Republic of Serbia


FINAL EVALUATION REPORT

Final draft

Prepared by the independent evaluation team

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December 2017

Please note that the report exceeds the recommended maximum of 60 pages due to the especially wide evaluation object

The content of this report is the sole responsibility of the independent evaluation team and can in no way be taken to reflect the views of UNICEF.
### List of abbreviations

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>CIS/CEE</td>
<td>Central and Eastern Europe and the Commonwealth of Independent States</td>
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<td>UN CRC</td>
<td>UN Convention on the Rights of the Child</td>
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<td>CO</td>
<td>Country Office</td>
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<td>CPD</td>
<td>Country Program Document</td>
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<td>CRC</td>
<td>Child Rights Centre</td>
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<td>CSW</td>
<td>Centre for Social Work</td>
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<td>EC</td>
<td>European Commission</td>
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<td>EQs</td>
<td>Evaluation Questions</td>
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<td>EU</td>
<td>European Union</td>
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<td>EUR</td>
<td>Euro</td>
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<td>FGD</td>
<td>Focused Group Discussion</td>
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<td>FL</td>
<td>Family Law</td>
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<td>FLA</td>
<td>Free Legal Aid</td>
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<td>GEEW</td>
<td>Gender Equality and the Empowerment of Women</td>
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<td>GIDI</td>
<td>Group In-depth Interview</td>
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<td>IDI</td>
<td>In-Depth Interview</td>
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<tr>
<td>IMG</td>
<td>International Management Group</td>
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<td>IMG project</td>
<td>Project 'Improving the Delivery of Justice in Serbia' was</td>
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<tr>
<td>IPA</td>
<td>Instrument for Pre-Accession</td>
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<td>IPA project</td>
<td>Project 'Strengthening the justice and social welfare systems to advance the protection of children in Serbia'</td>
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<td>IR</td>
<td>Inception Report</td>
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<tr>
<td>Juvenile Justice Law</td>
<td>Law on Juvenile Criminal Offenders and the Protection of Minors in Criminal Justice Proceedings</td>
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<td>JLL</td>
<td>Juvenile Justice Law</td>
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<td>MoI</td>
<td>Ministry of Interior</td>
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<td>MoJ</td>
<td>Ministry of Justice</td>
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<td>MoLESP</td>
<td>Ministry of Labour, Employment and Social Policy</td>
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<td>MoLEVSA</td>
<td>Ministry of Labour, Employment, Veteran and Social Affairs</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>NGO</td>
<td>Non-governmental Organization</td>
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<td>NMFA</td>
<td>Norwegian Ministry of Foreign Affairs</td>
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<td>OECD DAC</td>
<td>Organisation for Economic Co-operation and Development's Development Assistance Committee</td>
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<td>RISP</td>
<td>Republic Institute for Social Protection</td>
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<td>ROM</td>
<td>Results Oriented Monitoring</td>
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<td>SORS</td>
<td>Statistical Office of the Republic of Serbia</td>
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<td>SPP</td>
<td>Special Protection Provision</td>
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<td>TA</td>
<td>Technical Assistance</td>
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<td>TOC</td>
<td>Theory of Change</td>
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<td>TOR</td>
<td>Terms of Reference</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UN–SWAP</td>
<td>United Nations System-wide Action Plan on Gender Equality and the Empowerment of Women</td>
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<td>UNEG</td>
<td>United Nations Evaluation Group</td>
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<td>UNICEF</td>
<td>United Nations Children's Fund</td>
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0. EVALUATION SUMMARY

The evaluated object refers to the selected components of two large projects being implemented in the Republic of Serbia in the area of judiciary and social welfare system. The first project, entitled ‘Improving the Delivery of Justice in Serbia’ (IMG project), was implemented by International Management Group (IMG) from 2011–2014 (43 months), financed by Norwegian Ministry of Foreign Affairs (NMFA), with the value of the evaluated object of 632,000 EUR. The second project, entitled ‘Strengthening the justice and social welfare systems to advance the protection of children in Serbia’ (IPA project), was implemented by UNICEF from 2014–2017 (41 months), financed by the Instrument for Pre–Accession (IPA), with the value of the evaluated object of 1.329,300 EUR.

The IMG project dealt with piloting diversionary measures and alternative sanctions for juvenile offenders; strengthening the Juvenile Justice Council and intensifying implementation of special protection measures concerning children victims and witnesses in criminal proceedings. The IPA project continued the focus on juvenile offenders and children victims/witnesses of criminal acts, but extended its scope also to children in civil proceedings and establishing a network of free legal aid providers for dealing with violations of child rights in education, health and social protection.

In order to continue with reforms of the justice system, the purpose of this evaluation is to reflect what has been achieved in this 7-year period through the implementation of these two projects, which represented the key interventions aimed at strengthening the justice for children in Serbia. The objective of this summative evaluation is that its findings and recommendations are used for future policy work and strategic programming in the area of justice for children, by the Ministry of Justice (MoJ) and Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA) as the key stakeholders, all implementing partners, professionals in judiciary and social welfare system, as well as EU and UNICEF that support justice for children system reforms.

In line with the best evaluation practice of using OECD’s DAC evaluation criteria, also suggested in UNEG evaluation standards, the evaluation assesses programmes’ relevance, effectiveness, efficiency, impact and sustainability. The methodology used for this evaluation was based on a mix method approach of data gathering to yield the most reliable and valid answers to the evaluation questions, combining desk review of existing programme–related and relevant policy documents, as well as analysis of available secondary monitoring data. Primary data collection tools included survey questionnaires for various target groups, as well as face–to–face semi structured group or individual interviews, focus group discussions and observation. This approach enabled triangulation of results and consequently robustness of the final evaluation findings.

In conclusion to the interventions’ relevance, with regard to the recognized needs of the target group and consequently final beneficiaries, it can be argued that the projects selected an intervention area in a very relevant way, with many observed implementation gaps to be tackled. In the regional and broader context, it is among the first ones to tackle the issue of operationalizing international standards in the area of civil proceedings. Due to the size of the target group and the need for national–wide presence, it is recognized there is still a space to continue with the initiated capacity building, especially in the area of criminal and civil proceedings, balancing between the approach on piloting and state–wide information sharing. Relevant project partners have been involved in the interventions, with very operational cooperation established with a few national agencies and one large NGO. As the years during which the intervention was taking place was characterized by frequent government changes in Serbia, UNICEF has also managed to support the level of cooperation with the relevant ministries – MoJ and MoLEVSA – needed to ensure continuity of the Justice for children reforms. Although the intervention is fully grounded in relevant international standards in which the Republic of Serbia takes part, at the time of developing the interventions, national policy framework was almost non–existent. This meant that the projects served to open a pathway for new explicit referencing to juvenile justice in the national policy documents, rather than a tool for executing them. Finally, in this cycle, although the interventions in themselves deal with vulnerable groups, and their design reflects the awareness of vulnerability by developing flexible and tailor–made services, they did not systematically focus on developing competencies of dealing with specific vulnerable (sub)groups, although due to the influence of some international trainers, this was to a limited degree part of the implemented training curricula during capacity building, but with a significant space to be more systematically embedded in any future intervention in this area.
In conclusion as to the effectiveness of the IMG project, during the conducted interviews with the main stakeholders and the target groups, the IMG project was often described as a ‘stepping stone’ or as ‘opening the door’ for the process of reform in the area of juvenile justice system in the Republic of Serbia. It successfully initiated the process of routinizing the application of diversionary measures and alternative sanctions, although the need for a follow up was recognised at the time of the project’s closure in 2014 and thus the focus on the same four pilot cities remained in the IPA project. In terms of strengthening the Juvenile Justice Council, it assisted some valuable visibility activities, but the Council was politically not prioritized and thus has not been re-appointed to date, although it is formally envisaged by the JJL. In terms of victims and witnesses, at the inception phase, as well as during implementation, the project did not have a clear vision and concrete solutions as to how to determine who in the widely set legislative frame should have the mandate to interview children in criminal proceedings and thus its success can only be measured in sensitizing judicial professionals on the subject of preventing secondary victimization, but not offering systemic support for initializing interviewing function of children in criminal proceedings and offering capacity building for its application.

In conclusion as to the effectiveness of implementing diversionary measures/alternative sanctions, based on the conducted interviews, shared opinion is that the system of ordering and executing diversionary measures/alternative sanctions is, for the most part, now functional and that it reached the level of routine. Capacity building activities were highly rated immediately after their delivery, while the conducted survey and interviews also confirm raised capacities among the key target groups. Youth teams and the network of service providers was structurally established in the piloted cities, while other capacity building activities were also offered nation-wide. Although significant discrepancies exist between the data collected from judicial and social sectors, which was not tackled by the interventions so far, both datasets suggest an increase in application of diversionary measures and alternative sanctions. Shared assessment gathered during the field work is that the network of service providers could however be more diverse, especially in some localities. No formal database of all service providers and their external collaborators exists, which would be needed for monitoring and quality control, as well as targeted capacity building. By type, certain diversionary measures are significantly under-applied (counselling and addiction treatment), and although the latter is only intended for some cases, counselling could be combined with any other diversion and thus has significant space for increased application. In some cases, cooperation with the health sector is underdeveloped, asking for clearer mandate at the national level to involve health institutions in local communities.

In conclusion to the effectiveness with regards to children victims and witnesses, in contrast to the IMG project, the IPA project clearly decided upon a mandate to be given to a specific professional entity to conduct the interviews with children during criminal proceedings – the Units. This was crucial in order to be able to design and execute focused capacity building, having in mind that there was no initial knowledge nor awareness of secondary victimization of children in the justice system among CSW, judges and prosecutors, resulting in acquirement of new knowledge and level of awareness in the targeted group. In light of the current legislation, which does not specify how the judicial system should secure high-competence psychologists for this function, the project is commended for making a concrete step towards offering one possible way of securing this expertise. The Units were properly recruited from professionals who already had experience in working with children, providing them, through the project, with hands-on capacity building which was highly graded and indicates that there is a concrete increase in their competences in conducting interviews. Procured mobile equipment has been functional, with so far only minor technical issues recorded. With indispensable logistical assistance though the partnership with the Judicial Academy, initial information on the new service reached all basic and higher courts in Serbia, with additional visits done locally as a follow-up by the Units themselves. Due to the lack of specialization among criminal judges and prosecutors in terms of working with children, all these professionals are a potential target group, making any reform process an endeavour on a very large scale. The current number of interviews conducted through the Units is not possible to measure against the total number of children who acted as witnesses in criminal proceedings as this data is not nationally available. In that regard, planned TA in improving national statistics in this area is assessed as something that would have been better suited earlier in the project to allow time for adequate follow-up activities.
In conclusion to the effectiveness with regards to children in civil proceedings, most of the interviewed judges, CSW representatives and lawyers stated that one of the best aspects of the info–sessions was their multi-sector approach and discussion about individual experiences from practice, which allowed them to gain better understanding of the way the other actors perceive the best interest of a child, the constrains they are facing in the civil proceedings, to clarify actual and potential roles each of them should play in protecting child rights. The project also facilitated developing home–grown knowledge on operationalizing international principles and standards, resulting in developing valuable guidelines as a written material with a potential for further capacity building. However, the evaluation has concluded that IPA project has only managed to start raising the awareness about the rights of a child in civil proceedings and there is a need for much comprehensive trainings of all the key actors in the future. There is also a need for improvement of data gathering and analysis in this field, based on the solutions identified during the project. As in the case of children in criminal proceedings, the studies identifying solutions for data gathering would be better suited earlier in the project to allow time for follow–up steps to actually secure change in practices.

In conclusion to effectiveness of establishing the network of free legal aid providers, as judged by the target group’s perception, the implemented activities have resulted in an increase of capacities of the free legal aid providers. This was achieved through the trainings and the successful networking: resulting in improved skills in working with children and their families (interviews, structured interviews, family conferences) as well as knowledge (children’s rights in the health, education and social welfare system, cases of litigation for guardianship, etc.), as well as understanding of procedures and practices. With the conducted promotional events, the activities have increased the visibility of the free legal aid in their respective local communities. The initiation of the FLA network represents a valuable contribution in FLA until the long–excepted regulatory framework, while for measuring the quality of the newly provided service, monitoring practices should be put in place, in order to enable collecting feedback from the final users on the various aspects of the advice provided.

In conclusion to the project’s impact in supporting the change of behavior of juvenile offenders and their reintegration into their communities, it can be stated that research and interviews have confirmed that diversionary measures and alternative sanctions have had positive effect on behavioral changes of juveniles and it was implied that it also effected the reduced trend of recidivism among juvenile offenders – although the real impact can be measured only through continuous monitoring of recidivism and behavioral changes together with the more in–depth analysis of the effects and appropriate implementation of various diversionary schemes. Although these expectations existed, the study on juveniles did not offer insight into the types of interventions and support offenders found most useful and in what situations, which remains as a research aim in the future. Finally, the interventions should also be observed as initiating a shift in the overall perspective taken by the juvenile justice system from a punitive approach towards a focus on the child and hers/his needs by using resources of the social intervention system, which could be observed as impact on the system as a whole.

In conclusion to the project’s impact concerning prevention of secondary victimization among children victims and witnesses in criminal proceedings, although the new and innovative service was established and the process of using the Units was initiated, with evident satisfaction among the stakeholders who have used their services, there is still a significant space for improving their visibility and consequently their use. The project indicators, framed as national–level continuation, do not suggest significant improvement, but their fulfilment is to a degree dependant on different variables, outside the intervention or their fulfilment had to be more clearly assigned to national–level institutions. One of the key barriers for increased use of the Units is their current ambiguous legal and institutional status, where in a formal procedure such as criminal proceedings, the judicial professionals are still reluctant to use them. As already stated, in this initial phase the intervention could only initiate information sharing about the new service, but as stated by one of the respondents, ‘much more in–depth work with prosecutors is needed to make the change.’ Interviewed respondents have often emphasised that a lot still depends on a specific individual and if a judge or a prosecutor is personally interested to pay attention to avoiding secondary victimization. This is reinforced by the existing legal framework which leaves a lot of discretion right in applying special protection measures. Until the possible change of the legal framework, concrete way forward can be found in the Republic prosecutor issuing an obligatory guideline for
In conclusion to the project’s impact in supporting children in expressing their opinions and taking into consideration their opinion in civil proceedings, based on the set indicators, the project impact regarding content and timelines of CSW reports and opinions as duration of court litigations can be assessed as satisfactory. However, from the end–line study it can be concluded that the principle of the best interest of the child, although much better understood and applied by the CSW experts is still somewhat vague among the judges, who still mostly rely on the CWS opinions. There is also lack of joint and clear understanding of the elements constituting the best interest of children. On the other hand, the content of CSW opinion is still not comprehensive enough to enable courts and parties in the proceeding to assess their justification. This has been confirmed through the majority of interviews with judges. At the same time, the interviewed CSW representatives feel more confident and adamant to reject judges’ requests to give clear recommendations in addition to expert findings and opinions (e.g. with regards to parenting time – ‘visitation modalities’). The results of the survey give different picture at the first site, but if analysed more thoroughly they might potentially confirm that the more moderate CSW assessment of their improved knowledge about how to assess the best interest of children is actually an indicator of their higher level of awareness. The survey results related to the info–sessions’ impact on the change in practice and cross–sector cooperation also show there is significant difference between the judges’ self–assessment and CSWs’ perception of the actual positive change in court practices and improved cross–sector cooperation. To summarize with the quote from one of the interviewed judges: ‘This project was only a start, it scratched the surface of the reforms needed in the field of protection of children in civil proceedings.’

In conclusion to the projects’ efficiency, it can be assessed that these large interventions strongly benefited from strategically developed and very hands–on implementation partnerships with the three key partners – JA, RISP and NGO CRC. The model of a Steering Committee had more of a reporting, then a problem–solving role, which leaves still more to be achieved in establishing functional coordination at the political level between judicial and social sectors, especially in light of the interventions’ sustainability and follow–up activities. In relation to the scope of activities conducted, the IPA project suggests a higher cost–effectiveness, although it also relied on the general UNICEF’s infrastructure that is monetarily not registered in the project’s budget. Cost–effectiveness analysis with some other projects was not feasible. In case of the IPA project, effectively an entire extra year was needed to implement the project as originally envisaged and in the case of the IMG, the additional 10 months were needed, suggesting a need for more realistic planning or a potential increase in human resources in the core project team. Various monitoring and reporting practices were put in place, commended by the evaluators for being designed to look beyond just the output indicators, although there were some inconsistencies in the presentation of the results, for instance between the base–line and end–line studies. A set of appropriate communication tools was used for disseminating the projects’ results, but there was space for more than only one final conference and a more intense overall presence in the media.

In conclusion to project’s sustainability, looking at the entire intervention from 2010, implementation of diversionary measures/alternative sanctions clearly shows the highest level of routine by both the judicial and social welfare sectors, as a result of the fact that this aspect gained the longest and most focused attention. Financial risk of sustainability is noted among the service providers from the civil sector, while in the absence of a systemic model of financing, there is a potential for a decreased quality among other service providers who are overloaded by other tasks at CSWs. In terms of Units for victim and witness protection, although highly qualified and equipped through the project, by the end of the intervention, no definitive solution for their institutional placement and funding was found. As both of these areas demand high levels of synergies between the judicial and social welfare sectors, the ‘jury is still out’ on who should bear the cost of their functioning. Among other things in order to enhance the effectiveness of the juvenile justice legislation, any changes of the JLL should clearly offer solutions on the issues of financing. The area of children in civil proceedings is a new area which should be further targeted by capacity building activities, relying on already produced written materials. Finally, in the case of free legal aid providers, a higher level of sustainability is anticipated in public institutions, while in the case of the civil sector, dependence on donor priorities is inevitable, at least until the
new Law on Free Legal Aid potentially recognizes the NGO sector as a legitimate free legal aid provider. The Action Plan for Chapter 23, which has explicitly recognized the area of children in contact with the judiciary, stands as an important tool for further reform, while the new mandate to the Juvenile Justice Council is needed to enhance the overall expertise potential for research, monitoring, advocacy and quality control at the national level.

Overall, the evaluated interventions can be assessed as valuable pioneering attempts in operationalizing existing national legislation and international standards aimed at improving the contact of children and juveniles with the judiciary in the Republic of Serbia, with examples of paying attention to include home-grown knowledge, innovativeness, skill-based capacity building and partnerships building to ensure ownership as an important asset for any new intervention in this area. The following lessons learnt (LS), as well as strategic (SR) and operational recommendations (OR) were identified to additionally facilitate this process:

**LL1:** Always rely on partnership with local stakeholders, targeting both the political and technocratic level of governance

**LL2:** Always look for systemic solutions in developing new community services with up-front analysis of sustainability shortcomings

**LL3:** In monitoring practices, maintain the focus on capturing outcomes and impacts, without disregarding outputs, and with a focus on comparability of data

**LL4:** While keeping focusing on monitoring outcomes and impacts, further elaborate to what degree country-level contribution can be secured through project-level inputs

**LL5:** If possible, avoid conducting the final evaluation while the project is still being implemented

**LL6:** Be more realistic in planning needed time for implementation or secure additional management human resources

**LL7:** Allocate more resources to promotion of project’s results and general awareness raising

**SR1:** Continue with the capacity building of judicial and CSW professionals working on criminal and civil cases

**SR2:** Secure sustainability of the Units for victim and witness protection by formal recognition of their status and finding solutions for systemic financing, with securing a transition period

**SR3:** Invest resources into further development of additional service providers for implementing diversionary/measures and secure the sustainability of the existing ones

**SR4:** In any follow-up interventions, secure more capacity building responsive to specific vulnerabilities

**SR5:** Develop new interventions particularly focused on police officers to prevent secondary victimization as a result of their work and to minimize the number of times children are interviewed

**SR6:** Support the re-appointment of the Juvenile Justice Council as a professional body directing further reforms

**SR7:** Make the necessary changes or amendments to the Juvenile Justice Law

**SR8:** Advocate that all relevant strategic documents have reference the justice for children principle

**OR1:** Secure conditions for an increased use of the currently under-represented types of diversionary measures/alternative sanctions

**OR2:** Prepare standardized monitoring sheets for the Units to record data on the cases in which they have provided assistance

**OR3:** Research the practice of implementing diversionary measures/alternative sanctions outside the pilots, as the findings suggest the majority of actually implemented measures are outside the piloted cities

**OR4:** Prepare a comprehensive database of all service providers and their external collaborators to enable monitoring and focused capacity building

**OR5:** Follow-up on the recommendations for national data gathering with regards to children in civil proceedings

**OR6:** Put in place the monitoring of quality of provided free legal aid among the network’s members

**OR7:** Put in place a comprehensive monitoring of recidivism among juvenile offenders fulfilling diversionary measure and alternative sanctions

**OR8:** Clarify the cause of difference in data on diversionary measures and alternative sanctions between judicial and social welfare sectors

**OR9:** Investigate further potential use of equipped rooms for conducting interviews with children secured by the IMG.
1. BACKGROUND

1.1. Evaluated object and description of the programme

Evaluated object refers to the selected components of two large projects being implemented in the Republic of Serbia in the area of judiciary and social welfare system, with components focusing on juvenile justice. These two projects represent the key reform endeavours in the respective area. The first project, entitled ‘Improving the Delivery of Justice in Serbia’ (hereinafter: IMG project), was implemented by International Management Group (IMG) from 2011–2014 (43 months, including a 10–months extension), financed by Norwegian Ministry of Foreign Affairs (NMFA), with the value of the evaluated object of 632,000 EUR out the overall project’s value of 4.125,000 EUR. The second project, entitled ‘Strengthening the justice and social welfare systems to advance the protection of children in Serbia’ (hereinafter: IPA project), was implemented by UNICEF from 2014–2017 (41 months, including a 5–months extension), financed by the Instrument for Pre–Accession (IPA), with the value of the evaluated object of 1.329,300 EUR out of the overall project’s value of 2.600,000 EUR.

The first project consisted of three components and the evaluated object relates to the activities aiming at reforming juvenile justice system. Although some activities under this component also dealt with children deprived of liberty, that particular activity cluster is not part of the evaluated object1. In the second project, out of two existing pillars, the evaluated object relates to the first pillar aiming at securing ‘the best interest of the child’ in the justice system. Comparative details on both projects, specifying evaluated object, are outlined in the Table 1 below.

Table 1: Evaluation object

<table>
<thead>
<tr>
<th>Title of the programme</th>
<th>IMG project</th>
<th>IPA project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implemented by</td>
<td>IMG</td>
<td>UNICEF CO Serbia</td>
</tr>
<tr>
<td>Overall value</td>
<td>4.125,000 EUR</td>
<td>2.600,000 EUR</td>
</tr>
<tr>
<td>Value of the evaluated object</td>
<td>632,000 EUR²</td>
<td>1.329,300 EUR</td>
</tr>
<tr>
<td>Donor</td>
<td>NMFA</td>
<td>IPA</td>
</tr>
<tr>
<td>Duration</td>
<td>April 2011 – December 2013 (33 months)</td>
<td>Originally 30 July 2014 – 30 July 2017 (36 months)</td>
</tr>
<tr>
<td></td>
<td>After approved 10–months extension, April 2011–September 2014 (43 months)</td>
<td>After approved extension, 30 July 2014 – 30 December 2017 (41 months)</td>
</tr>
<tr>
<td>Components/pillars, with evaluated object marked in colour</td>
<td>1. Improving Court Performance and Access to Justice</td>
<td>1. Justice system securing the application of the ‘the best interests of the child’ principle</td>
</tr>
<tr>
<td></td>
<td>2. Reform of the Juvenile Justice System³</td>
<td>2. The social welfare system favouring family–based solutions in supporting children at risk</td>
</tr>
<tr>
<td></td>
<td>3. Strengthening the High Judicial Council</td>
<td></td>
</tr>
</tbody>
</table>

1 Please consult page 11/30 of the TOR for this evaluation (Annex 1).
2 Please note that this excludes human resources and running costs, as the available budget does not attribute these costs per component, but only cumulatively.
3 Please note that the programme through its Component 1 refurnished a number of courts, among which the following ones also with child–friendly court premises: Beograd, Novi Sad, Niš, Leskovac, Vranje and Pirot. As this is directly relevant for component 4 (SPPs for children victims and witnesses), this will be part of the evaluated object.
1.1.1. Description of the evaluated object within the IMG project

Besides dealing with improvement of physical infrastructure on the selected courts (Component 1), as well as strengthening the newly formed High Judicial Council (Component 3), in line with its specific objectives and expected results (see Table 2 below), the second component of the IMG project (evaluated object) dealt with: (1) piloting diversionary measures and alternative sanctions for juvenile offenders; (2) strengthening the Juvenile Justice Council and (3) intensifying implementation of SPP concerning children victims and witnesses.

Table 2: Specific objectives and expected results of the evaluated object under the IMG project

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Expected Results</th>
<th>Final beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To improve the juvenile justice system in implementing diversionary measures and alternative sanctions for juvenile offenders</td>
<td>Diversionary schemes in the juvenile justice system in Serbia are institutionalised in a cross-organizational and multidisciplinary manner, in line with international standards measured in per cent of juvenile cases that are processed according to any of the diversion or alternative sanctions provided by the law</td>
<td>Juvenile offenders</td>
</tr>
<tr>
<td>2. To strengthen the Juvenile Justice Council to play a key catalyst role in reform of juvenile justice system</td>
<td>Juvenile Justice Council's Secretariat is developed, including its budget and financial procedures, and the Council members are supported with tools and capabilities for boosting their proactivity measured by numbers of new initiatives</td>
<td>Both groups</td>
</tr>
<tr>
<td>3. To intensify the implementation of SPPs of Juvenile Justice Law concerning children as victims and witnesses</td>
<td>SPP of Juvenile Justice Law concerning children as victims and witnesses are implemented in practice measured by judges and non-judge staff reporting satisfaction</td>
<td>Children victims and witnesses in criminal proceedings</td>
</tr>
</tbody>
</table>

With regard to the types of activities implemented, the project initiated developing standards and procedures for application of diversionary measures and it helped drafting a by–law on their application. It piloted diversionary measures in 4 Serbian cities (Belgrade, Kragujevac, Niš and Novi Sad), providing also a set of trainings to the local youth offending teams in these 4 local communities, as well as trainings for professionals and judges outside the piloted communities. Besides commissioning baseline and end–line studies on implementing diversionary measures, it also financed an outcome evaluation in the piloted cities, gathering feedback from both juveniles and involved service providers. In terms of contributing to the sustainability, it also sub–contracted a cost–benefit analysis on implementing diversionary measures.

With regard to the children victims and witnesses of crime, capacity building was offered to professionals working with this target group, developing also a manual on the subject, as well as furnishing selected courts to secure child–friendly premises for hearings of children during criminal proceedings.

The third cluster of activities refers to strengthening of the Juvenile Justice Council, which, based on the Juvenile Justice Law, was formed in 2009 as a coordination body to provide monitoring over juvenile justice reform. Project’s final report does not refer to the conducted activities on this cluster, which is to be further investigated during the field work.

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4 Alternative sanctions refer to ‘special responsibilities’ (or ‘posebne obaveze’ in Serbian).
5 Please note that specific objective 3 – aiming at improving the situation of children deprived of their liberty – is not the object of this evaluation.
6 Local youth offending teams consist of juvenile justice judges and prosecutors, representatives of local CSWs (case managers) and service providers, coordinated by RISP.
1.1.2. Description of the evaluated object within the IPA project

Second large project implemented in the area of juvenile justice was combined with the focus on social welfare system’s solutions in supporting children at risk. The evaluated object refers to the activity cluster related to four main final beneficiary groups (corresponding to the specific objectives and expected results presented in the Table 3 below), with the first two groups representing continuation from the IMG project, while the remaining two being newly introduced.

In the first component, in order to secure conditions for increased application of diversionary schemes and application of alternative sanctions with the aim of reintegrating juvenile offenders, the project continued supporting youth teams for juvenile offenders in the same 4 piloted towns as well as community service providers for implementing diversions and alternative sanctions. It did so by organising new capacity building activities, horizontal exchange events among the teams, as well as preparing guidelines and standards and financing the service providers to pilot innovative interventions when working with juveniles. It also organized training activities for CSW professionals outside the piloted towns. Similar as in the IMG project, it commissioned assessment of outcomes of application of diversionary schemes and analysis of financial implications of its implementation. It continued the work on drafting amendments to the Juvenile Justice Law and relevant by-laws and commissioned different technical assistance (TA) in this regard. Finally, it dealt with capturing good practices emerging from implementing diversionary measures and developed a set of communication activities.

With regard to children victims and witness in criminal proceedings (component 2), in order to secure conditions for uniform application of protection measures for children as victims/witnesses in criminal proceedings, the project facilitated preparation of guidelines for forensic interview, equipped support units in 4 towns with mobile equipment to conduct hearings, offered capacity building for the units, as well as horizontal exchange events among them. It also organized nation-wide information sessions for judges, prosecutors, CSW representative and police officials at all Basic courts in the country. Technical assistance was envisaged for advancing regulation for data management in courts and the project also developed a set of communication activities.

In connection with children in civil proceedings (component 3), in order to secure conditions for uniform application of measures enabling the right of the child to be heard in civil proceedings, after completing the base-line study to understand the challenges children face in civil proceedings, the project facilitated preparation and dissemination of guidelines, organized nation–wide information sessions at all the Basic civil courts, as well as secured technical assistance for advancing regulation for data management in courts and developed a set of communication activities.

<table>
<thead>
<tr>
<th>Specific Objective</th>
<th>Expected Results</th>
<th>Final beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>The justice system uniformly applies adopted regulations/policies that secure the application of the 'best interests of the child' principle</td>
<td>Result 1.1: Conditions secured for increased application of diversionary schemes and increased application of alternative sanctions with the aim of reintegrating juvenile offenders</td>
<td>Juvenile offenders</td>
</tr>
<tr>
<td></td>
<td>Result 1.2: Conditions secured for uniform application of protection measures for children as victims/witnesses in criminal proceedings</td>
<td>Children victims and witnesses in criminal proceedings</td>
</tr>
<tr>
<td></td>
<td>Result 1.3: Conditions secured for uniform application of measures enabling the right of the child to be heard in civil proceedings</td>
<td>Children in civil proceedings</td>
</tr>
<tr>
<td></td>
<td>Result 1.4: Enhanced capacities of free legal aid providers for dealing with violations of child rights in education, health, social protection</td>
<td>Children whose rights were violated in areas of education, health and social protection</td>
</tr>
</tbody>
</table>
Finally, in order to enhance capacities of free legal aid providers for dealing with violations of child rights in education, health, social protection, the project facilitated establishing of a network of free legal aid (FLA) providers (component 4), by securing initial and final mapping of FLA providers’ capacities, and supporting the network through capacity building and other activities.

As per TOR (page 7), it should be noted that none of the evaluated projects have designed specific interventions to impact children belonging to certain vulnerable groups in contact with the justice system – girls, boys, Roma, children with disabilities and mental health issues, but rather the interventions are targeting all in contact with the justice system no matter of ethnicity, nationality, gender or belonging to any other group. However, the interventions in their core deal with vulnerable groups of children across all the main projects’ final beneficiaries.

Please note that a comprehensive list of project activities planned under both projects and all components is presented in Annex 2, followed by a commentary on the availability of data per each activity.

1.2. Theory of change

There was no explicit ToC initially defined for the evaluated object, so during the Inception phase, UNICEF CO retroactively developed the ToC based on the log–frames of the projects, conceptualizing in this way the change interventions aimed to trigger. The reconstructed ToC was made available for the evaluators at the beginning of their work. ToC is defined around bottlenecks or identified initial problems, laying out clusters of conducted activities to achieve outputs, securing in this way change on the level of outcome and finally impact–level contribution. The ToC model prepared by UNICEF CO was both visual (see Figure 1 below) and narrative. Due to the overlaps with the chapters 1.2. Evaluation context, providing insight into the main bottlenecks which were transformed in shaping the intervention, as well as chapter 1.1. Evaluation object and description of the programme which has provided detailed overview of programme activities, ToC is presented here only visually.

Reconstructed ToC by UNICEF included also a description of the main risk to intervention. The risk refers to the non–existence of an effective executive mechanism at governmental level that would deal with and coordinate reforms of justice for children system, requiring stronger efforts on strengthening cooperation among the most important sectors in this area, namely justice and social welfare systems. Furthermore, non–existence of this mechanism and a clear vision for justice for children system at governmental level was seen as leading to a lack of allocated financial resources, negatively impacting sustainability of all initiated reform endeavours. The other reasons for the lack of allocated financial resources is due to the fact that Serbia is in the process of financial contracting and spending cuts, so to avoid bankruptcy and reduce its public debt at a time of no or very small GDP growth. It has been next to impossible to introduce new and advances services in any of the key sectors.

Evaluation team reflections on the provided ToC is that although it properly covers the main 4 streams of intervention, there is a need to rearrange the intervention levels (outputs → outcomes → impacts). Namely, currently framed ‘outcomes’ represent impacts as they deal with final beneficiaries (such as, behavioural change in juvenile offenders). However, as any substantial change of capacities of the main target groups has direct implications on children as final beneficiaries, in this type of intervention, there is no clear separation between outcomes and impacts, being heavily intertwined.

It was also observed that the ToC does not include reference to attorneys (bar members), although they were targeted by the evaluated intervention (through attendance at the info–sessions). In the future, ToC should also be amended by a reference to strengthening Juvenile Justice Council, as this was one of the key objectives of the IMG project. However, please note that rearrangement of the evaluation questions was already done in line with the above observations (see chapter 3.1. Evaluation criteria and questions below) and the findings are presented accordingly.
**Vision:** All children in contact with the justice system in Serbia have their rights protected

**Impact:** The implementation of the best interests of the child is uniformly applied when children are in contact with the justice system

- **Juvenile offenders** are supported to change their behavior and are reintegrated into their communities
- **Child victims/witnesses** are protected from secondary victimization in criminal proceedings and overcome trauma through support
- **Children** express their opinions which are taken into account in civil proceedings where decisions are made about their lives
- **Children get high quality advice as a response to violations of their rights in education, health and social protection**

**Capacities built, knowledge generated, and mechanisms developed for increased use and quality application of diversionary schemes and alternative sanctions through:**

- Piloting of these measures in four cities (1) and (2)
- Development of standards for implementation of diversionary measures (1)
- MoUs on application of diversionary measures (2)
- Development of guidelines for guardianship report on juvenile offenders for use of judicial bodies (2)
- Development of programme of interventions with juveniles and their families (2)
- Training of juvenile justice judges, prosecutors, CSW professionals and service providers (1) and (2)

**Capacities of specialized child practitioners, judges, prosecutors and police built, knowledge generated and institutional mechanisms piloted for protection of child victims through:**

- Development of guidelines for applying international standards for children that are victims and witnesses in criminal proceedings (1) and (2)
- Training of the above professionals (1) and (2)
- Setting up and capacitating four regional specialized Child victim support

**Capacities built and knowledge generated for application of child’s right to participate in civil proceedings through:**

- Development of guidelines for child participation, guidelines for guardianship report on the child for use of judicial bodies and instrument for assessing the best interests of the child (2)
- Training of judges and social welfare professionals in line with the above guidelines (2)

**Operational cooperation between justice and social welfare sectors**

- Free legal aid providers capacitated to provide quality support as a response to child rights violations in education, health, social protection and are connected so as to provide horizontal support to each other (2)

**Outcomes**

- Project “Improving the delivery of justice in Serbia” - IMG in partnership with MoJ (2010 – 2014) (1)
- Project “Strengthening the justice and social welfare systems to advance the protection of children in Serbia” – UNICEF in partnership with MoJ and MoLEVSA, funded by EU (2014 – 2017) (2)

**Assumptions**

- Existence of an executive and accountability mechanism for coordinating and monitoring the implementation of reforms of justice for children system at national level

**Figure 1:** Theory of change
1.3. Evaluation context

In the area of justice for children, although the **UN Convention on the Rights of the Child** (UN CRC) was ratified by the Republic of Serbia in 1996, the **Law on Juvenile Criminal Offenders and the Protection of Minors in Criminal Justice Proceedings** (Juvenile Justice Law–JJL) was adopted ten years later, being a milestone in the reform of the Serbian justice for children system and its harmonization with relevant European and international standards.

Even though the need for amendments and relevant by-laws was soon recognized (but to date not adopted), the law represents the first concrete step towards incorporating restorative and re-integration aspects in dealing with juvenile offenders. It introduces the institute of diversionary measures and alternative sanctions to avoid instituting criminal proceedings and has envisaged provision of support to the juveniles, so they can take responsibility for their actions. On the other hand, it also deals with children who were victims or witnesses of criminal acts, envisaging a range of special protection provisions (SPP)\(^7\) to avoid secondary victimization in criminal proceedings.

The broader relevant policy framework, such as the **National Judicial Reform Strategy 2013–2018** (continuing on the previous strategy for 2006–2011 period), although focusing on the principles of independence, impartiality, competence, accountability and efficiency, does not explicitly deal with juvenile justice. **Ombudsman’s annual reports** for the evaluated period (2010–2017) also only briefly touch on the issue of children victims in criminal proceedings. However, the process of European integration is giving new importance to the subject, placing it more prominently on the political and social agenda. Namely, the **Action Plan for ‘Chapter 23’ (Judiciary and fundamental rights)**, adopted by the Government of Serbia in 2016, explicitly deals with juvenile justice, protection of children victims/witnesses in criminal proceedings and protection of children in civil court proceedings, all relevant areas for this intervention, as well as the **2016 Serbia Progress report** by the European Commission (EC).

It should be noted that Juvenile Justice Law also brought **new duties to the social welfare system**, as besides the expanded obligations of judges, prosecutors and police officers, new roles were given to the centres for social work (CSW) and community service providers. However, although both judicial and social systems have formal institutions to organize and monitor capacity building activities, namely the **Judicial Academy** (established in 2009 as a follow-up of the Judicial Training Centre from 2001) and **RISP** (established in 2005), it was observed that the Juvenile Justice Law was facing serious implementation deficits or was not being implemented at all. As suggested by the gap analyses commissioned at the time of formulating the intervention, this was due to the lack of relevant secondary legislation and guidelines, funds for capacity building of the key stakeholders, unclear responsibilities and thus non-cooperation among judicial and social sector, as well as lacks in ensuring other needed preconditions for successful implementation, such as providing technical equipment for SPPs (Cipriani, 2010).

On the other hand, children in civil proceedings are dealt within the framework of promoting the right of child to voice his/her opinion and the right for their opinion to be taken into account, outlined in both **Family Law** and **Social Welfare Law**. Pursuant to **Article 65 of the Family Law**, the main premise is that children over 10 years are capable of forming their own opinion and have the right to freely express it in both civil and administrative proceedings, as well as to receive all information necessary for forming the opinion\(^8\). The Family Law thus stipulates that the courts and administrative bodies should enable the

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\(^7\) Such as, urgency of proceeding, limitation of child hearing to maximum two hearings, securing that child has understanding on context, as well as that she/he is making statements in appropriate environment with assistance of a trained psychologist or other child professional.

\(^8\) Age limit of 10 years stipulated by the FL in its Article 65 pertains to the right of the child to directly express opinion in the court proceedings, not to his/her right to expression altogether. Practice of the Committee on the Rights of the
child’s opinion to be heard in an environment that is safe and child friendly, in cooperation with the school psychologist or guardianship authority, family counselling service or other institution specialized in mediation in family relations. When it comes to administrative procedures, of central importance is also adoption of the Law on Free Legal Aid, which however, although drafted, to date was not passed, making Serbia the only European country without such a law. Besides the observations during designing the intervention that the existing provisions of the child right to be heard are not implemented in a systematic and uniform way, as well as the absence of formal free legal aid framework, the issue of lack of comprehensive data was also noted. Namely, the Statistical Office of the Republic of Serbia (SORs) compiled data only on criminal proceedings, while data on children in civil and administrative proceedings were not available.

In light of this overall context, in order to use UNICEF’s professional expertise and mandate to bridge these observed bottlenecks, the partnership with Ministry of Justice (MoJ) and Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA) was initiated and subsequently, in the period 2010–2017, two large projects dealing with the above issues were implemented. In the first one, UNICEF acted as a partner who contributed through providing technical support during project’s design and implementation in the area of juvenile offenders, while in the second project it took over the lead role across the entire intervention.

1.4. Stakeholders analysis

The following table presents all stakeholders associated with the evaluated intervention, grouped in categories depending on the type and level of their involvement, with a brief description of their role.

