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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX I**

to the Commission Implementing Decision on the financing of the annual action plan in favour of the Republic of Serbia for 2024

**Action Document for EU for Rule of Law**

**ANNUAL ACTION PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23(2) of NDICI - Global Europe Regulation.

**1. SYNOPSIS**

**1.1. Action Summary Table**

<b>Title</b>	EU for Rule of Law Annual action plan in favour of Serbia for 2024
<b>OPSYS</b>	OPSYS business reference: ACT-62413
<b>ABAC</b>	ABAC Commitment level 1 number: JAD.1398284
<b>Basic Act</b>	Financed under the Instrument for Pre-accession Assistance (IPA III)
<b>Economic and Investment Plan (EIP)</b>	Yes Rule of law, governance and Public administration reform – 100%
<b>EIP Flagship</b>	No
<b>Team Europe</b>	No
<b>Beneficiary(y)/(ies) of the action</b>	The action shall be carried out in the Republic of Serbia
<b>Programming document</b>	IPA III Programming Framework
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>Window and thematic priority</b>	Window 1 – Rule of law, fundamental rights and democracy Thematic Priority 1 Judiciary (50 %) Thematic Priority 5 Fundamental Rights (50 %)
<b>Sustainable Development Goals (SDGs)</b>	Main SDG: 16. Peace, Justice and strong institutions Other significant SDGs targets: 5. To achieve gender equality and empower all women and girls and its nine targets, as well as gender-related targets of the other SDGs, especially 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

	16.2. End abuse, exploitation, trafficking and all forms of violence against and torture of children 16.3. Promote the rule of law at the national and international levels and ensure equal access to justice for all			
<b>DAC code(s)</b>	Main DAC code 15130 – Legal and judicial development Sub-code 1 15131 – Justice, law and order policy, planning and administration 74% Sub-code 4 15137 – Prisons 13% Sub-code 5 15160 – Human rights 13%			
<b>Main Delivery Channel</b>	12001 – Central Government			
<b>Targets</b>	<input type="checkbox"/> Climate <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity			
<b>Markers (from DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Internal markers and Tags</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>
EIP		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EIP Flagship		YES <input type="checkbox"/>		NO <input checked="" type="checkbox"/>
Tags:		YES		NO
Transport		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>		<input checked="" type="checkbox"/>	

Environment and climate resilience	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Digital	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Economic development (incl. private sector, trade and macroeconomic support)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Human Development (incl. human capital and youth)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Health resilience	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Migration and mobility	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Agriculture, food security and rural development	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Rule of law, governance and Public Administration reform	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Digitalisation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Tags	YES		NO	
digital connectivity	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
digital governance	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
digital entrepreneurship	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
digital skills/literacy	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
digital services	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
Connectivity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Tags	YES		NO	
digital connectivity	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
energy	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
transport	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
health	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
education and research	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Migration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reduction of Inequalities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>BUDGET INFORMATION</b>				
<b>Amounts concerned</b>	Budget line: 15.020101.01 Total estimated cost: EUR 4 895 000 Total amount of EU budget contribution EUR 4 500 000 This action is co-financed in joint co-financing by: - UNICEF for an amount of EUR 225 000.			

	- CoE for an amount of EUR 170 000.
<b>MANAGEMENT AND IMPLEMENTATION</b>	
<b>Implementation modalities (management mode and delivery methods)</b>	<b>Indirect management</b> with International Organisations
<b>Final Date for conclusion of Financing Agreement</b>	At the latest by 31 December 2025
<b>Final date for concluding contribution / delegation agreements, procurement and grant contracts</b>	3 years following the date of conclusion of the financing agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
<b>Indicative operational implementation period</b>	72 months following the conclusion of the Financing Agreement
<b>Final date for implementing the Financing Agreement</b>	12 years following the conclusion of the Financing Agreement

## 1.2. Summary of the Action

The Action is designed to promote the rule of law by strengthening capacities of stakeholders in the justice sector and fundamental rights protection, to prepare and implement strategies and reforms. It will contribute to gender equality and inclusion of persons with disabilities by their empowerment and providing access to justice.

The overall objective of this Action is to strengthen rule of law and fundamental rights protection in Serbia by further enhancement of justice sector and human rights protection. The specific objectives are to enhance the justice sector, ensure equitable access to justice system to all children, enhance the system for execution of criminal sanctions, advance gender equality in line with EU accession and national priorities.

In particular, the Action will strengthen the capacities of national judicial institutions, Administration for Enforcement of Penal Sanctions, and fundamental right protection in line with Action Plan for Chapter 23 (judiciary and fundamental rights) and the EU III Action Plan for Gender Equality<sup>1</sup>.

In line with the overall objective of IPA III, the Action will be instrumental for the development and implementation of relevant reforms and strategies in the justice sector. Planned results are coherent with IPA III Programming Framework focus on priorities such as the rule of law, democracy, the respect of fundamental rights and international law. In addition, the Action and results are contributing to effectiveness of public

<sup>1</sup> [EU GENDER ACTION PLAN \(GAP\) III – An Ambitious Agenda For Gender Equality And Women’s Empowerment In Eu External Action, SWD\(2020\) 284 final](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0017&from=EN). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0017&from=EN>

administration, social protection and inclusion policies. The Action will promote interventions that are advancing the efficient use of resources.

The Action will contribute to Sustainable Development Goal (SDG) 16: on peace, justice and strong institutions and its targets 16.3 (access to justice for all), 16.2 (violence against children) and SDG 5: to achieve gender equality and empower all women and girls, especially 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

### 1.3 Beneficiar(y)/(ies) of the Action

The Action shall be carried out in the Republic of Serbia.

## 2. RATIONALE

### 2.1. Context

The Government of the Republic of Serbia stated its commitment to the European integration process as its strategic goal, with the rule of law agenda being one of its key priorities and fields of action. Significant efforts have already been invested, with substantial support from EU, in the areas of reform of judiciary, anti-corruption system and the framework of protection of fundamental rights, both at the normative and implementation levels.

Rule of law is an essential requirement for Serbia's EU accession perspective. The crucial role of judicial reform is strongly reiterated in the EU's enlargement policy from November 2023<sup>2</sup> where the importance of reforms in the area of rule of law is explicitly highlighted. The Action is aligned with findings and recommendations from **2023 Commission Report on Serbia**<sup>3</sup> where the need for further work on juvenile justice and prison reform is underlined. In relation to the prison system the Action is linked with the 2023 Commission Report on Serbia's requirement to increase the use of alternative sanctions, particularly community sanctions, to improve post penal care and to address all recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The Action also supports implementation of the Strategy for Gender Equality 2021-2030 which is in line with the 2023 Commission Report on Serbia. The Action contributes to the compliance with EU requirements in the field of Schengen and external borders, which is one of the priorities in the 2023 Commission Report on Serbia.

The Action is directly linked with the **IPA III Programming Framework**. Enhancements in the justice sector and the protection of human and minority rights contribute to themes such as the rule of law, democracy, respect for human rights, and adherence to international law within Window 1 priorities.

The Action is linked to **Serbia's Strategic Response** that recognises that by strengthening judiciary, access to justice, and human rights protection, it will address identified shortcomings in the rule of law in Serbia.

The Action fits with policy priorities of the Commission. Related to the Commission Communication "**A credible enlargement perspective for and enhanced EU engagement with the Western Balkans**"<sup>4</sup>, this Action supports its strategic purpose related to the rule of law, fundamental rights and governance. The Action is in line with the objective of the Communication where it is stated that Serbia has some level of preparation, but it is recommended to strengthen the independence of the judiciary and autonomy of the prosecution as

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<sup>2</sup> 2023 Communication on EU Enlargement policy, Serbia 2023 Report, SWD (2023) 690 final, Available at: <https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023>

<sup>3</sup> idem

<sup>4</sup> A credible enlargement perspective for and enhanced EU engagement with the Western Balkans, COM (2018)65. Available at: [https://eur-lex.europa.eu/resource.html?uri=cellar:d284b8de-0c15-11e8-966a-01aa75ed71a1.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:d284b8de-0c15-11e8-966a-01aa75ed71a1.0001.02/DOC_1&format=PDF)

well as need to implement the fundamental rights fully in practice. The Action supports its strategic purpose related to the rule of law and the necessity to eliminate the state capture perception.

