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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans “DASHBOARD Western Balkans”

Data collection: 2023

Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - Serbia

Executive Summary - Serbia in 2023

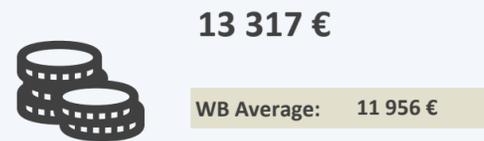
Population in 2023



GDP per capita in 2023



Average annual salary in 2023



Judicial organisation

Serbia specific has a **specific judicial organisation**. The system includes basic courts (1st instance), higher courts (1st and 2nd instance), appellate courts (2nd instance), and the Supreme Court of Cassation, along with specialized courts. There are 159 courts in the Republic of Serbia, of which 66 are basic courts, 25 higher courts, 16 commercial courts, 44 misdemeanor courts and the Administrative Court. Appeals are handled by 4 appellate courts, the Commercial Appellate Court and the Misdemeanor Appellate Court and, in the cases provided for by the Law, the higher courts.

Budget

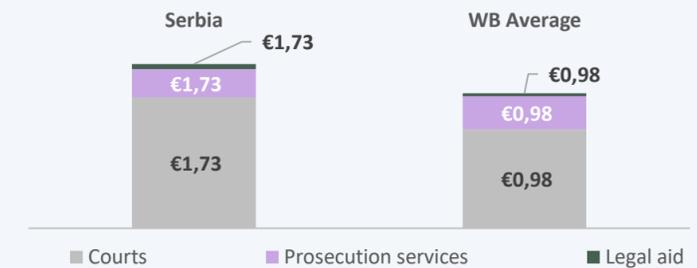
In 2023, Serbia spent € 365 350 840 as implemented Judicial System Budget (JSB). Thus, it spent **€ 55,0 per inhabitant, which was higher than the Western Balkans (WB) average** of € 45,2. Compared to 2022, the JS budget increased by 14,4%.

Legal aid

In 2023, Serbia for the first year successfully accounted for the entire legal aid budget by incorporating mandatory representation in courts. **In 2023, Serbia's legal aid budget was €11,512,176, which translates to €1.73 per inhabitant. This figure is significantly higher than the Western Balkans (WB) average of €0.98 per inhabitant.** However, it should be noted that the counting of cases does not include those with mandatory representation in courts. The Law on Free Legal Aid distinguishes between free legal aid and free legal support. Free legal aid corresponds to "cases brought to court" while free legal support corresponds to "cases not brought to court". **In 2023, the number of recipients legal aid was granted was 6 321. This means that there were 0,1 recipients per 100 inhabitants which was below the WB Median.** The data are partial, since in this question, only the number of decisions of granting legal aid by municipalities are counted.

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2023



Implemented Judicial System Budget as % of GDP in 2023



Efficiency**

Since 2018, the Disposition Time (DT) had increased for the first instance civil and commercial litigious cases, reaching its peak in 2020. According to the authorities, this was caused by the high number of incoming cases, particularly related to the costs of bank loans, which courts could not handle efficiently. On 16th September 2021, the Supreme Court of Cassation delivered a supplement to a legal position that resolved the key legal question raised in these cases which gave a direction to lower instance courts on how to proceed. Since then, this group of cases have gradually decreased (-63% of civil/commercial incoming cases compared to 2021). **As a result, the first instance courts dealing with civil and commercial litigious cases managed to raise their CR to 178% in 2022 and 140% in 2023 and lower their DT to 278 days, which is the lowest in the region (WB Average is 424).** On the contrary, the DT for the first instance administrative cases surged from 677 days in 2019 to 2 095 in 2023, which is the highest in the region. This was due to a constant increase of the number of incoming cases while the resolved cases remained stable. As a consequence, the **2023 CR** for this type of cases was **the lowest** calculated for all matters in the first and second instance courts (35%).

It is also worth noticing that, although Serbia had one of the highest number of incoming **criminal cases** (sum of severe and misdemeanour) per 100 inhabitants in the region in the past data collection cycles (mostly due to the high number of "other criminal cases"), its courts were able to deal with these cases, by keeping their **CR stable** at or above 100% and their **DT consistently below the WB average**. In particular, the DT was actually reduced for the first instance criminal cases from 232 days in 2019 to 219 days in 2023).

In Serbia, there are quantitative and qualitative standards both for judges and prosecutors. Also, courts and public prosecution services' performances are regularly monitored, and their evaluation is then used to identify the causes of improved or deteriorated performance (only for courts), reallocating resources and reengineering internal procedures to increase efficiency.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.

Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

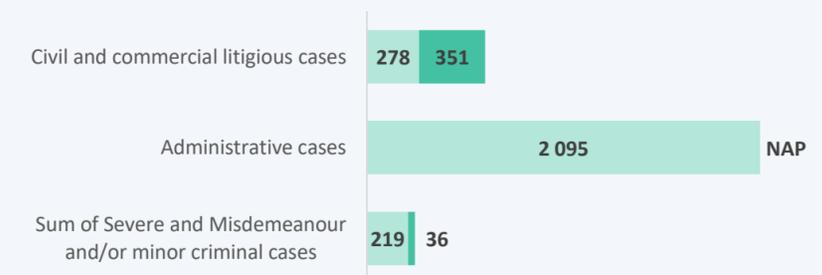
Efficiency

1st instance 2nd instance

Clearance rate in 2023 (%)



Disposition time in 2023 (days)



ICT Deployment indices (scale 0-10)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



■ Serbia's score out of 10

ADR

In general, ADR and mediation are not well developed in the Western Balkans region. In Serbia, court-related mediation procedures are available and legal aid can be granted. The judicial system does not provide for mandatory mediation with a mediator before or instead of going to court or mandatory informative sessions with a mediator. However, the **court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation**, which can also be done by referring them to the mediator. In the early phase of the proceeding, the court shall direct the parties to mediation or to an informative hearing for mediation or to instruct the parties of the option of pre-trial settlement of a dispute by mediation or through another amicable manner. In 2023, there were 4 875 cases for which parties agreed to start mediation. Mediation was most used for Consumer cases and Civil and commercial cases (parties agreed to start mediation in 1 753 and 1 054 cases, respectively). Finally, **the number of mediators in Serbia was remarkably above the WB average (24,3 vs 17,8 mediators per 100 000 inhabitants), and it increased by 39,4% compared to 2019.**

ICT Tools

In Serbia, three case management systems (CMS) manage judicial proceedings: AVP, used in basic, higher, and commercial courts; SAPS, utilized by appellate courts, the Administrative Court, and the Supreme Court; and SIPRES, employed in misdemeanor courts. A strategic plan aims to roll out SUPER SAPS by 2025 to replace AVP. Statistical tools are integrated into all courts (95-100%), featuring business intelligence software for real-time data access and performance monitoring. The highest overall score among the three ICT indexes is for the Statistical Tools index (4.4), with administrative matters scoring the highest (6.8). The lowest score is for the Courts Decisions Database index (2.1), with all matters scoring poorly, particularly civil cases (1.8).

Training

In 2023, Serbia spent in total **4 945 104 € for training for judges and prosecutors**, of which 164 174 € are coming from donors. This represents 0,79 € per inhabitant, which is 28,6% higher than the previous year but still less than the WB average of 0,61 €.

In Serbia, there is not a minimum number of trainings per year, but, on average, judges attend 0,6 trainings per year and prosecutors 1,3. No sanction is foreseen if judges and prosecutors do not attend the compulsory training sessions but, if a specialisation course is compulsory, those judges and prosecutors who do not receive certificate on that specialisation will not be able to take cases on the relevant subject, e.g. juvenile law cases.

As regards in-service training dedicated to prevention of corruption and conflict of interests, they are not compulsory, but, according to the authorities, Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organised by Judicial Academy.

The average number of participants per delivered training is the lowest in the region (13,9 participants per training vs the WB Average of 22,1) because many trainings are organised “ad-hoc” for few participants whenever it is necessary.

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2023



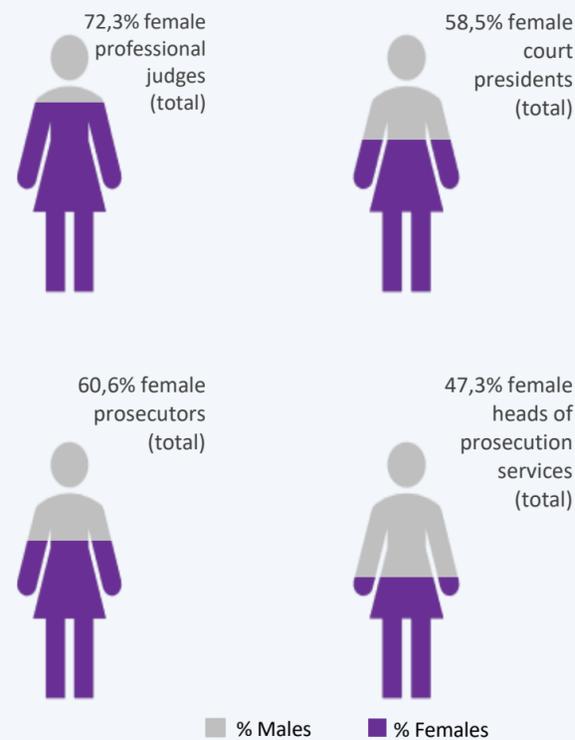
Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Kosovo* is not included in the calculation of summary statistics

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Gender Balance



ECHR

In 2023, the applications allocated to a judicial formation of the European Court on Human Rights for Serbia were 1 522 (54% less than the previous year). The judgements by the ECHR finding at least one violation for Serbia were 9 (while they were 10 in 2022). These judgements concerned the non-enforcement of judicial decisions and violation of the right to a fair trial.

Professionals and gender

Western Balkans' countries traditionally have a very high number of professionals per 100 000 inhabitants. Serbia confirmed this tendency in 2023, especially in the first instance: 39,7 professional judges and 10,2 prosecutors per 100 000 inhabitants, which were above the WB averages of 28,4 and 11,1, respectively.

Between 2019 and 2023, the number of professional judges increased by 2,3%, while the total number of public prosecutors increased by 9,3%. In the meantime, the number of non-prosecutor staff instead increased. Thus, the ratio of non-prosecutor staff per prosecutor steadily rose from 1,4 in 2019 to 2,2 in 2023. The ratio of non-judge staff per professional judge was also below the 2023 WB average (3,4 vs 4,1), yet it remained rather stable over the period 2019 - 2023.

Regarding the gender balance, the percentages of female judges, prosecutors and staff were above the WB averages in 2023 for all categories, including court presidents and heads of prosecution services. The prevalence of Serbian female professionals was particularly remarkable for the total professional judges (72,3% vs the WB average of 63,3%). Over the period 2019 - 2023, the percentage of female professionals rose for most categories of professionals. The highest increase was noticed for the percentage of female prosecutors (+4,2 percentage points).

In Serbia, the average salary for judges at the beginning of their careers increased by 33,8% between 2019 and 2023. Compared to the national average salary, judges and prosecutors received a lower salary in 2023 than the WB average both at the beginning and at the end of their careers. The only exception was the salary of judges at the end of the career, which was higher than the WB average (4,1 times the average gross annual salary vs 3,5).

Judicial organisation in Serbia in 2023 (Indicator 2.0)

Serbia specific has a specific judicial organisation. The system includes basic courts (1st instance), higher courts (1st and 2nd instance), appellate courts (2nd instance), and the Supreme Court of Cassation, along with specialized courts. There are 159 courts in the Republic of Serbia, of which 66 are basic courts, 25 higher courts, 16 commercial courts, 44 misdemeanor courts and the Administrative Court. Appeals are handled by 4 appellate courts, the Commercial Appellate Court and the Misdemeanor Appellate Court and, in the cases provided for by the Law, the higher courts.

• Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		159	2,4	2,3
General jurisdiction	Total General jurisdiction courts (1)	131	2,0	2,0
	1st instance	110	1,7	1,6
	2nd instance	30	0,5	0,4
	Highest instance	1	0,0	0,1
Specialised courts	Total Specialised courts (2)	18	0,3	0,2
	1st instance	17	0,3	0,2
	Higher instance	1	0,0	0,0



The Supreme Court is the highest court in the Republic of Serbia and it is the immediately superior court for the Commercial Court of Appeal, the Misdemeanour Court of Appeal, the Administrative Court and the Court of Appeal. The Court of Appeal is the immediate higher court for the High Court and the Basic Court. The Commercial Appellate Court is the immediately superior court for the Commercial Court, and the Misdemeanor Appellate Court is the immediately superior court for the Misdemeanor Court. The higher court is the immediately higher court for the basic court when it is determined by the Law on the Organization of Courts.

In addition to the Supreme Court, the Commercial Court of Appeal, the Misdemeanour Court of Appeal and the Administrative Court are courts of republican rank. The seats of those courts are in Belgrade, with the fact that the Criminal Court of Appeal and the Administrative Court also have departments in Kragujevac, Niš and Novi Sad.

There are a total of 159 courts in the Republic of Serbia, of which 66 are basic courts, 25 higher courts, 16 commercial courts, 44 misdemeanor courts and the Administrative Court. Appeals are handled by 4 appellate courts, the Commercial Appellate Court and the Misdemeanor Appellate Court and, in the cases provided for by the Law, the higher courts.

• Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	17	1
Commercial courts (excluded insolvency courts)	16	1
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	1	1
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	NAP

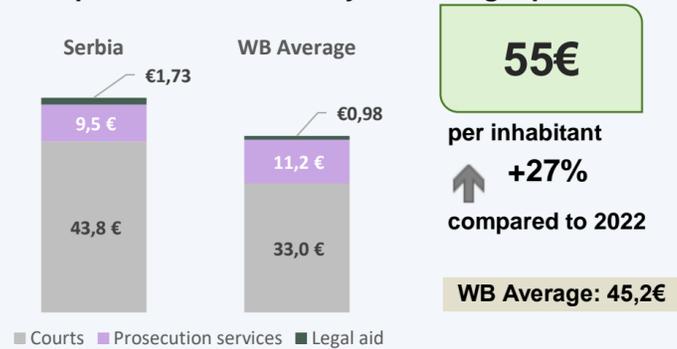
• Number of courts - geographic locations

Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number	159	2,4	2,1
1st instance courts	152	2,3	1,8

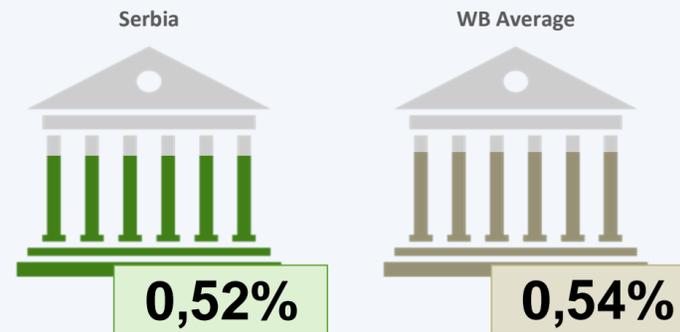
Kosovo is not included in the calculation of summary statistics

Budget of the judicial system in Serbia in 2023 (Indicator 1)

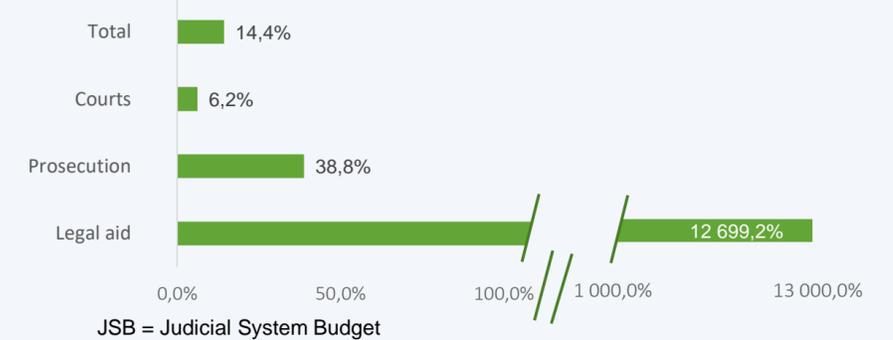
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2023, the implemented JSB for Serbia was 55€ per inhabitant (+27% compared to 2022). It was higher than the WB Average of 45,2€. The expenditure on JSB represented 0,52% of the GDP of Serbia (the WB Average was 0,54%).

Budget allocated to the judicial system (courts, prosecution services and legal aid)

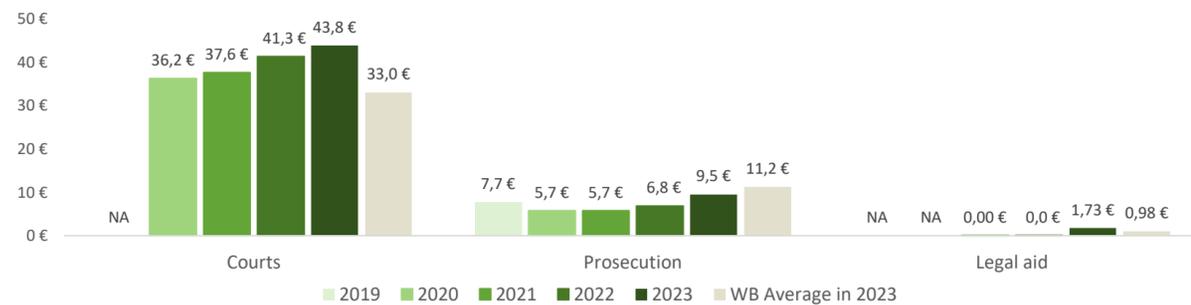
In 2023, Serbia spent 365 350 840€ on the implemented judicial system budget. This means that Serbia spent 55€ per inhabitant, which is more than the WB Average of 45,2€. 79,6% was spent for courts, 17,2% for prosecution services, 3,2% for legal aid.

Compared to 2022, Serbia has spent, per inhabitant, 16,6% more for courts, 65,3% more for prosecution services, and 371205,4% more for legal aid. This increase is explained by the fact that Serbia in 2023 managed to calculate the budget for mandatory defense and added it to the legal aid budget, following the CEPEJ methodology.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	WB Average in 2023	% Variation between 2019 - 2023	% Variation between 2022 - 2023	As % of GDP	WB Average in 2023	Variation (in ppt) 2019 -2023	Variation (in ppt) 2022 - 2023
Total	368 851 456 €	365 350 840 €	55,0 €	45,2 €	NA	14,4%	0,52%	0,54%	NA	-0,018
Courts	293 545 407 €	290 845 157 €	43,8 €	33,0 €	NA	6,2%	0,42%	0,39%	NA	-0,048
Prosecution	63 684 697 €	62 993 507 €	9,5 €	11,2 €	22,5%	38,8%	0,09%	0,13%	-0,03	0,013
Legal aid	11 621 352 €	11 512 176 €	1,7 €	1,0 €	NA	12 699,2%	0,017%	0,01%	NA	0,016

PPT = Percentage points

Evolution of the implemented judicial system budget per inhabitant between 2019 and 2023 (€)



In 2023, Serbia updated its methodology for calculating legal aid expenses. Previously, until 2022, only the costs associated with cases of granted free legal aid under the Law on Free Legal Aid were counted. This excluded the free legal aid provided under the Criminal Procedure Code.

Starting in 2023, following the CEPEJ methodology, these additional expenses have been included in the legal aid budget. This change accounts for the observed increase in the reported legal aid expenses.

Annual approved public budget for the High Judicial Council for mandatory defense 11 536 009 €, while implemented budget is 11 469 009 €.

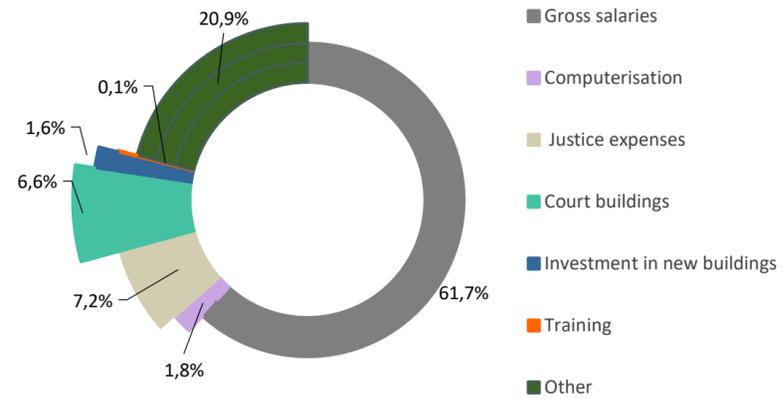
Budget allocated to the functioning of the courts - Categories

In 2023, Serbia spent 290 845 157€ on the implemented budget for courts. 61,7% was spent for gross salaries, 1,8% for computerisation, 7,2% for justice expenses, 6,6% for court buildings, 1,6% for investment in new buildings, 20,9% for other.

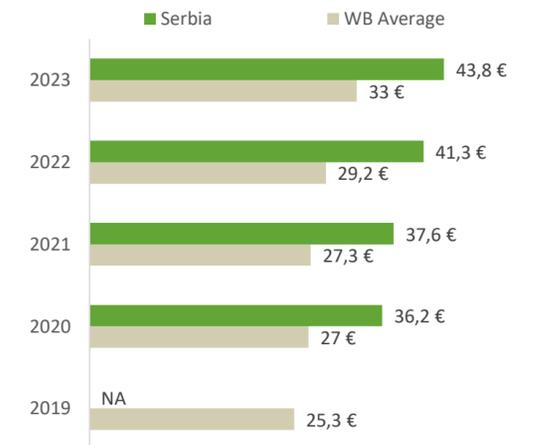
Between 2022 and 2023, the implemented budget for courts has increased by 3,7%.

	2023		% Variation between 2019 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	293 545 407 €	290 845 157 €	NA	NA	2,2%	3,7%
1. Gross salaries	182 346 353 €	179 509 957 €	30,0%	29,4%	6,0%	4,8%
2. Computerisation (2.1 + 2.2)	5 784 497 €	5 232 681 €	-21,0%	-14,7%	-25,3%	-5,8%
2.1 Investment in computerisation	1 903 943 €	1 694 093 €			-15,6%	1,1%
2.2 Maintenance of the IT equipment of courts	3 880 555 €	3 538 589 €			-29,2%	-8,7%
3. Justice expenses	21 215 808 €	21 042 356 €	NA	NA	NA	NA
4. Court buildings	19 759 464 €	19 320 960 €	2170,9%	2407,3%	NA	NA
5. Investment in new buildings	5 283 805 €	4 561 382 €	-63,7%	-66,4%	NA	NA
6. Training	363 912 €	333 321 €	NAP	NAP	NAP	NAP
7. Other	58 791 568 €	60 844 500 €	NA	NA	NA	NA

Distribution of the Implemented budget allocated to the courts in 2023 (%)



Implemented budget allocated to the courts per inhabitant between 2019 and 2023 (€)



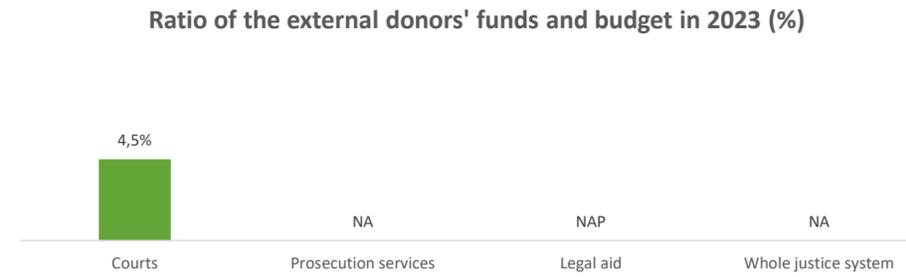
The budget system of RS provides for unified collection of court fees, which are all paid to one account. The collected court fees are a revenue of the Republic of Serbia, from which 40% is allocated to the High Judicial Council for current expenses of the courts, except for expenses for court staff and staff at the public prosecutor's office, and 20% is allocated to the Ministry of Justice to improve the financial situation of employees in the courts and the public prosecutors' offices who are court staff and the staff of the Public Prosecutor's Office, other expenditures as well as investments in accordance with the law. Therefore, the amounts which the High Judicial Council and the MoJ transfer to the courts for various items in Q6 also come from court fees. Addition to this it is important to emphasise that the notary public is obliged to pay the amount of 30% of the collected prize without VAT, to the account prescribed for the payment of public revenues, within 15 days from the day of collection.

The referred amount is distributed for the current expenses of the courts and the improvement of the material position of the employees in the courts, as well as other expenses and investments for the courts, in accordance with the law. "Other expenses" are: Seminars of judges, transportation, accommodation, solidarity aid, anniversary award, severance payments, new furniture, etc.

• **Budget received from external donors**

The percentages represent an estimate of the ratio between external donations and respective budget. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget.

	Absolute value	Calculated as %
Courts	13 078 394 €	4,5%
Prosecution services	NA	NA
Legal aid	NAP	NAP
Whole justice system	17 047 955 €	NA



The budget allocated for co-financing reconstruction of the Judicial Academy building was 3 969 561,44 €
 The budget allocated for co-financing the building for courts and prosecutors offices (criminal departments) in the city of Novi Sad was 13.078.394,00 €

Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in Serbia in 2023 (Indicators 2 and 12)

Professional Judges

39,7

per 100 000 inhabitants

↑ +2,3%

compared to 2019

WB Average: 28,4

72,3% female judges (total)



Prosecutors

10,2

per 100 000 inhabitants

↓ -9,3%

compared to 2019

WB Average: 11,1

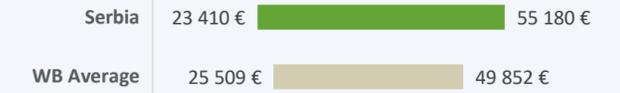
60,6% female prosecutors (total)



Salaries of judges and prosecutors

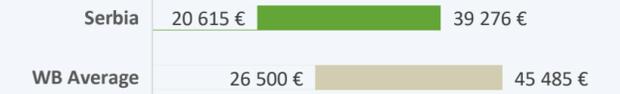
Professional judges

Gross annual salaries at the beginning and the end of the career in 2023 (€)



Prosecutors

Gross annual salaries at the beginning and the end of the career in 2023 (€)



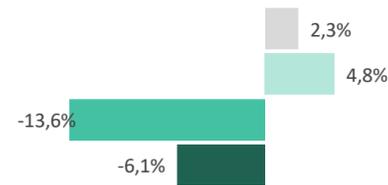
In 2023, Serbia had 39,7 professional judges per 100 000 (higher than the WB Average of 28,4); whereas prosecutors were 10,2 per 100 000 inhabitants, which is lower than the WB Average (11,1). More than half of professional judges and prosecutors were women (WB Average was 63,3% and 52,4%, respectively).

Professional Judges

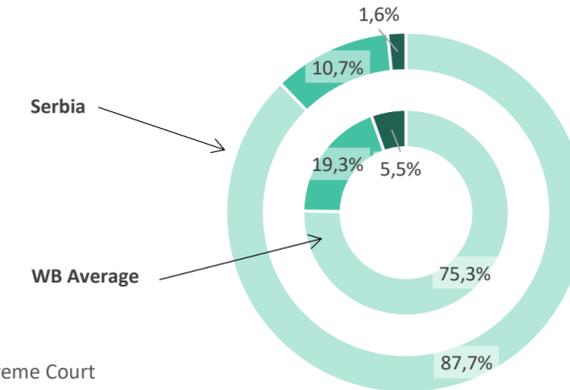
	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	2 636	100,0%	39,7	28,4
1st instance courts	2 312	87,7%	34,8	21,4
2nd instance courts	281	10,7%	4,2	5,5
Supreme Court	43	1,6%	0,6	1,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.

% Variation of no. of professional judges per 100 000 inh. 2019 - 2023



Distribution of professional judges by instance in 2023 (%)



In 2023, the absolute number of professional judges in Serbia was 2 636 (i.e. 39,7 per 100 000 inhabitants, which was higher than the WB Average of 28,4).

Compared to 2019, the total number of professional judges per 100 000 inhabitants increased by 2,3%.

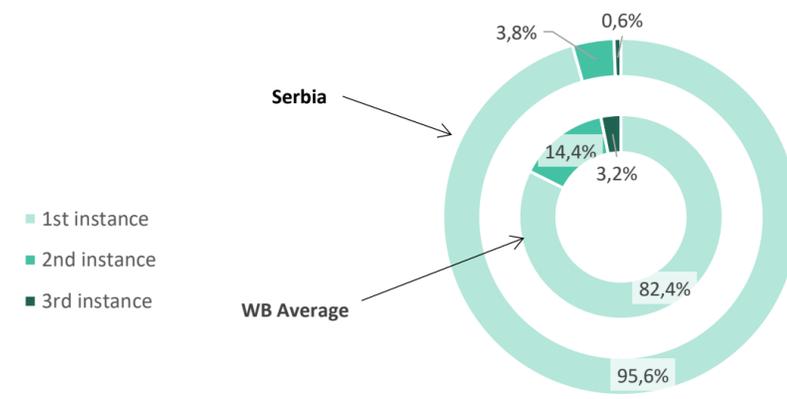
The figures show a difference of -12,4 percentage points between the percentage of judges in the first instance (87,71%) and the WB Average (75,3%)

• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	159	100,0%	2,4	2,2
1st instance courts	152	95,6%	2,3	1,8
2nd instance courts	6	3,8%	0,1	0,3
Supreme Court	1	0,6%	0,0	0,1

The absolute number of court presidents in Serbia in 2023 was 159 (i.e. 2,4 per 100 000 inhabitants, which was the WB Average of 2,2).

Distribution of court presidents by instance in 2023 (%)



• Non-judge staff

The absolute total number of non-judge staff in Serbia was 9 042, which increased by 3,7% between 2019 and 2023. The number of non-judge staff per 100 000 inhabitants was 136,2, which was above the WB Average of 112,9.