<table>
<thead>
<tr>
<th>Type of stakeholder</th>
<th>Name of the stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stakeholders directly responsible for</td>
<td>UNICEF CO Serbia</td>
</tr>
<tr>
<td>programme development and organising</td>
<td>IMG Office in Serbia</td>
</tr>
<tr>
<td>implementation</td>
<td>RISP</td>
</tr>
<tr>
<td></td>
<td>NGO CRC</td>
</tr>
<tr>
<td></td>
<td>Judicial Academy</td>
</tr>
<tr>
<td></td>
<td>MoJ</td>
</tr>
<tr>
<td></td>
<td>MoLEVSA</td>
</tr>
<tr>
<td></td>
<td>IPA Steering Committee – besides the key institutions above, including also MoI and</td>
</tr>
<tr>
<td></td>
<td>Supreme Court of Cassation</td>
</tr>
<tr>
<td>Main target groups</td>
<td>Judges at Basic and Higher Courts</td>
</tr>
<tr>
<td></td>
<td>State attorneys/Prosecutors at Basic and Higher Courts</td>
</tr>
<tr>
<td></td>
<td>CSW professionals</td>
</tr>
<tr>
<td></td>
<td>Service providers for diversionary measures</td>
</tr>
<tr>
<td></td>
<td>FLA providers</td>
</tr>
<tr>
<td></td>
<td>Attorneys (Bar members)</td>
</tr>
<tr>
<td></td>
<td>Police officers</td>
</tr>
<tr>
<td></td>
<td>Juvenile Justice Council</td>
</tr>
<tr>
<td>Final beneficiaries</td>
<td>Juvenile offenders</td>
</tr>
<tr>
<td></td>
<td>Children victims and witnesses in criminal proceedings</td>
</tr>
<tr>
<td></td>
<td>Children in civil proceedings</td>
</tr>
<tr>
<td></td>
<td>Children whose rights were/can be violated in health, education and social system</td>
</tr>
<tr>
<td></td>
<td>Republic Public Prosecutor’s Office</td>
</tr>
<tr>
<td></td>
<td>Faculty of Law and Faculty of Political Sciences, University of Belgrade</td>
</tr>
</tbody>
</table>

Child confirms that there is no age limit when it comes to the child’s ability to form opinion, and that this ability is assessed in each individual case.
Subcontracted national and international consultants

Indirect, thematically related, stakeholders

EU delegation in Serbia
National Child Rights Council of the Government of Serbia
Deputy Ombudsman for Child Rights

Stakeholders directly responsible for programme development and organising implementation

UNICEF CO Serbia is the implementing agency of the IPA project and was a partner in the IMG project. In line with its mandate, it has been active in promoting and implementing justice for children reform before the Juvenile Justice Law was initially adopted to date.

MoJ is a managing institution for legislation and policy changes and their implementation in the area of judiciary, as well as coordination of all actors within and outside the justice system. It was directly involved in both evaluated projects.

MoLEVSA is a managing body for legislation and policy changes and their implementation in the area of social protection, as well as coordination of all actors within and outside the system of social protection. It was directly involved in both evaluated projects.

RISP is institution in social policy, established in 2006, with a mandate to conduct research, organise and monitor professional trainings for CSW professionals, provide supervision of their work, as well as promotion. It was an implementing partner in both evaluated projects, primarily in organising capacity building activities for CSW professionals, coordinating youth teams in component 1, as well as contributing to preparation of baseline and end–line studies with other project partners (namely, NGO Child Rights Centre and Judicial Academy).

NGO Child Rights Centre is a local NGO established in 1997 with the aim of implementing child rights in Serbia in accordance with the Convention on the Rights of the Child. Its main course of action is creating a favourable social and legislative framework for the full achievement of child rights in Serbia through activities focused on the introduction and implementation of laws, policies and practices that enable the improvement of the welfare of the child, the protection of their rights and their full participation in society. It was a project partner in IPA project, involved across different activities, including capacity building, research and promotion.

Judicial Academy, established in 2009 is as a follow–up institution of the Judicial Training Centre founded in 2001. Its mandate is to provide professional, independent, impartial and efficient performance of judges’ and prosecutorial position and efficient performance of work of court and prosecutorial staff. It was a project partner in both evaluated projects, contributing logistically and content–wise to the capacity building activities, as well as contributing to preparation of baseline and end–line studies in partnership with other project partners (namely, NGO Child Rights Centre and RISP).

IMG Office in Serbia is as an organisation that was involved in the juvenile justice system reform but it is no longer active in this area.

Main target groups and final beneficiaries

Projects’ target groups are composed of 8 sub–groups, who received capacity building in various forms, including trainings, horizontal exchanges/team meetings, info sessions and/or study visits.

Table 5: Target groups, per evaluated project

<table>
<thead>
<tr>
<th>Target group</th>
<th>IMG project</th>
<th>IPA project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judges</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Prosecutors  X  X
CSW professionals  X  X
Service providers for diversionary measures  X  X
FLA providers  –  X
Attorneys  –  X
Police officers  –  X
Juvenile Justice Council\textsuperscript{9}  X  –

The capacity building of these target groups had the aim to influence the main four beneficiary sub-groups.

Table 6: Final beneficiaries, per evaluated project

<table>
<thead>
<tr>
<th>Final beneficiary</th>
<th>IMG project</th>
<th>IPA project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juvenile offenders</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Children victims and witnesses in criminal proceedings</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Children in civil proceedings</td>
<td>–</td>
<td>X</td>
</tr>
<tr>
<td>Children as beneficiaries of free legal aid in areas of health, education and social protection</td>
<td>–</td>
<td>X</td>
</tr>
</tbody>
</table>

Stakeholders supporting implementation

\textbf{Republic Public Prosecutor’s Office} is the highest public prosecutor’s office in the Republic of Serbia, responsible for the work of the public prosecutor’s offices across the country. Its role in the project was to invite public prosecutors to the offered capacity building and participate in the work of Steering Committee.

Both \textbf{Faculty of Law and Faculty of Political Sciences of the University of Belgrade} were commissioned to conduct studies and research during programme implementation in both evaluated projects.

\textbf{Different consultants} were subcontracted in both evaluated projects in either preparing research studies, delivering capacity building and/or drafting manuals and brochures. The projects relied on the support of both national and international consultants.

\textbf{Indirect, thematically related, stakeholders}

\textbf{EU Delegation in Serbia} works with the Government in screening the negotiating chapters and preparing for the opening of negotiating chapters as well as supporting the extensive programmes in support of Serbia’s accession priorities, notably in the area of justice and social welfare systems, among others.

\textbf{National Child Rights Council} is a counselling body of the Government of the Republic of Serbia, established in 2002. Its mandate concerns proposing a coherent and holistic policy in accordance to the \textit{National Plan of Action for Children}; initiating measures for harmonizing government policies with the EU and international standards and legislation; promoting awareness on child’s rights in the country; analysing government measures and policies concerning children and promoting participation of children in defining and implementing child-focused policies.

\textsuperscript{9} Pursuant to Article 166 of the JJJL, \textbf{Juvenile Justice Council} was established in 2010 as an inter-sectoral body in charge of monitoring progress in application of the Juvenile Justice Law and initiating changes in policy and practice in order to ensure proper implementation of the Law. Its strengthening was subject of the IMG project (acting thus as a target group), but its current role/status is unknown and should be further investigated during the field work.
Deputy Ombudsman for Child Rights publishes annual reports, including chapter on 'Rights of the Child' with a brief note on issues of victims in criminal proceedings.

2. EVALUATION PURPOSE, OBJECTIVES AND SCOPE

2.1. Evaluation purpose

Even though the Juvenile Justice Law entered into force in 2006, reforms in this area accelerated in 2010 with the IMG project, being the reason why this summative evaluation is taking this year as a starting point. As its follow-up, IPA project is coming to an end in 2017, so one cycle of reform is being concluded. In order to continue with reforms of the justice system, the purpose of this evaluation is to reflect what has been achieved in this 7-year period and what were effects of interventions of these two large projects.

This external evaluation is envisaged as a comprehensive, thorough and ambitious research endeavour that should take into account, explore and assess all aspects of the evaluated object. By assessing the performance of the two respective projects, the final evaluation report should provide relevant findings and usable conclusions and recommendations. These conclusions should then allow for further improvement, adjustments and potential revision of the intervention, as well as to provide insights in the capacity of its sustainability. Considering the participative nature of this intervention, and thus multiplicity of perspectives of the key stakeholders that have shaped it, the critical obligation of this external evaluation is to facilitate authentic expression of experiences, opinions, criticisms and expectations of all the involved actors, capturing expected plurality in the analysis.

2.2. Evaluation objectives

As per TOR, the findings and recommendations generated by this summative evaluation are to be used by the following audience:

- **Moj and MoLEVSA** as the key stakeholders – the evaluation will be an important source of information for future policy work and strategic programming in the area of justice for children. More specifically, the evaluation should identify the best approaches that were undertaken over the 7-year period and help further planning and implementation of justice for children policies and addressing recognized weaknesses and lessons learned;

- **Professionals in judiciary and social welfare system** (judges, prosecutors, CSW professionals and service providers) – the evaluation will be used as a ground for evidence-based contribution and active participation in reform processes;

- **RISP, JA and NGO CRC as the key implementing partners** – in order to reflect on their implementing contributions and to identify the most effective approaches to implementation;

- **EU and UNICEF** that support justice for children system reforms – for future programming and implementing new programmes to support reforms of justice for children system;

- **Other relevant institutions in the justice system** – since their driving role is essential in improving practices, delivery of training and contributing to sustaining motivated and reform-oriented critical mass within the justice for children system;

- **NGOs** (both those providing services and those that have advocacy and monitoring role) participating in the process of reform of justice for children system – in order to inform them about which approaches were the most successful in advancing reform initiatives, what were their main weaknesses and how could they be addressed in future and to further monitor and advocate for advancements in justice for children reform;
Parliament of the Republic of Serbia, especially the Child Rights Committee and Child Rights Council,
in guiding and overseeing overall policy and regulatory process of relevance for justice for children
reform.

2.3. Evaluation scope

The evaluation covers the period from initial programme development in 2010, with the start of IMG
project. Please note that due to the approved time extension, during the time of this evaluation, the IPA
project is still being implemented (until December 2017), meaning that activities which can be evaluated
refer to the ones finalised by the beginning of the field work in mid–September 2017. Activities that are
on-going are highlighted in the activity overview presented in Annex 2.

Depending on the activity, the programme was combining focused approach in 4 pilot areas as initially
set up by the IMG project and continued by the IPA, with youth teams and victims/witnesses’ units formed
in Belgrade, Kragujevac, Niš and Novi Sad, as well as nation-wide activities implemented across Serbia
10. The methodology used in data gathering reflects this geographical scope. As the evaluated object
concerns two different projects, being part of a broader intervention in judicial and social sectors, the
detailed description of the evaluated object was given in chapter 1.2. Evaluated object.

3. EVALUATION FRAMEWORK

3.1. Evaluation criteria and questions

In line with the best evaluation practice of using OECD’s DAC evaluation criteria, also suggested in UNEG
evaluation standards, the evaluation assesses programmes’ relevance, effectiveness, efficiency, impact
and sustainability. The following table presents evaluation questions associated with each of the main
evaluation criteria. The evaluation team has done in–depth review of the originally proposed evaluation
question (EQs) in the TOR and proposed amendments across the criteria. These include specifying overly
general and/or unmeasurable questions, adding new questions and repositioning of the questions across
the criteria. In line with the evaluators’ comment on the reconstructed ToC, attention has also been given
in adequately re–positioning effectiveness and impact level questions.

Table 7: Evaluation criteria and corresponding evaluation questions

<table>
<thead>
<tr>
<th>Evaluation criteria</th>
<th>Evaluation questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RELEVANCE</strong></td>
<td><strong>Please note that the questions equally refer to both evaluated projects.</strong></td>
</tr>
<tr>
<td>1.</td>
<td>To what extent have implemented interventions been grounded in evidence–based problem analysis and to what extent they correspond to the recognized needs of the main target groups and final beneficiaries?</td>
</tr>
<tr>
<td>2.</td>
<td>To what extent have national and local level stakeholders (including target groups) been involved in interventions’ design/formulation?</td>
</tr>
<tr>
<td>3.</td>
<td>To what extent are interventions implemented in a way consistent with the priorities and policies of the Republic of Serbia?</td>
</tr>
<tr>
<td>4.</td>
<td>To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?</td>
</tr>
<tr>
<td>5.</td>
<td>To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages?</td>
</tr>
<tr>
<td><strong>EFFECTIVENESS</strong></td>
<td>1. To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and</td>
</tr>
</tbody>
</table>

10 On–line questionnaires will be used to collect data from places where the evaluation team will not be physically deployed. See more in Chapter 5.1. Data collection/analysis methods and sampling.
alternative sanctions (output 1 per ToC)? What were the key factors contributing to/disabling this achievement?

2. To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed new mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2 per ToC)? What were the key factors contributing to/disabling this achievement?

3. To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3 per ToC)? What were the key factors contributing to/disabling this achievement?

4. To what extent have free legal aid providers been capacitated to provide quality support as a response to child rights violations in education, health and social protection, and are connected to provide horizontal support to each other (output 4 per ToC)? What were the key factors contributing to/disabling this achievement?

5. To what extent has the IMG project strengthened Juvenile Justice Council?

<table>
<thead>
<tr>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To what extent have the interventions contributed to supporting the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (per current TOR – outcome 1)?</td>
</tr>
<tr>
<td>2. To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and their ability to overcome trauma through support (per current TOR – outcome 2)?</td>
</tr>
<tr>
<td>3. To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (per current TOR – outcome 3)?</td>
</tr>
<tr>
<td>4. To what extent have the interventions contributed to children getting high quality advice as a response to violations of their rights in education, health and social protection (per current TOR – outcome 4)11?</td>
</tr>
<tr>
<td>5. To what extent have the implemented measures ensured the equity focus (girls, Roma children, children with disability, children with multiple disadvantages)?</td>
</tr>
<tr>
<td>6. Have the activities of the project resulted in unforeseen negative and/or positive impact?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EFFICIENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Have available resources (human, technical, financial) invested in development of justice for children system been used in a strategic and cost-effective manner?</td>
</tr>
<tr>
<td>2. To what extent have different interventions/measures been implemented in a timely manner, and the extensions were justified?</td>
</tr>
<tr>
<td>3. Has the use of resources been well-coordinated among the key stakeholders to encourage synergy and avoid overlaps? What was the quality of communication between the stakeholders in charge of implementation? Were the key responsibilities for implementation made clear to the stakeholders in charge of implementation?</td>
</tr>
<tr>
<td>4. How has the implementation been managed in terms of reporting, monitoring and evaluation? Specifically, are monitoring data disaggregated along equity and gender lines?</td>
</tr>
<tr>
<td>5. How successful were the projects in communicating the results and sharing best practices?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUSTAINABILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To what extent has UNICEF been able to support its partners in developing capacities and establishing mechanisms to ensure continuity of activities?</td>
</tr>
<tr>
<td>2. To what extent is national and local stakeholders’ commitment and support likely to continue beyond the end of the intervention?</td>
</tr>
<tr>
<td>3. To what extent are new competencies integrated into regular activities of professionals working with children and their families involved in justice and social welfare system to ensure their continuation?</td>
</tr>
</tbody>
</table>

11 Please note that although indicated in ToC, this impact is not possible to measure as the intervention has only set-up the network free legal aid providers which would in the future provide actual FLA to children as final beneficiaries.
4. To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the programme?

5. What are the key factors that have positively or negatively influenced sustainability of program?

4. METHODOLOGY

4.1. Data collection/analysis methods and sampling

The methodology model used for this evaluation was based on a mix method approach of data gathering to yield the most reliable and valid answers to the EQs, combining desk review of existing programme–related and relevant policy documents, as well as analysis of available secondary monitoring data. Primary data collection tools included survey questionnaires for various target groups, as well as face-to-face semi structured group of individual interviews, focus group discussions and observation. This approach enabled triangulation of results and consequently robustness of the final evaluation findings.

Data collection and analysis methods

1. **Desk Review (DR):** Review of available programme documents was a major part of the inception phase. Special emphasize was put on determining existing internal data on implementing project activities. In order to answer certain evaluation questions, predominately relevance and effectiveness, desk review continued after submitting the Inception report, in the following aspects:

   ✓ **Further analysis of relevant international and national policy documents (strategic and legislative) in light of relevance criteria**

   ✓ **Analysis of already prepared baseline and end-line studies across components**
   Specific feature of this intervention is that it commissioned studies to answer designed outcome indicators. Data gathered in this way has been analysed and appropriately used for corresponding evaluation questions.

   ✓ **Analysis of evaluation feedback from various target groups, gathered during implementation**
   During the inception phase, it was noted that for almost all capacity building activities, short activity evaluation sheets have been collected and analysed. For the purpose of this external evaluation, this data has been cumulatively examined and presented as one of the sources of information in the section on effectiveness, suiting as an evidence of immediate effects of the intervention on its target groups.

2. **In–depth Interviews (IDI):** IDIs with various key stakeholders suited as an important source of evidence for many of the evaluation questions, in order to collect their views across all evaluation criteria. Respondents for IDIs are detailed in Annex 6, while used interview guides are presented in the Annex 3.

3. **Focus Group Discussions (FGD):** FGDs have been another method for data collection where multiple representatives of the same group of stakeholders could be gathered in the same location in order to facilitate debate across various evaluation criteria. Respondents for FGDs are detailed in Annex 6, while used focus group guides are presented in the Annex 3.
Sampling criteria for IDIs and FGDs participants

Sampling of the relevant informants was based on the presented stakeholder analysis, recognizing their different levels and types of involvement. In order to finalize the list of respondents, the evaluation team analysed also the size and structure of various target groups across the components. Decisions on the sample were thus based on the following principles:

- geographical scope of programme activities,
- overall number of informants in certain identified stakeholder group
- insurance of cost-efficiency, organizing as many interviews as possible in each visited location.

In case of the target groups with multitude of members, the exact respondents were randomly selected from the signatory list of capacity building activities (such as in the case of judges, prosecutors, CSW professionals, police and bar members).

4. Observation

Finally, the evaluators also deemed important to directly assess whether the refurnished rooms under IMG project and mobile audio–visual equipment for victims/witnesses’ units under IPA project is in use and functional.

In the following table is the realized scope of the field work, including IDIs, FGDs and observation locations.

Table 8: Sample of respondents for IDI, GIDI and FGD, including the sites for observation

<table>
<thead>
<tr>
<th>CITY</th>
<th>Data Collection Methods</th>
<th>STAKEHOLDER/INFORMANT INVOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>IDI</td>
<td>CSW youth team member</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>IDI</td>
<td>Juvenile Judge youth team member</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>GIDI</td>
<td>At least 1 additional Juvenile Judge who took part in the trainings, but is not a member of the team (Higher Court)</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>IDI</td>
<td>Juvenile Prosecutor youth team member</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>GIDI</td>
<td>At least 1 additional prosecutors who took part in the trainings, but is not a member of the team (Higher Prosecution)</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>GIDI</td>
<td>Service Providers (n=5)</td>
</tr>
<tr>
<td>Belgrade</td>
<td>IDI</td>
<td>High Judicial Council</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Republic Public Prosecutor’s Office</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Supreme Court of Cassation</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>MoLEVSA</td>
</tr>
<tr>
<td></td>
<td>GIDI</td>
<td>UNICEF</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Judicial Academy</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>RISP</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>MOJ</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>National Child Rights Council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITY</th>
<th>Data Collection Methods</th>
<th>STAKEHOLDER/INFORMANT INVOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac</td>
<td>GIDI &amp; Observation</td>
<td>Unit for children victims support /mobile equipment</td>
</tr>
<tr>
<td>CITY</td>
<td>Data Collection Methods</td>
<td>STAKEHOLDER/INFORMANT INVOLVED</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac, Leskovac, Kikinda</td>
<td>IDI</td>
<td>Basic Civil Court Judge who took part in the info sessions</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac, Belgrade, Kikinda</td>
<td>IDI</td>
<td>Public Prosecutor who took part in the info sessions and horizontal exchange of knowledge</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac, Leskovac, Kikinda</td>
<td>FGD</td>
<td>1–3 Professionals from CSW who took part in the info sessions + horizontal exchange</td>
</tr>
<tr>
<td>Belgrade</td>
<td>IDI</td>
<td>UNICEF</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>SORS</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>MoLEVSA</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>MOJ</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Republic Public Prosecutor’s Office</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Supreme Court of Cassation</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>National Child Rights Council</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Judicial Academy</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>High Judicial Council</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>RISP</td>
</tr>
<tr>
<td></td>
<td>GIDI</td>
<td>NGO CRC</td>
</tr>
<tr>
<td></td>
<td>FGD</td>
<td>Consultants who held info sessions</td>
</tr>
<tr>
<td></td>
<td>FGD</td>
<td>2 Consultants working with SORS</td>
</tr>
</tbody>
</table>

Component 3

<table>
<thead>
<tr>
<th>CITY</th>
<th>Data Collection Methods</th>
<th>STAKEHOLDER/INFORMANT INVOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac, Leskovac, Kikinda</td>
<td>IDI</td>
<td>Basic Civil Court Judge who took part in the info sessions</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Leskovac, Kikinda, Niš, Kragujevac</td>
<td>FGD</td>
<td>1–3 CSW participants who took part in the info sessions</td>
</tr>
<tr>
<td>Belgrade, Novi Sad, Niš, Kragujevac, Leskovac, Kikinda</td>
<td>FGD, IDI</td>
<td>Bar member who took part in the info sessions (3 in Belgrade) + 1 per other cities</td>
</tr>
<tr>
<td>Belgrade</td>
<td>GIDI</td>
<td>UNICEF</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>MoLEVSA</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>High Judicial Council</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>National Child Rights Council</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>SORS</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>MOJ</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Republic Public Prosecutor’s Office</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Supreme Court of Cassation</td>
</tr>
<tr>
<td></td>
<td>GIDI</td>
<td>NGO Child Rights Centre</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Judicial Academy</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Consultant working with SORS</td>
</tr>
<tr>
<td></td>
<td>IDI</td>
<td>Consultant who held ToT</td>
</tr>
<tr>
<td></td>
<td>FGD</td>
<td>Consultants who held the info sessions and attended ToT (n=3)</td>
</tr>
</tbody>
</table>
Belgrade, Novi Sad, Niš, Kragujevac, Kikinda

Belgrade

CID

UNICEF

IDI

National Child Rights Council

IDI

Judicial Academy

IDI

NGO Child Rights Centre

CID

Building of child friendly rooms

CID

CSWs and Service providers

CID

Trained Judges and Prosecutors

CID

IMG Office

MoLEVSA

MOJ

National Child Rights Council

Judicial Academy

Republic Public Prosecutor’s Office

Supreme Court of Cassation

High Judicial Council

<table>
<thead>
<tr>
<th>Overall IDIs, GIDIs, FGDs and observation locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Juvenile Judges members of the youth teams</td>
</tr>
<tr>
<td>4 Juvenile Judges who are not members of the teams</td>
</tr>
<tr>
<td>4 Juvenile Prosecutors members of the youth teams</td>
</tr>
<tr>
<td>4 Juvenile Prosecutors who are not members of the teams</td>
</tr>
<tr>
<td>8 CSW professionals, members of the youth teams</td>
</tr>
<tr>
<td>9 Service providers</td>
</tr>
<tr>
<td>6 Criminal Court Judges</td>
</tr>
<tr>
<td>5 Civil Court Judges</td>
</tr>
<tr>
<td>7 Public Prosecutors</td>
</tr>
<tr>
<td>25 CSW info sessions participants</td>
</tr>
<tr>
<td>4 Bar members</td>
</tr>
</tbody>
</table>
| 25

8 Consultants

NGO legal aid providers – members of the network and training participant in 5 cities

4 Units for child victims support

UNICEF CO

NGO CRC

RISP

MoJ

MoLEVSA

SORs

High Judicial Council

Supreme Court of Cassation

Republic Public Prosecutor’s Office

IMG Office

Judicial Academy

National Child Rights Council

Observation at courts in Niš, Novi Sad and Leskovac

5. Online surveys

The evaluators prepared and disseminated three types of questionnaires in order to analyse the evolution of participants’ knowledge, attitudes and practices, gained from implementing capacity building activities. This method was selected as it enables to reach a large number of beneficiaries and to gather important quantitative data, a few months or years after the training/info sessions took place. One survey targeted CSWs professionals from the first component dealing with juvenile offenders (both in and outside piloted cities). The second one gathered judicial professionals in and outside 4 piloted cities in the same component. Finally, the third one covered info–sessions participants (devised as 6 sub–surveys, depending on the component and the type of info–session participants).

Table 9: Overview of the disseminated online surveys
| Component 1 | CSW professionals in and outside pilots who took part in the capacity building | 512 | 416 with email, 447 delivered | 61 responses (14%) |
| Judicial professionals in and outside 4 piloted cities who took part in the capacity building | 83 | 25 with emails, 19 delivered | 4 responses (21%) Dismissed from statistical analysis due to low number of responses |
| Component 2 | Criminal Court Judges who took part in the info sessions | 393 Basic Court judges | 65 with emails, 54 delivered | 13 responses (24%) |
| CSW professionals who took part in the info sessions | 247 CSW professionals | 134 with emails, 117 delivered | 17 responses (15%) |
| Public Prosecutors who took part in the info sessions | 180 Basic Public Prosecutors | 30 with emails, 25 delivered | 6 responses (24%) |
| Police officials who took part in the info sessions | 166 police officials | All Distributed via contact person in the police | 66 responses (40%) |
| Component 3 | Civil Courts Judges who took part in the info sessions | 415 (213 Basic court judges + 46 Higher court judges + 156 court assistants) | 89 with emails, 75 delivered | 11 responses (15%) |
| CSW participants who took part in the info sessions | 282 CSW participants | 176 with emails, 150 delivered | 27 responses (15%) |

**Administration of the online surveys**

Please note that only for the target group in the component 1 (CSWs professionals), contact details of the capacity building participants were available in a digital form (in Word, easily to be transferred into Excel). For the other proposed target groups, the lists of participants were only available as scans. The evaluation team used its own resources to digitalize the lists to be able to administer the surveys. Only in the case of police, the survey was disseminated through a contact person in the police. Although two reminders were sent, the response rates are somewhat lower than expected 30%. Used questionnaires are outlined in Annex 5.

**Sensitivity to human rights, gender and equity**

In line with UN and UNICEF’s focus on human rights, gender and equity, the evaluation design and conclusions were guided by paying attention to these aspects. However, as elaborated through the report at appropriate places, the project was not designed specifically to impact children belonging to certain vulnerable groups in contact with the justice system – girls, boys, Roma, children with disabilities and mental health issues, but rather to target all children in contact with the justice system no matter of ethnicity, nationality, gender or belonging to any other group. Both monitoring at the level of project, including the baseline/end-line studies, as well as national statistics does not allow insights along the equity lines, as further elaborated under the next chapter on methodological limitations. This means that a more comprehensive analysis in line with the UN SWAP standards and GEEW–related data was not possible.
Participation of key stakeholders in the conduct of the evaluation

Participation of the key stakeholders in the conduct of this evaluation was secured in multiple ways. Comprehensive methodology enabled reaching in person more than 120 respondents including all key stakeholders based on a stakeholder analysis, as well as representatives of all identified target groups. Constant and constructive exchange with UNICEF as the Contractor was maintained throughout the evaluation process. Finally, besides collecting written comments by UNICEF, based on this 1st draft, the evaluation process included a verification workshop with the key stakeholders, collecting in this way their feedback on the presented key findings and usability of recommendations, which has been taken into account in preparing the final draft.

4.2. Methodological limitations

TOR have identified two methodological limitations to conduct this evaluation. The evaluation team has noted these constraints, added some additional ones and paid appropriate attention in mitigating them in the proposed methodology. The summary of these mitigation measures is outlined in the table below.

<table>
<thead>
<tr>
<th>Identified per TOR</th>
<th>Mitigation measure proposed by the evaluation team</th>
</tr>
</thead>
<tbody>
<tr>
<td>No formal ToC at the beginning of intervention</td>
<td>ToC was reconstructed by UNICEF CO at the beginning of evaluation and further commented by the evaluation team (section 1.3. Theory of Change).</td>
</tr>
<tr>
<td>Not all data can be disaggregated by ethnicity, disability status and gender</td>
<td>Evaluation can only rely on secondary data on final beneficiaries, as primary data collection from final beneficiaries is not envisioned (see details below). Disaggregated data can thus only be used if/when available from national statistics or internal monitoring records.</td>
</tr>
</tbody>
</table>

**Identified by the evaluation team**

| No data is to be gathered directly from the final beneficiaries | Research design proposed by this evaluation does not include data gathering directly from the final beneficiaries (children) due to the ethical reasons to avoid additional victimization. Impact level questions, concerning the changes at the level of final beneficiaries would be analysed from outcome mapping done for juvenile offenders, while in case of children in criminal and civil proceedings data will be gathered through baseline and final studies which answer these questions by analysing a set of indirect indicators. Impact-level questions will also be included in all IDIs and FGDs with target groups. In terms of children and their parents as beneficiaries of FLA, impact can be measured only after implementation of the newly formed FLA services, which were under IPA project only initiated (through setting-up of a network of FLA providers). |
| Lack of detailed reports on all conducted activities | Due to the length of the evaluated projects which demanded flexibility and adaptability, the evaluated projects were not designed with a fully defined list of activities. Supported also by a format of progress reports, this meant that reporting was dominantly based on the level of results, offering only general information on the project outputs/activities. Based on this insight, the evaluation team reconstructed a detailed list of implemented activities, accompanied by a commentary on the availability and format of data (Annex 2). UNICEF CO cooperated in the process of obtaining requested data. |
| No available data on the target groups (capacity building participants) in the IMG project | Across capacity building activities conducted in the IMG project, there is no data on the target groups (participants). The assumption however was that at least to a degree the same target groups later participated in the IPA project. To overcome this, in all data collecting tools the respondents have been asked if they have also participated in the... |
4.3. Ethical considerations and quality control

While designing the evaluation methodology, the UNEG’s ethical guidelines for evaluation were consulted and the following approaches have been agreed upon:

✓ As already stated in the Offer by the evaluation team, during the selection of the evaluation team, it was taken into account that there is no conflict of interest since none of the involved experts have in any way contributed to design or implementation of the evaluated object;
✓ The evaluation team have respected all procedures and methodology choices outlined in the Inception report and completed the evaluation based on them.;
✓ Information was analysed based on reliable data and observations and findings reported accurately and impartially, secured by representative sample of target groups involved, internal harmonization in protocol for conducting IDIs and FGDs and detailed note keeping. Finally, multiple points of quality controls both internally among the team members and by UNICEF have been embedded in the Work plan;
✓ All proposed evaluators who have conducted primary data collection are experienced social science researchers who have undertaken basic ethics training within their university degrees, with ample application of these ethical standards in previous similar research assignments;
✓ Before each IDI or FGD, the interviewer/focus group facilitator have explained the purpose of the evaluation, process and duration of focus groups/interviews. Moreover, to ensure that all participants make informed decision about their participation, the evaluation team have obtained their written consent. For that purpose, special consent forms were designed (please consult Annex 5), detailing all rights of the interviewees
✓ Online questionnaires have secured anonymity of respondents and their collected contact details have not been used for any other but research purposes within this evaluation.
✓ Finally, in accordance with UNEG’s standards, for ethical purpose and to avoid secondary victimization, children as final beneficiaries have not been involved in the evaluation process, as per elaboration in section 4.2. Methodological limitations.

5. FINDINGS

The report is structured around the main evaluation criteria, following OECD–DAC criteria: relevance, effectiveness, impact, efficiency and sustainability.

5.1. RELEVANCE

With regard to the programme’s relevance, this section assesses its base in evidence-based problem analysis; the level of correspondence to the needs of the main target groups and final beneficiaries; involvement of national and local level stakeholders in interventions’ design/formulation; consistence with the priorities and policies of the Republic of Serbia. alignment with international standards and practices; as well as responsiveness to equity aspects, i.e. focus on the most vulnerable children.

Extent to which interventions were grounded in evidence-based problem analysis and correspond to the needs of the main target groups and final beneficiaries
Both prior and during the inception phase, the evaluated projects were grounded in a comprehensive problem analysis, aiming at directing the intervention at the observed gaps. In 2010, before initiating the IMG project, UNICEF commissioned an independent study entitled *Implementation of the 2005 Juvenile Justice Law in Serbia: Assessment of Diversion, Alternative Sentences and Child Victim Protections* (Cipriani, 2010). The general objective of the study was ‘…to develop a shared understanding of the barriers and challenges to juvenile justice reform…and to provide high level technical input and guidance on further reforms…’ (Cipriani, 2010:6). Focusing on juvenile offenders and children victims and witnesses, the study concluded that there are serious shortcomings in successful implementation of the JJL, ranging from normative ambiguity, lack of implementing regulations, unclear authority and funding, non-cooperation among judicial and social welfare sectors, lack of capacity building based on practical skills, as well as inadequate data collection systems (Cipriani, 2010: 43–50).

Furthermore, during the inception phase, the IMG project commissioned a baseline (and later also end-line) study on implementing diversion orders and alternative sanctions in juvenile justice system in Serbia (Satarić N. and D. Obradović, 2011 and 2014), while in the IPA this practice was extended to other components, including thus also a baseline/end-line studies for children witnesses or victims (Banić M. and I. Stevanović, 2015 and Child Rights Centre, 2017); children in civil proceedings (Petrović M., Stevanović I., Jović S., Veljković L. and S. Radulović, 2015 and Petrušić N. and M. Petrović, 2017) and mapping capacities of free legal aid providers (Child Rights Centre 2015 and 2017).

Although the overall number of these commissioned studies was relatively high (in total 19 studies12), causing sometimes a degree of overlap, they have strongly facilitated a more focused initial projects’ formulation, as well as result-based monitoring and assessment of outcomes/impacts at the later stage, strongly confirming the need for intervention.

Namely, at the beginning of the IMG project, the study done by Amity concerning diversion orders and alternative sanctions (Satarić N. and D. Obradović, 2011) showed that apart from the general juvenile justice certified training organized by the Judicial Academy, almost none of the judges and prosecutors had a chance to attend skills-based training on diversions. Furthermore, almost none of the judges and prosecutors had any written material on the topic and the Rulebook on implementation of diversions was the only bylaw that was not passed after adopting the JJL.

The baseline study done in IPA related to children witnesses and victims in criminal proceedings13 (Banić M. and I. Stevanović, 2015), showed that special protection measures were not being systematically applied – only 4.7% of children victims were at that time interviewed at specially equipped premises; in around half of the cases the judge did not appoint a legal representative and none of the cases with children victims of witnesses were labelled as urgent.

On the subject of children in civil proceedings, the baseline study (Petrović M., Stevanović I., Jović S., Veljković L. and S. Radulović, 2015) showed that there was no common understanding among judges what ‘the best interest of the child’ principle stands for. Furthermore, CSW professionals expressed they did not feel competent to prepare the report for the court on child’s best interest, while judges usually

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12 Out of that, 6 studies relate to the initial problem analysis; 2 relate to comparative analysis; 5 relate to assessing intervention results; 2 related to outcome/impact mapping and the rest provided technical assistance to certain questions of interest to implementation and sustainability.

13 Baseline study with regard children victims and witnesses was for the first time done in the IPA, although 2010 Don Cipriani’s report before the IMG project also dealt with the subject.
relied only on these reports, without independently forming their own opinions. The reports prepared by the CSWs were on average submitted after 3 months, significantly prolonging the proceedings. Furthermore, the interviewed judges claimed that there were no guidelines for child participation in civil proceedings, although they needed such a tool. On average, in half of the cases, judges usually took testimony from a child in the courtroom or in the judge’s cabinet.

Finally, in terms of free legal aid providers, the study of mapping their capacities in protecting children’s rights in the areas social welfare, health care and education (Child Right Centre, 2015) showed that the capacity of free legal aid providers to adequately respond to the demands in the area of children’s rights was ‘generally low’; there was unequal geographical representation; they had different knowledge levels and different levels of specialisation in the services they offer, but were at the same time greatly interested in working with children and motivated to improve their knowledge and advance their skills in this area. The gap in this area was widen by the fact that the Republic of Serbia did not (and still does not) have the Free Legal Aid Act.

Conducted interviews within the scope of this evaluation (N= 120) have also confirmed that the projects appropriately recognized the needs of all main target groups, including practical capacity building, professional networking/exchange, as well as written material in a format of guidelines. This is strengthened by the fact that at the onset of the intervention, although initial certification of judicial professionals by the Judicial academy (pursuant to the Article 150 of the JI) had taken place, there were very limited changes in practices after the initial five years of law enforcement. However, by looking more specifically, the prevailing perception during the conducted interviews is that as regards to children in criminal and civil proceedings, the needs of the target groups are still not fully addressed as the chosen format of information sessions (2 hours sessions) could only initiate the desired changes. Nonetheless, this has to be assessed from the perspective of the overall scope of the initiated reform process, operating with extremely large target groups in the component related to children in criminal and civil proceedings – with around 2 000 professionals across the country, represented a financial and logistical barrier for providing more in–depth trainings across these groups. On the other hand, in this type of intervention, which suits as a way to raise capacities for securing some universal rights, the approach to secure an equal level of any new service is paramount.

As regards to diversion orders/alternative sanctions, somewhat different approach was taken, focusing primarily on the four pilot cities which in contrast enabled more in–depth work with the target group. During the interviews, mixed accounts were collected related to the justification of the IPA project to continue piloting in the same locations as in the IMG. However, the evaluators asses the continuation was necessary as during the IMG, out of three–and–half years, the actual piloting lasted less than a year and no significant mainstreaming of the new practices was achieved by the end of the project and there was additional space to strengthen intervention in terms of behavioural changes of the offenders. The interviewed individuals who personally participated in the IMG confirmed that by the end of that project
the process of applying diversion and alternative sanctions needed additional time to be routinized. As per UNICEF’s perspective, the rational of the project intervention in relation to the continuity of the 4 pilot cities was that that smaller municipalities are usually impacted by and influenced by the larger centres, so they can act as role models in good practices implemented with regard to juvenile justice. Furthermore, capacity building activities under IPA extended outside the four pilot cities, even though in terms of procedural mainstreaming, the concept of ‘youth teams’ (set up from CSW professionals, prosecutors and judges) was only supported in the pilot cities, selected as being the seats of the court of appeals.

**Extent to which national and local level stakeholders (including target groups) have been involved in interventions’ design/formulation**

With regard to the level of participation in project design from the main stakeholders, both projects have been designed by establishing a partnership with the key ministries – in the IMG with the MoJ and in the IPA with MoLEVSA. The main reason for this change was that the IMG dealt exclusively with judiciary (the other pillars aimed at improving court performance, access to justice, and strengthening High Judicial Council), while the second component of IPA dealt with the social welfare system (family–based solutions in supporting children at risk). As confirmed during the interviews, the partnerships with ministries were initially very substantial but with the frequent changes in Government and newly appointed government officials the collaboration has become more formal. At the same time, in neither of these ministries (then and to date) there are no positions with a mandate to specifically work on issues of children in contact with judiciary, in turn leading that the projects were fluctuating between more political level, to more operational one by involving individuals working on international cooperation and/or projects. Reconstructing the context of formulation of each project, the IMG project was formulated in a rather ad hoc manner, as a consequence of available donor funds and strongly dominated by a personal vision and efforts by some interested individuals, while IPA was more strategically negotiated as a follow-up with the EU delegation. However, in both projects, inputs for intervention clearly came outside the Government.

More close and operational partnership was however established with RISP and JA, while in IPA it was extended to the NGO CRC, who all in collaboration or independently implemented some activity clusters. As judged by the conducted interviews, the expert inputs during the projects’ design were collected from these key partners. As both projects had a level of flexibility in formulating concrete project activities during the implementation (designed to focus on the project’s results rather than on the outputs), inputs by the partners have also been taken after the inception phase, such as to involve bar members or police in the info-sessions. Based on the latter, involvement of the Ministry of Interior was secured, with the potential that in any future intervention it could have more prominent role also in the earlier phase of project formulation.

Overall, the approach that was used shows openness to the idea of broad, but also pragmatic participation, recognizing the need to politically involve relevant ministries as the intervention is closely related to current (and any future) legal solutions, but also influenced by their changed level of interest and fluctuations in human resources. Operational partnership with other institutions enabled timely reaction to their professional observations and synchronization with their procedures (such as accreditation of trainings, etc.), although there was no evidence of involving actual representatives of the target group in the process of formulation.

