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COMPARATIVE ANALYSIS

COORDINATIVE MECHANISMS FOR DEVELOPMENT, IMPLEMENTATION, MONITORING AND EVALUATION OF THE JUSTICE SECTOR REFORMS

OVERVIEW OF THE SITUATION IN DECEMBER 2015

This publication prepared by the Association for Development Initiatives "Zenith", on request from the Ministry of Justice of the Republic of Macedonia, provides an overview of the key inter-institutional platforms for development, implementation, monitoring and evaluation of the justice sector reforms in Macedonia, Montenegro, Serbia and Croatia, as well as guidance on further development of the Council for Justice Sector Reform in Macedonia.

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EXECUTIVE SUMMARY

Justice sector reforms imply a range of complex, often long-term and costly measures and activities, which are implemented jointly by a number of institutions, professional associations and chambers. Therefore, the success of the reforms largely depends on the functionality and efficiency of the coordinative mechanisms for development, implementation, monitoring and evaluation of the reforms. Additionally, ensuring inclusiveness, viability and sustainability of the reforms, requires coordination not only between the relevant authorities, but also between the public institutions and the civil society.

This publication provides an overview on the key inter-institutional platforms for development, implementation, monitoring and evaluation of the justice sector reforms in Macedonia, Montenegro, Serbia and Croatia, and then compares and assesses the bodies for implementation of the justice sector strategies in accordance with the following six aspects:

- Competences of the bodies for implementation of the justice sector reform strategies
- Composition of the bodies
- Appointment and term of the members, as well as organization of the bodies
- Working procedures of the bodies
- Monitoring, evaluation and reporting on the implementation of the strategies
- Strategic planning and justice sector reforms

This analysis provides guidance on further development of the Council for justice sector reform in Macedonia, based on the regional experiences. By preparing this paper, the Association Zenith, with generous support from the Macedonian office of the Konrad Adenauer Foundation, aims to provide professional contribution to more successful implementation of the future and long-awaited justice sector reform strategy in Macedonia.

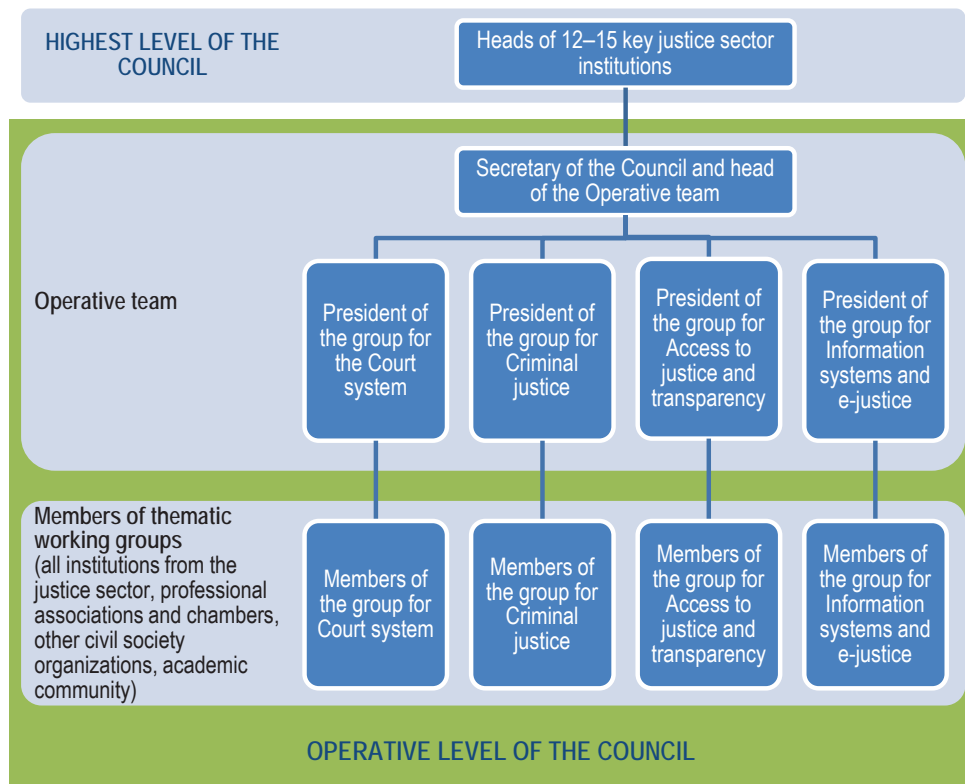
The comparative analysis is prepared based on combination of secondary data (strategies, action plans, reports, laws and other regulations) and primary data (communication with the actors in the justice sector in the covered countries). Based on the prepared draft-analysis, a workshop was held with representatives of the Ministry of Justice of the Republic of Macedonia, the Judicial Council, the Academy for Judges and Public Prosecutors, the Supreme Court and the Delegation of the European Union in Macedonia. The workshop served to discuss the strengths and weaknesses of the various solutions applied in the covered countries, to determine best practices and to identify additional topics for further analysis.

Based on the analysis and the workshop, the Association Zenith formulated the following conclusions and recommendations concerning Macedonia:

- **The duties of the Council for justice sector reform should be clarified.** In line with the experiences of the similar bodies in Croatia, Montenegro and Serbia, its duties may be determined in the following manner: The Council provides directions for development of the justice sector policies; organizes and coordinates the activities for implementation of the justice sector reforms of the relevant state authorities and other institutions, as well as other organizations vested with public authority; monitors the implementation of the justice sector policies and assesses the achieved results and the dynamics of implementation; adopts acts for realization of the activities and measures of the Strategy for justice sector reform; determines annual action plan for implementation of the Strategy for justice sector reform; undertakes activities for harmonization of the strategic plans of the justice sector institutions with the Strategy for justice sector reform and the annual Action plan; reviews, adopts and submits semi-annual reports for implementation of the Strategy for justice sector reform to the Government; devises recommendations for revision of the Strategy based on the reports and annual plans for implementation of the strategy; coordinates the planning process of necessary financial means for realization of the Strategy for justice sector reform; adopts Rules of procedure; performs other tasks foreseen in the policies connected with the justice sector.

- **Greater inclusion of the Parliament of the Republic of Macedonia in the adoption of the justice sector reform strategy**, i.e. in the approval and/or the monitoring and evaluation of its implementation and achieved results. In the analyzed countries, in Montenegro and Macedonia the strategies are adopted by the Governments, while in Croatia and Serbia, by the Parliaments. In the latter two countries, representatives of the responsible parliamentary committees are members of the bodies for monitoring of the justice sector reforms. It is recommended to include Parliament with its Committee for political system and relations between the communities in the Council and/or in the chain for periodical reporting for the implementation of the strategy and achieved results.
- **Codification of the working procedures of the Council** by adoption of Rules of procedure.
- **In addition to the highest level of the Council where the heads of the justice sector institutions are represented, and additional operative level should be established and developed.** In line with the experiences from Montenegro and Serbia, the operative level should support the work of the highest level of the Council. The role of this operative level can be performed by permanent working groups of the Council (e.g. by transforming the working groups for preparation of the draft-strategy for justice sector reforms), and also ad-hoc groups may be established, if needed. The permanent working groups would be dedicated to the main goals, priorities or functional areas of the future strategy for justice sector reforms. According to the experiences of the analysed countries from the region, the duties of the possible operative level of the Council may be determined in the following manner: submits draft annual report for implementation of the Strategy to the Council; performs verification of the strategic plans and annual action plans of the justice sector institutions for implementation of the Strategy for justice sector reforms and points out differences between the planned activities and the provisions in the Strategy; prepares standardized forms for collecting data from the competent institutions for the implementation of the Strategy; collects, processes and analyses data from the competent institutions connected to the realization of the measures and activities of the Action plan for implementation of the Strategy for justice sector reform; submits draft annual/semi-annual reports for implementation of the Strategy to the Council; prepares draft-recommendations and decisions.
- **The optimal number of included institutions, organizations and representatives in the highest level of the Council should be determined** in a manner that will enable effective and efficient work, as well as more frequent meetings. The number of 30 members in the Council in Macedonia is significantly higher than the number of members of the similar bodies in Croatia (16), Montenegro (9) and Serbia (15). If the number of members in the highest level of the Council is set between 12 and 15, it would contribute to more efficient work and more frequent meetings. On the other side, all the justice sector institutions, professional chambers and associations, academic community and the relevant civil society sector should be included in the possible operative level of the Council, i.e. in thematic working groups.
- **A connection between the personnel on highest and the possible operative level of the Council should be provided.** According to the competences, such connection will be performed properly by official of the Ministry of justice (for e.g. from the Justice Sector Department from the Ministry), who would have a double role – Secretary of the highest level of the Council and Head of the possible operative level of the Council. In such setting, the head of the possible operative level would transmit the directions of the highest level of the Council to the president of the working groups of the Council, and they would transfer the directions to the members of the working groups – i.e. to all the institutions and organizations which are included in drafting, implementing, monitoring and evaluation of the justice sector reforms.

Chart: Potential organization of the Council according to the best practices from the region



- **Every member of the potential working groups of the Council should be responsible for coordination of the data collection regarding the realization of the measures and activities from the portfolio they represent, as well as for preparation of parts of the periodical reports** on the implementation of the action plans for justice sector reforms, regarding the measures and activities which fall within the domain of the institutions that appointed them.
- **The Council, on operative level, should prepare draft semi-annual reports on the realization of the measures and activities of the justice sector reform and submit them to the highest level of the Council** and – if the Strategy is adopted by the Government – submit them to the Government as draft-reports. In this case the Government would submit annual report on the justice sector reforms to the Parliament.
- **The Council on highest level should meet at least twice per year, and the working groups should meet more often with the aim to provide data and to exchange opinions** on the implementation of the reforms, achieved results, as well as approaches for overcoming or mitigating problems and challenges.
- **With the aim to improve efficiency and simplicity in the communication within the Council,** communication and the decision-making by using electronic means should be considered official.
- Besides the representatives of the professional chambers and associations and the academic community, **the inclusion of other representatives of the civil sector in the Council should be considered** (whether on highest level or on operative level, i.e. in the working groups). The included representatives of the civil sector should secure transfer of information and stances of the other civil society organizations to the Council, and vice versa.

