are not included within this database, but they publish on their website relevant judgments which might be of public interest, and therefore they are included in the table above.

It should be noted that concerning ECHR case law link is available on the website of the Supreme Court of Cassation to the Judicial Academy website that provides special database of a number of ECHR decisions in Serbian translations (<https://e-case.eakademija.com/>).

062-6. Is there a computerised national record centralising all criminal convictions?

- Yes
- No

Comments

062-6-1. If yes, please specify the following information:

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access Ministry of Justice

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

- Yes
- No

Comment – if it exists in other matters please specify There is no such a tool at national level. However, it is available in some courts - Misdemeanor court information system SIPRES can provide users individualized templates of decisions which automatically use case data from database.

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments Dictation tools are managed by every court ICT staff.

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment – if it exists in other matters please specify: Land registry is in the jurisdiction of Republic Geodetic Authority.
Business registry is in the jurisdiction of Serbian Business Registry Agency.

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Justice expenses management	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

Other tools of courts management

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/>

Criminal	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]
Administrative	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]

Comments

Use of information technologies for improving the quality of the communication between courts and professionals



064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for
Civil and/or commercial	[] 100% [] 50-99% [] 10-49% [X] 1-9% [] 0% (NAP) [] NA	[X] Submission of a case to a court [] Phases preparatory to a hearing [] Schedule of hearings and/or deferrals [] Transmission of court decisions	[X] E-mail [] Specific computer application [] Other	[] Yes	[X] Lawyers [X] Parties not represented by lawyer

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?

Yes

No

Comments – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

Admissibility of electronic evidence	Legislative framework
---	------------------------------

Civil and/or commercial	(X) Yes () No	(X) General law only () General and specialised law () Specialised law only [] NAP
Criminal	(X) Yes () No	(X) General law only () General and specialised law () Specialised law only [] NAP
Administrative	(X) Yes () No	(X) General law only () General and specialised law () Specialised law only [] NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

() Yes

(X) No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	() Yes (X) No
within the public prosecution services	() Yes (X) No

Comments

3.6.2 Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- Yes
- No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "Less frequent" or "More frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment)

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

Public Prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchically superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):

Comments

3.6.3 Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()

within the public prosecution services	(X)	()
--	-------	-----

Comments

3.6.4 Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

(X) Yes (please indicate the name and the address of this institution):

() No

Comments The Supreme Court of Cassation

080-1. Are the statistics on the functioning of each court published?

(X) Yes, on the internet

() No, only internally (on an intranet website)

() No

Comments

=

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

(X) Yes (please indicate the name and the address of this institution):

() No

Comments Republic Public Prosecutor

080-3. Are the statistics on the functioning of each public prosecution service published?

(X) Yes, on the internet

() No, only internally (on an intranet website)

() No

Comments

=

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

(X) Yes

() No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

[X] Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

=

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify:

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding

the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

NAP

Comments Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions' operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents' performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three

members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

=

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify):
- NAP

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

Comments Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments

C4. Please indicate the sources for answering the questions in this part

Sources:

4. Fair trial

4.1. Principles

4.1.1 Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

NA

NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify: In accordance with the Law on Judges judges have a duty to maintain confidence in their independence and impartiality. The judge is obliged to conduct the procedure impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, while ensuring a fair trial and respect for the procedural rights of the parties guaranteed by the Constitution, law and international acts. (Art. 3, paras 1 and 2)

The procedural laws enable the possibility for parties in the proceedings to challenge the judge (Article 69 of the Law on Civil Procedure, Article 39 of the Law on Criminal Procedure etc).

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

NA

Comments Statistics are not available at this time.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to

measure an evolution of the established violations):

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Yes

No

NAP

Comments

D1. Please indicate the sources for answering the questions in this part

Sources: Supreme Court of Cassation

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their

conclusions and on dates of hearings)?

(X) Yes

() No

Comments - If yes, please specify:

4.2.2 Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	966 886 [] NA [] NAP	969 626 [] NA [] NAP	1 152 668 [] NA [] NAP	783 844 [] NA [] NAP	372 170 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	242 818 [] NA [] NAP	388 459 [] NA [] NAP	275 439 [] NA [] NAP	355 838 [] NA [] NAP	57 933 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	681 710 [] NA [] NAP	437 467 [] NA [] NAP	741 093 [] NA [] NAP	378 084 [] NA [] NAP	304 020 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	676 862 [] NA [] NAP	395 587 [] NA [] NAP	698 677 [] NA [] NAP	373 772 [] NA [] NAP	304 020 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	85 [] NA [] NAP	2 822 [] NA [] NAP	2 887 [] NA [] NAP	20 [] NA [] NAP	0 [] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	85 [] NA [] NAP	2 822 [] NA [] NAP	2 887 [] NA [] NAP	20 [] NA [] NAP	0 [] NA [] NAP
2.3. Other non-litigious cases	4 763 [] NA [] NAP	39 058 [] NA [] NAP	39 529 [] NA [] NAP	4 292 [] NA [] NAP	0 [] NA [] NAP

3. Administrative law cases	38 745 [] NA [] NAP	32 469 [] NA [] NAP	23 229 [] NA [] NAP	47 985 [] NA [] NAP	9 818 [] NA [] NAP
4. Other cases	3 613 [] NA [] NAP	111 231 [] NA [] NAP	112 907 [] NA [] NAP	1 937 [] NA [] NAP	399 [] NA [] NAP

Comments The category “non-litigious cases” includes enforcement cases. Since 2016 legislative and other measures have been taken in order to decrease the number of backlog enforcement cases (which is recognized as a systemic problem). In 2020 the number of backlog enforcement cases has been decreased significantly and it is reflected in total number of “non-litigious cases.” In accordance with the Law on Enforcement and Security all enforcement cases based on an authentic document (Iv) cases should be transferred to public enforcement officers. In 2020 about 240.000 such cases were resolved by the conclusion of the court to transfer the case to public enforcement officer. As regards “civil and commercial litigious cases”, the number of pending cases at the end of the period increased by 46%. There has been general trend of increase of incoming civil litigious cases for last five years. Due to special circumstances and need to take safety measures because of Covid 19, in 2020 courts worked with reduced capacities, while there was increase of number of incoming cases. The decrease in the number of resolved cases refers primarily to basic and higher courts. As regards “non – litigious cases”, in particular “general civil and commercial non-litigious cases”, from 2019 to 2020 the number of incoming cases decreased significantly (-38%), while the number of resolved cases remained almost the same. As a consequence, the number of pending cases at the end of the year decreased as well (-45%). This is also in relation to enforcement cases based on an authentic document (Iv) cases. Public enforcement officers deal with new such cases, so the number of incoming cases decreased. On the other hand, there is still lot of these cases before courts (backlog cases), and the courts still have to resolve these cases (in majority cases by the conclusion of the court to transfer the case to public enforcement officer), and that is the explanation why the number of resolved cases remained the same and why the number of incoming cases significantly decreased.