**Extent to which interventions implemented were consistent with the priorities and policies of the Republic of Serbia**

Considering the alignment of the interventions with the national strategic and policy framework, they were primarily aiming at providing assistance for implementing the existing 2006 Juvenile Justice Law.
as well as the **Family Law** and bridging the gap caused by **delayed enactment of the Law on Free Legal Aid**. Furthermore, **2011 Law on Social Protection**, in Article 41, although using somewhat different language, defined various groups of children as social welfare beneficiaries, including both children with behaviour problems and children victims of abuse, neglect, violence and exploitation, as well as victims of disputes related to custody, giving social welfare centres a mandate to involve in these issues.

Beyond these laws, which lacked operational resources for implementation and modalities to organize cooperation between the involved sectors, document analysis and conducted interviews confirm that at the time of the project’s design the area of juvenile justice was not explicitly part of any national strategic and policy document. Namely, the **National Plan of Action for Children 2004–2015** did not designate measures to children in contact with judiciary, so opposite to the common practice to develop projects to respond to the priorities of national strategic frameworks, the evaluated interventions suited as a way to actually support some more explicit reference to juvenile justice. Although the **National Judicial Reform Strategy 2013–2018** also does not explicitly deal with juvenile justice, the process of the European integration finally gave new importance to the subject. The **Action Plan for ‘Chapter 23’ (Judiciary and Fundamental Rights)**, adopted by the Government of Serbia in 2016, as a result of advocating from the part of various partners gathered around the intervention, directly refers to the issue of justice for children, which was strongly recognized by a multitude of interviewed stakeholders as unintended positive policy effect.

**Extent to which intervention have taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents**

The lack of possibility for linking the projects to the national policy framework did not mean a disconnection from the policy context as these issues are extensively grounded in international standards dealing with children in contact with judiciary. Also, it reflected a regional orientation of UNICEF to develop interventions in the area of children in contact with judiciary, meaning similar initiatives were at the same time being implemented and promoted across neighbouring countries, while in the area of civil proceedings, the project was among the first ones in the region and worldwide to try to operationalize international standards.

The **UN Convention on the Rights of the Child** (UN CRC) was ratified by the Republic of Serbia in 1996, stipulating that it should be assured that children in conflict with the law have a ‘constructive role in society’ (Article 40 (1)), and ‘the arrest, detention or imprisonment of a child may be used only as a measure of last resort’ (Article 37 (b)), suggesting devising a comprehensive policy response ‘to ensure that children are dealt with in a manner appropriate to their well-being, and proportionate to both their circumstances and the offence committed’ (Article 40 (4)). Systematic and ongoing education of professionals, including also psychological elements, not only national and international standards is envisaged by General Comment No. 10 (CRC, 2007) and the CoE Guidelines for Child Friendly Justice Guideline 14 that stipulates that the training in communication skills, in using child-friendly language and developing knowledge on child psychology, is necessary for all professionals working with children (police, lawyers, judges, mediators, social workers and other experts) (CoE Committee). Furthermore, the **Beijing Rules** (UN, 1985) in its Rule 18 support the use of diversionary measures, while Rule 17 promoting assistance in contrast to repression and punishment. Moreover, the **Guidelines for Action for Children in Criminal Justice System**, under point 15, state that diversion or other alternative initiatives should be developed with a goal ‘...to prevent recidivism and promote social rehabilitation of child offenders.’

With regard to children victims or witnesses, the **2005 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime** form part of the body of the UN standards on these issues, offering good practice based on contemporary knowledge and relevant international and regional norms, standards
and principles, including all relevant areas in the phases before, during and after proceedings. Furthermore, the Council of Europe’s Lanzarote Convention, signed in 2007 and ratified in 2010, also deals with the way children victims and witnesses of sexual exploitation or violence should be treated during the court proceeding, including avoidance of unjustified delays of interviews with children; organising them in appropriate premises and carried out by professionals trained for this purpose, with the number of interviews to be as limited as possible and with videotapes of the interviews to be accepted as evidence during the court proceedings. Finally, the CoE Guidelines for Child friendly Justice Guideline 64, further stresses the importance of conducting interviews with children by the trained professionals and in the same context, Guideline 66 recommends that when more than one interview is needed, they should be carried out preferably by the same person for reasons of consistency and mutual trust, but that the number of interviews should be as limited as possible (Guideline 67, CoE Committee).

With regard to children in civil proceedings, Article 12 of CRC addresses the legal and social status of children, who, on the one hand lack the full autonomy of adults but are subjects to rights, assuring that every child is capable of forming his or her own views, the right to freely express those views in all matters affecting she/he and that the views of the child should be given due weight in accordance with their age and maturity. In particular, the child shall be afforded the right to be heard in any judicial or administrative proceedings affecting him or her. Furthermore, Article 3 of the CRC poses obligations to the States to respect the best interest of the child. According to the General Comment 12, Articles 3 and 12 are interrelated as the purpose of Article 3 is to ensure that in all actions undertaken concerning children, by a public or private welfare institution, courts, administrative authorities or legislative bodies, the best interests of the child are a primary consideration.

Finally, with regard to the free legal aid, Article 40 of the CRC is the most specific on the issue. It requires that a child in conflict with the law should be ‘informed promptly and directly of the charges against him or her, and, if appropriate, through his parents or legal guardian, and should have legal or other appropriate assistance in the preparation and presentation of his or her defence.’ It further provides that a child in conflict with the law be given ‘... a fair hearing, according to law, in the presence of legal or other appropriate assistance...’ The Beijing Rules further elaborate on the right to legal representation, calling on states to ensure that “throughout the proceedings the juvenile shall have the right to be represented by a legal adviser or to apply for free legal aid where there is provision for such aid in the country.’ The CoE’s Guidelines 39 goes even further in requiring that ‘lawyers representing children should be trained in and knowledgeable on children’s rights and related issues, receive ongoing and in–depth training and be capable of communicating with children at their level of understanding.’ (CoE Committee)

**Extent to which interventions have taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages**

In the matter of responsiveness to equity aspects, the evaluated projects have not been designed specifically to impact children belonging to certain vulnerable groups in contact with the justice system – girls, boys, Roma, children with disabilities and mental health issues, but rather to target all children in contact with the justice system no matter of ethnicity, nationality, gender or belonging to any other group. However, it should be noted that the entire intervention embedded equity approach as any child who gets in contact with judicial sector is a vulnerable group. Furthermore, the equity approach was secured by developing flexible and tailor–made services (such as designing mobile units for victims’ protection and supporting the overall approach that each case is specific). During the interviews, it was confirmed that some conducted capacity building activities touched upon specific vulnerable
(sub)groups, but this was not part of a systematic approach. Reinforcing the argument that interventions opened a large, until then unopened intervention area, the primary goal was to establish new practices for any group of children, with the intention that in such way vulnerable children would also benefit. It is however recognized that a more specific approach dealing with vulnerable groups in capacity building activities should be a subject of further work in this area. This is particularly important due to the fact that children from some of these vulnerable groups represent majority among the final beneficiaries in all four components, and at the same time they have very specific needs that need to be recognised and addressed with specific set of measures and adequate capacity building for the professional working with them in judicial, social welfare and other relevant systems.

In conclusion to the interventions’ relevance, with regard to the recognized needs of the target group and consequently final beneficiaries, it can be argued that the projects selected an intervention area in a very relevant way, with many observed implementation gaps to be tackled. In the regional and broader context, it is among the first ones to tackle the issue of operationalizing international standards in the area of civil proceedings. Due to the size of the target group and the need for national–wide presence, it is recognized there is still a space to continue with the initiated capacity building, especially in the area of criminal and civil proceedings, balancing between the approach on piloting and state–wide information sharing. Relevant project partners have been involved in the interventions, with very operational cooperation established with a few national agencies and one large NGO, but dominantly only formal links with the two relevant ministries - MoJ and MoLEVSA, being also a function of often changes of the Government. Although the intervention is fully grounded in relevant international standards in which the Republic of Serbia takes part, at the time of developing the interventions, national policy framework was almost non–existent. This meant that the projects served to open a pathway for new explicit referencing to juvenile justice in the national policy documents, rather than a tool for executing them. Finally, in this cycle, although the interventions in themselves deal with vulnerable groups, and their design reflects the awareness of vulnerability by developing flexible and tailor–made services, they did not systematically focus on developing competencies of dealing with specific vulnerable sub–groups, although due to the influence of some international trainers, this was to a limited degree part of the implemented training curricula during capacity building, but with a significant space to be more systematically embedded in any future intervention in this area.

5.2. EFFECTIVENESS

Effectiveness of the IMG project

The IMG project was designed around three key objectives and corresponding results (shown in Table 1 below), dealing with juvenile offenders, children victims and witnesses and the Juvenile Justice Council, while only the latter not maintained through the IPA, as the Council did not renew its mandate in the meantime.

Table 11: Overview of the specific objectives and expected results of the IMG project

<table>
<thead>
<tr>
<th>Specific objective</th>
<th>Expected result</th>
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<tbody>
<tr>
<td>1. To improve the juvenile justice system in implementing diversionary measures</td>
<td>Diversionary schemes in the juvenile justice system in Serbia are institutionalised in a cross–organizational and multidisciplinary manner, in line with international standards measured by the percentage of juvenile cases that are processed according to any of the diversionary or alternative sanctions provided by the law</td>
</tr>
<tr>
<td>2. To strengthen the Juvenile Justice Council to play a key catalyst role in the</td>
<td>Juvenile Justice Council’s Secretariat is developed, including its budget and financial procedures, and the Council members are supported with tools and capabilities for boosting their proactivity measured by the number of new initiatives</td>
</tr>
<tr>
<td>reform of the juvenile justice system</td>
<td></td>
</tr>
</tbody>
</table>
3. To intensify the implementation of SPPs of Juvenile Justice Law concerning children as victims and witnesses are implemented in practice and measured by judges and non-judge staff reporting satisfaction with regard to diversionary measures and alternative sanctions, the intervention aimed at filling in the gaps left after the adoption of the Juvenile Justice Law and the fact that it was not followed by any procedural and practical instructions on how to implement the newly established institutes. During the conducted interviews, one of the most often mentioned contributions of the IMG project was drafting the Bylaw on implementation of diversionary measures and Guidelines on standards and procedures for implementing diversions, although the Bylaw has not been enacted to date. This is explained by the fact that there were discussions and actions aimed at preparing changes and amendments to the law continuously throughout the project, resulting in an opinion taken by the policy-makers that the bylaw should be a part of the new legislative package. However, the process of drafting these two documents, through facilitated working groups, had value in itself, as it resulted in concrete steps for all stakeholders implementing diversions and alternative sanctions for the first time systematically laid down.

In four cities in Serbia in which the courts of appeal are seated (Belgrade, Kragujevac, Niš and Novi Sad) a specific model of cooperation was established - the so-called ‘youth teams’, consisting of juvenile justice judges, prosecutors and CSW representatives, coordinated and monitored by the RISP. The project also issued an opened call for organisation to implement diversionary measures in their local communities. This call was opened to entities that have already been recognised as service providers for children in social protection, which turned out to be certified NGOs and special organizational units of CSWs. They have then additionally coordinated with other NGOs, companies, public institutions and other entities, forming a network of ‘external collaborators’ in order to provide additional opportunities where certain diversionary measures could be realized.

The project proposal and the subsequent final report did not elaborate on the type of capacity building activities to be offered, but as reconstructed during the process of evaluation, they included an accredited, two-module training organised by the RISP for CSW professionals (118 participants), as well as a mixed training for judges, prosecutors and CSW professionals held by professor Đurađ Stakić from the Penn State University (around 100 participants) and trainings and later consultations for established youth teams (27 youth team members). The only evaluation sheets available are from professor Stakić’s training, indicating high satisfaction across all four included cities.

Although not specifically envisaged by the project proposal, a study visit to Austria for policy makers and professionals to provide them with legal and practical impulses for the reform in Serbia and to introduce them to contemporary methods of work in the field of juvenile justice was organised during the project. Austria was selected as alongside Germany it had served as a model for drafting the Serbian JJL and has a strong record in implementing diversionary measures. The visit was planned for eight participants. With regard to diversionary measures, as one of the areas of interest during the study visit, the visit was paid to the organisation Neustart, established and supported by the Federal MoJ, which offers help and solutions in coping with the problems of criminality and its consequences, and plays a central role in the Austrian juvenile justice system. The final report, including the final lists of participants and evaluations by participants is not available in the project documentation, preventing assessment of this activity.

As mentioned, both baseline and end-line studies were commissioned in this component, grounded in extensive qualitative data collected from 10 cities, including in total 90 respondents across all types of involved stakeholders. The main conclusions included evidence of improved data gathering, but still
unharmonized approaches between the sectors (number of diversionary measures vs. individuals to whom diversionary measures were applied). According to the initial analysis, the percentage of implemented diversion orders in relation to criminal charges was 1.69%, whereas this increased significantly to 5.33% in 2013, suggesting an increase, although data was not desegregated between pilot and non-pilots. With regards to the effects on the offenders, it dealt with a smaller sample of juveniles, but confirmed a shared view among judicial professionals of low recidivism rates. A more detailed outlook on the effects of diversionary measures on the final beneficiaries is given in a separate study by the University of Belgrade, whose results are to be discussed in the chapter on impact.

The end-line study reinforced the initially observed discrepancy in the type of diversionary measures being applied. Namely, the diversionary measures of drug and alcohol treatment programmes and participation in individual or group therapy/counselling (the latter to be possibly combined with other diversionary measures) can only be ordered by juvenile judges and are significantly underrepresented in the structure of ordered diversionary measures across the five key groups. Finally, the study found that non-piloted cities still had issues with coordination and clarity of procedures between sectors, while some of them failed to even start applying diversionary measures.

Another output of the project was the cost-benefit analysis which was carried out by documenting the prices of specific services and programmes, as well as other expenses associated with ordered diversionary measures. The analysis confirmed the basic assumption that the implementation of diversionary measures is more cost effective than the implementation of alternative sanctions. If ordered by the prosecutor, the procedure of enforcing diversionary measures costs almost three times less than regular court proceedings, which contributes to the overall efficiency of the judicial system as it frees up significant judiciary resources that can be used in other, more complex procedures where diversionary measures cannot be applied.

Finally, in terms of promotion and information sharing, the project prepared a 17-minute long, high quality documentary entitled ‘Diversionary measures – a step towards accepting responsibility’, presenting the process of implementation of diversionary measures, including interviews with all key representatives of the target groups in the pilot cities, available still today on You Tube.

Overall, it can be assessed that the project reached its goal ‘to improve the juvenile justice system in implementing diversionary measures and alternative sanctions for juvenile’, resulting in an increase of applied diversionary measures. However, as mentioned earlier, the actual piloting of newly designed procedural tools lasted for only around a year which was, at that time, not seen as sufficient to fully routinize the procedures, being the reason to continue with the pilots in the same four cities under the IPA, as well as to strengthen the overall quality of work with juveniles when applying diversions. Long-term usability of produced rulebook and guidelines was strongly confirmed even from today’s perspective, successfully bridging the observed lack of a formal bylaw. Capacity building activities were not planned in detail during the inception and were thus not adequately reported in the final project report, with incomplete documentation in terms of evaluations and lists of participants. However, the quality of the new accredited education organised by the RISP can be assessed from the fact it was continued (but upgraded) under the IPA; evaluation of professor Stakić’s training as the only training with available evaluation sheets shows high levels of satisfaction among participants, while education and meetings among the youth teams as a model were also maintained in the IPA, suggesting that they were accepted as useful by the team members.
With regard to the second specific project’s objective, the strengthening of the Juvenile Justice Council, the final project report did not include conducted activities, so they had to be reconstructed in the evaluation process. The Council was formed based on the provisions of the JLL in 2009, prior to the start of the IMG project, as a professional advisory body for the juvenile justice reform, comprised of prominent judges, prosecutors, police officials, lawyers, CSW professionals, and professionals in institutions and facilities for the enforcement of institutional sanctions.

The IMG project was used to assist, primarily financially, the Council’s various activities, including supporting their annual events initiated with a goal to facilitate cross-sectoral dialogue and critical assessment of progress made in reforming the juvenile justice system and to provide decision-makers with recommendations. The IMG project also organized a study visit to Norway for the members of the Council in 2012, during which, they visited the Norwegian National Mediation Service (NMS), Oslo Probation Service, Oslo District Court, Oslo prison, Children Ombudsman office, Majorstua police station and two NGOs dealing with children and youth at risk and in conflict with the law. Finally, it supported the Council in the process of development of child-friendly materials (leaflets and posters) that were used in all institutions where children are being held in custody, designed through direct participation of children by organising focus groups with them.

Overall, during the conducted interviews in the scope of this evaluation, individuals who have been working for somewhat longer periods in the area of juvenile justice recall the time of the Council’s mandate, commending it for facilitating and initiating certain aspects of the reform, such as better data gathering. After the Council members’ mandates had expired, the new Council has never been formed. This coincided with the end of the IMG project, which was the reason that this intervention stream was not continued under the IPA. General opinion among the interviewed stakeholders is that the Council was very significant and should be re-established, regardless of its limits as an advisory body. During this evaluation, indications that it could be renewed have been detected, especially as its existence is envisaged by the JLL and is part of the Action Plan for Chapter 23.

Finally, with regards to children victims and witnesses in criminal proceedings, the IMG project supported three types of activities: (1) capacity building; (2) development of a manual and (3) furnishing selected courts for child-friendly hearing premises. In total, four two-day trainings for judges and prosecutors were held, covering participants from areas gravitating to all four seats of the courts of appeal. One additional two-day training for Victims and witnesses support units in Belgrade was also held. All trainings took part in the second half of 2014, close to the project’s closure.

Based on the available agendas, the topics for judges and prosecutors covered the following: (1) the legal framework for making Victims and witnesses support units institutional; (2) positions of victims and witnesses in the Criminal procedure code; (3) introducing the concept of support by an official employed at Victims and witnesses support unit; (4) a set of psychological topics; (5) a set of communication topics; (6) a forensic interview. A developed manual entitled Protection of children victims and witnesses of criminal acts was structured similarly around the topics of international standards, national framework, psychological aspects and a forensic interview. The lists of participants from trainings are unavailable, so the overall target group reached by these capacity building activities in unknown and based on one

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14 Based on Article 166 of the JLL, the formal title of the Council is the ‘Council for monitoring and promoting the work of bodies engaged in criminal proceedings and enforcement of juvenile criminal sanctions involving juveniles’.

15 Article 166 of the JLL defines its role as follows: ‘The Council shall submit to the MoJ and the Supreme Court of the Republic of Serbia initiatives, recommendations, opinions and analysis relating to juvenile delinquency and criminal protection of children and juveniles, their treatment pursuant to provisions of this Act.’
available evaluation from the training for judges and prosecutors in Novi Sad, **high satisfaction with the offered training was recorded.**

The third aspect of this project’s component related to **furnishing courts’ premises**, including High Courts in Vranje, Niš, Belgrade and Novi Sad, as well as Basic courts in Pirot and Leskovac, alongside providing technical equipment for organizing hearings of victims/witnesses using a video link.

When looking at different special protection measures, the process of conducting interviews with children stands as a central issue. Pursuant to the Article 152 of the JJL, ‘questioning of a child or juvenile shall be conducted with the assistance of a psychologist, pedagogue or other qualified person.’ The legislation does not however further specify how to recruit these professionals, as the Serbian juvenile justice system does employ non-legal experts at courts or public prosecutor’s offices. In terms of using a video link to separate the parties in the courtroom from the room where the witness is located, it is not envisaged this to be universally applied, unless ‘due to the nature of the criminal offence and the juvenile’s character, the judge considers it necessary’. Furthermore, the Article continues that ‘in this case, the parties and persons entitled to ask questions may do so through the judge, psychologist, pedagogue, social worker or other qualified person.’ This legal solution thus leaves a wide range of possibilities as to how practically organise the process of conducting interviews and who is entitled to take on the interviewing function.

Having this in mind and looking at the type of capacity building offered through the project, it can be concluded that during the IMG project, **there was so far still no clear vision as to how to operatively organise the processes of conducting interviews with children and to define the mandates for these tasks.** Educations can thus rather be seen for sensitizing judges and prosecutors to the general issues of witness and victims’ protection, but not strengthening the function of actually interviewing children. Irrespective of the IMG project, based on different legislative framework, the process of establishing **Victims and witnesses support units** was taking place at courts and public prosecutor’s offices to support all types of victims and witnesses. And although they were involved in the project though both providing them training and inviting them to present at trainings for judges and prosecutors, they were not envisaged as having expertise in conducting interviews with children, but rather as aiding general information sharing and support.

**The rooms in Novi Sad, Niš and Leskovac have been visited during the course of this evaluation,** with photographs taken presented below. The room in Belgrade was also sampled to be visited, but due to the change of premises of the entire court, the room was not re-established at the new building and thus is not in use. In Leskovac the room is used as an office and it is not used for the purpose of interviews at all. In Niš it is sometimes used, and in those cases the interviews are done with the help of CSW professionals. In Novi Sad the room is used only by juvenile judges (when they have a child victim) as their courtrooms are the closest to the room, as the other courtrooms are not properly connected. However, they are used in a way that the judge is in the room with a child, as well as the professional from Victims and witness support unit who prepares the child prior to the interview, while a judge asks the questions. In Novi Sad, some negative technical aspects of the equipment were highlighted, including a microphone that is too large and visible, a camera that does not capture the entire room as it is stationed on the sofa, not on the wall, and the fact that in the courtroom there is no TV screen, but only a laptop to follow the interview.

Overall, although the project facilitated putting the issue of children victims and witnesses on the agenda, by both conducting trainings and preparing a manual for judges and prosecutors, it did not manage to
define and implement more systematic solutions of how the system should organise interviews with children during criminal proceedings. Furthermore, the activity of equipping courts was thus somewhat uncoordinated with offered capacity building as it was not followed by trainings pertaining to the appropriate use of rooms and equipment for conducting interviews in criminal proceedings, as well as practical skills in forensic interviewing.

In conclusion as to the effectiveness of the IMG project, during the conducted interviews with the main stakeholders and the target groups, the IMG project was often described as a ‘stepping stone’ or as ‘opening the door’ for the process of reform in the area of juvenile justice system in the Republic of
Serbia. It successfully initiated the process of routinizing the application of diversionary measures and alternative sanctions, although the need for a follow up was recognised at the time of the project’s closure in 2014 and thus the focus on the same four pilot cities remained in the IPA project. In terms of strengthening the Juvenile Justice Council, it assisted some valuable visibility activities, but the Council was politically not prioritized and thus has not been re-appointed to date, although it is formally envisaged by the JJL. In terms of victims and witnesses, at the inception phase, as well as during implementation, the project did not have a clear vision and concrete solutions as to how to determine who in the widely set legislative frame should have the mandate to interview children in criminal proceedings and thus its success can only be measured in sensitizing judicial professionals on the subject of preventing secondary victimization, but not offering systemic support for initializing interviewing function of children in criminal proceedings and offering capacity building for its application.

Effectiveness of the IPA project

The IPA project was designed around four main results (shown in Table 12 below), with the intent of dealing with juvenile offenders, children victims and witnesses, children in civil proceedings and free legal aid providers.

Table 12: Specific objectives and expected results of the IPA project

<table>
<thead>
<tr>
<th>Specific Objective</th>
<th>Expected Results</th>
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<tbody>
<tr>
<td>The justice system uniformly applies adopted regulations/policies that secure the application of the ‘best interests of the child’ principle</td>
<td>Result 1.1: Conditions secured for increased application of diversionary schemes and increased application of alternative sanctions with the aim of reintegrating juvenile offenders</td>
</tr>
<tr>
<td></td>
<td>Result 1.2: Conditions secured for uniform application of protection measures for children as victims/witnesses in criminal proceedings</td>
</tr>
<tr>
<td></td>
<td>Result 1.3: Conditions secured for uniform application of measures enabling the right of the child to be heard in civil proceedings</td>
</tr>
<tr>
<td></td>
<td>Result 1.4: Enhanced capacities of free legal aid providers for dealing with violations of child rights in education, health, social protection</td>
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</table>

Diversionary measures/alternative sanctions

With regards to diversionary measures/alternative sanctions, the IPA project maintained the IMG project’s focus on the four pilot cities, as well as the concept of supporting ‘youth teams’. The capacity building for the main target groups (CSWs, judges and prosecutors) was organised by offering a set of trainings in and outside the piloted cities, and a total of six national exchange events among the four teams.

Through the project, RISP coordinated the development of Guidelines for guardianship authority report and opinion on profile of juvenile offender and proposed diversionary measure. This new written material was accompanied by a training entitled ‘The role of CSW and other service providers in the implementation of diversionary measures’, comprised of module (A) ‘Standards and procedures for the implementation of diversionary measures’ and (B) ‘Preparation of reports and opinions by CSWs’. In total (A + B) 21 trainings were held, with 512 participants, out of which 198 were from the four piloted cities and 314 from non-pilot localities. In order to assess these trainings, combined evaluation sheets from all 21 trainings were analysed, indicating very high levels of participants’ satisfaction with the three assessed aspects of the training – content, mode of realization and quality of trainers. Namely, on a scale from 0 to 5, where 0 is completely dissatisfied and 5 is fully satisfied, the average grade for all three aspects combined is 4.90. The quality of trainers received the highest score – 4.96, while content and mode of realization received 4.88 and 4.87 respectively.
Professionals at CSWs were offered three additional capacity building activities. Training ‘A second chance for children – toward the reintegration of juvenile offenders’ was held as a two-day training by foreign experts for a total of 31 professionals. Furthermore, the ‘Systemic approach in working with families of children with behavioural problems’ training was provided to around 25 professionals through 5 continuous two-day trainings by licensed family system therapists with experience in working on the reintegration of juvenile offenders. Based on the evaluation sheets collected after the trainings, high satisfaction levels with all aspects of both trainings were recorded, including the applicability of the trainings’ content in work with juveniles as the final beneficiaries. The third training was entitled ‘The basics of dialectic behavioural therapy’, delivered as a lecture for the same participants. However, evaluation sheets and participants’ lists are unavailable.

Capacity building activities were also prepared for the judicial sector (prosecutors and judges). With the assistance of the Judicial Academy, the trainings were held for 83 judges and prosecutors, out of which 26 participants were from the piloted cities and 59 non-pilot localities. Based on the analysed evaluation sheets, the average grade for all three aspects combined is 4,57 on a scale from 0 to 5. Namely, the usability and usefulness of content was graded with the average grade of 4,58, the quality of trainers with 4,48, while the mode of realization received 4,65.

Although originally envisaged, during the interviews UNICEF confirmed that the training of the police did not take place in this component, as it had been assessed that they do not have authority in the issues of ordering diversionary measures/alternative sanctions. Some of the materials published through the project, did, however, put forward the opinion in line with international standards that the police could also order diversionary measures, although there are currently no legal grounds for such a procedure in the Republic of Serbia. The exclusion of police from the trainings can thus be assessed as justified.

For the purpose of this evaluation, a questionnaire was developed and disseminated to both target groups – CSWs and judicial professionals – in order to grasp the usefulness and self-assessed levels of raised capacities some time after the activities were implemented. With regards to CSW professionals, out of 512 participants, there were a total of 466 valid email addresses, of which 154 in pilot and 312 in non-pilot localities. The response rate at aggregate level is 14%, while desegregated by pilot and non-pilot localities, the response rates are 16% and 12% respectively.

The overall usefulness of capacity building activities on diversionary measures/alternative sanctions is rated fairly high amongst CSW staff in both piloted and non-piloted localities, with 87,5% and 83,3% respectively rating it very or mostly useful for their future work.
As would be expected, a higher percentage of CSW staff from piloted localities remembers having received the *Guidelines for Staff in Centers for Social Welfare and Guidelines on Standards and Procedures for the Implementation of Diversionary Measures* (88% vs. 61%), yet there is no significant difference in their assessment of their usefulness with 87% and 85% finding them fully or mostly useful for their work.

Similarly, there are no significant differences in the assessments of the increase in competencies to implement diversionary measures/alternative sanctions between the two groups. Thus, 26% of those from piloted and 22% of those from non–piloted localities stated their competencies increased fully, and 52% and 50% respectively stated their competencies increased mostly as a result of capacity building activities.
Similarly, a survey for judicial professionals was administered, but was not analysed due to the low response rate. However, the evaluators met with all team members (judges and prosecutors) who have also confirmed the usefulness of received training, but moreover of the horizontal exchange meetings, produced written material and overall raised capacities to implement diversionary measures/alternative sanctions.

The modality of cooperation though establishing youth teams was commended by the interviewed team members as an effective way to facilitate implementation of diversionary measures, thereby confirming the existence of good cooperation among the team members. However, the functionality of youth teams is assessed as somewhat lower than expected in the conducted survey. Namely, 27% of CSW professionals assessed their teams as fully active; 41% as mostly active, while at the same time, 14% stated that the teams are mostly inactive or not active at all in their localities.

During the project, as of April 2015, RISP organized six meetings for the members of all four youth teams, in order to exchange experiences and lessons learnt and to gather data on the enforcement of diversionary measures and alternative sanctions. During the interviews with all four team members, these meetings were assessed as a valuable opportunity and a concrete tool for harmonizing practices or highlighting some implementation barriers.

In terms of actual diversionary measures/alternative sanctions being implemented during the project, it was observed from the official data, as well as confirmed though the interviews with different types of stakeholders, there is a significant difference between data across judicial and social welfare systems. Generally, the difference emerges from the fact that CSWs report all diversionary measures referred to by prosecution or court (which may later be cancelled, thus being uncompleted), while the Statistical Office gathers data from public prosecutor’s offices and courts only on diversionary measures which actually ended with dismissing further proceedings. A recently finished, but still unpublished, short factsheet on juvenile offenders prepared by UNICEF states that ‘although the Statistical Office of the Republic of Serbia gathers data on diverted cases, this data is unreliable, and most diverted cases are reported as dropped cases’, as in–effect diversions are a sub–group of dropped cases. Some respondents during the interviews have also suggested that not all data on applied diversionary measures by courts and prosecutors reach the Statistical Office, either because they are not labelled as such, or because they are not being timely forwarded from internal statistical departments.
Regardless of this difference, which strongly prompts further clarification of this issue in the upcoming reform processes, both data sources are presented for the purpose of an overview in the Table 13 below.

Data on **the number of applied diversionary measures in relation to reported criminal offences among juveniles and alternative sanctions in relation to all sanctions** were the result indicators of this project component. However, it was observed by the evaluators that the baseline data used in the log-frame was based on the numbers from 2012, although the project started in 2014. A practical reason for this is that, when the project was being developed, data for 2012 was the last officially available data. However, it could be expected that this indicator has been corrected at the beginning of the project, as such it cannot suit the purpose of measuring the contribution of the actual project. It was also observed that baseline data was taken from the Statistical Office, while the end-line data was taken from RISP (marked green in the table), which should be further elaborated on in the final project report. Project indicator was designed to cover both pilots and non–pilots (entire Republic of Serbia), while for the purpose of this evaluation this indicator was desegregated between these two groups, to reach a more comprehensive overall picture, presented in Table 13 below.

**Table 13:** Number of diversionary measures/alternative sanctions by different data source with reference to piloted and non–piloted cities

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<tbody>
<tr>
<td>Reported criminal offences among juveniles</td>
<td>4323</td>
<td>3913</td>
<td>3884</td>
<td>3110</td>
<td>3355</td>
<td>3646</td>
</tr>
<tr>
<td>Diversionary measures (piloted and non–piloted cities combined)</td>
<td>283</td>
<td>634</td>
<td>480</td>
<td>681</td>
<td>773</td>
<td>1032</td>
</tr>
<tr>
<td>% of reported criminal offences among juveniles</td>
<td>6,5%</td>
<td>16,2%</td>
<td>12,4%</td>
<td>21,9%</td>
<td>23,0%</td>
<td>28,3%</td>
</tr>
<tr>
<td>Diversionary measures (piloted cities)</td>
<td>No data</td>
<td>Incomplete data</td>
<td>Incomplete data</td>
<td>166</td>
<td>281</td>
<td>183</td>
</tr>
<tr>
<td>% of reported criminal offences among juveniles</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>5,3%</td>
<td>8,4%</td>
<td>5,0%</td>
</tr>
<tr>
<td>Diversionary measures (non–piloted cities)</td>
<td>No data</td>
<td>No data</td>
<td>No data</td>
<td>515</td>
<td>492</td>
<td>849</td>
</tr>
<tr>
<td>% of reported criminal offences among juveniles</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>16,6%</td>
<td>14,7%</td>
<td>23,3%</td>
</tr>
<tr>
<td>% of the diversionary measures in piloted cities in relation to all diversionary measures</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>24,4%</td>
<td>36,4%</td>
<td>17,7%</td>
</tr>
<tr>
<td>% of the diversionary measures in non–piloted cities in relation to all diversionary measures</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>75,6%</td>
<td>63,6%</td>
<td>82,3%</td>
</tr>
<tr>
<td>Total No pronounced sanctions (from SORS)</td>
<td>2290</td>
<td>2302</td>
<td>2648</td>
<td>2034</td>
<td>1926</td>
<td>No data</td>
</tr>
<tr>
<td>Alternative sanctions</td>
<td>913</td>
<td>1108</td>
<td>1055</td>
<td>907</td>
<td>1063</td>
<td>No data</td>
</tr>
<tr>
<td>%</td>
<td>39.9%</td>
<td>48.1%</td>
<td>39.8%</td>
<td>44.6%</td>
<td>55.2%</td>
<td>No data</td>
</tr>
<tr>
<td>SORS official annual data</td>
<td>4323</td>
<td>3913</td>
<td>3884</td>
<td>3110</td>
<td>3355</td>
<td>3646</td>
</tr>
</tbody>
</table>

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16 This data was delivered for the purpose of this evaluation from RISP’s internal project data bases.
17 No data for Niš and Kragujevac.
18 No data for Kragujevac and Belgrade.
19 Delivered internal data by RISP included only data desegregated by pilots/nonpilots for diversionary measures, but not alternative sanctions.
Both main data sources show an increase in the applied diversionary measures in relation to reported criminal offences among juveniles, although a more significant increase is found when consulting RISP’s data than data from SORS. In terms of fulfilling the project’s indicator, based on RISP’s data, it reached the targeted share of 25% of diversionary measures in relation to reported criminal offences among juveniles (moreover, in 2016 it was at 28,3%). Alternative sanctions, as a share in all sanctions towards juveniles, were also increased (marked in orange in the table), even beyond the target of 25% (in 2015 they were at 31,6%, while data for 2016 is still unavailable).

What is unexpected, and was not monitored to date, is that the overall share of applied diversionary measures of the non–piloted cities in the total number of diversionary measures is very high (82,3% in 2016). Furthermore, there is an increase of the application of the diversionary measures among non–piloted cities in relation to all reported criminal offences among juveniles during the 2014–2016 period. At the same time, the piloted cities actually recorded a decrease in relation to the overall reported juvenile offences, as well as in relation to all diversionary measures in 2016. Intervention was framed around ‘the four piloted cities’, although all capacity building activities were offered to both piloted and non–piloted cities, with only the establishment of youth teams and their horizontal meetings and monthly supervision being exclusively available to the piloted cities. One type of conclusion can thus be that the intervention managed to actually influence the increased application of diversionary measures outside of the piloted cities, although by initially designed project indicators this was not monitored separately, but as part of the overall number throughout the country. However, this must also be analysed from the perspective that data clearly shows a decrease of application of diversionary measures in relation to the reported juvenile criminal offences in the piloted cities from 2015 to 2016, with the only explanation collected from the field work that there is an increase of criminal offences among juveniles that warrant a sanction of more than 5 years imprisonment and are thus not suited by law for the application of diversionary measures. As the evaluators realized this occurrence after the field work when presented with this desegregated internal data, and due to the fact that this data was not monitored and thus also not discussed during implementation, it is not possible to provide conclusive interpretations.

However, based on the conducted survey, a significantly higher percentage of respondents from piloted localities stated that diversionary measures/alternative sanctions are being implemented without any obstacles (58% v. 38%) in their communities. Correspondingly, a higher percentage of those from non–piloted communities feel that diversionary measures/alternative sanctions are implemented, but with obstacles (41% v. 25%). 22% of those from non–piloted and 17% of those from piloted localities stated that diversionary measures/alternative sanctions are not implemented, due to lacking preconditions.

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<tbody>
<tr>
<td>%</td>
<td>4,3%</td>
<td>2,7%</td>
<td>4,4%</td>
<td>6,6%</td>
<td>9,7%</td>
<td>8,3%</td>
</tr>
<tr>
<td>Total No pronounced sanctions</td>
<td>2290</td>
<td>2302</td>
<td>2648</td>
<td>2034</td>
<td>1926</td>
<td>No data</td>
</tr>
<tr>
<td>Alternative sanctions</td>
<td>432</td>
<td>383</td>
<td>565</td>
<td>537</td>
<td>608</td>
<td>No data</td>
</tr>
<tr>
<td>%</td>
<td>18.9%</td>
<td>16.6%</td>
<td>21.3%</td>
<td>26.4%</td>
<td>31.6%</td>
<td>–</td>
</tr>
</tbody>
</table>

21 Public Prosecution
22 Juvenile Judges
22 Please note that project’s log-frame refers to 3,2%. Evaluators were unable to establish where the difference comes from.
The third indicator relates to **the average length of proceedings when criminal offender is a juvenile**, with data across year presented in Table 14 below. The target for this indicator was set at 20%, and data actually show an increase in the average length of proceeding. In 2015, 46% of proceedings lasted over 1 year which is reportedly due to the strike organized by attorneys which impacted the length of all court proceedings and court functioning in general, while 2016 data show similar values as 2014 (35%).

**Table 14: Average length of proceedings when criminal offender is a juvenile**

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</thead>
<tbody>
<tr>
<td>Total No of submitted motion for pronouncing sanctions</td>
<td>3140</td>
<td>No data</td>
<td>3300</td>
<td>2522</td>
<td>2535</td>
<td>2505</td>
</tr>
<tr>
<td>No proceeding over 1 year (from preparatory proceeding to first – instance decision)</td>
<td>1581</td>
<td>No data</td>
<td>1246</td>
<td>840</td>
<td>1183</td>
<td>876</td>
</tr>
<tr>
<td>%</td>
<td>50.4%</td>
<td>37.76%</td>
<td>33.3%</td>
<td>46.7%</td>
<td>35.0%</td>
<td></td>
</tr>
</tbody>
</table>

When it comes to the assessment of service providers, there are significant differences between piloted and non-piloted localities, indicating that in those where the pilot took place, CSW staff was capable to identify possible partners in the community more easily. Hence 50% of those from piloted as opposed to only 16% of those from non-piloted localities stated that service providers in their community are numerous, albeit that a high percentage thinks that they do not have enough services to offer.

**Figure 8: Survey results – Service providers in my community are... (CSW staff)**

Conducted interviews also suggested **somewhat different conditions in terms of the established network of service providers and their external collaborators**. Among the consulted respondents during the interviews, shared opinion is that it is needed to **further extent the network of service providers to diversify the offer**, although **sustainability issues with the existing service providers were also recorded** and to be further elaborated on in the sustainability chapter. Piloting can thus be seen as assisting in both establishing and widening the network of service providers, especially as it encouraged the process of signing the Memorandum of understanding (MoU) for the implementation of diversionary schemes in local communities, including other NGOs, companies and public institutions as external collaborators.

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23 Data is available only for duration of proceedings from report to decision, which is not the same indicator.
24 Please note that project’s log-frame refers to 44% (but does not refer to the year). Evaluators were unable to establish where the difference comes from.
However, further efforts would be welcomed as the entire process can be seen from the perspective of ‘supply and demand’, meaning that more service providers at disposal to judiciary might enable more openness and frequency of ordering diversionary measures, as well as raising their overall quality.

Based on the survey results, this is especially important in the non–piloted cities which have not yet seen a change towards a more sophisticated development of their networks of service providers. This thus represents an under–researched area as to who actually implements diversionary measures outside of the piloted cities. It was also recorded that, so far, there is no formal database of all service providers and their external collaborators, which would be useful for monitoring purposes, as well as to enable focused capacity building for this target sub–group.

In terms of frequency of application of different diversionary measures, the least used ones are group or individual counselling and rehabilitation from addiction, with the latter often being mentioned in the context of a lack of coordination with the health sector or their insufficient capacities. In light of this, the respondents have mentioned the need for a Memorandum at the national level with the Ministry of Health so the health institutions in the local communities have a clear mandate to take on juvenile offenders.

