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External Evaluation
of the Montenegro
“Juvenile Justice System
Reform Project”

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Acknowledgements

Among the many people who contributed personally and professionally to the project evaluation process, the UNICEF Montenegro team merits special recognition for its generous support, consideration, and humor. Particular thanks go to Representative Noala Skinner, Child Protection Officer Nela Krnic, Project Assistant Ana Vukovic, and Project Consultant Marija Manojlovic.
Executive Summary

The European Community (Delegation of the European Union to Montenegro) awarded a EUR 500,000 grant to UNICEF’s “Juvenile Justice System Reform Project,” an 18-month collaboration (October 2008 – April 2010) among UNICEF Montenegro, the Ministry of Justice, and the Ministry of Labor and Social Welfare to improve the national juvenile justice system. The project built upon the foundation of previous work supported by the Swedish International Cooperation Agency (January 2004 – June 2007), and focused broadly on policy and legal reform, professional capacity building, and community-level actions affecting children in conflict with the law. Major activities included the development and extensive public debate of Montenegro’s first draft juvenile justice law; specialized trainings for roughly 250 relevant professionals (judges; prosecutors; correctional/institutional staff; police officers; and social workers); and support and technical assistance for increased use of community-based diversion/alternatives and for improved work methodologies among institutional staff.

The project pursues all three strategies specified in the 2007-2009 UNICEF Country Programme, and is aligned with both components of the 2010-2011 UNICEF Country Programme. On the part of the Government of Montenegro, the 2007 – 2012 Strategy for the Reform of the Judiciary includes several components for Juvenile Justice System Reform. Moreover, this Strategy forms part of the larger reforms that Montenegro is assiduously pursuing toward its potential candidacy for EU accession.

In compliance with EU grant expectations, the project proposal envisaged an external evaluation during the last quarter of the project. In practice, the evaluation will inform discussions among the EU Delegation and project partners on potential future support for further reform efforts. The Project Steering Committee invited the evaluator to share preliminary findings during its final meeting, and discussed the design and support of future project grants in the context of these findings.

The evaluation’s Terms of Reference determined the following specific evaluation objectives:
1. To provide feedback to UNICEF Montenegro office and its national counterparts on the soundness (defined as relevance, effectiveness, efficiency, sustainability) and impact of their approach in the Juvenile Justice System Reform Project in order to:
   a. Reveal good practices and gaps in their approaches;
   b. Evaluate Project Impact following Project Plan, Project Logframe and Description of the Action
2. Based on the experience of Juvenile Justice System Reform Project to extract general lessons learned and recommendations aimed at further enhancement of the juvenile justice system reform.
3. Provide the Delegation of European Union to Montenegro with information on impact of their specific support to Juvenile Justice System in Montenegro.

Evaluation methodology is framed around standard evaluation criteria (relevance, effectiveness, efficiency, impact, sustainability) plus two guiding principles for UNICEF’s work (human rights based approach and results-based management). In light of a limited scope, the project’s
emphasis on government decision-makers, and insufficient time for structured surveys of participating professionals/children, a qualitative methodology was most appropriate.

Research tools included desk review of over 100 documents; 21 semi-structured individual interviews; 13 semi-structured focus groups; and direct observation of 3 main project activities and of 2 institutional facilities. Interviews and focus groups included 53 people across all categories of project participants/beneficiaries, and were prompted with open questions adapted from an evaluation interview protocol. Major methodological limitations included the lack of special consideration for girls and under-represented groups, for which no feasible remediation was found; and potential bias from UNICEF dominance in documentation/translation, for which reasonable controls were effectuated.

**Evaluation conclusions** include the following:

- **Notable Project Successes:** Although the project did not accomplish its most visible objective of a new juvenile justice law, it has achieved a model democratic drafting process, a draft law that should conform to all relevant international standards, and the strong probability of the law’s passage in the coming months. At the same time, it appears to have produced important short- and medium-term results for juvenile justice professionals: improvement in the quality of preventive services offered; updated professional practice methodologies of Ljubovic Centre staff; and greater awareness and practical knowledge on children’s rights and the use of diversion/alternatives. These results do not present likely long-term impacts in and of themselves, but potential carry-over exists if the draft law is promptly passed and extensive efforts towards full implementation are undertaken.

- **Relevance, Ownership, and Stakeholders:** EU membership is the overriding goal for the Government of Montenegro, and related government policies and priorities ascend accordingly in importance. The MOJ Judicial Reform Strategy serves as a direct bridge between juvenile justice reform and potential EU membership, and assured MOJ commitment. Similarly, some of the most visible project champions are in the justice sector: the MOJ Deputy Minister, the President of the Supreme Court, the Supreme State Prosecutor, etc. Such a bridge does not currently exist for the MOLSW, and without it or a substitute mechanism, the MOLSW risks lagging behind rather than boldly embracing its central role in the future juvenile justice system.

At the community level, the project didn’t fully engage the complete range of relevant stakeholders, especially parents, teachers, and police officers. Some of the most effective delinquency prevention programs are conducted in schools by teachers, and reinforced at home by parents. Police officers demonstrated an intimate knowledge of Montenegro juvenile justice dynamics that was not reflected in national statistics or reports. Moreover, these stakeholders are a core constituency and source of advocacy for juvenile justice reform.

- **Children’s Participation:** One of the most resounding project successes was the theatrical play “On the good and the bad road in life,” created and presented by children placed at the Ljubovic Centre. The play drew over 800 spectators, brought many of them to tears, empowered children with dignity and respect, breathed inspiring new life into a tired institution, and humanized with immediacy why the partners are pursuing juvenile justice reform. Most activities fell well below this model activity, and children’s views did not significantly inform the project overall or the few other activities that immediately affected
children in conflict with the law. There was no special consideration for girls or refugee, displaced, Roma, Ashkaelia, or Egyptian children.

- **Efficient Project Implementation:** Despite limited human resources of the project staff and key partners, implementation was efficient and generally followed the ambitious project design. Divergences from the project design were managed transparently and in consultation with all key partners, and usually represented effective choices given changing conditions. Certain lapses in follow-up or program redirection appear fundamentally due to a project workload that exceeded staff and partners’ capacity.

- **Data and Indicators:** Data collection, reporting, and analysis are problematic in Montenegro, with repercussions for the project and measurement of its achievements. Decision-makers cannot gain from currently-available data any comprehensive understanding of juvenile justice dynamics or insights into its realities for children, and the same challenges are linked to project weaknesses in child and stakeholder participation. The project would have benefited from stronger national data-related capacities (which the project fully assessed) and higher-quality and more meaningful indicators.

The **8 evaluation recommendations** are the following:

1. **Passage of the Juvenile Justice Law.** Project partners should consider some linkage between the juvenile justice law’s entry into force and discussions on future project phases. The approved law should be translated and should undergo independent technical legal review to ensure full compatibility with all relevant regional and international standards.

2. **The MOLSW’s Role.** Project partners and other stakeholders should engage with the MOLSW for a richer common understanding of the essential links among potential EU membership, children’s rights, and the MOLSW’s institutional priorities. Ideally, the MOLSW’s vision, strategy, and responsibilities would incorporate these links; regardless, some relevant internalized mechanism is necessary to ensure that the MOLSW fully embraces its central role in juvenile justice.

3. **Other Partners and Stakeholders.** Future efforts should feature the formal high-level participation of the Ministry of Education and Science and the direct participation and involvement of teachers. Likewise, law enforcement officials, sector- and community-level officers, and juvenile specialist investigators must be deeply involved in future planning and implementation. Parents, especially parents of children in conflict with the law, should be included directly in project activities to the greatest extent possible.

4. **Children as Key Stakeholders.** Project partners should ensure children’s active and meaningful participation in all relevant future activities, including substantive consideration of children’s views in formulating future project proposals. As necessary, child participation should draw upon UNICEF’s relevant global expertise, and future activities should replicate and expand upon the success of the theatrical play “On the good and on the bad road in life” as a priority. Children in institutions should enjoy an array of similarly stimulating activities that help reintegrate them successfully into their communities, and their rights and perspectives on living conditions require greater attention. Project partners should consider and address the situation of girls and refugee, displaced, Roma, Ashkaelia, and Egyptian children.
5. **Embracing a Bolder Vision.** As current project results are solidified and partners/stakeholders are further engaged (i.e., Recommendations 1-4), project partners should reflect creatively and boldly about their vision for children in Montenegro. Montenegro’s unique circumstances – such as sweeping momentum towards EU membership, exemplary high-level political support, enthusiastic donor interest, full UNICEF investment, and sound project successes – present exceptionally rare strategic opportunities that should be seized, and that could be leveraged to build a model culture for children’s rights. Juvenile justice reform could play a leading role, and should be seamlessly intertwined with universal violence prevention programs, comprehensive social welfare sector reform and long-term capacity-building, and other initiatives. Future efforts should aspire to have a decidedly expanded scope and time frame.

6. **Focus on Law Implementation.** Under that bold vision (Recommendation 5), future objectives should focus on full implementation of the new juvenile justice law, including through the prompt development and introduction of secondary legislation (implementation guidelines). Evaluation sources suggested almost unanimously that law implementation is a greater and more difficult challenge than law creation. Despite the extremely ambitious project activities to date, future efforts toward implementation must be even greater. These should expand upon project successes, especially value-added deliberative processes, specialized professional trainings, and intensive expert technical assistance. Project shortcomings require concrete solutions to blockages, particularly to the actual use of diversion and alternatives.

7. **Expanded Project Capacity.** Despite limited human resource capacities of the project staff and key partners, the project demonstrated notable efficiency and transparency in executing an ambitious, complex project. Recommendations 5-6 above imply a realistic expansion of those capacities, in core project staff and support, and in contributions to long-term ministerial capacity. In this sense, project partners may consider the expertise gained through UNDP Montenegro’s major outcome area of “capacity development for public management.”

8. **Data, Indicators, and Monitoring.** As detailed in a project-supported analysis, data collection and reporting capacities pose deep challenges that require significant attention and collaborative solutions. Ideally, future project activities should fully incorporate the UNICEF/UNODC Juvenile Justice Indicators into those solutions, and to the practical extent possible, they should feature the same indicators as the basis for measuring project results.\(^1\) Related to the current inadequacy of formal data/statistics, project activities should expand NGO and Ombudsman Office capacities for alternative data gathering and monitoring. In particular, the Ombudsman’s Office must have guaranteed, unfettered access to all places of deprivation of liberty at all times, and should possess updated information at all times on the number and status of children deprived of their liberty.

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List of Acronyms

CEDEM  NGO Centre for Democracy and Human Rights
COE    Council of Europe
CRC    Convention on the Rights of the Child
CSW    Centres for Social Work
DSA    daily subsistence allowance
EAR    European Agency for Reconstruction
EC     European Commission
EU     European Union
HRBA   Human Rights Based Approach
IPA    instrument for pre-accession assistance
JJ     juvenile justice
MOJ    Ministry of Justice
MOLSW  Ministry of Labour and Social Welfare
NGO    Non-governmental Organization
OECD/DAC Organisation for Economic Co-operation and Development/Development Assistance Committee
RBM    Results Based Management
SIDA   Swedish International Cooperation Agency
TA     technical assistance
UN     United Nations
UNDP   United Nations Development Programme
UNEG   United Nations Evaluation Group
UNICEF United Nations Children’s Fund
UNODC  United Nations Office on Drugs and Crime
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1. The Project

The European Community, represented by the Delegation of the European Union to Montenegro, contributed EUR 500,000 to UNICEF in support of the “Juvenile Justice System Reform Project.” The Government of Montenegro Ministries of Justice and of Labor and Social Welfare collaborated closely with UNICEF on the 18-month project (October 2008 – April 2010), which focused broadly on policy and legal reform, professional capacity building, and community-level actions affecting children in conflict with the law. This section highlights the project background, objectives, and activities.

1.1 Background

Montenegro is a small country in the Western Balkans (see Annex III) that experienced years of socio-economic stagnancy due to war, political turmoil, and economic isolation that affected the broader region since the 1990s. Following its independence in 2006, Montenegro enjoyed rapid economic growth and cemented its place as an upper-middle-income country. From 2006 to 2008, poverty rates declined from 11.3% to 4.9% among the total estimated population of 628,804. However, children comprise approximately one quarter of the population, and are significantly more likely than average to live in poverty.

Montenegro applied for membership of the European Union in December 2008, and its potential candidacy for EU accession is the dominating economic and political priority of the country. Among the many associated political, institutional, and legislation reforms that Montenegro is pursuing, the Government approved and is implementing its 2007 – 2012 Strategy for the Reform of the Judiciary. This strategy includes several components for Juvenile Justice System Reform.

Juvenile justice in Montenegro is currently regulated under dedicated provisions within adult criminal justice legislation, which is applied in adult criminal courts by non-specialized judges. Children younger than 14 years of age do not fall under the purview of juvenile justice, as they are only subject to social welfare and child protection legislation and responses. Children from 14 years to less than 18 years are subject to criminal law, and there are important differences in the types and severity of measures that may be imposed upon children younger or older than 16. Most importantly, only those 16 and older may be sentenced to periods of imprisonment, which in practice are served in the juvenile wing of the Institute for the Execution of Criminal Sanctions in Spuž (near Podgorica). Eight children faced such sentences during 2008, but just one in 2009. Children may also face pre-trial detention in Spuž, although outside of the juvenile wing, as well as police custody following arrest. The only child-specific institution is a semi-open facility serving both children in conflict with the law and children in need of protection: the Centre for Children and Youth “Ljubovic” in Podgorica. Children placed at Ljubovic may be refused permission to leave their rooms or the premises at the staff’s discretion.

Data and statistics on juvenile justice are incomplete and often contradictory, but there are now roughly 200-400 formal juvenile cases considered in the courts per year depending on the

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3 UNICEF Montenegro, Situation Analysis, 2010 draft.
information source. The vast majority of these related to “property” and “life and body” crimes, and result in non-custodial measures or supervision orders. Figure 1 below illustrates the upward climb to this caseload in recent years, based on one relevant measure.

**Figure 1.1: Number of Juveniles Formally Charged in Court, 2001-2008**

![Graph showing the number of juveniles formally charged in court from 2001 to 2008.](image)

Although the absolute numbers of children in the formal justice system are not high, assessments since 2002 found all aspects of the juvenile justice system to require a complete overhaul. In brief, legislation and policy were inconsistent with regional and international standards; professionals dealing with children in the justice system had little or no specialized training about children; conditions of confinement in institutions were unacceptable; diversion measures and alternatives to detention were not available in practice; and there were effectively no systems for monitoring, accountability, or redress.

UNICEF Montenegro had worked towards juvenile justice reform in the years leading up to Montenegro’s independence. Most importantly, the Swedish International Cooperation Agency (SIDA) supported system reform in Serbia and Montenegro from January 2004 to June 2007. Although juvenile justice challenges were considerable at the project outset, they were simply not a political or social priority at the time. Through the course of the SIDA-funded activities – such as professional capacity-building and the development of regulations for the implementation of diversion measures – political leadership and commitment grew in support of juvenile justice reform. For example, as noted above, juvenile justice reform became part of the national Strategy for the Reform of the Judiciary.

With this growing base and momentum for reform, UNICEF began discussions in January 2007 with the European Agency for Reconstruction (EAR) on potential support for further juvenile

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justice reform programs. The phasing out of EAR, and transfer of responsibilities to the new Delegation of the European Union to Montenegro, carried these discussions through September 2008. The European Union Delegation and UNICEF signed the project agreement for “Juvenile Justice System Reform” on 8 October 2008, and promptly began project implementation.

1.2 Project Objectives
As specified in the project logical framework (see Annex VI), the overall objective of the project is “Montenegro Juvenile Justice system improved as a part of broader initiative of judiciary reform of Montenegro.”

The following three specific objectives, with corresponding expected results italicized in parentheses, are intended to contribute to the achievement of the overall objective:

⇒ **Specific Objective 1**: To improve the treatment of children in conflict with law *(Juvenile Justice Policy and Legislative Framework harmonized with internationally recognized standards of protection of the rights of children in conflict with law)*

⇒ **Specific Objective 2**: Increase the number of families and children at risk benefiting from preventive programmes *(The capacities for prevention of juvenile delinquency and implementation of Juvenile Justice Code and existing alternatives to criminal prosecution and institutionalization of children strengthened)*

⇒ **Specific Objective 3**: Increase the availability of community-based alternatives for children in conflict with law *(Community based programmes for children in conflict with law with range of alternatives introduced and piloted, preventive programmes of work with children and families at risk improved and children placed in semi open and closed facilities entitled to improved child rights-based rehabilitation programmes)*

The project pursues all three strategies specified in the 2007-2009 UNICEF Country Programme (support the Government and institutions in strengthening the legal framework for children at the central level; strengthen capacities and improve both quality and access to primary services at the service level; and empower families, especially children, as rights holders at the community level). Likewise, it is aligned with both components of the 2010-2011 UNICEF Country Programme (child protection and social inclusion; and child rights, policies and planning). The project has been approved as part of UNICEF Annual Work Plans (2008, 2009, 2010-2011), and signed with various government ministries that agreed to work jointly towards the implementation of juvenile justice reform.