From 2019 to 2020 the number of “administrative law incoming cases” increased by 47%, and the number of cases older than 2 years increased by 63%. In Serbia there is one Administrative Court (with seat in Belgrade, and three departments in Kragujevac, Novi Sad and Niš). It has broad competences and for several years number of incoming cases has been continuously increasing. In certain type of cases the Administrative Court has to decide urgently, like in electoral cases. Also, the work of this court was influenced by the circumstances caused by the virus and the fact that during 2020 parliamentary and local elections were held in Serbia and there were many electoral disputes which needed to be decided in short deadlines.

As regards “other cases”, from 2019 to 2020, there was a decrease in the number of incoming (-39%), resolved (- 39%), and pending cases (-46%). These cases relate to different kinds of citizens’ requests for verification of signatures, or requests for different certificates and probably circumstances caused by Covid, contributed to decrease of such requests of citizens.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. 2.1 show executions, non-litigious and undisputed payment orders of basic and commercial courts, as well as rehabilitation cases with higher courts.
 2.3 presents cases of reasonable time and objection to the decisions of notaries. Higher courts: REH
 Basic courts: O, OS, R1, R2, R3, R4, R5, PI Commercial courts: L, R, PI
 Basic courts: Iv, I, Ii, Iiv, Ink, Ioi, Ion, Ipi, IpvI, IpvIv, IpvIvk Commercial courts: I, I2, Ii, Iv, Iiv, Ink, Ioi, Ion, Ipi, Ipv(I), Ipv(Iv), Ipv(Ivk)

093. Please indicate the case categories included in the category "other cases":

.
 Higher courts: POMI4, PomIg, POMI2, PomIgH1 Basic courts: POM, POMI2, POMIg(old), PomUg, PomIgH1, PomIg(new), PomUgH2, PomIgN, PomUgN, PomUgH1, PomIgH2, OvH, OvI, Ov1, Ov2, Ov3, Uop, Opu, U

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	723 179 [] NA [] NAP	1 805 252 [] NA [] NAP	1 776 015 [] NA [] NAP	752 416 [] NA [] NAP	18 341 [] NA [] NAP
1. Severe criminal cases	28 007 [] NA [] NAP	45 234 [] NA [] NAP	43 883 [] NA [] NAP	29 358 [] NA [] NAP	5 396 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	222 623 [] NA [] NAP	293 742 [] NA [] NAP	294 476 [] NA [] NAP	221 889 [] NA [] NAP	11 771 [] NA [] NAP
3. Other criminal cases	472 549 [] NA [] NAP	1 466 276 [] NA [] NAP	1 437 656 [] NA [] NAP	501 169 [] NA [] NAP	1 174 [] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify

4.2.3 Case flow management – second instance

097. Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	83 884 [] NA [] NAP	147 055 [] NA [] NAP	139 298 [] NA [] NAP	91 641 [] NA [] NAP	8 676 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	82 708 [] NA [] NAP	136 454 [] NA [] NAP	128 953 [] NA [] NAP	90 209 [] NA [] NAP	8 671 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	1 176 [] NA [] NAP	10 571 [] NA [] NAP	10 315 [] NA [] NAP	1 432 [] NA [] NAP	[] NA [X] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	178 [] NA [] NAP	1 340 [] NA [] NAP	1 363 [] NA [] NAP	155 [] NA [] NAP	1 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	998 [] NA [] NAP	9 231 [] NA [] NAP	8 952 [] NA [] NAP	1 277 [] NA [] NAP	4 [] NA [] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other cases	0 [] NA [] NAP	30 [] NA [] NAP	30 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If "Other cases" please specify The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	4 692 [] NA [] NAP	56 672 [] NA [] NAP	55 891 [] NA [] NAP	5 473 [] NA [] NAP	0 [] NA [] NAP
1. Severe criminal cases	1 513 [] NA [] NAP	25 183 [] NA [] NAP	24 993 [] NA [] NAP	1 703 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	3 143 [] NA [] NAP	28 127 [] NA [] NAP	27 541 [] NA [] NAP	3 729 [] NA [] NAP	0 [] NA [] NAP

3. Other cases	36 [] NA [] NAP	3 362 [] NA [] NAP	3 357 [] NA [] NAP	41 [] NA [] NAP	0 [] NA [] NAP
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Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify.

4.2.4 Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	7 782 [] NA [] NAP	12 195 [] NA [] NAP	10 649 [] NA [] NAP	9 328 [] NA [] NAP	7 900 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	7 634 [] NA [] NAP	11 475 [] NA [] NAP	9 964 [] NA [] NAP	9 145 [] NA [] NAP	0 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	32 [] NA [] NAP	311 [] NA [] NAP	296 [] NA [] NAP	47 [] NA [] NAP	0 [] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.3. Other non-litigious cases	32 [] NA [] NAP	311 [] NA [] NAP	296 [] NA [] NAP	47 [] NA [] NAP	0 [] NA [] NAP
3. Administrative law cases	116 [] NA [] NAP	409 [] NA [] NAP	389 [] NA [] NAP	136 [] NA [] NAP	0 [] NA [] NAP
4. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If "Other cases", please specify The answer to question 99 in field 1 shows cases of the Civil Department without registers (SPP, SPP1, R1, R). Field 2.3. shows registers (SPP, SPP1, R1, R) and cases of the Department for Trial within a reasonable period. Field 3 shows cases of the Administrative Department.

Note: In relation to the previous reporting period, the following changes have been made:

Field 2.3 shows a new register (SPP1) and cases of the Department for Trial within a Reasonable Time, which were previously shown in field 4.

Regarding Item 1 - Increase in the number of cases at the beginning of 2018 compared to 2016: result of increased inflow during 2017 compared to 2016 (inflow increased by about 4,500 cases). The trend of increased inflow continued.

2.3 and accordingly 2. - non-litigious cases - the number of cases is reduced due to the reduced jurisdiction of the SCC in relation to the trial within a reasonable time (see comment under Q91). In the period from 2012 to 2018, the Supreme Court of Cassation received twice as many cases than expected, not counting the cases delegated by the higher courts in Belgrade and Novi Sad in 2013, 2015 and 2017 (5,000+7,000+5,000), as a consequence of changes in regulation on the jurisdiction of the Supreme Court of Cassation, reduction of the review threshold to EUR 40,000 € in RSD equivalent, introduction of a special revision as a new extraordinary legal remedy, as well as the expansion of the jurisdiction of the highest court to decide on the revision, i.e. to decide on the new extraordinary legal remedies. Increase in the number of pending cases was particularly pronounced in civil matter in the period 2014–2018. The largest increase of inflow happened in the Civil Department, which, with the existing number of judges and judicial assistants that are assigned to this Department, was not able to absorb the inflow of cases recorded in the last four years (for more info please see:

https://www.vk.sud.rs/sites/default/files/attachments/Annual%20Report%20on%20the%20Work%20Of%20Courts%202018_2.pdf”.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes, please indicate the number of cases closed by this procedure:

() No

Comments N/A

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	300 [] NA [] NAP	1 851 [] NA [] NAP	1 837 [] NA [] NAP	314 [] NA [] NAP	0 [] NA [] NAP
1. Severe criminal cases	290 [] NA [] NAP	1 797 [] NA [] NAP	1 791 [] NA [] NAP	296 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	10 [] NA [] NAP	54 [] NA [] NAP	46 [] NA [] NAP	18 [] NA [] NAP	0 [] NA [] NAP

3. Other criminal cases	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
--------------------------------	------------------------	------------------------	------------------------	------------------------	------------------------

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify the answer to question 100 in field 1 includes cases of the Criminal Department without registers (KZZP, KZZPR, KRRZ).