When it comes to the assessment of future needs for further development of the diversionary measures and alternative sanctioning, not surprisingly, the highest percentage of respondents feel that the network of service providers needs to expand. This is consistent with the finding that those respondents who projected a decrease in numbers and quality of diversionary measures, stated that their assessment is based on the inadequate numbers of service providers. Respondents also stated that there needs to be a continuation of education activities for judges, prosecutors and CSW staff, and in case of non–piloted communities, the necessity to form teams comprised of the judges, prosecutors and CSW staff, if diversionary measures/alternative sanctioning is to become a more widespread practice.

![Figure 9: Survey results – Future needs for further development of alternative sanctions – CSW staff](image)

Although it was not finalized by the time of the drafting of this report, the project commissioned an analysis of the financial implications of implementing diversionary measures. The evaluators assert that this analysis would have been better suited earlier in the project to enable follow–up activities, especially as there is a level of uncertainty as to how the system will be financed in the future. This is of more importance to the social sector which is actually bearing extra costs from diversionary measures, than the judicial sector which is in this way actually cutting costs related to proceedings.
Similarly to the IMG project, the project commissioned an **assessment of outcomes of the application of diversionary schemes**. The assessment of the impact on juveniles and their families was done by the Department of Social Work (Faculty of Political Sciences, University of Belgrade), to be presented under the impact section.

Finally, under this component, the project **conducted activities relating to drafting amendments to the Juvenile Justice Law and relevant by-laws and commissioned different technical assistance (TA)** in this regard, including four additional studies prepared by professor Milan Škulić, even though the new law has not been enacted to date.

In conclusion, based on the conducted interviews, shared opinion is that **the system of ordering and executing diversionary measures/alternative sanctions is, for the most part, now functional and that it reached the level of routine**. Capacity building activities were highly rated immediately after their delivery, while the conducted survey and interviews also confirm raised capacities among the key target groups. The network of service providers was structurally established only in the piloted cities and expanded to new external collaborators. It is a shared assessment among the consulted respondents that the network could be more diverse, especially in some localities. No formal database of all service providers and their external collaborators exists, which would be needed for monitoring and quality control, as well as targeted capacity building. By type, certain diversionary measures are significantly under-applied (counselling and addiction treatment), and although the latter is only intended for some cases, counselling could be combined with any other diversion and thus has significant space for increased application. In some cases, cooperation with the health sector is underdeveloped, asking for clearer mandate at the national level to involve health institutions in local communities. Although significant discrepancies exist between the data collected from judicial and social sectors, which was not tackled by the interventions so far, both datasets suggest an increase in application of diversionary measures and alternative sanctions. However, although not monitored nor discussed during the project, when data is disaggregated between pilot and non-pilot localities for the 2014–2016 period, a more significant increase in applying diversionary measures in relation to the overall reported criminal offences among juveniles was recorded among the non-piloted cities, while, in spite of the project, there is actually a decrease in the piloted ones from 2015 to 2016.

**Children victims/witnesses in criminal proceedings**

The IPA project maintained the focus on children victims/witnesses in criminal proceedings from the IMG, but has specified and significantly re-developed its overall approach. Even though the justice system in Serbia has (and somewhere still is) establishing Victims support units at courts and prosecutions, those are dominantly intended for basic support and information sharing, without psychological expertise in working with children. In these conditions, the IPA established **four new regional units**, envisaged to act as mobile teams for interviewing children in criminal proceedings at the request of a prosecutor or a judge. Units were formed in the cities where the courts of appeal are seated, with a mandate to cover the areas of the courts’ jurisdiction. Professionals for this new service were

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**Effectiveness – target groups’ perspective**

‘Youth teams are testimonial that the system can function.’

‘Both projects did a lot in routinizing diversionary measures.’

‘Instrument is already in use. We can now only talk about an upgrade.’

‘Mechanism of diversion is initiated.’

‘Project defined roles of cooperation for diversionary measures.’

*Statements of the main stakeholders, collected during conducted IDIs, GIDIs and FGDs*
recruited from the psychologists with extensive previous experience of dealing with children. In one case, this has been a person already employed at a public institution within the social system which act as the Units, while in other cases new staff members were employed, although the already employed professionals have also benefitted from the organized trainings.

Through the project, each of the four Child victim support units (hereinafter: Units) was equipped with mobile recording equipment with the purpose of conducting child–friendly hearings outside of the courts as much as possible, as well as vehicles. This was with the intention of being mobile and reaching out to the municipal courts across the designated regions. The set includes a specialised camera with a 180-degree viewing angle; a sensitive microphone; a laptop with recording software; a secure Wi–Fi network and an additional separate communication channel between the two sides (in–ear monitoring system), as well as a vehicle to ensure the coverage of allocated jurisdiction areas. During the field work, the procured equipment was assessed by the Units as appropriate and functional, with complaints in only four instances, which were promptly resolved by a maintenance company (See Figure 10 below for the equipment set).

Figure 10: Model equipment set used by Child victim support units

Capacity building for Units was organized by offering four types of activities: a study visit to the Zagreb Child protection centre; organising a set of trainings and supervisions; preparing the Guidelines for Forensic Interviews of Child Victims and Witnesses of Crimes and organising horizontal exchange meetings among the teams.

Professionals from all four Child victim support units made a study visit to the Child protection centre in Zagreb, which provides systematic support to traumatized children and their families, especially to abused and neglected children. They were relevant for the project as they are equipped with the premises for conducting interviews with children in criminal proceedings via video link and employ trained and experienced professionals to conduct forensic interviews. The Head of the Centre is Gordana Buljan Flander, a psychologist experienced in forensic interviewing, extensively involved in the process of improving conditions for interviewed children in criminal proceedings across the region. In total, 11 participants attended: eight members of the Units, as well as three representatives of the MoJ, MoLEVSA and RISP respectively. No feedback from the participants was collected after the visit, although during the interviews, the participants expressed it had been useful and valued the possibility of acquainting themselves with another system of performing interviews with children in criminal proceedings.
A total of three trainings for the Units were held. The first one was as a day-and-a-half training by national experts, attended by 25 participants, with the purpose of introducing professionals working in the Units to relevant international and national legal framework as well as to basic psychological issues pertaining to the protection of children victims/witnesses of crime. The training received generally high grades, but with comments on the need for more interaction, more content on conducting forensic interview and, possibly, combined trainings with judicial sector.

The second training was held by Gordana Buljan Flander three months later. It was designed as a 4-day in-depth capacity building, attended by 22 participants, aiming to fulfil the observed need for a more hands-on approach when dealing and conducting interviews with children victims and witnesses. The training was given the highest possible grades by the participants who especially commended the comprehensiveness of the topics, the readiness of the trainer to share her professional experience, the excellent linking of theoretical and practical aspects, the training’s interactive approach, as well as the useful material. The third training for the Units was held in Niš and included 20 participants, but the agenda and evaluations are unavailable.

As judged by the interviews, there was a significant increase in knowledge and skills as a consequence of the trainings (as portrayed by examples in the text box on the right). Furthermore, although they are beyond the scope of this evaluation as they were taking place during the evaluation process, supervision sessions with Gordana Buljan Flander were organised with the purpose of getting all Units’ members to discuss emerging issues in their practice, also including a review of real-life footages of interviews they had conducted. Finally, the project proposal initially envisaged the activity of ‘providing TA for introducing post-traumatic counselling/support in the four main cities’. The subject of post-traumatic counselling/support was one aspect of the 4-day training for the Units held by prof. Flander and the service was established to be used after the interviews, although no TA was specifically commissioned.

After establishing this new service, the project embarked on a logistically complex task of organising two-hour info-sessions on the subject of children victims and witnesses and presentations of the Units at all basic and higher courts in Serbia. Although originally envisaged to be offered to prosecutors, judges and CSW professionals, the opening up of the sessions to include police officers and lawyers (bar members) was assessed as important. The agenda included a presentation on the particularities of children in criminal proceedings and their emotional state, as well as a presentation of the new Units, including a Q&A session. In total, 89 info sessions were held, with a total of 1,015 participants – 293 judges, 180 public prosecutors, 247 CSW representatives, 166 police members and 29 representatives of other institutions. Throughout 2016, all four Units organized additional promotional presentations of their work to courts, prosecutors and CSWs – Belgrade (20 visits); Niš (10 visits); Novi Sad (32 visits), and Kragujevac (31 visits).

In preparation for the info-sessions, a group of trainers, including respected psychologists, social workers, special pedagogues and physiatrists, was gathered via an open call, and was then trained for four days. The training generally merged the topics from trainings 1 and 2 delivered for the Units and
was carried out by the same group of national and international experts. The topics covered international and national policy context on children victims and witnesses, as well as forensic interviewing. In total, there were 17 participants at the training, divided later into 7 teams, paying attention to the need for a mixture of professional backgrounds of future info–sessions presenters. The final day of the training was dedicated to participative design of the actual info sessions’ presentation. The training was graded with high grades, including for the selection of topics, the level of interaction, the applicability and the trainers. The trainers themselves were interviewed over the course of this evaluation, confirming that the training adequately prepared them to hold info–sessions, especially commending the approach of preparing presentations to be used at sessions in a participative way, at the same time leaving them some space to adapt the content to the specific needs of the attendees at each particular info–session.

Logistically, the Judicial Academy performed the task of inviting participants, which proved to be strategically crucial for carrying out such a large number of events in a period of only six months. During the interviews with the info–sessions’ participants, it was determined that some of them had personally expressed their interest to attend, while others had been delegated by their superiors. There was a certain number of cases where the participants invited for interview during this evaluation did not feel competent enough to answer any questions. Furthermore, there were cases in which the interviewees would reveal that they have not had any cases involving children so far. However, this should be assessed from the perspective that, in the Serbian judicial system, any criminal judge or prosecutor can potentially get a case with a child victim or witness. Rarely, informal specialisation exists at some courts or public prosecutor’s offices, where colleagues divide cases among themselves based on their professional experience or sensibility towards specific areas of the criminal law. In other words, the project did not have a lot of manoeuvring space for targeting info–session participants, as basically any criminal judge could be considered as belonging to the target group for capacity building of this kind. If possible, potentially through collaboration with the Judicial Academy, data on the overall number of criminal judges and prosecutors in the country should be collected in order to have the overview of the target group for planning any other future intervention, noting at the same time the reached share in the overall target population so far.

A particularity of the info–sessions was the attendance of the so–called ‘monitor’ from the Judicial Academy who noted observations on the overall interaction and the most common questions and concerns expressed by the participants during the sessions in a structured way. These monitors have concluded that the info–sessions presenters managed to keep the participants interested, while the participants have expressed the understanding of the importance of the subject and suggested the need for more content as they often have dilemmas on how to approach cases which involve children. It was expressed that more information on the legal framework pertaining to the Units is also needed, which would facilitate stronger cooperation between the public prosecutor’s offices, the police, the CSWs and the courts, as well as the need for the harmonization of JIL and 2013 Criminal Procedure Law, which are creating a level of ambiguity.

The interviews conducted with the info–sessions presenters over the course of this evaluation confirmed that there had been a general interest in the subject, noticing that the participants have acknowledged the existence of a gap to be filled in the area of protecting children in criminal proceedings. It was the info–session presenters who stated the info–session participants have often expressed concern about who is actually authorized to contact the Units and how their funding is institutionally envisaged in the future, as best summarized by the statement: ‘There are two key questions: Where is the Units’ mandate encoded and who pays for their service?’

Evaluation forms were distributed after each info–session and were later cumulatively analysed by the Judicial Academy for all conducted info–sessions. The grades were not presented as averages, but rather as ranges. On the scale from 0–5, concerning the questions of usability, applicability and the mode of
presentations, the participants graded the sessions from 3,3 – 5,0, while the info-session presenters were graded from 4,0–5,0.

From the period of the launching of the new service offered by the Units (from March 2015 to January 2016), until the time of conducting the interviews for the purpose of this evaluation (September 2017), the Units conducted 158 interviews with children in criminal proceedings – Beograd (41), Niš (49), Kragujevac (39) and Novi Sad (29). This cannot be measured against the overall number of cases in which children acted as witness in criminal proceedings as this data is not nationally available. National statistics, however, allow insight into the convicted adult or juvenile offenders who committed crimes involving children as victims (for instance, in 2016, 1958 and 175 respectively), although it should be noted that not all children who are victims are invited to be witnesses.

As stated during the interviews, no standardized monitoring sheets for the Units were prepared to record data cases in which they have provided assistance, except periodical reports to the UNICEF on the number of overall cases and services. However, for example, the unit in Novi Sad kept an internal data base including information on the type of criminal act, gender and date. Such data would be useful at the level of all four units and, with the increase in the number of cases, a standardized form should be developed and used by all units. Given that one of the goals of the Units was to actually shift the location of the interview away from the courts and public prosecutor’s offices, data on where the interview was conducted would also be valuable. As suggested by the statements of the interviewees in the evaluation process, the forensic interviews are currently taking place at public prosecutor’s offices, courts, CSWs and the Unit’s premises, as well the at the children’s homes. However, the exact shares are unknown, as well as the data on who is ordering the interview. Coordinating among themselves, the Units have also prepared a form for prosecutors, courts and CSWs to request their services, as well as a form for their replies, which is commended as an attempt to make the contact between the prosecutors or courts easier, whilst keeping it professional.

Activity related to ensuring TA for advancing regulations/policies for data management at courts regarding children in criminal proceedings was envisaged by the project proposal, but has not been finalized by the time of the writing of this evaluation, so it cannot be assessed. However, the evaluators hold that such an activity had to be implemented earlier in the project to allow time for follow-up activities in order to initiate desired changes in data collection at the national level.

One important activity under this pillar was related to commissioning baseline and end-line studies to determine the extent to which preventing secondary victimization is actually respected in the criminal proceedings involving children victims/witnesses after the intervention, based on predefined indicators. These findings are analysed and presented in the section on impact, complemented with the findings collected through this evaluation by a survey and conducted interviews. In should be noted that in the case of victims and witnesses in criminal proceedings, outcomes and impacts of the intervention of this kind are closely intertwined as any change of behaviour and practices among judicial professionals has a direct influence on the final beneficiary – the child. A division of discussion of these two criteria is thus kept only in order to follow the initially set structure of the report and to have separate chapters for each of the key evaluation criteria. They should, however, be taken into account together in order to get a comprehensive outlook at the achieved results.

In conclusion to the effectiveness with regards to children victims and witnesses, in contrast to the IMG project, the IPA project clearly decided upon a mandate to be given to a specific professional entity to conduct the interviews with children during criminal proceedings – the Units. This was crucial in order to be able to design and execute focused capacity building, having in mind that there was no initial knowledge nor awareness of secondary victimization of children in the justice system among CSW, judges
and prosecutors, resulting in acquirement of new knowledge and level of awareness in the targeted group. Impact analysis elaborates on the observed ambiguity of the Units’ current institutional position and the sustainability analysis later presents an outlook on their capacity to continue work beyond the project. However, in light of the current legislation, which does not specify how the judicial system should secure high-competence psychologists for this function, the project is commended for making a concrete step towards offering one possible way of securing this expertise. The Units were properly recruited from professionals who already had experience in working with children, providing them, through the project, with hands-on capacity building which was highly graded and indicates that there is a concrete increase in their competences in conducting interviews. Procured mobile equipment has been functional, with so far only minor technical issues recorded. With indispensable logistical assistance though the partnership with the Judicial Academy, initial information on the new service reached all basic and higher courts in Serbia, with additional visits done locally as a follow-up by the Units themselves. Due to the lack of specialization among criminal judges and prosecutors in terms of working with children, all these professionals are a potential target group, making any reform process an endeavour on a very large scale. The current number of interviews conducted through the Units is not possible to measure against the total number of children who acted as witnesses in criminal proceedings as this data is not nationally available. In that regard, planned TA in improving national statistics in this area is assessed as something that would have been better suited earlier in the project to allow time for follow-up activities.

**Children in civil proceedings**

In relation to the IMG, the component concerning children in civil proceedings was a new area of intervention, for the first time initiated under the IPA project. It was observed that the current practices at courts significantly vary, so this component was designed to support unified implementation of the Family Law in relation to the rights of the child to voice his/her opinion and that their opinion should be taken into account during civil proceedings. Besides ratified international standards, the Family Law stipulates that children who have reached 10 years of age have the right to receive all necessary relevant information, and the right to freely and directly express their opinion, on their own or through another person, in all court proceedings. The Law also stipulates that the courts should enable the child’s opinion to be heard in an environment that is safe and child friendly, in cooperation with school psychologist or guardianship authority, family counselling service or other institution specialized in mediation in family relations. In these procedures, the CSW plays a significant role as the main social and family protection institution, authorized to initiate civil proceedings, appear as an interlocutor, provide court assistance in preparing child for the court and ensuring its active participation in the court proceedings, as well as establish a professionally adequate basis for court decisions in accordance with the best interests of the child.

The activities related to enhancing the protection of children in civil proceedings included publication of two types of guidelines, organizing information sessions at all basic and high courts, TA for advancing data management at courts and preparation of baseline and end-line studies to analyse the fulfilment of some initially set indicators, in the same manner as in the component related to children in criminal proceedings.

This project wanted to develop home-grown knowledge on operationalizing international principles and standards when it comes to children in civil proceedings, where very little or no reference from other countries existed. In order to do so, working groups were supported to develop guidelines, taking into consideration both international standards, but also their own experience as well as national legislation. The first guidelines were intended for civil court judges dealing with children, entitled **Guidelines for Participation of the Child in Civil Court Proceedings and for Assessment of the Best Interests of the Child**. They were designed as a set of practical instructions in order to secure that the child participates in the
court proceedings fully and with as little traumatisation as possible. **The second guidelines** were intended specifically to the CSW professionals, entitled *Guidelines for the preparation of reports and opinions of the guardianship authority for use of judicial bodies*. The Guidelines address the difficulties that the CSWs face in meeting their procedural roles in the civil court procedures, offering concrete solutions in a form of tools for bettering the position of CSWs in the civil court proceedings in protection of the best interest of the child. NGO CRC, who was entrusted the role of coordinator, gathered a working group of lawyers and psychologists with long term experience of working with children in civil proceedings to draft both guidelines. As the two guidelines are complementary, it was expected that together they would contribute to a better understanding of the role and complex tasks that courts and CSWs have in creating conditions for active participation of the child in court proceedings concerning his rights and interests.

Most of the judges and CSW professionals reached by the on–line survey designed for the purpose of this evaluation remember having received the Guidelines during the info–sessions. Moreover, **91% of the responding judges and 85% of the CSW staff graded the Guidelines as very or mostly useful for their work.**

In the same manner as in the case of children in criminal proceedings, the project embarked on a logistically complex task of **organising two–hours info–sessions on the subject of children in civil proceedings at all basic and higher courts in Serbia.** Although originally envisaged to be offered only to judges and CSW professionals, the sessions were also opened to lawyers (bar members). The agenda included a presentation of the baseline study results, followed by practical advice on how to secure the best interest of a child in civil proceedings. In total, **90 info sessions were held**, gathering **831 participants** – 213 basic court judges, 46 high court judges, 156 court assistants, 282 CSW professionals, 104 lawyers and 30 representatives from other institutions. In the final report by the Judicial Academy, among the list of local communities which were commended as especially supportive in organising the sessions, four local communities were also highlighted as rather uncooperative, resulting in comparatively lower level of participants (Belgrade, Valjevo, Sremska Mitrovica i Pirot).

In preparation for the info–sessions, a **group of trainers, including psychologists, special pedagogues, social workers, psychotherapists, family therapists, social workers specialized in mediation and physiatrists, were gathered via an open call**, and were subsequently **trained for four days**. In total, there were 14 participants at the training, divided later into 7 teams.

The training of trainers was **delivered by two experts** – prof. Nevena Petrušić, specialized in civil law and prof. Gordana Buljan Flander, a psychologist – combining in this way both legal and psychological content. The fourth day of the training was dedicated to participative design of the info sessions' presentation and the final day for rehearsing info–sessions. The **training was graded by the participants with the highest grades**, including the selection of topics, the level of interaction, the applicability and the trainers. The info–sessions’ presenters themselves were interviewed over the course of this evaluation, confirming that the **training adequately prepared them to hold info–sessions.**

Logistically, the Judicial Academy performed the task of inviting participants, which proved to be strategically crucial for carrying out such a large number of events in a period of only six months. During the interviews with the info–sessions’ participants, it was determined that some of them had personally expressed their interest to attend, while others had been delegated by their superiors.

**Same as in the case of info–sessions for children in criminal proceedings, a person from the Judicial Academy attended all sessions (the so–called ‘monitor’),** noting observations on the overall interaction, as well as the most common questions and concerns expressed by the participants. These include a **list of more than 150 concrete questions posed during the session concerning different aspects of**
involvement of children in civil proceedings, confirming both relevance of this activity, but also the need for more in-depth training for taking child’s opinion.

The interviews conducted with participating judges over the course of this evaluation showed that there was also a need for trainers with legal background in addition to the professionals with background in psychology and social work. The rationale for taking on this approach was rooted in reflections on previously held trainings in justice for children, which were always done by judicial professionals. This suggests it is challenging to strike the right balance in multi-sectorial training themes. However, in the training for trainers, as suggested by the above-presented feedback by the participants, by including legal and psychology expert, this balance was fully achieved, but was not to the same level extended during the actual info-sessions.

The interviews conducted with the info-sessions presenters over the course of this evaluation confirmed that there had been a general interest in the subject, however, they have stressed that the duration of the info-sessions was too limited to be able to provide a more comprehensive scope of information.

Evaluation forms were distributed after each info-session and were later cumulatively analysed by the Judicial Academy for all conducted info-sessions. The grades were not presented as averages, but rather as ranges. On the scale from 0–5, the questions related to usability, applicability and the mode of presentations were graded from 3,4– 5,0, while the info-session presenters were graded from 4,0–5,0, similar as in the case of the info-sessions on children in criminal proceedings. In the conducted survey for the purpose of this evaluation, the usefulness of info-sessions on children in civil proceedings from the CSW and the judges was regarded as very or mostly useful for their future work, i.e. by 91% of the responding judges and 85% of the CSW staff.

The project also commissioned TA for advancing regulations/policies for data management at courts so that the application of the principle of respecting the best interests of the child is documented in civil proceedings. A short study was done by Vesna Zajc (SORS) and Sonja Prostran (Multi Donor Trust Fund for Justice Sector Support), analysing the available data on children in different roles as litigation parties, interested parties and witnesses in all civil proceedings, including litigation, non-litigation procedures and execution procedures (family disputes and inheritance proceedings). The study presents the state of the current informational capabilities of the AVN base for all basic and higher courts and SARS for the courts of appeal and Supreme Court of Cassation and concludes that there is a difference in data gathering practices in relation of children in civil proceedings, highlighting also a lack of systematic training in the use of these applications.

In terms of recommendations for future data gathering, a few proposals were put forward by the study. The first one relates to the suggestion that the Supreme Court of Cassation in cooperation with lower courts (with support from potential TA), develops check lists for judges containing the key steps in cases when a child is party or participant in civil proceeding. Similar check-lists proved to be useful in other proceedings and it is suggested they become a part of a case file. The study also suggests recording three new types of data at the national level (1–number of finalized cases involving children over one year; 2– number of finalized cases involving children over one year in which a child has directly or indirectly expressed his/her opinion; 3– number of cases over one year in which legal remedy is used on the part of a child for violation of his/her legal rights). Based on the analysis of the technical capabilities for collecting this new data, the assessment of the study is that these cannot currently be collected within the existing AVN database as it reached its limits and it is currently undergoing a complex ‘data clearing’ and then it is awaiting migration of data to a new platform under another EU-funded project. The temporary solutions until 2021, when it is expected that the new database will be functional, is to open ad hoc/temporary data registers on the above-presented data sets, which should be initiated by the MoJ, Supreme Court of Cassation and High Judicial Council. There is no evidence of any follow-up activities.
on these suggestions initiated by the project. However, the analysis was finalized in the last year of the project suiting thus as a concrete tool for designing steps for any future reforms in this area.

In the project proposal, the activities concerning the support to the process of drafting amendments to the Family Law (FL) were initially envisaged, but later cancelled, as MoLEVSA has delayed the process until further notice.

In the same way as in the case of children in criminal proceedings, baseline and end–line studies were prepared by RISP and NGO CRC to determine the extent to which the principle of the best interest of a child is actually respected in the civil proceedings after the intervention, based on predefined indicators. These findings are analysed and presented in the section on impact, complemented with the findings collected through this evaluation by a survey and the conducted interviews.

In conclusion to the effectiveness with regards to children in civil proceedings, most of the interviewed judges, CSW representatives and lawyers stated that one of the best aspects of the info–sessions was their multi–sector approach and discussion about individual experiences from practice, which allowed them to gain better understanding of the way the other actors perceive the best interest of a child, the constrains they are facing in the civil proceedings, to clarify actual and potential roles each of them should play in protecting child rights. The project also facilitated developing home–grown knowledge on operationalizing international principles and standards, resulting in developing valuable guidelines as a written material with a potential for further capacity building. However, the evaluation has concluded that IPA project has only managed to start raising the awareness about the rights of a child in civil proceedings and there is a need for much comprehensive trainings of all the key actors in the future. There is also a need for improvement of data gathering and analysis in this field, based on the identified solutions. As in the case of children in criminal proceedings, the studies identifying solutions for data gathering would be better suited earlier in the project to allow time for follow–up steps to actually secure change in practices.

Establishing Network of Free Legal Aid providers

As in the case of children in civil proceedings – in relation to the IMG – the component concerning Free legal aid was a new area of intervention, initiated for the first time under the IPA project. It was observed that in the absence of a Law on Free Legal Aid, the current practices of providing legal aid (advice and representation) to children vary significantly. Namely, legal aid to children had been provided unsystematically, by lawyers who were not specially trained in this area and sometimes by non–legal professionals. This component was thus designed to support the access of children and their parents to legal advice and information as well as to adequate information regarding their rights in the area of health, social care and education.

The activities related to enhancing the provision of free legal advice to children and parents included mapping of free legal aid providers in Serbia in the field of children’s rights, publication of three brochures, organizing five training sessions for the identified free legal aid providers, organizing promotional visits for the legal aid providers to local institutions and dissemination of the brochures, and setting up a network of legal aid providers, aided by an online platform for professional exchange, preparing a human interest story related to free legal aid support, and an end line study entitled: Capacities of Free legal aid providers. All project activities were implemented in line with the project proposal.

Mapping of free legal aid providers in Serbia in the field of children’s rights was conducted at the beginning of the project, identifying free legal aid providers on the territory of Serbia, such as citizens’ associations, municipal free legal aid services, and Law schools’ legal clinics, most of which provide legal
advice, while only a few provide legal representation. The mapping showed that the majority of free legal aid providers provide legal advice and legal information, while considerably fewer providers provide the service of client representation before judicial and other bodies. Thus, out of a total of 19 polled citizens’ associations providing legal aid, 12 provide the service of legal representation as well, 17 provide legal advice, and 12 work directly with children. Legal information is provided by all of the polled citizens’ associations. Out of a total of 11 polled legal aid services organized by local governments, less than a half of them provide the service of legal representation (5 polled services), while all the polled services provide legal information and legal advice. The mapping also showed that Bar associations usually do not provide legal aid in the form of lawyers’ pro-bono work, except for the Bar Association of Kragujevac, and that only the legal clinic for family law and the legal clinic for children’s rights at the Belgrade UNION University’s School of Law provide legal assistance relevant to the area of children’s rights.

During the implementation period, five trainings for free legal aid providers were held directed at strengthening the capacity of providers of free legal aid in the field of children’s rights, entitled ‘Children’s rights based justice’, ‘Child Rights in the Systems of Health and Social Care’, ‘Communication skills’, ‘Role and responsibilities of centers for social work in civil court proceedings and planning of promotional activities in the framework of the Network’ and ‘The rights and responsibilities of children in the educational system’. The participants of the trainings were selected based on the initial mapping and in accordance with their expression of interest. The trainings were organized by the NGO CRC, delivered by professionals from the organization itself as well as external consultants from various areas of expertise such as medical law, psychology, legal representation, law professors and sociologists. The selection of professionals with such a diverse professional background added to the quality and variety of covered topics that was regarded as positive by 93% of the participants in the trainings as evidenced by the evaluations sheets. According to them, the participants particularly valued the use of case studies and practical examples in the trainings. However, based on the evaluation sheets and confirmed during the interviews with the training participants, it was noted that the trainings were not completely implementable in practice despite their comprehensiveness.

A network of free legal aid providers has been established, consisting of 36 organizations from all parts of Serbia, and was fully functional at the time of the evaluation. It should, however, be noted that the average number of participants per training was 15, meaning that the network is broader compared to the number of people who received capacity building though this set of activities. Online communication and discussion among members was found to be regular and the platform was frequently updated with the latest articles on children’s rights in the areas of education, health and social protection. The platform – the Network of free legal aid providers in the field of children’s rights – is available at <https://freedcamp.com> and maintained by the NGO CRC. The usefulness of the network and the online platform was confirmed by the interviewed network participants. As pointed out by interviewed legal aid providers: ‘We are very content that the network was created, because it gave us an opportunity to communicate with the other free legal aid providers in the country in an easy and prompt manner’ and ‘The platform is most useful. There I can get legal information on cases of interest, exchange know-how with colleagues from other organizations doing the same work and post articles or information that could be of a joint interest.’

The three informative brochures ‘Children in the system of health protection’, ‘Children in system of education’, and ‘Children in the system of social protection’ were prepared by the NGO CRC with participation of members of the free legal aid network. They are intended to provide users of free legal aid with a set of key information relevant to the exercise of the children’s rights in the healthcare, education and social protection systems and also to serve as promotional material. The human-interest story related to free legal aid support, was commissioned and can be found at: https://www.youtube.com/watch?v=2-gLqnXF2EE. At the time of writing of this report, the story numbered around 100 views.
The brochures were disseminated during the local promotional activities by the network members with the aim to promote enhanced capacities of free legal aid providers and the existence of the network. Meetings were held regularly with local stakeholders, such as courts, CSWs, schools and preschools, municipal and health-care institutions, with a total of 44 institutions reached by this activity. Interviewed legal aid providers, members of the network, graded the brochures as very useful promotional material, with one legal aid provider pointing out: ‘The promotional activities in the community and the dissemination of the brochures have resulted in an increased visibility of our work. For example, we received new clients that were informed about our work through the institutions we visited.’ The evaluators also learned that the promotional activities have resulted in the establishment of important professional connections of free legal aid providers and relevant institutions for the protection of children in local communities, which can be assessed as an added value to the overall effectiveness of the activity.

Furthermore, the end-line study Capacities of free legal aid providers conducted by polling the network participants, offers an insight into the free legal aid providers opinion regarding the increase of their capacities. 90% of those polled consider that their knowledge has increased, enhancing the quality of their work with the citizens. This was confirmed through in-depth interviews with some of the FLA providers: they stated that the content of provided trainings was very useful for their daily work and has increased their knowledge of practical aspects related to child rights in the field of health, education and social welfare. However, on a larger scale, the evaluators hold that it is very difficult to assess the actual legal aid provided due to the lack of reporting mechanisms within the network and the short amount of time that has passed from the implementation of the activity.

In conclusion, the implemented activities reached the targets envisaged by the project proposal and were implemented in a timely manner. As judged by the target group's perception, the implemented activities have resulted in an increase of capacities of the free legal aid providers through the trainings and the successful networking: improved skills in working with children and their families (interviews, structured interviews, family conferences) as well as knowledge (children's rights in the health, education and social welfare system, cases of litigation for guardianship, etc.), as well as understanding of procedures and practices. With the conducted promotional events, the activities have increased the visibility of the free legal aid in their respective local communities. The initiation of the FLA network represents a valuable contribution in FLA until the long-expected regulatory framework, while for measuring the quality of the newly provided service, monitoring practices should be put in place, in order to enable collecting feedback from the final users on the various aspects of the advice provided.

5.3. IMPACT

This section provides an overview of the impact these reform initiatives has had on the status and rights of children in touch with the justice system, either as juvenile offenders, victims or witnesses in criminal proceedings, or children in civil proceedings. More specifically the section will assess the interventions contribution to the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (outcome 1), improved protection of child victims/witnesses from secondary victimization in criminal proceedings and their capacity to overcome trauma through support (outcome 2), level and kind of support provided to children in expressing their opinions and taking into consideration their opinion in civil proceedings (outcome 3), as well as responsiveness to equity aspects, i.e. focus on the most vulnerable children (girls, Roma children, children with disability, children with multiple disadvantages), and finally evaluating any unforeseen negative and/or positive impact.
Extent to which the interventions contributed to supporting the change of behavior of juvenile offenders and their reintegration into their communities

There were two evaluations commissioned on the implementation of the diversionary schemes in Serbia – one during the IMG project (Džamonja Ignjatović, 2014) and another during IPA project (Džamonja Ignjatović, 2017) in four pilot cities in Serbia: Belgrade, Novi Sad, Niš and Kragujevac. Both evaluations tried to assess evidence of behavioral change in juvenile offenders as a result of diversionary scheme and alternative sanctions. The IMG evaluation targeted 90 and the IPA evaluation 121 boys and girls (more than 20% of the targeted during the project) aged 14–18 and their parents, immediately after (in case of IMG) or at the latest within 3–6 months after they had experience with some type of diversionary scheme (IMG and IPA). Within this short period of time both evaluations confirmed that the majority of the interviewed children and parents identified some improvement in social behaviour, improved communication within the families and with peers and better results at school. There was also no recurrence of problematic behaviour recorded from the sample.

The study done under IPA has also confirmed that the majority of the interviewed juveniles (90.08%) and their parents (95.83%) consider that diversionary schemes had positive outcomes and that the mere fact that diversionary schemes represented a new chance for the juvenile offenders had huge positive effect, regardless of their content. Although UNICEF had that expectation, the study did not offer the insight into the types of interventions and support offenders found most useful and in what situations.

During the current evaluation interviews, it was communicated that there is no regular monitoring of recidivism among juvenile offenders that were given a diversionary measure. Based on the survey conducted for the purpose of this evaluation, 63% of the CSW professionals from piloted and 54% of respondents from non-pilot location stated they have observed decrease in repeated offence, although 1/3 stated they cannot assess. However, during the interviews, it was a shared perception among both judicial and social sector is that recidivism is rather low as a result of the implementation of diversionary measures.

Figure 11: Survey results – Assessment of the decrease in the repeated offence rate – CSW staff

In conclusion to the project’s impact in supporting the change of behavior of juvenile offenders and their reintegration into their communities, it can be stated that research and interviews have confirmed that diversionary measures and alternative sanctions have had positive effect on behavioral changes of juveniles and it was implied that it also effected the reduced trend of recidivism among juvenile offenders.

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25 Similar survey was administrated to the judicial sector but was not statistically analysed due to rather low number of responses. However, the evaluators met in person with all Juvenile team members from the judicial sector during in-depth interviews.
– although the fact remains that real impact can be measured only through continuous monitoring of recidivism and behavioral changes together with the more in-depth analysis of the effects and appropriate implementation of various diversionary schemes. Although these expectations existed, the study on juveniles did not offer insight into the types of interventions and support offenders found most useful and in what situations, which remains as a research aim in the future. Finally, the interventions should also be observed as initiating a shift in the overall perspective taken by the JJ system from a punitive approach towards a focus on the child and hers/his needs by using resources of the social intervention system, which could be observed as impact on the system as a whole.

**Extent to which the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings**

The impact analysis in this chapter assesses the level to which implemented activities have consequently increased protection of child victims/witnesses from secondary victimization in criminal proceedings. It uses the results of the end-line study which reflects on several initially designed and monitored indicators, as well as the survey results and perspectives collected through interviews during this evaluation. The field work conducted in scope of this evaluation was focused on avoiding overlaps with efforts made during the end-line study, concentrating more on identifying any potential changes in practices aimed at securing protection of children in criminal proceedings from secondary victimization, resulting from the activities implemented during this project. Due to the ethical reasons, no direct data gathering from children victims or witnesses would be appropriate, resulting in their additional victimization.

The baseline study was analysing current practices related to the five main indicators. These include: labelling the case involving a child as urgent; duration of a trial; location at which a hearing takes place; obligatory legal representation and usage of inappropriate introductory ‘warning’ before the hearing. Looking at the end-line results, it can be concluded that only in the case of use of inappropriate introductory ‘warning’, there were considerable changes registered in the court practice in comparison to the baseline study. Currently, due to the fact that all Judicial Academy trainings insist on this practice, it is very rare that the judges give a verbal warning to a child witness, and they increasingly introduce the hearing in a manner adequate to the child’s age and their capacity. However, the study also found that some court case files still contain formulations and information related to the child rights inadequate for the child’s age. This was seen by UNICEF as a proxy indicator, indicating awareness of adopting proceedings in a more child-friendly way.

In contrast, across all other indicators, no conclusive improvement has been recorded, as indicated in the Table 15 below. It should however be noted that in the effort to offer national level indicators, there is a level of mismatch between the actually implemented activities and their potential contribution to these impact level indicators. Additionally, many other factors contribute to the potential fulfilment of these indicators, beyond the scope of the implemented interventions (such as in the case of trial duration, being a broader issue of judicial efficiency). However, as the interventions were designed and perceived as the only and crucial national reform contributions in the respective areas, involving all relevant stakeholders, it is legitimate they have designed these type of national level indicators, but much more intensive contribution by national-level institutions, predominately relevant ministries, would be expected to execute them. Finally, as it would be visible in the discussion below, at the same time, certain ‘lower-level’ project impacts were not measured, although they would paint a more vivid picture in relation to achieved impacts (such as the number of interviewed children by using the Units in relation to the overall interviewed children during criminal proceedings, percentage of acceptance of footages prepared by the Units at courts, etc.) These types of indicators would enable to better assess the scope of use of the new service and ultimately its main purpose to be validly used in the criminal proceeding.
Table 15: Achievement of impact indicators concerning children victims/witnesses in criminal proceedings

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Target</th>
<th>End - study findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% of the reviewed cases are not labelled as urgent due to the victim being a child</td>
<td>In over 50% of the reviewed cases, they are labelled as urgent due to victim being a child</td>
<td>100% of the analysed cases have not been clearly marked as urgent due to the victim being a child</td>
</tr>
<tr>
<td>43.3% of cases last over 1 year in 2013</td>
<td>20% cases last over one year</td>
<td>67% cases last over one year</td>
</tr>
<tr>
<td>In 20% of the cases the child victim’s hearing takes place in child-friendly space in the court</td>
<td>20% cases the child victim’s hearings take place outside the court</td>
<td>4.7% of children victims’ hearings take place in specially equipped premises adapted to the children’s needs, age and maturity</td>
</tr>
<tr>
<td>In 63.6% of cases, the judge appoints a representative where this is obligatory by law</td>
<td>In over 80% of cases, the judge appoints a representative where this is obligatory by law</td>
<td>The study does not provide data on the percentage of cases where a representative was timely appointed but implicitly it can be concluded that the situation has not improved since the project beginning</td>
</tr>
<tr>
<td>In 100% of the reviewed cases, the judge uses standard/inappropriate introductory ‘warning’ which is used for adult victims and is contrary to the procedure defined by law</td>
<td>80% of judges do not give a verbal warning to child witnesses and introduce the hearing in a manner adequate to the child’s age/capacity</td>
<td>The study does not provide data on the percentage, but suggests that due to the fact that all Judicial Academy trainings insist on this, it is very rare that the judges give a verbal warning to the child anymore</td>
</tr>
</tbody>
</table>

For the purpose of this evaluation, a survey was designed to collect perspectives from the main info-sessions’ participants on the potential effects of the sessions in their professional practices. Contact details from all collected signatory lists were digitalized in a database, but only 28% of them left their contacts. The Table 16 below presents the statistical information related to the numbers and response rates, per target groups.