1.3 Planned Activities
The project envisaged a rather broad range of activities designed to collectively produce each of the three expected results noted above in italics. The following reproduces those expected results and summarizes the respective activities intended to achieve them:

⇒ **Expected Result 1**: Juvenile Justice Policy and Legislative Framework harmonized with internationally recognized standards of protection of the rights of children in conflict with law:

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5 Montenegro does not have a United Nations Development Assistance Framework (UNDAF).
• Assessment of the national juvenile justice system and preparation of adequate Strategy for system support
• National Conference to present the research findings and overall framework of the expected reform
• Preparation of a comprehensive Juvenile Justice Code
• Development of Guidelines on the practical application of alternative measures to juvenile imprisonment/secondary legislation
• Organization of several Round tables in favour of development and presentation of Juvenile Justice Code
• Publication of materials on the new Juvenile Justice Code and alternative measures
• Strengthen the capacities of the Ombudsman Office of Montenegro to monitor level of observance of the rights of children in conflict with law
• Improvement of the Data Collection System

**Expected Result 2:** The capacities for prevention of juvenile delinquency and implementation of Juvenile Justice Code and existing alternatives to criminal prosecution and institutionalization of children strengthened:
• Organization of specialized education on the Family Counselling and development of programmes for prevention of juvenile delinquency
• Capacity building of professionals for the implementation of alternatives to criminal prosecution, institutionalization and imprisonment of children

**Expected Result 3:** Community based programmes for children in conflict with law with range of alternatives introduced and piloted, preventive programmes of work with children and families at risk improved and children placed in semi open and closed facilities entitled to improved child rights-based rehabilitation programmes:
• Provision of the assistance for development of child rights-based programme and improvement of treatment and living conditions for juveniles in conflict with law placed in open and closed facilities
• Provision of financial assistance for purchase of essential furniture and equipment for ensuring adequate living conditions of children who reside in the Centre for Children and Youth Ljubovic
• Support for development of Community based programmes for children in conflict with law/Promotion of the Institute of Mediation
• Engagement of a Technical expert for facilitating implementation of Community Based Work for Juveniles including provision of the technical expertise to Probation Service of Montenegro

1.4 **Role of UNICEF and other Stakeholders**
The project’s proposed budget offers a useful starting point to stakeholders’ roles, beginning with that of the EU. As background context, the EU provided financial aid to the project under the first (2007) instrument for pre-accession assistance (IPA) to Montenegro, which allocated a total of approximately €31.4 million. Of this total, the EU allocated €500 thousand to the 18-
month Juvenile Justice System Reform Project, representing roughly 1.6% of the 2007 IPA, 25% of the 2007 IPA dedicated to Justice Reform, and 91% of the project’s total cost. The Delegation of the European Union to Montenegro held a seat as Member of the Project Steering Committee, attended all meetings (except one due to illness), followed project developments closely, provided feedback and input on significant project decisions, and attended several key project events.

UNICEF was the formal Applicant for EU funding and allocated €50 thousand of its own resources to fund the remaining 9% of the project’s total cost over 18 months. On a yearly basis, this amount represents approximately 10% of UNICEF Montenegro’s average “regular resources” budget from 2008-2010. UNICEF Montenegro Representative Noala Skinner served as co-chair of the Project Steering Committee, while three additional UNICEF representatives were Steering Committee Members (Child Protection Officer Ms. Nela Krnic, Juvenile Justice Project Assistant Ms. Ana Vukovic, and Juvenile Justice Consultant Ms. Marija Manojlovic) and also managed overall project implementation. In accordance with formal agreements between the EU and the UN, UNICEF handled all grant documentation requirements; financial management; recruiting, bidding, and contracting of services and goods; and contributed extensive technical guidance and assistance. UNICEF also covered from its own resources the only significant extra-budget activity: participation of two stakeholders in the “Implementing Alternative Measures in Penal Cases” Forum in Albania in February 2009.

In specific terms of the EU grant, the MOJ and the MOLSW were Associates participating in the project. MOJ Deputy Minister Lakocevic was co-chair of the Project Steering Committee, and MOLSW Deputy Minister Mijuskovic was a Steering Committee Member. Both participated closely in project developments and decisions, and led and facilitated the commitment of both ministries’ professional staff time to project technical work, trainings, discussions, and events. This commitment was significant given the size of the respective ministry staffs (32 under MOJ, 209 under MOLSW). The ministries also assisted in the organization and coordination of many project events.

Among the many other stakeholders, none held formal roles in key project decision-making, yet most contributed substantially in terms of time dedicated to project activities, broad leadership and advocacy in support of project activities, and technical input into work products. Among others, from the government these include the Supreme Court President, Judicial Training Centre, and national judges; the Office of the Protector of Human Rights and Freedoms; the Supreme State Prosecutor and national prosecutors; the MOLSW Centres for Social Work and Ljubovic Centre directors and staff; the Municipality of Bijelo Polje Centre for Children and Family Support; the Institute for the Execution of Criminal Sanctions (Spuž) director and staff; the Centre for Mediation in Podgorica and its Branch Office in Bijelo Polje; and the Directorate of Police. These bodies also generally benefited from the project activities, for example through professional training, capacity building, on-site technical assistance, etc.

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8 This rough estimate averages the regular resources budget for 2008, 2009, and 2010-2011 (divided by two), and converts UNICEF’s U.S. dollar budget to Euros with the historic exchange rate at the project mid-point in July 2009.
9 Financial and Administrative Framework Agreement between the European Community, represented by the Commission of the European Communities and the United Nations. General Conditions applicable to European Community contribution agreements with international organisations.
10 The Centre is financed by the Government, Central Bank, donors, and the Association of Mediators.
Children contributed to the project in terms of their participation in the theatrical play “On the good and on the bad road in life,” and in various research focus groups and interviews conducted for the project.

Civil society organizations played a critical role in executing various activities under contract with the project, including research, technical assistance, training, general support, and programmatic work with children. These include the NGO Centre for Democracy and Human Rights (CEDEM); the NGO Child Rights Centre; and the NGO Proscenium. As noted previously, the project also contracted a wide range of individual national and international experts and consultants to assist in various related facets.

The Council of Europe participated in the project through the submission of legal expertise on the draft Juvenile Justice Law, attendance and participation in several project events, and general leadership on the project’s relevance to commitments undertaken upon Montenegro’s COE membership.
2. The Evaluation

2.1 Purpose and Context
The original project proposal stipulated and budgeted funding for an external evaluation to be organized in the last quarter of the project in consultation with the Project Steering Committee. The purpose is to meet the expectation, which accompanies EU financial support, to independently evaluate project performance. Informally, the evaluation will inform discussions among the European Union Delegation to Montenegro, UNICEF Montenegro, the MOJ, and the MOLSW on potential future support for juvenile justice system reform work. The final two Project Steering Committee meetings began such talks, and noted the expectation that this evaluation will be an important consideration for the design and support of future activities.

2.2 Objectives and Scope
As stipulated in the evaluation Terms of Reference (see Annex VII), the specific objectives of the evaluation are the following:

4. To provide feedback to UNICEF Montenegro office and its national counterparts on the soundness (defined as relevance, effectiveness, efficiency, sustainability) and impact of their approach in the Juvenile Justice System Reform Project in order to:
   a. Reveal good practices and gaps in their approaches;
   b. Evaluate Project Impact following Project Plan, Project Logframe and Description of the Action

5. Based on the experience of Juvenile Justice System Reform Project to extract general lessons learned and recommendations aimed at further enhancement of the juvenile justice system reform.

6. Provide the Delegation of European Union to Montenegro with information on impact of their specific support to Juvenile Justice System in Montenegro.

These objectives were defined before the project evaluator’s involvement, and while they are reasonably specific, achievable, and relevant, they present some measurability challenges and are not time-bound. They do not foresee the completion of cost analysis, although some relevant considerations are presented in the Findings on Efficiency. The evaluation objectives appeared to be sufficiently clear and satisfactory to all stakeholders and evaluation participants, particularly given the context of the evaluation’s scope. The intended evaluation scope comprised 20 work days: 5 days for desk review; 10 days for an evaluation mission trip in-country; and 5 days for analysis and evaluation report preparation. This scope envisaged a comprehensive examination across major stakeholders and activities nationwide, to the depth possible within a limited time frame. Time pressures due to the project’s approaching end date compressed the evaluation schedule, precluded reframing the evaluation objectives, and conditioned the methodology as described in the following section.\footnote{The evaluation commenced 31 March 2010, travel to Montenegro took place 4-5 April, in-country work days spanned 6-15 April (including 2 weekend days without scheduled consultations), and return travel was scheduled for 16 April, with the final evaluation report due 22 April.}
2.3 Methodology, Stakeholders’ Participation, and Limitations

Evaluation methodology is based upon the evaluation’s specific objectives noted above, with due consideration for the evaluation’s scope, and is explicitly framed around OECD/DAC evaluation criteria (relevance, effectiveness, efficiency, impact, sustainability) plus two general guiding principles for UNICEF’s work (human rights based approach and results-based management). Specifically, interviews and focus groups were driven by these criteria as described below, and this evaluation report’s findings are structured around the same criteria. The UN Interagency Panel on Juvenile Justice is in the preliminary stages of developing Juvenile Justice Evaluation Guidelines, which will become the first broad international standards as such, but these were not finalized yet for use in determining evaluation methodology/criteria or project performance standards and benchmarks.

The data collection and analysis has been essentially qualitative due to several factors. First, many activities focused on national legal and policy reform, largely targeting government decision makers whose feedback is most amenable to qualitative interviews. Second, the evaluation scope and timeframe did not allow for structured surveys/questionnaires (design, translation, distribution, collection, analysis) that would have provided scientifically relevant quantitative data on professional capacity-building activities. Finally, few children were significantly involved in the project activities, and many of them had left the Ljubovic Centre by the time of evaluation, which effectively precluded quantitative approaches to children’s views.

As such, the evaluation methodology was based on the research tools of desk review, interviews, focus groups, and direct observation of project activities. The desk review considered well over 100 documents relevant to the project, most of which were shared by UNICEF or independently-researched (See Annex V). Overall, documents spanned the following major categories: original project proposal materials and mid-term reports to the EC (including financial reports); other EC documents and national progress reports; Project Steering Committee agendas, minutes, and Action Lists; most Terms of Reference issued to contract services under the project; most print work products generated under the project (certain law drafts, technical reviews, assessments, implementation plans, brochures, training programmes and manuals, etc.); implementing partners’ reports on their activities (workshops, focus groups, technical assistance, etc.); official government documents, reports, and legislation; UNICEF Montenegro annual reports, work plans, country programmes, etc.; selected confidential reports and e-mail communications shared by UNICEF, providing history on human rights developments in Montenegro as well as project development; and documents relating to UN and COE human rights bodies’ consideration of Montenegro. In addition, some project consultants’ final reports on the trainings/workshops they conducted included results of workshop evaluation surveys, and UNICEF shared partial evaluation survey results from one judges’ training workshop.

In order to gather the largest possible range of opinions on the project’s process and outcomes, 21 semi-structured individual interviews were conducted with project stakeholders in Podgorica, Niksic, Bijelo Polje, and by telephone (see Annex II). Interviewees included EC and COE officials; government officials and program managers; UNICEF staff; project expert

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consultants; and representatives of NGOs contracted under the project. Their views represented a broad array of stakeholder perspectives and roles, including as donor; interested party with minimal project involvement; project decision-maker; key implementer; direct beneficiary of project activities; contributing technical expert (both independent and fully-immersed in project); and implementing partner. Questions were adapted to various contexts from the interview protocol (see Annex IV), were posed as open questions to foster free expression of opinions, and sought to determine respective experiences and views on project relevance, efficiency, effectiveness, impact, sustainability, integration of human rights, and results based management.

Thirteen **semi-structured focus groups** were conducted to collect stakeholder viewpoints with greater breadth and depth. Comprising a total of 37 individuals (some participating in more than one focus group), these were held with direct beneficiaries and stakeholders, including UNICEF staff; NGO implementing partners; juvenile justice institution directors and/or staff; children in conflict with the law placed at the Ljubovic Centre; and various professional groups who received training, technical assistance, and/or participated in public discussions (prosecutors, institution pedagogical staff; social workers; police officers; judges). The focus group with children included the perspectives of three children who had participated in the theatrical play “On the good and on the bad road in life,” and of two children who knew about the play but did not participate. For other focus groups, the evaluation mission trip’s time pressures forced prioritization on professionals who benefited from and participated in project activities, and it was not possible to contrast their views with those of non-participating professionals. Prompted liberally from the interview protocol described above, focus group sessions sought to determine salient project effects across different contexts through observation of small group discussions. Questions were simple and invited participants to exchange their views with limited evaluator interference, facilitating a stronger understanding of participants’ unconditioned perspectives.

In particular, the variety and extent of interviews and focus groups reflects the evaluation process’s core attention on key stakeholders’ individual and collective involvement in project appraisal. A total of 53 people participated in interviews and focus groups, which is a statistically significant sampling of the total estimated direct participants/beneficiaries of various project activities (17% of 310 total). Moreover, these methods ensured consideration of all groups and stakeholders affected by the project.

**Direct observation** was possible for three main project activities: via DVD recording, the premiere in December 2009 of the theatrical play “On the good and on the bad road in life”; the working lunch with judges and prosecutors in Bijelo Polje during the evaluation mission trip, hosted by MOJ Deputy Minister Ms. Lakocevic; and the final Project Steering Committee meeting in Podgorica, also held during the evaluation mission trip. These were important occasions to verify first-hand the nature and quality of child participation, project leadership and management, and engagement with and ownership of relevant professionals in the field. In addition, focus groups that were conducted at the Ljubovic Centre and the Institute for the Execution of Criminal Sanctions in Spuž permitted cursory site inspections of residential areas intended for children (but not short-term detention areas in Spuž).

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13 Upon request of the Delegation of the European Union to Montenegro, the project evaluator also participated in this meeting by way of a brief oral presentation on preliminary evaluation findings.
This evaluation methodology suffers from a number of important limitations. As suggested above, the absence of quantitative data was unfortunate but unavoidable for evaluation purposes. Issues of gender and under-represented groups are problematic for several reasons. Evaluation methods to fully account for the status, views, and impact for girls and under-represented groups were not feasible due to the absence of disaggregated data, the limited time for in-country evaluation, and the negligible emphasis on such groups in project activities. The only relevant evaluation consideration was one teenage girl’s participation in the Ljubovic Centre focus group, which was obviously insufficient to address gender and under-represented groups, but appeared to be the only viable approach given these constraints.

The reliance upon UNICEF to provide project documentation and translation services opened the potential for evaluation bias. UNICEF took the initiative to supply the evaluator with extensive project documentation from the outset, provided access to internal and confidential documents and e-mail communications, and shared numerous English translations of Montenegrin-language documents and reports. Due to the limited availability of translation services and logistical difficulties, UNICEF project staff translated for 5 of 21 interviews and 8 of 12 focus groups. Given that no other stakeholder was in the position to transmit such voluminous information, numerous steps were undertaken to control for the potential dominance of UNICEF as an information source.

Importantly, UNICEF appeared at all times to provide information subject only to actual availability, and there was no indication whatsoever of selectivity in sharing documents/translations that would favor UNICEF’s image or role. The evaluator repeatedly made specific follow-up requests for detailed documentation to ensure a balanced perspective, and UNICEF consistently and promptly met these requests. Similarly, the evaluator proposed a broader range of interviews and focus groups than UNICEF had initially anticipated. UNICEF dedicated exceptional efforts to facilitate all such meetings, and as suggested above, a notable representative sample of stakeholders’ views was collected. In terms of interview and focus groups translations, interviewees and focus group participants frequently had some knowledge of English, and affirmed the accuracy of translations through gestures and emphasis on key points. Ultimately, the evaluator was able to contrast multiple independent information sources with regard to virtually all project activities.

As a final measure of stakeholder participation and to ensure inclusion of all major viewpoints, Annex 1 is independently dedicated to UNICEF’s and Key Partners’ Comments on the Project Evaluation, which UNICEF should coordinate and insert into this document following submission of the final evaluation report.

2.4 Ethical Considerations

The evaluation was designed and conducted in light of the UNEG Ethical Guidelines for Evaluation and the UNICEF Technical Note on Children Participating in Research, Monitoring and Evaluation. In relation to adult participants, a number of pertinent considerations and

measures were pursued. UNICEF made all logistical arrangements for interviews, focus groups, and direct observation activities, and it was clear to all subjects (and the evaluator) that their participation was voluntary. All participants knew or were advised of the context and purpose of the evaluation, as well as the privacy and confidentiality of discussions, and were given the evaluator’s name and contact information for any concerns or follow-up. No negative impacts were foreseen for any participant.

With regard to the five participants in the children’s focus group, further safeguards were discussed and decided upon in advance by the evaluator and UNICEF Child Protection Officer. Based on reports and UNICEF’s working knowledge of the Ljubovic Centre and staff, there did not appear to be any particular risks or expected cost or harm to children for participation. Before the evaluator’s visit, UNICEF informally contacted the Ljubovic Centre Director, who assured that children would be free to participate. Upon the evaluator’s visit to the Centre’s wing where children in conflict with the law reside, all children who were not away at school were informed of the visit and invited to participate. Initially, one Centre staff member did not realize that the intention was to speak with children alone, and once this was explained to him, he apologized and promptly left the room and closed the door. The UNICEF Project Assistant knew several of the children well, translated for the focus group, and helped couch questions in child-friendly and culturally-accessible language. The children were explained the focus group’s purpose; its privacy and confidentiality; exceptions to confidentiality in case of risk of harm; children’s prerogative to participate (all expressed understanding and decided to stay); and how to contact the evaluator after the fact (all children had telephone access, and were given in print the UNICEF Project Assistant’s direct telephone number). The evaluator also explained to the children that UNICEF had agreed to provide feedback to them after the evaluation’s completion.

The only potential ethical concerns involved UNICEF’s role in arranging evaluation activities (i.e., perceived coercion to participate) and in providing oral translation for several interviews and focus groups (i.e., perceived pressure to condition responses, potentially negative repercussions to candid participation, threats to privacy and confidentiality). UNICEF staff who translated these sessions agreed to maintain the privacy and confidentiality of discussions, and all participants appeared very comfortable when this was explained to them. Participants did not appear to self-censor their remarks due to UNICEF’s role, as many were obviously forthright in their remarks and observations. There were no indications at any point in the evaluation that UNICEF’s role as such posed difficulties or possibly negative effects for any participant.