- **The Council should envisage activities for informing and consulting the stakeholders**, by: a) regular publishing of information, minutes and reports of the meetings of the Council, the planned justice sector reforms, as well as the results of the implementation; b) allowing presence of the media on the meetings, distributing media press releases and holding press-conferences; c) conducting periodical consultations with the stakeholders about the reform priorities and draft-reports on implementation of the reforms.
- **The Government should secure separate budgetary means for supporting the work of the Council.** These means should be utilized for holding meetings, consultations, conducting analyses and use of external expertise, education of the members and securing publicity and transparency in the work.
- **The Council should determine two-year action plans for implementation of the reform**, and periodically revise them in accordance with the recommendations and assessments of the specific working groups.
- **The justice sector institutions should take into account the priorities and deadlines envisaged in the future strategy for justice sector reform in the process of preparation of their action plans and other strategic documents.**
- **Creating or enhancing the human resources** for research and analysis, strategic planning and coordination in each of the justice sector institutions, and mostly in the Ministry of justice and the Judicial Council.
- **The Council should coordinate the budgeting of the necessary financial means for realization of the justice sector reform action plans.** Each segment of the action plans should specify whether the financial means for implementation are obtained and from which source, and if they are not obtained, a suggestion should be made on how they could be financed.

1. TYPES OF INTER-INSTITUTIONAL AND INTER-SECTORAL PLATFORMS FOR DEVELOPMENT, IMPLEMENTATION, MONITORING AND EVALUATION OF JUSTICE SECTOR REFORMS

1.1. Macedonia

In Macedonia, the following types of inter-institutional platforms for development, implementation, monitoring and evaluation of judicial reforms are established:¹

- *The council for justice sector reform.* Composed of representatives on top or high level from the judicial institutions and professional chambers, including also representatives of the academic community. Established for managing the Strategy for judicial system reform of 2004, the Council continued to hold meetings twice per year on average, with the aim to strategically guide the judicial reform.
- *The working group for preparation of the NPAA for the chapter 23 "Judiciary and fundamental rights".* Composed of representatives of 28 justice sector and other relevant institutions which prepare the National program for adoption of the acquis of the European Union (NPAA) in the sphere of judiciary, anticorruption policies, fundamental rights and rights of the citizens of the European Union. The operations of the working group are supported by the European Union department within the Ministry of justice.
- *The subcommittee for justice and internal affairs within the Committee for stabilization and association.* Composed of representatives of the relevant Macedonian institutions and competent representatives of the European Commission, it reviews and evaluates the progress in the fulfillment of the EU membership criteria and the implementation of the Stabilization and association agreement in the sphere of justice sector reform, police, anticorruption policies, human rights, visa policy, asylum and migrations, cooperation in criminal matters, fight against organized crime and terrorism and drug prevention.
- *Sectoral working group for rule of law and fundamental rights.* The working group is responsible for planning and programming the foreign aid of the Instrument for pre-accession assistance (IPA II) in the field of judiciary, internal affairs, human rights and protection of the rights of the minorities. The basic composition of the group is made by representatives of the ministries of justice, interior, foreign affairs, labour and social policy, finance/CFCD, Secretariat for implementation of the Ohrid framework agreement, The Cabinet of the Prime Minister and the Deputy Prime Minister in charge of European affairs.

¹ In addition to the aforementioned, a program working group "Justice and internal affairs" was established as part of the institutional framework for programmatic approach in coordination of foreign aid. The operations of this working group are supported by the Secretariat for European affairs, where other institutions were also included, like the ministries of justice, internal affairs and finance, as well as representatives of foreign donors who provide support in this sphere. Furthermore, the working group for Chapter 24 "Justice, freedom and security" is also relevant in the field of judicial cooperation in criminal and civil matters.

1.2. Montenegro

In Montenegro, which already started the accession talks, the following inter-institutional and inter-sectoral platforms for judicial reforms are established:

- *The council for monitoring of the implementation of the Strategy for justice sector reform*, as well as the Operative team. It controls the realization of the measures of the action plan for implementation of the Strategy.
- *The working group for preparation of the accession talks for chapter 23 – Judiciary and fundamental rights*. In the structure of the Montenegrin working group for chapter 23 there are six civil society representatives, including four representatives of the non-governmental sector. In accordance with the negotiating framework, Montenegro developed the action plan for chapter 23 through a consultation process with the main stakeholders. In the realization and in the monitoring of the realization of the plan, special support is expected to be provided by civil society, including its representatives in the working group 23, primarily aimed at maintaining the needed level of transparency.²
- *The rule of law council*. Coordinates, on high level, the realization of the obligations in this sphere.
- *The subcommittee for justice, freedom and security within the Committee for stabilization and accession of Montenegro in the European Union*.
- *The sectoral working group for planning and programming the Instrument for pre-accession assistance 2014–2020 in the sector rule of law and fundamental rights*. Composed of representatives of the ministries of justice, interior, human and minorities' rights, finance, internal affairs and European integration, Supreme Court, Supreme State prosecution, Directorate for anticorruption initiatives, Office for execution of criminal sanctions, Police authority, Directorate on prevention of money laundering and financing terrorism, Customs administration and the Judicial Training Centre. Representatives of non-governmental organizations are also included in the working group by a public call.

The competences of some of these platforms that relate to justice sector reforms, as well as the potential overlaps, are reviewed below.

In March 2012, the Government of Montenegro adopted a Decision on establishing a **Working group for preparation of the accession talks for chapter 23** – Judiciary and fundamental rights.³ The decision appoints the members of the working groups, both representatives of state institutions and non-governmental organizations, which will participate in the screening process and in preparation of the negotiating positions of Montenegro. Two years later, in April 2014, the Government adopted a new decision on establishing a working group for preparation and leading of the negotiations in the frames of chapter 23⁴ which not only lists the members, but also stipulates the tasks of the working group. The duties of the Working group are: realization, monitoring, quarterly and semi-annual reporting on realization of the

² Action plan for chapter 23 Judiciary and fundamental rights. Government of Montenegro, 10.9.2013.

³ Official gazette of Montenegro, number 20/2012, available at: <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B36F5B90A-0691-4E0A-9713-55A5ECF99077%7D>

⁴ Official gazette of Montenegro, number 24/2014, available at: <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B2AE2CACE-ADA1-41A2-B988-6A04258266BD%7D>

Action plan for chapter 23 – Judiciary and fundamental rights; monitoring and reporting of the realization of interim and closing benchmarks for chapter 23 – Judiciary and fundamental rights; monitoring and reporting on the realization of Accession program of Montenegro to the European Union for the period 2014–2018, in the sphere of judiciary and fundamental rights; preparation and participation in the meetings of the Subcommittee for stabilization and accession for justice, freedom and security;⁵ organization and participation in the expert missions of the European Union in the sphere of judiciary and fundamental rights; organization and participation in expert support for Montenegro in the sphere of judiciary and fundamental rights; revision of the Action plan for chapter 23 – Judiciary and fundamental rights after the fulfilment of the opening benchmarks.

The Strategy for reform of the judiciary 2014–2018 and the Action plan for its implementation 2014–2016 are predominantly based on the measures for the chapters 23 and 24 of the negotiations between Montenegro and the EU. In that part, there are almost no meaningful differences between the Action plan for chapter 23 and the Action plan for implementation of the Strategy for judiciary reform for the period 2014–2016. In addition, the representatives of the Ministry of justice in the Working group for chapter 23 are the same persons which represented the Ministry in the preparation of the Strategy for judiciary 2014–2018 through the Working group, formed by the Ministry. Besides the Head of the working group for chapter 23, also two independent advisers in the Ministry of justice participated in the latter group – one was a coordinator for the sphere of judiciary, and the other was coordinator for the sphere of repression of corruption. Simultaneously, few members of the Working group for the chapter 23 were also members of the Operative team of the **Council for monitoring of the implementation of the Strategy for judiciary reform**. Therefore, a certain overlap of the functions and competences is noted, which is accompanied by an overlap of the membership of different bodies which monitor the process of judicial reform and the most significant achievements of the judicial institutions in that process.

Certain overlaps in the competences exist also with regard to the Judicial Council. The Judicial Council of Montenegro is a body where all the decisions for the Montenegrin judicial system are made and which actively implements and monitors the Strategy.⁶ The Judicial Council submits annual reports to the Parliament regarding the state of affairs in the judiciary and proposes a budget needed for the functioning of the courts.⁷ On the other side, the Council for monitoring of the implementation of the Strategy for judiciary reform is also responsible for submitting annual reports regarding the implementation of the Strategy, but also for submitting proposals for rationalization of the expenditures for realization of the Strategy for judicial reform, which include funds for functioning of the judicial bodies. Having in mind these overlaps, it is clear that some level of coordination in the functioning of these two Councils is

⁵ Montenegro is obliged to deliver two annual reports to the European Commission for realization of the measures of the action plans: one in January as annex to the Subcommittee JFS and the other in July as annex to the progress report. Besides the semi-annual reports to the EC, during 2014, two quarterly reports of the Government of Montenegro were delivered.

Source: Report on the work and state of affairs in the administrative sphere of the Ministry of justice, with evaluation of the state of affairs and work of the Ministry and its bodies for 2014, pg. 10, available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=195641&rType=2>

⁶ Amendment IX of the Constitution of Montenegro, line 1, point 3 and 8, ("Official gazette of Montenegro", no. 38/2013), available at: <http://sudovi.me/podaci/vrhs/dokumenta/2170.pdf>

⁷ When proposing the budget needed for functioning of the Judicial council and the courts, the Judicial Council proposes measured needed for functioning of the Council and the judiciary, as well as funds needed for realization of the measures of the action plans which is under its competence, and the Parliament of Montenegro decides if those funds will be approved.

needed, which must be based on continuous consultations aiming at aligning the priorities and draft-measures for improving the conditions in the judiciary, including consultations regarding the needed financial means for that purpose. This need exists even though the Judicial Council is an independent body accountable to the Parliament, and the Council for monitoring of the implementation of the Strategy for judicial reforms is an advisory body to the Government. Bearing in mind that the Action plan for implementation of the Strategy for judicial reform was adopted prior the establishment of the Council for monitoring of the implementation of the Strategy for judicial reform 2014–2016 and that it has not been revised yet, it can be concluded that the Council still has not used its right to propose certain financial corrections in the domain of funds needed for implementation of the Strategy.