Field 2 shows cases listed in the registers (KZZP) and in the new register (KZZPR).

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Litigious divorce cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [] NAP
Employment dismissal cases	35 951 [] NA [] NAP	26 365 [] NA [] NAP	32 817 [] NA [] NAP	36 425 [] NA [] NAP	6 100 [] NA [] NAP
Insolvency	1 903 [] NA [] NAP	534 [] NA [] NAP	749 [] NA [] NAP	1 821 [] NA [] NAP	1 169 [] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [] NAP

Comments

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101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP
Non-court procedures relating to the right of entry and stay for aliens	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP

Court cases relating to the right of entry and stay for aliens	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments

101-1. Could you briefly describe the system in your country dealing with legal remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Child pornography	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system:

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	255 <input type="checkbox"/> NA <input type="checkbox"/> NAP	355 <input type="checkbox"/> NA <input type="checkbox"/> NAP	391 <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Litigious divorce cases	Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	Max numeric value allowed : 100 [X] NA [] NAP
Employment dismissal cases	Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	Max numeric value allowed : 100 [X] NA [] NAP
Insolvency cases	Max numeric value allowed : 100 [X] NA [] NAP	887 [] NA [] NAP	78 [] NA [] NAP	[] NA [X] NAP	621 [] NA [] NAP	Max numeric value allowed : 100 67 [] NA [] NAP
Robbery cases	Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	Max numeric value allowed : 100 [X] NA [] NAP
Intentional homicide cases	Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	Max numeric value allowed : 100 [X] NA [] NAP

Comments It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases. Therefore the information requested in this table in most cases is not available.

These data are not automatically available. They refer to registers given within the question 35 (Civil (and commercial) litigious cases. Not all of these cases can be submitted to the third instance (extraordinary legal remedies) . The length of the proceedings is calculated for each instance according to CEPEJ Disposition Time formula and not an average length.

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

4.2.6 Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

Comments

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input type="checkbox"/> NA <input type="checkbox"/> NAP

3.1.3 Discontinued by the public prosecutor for reasons of opportunity	[] NA [] NAP
3.1.4 Discontinued for other reasons	[] NA [] NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	[] NA [] NAP
3.3. Cases closed by the public prosecutor for other reasons	[] NA [] NAP
3.4. Cases brought to court	[] NA [] NAP
4. Pending cases on 31 Dec. ref. year	[] NA [] NAP

Comments

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP
Before the main trial	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP
During the main trial	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

() Yes

() No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources:

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges

110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

111. Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career recruited and nominated by:

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: High Judicial Council nominates candidates to be appointed as judges, and The National Assembly appoints them.

111-1. How many members compose this authority?

	Total	Male	Female
Members	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments – please specify which body is competent to decide on appeal? Non-selected candidates may appeal against the decision of nomination of candidates, to the Appeal Commission of the High Judicial Council.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify. Constitution of Republic of Serbia - Article 156 :

The Public Prosecutor's Office is an independent state body that prosecutes perpetrators of criminal and other criminal acts and takes measures to protect constitutionality and legality.

The Public Prosecutor's Office performs its function on the basis of the Constitution, law, ratified international agreement and regulations adopted on the basis of law.

In accordance with the Law on Public Prosecution, public prosecutors and deputy public prosecutors are independent in the performance of their competences. All forms of influence by the executive and the legislative authorities on the work of the public prosecution and its activity in cases, attempted by using public office, the public information media and any other means, which may threaten the independence of the work of a public prosecution, is prohibited. Namely, public prosecutors and deputies are independent towards everyone outside of the prosecution service, while they are autonomous inside of it, since higher ranked prosecutors, in accordance with the Law, can issue mandatory instructions for case management. This kind of instructions is not possible in the Court system.

115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify: Article 15 (Paragraph 1, 2, 3) of Law on Public Prosecution : The higher instance public prosecutor may issue a mandatory instruction to the lower instance public prosecutor to act in certain cases when there is doubt in the efficiency and legality of his actions, and the Republic Public Prosecutor may issue instructions to any public prosecutor.

Mandatory instructions are issued in writing and must retain the reason and justification for its issuance.

Notwithstanding paragraph 2 of this Article, the public prosecutor may issue an orally binding instruction when necessary in order to take

actions that do not suffer delay. In that case, the obligatory written instruction shall be submitted within three days from the day of issuing the oral instruction.

115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions: Namely, public prosecutors and deputies are independent towards everyone outside of the prosecution service, while they are autonomous inside of it, since higher ranked prosecutors, in accordance with the Law, can issue mandatory instructions for case management. This kind of instructions is not possible in the Court system.

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If “Other”, please specify:

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other
- NAP

Comments - If “Other”, please specify:

115-5. In that case, are the instructions:

- Issued seeking prior advice from the competent public prosecutor
- Mandatory
- Reasoned
- Recorded in the case file
- Other
- NAP

Comments - If “Other”, please specify:

115-6. What is the frequency of this type of instructions:

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

Yes

No

NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions. Article 15 (Paragraph 4-9) of Law on Public Prosecution: A public prosecutor of lower instance who considers that the obligatory instruction is illegal and ungrounded may file an objection with an explanation to the Republic Public Prosecutor within eight days from the day of receipt of the instruction. The complaint is submitted through the public prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction issued within three days from the day of receipt of the complaint.

The public prosecutor who has stated the objection is obliged to act according to the instructions until the decision of the immediately higher public prosecutor, ie the decision of the Republic Public Prosecutor.

The public prosecutor of higher instance may issue a decision revoking his mandatory instructions, in which case the objection shall not be submitted to the Republic Public Prosecutor.

The Republic Public Prosecutor is obliged to make a decision within 15 days from the day of receiving the objection to the obligatory instruction.

No objection is allowed against the obligatory instruction of the Republic Public Prosecutor.

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments According to the Constitution, the Law on Public Prosecution Office and the Law on State Prosecutorial Council, the SPC elects the first-time deputy prosecutors to a permanent function and deputy prosecutors to a higher position (promotion), whereas it proposes to the National Assembly for final decision the candidates for the first-time deputy prosecutors and submits to the Government the (rank) list of candidates for public prosecutors (heads of the public prosecution offices) for their proposal to the National Assembly for final decision. According to Law on Public Prosecution Office, SPC has a competence to elect first-time deputy prosecutors to a permanent function, after a three-years period.