Finally, the evaluator raised a related issue with the UNICEF Child Protection Officer before the commencement of evaluation interviews and focus groups. Although the evaluation Terms of Reference include as a required deliverable “summary transcripts of interviews and meetings with key partners,” it was agreed that the submission of such transcripts would be inappropriate and that this deliverable would be disregarded.
3. Findings

3.1 Relevance

<table>
<thead>
<tr>
<th>KEY FINDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project was fully relevant to UNICEF’s and other partners’ priorities and policies.</td>
</tr>
<tr>
<td>The project is closely aligned to commitments and priorities of the Government of Montenegro, and the strong relevance and linkages to potential EU membership and the MOJ Judicial Reform Strategy are fundamental.</td>
</tr>
<tr>
<td>The project is extremely relevant to the current status of juvenile justice in terms of legal, political, institutional, and human resources aspects, and also builds upon past successes and reflects strengths of current knowledge.</td>
</tr>
<tr>
<td>Limitations in the current knowledge base (e.g., lack of comprehensive and disaggregated data) appear to have hindered the possibility of fully tailoring the project to the day-to-day realities and dynamics for children in conflict with the law.</td>
</tr>
<tr>
<td>In practice, project stakeholders did not include the complete range of relevant juvenile justice stakeholders. The project did not fully engage children, parents, police officers, or teachers.</td>
</tr>
<tr>
<td>Despite relevance to broad government commitments, there was no direct mechanism underscoring project relevance to ministerial priorities and EU membership for the MOLSW, as in the case of the MOJ.</td>
</tr>
</tbody>
</table>

The evaluation examines project relevance in the following three senses:

- Relevance to the actual status of juvenile justice in Montenegro and its realities for children in conflict with the law
- Relevance to the Government of Montenegro’s commitments, policies, and priorities
- Relevance to UNICEF’s and other partners’ priorities and policies

Relevance to the actual status of juvenile justice in Montenegro and its realities for children in conflict with the law

The project is generally relevant to the actual status of juvenile justice and children in conflict with the law in Montenegro, although this characterization requires some qualification. Current government data on juvenile justice is problematic in numerous respects – incomplete, inconsistent, poorly reported, etc. – and does not contribute meaningfully to informed policy planning or decision-making. As such, the conventional wisdom in Montenegro is based on an anecdotal-like understanding of juvenile justice dynamics, for example a nearly word-of-mouth reporting of and access to critical current data. Conventional wisdom maintains that juvenile justice is not the most pressing challenge for children or for the criminal justice system in Montenegro. The belief is that juvenile delinquency is generally growing in the number and seriousness of juvenile crimes, and that children are committing crimes at younger ages, but that neighboring countries have altogether more difficult problems. While some of these assumptions appear convincing, the nearly total absence of empirical basis is troublesome. Given Montenegro’s small population, disaggregated and per capita statistics could easily

15 For example, key institutions (courts, police, places where children are detained short-term, places to which children are committed by court order, etc.) do not publicly report up-to-the-minute information, if at all. Apparently, the only method to gain such information is through phone calls or personal visits to relevant officials at both national and local levels, who may report it informally at their own discretion depending subjectively upon personal relationships and other factors.
discredit the conventional wisdom especially in areas such as comparative juvenile crime rates, juvenile arrest rates, and disproportionate impact upon children of minority groups.

UNICEF has taken important steps both in the past and as part of project activities to increase the relevant knowledge base, yet these efforts do not and probably cannot substitute for proper government data collection. Consequently, the project could only offer limited justification in terms of the relevance to the numbers, outcomes, or day-to-day reality for children in conflict with the law. In this sense, the project tacitly accepts the conventional wisdom on juvenile justice, and risks the same errors in judgment. Likewise, as discussed in greater detail in Findings on the Human Rights Based Approach, the project’s focus on actual services for children did not fully square with the requirements of children as rights-holders. Parents also played a minor role in the project, when ideally they would have played a more visible stakeholder role.

The relevance of the range of project stakeholders to juvenile justice realities may have been negatively conditioned in other ways. The limited avenues to comprehensively understand juvenile justice dynamics in Montenegro may have led to the near omission of at least two critical perspectives on the realities of children in conflict with the law: teachers and police officers. Teachers and professionals with pedagogical training under the MOLSW (e.g., CSWs and the Ljubovic Centre) were appropriately included in numerous project activities, but there was no significant engagement with typical school teachers under the Ministry of Education and Science. Thirty-one officers attended the five-day specialized training for police conducted under the project, but officers reported not knowing about the draft Juvenile Justice Law or broader project activities until that time, and reported not being invited to participate in public discussions contributing to the law’s development. Some police officers did participate in and follow major project activities, and the project welcomed the Police Directorate’s participation at a formal level, but the extent of the police’s engagement was limited in practice.

These two professions are critical to lasting juvenile justice reform, and the absence of their collaboration was a missed opportunity to harness greater knowledge and energy for reform. For example, one of the project’s expert trainers reported that the police officers were the most active participants among professional groups she had trained. Another expert trainer noted that the officers were surprising for their motivation to think, question, and change attitudes, and that officers clearly appreciated the opportunity to express their related views. In the evaluation focus group, a juvenile specialist officer estimated handling at least one new juvenile case per day; two police officer sector chiefs noted their school visits several times per week to address student fights and problem behaviors with teachers and parents; and officers affirmed that community-level officers knew every student in their area schools. Some of the most effective

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16 For example, past efforts include an internal 2002 legal review of the juvenile justice system, situation analyses and annual reports that consider juvenile justice, and general monitoring of juvenile justice developments.

17 See Juvenile Justice System Reform Grant Application Form, “Relevance of the action.”

18 Focus Group 12.

19 Project staff invited the Director of the Police Directorate to several major public events, but neither the Director nor a substitute ever attended. Several police officers participated in the project-affiliated Juvenile Justice Commission and followed project activities. Ms. Nela Knic, e-mail correspondence.

20 Nevena Vuckovic Sahovic, consultancy report.

21 Djuradj Stakic, interview.
and economical programs to prevent juvenile delinquency and violence take place precisely in such contexts, and are implemented largely by classroom teachers. At the same time, these interactions likely form the most frequent contact points within the realm of juvenile justice, yet they are not reflected in currently-available statistics, are not influencing the current conventional wisdom, and thus neither informed nor influenced the project activities.

However, the project is extremely relevant to the rare strategic opportunity that existed for comprehensive juvenile justice reform, building well around the strengths of the knowledge base that did exist. These centered on the status of juvenile justice vis-à-vis legal, political, institutional, and professional-capacity considerations. The SIDA-funded predecessor to the current project had cultivated a broad leadership base supporting reform, achieved important building-block successes, and effectively inserted juvenile justice reform into the social-political agenda for the first time. These accomplishments, plus the related national sense of momentum and urgency surrounding work towards EU accession, were the explicit and highly-relevant foundation for the current project.

Importantly, the project targeted the writing and passage of a new, dedicated law on juvenile justice as its major focus. This was the cornerstone and most urgent challenge – at the legal and policy level – to influence comprehensive juvenile justice system reform. Professional capacity-building activities were a second focus, and individual and overall project strategies and activities were designed so as to reasonably expect progress on these fronts. Apart from the exceptions noted above, involved project stakeholders were relevant and nearly complete: UNICEF, EC, MOJ and MOLSW officials, social workers, judges, prosecutors, corrections/institutions staff, etc. Finally, project experiences show that these focus areas, and related objectives, remain highly appropriate and relevant near the project’s end.

Relevance to the Government of Montenegro’s commitments, policies, and priorities
The project was highly relevant to the commitments and priorities of the Government of Montenegro. As a State Party to the United Nations Convention on the Rights of the Child, Montenegro accepts in particular the juvenile justice obligations enunciated in Articles 37 and 40. However, the project’s absence of special consideration for girls and children of minority groups places doubt on its relevance to specific obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination, to which Montenegro is also State Party.

Montenegro’s commitment to “A World Fit for Children,” the outcome document of the 2002 United Nations General Assembly Special Session on Children, is directly relevant to the

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23 In brief, these include obligations to establish (juvenile justice) laws, procedures, authorities and institutions specifically applicable to children; to promote the use diversion options; and to develop a wide range of alternatives to detention, using the deprivation of liberty as measure of last resort.
Based on that commitment, the Government of Montenegro developed a 2004-2010 Plan of Action for Children’s Rights, which maintains a priority on juvenile justice. Two of its key results expected by 2010 are closely aligned with the project’s goals: the number of children in conflict with law is decreasing and juvenile justice is harmonized with international standards; and all children have equal access to independent Ombudsman’s office for children. The objectives cited for each of these results are similarly relevant. Related to “A World Fit for Children,” the Millennium Development Goals are consistent with the project, particularly Goal 8 to “Develop a global partnership for development.” The MOLSW coordinated development of Montenegro’s 2003 Development and Poverty Reduction Strategy Paper (i.e., prior to becoming an independent nation), which includes the highly relevant Strategic Directions/Activities of “Harmonization of legislation and policy with the EU” and “Improved targeting of social welfare measures especially those directed at children.”

Montenegro’s ambition to join the European Union dominates social, political, legislative, governmental, and policy considerations, and the Government’s 2007 – 2012 Strategy for the Reform of the Judiciary “intends to fully reflect the steps Montenegro is taking towards integrating into the European Union.” The repeated inclusion of juvenile justice within that Strategy was a triumph of the SIDA-funded predecessor of the current project, especially the goals of adopting a special law on juvenile justice, and adopting special court or prosecutors’ rules and practices applying to children. This link between potential European Union membership, the Judiciary Reform Strategy, juvenile justice reform, and the project is strong, highly relevant, and fundamental for the project. Importantly, the Judiciary Reform Strategy was developed by the MOJ; the MOLSW lacks any similar internalized mechanism to underscore the project’s relevance to its mission.

Relevance to UNICEF’s and other partners’ priorities and policies
The project is inherently aligned with UNICEF’s Mission Statement and its worldwide priorities, and to other key partners’ policies. Two of the 2006-2013 UNICEF medium-term strategic plan focus areas (child protection from violence, exploitation and abuse; policy advocacy and partnerships for children’s rights) are integral to the project. As suggested above regarding the Judicial Reform Strategy, the EU Copenhagen Accession criteria are also highly relevant, such as the political criteria for the stability of institutions guaranteeing the rule of law and human rights, and acceptance of the Community acquis. COE legal and human rights commitments and obligations are also extremely relevant. National NGO partners collaborated in areas that aligned well with their respective missions. There are currently no other major international

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24 Most directly, the World Fit for Children strategy to “Promote the establishment of prevention, support and caring services as well as justice systems specifically applicable to children, taking into account the principles of restorative justice and fully safeguard children’s rights and provide specially trained staff that promote children’s reintegration in society.”

25 For example, “Current administration of juvenile justice is reformed according to international standards,” and “Alternative measures and sanctions for juveniles in conflict with law are established and in place.”

26 Note that Montenegro does not yet have a National Development Plan or Poverty Reduction Strategy Paper as an independent nation.

27 p. 5. See also the National Program for Integration into the EU 2008-2012.

28 For example, the European Convention on the Exercise of Children's Rights (ETS No. 160), which Montenegro has signed, and other norms on the protection of children and prison conditions.
NGOs or development assistance partners involved in issues directly affecting juvenile justice reform.

3.2 Efficiency

<table>
<thead>
<tr>
<th>KEY FINDINGS</th>
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<tbody>
<tr>
<td>The project generally produced impressive outputs given resource inputs; invested inputs soundly and economically; managed resources transparently and with accountability; and successfully produced outputs according to an extremely ambitious and demanding project design and timeline.</td>
</tr>
<tr>
<td>Major variations from the project design were limited in number, managed in consultation with key partners, and were triggered by knowingly-assumed risks. In particular, the development of the draft juvenile justice law required a lengthier process than expected, which precluded the achievement of certain ensuing project activities. Resources were redirected well to enrich the drafting process.</td>
</tr>
<tr>
<td>The project did not respond efficiently to the unsatisfactory output quality of the initial juvenile justice system assessment, which prompted a series of delays and divergences in related and unrelated project activities. Of lesser consequence, the project did not consistently ensure efficient use of resources supporting mediation.</td>
</tr>
<tr>
<td>Two of the few project inputs that directly implicated children produced varying results. The project decision to redirect resources towards the theatre play “On the good and on the bad road in life” was fortuitous. This modest financial input generated some of the most outstanding outputs for the whole project. In contrast, the input of resources to purchase computer/television equipment to improve Ljubovic Centre living conditions achieved the technical output, but failed in practice to produce outputs consonant with project objectives.</td>
</tr>
</tbody>
</table>

In simple terms, efficiency is a measurement of the project outputs in relation to the inputs. This section highlights and analyzes the project inputs (financial, human, material, technological and information resources used) compared to outputs (products and services which result from the completion of activities).

In order to provide various perspectives on efficiency, information is summarized in terms of total overall project inputs and simple cost analysis considerations; general purpose inputs contributing to all project objectives; and project inputs and outputs classified by specific objectives of the project (Specific Objectives 1, 2, and 3). Actual project inputs (general financial resources, human resources, travel, equipment and supplies, and other services, as relevant) are summarized primarily on the basis of project expenditures through 22 April 2010, as recorded in project financial reports provided to the evaluator. Project outputs describe actual completed activities, as verified through project documentation and the evaluation, and additionally note divergences from the planned activities.

**Overall Project Inputs**
The project’s total budget allocation was € 550,000, of which the EU offered € 500,000 as a project grant and UNICEF offered € 50,000 as the applicant’s contribution. As reflected in the total in Table 3.1 below, total project expenditures through 22 April 2010 represented 79% of the total project budget, with several important project activities to be completed in the final week of the project.\(^ {29} \) Human resources, and the financial resources necessary to support them, were the predominant project input to date, including primarily project staff and local and international expertise. The extensive staff time contributed to the project by many major stakeholders is not

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\(^ {29} \) These are noted in the sections below under each project Specific Objective.
reflected in these figures, and cannot reliably be quantified. Among others, this includes MOJ and MOLSW officials who assisted in deliberating and coordinating major project activities; roughly 250 professionals who took time from their day-to-day responsibilities to attend and contribute to project activities and trainings; and notable UNICEF technical support and contributions beyond those of staff supported by project funding. These considerations hold true across all three specific objectives.

Overall project resources were managed in an extremely transparent and accountable manner. Given the small staff and limited capacity of the MOJ and MOLSW, the project used these resources to undertake an extremely ambitious and impressive number of activities, which are examined in detail in this section. The project design, log frame, and budget all presented very detailed stipulations on the use and distribution of resources, to which UNICEF Montenegro was bound through the grant agreement. The Project Steering Committee deliberated upon and approved all major variations (resources, activities, timing/sequence), with the consent of the Delegation of the European Union to Montenegro, the MOJ, and the MOLSW. Project documentation and interviews with major stakeholders affirm the utmost transparency.  

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Expenditure (EU funds)</th>
<th>Expenditure (UNICEF funds)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human Resources</strong></td>
<td>€ 268,629.52</td>
<td>€ 32,109.61</td>
</tr>
<tr>
<td><strong>Travel</strong></td>
<td>€ 14,646.22</td>
<td>€ 5,715.16</td>
</tr>
<tr>
<td><strong>Equipment and supplies</strong></td>
<td>€ 10,684.12</td>
<td>€ 0.00</td>
</tr>
<tr>
<td><strong>Other costs, services</strong></td>
<td>€ 103,199.00</td>
<td>€ 0.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>€ 397,158.56</td>
<td>€ 37,824.77</td>
</tr>
<tr>
<td><strong>TOTAL OVERALL PROJECT EXPENDITURE</strong></td>
<td><strong>€ 434,983.33</strong></td>
<td></td>
</tr>
</tbody>
</table>

The evaluation objectives and scope do not contemplate cost analysis, but some basic comments are possible. First, it is important to note that juvenile justice reform is a complex area that varies widely according to the context at hand, and there are no guidelines or benchmarks on cost benefit analysis in this arena. An evaluation of broader scope might have surveyed costs of related or similar projects conducted by UNICEF in Montenegro or neighboring countries for comparison sake, but such data was not possible to gather for this evaluation.

At the overall project level, the project generally pursued efficient strategies to achieve results, employing a thoughtful and economical mix of tools. The sections below detail project inputs and outputs per Specific Objective, and provide some further specific analysis. Overall, the project included local and/or international expertise, on-site or from afar, depending on the task at hand, and seeking to use local resources when possible. Intensive on-site technical assistance was targeted for sound reasons, as was the use of foreign travel (i.e., one study tour, two conferences) for national stakeholders. The extra expenses incurred for international expertise generally reaped significant benefits in terms of quality products and services, stakeholder

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For example, a UNICEF Note for the Record describes the handling of a potential conflict of interest in selecting the unanimously-approved candidate for one local consultancy. The recruitment and selection process are clearly described, main considerations are summarized, the selection panel’s rationale and decision are recorded, and the names of selection panel members are listed, thus appropriately and transparently addressing this human resources issue.
satisfaction, and intangibles such as greater confidence and perspective of system decision-makers. In most cases where local expertise was employed, with some exceptions, contributions to the project were also of very high quality.

Different tactics may have focused more exclusively on international expertise, on extensive study tours for national stakeholders, and conceivably on capital construction projects, all of which would have increased costs significantly but without certainty of better results. Likewise, a scaling back of the current project would have placed in risk the cumulative effects of public and professional awareness, momentum for reform, and strategic opportunities surrounding the build-up towards EU membership. In such senses – but less so for the indicator-measured achievements against stated objectives, results, and impact – the project was a sound investment for all major partners.

**General Purpose Inputs**

Within the overall project expenditure, a number of core project inputs were dedicated to the achievement of all project objectives, and cannot readily be apportioned to the various objectives. These inputs are highlighted in Table 3.2 below and primarily include the core project technical, administrative, and support staff.