According to a representative of the Judicial Council, the co-operation between that body and the Council for monitoring of the implementation of the Strategy for judicial reform is excellent and is realized through the appointment of the president of the Judicial Council in the composition of that body, as well as through active participation in the activities connected with preparation, implementation and monitoring of the judicial reform and undertaking concrete measures from the Action plan for implementation of the Strategy.⁸ However, having in mind that in Montenegro **the President and the members of the Judicial Council, as well as of the members of the Council for monitoring of the implementation of the Strategy for judicial reform, also hold other offices in addition to the one related to these council** the interviewed representatives of the Judicial Council questioned how well the members can perform their duties.

The Rule of Law Council is also a body which monitors the strategic documents in the justice sector, and also coordinates the implementation and monitoring of the judicial reform in Montenegro. It is established in 2014, with a mission to accelerate the fulfillment of the obligations envisaged in the action plans for the chapters 23 and 24 and the monitoring of the realization of the interim benchmarks for these two chapters.⁹ The Rule of Law Council is composed of heads of institutions and representatives of the Government, which monitor the judicial reforms on a political level. The Council also has an operative team, whose members are employees of the institutions represented in it.

When looking at the composition of the Rule of Law Council, it can be concluded that it is above the Council for monitoring of the implementation of the Strategy for judicial reform, and also has wider mandate, due to the fact that it is composed of 39 members which feature representative of the Montenegrin Parliament, Ministers and Directors, i.e. Presidents of independent agencies and associations of municipal authorities. This conclusion is also based on the Decision on the Rule of Law Council,¹⁰ which stipulates that the President of the Council in order to urgently tackle issues which hinder the dynamics of the negotiations can organize consultative meetings with the Council members tasked with implementation of concrete activities in the sphere of rule of law. Such meetings can be held even with the Minister of justice which chairs the Council for monitoring of the implementation of the Strategy for judicial reform.

⁸ Letter to the Judicial Council from December 25, 2015.

⁹ Montenegro, within the frames of the interim benchmarks for the chapter 23 which were adopted by the EC in December 2013, undertook commitment that it will adopt and implement new national strategy for judicial reform (2014–2018) and appropriate action plan, and it will establish mechanism for monitoring which will continuously monitor the impact of different measures in the sphere of judiciary and will undertake corrective measures, when needed.

¹⁰ Article 5, paragraph 3.

The mandate of the Rule of Law Council overlaps with the mandate of the Council for monitoring of the implementation of the Strategy for judicial reform. The Rule of Law Council monitors the implementation of the action plans for chapters 23 and 24, as well as the Strategy for judicial reform, which means that it has wider responsibilities, while the Council for monitoring of the implementation of the Strategy for judicial reform has narrower scope of competences, which concretely comes down to implementation of measures of the Strategy. Also, it is important to notice that many measures of the Strategy are also contained in the Action plan for chapter 23,¹¹ and the President of the Supreme Court of Montenegro, the Supreme State Prosecutor and the President of the Judicial Council are simultaneously members of the two bodies.¹²

It is important that Montenegro, while conceptualizing, implementing, monitoring and evaluating the judicial reforms, not only coordinates between relevant public institutions, but also provides coordination between the public institutions and the civil society. That is achieved through the participation of civil society in the working group 23, as well as through the National convention on European integration. The Convention was established as mechanism through which the representatives of the civil society and the state institutions in Montenegro will hold structured public debate for EU-related issues, will define obstacles on the road to EU integration and will bring conclusions and recommendations for successful overcoming of those obstacles. The Convention also involves foreign experts and representatives of international institutions in this dialogue. More specifically, one of the working groups of the of the Convention covers the topics related with the chapter 23 – Judiciary and fundamental rights.¹³

1.3. Serbia

The working group for chapter 23 – Judiciary and fundamental in the Republic of Serbia is established in 2014 and will have one of the main roles in the negotiations for membership of Serbia in the EU – having in mind the importance and the sensitiveness of this chapter, which will be open during the whole course of the negotiations. The President, the Vice-president, the Secretary and the Vice-secretary of the working groups are representatives of the Ministry of justice. The other members of the working group are representatives of the following bodies, institutions and organizations: Ministry of interior; Ministry of foreign affairs; Ministry of state administration and local self-government; Ministry of defence; Ministry of culture and information; Ministry of construction, transport and infrastructure; Ministry of mining and energy; Ministry of health; Ministry of labour, employment, veteran and social policy; Ministry of education, science and technological development; Ministry of finance; the Cabinet of the minister without portfolio in charge of the European integrations; Agency

¹¹ For overview of the measures of the Strategy for judicial reform 2014–2018 which are overlapping with the measures of the Action plan for chapter 23, see the Report for realization of the Strategy for judicial reform: Annex 1: Comparative overview of the action plans for judicial reform, pg. 123–126, HRA/CEMI, Podgorica, July 2015, available at: [http://www.hraction.org/wp-content/uploads/izvje%C5%A1taj-kona%C4%8Dna-verzija-14.7.2015.-sa-logoima.pdf](http://www.hrraction.org/wp-content/uploads/izvje%C5%A1taj-kona%C4%8Dna-verzija-14.7.2015.-sa-logoima.pdf)

¹² The representatives of the Council for rule of law have double relation regarding the question for coordination with the Council for monitoring of the implementation of the Strategy. From one side, they think that there is a need to reconsider the existence of the two bodies (having in mind that there is already highly positioned Council for rule of law, whose competences are overlapping with the Council for monitoring of the Strategy, and the operative functions are already performed by the Operative team for monitoring of the realization of the Strategy), and also there is other opinion according to which the membership in these two bodies is complementary.

¹³ <http://eukonvencija.me/>

for fight against corruption; Commissioner for refugees and migration; Office for human and minority rights; High council of the judiciary; State prosecutors' council; Republican secretariat of legislation; Public procurement office; Restitution agency; Office for cooperation with the civil society; Counsel for Protection of Equality; Supreme Cassation Court; National public prosecutor's office; Judicial Academy; Team for social inclusion and poverty reduction; the Office for European Integrations.

The responsibility for monitoring of the realization of the activities of the Action plan for chapter 23 is within the competence of the **Secretariat for implementation of the Action plan for chapter 23**. The members of the Secretariat are appointed by the Government of the Republic of Serbia on proposal of the President of the negotiating group for chapter 23, for period of 5 years. The manner of work of the Secretariat is regulated in detail with Rules of procedure. The Secretariat for implementation of the Action plan for chapter 23 monitors the implementation of the activities of the Action plan on daily basis, has the right to initiate a mechanism for early warning in case of delay and other problems in the realization of the Action plan, coordinates the processes of reporting and provides administrative and technical support to the negotiating group. The administrative and technical activities include: preparation of report for implementation of the Action plan and proposals for its updating, coordination with the representatives of other bodies for implementation of relevant strategies and action plans, reviewing projects funded by international sources, assessment of the costs envisaged in the Action plan, collection of statistical data and analyses needed for adoption of strategic decisions and for preparation of documents of the negotiating group.

Another significant inter-institutional body in the sphere of judiciary in Serbia is the **Commission for implementation of the National strategy for judicial reform** in the period 2013 to 2018, which will be elaborated in the following chapters.

Similar to Montenegro, in the conceptualization, implementation, monitoring and evaluation of the judicial reforms, Serbia includes and coordinates with representatives of the civil society. The Government of the Republic of Serbia in 2014 adopted a decision on inclusion of civil society organizations in the work and the decision-making in the working groups for the negotiations' chapters. This positive practice was implemented on recommendation by the Council of Europe. As the mechanisms for co-operation with the civil sector demonstrated excellent results during the screening process and preparation of the Action plan, the negotiating group for chapter 23 continued to utilize them during the implementation of the Action plan, by publishing open call for proposals and comments regarding the implementation of the activities envisaged in the Action plan, in co-operation with the Office for co-operation with the civil sector. Additionally, in 2014 the National convention for the European Union was established in Serbia. It is a permanent body for thematically structured discussions about the accession of Serbia to the EU between representatives of the public administration, political parties, independent bodies, non-governmental organizations, experts, businesses, labour unions and professional organizations. The Convention unites around 200 civil society organizations in 21 working groups, which cover all 35 negotiating chapters. One of the working groups of the Convention covers the chapter Judiciary and fundamental rights. The Convention should enable regular stakeholder consultations during the negotiations; definition of recommendations and opinions on the negotiating positions of Serbia as well as monitoring of the fulfilment of the criteria and conditions for membership in different sectors of the

negotiating chapters; transparent and open dialogue; improved informing of the public about the process of negotiations for membership and its implications.

1.4. Croatia

As in the other candidates for membership from the process of stabilization and association, the following bodies were functioning in the Republic of Croatia:

- Working group for preparation of negotiations for the chapter Judiciary and fundamental rights, with sub-group for judicial reform. The following institutions were part of the sub-group: Supreme Court, Ministry of Justice, Judicial academy, High Commercial Court, Ministry of foreign affairs and European integrations.
- Subcommittee for justice, freedom and security at the Committee for stabilization and association.

In 2006, the Council for monitoring of the implementation of the Strategy for judicial reform was established, composed by the heads and other representatives of the most important judicial institutions. The Council is responsible for fostering and directing the implementation of the measures of the Strategy and the accompanying documents. Although it was established with the aim to monitor the implementation of the Strategy for judicial system reform in the period 2006–2010, the Council, with a different composition, continued to monitor the implementation of the new strategy which covers the period 2013–2018.

2. BODIES FOR IMPLEMENTATION OF THE STRATEGIES FOR JUSTICE SECTOR REFORMS AND THEIR RESPONSIBILITIES

2.1. Macedonia

With the aim of monitoring and coordination of the implementation of the Justice Sector Reform Strategy of 2004, a Council for justice sector reform was established in Macedonia. Even after the period of validity of the Strategy expired, the Council continued to hold meetings, twice a year on average, with the purpose of providing strategic directions for the justice sector reform.

2.2. Montenegro

Immediately after gaining independence, and while proclaiming the judicial reform as one of the key processes on national level, the Government of Montenegro in June 2007 adopted the first strategic document – Strategy for judicial reform 2007–2012. In December 2007 the Action plan for implementation of the Strategy was also adopted. In order to enable monitoring of effects of the implementation of the Action plan for judicial reform, the Government of Montenegro in 2008 established the Commission for monitoring of the implementation of the Strategy and the Action plan. This Commission was composed of officials of all judicial and other relevant state bodies, as well as the presidents of the Bar association, the Association of judges and the Association of state prosecutors.