Upon proposal of the State Prosecutorial Council, the National Assembly elects for a deputy public prosecutor a person elected for the first time to the position for a period of three years.

After conducting procedure described in q.116, State Prosecutorial Council submits to the Government the list containing one or more candidates for election to a public prosecutor position. The Government proposes to the National Assembly one or more candidates for election to a public prosecutor position from the list of candidates determined by the State Prosecutorial Council. Upon the Government proposal, the National Assembly elects a public prosecutor to the tenure of 6 years and he/she can be re-elected. If a public prosecutor does not get re-elected to the same position after expiration of its tenure or the position of a public prosecutor has expired upon a personal request, he/she is elected as a deputy public prosecutor.

117. Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning of their career recruited by:

An authority composed of public prosecutors only

An authority composed of non-public prosecutors only

An authority composed of public prosecutors and non-public prosecutors

Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: See the answer to a q116

117-1. How many members compose this authority?

	Total	Male	Female
Members	11	6	5
	[] NA	[] NA	[] NA
	[] NAP	[] NAP	[] NAP

Comments - Please specify what is the status of this authority and who is proposing its members? The State Prosecutorial Council is an independent body that ensures and guarantees the independence of public prosecutors and deputy public prosecutors.

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

() Yes

(X) No

Comments - Please specify which body is competent to decide on appeal? Yes, non-selected candidates may appeal against the decision on nomination to the Appeal Commission of the State Prosecutorial Council.

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

(X) Yes

() No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

[] Competitive test / exam

[X] Other procedure (interview or other)

[] No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): The interview between members of State Prosecutorial Council and candidates is being organised. Law on Public Prosecution: Article 78

The election of public prosecutors and deputy public prosecutors is announced by the State Council of Prosecutors.

The competition is published in the "Official Gazette of the Republic of Serbia" and other means of public information that covers the entire territory of the Republic of Serbia.

Article 79

Applications shall be submitted to the State Council of Prosecutors within 15 days from the date of publication of the announcement. Evidence of fulfillment of the conditions for election shall be submitted with the applications, if they are not already in the public prosecutor's office.

Article 80

The State Council of Prosecutors obtains data and opinions on the expertise, training and dignity of candidates.

Data and opinions are obtained from the bodies and organizations in which the candidate worked in the legal profession.

Article 81

Before making a decision on the election, the State Council of Prosecutors conducts an interview with the registered candidate.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

[X] Years of experience

[X] Professional skills (and/or qualitative performance)

[X] Performance (quantitative)

[X] Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):
The Program aimed at improving the work of public prosecutors' offices for the heads of offices.

5.1.3Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

If yes, are there exceptions.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

[] NA

[X] NAP

Comments Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources:

5.2. Training

5.2.1 Training of judges



127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in a court)	() Yes (X) No	(X) Yes () No	() Yes (X) No
General in-service training	(X) Yes () No	(X) Yes () No	() Yes (X) No

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training on ethics	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes () No	() Yes () No	() Yes () No

Comments We've increased the number of practices this year.

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	(X) Yes () No	() Yes (X) No
General in-service training	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in office	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training on ethics	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes () No	() Yes () No	() Yes () No

Comments In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2020 training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area.

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

5.2.3 Training institutions

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public

institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	146 [] NA [] NAP	[X] NA [] NAP	42 [] NA [] NAP
1. For judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. For prosecutors	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. For other non-judge staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. For other non-prosecutor staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Training for other professionals	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	2 898 [] NA [] NAP	538 [] NA [] NAP
Judges	[X] NA [] NAP	[X] NA [] NAP
Prosecutors	[X] NA [] NAP	[X] NA [] NAP
Non-judge staff	[X] NA [] NAP	[X] NA [] NAP
Non-prosecutor staff	[X] NA [] NAP	[X] NA [] NAP
Other professionals	[X] NA [] NAP	[X] NA [] NAP

Comments

5.3. Practice of the profession

5.3.1 Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	16 277 [] NA [] NAP	11 410 [] NA [] NAP	1 913 916 [] NA [] NAP	1 341 655 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	29 788 [] NA [] NAP	20 882 [] NA [] NAP	3 502 591 [] NA [] NAP	2 455 316 [] NA [] NAP
Public prosecutor at the beginning of his/her career	18 961 [] NA [] NAP	14 094 [] NA [] NAP	2 229 473 [] NA [] NAP	1 657 212 [] NA [] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	28 801 [] NA [] NAP	20 190 [] NA [] NAP	3 386 505 [] NA [] NAP	2 373 940 [] NA [] NAP

Comments From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This variation has not been explained.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	() Yes (X) No	() Yes (X) No
Housing	(X) Yes () No	(X) Yes () No
Other financial benefit	() Yes (X) No	() Yes (X) No

Comments High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the compensation.

134. If “other financial benefit”, please specify:

=

135. Can judges combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	(X) Yes () No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, ie mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not take into account whether it is with or without compensation.

137. Can public prosecutors combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No

Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, ie mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not take into account whether it is with or without compensation.

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

- Yes
- No

Comments - If yes, please specify the conditions and if possible the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

- Yes
- No

Comments

138-1. If yes, who are the members of this institution/body?

- Only judges
- Judges and other legal professionals
- Other, please specify:

Comments Yes, High Judicial Council. According to Art.30 of Law on Judges the High Judicial Council decides which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

138-2. Are the opinions of this institution / body publicly available?

- Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. As these opinions are only in the form of conclusions (not decisions) they are published on the website of HJC, not in the Official Gazette.

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties, -Undertake activities related to raising awareness on content and significance of professional ethical standards, -Point to behaviour that is endangering professional ethical standards, -Propose preventive measures with a view to enhance professional ethics, -Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example, professor of ethics on the School of Philosophy). Members of the Ethics Committee are being elected by the Council for the period of three years and they may be re-elected. Members of the Ethics Committee may be dismissed by the Council decision, prior to expiration of their tenure or upon their personal request. Method of work of the Ethical Board is being regulated by a special act. The annual performance report is being submitted to the Council by the Ethics Committee. The work of the Ethics Committee is governed by a separate act.

138-4. If yes, who are the members of this institution/body?

Only prosecutors

Prosecutors and other legal professionals

Other, please specify:

Comments The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties, -Undertake activities related to raising awareness on content and significance of professional ethical standards, -Point to behaviour that is endangering professional ethical standards, -Propose preventive measures with a view to enhance professional ethics, -Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

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138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

5.4. Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments The reply was changed due to more specific interpretation given in the Explanatory Note

142. Which authority has disciplinary power over judges? (multiple replies possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2 Number of disciplinary procedures and sanctions



144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. In 1 case, a procedure for dismissal of a judge was initiated due to a severe disciplinary offense under Article 90, paragraph 2 of the Law on Judges in connection with disciplinary offenses under Article 90, Paragraph 1, lines 9- obviously incorrect treatment of participants in proceedings and the court staff and 18- serious violation of provisions of the Code of Ethics In 3 cases the proposals of the Disciplinary Prosecutor were rejected (all three due to the disciplinary offences from Article 90, Paragraph 1, Line 7 -unjustifiable prolonging of proceedings. In 1 case a prohibition of advancement for a period of 1 year was imposed due to a disciplinary offense of Article 90 Paragraph 1 , Line 18 of the Law on Judges - serious violation of provisions of the Code of Ethics.