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Expenditure (EU funds)</th>
<th>Expenditure (UNICEF funds)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human Resources</strong></td>
<td>€ 122,259.63</td>
<td>€ 0.00</td>
</tr>
<tr>
<td>(Project Technical/Administrative/Support Staff; Evaluator’s DSA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Travel</strong></td>
<td>€ 10,319.98</td>
<td>€ 259.40</td>
</tr>
<tr>
<td>(28 flights for various international consultants/experts)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Equipment and supplies</strong></td>
<td>€ 2,364.01</td>
<td>€ 0.00</td>
</tr>
<tr>
<td>(Computer equipment for project staff)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other costs, services</strong></td>
<td>€ 9,277.25</td>
<td>€ 0.00</td>
</tr>
<tr>
<td>(translation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>€ 144,220.90</td>
<td>€ 259.40</td>
</tr>
<tr>
<td><strong>TOTAL GENERAL PURPOSE EXPENDITURE</strong></td>
<td>€ 144,480.30</td>
<td></td>
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</table>

3.2.1 **Specific Objective 1: Inputs and Outputs**

Specific Objective 1 of the project is “To improve the treatment of children in conflict with law,” with the expected result “Juvenile Justice Policy and Legislative Framework harmonized with internationally recognized standards of protection of the rights of children in conflict with law.” Under this objective, the following activities were planned:

- Assessment of the national juvenile justice system and preparation of adequate Strategy for system support
- National Conference to present the research findings and overall framework of the expected reform
- Preparation of a comprehensive Juvenile Justice Code
• Development of Guidelines on the practical application of alternative measures to juvenile imprisonment/secondary legislation
• Organization of several Round tables in favour of development and presentation of Juvenile Justice Code
• Publication of materials on the new Juvenile Justice Code and alternative measures
• Strengthen the capacities of the Ombudsman Office of Montenegro to monitor level of observance of the rights of children in conflict with law
• Improvement of the Data Collection System

Specific Objective 1 Inputs
Table 3.3 below highlights the project expenditures and inputs towards Specific Objective 1. These inputs include the financial resources necessary to provide local and international expert services and assistance; provision of transportation for participants to attend a public discussion; professional services to design and publish materials; resources to plan and hold three public discussions; and support for NGO work with children.

Table 3.3: Specific Objective 1 Project Expenditure through 22 April 2010

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Expenditure (EU funds)</th>
<th>Expenditure (UNICEF funds)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human Resources</strong></td>
<td>€ 60,404.37</td>
<td>€ 12,084.00</td>
</tr>
<tr>
<td>(Local/International Technical Experts’ fees; International Experts’ DSAs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Travel</strong></td>
<td>€ 142.00</td>
<td>€ 0</td>
</tr>
<tr>
<td>(Transportation costs for 20 participants to first round table on draft Law)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other costs, services</strong></td>
<td>€ 30,276</td>
<td>€ 0</td>
</tr>
<tr>
<td>(design and publication of promotional materials; local NGOs’ assistance to JJ system assessment; costs to hold 3 public discussions on draft law; NGO work for theatrical play)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>€ 90,822.00</td>
<td>€ 12,084.00</td>
</tr>
</tbody>
</table>

**TOTAL SPECIFIC OBJECTIVE 1 EXPENDITURE**

**€ 102,906.00**

Specific Objective 1 Outputs
The project activities that were completed or nearly completed by the time of the evaluation mission trip, and that correspond to the planned activities, are the following:

• Retired Serbian Supreme Court Judge Nikola Milošević led the assessment of juvenile justice law and practice, with field research and other support provided by the NGO Centre for Democracy and Human Rights (CEDEM), and draft report revisions by Montenegrin Prof. Dr. Drago Radulović. This assessment is supplemented by the findings of several focus groups conducted by the NGO Child Rights Centre with children, children in conflict with the law, and parents of children in conflict with the law.

• In close consultation with the MOJ, Serbian experts Prof. Dr. Ivana Stevanović and Prof. Dr. Milan Škulić developed an initial comprehensive Draft Juvenile Justice Law. More than 60 relevant professionals attended a first public discussion on this draft, the feedback from
which led to a second revised draft. German Prof. Dr. Frieder Dünkel and Croatian Dr. Jadranka Kos provided detailed technical reviews of the second draft, as did the Council of Europe (independently from the project budget), all of which were presented and debated at a second public discussion. With further local and international technical assistance and review, the MOJ incorporated related feedback into a third revised draft law, which was adopted by the Government of Montenegro as the official draft Juvenile Justice Law in December 2009. Upon MOJ request, a third public discussion was held in February 2010 to mark the final day of a mandatory 45-day period for public comment. The MOJ is currently undertaking final revisions, and project partners will hold a conference on the project’s end date to present overall project results and discuss the draft Law. The MOJ anticipates passage of the law by June 2010.

- Designed by a local consultant, 1000 copies of a promotional leaflet on juvenile justice reform were printed and initially distributed at all project-sponsored public discussions, trainings, and events. Two posters on juvenile justice were designed, and 1,400 copies were printed and distributed. Likewise, 300 copies of a rights-based Programme of Work for children in conflict with the law were printed, and planned for distribution to juvenile justice professionals within days of the project end date. Serbian Prof. Nevena Vuckovic Sahovic drafted a promotional publication on the overall project, with final revisions pending before intended printing and distribution.

- Prof. Dr. Radulović provided on-site technical assistance in the Office of the Protector of Human Rights and Freedoms (Ombudsman) in the area of children’s rights monitoring in juvenile justice, and drafted preliminary findings from the Ombudsman’s perspective on the current status of juvenile justice.

- Serbian expert Mr. Vladan Jovanović completed a technical analysis of current data collection, database, and data-sharing capacities across government ministries and agencies, and provided detailed recommendations for system-wide improvements.

Although project implementation achieved notable outputs with wisely-targeted resources, it deviated from the planned activities on several occasions upon the decision of the Project Steering Committee. Most significantly, the project had anticipated completion of the final draft Juvenile Justice Law by March 2010, but the draft Law is neither finalized nor approved upon the project’s close. As the Project Steering Committee understood, the project design necessarily made educated assumptions and incorporated consequential risks regarding this time line, but these assumptions proved wrong. In the absence of a final text, a number of main project activities were deemed impracticable, such as the development of Guidelines or secondary legislation for practical application of alternatives to imprisonment, and the organization of roundtables and publication of materials to present the final Juvenile Justice Code and alternative measures. At the same time, these shifts created opportunities to pursue the MOJ’s priority on developing an extremely high quality law with all corresponding documentation necessary before submission for parliamentary debate. Project efforts and activities were adjusted accordingly and appropriately, such as by holding further public discussions and leveraging more technical expertise to develop the draft Law, and preparing a Plan of Implementation and Explanatory Memorandum for the law. Other related changes were relatively minor, for example focusing certain trainings on international juvenile justice standards and the likely features of the Juvenile Justice Law, rather than on specific provisions of the Law.
Other notable divergences from the planned activities involve the initial juvenile justice system assessment. While the international consultant’s legislative analysis was deemed highly valuable by the MOJ in drafting the new Juvenile Justice Law, the analysis of juvenile justice practice was found inadequate and in need of revision. The original consultant and a first alternate eventually declined to rework the text as per MOJ requests, and ultimately Prof. Dr. Radulović reworked the text as part of his assistance to the Office of the Protector of Human Rights and Freedoms (Ombudsman). Although this decision is justifiable, with secondary effects described below, project partners lost valuable time in responding to the unsatisfactory quality of the assessment. The failure to intervene early upon first signs of low work quality thus threw off the succession of activities planned in order to achieve the expected result for this Specific Objective. As the full assessment was not finalized until the final project months, it was not possible to prepare an adequate Strategy for juvenile justice system support as planned. The assessment was supposed to collect a broad range of baseline data to help measure the project’s overall achievements; this data was either not collected, or was not collected until the final reworking near the project’s end. Likewise, there was no National Conference to present the research findings and overall framework of the expected reform. As many of these activities simply became unworkable and were essentially dropped from the project, greater emphasis was placed on improving and perfecting the draft law as a meaningful and resource-appropriate response.

The failure to intervene early upon first signs of low work quality thus threw off the succession of activities planned in order to achieve the expected result for this Specific Objective. As the full assessment was not finalized until the final project months, it was not possible to prepare an adequate Strategy for juvenile justice system support as planned. The assessment was supposed to collect a broad range of baseline data to help measure the project’s overall achievements; this data was either not collected, or was not collected until the final reworking near the project’s end. Likewise, there was no National Conference to present the research findings and overall framework of the expected reform. As many of these activities simply became unworkable and were essentially dropped from the project, greater emphasis was placed on improving and perfecting the draft law as a meaningful and resource-appropriate response.

The planned activity of strengthening the Ombudsman Office’s capacities for children’s rights monitoring was altered largely because of the delays surrounding the draft Juvenile Justice Law and the juvenile justice system assessment. Prof. Dr. Radulović provided on-site technical assistance to the Ombudsman’s Office, yet his work was significantly redirected to other ends. He dedicated roughly one month to revising the initial juvenile justice system assessment; one month working with the Ombudsman’s Office to participate and provide comments in public discussions on the draft law; and significant time collecting preliminary baseline data about juvenile justice and the protection of rights of children in conflict with the law.

Within the planned activity of publishing materials on alternative measures, the project had envisaged producing and broadcasting a short television public service announcement on the rights of children in conflict with the law. Instead, the project supported the NGO Proscenium to work intensively three months with children placed in the Ljubovic Centre in order to develop a theatrical play. Based on their own life experiences, over 20 children participated in the play “On the good and on the bad road in life,” which they performed on 5 different occasions in December 2009 in Podgorica and Niksic. There were approximately 830 spectators across the performances, and positive television, radio, and print media coverage was extensive. The decision to use resources for the theatre play, rather than the television ad, was well-reasoned and achieved an impressive output.

### 3.2.2 Specific Objective 2: Inputs and Outputs

Specific Objective 2 of the project is to “Increase the number of families and children at risk benefiting from preventive programmes,” with the expected result “The capacities for prevention of juvenile delinquency and implementation of Juvenile Justice Code and existing alternatives to criminal prosecution and institutionalization of children strengthened.” Under this objective, the following activities were planned:
- Organization of specialized education on the Family Counselling and development of programmes for prevention of juvenile delinquency
- Capacity building of professionals for the implementation of alternatives to criminal prosecution, institutionalization and imprisonment of children

**Specific Objective 2 Inputs**

Table 3.4 below highlights the major financial, human, material, and other resources leveraged toward the achievement of Specific Objective 2. The major inputs are funding for international expertise, and for participants’ accommodation and refreshments at trainings.

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Expenditure (EU funds)</th>
<th>Expenditure (UNICEF funds)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human Resources</strong></td>
<td>€ 45,336.79</td>
<td>€ 9,861.18</td>
</tr>
<tr>
<td>(International Expert Trainers and Family Counselling TA, and DSAs for study tour and 2 conferences abroad)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Travel</strong></td>
<td>€ 4,184.24</td>
<td>€ 5,455.76</td>
</tr>
<tr>
<td>(study tour and conference abroad; transportation costs for 170 participants of specialized professional trainings)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other costs, services</strong></td>
<td>€ 59,500.00</td>
<td>€ 0</td>
</tr>
<tr>
<td>(1,150 total nights’ accommodation for 170 participants in specialized professional trainings; logistical support and refreshments for Family Counselling trainings)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>€ 109,021.01</td>
<td>€ 15,316.94</td>
</tr>
<tr>
<td><strong>TOTAL SPECIFIC OBJECTIVE 2 EXPENDITURE</strong></td>
<td></td>
<td>€ 124,337.95</td>
</tr>
</tbody>
</table>

**Specific Objective 2 Outputs**

The project activities that were completed or nearly completed by the time of the evaluation mission trip, and that correspond to the planned activities, are the following:

- Serbian experts Prof. Dr. Zorka Lopičić-Perišić, Prof. Dr. Veronika Išpanović Radojković, and Dr. Nevena Čalovksa Herceg designed a 7-day training course on Family Counselling as a preventive intervention for children in conflict with the law. They conducted trainings for 10 Northern Region CSW professionals in Bijelo Polje; 11 Southern Region CSW professionals in Kotor; 14 Central Region professionals from various bodies (CSW, MOLSW, Ljubovic Centre, social work students); and for 11 professionals in Niksic (CSW, police). Based on their interactions with professionals nationwide, the training course instructors provided recommendations to the MOLSW on next steps for prevention work capacity-building. Course training materials are expected to be distributed on CD to all participants before the project’s end.

- A wide range of professional trainings and capacity-building activities were conducted to promote the use of diversion away from formal court proceedings and alternatives to the deprivation of liberty. Prof. Dr. Stevanović, Prof. Dr. Škulić, Prof. Vuckovic Sahovic, and U.S.-based Serbian Prof. Dr. Djuradj Stakic designed and conducted various specialized
training seminars for well over 200 professionals in juvenile justice. Among these, a total of 44 High Court judges, Basic Court judges, judicial counsellors/advisers, and judicial interns attended two trainings held in Pržno and Kolasin. Also in Pržno and Kolasin, a total of 54 prosecutors, deputy prosecutors, prosecutorial advisers, and prosecutorial interns attended two specialized trainings. In Pržno, a total of 28 correctional staff from the Institute for the Execution of Criminal Sanctions in Spuž attended two trainings; 33 police officers attended a training course; and 55 social welfare and mediation professionals attended a training course. Apart from these trainings held in Montenegro, the project also sponsored a study visit and attendance to two international conferences for Montenegrin juvenile justice officials. Prof. Dr. Dünkel coordinated a 5-day study tour in Germany for MOJ Deputy Minister Ms. Lakocevic, MOLSW Deputy Minister Ms. Snezana Mijuskovic, Protector of Human Rights and Freedoms (Ombudsman) of Montenegro Mr. Sucko Bakovic, Bijelo Polje High State Prosecutor Mr. Rifat Hadrovic, and Supreme Court Judge Mr. Radule Kojovic. Juvenile Justice Commission Coordinator Ms. Slavica Rabrenovic and Bijelo Polje Mediation Centre Coordinator Ms. Vesna Pavicevic participated in the “Implementing Alternative Measures in Penal Cases” Forum in Albania. Finally, Supreme State Prosecutor Ms. Carapic, the Secretary of the Supreme State Prosecutor’s Office, and Deputy Minister of Interior and Public Administration Ms. Nada Vukanic attended the first International Symposium on Children in Conflict with the Law and in Need of Protection in Turkey.

Project activities did not undergo major variations under this objective. Some planned training sessions were deemed too long for professionals to be able to attend in one block; courses were shortened into smaller blocks of days and offered more times. Likewise, attendance at one international conference was not possible because the conference did not take place as anticipated; relevant stakeholders attended an appropriate international forum and symposium instead. Project inputs were applied well to achieve very significant outputs under this objective.

3.2.3 Specific Objective 3: Inputs and Outputs
Specific Objective 3 of the project is to “Increase the availability of community-based alternatives for children in conflict with law,” with the expected result “Community based programmes for children in conflict with law with range of alternatives introduced and piloted, preventive programmes of work with children and families at risk improved and children placed in semi open and closed facilities entitled to improved child rights-based rehabilitation programmes.” Under this objective, the following activities were planned:

- Provision of the assistance for development of child rights-based programme and improvement of treatment and living conditions for juveniles in conflict with law placed in open and closed facilities
- Provision of financial assistance for purchase of essential furniture and equipment for ensuring adequate living conditions of children who reside in the Centre for Children and Youth Ljubovic
- Support for development of Community based programmes for children in conflict with law/Promotion of the Institute of Mediation
- Engagement of a Technical expert for facilitating implementation of Community Based Work for Juveniles including provision of the technical expertise to Probation Service of Montenegro
Specific Objective 3 Inputs
Table 3.5 below summarizes the major inputs under Specific Objective 3, which are primarily the project finances used for local assistance and international expertise.

Table 3.5: Specific Objective 3 Project Expenditure through 22 April 2010

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Expenditure (EU funds)</th>
<th>Expenditure (UNICEF funds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Resources (2 local TA salaries on mediation over 18 months; international expert TA in JJ institution and on community-based work orders, and DSAs)</td>
<td>€ 40,628.73</td>
<td>€ 10,164.43</td>
</tr>
<tr>
<td>Equipment and supplies (Furniture and equipment for Ljubovic Centre and Bijelo Polje Mediation Centre)</td>
<td>€ 8,320.11</td>
<td>€ 0.00</td>
</tr>
<tr>
<td>Other costs, services (refreshment and meeting costs to promote use of diversion/alternatives)</td>
<td>€ 4,146.00</td>
<td>€ 0</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>€ 53,094.68</td>
<td>€ 10,164.43</td>
</tr>
</tbody>
</table>

TOTAL SPECIFIC OBJECTIVE 3 EXPENDITURE € 63,259.11

Specific Objective 3 Outputs
The project activities that were completed or nearly completed by the time of the evaluation mission trip, and that correspond to the planned activities, are the following:

- Prof. Dr. Djuradj Stakic provided on-site technical assistance to the Ljubovic Centre staff for three months regarding rights-compatible programming and work methods, and wrote a comprehensive program manual (“Conceptual and Methodological Framework for the Work with Children in Conflict with Law”) for the staff. The MOLSW has formally approved the manual, and printing and distribution is expected by the project’s end.

- The project provided 7 computers, 7 computer desks and chairs, 5 televisions, and 5 DVD players to the Ljubovic Centre, and 25 wooden bed frames and closets are expected to be delivered to the Centre before the project’s end. The project also purchased and installed a one-way mirror to the Bijelo Polje Centre for Children and Families.

- The Centre for Mediation in Podgorica and its Branch Office in Bijelo Polje each benefited from one Montenegrin on-site consultant for approximately 11 months, who provided general support and technical assistance promoting the use of mediation with children in conflict with the law. The Centre conducted awareness workshops on mediation in two grammar schools in both cities, and convened a meeting in Podgorica in February 2009 with all trained mediators in penal cases and other juvenile justice professionals to share information, refresh knowledge, and encourage further use of mediation. In order to encourage further use of diversion measures, particularly mediation, Supreme State Prosecutor Ms. Ranka Carapic convened a Roundtable with all Basic and High Court state prosecutors in Podgorica in June 2009. Similarly, the project developed a strategy to further promote the use of diversion and
alternatives (primarily mediation and community-based work orders), which was approved by the MOJ. Consequent to that strategy, an Ad Hoc Working Group convened in December 2009 and organized a working lunch in January 2010 with Podgorica judges and prosecutors, and MOJ Deputy Minister Ms. Branka Lakocevic held another working lunch with Bijelo Polje officials in April 2010. Several other working meetings were convened. For instance, Bijelo Polje mediators and the Juvenile Justice Commission met to enhance cooperation and discuss the draft Juvenile Justice Law with regard to mediation, while Commission members attended a seminar on Forensic Interviews in December 2008.