In April 2014, the Government adopted a Strategy for judicial reform in the period 2014–2018 which defined the basic aims of the development of the judicial system in the accession process of the country to the European Union.¹⁴ Moreover, the Government on a session held in July 2014 adopted an Action plan for implementation of the Strategy in the period 2014–2016 which determines measures, activities, outcome and impact indicators, deadlines, responsible bodies and funding sources needed for implementation of the strategic directions defined in the Strategy. The Strategy and the Action plan are predominantly based on the Action plans for the chapters 23 and 24 of the accession talks of Montenegro with the EU.

The new Strategy for judicial reform 2014–2018 envisages four strategic goals: strengthening the independence and autonomy of the judiciary; strengthening the efficiency of the judiciary; strengthening the accessibility, transparency and public confidence in the judiciary; and the “Montenegrin judiciary as part of the European judiciary”.

In October 2014, the Government¹⁵, adopted a Decision on establishing a Council for monitoring of the implementation of the Strategy for judicial reform in the period 2014–2018.¹⁶ According to Article 2 of the Decision, the Council shall: (i) organize and coordinate the activities of the state administrative bodies, state bodies and other relevant institutions in the implementation of the activities envisaged in the Strategy for judicial reform and the Action plan for implementation of the Strategy; (ii) monitor the priorities, dynamics and deadlines for realization and evaluate the achieved results in the implementation of the Action

¹⁴ Available at: <http://www.pravda.gov.me/biblioteka/strategije>

¹⁵ The decision is adopted based on the Decree of the Montenegrin Government (Official gazette of Montenegro, no 80/08), available at: <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag={5AB36DAD-E663-4FFE-99FA-CC48A55A7940}>

¹⁶ Official gazette of Montenegro, no 46/14, available at: <http://www.potpredsjednikon.gov.me/biblioteka/odluke?pagerIndex=3>

plan; (iii) evaluate the rationalization of the spending of budgetary means and means from other sources designated for implementation of the Action plan; (iv) submit reports to the Government of Montenegro with a review of the situation, evaluation and draft-measures at least twice per year. Without doubt, one of the most important duties of the Council is the monitoring and evaluation of the realization of the Strategy for judicial reform and the Action plan (qualitative, oversight function of the Council), whilst the other duties are of operative, i.e. coordinative nature, such as organization and synchronization of the activities of the relevant institutions in the implementation of the strategic directions for judicial reforms.

The constitutive session of the Council was held in February 2015.

2.3. Serbia

In July 2013, the Parliament of the Republic of Serbia adopted the *National strategy for judicial reforms for the period 2013–2018*. The Strategy determined six priorities: I) reintegration of judges and public prosecutors in the judicial system that are returned to office based on a decision of the Constitutional Court and review of the judicial network; II) resolving the backlog of cases; III) resolving the cases in reasonable time; IV) advancing the status of the High council of the judiciary and the State council of prosecutors and normative regulation of the responsibilities of these two bodies; V) unification of the case law; VI) establishing unified system of e-judiciary. The Government of Serbia adopted an Action plan for implementation of the Strategy.

The Strategy envisaged the establishment of a *Commission for implementation of the National strategy*, which was created with a Decision of the Serbian Government in August 2015.¹⁷ The Commission is an ad-hoc working body of the Government for monitoring of the progress and guiding and planning future activities. It is in charge of implementation of the Strategy and the Action plan, as well as for their updates if needed. The responsibility for monitoring the performance of the implementation of the Strategy is also within the competences of the Commission for implementation of the Strategy. The latter is identical with the solution in Montenegro, where the body which coordinates the implementation of the Strategy is also in charge of evaluating the performance of the implementation. It is debatable whether this setup can lead to conflict of interest, i.e., the competent bodies may lack objectivity in their assessments of the performance of the implementation and the achieved results.

The main responsibilities of the Commission are: adoption of acts (decisions, conclusions and recommendations) for realization of the aims and activities envisaged in the Strategy and the Action plan; submitting report for its work to the Government of the Republic of Serbia on every three months, as well as annual report to Parliament; initiation of procedures for determining the responsibility of the entities which are in charge of implementation of the strategy in accordance with the relevant regulations; coordination of the process of planning of the necessary financial means for the activities defined in the Strategy; adoption of rules of procedure for the Commission, as well as other tasks stipulated in the Strategy, the Action plan and the Rules of procedure.

¹⁷ Official gazette of the Republic of Serbia, no. 76/2013.

On operative level, the Commission for implementation of the strategy is responsible for preparation of standardized forms for collection of data needed for evaluation of the reform processes. The institutions in charge for implementation of the activities envisaged in the Action plan are obliged to submit all the necessary data to the Commission. The institutions of the judicial system will use the data collected and analysed by the Commission in the adoption of strategic decisions. Based on the trends and the relative progress which can be confirmed by the indicators, additional support in separate areas of the reforms may be requested by the Commission.

2.4. Croatia

In December 2012, the Parliament adopted the *Strategy for development of the judiciary in the period 2013–2018*. The Strategy defined five main areas: I) independence, impartiality and professionalism of the judiciary; II) efficiency; III) the Croatian judiciary as part of the European judiciary; IV) management of human resources; V) utilizing the potential of modern technology. In June 2013, the Government adopted an Action plan for implementation of the strategic directions of the Strategy.

A separate *Council for monitoring of the implementation of the Strategy for judicial reform* fosters and directs the implementation of the Strategy and the accompanying documents. Although it was established for monitoring the implementation of the Strategy for judicial reform in the period 2006–2010, the Council, with a renewed composition, continued to monitor the implementation of the new strategy that covers the period between 2013 and 2018.

3. COMPOSITION OF THE BODIES FOR IMPLEMENTATION OF THE JUSTICE SECTOR REFORM STRATEGIES

3.1. Macedonia

The Council for reform of the judicial system is composed of 30 representatives on top or high level from the judicial institutions and the professional associations, and also includes representatives of the academic community. There are no representatives of non-governmental organizations in the Council.

3.2. Montenegro

The Government appoints the president and the members of the Council for monitoring of the Strategy for judicial reforms, and the Minister of justice has an ex officio role of President of the Council. According to the Decision on establishing the Council for monitoring of the implementation of the Strategy for judicial reform in the period 2014–2018¹⁸, it is composed of *nine representatives* of the:

- Executive (representatives are the Minister of justice and the director general of the Judiciary Directorate in the same ministry);
- Supreme Court of Montenegro (the President of the Court)
- Supreme State Prosecutor's Office (the Supreme state prosecutor who is simultaneously president of the Council of prosecutors, ex officio)
- Judicial Council as an independent body that, according to the Montenegrin Constitution, is authorized to elect and dismiss the president of the Supreme court, judges, presidents of courts and lay judges (President of the Council);
- The Association of judges of Montenegro, Bar Chamber of Montenegro, Notary Chamber of Montenegro and the Public Bailiffs chamber of Montenegro.

In April 2015, after top-level changes in the bodies, the Government amended the decision and appointed to the Council the new Minister of justice and the new President of the Chamber of Bailiffs of Montenegro.¹⁹

The Decision designates the Minister of justice as a President of the Council. The decision does not designate a Vice-president and deputy members of the Council. In addition to the President and eight members, the Council also has a Secretary. The Secretary of the Council is the Head of the Directorate on organization of the judiciary in the Ministry of justice.

It is noticeable that the composition of the Council doesn't include the Judicial Training Center of Montenegro, the Association of Prosecutors of Montenegro and the Center for Mediation of Montenegro. On the other side, the Supreme State Prosecutor's Office and the Council of prosecutors are represented by one person, who is presiding with both bodies.

¹⁸ Official gazette of Montenegro, number 46/14, available at: <http://www.potpredsjednikon.gov.me/biblioteka/odluke?pagerIndex=3>

¹⁹ PRVI POLUGODIŠNJI IZVJEŠTAJ O REALIZACIJI MJERA IZ AKCIONOG PLANA ZA IMPLEMENTACIJU STRATEGIJE REFORME PRAVOSUĐA 2014-2016, str. 14, Ministarstvo pravde, Podgorica, 2015, available at: <http://www.pravda.gov.me/ResourceManager/FileDownload.aspx?rid=206126&rType=2&file=PRVI%20POLUGODISNJI%20IZVJESTAJ%20PRAVOSUDJE.pdf>

The aforementioned Decision stipulates that the Council, with the aim to perform its activities more effectively, may establish permanent or ad-hoc expert teams and engage experts in appropriate areas. Those members, who don't have decision-making authority in the Council, are assigned to contribute with their expert knowledge towards more efficient work of the Council, especially in the sphere of the Strategy for development of the Montenegrin judiciary as part of the European judiciary – in the framework of preparations of Montenegro for accession to the European Union. The Council for monitoring of the Strategy for judicial reforms was established in the last quarter of 2014, and until the end of 2015 it has not utilized the option of establishing external expert teams.

A serious deficiency in the composition of the Council is the fact that the Commission, in addition to the aforementioned professional associations, doesn't include representatives of non-governmental organizations, or of the academic community. On the other hand, non-governmental organizations were included in the Working group established by the Ministry of justice, which worked on the preparation of the Strategy, through direct participation of a representative of the NGO Centre for monitoring and research (CeMI).

On proposal from the CeMI representative, the working group accepted that civil society must be represented in the body tasked with monitoring of the implementation of the Strategy. Therefore, the final text of the Strategy included an obligation according to which "the Council will be composed of external representatives of all judicial institutions and representatives of non-governmental organizations included in the process of monitoring of the judicial reform". However, in the process of creation of the Council the Government did not adhere to the stated obligation. Namely, in the Decision on establishing Council for monitoring of the implementation of the judicial reform 2014–2018, the Government decided that the professional Association of judges will be considered as a civil society representative. The non-governmental organizations CeMI and Human Rights Action submitted official protest²⁰ to the President of the Government of Montenegro due to the fact that the Government established the Council for monitoring of the implementation of the judicial reform 2014–2018 without launching a public call for non-governmental organizations included in the process of monitoring of the judicial reforms to nominate their representatives. This move was an essential confirmation that the Government, unfortunately, is not ready to open the process of monitoring of the judicial reforms to the wider expert public, in a manner that would make the results of the implementation of the strategic goals more transparent.