Table 16: Survey – Overview of the contact details and response rates

<table>
<thead>
<tr>
<th></th>
<th>Judges</th>
<th>Prosecutors</th>
<th>CSW</th>
<th>Police</th>
<th>Others</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population</td>
<td>393</td>
<td>180</td>
<td>247</td>
<td>166</td>
<td>29</td>
<td>1015</td>
</tr>
<tr>
<td>With email</td>
<td>65</td>
<td>30</td>
<td>134</td>
<td>35</td>
<td>22</td>
<td>286</td>
</tr>
<tr>
<td>% available contact info</td>
<td>17%</td>
<td>17%</td>
<td>54%</td>
<td>100%26</td>
<td>76%</td>
<td>28%</td>
</tr>
<tr>
<td>No. of delivered email</td>
<td>54</td>
<td>25</td>
<td>117</td>
<td>166</td>
<td>0</td>
<td>196</td>
</tr>
<tr>
<td>No. of responses</td>
<td>13</td>
<td>6</td>
<td>17</td>
<td>66</td>
<td>0</td>
<td>36</td>
</tr>
<tr>
<td>Response rate</td>
<td>24%</td>
<td>24%</td>
<td>15%</td>
<td>40%</td>
<td>0%</td>
<td>18%</td>
</tr>
</tbody>
</table>

Data is presented in a comparative manner for judges, prosecutors, CSW staff and the police, but the reader should bear in mind the relatively low response rates, except in the case of the police, where almost half of the info-session participants have replied to the survey. While all the participating judges and 80% of the prosecutors assessed the usefulness of info-sessions relatively high, when it comes to the CSW staff, more than 1/3 found it partially useful or mostly not useful, as did almost a quarter of the police representatives.

26 Questionnaires to police officers were distributed via a contact person in the police.
Similarly, almost a quarter (24%) of the CSW staff and 26% of the police do not remember having received the **Guidelines for Preparing Child Victims and Witnesses of Criminal Offences for Trial and Forensic Questioning** during the info–sessions. This could explain the differences in their assessments of the usefulness of the guidelines for their work – only 73% of the CSW staff and 77% of the police, as opposed to as many as 83% of judges and 80% of prosecutors find the Guidelines very or mostly useful.

In spite of the fact that significant efforts were put in disseminating information about the Units during the info–sessions, between 1/4 and 1/5 of the respondents from CSWs, judges and prosecutors have stated they did not hear about them, although they have all participated at the sessions. This is congruent with the findings from the interviews, where a similar share of respondents were not aware of the Units or were confusing them with other services. The percentage of the police officers not familiar with the Units is significantly lower – 12%. The vast majority of the respondents who knew of the Units’ existence have stated they came to know about them through the info–sessions (all of the CSW staff and prosecutors’ respondents, 78% of responding judges and 87% of responding police officers).

96% of the targeted judges and all of the prosecutors reported that the info sessions cleared up some of the legal or procedural dilemmas they previously had concerning contact with children victims and witnesses. At the same time, only 27% of the judges reported changes in their practices when dealing with children victims or witnesses as opposed to 80% of the prosecutors. The judges who reported some changes in their practices did not actually specify in which way, while the prosecutors primarily relate their changed practices to the readiness to use the Units. Interestingly, 23% of the police officers stated they had no dilemmas that needed clearing, while the introduction of changes to their practice as a result of the info sessions is split between the majority (55%) who stated they have not introduced any changes to their practices and the rest who did introduce some changes.

Congruent with the findings from the conducted interviews that a child has usually been already interviewed multiple times prior to encountering a prosecutor, alarmingly high share (44.6%) of the police officers responding to the survey have stated that they conduct ‘thorough questioning of children victims and witnesses regardless of the presence of CSW staff’. This indicate much needed further work at clarifying legal grounds for conducting interviews by police concerning children victims of criminal acts.

Although bearing in mind rather low response rate to the survey, contacting the Units in instances when children victims or witnesses need to be questioned is worryingly low among the responding target groups. None of the judges and only 40% of the prosecutors sought their assistance in some cases.
Although in total 158 interviews were held with help of the Units from the time they were established, as already stated in the effectiveness section, currently it is not possible to assess what share does this number constitute in relation to all conducted interviews with children victims/witnesses across Serbia. The end-line study also reports that only 4.7% of children victims are being heard in specially equipped premises adapted to the children’s needs, age and maturity. However, what has strongly emerged from the interviews conducted during the field work is that those who have used the Units were highly satisfied with their services and are willing to recommend the Units to their colleagues. This holds a potential for ‘capillary’ process of increase of their use, by promoting themselves primarily by the quality of service they offer.

**Figure 13:** Survey results – Seeking assistance from Mobile Units when questioning children victims/witnesses

![Survey results](image)

**Besides not having cases with children, the main reasons for not using Units’ assistance** among judges and prosecutors include unclear legal framework for their use, lack of information on how to engage them, and, in two cases, the confidence of the judges in their abilities to perform the child hearing without any assistance, although this is clearly not in line with international standards, nor JJL, which stipulates the need for assistance by a professional. The issue of *insufficiently clear legal grounds for engaging the Units* has been frequently highlighted during the interviews, with some of the key quotes presented in the textbox. There was a very concrete proposal put forward to improve the situation until the new law potentially gives clearer mandate to the Units: **the Republic prosecutor should issue an obligatory guideline for prosecutors to use the Units**, regardless of the fact that currently this is not explicitly envisaged by the Law.
Having in mind still sporadic use of the Units, it comes as a surprise that their contribution to the decrease of secondary victimization of children has been assessed as rather high. This could either be a socially acceptable answer or the hypothetical assessment of the expected contribution if it is to be used. At the same time, as many as 82% of the responding CSW staff have stated they had no information on whether or not the judges had accepted the footages provided by the Units. 64% of the judges responded that the courts do not accepted the footages and that children are questioned again during proceedings, while 4 out of 5 prosecutors responded that judges only occasionally accept the recordings and question the children again during proceedings. Although conclusive data on the level of acceptance of footages provided by the Units was not obtained during the project, to the Units’ knowledge their footages were in fact accepted at courts. On the other hand, mixed accounts were collected during the conducted interviews, with both examples of judges accepting the footages and expressing reluctance to accept the Units’ footages.

42% of CSW staff, 60% of prosecutors and 64% of judges think that the info-sessions contributed to the improved cooperation between the sectors to some extent, while 24% of the responding CSW staff think they have not contributed at all. The assessment of the police is different with as many as 64% stating that the info sessions have contributed or at least to a degree to the improvement of inter-sectoral cooperation.

In conclusion to the project’s impact concerning prevention of secondary victimization among children victims and witnesses in criminal proceedings, although the new and innovative service was established and the process of using the Units was initiated, with evident satisfaction among the stakeholders who have used their services, there is still significant space for improving their visibility and consequently their use. The project indicators, framed as national-level contribution, do not suggest significant improvement, but their fulfilment is to a degree dependant on different variables, outside the intervention or their fulfilment had to more clearly been assigned to national-level institutions. One of the key barriers for increased use of the Units is their current ambiguous legal and institutional status, where in a formal procedure such as criminal proceedings, the judicial professionals are still reluctant to use them. As already stated, in this initial phase the intervention could only initiate information sharing about the new service, but as stated by one of the respondents, ‘much more in-depth work with prosecutors is needed to make the change.’ Interviewed respondents have often emphasised that a lot still depends on a specific individual and if a judge or a prosecutor is personally interested to pay attention to avoiding secondary victimization. This is reinforced by the existing legal framework which leaves a lot of discretion right in applying special protection measures. Until the possible change of the legal framework, concrete way forward can be found in the Republic prosecutor issuing an obligatory guideline for prosecutors to use the Units, followed by more focused and in-depth capacity building among prosecution. At the same time, financial sustainability of the newly developed service offered by the Units is crucial to maintain the service, as it would be further elaborated under the section on substantiality.

Quotes on the observed reluctance to engage the Units

‘We [the Units] are often asked: Who are you? That is the biggest problem, the Law does not recognize us.’

‘We, the prosecutors, are reluctant to use the Units – what is their formal position in the criminal procedure?’

‘Additional work with courts is needed if they are expected to more freely start accepting footages prepared by the Units in criminal proceedings as a valid evidence.’
Extent to which the interventions contributed to the support provided to the children in expressing their opinions and taking into consideration their opinion in civil proceedings

The baseline study concerning children in civil proceedings was analysing current practices related to the three main indicators: extent to which the procedures set by the Law are covered by the CSW reports; duration of litigation for parental rights or domestic violence and finally, duration in which CSW prepares the report for the court. Looking at the end–line results, it can be concluded that the project has achieved 2 out of 3 set targets.

Table 17: Achievement of the impact indicators concerning children in civil proceedings

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Target</th>
<th>End–line study findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>In 5% of cases the CSW report fully covers the procedure applied for hearing the child’s opinion in line with Article 65 of Family Law</td>
<td>In over 50% of cases the CSW report fully covers the procedure applied for hearing the child’s opinion in line with Article 65 of Family Law</td>
<td>No quantitative data is provided as to the number or % of CSW reports that fully cover the procedure applied for hearing the child’s opinion in line with the Article 65 of Family Law. 25% of the interviewed judges were satisfied with the CSW report, 73% were partially satisfied, and 2% were not satisfied at all.</td>
</tr>
<tr>
<td>Litigation for parental rights or domestic violence (as median) lasts one year</td>
<td>Litigation for parental rights (as median) lasts 8 months</td>
<td>76% of all civil proceedings involving children (82% of litigations for parental rights and 75% of litigations against domestic violence) are completed within 9 months</td>
</tr>
<tr>
<td>CSW opinion is received as median in 3–6 months</td>
<td>CSW opinion is usually received as median in 2 months</td>
<td>CSW opinion is usually received as median in less than 2 months</td>
</tr>
</tbody>
</table>

With regards to the first indicator, according to the study, the insight into court case files shows that the structure of CSW findings and expert opinions is standardized, but that their content and quality vary, depending on what is the immediate subject of the proceedings in which the finding and expert opinion is given. There are positive developments regarding the communication with children in the course of acquiring their opinions and examining circumstances, including observations in the environment in which the child resides. The maturity of the children is assessed, the degree of their understanding of the family situation, understanding of other important circumstances (attitude towards obligations, for example, school relations, education needs), and in some cases the potential influence of one of the parents. Particular attention is paid to assessing the child’s ability to express his/her opinion, as well as to assess the conformity of the child’s opinion with his/her best interest, giving a detailed description of the way in which these assessments have been carried out. The content of CSW opinions shows that the special and due attention is given to the opinion of the child, with particularly careful approach to the opinions of children aged 13–15 years. The content of the child’s opinion is taken into consideration with other factors that are subject to the assessment, and they arise from the facts and circumstances of the particular case. There were several cases of very good practices in evaluating the child's opinion.

From the judges’ point of view, 25% of the judges interviewed during the study were satisfied with the CSW report, 73% were partially satisfied, and 2% were not satisfied at all. Judges who were not satisfied with the CSW findings and opinions provided the following reasons: late submission of the report; lack of explanation of the reasons why the opinion of the CSWs is contrary to the opinion of a child older than 10 years; high generality of findings and opinions; scarcity of findings and opinions and incompleteness of findings and opinions, the use of stereotype phrases, and unclear formulations. However, when asked ‘Is the court decision in accordance with CSW findings and expert opinion?’ majority of the judges answered: ‘Most often, yes.’ This primarily points to the conclusion that the quality of findings and expert opinions is at a satisfactory level, and that therefore the decisions that courts make are in accordance with findings and expert opinions. However, such a high level of matching the content of court decisions...
with the findings and CSW expert opinions can be an indicator that courts still practically rely on CSW professionals’ decision-making. In the initial study, this negative phenomenon was recorded, indicating the harmful consequences it causes. The interviews conducted during the current evaluation confirmed that this is still the case and that some judges react very negatively if the CSW does not provide direct recommendation e.g. as to modalities of parenting time (visitations) in the litigation for parental rights. However, the evaluators have also observed that the CSW professionals are now more confident not to provide a definite solution in their reports and to defend the position that this is not their role, but the role of the court. Unfortunately, there are still unpleasant situations in which the judge would read in full the opinion of the CSW during his verdict, exposing them later to potential accusations from the parent for their opinion, which in multiple occasion would in fact happen.

In terms of duration of proceedings, the Table 18 below shows relatively satisfactory degree of efficiency of the first instance courts. These figures confirm that there was considerable improvement in comparison to the baseline study with regards to the duration of court proceedings, although the study used a different measurement which makes the comparison not as straightforward (8 months in the baseline vs. 9 months in the end-line study).

Table 18: Duration of court civil proceedings involving children

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>Percentage completed within 9 moths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Litigation for divorce of spouses with underage children</td>
<td>74%</td>
</tr>
<tr>
<td>Litigation for exercising parental rights</td>
<td>81.93%</td>
</tr>
<tr>
<td>Litigation to protect against domestic violence</td>
<td>74.59%</td>
</tr>
<tr>
<td>Litigation for deprivation of parental rights and protection of children's rights</td>
<td>50%</td>
</tr>
<tr>
<td>All procedures</td>
<td>76.40%</td>
</tr>
</tbody>
</table>

Duration of the court proceedings often depends on the period of time needed for CSW to provide their opinion. With regards to this third indicator, the research showed that the majority of judges usually determine a deadline of 30 days (44%) or 60 days (19%). The same percent of judges (19) responded that the deadline depends on the scheduled hearing, and only a small percent of judges set a deadline of 8–15 days (18%). The data collected from the case file and the cases of the CSWs show that out of a total of 60 cases, in 40 cases (67%) the findings and opinions were given within less than 2 months, while in 33% of cases the deadline was longer than 2 months, out of which there were 55% of cases in which the deadline was longer than 3 months. This shows that the project has achieved the set target.

A survey was also developed in the scope of this evaluation, to link the potential changes to the info-sessions. The total number of participants in this component was 831, yet for only 312 of them (38%) the evaluators have left their contact details. The questionnaire was delivered to 75 judges and 150 CSW professionals, yet only 11 judges and 27 CSW professionals responded. The statistics is available in the Table below.

Table 19: Survey contact details and response rate – civil

<table>
<thead>
<tr>
<th></th>
<th>Judges</th>
<th>CSW</th>
<th>Others</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population</td>
<td>415</td>
<td>282</td>
<td>134</td>
<td>831</td>
</tr>
<tr>
<td>With email</td>
<td>89</td>
<td>176</td>
<td>47</td>
<td>312</td>
</tr>
<tr>
<td>% Available contact info</td>
<td>21%</td>
<td>62%</td>
<td>35%</td>
<td>38%</td>
</tr>
<tr>
<td>Delivered email</td>
<td>75</td>
<td>150</td>
<td>0</td>
<td>225</td>
</tr>
<tr>
<td>Responses</td>
<td>11</td>
<td>27</td>
<td>0</td>
<td>38</td>
</tr>
<tr>
<td>Response rate</td>
<td>15%</td>
<td>18%</td>
<td>0%</td>
<td>17%</td>
</tr>
</tbody>
</table>
The survey shows that higher share of judges than CSW reported increased knowledge to assess the best interest of a child (73% judges vs. 39% CSW professionals), while CSW professionals more often (46%) stated that their knowledge had only partially increased.

**Figure 14:** Survey results – Assessment of the best interest of children in civil proceedings

![Survey results](image)

The survey also shows interesting differences between the two groups in assessing the changes in the practices following the info sessions. Thus, for example, 73% of the responding judges reported that after the info sessions they 'constantly strive to hear the opinion of the child, whenever their age and other circumstances allow it' and 64% stated that they now seek more detailed reports from CSWs. At the same time, only 15% of CSW staff observed this change in judges’ behaviour, while 58% of them reported not having observed any changes in the behaviour of judges concerning demand in the level of detail in CSW reports. The end-line study confirms this. In practice, majority of children opinions is obtained indirectly, even from children over the age of 10. According to the end-line study only 1/3 of the judges request to receive transcripts of the CSW interview with children when obtaining their opinion, while 2/3 never ask for a transcript.

**CSW staff also reported changes in their practices following the info sessions:** as a result, 89% of them now always or sometimes 'strive to include in their report to the court the best interest of the child and the child’s opinion', and 62% reported having shortened the time-frame within which they submit their reports to the courts. All judges reported having observed improvements in some cases, when it comes to the quality of CSW reports, while 42% of responding CSW staff reported that judges always (15,4%) or in some cases (26,9%) demand more detailed reports.

Effects of the info sessions on the quality of cross-sectoral cooperation is assessed differently by judges and CSW staff, with almost one third of the latter group having assessed there was no contribution whatsoever, while the majority of both groups stated that the cooperation improved to a certain degree. During the interviews, the CSW staff did however convey that the info-sessions were a unique opportunity for multi-sectorial capacity building and to meet judges ‘outside the actual proceeding’.

**Figure 15:** Survey results – info-sessions contribution to the cross-sector cooperation
Regarding the use of knowledge gained during the info-sessions, high percentages in both groups expect to be using it future – 91% of judges and 81% of CSW staff. The remainder are not sure, and while judges did not provide reasons, CSW staff cited systemic obstacles, and lack of understanding between themselves and the courts when it comes to the interpretation of the best interest of the child.

During the conducted interviews with lawyers, the majority stated that the info-sessions were useful but not sufficient to change the attitude of lawyers in civil proceedings and that they are of the opinion that lawyers are still not well inform and not aware of how to assess and protect the best interest of children in civil proceedings.

In conclusion to the project’s impact in supporting children in expressing their opinions and taking into consideration their opinion in civil proceedings, based on the set indicators, the project impact regarding content and timelines of CSW reports and opinions as duration of court litigations can be assessed as satisfactory. However, from the end-line study it can be concluded that the principle of the best interest of the child, although much better understood and applied by the CSW experts is still somewhat vague among the judges, who still mostly rely on the CWS opinions. There is also lack of joint and clear understanding of the elements constituting the best interest of children. On the other hand, the content of CSW opinion is still not comprehensive enough to enable courts and parties in the proceeding to assess their justification. This has been confirmed through the majority of interviews with judges. At the same time, the interviewed CSW representatives feel more confident and adamant to reject judges’ requests to give clear recommendations in addition to expert findings and opinions (e.g. with regards to parenting time – ‘visitation modalities). The results of the survey give different picture at the first site, but if analysed more thoroughly they might potentially confirm that the more moderate CSW assessment of their improved knowledge about how to assess the best interest of children is actually an indicator of their higher level of awareness. The survey results related to the info-sessions’ impact on the change in practice and cross-sector cooperation also show there is significant difference between the judges’ self-assessment and CSWs’ perception of the actual positive change in court practices and improved cross-sector cooperation. To summarize with the quote from one of the interviewed judges: ‘This project was only a start, it scratched the surface of the reforms needed in the field of protection of children in civil proceedings.’

Extent to which interventions have contributed to the improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages
Although the projects in effect dealt with vulnerable groups being the key final beneficiaries, data was not collected in such a way to enable disaggregation per vulnerable sub-group and monitoring and assessing respective mid-term outcomes, as well as long-term impact, since these children are particularly affected by external social, educational factors as well as family and peer negative influences. It is not possible to assess the projects’ impact to the improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages. This remains to be dealt with in some future JJ reform initiatives.

Unforeseen negative and/or positive impact of the interventions

Not registered.

5.4. EFFICIENCY

Strategic and cost–effective use of available resources (human, technical, financial) invested in the development of justice for children system. Extent to which the use of resources has been well-coordinated among the key stakeholders to encourage synergy and avoid overlaps. The quality of communication between the stakeholders in charge of implementation. Extent to which the key responsibilities for implementation were made clear to the stakeholders in charge of implementation.

In terms of available human resources, the IMG project consisted of one sectoral expert and supportive administrative and financial staff, while the IPA project team consisted of three sectoral experts (combining both judicial and psychological backgrounds), as well as one administrator, which was changed three times during the implementation. As the IPA project was managed by the UNICEF, it additionally relied on the UNICEF’s resources (such as communication, contracting and supplies) when needed. Both projects also significantly used external consultants across all components, contracted via open calls, dominantly among national experts.

As mentioned under the section on relevance, the projects established operational partnerships with RISP and the Judicial Academy and extended them to include the NGO CRC under the IPA. This collaboration was described as ‘natural’, due to the long record of prior cooperation, both under the IMG, but also from other areas of UNICEF’s work, outside of the judicial sector. These institutions and organizations have in turn been entrusted with and carried out a significant share of the overall project activities. In case of RISP and NGO CRC, it was contractual and financial partnership, based on mutual planning of project activities, while in the case of Judicial Academy, their contribution in conducting activities was in-kind. Namely, RISP coordinated the development of guidelines, organized a large number of trainings for CSW professionals, as well as coordinated youth teams under component 1. Furthermore, the Judicial Academy provided logistical support in organizing all capacity building activities involving judicial professionals, including a large number of info-sessions. Finally, the NGO CRC assisted in the preparation of info-sessions and drafting baseline and end-line studies, as well as all activities under component 4 dealing with free legal aid providers. This justifies the strategic approach of gathering partners, which in turn enabled the execution of interventions on such a wide scope. Furthermore, involving relevant national institutions and organizations had positive implications on securing the ownership over the intervention. As there were no other projects addressing the area of justice for children issues during the implementation period, there was no danger of overlaps of efforts and approaches, while only the Judicial Academy to date continues with their regular certification of judicial professionals in JIL.
In terms of organization and workload, the project team stated that although they have managed to implement all activities with the above-noted human resources, one additional core team member at UNICEF would allow additional management possibilities. Namely, this would allow more frequent communication with the project partners and a hands-on oversight of the activities they were implementing, allowing more space for some added value, if/when possible, as well as more frequent advocacy and awareness-raising activities. All interviewed project partners confirmed that the relationship with the UNICEF was professional, that there existed a clear delegation of roles and tasks, as well as appropriate communication, while UNICEF described the relationship with these partners as one of ‘equal partnership’. As all project components were almost ‘stand-alone’ units, communication which each of these partners has often taken place in a bilateral manner, even though, in some activities, these partners gathered together, such as in developing baseline and end-line studies and organizing info-sessions.

Beyond these operational partners, as obligatory in the IPA projects of this scale, the project assembled a Steering Committee (SC) as an inter-ministerial coordination body, chaired by the representatives of the MoJ and MoLEVSA. It also included the Delegation of the EU in Belgrade, the Judicial Academy, the Republic Public Prosecutor’s Office, the Supreme Court of Cassation and MoI. Its main function was envisaged to assess the project’s progress and strategic orientation, identify implementation challenges and develop solutions, design recommendations on activity schedules or content, comment and discuss project reports, provide political and other support, as well as to propose new or suggest adjustments to the running activities. In total, over the course of the IPA project, there were seven meetings, followed by meeting minutes. According to the interviews the SC was, in practice, primarily a place to report on the progress made and to discuss the project’s next steps.

Multiple interviews suggested that the SC did not manage to bring MoJ and MoLEVSA closer together, although that was seen as crucial in a multidisciplinary reform such as this one, demanding effective inter-sectorial cooperation. A lack of this type of coordination was also seen as the key risk in the initial project proposal. During the project, early elections took place in April 2016, resulting, for some time, in a technical Government and a discontinuity in terms of membership in the SC and ownership over the project. As suggested by the interviews, there is a consensus among the institutions and organizations on the mezzo (technocratic) level in the last few years, about the reform processes in the field of justice and social protection, but still characterized by a certain lack of fully active political support. Furthermore, historically one party has never led both the social protection and justice sectors in Serbia. However, this has now changed, opening the possibilities for increased coordination of functions.

In terms of finances, the evaluated component of the IMG project had the overall budget of 632,000 EUR. However, this excludes human resources and running costs, as the available budget does not attribute these costs per component, but only cumulatively on the level of all three project’s components. Also, this does not include the furnishing of the courts, as this was formally a part of the project’s component which is not included in the evaluated object and was thus reported separately. The available final budget only indicates very broad budget lines, not allowing a more detailed analysis.

The evaluated pillar of the IPA project had the overall budget of 1,329,300 EUR, roughly double the IMG’s, but it also included two new components. As the projects’ durations were similar (44 and 41 moths, respectively), it can be concluded that they were implemented using similar financial resources, although the IPA project overall had larger target groups and more capacity building activities, suggesting a somewhat higher cost-effectiveness overall. Cost-effectiveness by using some other similar projects was not feasible, due to the lack of access to their detailed budgets, activities and target groups’ sizes.
As suggested by the interviews, the initial IPA budget was decreased during the ‘budget clearing’ phase prior to signing the Contract, although the number of activities did not proportionally decrease, which was assessed by the UNICEF as an implementation challenge. Although the final budget is not available as the project is formally still being implemented, the interview with the project team unveiled efforts in re-allocating some unspent financial resources for the newly emerging needs which were not initially planned. This practice is commended by the evaluators, as it secured much-needed supervision sessions for the Units under component 2 and the development of Unit’s programme of work.

**Extent to which different interventions/measures have been implemented in a timely manner, and the extensions were justified**

**Both projects requested and were granted a time extension.** In the case of the IMG, this was a 10-month extension, and in the case of the IPA project a 5-month extension. **Available documentation and conducted interviews were not conclusive on the reasons for this extension in the IMG’s case** potentially suggesting delays in the activities related to the refurbishing of the selected courts. As the actual reasons for extension are unknown, its justification cannot be assessed.

In the case of the IPA project, the extension is well documented and formally justified on three main arguments. The first one was related to ‘family outreach service’ under the pillar which was not part of the evaluated object; the second one revolved around unspent funds which were seen as a useful resource to be re-allocated for additional activities which were not originally planned, and finally, it was to allow more time for this final evaluation. Furthermore, with regards to time management, due to the delay in the start date of the project (the project was planned to commence at the beginning of the year, and it started on July 31), the project team had an additional eight months prior to the Contract to initiate some activities. Baseline studies were prepared during this initial phase, which helped the project team to be able to implement all the planned activities in a timely manner. In the case of the IPA project, this means that, effectively, an entire extra year was needed to implement the project as originally envisaged, and in the case of the IMG, the additional 10 months, providing some lessons–learnt for any similar project of this scale, suggesting a need for a more realistic planning or a potential increase in human resources in the core project team.

**Management in terms of reporting, monitoring and evaluation, including data disaggregated along equity and gender lines**

The reporting and monitoring style of both projects was relatively similar, although certain differences existed. While the concept of base–line and end–line studies was initiated under the IMG (however only related to the diversionary measures/alternative sanctions), it was continued under the IPA with regards to different intervention areas (for children in criminal and civil proceedings). As would be expected from interventions lasting three–and–a–half years, the approach of defining a set of outcome/impact indicators is commended by the evaluators, as it facilitated a shift away from monitoring purely project’s outputs. However, as suggested in the chapter on impact, the studies were not always easily comparable across indicators, with varying initial and end–line measurement units in some cases (such as the duration of civil proceedings from estimated 8 to 9 months, without a clear reason of this difference), or without numerical values for indicators compared to the base–line study in certain cases, with only narrative explanations provided. In case of diversionary measures/alternative sanctions, as suggested 27 These were justified ‘due to exchange rate fluctuations and savings on some budget lines’. Savings were predominately made on the line of ‘International Travel – Experience Exchange with EU countries’, due to the fact that greater emphasis was put on EU experts bringing knowledge to Serbia rather than enabling knowledge exchange through study visits and attendance of conferences. The savings on the line of ‘Local Travel – monitoring of activities and outcomes’ were made due to the fact that the majority of joint meetings for different working groups and alliances were held in Belgrade, so there was a lesser need of funds for this purpose.
under the effectiveness section, the baseline data was grounded in the data for 2011 and 2012, although
the project started in 2014. Although this was the last officially available data at the time of the project’s
design, this should have been amended with the data from 2014, in order to enable an assessment of
the project’s contribution.

In both projects, the progress and final reports were not fully comprehensive on the actual implemented
activities and well as the size of the involved target groups, so significant efforts both during inception
and synthesis phases of this evaluation were devoted to reconstructing these aspects. Having anticipated
multi–year durations of implementation, both project proposals did not fully specify planned activities.
Although this is justified in order to allow the possibility of adapting to the changing context, more
details on the tracking of activities would have been useful for monitoring purposes. Although the Annex
(entitled ‘Activities tracing table’) was drafted at some point during the implementation of the IPA project,
it still lacked a significant level of details. In case of the IMG, omissions in the final report on some
activity clusters were also noted, as in the case of implemented activities with regards to the Juvenile
Justice Council, which were not part of the final report.

As the evaluation was taking place while the project was still being implemented, not all data from the
project partners was collected and analysed by the UNICEF. If formally allowed under the IPA, as was the
case in some other countries, the final evaluation would be more suited if conducted after all the project
activities were fully finalized and the final report (both narrative and financial) drafted.

Monitoring was also needed at the level of activities which were delegated to the operational partners.
Project partners made reports every three months in order to justify their activities. However, according
to the interviews, the project team believes that it would have been better had they been able to spend
more time on monitoring the partners’ activities. Even though they mutually communicated about all
emerging issues, not enough time was available to communicate with the partners on a more frequent
basis.

Regardless of the IPA financing, the project was embedded in the overall UNICEF’s monitoring
procedures, including HACT (Harmonized Approach to Cash Transfers) procedures which mandate a
number of financial spot–check visits as well as a number of program visits depending on the risk rating
of a partner. The project also underwent the audit, which was not obligatory exclusively for the project,
but was done as a part of the overall audit of the UNICEF’s CO, not indicating any problematic issues.

Communication of the results and sharing best practices

Across all projects’ components, similar communication tools were used. These tools included the
preparation of posters, leaflets, promotional planners, calendars and bags with the projects’ identity, as
well as short videos and human–interest stories. The original language of the posters was Serbian but
they have also been translated into English and certain national minorities’ languages such as Albanian,
Hungarian and Romani. Besides these, the projects’ results were communicated by disseminating the
published materials in a format of guidelines and standards, for all of which detailed dissemination
documentation exists. The conferences were organised for promoting base–line study results (however,
not the end–line results), and there was a final project conference, which took place after the conclusion
of field work of this evaluation, thus placing it outside of the scope of this evaluation.

Based on the conducted interviews, it can be assessed that more advocacy and promotional activities
would be welcomed, such as organising annual conferences, not only the final one, but this would
demand more human resources at the core project team, as well as increased financial resources. Besides
short videos and human–interest stories that were produced, an increased presence in the media of all
kinds would be advised for general awareness raising and support of the themes covered by the projects, followed by a press-clipping analysis.

In conclusion to the projects’ efficiency, it can be assessed that these large interventions strongly benefited from strategically developed and very hands-on implementation partnerships with the three key partners – JA, RISP and NGO CRC. The model of a Steering Committee had more of a reporting, then a problem-solving role, with leaves space for establishing functional coordination at the political level between judicial and social sectors, especially in light of the interventions’ sustainability and follow-up activities. In relation to the scope of activities conducted, the IPA project suggests a higher cost-effectiveness, although it also relied on the general UNICEF’s infrastructure that is monetarily not registered in the project’s budget. Cost-effectiveness analysis with some other projects was not feasible.

In case of the IPA project, effectively an entire extra year was needed to implement the project as originally envisaged and in the case of the IMG, the additional 10 months were needed, suggesting a need for more realistic planning or a potential increase in human resources in the core project team. Various monitoring and reporting practices were put in place, commended by the evaluators for being designed to look beyond just the output indicators, although there were some inconsistencies in the presentation of the results, for instance between the base-line and end-line studies. A set of appropriate communication tools was used for disseminating the projects’ results, but there was space for more than only one final conference and a more intense overall presence in the media.

5.5. SUSTAINABILITY

Extent to which the intervention has been able to support projects’ partners in developing capacities and establishing mechanisms to ensure continuity of activities. Extent to which new competencies are integrated into regular activities of professionals working with children involved in justice and social welfare system.

The key factors that have positively or negatively influenced sustainability (cross-cutting issue analysed in all three groups of evaluation questions below).

With regard to diversionary measures/alternative sanctions, the general consensus among the interviewed stakeholders is that this aspect of intervention reached the highest level of routine and irreversibly entered into the judicial and social welfare system of the Republic of Serbia. As suggested by one of the quotes: ‘Diversions have penetrated the system the deepest. This will continue for sure.’ The factor that has contributed to this fact is that it is the only component which was fully continued from the IMG, maintaining the initial concept of supporting youth teams and offering accredited capacity building, overall lasting the longest in comparison with other areas of intervention.

This attitude is reinforced by the survey conducted during the course of this evaluation. The assessment of future implementation of diversionary orders/alternative sanctioning is similar between the pilot and non-pilot localities. Namely, 71% and 69% of respondents respectively hold that diversionary measures/alternative sanctions will be implemented in the same (or increased) number and quality, while only 4% and 3% respectively expect that alternative sanctions will no longer be implemented.
The opinion of some service providers, such as in the case of Belgrade, differs to a degree, as beyond the project, one of the two NGO service providers did not manage to secure funding for their work on implementing diversionary measures/alternative sanctions. The particularity of the City of Belgrade is that two out of three service providers are NGOs, rather than public institutions. As the issue of further financing of this service was not systematically resolved during the project, the current service providers from the civil sector could only rely on the funding from their local self-governments or other donors. In the case of Belgrade, however, the local self-government does not recognize juveniles with behavioural problems as a target group.

In cases where the service providers were sub-units of the CSWs, the expectation is that the level of attention to the final beneficiaries would inevitably decrease to a degree, due to the fact that, for example, during the project, three people in Novi Sad were assigned solely to the service, with significantly more resources to design activities for juveniles than regular case managers who are usually overloaded by their regular professional tasks.

However, the capital remaining after the projects includes trained CSW staff and an expanded pool of ‘external collaborators’ in all piloted cities (NGOs, companies, public institutions, etc.) where some diversionary measures can be implemented, and with whom the MoUs have been signed. In some cases, these collaborators were also additionally trained on how to work with juveniles, in order to avoid prejudices and to better organise and monitor the tasks they assign. Finally, an operational issue with regards to sustainability, raised during the field work, refers to the insurance for juveniles performing humanitarian work at NGOs, as this expense cannot be financially secured beyond the project.

With regard to sustainability of the Units for victim and witness protection, based on all interviews, there is an unanimously shared view that although the service is currently still being provided, long-term sustainability primarily depends on legal recognition of their status, and securing systemic financing.
During the project, the consensus and concrete solution for further financing of the new service has not been reached while the debate whether the services offered by the Units financially fall under the authority of judicial or social welfare system continues.

One possibility that was often put forward refers to the option that the public institutions which are the seats of the Units become transformed in the currently ongoing social welfare system reform in the Republic of Serbia. This would potentially allow them to list victims/witnesses’ protection as a new service, within the ‘centres for family support’. In the meantime, trained psychologists at the Units have different work arrangements at their respective institutions, some currently working on a part-time basis and other simultaneously involved on other tasks.

As already mentioned under the section related to effectiveness, there was a very concrete proposal put forward during the field work to improve the situation until the new law potentially gives a clearer mandate to the Units: the Republic prosecutor should issue an obligatory guideline for prosecutors to use the Units, regardless of the fact that this is currently not explicitly envisaged by the Law.

With regard to the work with prosecutors and judges, it was suggested earlier in the report that they form a very large target group which could not have been fully reached by the intervention. In addition, there is a rotation of prosecutors and judges, implying the need for continuous capacity building on the issues of avoidance of secondary victimization. On the other hand, although trained in–depth, the established Units are in need for regular supervision. This was initiated at the end of the project, and was secured by the budget savings which occurred in the project, but should be an integral part of the discussion on a comprehensive financing model, representing an essential service in securing quality control. With regards to the maintenance of the newly procured technical mobile equipment used by the Units, emerging costs were until now covered by UNICEF, with the expectation that in the future this would become part of the maintenance budget of the institutions were the Units are seated.

With regard to the children in civil proceedings, the IPA opened a new area of interest, but with the least level of intensity in terms of activities conducted so far, revolving around disseminating guidelines and holding two–hour info–sessions. The sustainability prospect is thus related to further education of judges, CSW professionals and lawyers, with already prepared written materials used as a useful resource.

Finally, with regard to the free legal aid providers, again depending of their legal status, the public ones have a higher chance for regular implementation of the new service, while the civil sector has to rely on fundraising from the donors. In all cases, the potential of sustainability is also related to the new Free Legal Aid Act which should define continuous modes of financing, but which to date was not adopted.
as further elaborated below. In terms of the online platform for exchange, there is no obstacles for its continued use.

**Extent to which national and local stakeholders’ commitment and support likely to continue beyond the end of the intervention**

As suggested in the chapter on efficiency, the intervention managed to establish a very strong operational partnership at the mezzo-level of governance, including respective national public agencies and NGOs. Their commitment and support are assessed as very high, ready to continue offering their expertise, logistical and other support to any future reforms in this area. On the other hand, due to their multi-sectorial nature, issues concerning juvenile offenders and children victims/witnesses of crime are addressed by two separate ministries, namely MoJ and MoLEVSA. As described, this segmentation resulted in a lack of agreement on a definite model of financing, thus jeopardizing the sustainability of the initiated services.

Furthermore, some respondents have expressed the view that the absence of a new mandate to the Juvenile Justice Council, although formally envisaged by the J JL is also a factor decreasing the overall prospects of sustainability and support to further reform. Nonetheless, as its existence is also indicated in the Action Plan for Chapter 23, recently there are new signals of its renewal. Although having only an advisory role, its role during the field work was recognized as especially important: ‘As we currently do not have the Council, we cannot manage to pass things easily. The Council carried a lot of expertise on different topics and it was a very useful link to the MoJ.’ Although financially supported by the IMG while it still existed, based on the Article 6 of the Decision on its establishing, the Council should be financed by the national budget from the budget lines pertaining to the work of judicial bodies, implemented through the Judicial Academy.

**Extent to which legislative and strategic framework in this area support implementation and further development of the justice for children system. Likelihood of change in a way that adds to the sustainability of the programme.**

Since the beginning of the intervention in 2010, although anticipated, there was no change of the legislative framework. Thus, several project activities designed to assist these processes, were eventually cancelled. This refers to the 2006 Juvenile Justice Law and the 2005 Family Law, while the Law on the Free Legal Aid has so far never been enacted in Serbia, being the only European country without such a law.

There is a consensus among the key stakeholders that the J JL should be changed or amended, followed by enacting missing by-laws. There are however some differences on what direction to take in the new or amended law, such as raising the limit of applicability of diversionary measures to criminal offences that warrant a sanction of imprisonment from 5 to 8 years, expansion of jurisdiction to all basic courts, etc. This activity is also indicated in the Action Plan for Chapter 23, and although planned to take place by the end of 2016, was postponed until the second quarter of 2018. As highlighted by various respondents, there is also a need to harmonize the J JL with the 2013 Criminal Procedure Act, as it introduced prosecutorial investigation, substituting earlier judicial investigation. In light of the sustainability issues emerging from the intervention, these legislative changes should be used to clarify future financing of diversionary measures/alternative sanctions, as well as forensic interviewing and support to children victims/witnesses.
In terms of the strategic framework, the only new strategic document that explicitly deals with children in contact with the judiciary is the 2016 Action Plan for Chapter 23, commended thus by all respondents as a positive occurrence, which holds a formal capacity for further reforms. Other sectorial strategic documents dealing with children or judicial reform did not, so far, include this area as an explicit strategic priority, leaving space for further advocacy in the upcoming period.

Finally, the mentioned Law on Free Legal Aid, although drafted, is to date not enacted. This is caused by a disagreement between the bar members and NGOs on whether the NGOs should be one of the service providers explicitly mandated for this task by the Law, which would have significant sustainability implications to the free legal providers supported by this project.

In conclusion regarding sustainability, looking at the entire intervention from 2010, implementation of diversionary measures/alternative sanctions clearly shows the highest level of routine by both the judicial and social welfare sectors, as a result of the fact that this aspect gained the longest and most focused attention. Financial risk of sustainability is noted among the service providers from the civil sector, while in the absence of a systemic model of financing, there is a potential for a decreased quality among other service providers who are overloaded by other tasks at CSWs. In terms of Units for victim and witness protection, although highly qualified and equipped through the project, by the end of the intervention, no definitive solution for their institutional placement and funding was found. As both of these areas demand high levels of synergies between the judicial and social welfare sectors, the ‘jury is still out’ on who should bear the cost of their functioning. Among other things in order to enhance the effectiveness of the juvenile justice legislation, any changes of the J JL should clearly offer solutions on the issues of financing. The area of children in civil proceedings is a new area which should be further targeted by capacity building activities, relying on already produced written materials. Finally, in the case of free legal aid providers, a higher level of sustainability is anticipated in public institutions, while in the case of the civil sector, dependence on donor priorities is inevitable, at least until the new Law on Free Legal Aid potentially recognizes the NGO sector as a legitimate free legal aid provider. The Action Plan for Chapter 23S, which has explicitly recognized the area of children in contact with the judiciary, stands as an important tool for further reform, while the new mandate to the Juvenile Justice Council is needed to enhance the overall expertise potential for research, monitoring, advocacy and quality control at the national level.