E3. Please indicate the sources for answering the questions in this part

Sources:

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	10 905 [] NA	6 649 [] NA	4 256 [] NA

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes always () Yes in some cases (X) No [] NAP	() Yes always () Yes in some cases (X) No [] NAP	(X) Yes always () Yes in some cases () No [] NAP

Dismissal cases	() Yes always () Yes in some cases (X) No [] NAP	() Yes always () Yes in some cases (X) No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Criminal cases – Defendant	() Yes always (X) Yes in some cases () No [] NAP	() Yes always (X) Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Criminal cases – Victim	() Yes always () Yes in some cases (X) No [] NAP	() Yes always () Yes in some cases (X) No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Administrative cases	() Yes always () Yes in some cases (X) No [] NAP	() Yes always () Yes in some cases (X) No [] NAP	() Yes always () Yes in some cases (X) No [] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights:

149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family member	(X) Yes () No	(X) Yes () No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Trade union	(X) Yes () No	(X) Yes () No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): 1) A representative of the legal aid service of the local self-government who obtained a law degree and passed the bar exam. 2) A legal entity may be represented by a lawyer or a person employed by such a legal entity who holds a law degree and has passed the judicial state exam but is not a registered lawyer.

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [] Proxy / representation
- [] Property manager
- [] Real estate agent
- [X] Other law activities (please specify):

Comments Making the draft of the contract, filling out the documentation regarding taxes, etc

149-2. What are the statuses for exercising the profession of lawyer?

Self-employed lawyer

Staff lawyer

In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: The exam organized by The Bar Association, which candidate may take after passing Bar exam.

This exam is mostly related to Ethics of Lawyer, and conduct related to the Chamber, and it is not related with Bar exam.

152. Is there a mandatory general in-service professional training system for lawyers?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering the questions in this part

Sources: The Law on Civil Procedure; The Law on Juvenile Offenders and Criminal Protection of Juveniles; Legal Profession Act (Law on Legal Profession); Law on Criminal Procedure

6.1.2 Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

() No

Comments TARIFF ON AWARDS AND COMPENSATIONS FOR LAWYERS' WORK ("Official Gazette of Republic of Serbia", br. 121/2012, 99/2020 and 37/2021)

155. Are lawyers' fees freely negotiated?

() Yes

(X) No

Comments

156. Do laws or bar standards provide any rules on lawyers' fees (including those freely negotiated)?

[X] Yes, laws provide rules

[X] Yes, standards of the bar association provide rules

[] No, neither laws nor bar association standards provide rules

Comments Article 23 of Law on Legal Profession:

A lawyer has the right to remuneration and reimbursement of expenses for his work, in accordance with the tariff adopted by the Serbian Bar Association.

The amount of the remuneration for the work of a lawyer is determined depending on the type of procedure, the action taken, the value of the dispute or the amount of the threatened penalty.

The amount of the award for defense ex officio is determined by an act issued by the Minister of Justice.

The lawyer is obliged to issue to the client a calculation of the reward and reimbursement of costs for the performed actions and expenses for costs.

The calculation of the lawyer's fee and reimbursement is a credible document in the enforcement proceedings.

6.1.3 Quality standards and disciplinary procedures



157. Have quality standards been determined for lawyers?

(X) Yes

() No

Comments - If yes, what are the quality criteria used? Article 197 of Statute of Bar Associations of Serbia:

Lawyers and trainee lawyers are obliged to practice law responsibly, professionally and conscientiously and to preserve the reputation of the legal profession.

Lawyers and trainee lawyers are subject to disciplinary action for breaches of duty and for damaging the reputation of the bar, in accordance with the provisions of the Law on Advocacy, this Statute and the Code of Professional Ethics of Lawyers.

158. If yes, who is responsible for formulating these quality standards:

[X] the bar association

[] the Parliament

[] other (please specify):

Comments Statute of Bar Associations of Serbia

159. Is it possible to file a complaint about:

[X] the performance of lawyers

[X] the amount of fees

Comments - Please specify: Article 201 Paragraph 3 of Statute of Bar Associations of Serbia- Disciplinary proceedings may be initiated on the basis of an application submitted by an interested person or a state body, on the basis of a proposal of the body of the Bar Association or ex officio.

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):The disciplinary bodies of the Bar Association

Comments The disciplinary bodies of the Bar Association are the Disciplinary Prosecutor and the Disciplinary Court, which are elected by the Assembly of the Bar Association of the Chamber exclusively by secret ballot.

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Labour cases including employment dismissals	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Criminal cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Consumer cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP

Comments Registered mediators ,including judges. Such mediators may be private mediators (lawyers , etc) or employees of the Centers for Social work of local municipalities, etc.

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

(X) Yes

() No

[] NAP

Comments - If yes, please specify (only one or both options)::

=

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	1 470 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The number of mediators in the Republic of Serbia is significantly large due to the increased interest of citizens in performing the work of mediators, which is probably due to the documents adopted by the Republic of Serbia to improve the application of mediation in Serbia.

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	498 [] NA [] NAP	99 [] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	206 [] NA [] NAP	53 [] NA [] NAP	[X] NA [] NAP
2. Family cases	126 [] NA [] NAP	31 [] NA [] NAP	[X] NA [] NAP
3. Administrative cases	3 [] NA [] NAP	0 [] NA [] NAP	[X] NA [] NAP

4. Labour cases including employment dismissal cases	62 [] NA [] NAP	4 [] NA [] NAP	[X] NA [] NAP
5. Criminal cases	12 [] NA [] NAP	11 [] NA [] NAP	[X] NA [] NAP
6. Consumer cases	16 [] NA [] NAP	0 [] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: 498-these 6 categories are not all categories in which mediation proceedings were conducted, and therefore the total number of cases in which the parties agreed to initiate mediation proceedings is slightly higher 498 including other types of disputes that are not included in these 6 listed in the report.

=

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass: 1)transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process; 2)specifying the position of judges in the mediation procedure; 3)enforceability of clauses on settling disputes through mediation; 4)the principle of confidentiality; 5)the enforceability of agreements reached in mediation and agreements reached in international mediation; and 6)the impact of mediation on the course of a lawsuit, including the possibility of prescribing the first obligatory meeting as a procedural precondition for initiating litigation in certain types of cases, as well as other ways in which the objective of Directive 2008/52/EC may be achieved. The working group is guided by mediation standards provided in relevant acts of the United Nations, the European Union and the Council of Europe, as well as by the need for adapting standards and best practices to local possibilities and needs.