The Government responded that the Decision on establishing the Council for monitoring of the implementation of the judicial reform 2014–2018 is adopted in accordance with the Decree on the Government of Montenegro²¹ according to which the Government may establish ad-hoc bodies with a decision, determining its composition and assignments. According to this Decree, the Government is not obliged to publish an open call for establishing the Council, or for nominating civil society representatives, but it can call upon the representatives of relevant CSOs to participate in the work of ad-hoc bodies. Thus, the Government proclaimed double standards in the nomination of representatives of the civil society in bodies which prepare and the ones which monitor the implementation of key national strategic documents.

²⁰ <http://www.prcentar.me/index.php/ostalo/item/50-centar-za-monitoring-i-istravanje-cemi-i-akcija-za-ljudska-prava-hra>

²¹ Official gazette of Montenegro, no. 80/08.

Without any representatives of non-governmental organizations and the academic community, the Council does not have adequate representation of all stakeholders, or a sufficient level of independence and impartiality in its functioning. Success in the justice sector reforms and in the functioning of the mechanism for monitoring of their implementation requires inclusion of civil society organizations – which have shown capacities by preparing analyses, transfer of know-how or constructive criticism – and enabling them to contribute to the reforms. The Government should publish an open call and to enable each non-governmental organization, not only the professional associations of judges and prosecutors, to nominate members in the official bodies which monitor judicial system reforms. The composition of those bodies should also include representatives of the academic community.

3.3. Serbia

In the Republic of Serbia, the Commission for implementation of the strategy is composed of *15 members and 15 deputies* which are representatives of all the relevant institutions for implementation of reforms in the judiciary: Ministry of justice and state administration; State public prosecution; Supreme Cassation Court; High Judicial Council; State Council of Prosecutors; Committee for judiciary, state administration and local self-government in the Parliament of Serbia; Association of judges; Association of public prosecutors; Bar association of Serbia; Judicial academy; joint representative of the law faculties; Ministry of finance; joint representatives of the chambers of bailiffs, public notaries and mediators; the Office for European integrations and the Office of the Government for co-operation with the civil society. Among the members of the Commission is the Ministry of justice of the Republic of Serbia. An important deficiency of this body is the absence of civil society representatives – other than those from the professional chambers in the sector. The rationale was that the Office of the Government for co-operation with the civil society, which is a member of the Commission for implementation of the strategy, will act as a link between the Commission and civil society organizations. However, this solution is inappropriate.

The president of the Supreme Cassation Court was elected for Chairperson of the Commission. The Chairperson: convenes meetings, proposes agendas and chairs meetings, ensures that the Commission is performing its duties in accordance with the law and on time, ensures that the rules of procedure are observed, signs the acts and represents the Commission. The Commission also elects a Deputy Chairperson who steps in when the Chairperson is absent or unable to perform his/her duties, or when the Chairperson entrusts her/him with the execution of certain tasks. The Chairperson and the Deputy Chairperson have a one year term, and they can be dismissed with a majority of the votes, on proposal of at least three members or deputy members.

The nominated representatives in the Commission are full time employees in state bodies and institutions, and are not exclusively engaged in the Commission. The members and deputy members doesn't receive any compensation for their work in the Commission.

3.4. Croatia

The Council for monitoring of the implementation of the Strategy for judicial reform is composed of *16 members*: Minister of justice, President of the Supreme Court, Public Prosecutor, President of the Board for judiciary in the Croatian Parliament, President of the State Judicial Council, President of the Public Prosecutors' Council, President of the Croatian Bar Association, President of the Croatian Bailiff Chamber, Deputy minister of justice, Assistant ministers of justice (5), Director of the Judicial Academy and the Secretary general of the Ministry of justice. The Minister of justice, being in charge for the biggest part of the reforms, plays a key role in the organization of the work of the Council. Besides the professional judicial organizations in the sector (the Bar and the Bailiff chamber), there are no other civil society representatives in the Council.

4. APPOINTMENT AND TERM OF THE MEMBERS, AS WELL AS ORGANIZATION OF THE BODIES FOR IMPLEMENTATION OF THE JUSTICE SECTOR REFORM STRATEGIES

4.1. Macedonia

Having in mind that the members of the Council for justice sector reform are high-level representatives of the justice sector institutions, their term is only limited by potential termination of their work in these institutions. The Council doesn't have a special body that provides it with operational support, so this task is performed by the Justice Sector Department in the Ministry of justice.

4.2. Montenegro

The members of the Council for monitoring of the implementation of the Strategy for judicial reform 2014–2018 are appointed by the Government on individual basis, according to their positions in certain judicial bodies and professions.

The Decision on establishing the Council doesn't state the term of the President and the members. However, their term is indirectly limited with the time period for implementation of the Strategy. The Decision also doesn't envisage a procedure for dismissal of the members or the President of the Council, but the Government of Montenegro may dismiss the President and the members of the Council.

The professional, administrative, technical and other tasks for the Council are performed by the Ministry of justice, through the *Operative team* for monitoring of the implementation of the Strategy and the Action plan. The operative team was formed with a November 2014 Decision of the Minister of justice, and it comprises 16 representatives of the following institutions: Ministry of justice (5 representatives), Supreme State Prosecutor's Office, Supreme Court of Montenegro, Secretariat of the Judicial Council, Council of Prosecutors, Judicial Training Center of Montenegro, Center for mediation of Montenegro, Association of prosecutors of Montenegro, Association of judges of Montenegro, Bar Chamber of Montenegro, Notary Chamber of Montenegro, Chamber of Bailiffs of Montenegro.²² The team is managed by the Head of the Directorate on organization of the judiciary in the Ministry of justice, who is also a Secretary of the Council for monitoring of the implementation of the Strategy for judicial reform. Thus, a direct relationship between the highest level of the Council and the operative level is secured.

The composition of the Operative team is based on the strategic directions, measures and activities of the Action plan 2014–2016, in a manner that includes all the institutions in charge for implementation of activities of the Strategy and the Action plan. Every member of this team is tasked with coordination of data collection and reporting from the institution s/he is representing. The Operative team includes representatives of three institutions which are

²² First semi-annual report for realization of the measures of the Action plan for implementation of the Strategy, pg. 15.

not represented in the Council: the Judicial Training Center of Montenegro, the Association of prosecutors of Montenegro and the Center for mediation of Montenegro. These institutions are not represented in the Council, as the intention was to keep its membership under ten persons, with the aim to enable efficient functioning and more frequent meetings. On the other hand, through their participation in the Operative team, these three institutions have the possibility to influence the coordination of the implementation of the Strategy and the monitoring of the implementation.

The members of the Operative team perform other primary duties in the institutions that have nominated them in the team, while their participation in the team is an additional assignment.

4.3. Serbia

In the Republic of Serbia, the term of the members of the Commission for implementation of the Strategy is five years after their appointment by the Government, which equals the period for implementation of the Strategy.

The Minister of justice appoints the representative of the Ministry in the Commission. In this case, the Minister is automatically a member of the Commission – as stated in the Rules of procedure, the Minister chairs the Commission until a Chairperson is elected, as well as in periods when an election of a Chairperson is underway. Also, the Minister proclaims the official voting results for election of Chairperson and Deputy Chairperson.

The Commission has a *Secretariat for performing expert, technical and administrative operations* envisaged in the Strategy. The Secretariat is headed by a Secretary elected by the Commission on a proposal of at least three members or deputy members. The Secretary has a five year term and organizes and manages the work of the Secretariat of the Commission. The Secretary signs the acts and other documents within the responsibilities of the Secretariat, and also, upon request provides data and explanation to the members of the Commission on his/her work and the work of the Secretariat. Pending establishment of the Secretariat of the Commission, the activities in its domain are performed by the Ministry of justice and state administration. Regarding the persons which are part of the Secretariat and perform the mentioned activities, it is not determined in which manner, by whom and through which procedure they are elected or appointed.

According to the Decision on establishing the Commission, it can create working groups for implementation of the basic principles and aims of the Strategy. The Rules of procedure of the Commission, enable the Secretariat to establish working groups for implementation of the basic aims of the Strategy and to coordinate their work, while “taking care about the continuity with the working groups which participated in the preparation of the Strategy and the Action plan”.

4.4. Croatia

In the Republic of Croatia, the term of the members of the Council for monitoring of the Strategy is not determined. However, the members represent the judicial institutions and their

term lasts until their engagement on a top level position in the institution they represent is valid. All the members are appointed based on the functions in the institutions they represent.

The Minister of justice is automatically appointed as President of the Council and her/his post in the Council lasts until s/he is Minister of justice. The members of the Council do not have deputies.

The Ministry of justice, through the Department for strategic development of the judiciary, provides organized technical support to the Council. It can be said that the executive has a greater role in the implementation and monitoring of the Strategy for development of the judiciary, than the other judicial institutions. The Operative body is composed of employees in the aforementioned Department of the Ministry. Their engagement in the Operative body ceases with termination of their work in the Ministry of justice.

5. WORKING PROCEDURES OF THE BODIES FOR IMPLEMENTATION OF THE STRATEGIES FOR JUSTICE SECTOR REFORMS

5.1. Macedonia

The Council for justice sector reform does not have written working procedures, but it has a practice to hold two meetings per year. It has no designated budgetary means for its work.

5.2. Montenegro

The work of the Council for monitoring of the implementation of the Strategy for judicial reforms 2014–2018 is not regulated with a special Rulebook or Rules of procedure. However, the provisions of the Regulation for operation of permanent working bodies of the Government are applied.²³

Starting with the constitutive meeting held on February 11, 2015, the Council held three meetings in 2015. The meetings are convened by the President of the Council. Moreover, the Council organizes bi-monthly meetings on thematic issues which can be proposed by any Council member.

The Operative team of the Council meets at least two times per year, in the period when it is preparing the semi-annual reports for realization of the measures of the Action plan for implementation of the Strategy. It also meets regarding the collection and processing of data from the relevant institutions on the realization of the Action plan. The Team may meet more frequently if needed, such as for reviewing on-going issues and coordination of its activities.

The Judicial Council representatives in the body deem that the meetings of the Council for monitoring of the implementation of the Strategy and the meetings of the Operative team should be more frequent. This would facilitate timely sharing of information on the procedures, the manner of implementation, practical problems and challenges.

Having in mind that the members of the Council are representatives of the key Governmental ministries and institutions, the Judicial and Prosecution Councils, The Association of Judges, as well as the presidents of the Bar Chamber, Notary Chamber and Bailiff Chamber, they are not obliged to sign a confidentiality statement regarding the data they come across during their work in the Council.²⁴

The Council doesn't have special budgetary means for its work.