6. CONCLUSION, LESSONS LEARNT AND RECOMMENDATIONS

Conclusion

Following the extensive analysis presented throughout this report, the evaluated interventions can be assessed as pioneering and valuable attempts in implementing existing national legislation and international standards aimed at improving the contact of children and juveniles with the judiciary in the Republic of Serbia. In terms of relevance, before initiating these interventions, only a basic training in applying Juvenile Justice Law was available to judicial professionals, while the conducted baseline studies suggested a set of shortcomings in practice, confirming a strong need for designing a nation-wide response. Looking overall at effectiveness, the projects successfully managed to enrich available capacity building and information sharing, by providing diverse skill-based capacity building activities and nation-wide info-sessions. Beyond that, the intervention has put valuable effort to operationalize existing national and international standards in a set of concrete steps and actions, now available in a prepared set of guidelines across project components. Innovativeness is reflected in designing and capacitating flexible services such as mobile units for victims and witness support to allow for reach-out, ease of use, coverage and cost-effectiveness, as well as youth teams to facilitate implementation
and quality of diversionary measures/alternative sanctions. Nonetheless, due to the very large target groups overall, especially in the case of criminal judges and prosecutors, as well as civil judges, further efforts in capacity building are needed. This is of paramount importance in order that none of these standards are left at the discretion of individual judges or prosecutors and their sensibility towards the issues of child protection. In terms of impact, positive behavioural changes are documented among juvenile offenders taking part in intervention, while mixed results in terms of fulfilling impact project indicators are noted in the area of criminal and civil proceeding, which should however be regarded as a function of rather ambitiously set initial indicators, influenced by factors outside the direct control of the intervention. When looking at ‘lower level’ impacts, high quality of new services is confirmed, such as the mobile Units, but still with a significant space for improving their visibility and consequently their use. In that regard, a significant challenge still remaining is finding concrete solutions for institutional placement of the newly formed Units and securing their funding, being also a function of the intervention’s future sustainability. In a similar fashion, experienced service providers in implementing diversionary measures/alternative sanctions outside the public sector should continue to be a part of the network which implements restorative elements in working with juveniles, which is currently also funding–dependent. This calls for an agreement between the judicial and social welfare sectors, which, although to date not realized, is to be framed as a national political decision to place financing of these mechanisms under the budget of one or shared between both of these sectors. Finally, in this cycle, the interventions did not focus on dealing with specific vulnerable sub–groups of children, leaving significant space for this aspect to be more systematically embedded in any future interventions in this area. Although at this point there is no conclusive decision if and in which form the reform processes will continue, the projects managed to secure very efficient and functional partnerships at the level of implementation, which are an important asset in any new intervention. The current intervention also resulted in a whole set of studies, including this external evaluation, which provide an extensive intellectual base and recommend, at different levels, the most effective implementation tools and needed follow–up activities.

**Lessons learnt (LL) for any similar interventions in the future**

**LL1: Always rely on partnership with local stakeholders, targeting both the political and technocratic level of governance**
For UNICEF CO
The evaluated projects have simultaneously built partnerships on political and technocratic (mezzo) levels by both establishing a more formal Steering Committee, but also entrusting implementation of a significant share of project activities to different national agencies and NGOs. Although the partnership with the decision–makers did not fully result in a synergetic approach, at the operational level, the ownership over the reform processes is assessed as very high. This represents a strong asset for any future reform endeavour in this area, suggesting that a two–track approach in building relationships secures higher change of triggering and maintaining local ownership.

**LL2: Always look for systemic solutions in developing new community services with up–front analysis of sustainability shortcomings**
For UNICEF CO
At the end of the intervention, the new service of establishing mobile Units for victims/witness protection, as well as the service providers for implementing diversionary measures in civil sector are at a sustainability risk. These services represent innovative attempts to offer flexible and high–quality service, but there is a lack of a comprehensive sustainability analysis under different potential scenarios. These scenarios should always be developed up–front, with mitigation measures clearly defined and followed throughout the implementation period.
LL3: In monitoring practices, maintain the focus on capturing outcomes and impacts, without disregarding outputs, and with a focus on comparability of data
For UNICEF CO
The evaluators commend the current level of sophistication with regard to monitoring practices put in place by the IPA project, which are strongly recommended to be used in any similar programme in the future. This monitoring system enabled feedback on the intervention outcomes and to a certain extent the impacts. Nonetheless, the impact studies were not always easily comparable across indicators, with varying initial and end-line measurement units in some cases or without numerical values for indicators compared to the base-line study in certain cases, with only narrative explanations provided. In case of diversionary measures/alternative sanctions, the baseline data was grounded in 2011 and 2012, although the project started in 2014. Although this was the last officially available data at the time of the project’s design, this should have been amended with the data from 2014, in order to enable an assessment of the project’s contribution. Furthermore, documenting outputs should not be disregarded and a more comprehensive internal archive on the conducted activities and target groups (including the ones implemented by the project’s partners) should be kept, especially in projects of this scale.

LL4: While keeping focusing on monitoring outcomes and impacts, further elaborate to what degree country-level contribution can be secured through project-level inputs
The evaluation has found that there is a level of mismatch between the actually implemented activities and their potential contribution to the originally designed impact level indicators. Additionally, many other factors contribute to the potential fulfilment of these indicators, beyond the scope of the implemented interventions (such as in the case of trial duration, being a broader issue of judicial efficiency). However, as the interventions were designed and perceived as the only and crucial national reform contributions in the respective areas, involving all relevant stakeholders, it is legitimate they have designed these type of national level indicators, but much more intensive contribution by national-level institutions, predominately relevant ministries, would be expected to execute them. UNICEF Country Programme for period 2016–2020 has another three years of implementation. The indicators in the Action Plan for Chapter 23 and the Country Programme are the same as in this project. In order to continue monitoring them, negotiating with other relevant stakeholders to achieve these indicators is crucial, where the Action plan for Chapter 23 suits as a starting point, assessing there is political will and obligation to operationalize its further achievements. Additionally, certain ‘lower–level’ project impacts which were not so far measured could be designed for the purpose of Country Programme (such as the number of interviewed children by using the Units in relation to the overall interviewed children during criminal proceedings, percentage of acceptance of footages prepared by the Units at courts, etc.)

LL5: If possible, avoid conducting the final evaluation while the project is still being implemented
For UNICEF CO, Delegation of EU in Serbia
As in this case the evaluation was taking place while the project was still being implemented, not all data from the project partners was collected and analysed by the UNICEF. If formally allowed under the IPA, as was the case in some other countries, the final evaluation would be more suited if conducted after all the project activities were fully finalized and the final report (both narrative and financial) drafted.

LL6: Be more realistic in planning needed time for implementation or secure additional management human resources
For UNICEF CO
Although with approved extensions, in both projects all the planned activities were implemented, in the case of the IPA project, effectively, an entire extra year was needed to implement the project as originally
envisaged\textsuperscript{28}, and in the case of the IMG, additional 10 months were needed. For any similar project of this scale, this suggests a need more realistic planning or a potential increase in human resources in the core project team.

**LL7: Allocate more resources to promotion of project’s results and general awareness raising**
For UNICEF CO
In case of this intervention, it be assessed that more advocacy and promotional activities would be welcomed, such as organising annual conferences, not only the final one, but this would demand more human resources at the core project team. Besides short videos and human-interest stories that were produced, an increased presence in the media of all kinds would be advised for general awareness raising and support of the themes covered by the projects, followed by a press-clipping analysis.

**Recommendations of a concrete way forward in further planning of activities in the area of justice for children**

Besides being divided into the strategic and operative level, all recommendations note for whom they are intended. Their order reflects their level of priority. They have presented and validated at the verification workshop with all the key stakeholders.

**Strategic recommendations (SR)**

**SR1: Continue with the capacity building of judicial and CSW professionals working on criminal and civil cases**
For: JA, MoJ, UNICEF CO
The imperative of the judicial professionals to avoid secondary victimization in the realm of criminal law is still not fully addressed as the chosen format of two-hour info-sessions could only initiate the desired changes. Furthermore, the findings of this evaluation suggest there is still a significant space for further change of their current practices. On top of that, judges and prosecutors rotate between assignments and not all of them had attended the sessions organized during the interventions. Although extensive number of CSW staff has been capacitated through this intervention, their life-long learning in this area is also crucial. This capacity building should be done as trainings, preferably by continuing multi-sectorial approach of joining different types of target groups. Good practices in the case of children in criminal proceedings can be gathered from the neighbouring UNICEF CO Croatia, which implemented multi-days trainings, combining legal and psychological aspects and was based on role playing to initiate exchange of perspectives among different target groups and bring closer their professional perspectives. In order to devise feasible training plans, it is important to gather data on the overall target group (such as the number of all criminal court judges in the country) to be able to systematically target this groups and monitor the overall training scope. It is also advised to investigate the possibility that existing, standard JA trainings for judicial professionals working with children are enriched by the training contents produced by the interventions.

**SR2: Secure sustainability of the Units for victim and witness protection by formal recognition of their status and finding solutions for systemic financing, with securing a transition period**
For: MoJ, MoLEVSA, UNICEF
The consensus and concrete solution for systematic financing of the new service provided by the Units has not been reached during the project, while the debate on whether the service fall financially under the authority of the judicial or the social welfare system continues. One of the key barriers for increased use of the Units is their current ambiguous legal and institutional status, where in a formal procedure

\textsuperscript{28} 4 months extension was approved, alongside the fact that the project started implementing some activities before the formal signing of the Contract which got delayed.
such as criminal proceedings, the judicial professionals are still reluctant to use them. Their formal recognition should thus be promptly secured. A very concrete proposal towards improving the situation until a new law potentially gives a clearer mandate to the Units is that the Republic prosecutor should issue an obligatory guideline for prosecutors to use the Units, regardless of the fact that this in not currently explicitly envisaged by the Law. Although trained in–depth, the established Units are in need of regular supervision, which should be an integral part of the discussion about a comprehensive financing model, as they represent an essential service in securing quality control. Although the originally set impact indicators are not fully met in this area, the quality of service provided by the Units are strongly confirmed by this evaluation, so a transition period of financing to maintain the service is advised to be covered by UNICEF, simultaneously working towards above–presented systemic solutions.

SR3: Invest resources into further development of additional service providers for implementing diversionary/measures and secure the sustainability of the existing ones
For: RISP, MoLEVSA, UNICEF CO
Interviewed respondents share the opinion that there is a need to further extend the network of service providers to diversify the offer of diversionary measures/alternative sanctions. However, sustainability of current providers should also be secured. On the one had, in case of the NGOs, they did not manage to secure sustainable funding for their work on implementing diversionary measures/alternative sanctions so far, while not all local governments are willing to support this service, as they interpret it as a national one. In cases where the service providers were sub–units of the CSWs, there is a threat that the level of attention paid to the final beneficiaries could decrease, due to the fact that regular case managers are already overloaded by other professional tasks. This re–invokes the need for a systemic solution of the financing of diversionary measures/alternative sanctions, created on the basis of an agreement with the two relevant ministries.

SR4: In any follow–up interventions, secure more capacity building responsive to specific vulnerabilities
For: UNICEF CO, MoJ, MoLEVSA, JA, RISP
Although both intervention have dealt with vulnerable groups, the evaluated projects have not been specifically designed to work with children belonging to certain vulnerable groups in contact with the judicial system – girls, boys, Roma, or children with disabilities and mental health issues, but rather to target all children in contact with the judicial system no regardless of their ethnicity, nationality, gender or belonging to any other group. During the interviews, it was confirmed that certain conducted capacity building activities referenced specific vulnerable groups, but this was not part of a systematic approach. Reinforcing the argument that interventions opened a large, thitherto unexplored intervention area, the primary goal was to establish new practices for any group of children, with the intention that this would benefit vulnerable children as well. It is however recognized that a more specific approach dealing with vulnerable groups should be the subject of further capacity building in this area. This is particularly important due to the fact that children belonging to some of these vulnerable groups represent the majority among the final beneficiaries in all four components, while having very specific needs that should to be recognised and addressed using a specific set of measures and adequate capacity building for the professionals working with them in the judicial, police, social welfare and other relevant systems.

SR5: Develop new interventions particularly focused on police officers to prevent secondary victimization as a result of their work and to minimize the number of times children are interviewed
For: MoI, EU Delegation in Serbia
Although police officers have participated in the info–sessions for children in criminal proceedings, the presented content was not specially designed for them, meaning they could benefit only indirectly from them. As MoI got involved through this process the, there is a potential that they could have a more prominent role in the earlier phase of project formulation in any future intervention. This is especially important in the light of an alarmingly high share (44,6%) of police officers stating that they conduct
'thorough questioning of children victims and witnesses regardless of the presence of CSW staff'. This indicates that much further work is needed for clarifying legal grounds for conducting interviews with children victims of criminal acts by the police.

SR6: Support the re-appointment of the Juvenile Justice Council as a professional body directing further reforms
For: MoJ, JA
The absence of a new mandate of the Juvenile Justice Council, although formally envisaged by the JLL is also a factor of the decrease of the overall prospects of sustainability and support to further reform. Nonetheless, as its existence is also indicated in the Action Plan for Chapter 23, recently there have been new signals of its renewal. Despite having only an advisory role, it was recognized as especially important during the field work and should thus be promptly re-appointed. Although financially supported by the IMG while it still existed, according to the Article 6 of the Decision regulating its affairs, the Council should be financed by the national budget from the budget lines pertaining to the work of judicial bodies, implemented through the Judicial Academy.

SR7: Make the necessary changes or amendments to the Juvenile Justice Law
For: MoJ
There is a consensus among the key stakeholders that the JLL should be changed or amended, which should be followed by the enactment of the lacking by-laws. There are however some differences on the direction of the new or amended law, such as raising the limit of applicability of diversionary measures to criminal offences that warrant a sanction of imprisonment from 5 to 8 years, expansion of jurisdiction to all basic courts, etc. This activity is also indicated in the Action Plan for Chapter 23, and although planned to take place by the end of 2016, was postponed until the second quarter of 2018. As highlighted by various respondents, there is also a need to harmonize the JLL with the 2013 Criminal Procedure Act, as the Act introduced prosecutorial investigation, substituting earlier judicial investigation. In light of the sustainability issues emerging from the intervention, these legislative changes should be used to clarify future financing of diversionary measures/alternative sanctions, as well as forensic interviews and support to children victims/witnesses.

SR8: Advocate that all relevant strategic documents have reference the justice for children principle
For: All stakeholders in their respective sectors
In terms of the strategic framework, the only new strategic document that explicitly deals with children in contact with the judiciary is the 2016 Action Plan for Chapter 23, commended by all respondents as a positive occurrence, which enshrines a formal capacity for further reforms. Other sectoral strategic documents dealing with children or judicial reform did not, so far, include this area as an explicit strategic priority, leaving space for further advocacy in the upcoming period.

Operational recommendations (OR)

OR1: Secure conditions for an increased use of the currently under-represented types of diversionary measures/alternative sanctions
For: RISP, MoLEVSA
In terms of frequency of application of different diversionary measures, the least used ones are group or individual counselling and rehabilitation from addiction, with the latter often being mentioned in the context of a lack of coordination with the health sector or insufficient capacities. In light of this, the respondents have mentioned the need for a Memorandum at the national level with the Ministry of Health so that the health institutions in local communities have a clear mandate to take on juvenile offenders. Individual and group counselling on the other hand can be combined with any other measure, carrying
a high potential for increased use. Using the latter holds a capacity to anchor ‘intervention’ approach, so the resources are not spent on bureaucratic procedures of formally fulfilling the measure, but are made available to those who interact with offenders and their families and focus on securing behaviour change at the level of the individual juvenile.

OR2: Prepare standardized monitoring sheets for the Units to record data on the cases in which they have provided assistance
For: UNICEF CO
As discovered during the evaluation, no standardized monitoring sheets for the Units were prepared to record data for the cases in which they have provided assistance, except for periodical reports to the UNICEF on the number of overall cases and services. However, for example, the unit in Novi Sad kept an internal database including information on the type of criminal act, gender and date. Such data would be useful at the level of all four units and, with the increase in the number of cases, a standardized form should be developed and used by all units. Given that one of the goals of the Units was to actually shift the location of the interview away from the courts and public prosecutor’s offices, data on where the interview was conducted would also be valuable. As suggested by the statements of the interviewees in the evaluation process, the forensic interviews are currently taking place at public prosecutor’s offices, courts, CSWs and the Unit’s premises, as well the at children’s homes. However, the exact shares are unknown, as well as the data on who is ordering the interviews. All this data should be standardised and regularly collected by the Units.

OR3: Research the practice of implementing diversionary measures/alternative sanctions outside the pilots, as the findings suggest the majority are actually implemented measures are outside the piloted cities
For: UNICEF CO, RISP
An unexpected phenomenon that has not been monitored to date, is that the overall share of applied diversionary measures of the non-piloted cities in the total number of diversionary measures is very high (82.3% in 2016). Furthermore, there was an increase in the application of the diversionary measures among non-piloted cities in relation to all reported criminal offences among juveniles during the 2014-2016 period. This thus represents an under-researched area as to who actually implements diversionary measures outside of the piloted cities.

OR4: Prepare a comprehensive database of all service providers and their external collaborators to enable monitoring and focused capacity building
For: RISP
It has been recorded that, so far, there is no formal database of all service providers and their external collaborators, which would be useful for monitoring purposes, as well as to enable focused capacity building for this target sub-group.

OR5: Follow-up on the recommendations for national data gathering with regards to children in civil proceedings
For: SORS, MoJ, Supreme Court of Cassation, High Judicial Council
A study commissioned during the project has put forward a few proposals to set up an improved system of data gathering on children in civil proceedings. The first one relates to the suggestion that the Supreme Court of Cassation in cooperation with lower courts (with support from potential TA), should develop check lists for judges containing the key steps in cases when a child is a party or a participant in civil proceedings. The study also suggests recording three new types of data at the national level (1- number of finalized cases involving children per year; 2- number of finalized cases involving children per year in which a child has directly or indirectly expressed his/her opinion; 3- number of cases per year in which legal remedy is used on the part of a child for violation of his/her legal rights). Based on the analysis of the technical capabilities for collecting this new data, the assessment of the study is that
these cannot currently be collected within the existing AVN database as it reached its limits and it is currently undergoing a complex ‘data clearing’ after which a data migration to a new platform is set to take place under another EU-funded project. The temporary solutions until 2021, when it is expected that the new database will be functional, is to open ad hoc/temporary data registries in the above-noted data sets, which should be initiated by the MoJ, Supreme Court of Cassation and High Judicial Council.

OR6: Put in place the monitoring of quality of provided free legal aid among the network’s members
For: NGO CRC
In order to measure the quality of the newly provided service by the network’s members, monitoring practices should be put in place, in order to enable collecting feedback from the final users on the various aspects of the advice provided.

OR7: Put in place a comprehensive monitoring of recidivism among juvenile offenders fulfilling diversionary measure and alternative sanctions
For: RISP, SORS
Research and interviews have confirmed that diversionary measures and alternative sanctions have had positive effect on behavioral changes of juveniles and it was implied that it also affected the reduced trend of recidivism among juvenile offenders. Nonetheless, the fact remains that real impact can be measured only through continuous monitoring of recidivism and behavioral changes together with a more in-depth analysis of the effects and appropriate implementation of various diversionary schemes.

OR8: Clarify the cause of difference in data on diversionary measures and alternative sanctions between judicial and social welfare sectors
For: SORS, RISP
It was observed from the official data, as well as confirmed though the interviews with different types of stakeholders, that there is a significant difference between data between the judicial and the social welfare system. Generally, the difference emerges from the fact that CSWs report all diversionary measures referred to by prosecution or court (which may later be cancelled, thus being uncompleted), while the Statistical Office gathers data from public prosecutor’s offices and courts only on diversionary measures which actually ended with a dismissal of further proceedings. A recently finished, but still unpublished, short factsheet on juvenile offenders prepared by UNICEF states that “although the Statistical Office of the Republic of Serbia gathers data on diverted cases, this data is unreliable, and most diverted cases are reported as dropped cases.” During the interviews, some respondents have also suggested that not all data on applied diversionary measures by courts and prosecutors reach the Statistical Office, either because they are not labelled as such, or because they are not being timely forwarded from internal statistical departments. Differences may also emerge from the fact that the RISP records a diversionary measure when it enters the system and, due to the six-month period for fulfilling the measure, it can be registered by SORS in the next year. These assumptions should be tested and clarified.

OR9: Investigate further potential use of equipped rooms for conducting interviews with children secured by the IMG
For: MoJ
The rooms in Novi Sad, Niš and Leskovac have been visited during the course of this evaluation. In Leskovac the room is used as an office and it is not used for the purpose of interviews at all. In Niš it is sometimes used, and in those cases the interviews are done with the help of CSW professionals. In Novi Sad the room is used only by juvenile judges (when they have a child victim) whose courtrooms are the closest to the room, as the other courtrooms are not properly connected. In Novi Sad, some negative technical aspects of the equipment were highlighted, including a microphone that is too large and visible, a camera that does not capture the entire room as it is stationed on the sofa, not on the wall, and the fact that there is no TV screen in the courtroom, but only a laptop to follow the interview. All rooms
which were furnished under the IMG project should be visited, defining in which way they can regain functionality, if at all.

7. ANNEXES

7.1. Annex 1: Terms of references

Terms of References

Date of preparation of ToR – 17 March 2017
Draft of Final version of ToR – 4 April 2017

1. Context and description of object of the evaluation

Context
The Republic of Serbia is in the midst of a process of implementing comprehensive reforms of its judicial system, increasing its efficiency and harmonizing it with relevant international and European standards. The main goals of the reform have been to enhance independence and impartiality of judiciary, improve quality and access to justice and improve competencies, accountability and efficiency of justice professionals. The main strategic document setting out these goals is the National Judicial Reform Strategy for the period 2013 – 2018. The Strategy has been developed with the aim of building institutional and professional capacities of newly established institutions (High Judicial Council, State Prosecutorial Council, Judicial Academy), aligning judicial reform process with European integration process and preparing the judicial system to meet new challenges in line with EU standards and values. The overall reform of the Serbian judicial system is based on five key principles: independence, impartiality and quality of justice, competence, accountability and efficiency. These stipulated principles ensure a framework for design, development and organisation of judicial institutions in order to create a judicial system capable of protecting the interests of all citizens.

The focus of this evaluation is the justice for children system in Serbia, which primarily encompasses four distinct groups of children. These include children as offenders, children as victims and witnesses of crime, children in civil proceedings (in situations such as divorce, adoption, migration, violence) and children that are recipients of legal advice through free legal aid. A justice system and its procedures and practices need to be adapted so that children can fully benefit and so that this system impacts positively on children’s wellbeing and development. A juvenile offender will benefit most from a restorative and reintegrative approach that focuses on helping the child change his/her behaviour, rather than a purely punitive approach. For many child victims/witnesses, giving a statement in court is a very unpleasant experience and can cause secondary traumatization and as such discourage children/parents to participate in criminal proceedings. This ultimately means that perpetrators are not brought to justice and children continue to be ‘easy’ targets of their crime. Giving due attention to children’s voices in civil proceedings will assist judges in making the right decisions regarding custody and care as well as prevention from violence and as such – children will be more likely to grow up in supportive, nurturing and caring family environments. Although core principles have been successfully set at international and European levels, and have been translated into national legislation in many instances, principles and procedures are not adequately implemented. As such children in Serbia find themselves in intimidating settings, are exposed to age-inappropriate information and explanations, are not given the chance to change their behaviour and find themselves in proceedings that are either too long or too expeditious, where the child’s best interests is not always the supreme principle. These are the reasons because of which advancement of reforms towards a child-friendly justice system that creates conditions for a safe, stable and nurturing environment in which children can prosper, is of utmost importance.
As an integral part of the European integration process and overall reform of Serbian judiciary, significant legislative changes have been carried out with the aim of advancing the judicial system in the area that concerns the achievement of rights of children in line with the principle of the best interests of the child. This principle was endorsed in the Serbian legal system by ratification of the Convention on the Rights of the Child (Convention). However, implementing the principle of the best interests of the child in practice is often hampered due to lack of specific, practical and operational soft regulations, lack of monitoring and accountability and lack of capacity of professionals and practitioners. So far, the most significant efforts have been invested in improvement of the juvenile justice system, focusing on children in conflict with the law but also to a certain extent children that are victims and witnesses of crime.

One of the most important aspects of improvement of the juvenile justice system in Serbia was the adoption of the Law on Juvenile Criminal Offenders and the Protection of Minors in Criminal Justice Proceedings (Juvenile Justice Law), which came into force in January 2006 and represents a milestone in reform of the Serbian justice for children system. The Juvenile Justice Law puts emphasis on restorative justice, re-integrative approaches and prevention of recidivism in addressing offending and dealing with child victims and witnesses of crime. It regulates offences committed by children aged 14–18 and young adults aged 18–21 and defines special procedures for protecting and support child victims of crime that act as witnesses in criminal proceedings.

Among the most important novelties of the Juvenile Justice Law is introduction of diversionary measures which aim to provide support to the juvenile to take responsibility for his/her actions and prevent re-offending. This Law also introduces a whole new set of alternative sanctions with similar focus on supporting development of responsibility and constructive behaviour. The purpose of a diversionary measure is to avoid instituting criminal proceedings against a juvenile or to suspend proceedings and/or influence proper development of a juvenile, enhance his/her personal responsibility in order to avoid a relapse into crime in future. Diversionary measures include options such as community work, obligatory school attendance, mediation, attendance to a substance abuse treatment programme and counselling and are designed for those children in conflict with the law who wish to make a change for the better. An alternative sanction is a measure to which a child may be sentenced by court that does not include deprivation of liberty. Diversionary measures are also seen as an important way of reducing court case–loads, thus making space for greater efficiency of those cases actually processed – and in this way contributing to one of the main objectives of the National Judicial Reform Strategy – judicial efficiency. Further, the Juvenile Justice Law creates a wide range of special protection measures for child victims in criminal justice proceedings, and the requirement that certain professionals involved must have completed a specialised training on the protection of children in criminal cases. These protection measures refer to efficient court procedure, limitation of a number of hearings, securing that child has understanding of the context and is making statements in appropriate environment, with use of adequate technical equipment and with assistance of trained psychologist or other child professional.

The Law also provides for specialized juvenile justice judges, prosecutors, attorneys and police officers and their obligatory training and licencing mechanism. After the Law entered into force in 2006, the Judicial Academy, the institution in charge of professional development of members of judiciary, developed a curriculum and delivered a specialised training for proper implementation of the Law to juvenile justice judges, prosecutors and police officers.

Furthermore, the Law calls for the creation of specific by–laws or implementing regulations governing application of diversionary measures, enforcement of alternative sanctions, records on ordered diversionary measures, records on enforcement of, monitoring and control of enforced educational measures and juvenile prison sentences, detention and separate House rules on enforcement of the educational measure of remand to a correctional facility. All these by–laws have been adopted except for those on the application of diversionary measures and records on ordered diversionary measures.

In parallel to reform of the juvenile justice system in its judiciary segment, the social welfare system has also undergone a significant reform process. This system is equally important for development of child–
friendly justice system due to the key role of centre for social work (CSW) and its guardianship authority in various phases of the juvenile justice procedure as well as the role of community service providers in supporting children in conflict with the law. The reform processes in this sector started in 2001 and included adoption of the new Law on Social Protection in April 2011 that marked the finalization of ten–year long efforts of piloting and gradual improvements of this system. New legal solutions, inter alia, introduced decentralization of services, earmarked funds for service development, standardization of services, licensing of services and professionals, accreditation of service and training programmes, partnership and equal conditions for providers from public, civil society and private sector. The overall context of the reform, including the legislative framework, is aimed towards the provision of quality services for different groups of beneficiaries. Children in conflict with the law are one of the target groups of the social welfare system towards which the system has a particular responsibility and obligation. Similarly to the above mentioned Judicial Academy, the Republic Institute for Social Protection (RISP), as an institution in charge of professional development of CSW professionals, has been continuously working on improvement of capacities of these professionals to deal with cases concerning children and youth.

It can be concluded that Serbia’s legislation in this area has been adjusted to relevant international standards since the Juvenile Justice Law has incorporated many advanced elements and progressive solutions which create grounds for implementation of the restorative justice principles. However, concerns were raised in professional practice over the lack of its uniform application as the innovative legal solutions that were introduced were not followed up with capacity building and financing for their implementation.

Having in mind these challenges, in 2010 the Ministry of Justice (MoJ) began efforts to reform the juvenile justice system with technical support from UNICEF. Firstly, the Juvenile Justice Council was established in 2010, as an inter–sectoral body in charge of monitoring progress in application of the Juvenile Justice Law and initiating changes in policy and practice in order to ensure the proper implementation of the Law. Secondly, MoJ and UNICEF initiated an assessment of the current state of application of diversionary measures and alternative sanctions, protection measures intended for child victims and witnesses and quality of training available to all relevant professionals. The report was produced by an independent consultant engaged by UNICEF. This assessment provided for a high level technical input and guidance for the implementation of the future reform initiatives of the MoJ and the work of the Juvenile Justice Council.

The first part of this assessment provided analysis of the application of diversions and alternative sentences in terms of governance, i.e. clarity of roles and responsibilities of different parts of the juvenile justice system, management of data related to diversions and alternative sentencing, human resources and experiences in implementing diversions and alternative sentences at field level. Some of the main findings are that the Juvenile Justice Law lacks conceptual and practical clarity of fundamental roles for governance over the application of diversions and alternative sanctions and fails to assign financial responsibilities for their application since it creates little or no explicit authority to develop the array of services needed to allow for their use.

The second part of the assessment is related to application of protection measures for child victims and witnesses in criminal justice proceedings in practice and one of the findings was that there is currently no nationally endorsed accurate method to determine the level of respect for child victim protections in criminal processes. Further, barriers to full–scale implementation appear to include the lack of clarity in the Law’s provisions, the absence of parallel protections in the Criminal Procedure Code, inadequate information management, insufficient efforts for capacity building and lack of initiative on the part of professionals in leadership or decision–making positions.

The third part of the assessment dealt with the quality of trainings provided to all relevant professionals in the domain of juvenile justice and whether they provide for methodical and continuous professional development. It concluded that despite the accomplishment of the Judicial Academy’s training and certification of relevant judges, prosecutors and police officers on rights–based juvenile justice, trainings implemented as a follow up to the adoption of the Juvenile Justice Law did not systematically include
CSW professionals and appear to have focused on information-awareness components and not on skills or competencies. These trainings appear to have had limited impact on implementation of diversion measures, alternative sentences and special child victim protection measures. Trainings did not consistently bring together different professionals, and did not provide a forum for understanding how different professionals need to collaborate to implement new legal provisions. Also, there appeared to be a major need for professional sensitization to child psychology and development, and communication with children.

Following this assessment, the MoJ established a working group to draft amendments to the Juvenile Justice Law to address recognized challenge areas. The MoJ also developed a project entitled “Improving the delivery of justice in Serbia” (IMG project) intended to reform the juvenile justice system which gained support of the Norwegian Ministry of Foreign Affairs and was implemented by the International Management Group (IMG) from December 2010 to December 2014.29 As a follow up to achievements of that project, the MoJ, using European Commission Instrument of Pre-Accession funds and projects initiated the project “Strengthening the justice and social welfare systems to advance the protection of children in Serbia” (IPA 2013 project) which started in September 2014 and is expected to end in July 2017.30

Recognising the importance of the justice sector in achieving desired level of child rights, the activities related to improvement of justice for children system in Serbia have become an integral part of the Action plan for Chapter 23 adopted by the Government of Serbia in 2016. The Action plan sets out tangible results related to, inter alia, increase of application of diversionary measures and alternative sanctions, improvement of rights of child victims and witnesses of crime and children in civil proceedings that are to be measured in 2017 and 2019 against carefully designed, specific impact indicators. The Action plan also contains different activities related to Roma children and children with disabilities, however not in the context of the justice system. This is despite the anecdotal prevalence of Roma children as juvenile offenders and in juvenile justice institutions. It should be noted that none of the project initiatives mentioned above have designed specific interventions to impact children belonging to certain vulnerable groups – girls, boys, Roma, children with disabilities and mental health issues – in contact with the justice system, but rather the interventions are targeting all in contact with the justice system no matter of ethnicity, nationality, gender or belonging to any other group.

Most recently, the UN Committee on the Rights of the Child adopted concluding observations on Serbia in February 2017. Even though the Committee noted positive efforts undertaken to reform the juvenile justice system, it raised a number of concerns that still remain. Some of these concerns are related to excessively long court cases and non-enforcement of family court judgements which negatively impact the right of the child to have his/her best interests taken as a primary consideration. Regarding juvenile offenders, the Committee recommended, inter alia, that alternatives to detention such as diversions and similar measures should be fully implemented wherever possible and that qualified and free legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings should be provided. As to child victims and witnesses of crimes, the Committee recommended that child sensitive procedures should be established in an expedite manner and that judicial staff should be adequately trained to prevent further victimisation and traumatisation of children.

Object of the evaluation

Given that the two projects mentioned above were the most significant initiatives addressing the issue of justice for children in the period from 2010 to 2017, they should be considered as objects of this evaluation. However, since the IMG project initiated reform in this domain, it should be looked at from the perspective of its contribution to overall changes created up to date whereas the IPA 2013 project,

29 The IMG project was broader in scope; apart from its juvenile justice component it also contained two components not related to area of child rights but rather to improving the performance of courts through improving their infrastructure and access to justice for court users and strengthening of the High Judicial Council.

30 The IPA 2013 project is also consisted of two pillars, one is related to reform of justice for children system to secure the application of the principle of the best interests of the child and the other to strengthen the social welfare system to support children at risk through favouring family-based solutions.
which has been more comprehensive in scope and has a clear logframe and implicit theory of change (ToC), should be the main object of this evaluation.

The IMG project provided support to the Juvenile Justice Council through building its capacity and enabling it to provide analysis of data and evidence-based policy recommendations to relevant institutions. It also provided technical support to the MoJ in drafting amendments to the Juvenile Justice Law as well as bylaw and guidelines on standards and procedures for implementation of diversionary measures. It should be noted that even though all these documents were prepared by the working group established by MoJ during the implementation of the IMG project, none of them has been adopted to date. In addition, the project supported implementation of diversionary measures in four towns in Serbia (Belgrade, Kragujevac, Nis and Novi Sad) through development of system segments that reduce the pressure on courts and lead to better efficiency of the implementation procedures. This piloting process was also based on another important study that was developed during the inception period of the IMG project implementation, which focused on mapping resources in local communities that have already been applying diversionary measures and alternative sanctions to a certain extent, as well as to identification of mechanisms, experiences, obstacles and examples of good practices that would serve as foundation for proper implementation of these measures in the country. In addition, the IMG project dealt to a certain extent with improvement of rights of child victims and witnesses of crime. Information about the IMG project is given in Table 1. This project also focused on improvement of rights of children deprived of liberty in juvenile justice institutions and with that aim it undertook a participatory rapid assessment across the juvenile justice system in order to translate international expertise into strategic recommendations for further planning and implementation of reforms within this system – this area, however, does not come into scope of these ToR. Table 1 – IMG project (activities in scope of this evaluation)

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>INTERVENTIONS</th>
<th>STAKEHOLDERS</th>
<th>TIMEFRAME</th>
<th>BUDGET</th>
<th>GEOGRAPHICAL SCOPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>To improve juvenile justice system in Serbia</td>
<td>1. Improving implementation of diversionary schemes and alternative sanctions for juvenile offenders through drafting secondary legislation, developing standards and guidelines for application of diversions and alternative measures, piloting these measures in four towns in Serbia (Belgrade, Kragujevac, Nis and Novi Sad) and capacity building of relevant professionals.</td>
<td>MoJ, MoLEVSA, higher court judges, prosecutors, CSW professionals and service providers, Judicial Academy, Republic Institute for Social Protection, High Judicial Council, State Prosecutorial Council, Juvenile Justice Council.</td>
<td>December 2010 – December 2014</td>
<td>EUR 630,160</td>
<td>All activities had impact to the whole territory of Serbia; piloting was undertaken in four towns: Belgrade, Kragujevac, Nis and Novi Sad and victim/witness units were established in Belgrade, Nis, Novi Sad, Pirot and Vranje.</td>
</tr>
<tr>
<td>2. Strengthening the Juvenile Justice Council to play a key catalyst role in reform of juvenile justice system though capacity building of its members and provision of technical support in performing analysis and producing recommendations to relevant bodies.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Improvement of implementation of special protection provisions of Juvenile Justice Law concerning children as victims and witnesses through establishing victim/witness units in selected higher courts in</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>
In order to continue reform of this area and build on the achievements made in the IMG project, the MoJ together with MoLEVSA, using IPA funds, initiated the IPA 2013 project in September 2014. This project has been built on previous reform endeavours, and is being implemented by UNICEF Serbia. The main focus of the project is to introduce sustainable mechanisms that are enabling practical implementation of the principle of the best interests of the child once the child gets in contact with the systems of justice or social welfare. The project gives special attention to operationalising and assuring uniform application of practices, development of operational guidelines, defining standards, modelling new practices and integrating new indicators to ensure practical application of the principle of the best interests of the child. The project has two pillars, the first is focusing on the role of justice system, and the second on the role of social welfare system and promotion of family-based solutions in supporting children at risk. The pillar related to strengthening of the justice system is dealing with promotion of the rights of children who come in contact with justice system as offenders, victims or witnesses of crime, and for the first time special focus is put on improvement of rights of children in civil proceedings and children as beneficiaries of free legal aid in areas of health, education and social protection. The second pillar related solely to the reform of the social welfare system does not come under scope of this evaluation. Interventions covered by this project which are the object of this evaluation are given in table 2 below.

Table 2 – IPA 2013 project (part relevant to Justice for Children)

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>INTERVENTIONS</th>
<th>STAKEHOLDERS</th>
<th>TIMEFRAME</th>
<th>BUDGET</th>
<th>GEOGRAPHICAL SCOPE</th>
</tr>
</thead>
</table>
| The justice system uniformly applies adopted regulations/policies that secure the application of the principle of the best interests of the child | 1. Securing conditions for increased application of diversionary schemes and alternative sanctions with the aim of reintegrating juvenile offenders – through modelling interventions for children in conflict with the law and their families in four towns in Serbia (Belgrade, Kragujevac, Nis and Novi Sad), capacity building of all relevant professionals, further development of standards and procedures for application of these measures and specific guidelines for CSW professionals when dealing with juvenile offenders.  
2. Securing conditions for uniform application of protection measures for children as victims/witnesses in criminal proceedings – through piloting and capacitating four regional Child victim support units, developing guidelines for child hearing and capacity building of all relevant professionals.  
3. Securing conditions for uniform application of measures enabling the | MoJ, MoLEVSA, higher court judges, prosecutors, CSW professionals and service providers, Judicial Academy, Republic Institute for Social Protection, High Judicial Council, State Prosecutorial Council, Juvenile Justice Council, national and local civil society organizations | September 2014 – July 2017 | EUR 1,329,300 | All activities had impact for the whole territory of Serbia; modelling of diversionary measures and alternative sanctions was undertaken in four towns: Belgrade, Kragujevac, Nis and Novi Sad. |
There is no explicit ToC defined for the justice for children system in Serbia. However, a ToC and Results Framework will be reconstructed by UNICEF (based on log–frames of projects) and made available for the evaluators before the beginning of their work. It should be noted that the Juvenile Justice Law was a milestone in this area and in that way it set up a broad ToC. However, this applies only to children as offenders and children as victims and witnesses. Children in civil proceedings are dealt with by the Family Law and children as beneficiaries of free legal aid will be regulated in the draft Law on Free Legal Aid. The first draft skeleton of the ToC that is currently being developed is given in Annex 2.