G1. Please indicate the sources for answering the questions in this part

Source:

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	634 [] NA	[X] NA	[X] NA
1. Private professionals under the authority (control) of public authorities	232 [] NA [] NAP	135 [] NA [] NAP	97 [] NA [] NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Judges	402 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If other, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the age of retirement: 67
- No, please specify the duration of the appointment:

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Civil status	(X) Yes () No	(X) Yes () No
Cohabitant	(X) Yes () No	(X) Yes () No
Employer	(X) Yes () No	(X) Yes () No
Motor vehicle	(X) Yes () No	() Yes (X) No
Movable property	(X) Yes () No	() Yes (X) No
Immovable property	(X) Yes () No	(X) Yes () No
Bank account	(X) Yes () No	(X) Yes () No
Other enforcement proceedings underway	(X) Yes () No	(X) Yes () No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	(X) Yes () No	(X) Yes () No
Other	() Yes () No	() Yes () No

Comments - If "other", please specify:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of movable tangible properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure of immovable properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP

Preventive seizure of immovable properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Enforced sale by public tender of seized properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Sale of shares	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Other	() Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [X] NAP

Comments

171-3. Apart from the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immoveable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

8.1.3 Training and ICT

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain:

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments The public enforcement agent is entitled to fees, according to the Tariff.
The Tariff is prescribed by the Minister.

H0. Please indicate the sources for answering the questions in this part

Source: The Law on Enforcement and Security Interest, Public enforcement tariff, The Rule Book on Professional Development of Public Enforcement Agents

8.1.5 Organisation of profession and efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments professional body (Chamber of Public Enforcement Officers)

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please

indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- unethical behaviour of enforcement agent
- other (please specify):

Comments

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):
- NA

Comments There is no law-prescribed timeframe to serve and/or notify the decision to the parties who live in the city where the court sits. The documents are being served to the parties without delay.

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. For professional inadequacy	9 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	6 [] NA [] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	11 [] NA [] NAP
1. Reprimand	4 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	2 [] NA [] NAP
4. Fine	5 [] NA [] NAP
5. Other	[X] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering the questions in this part

Source: Ministry of justice

8.2. Execution of decisions in criminal matters

8.2.1 Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple replies possible)

[X] Judge

[X] Public prosecutor

[X] Prison and Probation Services

[X] Enforcement agent

[X] Other authority (please specify): The police enforce the penalty of seizure of driving license and safety measures of ban on driving a motor vehicle and expulsion of foreigners from the country; - The measure of compulsory psychiatric treatment without confiscation shall be executed in a health care institution designated by the court that imposed the measure; - When performing a profession, activity or duty is tied with approval of competent authority, the security measure of prohibition of performing a profession, activity or duty shall be enforced by the competent inspection; - The security measure of publication of the judgment is implemented by the media determined by the court of first instance; - Safeguard measures imposed for misdemeanour offenses and economic offenses are enforced in the manner provided for security measures imposed for a criminal offense; - The guardianship/custodial authority is authorised to carry out the corrective measures, except of prison sentences; - Educational measures of referral to an educational institution and referral to a special institution for treatment and training are carried out in the appropriate institutions.

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). The Directorate for the Enforcement of Penal Sanctions organises, implements and monitors the enforcement of a prison sentence, juvenile imprisonment, community service sanctions, probation with protective supervision, security measures of compulsory psychiatric treatment and confinement in a medical institution, compulsory treatment of drug addicts and mandatory treatment of alcoholics and educational measures of committal to a correctional home and supervises individuals on probation if the court decision orders the convict to fulfill an obligation.

The Directorate for the Enforcement of Penal Sanctions continuously implements the measures and activities prescribed by the Strategy for the Development of the System of Enforcement of Penal Sanctions by 2020 ("Official Gazette of the RS" No. 114/2013) and the Strategy for Reducing Overcrowding in Penitential Facilities in the Republic of Serbia by 2020 ("Official Gazette of the RS" No. 43/2017).

In accordance with the Strategy for Reducing Overcrowding in Penitential Facilities in the Republic of Serbia by 2020 and the Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Penal Enforcement Administration works to improve accommodation conditions and build capacities in prisons. The most important investment is the completion of the construction of a new prison in Pancevo for the accommodation of 555 persons deprived of freedom, which began working in October 2018. The Penal and Correctional Institution in Pancevo was built in accordance with the international standards in terms of accommodation for convicted persons, sports facilities, workshops, rooms for the accommodation of persons with disabilities; healthcare stations, hospital rooms and dental office fully equipped. The Institute is equipped with state-of-the-art security protection systems.

In addition to building new accommodation facilities, the problem of overcrowding has also been addressed by the imposition of alternative sanctions. The number of the imposed alternative sanctions and measures increased in year 2018 compared to the previous period. In 2018, the Administration had 5000 decisions on pronounced alternative measures and sanctions, submitted for execution. The system of enforcement of alternative sanctions is constantly being improved, so that the enforcement of alternative sanctions currently covers 16.9% of the total number of criminal sanctions, which are within the competence of the Administration. The amendments to the Law on Execution of Criminal Sanctions from May 2019 provide for the possibility that even after the verdict becomes final, imprisonment of up to 1 year can be replaced by a sentence of house imprisonment, will further reduce the number of short-term imprisonments.

Based on the measures prescribed by the Strategy and the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in the field of treatment and extension of treatment programs and activities for convicts, as well as the improvement of employee training, within the EU twinning project "Strengthening the Capacities of the Prison System in the RS" manuals were developed for the implementation of new treatment programs and education of trainers – employees in the service for the treatment and application of specialized treatment programs for prisoners and vulnerable groups of prisoners, all with the purpose of their successful reintegration.

Also, within the project of the Council of Europe, funded by the EU "Horizontal Facility for the Western Balkans and Turkey", under the section "Strengthening the protection of human rights of persons deprived of their freedom", general and specialized programs for offenders have been drawn up. Within the framework of this project, a preparation program for the release of convicted persons sentenced to imprisonment of more than 5 years was developed, with the involvement of representatives of the prisons, probation officers, the National Employment Service and non-governmental organizations.

Within the framework of this project, representatives of the Directorate for Enforcement of Criminal Sanctions also participated in the drafting of the Mental Health Strategy of the Ministry of Health, with the aim of establishing priorities for improving the protection of persons with mental disorders in prisons. The Special Prison Hospital participated in the experts' seminars of the Council of Europe

dedicated to developing models of individualized treatment plans for psychiatric patients, with the representatives of all specialist psychiatric hospitals, and organized the education of hospital staff (physicians, sociologists, pedagogues and nurses). With the support of the OSCE Mission to Serbia, a Network of NGOs has been established to deal with the post-penitentiary reception of prisoners and the provision of assistance and support after their release from prison. Trust offices (probation services) in the process of admitting persons after serving a sentence of imprisonment through the provision of assistance and support, will develop cooperation with the aforementioned institutions and organizations.