- Two Slovenian experts, former Supreme State Prosecutor Ms. Alenka Mežnar and Ms. Mateja Brinovec Lesjak, provided technical assistance and developed a step-by-step work plan for the piloting of community-based work orders for juveniles. Based upon that work plan, it is expected that a Memorandum of Understanding will be drafted and finalized between the agreed partners in Bijelo Polje and Niksic before the project’s end.

The planned activity of providing technical expertise to Probation Service of Montenegro was not possible, as the Probation Service was not fully established by the end of the Project as had been anticipated. Overall, the strategic use of resources under this objective resulted in appropriate outputs, with a few notable exceptions.

The support provided to the Centre for Mediation (on-site assistance in two locations for 11 months) produced limited output in terms of activities. With regard to results-based management, project partners received monthly reports on activities and were thus informed of limited results, and were in frequent contact with the Centre for Mediation. However, it appears that further action was necessary to redirect this activity and to ensure efficient use of project resources. The observations of Podgorica police officers provide a revealing indication of unsatisfactory results. The officers personally intervened in schools most days of the week and helped guide “long talks” that resembled mediation sessions with children (with problem behaviors or who had been in fights), their parents, their teachers, and school administrators. Officers had previously discussed and desired mediation training, and felt that schools could benefit from such training as well, but were not even aware of the Centre for Mediation or its activities.

In contrast, the project took into consideration the lack of use of diversion measures, particularly mediation, and responded creatively by hosting working lunch discussions with relevant professionals to discuss and promote diversion. The evaluation mission trip included direct observation of one of these meetings, which signified an efficient investment to work towards project objectives.

Finally, the planned activity of facilities’ living conditions improvement (for juveniles in conflict with law) technically achieved the output of purchased furniture and equipment. In practice, this achievement is partial. The purchased computers, computer desks, and chairs were delivered to the Ljubovic Centre, but they remain in boxes in a small storage space that is generally off-limits to children. Ljubovic Centre staff, upon their own discretion or that of the MOLSW, wish to wait until the construction of four new pavilions is completed so as to have new equipment for

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31 Consultancy Terms of Reference. Ms. Nela Krnic, interview.
32 Focus Group 12.
the new buildings. There is no definitive time line for building construction, while the Centre’s existing library is modern and has ample space for the computer equipment. Televisions that were provided to the Centre were installed in children’s common living spaces and were used by children. In terms of this evaluation, the televisions were an inefficient use of resources compared to other more meaningful and economical improvements to living conditions. In effect, the television sets served as a substitute for actual programming/activities for children; detracted attention from necessary improvements to a sterile and non-stimulating environment; and substituted for the provision of books, magazines, newspapers, and other appropriate information.

3.3 Effectiveness

<table>
<thead>
<tr>
<th>KEY FINDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project produced a short- and probably medium-term improvement in the quality of preventive services offered, although not a numeric increase in explicit prevention programmes or caseload. The project provided high-quality training to nearly double the expected number of juvenile justice professionals, with likely positive outcomes for professionals’ daily work.</td>
</tr>
<tr>
<td>The project did not produce the intended result of a new juvenile justice law, but the drafting process was value-added as an important model for democratic law-making, and the draft law’s passage is a likely future outcome attributable to the project. Other intended results were sacrificed in order to accommodate and enrich the extended drafting process, which improved compliance of the current draft with regional and international standards.</td>
</tr>
<tr>
<td>Due to insufficient data, the project could not document an intended decrease in institutionalized children, while the project failed to achieve the intended increase in use of community-based alternatives. Evidence suggests substantial improvements in basic professional skills and methodology of the Ljubovic Centre staff, but not in actual rehabilitation programmes/activities for children residing there.</td>
</tr>
</tbody>
</table>

Effectiveness is a measure of the extent to which the project attains its objectives or produces its desired results. The project logical framework (see Annex VI) designates three specific objectives and corresponding expected results, as well as objectively verifiable indicators to measure achievements against all of them. In general, project achievements in this sense can be considered the project’s outcomes: short-term and medium-term effects of the project’s outputs that occur before the achievement of long-term impact. This section considers how well the project attained each of its specific objectives and expected results as measured by the stipulated indicators.

3.3.1 Specific Objective 1: Outcomes

Specific Objective 1 is “To improve the treatment of children in conflict with law,” and the project measures its achievement through the following:

1. Through the adoption of Juvenile Justice Code and relevant secondary legislation
2. Specific indicators on children in conflict with the law:

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33 Construction was expected to begin in summer 2010, but was not a confirmed timeline. Focus Group 7.
34 No printed materials were observed in the children’s living areas; children’s access to the library in a separate building was regulated by adult staff; and the library’s collection dedicated to children was limited. See, inter alia, CRC Article 17 on children’s right of access to appropriate information.
As discussed in the Findings on Efficiency, the Government of Montenegro did not adopt the new Juvenile Justice Code or secondary legislation during the project. However, the MOJ is currently making final revisions to the draft law, and expects that the draft law will passed by June 2010 (within two months of the project’s close). It appears likely that the draft law will be passed in the near future, if not by June 2010. The Project Steering Committee decided not to pursue the development of secondary legislation at all, based on the rationale that the final law had to be approved first.

The development of the draft juvenile justice law took significantly longer than the project anticipated, but the delays are reasonably explained and the drafting process reaped added value from project modifications. Challenges in finalizing the juvenile justice system assessment to the satisfaction of all partners consumed administrative and decision-makers’ time, and appears to have slowed the start of actual legal drafting. The initial draft law required further revisions than anticipated, which in turn triggered a greater workload for the MOJ and UNICEF in reviewing that draft. However, the decision to invest greater efforts into expert review, public discussion, and revision proved worthwhile. Wide-ranging expert input was accumulated and incorporated into the draft. Indications from project consultancy reports, other project documentation, interviews, and focus groups point consistently to the appreciation of nearly all stakeholders for the transparent drafting process and ample opportunity to comment and contribute. As one official of the Delegation of the European Union to Montenegro commented in an evaluation interview, the presentations and debate on the draft law would serve as a model democratic process for Western European countries. This experience for such a wide cross-section of professionals and stakeholders is in fact a notable contribution toward long-term democratic institutional stability and rule of law.

In consideration of the specific indicators on children in conflict with the law listed above, the project anticipated that baseline data would be collected for the initial juvenile justice system
The expected result that corresponds to Specific Objective 1 is “Juvenile Justice Policy and Legislative Framework harmonized with internationally recognized standards of protection of the rights of children in conflict with law,” and the project measures its achievement through the following:

1. JJ Code and relevant secondary legislation adopted with all stated project elements: possibility for application of alternatives, improved preventive and rehabilitation programmes, specialized education for JJ professionals
2. Newly adopted Juvenile Justice Code compliant with CRC and CoE regulations

As noted above, neither the new juvenile justice law nor secondary legislation was adopted by the project’s end. Moreover, the generation of multiple legal drafts in Montenegrin led to strategic resource usage to translate into English law drafts only as necessary. Thus, the evaluator was provided with the October 2009 second draft English translation, upon which Prof. Dr. Dünkel and COE experts conducted their technical reviews, but not the third draft or the final draft that the MOJ continues to elaborate (which are not available in translation yet). However, Prof. Dr. Dünkel noted in an evaluation interview that the second draft fit quite well to key European and international standards, with certain areas recommended for improvement. The draft also contemplated the stated project elements for the application of alternatives, improved preventive and rehabilitation programmes, and specialized education for relevant professionals. It appears very likely that the final draft will maintain these features.

3.3.2 **Specific Objective 2: Outcomes**

Specific Objective 2 is “Increase the number of families and children at risk benefiting from preventive programmes,” and the project measures its achievement through the following:

1. Number of families and children at risk benefiting from preventive programmes

There was no baseline data available in this respect, and the project envisaged data collection during the initial juvenile justice system assessment. However, the assessment did not ultimately collect this data. Based on general impressions from evaluation activities, it seems likely that before the project no families or children benefited from specifically-designated “preventive programmes.” Project results against this indicator are not objectively verifiable either, as there is no relevant comprehensive data available, and no concrete “preventive programmes” were formally established. However, multiple sources indicate that preventive services for families and children have increased in practical availability and quality. The CSW Acting Director in Niksic explained that she noticed improvements in her staff’s work with children and families
following the Family Counselling training. Bijelo Polje training participants noted that even after one week’s training, they learned new knowledge and practical skills that they were already applying to their daily work. The expert trainers similarly reported that Bijelo Polje participants commented to them that the training course was very useful in their professional practice.

The expected result that corresponds to Specific Objective 2 is “The capacities for prevention of juvenile delinquency and implementation of Juvenile Justice Code and existing alternatives to criminal prosecution and institutionalization of children strengthened,” and the project measures its achievement through the following:

1. At least 110 professionals (judges, prosecutors, police, probation officers, social workers) educated to apply the alternatives to criminal prosecution
2. At least 20 professionals educated for implementation of preventive programmes

The project achieved far more than the expected results under Specific Objective 2. Across the five categories of specialized trainings, well over 200 professionals received education related to the use of diversion from formal prosecution, while more than 45 professionals received training on preventive programmes (Family Counselling). On both counts, the project achieved roughly double the expected result. One basic explanation is that some longer training workshops were shortened, because professionals could not easily take so much time away from their jobs, and were offered more times to more professionals. Project stakeholder leadership and advocacy were strong drivers for these impressive attendance numbers. For example, the President of the Supreme Court followed the development of judges’ trainings closely, and personally intervened to ensure strong participation. The Supreme State Prosecutor played a similar role for the prosecutors’ trainings. At least one CSW Director strongly supported participation in social workers’ trainings.

Moreover, the high quality of expert trainers contributed to strong attendance and participation. Almost without exception, across all evaluation activities regarding all types of professional specialized trainings, participants and observers remarked enthusiastically that expert trainers were dynamic and engaging, that trainings were extremely valuable in practical and professional terms, and that participants desired and would eagerly attend future trainings. Part of this enthusiasm is due to the trainings’ relevance, as courses were often designed around stakeholder needs and requests. Finally, the decision to conduct some trainings away from normal workplaces, such as on the coast or in attractive hotels, contributed to success in both practical and symbolic terms. Many participants appreciated the opportunity to escape the stresses of everyday work and to learn in a setting that was more conducive to discussion and reflection. They also communicated a sense of having being valued as professionals who deserved specialized training by skilled international experts, and this seemed to contribute to the sense of renewed professional pride that was apparent in many participants.

35 Ms. Ljubica Durutović, interview.
36 Focus Group 11.
37 Prof. Dr. Zorka Lopičić-Perišić, Prof. Dr. Veronika Išpanović Radojković, and Dr. Neverna Čalovksa Hercog, Consultancy Report: Family Counselling in Prevention of Juvenile Delinquency: Final Report.
38 For example, Focus Groups 4, 6, 10, and 13.
39 Ms. Nela Krnic, interview.
A related activity under Specific Objective 2 was the 5-day study tour in Germany for five high-level government officials, although this study tour is not directly measurable under indicators cited for Specific Objective 2 or its corresponding expected result. The study tour was notable for its positive influence and important learning experience for participants, as noted independently by four of the five study tour participants included in this evaluation. The MOJ decided to pursue the creation of additional features in the draft juvenile justice law specifically because of insights from the study tour, and explained German practices to juvenile justice professionals as a strong model for reliance on alternatives and diversion.

### 3.3.3 Specific Objective 3: Outcomes

Specific Objective 3 is “Increase the availability of community-based alternatives for children in conflict with law,” and the project measures its achievement through the following:

1. Number of institutionalized children (placed in closed facilities) decreased for 30%  
2. Number of children exposed to community-based alternatives increased for 30%  
   (Victim/Offender Mediation, Community Based Work.)

The first indicator for Specific Objective 3 assumes the baseline level of approximately 30 children per year placed in the Ljubovic Centre and 3-4 children per year in the prison’s juvenile wing, and relies upon government institutions’ statistics as information sources for follow-up measurement. As suggested elsewhere in this report, the acquisition of such statistics is difficult and reliability is variable. For example, various sources complicate the baseline data: Spuž prison officials reported that 9 juveniles carried out sentences in prison during 2007, and 4 in 2008; but UNICEF reports 8 sentences in 2008, and just one in 2009. At the time of evaluation, no juveniles were imprisoned. Corresponding Ljubovic Centre placement data specifically for children in conflict with the law (and not for protective reasons) is not readily available either. Moreover, it is extremely difficult to obtain such data specific to the 18-month project life, or to the more ideal final 6 months so as to better measure the project’s effects. Reliable, statistically-significant measurement is not feasible on this indicator, and attribution of apparent numerical increases/decreases to the project would be more misleading than informative. Overall, project activities may have contributed somewhat to decreases in institutional placements, but this would realistically only result from the increased sensitivity of professionals to juvenile justice concerns, and not from any widespread creation of alternatives to the deprivation of liberty.

On the second indicator, no baseline data existed at the project start, nor was any collected during the initial juvenile justice system assessment as anticipated. With regard to victim/offender mediation, there were apparently no juvenile mediation cases in Podgorica either before or during the project life. In Bijelo Polje, local leadership led to significant use of forms of victim/offender mediation both before and during the project life, but apparently not an

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40 Interviews (Ms. Branka Lakocevic, Ms. Snezana Mijuskovic, and Mr. Sucko Bakovic) and Direct Observation of Working Lunch, Bijelo Polje.  
increase in use attributable to the project.\(^{42}\) With regard to community-based work orders, this form of community-based alternatives was apparently never used before or during the project, although stakeholders in Niksic are fully prepared to implement the first work order and are awaiting an appropriate trial case. In addition to victim/offender mediation and community-based work orders, legislation currently in force envisages three other types of “Attendance Orders.”\(^{43}\) By the time of the project’s close, the Podgorica Basic Court had issued two of these other types of attendance orders (i.e., mandatory school attendance), and prosecutors had formally proposed to the court the issuance of three other orders.\(^{44}\) As none of these regard victim/offender mediation or community-based work orders, Specific Objective 3 was not attained with any success from the strict perspective of the second stated indicator.

The expected result that corresponds to Specific Objective 3 is “Community based programmes for children in conflict with law with range of alternatives introduced and piloted, preventive programmes of work with children and families at risk improved and children placed in semi-open and closed facilities entitled to improved child rights-based rehabilitation programmes.” The project measures its achievement through the following:

1. Number of children entitled to application of community based alternatives for children in conflict with law (V/O Mediation, Community based work for juveniles)
2. Child Rights Based Preventive and Rehabilitation Programmes improved

The first indicator for this expected result substantially repeats the second indicator for Specific Objective 3 above, and is discussed there. The second indicator is essentially subjective as presented, but some relevant observations are possible. The improvement of child rights based prevention programmes is discussed above in the section “3.3.2 Specific Objective 2: Outcomes.” With respect to the improvement of child rights based rehabilitation programmes, the quality of work methodology in the Ljubovic Centre has improved. Prof. Dr. Stakic provided intensive on-site technical assistance at the Centre for three consecutive months, and described that staff members originally thought they could never learn new professional methods.\(^{45}\) In the end, they grasped that they could learn and improve over time. Centre staff demonstrated obvious fluency with the principles and methodologies learned, reported improvements in both process quality and outcomes in casework, and emanated a strong sense of professional pride in having applied new knowledge.\(^{46}\) However, if the above indicator is understood as improvement in rehabilitative programs/activities, there is no improvement. Prof. Dr. Stakic noted that new activities in this sense are not being implemented at the Centre, and this coincides with other descriptions of virtually no creative or rehabilitative programs for children.\(^{47}\)

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\(^{43}\) MOJ, Attendance Order Implementation Rules, 2007.

\(^{44}\) Focus Group 13.

\(^{45}\) Interview.


\(^{47}\) Prof. Dr. Stakic, interview. Focus Group 2.
3.4 Impact

**KEY FINDINGS**

- Project effects to date cannot strictly be considered long-term impacts, although the likely future passage of the juvenile justice law should serve as a promising foundation for long-term differences.

Impact refers to the project’s positive and negative long-term effects, which correlate in part to achievement of the project’s overall objective: “Montenegro Juvenile Justice system improved as a part of broader initiative of judiciary reform of Montenegro.” In order to measure the extent of such achievement, the project specified the indicator of “Level of compliance of Montenegro Juvenile Justice system with UN, COE, and EU international instruments and standards.” Although this indicator is in theory objectively verifiable against international benchmarks, the data available on compliance before and after the project is insufficient to make such a broad measurement. Due in particular to the extensive specialized professional trainings and in-depth technical assistance provided, it does seem likely that compliance with international standards has increased to some extent. Professionals reported practical improvements in their daily work that should contribute to greater compliance, and that reflect important beginnings to changing mindsets among professionals. However, such improvements are a matter of short- to medium-term effects, and would not remain as long-term effects if no further support were provided. The changes have not been institutionalized or internalized in the professional culture so as to ensure their passing-on to professionals who did not receive training, or to future cohorts who will one day run and lead juvenile justice. Passage of the draft juvenile justice law would have increased the likelihood of project impact through the creation of lasting norms, policies, and practices with long-term effects, and the likely passage of the law in the coming months is not sufficient to guarantee this impact. Impact is a broader consideration than strictly the project overall objective, but the project’s 18-month lifespan did not trigger effects of any type that could be characterized with confidence as long-term.

3.5 Sustainability

**KEY FINDINGS**

- Important short- to medium-term project benefits will likely continue to have an effect. The potential for long-term impact exists if the draft juvenile justice law is approved, and particularly if further support were provided toward full implementation.

- In strict terms of the ability to continue project activities after funding ends, the project is not and was not generally expected to be sustainable.