The Action will contribute to the objectives of the **EU's Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025** (GAP III)<sup>5</sup> which focuses on achieving women's empowerment in all sectors of society and equal representation in decision-making positions, including political appointments. This implies stricter rules for applying and monitoring gender mainstreaming across sectors.

Protecting children when they are most vulnerable and making the justice system more child-friendly are key priorities for Serbia. The Action is contributing to the **EU strategy on the rights of the child**<sup>6</sup> which encompasses actions relating to both the internal and external dimension friendly justice. To this context, there are also ongoing initiatives in close synergies with the Council of Europe to promote a full implementation of the Guidelines on Child-friendly justice.

The activities foreseen under this Action will contribute to the achievement of the objectives of the **Economic and Investment Plan** (EIP) for the Western Balkans. The EIP states that the rule of law and respect of human rights, functioning of democratic institutions and public administration are not only at the heart of the accession process, but also the main engines for the economic recovery of the region.

The Action is part of the revised **Action Plan for Chapter 23** – Judiciary and Fundamental Rights as the overarching policy document that relates to judiciary, anti-corruption and fundamental rights. The Action Plan for Chapter 23 is a basis for specific national strategic documents that the Action will address. Specifically, the Action is contributing to the achievement of the National Judicial Development Strategy 2020-2025 and accompanying Action plan for 2022-2025, National Strategy for the exercise the right of victims and witnesses of criminal offences 2020 -2025 and accompanying Action plan, Strategy for prevention and protection of children from violence for period 2020-2023, Strategy for development of the system of execution of penal sanctions for period 2022-2027 (adopted in December 2022), Strategy on prevention and protection from discrimination 2022-2030 and Strategy for Gender Equality 2021-2030.

## 2.2. Problem Analysis

### Short problem analysis

Each year in Serbia thousands of **children** find themselves in contact with the justice system in a range of different ways, be it as offenders, victims or witnesses of crime, or as interested parties in civil and administrative proceedings cases. When faced with the justice system, children are thrown into an intimidating adult world which they cannot understand. Although some progress has been achieved in advancing the justice for children's agenda challenges exist at different levels and children do not get adequate support (including legal aid) and protection throughout the process by justice and other professionals, including police, social protection, mental health etc. The number of convicted children decreased (from 1,926 in 2015 to 1,383 in 2021) but with increased share of girls (from 9.4% in 2015 to 9.85 in 2021), and particularly in the age group 14–16-year-old (from 6.9% in 2015 to 11% in 2021)<sup>7</sup>. Still, 90% and more of convicted children are boys. Application of diversions has slightly increased since 2015 (reaching 8.3% in 2018), however these measures are still only applied in very small number of cases and even decreased to 7.2% in 2021.<sup>8</sup> Growing number of children in conflict with the law with complex and combined mental health problems and those under the age of criminal responsibility with behavioural problems are of particular concern. Out of the total number of 'active cases' of children in conflict with the law and children with behaviour problems (13,288) in social

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<sup>5</sup> EU GENDER ACTION PLAN (GAP) III – An Ambitious Agenda For Gender Equality And Women's Empowerment In Eu External Action, SWD (2020) 284 final. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0017&from=EN>

<sup>6</sup> EU strategy on the rights of the child, COM (2021) 142. Available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142>

<sup>7</sup> National Statistical Office, Bulletin – Juvenile offenders in 2021, Available at: <https://www.stat.gov.rs/publikacije/publication/?p=14922> and National Statistical Office, Bulletin – Juvenile offenders in 2015. Available at: <https://www.stat.gov.rs/publikacije/publication/?p=9846>

<sup>8</sup> Idem

welfare system in 2021, children below 14 make 17.4% (2,317)<sup>9</sup>. Adequate preventive interventions and programmes as well as post-penal rehabilitation treatment programmes are not available. The number of related day-care centres for children with behaviour problems / children in conflict with the law dropped from 10 (in 2012) to only 2 (in 2021).<sup>10</sup> Only one third of counselling services for families and children report dealing with children with behaviour problems often (37%), but almost half of professionals (47%) report having insufficient knowledge and expertise<sup>11</sup>.

Measures aimed to protect child victims/witnesses from secondary victimisation clearly stipulated by the Juvenile Justice Law are still not systematically applied. Establishment of victim support services (for primary support) in all 25 higher courts is underway, while access to local services (CSOs mainly) is limited - out of 73 identified local support services, only 14 report providing dedicated support to children and youth, while no information is available on professional capacities and quality of programmes. The principles of the best interests of the child and meaningful child participation have not yet been adequately integrated into decisions made in the civil and administrative proceedings, while these proceedings often involve children as well. In Serbia every fourth marriage ends in divorce.. Out of all divorces recorded, more than 50% are marriages with children. Cases dealing with custody issues constitute as much as 13% of the total number of cases involving children. There is a lack of data about the custody cases outcomes, but women are 76% of heads in single parent households.

Despite the recently adopted Law on Free Legal Aid (2018) enables improved access to justice for the most disadvantaged children, children still face a number of barriers in their access to free legal aid. They are rarely recognised as beneficiaries even when a child is victim, and even less when a child acts in civil or administrative proceedings.

Overall, strong leadership in coordinating and overseeing the entire justice for children reforms, sustainability of financing of local service providers, alignment of policy and regulatory framework with international standards and integration of capacity building programmes into mechanisms for continual professional development, remain as issues of relevance.

In December 2022 Government adopted Strategy for development of the **system of execution of penal sanctions** for period 2022-2027 and accompanying 3-year action plan, with the aim to improve the conditions in which criminal sanctions are executed, as well as the application of modern treatment methods and techniques so that convicted persons acquire new skills and knowledge and successfully re-integrate into the social community. In accordance with the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommendation part of the Strategy is devoted to the improvement of healthcare system within the execution of penal sanctions, and particularly the development of specialised treatment programmes for detainees and inmates with mental health disorders. In addition, training of related health personnel will be required. The current system is dependent on external support to help establish procedures for developing individualised treatment plans for persons with mental health problems in line with Council of Europe (CoE) standards. This particularly relates to those sentenced to mandatory psychiatric treatment and custody in a health care institution. Therefore, there is a need to develop such tools and procedures thereby enabling individualised approach in treatment of persons with mental health problems and consequently their better recovery.

The system of execution of alternative sanctions has been improving over the past decade, so that the execution of alternative sanctions at the end of 2022 is 19.3% of the total number of executions of criminal sanctions under the jurisdiction of the Administration (as of December 31, 2022, the alternative sanctions and measures

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<sup>9</sup> Republic Institute for Social Protection, Children in social welfare system in 2021. Available at: <http://www.zavodsz.gov.rs/media/2356/deca-u-sistemu-socijalne-zastite-u-2021docx.pdf>

<sup>10</sup> Mapping of local services and financial assistance in LGS, SIPRU, 2020. Available at: [https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/09/Mapiranje\\_usluga\\_socijalne\\_zastite\\_i\\_materijalne\\_podrske\\_u\\_nadleznosti\\_JLS\\_u\\_RS.pdf](https://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/09/Mapiranje_usluga_socijalne_zastite_i_materijalne_podrske_u_nadleznosti_JLS_u_RS.pdf), and Republic Institute for Social Protection, Report on the work of licensed local service providers, 2021. Available at <http://www.zavodsz.gov.rs/media/2454/izvestaj-lplu-2021.pdf>