²³ For more efficient work of the Council, a Rulebook should be adopted, with procedures and deadlines (regarding the semi-annual dynamics of adopting reports for implementation of the Strategy), as well as the rights and obligations of its members, especially due to the fact that these questions are not regulated in the Decision on establishing the Council for monitoring of the implementation of the Strategy for judicial reform.

²⁴ Letter from the Ministry of justice –Directorate for judiciary, of December 24, 2015.

5.3. Serbia

In the Republic of Serbia, the meetings of the Commission are held at least once a month. If needed, the Commission can hold extraordinary meetings.

A meeting of the Commission may be convened by the President or by the Secretary on behalf of the President, at least three days before the meeting date. A proposal for convening a meeting can also be submitted by at least three members of the Commission and in that case, the proposal must include a date when the meeting is proposed to take place. The Vice-president convenes a meeting of the Commission or instructs the Secretary to do so, if the President doesn't schedule the meeting within the proposed deadline.

The meetings of the Commission are chaired by the President of the Commission, and if the President is absent or unable to participate, the Vice-president chairs the meeting. The president opens the meeting and determines whether there is quorum for work. If the necessary majority of the members are absent, the President postpones the meeting and specifies the time when the meeting will be held.

Any member or deputy member of the Commission has the right to put forward an amendment to the proposed agenda, with a written explanation, on which the Commission decides with a majority of the votes of the members or deputies that are present. The agenda is adopted when the majority of the members or deputies who are present vote for it. The President can change the order of the agenda items or merge the discussion for separate items of the agenda.

After the adoption of the agenda, the Commission starts with adoption of the minutes of the previous meeting. Any member or deputy member of the Commission has a right to object to the minutes, in written form before the meeting or verbally at the meeting where the minutes are adopted. The Commission decides about the validity of the grounds for the objection.

When the agenda and the minutes are adopted, the President opens discussions on the agenda items. When the discussion is finished, the President states the proposals that were presented during the debate.

The Commission decides by a public vote. The voting for every proposal is made by raising a hand "for" or "against" the proposal. Aside from members or deputy members, the Secretary is also present during voting, along with a member of the Secretariat who takes the minutes. After the voting, the President concludes the vote and announces the results.

In exceptional cases, the President or the Vice-president of the Commission may decide to hold a meeting of the Commission even though the majority of the members are not present, and **the absent members will have a possibility to vote by phone, e-mail or fax.**

The deputy members may be present on the meetings of the Commission when the member is also present. They can discuss but they don't have the right to vote on such meetings.

At least three days before the first meeting of the Commission, the Minister of justice and state administration invites the members and deputy members of the commission to nominate candidates for President, prior or at the meeting. The vote for election of President is public and the candidate who wins most votes is elected. All the members have the right to vote. The Minister then announces the results of the voting.

The President has a one year term. The members and deputy members have a five year term, unless prior termination of their engagement or office in the institution which nominated them for members. The Secretary is elected for a five year term.

The President can be dismissed if s/he performs his duty recklessly, or contrary to the Rules of procedure or if s/he negatively affects the reputation of the Commission. A proposal for dismissal of the President may be initiated by at least 3 members or deputy members of the Commission. The proposal must be explained and submitted no later than two days before the meeting. The Commission decides on the proposal for dismissal with public voting. In case the President is dismissed on the meeting, the chairing of that meeting will be taken over by the Vice-president, and if s/he is absent, the meeting will be chaired by the oldest member of the Commission present on the meeting.

The judicial reform is a complex process which requires significant financial means for achievement of structural and organizational changes. In order to enable sustainable and successful implementation of the Strategy, the Republic of Serbia provides material and financial means for the goals and activities envisaged in the Strategy. The Commission for implementation of the Strategy works with the means provided by the Government.

Experts on certain items on the agenda may be invited on the Commission meetings, but they can only discuss, without the right to vote. Also, representatives of international organizations may be invited to participate on the meetings.

The Commission ensures transparency in its work through the possibility for presence of media representatives on the meetings. Also, the minutes of the meetings are available to the public on the website of the commission. Furthermore, official statements to the media are regularly given, and press-conferences are held.

Media representatives who want to attend a meeting of the Commission are required to register their attendance to the Secretariat, no later than one day prior the meeting, due to space limitations in the premises of the Commission. The Secretariat is obliged to inform the registered media representatives whether they will have the opportunity to attend the meeting. The selection of media representatives is based on the principle „first-come, first-served“.

5.4. Croatia

The Council for implementation of the Strategy for development of the judiciary in the Republic of Croatia doesn't have a predetermined tempo of holding meetings, although the Strategy highlights the need to hold regular meetings on semi-annual level. The Minister of Justice convenes the meetings of the Council on his/her own initiative. Therefore, there are no strictly determined procedures for the meetings of the Council, which is left to set its own dynamics and manner of functioning.

Due to the manner of appointing representatives in the Council by automatism, depending on their offices and positions, there are no procedures and ways for dismissal or change of a member in the Council. All the members of the Council have the right to vote.

The Department for strategic development of the judiciary performs the tasks regarding the Strategy for development of the judiciary through its everyday work as part of the Ministry of justice. Having that in mind, the Head of the unit which provides operative support to the Council is selected in accordance with the rules on recruitment and appointment within the organizational structure of the Ministry of justice.

6. MONITORING, EVALUATION AND REPORTING FOR THE IMPLEMENTATION OF THE STRATEGIES

6.1. Macedonia

Until the finalization of this publication in December 2015, there was no new justice sector reform strategy adopted in Macedonia.

6.2. Montenegro

A good practice in the work of the Council for monitoring of the implementation of the judicial reform are the regular public information published after the meetings, as well as the regular reporting on the realization of the measures.

When it comes to the implementation of the Strategy on the level of judicial bodies and judicial professions, it is important to say that all the institutions that participate in the work of the Council for monitoring of the implementation of the judicial reform 2014–2018 are obliged to submit reports to the Operative team, and to appoint contact persons, responsible for data collection within their own institutions/organizations, while the Operative team performs the tasks related to processing of the collected data and preparation of reports which are then submitted to the Council for review.²⁵ The Operative team prepares draft semi-annual reports on the realization of the Strategy for judicial reform and the Action plan, and submits them to the Council, which after the reviewing process, submits the reports to the Government as draft-reports for realization of the measures of the Action plan.

According to the Decision on establishing the Council for monitoring of the implementation of the Strategy for judicial reform 2014–2018, the Council may ask for professional assistance from relevant international organizations and institutions which implement projects in the sphere of the activities of the Action plan, as well as data, explanations and reports of state institutions and other organizations regarding issues referring to the areas of implementation of the Action plan.

As specified in the Decision on its establishment, the Council shall submit reports with an overview of the situation to the Government of Montenegro. The reports, submitted at least twice per year, will also contain an assessment on the fulfilment of the measures from the Action plan 2014–2016. Until the end of 2015, the Council has adopted two semi-annual reports for realization of the measures of the Action plan.

The Council, on a meeting held in May 2015, reviewed a draft semi-annual report for realization of the measures of the Action plan (for the period from August 1, 2014 to January 31, 2015)²⁶ and submitted it to the Government for adoption. The Government adopted the report on a meeting held in June 2015. The report has the following structure:

²⁵ Action plan for implementation of the Strategy for judicial reform 2014–2016, pg. 1, available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=175156&rType=2>

²⁶ <http://www.pravda.gov.me/ResourceManager/FileDownload.aspx?rid=206126&rType=2&file=PRVI%20POLUGODISNJI%20IZVJESTAJ%20PRAVOSUDJE.pdf>

- Summary;
- Review of the achieved strategic goals;
- Statistical review of the level of realization of the activities foreseen in the reporting period;
- Analysis of the status of the realization of the measures which were not realized in that period;
- Conclusion.

The non-governmental organizations which monitor the processes of implementation of the strategy for judicial reforms – Human Rights Action (HRA) and the Centre for monitoring and research (CeMI) – criticized the methodology of the reports, including their inconsistency.²⁷ Namely, the reports for the period August 2014 – January 2015, also covered activities which were realized after the reporting period. For example, within the first strategic goal “strengthening the independence, impartiality and accountability of the judiciary”, it is stated that the Law on the Judicial Council and the judges, the Law on courts and the Law on state prosecutors were adopted on February 26, 2015 and entered into force on March 20, 2015. Although the realization of this activity was planned in the period which is subject to reporting, it wasn’t realized then, so it should be treated as unfulfilled in the report. Also, the segment “Analysis of the situation with the realization of the measures” mentions activities and acts which are adopted half a year after the period covered with the report.

Also, the non-governmental organizations HRA and CeMI warned that the First semi-annual report contains only information regarding the level of realization of the activities in the reporting period, without an indication on the fulfilment of the measures. According to the civil society organizations, if the reporting period covers 112 measures and 191 activities, the report should provide general picture of the realization of these measures. This is very important because the monitoring of the realization of the Strategy can be measured only based on whether the realization of one or more activities enabled realization of a concrete measure, as well as whether the realization of the measures enabled realization of the strategic directions.

The second semi-annual report covers the period February – July 2015 and was adopted by the Government of Montenegro on a meeting held in October 2015. The Operative team prepared the report on 93 measures and 168 activities. The structure of the report was composed of:

- Review of the second semi-annual report;
- Introduction;
- Summary of the achievement of the strategic goals;
- Statistical review of the level of implementation of the planned activities in the reporting period;
- Detailed table of implementation of the measures and conclusions.

The second semi-annual report also contains information about the level of realization of the planned activities in the reporting period, while there are no qualitative and quantitative information regarding the level of realization of the measures. The analysis of the second semi-annual report showed that some information are inaccurately processed or interpreted. For example, the summary of the report states that 39 activities are realized in the reporting

²⁷ For more details, see Annex 2 of the Report on realization of the Strategy for judicial reform: Annex 1: Comparative review of the action plans for judicial reform, HRA/CeMI, Montenegro, July 2015, pg. 138–139.

period, and in the part of the report devoted to the level of realization of the planned activities it is stated that 40 activities were realized. Also, there is no information regarding the level of implementation of measures in the first semi-annual report which are partially fulfilled or unfulfilled. Such seemingly harmless examples of incorrect data in the reports may threaten the integrity of the full report and the information contained in it, because the incorrect data refer to the most important information – the level of implementation of the activities in the reporting period.