- Local project ownership is an important agent for likely short-/medium-term effects and potential long-term impact. At the level of key partners, the MOJ demonstrated exemplary commitment, which reflects both strong personal investment and direct links to compelling ministerial and national priorities. Despite content and legal relevance, the MOLSW had no internalized links between the project and ministerial/national agendas that might have triggered more desirable levels of participation and commitment. Other project stakeholders demonstrated generally solid ownership at respective levels and across most professional fields.
Nearly all project stakeholders understood sustainability to be a challenge for the project: the fact that project partners will request further funding underscores the inability to independently sustain relevant activities. Despite their significant resource investment to date, the Government of Montenegro and UNICEF Montenegro do not have the capacity to continue the impressive pace and variety of reform activities. Partners implicitly understood this situation from the project’s inception even though the project design did not feature an adequate phase-out or hand-over strategy. The Project Steering Committee discussed such questions in its final two meetings, and agreed in principle to collaborate in seeking resources to support core activities on an interim basis following the project’s end, and to continue discussions towards potential support for a future project continuation.

Some short- to medium-term project activities and benefits will very likely continue after current EU assistance has been completed. Most notably, numerous evaluation sources indicated that the MOJ will adapt well to the project’s end, complete the draft juvenile justice law, and ensure its approval in Parliament within the coming months. The transparent and democratic process of legal drafting, public comment, and revision in itself produced unexpected results. Over time, diverse professionals seem likely to carry forth the belief that they have important contributions to make to national-level discussions, and the expectation that national decision-makers have a responsibility to seek and take into consideration their contributions.

Stakeholders dedicated relatively little attention to the subsequent drafting of secondary legislation (implementation guidelines). Evaluation information sources – including government reports; UN, COE, and EU analyses; and interviewees and focus group participants – continuously stressed law and policy implementation as a primary challenge across all contexts in Montenegro. Some suggested that passing laws was relatively easy given Parliament’s rush to meet EU standards, and that juvenile justice law implementation would prove more difficult than the law’s drafting and passage. Others seemed overwhelmed by the hard work that will be required to apply the new law in practice, and evaluation participants almost unanimously stressed the need for continued capacity-building and training. Despite the enthusiasm and momentum for reform that the project has generated, dedication to implementation efforts does not appear to be resilient in the absence of external support.

Benefits from various specialized trainings should continue to accrue in the future. Among other examples discussed in the Findings, Family Counselling training participants, Ljubovic Centre technical assistance beneficiaries, and specialized professional training participants seemed to have gained new perspectives and practical skills that make a difference in their daily work with children in conflict with the law. A corollary benefit is the awareness, sensitivity, and changes in mindsets needed to engage children in ways that more fully respect their rights, among a nearly complete array of juvenile justice stakeholders. Other activities that failed to achieve desired results during the project life – such as the use of victim/offender mediation, community-based work orders, and other educational orders currently available – may still produce some subsequent benefits. These possibilities vary widely and depend upon the enthusiasm of local leaders and professionals – which was typically both harnessed and bolstered by the project – to adapt to changing circumstances and find solutions to current system blockages.

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48 For example, Ms. Ana Zec, interview.
At the overall project level, the ownership and personal investment of major project partners is the key determinant for project sustainability. Local ownership at the most central level of the Project Steering Committee refers specifically to the MOJ and the MOLSW, which were technically Associates under the EU project grant. The MOJ was Steering Committee Co-Chair; had a strong and relevant mandate under its Judicial Reform Strategy for the project work; internalized the direct link between the project and national prioritization on EU membership; enjoyed the support and interest of the Minister of Justice; and benefited specifically from the participation and leadership of Deputy Minister Lakocevic. For example, one evaluation participant saw the Minister examine the entire draft juvenile justice law line-by-line, and another spent a half a work-day discussing its details with the Deputy Minister, remarking that he had never witnessed such commitment from high-level political officials in his entire career. In just four days, the evaluator interviewed the Deputy Minister in her office, observed a 2-hour working lunch that she chaired in Bijelo Polje (2 ½ hours away from Podgorica), and observed her participation in the final Steering Committee meeting. The Deputy Minister’s personal engagement in this project, despite a demanding broader portfolio of national and international initiatives, is remarkable and is the strongest assurance that the draft juvenile justice law will be finalized and passed. At the same time, sustainability is hindered by the Deputy Minister’s lack of technical staff support and inability to delegate significant responsibilities within the MOJ. The project in this sense enjoys high-level support, but is not deeply embedded in institutional structures yet.

The level of ownership by the MOLSW was mixed. MOLSW was a Steering Committee Member (not Co-Chair); lacked a strong MOLSW-specific mandate tying the project to ministerial priorities or EU membership; but enjoyed the support of Deputy Minister Mijuskovic. Some evaluation participants noted confidentially that the Deputy Minister participated in project activities, but generally did not actively engage in decision-making concerning project orientation and implementation. The most important indication as such is that the Deputy Minister was absent from three of five Steering Committee meetings, sending a substitute on only one occasion. The Deputy Minister did not attend or send a substitute to the final Steering Committee meeting, which included on the agenda the preliminary findings of this evaluation, and at which discussions were presumed to continue with the European Union Delegation on potential future project support. The MOLSW’s failure to appreciate the importance of such events signifies insufficient depth of ownership for sustainability.

As suggested elsewhere in this report, the commitment of other major stakeholders shows strong breadth of local ownership. The President of the Supreme Court, the Supreme State Prosecutor, agency branch directors and key staff, and others strongly supported the project and fully engaged in activities relevant to their respective fields. Generally, such leaders characterized their roles as participants rather than as simple recipients of programming, and professionals who received specialized technical assistance and trainings were eager to further engage with the project in the future. At the same time, the degree of local ownership remains limited by the superficial penetration of the project into permanent institutional structures.

49 Respectively, Ms. Noala Skinner, interview, and Prof. Dr. Dünkel, interview.
3.6 Human Rights Based Approach

The Human Rights Based Approach to programming is a central UNICEF commitment and includes the following elements:\(^{50}\):

1. Assessment and analysis identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.
2. Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfill their obligations. They then develop strategies to build these capacities.
3. Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles.
4. Programming is informed by the recommendations of international human rights bodies and mechanisms.

As suggested in the Findings on Relevance, the project design and implementation were broadly consonant with the Convention on the Rights of the Child, and generally worked according to its principles and towards the fulfillment of children’s rights. With some key exceptions noted below, they reflected the objectives and emphasis of key international juvenile justice standards.\(^{51}\) However, they failed to consider to any significant degree the special situation of girls and children of minority groups as mandated under the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination. Likely explanations include the lack of disaggregated juvenile justice data so as to readily understand and address dynamics affecting girls and refugee, displaced, Roma, Ashkaelia, and Egyptian children. Special project emphasis was nonetheless justifiable on the basis of relevant data regarding these groups’ relatively high poverty rates, lack of social inclusion, low school attendance and completion rates, and low employment rates.\(^{52}\) The Committee on the Rights of the Child has stressed non-discrimination, including particular attention to these issues, as a general principle of the CRC and as the first of the leading principles for a comprehensive juvenile justice policy.\(^{53}\)

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\(^{51}\) Among others, these include the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (commonly known as the Beijing Rules); the 1990 Guidelines for the Prevention of Juvenile Delinquency (commonly known as the Riyadh Guidelines); and the 1990 Rules for the Protection of Juveniles Deprived of their Liberty (commonly known as the Havana Rules).

\(^{52}\) UNICEF Montenegro, 2009 Annual Report.

The project inadequately incorporated another CRC general principle and leading principle for comprehensive juvenile justice policy: CRC Article 12 on respect for the views of the child.\(^{54}\) This principle essentially holds that children have a right to be heard in all matters affecting them, with due consideration for their views according to their age and maturity. The project collected a total of approximately 40 children’s opinions through a series of NGO-led focus groups that accompanied the initial system assessment, and through similar focus groups conducted through the Ombudsman’s Office. These children’s views did not substantially inform the project, its implementation, or its activities,\(^{55}\) although project staff did informally take them into account as a general affirmation of the project’s approach. Despite other UNICEF Montenegro efforts involving children around education, peer and family violence prevention, and outreach, the project’s activities did not explicitly contribute to any broader strategy to increase children’s awareness of their rights or their abilities to claim these rights for themselves. As suggested in the Findings on Results Based Management, the unusually long project development and approval process probably hindered better integration with other child participation activities and strategies.\(^{56}\)

As noted above and discussed in the Findings on Relevance, the foregoing shortcomings are also related to an incomplete knowledge base on the day-to-day juvenile justice realities for children. Data and statistics are poor in many respects. Their limited informational value – from a policy and decision-making standpoint – may serve primarily to reinforce the conventional wisdom, rather than to challenge it and provide insights. For example, three Podgorica police officers could paint a detailed portrait of how, where, when, and why most children came into conflict with the law, and of the first strategic opportunities for early intervention.\(^{57}\) These insights did not feed into national data, were difficult to gather except by interacting with this very specific information source, and did not penetrate the project design or activities (which underestimated police officers’ stakeholder role). Again, the lengthy project development process probably limited stronger, formalized linkages to other efforts that could have informed project design and implementation decisions.\(^{58}\)

CRC Article 12 signifies in broader terms the right of children to participate actively in matters affecting them, and the only other project activity that directly engaged children was a stunning success in this sense. The theatrical play “On the good and the bad road in life” was a powerful model of child participation; it was based directly on the life experiences and contributions of roughly 20 children at the Ljubovic Centre, and was produced with the children by the local

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\(^{54}\) Ibid.  
\(^{55}\) For example, the Project Steering Committee did not discuss children’s focus group results. Ms. Nela Krnic, response to e-mail query.  
\(^{56}\) For instance, independent from the project and on the occasion of the 20th Anniversary of the CRC, UNICEF Montenegro sponsored a workshop in November 2009 for 20 children (including 2 from the Ljubovic Centre) to produce one-minute videos on children’s rights and views. Children presented their videos at a formal reception hosted by the Prime Minister of Montenegro and the UNICEF Montenegro Representative, at which the results of an unprecedented Youth Opinion Poll were also presented (see footnote 58 below). The videos were also broadcast on national television, and were available for public viewing along with the Opinion Poll results at an exhibition in downtown Podgorica. Ms. Nela Krnic, e-mail correspondence.  
\(^{57}\) Focus Group 12.  
\(^{58}\) For example, independent of this project, UNICEF Montenegro conducted a ground-breaking 2009 Youth Opinion Poll of 4,650 children from 13-18 years of age, including children in institutions (including the Ljubovic Centre) and Roma, Ashkaelia, Egyptian, and language-minority children. Ms. Nela Krnic, e-mail correspondence.
NGO Proscenium. As discussed in the Findings on Efficiency, the children performed the play five times for a total of roughly 850 spectators, with broad coverage and critical acclaim in national print, radio, and television media. Much of the success is due to the children’s own strength and to the NGO’s experienced techniques in working with disadvantaged populations (Rom, refugees, etc.) in creative drama. The children’s dramatic performances brought audiences to tears; Ljubovic staff that had doubted the children’s abilities ended with enthusiasm; and “the Ljubovic Centre breathed as one for the first time.” 59 One of the local NGO’s leaders – accomplished professionals in drama, theatre, and production – characterized the experience for himself as “the best project in my life,” and paraphrased the children’s reactions as “pure joy” and for some possibly “the best four months of their lives.” 60 Two of the children who participated expressed pride and personal satisfaction for their experiences. 61 The Committee on the Rights of the Child remarked that “the voices of children involved in the juvenile justice system are increasingly becoming a powerful force for improvements and reform, and for the fulfilment of their rights,” and children’s participation in this project activity suggest just how powerful those voices can be. 62

Finally, the project had success in nurturing stakeholders’ awareness and capacity to fulfill their obligations toward children. The high-level commitment and engagement of national leaders is a strong indication to this effect, as discussed in the Findings on Sustainability. Activities focused strongly on increasing the capacity of officials and professionals to meet responsibilities for realizing children’s rights. This agenda has room for future improvement, especially in fostering the understanding that children themselves are the holders of rights and must be actively empowered to exercise them.

### 3.7 Results Based Management

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<th>KEY FINDINGS</th>
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<td>In practice, the project was largely driven by results at the level of outputs and to some extent outcomes, but with little regard for the designated indicators for measuring those results. Several factors contributed to this situation, including a project workload that was unrealistic given the project’s human resource capacity, the ultimate lack of partners’ buy-in to the indicators, and flaws in the indicators themselves.</td>
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<tr>
<td>Even if future reform activities adopt core standard juvenile justice indicators (UNICEF/UNODC), the possibility of using such indicators effectively for sound RBM depends on data reporting and collection capacities that do not currently exist in Montenegro.</td>
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Previous Findings sections discuss specific questions relevant to Results Based Management (RBM), while this section provides findings on overall project considerations. The project’s potential success in RBM was closely linked to the project proposal, design, and log frame, which laid out a clear results chain of inputs, activities/outputs, and outcomes targeted to achieve the overall objective (impact). The project grant agreement held the project closely to this results

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59 Focus Group 7.
60 Focus Group 2.
61 Focus Group 8.
chain, and required consent of the EU Delegation and all key project partners for any significant variation from it. As observed in the Findings on Efficiency, the project succeeded in achieving the intended outputs with relatively few variations. The breadth and extent of outputs are remarkable for an 18-month project with a small core staff and limited partner capacity, reflecting an ambitious project design. For the most part, the Project Steering Committee monitored and assessed major activities, at times adapting to changing conditions to produce the desired outputs. In the few instances where the Project Steering Committee did not act decisively enough to ensure activity completion or quality, errors seem fundamentally due to a project workload that exceeded the realistic human resource capacity of the small project staff and key partner decision-makers.

The project design’s specific objectives and expected results, and especially the indicators designated to measure their achievement, seemed more peripheral to the main partners (with the exception of the EU Delegation). In part, this was also due to the workload and rush to complete all planned activities, which the key partners described as their focus and concern for accountability, with a seemingly intuitive but accurate sense of positive results for children. Implementation was largely a matter of executing the project design, and modifying as reasonable and necessary, not of monitoring progress against indicators and adjusting on this basis. The “results” in RBM did not appear to serve as a consistent reference point in the project, just as the achievement of the overall project objective and impact appeared more as a distant hope.

Beyond practical challenges, the project’s basic stumbling block to full RBM was a lack of buy-in to the stipulated indicators for the specific objectives and their corresponding expected results and planned activities. This was a consequence of the protracted grant proposal discussions, which began in January 2007 between UNICEF and the European Agency for Reconstruction (EAR), spanned the transition of responsibilities to the new Delegation of the European Union to Montenegro, and concluded in September 2008. A 21-month negotiation process among large international institutions for an 18-month grant could never be simple. In brief, UNICEF drafted the project proposal according to its own standards, deliberated extensively for adaptation to meet EAR requirements, and then reinitiated that process for EU Delegation standards. Even without EAR complications, the EU Delegation observed that such discussions with UN agencies are always complex because of differences from the EU’s very specific approach to project log frames.63

After such long negotiations, it is not surprising that the final indicators might be compromised in quality and in practical value to stakeholders, which appears to be the case for this project. As suggested in the Findings on Effectiveness, the final project indicators pose numerous challenges in terms of objectivity, measurability, and therefore intrinsic value for RBM. These weaknesses were complicated by the lack of relevant baseline data, by the failure to collect timely baseline data as planned for the project, and in some cases by the implausible assumption that such data was possible to collect. Although the future reform activities might seek to integrate the

63 Mr. Alessandro Campo, interview.
UNICEF/UNODC Juvenile Justice Indicators, these same underlying questions of national capacity to collect and report data need to be resolved first for their effective use in RBM.\textsuperscript{64}

4. Conclusions
This section presents conclusions by significant recurring and cross-cutting themes in the evaluation’s Findings.

Notable Project Successes
Although the project did not accomplish its most visible objective of a new juvenile justice law, it has achieved a model democratic drafting process, a draft law that should conform to all relevant international standards, and the strong probability of the law’s passage in the coming months. At the same time, it appears to have produced important short- and medium-term results for juvenile justice professionals: improvement in the quality of preventive services offered; updated professional practice methodologies of Ljubovic Centre staff; and greater awareness and practical knowledge on children’s rights and the use of diversion/alternatives. These results do not present likely long-term impacts in and of themselves, but potential carry-over exists if the draft law is promptly passed and extensive efforts towards full implementation are undertaken.

Relevance, Ownership, and Stakeholders
EU membership is the overriding goal for the Government of Montenegro, and related government policies and priorities ascend accordingly in importance. The MOJ Judicial Reform Strategy serves as a direct bridge between juvenile justice reform and potential EU membership, and assured MOJ commitment. Similarly, some of the most visible project champions are in the justice sector: the MOJ Deputy Minister, the President of the Supreme Court, the Supreme State Prosecutor, etc. Such a bridge does not currently exist for the MOLSW, and without it or a substitute mechanism, the MOLSW risks lagging behind rather than boldly embracing its central role in the future juvenile justice system.

At the community level, the project didn’t fully engage the complete range of relevant stakeholders, especially parents, teachers, and police officers. Some of the most effective delinquency prevention programs are conducted in schools by teachers, and reinforced at home by parents. Police officers demonstrated an intimate knowledge of Montenegro juvenile justice dynamics that was not reflected in national statistics or reports. Moreover, these stakeholders are a core constituency and source of advocacy for juvenile justice reform.

Children’s Participation
One of the most resounding project successes was the theatrical play “On the good and the bad road in life,” created and presented by children placed at the Ljubovic Centre. The play drew over 800 spectators, brought many of them to tears, empowered children with dignity and respect, breathed inspiring new life into a tired institution, and humanized with immediacy why the partners are pursuing juvenile justice reform.