<sup>11</sup> Republic Institute for Social Protection, Internal document – Analysis of the work of counselling services for children and families, 2021

were executed against 2,572 persons). The total number of decisions on imposed alternative sanctions and measures has been continuously increasing since 2015, although the majority of those sanctions are ‘house-arrests’ where the sentenced individual serves the sentence from home, often wearing an electronic bracelet. In 2020 the courts adopted the highest number of decisions on the execution of non-custodial measures (6,337), while in 2021 there was a decrease as 5,520 court decisions were submitted for execution of non-custodial measures. The 25 Probation offices in Serbia are part of the Prison Administration and are responsible for overseeing non-custodial sentences, such as house-arrests and providing aspects of post-penal care to released individuals. To address the significant increase in non-custodial cases, the number of staff at the 25 Probation offices has increased; whereas in 2020 there were 22 full time Probation Officers (POs) or ‘Probation Commissioners’ as they are referred to in Serbia, and 16 part-time POs, in 2024 there are 58 full time POs. While through the Prison administration’s case-software known as ‘SAPA’, their administrative work has become less burdensome, there is a need to further standardise their work, improve their efficiency, and increase their capacity to deal with those serving alternative sanctions and also to deal with post release assistance to vulnerable former prisoners. To achieve that, it is necessary to undertake measures in three main areas: i) to improve capacities of Probation offices and establish internal oversight mechanisms; ii) to assess the capacities of civil society organisations regarding the possibility of providing post-penal support to convicted persons and to work on the standardisation of the quality of their services; iii) to develop special programmes for the post-penal care of particularly sensitive categories of convicted persons (women, elderly persons, persons with mental disorders, persons who were placed under security measures, persons convicted of domestic violence).

Although Serbia adopted the new policy document, Strategy for **gender equality** 2021-2030, the significant gap continues to exist between the EU 27 and Serbia, especially in relation to family and household care and financial issues. Serbia scored 58 out of 100 in 2021 Gender Equality Index.<sup>12</sup> The employment rate for men (20–64-year-old) is 14.94 percentage points higher and their activity rate 15.2 percentage points higher than those for women. Women’s inactivity reflects: i) unpaid work in the household, including care of children, sick and/or elderly people; ii) inadequate support in reconciling work and family responsibilities; iii) employers’ discriminatory treatment of young women; iv) the existing gap; v) lower statutory retirement age; and vi) the existence of a statutory minimum base for social insurance contributions, which discourages formal part-time work. Although the legislation grants both maternity and paternity leaves, gender-based stereotypical preconceptions persist about childcare and household work being a woman's responsibility. The lack of state services for childcare in rural areas increases the amount of unpaid care work for women. The first ever gender analysis of the monetary value of unpaid care work in Serbia confirmed the burden of unpaid care work on women. The analysis showed that annual monetary value of unpaid care work performed in households, mostly by women, is EUR 9.2 billion or 21.5 % of Serbia’s GDP. The various cases of discriminatory attitudes and verbal violence against women continue to exist, including by public figures. While the number and ratio of women in politics continued to increase, an external study published in 2021 and based on interviews of female politicians and media monitoring indicates that gender-based discrimination and verbal and other forms of gender-based violence remain in this area. Roma women, older women, poor women, women with disabilities, refugee and internally displaced women, continue to experience intersecting forms of discrimination. In immediate proximity is the issue of including **persons with disabilities**. The Strategy for Advancing the Position of Persons with Disabilities was adopted in 2020 and is planned to last until 2024, aiming to provide a concrete response to a significant problem of human rights and social inclusion. The document recognises the need to counter challenges like wide-spread stereotyping, prejudice and comparatively unfavourable social and economic positions persons with disabilities (PwDs) face in modern day Serbian society. Approximately 8% of the Serbian population has some form of disability. This puts them in a precarious position as only 13% of PwDs are employed and a massive majority, 69%, are not even active in the labour market. Most PwDs, a massive 87%, depends on social security payments, pensions or from some else’s income. Every eighth person with a disability has not even attained a primary school diploma.

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<sup>12</sup> See: <https://serbia.un.org/en/155849-gender-equality-index-republic-serbia-2021-digitalization-future-work-and-gender-equality>



The greatly precarious economic standing of persons with disabilities is exacerbated by wide-spread discrimination. A Commissioner for the Protection of Equality survey of public administration employees identified PwDs as the most discriminated group in Serbian society.<sup>13</sup> The Strategy recognises the need to reduce discrimination and emphasises this as one of the main pillars of the document. The issue of countering **discrimination** has been identified as especially important by the Government of Serbia through the adoption of the Strategy to Prevent and Protect from Discrimination 2022-2030. The document recognises and adopts measures to counter both gender-based and discrimination against persons with disabilities.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the Action

At the central government level, the main beneficiary is the **Ministry of Justice (MoJ)** as a driver of the judicial reform together with the justice sector. The role of the Ministry of Justice is central to the delivery of the Action plan for Chapter 23 and the successful conclusion of the EU accession negotiations. As a leader of the Negotiating Group for Chapter 23, the Ministry has to ensure the functioning of the entire delivery chain of approximation, adaptation and change management from the Action plan to closure of sub-chapters and eventually the Chapter 23. The Ministry is responsible for development of strategic documents in the field of the judiciary, as well as the relevant legislative framework for the functioning of the judiciary, including **juvenile justice and prison reform**. Ministry of Justice is responsible for overall policy coordination in the justice sector and provide overall monitoring of the activities enacted and results achieved. Having in mind that employment in the public sector is still restricted and that it is allowed only with special approval of the Government Commission, the Ministry of Justice put strong effort to strengthened capacities to continue reforms and effectively conduct the negotiation process. As of September 2023, the Ministry had 155 full-time employees, in comparison to 131 from January 2022, which is significant increase that should contribute to better performance of the MOJ. There is a plan to employ additional 8 full-time staff members by end of April 2024.

In order to ensure the enforcement of the normative and procedural, framework the **Administration for enforcement of penal sanctions, often referred to as ‘the Prison Administration’** established the “Network of Probation offices for execution of non-custodial sentences and measures” and introduced cooperation with local self-governments to integrate those offices into the local community. Memoranda of cooperation (MoC) between the MoJ and 25 cities were signed (i.e. the seats of the Probation offices across the country). Based on the MoC local self - governments provided premises for Probation officers. Furthermore, cooperation was established with local public companies and organisations dealing with social affairs to ensure enforcement of community sanctions. Starting with limited resources the Network was in the previous period supported through projects and programmes funded by the EU and the OSCE, and cooperation is still at an early phase of development. According to the new strategic framework, during the forthcoming period, amongst the activities which will be undertaken these will include measures such as those to : i) to assess the capacities of civil society organisations related to possibility of supporting and providing post-penal care to convicted persons and working on the standardisation of the quality of services; ii) to improve existing cooperation and coordination of all institution and organisations involved in post-penal care; and iii) to develop special programmes for post-penal acceptance of particular sensitive categories of convicted persons. Furthermore, supervision of the work of the Probation services is also priority for the Prison Administration. In the period ahead, it will be necessary to continue working through infrastructure investments on the ‘humanisation’ of the conditions of the execution of prison sentences for persons with mental health issues and to introduce and develop specialised programmes of mental health treatment.

**The Ombudsman’s office** currently has 82 staff, although the Action plan for Chapter 23 targeted for 106. Having in mind that the Law on Ombudsman adopted in November 2021 introduced new competences for the

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<sup>13</sup> See: <https://ravnopravnost.gov.rs/wp-content/uploads/2021/11/Odnos-pred-vlasti-prema-diskriminaciji-elektronska-verzija.pdf>

Ombudsman as the national independent mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities, as well as the national rapporteur for trafficking in human beings, the current resources are suboptimal. The public submitted 3,530 complaints to the Ombudsman in 2022, down from 4,501 submitted in 2021. The number of recommendations from the Ombudsman to the authorities was 904. According to the Ombudsman's 2022 report, the percentage of its recommendations followed up by the authorities continue to decrease (2020: 94.5%; 2021: 78% and 2022: 63.09%).