	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	9 042	100,0%	136,2	112,9
1st instance courts	8 100	90%	122,0	92,0
2nd instance courts	716	8%	10,8	15,8
Supreme Court	226	2%	3,4	5,1

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

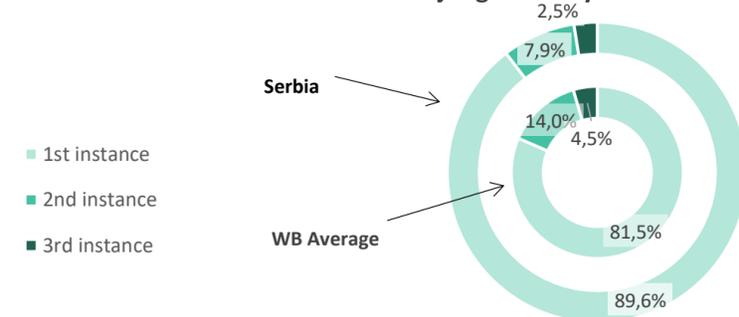
The Judiciary in Serbia is additionally supported by the temporarily hired staff: public prosecutors office in total 395 (male 88, female 307) and courts 1738 (male 387, female 1351).

The highest number of non-judge staff were assisting judges and represented 42,7% of the total.

Since 2019, there was no significant variation in the distribution of non-judge staff by category.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	9 042	100,0%	136,2	112,9
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	3 858	42,7%	58,1	50,3
In charge of administrative tasks	3 457	38,2%	52,1	40,4
Technical staff	1 703	18,8%	25,6	14,5
Other	21	0,2%	0,3	11,9

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2023



Judicial assistants are (included among personell assisting the judge) are non-judge staff whose task is to assist the judge such as drafting the decision, helping with hearings, preparing case file. Judicial/prosecutorial assistants are people who graduated at Faculty of Law and passed the Bar exam and are employed in court or public prosecutor's office.

Other staff are: translators, spokespersons, media coordinators, court interpreters, librarians, and those involved in international projects and European integration.

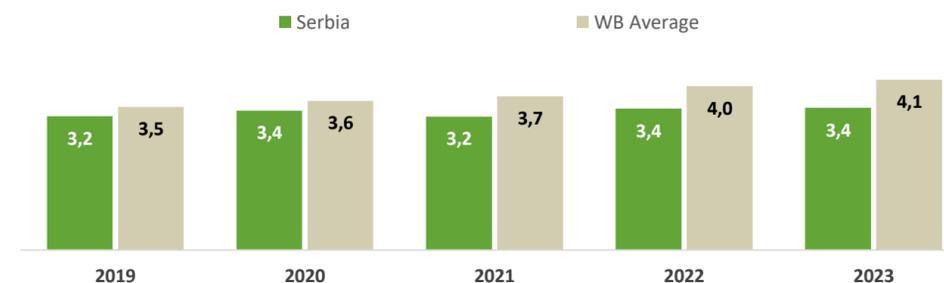
• Ratio between non-judge staff and professional judges

In Serbia, the ratio of non-judge staff per professional judge was 3,4 in 2023, whereas the WB Average was 4,1. This is almost stable since 2020.

	Ratio in 2023		% Variation between 2019 and 2023
	Serbia	WB Average	
Total	3,4	4,1	6,3%
1st instance courts	3,5	4,4	3,6%
2nd instance courts	2,5	3,2	23,8%
Supreme Court	5,3	4,2	30,0%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2019 and 2023



Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	678	100,0%	10,2	11,1
1st instance level	625	92,2%	9,4	8,8
2nd instance level	42	6,2%	0,6	1,8
Supreme Court level	11	1,6%	0,2	0,9

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

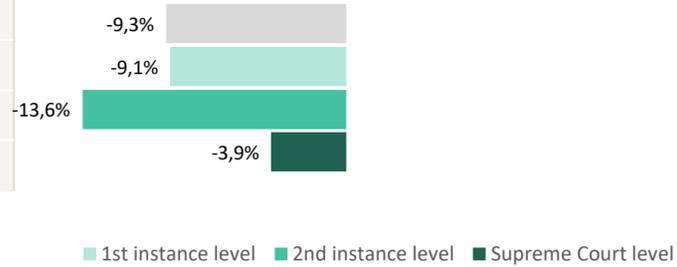
In 2023, the absolute number of prosecutors in Serbia was 678 (i.e. 10,2 per 100 000 inhabitants, which was lower than the WB Average of 11,1).

The total number of prosecutors per 100 000 inhabitants decreased by -9,3% between 2019 and 2023.

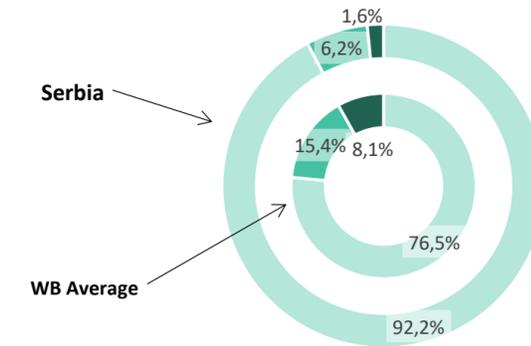
The figures show a difference of -15,7 percentage points between the percentage of prosecutors in the first instance (92,2%) and the WB Average (76,5%)

The data represents the total number of deputy public prosecutors working in the position of public prosecutor.

% Variation of no. of prosecutors per 100 000 inh. 2019 - 2023



Distribution of prosecutors by instance in 2023 (%)



Heads of prosecution services

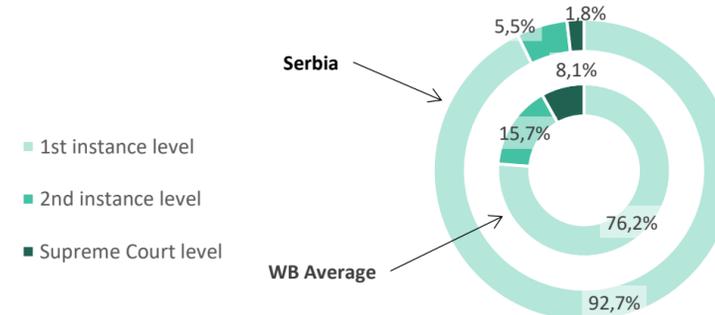
	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	55	100,0%	0,8	1,2
1st instance level	51	92,7%	0,8	0,9
2nd instance level	3	5,5%	0,0	0,2
Supreme Court level	1	1,8%	0,02	0,10

In 2023, the absolute number of heads of prosecution services in Serbia was 55 (i.e. 0,8 per 100 000 inhabitants, which was significantly lower than the WB Average of 1,2).

In question are chief prosecutors who are not acting in a temporary capacity, but in a mandate.

Out of 90 Public prosecution offices in Serbia, 55 have elected Chief public prosecutors (Heads of prosecution offices). The remaining 35 offices have ad interim Chief public prosecutors. Competitions for the selection of Chief prosecutors in those 35 Public Prosecutor's Offices are underway with the aim of filling all vacant positions.

Distribution of heads of prosecution services by instance in 2023 (%)



• **Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors**

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2019 - 2023
	Serbia	Serbia	WB Average	Serbia	WB Average	Serbia
Total	1 485	22,4	26,5	2,2	2,4	53,7%

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

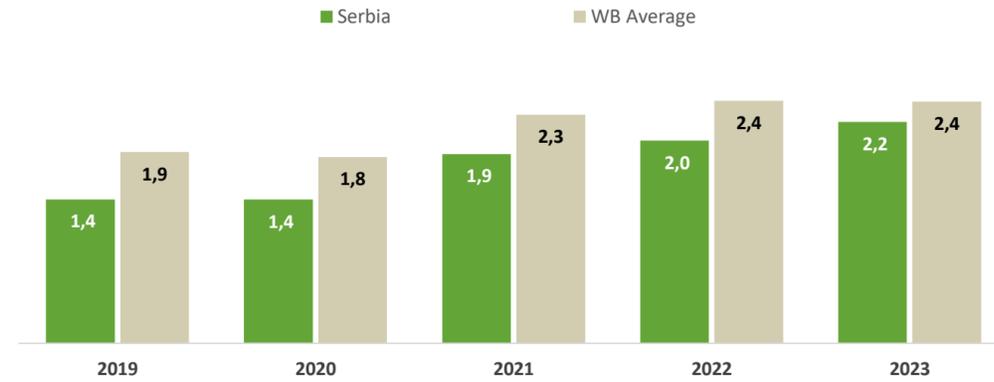
In 2023, the total number of non-prosecutor staff in Serbia was 1485. Their number increased by 32,9% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 22,4, which was below the WB Average of 26,5.

The ratio of non-prosecutor staff per prosecutor was 2,2 (lower than the WB Average of 2,4).

From the total number of out of 1 485, 735 are other employees whose task is to help public prosecutors - lawsuits. assistants, record-keepers, 599 employees in charge of various administrative tasks - registrars, personnel tasks, financial tasks, IT tasks, 142 technical staff, judicial guards, housekeepers, and finally 9 other/other tasks (spokesman, librarian, translator...)

Ratio between non-prosecutor staff and prosecutors between 2019 and 2023



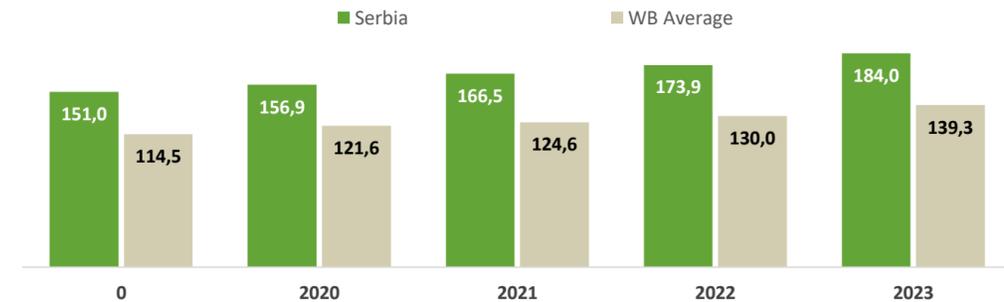
• **Lawyers**

	Number of lawyers in 2023			% Variation 2019 - 2023
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Serbia
Total	12 217	184,0	139,3	21,9%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 184 per 100 000 inhabitants, which was higher than the WB Average (139,3). The number of lawyers per 100 000 inhabitants increased by 21,9% between 2019 and 2023.

Number of lawyers per 100 000 inhabitants between 2019 and 2023



Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Serbia was 1,8, which was less than the WB Average (2,2).

At the end of career, judges were paid more than at the beginning of career by 135,7%, which was more than variation noted for the WB Average (92,7%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Serbia was 1,5, which was less than the WB Average (2,2).

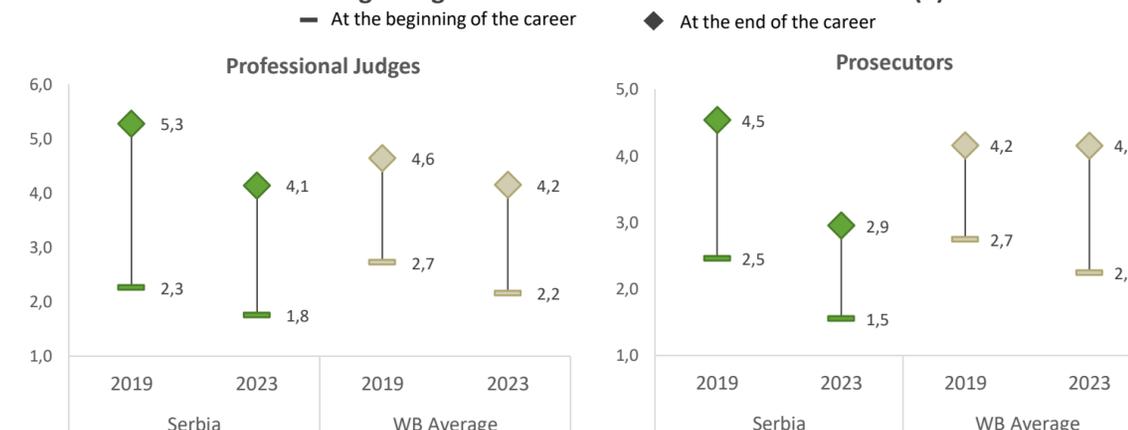
At the end of career, prosecutors were paid more than at the beginning of career by 90,5%, which was more than the variation noted for the WB Average (70,2%).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2023	Net annual salary in €	Serbia	WB Average ratio
Professional judge	At the beginning of his/her career	23 410	▲ 33,8%	14 480	1,8	1,9
	Of the Supreme Court or the Highest Appellate Court	55 180	▬ 0,0%	33 810	4,1	
Public prosecutor	At the beginning of his/her career	20 615	▲ 8,6%	14 460	1,5	2,2
	Of the Supreme Court or the Highest Appellate Court	39 276	▲ 12,0%	27 487	2,9	3,8

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2019 and 2023 (€)



For reference only: the 2022 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- professional judges' salary at the beginning of career: 1,9

- prosecutors' salary at the beginning of career: 1,7

- professional judges' salary at the end of career: 4,3

- prosecutors' salary at the end of career: 3,3

Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✓	✗	✗	✗
Prosecutors	✗	✓	✗	✓	

High ranking prosecutors 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.

Persons who perform duties and tasks in state bodies and special organizational units referred to in this law have the right to a salary that cannot be higher than twice the amount of salary that would be earned by persons employed in corresponding duties and tasks in the Public Prosecutor's Office for War Crimes, the High Court in Belgrade, the Court of Appeal in Belgrade, the Ministry responsible for internal affairs and the District Prison in Belgrade. Salaries of persons referred to in paragraph 1 of this article are regulated by the Government.

Judges assigned to the Special Department of the High Court for Organized Crime and the Special Department of the Court of Appeal for Organized Crime, as well as the Chief Public Prosecutor and the Public Prosecutor, have the right to seniority of insurance which is calculated with increased duration, and that is by 12 months spent at work in the special departments of those courts, that is, the Public Prosecutor's Office for organized crime counts as 16 months of insurance experience.

• Gender Balance

	% Female in 2023		Variation of the % females between 2019 - 2023 (in ppt)
	Serbia	WB Average	Serbia
Professional Judges	72,3%	63,3%	▲ 0,4
Court Presidents	58,5%	49,1%	▲ 9,4
Non-Judge Staff	72,6%	71,5%	▲ 1,2
Prosecutors	60,6%	52,4%	▲ 4,2
Heads of Prosecution Services	47,3%	39,7%	▲ 7,6
Non-Prosecutor Staff	76,2%	69,3%	▲ 6,9
Lawyers	40,0%	38,3%	▲ 1,7

PPT= Percentage points

For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

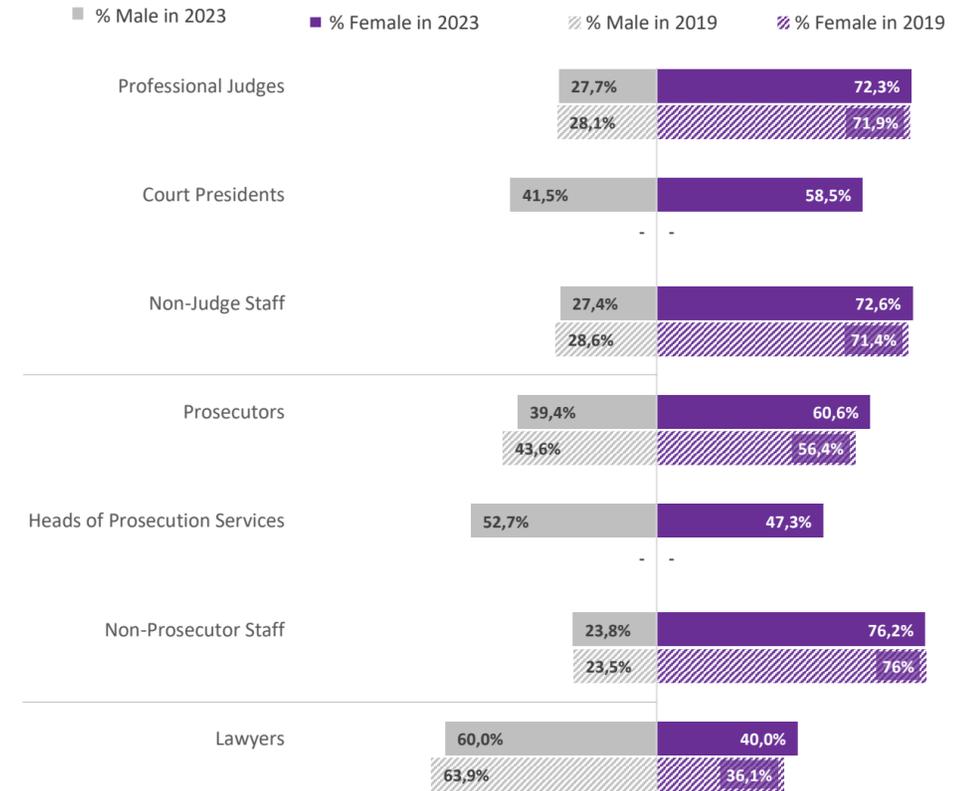
In 2023, the percentage of female professional judges was 72,3%, which was higher than WB Average (63,3%). With a presence of 58,5%, the number of female court presidents in Serbia was higher than the WB Average of 49,1%. Moreover, the percentage of female non-judge staff was 72,6%.

Also, the percentage of female prosecutors was 60,6% (higher than the WB Average of 52,4%).The number of female heads of prosecution services (47,3%) was higher than the WB Average (39,7%). Moreover, the percentage of female non-prosecutor staff was 76,2%.

Finally, the percentage of female lawyers was 40%, which was higher than WB Average (38,3%).

The heads of prosecution services and lawyers were the only categories with less than 50% of female presence.

Gender Balance in Serbia in 2019 and 2023



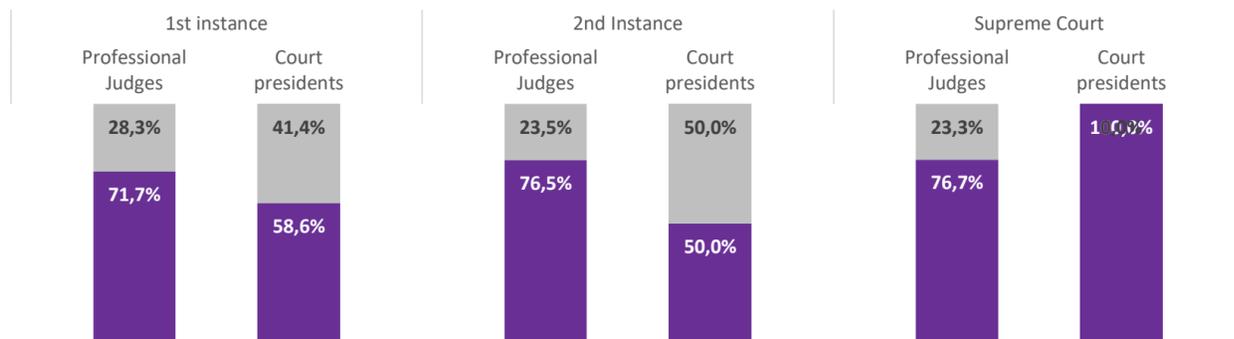
In Serbia, the majority of judges at all levels are female, and their percentage has increased since 2019. The 'glass ceiling' does not appear to be an issue in the judiciary, except in the positions of heads of prosecutors, where males remain the majority.

	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average
1st instance	71,7%	63,5%	58,6%	48,4%	61,1%	53,1%	47,1%	43,9%
2nd instance	76,5%	64,2%	50,0%	48,1%	52,4%	47,0%	33,3%	25,0%
Supreme Court	76,7%	61,3%	100,0%	73,3%	63,6%	48,2%	100,0%	30,7%

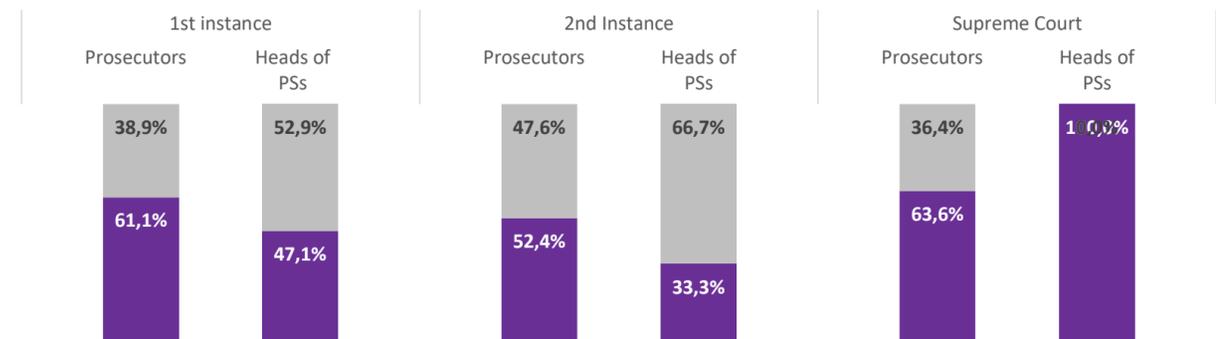
Gender Balance by instance in 2023

■ % Females ■ % Males

Professional Judges and Court Presidents



Prosecutors and Heads of Prosecution Services



• Gender Equality Policies

	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✘			
Heads of Prosecution Services			✘			
Judges	✘	✘		✘	✘	✘
Prosecutors	✘	✘		✘	✘	✘
Non-judge staff	✘	✘		✘	✘	✘
Lawyers	✘			✘		
Notaries	✘			✘		
Enforcement agents	✘			✘		

In Serbia there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary, but there are national strategies.

In Republic of Serbia, there is HR Strategy in the Judiciary adopted for period from 2022-2026 and. This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality)

HR Strategy (2022-2026) with Accompanying Action plan: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/133/1>

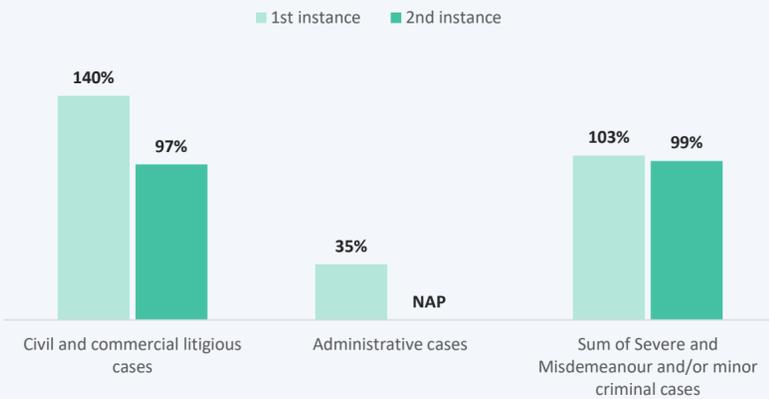
In addition, the Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public authorities. Discriminatory treatment by an official, namely by a responsible person of public authority, is considered severe violation of work duty pursuant to law.

Furthermore, according to the Law on Judges ("Official Gazette of RS", No. 10/2023) and to the Law on the public prosecutors ("Official Gazette of RS", No. 10/2023) during the selection and nomination of candidates for a judge, discrimination on any basis is prohibited.

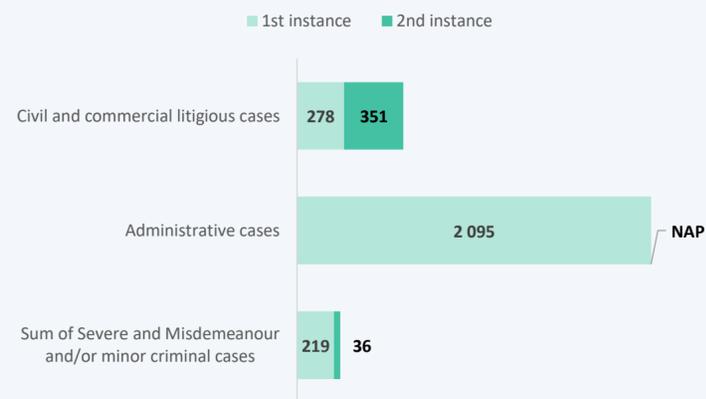
Kosovo is not included in the calculation of summary statistics

Efficiency in Serbia in 2023 (Indicators 3.1 and 3.2)

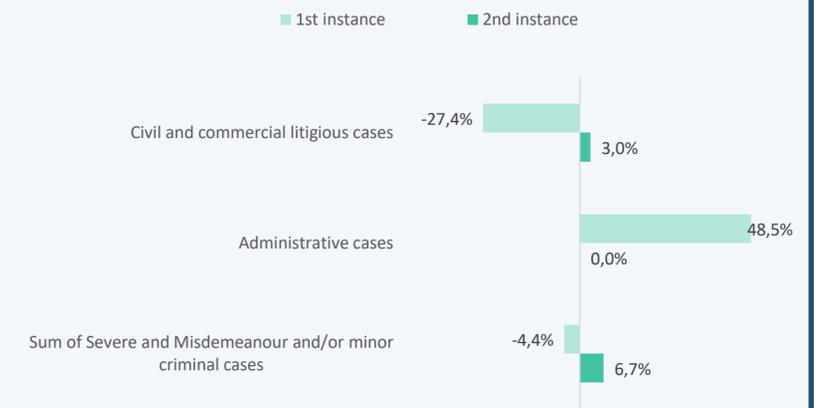
Clearance Rate in 2023



Disposition Time in 2023 (in days)



% Variation of pending cases at the end of year between 2022 and 2023



In 2023, the highest Clearance rate (CR) for Serbia was calculated for the first instance Civil and commercial litigious cases, with a CR of 140%. However, it seems that Serbia was not able to deal as efficiently with the first instance Administrative cases (CR of 35%). With a Disposition Time of approximately 36 days, the second instance sum of the Severe and Misdemeanour and/or minor criminal cases were resolved faster than any other type of cases. Compared to 2022, the pending cases at the end of year increased for the first instance Administrative cases (48,5%), whereas they decreased for the first instance Civil and commercial litigious cases by -27,4%.

Since 2020, the Disposition Time (DT) for civil and commercial litigious cases was constantly decreasing and, in 2023, it was 278 days, lower than the WB average. On the contrary, the DT for administrative cases has been constantly increasing since 2019, reaching its peak in 2023 with 2095 days. This was due to an increase of the number of incoming cases while the resolved cases remained stable. As a consequence, the Clearance Rate (CR) for this type of cases was the lowest calculated for all matters in the first and second instance courts (35%). In case the Serbian courts do not manage to deal with these cases more efficiently, they might incur the creation of a significant backlog in the future.

It is also worth noticing that, although Serbia had one of the highest numbers of incoming criminal cases per 100 inhabitants in the region in the past data collection cycles, its courts were able to deal with these cases, by keeping their CR stable at or above 100% and their DT below the WB average. The DT for criminal cases (sum of severe and misdemeanour) remained stable in the past three years.

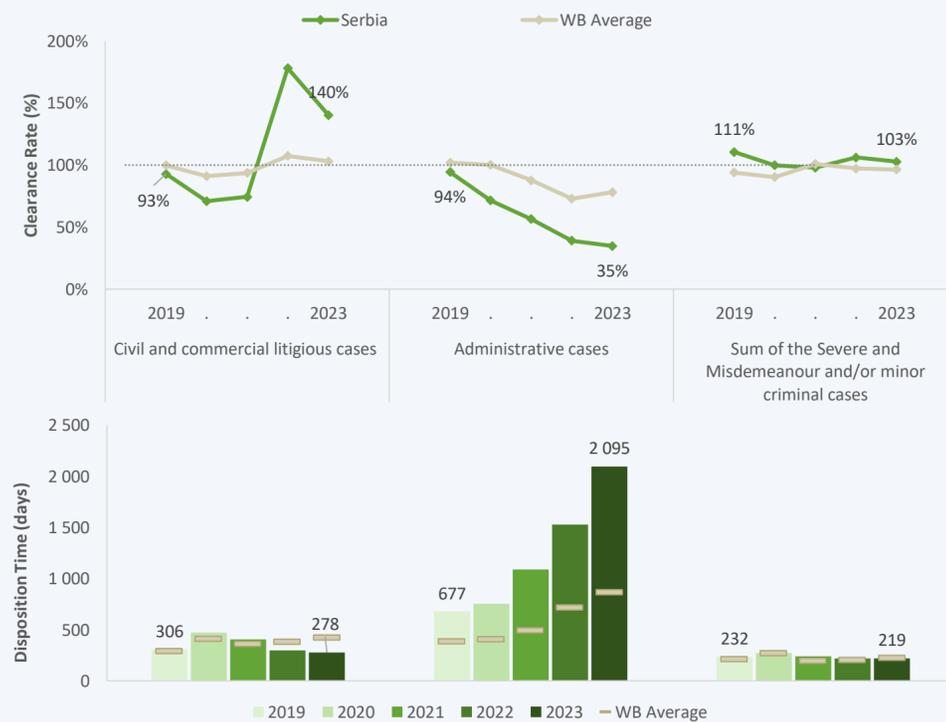
Furthermore, a sharp reduction of the first instance incoming civil and commercial cases took place in 2022, after supplementing the legal position of the Supreme Court of Cassation in September 2021 regarding the costs of bank loans cases (-63,3% compared to 2021). As a result, the first instance courts dealing with civil and commercial litigious cases managed to rise their CR to 178% in 2022. In 2023, the CR is still well above 100% (140%).

As regards the second instance cases, the civil and commercial litigious cases are slower than first instance cases, and their CR decreased is always below 100%, which lead to an increase in the DT.

Finally, the CR and DT for the second instance criminal cases (sum of severe and misdemeanour) were rather stable between 2018 and 2022. While the CR was around 100% for all cycles, the DT consistently remained well below the WB Average.

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2019 to 2023



Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2019 to 2023



NB: For the second instance Administrative cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average). Also, as per methodological note, the 2019 WB Medians for these type of cases are not available.