Most activities fell well below this model activity, and children’s views did not significantly inform the project overall or the few other activities that immediately affected children in conflict with the law. There was no special consideration for girls or refugee, displaced, Roma, Ashkaelia, or Egyptian children.
Efficient Project Implementation

Despite limited human resources of the project staff and key partners, implementation was efficient and generally followed the ambitious project design. Divergences from the project design were managed transparently and in consultation with all key partners, and usually represented effective choices given changing conditions. Certain lapses in follow-up or program redirection appear fundamentally due to a project workload that exceeded staff and partners’ capacity.

Data and Indicators

Data collection, reporting, and analysis are problematic in Montenegro, with repercussions for the project and measurement of its achievements. Decision-makers cannot gain from currently-available data any comprehensive understanding of juvenile justice dynamics or insights into its realities for children, and the same challenges are linked to project weaknesses in child and stakeholder participation. The project would have benefited from stronger national data-related capacities (which the project fully assessed) and higher-quality and more meaningful indicators.

4.1 Lessons Learned

Lessons learned, in the context of program evaluation, refer to new contributions to general knowledge with relevance beyond the project, sector, and context under evaluation. As many of the project dynamics were intrinsically-linked to the unique contemporary circumstances of Montenegro, most of the important lessons that the project itself learned have limited value-added applicability beyond this context.

The one project lesson learned with such applicability is the exponential project value of meaningful child participation in creative activities, in this case of children in conflict with the law in a dramatic production based upon their own life experiences. Respect for the views of the child is a guiding principle of the CRC and a leading principle for comprehensive juvenile justice policy, thus full child participation is an already-accepted lesson. However, examples that target disadvantaged groups and achieve remarkable results are not well-known and are rarely replicated.

In summary terms, the project invested modest financial resources over 3 months to support the local NGO Proscenium, which developed a theatrical play with children placed in the semi-open Ljubovic Centre. Based on their own life experiences, over 20 children participated in the play “On the good and on the bad road in life,” and presented it 5 times in December 2009. There were approximately 830 spectators across the performances, and positive television, radio, and print media coverage was extensive. Beyond the children’s own strengths, the NGO’s experience in professional theater and drama production, and in working with disadvantaged populations (Rom, refugees, etc.), was fundamental. The children’s dramatic performances brought audiences to tears, and within the Ljubovic Centre staff and children “breathed as one

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for the first time.”\textsuperscript{66} One of the NGO’s leaders identified the most important result as the “pure joy” of the children, and called the experience “the best project in my life.”\textsuperscript{67}

This project activity exemplified the transformative power of meaningful child participation in ways that are rarely seen. Rather than as the exception or isolated activity, children’s rights designate such work as a core value and basis for all work with children. The theatrical play humanized with immediacy the project’s goals, empowered children with dignity and respect, advanced the realization of children’s rights.

\textsuperscript{66} Focus Group 7.  
\textsuperscript{67} Focus Group 2.
5. **Recommendations**

Based primarily upon evaluation Findings and Conclusions, the following Recommendations take into consideration the potential continuation of project activities in the future.

1. **Passage of the Juvenile Justice Law.** Project partners should consider some linkage between the juvenile justice law’s entry into force and discussions on future project phases. The approved law should be translated and should undergo independent technical legal review to ensure full compatibility with all relevant regional and international standards.

2. **The MOLSW’s Role.** Project partners and other stakeholders should engage with the MOLSW for a richer common understanding of the essential links among potential EU membership, children’s rights, and the MOLSW’s institutional priorities. Ideally, the MOLSW’s vision, strategy, and responsibilities would incorporate these links; regardless, some relevant internalized mechanism is necessary to ensure that the MOLSW fully embraces its central role in juvenile justice.

3. **Other Partners and Stakeholders.** Future efforts should feature the formal high-level participation of the Ministry of Education and Science and the direct participation and involvement of teachers. Likewise, law enforcement officials, sector- and community-level officers, and juvenile specialist investigators must be deeply involved in future planning and implementation. Parents, especially parents of children in conflict with the law, should be included directly in project activities to the greatest extent possible.

4. **Children as Key Stakeholders.** Project partners should ensure children’s active and meaningful participation in all relevant future activities, including substantive consideration of children’s views in formulating future project proposals. As necessary, child participation should draw upon UNICEF’s relevant global expertise, and future activities should replicate and expand upon the success of the theatrical play “On the good and on the bad road in life” as a priority. Children in institutions should enjoy an array of similarly stimulating activities that help reintegrate them successfully into their communities, and their rights and perspectives on living conditions require greater attention. Project partners should consider and address the situation of girls and refugee, displaced, Roma, Ashkælia, and Egyptian children.

5. **Embracing a Bolder Vision.** As current project results are solidified and partners/stakeholders are further engaged (i.e., Recommendations 1-4), project partners should reflect creatively and boldly about their vision for children in Montenegro. Montenegro’s unique circumstances – such as sweeping momentum towards EU membership, exemplary high-level political support, enthusiastic donor interest, full UNICEF investment, and sound project successes – present exceptionally rare strategic opportunities that should be seized, and that could be leveraged to build a model culture for children’s rights. Juvenile justice reform could play a leading role, and should be seamlessly intertwined with universal violence prevention programs, comprehensive social welfare sector reform and long-term capacity-building, and other initiatives. Future efforts should aspire to have a decidedly expanded scope and time frame.
6. **Focus on Law Implementation.** Under that bold vision (Recommendation 5), future objectives should focus on full implementation of the new juvenile justice law, including through the prompt development and introduction of secondary legislation (implementation guidelines). Evaluation sources suggested almost unanimously that law implementation is a greater and more difficult challenge than law creation. Despite the extremely ambitious project activities to date, future efforts toward implementation must be even greater. These should expand upon project successes, especially value-added deliberative processes, specialized professional trainings, and intensive expert technical assistance. Project shortcomings require concrete solutions to blockages, particularly to the actual use of diversion and alternatives.

7. **Expanded Project Capacity.** Despite limited human resource capacities of the project staff and key partners, the project demonstrated notable efficiency and transparency in executing an ambitious, complex project. Recommendations 5-6 above imply a realistic expansion of those capacities, in core project staff and support, and in contributions to long-term ministerial capacity. In this sense, project partners may consider the expertise gained through UNDP Montenegro’s major outcome area of “capacity development for public management.”

8. **Data, Indicators, and Monitoring.** As detailed in a project-supported analysis, data collection and reporting capacities pose deep challenges that require significant attention and collaborative solutions. Ideally, future project activities should fully incorporate the UNICEF/UNODC Juvenile Justice Indicators into those solutions, and to the practical extent possible, they should feature the same indicators as the basis for measuring project results.\(^6\) Related to the current inadequacy of formal data/statistics, project activities should expand NGO and Ombudsman Office capacities for alternative data gathering and monitoring. In particular, the Ombudsman’s Office must have guaranteed, unfettered access to all places of deprivation of liberty at all times, and should possess updated information at all times on the number and status of children deprived of their liberty.

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Annexes

Annex I. UNICEF’s and Key Partners’ Comments on the Project Evaluation

[to be coordinated and inserted by UNICEF following submission of final evaluation report]
Annex II. Evaluation Mission Trip Agenda

External Evaluation of the Montenegro “Juvenile Justice System Reform Project”

Evaluation Mission Trip Agenda (4-16 April 2010)

Sunday-Monday, 4-5 April
Travel USA- Montenegro

Tuesday, 6 April

09.00 Focus Group 1 with UNICEF Juvenile Justice Project Staff (Ms. Nela Krnic, Child Protection Officer; Ms. Ana Vukovic, Juvenile Justice Project Assistant; and Ms. Marija Manojlovic, Juvenile Justice Project Consultant)

Wednesday, 7 April

09.00 Telephone Interview with Ms. Ivana Stevanovic (Juvenile Law Expert)
10.30 Interview with Mr. Alessandro Campo (EU Delegation to Montenegro)
12.00 Focus Group 2 with NGO Proscenium (Mr. Edin Jasarovic and Mr. Petar Pejakovic)
14.00 Direct Observation of Theatrical Play “On the good and on the bad road in life” (DVD)
15.00 Focus Group 3 with UNICEF staff (Ms. Branka Kovacevic, Programme Coordinator; and Ms. Clarice de Silva e Paula, Child Protection Specialist)

Thursday, 8 April

09.00 Focus Group 4 and Site Visit at the Institute for the Execution of Criminal Sanctions in Spuž (Mr. Milan Radovic, Director; Counselor to the Director; and Juvenile Correctional Staff Member)
11.00 Telephone Interview with Mr. Milan Skulic (Juvenile Law Expert)
13.00 Telephone Interview with Prof. Frieder Dunkel (UNICEF technical legal consultant)
15.00 Focus Group 5 with UNICEF staff (Ms. Noala Skinner, UNICEF Montenegro Representative; and Ms. Nela Krnic, Child Protection Officer)
Friday, 9 April

10.00 Interview with Ms. Ljubica Durutović in Niksic (Centre for Social Work Acting Director)

13.00 Focus Group 6 with Judicial Training Centre staff (Ms. Maja Milosevic, Executive Director; and Assistant to the Director)

14.30 Interview with Ms. Jelena Gluščević (Program Coordinator, NGO Child Rights Centre)

Monday, 12 April

08.30 Interview with Ms. Medenica (President of the Supreme Court)

09.30 Site Visit at the Centre for Children and Youth “Ljubovic”
Focus Group 7 with Centre leadership (Mr. Dragan Pajovic, Director; and Pedagogical Assistant to the Director)
Focus Group 8 with children placed at the Centre (4 boys and 1 girl, ages 13-18)
Focus Group 9 with Centre Pedagogical Staff (Educational Program Director; 2 Pedagogical Specialists; and 1 Educator)

12.00 Interview with Ms. Branka Lakocevic (MOJ, Deputy Minister of Justice)

14.30 Interview with Mr. Aleksa Ivanovic (NGO CEDEM)

16.00 Telephone Interview with Mr. Vladan Jovanovic (UNICEF database assessment consultant)

Tuesday, 13 April

09.15 Interview with Mr. Miroslav Knezevic (Director, Centre for Mediation Podgorica)

10.00 Interview with Ms. Snezana Mijuskovic (MOLSW, Deputy Minister)

11.30 Interview with Ms. Ana Zec, (Acting Head of Office, Council of Europe Office in Podgorica)

12.30 Interview with Ms. Maja Velimirovic (former UNICEF Project Staff, Project Coordinator, October 2008-July 2009)

13.30 Telephone Interview with prof. Djuradj Stakic (UNICEF technical assistance and training consultant)

14.00 Focus Group 10 with Prosecutors (Secretary of the Supreme State Prosecutor’s Office; 2 Prosecutors; 1 Prosecutor’s Associate)

14.45 Interview with Ms. Zorica Radonjić (UNICEF Montenegro, Operations Manager)
Wednesday, 14 April

(Official trip to Bijelo Polje)

08.00 Interview with Ms. Nela Krnic (UNICEF Montenegro, Child Protection Officer, and Project Coordinator)

10.00 Focus Group 11 with Centre for Social Welfare staff (Ms. Vesna Minic and Ms. Vanja Maskovic, Social Workers)

11.00 Interview with Ms. Vesna Pavicevic (Director, Centre for Children and Family Support)

14.00 Direct Observation of Working Lunch with 25 Juvenile Justice Professionals

Thursday, 15 April

09.00 Interview with Mr. Sucko Bakovic (Protector of Human Rights and Freedoms of Montenegro – Ombudsman)

10.00 Interview with Ms. Ranka Carapic (Supreme State Prosecutor)

11.15 Focus Group 12 with Police Officers (2 Podgorica Sector Chiefs; 1 Podgorica Juvenile Specialist Inspector)

12.30 Interview (working lunch) with Ms. Noala Skinner (UNICEF Montenegro Representative)

14.00 Direct Observation (and presentation of preliminary evaluation findings) of the Project Steering Committee meeting

16.00 Focus Group 13 with Judges (2 Podgorica High Court and Juvenile Judges; 1 Podgorica Basic Court and Juvenile Judge)

Friday, 16 April

Return Travel to USA

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69 Due to the Iceland volcano travel disruptions, return travel to the USA was not completed until 24 April 2010.
Annex III.

Map of Montenegro
Annex IV. Interview Protocol

Juvenile Justice System Reform Project

Project Evaluation – Interview Questions

External Project Evaluator: Don Cipriani, Ph.D. (doncipriani@yahoo.com)

Semi-structured interviews (individual and group) will seek to facilitate the open sharing of opinions from all interviewees, and confidentiality will be assured. Questions will be adapted according to varying contexts, but will focus on Relevance, Efficiency, Effectiveness, Impact, Sustainability, Human Rights Based Approach, and Results Based Management, as delineated on these pages. Discussions will consistently refer to the following core project focus areas:

- **Policy and Legal Reform** (JJ Code, Secondary Legislation, Ombudsman’s Office, Databases)
- **Capacity Building** (for Professionals, on International Standards, Alternatives, Prevention)
- **Community-Based Work** (VOM, Community-Based Work, Equipment and Programmes in Ljubovic Centre)

### Relevance

- How well were these objectives and related activities aligned with the priorities, policies, and opinions of UNICEF, government partners, civil society organizations, and other stakeholders? Were all stakeholders at the table?
- To what degree were individual and overall project strategies and activities sufficient to influence comprehensive juvenile justice system reform?
- Did the project prioritize and act on the most urgent challenges in policy, legislation, and programmes? Why do you believe so, or not?

### Efficiency

- Were project resources managed in a transparent and accountable manner?
- Compared to alternatives, did the project use resources economically to achieve its objectives?
- Considering the benefits, was the investment in the reform process justifiable?
- Were activities completed on time, in a logical sequence, and with appropriate quality?

### Effectiveness

- To what extent did the project succeed in the three focus areas outlined above?
- What were the major factors influencing the achievement or non-achievement of each goal?
What is your opinion of the capacity building activities (professional trainings; technical assistance) provided to you?

How successfully did the project adapt to any changing external conditions?

Impact

What are the main effects of the project: intended/unintended, positive/negative, including social, cultural, gender, economic, and political effects – for individuals, communities, decision-makers, and institutions?

How well did project activities contribute to a “change in mindset” among JJ-related professionals towards children in conflict with the law?

To what extent did the project foster better coordination and synergy among different sectors in the JJ system?

What real differences has the project made for children and families? Which children/families, and how many?

Sustainability

In what manner will project activities and impacts continue once EC support ends?

Was a phase-out/hand-over strategy an integral part of the project design, and was it fully understood by all partners?

How would you describe the breadth and depth of local ownership? To what extent were relevant groups actively involved in decision-making concerning project orientation and implementation?

How far is the project embedded in institutional structures that will survive beyond the life of the project itself?

Human Rights Based Approach

How was the project based upon and monitored following children’s rights principles, the CRC, and related guidance?

Did relevant stakeholders view the project as increasing their own capacity to fulfil obligations toward children?

How were children engaged to inform the project over time, and how did they learn to claim their own rights?

What special considerations were given to girls and marginalized/vulnerable groups?

Results Based Management

Did all partners consistently understand and agree on the challenges to be addressed, their causes, the strategic results sought, and the sequence of steps necessary to achieve those results?

As project partners made key decisions, were they informed by information/indicators focusing on results for children?
Annex V. Documents Consulted

Council of Europe
Commissioner for Human Rights, various documents on Montenegro
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), various documents on Montenegro

Delegation of the European Union to Montenegro, various publicly-available documents

Government of Montenegro
2004-2010 Plan of Action for Children’s Rights in Montenegro
Criminal Code
Criminal Procedure Code
MOJ, Strategy on Reform of Montenegro Judiciary, 2007-2012
MOJ, Attendance Order Implementation Rules, 2007
Revised Second Draft Juvenile Justice Law, 2009
Report on the implementation of the National Plan of Action for Children in Montenegro, 2006

Juvenile Justice System Reform Project
Annual Progress Report (narrative/financial) to the EU Delegation, October 2009
Communication plan and press release
Grant Proposal and submitted materials (including project log frame and budget)
List and timetable of events organized
Numerous Project Consultancy Terms of Reference and deliverables (reports, training programmes, agendas, technical legal review, juvenile justice system assessment, training manual, capacity assessment, documentation, promotional materials, focus group summaries, training evaluations, etc.)
Project Steering Committee meeting agendas, action lists, and minutes
Various financial reports


UNICEF Evaluation Office, Evaluation Technical Note No. 1: Children Participating in Research, Monitoring And Evaluation (M&E) — Ethics and Your Responsibilities as a Manager, April 2002


UNICEF Montenegro
Annual Report (2008; 2009)
Annual Workplan (2008; 2009; 2010-2011)
Various confidential, draft, and/or internal reports, documents, and e-mails


United Nations Committee against Torture, various documents on Montenegro

United Nations Committee on the Elimination of Racial Discrimination, various documents on Montenegro