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	198 <input type="checkbox"/> NA <input type="checkbox"/> NAP	84 <input type="checkbox"/> NA <input type="checkbox"/> NAP	114 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Private professionals (without control from public authorities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Holders of public offices appointed by the State	198 <input type="checkbox"/> NA <input type="checkbox"/> NAP	84 <input type="checkbox"/> NA <input type="checkbox"/> NAP	114 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Civil servants (paid by the State)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other”, please specify the status, or if “holder of a public office appointed by the State”, please indicate which ministry is mainly engaged in the appointment procedure: The Chamber of Notaries submits the applications to the Ministry of Justice, and the notary is appointed by the Minister of Justice.

192-1. What are the access conditions to the profession of notary (multiple replies possible):

diploma

- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):

Comments The fee in the amount of 1.000,00 EUR has been established for the purpose of the registration into the Register of notaries.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:67
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
Authentication	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. Legality control of the document- NotaryThe notary is obliged to explain to the parties the meaning of the legal transaction, to point out its consequences and to examine whether the legal transaction is allowed, ie that it is not in conflict with regulations, public order and good customs.

If he/she determines that the conditions referred to in this Article are not met, the notary shall refuse solemnization of the document.(Article 93 of Law on Public Notary)

Public Notary acts as court commissioner in a successions file (80% of all succession cases are distributed to notaries by courts)

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments Agreement on legal support, in accordance with the law, is made in the form of a notarial deed (exclusively) - Article 82 of Law on Public Notary; The marriage contract is concluded in the form of a notarized (solemnized) document. During the confirmation (solemnization) of the contract, the notary public is obliged to warn the contractors in particular that it excludes the legal regime of joint property, which is noted in the confirmation clause. The agreement on the division of the joint property of the spouses is concluded in the form of a notarial (solemnized) deed.

A statement of acknowledgment of paternity may be given in front of notary (not exclusively).

The form of a notarial deed may have:

- 1) record of the founding shareholders' meeting and other meeting of the joint stock company that has more than 100 shareholders, if it is provided by the founding act;
- 2) record from the session of another body of the joint stock company, when that body, in accordance with the law governing companies and the general act of that company, decides on issues within the competence of the general meeting.

The founding act of a company may stipulate that the form of a notarial deed must have the record of the meeting and other bodies of the company, or the records of the meeting of the bodies of another type of company.

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)in comments
- None

Comments -Register of real estate contracts made in the form of a notarial act and real estate contracts concluded in the form of solemnized document is run by the basic court for real estate located in its territory.

-Register of accounts for natural persons run by National Bank of Serbia

- Register of address

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Business registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Civil status/ Population registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Succession / Family law registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Any other registry (please specify)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - Central and Self-government Tax Register

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify
- None

Comments

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

- Yes
- No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: - Usage of electronic digital signature - Application for electronical communication with State Geodetic Authority - Judicial Informational System (data exchange portal)

I1. Please indicate the sources for answering the questions in this part

Sources: Chamber of Notaries
Ministry of Justice - ICT Unit

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1 Status of court interpreters

197. Is the title of court interpreters protected?

- Yes
- No



Comments Bylaw on Court Interpreters ('Official Gazette of the RS', no.: 35/2010, 80/2016 and 7/2017) proscribes rules on selection and work of court interpreters and translators. Based on the bylaws, appointed court interpreters and translators have the right to call themselves by this name and to make a court interpreter/translator seal, a sample of which they deposit with the court president, and with which they certify written translations and interpretations. Please see:

<https://www.mpravde.gov.rs/files/%D0%BF%D1%80%D0%B0%D0%B2%D0%B8%D0%BB%D0%BD%D0%B8%D0%BA%20%D0%BE%20%D1%81%D1%82%D0%B0%D0%BB%D0%BD%D0%B8%D0%BC%20%20%D1%81%D1%83%D0%B4%D1%81%D0%BA%D0%B8%D0%BC%20%D1%82%D1%83%D0%BC%D0%B0%D1%87%D0%B8%D0%BC%D0%B0.pdf>

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments The Law on Organisation of Courts ('Official Gazette of the RS', no.: 116/2008, 104/2009, 101/2010, 31/2011 – other law, 78/2011 – other law, 101/2011, 101/2013, 106/2015, 40/2015 – other law, 13/2016, 108/2016 and 113/2017), Bylaw on Court Interpreters ('Official Gazette of the RS', no.: 35/2010, 80/2016 and 7/2017) and Rulebook on Remuneration for Expenses in Judicial Proceedings ('Official Gazette of RS No. 9 of 5 February 2016 and no. 62 of 13 July 2016) regulate the function of court interpreters. Criminal Procedure Code likewise proscribes relevant provisions (ex. regarding professional secrecy) as well as the Law on Notarial System, which regulates the role of court translators and interpreters within notarial procedure.

199. Number of registered court interpreters:

[934]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): The provisions of Civil Procedure Law and Criminal Procedure Law regarding experts shall apply accordingly to translators and interpreters.

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters Ministry of Justice

Comments

J1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice Department for Judicial Professions; Registry of Ministry of Justice; Registry of the Secretariat of AP Vojvodina.

11. Judicial experts

11.1. Profession of judicial expert

11.1.1 Status of judicial experts

202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case.

202-1. Are there lists or any other form of official registration for judicial experts?

Yes

No

Comments

202-1-1. If yes, at which level is the list established (multiple replies possible):

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

202-1-2. Are these lists publicly available?

Yes, available on the internet

Yes

No

Comments

202-2. Which authority is competent for the registration of judicial experts?

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria:

202-3. Is the registration of judicial experts limited in time?

Yes, for how long

No

Comments

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases: If there is no court expert for a certain field of expertise entered in the register, according to procedural laws of RS, the expertise may be performed by a person of the appropriate profession to be determined by the court. The person appointed by the court is obliged to state that he will give expertise according to the rules of the profession and to the best of his knowledge and objectively.

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: The Law on Judicial Experts specifies the appearance of the judicial experts' seal as well as the need for depositing of his/her signature with the Ministry of Justice. No one other than appointed judicial experts may use such a seal and claim the title "sudski veštak" beside their name. Several criminal offences are prescribed by the Law on Judicial Experts which are a consequence of such protection. For example, 1) extortion of testimony (Article 136 CC) provides that an official who uses force or threat or other illicit means or inadmissible means in the course of his service in order to make a statement or other statement from a judicial witness shall be punished by imprisonment; 2) Giving false testimony (Article 335): a judicial expert who gives false testimony before a court, in disciplinary, misdemeanor or administrative proceedings or in other legally prescribed procedure, shall be punished by imprisonment; 3) Preventing and obstructing proof (Article 336) incriminates making or promising a gift or other benefit to a judicial expert or other participant in the proceedings before a court or other governmental authority.