• **First instance cases - Other than criminal law cases**

1st instance cases in 2023 (absolute values)	Serbia (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	877 628	924 775	460 855	140 111	-1,8%	-15,5%	-9,3%	6,2%
1 Civil and commercial litigious cases	228 273	320 200	244 264	105 479	-1,0%	-22,0%	-27,4%	1,4%
2 Non-litigious cases**	450 156	455 351	61 880	8 895	-4,9%	-14,5%	-7,7%	-12,2%
3 Administrative cases	76 761	26 697	153 214	25 487	21,8%	8,4%	48,5%	45,8%
4 Other cases	122 438	122 527	1 497	250	-3,3%	-3,4%	-5,7%	-18,8%

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2023, the incoming civil and commercial litigious cases were 228 273 (3,44 per 100 inhabitants vs the WB Average of 2,51). They decreased by -1% between 2022 and 2023. The resolved cases were 320 200 (4,82 per 100 inhabitants) and they decreased by -22%, compared to the previous year. In 2023, the number of resolved cases was higher than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 140% (above the WB Average of 103%). This decreased by -37,9 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 278 days in 2023 (below the WB Average of 424 days). This decreased by -6,9% compared to 2022.

The incoming administrative cases were 76 761 in 2023 (i.e 1,16 per 100 inhabitants vs the WB Average of 1). They increased by 21,8% compared to the previous year. In 2023, the resolved cases were 26 697 (0,4 per 100 inhabitants, below of the WB Average of 0,52). Between 2022 and 2023, the number of resolved administrative cases increased by 8,4%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 35% (below the WB Average (78%). The CR decreased by -4,3 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 2 095 days in 2023. This has increased by 37% compared to 2022 and it was above the WB Average (868 days).

1st instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average
Total of other than criminal law cases (1+2+3+4)	13,2	> 12,0	13,9	> 11,8	6,9	< 15,4	2,11	< 11,31
1 Civil and commercial litigious cases	3,4	> 2,5	4,8	> 2,7	3,7	> 3,0	1,59	> 1,07
2 Non-litigious cases**	6,8	< 8,1	6,9	< 8,2	0,9	< 11,0	0,13	< 10,09
3 Administrative cases	1,2	> 1,0	0,4	< 0,5	2,3	> 1,5	0,38	> 0,15
4 Other cases	1,8	> 0,7	1,8	> 0,7	0,0	< 0,0	0,00	-

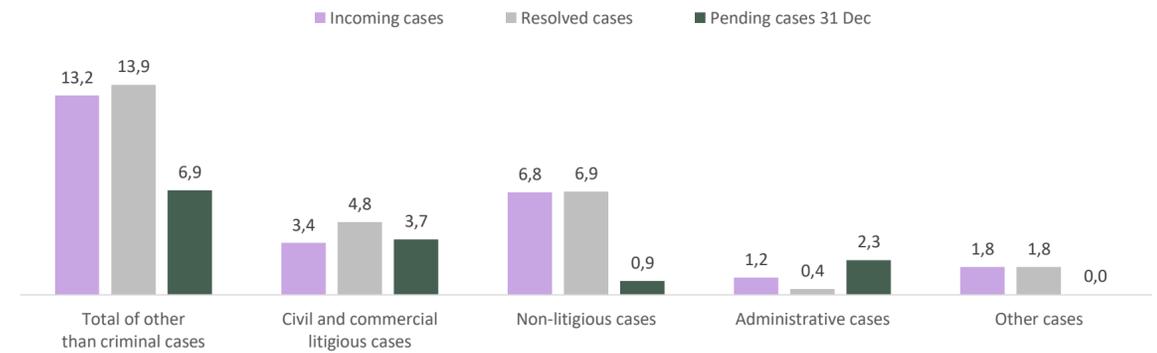
For reference only: the 2022 EU Median was as follows:

- Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;

- incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

First instance Other than criminal cases per 100 inhabitants in 2023



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Serbia	WB Average	Serbia	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	105%	93%	182	390	-17,2	7,4%
1 Civil and commercial litigious cases	140%	103%	278	424	-37,9	-6,9%
2 Non-litigious cases**	101%	98%	50	213	-11,4	8,0%
3 Administrative cases	35%	78%	2 095	868	-4,3	37,0%
4 Other cases	100%	104%	4	82	-0,1	-2,4%

PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 100,5%;

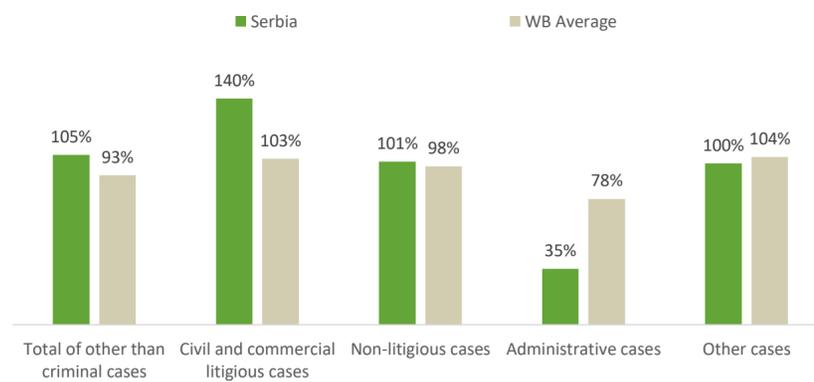
- Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:

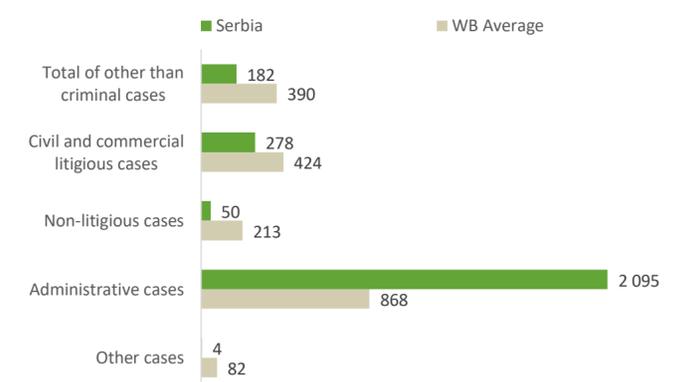
- Clearance rate: 98,8%;

- Disposition time: 288 days.

Clearance Rate for first instance Other than criminal cases in 2023 (%)



Disposition Time for first instance Other than criminal cases in 2023 (in days)



• First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)	Serbia (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	842 159	852 576	243 056	13 316	-57,7%	-60,2%	-60,7%	-91,1%
Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)	367 884	377 989	226 766	12 309	-0,9%	-4,0%	-4,4%	-25,4%
1 Severe criminal cases	45 069	45 742	26 223	5 117	0,7%	-1,4%	-2,5%	-4,4%
2 Misdemeanour and / or minor criminal cases	322 815	332 247	200 543	7 192	-1,1%	-4,3%	-4,6%	-35,5%
3 Other cases	474 275	474 587	16 290	1 007	-70,7%	-72,9%	-95,7%	-99,2%

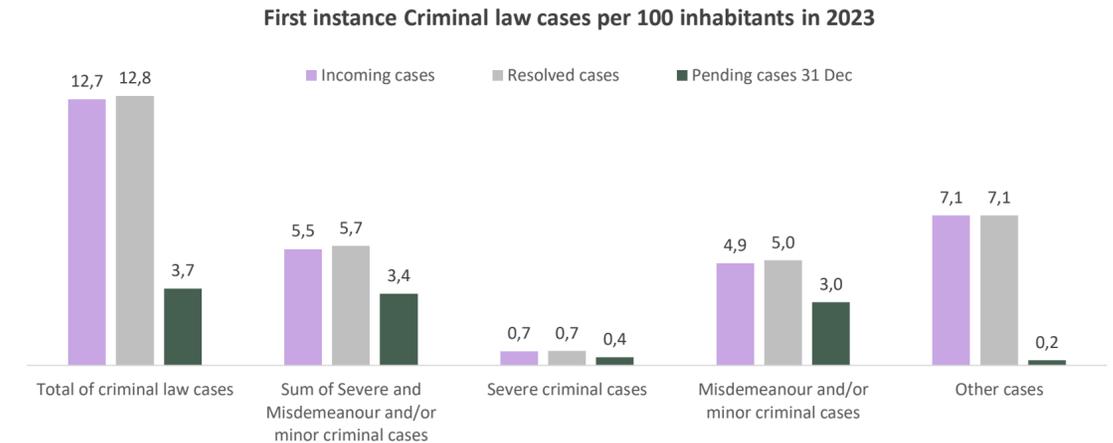
In 2023, Serbia changed methodology for counting the other cases, by excluding certifications related to misdemeanour cases. This explains the decrease in the number of other cases and in the total number of criminal cases. In 2023, the incoming total criminal cases were 842 159 (12,68 per 100 inhabitants vs the WB Average of 7,05). They decreased by -57,7% between 2022 and 2023. The resolved cases were 852 576 (12,84 per 100 inhabitants). Between 2022 and 2023, they decreased by -60,2%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 101% (above the WB Average of 96,5%). This decreased by -6,4 percentage points compared to 2022.

The Disposition Time for total criminal cases was approximately 104 days in 2023 (below the WB Average of 197 days). This decreased by -1,1% compared to 2022.

1st instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average
Total of criminal law cases (1+2+3)	12,7	> 7,1	12,8	> 6,9	3,7	< 3,8	0,20	< 0,36
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	5,5	> 3,9	5,7	> 3,8	3,4	> 2,6	0,19	> 0,08
1 Severe criminal cases	0,7	> 0,5	0,7	> 0,5	0,4	> 0,3	0,08	> 0,05
2 Misdemeanour and / or minor criminal cases	4,9	> 3,5	5,0	> 3,4	3,0	> 2,3	0,11	> 0,04
3 Other cases	7,1	> 3,9	7,1	> 3,8	0,2	< 1,5	0,02	< 0,28

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,7.

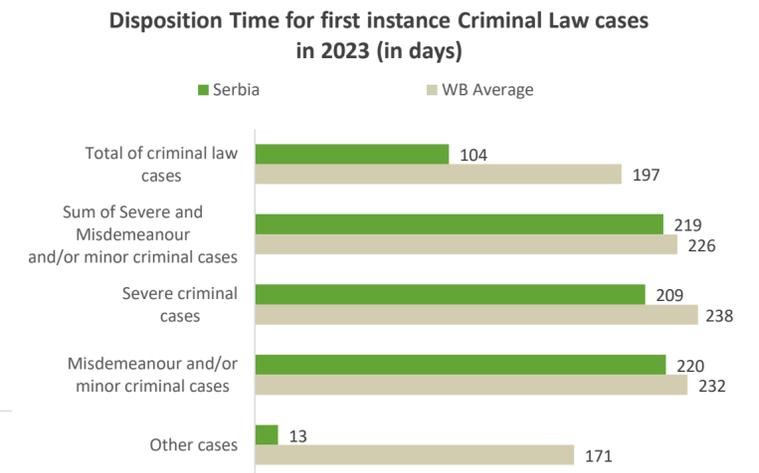
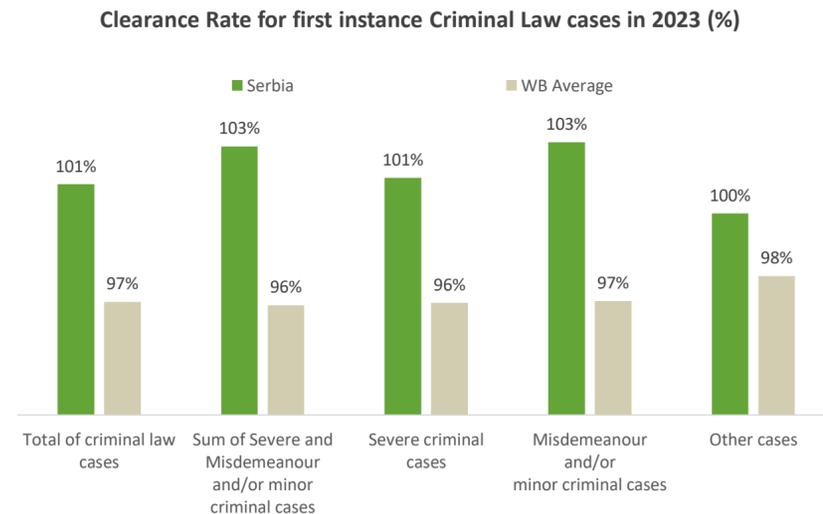
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= Equal to the WB Average
< Lower than the WB Average



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Serbia	WB Average	Serbia	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	101%	97%	104	197	-6,4	-1,1%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	103%	96%	219	226	-3,3	-0,4%
1 Severe criminal cases	101%	96%	209	238	-2,2	-1,1%
2 Misdemeanour and / or minor criminal cases	103%	97%	220	232	-3,4	-0,3%
3 Other cases	100%	98%	13	171	-7,9	-84,2%

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 100%; - Disposition time: 136 days.

PPT = Percentage points



• Second instance cases - Other than criminal law cases

2nd instance cases in 2023 (absolute values)	Serbia (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	180 023	175 783	160 639	47 068	-9,9%	-7,1%	2,7%	-56,5%
1 Civil and commercial litigious cases	170 980	166 302	160 125	47 038	-8,0%	-4,5%	3,0%	-56,5%
2 Non-litigious cases**	9 039	9 477	514	30	-35,2%	-37,1%	-46,0%	-62,0%
3 Administrative cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4 Other cases	4	4	0	0	-55,6%	-55,6%	-	-

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

Courts deciding in the second instance (on appeal) in the "non-criminal" cases, as courts of general jurisdiction are:

Higher courts: they decide upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings.

Appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.

Commercial Court of Appeal: second instance commercial proceedings involving appeals, conflict and delegation of jurisdiction between commercial courts.

Misdemeanour Court of Appeal: proceedings involving appeals against first instance decisions of misdemeanour courts in cases related to whistle-blowers and conflict and delegation of jurisdiction between misdemeanour courts (cases not misdemeanour as such).

There is no second instance in administrative disputes.

With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that, starting from 2015, amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction.

In 2023, the incoming civil and commercial litigious cases were 170 980 (2,57 per 100 inhabitants vs the WB Average of 1,34). They decreased by -8% between 2022 and 2023. The resolved cases were 166 302 (2,5 per 100 inhabitants). Between 2022 and 2023, they decreased by -4,5%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 97% (above the WB Average of 97%). This increased by 3,6 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 351 days in 2023 (above the WB Average of 263 days). This increased by 7,8% over the 2022-2023 period.

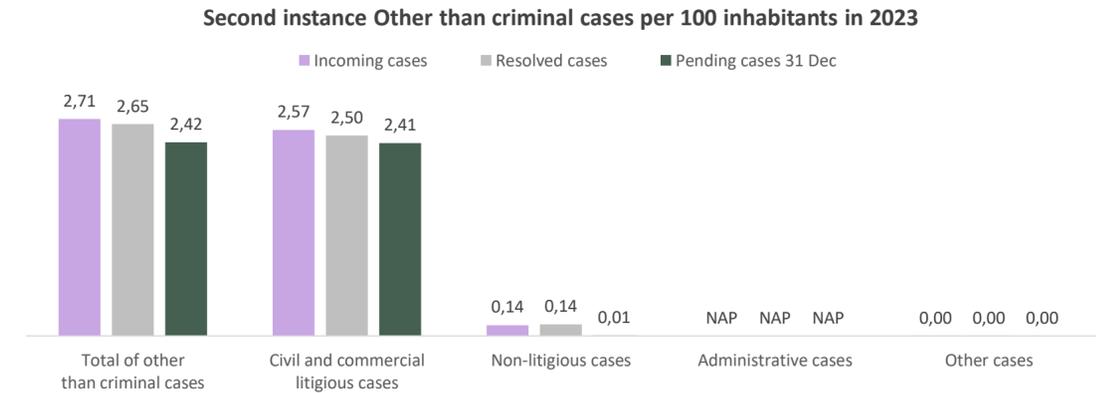
2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average
Total of other than criminal law cases (1+2+3+4)	2,71	> 1,49	2,65	> 1,17	2,42	> 1,09	0,71	> 0,41
1 Civil and commercial litigious cases	2,57	> 1,34	2,50	> 1,05	2,41	> 1,01	0,71	> 0,40
2 Non-litigious cases**	0,14	> 0,06	0,14	> 0,06	0,01	< 0,07	0,00	< 0,03
3 Administrative cases	NAP	0,14	NAP	0,10	NAP	0,28	NAP	0,20
4 Other cases	0,00	-	0,00	-	0,00	-	0,00	-

For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;

- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

Key: > Higher than the WB Average
= Equal to the WB Average
< Lower than the WB Average



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Serbia	WB Average	Serbia	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	98%	96%	334	263	2,9	10,5%
1 Civil and commercial litigious cases	97%	97%	351	263	3,6	7,8%
2 Non-litigious cases**	105%	92%	20	1 294	-3,0	-14,2%
3 Administrative cases	NAP	76%	NAP	1 548	NAP	NAP
4 Other cases	100%	-	0	-	0,0	-

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

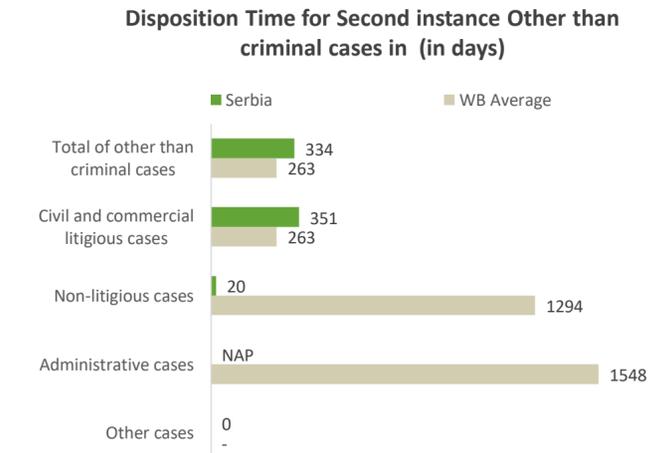
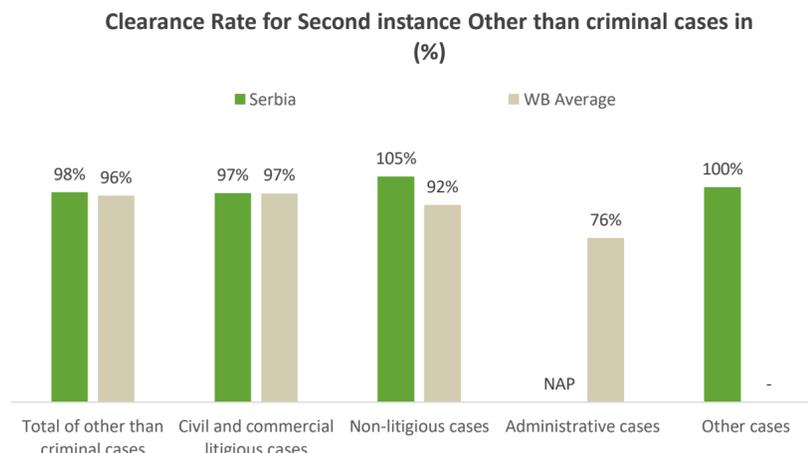
- Clearance rate: 97,1%;

- Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:

- Clearance rate: 102,6%;

- Disposition time: 277 days.



• Second instance cases - Criminal law cases

2nd instance cases in 2023 (absolute values)	Serbia (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	60 938	60 557	5 753	0	2,1%	1,1%	7,1%	100,0%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	57 245	56 887	5 687	0	1,5%	0,5%	6,7%	100,0%
1 Severe criminal cases	28 077	27 639	1 913	0	6,4%	4,1%	29,7%	100,0%
2 Misdemeanour and / or minor criminal cases	29 168	29 248	3 774	0	-2,8%	-2,5%	-2,1%	100,0%
3 Other cases	3 693	3 670	66	0	11,6%	11,1%	53,5%	100,0%

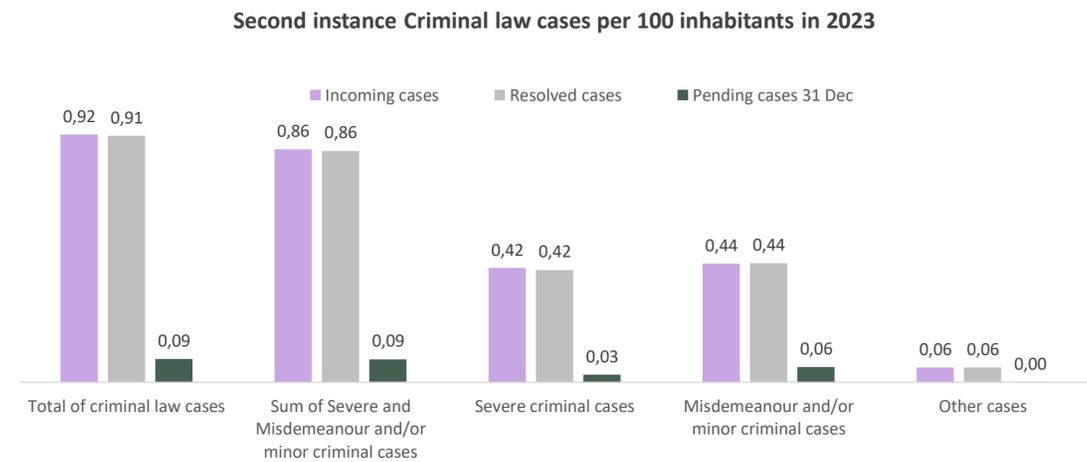
In 2023, the incoming total criminal cases were 60 938 (0,92 per 100 inhabitants vs the WB Average of 0,46) and they increased by 2,1%, compared to the previous year. The resolved cases were 60 557 (0,91 per 100 inhabitants). Between 2022 and 2023, they increased by 1,1%. In 2023, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 99% (above the WB Average of 93%). This decreased by -1 percentage points compared to 2022.

The Disposition Time for total criminal cases was approximately 35 days in 2023 (below the WB Average of 252 days). This increased by 5,9% over the 2022-2023 period.

2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average	Serbia	WB Average
Total of criminal law cases (1+2+3)	0,92	> 0,46	0,91	> 0,44	0,09	< 0,17	0,00	< 0,07
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	0,86	> 0,42	0,86	> 0,40	0,09	< 0,16	0,00	< 0,05
1 Severe criminal cases	0,42	> 0,20	0,42	> 0,19	0,03	< 0,10	0,00	< 0,04
2 Misdemeanour and / or minor criminal cases	0,44	> 0,21	0,44	> 0,21	0,06	= 0,06	0,00	< 0,00
3 Other cases	0,06	< 0,07	0,06	< 0,07	0,00	< 0,03	0,00	< 0,02

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 0,1.

Key: > Higher than the WB Average
= Equal to the WB Average
< Lower than the WB Average

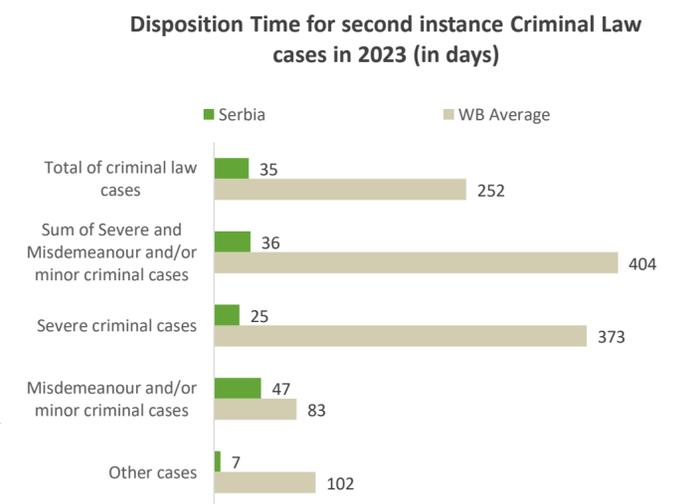
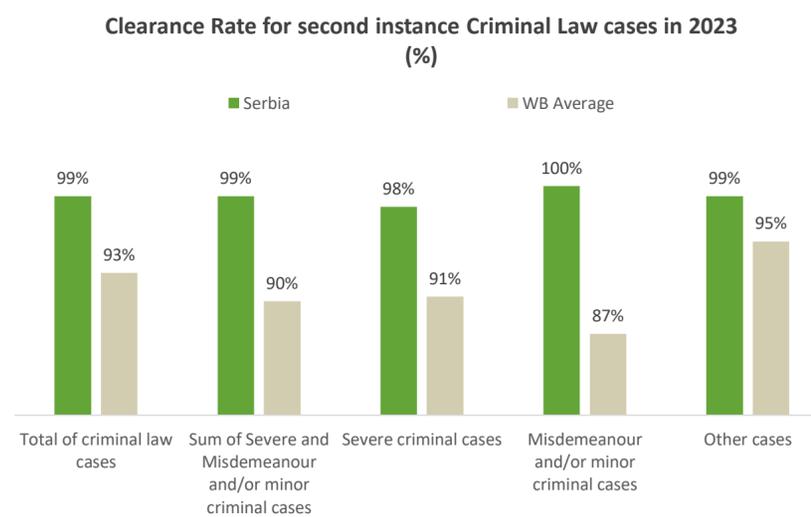


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Serbia	WB Average	Serbia	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	99%	93%	35	252	-1,0	5,9%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	99%	90%	36	404	-1,0	6,2%
1 Severe criminal cases	98%	91%	25	373	-2,2	24,6%
2 Misdemeanour and / or minor criminal cases	100%	87%	47	83	0,1	0,6%
3 Other cases	99%	95%	7	102	-0,5	38,2%

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 99%; - Disposition time: 135 days.

NBNB: For the second instance Misdemeanour and / or minor criminal cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average).



• Specific category cases

	Serbia (2023)						% Variation between 2022 and 2023					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	677	52	NA	NA	62%	NA	-2%	58%	NA	NA	-4%
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

Only data on the insolvency cases are available (according to the calculation of the Commercial Appellate Court). In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used: pending / resolved * 365

• Quality standards and performance indicators in the judicial system

In Serbia there are not quality standards determined for the judicial system at the national level.

Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results at their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is reflected by a score. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the High Judicial Council, the work of judges and presidents of courts may be exceptionally evaluated.

The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.

The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to render decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of judges is determined. The individual grades for the quality of work are the following: "extremely successful", "successful" and "not satisfactory".

The quantitative evaluation of the judges performance is done monthly, and for judges who do not have a sufficient number of cases in the workload, the number of cases solved from the total number of cases assigned to judge.

The individual grades for the quality of work are the following: "extremely successful", "successful" and "not satisfactory". The decision related to the evaluation of the judge's work can be formulated as following: "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".

• Regular monitoring of courts and prosecution offices' activities

In Serbia, there exists a system to regularly evaluate court performance based on the monitored indicators listed below (more frequently than once a year). This evaluation of the court activities is then used for the allocation of resources within the courts by identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

Moreover, there exists a system to annually evaluate public prosecution services' performance based on the monitored indicators listed below. This evaluation of the public prosecution services' activities is then used for identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

	Regular assessment	
	Courts	Prosecution offices
Number of incoming cases	✓	✓
Length of proceedings (timeframes)	✓	✓
Number of resolved cases	✓	✓
Number of pending cases	✓	✓
Backlogs	✓	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✓	✓
Satisfaction of court / prosecution staff	✗	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✗	✗
Costs of the judicial procedures	✓	✓
Number of appeals	✓	
Appeal ratio	✗	
Clearance rate	✓	✓
Disposition time	✓	✗
Percentage of convictions and acquittals		✓
Other	✗	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	Yes

In accordance with Court Rules of Procedure (Article 44a), courts keep records of the length of proceeding. For the first-instance cases, records are kept if proceedings exceed two years from the date of admission. For the second-instance cases, records are kept if proceedings exceed one year after the initial submissions. Additionally, courts maintain special records based on the date of initial submission for cases lasting over three, five, and ten years.

According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12, 89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under predefined, uniform methodology and are submitted directly to the Minister, to the higher courts, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions laid down by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.

The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed (quashed) or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.

The monitoring mechanism is set by the annual report of Supreme Court of Cassation and the mechanism has not been changed in previous few years. One of the activities that are being monitored is the length of procedure. The annual report for 2023 is not yet published.

The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents also provides that the purpose of evaluation of judges and court presidents' performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and court presidents, encourage judges and court presidents to achieve best possible work performance, maintain, strengthen public trust in the work of judges and courts, and career advancement.

• **Quantitative targets for each judge and prosecutor**

Existence of quantitative targets for: **Judges**  **Prosecutors** 

The responsibility for setting up quantitative targets for judges lies on:

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:	

The responsibility for setting up quantitative targets for public prosecutors lies on:

Executive power (for example the Ministry of Justice)	
Prosecutor General /State public prosecutor	
Public prosecutorial Council	
Head of the organisational unit or hierarchical superior public prosecutor	
Other	

Consequences for not meeting the targets		For judges	For public prosecutors
Without disciplinary procedure	Warning by court's president/ head of prosecution		
	Temporary salary reduction		
	Reflected in the individual assessment		
	Other		
With disciplinary procedure	Warning by court's president/ head of prosecution		
	Temporary salary reduction		
	Reflected in the individual assessment		
	Other		
No consequences			

Performance evaluation of judges:

Performance evaluation involves all aspects of work of the judge or the president of the court, with special consideration regarding the working conditions. Evaluation is conducted on the basis of accessible, objective, uniform and comprehensive criteria based on qualitative and quantitative indicators. Evaluation of the work of judges is performed on the basis of the following basic criteria: professional knowledge and the ability to apply it in practice; the ability of analytical thinking and resolving legal issues; ability to make decisions within appropriate deadlines; arguing and interrogation skills; oral and written communication skills; ability to organize the judge's work; the ability to perform the tasks of a leader, if the judge is appointed to such a position; undertaking additional works and duties. The criteria and evaluation indicators, the manner and the procedure for the performance evaluation of a judge and/or a president of court are regulated in details regulated by the act of the High Judicial Council.

The evaluation procedure is based on the principles of fairness and equality, with the participation of the judge, i.e. the president of the court whose work is being evaluated. In the evaluation procedure, the judge, i.e. the president of the court whose work is being evaluated, is provided with immediate access to data sources for evaluation, the right to self-evaluate the work, the right to comment on the proposed evaluation decision and the right to a legal remedy against the evaluation decision.