The first and the second semi-annual report are published immediately after their adoption by the Government and are available on-line. But, before the adoption of the reports, there was no public debate where the stakeholders would have had an opportunity to influence the content of the documents and contribute towards improved quality of the reported information. Therefore, it is extremely important that the Council organizes a public debate during the preparation of the report, with the aim to secure a higher level of participation of the public – including non-governmental organizations which monitor the judicial reforms, universities, representatives of judicial and other professions connected with the judiciary. The quality of the report will be improved with such wider participation in its preparation.

6.3. Serbia

During the implementation of the previous Judicial Reform Strategy for the Republic of Serbia, which covered the period 2006–2011, one of the main problems was the dysfunction of the Commission for implementation of the National strategy, as well as the Secretariat of the Commission. The Secretariat, as stipulated in the Strategy, was in charge of preparation of annual progress reports which were submitted to the Parliament, and semi-annual reports submitted to the Prime Minister. However, only one such report was prepared, and after that, the progress in the implementation of the strategy was monitored only by the Ministry of justice without preparation and submission of annual reports.

According to the new Strategy on judicial reform for the period 2013–2018, in order to enable maximum efficiency and transparency in the implementation of the Strategy, the Commission reports to the Government every three months. At the end of the year, the Commission submits report on the implementation of the Strategy to Parliament. The Parliament reviews the report of the Commission and the report of the relevant Parliamentary Committee with draft conclusions and recommendations, and adopts measures for improvement of the situation in this field. The reports are also accessible on-line.

The Secretariat gathers and unites statistical data needed for making strategic decisions, as well as other data, i.e., indicators for implementation of the activities of the Strategy. There is no specialized software application for automatic monitoring of the implementation of the Strategy.

The Secretariat of the Commission prepares the reports based on the proposals and recommendations of the different working groups which are established within the Commission.

6.4. Croatia

The leading institutions and the other participants in the implementation of the Action plan are obliged to cooperate continuously, to monitor the results of the undertaken measures and to create conditions within their authority for fulfilment of the envisaged strategic goals. Each body reports to the Ministry of justice, i.e., to the Directorate on organization of the judiciary on difficulties, unmet deadlines and similar problems encountered during the implementation of the measures and activities which are under their authority.

According to the Strategy for development of the judiciary in the Republic of Croatia, the Directorate on organization of the judiciary in the Croatian Ministry of justice collects statistical and other data for the work of the courts and other judicial institutions, and then analyses and records them for the purpose of reporting on the implementation of the Strategy.

The Council for monitoring of the implementation of the Strategy for development of the judiciary reviews the results of every institution. The Ministry of justice has published a list of implemented measures and activities in the scope of the Action plan 2013–2014, which is available to the public.

7. STRATEGIC PLANNING AND JUSTICE SECTOR REFORMS

7.1. Macedonia

The justice sector has limited organizational, human and technological resources for research and analysis, strategic planning and coordination of the reforms. Even the Judicial Council and the Ministry of justice as key institutions for judicial reforms lack functional units devoted to these crucial activities. Greater attention to the topic of strategic planning in the initial and continuous training at the Academy for judges and public prosecutors could contribute towards gradual capacity building of the justice sector institutions.

7.2. Montenegro

In Montenegro, the Action plan for implementation of the Strategy for judicial reform defines measures, activities, outcome and impact indicators, deadlines, responsible bodies and funding sources needed for implementation of the strategic directions of the Judicial Reform Strategy 2014–2018. Even though the Strategy stipulates **two-year action plans**, those plans **may be revised in accordance with the recommendations and assessments of the Council for monitoring of the implementation of the Strategy and the Operative team**, which are responsible for monitoring of priorities, timeline and the deadlines for realization of the Action plan measures.²⁸ Also, the Strategy stipulates that **the implementation of the planned reform activities in the sphere of the judiciary must comply with the implementation of the strategic national documents.**²⁹ The Ministry of justice is in charge of the action plans revision, as well as of the overall preparation of the Strategy.³⁰

The Ministry of justice has an operative unit for strategic planning, research and analysis in the judicial sector, i.e., strategic planning and development of regulations inside every key institution of the justice sector (judiciary, prosecution, attorney service, notary service). According to the 2013 **Rulebook on internal organization and systematization of the Ministry of justice**³¹ within the Judiciary Directorate there is a Directorate on organization of the judiciary in charge of preparation and monitoring of the realization of the strategic documents in the judicial sphere; monitoring of the process of harmonization of the national law with the standards in the area of the judiciary of the EU, the Council of Europe and the United Nations; as well as preparation of draft laws and regulations which refer to organization of the judiciary and the responsibilities, authority and status-related issues of the judicial bodies. This Directorate is also tasked with preparation of the basic documents for formulation of analyses and reports in the judicial sphere (i.e., for gathering, registering, processing and analysis of data for the work of the judicial bodies), as well as for preparation of expert materials, publications and reports on the situation in the judiciary. Despite such complex scope of work of the Directorate on organization of the judiciary, **its systematization of**

²⁸ That was regular practice during the implementation of the Strategy for judicial reform 2007–2012, when the Action plan adopted in 2009 was revised in 2011.

²⁹ Strategy for judicial reform 2014–2018, pg. 6, available at: <http://www.pravda.gov.me/biblioteka/strategije>

³⁰ It is worth mentioning that the Action plans for the chapter 23 fall under the competence of the Ministry of justice, while in the chapter 24, for which the Ministry of interior is responsible, the Ministry of justice is in charge of the sub-area Judicial cooperation in civil and criminal matters.

³¹ <http://www.pravda.gov.me/ResourceManager/FileDownload.aspx?rid=197529&rType=2&file=Pravilnik%20o%20unutrasnjoj%20organizaciji%20i%20sistemizaciji%20Ministarstva%20pravde.pdf>

work posts envisages only 5 employees (Head of the Directorate, 3 independent advisers and 1 independent advisor II). All the work posts listed in the systematization are currently filled, but **the disproportion between the duties and tasks of this Directorate and the available human resources is evident.**

The modules for training on strategic planning and development of regulations for the judges, court presidents and prosecutors are conceptualized and organized by the Judicial Training Center of Montenegro, while the trainings on strategic planning in the other segments of the judiciary are implemented by the Human Resources Office, responsible for implementation of educational programs for the public servants and state officials.³² In the annual reports of the Ministry of justice, there is no data about participation of representatives of the Ministry in the trainings on strategic planning and development of regulations in the judicial sphere.

In addition to the action plans for the chapters 23 and 24 of the negotiations of Montenegro with the EU, on which the Judicial Reform Strategy is predominantly based, in the period of implementation of the Strategy special emphasis will be also put on coordination of the activities from the strategic directions with the realization of the goals of other important strategic documents in the sphere of European and Euro-Atlantic integrations. This also includes documents related to the fight against corruption and organized crime, the penitentiary system and the judicial information system. Thus, the lead institutions for implementing the Action plan under the Strategy for judicial reform 2014–2016 are obliged to take into account the priorities and deadlines defined in the Strategy in the process of preparation of their action plans and other strategic documents, but they are not obliged to prepare special annual reports for implementation of the Strategy in the domain of their authority.³³ Earlier, problems of insufficient harmonization of the strategic documents in this sphere were common, but with the preparation of the action plans for the chapters 23 and 24, as general documents that define the directions for judicial reform, a greater level of consistency was achieved.

The Council for monitoring of the implementation of the strategy has the power to submit to the Government **proposals for rationalization of the expenditures for realization of the Judicial Reform Strategy.** On the other hand, the Judicial Council also has the power to propose financial means for work of the judicial bodies. It is unclear how coordination will be performed during the exercising of such powers by the two mentioned bodies, as there is no established practice in that sense. The interviewed representatives of the Judicial Council and the Council for monitoring of the implementation of the Strategy deem **there is no appropriate strategic planning of the funds for the judiciary** and that it is solely dependent on

³² The work program of the Human Resources Office for 2014 envisages several activities related to preparation and determination of programs and plans for vocational training of the public servants and officials; assistance to the state organs in realization of the human resources policies, trainings and HR development; gathering data and preparation of information and documentation basis for vocational development and training of the employees; co-operation with regional and international institutions and organizations from the sphere of human resources management; conducting analysis and researches in the sphere of HR management and planning; organization and conducting programs for vocational development and training for public servants and officials; preparing and publishing publications, brochures and other information and documentation materials. However, the number of participants in these trainings is not stated by the Ministry of justice.

³³ The institutions which are members of the Council for monitoring of the implementation of the Strategy for judicial reform adopt their annual working plans, as well as reports on the implementation, and they also report on taken activities related to their competences in the sphere of judiciary (for e.g. annual reports on the work of the Ministry of justice, annual reports on the work of the courts, annual reports on the work of the Supreme State Prosecution, etc.).

the institution that proposes the budget (the Ministry of finance/Government of Montenegro). This is a problem for the **financial independence of the judiciary in relation to the other branches of power**.³⁴ Nonetheless, this is the manner in which the Montenegrin law defines the procedure for allocating budgetary funding.

7.3. Serbia

In the Republic of Serbia, one of the strategic goals elaborated in the Action plan of the Strategy is strengthening of analytical capacities for strategic planning of the State Council of Prosecutors and the High Judicial Council, and another strategic direction is the strengthening of the professional and administrative capacity of these two institutions for planning of the judicial budget.

The Commission for implementation of the Strategy is responsible for implementation of the Action plan, as well as for its updating, if needed. The Strategy is a five-year document which may be revised only through amendments of the Action plan. These changes are made annually, based on analysis of achievements in the previous period, through proposed concrete measures, activities, deadlines, needed financial means and responsible body for implementation of the activities.

In the process of adoption of the action plan or in the process of its annual updating, the Commission for implementation of the Strategy is obliged to indicate the financial means for implementation of the concrete activities. The planning and determination of the measures must be connected with the manner of planning of the state budget of the Republic of Serbia, because the budgets of the responsible bodies for implementation of the reform activities are directly dependent on the state budget.

Each segment of the Action plan states whether the financial means for implementation are secured, along with description of their source, or, alternatively, proposes possible sources of funding. The Commission coordinates the process of planning of the necessary financial means determined in the Action plan.

Regarding the capacities for strategic planning in the judicial institutions, it is sufficient to point out that the organizational chart of the Ministry of justice doesn't feature a dedicated unit for strategic planning, research and analysis. There is only a Unit for Human resources and analytical work, which functions within the Judiciary Department.