**Commissioner for Equality** The 2022 report of the Commissioner for Equality indicates a stable number of citizens' complaints (2021: 684; 2022: 681). The percentage of Commissioner's recommendations that were implemented remained high (2022: 88.4%). During 2022, the Commissioner for Equality reacted with statements and warnings on various cases of discriminatory attitudes and verbal violence against women.

The quality and coverage of **Social Services** are limited, as well as oversight and regulatory mechanisms, monitoring and evaluation. According to the assessment an additional 1,388 staff are lacking in the social services, which hamper their capacities to provide services. The system of earmarked transfers to the local level, introduced in 2016 by the Social Welfare Law is not implemented systematically and transparently in the practice.

**Juvenile Justice Council** has been introduced in 2009 as an advisory body tasked to monitor implementation of regulatory framework and submit initiatives, proposal, opinions and analyses related to the delinquency of minors and the protection of minors in the criminal proceedings to the Ministry of Justice and the Supreme Court of Cassation. Given that the Council is not permanent body (it is to be re-elected every four years), continuity of its work including ensuring its proactivity need to be strengthened through further upgrading of institutional capacities of the Judicial Academy which is mandated for providing administrative and technical support to the work of Council.

The **Coordination Body for Gender Equality** is in charge of gender equality issues and inter-institutional coordination, with the aim of advancing gender equality in the Republic of Serbia. The President of the Coordination Body is the Deputy Prime Minister of the Government and the minister in charge of culture, and her deputy is the State Secretary from the Ministry for Family Care and Demographics. Other participants include ministers in charge of human and minority rights, labour, employment, veteran and social affairs, justice, European integration, and internal affairs. Associated to it is the Expert Group of the Coordination Body, formed for the purposes of deliberating on expert matters in gender equality and implementation of such matters. It is composed of public body, private sector, academia, and civil sector representatives, is chaired by the minister in charge of family care and demographics and receives directions from its work from the Coordination Body.

**Ministry of Human and Minority Rights and Social Dialogue (MoHMRSD)** which performs state administration tasks related to: protection and improvement of human and minority rights; general issues of the position of members of national minorities; gender equality; anti-discrimination policy; issues governing the position of associations and other civil society organisations and creation of a stimulating environment for the development of civil society; disposing of monitoring and oversight instruments for regulations and strategies relevant for these areas, reporting on the status in these areas and responsible for the status in these area. These activities are entrusted to organisational units established by the Ministry with its act on internal organisation.

**Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA)** performs the tasks related to the system in the field of labour relations and labour rights, safety and health at work, inspection supervision in the field of labour relation and safety and health at work, union organising, cooperation with international organisation in the field of work and employment, integration of refugees and displaced persons, pensions and disability insurance system, social insurance and protection of military insured persons.

### 2.3. Lessons Learned

The past and ongoing support focused on strengthening the ability of the policy makers to implement policies and legislation complying with EU acquis. Lessons learned were drawn from previous evaluations, which

stress that continued support for the overall improvements in the legislative and institutional settings in order to harness positive effects of support interventions. In addition, the evaluations emphasised that any new interventions should spell out in detail which accession chapters are addressed by the supported reform to avoid any duplication, ensure that the key incentive to the reform (the accession perspective) is clear and facilitate the exchange between IPA and the negotiation process.<sup>14</sup>

In the more recent evaluation<sup>15</sup>, it was recognised that EU IPA programming sets out the goals but leaves the strategies up to the contractors and the government beneficiary. “In the case of Serbia, it was clear from the studied examples, that government did not have sufficient levels of resources, knowledge, or experience in managing to deliver planned reforms; the ‘how’ mechanisms. This corresponds to the main findings of this and earlier evaluations, that the relevance of designed assistance scores high, but the ultimate impact and sustainability are lower than expected. It is recommended that the EU ensures that interventions designed to build institutional capacities place the locus of control in managing reforms firmly with government institutions and agencies so that they lead their own reforms, and not with the EU and contractors. It is important that EU-supported capacity development interventions shift from trying to deliver reform and instead focus on building national authorities’ capacities for designing and managing reform itself”.

In an evaluation related to the Evaluation of the EU’s external action support in the area of gender equality and women’s and girls’ empowerment (2010-2018)<sup>16</sup> it was identified “while European actors have forged partnership with relevant international organisations such as UN agencies, coordination with these organisations at country level, especially to strengthen policy dialogue and the role played by national women’s machineries in national policy process, has remained insufficient”.

This Action will build on the above-mentioned findings by strengthening the capacities of relevant stakeholders in the government (Ministry of Justice’s Administration for the execution of penal sanctions, the Ministry of Human and Minority Rights and Social Dialogue, the Coordination Body for Gender Equality, the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of European Integration) and judiciary to prepare and deliver reforms in the sector. The Action will support the stakeholders by bringing expertise necessary to establish best practices, set-up long-term processes and enhance the organisational, procedural and institutional framework. By developing the capacities at national and local level, the stakeholders will be able to use this knowledge in the future. Furthermore, the Action includes national entities in addition to relevant international organisations to ensure policy dialogue with national policy process. An assessment of the post penal care system in Serbia financed by the EU through the project ‘Improving Capacities of the Prison Administration in the area of alternative sanctions, post penal care and healthcare’ recalled that ‘the importance of inter-agency cooperation in post-penal care to achieve reintegration is stressed in international documents. Specifically, the Council of Europe’s Recommendation of the Committee of Ministers to member states on the European Prison Rules emphasised the point 107.4 that ‘the prison authorities shall work closely with services agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community in particular with regards to family life and employment’. Whilst this will remain the ultimate goal in the foreseeable future in Serbia, due to the extremely over-stretched and under-resourced local bodies, it is not expected to be possible under this programme.

The Action has been prepared based on the best practices and experiences gained from previous support aimed at ensuring Serbia has an effective rule of law in place. Implementation modalities have been adjusted based on lessons learned and with the aim to find the most cost-effective and accountable solution for the operational activities of the responsible institutions.

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<sup>14</sup> Evaluation of Sector Approach Under IPA; Evaluation done for the European Commission October 2018.

<sup>15</sup> Strategic, country-level evaluation of the European Union’s cooperation with Serbia over the period 2012-2018; March 2021: evaluation was commissioned by the MFF, Programming and Evaluation Unit of the DG NEAR, European Commission.

<sup>16</sup> Evaluation of the EU’s external action support in the area of gender equality and women’s and girls’ empowerment (2010-2018), European Commission, November 2020.

### 3. DESCRIPTION OF THE ACTION

#### 3.1. Intervention Logic

The **Overall Objective (Impact)** of this Action is to strengthen rule of law and fundamental rights in Serbia.

The **Specific Objectives (Outcomes)** of this Action are to

1. Strengthen the Justice system for children.
2. Improve Medical treatment of inmates with psychiatric problems, the quality and application of alternative sanctions and post-penal care.
3. Reduce discrimination and advance gender equality.

The **Outputs** to be delivered by this Action contributing to the corresponding Specific Objectives (Outcomes) are

- 1.1. Contributing to Outcome 1 (or Specific Objective 1): Strengthened legal, institutional and policy framework of justice for children.
- 2.1. Contributing to Outcome 2 (or Specific Objective 2): Improved medical treatment of prisoners with mental health issues and increased efficiency and quality of the system of alternative sanctions and post-penal care.
- 3.1. Contributing to Outcome 3 (or Specific Objective 3): Enhanced gender equality capacities in all stages of policy and project design and implementation at all levels of governance in Serbia.

The underlying intervention logic for this Action is grounded in the understanding that a well-functioning justice system and the protection of fundamental rights are critical for a thriving democracy. By focusing on strengthening the capacities of national institutions in area of judiciary and fundamental rights protection, this Action aims to create a long-lasting impact on the rule of law in Serbia.

By prioritising the Government's commitment to implement strategic framework and recommendations of relevant international organisation, this Action ensures that Serbia aligns with internationally recognized standards and best practices.

Specific objectives, such as strengthening justice for children (including support in the preparation and enforcement of the new legal framework), improving the treatment of inmates with psychiatric problems, and advancing gender equality, are vital components of a fair and just society. Addressing these areas leads to better social outcomes, reduced recidivism, and increased public trust in the justice system. The Action's focus on enhancing gender equality capacities, in particular, aligns with the Sustainable Development Goals (SDGs), especially SDG 5 (Gender Equality). Gender equality contributes to economic growth, improved education and health outcomes, and more resilient communities.

Overall, this theory of change posits that a combination of targeted interventions, strategic alignment with international standards, and a focus on capacity-building will lead to a more robust and equitable justice system, reduced discrimination, increased civil society participation in decision-making processes, and a stronger rule of law in Serbia. It will contribute to strengthen institutions involved in IBM and improve their data exchange as well as common risk analysis. It will also build capacities of IBM competent Institutions through joint trainings.

#### 3.2. Indicative Activities

**Activities related to Output 1.1:** Strengthened legal, institutional and policy framework of justice for children.

- Providing technical assistance to strengthen capacity building mechanism through upgrading accredited curriculums, development and endorsement of soft-law regulations to improve enforcement of diversionary measures, alternative sanctions and reintegration of child offenders.

- Providing technical assistance for integration of the rights of child victims and witnesses in criminal proceedings into sustained capacity building resources ensuring mandatory initial and continuous education of the courts/prosecutors' offices and service providers.
- Providing technical assistance for introduction of specialised curriculum on child rights and related certification of free legal aid providers from local self – governments.
- Providing technical assistance to the Ministry of Justice to strengthen its institutional capacities in planning, coordination, monitoring and implementing justice for children agenda.

**Activities related to Output 2.1:** Improved medical treatment of prisoners with mental health issues and increased implementation of alternative sanctions and post-penal care.

- Providing technical assistance to the Administration for execution of penal sanctions staff to introduce and implement individual treatment models for persons with psychiatric disorder/s.
- Providing technical assistance to the Administration for execution of penal sanctions staff to increase their capacities in application of alternative sanctions.
- Providing technical assistance to the Administration for execution of penal sanctions staff to increase their capacities in implementation of post-penal care.

**Activities related to Output 3.1:** Enhanced gender equality capacities in all stages of policy and project design and implementation at all levels of governance in Serbia.

- Providing technical assistance to ensure gender equality mechanisms are effective at all levels of governance and local self-government.
- Providing support to incorporate mainstreaming of gender, non-discrimination, and accessibility in all stages of policy design and EU funds management cycle.
- Providing support to economic empowerment and social integration of the vulnerable groups of women through establish community-based gender transformative initiatives.

### **3.3. Mainstreaming**

#### **Environmental Protection, Climate Change and Biodiversity**

The project will actively consider environmental protection and climate change aspects as appropriate, integrating sustainable practices and mitigation measures throughout its design and implementation to minimize negative impacts and promote environmental stewardship. Equipment procured under this project will be of the latest generation and respectful of the International Conventions ratified by Republic of Serbia on CO2 emissions.

#### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes identified in section 1.1, this Action is labelled as G1. This implies that gender equality and empowerment of women and girls are prioritise as specific objective 3 of this Action.

Additionally, within the specific objective 1. Juvenile Justice Strengthened, it is foreseen to develop special programmes and interventions targeting girls, either in conflict with the law or as victims/witnesses of crime. This includes gender-sensitive training for legal and institutional actors, promoting female representation in the justice system, but also understanding of gender roles and gender patterns and gender transformative training approach in work with children in the conflict with the law, and developing gender-responsive alternatives to incarceration including encouraging boys to challenge gender stereotypes.

Gender sensitive indicators will be developed and monitored against in the implementation phase. All project materials will utilize gender-sensitive language, and all data will be gender-segregated.

Furthermore, the project will emphasize community-based gender transformative initiatives, gender-responsive border control measures, and reintegration programs for returned irregular migrants, focusing on the empowerment of women and girls.

## **Human Rights**

The principles of transparency, inclusiveness and non-discrimination will be applied across all activities and at every stage of the Action implementation.

For Output 1.1, human rights will be integrated by providing technical assistance to relevant actors, focusing on the rights of children in contact with justice system, children as offenders, victims, and witnesses. In Output 2.1, the project will prioritise human rights by assisting the Administration for execution of penal sanctions staff, ensuring the rights and dignity of prisoners with mental health issues are respected and protected. For Output 3.1, human rights will be mainstreamed by enhancing gender equality mechanisms and incorporating gender mainstreaming, contributing to the realisation of human rights for all.

## **Disability**

As per OECD Disability DAC codes identified in section 1.1, this Action is labelled as D1. This Action is committed to promoting the inclusion of people with disabilities by ensuring access to information, efficient service delivery, and transparency. Requirements of national legislation, related to disability rights, like accessibility of spaces, use of inclusive language and especially having in mind independent living and community inclusion (Article 19 of the Convention of the Rights of Persons with Disabilities) and recommendation of the Committee related to investments in institutions i.e. required deinstitutionalization Disability requirements, , related to prohibition of discrimination, and defining discrimination also as a lack of reasonable adjustment will be integrated into planning activities across various ministries and sectors, including border inspection activities within IBM. Beneficiaries will receive technical assistance for disability capacity building and awareness raising. Moreover, the project will address disability issues in providing quality services for the assisted or involuntary return of illegal migrants, ensuring accessibility and equal access for individuals with disabilities throughout the process.

For other outputs, the project will incorporate disability considerations to promote inclusion. In Output 1.1, disability considerations will be integrated into child justice practices, ensuring equal access for children with disabilities. In Output 2.1, the specific needs of prisoners with disabilities will be addressed, providing adequate medical treatment through different models of individual treatments. In Output 3.1, disability-inclusive approaches will be adopted to enhance gender equality capacities, ensuring that policies and initiatives consider the intersection of gender and disability.

## **Democracy**

This project will actively mainstream democracy by fostering transparency, inclusiveness, and participation in its activities and outputs. By strengthening legal and institutional frameworks, improving prisoner treatment, and enhancing gender equality capacities, the project will promote democratic values and principles at all levels of governance in Serbia. Additionally, by prioritizing equitable access to justice, empowering marginalized groups, and ensuring that human rights are upheld across all sectors, the project will contribute to the consolidation and further development of democratic processes and institutions within the country.

## **Other considerations if relevant**

This Action will encourage participation from citizens and CSOs as needed. Stakeholders and the general public must work together to achieve EU accession goals. All relevant parties should be consulted early on in the planning process, and their needs should be accounted for as thoroughly as possible. The promotion and awareness-raising campaigns will also include outreach to CSOs.

### 3.4. Risks and Assumptions

Category	Risks	Likelihood (High/Medium/Low)	Impact (High/Medium/Low)	Mitigating measures
Risk 2 - People and the organisation	The relevant stakeholders don't assign sufficient number of staff for capacity building activities	Medium	Medium	A capacity analysis will be conducted to determine the number of staff needed for capacity building activities. Relevant institutions will be obliged to assign the necessary staff to participate in the activities. Any potential resistance to capacity building will be addressed through targeted engagement and communication
Risk 3 - External environment	Decisions are being made without the input of all stakeholders involved and those who are most impacted by activities.	Low	Medium	Protecting the interests of stakeholders, including local authorities, and ensuring their participation in the project requires the allocation of institutional resources, the continued engagement of all relevant stakeholders, and the maintenance of a constant dialogue between these actors.
Risk 4 - Communication and information	Lack of clear communication, imprecise objectives, and unreasonable expectations causing delays in the timely implementation.	Medium	Medium	Develop clear project objectives and communication channels, regularly engage with stakeholders to ensure that expectations are reasonable and aligned and monitor the progress of the project to ensure that it stays on track.

#### External Assumptions

##### Assumptions at the level of the Specific Objective(s)/Outcomes

##### Outcome 1

- Commitments and willingness of the Government to strengthen juvenile justice in line with the EU acquis and international standards.
- Child-sensitive programs and interventions are available at the local level, and all relevant institutions are prepared to implement diversionary measures.

##### Outcome 2

- The Prison Administration is actively involved and willing to fully implement CPT recommendations for improving the prison healthcare system, with particular emphasis on mental health issues.
- Key players in applying alternative sanctions are reinforced, with special attention to the work of the probation services.
- The post-penal care system is stabilised and further developed and becomes sustainable.

##### Outcome 3

- There is a continued political commitment from the Republic of Serbia to advancing gender equality, countering discrimination and improving accessibility.

### **Assumptions at the level of the Outputs**

#### **Output 1.1**

- Adequate human and financial resources have been secured in the justice, social welfare, police, and CSO sectors to provide support to child victims and witnesses.
- The relevant bodies in the justice, social welfare, police, and CSO sectors cooperate well and exchange information continuously.
- The Ministry of Justice, Law Chambers, and Ministry of Public Administration and Local Self-Government are prepared to cooperate in the reforms.

#### **Output 2.1.**

- Political and judicial stakeholders are continuously and firmly committed to pursuing the reform process for enforcing penal sanctions and increasing the number of alternative sanctions, particularly community sanctions.
- The probation officers are interested in participating in the reform activities.

#### **Output 3.1.**

- The necessary normative and institutional frameworks are in place to support the Action.



### 3.5. Indicative Logical Framework Matrix

Results	Results chain: Main expected results	Indicators	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	To strengthen rule of law and fundamental rights protection.	1 World Justice Project Rule of Law Index	1 83 (2022)	1 60 (2030)	1 World Justice Project	<i>Not applicable</i>
<b>Outcome 1</b>	Justice system for children strengthened	1.1 Level of implementation of recommendations 65, 67 and 69 of the CRC on the implementation of the Convention on the rights of the child	1.1 In the process of realization (2022)	1.1 Realized (2028)	1.1 UN CRC Periodic report on realization on the implementation of the Convention on the rights of the child	<p>•Commitments and willingness of the Government to strengthen juvenile justice in line with EU acquis and international standards.</p> <p>Child-sensitive programs and interventions are available at the local level, and all relevant institutions are prepared to implement diversionary measures.</p>
<b>Outcome 2</b>	Medical treatment of inmates with psychiatric problems, alternative sanctions and post-penal care improved	2.1 Percentage of prisoners with psychiatric disorders participating in individual or group treatment programmes	2.1 0 (2022)	2.1 ≥ 50% (2028)	2.1 Project progress report	The Prison Administration is actively involved and willing to fully implement the CPT recommendations and CoE Prison Standards.
		2.2 Share of imposed alternative sanctions under the competence of Administration for Enforcement of Penal Sanctions compared to total number of imposed criminal sanctions	2.2 19% (2022)	2.2 ≥ 30% (2028)	2.2 Project progress report	
		2.3 Number of services (programmes) offered to ex-offenders by the Probation Commissioner offices in a standardised manner	2.3. Programmes available (2022)	2.2. 5 (2028)	2.3 Annual report of the Administration for execution of penal sanctions (Report on supervision)	
<b>Outcome 3</b>	Reduced discrimination and advanced gender equality	3.1 Gender Equality Index	3.1 Serbia below EU average (2021) Serbia 58.0 points, EU 67.4 points)	3.1 Advancement (2028) Serbia: 64.0 points (2028)	3.1 Gender Equality Index	There is a continued political commitment from the Republic of Serbia to advancing gender equality.
		3.2 Number of adopted laws, strategies, action plan and EU programming documents that include gender equality, anti-discrimination and accessibility consideration through project support.	3.2 0 (2022)	3.2 20 (2028)	3.2 Project report and Official Gazette	
<b>Output 1 related to Outcome 1</b>	1.1 Strengthened legal, institutional and policy framework of justice for children	1.1.1 Percentage of the application of diversionary measures	1.1.1. 7.2% (2021) 91.1% boys 8.9% girls	1.1.1 ≥ 15% (2028)	1.1.1 Republic Statistical Office Link: <a href="https://www.stat.gov.rs/publikacije/">https://www.stat.gov.rs/publikacije/</a>	<p>Adequate human and financial resources have been secured in the justice, social welfare, police, and CSO sectors to provide support to child victims and witnesses.</p> <p>The relevant bodies in the justice, social welfare, police, and CSO sectors</p>
			1.1.2. 0 (2022)	1.1.2. 100% (2027)		

		1.1.2. Percentage of higher courts' victim support services with specialised capacities for child victim protection			1.1.2. Annual report of the Judicial Academy	cooperate well and exchange information continuously.
		1.1.3. Number of certified judges, acting in civil matters in the field of children's rights, passed specialised training within the Continuous training program of Judicial Academy annually	1.1.3. 247 <sup>17</sup> (2022)	1.1.3. $\geq 250$ and at least 50% are women (2027)	1.1.3 Annual report of the Supreme Court of Cassation 1.1.3. Annual Report of work of the Judicial Academy.	The Ministry of Justice, Law Chambers, and the Ministry of Public Administration and Local Self-Government are prepared to cooperate in the reforms.
		1.1.4 Percentage of local-self-governments with certified free legal aid providers in child rights	1.1.4 0% (2022)	1.1.4 $\geq 100\%$ (2027)	1.1.4 Annual report of the Ministry of Justice on FLA application	
<b>Output 1 related to Outcome 2</b>	2.1 Improved medical treatment of prisoners with mental health issues and increased implementation of alternative sanctions and post-penal care	2.1.1 Number of individual treatment models for persons with psychiatric disorder <sup>18</sup>	2.1.1 0 (2022)	2.1.1 $\geq 3$ (2028)	2.1.1 Annual report of the Administration for execution of penal sanctions	Political and judicial stakeholders are continuously and firmly committed to pursuing the reform process for enforcing penal sanctions
		2.1.2 Number of implemented supervisions of the Commissioner offices by AEPS	2.1.2 0 (2022)	2.1.2 25 (2027)	2.1.2 Annual report of the Administration for execution of penal sanctions	The number of probation officers is sufficient to perform the delegated tasks.
		2.1.3 Number of developed training programmes for vulnerable ex-offenders adopted by AEPS	2.1.3 0 (2022)	2.1.3 $\geq 3$ (2027)	2.1.3 Annual report of the Administration for execution of penal sanctions	The probation officers are interested in participating in the reform activities.
<b>Output 1 related to Outcome 3</b>	3.1 Enhanced gender equality capacities in all stages of policy and project design and implementation at all levels of governance in Serbia	3.1.1 Number of representatives of national and local government increased knowledge on Gender Equality Law and reporting obligations, thought technical support and capacity development program	3.1.1. 100 (2022)	3.1.1 $\geq 300$ (2027)	3.1.1 Annual reports of the Coordination Body for Gender Equality and Ministry for Human and Minority Rights and Social Dialogue/ Project reports	The necessary normative and institutional frameworks are in place to support the Action
		3.1.2 Number of women benefitting from the empowerment programmes provided within the project	3.1.2 10 (2022)	3.1.2 $\geq 1,000$ (2027)	3.1.2 Annual reports of the Coordination Body for Gender Equality and Ministry for Human and Minority Rights and Social Dialogue/ Project report	

<sup>17</sup> During 2022 Judicial Academy organised 12 trainings in the area of child protection for 247 judges and 19 representatives of social services. Strengthened capacity of the in these areas requires that annually that at least 2/3 of judges acting in civil proceedings in the area of child rights attend various specialized trainings under the continuous training program of Judicial Academy (approximately between 250 and 300 judges annually).

<sup>18</sup> Models for a more efficient individual treatment/treatment plan for different categories of patients in accordance with the recommendations of the CPT (general for persons with mental disorders in prison, special for persons subject to the security measure of mandatory psychiatric treatment and custody in a health facility, specific for suicide prevention or self-harm in prisons) and CoE Prison standards. At the moment there is no developed models in this area.

## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1. Financing Agreement**

In order to implement this Action, it is envisaged to conclude a financing agreement with the Republic of Serbia.

### **4.2. Indicative Implementation Period**

The indicative operational implementation period of this Action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of conclusion of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### **4.3. Implementation of the Budget Support Component [Only for Budget Support]**

N/A

### **4.4. Implementation Modalities [applicable for Project modality or for complementary support to a Budget Support]**

#### **4.4.1. Direct Management (Grants)**

##### **4.4.1.1. Grants**

N/A

##### **4.4.1.2. Twinning Grants**

N/A

##### **4.4.1.3. Grants (Participation to EU programmes)**

N/A

#### **4.4.2. Direct Management (Prize(s))**

N/A

#### **4.4.3. Direct Management (Procurement)**

N/A

#### **4.4.4. Indirect Management with a pillar-assessed entity**

A part of this Action may be implemented in indirect management with the **United Nations Children's Fund (UNICEF)**.

This implementation entails implementation of the **Outcome 1, Output 1**.

The envisaged entity has been selected using the following criteria: specific/unique expertise in relevant area, the operational capacity, established cooperation and network, and added value through synergy with current portfolio.

UNICEF is specialised agency in the area of promoting rights and wellbeing of every child, with worldwide reputation concerning the knowledge, experience and references as well as the high project management standards. The UNICEF Serbia Country Programme of Cooperation 2021-2025 is dedicated to child protection with the focus on access to child sensitive justice. The UNICEF's programme components, strategies and activities are aligned with the national priorities and aims to support Serbia's EU accession process and the implementation of the SDGs. UNICEF's work includes unlocking bottlenecks to the realisation of child rights, specifically advocacy, partnership, leveraging resources, capacity development, evidence generation and upgrading and enhancing evidence-based solutions. UNICEF has well developed cooperation with the MoJ, regional and local institutions.

Bearing in mind operational and financial capacities of the UNICEF, it will be possible to promptly mobilise efficient management team and project management procedures since UNICEF implemented series of activities related to the child protection and children's access to justice in child protection and child justice. In the last few years, in partnership with the Institute of Criminological and Sociological Research and other partners, UNICEF implemented series of activities related to the justice for children and its impact on children in conflict with law and children as victims and witnesses.

Particularly important is that UNICEF will ensure synergy with the activities within its current portfolio, particularly on-going projects implemented in Serbia, such as the Impact assessment of the Juvenile Justice Law, developed by Institute of Criminological and Sociological Research (ICSR) and OSCE (2020), the Research on children in conflict with the law with mental health problems and children below the age of criminal responsibility, developed in partnership of UNICEF and the Republic Institute for Social Protection (2021), the Gaps analysis of Serbian criminal legislative and institutional framework on children in contact with the law as offenders and victims/witnesses of crime, developed in partnership of UNICEF and the ICSR (2021) etc. All mentioned areas UNICEF is covering, and on-going work will be from utmost importance for the future implementation of the Action

Finally, the UNICEF is contributing to the part of the Action with the 225,000 euro to ensure greater impact and involvement of all relevant stakeholders, especially at the local level.

A part of this Action may be implemented in indirect management with the **Council of Europe**. This implementation entails implementation of the **Outcome 2, Output 2**.

The envisaged entity has been selected using the following criteria: specific/unique expertise in relevant area, the operational capacity, established cooperation and network, and added value through synergy with current portfolio.

Council of Europe is an international organisation that protects and promotes human rights, recognised as European leader in the rule of law area with the proven reputation in implementing a programme on protecting human rights of detained and sentenced persons. Council of Europe has well developed cooperation with the MoJ and Administration for Enforcement of Penal Sanctions as well as with the civil society organisations active in the post-penal care and promotion of alternative sanctions. Council of Europe work includes expert advice, training, piloting of programmes, peer to peer networking, targeted capacity building activities, legislative and operational changes, etc.

The Council of Europe will be able to rapidly mobilised project team in Serbia due to its financial and operational capacity and the long-lasting support and partnership with the Administration for Enforcement of Penal Sanctions. Council of Europe implemented series of activities with the aim to enhance human rights protection for detained and sentenced persons in Serbia in line with the recommendations highlighted in the European Committee for the Prevention of Torture (CPT) reports and the European Court of Human Rights (ECtHR) judgements. Council of Europe as proven to have the necessary in-house operational and financial expertise to implement complex multi-stakeholder projects.

Furthermore, the Council of Europe aims to ensure synergy with the activities within its current portfolio, particularly on-going project implemented in Serbia, Horizontal Facility II – Enhancing human rights protection of detained and sentenced persons in Serbia – phase II.

Finally, the Council of Europe is contributing to the part of the Action with the 170,000 euro to ensure greater impact and involvement of all relevant stakeholders, especially at the local level for the civil society organisations.

A part of this Action may be implemented in indirect management with the **UN Women**. This implementation entails implementation of the **Outcome 3, Output 3**.

The envisaged entity has been selected using the following criteria: specific/unique expertise in relevant area, the operational capacity, established cooperation and network, and added value through synergy with current portfolio.

The envisaged entity has been selected using the following criteria: UN Women is UN entity dedicated to gender equality and empowerment of women, recognized as a supporter of Member States in achieving gender equality and providing services needed to ensure that the standards are effectively implemented. The UN Women has well developed cooperation with Serbian authorities to meet national and international commitments on gender equality, particularly CEDAW and the Strategy on Gender Equality 2021-2030.

UN Women has well developed cooperation with Ministry for Human and Minority Rights and Social Dialogue, the Coordination Body for Gender Equality, the Ministry for Labour, Employment, Veteran and Social Affairs. The UN Women will ensure synergy with previous joint projects/initiatives.

In case the envisaged entities mentioned above would need to be replaced, the Commission's services may select another replacement entity using the same criteria.

#### **4.4.5. Indirect Management with an IPA III beneficiary**

N/A

#### **4.4.6. Contribution to <name of the relevant Regional Investment Platform>**

N/A

#### **4.4.7. EFSD+ operations covered by budgetary guarantees**

N/A

#### **4.4.8. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances**

N/A

#### **4.4.9. Other actions or expenditure**

N/A

### **4.5. Scope of geographical eligibility for procurement and grants**

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this Action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### 4.6 Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances

NA

#### 4.6. Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)	Indicative third-party contribution, in currency identified
<b>Methods of implementation</b> – cf. section 4.4		
<b>Outcome 1: Juvenile justice strengthened</b> , composed of:	<b>1 500 000</b>	225 000
Indirect Management with UNICEF – cf. section 4.4.4	1 500 000	225 000
<b>Outcome 2: Medical treatment of inmates with psychiatric problems, alternative sanctions and post-penal care improved</b> , composed of:	<b>1 500 000</b>	170 000
Indirect management with Council of Europe – cf. section 4.4.4	1 500 00	170 000
<b>Outcome 3: Reduced discrimination and advanced gender equality</b> composed of:	<b>1 500 000</b>	N.A.
Indirect management with UNWOMEN – cf. section 4.4.4	1 500 000	N.A.
<b>Indirect management with International organisations</b> – total envelope	4 500 000	395 000
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	may be covered by another Decision	N.A.
<b>Strategic Communication and Public Diplomacy</b> – cf. section 6	will be covered by another Decision	N.A.
<b>Contingencies</b>	N.A.	N.A.
<b>Totals</b>	<b>4 500 000</b>	<b>395 000</b>

#### 4.7. Organisational Set-up and Responsibilities

##### Output 1.1. Outcome 1

Project Steering Committee (PSC) will be established to perform overall monitoring and steering of the implementation of the part of the Action. PSC meetings will be organised on quarterly basis. Members of the PSC will be the representatives of:

- EU Delegation,
- Ministry of Justice,
- Judicial Academy
- Juvenile Justice Council,
- Supreme Court of Serbia,

- Supreme Public Prosecutor Office,
- UNICEF.

The composition of the PSC, in terms of appointed persons will be discussed and agreed during the first month of the inception period of the Project. The PSC will take strategic decisions and supervise the proper implementation of the Action. Meetings should be held quarterly semi-annually unless further ad hoc meetings are necessary. The MoJ will initiate PSC meetings The PSC meetings will be organised by UNICEF.

### **Output 2.1. Outcome 2**

PSC will be established to assure national ownership and achievement of project objectives through the strategic level steering and informed decision-making process. Therefore, the overall progress, milestones and mitigation measures to potential difficulties and risks shall be agreed.

The PSC will consist of representatives of:

- EU Delegation,
- Administration for Enforcement of Penal Sanctions from the Ministry of Justice
- Ministry for Labour, Employment, Veteran and Social Affairs,  
Ministry of Health & Ministry of Interior  
Ombudsman
- Council of Europe.

The composition of the PSC, in terms of appointed persons will be discussed and agreed during the first month of the inception period of the Project. The PSC will take strategic decisions and supervise the proper implementation of the Action. Meetings should be held quarterly semi-annually unless further ad hoc meetings are necessary. The MoJ will initiate PSC meetings The PSC meetings will be organised by Council of Europe.

### **Output 3.1. Outcome 3**

PSC will be established to perform overall monitoring and steering of the implementation of the part of the Action. PSC meetings will be organised on quarterly basis. Members of the PSC will be the representatives of:

- EU Delegation
- Ministry for Human and Minority Rights and Social Dialogue,
- Coordination Body for Gender Equality,
- Ministry for Labour, Employment, Veteran and Social Affairs,
- Ombudsman,
- Commissioner for Equality,
- UN Women.

The definite composition of the PSC, in terms of appointed persons will be discussed and agreed within the three months from the effectiveness date of the indirect management with UN Women and the Contracting Authority. The PSC meetings will be organised by UN Women.

### **4.8. Pre-conditions**

N/A

## **5. PERFORMANCE MEASUREMENT**

### **5.1. Monitoring and Reporting**

The day-to-day technical and financial monitoring of the implementation of this Action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the Action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the Action, difficulties encountered, changes introduced, as well as the degree of achievement of its Outputs and contribution to the achievement of its Outcomes, and if possible at the time of reporting, contribution to the achievement of its Impacts, as measured by corresponding indicators, using as reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Arrangements for monitoring and reporting, including roles and responsibilities for data collection, analysis and monitoring:

- The European Commission will monitor the Action using Result Oriented Monitoring (ROM), which includes site visits, data collection, and analysis. During these visits, independent consultants retained by the Commission will meet with Action Beneficiaries and the NIPAC Technical Secretariat (TS) to discuss the implementation of the intervention. Beneficiaries would assist ROM consultants, upon request from the NIPAC TS, including the provision of data and documentation, participation in interviews and meetings, and commentary on monitoring reports. This shall provide an impartial assessment of the ongoing or post-action performance of the Action, as required.
- The NIPAC, with the assistance of the NIPAC TS, is responsible for the overall coordination of IPA III assistance in the Republic of Serbia, including the supervision of IPA III programme implementation, as well as the establishment, coordination, and participation of stakeholders in monitoring committees (MCs). Beneficiaries of the Action will report their progress to Steering Committees and Sector Monitoring Committees (SMCs), while the NIPAC TS will manage data collection and analysis for monitoring the Action's implementation, including the collection of information from Beneficiaries reports for monitoring committees.
- In accordance with the respective committees' rules of procedure, the Commission will attend monitoring committee meetings and co-chair IPA Monitoring Committee (IPA MC). Through these activities, the Commission will be kept informed of the entire IPA III progress and will participate in high-level monitoring discussions, thereby endorsing crucial decisions resulting from monitoring. Upon request, the Commission will provide the NIPAC TS with information regarding the implementation of interventions managed under direct management. This information will be used for reporting to SMCs, the IPA MC, and for preparing the Annual Report on the implementation of financial assistance. Through the SMC reports and Annual IPA Report on implementation of financial assistance, the Commission will also monitor the implementation of the Action.

### **5.2. Evaluation**

Having regard to the importance of the Action, a mid-term or final and/or ex-post evaluation may be carried out for this Action or its components via independent consultants contracted by the Commission.

Mid-term evaluation may be carried out for learning purposes, in particular with respect that it contains numerous components pertaining to the accession process and in terms of assessing effectiveness, sustainability, and impact. It will also serve as a basis for revising implementation strategies and activities, if necessary, and for planning potential future activities in the sectors in Serbia under IPA III.

In case a final or ex-post evaluation is envisaged, it will be carried out for accountability and learning purposes at various levels (including for policy revision).



If the Commission decide to carry out evaluations, the Commission shall form a Reference Group (RG) composed by representatives from the main stakeholders at both EU and national (representatives from the government, from civil society organisations (private sector, NGOs, etc.), etc.) levels. If deemed necessary, other donors will be invited to join. The Commission shall inform the implementing partner at least 6 months in advance of the dates envisaged for the evaluation exercise and missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract.

### **5.3. Audit and Verifications**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this Action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

## **6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY**

All entities implementing EU-funded external actions have the contractual obligation to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. To that end they must comply with the instructions given in the 2022 guidance document *Communicating and raising EU visibility: Guidance for external actions* (or any successor document).

This obligation will apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU Member States. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and contribution agreements.

## **7. SUSTAINABILITY**

Sustainability is primarily guaranteed by the fact that activities stem out of the existing national level policies and legislation, and they are defined to support the implementation of the policies. Since rule of law is a multifaceted sector, only the comprehensive support to various stakeholders can ensure sustainability of results, as is envisaged in this Action. By strengthening the capacity of the management structures, engagement with stakeholders and better coordination, a sustainable system able to create, monitor and evaluate rule of law policy will be established. Wide participation of the stakeholders from different branches of government will increase ownership of the results, with Government playing a facilitating and steering role.

Beneficiaries will prioritise sustainability when approving the final outputs and will ensure that the results are maintained beyond the implementation period. The Beneficiaries will confirm their dedication to respecting the objectives and utilising the results for the intended purpose, ensuring that the results persist after the implementation period has concluded. They will make use of the tangible and intangible outputs of the Action for the purposes specified in the contracts and will assess the results using the relevant indicators. Moreover, the Beneficiaries will ensure adherence to sustainability conditions, starting from the provisional acceptance of assets, whereby the use of tangible and intangible assets procured under the Action will be granted permanently. The NIPAC and the Commission will jointly monitor the sustainability of IPA III assistance through Sectoral Monitoring Committees and within the IPA Monitoring Committee.

## Appendix 1: IDENTIFICATION OF THE PRIMARY INTERVENTION LEVEL FOR REPORTING IN OPSYS

A Primary intervention (project/programme) is a coherent set of results structured in a logical framework aiming at delivering development change or progress. Identifying the level of the primary intervention will allow for:

- ✓ Differentiating these Actions or Contracts from those that do not produce direct reportable development results, defined as support entities (i.e. audits, evaluations);
- ✓ Articulating Actions and/or Contracts according to an expected common chain of results and therefore allowing them to ensure a more efficient and aggregated monitoring and reporting of performance;
- ✓ Having a complete and exhaustive mapping of all results-bearing Actions and Contracts.

The present Action identifies as

<b>Group of contracts level:</b> i) series of programme estimates, ii) cases in which an Action Document foresees many foreseen individual legal commitments (for instance four contracts and one of them being a Technical Assistance) and two of them, a technical assistance contract and a contribution agreement, aim at the same objectives and complement each other, iii) follow up contracts that share the same log frame of the original contract)		
<input checked="" type="checkbox"/>	Group of contracts	Indirect Management with UNICEF (or contract) 1 Indirect Management with Council of Europe (or contract) 2 Indirect Management with UNWOMEN (or contract) 3