The Commission of the High Judicial Council evaluate the work of judges and presidents of the courts. The Commission consist of three members from the ranks of High Judicial Council members-judges, where the judges of the courts of higher instance evaluate the work of the judges and presidents of courts of lower instance. The members of the Commission are under the obligation to attend the training for the evaluation of work of judges as prescribed by the act of the High Judicial Council. An appeal can be filed to a High Judicial Council within 15 days from the date of delivery of the decision Against the decision on the evaluation of the work of the judge and the president of the court. An administrative dispute can be initiated against the decision of the High Judicial Council. The procedure in the administrative dispute is urgent. The manner of work of the Commission is determined by an act of the High Judicial Council.

The work of a judge, i.e.a president of the court, is evaluated with: "excellently performs the judicial function", "successfully performs the judicial function", "satisfactorily performs the judicial function", "unsatisfactorily performs the judicial function". The decision on the evaluation is added to the personal file of a judge, i.e. the president of the court. The decision on the evaluation represents the basis for the election and compulsory training of the judge, i.e. the president of the court.

Performance evaluation of prosecutors:

The evaluation of the chief public prosecutor and public prosecutors, as outlined in the Law on the Public Prosecutor's Office (Official Gazette of RS, No. 10/2023), is crucial for selection and mandatory training. This evaluation is based on objective and comprehensive criteria, including professional knowledge, analytical thinking, decision-making within deadlines, communication skills, organizational ability, and additional responsibilities. These criteria and the evaluation process are detailed by the High Council of Prosecutors. The Supreme Public Prosecutor and prosecutors of the Supreme Public Prosecutor's Office are not evaluated. Typically, evaluations occur every three years but can be conducted exceptionally by decision of the High Council. Performance is graded on a scale from "extremely successful" to "unsatisfactory," with grades recorded in personal files. The evaluated prosecutor can appeal the decision within 15 days. Evaluations are conducted by a three-member commission appointed by the High Council of Prosecutors, where higher-level prosecutors assess the work of lower-level ones.

• System of individual evaluation of the judges and public prosecutors' work

	Judges	Prosecutors
Existence of a system of individual evaluation	✓	✓
Quantitative work	✓	✓
Qualitative work	✓	✓

Responsibility for setting up the criteria qualitative targets for judges	
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	✗

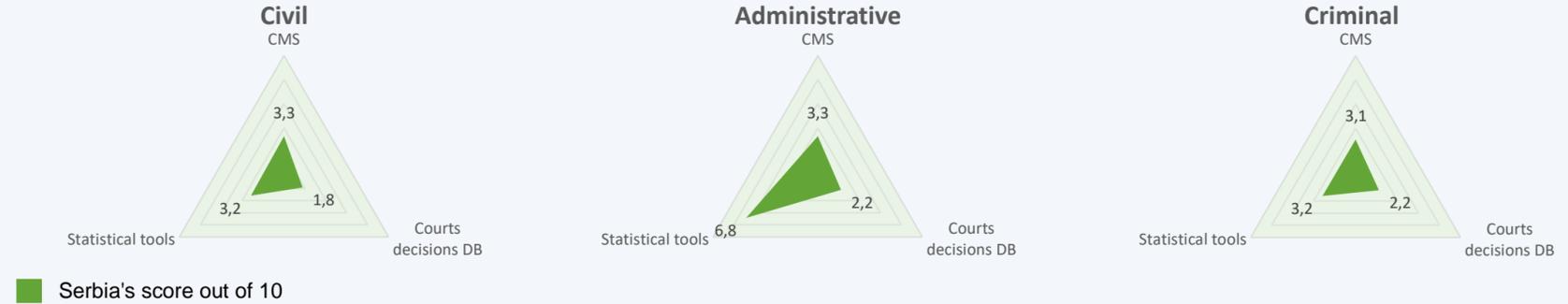
Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✓
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

Frequency of this assessment	For judges	For public prosecutors
Annual	✗	✗
Less frequent	✓	✗
More frequent	✗	✗

Kosovo is not included in the calculation of summary statistics

Information and communication technology tools in Serbia in 2023 (Indicator 3.3)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



In Serbia, the overall maximum score among the three ICT indexes is achieved by the Statistical tools index (4,4); while the overall lowest score was calculated for the Courts decisions DB index (2,1). Administrative matters have the highest Statistical tool score (6,8), followed by the criminal matter. Regarding the Court decisions database, all three matters scored the lowest score (1,8 for civil, 2,2 for administrative and criminal).

In Serbia, there exists an overall Information and Communication Technology (ICT) strategy in the judicial system and there are plans for a significant change in the present IT system in the judiciary in 2023. This strategy was adopted by ICT Sectorial Council on February 4th 2022.

In Serbia, there are three case management systems (CMS) used for registering and managing judicial proceedings:

1. AVP: The most widely used system in basic, higher, and commercial courts. This decentralized system has been in use for over 10 years.
2. SAPS: Used by appellate courts, the Administrative Court, and the Supreme Court. This system is relatively new.
3. SIPRES: The newest CMS, used in misdemeanor courts.

A strategic plan foresees the rollout of SUPER SAPS, which will replace the old AVP system in basic, higher, and commercial courts. Additionally, there are specialized applications for electronic communication with the courts, such as eCOURT for administrative disputes and enforcement proceedings before commercial courts and enforcement agents. Public prosecutorial offices use the SAPO CMS.

- AVP for basic, higher, and commercial courts was developed in 2010.
- SIPRES for misdemeanor courts was developed in 2015.
- SAPS for appellate, administrative, and supreme courts was developed in 2013.

According to the EU-financed project plan, the new system, SUPER SAPS, will be in production by 2025, replacing the old AVP system in basic, higher, and commercial courts.

• Electronic case management system

The CMS is developed and used in all courts (95-100% for all matters). The system is deployed in most of the courts. Only administrative cases data are stored into a centralised and interoperable CMS database.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✗	✗	✓	✓	✗	✗	✗	NAP	✗	✓	✗	✓	✗	✗
Administrative	95-100 %	95-100 %	✓	✗	✓	✗	✗	✗	✗	NAP	✗	✓	✗	✓	✗	✗
Criminal	95-100 %	95-100 %	✗	✗	✓	✓	✗	✗	✗	✗	✗	✓	✗	✓	✗	✗

In accordance with the regulations, the system of automatic assignment of cases to judges is used when filing a case. Automatic allocation in basic, higher and commercial courts takes into account the weight of the case according to its complexity. Based on predefined criteria, the weight of the item is evaluated and the goal is to ensure the most even workload. The algorithm in certain court registers (case type), and according to predefined criteria (certain criminal offenses or the value of the dispute or other), classifies the case into 2 categories according to complexity (ordinary and particularly complex). When assigning, the algorithm takes into account the equal number of complex court cases per judge. The room for improvement, observed by the ministry and after monitoring this allocation, is that the formula should be improved so that it takes into account the urgency of cases so that judges have an equal number of urgent (custodial or family or other) cases.

• Database of court decisions

The database of court decision is not well developed yet (deployment rate is 1-25%). Some court decisions are published online (ie. on a public website) and the functionalities of the database include "manual anonymisation".

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	0%	NAP	1-25 %	Published online (public website) and on an internal database	1-25 %	Published online (public website) and on an internal database	✗	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗
Administrative	1-25 %	Published online (public website) and on an internal database	1-25 %	Published online (public website) and on an internal database	1-25 %	Published online (public website) and on an internal database	✗	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗
Criminal	0%	Published online (public website) and on an internal database	1-25 %	Published online (public website) and on an internal database	1-25 %	Published online (public website) and on an internal database	✗	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗

The Judicial Academy in Serbia has developed a system called eCase, which contains a database of European Court of Human Rights decisions available in Serbian and other languages. All these decisions are accessible for free. Additionally, the Judicial Academy has created a Cross Reference System that links articles of domestic laws to those of the European Convention. Furthermore, the Judicial Academy has developed an eLearning platform for training and an eLibrary containing training documents, publications, and a database of international contracts.

• Statistical tools

The statistical tools are developed in all courts (deployment rate is 95-100% for all matters). Among their functionalities, they are integration with the CMS and the business intelligence software. Yet, the statistical tools for the administrative matter have an internal page/dashboard and real-time data are available. While only the case flow data are available for all matters, the statistical tools for the administrative matters also offer other types of data for statistical analysis (such as age of the pending case and cases per judge).

	Deployment rate	Functionalities									Data available for statistical analysis								
		Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved,	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✓	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗
Administrative	95-100 %	✓	✓	✓	✓	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✗	✗	✗
Criminal	95-100 %	✓	✓	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗

The Oracle BI platform in Serbia's judicial system enables the creation of performance indicators (CPI) based on various criteria, the monitoring of implementation, and the generation of reports on the fulfillment of these indicators. The system supports centralized reporting on different aspects of the work of courts of general and special jurisdiction, allowing for the monitoring of statistics, trends, and key performance indicators (CPI). It also facilitates the visualization and analysis of operational data.

One key feature of the solution is its ability to generate alarms (CPI) when predefined deadlines for court actions are exceeded. These deadlines are integrated into the existing AVP and SAPS applications. The system became operational in 2018, initially focusing on the publication of expanded T1 annual, six-monthly, quarterly, and monthly reports on the performance of basic, higher, and appellate courts. However, these reports were posted without verifying the formulas or comparing the expanded T1 reports submitted by the courts to the Supreme Court of Cassation.

Kosovo is not included in the calculation of summary statistics

Legal Aid in Serbia in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2023



Number of cases for which LA has been granted in 2023



0,10

per 100 inhabitants

WB Median: 0,19

WB Median: 0,19

In 2023, the implemented budget for legal aid spent by Serbia was 11 512 176€ (3,15% of the judicial system budget). This means that an amount of 1,73€ was spent per inhabitant (above the WB Median of 0,28€). The budget for legal aid was equal to 0,017% of the GDP, whereas the WB Median was 0,004%.

• Organisation of the legal aid system

According to the Serbian Constitution (Article 67.), everyone is guaranteed the right to legal aid under the conditions set by law. Legal aid is provided by the legal profession, as an independent service, and legal aid services are established in local self-government units by the law. The law determines when legal aid is free.

When criminal proceedings are conducted for a criminal offense for which a sentence of imprisonment of more than five years may be imposed by law, the court may, at the request of the injured party, appoint a proxy (from the list of lawyers submitted to the court by the competent bar association) if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the costs of representation.

Article 77: A defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned an attorney at his request if criminal proceedings are conducted for a criminal offense punishable by imprisonment for more than three years. In that case, the court's budget bears the defense costs.

Furthermore, since 1st October 2019, the Law on Free Legal Aid has been in force ("Official Gazette of RS", No. 87 of November 13, 2018). The purpose of this law is to provide every person with effective and equal access to justice. The law distinguishes between free legal aid and free legal assistance. Free legal assistance consists of providing legal advice, drafting submissions, representation and defense, and free legal support consists of providing general legal information, filling out forms, drawing up notarial documents and mediation in dispute resolution. Free legal aid consists of providing legal advice, drafting submissions, representation and defending in courts.

Free legal aid in the Republic of Serbia can be provided to a citizen of the Republic of Serbia, a stateless person, a foreign citizen with permanent residence in the Republic of Serbia and another person who has the right to free legal aid according to another law or a confirmed international agreement, and who meets the conditions under Article 4 by the provision Article 4 of the Law on Free Legal Aid. The applicant submits a request for free legal aid in writing or orally on the record or electronically for the approval of free legal aid to the local self-government at the place of residence is used twice or the place of provision of free legal aid in writing or orally on the record or electronically. In the request for free aid, he also states a description of the problem for which he is requesting free legal aid or assistance. If the applicant's request for free legal aid is established, local self-government issues a Decision approving free legal aid within 8 or 3 days (if there is a risk of irreparable damage or if the applicant misses the deadline for taking action) from the moment of submission of the application and the user of free legal aid to the provider of free legal aid who is registered in the Register of Providers maintained by the Ministry of Justice. Providers of free legal aid are lawyers and legal aid services in local self-government units and city municipalities, and associations can provide free legal aid only based on the provisions of the law regulating the right to asylum and the prohibition of discrimination. Providers of free legal support are public notaries, mediators, and law faculties.

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

• Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Serbia	WB Median	Serbia	WB Median	Serbia	WB Median
Total (1+2)	11 512 176 €	NA	NA	NA	1,73 €	0,28 €	0,017%	0,004%	3,15%	1,0%
In criminal cases (1)	NA	NA	NA	NA						
In other than criminal cases (2)	NA	NA	NA	NA						

In 2023, Serbia spent 11 512 176 € on the total implemented budget for legal aid. This means that it spent a remarkably higher amount per inhabitant compared to the WB Median (1,73€ and 0,18€, respectively).

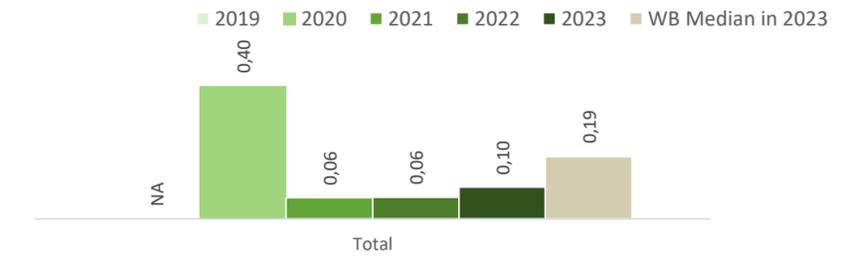
In 2023, Serbia updated its methodology for calculating legal aid expenses. Previously, until 2022, only the costs associated with cases of granted free legal aid under the Law on Free Legal Aid were counted. This excluded the free legal aid provided under the Criminal Procedure Code.

Starting in 2023, following the CEPEJ methodology, these additional expenses have been included in the legal aid budget. This change accounts for the observed increase in the reported legal aid expenses.

Annual approved public budget for the High Judicial Council for mandatory defense 11 536 009 €, while implemented budget is 11 469 009 €.

	Number of cases for which legal aid has been granted				Amount of LA granted per case (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2019 - 2023					
Total (1+2)	6 321	0,10	NA	NA	NA	NA	NA	NA
In criminal cases (1)	NA	NA	NA	NA	NA	NA	NA	NA
In other than criminal cases (2)	NA	NA	NA	NA	NA	NA	NA	NA

Total number of LA cases per 100 inh between 2019 and 2023



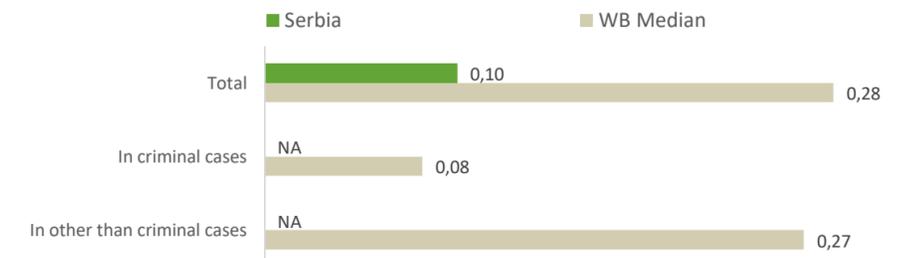
In 2023, the number of cases for which legal aid was granted was 6 321. The data are partial, since in this question, only the number of decisions of granting legal aid by municipalities are counted. Ex-officio lawyers are not counted here.

The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility).

• Number of recipients of legal aid

	Number of recipients of legal aid				Amount of LA granted per recipient (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	WB Median					
Total (1+2)	6 321	0,10	0,28	NA	NA	NA	NA	NA
In criminal cases (1)	NA	NA	0,08	NA	NA	NA	NA	NA
In other than criminal cases (2)	NA	NA	0,27	NA	NA	NA	NA	NA

Number of recipients of legal aid per 100 inhabitants in 2023



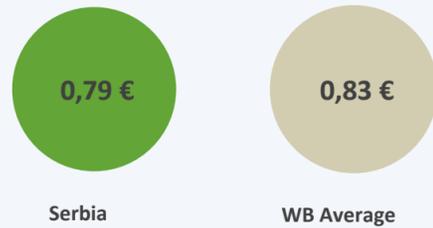
In 2023, the number of recipients of legal aid was of 6 321. This means that there were 0,1 recipients per 100 inhabitants which was below the WB Median. The data are partial, since in this question, only the number of decisions of granting legal aid by municipalities are counted. Ex-officio lawyers are not counted here.

The entered total number is the one related to all approved request for free legal aid.

Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in Serbia in 2023 (Indicator 7)

Total budget for training per inhabitant



Average number of live training participations per professional

Please see the definition of the indicator on page 2.



Average number of participants per delivered training



The total budget for training of judges and prosecutors in Serbia was 0,79€ per inhabitant, lower than the WB Average of 0,83€ per inhabitant.

In 2023, 3 024 participants (of which 1 231 judges and 724 prosecutors) were trained in 217 live trainings (in-person, hybrid or video conferences).

There were 208 participants in internet-based trainings. This shows that the participation on live trainings is higher than the participation in internet-based trainings.

In Serbia, each judge participated, on average, to 0,5 live trainings in 2023, which was below the WB Average (2,9) while each prosecutor participated, on average, to 1,1 live trainings, less than the WB Average (4).

Regarding the internet-based trainings (not-live), 15 trainings in total were provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 4 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was 208 and 52, respectively.

Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable)

	Budget of the training institution(s) (1)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)								
				Absolute Number	Evolution of training budget per inhabitant					% Variation 2019 - 2023	% Variation 2022 - 2023	WB Average per inhabitant
					2019	2020	2021	2022	2023			
Total	4 945 104 €	3,3%	333 321 €	5 278 425 €	NA	NA	0,55 €	0,62 €	0,79 €	NA	28,6%	0,83 €
Judges	NAP	NAP	333 321 €	333 321 €								
Prosecutors	NAP	NAP	NAP	NAP								
One single institution for both judges and prosecutors	4 945 104 €	3,3%		4 945 104 €			0,55 €	0,62 €	0,79 €			

Serbia spent in total 5 278 425€ for training for judges and prosecutors in 2023, which is 0,79€ per inhabitant (below the WB average of 0,83€ per inhabitant).

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2023)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Serbia	WB Average	Serbia	WB Average
Total	163	217	293	3 024	1,4 <	1,5	13,9 <	22,1
Judges	132	161	202	1 231	1,3 <	1,5	7,6 <	13,2
Prosecutors	95	138	161	724	1,2 <	1,5	5,2 <	11,3
Non-judge staff	83	126	159	616	1,3 <	1,6	4,9 <	72,5
Non-prosecutor staff	79	115	143	453	1,2 =	1,2	3,9 <	149,8

CEPEJ distinguishes these types of trainings:
 "A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
 "Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

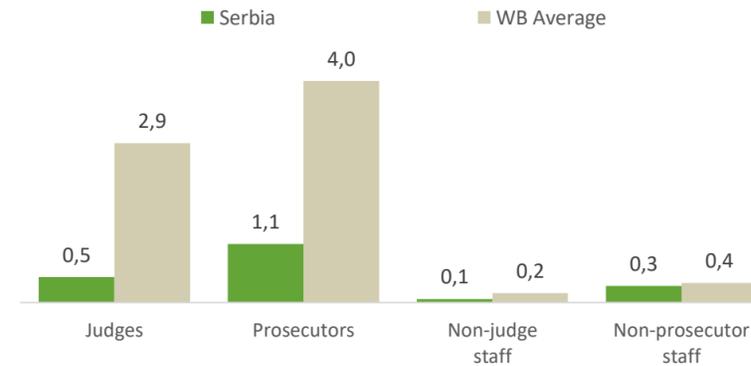
In 2023, the average duration of trainings for judges in Serbia was 1,3 days (well below the WB Average of 1,5). During the same period, the average duration of training for prosecutors was 1,2 days, which was below the WB Average of 1,5 days.

In 2023 the priority of the Judicial Academy was the development and the promotion of the Academy's new distance learning platform-LMS platform as well as development of the e-learning courses and e-library. That is the reason of the decreased number of live trainings delivered in comparison to 2022.

Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Serbia	WB Average	Number	% of total professionals by category	
				Serbia	WB Average
Total	0,2 <	1,0	NA	NA	27,9%
Judges	0,5 <	2,9	NA	NA	99,8%
Prosecutors	1,1 <	4,0	NA	NA	87,1%
Non-judge staff	0,1 <	0,2	NA	NA	-
Non-prosecutor staff	0,3 <	0,4	NA	NA	-

Average number of live training participations per professional in 2023



Average number of live training participations per professional

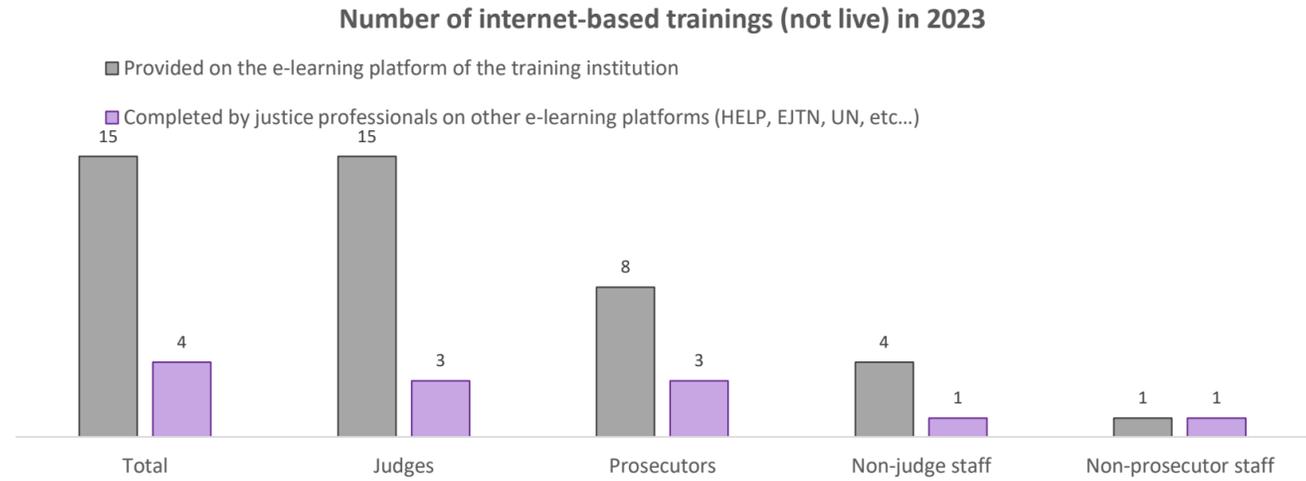
This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the WB Average for judges is 2,9. This means that, on average, each judge in the region participated to 2,9 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

Looking at the average participations on live trainings, the highest average was for prosecutors (1,1 live training participations per prosecutor). Hence, compared to the other professionals, Serbia gave priority to the trainings for prosecutors, like the rest of the region (the WB Average number of participations per prosecutor on live trainings was 4).

In 2023 the highest priority for live training was given to the training of Prosecutors (1,1 participations on trainings per prosecutor).

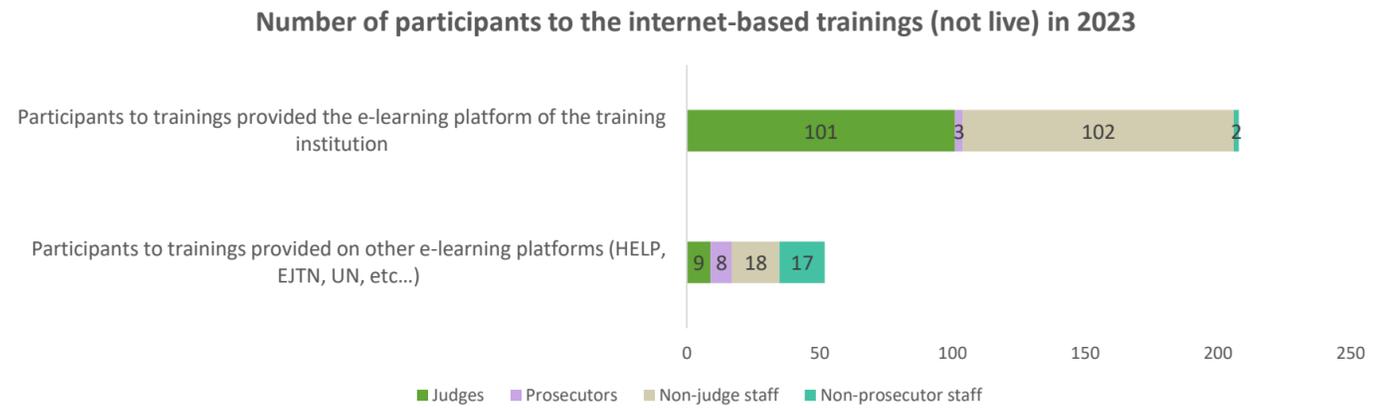
• Number of in-service internet-based trainings and participants

	Number of internet-based trainings (not live) in 2023			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	15	208	4	52
Judges	15	101	3	9
Prosecutors	8	3	3	8
Non-judge staff	4	102	1	18
Non-prosecutor staff	1	2	1	17



A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the users of the initial training of the Judicial Academy at the same trainings. That is the reason why total number of all participants is higher than total number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. In 2023 the Academy increased the participation of the future judges and prosecutors (the users of the initial training, the judicial and prosecutorial assistants) in its educational events.

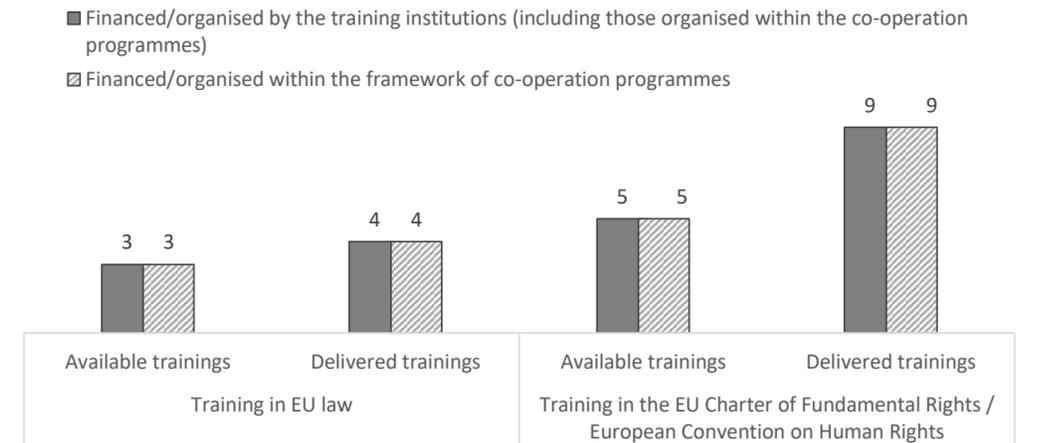
The total number of all participants, including other professionals, is 4858.



• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2023)				
Number of available live trainings	3	3	5	5
Number of delivered live trainings	4	4	9	9
Number of delivered live training in days	6	6	13	13
Internet-based trainings(2023)				
Provided on the e-learning platform of the training institution (not live)	1	0	2	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	-	2	-	2

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



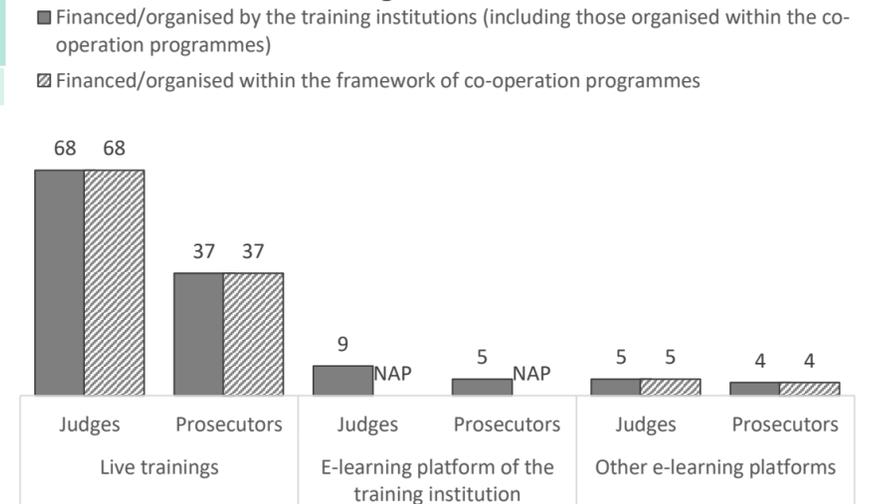
In 2021, all trainings on EU Law and almost all trainings on the EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in Serbia were co-organised or co-financed with International partners.

In 2023 the Academy has strengthened its cooperation with Academy for European Law (ERA), and with EJTN within the EU-funded project Western Balkans II. Within the same Project, in 2023 the Academy with the support of the EJTN conducted the Training Needs Analysis on the EU law. On the basis of this TNA, the Academy will deliver the trainings on EU law in 2024 and 2025.

90% of the seminars are co-financed. The Academy covers a part of the costs and/or provide the venue and the equipment for the trainings. Usually the contracts for domestic experts are paid by the Academy as well.

Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	68	37	NA	NA	9	5	5	4
Within the framework of co-operation programmes	68	37	NA	NA	NAP	NAP	5	4

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



Participation shall be understood as one attendance of a person to a training.

• Type and frequency of trainings

	Judges		Prosecutors	
	Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
Initial training	Optional		Optional	
In-service training				
General	Optional	Regularly	Optional	Regularly
Specialised judicial functions	Compulsory	Regularly	Optional	Regularly
Management functions of the court	Optional	Regularly	Optional	Regularly
Use of computer facilities in courts	Optional	Occasional	Optional	Occasional
On ethics	Optional	Regularly	Optional	Regularly
On child-friendly justice	Compulsory	Regularly	Compulsory	Regularly
On gender equality	Optional	Regularly	Optional	Regularly
On prevention of corruption	Optional	Regularly	Optional	Regularly
On conflicts of interest	Optional	Regularly	Optional	Regularly
Other	Optional	Regularly	Optional	Regularly

Under 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. Currently, the following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Offenders and Criminal Protection of Juveniles, Law on establishing facts about the status of new-born children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.

In general, 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 2023 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.