Serbia is a signatory to the most relevant human rights and child rights instruments that set ground for protection of the rights of the child and has worked towards fully integrating these documents in its legislative framework, especially over the last decade. The overall reform of justice for children system was conceptualised around these documents and they should also guide the evaluation process. Apart from the Convention, they are as follows:

- Guidelines of the Committee of Ministers of the CoE on child friendly justice, adopted on 17 November 2010 at the 1098th meeting of the Ministers' Deputies
- UN Committee on the Rights of the Child, General Comment No. 10 (2007) on children’s rights in juvenile justice (CRC/C/GC/10)
- UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard (CRC/C/GC/12)
- UN Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14)
- 17 Sustainable Development Goals of 2030 Agenda for Sustainable Development, 2015

The main stakeholders in the implementation of the reforms are as follows:
- The MoJ – managing entity for legislation and policy changes and their implementation in the area of judiciary, as well as coordination of all actors within and outside the justice system, among other areas of jurisdiction;
- The MoLEVSA – managing entity for legislation and policy changes and their implementation in the area of social protection, as well as coordination of all actors within and outside the system of social protection, among other areas of jurisdiction;

Judges, prosecutors, CSW professionals and service providers – through participation in training activities, development, implementation of policies and provision of direct support to children in justice system;
EU Delegation in Serbia – working with the Serbian Government in screening the negotiating chapters and preparing for the opening of negotiating chapters as well as supporting the extensive programmes in support of Serbia’s accession priorities, notably in the area of justice and social welfare systems, among others;
UNICEF Office in Serbia – as a leading agency in reform of justice for children system;
IMG Office in Serbia – as an organisation that was previously involved in the juvenile justice system reform but it is no longer active in this area.
Other relevant stakeholders are as follows:
Relevant system institutions such as: Judicial Academy, RISP, High Judicial Council, State Prosecutorial Council, all courts, prosecution offices and centres for social welfare;
National Child Rights Council, of the Government of Serbia;
Juvenile Justice Council, established by the MoJ and Supreme Court of Cassation;
Parliamentary Committee for Child Rights;
Development partners – Organisation for Security and Cooperation in Serbia (OSCE), Council of Europe (CoE) etc.
National and local civil society organizations, in particular those working directly with children in contact with justice system;
Academic institutions – Faculty of Law, Faculty of Political Sciences;
Professional associations such as Association of prosecutors, Judges’ association, Association of social workers.

2. Purpose of the evaluation
The purpose of this summative evaluation is to determine to what extent have all implemented measures improved the justice for children system to be more appropriate and in line with relevant international standards, and what contribution has the IPA 2013 project in particular made to the current situation.

As it was described above, even though the Juvenile Justice Law entered into force in 2006, reforms in this area accelerated in 2010 and a lot of efforts were invested in establishment and reform of the justice for children system in Serbia since then. That is the reason why this summative evaluation should take this year as a starting point. As one of the most comprehensive projects – the above mentioned IPA 2013 project which has, for the first time, taken a more comprehensive approach of the whole justice system relevant for children is coming to an end in 2017, one cycle of reform will be concluded. Hence, in order to continue with reforms of the justice system that is accessible to children, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, it is necessary to reflect and evaluate what has been achieved in this 7-year period and what were effects of interventions of two big projects in this area that were implemented continuously from 2010 to date. In addition, it is expected that this summative evaluation will be able to identify key challenges and opportunities for further progress, as well as to provide the relevant stakeholders with a set of clear recommendations for further programming of the reforms in the forthcoming period.

Intended Audience
The knowledge that this summative evaluation generates will be used by:
The MoJ and MoLEVSA as the key stakeholders – the evaluation will be an important source of information for future policy work and strategic programming in the area of justice for children. More specifically, the evaluation should identify the best approaches that were undertaken over the 7-year period and help further planning and implementation of justice for children policies and address recognized weaknesses and lessons learned;
Professionals in judiciary and social welfare system (judges, prosecutors, CSW professionals and service providers) – the evaluation will be used as a ground for evidence-based contribution and active participation in reform processes;
EU and UNICEF that support justice for children system reforms – for future programming and implementing new programmes to support reforms of justice for children system;
Other relevant institutions in the justice system – since their driving role is essential in improving practices, delivery of training and contributing to sustaining motivated and reform-oriented critical mass within the justice for children system;
Civil society organisations (both those providing services and those that have advocacy and monitoring role) participating in the process of reform of justice for children system – in order to inform them about which approaches were the most successful in advancing reform initiatives, what were their main weaknesses and how could they be addressed in future and to further monitor and advocate for advancements in justice for children reform;

The main evaluation findings and recommendations will be presented and discussed with key stakeholders and the full text of the evaluation report will be shared with all other relevant stakeholders.

3. Evaluation objectives
The main objectives of this summative evaluation are to:
Provide evidence to main stakeholders on the progress achieved so far related to the selected measures of the reform of the justice for children system in terms of their relevance, effectiveness, efficiency and sustainability and impact on the status of different vulnerable groups (girls, boys, Roma, children with disabilities and mental health issues) in contact with the justice system.
Identify main drivers for change and main bottlenecks for advancement of implementation of system of justice for children and gaps in approaches, system-wide.
Assess contribution in this area of the relevant components of the project “Improving the delivery of justice in Serbia” implemented by IMG in partnership with MoJ (from December 2010 to December 2014) and in close collaboration with UNICEF.
Assess contribution in this area of the relevant components of the EU supported IPA 2013 project “Strengthening the justice and social welfare systems to advance the protection of children in Serbia” implemented by UNICEF in partnership with MoJ and MoLEVSA (from July 2014 – July 2017).
Provide feasible recommendations aimed at future programming and advancing justice for children system, including specific recommendations addressing integration of gender, equity issues and child rights in justice system, in the period of next 5 years.

4. Evaluation scope
This summative evaluation should be envisioned as nation-wide and should cover the period from December 2010 to April 2017. It should include all levels of administration from the national to the local one in the whole country. The component related to children in conflict with the law was implemented only in four biggest towns in Serbia – Belgrade, Kragujevac, Nis and Novi Sad, so evaluation of this component should be limited to these four towns only.

The evaluation should cover the following thematic areas and related results:
  a) Children in conflict with the law – improvement of application of diversionary measures and alternative sanctions through 1) piloting interventions for children in conflict with the law and their families in four above mentioned cities and 2) supporting development of documents of relevance for their mainstreaming;
  b) Child victims and witnesses of crime – implementation of protection measures in practice through: 1) capacity building and 2) development of relevant practical guidelines;
c) Children in civil proceedings – implementation of right of the child to participate in civil proceedings and of principle of the best interests of the child through: 1) capacity building and 2) development of relevant practical guidelines for professionals;
d) Children as beneficiaries of free legal aid – improvement of capacities of free legal aid providers.

When all four areas are concerned the evaluation should specifically look at how these interventions affected girls, children with disabilities and mental health issues and Roma children even though these groups have not been specifically dealt with by the reform initiatives in the context of justice for children system.

The evaluation should not cover the reform interventions relevant for children deprived of liberty in juvenile justice institutions.

OECD-DAC standard evaluation criteria shall be applied as evaluation criteria and the evaluation should be guided by the Norms and Standards of the United Nations Evaluation Group.

5. Evaluation framework
The evaluation questions listed below should serve as indication and a guide to evaluators in developing the full set of questions and the evaluation matrix that should respond to evaluation objectives.

1. Assessing relevance / to what extent are the implemented justice for children measures relevant to the needs of stakeholders and right holders of the justice system in Serbia?

To what extent have different interventions/measures been relevant to influence development of the justice for children system and system changes? What interventions have been the most relevant and which ones have been the least relevant?
Have interventions/measures that were designed and implemented to influence development of a justice for children system and system changes, taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages?
To what extent have different measures implemented by both IMG project and IPA 2013 project been relevant for improving quality of justice for children system?

2. Assessing effectiveness / to what extent have the initial goals of development of justice for children system been meet?

How effective have interventions, which are the object of this evaluation, been in improving the justice for children system?
To what extent have efforts so far contributed to the improvement of competencies of professionals in judiciary and social welfare system to implement justice for children measures in their work?
To what extent have implemented measures focused on development of community–based services, been successful in working with child offenders and child victims and witnesses of crime?
To what extent have interventions been effective in increasing the number and improvement of quality of diversionary measures and alternative sanctions?
To what extent have implemented interventions contributed to the capacity of the justice and social welfare system to respond to the needs of children as victims and witnesses in criminal proceedings?
To what extent have implemented interventions contributed to the capacity of the justice and social welfare system to respond to the needs of children in civil proceeding cases?
To what extent have interventions aimed at improving access to free legal aid in specific areas for children, been effective?
Have the implemented interventions provided any additional (not expected) significant contribution/outcomes towards improvement of justice for children system?
Are there system bottlenecks that have not been identified or addressed by either the government or its partners (including UNICEF), or which the government and its partners have not been able to remove? And what are the reasons for that?

3. Assessing sustainability / to what extent are the results achieved sustainable?

To what extent does legislation in this area support implementation and further development of the justice for children system?
To what extent is the justice for children concept supported by other systems and was synergy with supporting initiatives in other sectors achieved?
To what extent are new knowledge and skills integrated into regular activities of professionals working with children involved in justice system and their families?
To what extent have national and local level stakeholders been involved in the design, implementation and monitoring of the development of justice for children system?
What is the likelihood that the national and local self-government will allocate sufficient resources needed to support services, in particular those related to implementation of diversionary measures and services providing support to children in court proceedings?
To what extent have the courts, prosecution offices and CSWs endorsed justice for children as a dominant concept when dealing with children in justice system?
To what extent does civil society support the concept of justice for children?

4. Assessing impact / to what extent has the introduction of justice for children impacted children, particularly children from marginalised groups?

To what extent have the introduced changes contributed to improvement of access to justice for marginalised children?
How has introduction of justice for children concept impacted different actors in the justice process (members of judiciary, CSW professionals, service providers, decision makers, local community, society etc.)?
What are the interventions that have had the most prominent impact on children?
To what extent have the initiatives been sustained and to what extent has scaling up taken place in other courts/prosecution offices/CSWs?

5. Assessing efficiency / to what extent did the management of the reform of justice for children system ensure timelines and efficient utilization of resources?

To what extent have different interventions/measures contributed to increasing efficiency of court procedures concerning children?
To what extent were different interventions/measures implemented in a timely manner?
Have available resources invested in development of justice for children system been used in a strategic and cost-effective manner?
Has the use of resources been well-coordinated to encourage synergy and avoid overlaps? More specifically, has MoJ been successful in playing a catalytic role and using its core resources strategically to leverage partners’ funding for justice for children reforms?

In addition to the 5 main evaluation criteria, the evaluation shall also focus on assessing human rights-based approach and relevant cross-cutting issues. More specifically, it should look into the extent of the project outcomes’ contribution to achievement of children’s rights and how the interventions contributed to addressing key cross-cutting issues?
Do the implemented measures actively contribute to the promotion of child rights?
To what extent and how do the implemented measures ensure an equity focus?
Do the measures reflect gender mainstreaming issues?
6. Methodology

The evaluation methodology will be guided by the Norms and Standards of the United Nation Evaluation Group (UNEG).\textsuperscript{32} (http://www.uneval.org/normsandstandards/indexes.isp?doc_cat_source_id=4)

The approach followed from the onset of the evaluation will be as participative as possible. Stakeholders will participate at all levels of the evaluation, through discussions, consultations and revisions of draft documents. In gathering data and views from all relevant stakeholders, the evaluation team will ensure that it considers a cross-section of stakeholders with potentially diverse views to ensure findings are as impartial and representative as possible. The evaluation will employ relevant internationally agreed evaluation criteria of relevance, efficiency, effectiveness, early impacts, and sustainability. Further, the evaluation shall have an equity focus on implementation of justice for children that benefited children of different backgrounds e.g. Roma children, children with disabilities, girls and boys.

The methodology should demonstrate impartiality and lack of biases by relying on a cross-section of information sources (e.g. stakeholder groups, including beneficiaries, etc.) and using mixed methodologies of data collection (e.g. quantitative, qualitative, participatory) to ensure triangulation of information through a variety of means. It will be the task of the evaluators to propose a methodology that will be used for information gathering to ensure adequate territorial and administrative representation. The contractor will use the desk review to get familiar with the policy basis, relevant project documents and other means of verification / sources of information listed below (state and non-state actors’ reports).

As it was mentioned above, there is no explicit ToC for development of justice for children system in Serbia but it will be reconstructed by UNICEF for the purpose of this evaluation and shared to the chosen contractor in due course. The IPA 2013 project has an extensive log-frame and Description of action, both of which are being used to retroactively define the ToC. In addition, the previously mentioned assessment study from 2010\textsuperscript{33} will also be used as a reference document in establishing the baseline.

The contractor should develop more precise evaluation work plan that will allow insight into both national and local level. The guiding questions for the evaluation against defined evaluation criteria will be further elaborated through evaluation matrix and used as a basis for development of the main data collection instruments (interviews, focus groups and observations). When designing the methodology, the Evaluation Team should take into consideration the lack of reliable data at the national and local levels, particularly as it relates to the total numbers of children from different vulnerable groups (Roma, children with disabilities and developmental difficulties, boys/girls ratio, etc.) and the number of these children in contact with the justice system. It will be necessary for the Evaluation Team to consider ways in which to use available data by triangulating from different sources.

The Evaluation Team will be responsible to ensure the evaluation reflects UNICEF’s human rights–based approach to programming – principles, policies and standards. The Evaluation Steering Committee will play a key role to ensure that the evaluation process is ethical\textsuperscript{34} and that participants in the evaluation process can openly express their opinion.

\textsuperscript{32} UNEG Norms: http://www.uneval.org/indexAction.cfm?module=Library&action=GetFile&DocumentAttachmentID=1491
\textsuperscript{33} “Assessment of Diversion, Alternative Sentences, and Child Victim Protection”, Don Cipriani, UNICEF, 2010
\textsuperscript{34} The role of the Evaluation Steering Committee in this context is key, given that the evaluation will not be reviewed by the Ethical Review Board.
The sources of information will be protected, and known just to the Evaluation Team, as stated in the UNEG Guidance on Integrating human-rights and gender equality in evaluation (see link below) – and complies with the organization’s commitment to gender mainstreaming as expressed in the Policy on Gender Equality and the Empowerment of Girls (http://www.uneval.org/documentdownload?doc_id=980&file_id=1294).

Since the evaluation envisages data collection from parents and children who were the beneficiaries of implemented interventions, the contractor is required to clearly identify any potential ethical issues and approaches as well as the processes for ethical review and oversight of the evaluation in their proposal. The Evaluation Steering Committee will review the proposal from the perspective of its compliance with the relevant ethical standards and approve instruments and procedures to be used when gathering information from children directly.

The Evaluation Team is responsible to ensuring the evaluation procedure respects the UNICEF’s Evaluation Technical Note “Children Participating in Research, Monitoring and Evaluation”.

The key stakeholders whose views should be taken into consideration during the evaluation include: MoJ
MoLEVSA
High Judicial Council and State Prosecutorial Council
Supreme Court of Serbia and Republic Public Prosecution Office
Higher court judges and higher public prosecutors and their deputies
Basic court judges and basic public prosecution and their deputies
Judicial Academy
RISP
Faculty of Political Science (Department for Social Work / Research Institute)
CSW and service providers
Civil society organisations
Rights holders – children and parents
UNICEF and other development partners and donor organisations

Limitations to the evaluation
As already noted, the package of interventions which are the object of this evaluation was not articulated in a formal ToC or a single strategic framework but emerged at a point in time as the set recognized by the key stakeholders to be the best fit to address issues related to justice for children reform. The very basic ToC is being articulated to serve as an orientation for this evaluation based on the IPA 2013 project Description of Action that includes a detailed justification for the results defined at different levels. This project also includes a detailed log-frame that includes baselines and targets for the defined results. The reconstructed ToC will provide more insights into how to link project and administrative data. Nevertheless this data has its own limitations and not all data can be disaggregated by ethnicity, disability status and gender.

Evaluability assessment

Specific documents developed in the observed period provide information on what was the status at the beginning of the process and what were the changes that were envisioned throughout different phases of development of justice for children system in Serbia. Evaluators will have to rely on the data collected by the Republic Statistical Office, MoJ, MoLEVSA, MoI, RISP, Supreme Court of Cassation and Republic Public Prosecution Office. These data have limited disaggregation, particularly those related to ethnicity and disability. In addition to this data, the evaluators will have access to project–based data from pilot initiatives. This data can be disaggregated by ethnicity and disability.
The range of reports and materials listed below provide additional sources of data describing the situation in the area of justice sector. They are as follows:

**Juvenile Justice Law**


“Mapping Resources of Local Communities for Implementation of Diversion Orders and Alternative Sanctions”, NGO Amity, IMG, 2011

"Improving the delivery of justice in Serbia" project implemented by IMG project proposal and log-frame (2010), relevant reports (2014), all project documents/outputs

Sector fiche – IPA National programmes / Component – Social Development

"Strengthening the justice and social welfare systems to advance the protection of children in Serbia" project implemented by UNICEF Description of action and log-frame (2014), relevant progress reports (2015, 2016), all project documents/outputs

Results Oriented Monitoring Mission Report (2016)

Republic of Serbia, Negotiation Group for Chapter 23, Action plan

Republic of Serbia, Negotiation Group for Chapter 23, Action plan implementation report (December 2016)

EU Progress report on Serbia, 2016

Serbia Government Second and Third progress report to the Committee on the Rights of the Child (2016)

RISP – Annual Reports (2014, 2015, 2016) on the work of CSW in relation to child offenders and children in civil and administrative proceedings

Administrative statistics on judiciary and juvenile justice, Statistical Office of the Republic of Serbia

Other relevant donor reports

Other relevant documents that provide a reference framework:

Convention on the Rights of the Child, 1989

UN Economic and Social Council, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Resolution 2005/20

Guidelines of the Committee of Ministers of the CoE on child friendly justice, adopted on 17 November 2010 at the 1098th meeting of the Ministers’ Deputies

UN Committee on the Rights of the Child, General Comment No. 10 (2007) on children’s rights in juvenile justice (CRC/C/GC/10)

UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard (CRC/C/GC/12)

UN Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14)

UN Committee on the Rights of the Child Concluding Observations for Serbia, CRC/C/SRB/CO/2–3, 2017

17 Sustainable Development Goals of 2030 Agenda for Sustainable Development, 2015


Full list of data sources and documents is given in the Annex 1 – List of documents and data sources.

All needed documents, together with a contact list of key stakeholders whose views should be taken into consideration, as well as both project implementing partners and consultants will be available to the Evaluation Team once a contractual agreement has been made. Since field visits cannot cover all justice-related institutions/stakeholders, criteria for selection of evaluation sample should be proposed by the evaluators and approved by the Evaluation Steering Committee.

**7. Work–plan and evaluation management**

**Proposed Timeline**

Evaluation will be implemented from 1st June to 30 November 2017.

<table>
<thead>
<tr>
<th>Description</th>
<th>Responsible</th>
<th>Timeline (by.)</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Preparatory phase:</td>
<td></td>
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<td>----------------------------------------------------------------------------------</td>
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<tr>
<td>Meeting of the Evaluation Steering Committee</td>
<td>MoJ, MoLEVSA and UNICEF</td>
<td>10 March</td>
</tr>
<tr>
<td>Development of ToR</td>
<td>MoJ, MoLEVSA and UNICEF</td>
<td>31 March</td>
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<tr>
<td>Public announcement of RfP</td>
<td>MoJ, MoLEVSA and UNICEF</td>
<td>15 April</td>
</tr>
<tr>
<td>Selection / contracting of agency</td>
<td>MoJ, MoLEVSA and UNICEF</td>
<td>25 May</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Evaluation:</th>
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</thead>
<tbody>
<tr>
<td>Desk review of the existing documents</td>
</tr>
<tr>
<td>Inception report (including evaluation work plan, presentation of methodological approach, instruments to be used, annotated outline of final Evaluation report)</td>
</tr>
<tr>
<td>Feed–back and approval of Inception report</td>
</tr>
<tr>
<td>Logistics (arranging meetings/ field visits/ interviews)</td>
</tr>
<tr>
<td>Field visit to Serbia (meeting / interviews with key partners and stakeholders)</td>
</tr>
<tr>
<td>De–briefing meeting with MoJ, MoLEVSA and key stakeholders</td>
</tr>
<tr>
<td>Submission of the draft Evaluation report</td>
</tr>
<tr>
<td>Feed–back on the draft Evaluation report</td>
</tr>
<tr>
<td>Submission of the final Evaluation report</td>
</tr>
<tr>
<td>Development of:</td>
</tr>
<tr>
<td>An Evaluation Executive summary with findings and recommendations from the main report;</td>
</tr>
<tr>
<td>A Power Point Presentation of the Final evaluation report.</td>
</tr>
</tbody>
</table>

Dissemination of Results:

| Delivery of presentation to the Evaluation Steering Committee and other stakeholders | Agency | 30 November |

Management and Supervision
This country–led evaluation will be managed by the Steering Committee chaired by both MoJ and MoLEVSA and administered by UNICEF. The Evaluation Steering Committee will consist of one representative of the following institutions:

MoJ
MoLEVSA
Supreme Court of Serbia
Republic Public Prosecution Office
Judicial Academy
UNICEF
The Evaluation Steering Committee will be involved in all critical phases of the evaluation and will have the following tasks:

- Quality assurance and approval of the ToR framework
- Approval of the final methodology (feed–back on Inception report and instruments) and approval of the Inception report
- Provision of inputs and validation of the recommendations
- Approval of the final Evaluation report
- Taking care that ethical principles are respected in the course of the evaluation

The management and administration of the evaluation, led by UNICEF (Child Protection Specialist and Child Rights Monitoring Specialist), will include drafting of the ToR, contracting of the Evaluation Team, liaison between the Evaluation Team and partners / stakeholders involved (supporting organisation of meetings / interviews and field visits), as well as quality assurance of the report.

Key intermediate tasks of the Agency/contractor:
- Carry out desk review of relevant documents and reports
- Develop detailed evaluation methodology and work plan – draft to be submitted as a part of the Inception report to UNICEF and Evaluation Steering Committee for approval, including key instruments
- Conduct data collection through field visits
- Prepare the draft Evaluation report with key findings, recommendations and lessons learned based on all sources of information used
- Based on feed–back provided by Evaluation Steering Committee and UNICEF, prepare and submit the final Evaluation report with all key findings, recommendations and lessons learned following the UNICEF Evaluation Report Standards
- Prepare Evaluation Executive summary with the key evaluation findings and recommendations for further dissemination
- Deliver presentation of the main evaluation findings and recommendations to UNICEF, Steering Committee and main stakeholders

Quality assurance process

The ToR, Inception report and draft/final Evaluation report will undergo external quality assurance review as part of the UNICEF quality assurance procedures. Each of the deliverables will be considered as final upon the review and approval of the Evaluation Steering Committee. The deliverables will be considered as of appropriate quality if rated with „satisfactory“ or „highly satisfactory“ by the external quality assurance facility.

Procedures and logistics

Timeframe for this work assignment is from the 1st June to 30 November 2017.

Meetings and field visits will be organized with the support of UNICEF and in close cooperation with MoJ and MoLEVSA.

UNICEF premises will be available during the time spent in Serbia, if needed. Printers, photocopying services, and other similar services will be provided by UNICEF. It is expected that contractor will bring their own laptops.

Who can apply

This is an institutional contract.
The evaluation will be conducted by an institution or consulting firm with expertise in evaluation of justice programmes and projects, justice for children policy and implementation, judicial statistics, justice policies and planning, quality of justice for children and coordination of research work. The institution/consulting firm will propose a multidisciplinary team of experts – led by an Evaluation Team Leader – in order to ensure technical expertise at each point of the evaluation. The Evaluation Team shall include national expertise (national individual experts/research institutes) and national logistics/support person for purpose of supporting organisation of meetings / interviews and field visits with stakeholders and providing translation/interpretation. UNICEF, MoJ and MoLEVSA shall approve all members of the team (national and international) upon receipt of individual CVs and work samples for the entire team, having particular consideration to gender balance and cultural diversity issues. UNICEF, MoJ and MoLEVSA reserve the right to request the replacement of any team member, at any time, throughout the evaluation process.

The core competencies required from the Evaluation Team is the following:

- Advanced degree in law or social sciences
- 8–10 years of expertise in the area of justice/justice for children
- Proven expertise on child rights and children in contact with justice system
- Proven expertise on gender equality and human rights
- Documented extensive evaluation expertise and experience in justice system
- Proven knowledge of the judicial system in Serbia
- Excellent communication and presentation skills in English
- Excellent analytical and report writing skills in English
- Familiarity with UNICEF’s mission and mandate an asset

While it is expected and understood that each of the team members has different competencies, the specific nature of each expertise required should be made explicit in the proposal and will be further discussed.

The Agency will be selected based on the following criteria:
Experience of the agency in conducting programme and sector evaluations, particularly in the area of justice for children – 20%
Technical expertise of the members of the evaluation team – 30%
Quality of the technical proposal – 30%
Value of the technical proposal (financial offer) – 20%

Products and payments

Deliverables:
Inception report (including evaluation work plan, presentation of methodological approach, instruments to be used, annotated outline of Final evaluation report35), to be presented and approved by Steering committee – by 31 July 2017
Interim (draft) evaluation report (draft findings, conclusions and recommendations from all data sources used in the evaluation) – by 15 October 2017
Final evaluation report (including summary), subject of approval by Steering Committee – by 15 November 2017
Development of the Evaluation Executive Summary and Power Point Presentation summarizing key findings and recommendations from the main report – by 15 November 2017
Delivery of Power Point Presentation of the evaluation to Steering Committee and other stakeholders – 30 November 2017

All the products shall be submitted in English and Serbian. The Agency will be paid in three instalments upon the completion of deliverables and UNICEF acceptance of deliverables as satisfactory. The final

35 See „UNICEF Evaluation Report Standards“.
The report will be considered accepted if it acquires at least satisfactory rate by the external UNICEF quality assurance facility. All the original invoices related to the contract (e.g. transportation costs, airport taxes, visa...) should be kept and submitted to UNICEF for reimbursement.

Resource requirements
Total funds not to exceed US$ 30,000 (depending on the offer)
Cost chargeable to: WBS: 8970/A0/06/881/001/002 Diversions and alternative sanctions

Outcome – All children have enhanced access to justice and benefit from strengthened mechanisms for monitoring and addressing human rights
Output – National Gov. and other stakeholders have increased capacity to ensure application of diversion schemes and alternative sanctions for juvenile offenders and to ensure to protection of children involved in criminal, civil and administrative proceedings, in line with international standards
Activity – Diversions and alternative sanctions
Funding source: SC140690 and NON–GRANT

Reference to the UNICEF Evaluation Report Standards
The Inception and final Evaluation reports should follow UNEG Norms and Standards, UNICEF Evaluation Report Standards and the GEROS Quality Assessment System. Inception report should have a maximum of 40 pages and final report should have a maximum of 50 pages, both without annexes.

The report template to be used for Inception report includes:
1. Opening pages and introduction
2. Context and description of the object of the evaluation
3. Purpose, objectives and scope of the evaluation
4. Evaluation framework
5. Methodology
6. Evaluation work-plan
7. Annexes

The report template to be used for draft/final Evaluation report includes:
Section A: Background
Section B: Evaluation purpose, objectives and scope
Section C: Evaluation methodology
Section D: Evaluation findings
Section E: Evaluation conclusions and lessons learned
Section F: Recommendations
Section G: Evaluation structure/presentation
Section H: Evaluation principles
Section I: Executive summary

Requested by: ____________________ Date: ________________
Katlin Brasic
Child Protection Specialist

Reviewed by: ____________________ Date: ________________
Severine Leonardi
Deputy Representative

Approved by:
Annex 1 – List of documents and data sources


“Mapping Resources of Local Communities for Implementation of Diversion Orders and Alternative Sanctions”, NGO Amity, IMG, 2011

“Improving the delivery of justice in Serbia” project implemented by IMG project proposal and log-frame (2010), relevant reports (2014), all project documents/outputs

Sector fiche – IPA National programmes / Component – Social Development

“Strengthening the justice and social welfare systems to advance the protection of children in Serbia” project implemented by UNICEF Description of action and log-frame (2014), relevant progress reports (2015, 2016), all project documents/outputs

Results Oriented Monitoring Mission Report (2016)

Republic of Serbia, Negotiation Group for Chapter 23, Action plan

Republic of Serbia, Negotiation Group for Chapter 23, Action plan implementation report (December 2016)

EU Progress report on Serbia, 2016

UN Committee on the Rights of the Child Concluding Observations for Serbia, CRC/C/SRB/CO/2–3, 2017

Serbia Government Second and Third progress report to the Committee on the Rights of the Child (2016)

RISP – Annual Reports (2014, 2015, 2016) on the work of CSW in relation to child offenders and children in civil and administrative proceedings

Administrative statistics on judiciary and juvenile justice, Statistical Office of the Republic of Serbia

Other relevant donor reports

Other documents:

Convention on the Rights of the Child, 1989

UN Economic and Social Council, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Resolution 2005/20

Guidelines of the Committee of Ministers of the CoE on child friendly justice, adopted on 17 November 2010 at the 1098th meeting of the Ministers’ Deputies

UN Committee on the Rights of the Child, General Comment No. 10 (2007) on children’s rights in juvenile justice (CRC/C/GC/10)

UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard (CRC/C/GC/12)

UN Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14)

UN Committee on the Rights of the Child Concluding Observations for Serbia, CRC/C/SRB/CO/2–3, 2017

17 Sustainable Development Goals of 2030 Agenda for Sustainable Development, 2015


Legislation

- Juvenile Justice Law
- Criminal Procedure Code
- Criminal Code
- Family Law
- Law on Civil Proceedings
- Law on Social Protection
7.2. Annex 2: Detailed layout of project activities with analysis of available data

Table 1: Activities, availability of data and comments for IMG project

<table>
<thead>
<tr>
<th>Activities</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Piloting of diversionary measures in four towns in Serbia: Belgrade, Kragujevac, Niš and Novi Sad | Available | Development of standards and procedures for application of diversionary measures  
By-law draft on guidelines for application of diversionary measures (not enacted to date)  
Outcome evaluation among juveniles and service providers (Tamara Dzamonja)  
Cost-benefit analysis (RISP)  
Trainings in Vrdnik (3 days) and Vršac (2 days) for 4 teams – agendas, materials used, list of participants and evaluations available  
Training in Niš, Novi Sad, Kragujevac and Belgrade for both CSW professionals and judges (or their assistants) outside piloted cities – agenda only available for Kragujevac, detailed ppt on evaluation available, list of participants and materials used available |
| Baseline and End-line studies of implementation of diversion orders and alternative criminal sanctions in juvenile justice system in Serbia from 2011 – 2014 | Available | Done by Amity |
| Short documentary ‘Diversionary measures – a step towards accepting responsibility’ | Available | |
| Study visit to Austria | Partly available | Programme and justification available, including the list of intended 8 participants  
Final report with participants, evaluation and follow-up activities unavailable |
| Capacity building of professionals working with children victims and witnesses of crime | Partly available | 3 trainings held in Belgrade and 1 in Novi Sad – all agendas available, evaluation available only for Novi Sad training, the lists of participants unavailable |
| Manual on protection of children victims and witnesses of crime | Available | |
| Furnishing of courts for child-friendly hearing premises | Available | Furnished courts included High Courts in Vranje, Niš, Belgrade and Novi Sad, as well as Basic courts in Pirot and Leskovac. Note that Basic and High courts in smaller communities share the same building, and thus also the equipment |
| Strengthening the Juvenile Justice Council | Not available | Final project report does not refer to this specific objective, nor does it list activities in this regard  
During inception period, UNICEF provided a summary of tentative activities implemented in this regard |

Table 2: Activities, availability of data and comments for IPA project – Result 1.1.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 111a Provide support to youth offending teams and relevant service providers enforcing diversionary schemes in four cities | Partly available | Reports from 6 planned national exchange events for teams available  
Training ‘A second chance for children – toward reintegration of juvenile offenders’ – list of participants |
<table>
<thead>
<tr>
<th>Component</th>
<th>Status</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>111b</td>
<td>Available</td>
<td>Preparing ‘Guidelines for guardianship authority report and opinion on profile of juvenile offender and proposed diversionary measure’ + Training on guardianship authority report. Guidelines available. Training ‘Role of CSW and other service providers in implementation of diversionary measures’, comprised of module A ‘Standards and procedures for implementation of diversionary measures’ and B ‘Preparation of report and opinion by CSW’. In total (A + B) 21 trainings held, list of participants available in word (possible to transfer into Excel), as well as detailed program and analysed evaluation sheets. Besides 4 pilot cities, CSW workers from 86 other CSW across country took part.</td>
</tr>
<tr>
<td>111c</td>
<td>Available</td>
<td>Assess outcomes of application of diversionary schemes through monitoring recidivism and assessing impact on juvenile and family. Done by Department of Social Work (Faculty of Political Sciences, University of Belgrade).</td>
</tr>
<tr>
<td>112</td>
<td>On-going</td>
<td>Further develop standards and procedures for provision of services concerning diversionary schemes and design intervention programme with juvenile offenders and their families (Handbooks on three diversionary schemes). /</td>
</tr>
<tr>
<td>113</td>
<td>Available</td>
<td>Provide trainings and support through continued certification of judges, prosecutors, CSWs, professionals and police officials in contact with juvenile offenders. Held in all 4 pilot towns for in total 80 judges and prosecutors, lists of participants (one in excel, others in scans – majority without emails) available, as well as evaluations. UNICEF CO confirmed that in this component education of police did not take place, as assessed they do not have authority in these issues, only included in the info sessions for children victims/witnesses and CSW professionals educated through the previously mentioned activity.</td>
</tr>
<tr>
<td>114</td>
<td>Available</td>
<td>Provide TA for defining amendments to the Juvenile Justice Law and relevant by-laws (retreat for MOJ working group) + organizing public discussions at regional levels and facilitate participation of academia and civil society in any parliamentary debate on the issue. Retreat held in Palić in 2015. Public discussion held in Kopaonik in 2016 where the new draft JJL was presented by the abovementioned MoJ Working Group. The draft has been made available at the MoJ website and opened for comments of professionals and practitioners from the whole country. Additional three studies done by dr. Milan Škulić in 2014, Faculty of Law, University of Belgrade.</td>
</tr>
<tr>
<td>115</td>
<td>Available</td>
<td>Provide TA for identifying/mapping out options for management of justice–for-children reforms in the MoJ. Done by dr. Milan Škulić, Faculty of Law, University of Belgrade.</td>
</tr>
<tr>
<td>116</td>
<td>Solved irrespective</td>
<td>Provide TA for defining changes to the system of valorisation of the work of prosecutors and judges. This issue has been solved at the level of High Judicial Council and State Prosecutorial Council in Year 1, irrespective of the project activities.</td>
</tr>
</tbody>
</table>
117 Ensure model pilot projects related to diversionary schemes are widely defined and well documented

<table>
<thead>
<tr>
<th>Activity</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>117 Ensure model pilot projects related to diversionary schemes are widely defined and well documented</td>
<td>Ongoing</td>
<td>To be finalised until the end of the project through Programme of interventions with juvenile offenders and their families and Publication on good practice examples of child-friendly justice that have arisen through this project.</td>
</tr>
</tbody>
</table>

118 Analyse financial costs and define mechanisms for long-term funding of diversionary schemes

<table>
<thead>
<tr>
<th>Activity</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>118 Analyse financial costs and define mechanisms for long-term funding of diversionary schemes</td>
<td>Ongoing</td>
<td>/</td>
</tr>
</tbody>
</table>

119 Communication materials – poster and leaflets – at least two annual conferences of justice or social welfare professionals – planner and calendar – one short video and humaninterest story

<table>
<thead>
<tr>
<th>Activity</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>119 Communication materials – poster and leaflets – at least two annual conferences of justice or social welfare professionals – planner and calendar – one short video and humaninterest story</td>
<td>Available</td>
<td>/</td>
</tr>
</tbody>
</table>

Additional activity

<table>
<thead>
<tr>
<th>Activity</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional activity</td>
<td>Available</td>
<td>Memorandum of understanding (MoU) for implementation of diversionary schemes and alternative sanctions for all relevant ministries MoU for service providers in local communities</td>
</tr>
</tbody>
</table>

Table 3: Activities, availability of data and comments for IPA project – Result 1.2.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2.1. Guidelines for a child hearing based on good practice examples from EU countries</td>
<td>Available</td>
<td>Guidelines for Forensic Interview of Child Victims and Witnesses of Crimes prepared by Gordana Buljan Flander</td>
</tr>
<tr>
<td>1.2.2. Equip premises with adequate technical equipment in 4 family support services</td>
<td>Available</td>
<td>Each of four Child victim support units equipped with mobile equipment for recording to conduct child-friendly hearings in appropriate environment - 1 specialised camera with a 180-degree viewing angle, sensitive microphone, laptop with recording software, secure Wi-Fi network and additional separate communication channel between the two sides (in-ear monitoring system), vehicle</td>
</tr>
<tr>
<td>1.2.3. Strengthen professional capacities for interviewing children</td>
<td>Partly available</td>
<td>Professionals from four Child victim support units made a study visit to the Child protection centre in Zagreb, programme, justification, final report and list of participants available. In total 3 trainings held – in Belgrade, Novi Sad and Niš. Belgrade and Novi Sad agendas, list of participants, materials used and final reports with evaluations are available. For Niš, the list of participants is available and materials used are available, but final report with evaluations unavailable. List of horizontal exchange meetings available. List of presentation of the units to the offices of the public prosecutor, basic and higher courts, and CSWs in each region and on conferences available</td>
</tr>
<tr>
<td>1.2.4. Hold information sessions on the theme in all municipalities for relevant courts, public prosecution offices, CSWs and police, place framed posters/reminders in halls of given institutions, provide leaflets and guidelines for all given institutions</td>
<td>Available</td>
<td>TOT for trainers who will hold information sessions (n=17), agenda, list of participants and final report including evaluations available. 89 info sessions held, 15–20 participants per sessions, scans of signatory lists, in total 1,015 participants – 393 judges, 180 public prosecutors, 247 representatives</td>
</tr>
</tbody>
</table>
Table 4: Activities, availability of data and comments for IPA project – Result 1.3.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Availability of data</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1. Guidelines for child participation in all civil proceedings which involve decisions related to the rights of the child</td>
<td>Available</td>
<td>Done by NGO Child Rights Centre and a Working Group consisting of 6 professionals – lawyers and psychologists with long experience of working with children in civil proceedings</td>
</tr>
<tr>
<td>1.3.2. Define instrument for assessing the ‘best interest of the child’ and advocate for its mandatory use</td>
<td>Available</td>
<td>Part of the activity 1.3.1.</td>
</tr>
<tr>
<td>1.3.3. Hold information sessions in all municipalities for relevant courts, public prosecution offices and CSWs</td>
<td>Available</td>
<td>TOT for trainers who will hold information sessions (n=14), agenda, list of participants and final report including evaluations available 90 info sessions held, in total 831 participants – 213 BC judges, 46 HC judges, 156 court assistants, 282 CSW representatives, 104 lawyers, 30 other institutions’ representatives</td>
</tr>
<tr>
<td>1.3.4. Define guidelines for guardianship authority report and ‘opinion’ for use of judicial bodies and strengthen guardianship authorities through trainings with the aim of enhancing quality and timeliness of reports</td>
<td>Available</td>
<td>Done by the NGO Child Rights Centre and a Working Group consisting of 4 professionals – lawyers and psychologists with long experience of working with children in civil proceedings</td>
</tr>
<tr>
<td>1.3.5. Provide TA for advancing regulations/policies for data management in courts so that the application of the principle of</td>
<td>Available</td>
<td>Done by Vesna Zajc (RISP) and Sonja Prostran (Multi Donor Trust Fund for Justice Sector Support)</td>
</tr>
</tbody>
</table>
1.3.6. Activities concerning the support to the process of drafting amendments to the Family Law (FL)  

<table>
<thead>
<tr>
<th>Activities</th>
<th>Availability</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.1 Mapping of free legal aid actors (e.g. NGOs, legal clinics, appointees of municipal governments) interested in working in the area of child rights and prepare an assessment of their capacities</td>
<td>Available</td>
<td>Done by NGO CRC</td>
</tr>
<tr>
<td>1.4.2. Strengthen capacities of free legal aid providers (minimum 12, from different parts of Serbia) through trainings</td>
<td>Available</td>
<td>5 trainings held (Belgrade n=16 + n=15 + n=15 + n=17, Zlatibor n=15) - agendas, materials used, list of participants, final report with evaluations and self-assessment of knowledge available</td>
</tr>
<tr>
<td>1.4.3. Support the establishment of a network of service providers who have identified child rights as one of their key areas of work</td>
<td>Available</td>
<td>Network of 36 organisations formed Online platform for exchange formed available at <a href="https://freedcamp.com/">https://freedcamp.com/</a></td>
</tr>
<tr>
<td>1.4.4. Analyse the work of free legal aid providers in order to better understand violations and extract recommendations for improving access to rights, including fostering dialogue with government through round-tables and other fora</td>
<td>Partly available</td>
<td>Analysis done by NGO CRC No data on round-tables with government on recommendations</td>
</tr>
</tbody>
</table>
| Additional activity                              | Available     | Advocacy activities:  
Network members organised local promotional activities in 8 local communities (n=44) and 3 round tables (Novi Pazar, Kragujevac and Belgrade) – final reports for local promotions, agendas, list of participants and final report for round tables available |

**Table 5:** Activities, availability of data and comments for IPA project – Result 1.4.

7.3. Annex 3: Consulted sources of information

**PROGRAMME DOCUMENTS (IPA and IMG project)**

- Project proposals/Description of Action
- Inception and progress reports
- Result frames
- Budgets
- Agendas, used materials, list of participants, evaluations and final reports from capacity building activities (when available)
- Prepared guidelines and manuals
- All commissioned studies prepared during the project implementation, including baseline and end-line studies in component 2, 3 and 4 and outcome mapping in component 1 and IMG
• Promotional materials and video contents
• Other outputs
• Results Oriented Monitoring (ROM) Mission Report (2016)
• UNICEF Country Programme Documents (CPDs) and progress reports

COMMISSIONED STUDIES


Satarić N. and D. Obradović, Analysis of diversion orders and alternative sanctions application practices in Serbia: Mapping resources of local communities for implementation of diversion orders and alternative sanctions, Belgrade, Amity, 2011

Satarić N. and D. Obradović, Progress analysis of implementing diversion orders and alternative sanctions application in the system of juvenile justice in Serbia, Belgrade, Amity, 2014

Džamonja Ignjatović, T., Evaluation of piloting diversion measures, 2015, unpublished

Busić, B., Cross-policy objectives concerning children and youth crime in Norway and Sweden, Belgrade, IMG, 2012

Rosenberger, R., Study on the legal framework and the practical implementation of diversion measures in Austria and Germany – Comparative analysis and impulses for reform supporting Serbia, Belgrade, IMG, 2011

Škulić, M., Organisation and Management of Juvenile Justice in the Ministry of Justice and Public Administration in Serbia – Analysis of the current state and identifying new possibilities, Belgrade, year unknown, unpublished

Škulić, M., Evaluation of diversionary schemes issued by juvenile justice public prosecutors – current state and potential changes, Belgrade, year unknown, unpublished

Škulić, M., Model obligatory state prosecutor guidelines for the implementation of diversionary schemes as a precondition for avoiding criminal prosecution of juvenile offenders – implementation of conditioned and unconditioned principle of opportunity, Belgrade, year unknown, unpublished

Škulić, M., Widening the possibility for implementation of the principle of opportunity for juvenile justice public prosecutors, Belgrade, year unknown, unpublished

Fiscal implications of applying diversion orders in the Republic of Serbia, RISP, year unknown, unpublished

Džamonja Ignjatović T., Outcome mapping of implementing diversion orders for children and youth in conflict with law, 2018, unpublished

End-line study for children victims and witnesses in criminal proceedings (*not formal title*)


**UNICEF EVALUATION STANDARDS**

- UNICEF – Adapted UNEG Evaluation Reports Standards (2017)
- UNICEF assessment grid for inception reports in CEE/CIS Region
- UNICEF Procedure for ethical standards in research, evaluation, data collection and analysis, (2015)
- UNICEF – How to design and manage Equity – focused evaluations (2011)

**LEGISLATION**

- Juvenile Justice Law
- Criminal Procedure Code
- Criminal Code
- Family Law
- Law on Civil Proceedings
- Law on Social Protection
- Draft Law on Free Legal Aid

**NATIONAL POLICY DOCUMENTS**

- Republic of Serbia, Negotiation Group for Chapter 23, Action plan
- Republic of Serbia, Negotiation Group for Chapter 23, Action plan implementation report (2016)
- EC Progress report on Serbia (2016)
- Serbia Government Second and Third progress report to the Committee on the Rights of the Child (2016)
- Annual Reports (2014, 2015, 2016) on the work of CSW in relation to child offenders and children in civil and administrative proceedings, RISP
- Administrative statistics on judiciary and juvenile justice, SOR

**INTERNATIONAL POLICY DOCUMENTS**

- Children’s rights in juvenile justice, CRC/C/GC/10, 25 April 2007
- Guidelines of the Committee of Ministers of the Council of Europe on child–friendly justice
Each in-depth interview, either individual or group, as well as focus group discussion will start with the presentation of the evaluation team and the evaluation objectives. Respondents will be given a consent form (see Annex 5) and the evaluation team member will familiarize them with its content.

