



## Serbias Judicial System Needs to Address Under-Performance, Says World Bank

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Launch of World Banks "Serbia Judicial Functional Review"  
Serbias judiciary lags behind EU Member States, including the EU11, and those areas that are under-performing need to be addressed, according to the World Banks Serbia Judicial Functional Review, presented today in Belgrade.  
The Review provides a comprehensive assessment of the functioning of the judiciary, and of what is needed to reach EU benchmarks. The Review comes at the start of work under Chapter 23 of the Acquis, and will provide the baseline for future efforts to align the countrys judiciary with EU standards.  
"The timing of the Functional Review is perfect for us in the Chapter 23 process," says Minister of Justice, Nikola Selakovic.  
"Many courts perform well against EU standards, yet others reflect poorly on the rest. So, overall, the picture is mixed," says Klaus Decker, World Bank Senior Public Sector Specialist.  
"The lack of consistency is itself a problem because people expect equal access and uniform application of the law," says Georgia Harley, World Bank Justice Reform Specialist. "In the years ahead, more should be done to address under-performance. Lifting under-performing courts to the current average would bring Serbias performance in line with European jurisdictions."  
The Review highlights that justice can be unaffordable for average Serbians, largely due to high attorney and court fees. In particular, the poor are not well served: legal aid delivery is uneven, court fee waivers are applied inconsistently, and access to legal information in lay formats is limited. According to the World Bank, these problems can deter investment and cause a drag on the business climate. Two-thirds of businesses report that the court system is a great or moderate obstacle to their basic business operations.  
The Review highlights key priorities that would set the Serbian judiciary on a critical path. Introducing a targeted list of key performance indicators can provide a starting point, says the Review. Strengthening management in courts by recognizing and rewarding higher-performing ones, and implementing performance improvement plans for others, could improve performance across the board. The Review also suggests that sites of innovation - where proactive court presidents are getting better results - should be replicated across the country.  
At the same time, a continuous training program for judges, prosecutors, and staff would raise the capacity of people working in the system. Bottlenecks in procedures need to be removed. A backlog reduction program should focus on those cases that are unnecessarily clogging the system. The report also recommends the introduction of a standardized approach to routine aspects of case processing, such as checklists and templates. It also advocates tightening the scheduling of court hearings, including conducting hearings throughout the day and fully utilizing case management software functionality.  
Fortunately, the judiciary is well placed to implement such reforms, according to the Review. Budgetary spending on the judiciary is consistent with EU averages, and there are opportunities to rationalize through productivity and innovation.  
Srdjan Svircev, World Bank Public Sector Specialist says, "For example, Serbian courts receive around 13.8 incoming cases per 100 inhabitants, which is slightly lower than the EU average. Meanwhile, Serbia has nearly double the ratio of judges-to-population than the EU average. Many courts resolve fewer cases than could be reasonably expected, and some judges resolve fewer cases than their colleagues."  
The Review forms the basis for Serbian authorities to develop their Accession Action Plan for Chapter 23 of the EU Accession Process. Svircev adds, "The collaborative process between the Serbian authorities, the European Commission, and the World Bank to deliver this Judicial Functional Review has been exceptional. Serbia is now better informed than any country that has gone before it. For that, we can be proud. Serbia is set on a good track for Chapter 23 that now needs to be continued."  
To access the Serbia Judicial Functional Review report, please visit: <http://www.mdtfjss.org.rs> . The Review was funded by the Multi-Donor Trust Fund for Justice Sector Support in Serbia, which has been established with generous contributions from the EU Delegation in Serbia, the United Kingdom Department for International Development, the Swedish International Development Cooperation Agency, Norway, Denmark, the Netherlands, Slovenia, Spain and Switzerland.  
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