In Serbia, no sanction is foreseen if judges and prosecutors do not attend the compulsory training sessions, but if a specialization course is compulsory, those judges or the prosecutors who do not receive certificate on that specialization will not be able to take cases on the relevant subject, e.g. juvenile law cases. In other words, there is no sanction, but the judge or the prosecutor cannot act in a case for which according to the law, training is mandatory and the judge or prosecutor did not attend it.

The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its annual program, and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy.

As regards domestic violence, prosecutor's offices have prosecutors specially trained in domestic violence and, also, specifically trained in dealing with cases when minor victims are involved. For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this Law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors, and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

• Minimum number of compulsory trainings

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	4	NA	NAP	NAP
Prosecutors	4	NA	NAP	NAP

During initial training, users are required to complete 4 HELP courses.

• **Quality of judicial training**

Serbia identifies (collects information about) future in-service training needs via:

Target audience itself		Relevant judicial institutions	
Previous participants in trainings		Ministry of Justice	
Trainers		Other	
Courts/prosecutor's offices			

Future in-service training needs are assessed annually.

Under Article 9 of the Law on the Judicial Academy and Article 10 of the Statute of the Judicial Academy, Management Board adopted the Rulebook on the procedure for determining training needs and creating proposals for the annual continuous training program. According to Article 4 of this Rulebook, the Judicial Academy conducts an annual training needs analysis, because the obtained results are one of the main parameters for creating a plan and program of continuous training program for the next calendar year.

The annual training needs assessment primarily consists of the collection of qualitative and quantitative data from the target group / users of the training programs, as well as a wide range of partners in the implementation of the educational activities. The methodology used includes surveys and focus groups. Quantitative data is collected using standardised questionnaires adapted to the job analysis and the educational characteristics of the target audience. Focus groups with relevant representatives of courts and prosecutor's offices (representatives of the judicial practice department, presidents of the departments, first deputies, and users of initial training) are organised for the purpose of checking the quality of data obtained through surveys, but also for the purpose of obtaining more complex information in order to improve the quality of training and better functionalisation of the curriculum. Taking into account the complexity of the role of judges and prosecutors, the Judicial Academy also conducts an analysis of all relevant strategic documents and legal regulations, when constructing instruments for training needs analysis. Before sending the questionnaire, Judicial Academy regularly communicates with all important judicial bodies involved in defining the criteria for assessing the work performance of judges and prosecutors, in order to more comprehensively analyse the educational needs and make the curriculum sufficiently adaptable to the general and specific needs of the target audience.

In Serbia, in-service trainings (seminars, workshops, round tables) are evaluated immediately and 3-6 months after the training has been delivered by using a combination of Kirkpatrick and other training evaluation models.

The result of the training evaluation process is used:

To prepare a training evaluation report with recommendations		To suppress a training course	
To improve the training course which, according to the report, needed improvements		To introduce a new course	
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated		Other	

The annual plan for the implementation of monitoring and evaluation determines the activities, as well as the instruments that will be used to assess the quality of the implemented educational activities. Evaluation instruments are based on the Kirkpatrick model of evaluation, Brinkerhoff's six-phase evaluation model and Blum's taxonomy. Depending on the structure of the educational activities and the time duration, different levels of these models have been reached. The evaluation instruments are based on the following indicators: the quality of the training program, the quality of lecturers/trainers, the quality of the chosen methodology, the quality of the training content and the practical knowledge application. Quality and satisfaction with the continuous training program are measured by the following instruments: Standard evaluation questionnaire, Assessment of the impact of the training in the Judicial Academy on the performance of the respondents, evaluation of the Judicial Academy's educational activities with permanent participants, Participant's educational expectations from Judicial Academy, Participant's satisfaction with the educational aspects of the Judicial Academy, Monitoring reports, Structured tests (pre and post assessment of learning outcomes).□

Assessment of satisfaction with some aspects of the training is carried out immediately after the training. Assessment of changes in knowledge is carried out using standardized pre and post tests. When the structure of the educational activity allows, the Judicial Academy evaluates the medium and long-term effects of the training. The medium-term effects are determined using a standardized questionnaire for assessing knowledge retention and the possibility of application in daily work. It is conducted two to three months after the training. The long-term effects of the training are carried out by a comparative analysis of the changes in the daily work of the participants also 6 months after the training.

The obtained results are the basis for improving the quality of future trainings. Combined with the monitoring reports, they serve as guidelines for the implementation of various interactive methods and more precise adaptation of the program in the domain of balance of theory and practice, difficulty of tasks and case studies. The obtained data is also a guideline for lecturers to improve their didactic skills, especially in encouraging and maintaining interaction, creating a good learning climate, maintaining group dynamics, adapting the content to the experience and specific needs of the participants, with a focus on applicability in daily work. As one of the questions in the questionnaire is assessment of the future training needs, the data is also used for enabling continuous professional development of judges and prosecutors.

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Serbia in 2023 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



Mediators

24,3

per 100 000 inhabitants

WB Average: 17,8

67,6% female mediators



Total number of court-related mediations

Number of cases for which the parties agreed to start mediation	4 875
Number of finished court-related mediations	NA
Number of cases in which there is a settlement agreement	NA

In Serbia, court related mediation procedures are available and legal aid for court-related mediation or related mediation provided free of charge could be granted. The judicial system does not provide for mandatory mediation. Also, there are no mandatory informative sessions with a mediator. In 2023, the number of mediators was 24,3 per 100 000 inhabitants, which was above the WB Average (17,8 per 100 000 inhabitants). The majority of the mediators were women (67,6%). There were in total 4875 cases for which the parties agreed to start mediation.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

In Serbia, judges are required to inform parties about the possibility of mediation but cannot mandate it, as there are no provisions for mandatory mediation. Article 11 of the Law on Civil Procedure stipulates that the court should direct parties to mediation or an informative hearing for mediation, or instruct them about the option of pre-trial dispute settlement through mediation or other amicable means, in accordance with the law. Additionally, Article 305, Paragraph 3 requires the court to inform parties that the procedure can be conducted through mediation.

The Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed“) by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By signing of a written agreement between the parties of the dispute; 2) By a decision of the mediator, after consultation with the parties, to terminate the proceedings because further proceedings are not justified; 3) By a withdrawal statement of a disputed party from further proceedings. Due to justified reasons, the deadline for the completion of the mediation process can be extended to a maximum of 30 days from the date of determination or choice of the mediator. Also, a mandatory attempt at peaceful dispute resolution before initiating civil proceedings is prescribed in some Serbian laws (but not mediation per se). The Law on Compulsory Traffic Insurance ("Official Gazette RS", no. 51/2009, 78/2011, 101/2011, 93/2012 and 7/2013 – CC decision) provides that a person entitled to a claim under third party motor liability insurance must file the claim directly to the insurance company - if the contract provides for this possibility and if this is in accordance with the business policy of the insurance company. In case the insurance company fails to submit a reasoned offer of compensation for damages within 90 days from the date of claim receipt, or in case the insurance company fails to pay the small claim within the deadline, the claimant may file a lawsuit against the company and notify the National Bank of Serbia of such proceedings. Therefore, in this specific situation, the lawsuit is considered to be filed prematurely, unless the claimant previously addresses the insurance company in an attempt at out-of-court settlement.

Further, under the provisions of the Criminal Procedure Code a person who intends to file a lawsuit for compensation for unlawful deprivation of liberty, or wrongful conviction, before the filing of the complaint, shall submit a request to the Ministry of Justice in order to agree on the existence of damage, the type and amount of compensation (Article 588, Paragraph 1 of the CPC). A Commission shall decide on the request, whose composition and method of work is regulated by the Minister of Justice (Article 588, Paragraph 2 of the CPC). A member of the Commission is also a Deputy SA. If the request is not granted or the Commission does not decide on the request within three months, a lawsuit may be filed against the Republic of Serbia (Article 589, Paragraph 1 of the CPC). If agreement is reached partially, related to the claim, the lawsuit may contain the remaining claims (Article 589, paragraph 2 of the CPC). During the duration of the procedure for reaching agreement, the statute of limitation is not running for the right to compensation under Article 591 (Article 589, paragraph 3 of the CPA). According to the Serbian authorities, the work and results of these commissions show that the way settlement procedure is devised should be fundamentally revised.

• Other ADR methods

Mediation other than court-related mediation	✓	Arbitration	✓	Conciliation (if different from mediation)	✓	Other ADR	✗
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Various alternative dispute resolution methods are at parties' disposal within the legal framework of Serbia, including mediation (judicial and non-judicial), conciliation and arbitration. The Serbian authorities reported that, to date, they are however, all underused. Nonetheless, in the last two years, a steady increase of mediation proceedings has been noted, followed by a strong support of mediation by the Ministry of Justice and Supreme Court of Cassation, and positive activities are noted in the field of arbitration, with the establishment of a new independent arbitration centre. According to the authorities, coordinated, joint, continued multi-annual efforts must be made to establish a viable and sustainable alternative dispute resolution system. Having the above in mind, a strategic approach to improving the use of mediation has been initiated since 2018, whereby the Ministry of Justice, recognising that increasing and improving mediation culture and mechanisms is not a task to be dealt with only by the judiciary and its respective Ministry, but by also addressing other line ministries and institutions, such as the National Bank of Serbia, Ministry of Trade and Ministry of Labour, so as to seek to find together best ways to improve the use and quality of mediation in the fields of their respective competences, and in that way, jointly successfully answer to the benchmark given in that respect within Chapter 23.

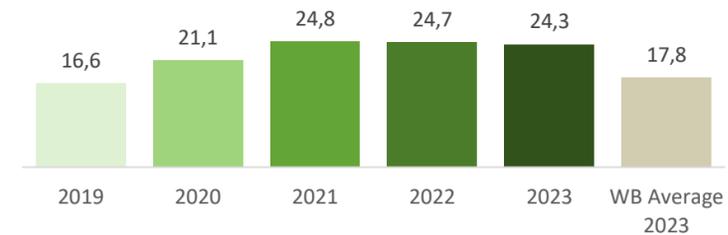
• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

The conditions stipulated by the law for the performance of mediation activities are: legal capacity, citizenship of the Republic of Serbia, completed basic training, higher education, that the person has not been sentenced to an unconditional prison sentence for a criminal offense that makes him unfit to perform mediation activities, possession of a mediation license and enrolment in the Register of Mediators. The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators.

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2023
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
1 612	24,3	17,8	39,4%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2023

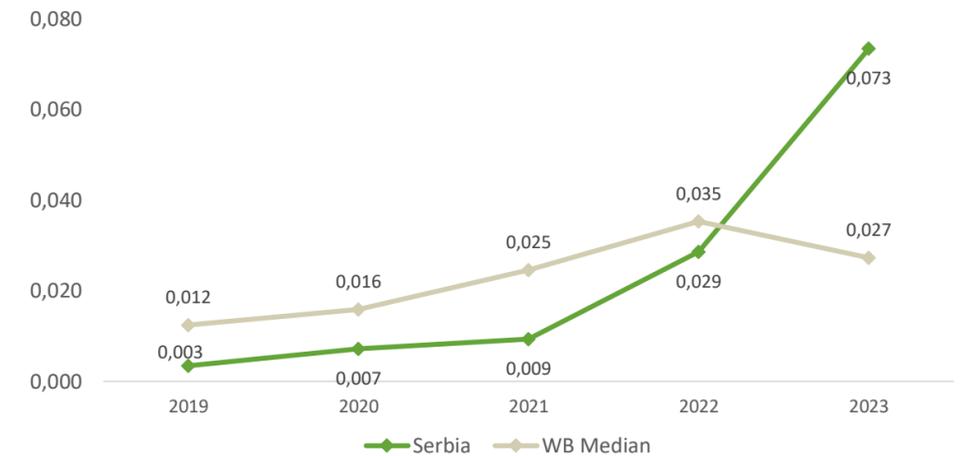


For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

In 2023, the total number of mediators in Serbia was 1612, which is 39,4% more than in 2019. The number of mediators per 100 000 inhabitants was 24,3, which is more than the WB Average of 17,8.

	Number of court-related mediations			Providers of court-related mediation services			
	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	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	4 875	NA	NA				
1. Civil and commercial cases	1 054	NA	NA	✓	✓	✓	✗
2. Family cases	115	NA	NA	✓	✓	✓	✗
3. Administrative cases	24	NA	NA	✓	✓	✓	✗
4. Labour cases incl. employment dismissals	174	NA	NA	✓	✓	✓	✗
5. Criminal cases	22	NA	NA	✓	✗	✗	✗
6. Consumer cases	1 753	NA	NA	✓	✓	✓	✗
7. Other cases	1 733	NA	NA				

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2023



Court related mediations are provided by private mediators, public authorities (other than the court) and judges. In 2023, mediation was most used for Consumer cases and Civil and Commercial cases (parties agreed to start mediation in 1 753 and 1 054 cases, respectively).

In Serbia, it is possible to receive legal aid for court-related mediation or receive these services free of charge.

The authorities reported that the Family law provides that, upon being served the request for annulment or dissolution of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in criminal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may acquit from punishment the perpetrator of a criminal offence punishable by up to three years' of imprisonment or a fine if the offender has fulfilled all his/her obligations under the agreement reached with the victim. Therefore, according to previously mentioned provisions, in these matters the only eligible public authority is the court) which can be explained by the very nature of the proceedings.

The Law on Consumer Protection ("Official Gazette of RS", no. 62/2014, 6/2016 and 44/2018) provides two types of out of court settlement of consumer disputes: mediation (in accordance with the law that regulates mediation in Serbia) and arbitration. Parties in the consumer dispute may assign the resolution of the consumer dispute to one or more mediators chosen from the list of mediators, in accordance with the Law on Mediation.

Nota bene: In criminal cases mediation only refers to property claims and claims for damages.

Kosovo is not included in the calculation of summary statistics

European Convention on Human Rights in Serbia in 2023 (Indicator 10)

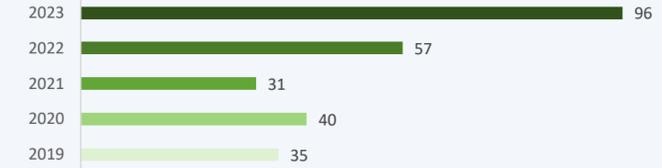
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Judgements finding at least one violation**



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***



• ECHR

Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court), performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with the domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in the future. Moreover, on the request of the Agent's office, all domestic authorities are expected to provide necessary data in order to be presented before the Committee of Ministers of the Council of Europe in the form of action plans or action reports. Presented monitoring system is operated by the Agent's office and it is at the State level. There is no separate mechanism in the Republic of Serbia dedicated only to the monitoring of the violations related to Article 6 of the Convention.

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✔	✔	✔

According to Article 46 of the European Convention on Human Rights, the Committee of Ministers of the Council of Europe monitors the enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on a regular basis. Also, numerous Action plans and action reports have been submitted to the Committee of Ministers regarding violations of Article 6 (1) of the ECHR.

Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special (specialized) jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor under certain procedural preconditions. Part of the statistical report on the work of the courts also relates to the trial within a reasonable time. Protection of other various aspects of rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the following: the RS Constitution, the Law on the Constitutional Court, the Law on the Organization of Courts, and the Law on the Protection of the Right to a Trial within a Reasonable Time.

Possibility to review/reopen a case after a decision on violation of human rights by the ECHR

For civil cases	For criminal cases	For administrative cases
✔	✔	✔

Civil proceedings - According to the provisions of the Civil Procedure Code one of the reasons for reopening of the proceedings is a violation of the human rights found by the ECtHR. It is provided that "... If the party is afforded the opportunity to use a judgment of the European Court of Human Rights finding a violation of human rights, which may have had the effect of a more favourable decision" (Article 426(1) (11)). The deadline for submission of a motion for reopening is 60 days from the date on which the party was able to use the final decision which is the reason for the reopening of the proceedings (Article 428(1) (4)). Criminal proceedings - The Criminal Procedure Code stipulates that the request for protection of legality may be filed by the Republic Public Prosecutor, the defendant and his defense counsel (Article 483 (1)). The Supreme Court of Cassation shall decide upon this legal remedy.

In 2023, the applications allocated to a judicial formation** for Serbia were 1522 (-1767 less than the previous year). The judgements by the ECHR finding at least one violation for Serbia were 9; whereas they were 10 in 2022.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process were 96 in 2023; whereas they were 57 in 2022.

	2019	2020	2021	2022	2023
Applications allocated to a judicial formation of the Court**	2 160	1 836	1 993	3 289	1 522
Judgements finding at least one violation**	22	4	5	10	9
Judgements finding at least one violation of the Article 6 of the ECHR					
Right to a fair trial (1)	0	0	0	0	2
Length of proceedings	10	0	2	0	0
Non-enforcement	7	2	2	5	3

** Source: ECHR

(1) Figures in this line may include conditional violations.

	2019	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	35	40	31	57	96

*** Source: Department for the Execution of Judgments of the ECHR

Kosovo is not included in the calculation of summary statistics

Reforms in Serbia in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
(Comprehensive) reform plans	✘	✔	✔	<p>On February 9th, 2022, the National Assembly of the Republic of Serbia passed an Act amending the Constitution of the Republic of Serbia and the Constitutional Law implementing the Act amending the Constitution of Serbia, which is in line with the opinion of the Venice Commission. The new set of judicial laws was adopted by the National Assembly on February 9th 2023.</p> <p>In accordance with the transitional and final provisions of the new legislative framework, the lay component of both, the High Judicial Council and High Prosecutorial Council was elected on May 8th 2023 by which both councils were fully established and the laws started its implementation on May 10th 2023, after the decision was published in the Official Gazette of the Republic of Serbia.</p> <p>Working groups that are currently working on relevant by-laws have been established by the Ministry of Justice and by the Councils, and it is expected that the relevant regulations will be adopted within a year from the start of implementation of the adopted set of judicial laws. Moreover, in accordance with the activities set up in the Revised Action Plan for Chapter 23, and in that respect further work on alignment of the normative framework with the Constitutional amendments, as in the first quarter of 2023, director of the Judicial Academy established the Working Body for drafting the multiannual working plan of the Judicial Academy, analysis of the Law on the Judicial Academy and the guidelines for amending the Law on the Judicial Academy. The Ministry of Justice will discuss the modalities regarding the position of the Judicial Academy with the European Commission and Venice Commission and the plan is to have a law adopted, in accordance with the positive opinion of the Venice Commission, by the end of 2024. One of the reasons for submission of a request for the ensure the compliance with the principle of legality is that the human rights and freedoms of the defendant or other participant in the proceedings, guaranteed by the Constitution or the European Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols, have been violated or denied, as found by the Constitutional Court decision or by the Judgment of the European Court of Human Rights. (Article 485 (1) (3)).</p> <p>Misdemeanour proceedings - The Law on Misdemeanours provides for the possibility of reopening following the ECtHR judgment. A request for a retrial may be filed, inter alia, when the defendant was afforded the opportunity to use a decision of the ECtHR finding a violation of human rights, which may have had the effect of a more favourable decision on the defendant (Article 280 (1) (5)).</p> <p>Administrative disputes - The Law on Administrative Disputes stipulates as one of the reasons for reopening of the proceedings that had been terminated by a final judicial decision upon the party's action "if the finding from a subsequently rendered decision of the European Court of Human Rights in the same matter may have an impact on the lawfulness of finally concluded judicial proceedings" (Article 56(1),(7)).</p> <p>Similarly, by the Law on General Administrative proceedings reopening could be granted if the ECtHR in the same administrative matter found that the rights or freedoms of the applicant were violated (Art. 176, para 1.12).</p>
Budget	✘	✔	✔	<p>Both councils now, according to the new laws, independently prepare and execute their budgets without the control of the Ministry of Justice. The laws governing the High Council of the Prosecution and the High Council of the Judiciary in Serbia stipulate that these councils' budgets are funded by the Republic of Serbia's budget, based on the councils' proposals. These councils have autonomous control over their allocated funds, and the government cannot modify or restrict these budgets without the councils' consent. The budget proposals are prepared by each council's Secretary and must be approved through a consultative process with the Ministry of Finance. If there are disagreements, the proposals are still included in the national budget draft as long as they fall within defined spending limits. The execution of these budgets is subject to standard financial controls and audits as per the laws regulating the budget system.</p>
Courts and public prosecution services	✔	✘	✘	<p>Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Office is to be amended in 2024.</p>
Access to justice and legal aid	✘	✔	✔	-

Reforms in Serbia in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
High Judicial Council and High Prosecutorial Council	✘	✔	✔	<p>The Government, at its 25th session on January 17, 2023, determined the Proposal for the Law on Court Organization and concluded that, based on Article 123, Item 4 of the Constitution of the Republic of Serbia and Article 150, Paragraph 1 of the Rules of Procedure of the National of the Assembly ("Official Gazette of the RS", number 20/12 - revised text), submitted to the National Assembly the Draft Law on Organization of Courts, draft Law on Judges, Draft Law on the High Judicial Council, Draft Law on Public Prosecution and draft Law on High Prosecutorial Council.</p> <p>The set of judicial laws was adopted by the National Assembly on February 9th 2023.</p> <p>On March 14th 2023, the Venice Commission adopted the Information to the Follow-up on three previous opinions on Judiciary (opinion and follow-up opinion regarding the Law on the Organization of Courts, the Law on the High Judicial Council and the Law on Judges and opinion regarding the Law on Public Prosecution Office and the Law on High Prosecutorial Council).</p> <p>In accordance with the transitional and final provisions of the new normative framework, the lay component of both, the High Judicial Council and High Prosecutorial Council was elected on May 8th 2023 by which the both councils were fully established and the laws started its implementation on May 10th 2023, after the decision was published in the Official Gazette of the Republic of Serbia.</p> <p>Working groups that are currently working on relevant by-laws have been established by the Ministry of Justice and by the Councils, and it is expected that the relevant regulations will be adopted within a year from the start of implementation of the adopted set of judicial laws. Moreover, in accordance with the activities set up in the Revised Action Plan for Chapter 23, and in that respect further work on alignment of the normative framework with the Constitutional amendments, as in the first quarter of 2023, director of the Judicial Academy established the Working Body for drafting the multiannual working plan of the Judicial Academy, analysis of the Law on the Judicial Academy and the guidelines for amending the Law on the Judicial Academy. This is one of the key steps in preparations for the beginning of work of the working group. The Ministry of Justice will discuss the modalities regarding the position of the Judicial Academy with the European Commission and Venice Commission and the plan is to have a law adopted, in accordance with the positive opinion of the Venice Commission, by the end of 2024.</p>
Legal professionals	✔	✘	✘	Law on the Judicial Academy is to be amended during 2024
Gender equality	✘	✔	✘	https://pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/103/1
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✔	✘	✘	Process of amending of the Civil Procedure Code, Criminal Procedure Code and Criminal Code is ongoing
Mediation and other ADR	✘	✔	✘	-
Fight against corruption and accountability mechanisms	✔	✘	✘	Ministry of Justice is currently preparing new National Anti-Corruption Strategy (2023-2028) with accompanying Action plan
Domestic violence	✘	✔	✔	https://www-paragraf-rs.translate.google.com/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html?_x_tr_sl=sr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc
New information and communication technologies	✔	✘	✘	The implementation of the new centralized CMS in courts in Republic of Serbia is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.



CEPEJ(2024)1REV1

Part 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII:

Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II

“Dashboard Western Balkans II”

Data collection: 2023

Part 2 (B) - Beneficiary Profile – Serbia

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Dashboard Western Balkans, and relevant GRECO reports.

Selection and recruitment of judges and prosecutors

Procedure of recruitment of judges

Judges are appointed (and dismissed) by the High Judicial Council (HJC) as per the Constitution and the Law on Judges (LoJ).

For judges, recruitment procedure is initiated through the publication of holding of elections for judges (in the Official Gazette, in the media with national coverage in Serbia and on the HJC's website) by the HJC, to which applications are submitted along with evidence of eligibility. Two parallel ways of accessing the career of a judge exist, namely via: 1) permanent employment at court as a judicial assistant after passing the bar exam »with distinction«; or 2) completing an initial training at the Judicial Academy.

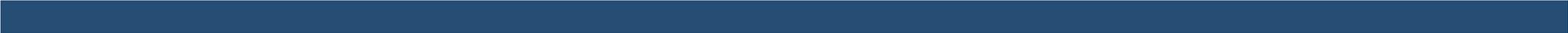
Entry criteria for the election of a judge are together with the announcement of vacant position and include: Serbian citizenship, meeting the general requirements for employment in state bodies (as stipulated in Article 45 of the Law on civil servants), being a law school graduate, having passed the bar exam and being professional, capable and worthy of performing the judicial function (Articles 48 and 50, LoJ). The required professional experience in the legal profession following the bar exam is two years for a judge of a misdemeanour court, three years for a judge of a basic court, six years for a judge of a higher court, a commercial court, and the Misdemeanour Appellate Court, 10 years for a judge of an appellate court, the Commercial Appellate Court and the Administrative Court and 12 years for a judge of the Supreme Court (Article 49, LoJ).

Other requirements for the election of a judge are expertise (implies having theoretical and practical knowledge necessary to perform the judicial function), competence and worthiness, i.e. ethical characteristics that a judge should possess, and conduct in accordance with such characteristics. Having a clean criminal record is also necessary (Article 50, LoJ).

The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the HJC. A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take the exam organized by the HJC, but the final grade at the initial training is taken as a measure of expertise and competence.

Those candidates that have completed the initial training at the Judicial Academy are exempt from taking the obligatory entry exam organised by the HJC; however, the final exam grade achieved at the initial training is taken into account when assessing the criteria of competence and qualification evaluation for judicial positions.

The HJC collects information and opinions about the qualifications, competence and moral integrity of a candidate, namely from bodies and organisations where the candidate worked in the legal profession. In case of a candidate coming from a court, it is mandatory to obtain the opinion of the session (collegium) of all judges of that court, as well as the opinion of the session (collegium) of all judges of the immediately higher instance court. Before the election, a candidate has the right to view information and opinions (Article 49 of the LoJ). In addition, the HJC must take into particular consideration the type of jobs that the candidate performed after passing the bar exam. Before presenting



its nominations, the HJC conducts interviews with the candidates. Transparency of the interview is ensured through minutes of the interview being taken, audio or video recording of the interview taken and a standardised questionnaire being used for all candidates.

When proposing for the election of a judge, as well as when electing a judge, account is taken of the national composition of the population, the appropriate representation of members of national minorities and knowledge of professional legal terminology in the language of the national minority, which is in official use in the court.

A list of pre-selected candidates that are to be nominated for election is published on the HJC's website and reasoned. The HJC adopts a decision on the election to the judicial function which is reasoned and published in the Official Gazette and on the HJC's website.

Non pre-selected candidates may file an appeal against the decision of the HJC in the pre-selection procedure to the Constitutional Court (Article 59, LoJ). This right stems from article 170 of the Constitution according to which a constitutional complaint can be filed against individual acts or actions of state bodies or organizations entrusted with public powers, which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal means for their protection have been exhausted or are not provided for. Such an appeal excludes the right to file a constitutional appeal. The Constitutional Court shall make a decision within 30 days from the expiry of the deadline for filing an appeal.

A first-time elected judge whose work during the first three-year term of office is assessed as having “performed the judicial duty with exceptional success”, is appointed mandatorily to a permanent office by the HJC. If the assessment is “not satisfactory”, appointment to permanent office is not possible and the HJC issues a decision on the termination of office against which an appeal is possible to the Constitutional Court (Article 67, LoJ). Every decision related to the recruitment procedure (including a final decision on termination of office) must be reasoned and published in the Official Gazette.

In the GRECO Evaluation [Report](#) from 2015 (see para. 111 to 115) the involvement of the National Assembly in the election (and promotion) of judges and court presidents was subject to GRECO's criticism which also referred to the opinions of the Council of Europe's Venice Commission and the EU expressed on this matter. Such involvement of the National Assembly seemed to be “a recipe for politicisation of the judiciary”. Another issue of criticism was the lack of objective and clear criteria of the procedures for first election, appointment to permanent office and career advancement for judges and that the proposals for the selection among candidates made by the HJC were made in a non-transparent manner, based mainly on interviews held behind closed doors. Although GRECO noted that the Serbian authorities had already been working on these issues which had been foreseen by the National Judicial Reform Strategy (NJRS), it recommended reforming the procedures for the recruitment and promotion of judges and court presidents, in particular by excluding the National Assembly from the process, ensuring that decisions are made on the basis of clear and objective criteria, in a transparent manner and that positions of court presidents are occupied on an acting basis only for short periods of time.

In the compliance procedure GRECO found some progress made, namely bylaws adopted by the HJC on evaluation criteria and discussions held on possible constitutional amendments to exclude the National Assembly from the process of appointment of judges (see para. 36 – 42, [GRECO Compliance Report from 2017](#)), as well as a preparation of constitutional amendments to exclude the National Assembly from the appointment process (see para. 33 – 40, [Interim Compliance Report from 2019](#)). However, due to

the fact that the constitutional amendments had not yet been adopted and that the rulebooks, although provided for merit-based criteria and standards for the objective evaluation of candidates to judicial positions, had not bound the HJC when making a decision, GRECO assessed this recommendation to be partly implemented (see para. 32 – 36, [GRECO Second Compliance Report from 2020](#)). In the Second Interim Compliance Report (see para. 25-29), the authorities reported on the amendments of the Constitution (adopted by Parliament on 30 November 2021, confirmed by referendum on 16 January 2022 and promulgated on 9 February 2022) which provide for the exclusion of the National Assembly from the process of recruitment of judges.

As already mentioned above, integrity of a candidate judge is checked in the pre-selection and the selection process via obtaining opinions on candidates (i.e. on the qualification, competence and moral character of a candidate) from bodies and organisation where the candidate worked in the legal profession, including an opinion of the collegium of all judges of a court where the candidate worked (Article 55, LoJ), and via checking the candidate's criminal record (Article 49, LoJ).