# Annex VI. Project Logical Framework

## Logical Framework for the project

<table>
<thead>
<tr>
<th>Objective</th>
<th>Indicators of achievement</th>
<th>Sources and means of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Logic indicators of achievement</td>
<td></td>
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<tr>
<td>Overall objectives</td>
<td>Montenegrin Juvenile Justice system improved as a part of broader initiative of judicial reform of Montenegro</td>
<td>Level of compliance of UNHCR, Montenegro, and human rights standards</td>
<td>1. Independent External Evaluation of the project</td>
</tr>
<tr>
<td>Specific objectives</td>
<td>What are the specific objectives to the action intended to achieve to contribute to the overall objectives?</td>
<td>What is the objective of the action not yet achieved?</td>
<td></td>
</tr>
<tr>
<td>1. To improve the treatment of children in conflict with law</td>
<td>Adoption of Montenegrin Juvenile Code and relevant secondary legislation. Indicators to be taken into account while assessing situation (as appropriate and feasible):</td>
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<tr>
<td></td>
<td>1. Percentage of children treated with due respect of their dignity by state authorities and respective officials (Art. 37, 40 UN CRC).</td>
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<td></td>
<td>2. Percentage of children provided with legal assistance, legal representation (or defence counsel) in preparing for the court trial.</td>
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<td>3. Percentage of children maintaining contact with their family during pretrial, trial and residential care (Art. 37 UN CRC).</td>
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<td>4. Percentage of children taking the right to an effective legal remedy (Art. 40 UN CRC).</td>
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<td>5. Percentage of children whose rights to privacy was respected during the court procedure (Art. 40 UN CRC).</td>
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<td></td>
<td>6. Percentage of children whose right to liberty and safety of person was respected, in particular during arrest, detention and placement in any type of residential care (Art. 37 UN CRC).</td>
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<td></td>
<td>7. Percentage of children interviewed in the presence of parents, professionals, social worker, psychologist, education specialist (from the children’s authority), defence counsel.</td>
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<td>8. Percentage of children taken to court for the hearing within 48 hours of the arrest, with a guardian and social worker attending (Art. 40, UN CRC).</td>
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<td></td>
<td>9. Percentage of children separated from adults in detention (Art. 37 UN CRC).</td>
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<tr>
<td>2. Increase the number of families and children at risk benefiting from preventive programmes</td>
<td>Number of families and children at risk benefiting from preventive programs</td>
<td>1. Independent External Evaluation of the project</td>
<td></td>
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<tr>
<td></td>
<td>Baseline: No data available - to be collected during the initial Assessment of JJ System.</td>
<td>2. Consultation of officials and other experts who provided input to the project</td>
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<td></td>
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<td>3. Statistics of National Social Welfare Office (MONSTAT) collected at the end of the project</td>
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<td>3.1. Statistics from centres for social welfare collected at the end of the project</td>
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<td>3.2. Statistics of National Social Welfare Office (MONSTAT) collected at the end of the project</td>
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<td>3.1. Statistics from centres for social welfare collected at the end of the project</td>
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<td>3.2. Statistics of National Social Welfare Office (MONSTAT) collected at the end of the project</td>
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</tbody>
</table>
### Logical Framework for the project

<table>
<thead>
<tr>
<th>Expected results</th>
<th>What are the indicators to measure whether and to what extent the action achieved the expected results?</th>
<th>What external conditions must be met to obtain the expected results or changes?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Juvenile Justice Policy and Legislative Framework harmonized with internationally recognized standards of protection of the rights of children in conflict with law</td>
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<tr>
<td>2. The capacities for prevention of juvenile delinquency and implementation of the Juvenile Justice Code and existing alternatives to criminal prosecution and institutionalization of children strengthened</td>
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</table>

#### Expected results

| 1. Increase the availability of community-based alternatives for children in conflict with law | Baseline: Approximately 30 children per year placed in JJ institutions and 6 are children placed in Juvenile Institution Monthly report. No data available to be collected during the initial JJ System Assessment. | Traditional practice, attitudes and resistance to change, inadequate staffing capacities to implement properly preventive and rehabilitative programmes. |
| 2. The capacities for prevention of juvenile delinquency and implementation of the Juvenile Justice Code and existing alternatives to criminal prosecution and institutionalization of children strengthened | | |
### Logical Framework for the project

<table>
<thead>
<tr>
<th>Activities/Outcomes stated in results section</th>
<th>Activities/stated results of expected impact</th>
<th>Indicators</th>
<th>Targets</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Community-based programmes for children in conflict with law with range of alternatives introduced and piloted, preventive programmes of work with children and families at risk improved and children placed in semi-open and closed facilities entitled to improved child rights-based rehabilitation programmes</td>
<td>5.1 Number of children entitled to application of community-based alternatives for children in conflict with law (VDO Mediation; Community based work for juveniles)</td>
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<td>March-April 2010</td>
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<td>5.2 Child Rights-based Preventative and Rehabilitation Programmes improved</td>
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<td>Baseline: No data available; new intervention</td>
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<td>5.3 Court’s and Prosecutors Office periodic reports</td>
<td>MONSTAT statistics</td>
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<td>5.4 Regulations and documentation of MontLJW Project documentation</td>
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<td>5.5.1 Report and findings of the independent external evaluation process</td>
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<tr>
<td>1. Assessment of the national juvenile justice system and preparation of adequate Strategy for system support</td>
<td>1.1 External and local technical expertise, Technical expert seconded to MoJ: NPO assistance, Statistical Office assistance</td>
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<td></td>
<td>1.2 Assessment Report and JJ Reform Strategy</td>
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<td></td>
<td>1.3 External and local technical expertise</td>
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<td>1.4 Project documentation: List of participants, Evaluation, Financial documentation</td>
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<tr>
<td>3. Preparation of a comprehensive Juvenile Justice Code</td>
<td>3.1 External and local technical expertise, Ministry of Justice working group, technical expert seconded to MoJ: Study tour</td>
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<td></td>
<td>3.2 Test of JJ Code accompanied with the reports on all aspects of the Code and Results and Findings of the Independent Project Evaluation</td>
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<td>3.3 JJ Code adoption to be followed in the Judicial Reform Strategy and foreseen within MNE Government Agenda for 2006</td>
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<td>3.4 Development of JJ Guidelines to be part of Ministry of Justice’s agenda for 2006</td>
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<td>4.2 Test of secondary legislation: official documents of the Ministry of Justice on adoption of secondary legislation: joint with the Report on results and findings of independent Evaluation Project Evaluation: assessing the quality of proposed secondary legislation</td>
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<td>4.3 Project documentation: List of participants, Evaluation, Financial documentation</td>
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<tr>
<td>5. Organisation of several Round tables on favours of development and presentation of Juvenile Justice Code</td>
<td>5.1 External and local technical expertise, Technical expert seconded to MoJ: organizational costs</td>
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<td>5.2 Project documentation</td>
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<tr>
<td>6. Publication of materials on the new Juvenile Justice Code and alternative measures</td>
<td>6.1 Development, design and publication of material</td>
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<td></td>
<td>6.2 Publication of material</td>
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<tr>
<td>7. Strengthen the capacities of the Ombudsman Office of Montenegro to monitor level of observance of the rights of children in conflict with law</td>
<td>7.1. Capacity building: adequate technical and financial assistance</td>
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<td>7.2. Project documentation</td>
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<tr>
<td>8. Improvement of the Data Collection System</td>
<td>8.1. Project documentation</td>
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<td>8.2. MONSTAT report</td>
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<td></td>
<td>To ensure quality and professional technical expertise</td>
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### Logical Framework for the project

<table>
<thead>
<tr>
<th>COSTS</th>
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<tbody>
<tr>
<td><strong>9. Organization of specialized education on the Family Counseling and development of programs for prevention of juvenile delinquency</strong></td>
<td></td>
</tr>
<tr>
<td>9.1. External technical expertise, trainings, organizational costs</td>
<td>9.1. Project documentation, 9.2. MGNLW and CSW’s reports Quality of provided education assessed by independent experts during project external evaluation process</td>
</tr>
<tr>
<td><strong>9. Capacity building of professionals for the implementation of alternatives to criminal prosecution, institutionalization and imprisonment of children</strong></td>
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<tr>
<td>10.1. External and local technical expertise, trainings, organizational costs</td>
<td>10.1. Project documentation, Ministry of Justice reports, MGNLW and CSW’s reports, Courts and Prosecutors’ Office reports (policies). Quality of provided education assessed by independent experts during project external evaluation process</td>
</tr>
<tr>
<td><strong>11. Provision of the assistance for development of child rights-based programme and improvement of treatment and living conditions for juveniles in conflict with law placed in open and closed facilities</strong></td>
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<tr>
<td>11.1. Project documentation 11.2. External experts’ report 11.3. Findings of External Evaluation 11.4. Programme of work in JI Institution assessed during External Evaluation process</td>
<td>Equipment</td>
</tr>
<tr>
<td><strong>12. Support for development of Community based programmes for children in conflict with law/Promotion of the Institute of Mediation</strong></td>
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<tr>
<td>Local technical expertise, trainings, organizational costs, development and dissemination of promotional material, equipment for Mediation centres</td>
<td>12.3. Financial project documentation on supply procurement procedure in line with UNICEF rules and procedures</td>
</tr>
<tr>
<td><strong>13. Engagement of a Technical expert for facilitating implementation of Community based Work for juveniles including provision of the technical expertise to Probation Service of Montenegro</strong></td>
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<tr>
<td>13.1. Project documentation 13.2. Published promotional material including produced TV spot 13.3. Financial project documentation on supply procurement procedure in line with UNICEF rules and procedures</td>
<td>External technical expertise</td>
</tr>
<tr>
<td><strong>COSTS</strong></td>
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<td>61,888.00</td>
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Annex VII. Evaluation Terms of Reference

Terms of Reference

External Evaluation of UNICEF Montenegro Juvenile Justice System Reform Project

1. Background


Building on results of its previous activities and progress made in the area of juvenile justice system reform, UNICEF Montenegro is implementing the comprehensive Juvenile Justice System Reform Project, financed by the European Commission Delegation in Montenegro, which has given the first IPA donation of 500,000 euros to UNICEF and partners for Juvenile Justice System harmonization with the standards prescribed by the UN CRC.

The project is being implemented in close cooperation with the Ministry of Justice of Montenegro, Ministry of Health, Labour and Social Welfare and other line ministries, institutions, NGOs, Ombudsman Office, Statistical Office of Montenegro, Office of the Supreme State Prosecutor, Judiciary and Juvenile Justice Institution.

The 18 month project is aimed at increasing the number of children at risk benefiting from programmes that will prevent them from coming into conflict with the law, as well as at improving the treatment of children and the availability of community-based alternatives for them.

The project builds on already achieved results and progress with a clearer picture of the system gaps and questions that need to be addressed. The main activities of the project are focused on the areas of law reform, awareness raising, capacity building, and development of prevention and rehabilitation programmes for juveniles.

The project target groups are children and families at risk and children in conflict with the law, and professionals working in the juvenile justice area.

The project activities are based on detailed analyses of the existing regulations, practices, figures, numbers and data on children in conflict with the law.

The key Project results are the development and implementation of Montenegro’s first ever Juvenile Justice Law, development and implementation of programmes for prevention of juvenile delinquency and child rights based programmes for reintegration of children in conflict with the law, capacity building for judges, prosecutors, police and social workers to adequately implement new Juvenile Justice Law, as well as raising awareness of the public on the importance of giving the “second chance” and supporting rehabilitation and reintegration of juveniles in conflict with the law.
The Project pays particular attention on ensuring participation of the Ombudsman Office representatives in all important phases of the project and is sensitive and open for Ombudsman Office’s recommendations and suggestions. Additionally, Ombudsman Office is identified as a crucial partner in monitoring of the project results and achievements.

The External Evaluation of the Juvenile Justice System Reform Project is seen as an essential Project activity which will reflect UNICEF specific contribution to the reform of the juvenile justice system in Montenegro and monitor the results achieved as per relevant Project Documentation:

2. Specific objectives

The specific objectives of the evaluation are:

1. To provide feedback to UNICEF Montenegro office and its national counterparts on the soundness (defined as relevance, effectiveness, efficiency, sustainability) and impact of their approach in the Juvenile Justice System Reform Project in order to:
   a. Reveal good practices and gaps in their approaches;
   b. Evaluate Project Impact following Project Plan, Project Logframe and Description of the Action

2. Based on the experience of Juvenile Justice System Reform Project to extract general lessons learned and recommendations aimed at further enhancement of the juvenile justice system reform.

3. Provide the Delegation of European Union to Montenegro with information on impact of their specific support to Juvenile Justice System in Montenegro.

3. Activities and Tasks

Under the supervision of Representative UNICEF Montenegro and in close consultation with the Ministry of Justice and the Ministry of Labour and Social Welfare the Consultant is:

1. Overall responsible for successful completion of the evaluation (including all steps of the development of the evaluation framework and tools and methodology)

2. Responsible for managing and carrying out all consultations, meetings and interviews with key informants

3. Timely submission of deliverables and invoices.

4. Deliverables

1. Evaluation design/framework agreed upon with UNICEF (prior to field work)
2. Tools / questionnaires (prior to field work)
3. Summary transcripts of interviews and meetings with key partners (after field work)
4. Draft Evaluation report according to an outline agreed with UNICEF
5. Final Evaluation Report including UNICEF’s and stakeholders comments (report should comply with UNICEF Evaluation Report Standards attached below)
6. Executive summary in English of the report (approx. 5-10 pages)
7. List of documents consulted (UNICEF documents and other documents)
Deliverables should be guided by UNICEF guidelines and standards for Evaluations and for Evaluation reports attached below:

3. Specific evaluation questions

See attachment for detailed outline of evaluation questions.

5. Sources of information

- International standards for Juvenile Justice (download from www.ohchr.org):
  - Convention on the Rights of the Child, 1989;
- Background information on Juvenile Justice System Reform Project: Description of the Action, Project Logframe, Specific and General Conditions for European Community Agreement with an international organizations;
- Any other relevant information related to Juvenile Justice System development and reform in Montenegro (such as laws, policies, action plans of Governments etc.).
- Reports related to the accession of Montenegro to EU (specific parts on reforms of the justice sector).
- Interviews and meetings with key informants (including UNICEF office, Government counterparts in different Ministries, primarily Ministry of Justice and the Ministry of Labour and Social Welfare, Ombudsman Office, NGO-partners involved in the project, other project partners who contributed to the support to the juvenile justice reform funded by UNICEF, other actors who are involved in the juvenile justice sector reform but who work with UNICEF on a technical level, or who work independently from UNICEF).
- Information from quantitative research (questionnaires).

6. Evaluation methods

The methods for collecting data for evaluation of UNICEF strategy in support of juvenile justice reform should be both qualitative and quantitative. Methods include:

- **Comprehensive analysis of available information – desk review**: Including country situational analyses on juvenile justice related issues (including national laws, policies, action plans etc.), country-specific work programmes, including project proposals, progress reports, log frames etc.

- **Field data collection**: The External Evaluator will conduct site visit to Montenegro in order to collect relevant data, conduct interviews with relevant stakeholders and capture the unique characteristics of UNICEF Montenegro approach and extract elements of good practice and recommendations for future work in related area.

- **Interviews and focus group discussion with key informants**: To ensure wide participation of participants and local audiences in the evaluation, the consultant will organize country-level interviews and focus group discussion with key informants, whenever feasible and in collaboration with the Juvenile Justice Project staff. Model to be chosen should be decided upon jointly by JJ project staff and evaluators depending on what is most suitable for the country setting.
7. Timeframe of Major Tasks

- 22 March: Deadline for submission of proposals/applications
- 23 March: Official appointment of External Evaluator
- 24 March: Start of evaluation assignment
- 24 March-28 March: Desk review, preparations for field visit
- 29 March-9 April: Field work in Montenegro
- 16 April: Deadline for draft of evaluation report
- 21 April: Final Report submitted with Executive Summary

Specific work schedule will be organized by the evaluator in consultation with the stakeholders of the evaluation. The evaluator will be responsible for submission of deliverables and final products by agreed deadlines.

8. Management and Organization

Management: The Consultant will be supervised by the Representative UNICEF Montenegro.

Organization: International Consultant will be required for this consultancy.

9. Profile of the Consultant/External Evaluator

An International Consultant is required for the above described consultancy.

Competencies required to carry out the evaluation are a combination of expertise in the subject area and of evaluation methods as per below:

- Thorough understanding of child rights, child protection mechanisms and basics of juvenile justice standards/systems/procedures;
- At least 10 years of international comparative experience and expertise in the area of social and child rights protection, and preferably juvenile justice
- Good knowledge of evaluation methodology design
- Ability to conduct interviews, focus group discussions and writing reports for publication.
- Experience in conducting desk reviews and field visits.
- Strong analytical and conceptual thinking;
- Good speaking and writing skills in English;
- Good knowledge of local context in Montenegro.

Individuals with competence in several of these areas are also encouraged to submit their proposals.

10. Functions and inputs from different stakeholders

To successfully achieve the expected results of the evaluation, it is essential that UNICEF Montenegro Office play supportive role and in the implementation process of this evaluation. Concretely, this would mean:

The UNICEF Montenegro Office:
1. Prepares the TOR for the evaluation exercise in consultations with UNICEF Regional Office for CEECIS;
2. Liaison with evaluator;
3. Selects the best proposal for the evaluation in consultations with UNICEF Regional Office for CEECIS and standard procedures for selection of International Consultants;
4. Provides initial briefing to evaluator on the framework and expectations of the evaluation and on UNICEF programmes in support of juvenile justice reforms;
5. Provides feedback on evaluation design and research tools and all reports and deliverables;
6. Facilitate access to other key informants (counterparts) for the evaluation;
7. Facilitate access to all relevant documentation related to the activities, strategies and projects of UNICEF to be included in the scope of the evaluation;
8. Participate whenever relevant and possible in the meetings with government and other counterparts;
9. Provides feedback on research framework and tools;
10. Provide updates, information, documentation - relevant for drafting report
2. Provide timely feedback on report
Annex VIII. Evaluation Costs

Original evaluation costs included the evaluator’s consultancy fee, international air travel and travel expenses, and DSAs for 11 nights’ stay in Podgorica during the mission trip. These costs are reported in the figures below.

The total final costs will be significantly higher due to the Iceland volcano travel disruptions in April 2010, which interrupted the return travel, forced a refund of unused flights, prompted rebooking on a different itinerary, and required 8 additional nights’ stay (Belgrade and Istanbul). The total for these additional costs were not available by the time of completion of this evaluation report, and are not reflected here.

<table>
<thead>
<tr>
<th>Costs</th>
<th>USD</th>
<th>EUR(^{70})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation consultancy fee</td>
<td>9,446.60</td>
<td>7,132.18</td>
</tr>
<tr>
<td>Travel expenses</td>
<td>2,926.00</td>
<td>2,209.13</td>
</tr>
<tr>
<td>11 DSAs</td>
<td>2,365.00</td>
<td>1,785.58</td>
</tr>
<tr>
<td><strong>Total evaluation costs</strong></td>
<td><strong>14,737.60</strong></td>
<td><strong>11,126.89</strong></td>
</tr>
</tbody>
</table>

Percentage of the total project budget (€550,000): 2.0%

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\(^{70}\) Exchange rate of USD 1 = EUR 0.755 as of 28 April 2010.