Additionally, the 2015 program for regular training at the Judicial Academy in Belgrade doesn't cover trainings related with strategic planning and development of regulation.

7.4. Croatia

In the Republic of Croatia, the Strategy emphasizes the importance of strategic planning and concludes that it must be connected with the process of planning and determination of the state budget.

³⁴ That was also indicated by the European Commission in the last progress report on Montenegro, available at: [http://www.gov.me/ResourceManager/FileDownload.aspx?rid=202087&rType=2&file=Prilog%20izvjestaju%20EK%20o%20napretku%20CG%20za%20objavu%20\(2\).pdf](http://www.gov.me/ResourceManager/FileDownload.aspx?rid=202087&rType=2&file=Prilog%20izvjestaju%20EK%20o%20napretku%20CG%20za%20objavu%20(2).pdf)

As part of the Strategy for development of the judiciary 2013–2018, an Action plan for the period 2013–2014 was prepared. But, there is no new Action plan for implementation of the Strategy in the following period.

The funding for implementation of the Strategy and the Action plan is envisaged in the state budget, in the segment designated for the Ministry of justice, i.e., for implementation of its envisaged activities – including the implementation of the Strategy for development of the judiciary.

Regarding the capacities for strategic planning, the organizational chart of the Croatian Ministry of Justice envisages a Directorate on organization of the judiciary, with a separate Unit for analytics, statistics, record-keeping and strategic development, which is in charge of strategic planning, research and analysis. In that Department, a total of 5 public servants are employed. This Unit is also responsible for monitoring of the implementation of the measures and activities envisaged in the 2013–2014 Action plan for implementation of the Strategy for development of the judiciary. The Unit proposes amendments to the determined strategic directions, prepares draft-strategies for the following period, and proposes long-term and short-term measures for implementation of the strategy for development of the judiciary. In addition to the monitoring of the implementation of the Action plan, the Unit for analytics, statistics, record-keeping and strategic development of the judiciary also processes and analyses data on the work of the judicial bodies and their human resources. The Unit also prepares annual statistics for the work of the judicial bodies and reports for planning and implementation of oversight over the judicial bodies.

Within the Department on projects and investments, the Ministry of justice of Croatia has a Unit for preparation of projects, where 4 public servants are employed, and a Unit for implementation of projects with a total of 5 public servants. This Sector conducts researches and analyses connected with preparation, implementation and coordination of projects of the Ministry which are funded by the European Union or by other international funds or donors.

The lifelong learning program for judicial employees at the Judicial Academy in Zagreb doesn't include special trainings on strategic planning.

8. CONCLUSIONS AND RECOMMENDATIONS FOR MACEDONIA

Justice sector reforms imply a range of complex, often long-term and costly measures and activities, which are implemented jointly by a number of institutions, professional associations and chambers. Therefore, the success of the reforms largely depends on the functionality and efficiency of the coordinative mechanisms for development, implementation, monitoring and evaluation of the reforms. Additionally, ensuring inclusiveness, viability and sustainability of the reforms, requires coordination not only between the relevant authorities, but also between the public institutions and the civil society.

This publication provides an overview on the key inter-institutional platforms for development, implementation, monitoring and evaluation of the justice sector reforms in Macedonia, Montenegro, Serbia and Croatia, and then compares and assesses the bodies for implementation of the justice sector strategies in accordance with the following six aspects:

- Competences of the bodies for implementation of the justice sector reform strategies
- Composition of the bodies
- Appointment and term of the members, as well as organization of the bodies
- Working procedures of the bodies
- Monitoring, evaluation and reporting on the implementation of the strategies
- Strategic planning and justice sector reforms

This analysis provides guidance on further development of the Council for justice sector reform in Macedonia, based on the regional experiences. By preparing this paper, the Association Zenith, with generous support from the Macedonian office of the Konrad Adenauer Foundation, aims to provide professional contribution to more successful implementation of the future and long-awaited justice sector reform strategy in Macedonia.

The comparative analysis is prepared based on combination of secondary data (strategies, action plans, reports, laws and other regulations) and primary data (communication with the actors in the justice sector in the covered countries). Based on the prepared draft-analysis, a workshop was held with representatives of the Ministry of Justice of the Republic of Macedonia, the Judicial Council, the Academy for Judges and Public Prosecutors, the Supreme Court and the Delegation of the European Union in Macedonia. The workshop served to discuss the strengths and weaknesses of the various solutions applied in the covered countries, to determine best practices and to identify additional topics for further analysis.

Based on the analysis and the workshop, the Association Zenith formulated the following conclusions and recommendations concerning Macedonia:

- **The duties of the Council for justice sector reform should be clarified.** its duties may be determined in the following manner: The Council provides directions for development of the justice sector policies; organizes and coordinates the activities for implementation of the justice sector reforms of the relevant state authorities and other institutions, as well as other organizations vested with public authority; monitors the implementation of the justice sector policies and assesses the achieved results and the dynamics of implementation; adopts acts for realization of the activities and measures of the Strategy for justice sector reform; determines annual action plan for implementation of the Strategy for justice sector reform; undertakes activities for harmonization of the strategic plans of the justice sector institutions with the Strategy for justice sector reform and the annual Action plan; reviews, adopts and submits semi-annual reports for implementation of the Strategy for justice sector reform to the Government; devises

recommendations for revision of the Strategy based on the reports and annual plans for implementation of the strategy; coordinates the planning process of necessary financial means for realization of the Strategy for justice sector reform; adopts Rules of procedure; performs other tasks foreseen in the policies connected with the justice sector.

- **Greater inclusion of the Parliament of the Republic of Macedonia in the adoption of the justice sector reform strategy**, i.e. in the approval and/or the monitoring and evaluation of its implementation and achieved results. It is recommended to include Parliament with its Committee for political system and relations between the communities in the Council and/or in the chain for periodical reporting for the implementation of the strategy and achieved results.
- **Codification of the working procedures of the Council** by adoption of Rules of procedure.
- **In addition to the highest level of the Council where the heads of the justice sector institutions are represented, and additional operative level should be established and developed.** The operative level should support the work of the highest level of the Council. The role of this operative level can be performed by permanent working groups of the Council (e.g. by transforming the working groups for preparation of the draft-strategy for justice sector reforms), and also ad-hoc groups may be established, if needed. The permanent working groups would be dedicated to the main goals, priorities or functional areas of the future strategy for justice sector reforms. According to the experiences of the analyzed countries from the region, the duties of the possible operative level of the Council may be determined in the following manner: submits draft annual report for implementation of the Strategy to the Council; performs verification of the strategic plans and annual action plans of the justice sector institutions for implementation of the Strategy for justice sector reforms and points out differences between the planned activities and the provisions in the Strategy; prepares standardized forms for collecting data from the competent institutions for the implementation of the Strategy; collects, processes and analyzes data from the competent institutions connected to the realization of the measures and activities of the Action plan for implementation of the Strategy for justice sector reform; submits draft annual/semi-annual reports for implementation of the Strategy to the Council; prepares draft-recommendations and decisions.
- **The optimal number of included institutions, organizations and representatives in the highest level of the Council should be determined** in a manner that will enable effective and efficient work, as well as more frequent meetings. If the number of members in the highest level of the Council is set between 12 and 15, it would contribute to more efficient work and more frequent meetings. On the other side, all the justice sector institutions, professional chambers and associations, academic community and the relevant civil society sector should be included in the possible operative level of the Council, i.e. in thematic working groups.
- **A connection between the personnel on highest and the possible operative level of the Council should be provided.** According to the competences, such connection will be performed properly by official of the Ministry of justice (for e.g. from the Justice Sector Department from the Ministry), who would have a double role – Secretary of the highest level of the Council and Head of the possible operative level of the Council. In such setting, the head of the possible operative level would transmit the directions of the highest level of the Council to the president of the working groups of the Council, and they would transfer the directions to the members of the working groups – i.e. to all the institutions and organizations which are included in drafting, implementing, monitoring and evaluation of the justice sector reforms.

- **Every member of the potential working groups of the Council should be responsible for coordination of the data collection regarding the realization of the measures and activities from the portfolio they represent, as well as for preparation of parts of the periodical reports** on the implementation of the action plans for justice sector reforms, regarding the measures and activities which fall within the domain of the institutions that appointed them.
- **The Council, on operative level, should prepare draft semi-annual reports on the realization of the measures and activities of the justice sector reform and submit them to the highest level of the Council** and – if the Strategy is adopted by the Government – submit them to the Government as draft-reports. In this case the Government would submit annual report on the justice sector reforms to the Parliament.
- **The Council on highest level should meet at least twice per year, and the working groups should meet more often with the aim to provide data and to exchange opinions** on the implementation of the reforms, achieved results, as well as approaches for overcoming or mitigating problems and challenges.
- **With the aim to improve efficiency and simplicity in the communication within the Council**, communication and the decision-making by using electronic means should be considered official.
- Besides the representatives of the professional chambers and associations and the academic community, **the inclusion of other representatives of the civil sector in the Council should be considered** (whether on highest level or on operative level, i.e. in the working groups). The included representatives of the civil sector should secure transfer of information and stances of the other civil society organizations to the Council, and vice versa.
- **The Council should envisage activities for informing and consulting the stakeholders**, by: a) regular publishing of information, minutes and reports of the meetings of the Council, the planned justice sector reforms, as well as the results of the implementation; b) allowing presence of the media on the meetings, distributing media press releases and holding press-conferences; c) conducting periodical consultations with the stakeholders about the reform priorities and draft-reports on implementation of the reforms.
- **The Government should secure separate budgetary means for supporting the work of the Council.** These means should be utilized for holding meetings, consultations, conducting analyses and use of external expertise, education of the members and securing publicity and transparency in the work.
- **The Council should determine two-year action plans for implementation of the reform**, and periodically revise them in accordance with the recommendations and assessments of the specific working groups.
- **The justice sector institutions should take into account the priorities and deadlines envisaged in the future strategy for justice sector reform in the process of preparation of their action plans and other strategic documents.**
- **Creating or enhancing the human resources** for research and analysis, strategic planning and coordination in each of the justice sector institutions, and mostly in the Ministry of justice and the Judicial Council.
- **The Council should coordinate the budgeting of the necessary financial means for realization of the justice sector reform action plans.** Each segment of the action plans should specify whether the financial means for implementation are obtained and from which source, and if they are not obtained, a suggestion should be made on how they could be financed.



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