Mandate of judges

A judge is appointed “for life”. A judge's office ends either at the request of a judge, upon retirement age 65 (age 67 for Supreme Court of Cassation judges), due to a permanent inability to work, if not elected to permanent office, or in case of dismissal (Articles 57 to 68, LoJ). As mentioned above, judges are first elected to office for a three-year term and are then mandatorily appointed to permanent office if their work during the first three-year term has been assessed as having “performed the judicial duty with exceptional success”. A judge can be dismissed if convicted of an offence carrying a sentence of imprisonment of at least six months or of a punishable act that demonstrates that s/he is unfit for the judicial function, in case of incompetence or due to a serious disciplinary offence (LoJ). As already said above, against a decision of the HJC on termination of office, a judge has the right to appeal to the Constitutional Court within 30 days from the date of the delivery of the decision. The Constitutional Court may reject the appeal or accept it and cancel the decision on termination of office. The decision is final (article 67 LoJ).

Procedure of appointment of lay judges

Lay judges are appointed by the HJC based on proposals by the Minister of Justice – who must first obtain an opinion from the court to which a lay judge is to be appointed (article 82 LoJ) –, for a period of five years. They may be re-appointed. Any national of Serbia of legal age who is not older than 70 years at the time of appointment and who is worthy of the function may be appointed as a lay judge. As is the case for professional judges, worthiness means ethical characteristics that a judge should possess, and conduct in accordance with such characteristics (article 81 LoJ). A lay judge is suspended from office by the court president if criminal proceedings have been instituted against him/her for an offence that might lead to dismissal, or if dismissal proceedings have been instituted (article 84 LOJ). Possible reasons for dismissal of a lay judge are political activity or political party membership. The procedure to determine the reasons for the termination of the function of a lay judge is initiated on proposal of the court president, president of the immediately superior court, the president of the Supreme Court or the Minister of Justice; the HJC conducts the proceedings and takes a decision (article 86 LoJ).

Procedure of recruitment of prosecutors

Public prosecutors (including deputies) are elected by the High Council of Prosecutors (hereinafter: HCP - with changes introduced in 2022, the then State Prosecutorial Council has been renamed to the High Council of the Prosecution (Official Gazette of RS, no. 10/2022) and dismissed by the HCP as per the Law on Public Prosecution Office (LPPO), adopted in 2023. Several bylaws of the HCP regulate in detail the election process (i.e. Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time, Rulebook on the program and rules for taking the exam for the assessment of qualifications and competencies of candidates for the first election to the position of a deputy public prosecutor, Rulebook on criteria and measures for evaluation of professionalism, competence and worthiness of the candidates in proceedings of proposing and election of holders of public prosecutorial function).

Deputy public prosecutors who are appointed for the first time are elected by the HCP, for a term of three years. Apart from meeting the general conditions (they must meet general requirements for employment in state bodies, namely being an adult, has the Serbian citizenship, has prescribed professional qualifications and fulfil other requirements set in the law, his/her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship, s/he was not convicted to a sentence of at least six months), they are required to be a law school graduates, have three years of professional experience in the legal profession following the bar exam and be worthy of the office of the public prosecutor. Their qualifications and competences are evaluated at the entry exam conducted by the Examination Commission of the HCP. Those candidates who have passed the initial training at the Judicial Academy are exempt from taking the entry exam the final grade awarded at the end of the training will be taken into consideration (Article 84, LPPO). Following the three-year term, deputy public prosecutors are appointed to a permanent office by the HCP within the prosecution service.

Public prosecutors who are heads of public prosecution offices are elected by the HCP, from the ranks of public prosecutors and deputy public prosecutors, upon the proposal of the government based on a list of candidates determined by the HCP, for a term of six years, with a possibility for a re-election. The HCP proposes to the government a list of one or more candidates for election. If only one candidate is proposed, the government may return the proposal to the HCP. The government and the National Assembly do not have the competence to elect a candidate who has not been nominated by the HCP.

The Supreme Public Prosecutor is elected by the National Assembly, on the proposal of the HCP, for a term of six years.

In the [GRECO](#) Evaluation Report from 2015 (see para. 172 and 173) GRECO repeated its concerns expressed with respect to the recruitment (and promotion) of judges and court presidents also in relation to recruitment (and promotion) of public prosecutors, namely that the involvement of the National Assembly in the process provided room for undue political influence, that the selection of candidates by the HCP was non-transparent and lacked objective and clear criteria, that there had been cases where prosecution offices had been headed by acting public prosecutors for long periods of time, making them liable to pressure, and that the government enjoyed wide discretion in the appointment process when accepting or refusing candidates proposed by the HCP for election by the National Assembly. GRECO thus recommended reforming the procedures for the recruitment and promotion of public prosecutors and deputy public prosecutors, in particular by excluding the National Assembly from the process, limiting the discretion of the government and ensuring that decisions are made on the basis of clear and objective criteria in a transparent manner and that positions of public prosecutors (i.e. heads of office) are occupied on an acting basis only for a short period of time.

In the compliance procedure (see GRECO Compliance [Report](#) from 2017, para. 63 – 68; GRECO Interim [Compliance](#) Report from 2019, para. 61 – 68; and [GRECO Second Compliance Report from 2020](#), para. 54 - 57), GRECO noted draft constitutional amendments addressing part of the recommendation (as regards the exclusion of the National Assembly and limiting the discretion of the government, although as regards this latter point GRECO noted that much of this would also depend on the influence over the process of selection at the Judicial Academy once it becomes the single entry point for the prosecution service). As these amendments had not been adopted yet, GRECO concluded that this part of the recommendation was partly implemented. There was no progress with regard to the other part of the recommendation. In [the Second Interim Compliance Report](#) (para. 49-53) GRECO noted that the amendments to the Constitution provide for the exclusion of the National Assembly from the process of recruitment and promotion of public prosecutors which is in line with the recommendation. It notes that the Supreme Public Prosecutor, however, remains elected by Parliament, but upon a proposal by the HCP and after a public competition, which appears to limit the discretionary powers of the executive and legislative powers in this process. This is also in line with the purpose of the recommendation. GRECO also noted that the first term recruitment period has been abolished. However, no information has been provided to show that the appointment and promotion of prosecutors by the HCP are to be based on clear and objective criteria and in a transparent manner. Moreover, GRECO noted that a significant number of acting prosecutors still occupy their functions for more than two months and that the process for fulfilling such acting positions have not been finalised yet. GRECO concluded recommendation to be partly implemented. In the GRECO Addendum to the Second Compliance Report on Serbia (see para. 21-26), the Serbian authorities indicated that the new Law on Public Prosecutor's Office completes the appointment requirements, including expertise (possession of the theoretical and practical knowledge necessary for the performance of the public prosecutor's function), qualifications (skills that enable the effective application of specific legal knowledge in solving the public prosecutor's cases) and worthiness (moral qualities such as honesty, conscientiousness, fairness, dignity, awareness of social responsibility) - in the previous law, such criteria were only used for ranking candidates. The new law provides for the prohibition of discrimination, and introduces the publicity of the vacancies for appointing chief public prosecutors and public prosecutors – this publicity must be regulated by the HPC. The appointment decision must be reasoned and published on the HCP's web site and in the Official Gazette. The decision can be appealed to the Constitutional Court within 15 days from the day of publication, and the Constitutional court must decide within 30 days - its decision is made public in the Official Gazette. The authorities also reported that on 19 June 2023, the HPC appointed 19 chief public prosecutors - to date, 17 of them have taken up their duties. Therefore, chief public prosecutors now perform their duties in 55 public prosecutor's offices. For the remaining 35 public prosecutor's offices, where acting officials are currently appointed, a public announcement is underway. In accordance with the new Law on Public Prosecutor's office (Article 41), there are no more managers in public prosecutor's offices. The vacancies are only covered by acting prosecutors, appointed by the HCP for a maximum period of one year. GRECO noted that the new legislation, following the adoption of the constitutional amendments, has introduced appropriate provisions ensuring that the decisions for appointing and promoting chief public prosecutors and public prosecutors are made on the basis of clear and objective criteria in a transparent manner. Together with the exclusion of the National Assembly from the procedure and the abolition of the first term recruitment procedure, this limits the discretion of the political power in appointing and promoting prosecutors and is in line with the purpose of the recommendation. GRECO also noted that 19 chief prosecutors have recently been appointed. However, a significant number of prosecutor offices are still occupied by acting prosecutors and remain to be fulfilled by prosecutors to be appointed according to the above-mentioned procedure. As long as this situation has not evolved, GRECO will not be able to consider that the recommendation has been fully implemented and therefore concluded that recommendation remained partly implemented.

Elections of public prosecutors and deputy public prosecutors are publicly announced by the HCP (in the Official Gazette, the HCP website and in other sources of public information with a coverage of the whole territory of the country) and applications are submitted along with evidence of eligibility (Article 86 of the LPPO).

Entry criteria for the election of a (deputy) public prosecutor are publicly available and include: Serbian citizenship, meeting the general requirements for employment in state bodies (as stipulated in Article 45 of the Law on civil servants), being a law school graduate, having passed the bar exam and being professional and worthy of the office (Article 81, LPPO). The required professional experience in the legal profession following the bar exam is four years for a basic public prosecutor and three years for a deputy basic public prosecutor, seven years for a higher public prosecutor and six years for a deputy higher public prosecutor, ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction and eight years for a deputy appellate public prosecutor and deputy public prosecutor with special jurisdiction, twelve years for the Supreme Public Prosecutor and eleven years for the public prosecutor of the Supreme Public Prosecutor's Office (Article 81 of the LPP).

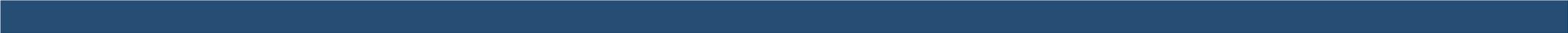
As well as having the required expertise (this implies the possession of theoretical and practical knowledge necessary for the performance of the public prosecutor's function) and competence (meaning skills that enable the effective application of specific legal knowledge in the resolution of a public prosecutor's case), a candidate must demonstrate worthiness, i.e. the requisite ethical and moral integrity (honesty, diligence, fairness, dignity, persistence and exemplarity). Having a clean criminal record is also necessary.

The HCP collects information and opinions about the qualifications, competence and moral integrity of a candidate, namely from bodies and organisations where the candidate worked in the legal profession (Article 88 LPPO). Before making a decision on selection, the HCP conducts interviews with the candidates to determine the candidate's communication skills, readiness to perform the function of the public prosecutor and professional integrity of the candidate (Article 89, LPPO). Transparency of the interview is ensured through minutes being taken, and a standardised point system being used to evaluate the candidates. The decisions on election of public prosecutors HCP are published on the HCP's website. The HCP must justify its decisions.

When choosing the chief public prosecutor and the public prosecutor, the national composition of the population, the appropriate representation of members of national minorities and the knowledge of professional legal terminology in the language of the national minority that is officially used in the court are taken into account (Article 85, LPPO).

Non-selected candidates may file an appeal against the decision HCP on the ranking list in the selection procedure of the HCP to the Constitution Court – this excludes the right to file a constitutional appeal (Article 93, LPPO). This right stems from Article 170 of the Constitution according to which a constitutional complaint can be filed against individual acts or actions of state bodies or organizations entrusted with public powers, which violate or deny human, or minority rights and freedoms guaranteed by the Constitution, if other legal means for their protection have been exhausted or are not provided for. The appeal shall be filed within 15 days from the date of publication of the decision in the Official Gazette and the Constitutional Court shall make a decision within 30 days from the expiry of the deadline for filing an appeal.

Integrity of a candidate public prosecutor is verified by examining a program of organisation and promotion of work of the public prosecutor's office that is to be submitted by the candidate – on the basis of the program the candidate's ability to organize work, knowledge of the affairs of the public prosecutor's office, advocacy for preserving the



reputation of the public prosecutor's office in the public and other measures of importance for the work of the public prosecutor's office for which is running are checked. His/her criminal record is also checked.

Mandate of prosecutors

Public prosecutors enjoy a permanent tenure, until reaching the retirement age of 65 (except for the public prosecutor of the Supreme Public Prosecutor's Office who can perform the function of a public prosecutor until the age of 67) (Article 101, LPPO). The office may terminate earlier, either at the request of a public prosecutor, due to a permanent inability to work, or in case of dismissal.

The Supreme Public Prosecutor is elected for a six-year term and may be re-elected.

Public prosecutors and deputy public prosecutors are dismissed if sentenced for a criminal offence to at least six months' imprisonment or convicted for a punishable offence that renders them unworthy of office, or if they discharge their functions incompetently (i.e. their performance is rated "unsatisfactory"), or for committing a grave disciplinary offence (Article 103 of the LPPO). Against the decision of the National Assembly or the HCP on termination of the public prosecutor's office, the Supreme Public Prosecutor, the public prosecutor or deputy public prosecutor may appeal to the Constitutional Court, which takes a final decision which is published in the Official Gazette (Article 108 of the LPPO).

Promotion for judges and prosecutors

Promotion of judges

The HJC is responsible for the promotion of judges.

There is no specific procedure for the promotion of judges and thus the general procedure for the election of judges is applied (see the section Appointment/recruitment/mandate of judges/prosecutors).

The promotion procedure is based on the expertise and competence which is to be checked through a performance evaluation for the last three years done by a HJC's committee composed of three judges, who are elected members of the HJC.

The criteria and standards in the process of election of judges to another or higher court are prescribed by 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 (Article 4, the Official Gazette of RS, No. 94/16 and 48/23). Especially the following criteria are taken into account: expertise (includes possession of theoretical and practical knowledge required to perform judicial function); participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentations in national and international scientific and professional conferences. Worthiness of candidates (ethical qualities a judge should possess and behaviour in accordance with those qualities) is also important and shall be assumed.

For candidates judges with permanent tenure an opinion of the Session of all judges of the court where the judge is serving is obtained, as well as the opinion of the Session of all judges of immediately higher court. A list of preliminary candidates is then made and published on the HJC's website.

Decisions of the HJC on the selection of judges to permanent judicial positions at another or higher court must be reasoned and published in the Official Gazette. As a rule, a judge is elected only to the court where s/he applied.

Objections to evaluation are decided on by a commission composed of three members appointed by the HJC from among judges of the Supreme Court of Cassation. An administrative complaint to an administrative court may be made against the HJC's decision.

A judge who has not been elected for promotion by another court or a higher court may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the Official Gazette – this excludes the right to submit a constitutional appeal.

Promotion of prosecutors

The HCP is responsible for the promotion of deputy public prosecutors.

Promotion of a public prosecutor by means of election to a higher-ranking public prosecution office follows the same procedure as for the election of public prosecutors.

The work of all prosecutors is subject to a regular evaluation, which represents, together with an interview conducted by the HCP, the basis for election to a higher position. Performance evaluation is to be conducted on the basis of the publicised, objective and uniform criteria and standards established by the HCP (Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors). The performance evaluation of a public prosecutor is conducted by the directly superior, after obtaining the opinion of the Collegium of the directly superior public prosecution office. The performance evaluation of a deputy public prosecutor is conducted by the public prosecutor, after obtaining the opinion of the Collegium of the public prosecution office. If the candidate has not evaluation of his/her performance, an extraordinary evaluation is ordered by the HCP to be made by the prosecutor's office where the candidate performs his/her function.

According to the Rulebook, the criteria for the evaluation of the work of a public prosecutor are: general ability to administer a public prosecution office, ability to monitor and include the total performance results of the public prosecution office under his/her management. The criteria for evaluation of the work of a deputy public prosecutor are promptness when proceeding, expertise and results, professional commitment and cooperation. Performance ratings – “performs prosecutorial function exceptionally”, “satisfactory performance of prosecutorial function” and “unsatisfactory performance” – are entered onto the prosecutor's personnel file. Prosecutors can submit reasoned objections to the rating to the HCP.

Interview aims to determine the candidate's communication skills, readiness to perform the public prosecutor's office and the professional integrity necessary for the position s/he applied for.

Based on the decision on performance evaluation as well as the interview conducted with the Commission of the HCP, candidates are being ranked for the purpose of election to a higher position (promotion). In case more candidates are ranked with the same score, the candidate with longer experience after passing the bar exam takes the priority over the others. The ranking list is published on the HCP's website and bulletin board. The same procedure as for the election then follows.

A deputy public prosecutor who has not been elected for promotion to a public prosecutor's office, may file an appeal to the Constitutional Court within 15 days from the day of the publication of the decision in the Official Gazette – this excludes the right to submit a constitutional appeal.

The concerns expressed by GRECO with respect to the (recruitment and) promotion of judges and court presidents applied *mutatis mutandis* to the (recruitment and) promotion of public prosecutors and deputy public prosecutors (see the section Appointment/recruitment/mandate of judges/prosecutors).

In its [Evaluation Report from 2015](#) (see para. 176) GRECO also addressed a recommendation with regard to the system for appraising the performance of public prosecutors and deputy public prosecutors. It was noted that the system might give too much weight to quantitative factors, some of which appeared inadequate, that the evaluations served as grounds for dismissal if “unsatisfactory” and that the HCP could initiate them outside the usual three-year cycle, which provided room for possible harassment or undue pressure, and that the rules didn't provide for adequate participation of prosecutors in the evaluation procedure. GRECO thus recommended that the system for appraising the performance of public prosecutors and deputy public prosecutors be reviewed (i) by revising the quantitative indicators and ensuring that evaluation criteria consist principally of qualitative indicators and (ii) by abolishing the rule that unsatisfactory evaluation results systematically lead to dismissal and ensuring that prosecutors have adequate possibilities to contribute to the evaluation process.

In the [GRECO Compliance Report from 2017](#) (see para. 69 – 79) and the [GRECO Interim Compliance Report from 2019](#) (see para. 61 - 68) progress made by the Serbian authorities in respect of implementation of this recommendation was noted. The HCP set up a working group to prepare evaluation criteria that would include qualitative evaluation criteria. As regards the second part of the recommendation the matter would be addressed following the constitutional reform process, leading to further changes to the Law on Public Prosecution Office – at the time of compliance procedure the amendments were still pending. GRECO therefore concluded this recommendation to be partly implemented. However, no progress was made since as GRECO concluded in the [GRECO Second Compliance Report](#) (see para. 58 – 61). In [the GRECO Second Interim Compliance Report](#) (see para. 54-58), the authorities reported on constitutional amendments that abolished the first term recruitment period for prosecutors, who are elected immediately to permanent positions as well as abolished the rule that unsatisfactory evaluation results lead systematically to dismissal. However, since the system for appraising the performance of prosecutors is only being reviewed GRECO concluded that recommendation remains partly implemented. In [the GRECO Addendum to the Second Compliance Report on Serbia](#) (see para. 27-32), the Serbian authorities reported that the rule according to which unsatisfactory evaluation results systematically lead to the dismissal of public prosecutors has been abolished by the new Law on the Public Prosecutor’s Office. Public prosecutors can now be dismissed only when they are sentenced by a final court decision for a criminal offence to a prison sentence of at least six months or by the HCP for a serious disciplinary offence which seriously damages the reputation of the public prosecutor’s function and the trust of the public in the prosecution service. Furthermore, the authorities indicated that this new legislation ensures that qualitative indicators, which are listed, are the main evaluation criteria in the system for appraising the performance of prosecutors. These indicators include expert knowledge and ability to its application; abilities of analytical opinion, resolving legal issues and taking decisions within appropriate deadlines; discussion and listening skills; oral and written expression and argumentation ability; ability to organise and manage public prosecutor's work; capacity of undertaking additional works and duties. The criteria and indicators for the evaluation, as well as the method and procedure of evaluating the work of the chief public prosecutors and the public prosecutors are regulated in detail by the HCP. The evaluation is now carried out by a three-member commission appointed by the HPC, and the chief public prosecutors or the public prosecutors can appeal to the HCP on the reasoned decision of the commission. GRECO noted the substantial changes introduced by the new legislation as regards the system for appraising the performance of public prosecutors, welcomed the abolition of the rule that unsatisfactory evaluation results systematically lead to their dismissal, noted that qualitative indicators have been detailed as the main criteria for the evaluation and that the evaluating system has been strengthened to ensure a more transparent and fair process and concluded that recommendation has been implemented satisfactorily.

Confidence and satisfaction of the public with their justice system

Compensation of users of the judicial system

The legislation for protecting the right of citizens to seek compensation in case they have suffered pecuniary or non-pecuniary damage due to the violation of the right to a trial within reasonable time is in place (Law on Protection of Right to Trial within a Reasonable Time, adopted in 2015 and amended in 2023). The State Attorney established the Commission to make decisions on settlement proposals for just satisfaction when a violation was determined for a trial within reasonable time. Legal remedies as per this law (article 3) are: an objection to speed up the procedure, an appeal and a request for just satisfaction which includes the right to payment of monetary compensation for pecuniary or non-pecuniary damages. The party does not pay the court fee in proceedings in which the right to a trial within a reasonable time is protected. They are urgent and have priority in decision-making.

The party submits an objection to the court conducting the proceedings or to the court before which the proceedings are conducted if he believes that the public prosecutor has violated his right. The attorney of the party who is authorized to undertake all actions in the procedure that is requested to be accelerated does not need particularly many opportunities to submit the complaint. If the attorney of the party is authorized to foresee only individual actions in the procedure, which does not include the submission of legal means for the protection of the right to a trial within a reasonable time, he is obliged to submit a special power of attorney along with the complaint. If it is suspected that one of the legally prescribed reasons for the termination of the power of attorney has occurred, the court will, by means of a reasoned decision against which no personal appeal is allowed, order the attorney to submit a special deadline for the power of attorney to be issued in accordance with the law, with a warning that the complaint to the contrary will be rejected as illegal. The procedure for the complaint is led by the president of the court, who decides on the complaint. With the annual schedule of work, s/he can designate one court or several judges to lead the proceedings alongside him and decide on complaints. An oral hearing is not held, and the law governing non-litigation proceedings is applied accordingly to other issues. The president of the court is obliged to decide on the complaint within two months from the date of receipt of the complaint (Article 7, Law on the Protection of the Right to a Trial within Reasonable Time, Official Gazette 40/2015 and 92/2023).

The party has the right to appeal if his objection is rejected or if the president of the court does not decide on it within two months from the day of receipt of the objection.

An appeal can also be filed if the objection was accepted, but the chief public prosecutor did not issue a mandatory instruction within eight days from the date of receipt of the court president's decision, then if the court president or the immediately superior public prosecutor did not order the judge or the public prosecutor to take procedural actions that effectively speed up the procedure, or if the judge or public prosecutor has not taken the ordered procedural actions within the deadline set for him/her. An appeal can be filed even if the president of the court, in the decision by which he accepted the objection and determined the violation of the right to a trial, did not set a deadline for taking procedural actions that effectively speed up the procedure (Article 14).

As per amendments to Article 16 of the Law on the Protection of the Right to a Trial within Reasonable Time made adopted in 2023 a constitutional appeal is considered to be: an objection to speed up the bankruptcy or enforcement proceedings on which no decision was made by the date of entry into force of this law, an appeal against the decision rejecting the objection on which no decision has been made by the date of entry into force of this law, a claim for monetary compensation filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings on which a first-instance decision was not made by the date of entry into force of this law, a claim for compensation for property damage that was filed in connection with the violation of the right to a trial within a reasonable time in bankruptcy or enforcement proceedings on which a first-instance decision was not made by the date of entry into force of this law. The courts are obliged to, within 30 days from the date of entry into force of this law, to submit all pending cases from para. 1–4. of this article to the Constitutional Court for further proceedings and decision-making and to inform the complainant about it. The complainant has the right to submit to the Constitutional Court a request for compensation for material or non-material damage within 30 days from the date of receipt of the notification by the court about the referral of the case to the Constitutional Court.

The types of just satisfaction are: 1) the right to payment of monetary compensation for non-property damage caused to the party by violation of the right to a trial within a reasonable time (hereinafter: monetary compensation); 2) the right to publish the written statement of the State Attorney's Office (hereinafter: Attorney's Office) establishing that the party's right to a trial within a reasonable time was violated; 3) the right to publish a judgment establishing that the party's right to a trial within a reasonable time was violated (article 23).

The responsibility of the Republic of Serbia for non-property damage caused by the violation of the right to trial within a reasonable time is objective. When deciding on just satisfaction, the Office of the Attorney General and the courts are bound by the decisions of the president of the courts, which established a violation of the party's right to a trial within a reasonable time.

A lawsuit for monetary compensation against the Republic of Serbia may be filed within one year from the day when a party acquired the right to fair satisfaction. The amount of compensation for non-pecuniary damages is limited to 300 – 3.000 EUR while the amount of compensation for pecuniary damages is determined by court on the basis of principle of causality and provisions of the Law on Contracts and Torts.

In 2022, based on the decision of the presidents of courts on objections for speeding up the proceedings which were found to be violations of the right to a trial within reasonable time before basic and higher courts of Serbia, 13.060 requests for compensation were received. Majority of these requests concern enforcement of legally binding court decisions. The exact number of court decisions not being executed is not available.

In 2023, 19,092 objections were filed to the presidents of courts for acceleration of the proceedings. Further, 4,816 claims were filed to courts for non-pecuniary damages and 3,380 claims were filed for pecuniary damages. The largest number of new cases for claims for compensation for pecuniary and non-pecuniary damage was in 2019 (31.825). The growing trend of such a high number of lawsuits has been stopped, since in 2020 there were 29.341 of these cases, in 2021 year 20.930, while in 2022 that number was reduced to 13.060 cases, and this trend was continued in 2023 to 8,196 cases. With regard to the total amount of compensation paid according to court judgments

due to the violation of the right to a trial within a reasonable time for 2023, we refer to the data of the High Judicial Council , 1. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, voluntarily paid by the courts, was in the amount of RSD 166,263,292.52. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of the domestic courts, collected from the courts, was about 4,090,654,824.02 dinars. Compensation for damages based on the violation of the right to a trial within a reasonable time according to the judgments of domestic courts, paid voluntarily based on an agreement with the State Attorney's Office, was in the amount of RSD 63,007,938.00 dinars.

	2019			2020			2021		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	1097	406	798.268	NA	NA	NA	NA	NA	NA
Excessive length of proceedings	145	30	330.611	NA	NA	NA	NA	NA	NA
Non-execution of court decisions	28	4	12.102	NA	NA	NA	NA	NA	NA
Wrongful arrest	NA	NA	NA	NA	NA	NA	NA	NA	NA
Wrongful conviction	NA	NA	NA	NA	NA	NA	NA	NA	NA
Other	157	164	379.471	NA	NA	NA	NA	NA	NA

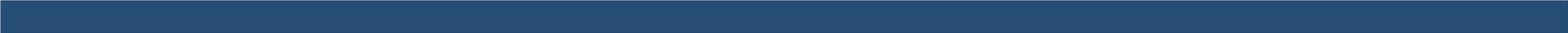
	2022			2023		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	NA	NA	8.196	8.196	36.756.328 €
Excessive length of proceedings	13.060	NA	37.247.234 €	8.196	8.196	36.765.328 €
Non-execution of court decisions	NA	NA	NA	NAP	NAP	NAP
Wrongful arrest	NA	NA	NA	NAP	NAP	NAP
Wrongful conviction	NA	NA	NA	NAP	NAP	NAP
Other	NA	NA	NA	NAP	NAP	NAP

Based on the Law on the Organisation of Courts (Article 8) a party and other participants in court proceeding have a right to a complaint about the work of the court when they believe that the proceeding is being prolonged, is irregular or that there is some undue influence on its course and outcome. The court president must consider the complaint, forward it to a judge to whom it concerns for an opinion and inform the complainants and the president of the immediately superior court of its merits and measures taken, within 15 days from the day of the receipt of the complaint (Article 55). The complaint may be filed either directly with the court or through the Ministry of Justice, the High Judicial Council or the immediate superior court – in such a case these bodies are informed about the complaint’s merits and the measures taken.

Procedure to challenge a judge

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. Parties may challenge the adjudicating judge only during court proceedings, as per procedural laws (Article 69, Civil Procedure Code; Article 39, Criminal Procedure Code). In case a judge requests for exemption from a court case, the president of the court decides on the request (Article 67, Civil Procedure Code; Article 37, Criminal Procedure Code). No appeal is allowed regarding the decision on the request for exemption from a case. No register of such cases is prescribed in the law. The authorities have not provided data on total number of initiated procedures and total number of recusals pronounced in 2022.

Instructions to prosecute or not addressed to public prosecutors



There is a law/regulation in place that prevents specific instructions to public prosecutors to prosecute or not in individual cases. The public prosecutors' office in Serbia enjoys an independent status as a separate entity among state institutions (Article 155, Constitution). As per the Constitution and the LPPO, any influence on the work of the public prosecution office and on the handling of cases by the executive and legislative authorities, by using a public position, means of public information or in any other way that can threaten the independence in the work of the public prosecution office, is prohibited. The public prosecutor and the deputy public prosecutor are obliged to refuse any action that represents an influence on the independence of the work of the public prosecution.

However, as per LPPO the directly higher public prosecutor can issue a mandatory instruction to a lower public prosecutor for handling certain cases when there is a doubt about the efficiency and legality of his action, the public prosecutor can issue mandatory instructions to his/her deputy and the Republic Public Prosecutor (General Prosecutor) to every public prosecutor.

The instruction may be either oral with written confirmation (in urgent matters when taking actions cannot be delayed, instructions are given orally and are then issued in writing within three days from being issued orally) or written. Instructions are binding, should be argued and recorded in the case file.

Instructions of the General Prosecutor are issued to achieve legality, effectiveness and uniformity of actions within the public prosecution offices regarding certain area of criminality or certain criminal acts and to enhance the level of protection of certain vulnerable groups.

In practice, such instructions remain exceptional. In 2022, 38 such instructions have been issued, and 47 in 2023.

In case that a public prosecutor believes that the mandatory instruction of the immediately higher public prosecutor is illegal and unfounded s/he may file an objection with the explanation to the General Prosecutor within eight days from the day of receiving the instruction. The objection is submitted through the public prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction within three days of receiving the objection. In the meantime, the public prosecutor who filed the objection is obliged to act according to the instructions. The immediately higher public prosecutor, in the review procedure, may annul the mandatory instruction, and in that case the objection is not submitted to the General Prosecutor. The General Prosecutor is obliged to make a decision within 15 days from the day of receipt of the objection to the mandatory instruction. An objection against the mandatory instruction of the General Prosecutor is not allowed.