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

judicial proceedings

the profession of expert

other

Comments

204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments - If yes, please specify: Civil Procedure Law: An expert witness may be excluded or removed for the same reasons as a judge or lay judge, and a person who has previously been heard as a witness may be appointed as an expert witness.

The party is obliged to submit a request for the disqualification of the expert when he learns that there is a reason for the disqualification, and at the latest before the beginning of the presentation of evidence by the expert.

In the request for disqualification of an expert, the party is obliged to state the circumstances on which it bases its request for disqualification.

The court decides on the request for exclusion and exclusion of the expert. The requested court shall decide on the exemption if it conducts the presentation of evidence by expert examination.

No appeal is allowed against the decision approving the request for the disqualification of the expert, and no special appeal is allowed against the decision rejecting the request.

If the party found out about the reason for exclusion or exclusion of the expert after the expertise and objects to the expertise for that reason, the court will act as if the request for exclusion or exclusion was submitted before the expert opinion.

Criminal Procedure Law: and an expert cannot be appointed a person who has been excluded (Article 93) or released (Article 94) from the duty to testify, and if he has been appointed an expert, a court decision cannot be based on his expertise and opinion.

The reason for exemption from the duty of expertise (Article 37, paragraph 1) also exists in respect of a person who is employed by the injured party or defendant or is, together with them or some of them, employed by another employer.

As a rule, the person examined as a witness will not be appointed as an expert witness.

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	5 859 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There are 91 legal entities that are registered to perform an expert examination.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by the court/judge	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Freely agreed between expert and the parties	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If other, please specify: The amount and manner of compensation of costs and remuneration is determined in accordance with the regulation governing the reimbursement of costs in legal proceedings – a Ministry of Justice bylaw, Rulebook on Remuneration for Expenses in Judicial Proceedings ("Official Gazette of RS No. 9 of 5 February 2016 and no. 62 of 13 July 2016), which can be found at the following link: <https://www.mpravde.gov.rs/tekst/18081/pravilnik-o-naknadi-troskova-u-sudskim-postupcima-.php>.

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	(X)	()
Quality of expertise	(X)	()
Other	()	(X)

[] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions: The court determines the expertise by a special decision which contains: the subject of the dispute, the subject of the expertise, the deadline for submitting expertise in writing, the personal name or the name of the person entrusted with the expertise and data from the expert register.

The deadline for submitting expertise to the court cannot be longer than 60 days.

207-1. Does the judge or another body control the progress of the expertise?

(X) Yes

() No

If yes, please specify: The court will impose a fine of between 10,000 and 150,000 RSD on an expert who is a physical person, or from 30,000 to 1,000,000 RSD on a legal entity that performs an expert examination, if the expert does not come to the hearing, although

she/he is duly called and the absence is not justified or if they fail to submit their findings and opinions within the deadline. The court may impose a fine of between 10,000 and 150,000 RSD (expert physical person), or from 30,000 to 1,000,000 RSD (legal entity that performs the expert examination) if the expert refuses to perform an expert report without justified reasons. A responsible person in the legal entity conducting the expert examination in the aforementioned cases may also be fined from 10,000 to 150,000 RSD. If an expert delivers an opinion and it is vague, incomplete or contradicted, the court will order the expert to supplement or correct the findings and opinions and determine the deadline for remedying the deficiencies, or ask the expert to make a statement at the hearing. If the expert does not submit his/her findings and opinion within a specified time limit, the court may, at the request of the party, order the appointment of another expert, after the expiration of the deadline that the parties have decided to declare. In the preceding two cases, the court expert will impose a fine in the amount mentioned above and will notify the Ministry of justice in order to initiate the procedure for the removal of experts from the register of court experts.

207-2. Are judicial experts' associations involved in:

- Selection processes
- Initial or continuous training
- Disciplinary procedures
- NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice Department for Judicial Professions. The Register of Judicial Experts is available on the website of the Ministry of Justice, <http://www.mpravde.gov.rs/tekst/740/sudski-vestaci.php>. A register of legal entities is also kept by the Ministry of Justice and publicly available on the website of the Ministry: <http://www.mpravde.gov.rs/registar.php?id=3998>.

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The Government of Serbia has adopted the National Strategy for the Development of Justice for the period 2020-2025. and the revised Action Plan for Chapter 23 in July 2020.

208-2. Budget

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-4. Access to justice and legal aid

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Provision of legal aid is partially available in civil administrative and criminal proceedings. Implementation of the Law on Free Legal Aid in 2019 has significantly increased access to justice for all citizens. Moreover, the Law enables civil society organisations to continue providing free legal aid and support to vulnerable groups. The Law on Personal Data Protection also allows CSOs to provide free legal aid in the field of personal data protection.

In addition, Action Plan for Chapter 23 stipulates that Criminal Procedure Code will be amended to align with the new EU acquis on procedural safeguards, including:

- Directive 2013/48/EU of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty
- Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings,
- Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings,
- Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, •Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

The National Strategy for Victim Support has been drafted with the support of IPA2016, envisaging also a number of changes aimed at improved victim protection. Adoption is expected in beginning of 2020. Moreover, the implementation of the Law on Free Legal Aid started, thus enabling improved protection of procedural rights of accused or suspected persons (cases which do not fall under mandatory

defence prescribed by the CPC). Hence, the free legal aid law now enables better access to a lawyer for individuals who cannot cover the costs of defence due to financial status.

Finally, the Revised APCH23 prescribes alignment of the Civil Procedure Code and Criminal Procedure Code with the provisions of the Law on Free Legal Aid, to include this option in the relevant provisions.

208-5. High Judicial Council

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Due to the Constitutional Amendments, it is planned until February 2023 the amendments of the Law on High Judicial Council to be adopted in order to align with the mentioned amendments.

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Due to the Constitutional Amendments, it is planned until February 2023 the amendments of the Law on State Prosecutorial Council to be adopted in order to align with the mentioned amendments.

Furthermore, in accordance with the Revised Plan for the Chapter 23, it is planned the Amendments of the Law on Notaries to be adopted by the end of 2022. Finally, trainings for judges and prosecutors will be organized in accordance with the annual program adopted by the Judicial Academy.

208-7. Gender balance

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: The amendments of the Civil Procedure Code and Criminal Procedure Code as well as Criminal Code

are planned to be adopted by the end of 2022.

In accordance with Revised Action Plan for Chapter 23, the reform of the Administrative court will be conducted by the end of 2023.

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: In accordance with Revised Action Plan for the Chapter 23, the Law on Mediation and the Strategy for Mediation are planned to be adopted by the end of 2022.

208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The amendments of the Criminal Procedure Code as well as Criminal Code are planned to be adopted by the end of 2022.

208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The Strategy for Prisons will be adopted during 2022.

208-13. Child friendly justice

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In accordance with Revised Action Plan for the Chapter 23, the amendments of the Law on Juvenilles will be adopted during 2022.

208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The amendments of the Criminal Procedure Code as well as Criminal Code are planned to be adopted by the end of 2022.

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: