

CHALLENGES IN PERFORMANCE EVALUATION SYSTEM OF PROSECUTORS

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Reform activities

- Judiciary in Serbia is facing significant and comprehensive reform activities since 2001. Many of those activities are connected with EU integration process and fulfilment of EU and CoE standards related to the judiciary.
- Approach, methodology and timeframe of reforms are set in the two five year strategic documents (2006 and 2013).

Efficiency and competence as goals

- Beside independence, both strategic documents contain efficiency and competence as main goals.
- Debate on results of reform activities is still ongoing in public
- One of the issues that is subject of debate is whether evaluation of prosecutors is needed

Models of Evaluation of prosecutors

- Traditionally performance of prosecutors in Serbia were evaluated based on the number of resolved cases
- Influenced by the Venice Commission opinion and professional debate it was concluded that performance evaluation should be based on combination of statistical and qualitative indicators with the prevailing influence of qualitative

Rules for evaluation of prosecutors

- In May 2014 after several years of discussion and working documents State Prosecutorial Council adopted Rules on evaluation
- Rules are piloted in 5 prosecutors offices in order to identify if there are some obstacles in implementation
- Criteria for evaluation are:
 - Promptness when proceeding,
 - Competence and success in work,
 - Professional commitment and cooperation.
- Quality of prosecutors work is evaluated based on number of confirm judgements

Rules for election and promotion

- Draft criteria for election and promotion of prosecutors are in the phase of public discussion
- Open issue is relation between evaluation of prosecutors and hierarchy of prosecutorial organization, especially in relation to obligatory instruction of higher prosecutor

Establishment of Training Centre

- In order to accomplish set goals the Training Centre for continues education was established in late 2001 and initial education was introduced in 2010.
- Prosecutors are members of Management Board and Program Council
- Establishment of Judicial Academy in 2010

Training Center/Academy

- Judicial Training Centre was competent only for continuous education of prosecutors
- In 2010 Law on Judicial Academy amended rules for election of prosecutors and became entry point for prosecution
- Transitional period was not envisaged
- Professional public discussing if Judicial Academy should be single entry point

Mandatory training

- Training and evaluation of prosecutors are linked in the area of mandatory training for prosecutors who are rated as less than satisfactory.

Promotion

- Related to the promotion of prosecutors, professional commitment as criteria for performance evaluation of prosecutors is evaluate based on indicator of professional advancement/training.
- Development of successful training that meets requirement of the judiciary as well as performance evaluation is a long term goal.

System performance evaluation

- Serbia lacks system performance evaluation
- Partial subsidy is evaluation of prosecutors as heads of prosecution offices
- System performance evaluation should be introduced, however challenge will be monocratic system of prosecution
- System performance evaluation will enable better governance and management of prosecutorial system

THANK YOU FOR ATTENTION

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