Promotion of integrity and prevention of corruption

Independence of judges and prosecutors

According to the Constitution, independence of the judiciary as a whole and of judges individually is guaranteed. In performing their judicial function, judges are independent and responsible only to the Constitution and the law, and any influence on judges while performing their judicial function is prohibited (Articles 3, 4, 142 and 149). Under Article 153 of the Constitution, the High Judicial Council (HJC) is established as an independent and autonomous body to provide for and guarantee the independence and autonomy of courts and judges – more detailed provisions are contained in the Law on High Judicial Council. In addition, the Law on Organisation of Courts emphasises the prohibition of use of public office, the media or any public appearance to unduly influence the course and outcome of court proceedings. It makes it clear that any single act of judicial administration interfering with the autonomy and independence of courts and judges is deemed null and void. Moreover, among the generally accepted principles prescribed by the Law on Judges (LoJ) figure independence, security of tenure and non-transferability, material independence, immunity, right to association and right to advanced professional education and training. Other legal texts which guarantee the independence of judges and the judiciary are the Code of Ethics and the Rules of Procedure of the HJC, adopted by the HJC.

Judges enjoy functional immunity (Article 148, Constitution), which implies that they cannot be held responsible for their expressed opinion or voting in the process of passing a court decision (except in cases when they committed a criminal offence by violating the law), nor may they be detained or arrested in legal proceedings instituted due to criminal offences committed in performing their judicial function without the approval of the HJC.

The prosecution service is an autonomous institution in relation to other state bodies. Its autonomy is guaranteed by the Constitution (Article 155) and by the Law on Public Prosecution Office (Articles 2, 5, 45, 46 and 50, LPPO). Any influence on the work of the public prosecution service and on actions in cases by the executive and the legislative powers through the use of public office, public media and in any other manner that may jeopardise the independence of the work of a public prosecution office, is prohibited (Articles 5 and 45, LPPO). Other legal texts which guarantee the independence of prosecutors are the Rules of procedure of the High Council of Prosecutors, the Rulebook on Administration in Public Prosecutor's Offices (Article 4) and the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors (Article 1).

Prosecutors enjoy identical functional immunity as that of judges (Article 161, Constitution) – the approval for their detention or arrest is to be given by the Judicial, Public Administration and Local Self-Government Committee of the National Assembly.

Existence of specific measures to prevent corruption

Mandatory rotation, gifts rules, special training, internal controls and safe complaint mechanisms are specific measures to prevent corruption with regard to judges and prosecutors.

In-service training on ethics

There are optional in-service trainings regularly available to both prosecutors and judges. The training solely dedicated to ethics, prevention of corruption and conflict of interest is not compulsory, but the Judicial Academy devotes a lot of attention to this topic in its annual program and every year a large number of judges and prosecutors attend trainings in this area organized by the Judicial Academy. In 2022 the Judicial Academy organized 23 trainings devoted to topics of ethics and integrity for judges and prosecutors. For example, Academy organized 4 trainings entitled Professional ethics for judges and prosecutors covering following subtopics: - Competencies for recognizing and solving ethical dilemmas; -Prevention and resolution of risky situations for the emergence of corruption; - Corruption and anti-corruption tools; Responsibility for ethical behaviour.

Furthermore, the Judicial Academy organized 10 trainings "Protection against undue influence on judges" for the new elected judges of basic courts in the whole country. It covered the following subtopics: - The notion of undue influence in the judiciary; - Judicial independence and protection from undue influence on judges - international standards and national legal framework; - Guide for judges - protection from unauthorized influence; - Types of undue influence, mechanisms for protection against undue influence and examples from comparative and domestic practice.

Solely for prosecutors the Academy organized 3 trainings for trainers coverings following topics: External illegal and inappropriate influence by public officials, politicians and other sources (economic, corruption, dissatisfied individuals, etc.); External illegal and inappropriate media influence; Internal illegal and inappropriate influence (within the prosecution).

No information has been provided by the Academy on number of trainings in 2023.

Breaches of integrity for judges, prosecutors and court staff

Different breaches of integrity of judges are criminalised in the Criminal Code: Aggravated Murder (Article 114), Endangerment of Safety (Article 138), Obstruction of Justice (Article 336b), Violation of Law by a Judge, Public Prosecutor or his Deputy (Article 360).

Different breaches of integrity of public prosecutors are defined in LPPO, i.e. disciplinary offences, disciplinary liability and disciplinary sanctions (Articles 103, 104, 105). Further breaches are criminalised in the Criminal Code: Violation of Law by a Judge, Public Prosecutor or his Deputy (Article 360), Trading in Influence (Article 366), Soliciting and Accepting Bribes (Article 367).

Breaches of integrity of court staff are defined in Law on Civil Servants, i.e. disciplinary liability (Articles 107 – 110) and are criminalised in the Criminal Code.

Codes of conduct for judges and prosecutors and bodies giving opinions on ethical questions

The first Code of Ethics for Judges was adopted in 2010, inspired in particular, by the 2002 Bangalore Principles of Judicial Conduct. Judges were involved in its preparation through their representatives in the HJC. In June 2018, the Ethics Committee of the HJC decided to adopt a new code of ethics. The latter entered into force in 2020. It contains a compilation of ethical principles and rules of conduct with which judges must comply in order to maintain and improve their dignity and reputation. The document revolves around the following tenets: independence, impartiality, competence and responsibility, dignity, dedication, freedom of association and dedication to the principles of the Code of Ethics and contains a set of rules on adherence to judicial values (independence, integrity, impartiality), judges' relationship with institution, citizens and users, judges' competence and continuing education, extrajudicial activities, conflict of interest, information disclosure and relationship with press agencies, political activities, association membership and institutional positions and gifts. Serious violations of the Code of Ethics constitute disciplinary offences.

The code is published on the HJC's website. It is regularly updated, the last update being done on 28th December 2022.

The Board of Ethics is a permanent working body of the High Judicial Council, composed of 7 members (Rulebook of the High Judicial Council's Board of Ethics – the current one came into effect on 3rd January 2024, published in the Official Gazette of RS, no. 116/2023). It promotes ethical principles stipulated by the Code of Ethics for Judges and the Code of Ethics for the Members of the High Judicial Council and monitors their implementation to raise the awareness of the judges, the presidents of the courts and the members of the Council about the importance of ethical principles and rules of conduct in the performance of their duties, public engagement and private lives in order to raise the reputation of the judiciary and strengthen the citizen's trust in the work of judges and courts. As per adoption of the new LoJ and the Law on the High Judicial Council in 2023, the Board of Ethics is also entrusted with determining the incompatibility of the judicial function with other functions, jobs and private interests, with determining the incompatibility of the function of a member of the HJC with other functions, jobs and private interests, and with determining disciplinary responsibilities of judges.

According to the Rulebook, the Board of Ethics issues general opinions on whether the judge's conduct is in accordance with the Judges' Code of Ethics, i.e. whether the behaviour of a member of the Council is in accordance with the Code of Ethics of the members of the High Judicial Council. The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2022 and 2003 five sessions of the Board of Ethics were held annually.

During 2022, the Board of Ethics issued 12 general opinions and 8 in 2023 - they were published on the website of the High Judicial Council and are available to all judges.

The Board of Ethics appoints from among its members a confidential counsellor whom judges may consult in case of a dilemma on implementation of provisions of the Code of Ethics in specific situations in which they find themselves. His/her contact phone number and email address are published on the Council's website and are available to judges. When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling. In 2022, 16 such requests were submitted to the confidential counsellor (on judge's statement given to the media; relations between the judge and the attorneys of the parties in court proceedings; relations with the judge and colleagues and court staff; conduct of judges in public places; attitude of a judge vis-à-vis HJC) and none in 2023.

The Code of Ethics for public prosecutors and deputy public prosecutors of the Republic of Serbia, which was adopted in October 2013, is aimed at strengthening the rule of law and public trust in the prosecution service by establishing standards of professional ethics for prosecutors. It covers the basic duties of public prosecutors and the ethical principles of independence, impartiality, respect of rights, responsibility and professional commitment, professionalism and dignity and contains a set of rules on adherence to judicial values (independence, integrity, impartiality), judges' relationship with institution, citizens and users, judges' competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts. Significant violations (i.e. deliberate, serious or repeated) of the Code of Ethics with respect to those ethical principles constitute disciplinary offences.

On 29 May 2014, the HCP created an Ethics Committee as an *ad hoc* working body of the HCP consisting of 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) who are elected by the HCP for a period of three years, with a possibility to be re-elected. According to the Code of Ethics, the Ethics Committee is tasked with development of standards of professional ethics for prosecutors, with interpreting particular provisions of the Code and giving individual advice to prosecutors. A yearly report of the Ethics Committee should be submitted to the HCP. The Code of Ethics is publicly available. and is regularly updated. The opinions of the Ethics Committee are not publicly available.

Established mechanisms to report influence/corruption on judges and prosecutors

As per article 30 of LoJ, a judge may submit a request for protection against undue influence to the HJC. The HJC prescribes the manner of submission of the request and the procedure for the request for protection against undue influence. The appointment and method of work of a judge competent to act on a request for protection from undue influence, as well as the decision-making procedure of the High Judiciary Council (hereinafter: the Council) on the existence of undue influence on the work of a judge and the court, is regulated by the Rulebook on the Protection of Judges and the Court from Undue Influence (the Official Gazette of RS, no. 110/2023).

Public prosecutors also enjoy protection from undue influence. According to the provisions of Article 6 of LPPO, to preserve the authority and impartiality of the public prosecutor's office, inappropriate influence on the holder of the public prosecutor's office in the performance of the public prosecutor's office is prohibited, especially any form of threat and coercion against the holder of the public prosecutor's office, the use of a public position, the media and public speaking, which affects the actions of the public prosecutor's office. Any other inappropriate influence on the public prosecutor's office, as well as pressure on the participant in the proceedings before the public prosecutor's office, is prohibited.

The Law on Anti-Corruption Agency which prescribes that an official shall promptly notify the Agency of any prohibited influence to which s/he has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the law (Article 42).

As per the Law on Prevention of Corruption a person may file a complaint to the Anty-Corruption Agency stating facts that cause doubt over corruption. The Agency is obliged to protect the identity of the complainant unless requested by a court in order to be able to reach a decision as to whether the identity of the complainant can be disclosed for the purpose of preserving public interest or protecting the rights of the third party.

Transparency in distribution of court cases

Transparency in distribution of court cases is ensured. A random, computer generated allocation of court cases to judges is ensured via an information system, which takes into account urgency of the case as well as the number of urgent cases and the number of other cases assigned to a judge based on the case weighting methodology system adopted in May 2017. Allocation of court cases is based on a court schedule of tasks, in accordance with the Court Rules of Procedure, according to the order determined in advance for each calendar year, exclusively on the basis of the designation and the number of the case file. The order of admission of cases can be departed from in cases stipulated by the law, as well as in the case of work overload or justified unavailability of judges (sick leave, vacation etc.), in accordance with the Court Rules of Procedure. In its [Evaluation Report from 2015](#) (see para. 122) GRECO referred to some concerns heard about the system for random allocation of cases which is not yet automated in all courts and the related risk of circumvention; the authorities are invited to address these concerns.

Court cases may be reassigned due to conflict of interest declared by the judge or by the parties, recusal of the judges or requested by the parties or physical unavailability (i.e. illness, longer absence).

All reassignments of cases are processed through the computerised automatic allocation of cases and have to be reasoned.

Level of implementation of GRECO recommendations in December 2023 (adoption of the GRECO Addendum to the Second Compliance Report on Serbia):

	Judges	Prosecutors
Implemented	100%	50%
Partially Implemented	0%	50%
Not Implemented	0%	0%

Declaration of assets for judges and for prosecutors

The disclosure regime for judges and public prosecutors is laid out in the new Law on the Prevention of Corruption (LPC), which has been adopted on 21st May 2019 and has become fully applicable as of 1st September 2020 (amended also in 2021 and 2022). It applies to public officials, thus both to judges and public prosecutors.

As per Articles 68 (regular reporting) and 69 (extraordinary reporting) of the LPC judges and public prosecutors are required to submit a property disclosure report (report).

The report should include information on property rights on real estate at home and abroad; property rights on movable property subject to registration with the competent authorities in Serbia and abroad; property rights on movables of high value (valuables, valuable collections, art collections, etc.); deposits in banks and other financial organisations, at home and abroad; shares and interests in legal entities and other securities; rights deriving from copyright, patent and similar intellectual property rights; debts (principal, interest and repayment period) and receivables; source and amount of income from the discharge of public office, or public functions; entitlement to use an apartment for official purposes; source and amount of other net incomes; other public functions, jobs or activities discharged in accordance with the law and other special regulations; membership in civic association bodies; cash, digital property and valuables, as well as other movable property value of which exceeds 5.000 EUR; gifts; all other data and evidence deemed by the official as relevant for the implementation of this Law (Article 71, LPC).

Reports are to be submitted within 30 days of election, on an annual basis and within 30 days from the day of the termination of function as well as over a period of two years following the termination of public functions. In addition, a report must be filed if any significant changes occur since the previous report providing information on assets as on 31st December of the preceding year (i.e. any change which exceeds the average annual net income in Serbia). Also, a report should be filed upon appointment to another function (Articles 68 and 69, LPC).

Judges and public prosecutors are also required to report the assets and income of their spouses or common-law partners and of minors living in the same household (Article 68, LPC has extended the circle of associated persons as to include a family member of the public official, a blood relative of the public official, i.e. lateral blood relative to the second degree of kinship, as well as a natural person or a legal entity who may, on other bases and circumstances, be reasonably assumed to be associated in interest with the public official). The report is the same for the family members.

Declarations are submitted to the Anti-Corruption Agency (Agency) which keeps a Property Register containing all data provided in the reports (Article 72, LPC). The Agency also keeps a Register of Officials that are obliged to submit their reports (the officials that have assumed office or on the officials whose offices have terminated) and publishes it on its website – the information is provided by bodies in which the officials hold offices (Article 67, LPC).

Information on salary and other income received by officials from the budget and other public sources, and information on the public offices they are discharging, is public. The same is true for certain information concerning property, such as ownership rights on real estate at home or abroad (without specifying the address of such property),

ownership rights on vehicles (without specifying the registration number), savings deposits (without specifying the bank and account number) and the right to use an apartment for official purposes. Furthermore, information on officials' property which is public according to other regulations, as well as other information which may be disclosed with the consent of the officials or their spouses or common-law partners, are deemed public information. The above-mentioned information is published on the official ACA website (<https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda>), upon submission of the disclosure reports. Information from disclosure reports which is not deemed public may not be used for other purposes except in proceedings for determining whether a violation of the law has occurred.

Regarding financial disclosure verification competencies, the Agency checks the timeliness of submitting the report, completeness and accuracy of the information submitted as well as unexplained financial discrepancies (Articles 75 and 76, LPC). In case of suspected concealment of property, the Agency may request data on property and income directly from persons associated with a public official (i.e. judge, prosecutor) (Article 76, LPC).

Infringements of the obligations emanating from the LPC (including the requirement to file a report on assets and income in the manner and within the time limits provided by the law) constitute a misdemeanour which is punishable with fines (between 100 000 to 150 000 RSD/approximately 817 to 1 226 EUR) (Article 103, LPC).

A reprimand and a public announcement of a recommendation for a dismissal from public office are other possible measures that may be pronounced with respect to public officials while a reprimand and a public announcement of a decision on violation of the law on corruption prevention may be pronounced with respect to directly elected officials and officials whose public functions have terminated. (Article 82, LPC).

Furthermore, public officials including judges and public prosecutors who fail to report assets and income to the Agency or provide false information about their assets and income, with the intention to conceal information on it, are criminally liable and the applicable sentence is imprisonment for a period of six months to five years. In addition, their office terminates in accordance with the law and they are banned from assuming public office for a period of ten years from the day the court decision becomes final (Article 101, LCP).

Number (absolute and per 100 judges/prosecutors) of proceedings against judges for violations or non-declaration of assets in 2019, 2020, 2021, 2022 and 2023:

Serbia	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
2019	32	1,18	27	1,00	24	0,89	13	1,66	13	1,66	13	1,66
2020	14	0,53	14	0,53	15	0,57	NA	NA	NA	NA	NA	NA
2021	3	0,11	3	0,11	2	0,07	0	0,00	0	0,00	0	0,00
2022	70	2,63	58	2,18	58	2,18	12	1,69	7	0,99	7	0,99
2023	3	0,11	6	0,23	5	0,19	4	0,59	1	0,15	3	0,44

In 2022, 70 proceedings were initiated against judges due to violations/discrepancies in their declaration of assets. 58 proceedings were completed in 2022 where the following sanctions were pronounced: 57 measures of reprimand and 1 fine imposed in the amount of 30.000 RSD. In respect of prosecutors, 12 proceedings were initiated in 2022, 7 proceedings were completed and 7 measures of reprimand were issued.

In 2023, the Agency conducted 6 proceedings (2 from 2023, 4 from 2022). 5 measures were applied (4 reprimands, 1 public announcement of decision on the violation of the law). Misdemeanor courts conducted 4 proceedings in which they applied 3 reprimands and 1 monetary fine in the amount of 30.000 RSD.

Conflict of interest for judges and for prosecutors

Procedures and mechanisms for managing potential conflict of interest of judges

The legal framework for the prevention and the resolution of conflicts of interest applicable to judges is provided by the relevant provisions of: 1) the Constitution, as regards conflicts of interest, incompatibilities and accessory activities (Articles 6 and 152); 2) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases (the Criminal Procedure Code – Articles 37 and 38; the Civil Procedure Code – Articles 66-69); 3) the Law on Judges (LoJ), as regards incompatibilities and accessory activities (Articles 30 and 31); 4) the Law on the Corruption Prevention - LCP, as regards *ad hoc* conflicts of interest (Article 42), gifts (Articles 57 to 66, LCP), incompatibilities and accessory activities (Article 45 to 50, LCP); and 5) the Code of Ethics.

As per Article 152 of the Constitution judges are prohibited from engaging in political actions and in other functions, actions or private interests which are incompatible with the judge's function as stipulated by law.

The reasons for disqualification of judges are listed in the relevant procedural laws (Article 37 to 42 of the Criminal Procedure Code; Articles 66 to 73 of the Civil Procedure Code) and include *inter alia* conflicts of interest due to being related by family or business relations to the parties or their representatives, by being a victim or a party to the case, by having worked on it before e.g. during preliminary proceedings etc. Aside from such specific reasons, a judge can be excluded from a case when there are any circumstances that cast doubt on their impartiality. Judges must, immediately upon becoming aware of the existence of any of the reasons for exclusion, discontinue proceedings upon the case and duly inform the parties (in civil proceedings) and the court president, who has to appoint a substitute. Likewise, in case of doubt judges must suspend the proceedings and duly inform the parties and the court president of the grounds for possible disqualification. Furthermore, the parties and the defence counsel (in criminal proceedings) may submit a motion for recusal of a judge. The court president is competent to decide on disqualification of the judge. Where the recusal concerns a court president, the recusal ruling is rendered by the president of the immediately higher court, and where the recusal of the president of the Supreme Court of Cassation is sought, the ruling is rendered by a General Session. In criminal proceedings (but not in civil proceedings), a ruling denying a recusal motion may be challenged by a special appeal which is decided by the appellate court. A ruling upholding a recusal motion is not appealable.

Pursuant to Article 30, LoJ, judges may not hold office in bodies enacting or enforcing legislation, public offices, or autonomous province and local self-management units. They may not be members of a political party or politically active in some other manner, engage in any paid public or private work, provide legal services or legal advice for compensation. As an exception judges may, without explicit permission, engage in compensated educational and research activity outside working hours and, in cases set out by law, in teaching and research activities in a judicial training institution during working hours. During working hours, with the approval of the court president, they can also participate in activities of professional bodies established in accordance with special regulations, and working groups for the drafting of laws and other regulations, and they may be sent on study and/or other professional visits abroad by decision of the HJC, following the opinion of the court president. Finally, the HJC decides, on the basis

of the Code of Ethics, whether other functions, engagements and activities are to be considered contrary to the dignity and independence of a judge or damaging to the reputation of the court, in which case they would be deemed incompatible. As per Article 46, para. 4, LCP, a judge must also obtain a prior authorisation from the Agency for accessory activities s/he is about to take up.

A judge is required to notify the HJC, in writing, of any engagement or work that may be deemed incompatible, and the HJC notifies the court president and the judge if there is an incompatibility. The court president has to file disciplinary charges immediately upon learning that a judge is engaged in service, or work, or engaging in activities that may be deemed incompatible with his/her function.

The legal framework for the prevention and resolution of conflicts of interest is provided by Articles 40 – 42, 45 – 50, 56 LCP which are applicable to all “officials”, including judges. Article 41, LCP defines a conflict of interests as “a situation where a public official has a private interest which affects, may affect or appears to affect the discharge of public office.” Articles 40 to 42, LCP provide for, *inter alia*, general rules on conflicts of interest and the duty to notify such conflicts; the prohibition on holding another public office; rules on holding a function and being a member in a political party/a political entity, on engaging in another job or activity etc. The law also provides that officials (judges included) must discharge their duties in a way that does not subordinate the public interest to the private interest, to secure and maintain the public’s trust in their conscientious and responsible discharge of public office, to avoid creating relations of dependency towards persons who may influence their impartiality in the discharge of public office and not to use public office to acquire any benefit or advantage for themselves or any associated person (a family member, a lineal blood relative, collateral blood relative to the second degree of kinship, as well as a legal or natural person whose interests, based on other grounds and circumstances, may be reasonably assumed to be associated with those of the official). Moreover, when taking up and holding public office, officials have to notify their direct superior and the Agency, in writing, within five days, of any doubts they might have concerning a conflict of interests that might involve themselves or an associated person

LCP (Articles 57 to 66) regulates the acceptance and handling of gifts. In particular, officials - including judges - (and associated persons) may not accept gifts in connection with the discharge of public office, except for protocol or appropriate gifts. Protocol gifts – as well as other gifts which cannot be refused – must be handed over to the body competent to manage property in public ownership, unless the value of the gift does not exceed 10% of the value of the average monthly net salary in Serbia, or the total value of gifts received during a calendar year does not exceed the amount of one average monthly net salary in Serbia. Officials must notify in writing the public authority in which s/he discharges public office about any gifts received – the court - in ten days from receiving the gift and/or from the day of returning to the country. The court keeps records of gifts received by public officials and their family members and submits a copy of the record of gifts to the Agency by 1st March of the current year for the preceding calendar year. The Agency must notify the public bodies of any determined violation of the law and publish a catalogue of gifts for the previous year by 1 June of the current year.

Accessory activities of judges are regulated in Article 46, LCP. No prior authorisation is required.

Proceedings for breaches of rules on conflicts of interest in respect of judges are regulated in the LCP and the LoJ. The LCP also regulates the procedure to sanction breaches of the rules on conflicts of interest in respect of judges. As per LoJ, disciplinary offences, among others, are 1) violation of the principle of impartiality; 2) failure of the judge

to ask for exemption in cases where there is an obvious reason for exemption, that is, exclusion provided for by law; 3) accepting a gift contrary to the regulation governing conflict of interest; and 4) performance of another function, job or private interest that is incompatible with the function of a judge. The consequence of the above-mentioned disciplinary violations may be the dismissal of the judge. The LoJ (Article 99) further regulates initiation of the procedure to determine the reasons for the judge's dismissal. If in the disciplinary procedure it is determined by a final decision that the judge has committed a serious disciplinary offense, the HJC, i.e. the Disciplinary Commission can initiate a procedure to determine the reasons for the judge's dismissal. In the procedure for determining the reason for the dismissal of a judge, the HJC assesses whether the committed disciplinary offense seriously damages the reputation of the judicial function or the public's trust in the judiciary.

Procedures and mechanisms for managing potential conflict of interest of prosecutors

The legal framework for the prevention and the resolution of conflicts of interest applicable to public prosecutors is provided by the relevant provisions of: 1) the Constitution, as regards incompatibilities and accessory activities (Article 163); 2) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases (the Criminal Procedure Code); 3) the Law on Public Prosecution Office (LPPO), as regards incompatibilities and accessory activities; 4) the Law on the Corruption Prevention - LCP, as regards *ad hoc* conflicts of interest (Article 42), gifts (Articles 57 to 66, LCP), incompatibilities and accessory activities (Article 45 to 50, LCP); and 5) the Code of Ethics of Public Prosecution Office.

As per Article 163 of the Constitution public prosecutors are prohibited from engaging in political activities and in other functions, actions or private interests which are incompatible with the prosecutor's function as stipulated by law.

The provisions of the Criminal Procedure Code on disqualification of judges described above also apply to prosecutors. Public prosecutors decide on motions for the recusal of a deputy public prosecutor and motions for recusal of a public prosecutor are ruled on by the immediately superior public prosecutor. Motions to exclude the Public Prosecutor of the Republic are decided by the HCP once the opinion of the Collegium of the Office of the Public Prosecutor of the Republic has been obtained.

Pursuant to Article 65 LPPO, prosecutors may not hold office in authorities enacting or enforcing regulations, in bodies of executive power, public services, and bodies of autonomous provinces and local self-management units. They may not be members of political parties, engage in public or private paid work, nor provide legal services or legal advice for compensation. As an exception prosecutors may, without explicit permission, engage in compensated educational and research activity outside working hours and, in cases set out by law, in teaching and research activities in a judicial training institution during working hours. They may also engage in cultural, humanitarian and sports activities without the Agency approval if by doing so s/he does not compromise the impartial discharge and dignity of public office. However, they are required to report incomes from these activities to the Agency. They may also be sent on study and/or other professional visits abroad by decision of the HCP, following the opinion of the directly superior prosecutor. Finally, the office of public prosecutor is also incompatible with other offices, engagements or private interests that are contrary to the dignity and autonomy of a public prosecutor's position or are damaging to its reputation, which is decided upon by the HCP.

The legal framework for the prevention and resolution of conflicts of interest is provided by Articles 40 – 42, 45 – 50, 56 LCP which are applicable to all “officials”, including public prosecutors. As per these provisions, the Agency aims to eliminate causes for corruption through procedures for resolving conflicts of interest, decumulation of public offenses and decisions on other legal violations. If a violation is determined, measures as per the law are applied. the measures are: public announcement of recommendation for dismissal from a public office, a decision which imposes termination of the second public office by force of law. The aim of these measures is to eliminate such violations as much as possible.

The rules on gifts which are set out in the LCP apply also to public prosecutors (articles 57 to 66).

A prosecutor needs a prior authorisation regarding performance of accessory activities (teaching, research and publication, mediation – with or without remuneration) from the HPC and the Agency.

Proceedings for breaches of rules on conflict of interest in respect of public prosecutors are regulated in the LPC, Articles 77 to 86, LPPO and the Regulation on Disciplinary Liability and Disciplinary Proceedings of Public Prosecutors and Deputy Public Prosecutors. The same laws also regulate the procedure to sanction breaches of the rules on conflicts of interest in respect of public prosecutors.

Possibility for judges and prosecutors to perform additional activities

Judges and prosecutors may combine their work with the following other functions/activities:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	✓	✓	✓	✓
	Research and publication	✓	✓	✓	✓
	Arbitrator				
	Consultant				
	Cultural function			✓	✓
	Political function				
	Mediator			✓	
	Other function				

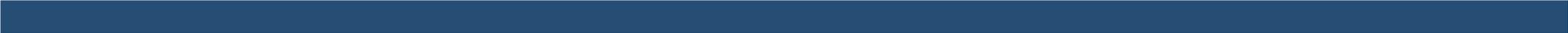
On the basis of Article 46 (para. 2), LPC, a public official (a judge and a prosecutor) may engage in scientific research, teaching, cultural, artistic, humanitarian and sports activities without the consent of the Agency, if they do not jeopardise the impartial discharge and reputation of the public office. A public official is obliged to report income from such work and/or business activity to the Agency. If the Agency determines that the performance of such activities jeopardises the impartial discharge and reputation of the public office and/or that it represents a conflict of interests, the Agency sets a time limit within which the public official will be obliged to cease performing such activities. Except the activities enumerated above, at the request of a public official, the Agency may give consent for the performance of another work/activity. Along with the request, a public official must submit a positive opinion of the authority that had appointed/elected him/her to the public office. The Agency has to decide within 15 days. When deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation. Finally, the LCP provides for that another law could define other activities that are incompatible with the exercise of a public office.

On the basis of the Law on Mediation and Dispute Resolution (Article 33) judges may mediate outside of court working hours without compensation. Instead, such activities are taken into account in the work appraisal of the judge based on the Rulebook on the criteria, Standards, Procedures and Authorities for Evaluating the Work of Judges and Court Presidents.

Breaches of rules on conflict of interest

Absolute number of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019, 2020, 2021, 2022 and 2023:

Serbia	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
2019	1	NA	1	0	1	NA
2020	1	NA	2	2	1	NA
2021	5	8	2	1	1	1
2022	2	2	2	1	0	0
2023	0	1	1	0	1	1



In 2021, in respect of judges one reprimand was given and one decision issued which imposes termination of the second public office by force of the law. In 2022, two judges received a reprimand. In 2023, one measure of public announcement of the recommendation for dismissal from the public office was applied (related to the proceedings for conflict of interest conducted by the Agency for prevention of corruption). With regard to public prosecutors, one measure of reprimand was applied in 2023.

The data from the table for 2023 are the one related to the proceedings for conflict of interest conducted by the Agency for prevention of corruption. Beside these, there were additional procedures conducted by the High Judicial Council in 2023: 6 decisions related to not incompatibility with the function of a judge.

Discipline against judges and prosecutors

Description of the disciplinary procedure against judges

Disciplinary accountability of judges is regulated in Articles 89 to 98 of the Law on Judges (LoJ) and relevant bylaws, namely Rulebook on Procedure for Establishing the Disciplinary Responsibility of the Judges and Court Presidents.

A judge is held disciplinarily responsible if *s/he, inter alia*, violates the principle of independence, fails to request his/her recusal due to negligent performance in cases where there are reasons for recusal or exclusion foreseen by law, unjustifiably delays in the proceedings, accepts gifts contrary to the regulations on conflicts of interest, obviously incorrectly treats parties and other participants in proceedings and court staff, engages in inappropriate relations with the parties and their legal representatives, engages in activities that are incompatible with a judge's function under the law, commits serious violation of provisions of the Code of Ethics (Article 97, LoJ).

Anyone may file a complaint against a judge or the president of the court to the Disciplinary Prosecutor (Article 101, LoJ).

Disciplinary proceedings against judges are initiated by the Disciplinary Prosecutor, who is appointed by the HJC from among judges, and conducted by the Disciplinary Commission (members of which are also appointed by the HJC from among judges). The procedure is stipulated in the Rulebook for determining the disciplinary responsibility of judges and presidents of courts.

A judge has the right to immediately be presented with a proposal for conducting a disciplinary proceeding against him/her, to familiarise himself/herself with the case and evidence, and to present his/her argumentation in a disciplinary proceeding at a hearing or in writing (Article 103, LoJ).

Decisions on disciplinary measures against judges are taken by the Disciplinary Commission and must be reasoned. They can be appealed by the judges concerned or the Disciplinary Prosecutor within eight days to the HJC which has to decide within 30 days after receiving the appeal. It may either uphold or reverse the first-instance decision of the Disciplinary Commission. The decision by the HJC is final and is entered in the personal record of a judge. An administrative dispute may be initiated with regard to the HJC's final decision (Articles 104 and 105, LoJ).

Disciplinary measures consist of reprimand, salary reduction of up to 50% for a period not exceeding one year, prohibition of advancement for a period of up to three years, and ultimately dismissal. Dismissal proceedings are instituted by the Disciplinary Commission if it established the judge's responsibility for a serious disciplinary offence as defined by law, in case of a conviction for a criminal offence to unconditional prison sentence of at least six months or of a punishable offence rendering the judge unworthy of judicial office, or in case of unprofessional performance of judicial office.

Judges may also be subject to ordinary criminal proceedings and sanctions if they commit offences such as bribery, fraud, breach of professional confidentiality or failure to report property to the Anti-Corruption Agency (Agency) or giving of false information, with an intention to conceal facts about it.

A judge may be transferred to another court without his/her consent only due to organisational reasons (e.g. if a court closes), if there is a need to urgently fill a vacant judge position, which cannot be solved by the election or temporary assignment of a judge, with the consent of the president of both courts. (Article 19, LoJ). Without his/her consent, a judge may be transferred permanently to another court if the court is abolished or if the majority of the jurisdiction of the court for which s/he was elected was abolished.

Description of the disciplinary procedure against prosecutors

Disciplinary accountability of public prosecutors is regulated in the Law on Public Prosecution Office (LPPO) and relevant bylaw (Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors).

A public prosecutor is held disciplinary responsible if s/he, *inter alia*, fails to request recusal in cases where legal grounds for doing so exist, fails to comply with the written instruction of a superior public prosecutor, accepts gifts, contrary to regulations governing the conflict of interest, engages in inappropriate relations with the parties or their legal counsels in pending proceedings, engages in activities set forth by the Law as incompatible with a public prosecutorial office, violates the principle of impartiality and jeopardising the public's trust in the public prosecution service, significantly breaches the provisions of the Code of Ethics. Serious disciplinary offences are deemed to exist if a disciplinary offence referred to above resulted in a serious disruption in the performance of prosecutorial office, or in the performance of work tasks in the public prosecution, or in serious damage to the reputation of, and trust in, the public prosecution, which in particular includes the expiry of the statute of limitations for criminal prosecution, as well as in cases of repeated disciplinary offences (Article 104, LPPO).

Anyone may file a disciplinary charge against a public prosecutor (i.e. a citizen, the Ombudsman, the Agency etc.). However, in certain cases institutions and individuals have a duty to file a disciplinary charge (i.e. the HCP and the Public Prosecutor of the Republic in case of a conflict of interest of a public prosecutor; the Agency in case of violation of the anti-corruption legislation). Based on the disciplinary charge filed or *ex officio*, the Disciplinary Prosecutor formally initiates the disciplinary proceeding. The procedure is prescribed in more detail in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19).

Disciplinary proceedings are conducted by the Disciplinary Commission at the motion of the Disciplinary Prosecutor. Members of both disciplinary bodies are appointed by the HCP from among public prosecutors.

A prosecutor has a right to be immediately presented with a proposal for conducting disciplinary proceeding, to familiarize himself/herself with the case and evidence and to present his/her argumentation at a hearing or in writing, personally or through an attorney (Article 121, LPPO).

An appeal may be filed against the decision of the Disciplinary Commission within eight days and the HCP has to take a decision on the appeal within 30 days, which is final, and is entered in the personal record of a public prosecutor.

Disciplinary sanctions include public reprimand (only in the case of a first disciplinary offence by a public prosecutor or a deputy public prosecutor), salary reduction of up to 50% for a period not exceeding one year and prohibition of advancement for a period of three years (Article 105, LPPO). A grave disciplinary offence is a reason for dismissal, to be decided upon by the National Assembly or the HCP (in the case of a deputy public prosecutor).

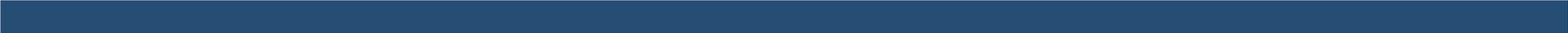
Public prosecutors may also be subject to ordinary criminal proceedings and sanctions if they commit offences such as bribery, fraud, breach of professional confidentiality or failure to report property to the Agency or giving of false information, with an intention to conceal.

		2019				2020				2021			
		Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
		Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	7	0,26	7	0,89	10	0,38	0	0,00	6	0,22	17	2,42
	1. Breach of professional ethics (including breach of integrity)	2	0,07	2	0,26	1	0,04	0	0,00	2	0,07	17	2,42
	2. Professional inadequacy	2	0,07	5*	0,64	0	0,00	0	0,00	4	0,15	0	0,00
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	3	0,11	0	0,00	9	0,34	0	0,00	0	0,00	0	0,00
Number of cases completed in the reference year against	Total number (1 to 5)	11	0,41	4	0,51	11	0,42	6	0,76	1	0,04	17	2,42
	1. Breach of professional ethics (including breach of integrity)	2	0,07	0	0,00	3	0,11	1	0,13	0	0,00	17	2,42
	2. Professional inadequacy	9	0,33	4	0,51	0	0,00	5	0,64	0	0,00	0	0,00
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	0	0,00	0	0,00	8	0,30	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	6	0,22	3	0,38	11	0,42	5	0,64	1	0,04	17	2,42
	1. Reprimand	1	0,04	1	0,13	1	0,04	1	0,13	0	0,00	NA	NA
	2. Suspension	NAP	NAP	0	0,00	NAP	NAP	0	0,00	NAP	NAP	NAP	NAP
	3. Withdrawal from cases	NAP	NAP	0	0,00	NAP	NAP	0	0,00	NAP	NAP	NAP	NAP

4. Fine	NAP	NAP	0	0,00	NAP	NAP	0	0,00	NAP	NAP	NAP	NAP
5. Temporary reduction of salary	4	0,15	1	0,13	5	0,19	3	0,38	1	0,04	NA	NA
6. Position downgrade	NAP	NAP	0	0,00	NAP	NAP	1	0,13	NAP	NAP	NAP	NAP
7. Transfer to another geographical (court) location	NAP	NAP		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
8. Resignation	NAP	NAP	0	0,00	NAP	NAP	0	0,00	NAP	NAP	NAP	NAP
9. Other	0	0,00	0	0,00	5	0,19	0**	0,00	0	0,00	NA**	NA
10. Dismissal	1	0,04	1	0,13	0	0,00	0	0,00	6	0,22	17	2,42

		2022				2023			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	18	0,68	1	0,14	14	0,53	1	0,15
	1. Breach of professional ethics (including breach of integrity)	4	0,15	0	0,00	3	0,11	1	0,15
	2. Professional inadequacy	12	0,45	1	0,14	11	0,42	0	0,00
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	2****	0,08	0	0,00	0	0,00	0	0,00
Number of	Total number (1 to 5)	13	0,49	3	0,42	11	0,42	1	0,15

	1. Breach of professional ethics (including breach of integrity)	2	0,08	0	0,00	2	0,08	1	0,15
	2. Professional inadequacy	7	0,26	3	0,42	9	0,34	0	0,00
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	4	0,15	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced	Total number (total 1 to 10)	9	0,34	3	0,42	7	0,27	1	0,15
	1. Reprimand	7	0,26	0	0,00	3	0,11	1	0,15
	2. Suspension	NAP	NAP	NAP	NAP	0	0,00	0	0,00
	3. Withdrawal from cases	NAP	NAP	0	0,00	0	0,00	0	0,00
	4. Fine	NAP	NAP	NAP	NAP	0	0,00	0	0,00
	5. Temporary reduction of salary	1	0,04	2	0,28	4	0,15	0	0,00
	6. Position downgrade	NAP	NAP	NAP	NAP	0	0,00	0	0,00
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP	0	0,00	0	0,00
	8. Resignation	NAP	NAP	NAP	NAP	0	0,00	0	0,00
	9. Other	1	0,04	1	0,14	0	0,00	0	0,00
10. Dismissal	0	0,00	0	0,00	0	0,00	0	0,00	



*A professional inadequacy as one of the reasons for initiating disciplinary proceedings against public prosecutors is considered to be a failure to make public prosecutorial decisions and to file regular and extraordinary legal remedies within the prescribed period; often missed or late to scheduled hearings, hearings and other procedural actions in cases assigned to him/her; refusal to perform the tasks and tasks entrusted to him/her etc.

With regard to judges, a professional inadequacy encompasses disciplinary offences such as: unjustifiable delays in the drafting of the decisions; frequent tardiness for hearings; unjustifiable prolonging of hearings; unjustifiable failure to notify the president of the court about cases with prolonged proceedings (Article 90, LoJ).

The category “other disciplinary proceedings” refers to proceedings for a violation of the principle of independence (Article 90, LoJ)

The category “other sanctions” refers to a ban on promotion in the period of three years.

Council for the Judiciary/ Prosecutorial Council

Council for the Judiciary

Following the judicial reforms in Serbia since 2000, two bodies of self-administration were constituted in 2009, namely the High Judicial Council (HJC) and the High Council of Prosecutors (HCP). With changes introduced in 2022, the then State Prosecutorial Council has been renamed to the High Council of the Prosecution (Official Gazette of RS, no. 10/2022).

The HJC is established as an independent and autonomous body to provide for and guarantee the independence and autonomy of courts and judges. Its composition and competences are defined in the Constitution (Article 153) and the Law on the High Judicial Council (LHJC).

It has 11 members, the President of the Supreme Court being an *ex officio* member (.). Four members are elected by the National Assembly, from prominent lawyers with at least ten years of experience in the legal profession from among eight candidates proposed by the National Assembly's committee responsible for the judiciary (hereinafter: the Committee), after a public competition, with the votes of two-thirds of all MPs, and six members are judges elected by judges.

Other criteria for an elected member of the HJC are: meeting the general requirements for working in a state body; having a higher legal education; having experience and knowledge relevant to the work of the judiciary; being worthy to perform the function of the Council member; not having reached the age of 65; not performing a function of a judge or a prosecutor; not being elected to a public office directly by the citizens or not performing a function to which s/he was elected by the National Assembly (the Constitutional Court judge or the Secretary of State); not strongly influence political decision-making; not having exerted undue influence on the work of a judge, prosecutor or court; and not having represented a position in public appearances that threatens the independence of the judiciary or of the public prosecutor's office.

The ten electoral members of the HJC have a five-year term and cannot be re-elected. The HJC elected judges hold a full-time position in the HJC, while the ex-officio member does not.

In the [GRECO Evaluation Report from 2015](#) (see para. 97 – 99), GRECO recommended changing the composition of the HJC as crucial to strengthening its independence and creating the conditions for resorting public trust in the judiciary. GRECO recalled that as per Recommendation Rec(2010)12 of the Committee of Ministers of the Council of Europe, judges elected by their peers should make up not less than half the members of councils for the judiciary. It also pointed out the Council of Europe's Venice Commission's criticism of the constitutional provisions on the composition of the HJC, stating that “the judicial appointment process is thus doubly under the control of the National Assembly: the proposals are made by the High Judicial Council elected by the National Assembly and the decisions are then made by the National Assembly itself. This seems a recipe for politicisation of the judiciary and therefore the provisions should be substantially amended.” While the Law on the HJC was then amended so that the National Assembly is only presented with the name of the person elected by the authorised nominators in respect of each vacancy, the National Assembly is still entitled to

reject the candidate, in which case another election would take place. The *ex officio* membership of the Minister of Justice and the President of the Parliamentary Committee on Justice was also criticised and GRECO drew the attention of the authorities to Opinion No.10 (2007) of the Consultative Council for European Judges, which explicitly stresses that members of the Judicial Council should not be active politicians, in particular members of the government.

GRECO therefore recommended (i) changing the composition of the High Judicial Council, in particular by excluding the National Assembly from the election of its members, providing that at least half its members are judges elected by their peers and abolishing the *ex officio* membership of representatives of the executive and legislative powers; (ii) taking appropriate measures to further develop the role of the High Judicial Council as a genuine self-governing body which acts in a pro-active and transparent manner.

In the GRECO compliance procedure that followed, the [GRECO Compliance Report on Serbia](#) from 2017 and the [GRECO Interim Compliance Report on Serbia](#) from 2019 were adopted; some progress with regard to the first part of the recommendation has been made since as per draft constitutional amendments the HJC is to be composed of 10 members, of whom five are judges elected by their peers (for which it is provided that equal representation of all levels of the judiciary is to be taken into account), and the other five are prominent lawyers elected by the National Assembly. The National Assembly will thus be excluded from electing the judge-members of the HJC and the *ex officio* membership of representatives of the executive and legislative powers will be abolished. However, since GRECO's recommendation also calls for the complete exclusion of the National Assembly from the election of the members of the HJC (and not just from electing the judge-members as it proposed by the amendments), as the government has also committed itself to in its own National Justice Reform Strategy and Action Plan for Chapter 23 and since the constitutional amendments have not been adopted yet, GRECO considered this part of the recommendation to be partly implemented (see para. 29 – 35 of the Compliance Report and [Interim Compliance Report](#), para. 25 – 32). No progress was noted also in the [GRECO Second Compliance Report from 2020](#) (see para. 25 - 31).

The HJC is competent to elect judges to permanent office, to appoint lay judges, to rule on the termination of a judge's functions, to propose the election and dismissal of the President of the Supreme Court and court presidents to the National Assembly, to decide on the transfer and assignment of judges, to rule on the process of the performance evaluation of judges and court presidents, to rule on issues of immunity of judges and members of the HJC, to rule on the incompatibility of other services and jobs, to perform tasks in respect of the implementation of the National Strategy for the Reform of the Judiciary within its remit and to perform other duties as specified by law (Article 13, LHJC).

In the [GRECO Evaluation Report from 2015](#) (see para. 99) GRECO also pointed out the perception of the HJC as being weak and ineffective and unlikely to perform key functions properly due to, *inter alia*, the role of the HJC in the re-appointment process, not acting in cases of public pressure put on judges, carrying out its important tasks with significant delay etc. A second part of the recommendation (see above) was to address these deficiencies. In the compliance procedure (see [GRECO Compliance Report from 2017](#), para. 32, 34 and [GRECO Interim Compliance Report from 2019](#), para. 28, 29, 31) the Serbian authorities provided information on amendments to the LHJC from 2015 and to the HJC's Rules of Procedure from 2016 and 2018 which provided for public sittings of the HJC, reasoned decisions and publication of the HJC's decisions, progress reports, agendas, minutes and decisions of the HJC's sessions and a calendar of activities on its website. Furthermore, the HJC adopted a communication strategy with an aim to make the work of the judiciary more accessible and transparent to the public. The amended Rules of Procedure provided for a clear procedure on necessary actions to be

undertaken to publicly respond in case of undue political influence on the judiciary (including obligation to issue public statements) and introduced greater transparency of the selection procedure of judges (by allowing all interested parties to attend interviews for the first election to a judicial function, by recording those interviews, by publishing the list of candidates and the grades achieved in sitting examinations on the HJC's website). GRECO concluded that as practice needed to be established and further developed within the HJC for a transparent and proactive action, this part of the recommendation was partly implemented. Additional information provided by the Serbian authorities regarding the HJC's pro-active role as regards communication, to defend the court system and individual judges against political attacks and in the election of judges as well as about the HJC having some budgetary and management autonomy was noted by GRECO in its [Second Compliance Report](#) from 2020 but it concluded that recommendation remained partly implemented (see para. 25 – 31). In the [Second Interim Compliance Report](#) (see para. 19-24) the authorities reported on amendments to the Constitution adopted on 30th November 2021 and promulgated on 9th February 2022 which envisage a new composition of the HJC with a majority of judges elected by their peers and exclude the *ex officio* membership of the Minister of Justice and the President of the authorise committee of the National Assembly GRECO considered this part of the recommendation as fully implemented. Furthermore, GRECO noted that the revised Constitution defined HJC as an independent body empowered to provide for and guarantee the independence of courts and judges. HJC's sessions are public, agendas of sessions and its minutes as well as working agenda and decisions are published on its website, decisions of the HJC also in the Official Gazette. HJC publishes its regular statements in the media related to its activities. GRECO noted these measures taken to guarantee the independence of the courts and judges which also strengthen effectively the transparency of the activity of HJC. However, since measures to ensure budgetary autonomy of HJC have not been taken, GRECO concluded this part of the recommendation as partly implemented and the overall compliance with this recommendation remains partly implemented. In [the GRECO Addendum to the Second Compliance Report on Serbia](#) (see para. 10-14), the Serbian authorities reported that Article 4 of the new Law on the HJC organises a detailed procedure for preparing the Council's budget proposal, under the exclusive jurisdiction of the HJC. The proposal is only submitted for an opinion to the Minister of Finances, who can organise consultations with the President of the HCJ and the Budget Commission to reach an agreement in case of objections. If no agreement is reached, the HJC's proposal is included as such in the draft budgetary law if the proposal complies with the financial framework determining expenses. GRECO noted that the new Law on the HJC provides for a specific procedure which guarantees that the HJC participates effectively in the determination of its budget and benefits from a budgetary autonomy. Together with other constitutional and legislative amendments which have fostered the operational role of the HJC, this budgetary procedure contributes to strengthening the HJC as a genuine self-governing body, acting in a pro-active and transparent manner. This is in line with the second part of the recommendation and GRECO concluded that recommendation has been implemented satisfactorily.

Prosecutorial Council

Under Articles 164 and 165 of the Constitution, the High Council of Prosecutors (HCP) is an autonomous body that provides for and guarantees the autonomy of prosecutors. Its composition and competences are defined in detail in the Law on the High Council of Prosecutors (LHCP).

It comprises of 11 members: the Supreme Public Prosecutor and the Minister of Justice are *ex officio* members, five prosecutors holding permanent posts (one from the Supreme Public Prosecutor's Office, one of the appellate public prosecutor's offices, the Public Prosecutor's Office for Organized Crime and the Public Prosecutor's Office for War Crimes, one of the higher public prosecution offices and two from basic public prosecutor's offices) and four prominent lawyers elected by the National Assembly with

at least ten years of experience in the legal profession from among eight candidates proposed by the National Assembly's committee responsible for the judiciary, after a public competition, with the votes of two-thirds of all MPs.

Other criteria for elected members of the HCP are the same as stated above with regard to the elected members of the HJC.

The President of the HCP decides to initiate the nomination procedure for electoral members which is published in the Official Gazette and on the HCP's website. The decision is submitted to the Election Commission of the HCP. Candidates from the ranks of (deputy) public prosecutors are elected by their peers, in a secret vote based on the candidacy application submitted to the Election Commission. Electoral members of the HCP are elected for a five-year term and may not be re-elected. The HCP members hold a full-time position in the HCP.

In its [Evaluation Report from 2015](#) (see para. 164) GRECO reiterated its comments and concerns as regards the composition of the HJC also in respect of the HCP's composition and recommended (i) changing the composition of the High Council of Prosecutors (HCP), in particular by excluding the National Assembly from the election of its members, providing that a substantial proportion of its members are prosecutors elected by their peers and by abolishing the ex officio membership of representatives of the executive and legislative powers; (ii) taking appropriate measures to strengthen the role of the HCP as a genuine self-governing body which acts in a pro-active and transparent manner.

The second part of the recommendation above relates to the competence of the HCP which involves, *inter alia*, the election and termination of the functions of public prosecutors, promotion of public prosecutors, decides on suspension and dismissal of public prosecutors, determines positions and private interests that conflict with the dignity and independence of the public prosecution office, proposes the scope and structure of budget funds necessary for the work of the public prosecution offices, having obtained the opinion of the Minister of Justice, distributes the funds amongst the public prosecution offices, conducts supervision of expenditure of budget funds etc.

During the evaluation procedure GRECO found a similar situation with regard to the HCP in respect of its weakness, ineffectiveness and lack of transparency and accountability as with the HJC (see para. 164 of the [GRECO Evaluation Report](#) from 2015), hence the second part of the recommendation above was addressed.

In the compliance procedure similar steps as those for implementing the recommendation addressed on the HJC have been taken by the Serbian authorities to implement also this recommendation. Due to draft constitutional amendments the new High Prosecutorial Council is to be composed of 10 members, of whom four members are (deputy) public prosecutors equally representing all levels of the prosecution service (elected by their peers) and four prominent lawyers (elected by the National Assembly), with additionally the Supreme Public Prosecutor and Minister in charge of the judiciary as *ex officio* members. GRECO considered the fact that the National Assembly would only elect four out of the ten HCP members a vast improvement. However, it noted that the planned amendments fell short of the requirements of the recommendation and of the government's own commitments as outlined in its National Justice Reform Strategy and Action Plan for Chapter 23, which called for the exclusion of the National Assembly in electing members of the HCP. Furthermore, GRECO noted that only four prosecutors out of ten members of the HCP are to be elected by their peers and that the *ex officio* membership of the executive power would remain in place (even if the *ex officio* membership of the legislature will be abolished, which was to be welcomed). Furthermore, amendments had not yet been adopted. GRECO therefore considered this part of the recommendation to be partly implemented (see para. 54-56 and 58 of

the [Interim Compliance Report from 2019](#)). No progress was noted by GRECO in its [Second Compliance Report from 2020](#) (see para. 47 – 49 and 51, 53). In the [Second Interim Compliance Report](#) (see para. 43-48) the authorities reported on amendments to the Constitution adopted on 30th November 2021 and promulgated on 9th February 2022 which envisage a new composition of the HCP now composed of five prosecutors elected by their peers, four prominent lawyers elected by Parliament, the Supreme Public Prosecutor and the Minister of Justice. They stress that the Minister of Justice remains an *ex officio* member but is excluded from disciplinary procedures. They also report that on 23 December 2020, the National Assembly elected six members of the HCP among public prosecutors and deputy public prosecutors, and one member among law professors. GRECO considered this part of the recommendation still partly implemented since the National Assembly continues to be involved in the appointment of some members and the Minister of Justice remains an *ex officio* member. In [the GRECO Addendum to the Second Compliance Report on Serbia](#) (see para. 15-20), the Serbian authorities reported that, according to the new Law on the HPC, the Council is composed of 11 members, of which 5 are public prosecutors elected by their peers, and 4 are prominent lawyers (with at least ten years of experience) elected through a qualified 2/3 majority by the National Assembly from a list of 8 candidates established by the parliamentary committee responsible for the judiciary. The Supreme Public Prosecutor (elected by a qualified 3/5 majority in Parliament) and the Minister of Justice remain *ex-officio* members. However, the Minister of Justice cannot vote in disciplinary proceedings. The President of the HPC is elected for five years among the members elected by the prosecutors, and the Vice-President is elected among the members elected by the National Assembly. GRECO noted that the new Law on the HPC has modified the composition of the Council and that a substantial proportion of its members (5 out of 11) are now prosecutors elected by their peers. It also noted that the 4 members designated by Parliament are elected by a 2/3 majority, from a list of 8 prominent lawyers established by the relevant parliamentary committee, which strengthens the pluralism of opinions and ensures a certain depoliticization in these appointments. The President of the Council is elected from among the prosecutors appointed by their peers. As regards the *ex-officio* membership of the Ministry of Justice, GRECO notes that s/he cannot vote in disciplinary proceedings anymore, which limits the impact of the executive on public prosecutors. However, this impact continues to be significant as regards the appointment and promotion of prosecutors, and even through his/her possible participation in disciplinary proceedings. GRECO welcomed the constitutional and legislative changes as regards the composition of the HPS and the powers of the Minister of Justice within this Council, which limits the risks of undue interference of the executive and legislative powers over the prosecution service, and then contributes to serve the purpose of the first part of its recommendation. However, it regretted that Parliament continues to play as such a role in appointing a substantial part of the members of the HPC and that the Minister of Justice remains an active member of this Council, which do not fully eliminate such risks and then raises threats of conflicts of interest, corruption or other integrity-related issues. Therefore, GRECO could not consider that the first part of the recommendation has been fully implemented and concluded that recommendation remains partly implemented.

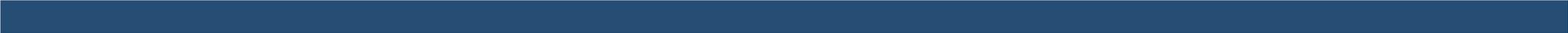
With regard to the second part of the recommendation GRECO found in the compliance procedure various measures taken to be appropriate responses to the concerns expressed in the GRECO Evaluation Report, i.e. amended Law on the HCP in 2015 which provided for publicity of the HCP's sessions and decisions, amended Rules of Procedure in 2017 which required the HCP to publicly respond in case of political interference in the work of public prosecutors, adoption of the multi-year strategic plan to strengthen the HCP's role and capacities as a genuine self-governing body, and on its basis adoption of the first annual work plan, the establishment of the Commissioner for autonomy in cases of political and other undue influence to whom public prosecutors could turn to in concrete cases of undue influence and who issued several opinions on allegations of political pressure exerted on public prosecutors, several workshops held on how to report undue influence in the prosecutors' work etc. Since the whole reform process

had not been completed and the HCP still needed to enhance its role GRECO considered this part of the recommendation as partly implemented (see [GRECO Compliance Report](#) from 2017, para. 58 – 62, and [GRECO Interim Compliance Report](#) from 2019, para. 54 – 60). In the [GRECO Second Compliance Report from 2020](#) (see para. 47 – 48, 50, 52 – 53), GRECO noted public positions taken by the HCP and the active role it played to defend the autonomy of the prosecution service through the inspections it carried out as well as capacity building activities undertaken with international partners to strengthen the role of the HCP as a self-governing body and the HCP's increased resources. However, it also noted that the Rules of Procedure of the Commissioner for autonomy had not been adopted and that he continued to act on an ad hoc basis. As a result, GRECO concluded this part of the recommendation remained partly implemented. In the [Second Interim Compliance Report](#) (see para. 43-48) the authorities reported that the HCP has further strengthened its role as a self-governing body that acts proactively and transparently. The vacancies at the position of public prosecutors are being decreased (63 positions are filled and 27 remain to be filled) and the number of 10 deputy public prosecutors has been increased to 805 (704 positions are currently filled) in the 90 public prosecutor's offices. On 19 April 2021, the HCP amended its Rules of Procedure and elected a new Commissioner for Autonomy on 23 April 2021, entrusted with the protection of prosecutors against undue influence. The Commissioner for Autonomy cooperates with the Ethics Committee and disciplinary bodies and submits to the HCP an annual report on illicit influence in respect of prosecutors. In 2021, the Commissioner acted in seven cases. Concerning the second part of the recommendation, GRECO acknowledges what was reported in previous reports and that the Rules of Procedure of the HCP have been amended so that the Commissioner for Autonomy can act on a formal basis to address undue influences against prosecutors. This part of the recommendation has been therefore considered as implemented satisfactorily.

Regarding operational arrangements in place to avoid an over-concentration of powers in the same hands concerning different functions to be performed by members of the HJC and the HCP the Serbian authorities report that an elective members of both Councils cannot be re-elected. Also, rights of the judges-members of the HJC/prosecutors-members of the HPC from the employment relationship are suspended while exercising the rights of a Council member and the mandate of the Council member is limited to five years.

Accountability measures in place regarding the activities of the HJC include publication of the activity reports and decisions which are reasoned. The same applies to the HCP's activity reports and decisions.

In case of an evident breach of the independence or the impartiality of a judge the HJC is competent to provide for and guarantee independence and autonomy of courts and judges (see Article 153 of the Constitution). Rules of Procedure of the HJC (last amended in April 2021) prescribe the manner of work and decision-making of the HJC in cases of political and other influence on judges and the judiciary. In a case of a political interference in the judiciary the HJC shall react publicly; a judge who considers there is a political influence on his/her work may address the HJC in writing. The HJC's session to consider the political influence on the work of the judiciary shall be held without delay on the President of the HJC's initiative/proposal of the HJC's member/address made by the judge in writing. The matter of political influence on the work of the judiciary shall be put on the agenda of the HJC's session by the President of the HJC and should not be voted on or changed. After the session, the public will be informed of the conclusions via press conference, public statement or publication of the conclusions on the HJC's website (Rules of Procedure of the HJC). In May 2021, the HJC appointed a judge competent to act in cases of undue influence on judges and the judiciary. S/he is authorised to: act upon requests of judges or protection against undue influence, examine the existence of undue influence expressed in public, through media, social networks, at public gatherings on otherwise; submits a reasoned proposal for convening a session



of the HJC to decide on the existence of undue influence; presents the factual situation and gives a proposal for a decision at the session of the HJC; cooperates with the competent institutions in conducting training of judges on recognizing and reacting to undue influence ; proposes to the HJC measures to prevent undue influence, cooperates with the Ethics Committee and disciplinary bodies; keeps records of all cases of undue influence and submits to the HJC an annual report on the undue influence on judges and the judiciary.

In case of an evident pressure on a prosecutor the HCP provides for and guarantees autonomy of (deputy) public prosecutors (as per the Constitution and the Law on the HCP). At the HCP the Commissioner for autonomy in cases of political and other forbidden influence on work of the public prosecution office has been appointed (as per the HCP's regulation on Work).