In the consent form, mutual understanding is set, including voluntary participation of the respondents, their right to withdraw from the interview/focus group discussion at any moment, their right not to answer questions they are uncomfortable with, conditions under which the interviews/focus group discussions will take place and the information on usage of data gathered during this evaluation phase.

Interviews will usually last up to 60 minutes and focus group discussions up to 90 minutes with participation of at most 6 people. With consent of the participant/s, both data collection methods will be audio recorded in order to make later interpretation of collected data fully accurate.

In line with standard evaluation practices, the interviews and focus group discussions will be attended only by the evaluators and the interviewed people.

Each interview/focus group discussion will start with an introductory question for the interviewed people to determine their involvement in the programme.

Please note that interview guides only aim at guiding the interviews or focus groups and ensuring that the research team do not omit important elements during the discussions. Questions will not necessarily be asked in the order described in the following guides. Questions may vary depending on the reactions of participants. New points of interest may appear during discussions.

Interview guides are not prepared for High Judicial Council, Public Prosecutor Office, High Court of Cassation, and National Child Rights Council of the Government of Serbia as their roles related to the projects could not be reconstructed from the reviewed programme documentation and will be thus planned for interviews later into the field work.

**UNICEF CO**

Across components

Estimated time: 150 min

**Relevance**

In which way did UNICEF CO inform itself on the issues in the field of juvenile justice and more generally children in contact with judicial system prior to initiating the interventions? Did you rely on evidence-based problem analysis? If yes, please give details.

To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries?

To what extent are interventions designed in a way consistent with the priorities and policies of the Republic of Serbia?

To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?

To what extent was the issue of juvenile justice prominent in the UNICEF CPDs at the time of intervention design? To what degree were the intervention reflection of UN global and/or regional focus on these issues.

Did you consult other UNICEF County offices in search of good practices while designing the interventions?
To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?

To what extent have government authorities and other stakeholders (including the target groups) been involved in designing the interventions? Please give examples of their involvement.

Being a project partner, to what extent was UNICEF CO involved in designing the IMG project?

Are you familiar with other initiatives in this area in the Republic of Serbia? If so, to which extent are these interventions overlapping or complementary?

Can you describe how operational project partners were selected (namely RISP, NGO CRC, Judicial Academy)? Were any other partners considered but finally not included? If yes, why.

If it were not for donor funds (IMG, IPA), would the intervention be implemented in some other form/with some other funding? Please provide background if this was considered.

Looking back now, do you think that all relevant institutions have been involved in the interventions? If not, which ones do you consider were left out?

Looking back now, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?

In your understanding, are some needs relating to protecting of children in contact with judicial system not addressed? If yes, which ones and why.

Effectiveness

To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and alternative sanctions (output 1 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed new mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have implemented interventions contributed to the capacity/competences (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have free legal aid providers been capacitated to provide quality support as a response to child rights violations in education, health and social protection, and are connected to provide horizontal support to each other (output 4 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent has the IMG project strengthen Juvenile Justice Council, as one of its objectives?

Impact

To what extent have the interventions contributed to supporting the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (per current ToC – outcome 1)?

To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and can overcome trauma through support (per current ToC – outcome 2)?

To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (per current ToC – outcome 3)?

To what extent have the interventions contributed to children getting high quality advice as a response to violations of their rights in education, health and social protection (per current ToC – outcome 4)?

To what extent have the implemented measures ensured the equity focus (girls, Roma children, children with disability, children with multiple disadvantages)?
Have the activities of the project resulted in unforeseen negative and/or positive impact?

**Efficiency**
Do you consider that your staff, involved stakeholders and consultants and experts were numerous and qualified enough to implement the project? How many people were involved in the implementation of the program? What were the positions and role of each of the people involved in the program?
How were national and international experts and consultants selected to support the implementation of the program?
According to you, to what extent have UNICEF and other stakeholders make good use of their financial and technical resources? Were any synergies secured. If yes, give examples.
How do you assess the collaboration and communication with the key partners? Were there any emerging issues?
Were the key responsibilities for implementation made clear to the stakeholders in charge of implementation? Were there any complaints in that regard?
How do you assess the collaboration and communication with national and international experts and consultants?
How do you rate the ratio between the resources used and the results of the program? Can you explain why? Do you have a point of reference to compare it against some other projects?
Why was there a need for time extensions in implementing the project?
How were the decisions on which activities to implement in each year of implementation being made?
To which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
What was the role of the Steering committee? In which way its existence has contributed to the project implementation?
In your opinion, how successful were the projects in communicating the results and sharing best practices?
Would you in any specific aspect manage the project differently? If yes, please explain.

**Sustainability**
In which aspects you think sustainability is the most likely to be expected and in which aspects the least, why? Can you identify the key factors that will facilitate or diminish the sustainability of interventions?
Is there any indication of national and local stakeholders’ commitment and support beyond the end of the intervention? If yes, in which way.
To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the programme?
How do you see the role of UNICEF in future implementation of similar programs?

Is there anything that was not covered with these questions but you feel that should be noted?

**MoJ/MoLEVSA**
Across components
Estimated time: 90 min

**Relevance**
To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries?
To what extent are interventions designed in a way consistent with the priorities and policies of the Republic of Serbia?
To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?
To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions? 

To what extent has the MoJ/MoLEVSA been involved in the design of the interventions? 

Are you familiar with other initiatives in this area in the Republic of Serbia? If so, to which extent are these interventions overlapping or complementary? 

Looking back now, do you think that all relevant institutions have been involved in the interventions? If not, which ones do you consider were left out? 

Looking back now, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently? 

In your understanding, are some needs relating to protecting of children in contact with judicial system not addressed? If yes, which ones and why.

Effectiveness 

To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and alternative sanctions (output 1 per ToC)? What were the key factor contributing to/disabling this achievement? 

To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed new mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2 per ToC)? What were the key factor contributing to/disabling this achievement? 

To what extent have implemented interventions contributed to the capacity/competences (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3 per ToC)? What were the key factor contributing to/disabling this achievement? 

To what extent have free legal aid providers been capacitated to provide quality support as a response to children rights violations in education, health and social protection, and are connected to provide horizontal support to each other (output 4 per ToC)? What were the key factor contributing to/disabling this achievement? 

To what extent has the IMG project strengthened Juvenile Justice Council, as one of its objectives? 

Impact 

To what extent have the interventions contributed to supporting the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (per current ToC – outcome 1)? 

To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and can overcome trauma through support (per current ToC – outcome 2)? 

To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (per current ToC- outcome 3)? 

To what extent have the interventions contributed to children getting high quality advice as a response to violations of their rights in education, health and social protection (per current ToC- outcome 4)? 

Have the activities of the project resulted in unforeseen negative and/or positive impact? 

Efficiency 

Do you consider that UNICEF staff, involved stakeholders and consultants and experts were numerous and qualified enough to implement the project?
Where your roles clearly communicated?
How were national and international experts and consultants selected to support the implementation of the program?
According to you, to what extent have UNICEF and other stakeholders make good use of their financial and technical resources? Were any synergies secured? If yes, give examples.
How do you assess the collaboration and communication with the key partners? Were there any emerging issues?
How do you assess the collaboration and communication with national and international experts and consultants?
How do you rate the ratio between the resources used and the results of the program? Can you explain why? Do you have any point of reference to compare it against some other projects?
Why there was a need for time extensions in implementing the project?
How were decisions which activities to implement in each year of implementation being made?
To which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
What was the role of the Steering committee? In which way its existence has contributed to the project implementation?
In your opinion, how successful were the projects in communicating the results and sharing best practices?
Would you in any specific aspect manage the project differently. If yes, please explain.

**Sustainability**
In which aspects you think sustainability is the most likely to be expected and in which aspects the least, why? Can you identify the key factors that will facilitate or diminish the sustainability of interventions?
In which aspects can your Ministry commit and provide support beyond the end of the intervention? How do you see the role of your Ministry in future implementation of similar programs?
To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the programme?

Is there anything that was not covered with these questions but you feel that should be noted?

**RISP**
Component 1, 2 and 3
Estimated time: 90 min

**Relevance**
To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries?
To what extent are interventions designed in a way consistent with the priorities and policies of the Republic of Serbia?
To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?
To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
To what extent has RISP been involved in the design of the interventions?
Are you familiar with other initiatives in this area in the Republic of Serbia? If so, to which extent are these interventions overlapping or complementary?
Looking back now, do you think that all relevant institutions have been involved in the interventions? If not, which ones do you consider were left out?

Looking back now, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?

In your understanding, are some needs relating to protecting of children in contact with judicial system not addressed? If yes, which ones and why.

**Effectiveness**

To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and alternative sanctions (output 1 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed new mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have implemented interventions contributed to the capacity/competences (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent has the IMG project strengthen Juvenile Justice Council, as one of its objectives?

**Impact**

To what extent have the interventions contributed to supporting the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (per current ToC – outcome 1)?

To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and can overcome trauma through support (per current ToC – outcome 2)?

To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (per current ToC – outcome 3)?

Have the activities of the project resulted in unforeseen negative and/or positive impact?

**Efficiency**

Do you consider that UNICEF staff, involved stakeholders and consultants and experts were numerous and qualified enough to implement the project?

Where your roles clearly communicated?

How were national and international experts and consultants selected to support the implementation of the program?

According to you, to what extent have UNICEF and other stakeholders make good use of their financial and technical resources? Were any synergies secured? If yes, give examples.

How do you assess the collaboration and communication with the key partners? Were there any emerging issues?

How do you assess the collaboration and communication with national and international experts and consultants?

How do you rate the ratio between the resources used and the results of the program? Can you explain why? Do you have any point of reference to compare it against some other projects?

Why there was a need for time extensions in implementing the project?

How were decisions which activities to implement in each year of implementation being made?
To which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
What was the role of the Steering committee? In which way its existence has contributed to the project implementation?
In your opinion, how successful were the projects in communicating the results and sharing best practices?
Would you in any specific aspect manage the project differently. If yes, please explain.

Sustainability
In which aspects you think sustainability is the most likely to be expected and in which aspects the least, why? Can you identify the key factors that will facilitate or diminish the sustainability of interventions?
In which aspects can your Institute commit and provide support beyond the end of the intervention? How do you see the role of your Institute in future implementation of similar programs?
To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the programme?

Is there anything that was not covered with these questions but you feel that should be noted?

NGO CRC
Component 2, 3 and 4
Estimated time: 90 min.

Relevance
To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries?
To what extent are interventions designed in a way consistent with the priorities and policies of the Republic of Serbia?
To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?
To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
To what extent has NGO CRC been involved in the design of the interventions?
Are you familiar with other initiatives in this area in the Republic of Serbia? If so, to which extent are these interventions overlapping or complementary?
Looking now back, do you think that all relevant institutions have been involved in the interventions? If not, which ones do you consider were left out?
Looking now back, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?
In your understanding, are some needs relating to protecting of children in contact with judicial system not addressed? If yes, which ones and why.

Effectiveness
To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and alternative sanctions (output 1 per ToC)? What were the key factor contributing to/disabling this achievement?
To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed
new mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have implemented interventions contributed to the capacity/competences (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent have free legal aid providers been capacitated to provide quality support as a response to child rights violations in education, health and social protection, and are connected to provide horizontal support to each other (output 4 per ToC)? What were the key factor contributing to/disabling this achievement?

To what extent has the IMG project strengthen Juvenile Justice Council, as one of its objectives?

Impact
To what extent have the interventions contributed to supporting the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (per current ToC – outcome 1)?

To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and can overcome trauma through support (per current ToC – outcome 2)?

To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (per current ToC – outcome 3)?

To what extent have the interventions contributed to children getting high quality advice as a response to violations of their rights in education, health and social protection (per current ToC – outcome 4)?

Have the activities of the project resulted in unforeseen negative and/or positive impact?

Efficiency
Do you consider that UNICEF staff, involved stakeholders and consultants and experts were numerous and qualified enough to implement the project?

Where your roles clearly communicated?

According to you, to what extent have UNICEF and other stakeholders make good use of their financial and technical resources? Were any synergies secured? If yes, give examples.

How do you assess the collaboration and communication with the key partners, including UNICEF? Were there any emerging issues?

How do you assess the collaboration and communication with national and international experts and consultants?

How do you rate the ratio between the resources used and the results of the program? Can you explain why? Do you have any point of reference to compare it against some other projects?

Why there was a need for time extensions in implementing the project?

How were decisions which activities to implement in each year of implementation being made?

To which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?

What was the role of the Steering committee? In which way its existence has contributed to the project implementation?

In your opinion, how successful were the projects in communicating the results and sharing best practices?

Would you in any specific aspect manage the project differently. If yes, please explain.

Sustainability
In which aspects you think sustainability is the most likely to be expected and in which aspects the least, why? Can you identify the key factors that will facilitate or diminish the sustainability of interventions?
In which aspects can your NGO commit and provide support beyond the end of the intervention? How do you see the role of NGO CRC in future implementation of similar programs?
To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the programme?

Is there anything that was not covered with these questions but you feel that should be noted?

**Judicial Academy**
Component 1, 2 and 3
Estimated time: 75 min.

**Relevance**
To what extent do you think that the interventions were/are relevant to the needs of the target group and final beneficiaries?
To what extent are interventions designed in a way consistent with the priorities and policies of the Republic of Serbia?
To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?
To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages? To what degree was this seen as a priority during designing the interventions?
To what extent has the Judicial Academy been involved in the design of the interventions?
Were the project activities overlapping or complementary to the regular work of Judicial Academy?
Looking back now, do you think that all relevant institutions have been involved in the interventions? If not, which ones do you consider were left out?
Looking back now, what is your opinion of the focus of the designed components and approach/activities used? Would you now design the interventions in any aspect differently?
In your understanding, are some needs relating to protecting of children in contact with judicial system not addressed? If yes, which ones and why.

**Effectiveness**
To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and alternative sanctions (output 1 per ToC)? What were the key factor contributing to/disabling this achievement?
To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed new mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2 per ToC)? What were the key factor contributing to/disabling this achievement?
To what extent have implemented interventions contributed to the capacity/competences (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3 per ToC)? What were the key factor contributing to/disabling this achievement?
To what extent have free legal aid providers been capacitated to provide quality support as a response to child rights violations in education, health and social protection, and are connected to provide
horizontal support to each other (output 4 per ToC)? What were the key factor contributing to/disabling this achievement?
To what extent has the IMG project strengthen Juvenile Justice Council, as one of its objectives?

**Impact**
To what extent have the interventions contributed to supporting the change of behaviour of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (per current ToC – outcome 1)?
To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and can overcome trauma through support (per current ToC – outcome 2)?
To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (per current ToC – outcome 3)?
To what extent have the interventions contributed to children getting high quality advice as a response to violations of their rights in education, health and social protection (per current ToC – outcome 4)?
To what extent have the implemented measures ensured the equity focus (girls, Roma children, children with disability, children with multiple disadvantages)?
Have the activities of the project resulted in unforeseen negative and/or positive impact?

**Efficiency**
Do you consider that UNICEF staff, involved stakeholders and consultants and experts were numerous and qualified enough to implement the project?
Where your roles clearly communicated?
How were national and international experts and consultants selected to support the implementation of the program?
According to you, to what extent have UNICEF and other stakeholders make good use of their financial and technical resources? Were any synergies secured? If yes, give examples.
How do you assess the collaboration and communication with the key partners? Were there any emerging issues?
How do you assess the collaboration and communication with national and international experts and consultants?
How do you rate the ratio between the resources used and the results of the program? Can you explain why? Do you have any point of reference to compare it against some other projects?
Why there was a need for time extensions in implementing the project?
How were decisions which activities to implement in each year of implementation being made?
To which extent did the monitoring system allow you and other stakeholders to assess the level of achievement of planned outputs and outcome throughout the project?
What was the role of the Steering committee? In which way its existence has contributed to the project implementation?
In your opinion, how successful were the projects in communicating the results and sharing best practices?
Would you in any specific aspect manage the project differently. If yes, please explain.

**Sustainability**
In which aspects you think sustainability is the most likely to be expected and in which aspects the least, why? Can you identify the key factors that will facilitate or diminish the sustainability of interventions?
In which aspects can Judicial Academy commit and provide support beyond the end of the intervention?
How do you see the role of Judicial Academy in future implementation of similar programs?
To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the programme?
Is there anything that was not covered with these questions but you feel that should be noted?

**Juvenile judges and prosecutors – member and non-members of the youth teams, CSWs – members of the youth teams and Service providers**

Component 1

*Estimated time: 45–75 min*

**Relevance**

How did you find out about the possibility to take part in the capacity building activities with this intervention? How were you selected to take part?

Do you think that the implemented capacity building activities were relevant to your needs? If yes, please explain in what way.

What is your opinion of the approach used for the program of trainings and horizontal exchanges among the teams?

To what extent has the trainings referred to gender equality, children with disabilities, children belonging to minority groups, if any?

Are you familiar with other institutions that have conducted similar activity in supporting judges/state attorneys/CSW in applying diversionary measures and alternative sanctions? If so, to which extent are these interventions overlapping or complementary?

Do you recall taking part in the IMG project, through capacity building activities? If yes, in which way?

Do you think that all relevant institutions have been involved to ensure applying diversionary measures and alternative sanctions? If not, which ones do you consider were left out?

**Effectiveness and Impact**

What is your opinion of the trainings’ content, design, delivery, organization and evaluation? How would you grade them based on these aspects?

To what extent have the capacity building activities enhanced your capacities in matters relating to diversionary measures and alternative sanctions? Did they contribute to change of your behaviors and practices when dealing with juvenile offenders? Can you provide examples of practices you have been able to implement and practices you have not been able to implement after the trainings?

To what extent have the capacity building activities changed your behaviors and practices towards gender equality, children with disabilities, or children belonging to minority groups, if any?

Only for members of the youth teams: What is your attitude towards creation of the youth teams? How is cooperation conducted and has this changed your work with juvenile offenders? How do you assess communication/coordination among the members? Are there any emerging issues?

Have the capacity building activities contributed to better coordination between all relevant actors in applying diversionary measures and alternative sanctions? Please elaborate!

Although not formally adopted, how do you asses the appropriateness of a by-law on guidelines for application of diversionary measures?

Did you witness any changes in children who went through diversionary measures/alternative sanctions? In which aspects do you feel the system needs to be improved for better results?
Have the activities resulted in any unforeseen impact, whether positive or negative?

Are you aware of existence of Juvenile Justice Council? How do you see its role?

**Sustainability**

What additional support do you need to implement the content presented at trainings?

Can you identify key factors that will facilitate the sustainability of the program/strengthen implementation of the justice for children system in the Republic of Serbia?

Can you identify key factors that will diminish the sustainability of the program?

How do you see your role in implementation of justice for children in the future?

Is there anything that was not covered with these questions but you feel that should be noted?

**Judges (criminal and civil), State attorneys, CSW professionals and Bar members who participated in the info sessions**

Component 2 and 3

*Estimated time: 40–60 min*

**Relevance**

How did you find out about the info sessions? How were you selected to take part?

Do you think that the implemented info sessions were relevant to your needs? If yes, please explain in what way.

Sub–question for criminal judges/prosecutors only: Do you actually work with children victims and witnesses? If yes, how often.

What is your opinion of the approach used for the program of info sessions and distribution of Guidelines (*Guidelines for Forensic Interview of Child Victims and Witnesses of Crimes/Guidelines for child participation in all civil proceedings which involve decisions related to the rights of the child)*?

To what extent has the info sessions and the guidelines referred to gender equality, children with disabilities, children belonging to minority groups, if any?

Are you familiar with other institutions that have conducted similar activity in supporting judges/state attorneys/CSW/police/Bar members regarding protection of child victims and witnesses/children in civil proceedings? If so, to which extent are these interventions overlapping or complementary?

Participants in component 2 (victims/witnesses) only: Do you recall taking part in the IMG project, through capacity building activities? If yes, in which way?

Do you think that all relevant institutions have been involved in the info sessions to ensure increased protection to children from secondary victimization/to ensure children voices are heard in civil proceedings? If not, which ones do you consider were left out?

**Effectiveness and Impact**

What is your opinion of the info sessions’ content, design, delivery, organization and evaluation? How would you grade them based on these aspects?

To what extent did the info sessions contribute to enhance your capacities in matters relating to child victims and witnesses in criminal proceedings/ensuring the right of the child to be heard in civil...
proceedings? Did they contribute to change of your behaviors and practices when dealing with child victims and witnesses/children in civil law proceedings? Can you provide examples of practices you have been able to implement and practices you have not been able to implement after the info sessions and the Guidelines?

To what extent has the info sessions and the guidelines changed your behaviors and practices towards gender equality, children with disabilities, or children belonging to minority groups, if any?

For criminal judges/prosecutors only: To what extent has the court at which you work developed its audio–visual equipment to provide better protection to children when interviewing victims and witnesses? Who is using it, how often and in which way? Please describe!

For criminal judges/prosecutors only: How many times children victims and witnesses are being interviewed during the criminal proceedings? Has this changed in any way after the info sessions and the Guidelines?

For criminal judges and prosecutors only: What is your attitude towards creation of the Units for Child victims support in improving the rights of child victims and witnesses of crimes? Do you cooperate with them? If yes, how the cooperation is conducted and has this changed your work with children victims and witnesses? How do you assess communication/coordination with Units for child victim support? Are there any emerging issues?

Have the info sessions contributed to better coordination between all relevant actors in protection of children victims and witnesses/children in civil proceedings? Please elaborate!

Are you aware of existence of Juvenile Justice Council? How do you see its role?

Have the activities resulted in any unforeseen impact, whether positive or negative?

Sustainability

What additional support do you need to implement the content presented at info sessions and guidelines?

Can you identify key factors that will facilitate the sustainability of the program strengthen implementation of justice for children system in the Republic of Serbia?

Can you identify key factors that will diminish the sustainability of the program?

How do you see your role in implementation of justice for children in the future?

Is there anything that was not covered with these questions but you feel that should be noted?

Units for Child victims/witnesses support

Component 2 + IMG

Estimated time: 75 min

Relevance

How and why was your institution selected to become a Child victims/witnesses Unit? Please explain the selection process!

What is the mandate of your Unit? Is it based on any legal provisions of the Serbian law, if yes: which one; if not: what is the legal base for your operation? Have you encountered any problems such as denial of your legal status by target groups that you work with?

How relevant was the study visit in Zagreb, trainings that you attended and horizontal exchange of knowledge for your needs? Please elaborate!
To what extent did received capacity building referred to gender equality, children with disabilities, children belonging to minority groups, etc.?

Have you had any similar trainings/study visits before this project? Do you recall also taking part in the IMG project? If yes, in which way?

Do you think that the activities of info sessions and distribution of Guidelines for Forensic Interview of Child Victims and Witnesses of Crimes were relevant to the needs of the main target groups involved, including yours? If yes how?

Have any other institutions conducted similar activity in supporting judges/state attorneys/CSW/police regarding protection of child victims and witnesses? If so, to which extent are these interventions overlapping or complementary?

Do you think that all relevant institutions have been involved in the info sessions/horizontal exchange of knowledge to ensure increased protection to children from secondary victimization? If not, which ones do you consider were left out?

Were some needs relating to the protection of child victim and witnesses that have not been addressed or covered by the program?

**Effectiveness and Impact**

What is your opinion of the trainings/study visit’s content, design, delivery, organization and evaluation? How would you grade them based on these aspects?

Do you consider that the trainings and the study visit you received were successful in increasing your capacities in working with children victims and witnesses? In which way? Can you provide examples of practices you have been able to implement and practices you have not been able to implement after trainings you received?

In your opinion, to what extent did the info sessions/guidelines contributed to enhance target groups’ capacities in matters relating to child victims and witnesses in criminal proceedings? Do you observe any change in the way they operate as a result of their attendance in the project activities? If yes, please explain?

To what extent are you using the mobile audio-visual equipment capacities to provide better protection to children when interviewing child victims and witnesses? Do you interview children at court or/and outside of court premises? Is your equipment functional, are there any technical or other difficulties using it?

Can you describe the process of organizing a hearing by using new equipment, including coordination with a judge on the important steps in this process?

Have the info sessions and the horizontal exchange of knowledge contributed to better coordination between all relevant actors in protection of children victims and witnesses? If yes please elaborate!

How many times children victims and witnesses are interviewed during the criminal proceedings? Has this changed in any way after you started your cooperation with the target group of professionals?

Have the activities resulted in any unforeseen impact, whether positive or negative?

Are you aware of existence of Juvenile Justice Council? How do you see its role?

**Sustainability**

Do you believe that the Units will continue their work after the completion of the project? Why/How?
What additional support do you need to continue your work? Please specify.

Can you identify key factors that will facilitate the sustainability of the program strengthen implementation of justice for children system in the Republic of Serbia?

Can you identify key factors that will diminish the sustainability of the program?

How do you see your role in implementation of justice for children in the future?

Is there anything that was not covered with these questions but you feel that should be noted?

**FLA providers (network members and training participants) (IDI and FGD)**

Component 4

_Estimated time: 60 min_

**Relevance**

Was your organization providing FLA even before the start of this project component? If not, what was the motivation of your organization to enter into this field?

How did you find out about the possibility to join the network of FLA providers? Please explain the selection process!

Is your provision of FLA based on any legal provisions of the Serbian law, if yes: which one; if not: what is the legal base for your operation? Have you encountered any problems such as denial of your legal status by target groups that you work with? Is there any conflict of interest with the Bar association of Serbia?

To what extent were provided capacity building activities relevant to your needs and the level of previous knowledge and experience in the area? Please elaborate!

Were all needs relating to the legal aid to children and parents addressed by the capacity building activities?

Is there any other entity that provides legal aid to children and parents in your local community? If yes, were the project activities overlapping or they are complementary?

Have you had any similar trainings before this project? If yes, who organized them and when did they take place.

Do you think that all relevant NGOs have been involved in the capacity building under the program? If not, which ones do you consider were left out and why?

**Effectiveness**

What is your opinion of the trainings design, delivery, organization and evaluation system?

In which specific ways did you increase your competences in providing FLA to children and their parents? Please explain, give examples.

To what extent has the trainings changed your behaviors and practices towards gender equality, children with disabilities, or children belonging to minority groups, if any?

What is your opinion of the usefulness of brochures (*Child in the system of health protection, Child in system of education, Child in the system of social protection*) developed under this program component?
What is your opinion with regard to effectiveness of the newly established network? Do network members communicate and exchange information and experiences? In which way do you use newly established online platform. What are its functionalities?

How did you select institutions in your local community for promotional activities? How did they receive given information? Were any issues regarding implementation of these activities?

Have the promotional visits and dissemination of the brochures actually increased your cooperation with the Educational and Health institutions and CSWs in your local community? In which way?

Based on the promotional activities or through other contacts with the children/parents, how do you assess their awareness of their legal rights and thus their capacity to seek legal aid? Please explain.

Following the attendance at project activities, have you actually already started to provide FLA? If yes, when and approximately in what number of cases. How do you finance human resources who provide these services?

Do you have in place any type of monitoring and evaluation practices to collect data on the type of cases you deal with, as well as satisfaction of the final beneficiaries with the provided services? Did the project component assist you in that regard?

What are according to you the main strengths and weaknesses of the implementation of this program component?

Have the activities—training, creation of network, promotional activities in the community resulted—resulted in any unforeseen impact, whether positive or negative?

**Sustainability**

Do you believe that the Network will continue to operate after the completion of this project? Will you continue to provide FLA? How would you finance your operations?

Is there a need for any additional support to continue your work as a FLA provider?

Can you identify key factors that will facilitate the sustainability of the overall program in the Republic of Serbia?

Can you identify key factors that will diminish the sustainability of the program?

How do you see your role in implementation of justice for children in the future?

Is there anything that was not covered with these questions but you feel that should be noted?

**SORS**

Component 2 and 3

*Estimated time: 30–40 min.*

**Relevance**

To what degree were the activities relating to improving the data collection and management system regarding children in civil proceedings and children victims and witnesses relevant to your needs? To the county’s needs? If yes, how?

Have any previous projects/state activities addressed the issue about data collection and management on national level regarding child victims and witnesses of crimes/children in civil proceedings?

Do you think that the existing legislation supports the change in the national data collection and management system with respect to children victims and witnesses and children in civil proceedings?
Effectiveness

Do you consider that the proposals to amend the data collection/management on national level regarding the above mentioned two issues have been successful? Why?

To what extent did this activity contribute to enhancing the performance of the data collection and management system in with regard to children in civil proceedings and children victims and witnesses?

What are according to you the main strengths and weaknesses of the implementation of this activity?

How do you assess the communication with national experts and consultants working on this activity?

7.5. Annex 5: Online survey questionnaires

Component 2, Police

1. To what extent have informative sessions on children victims and witnesses in criminal proceedings held within the project been useful for your work?
   a) very useful
   b) mostly useful
   c) partially useful
   d) mostly not useful
   e) not at all

2. Did you receive the *Guidelines for Preparing Child Victims and Witnesses of Criminal Offences for Trial and Forensic Questioning* during the info sessions?
   a) YES
   b) NO
   c) I don’t remember

3. If you received the Guidelines, to what extent were they useful for your work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at

4. Are you familiar with the Units for Supporting Children Victims and Witnesses (mobile units)?
   a) yes
   b) no

5. If yes, how did you find out about them?
   a) during info sessions
   b) from prosecutors
   c) from judges
   d) from Centres for Social Welfare
   d) other manner (how?)

6. Are you in a position to question children victims and witnesses during your work?
   a) no
b) I only ask general questions, in the presence of Centre for Social Welfare staff
c) I only ask general questions
d) I conduct through questioning of children victims and witnesses regardless of the presence of Centre for Social Welfare staff

7. Have the info sessions assisted you in clarifying some of the legal or procedural dilemmas you may have had concerning contact with children victims and witnesses?
   a) yes
   b) partially
   c) no
   d) I had no dilemmas

8. Have the info sessions assisted you in changing certain practices in order to reduce secondary victimization of children victims and witnesses?
   a) yes
   b) partially
   c) no

9. If you answered YES or PARTIALLY, please describe what you have changed?

10. Do prosecutors in your town use the assistance of Mobile Unites when there is a need to question children victims or witnesses?
    a) yes
    b) some
    c) none
    d) I don’t know

11. Do you think that the use of Mobile Unites decrease the secondary victimization of children victims and witnesses of criminal offences during criminal proceedings?
    a) yes
    b) partially
    c) no
    d) I don’t know

12. Have the info sessions contributed to an improved cooperation between the sectors: police/CSW/prosecutors’ offices/courts?
    a) yes
    b) somewhat
    c) cooperation was good even before the info sessions
    d) no at all

Component 2, Prosecutors

1. To what extent have info sessions on children victims and witnesses in criminal processing held within the project been useful for your work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at all
2. Did you receive the Guidelines for Preparing Child Victims and Witnesses of Criminal Offences for Trial and Forensic Questioning during the info sessions?
   a) YES
   b) NO
   c) I don’t remember

3. If you received the Guidelines, to what extent were they useful for you work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at

4. Are you familiar with the Units for Supporting Children Victims and Witnesses (mobile units)?
   a) yes
   b) no

5. If yes, how did you find out about them?
   a) during info sessions
   b) from other prosecutors
   c) from judges
   d) from Centres for Social Welfare
   d) other manner (how?)

6. Have you ever contacted the Units when questioning children victims and witnesses?
   a) yes, in all cases
   b) in some cases
   c) I never used the assistance of Units

7. If you used the assistance of Units, please complete:
   I used the assistance of Units when questioning children victims and witnesses in:
   a) 100% of the cases
   b) in 50% or more cases
   c) in less than 50% of cases

8. If you used the Unit in just some cases or not at all, please state main reasons (multiple answers possible):
   a) I wasn’t informed of the work of the Units to a sufficient extent
   b) The Units were not available when I needed them
   c) I do not understand the legal framework enabling the engagement of Units
   d) I feel capable of questioning by myself and I do not need the Units
   e) I have no confidence in the Units’ competencies
   f) Something else (What?)

9. Have the info sessions assisted you in clarifying some legal or procedural dilemmas you may have had related to contact with children victims and witnesses?
   a) yes
   b) somewhat
   c) no
d) I had no dilemmas

10. Have the info sessions assisted you in changing some practices in your work in order to reduce the secondary victimization of children victims and witnesses?
   a) Yes
   b) Somewhat
   c) No

11. If you answered YES or SOMEWHAT, please describe what you changed?

12. Do you think that the use of Units’ services reduced the secondary victimization of children victims and witnesses during criminal proceedings?
   a) yes
   b) partially
   c) no
   d) I don’t know

13. Do courts admit the recordings of testimonies of children victims and witnesses made during the prosecutorial proceedings by the Units?
   a) Yes, fully
   b) Partially / they sometimes question children again within the proceeding
   c) Not at all – they always question the children again during the proceeding

14. Have the info sessions contributed to an improved cooperation between the sectors: police/CSW/prosecutors/courts?
   a) yes
   b) somewhat
   c) cooperation was good before the sessions
   d) not at all

Component 2, Judges

1. To what extent have info sessions on children victims and witnesses in criminal processing held within the project been useful for your work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at all

2. Did you receive the Guidelines for Preparing Child Victims and Witnesses of Criminal Offences for Trial and Forensic Questioning during the info sessions?
   d) YES
   e) NO
   f) I don’t remember

3. If you received the Guidelines, to what extent were they useful for you work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at
4. Are you familiar with the Units for Supporting Children Victims and Witnesses (mobile units)?
   a) yes
   b) no

5. If yes, how did you find out about them?
   a) during info sessions
   b) from prosecutors
   c) from other judges
   d) from Centres for Social Welfare
   d) other manner (how?)

6. Have you ever contacted the Units when questioning children victims and witnesses?
   a) yes, in all cases
   b) in some cases
   c) I never used the assistance of Units

7. If you used the assistance of Units, please complete:
   I used the assistance of Units when questioning children victims and witnesses in:
   a) 100% of the cases
   b) in 50% or more cases
   c) in less than 50% of cases

8. If you used the Unit in just some cases or not at all, please state main reasons (multiple answers possible):
   a) I wasn’t informed of the work of the Units to a sufficient extent
   b) The Units were not available when I needed them
   c) I do not understand the legal framework enabling the engagement of Units
   d) I feel capable of questioning by myself and I do not need the Units
   e) I have no confidence in the Units’ competencies
   f) Something else (What?)

9. Have the info sessions assisted you in clarifying some legal or procedural dilemmas you may have had related to contact with children victims and witnesses?
   a) yes
   b) somewhat
   c) no
   d) I had no dilemmas

10. Have the info sessions assisted you in changing some practices in your work in order to reduce the secondary victimization of children victims and witnesses?
    d) Yes
    e) Somewhat
    f) No

11. If you answered YES or SOMEWHAT, please describe what you changed?

12. Do you think that the use of Units’ services reduced the secondary victimization of children victims and witnesses during criminal proceedings?
    a) yes
b) partially

c) no

d) I don’t know

13. Do courts admit the recordings of testimonies of children victims and witnesses made during the prosecutorial proceedings by the Units?
   d) Yes, fully
   e) Partially / we sometimes question children again within the proceeding
   f) Not at all – we always question the children again during the proceeding

14. Have the info sessions contributed to an improved cooperation between the sectors: police/CSW/prosecutors/courts?
   a) yes
   b) somewhat
   c) cooperation was good before the sessions
   d) not at all

Component 2, Centres for Social Welfare

1. To what extent have info sessions on children victims and witnesses in criminal processing held within the project been useful for your work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at all

2. Did you receive the Guidelines for Preparing Child Victims and Witnesses of Criminal Offences for Trial and Forensic Questioning during the info sessions?
   a) YES
   b) NO
   c) I don’t remember

3. If you received the Guidelines, to what extent were they useful for you work?
   a) very
   b) mostly
   c) partially
   d) mostly not
   e) not at

4. Are you familiar with the Units for Supporting Children Victims and Witnesses (mobile units)?
   a) yes
   b) no

5. If yes, how did you find out about them?
   a) during info sessions
   b) from prosecutors
   c) from judges
   d) other manner (how?)
6. Do you use the services of Units when there is a need to question children victims and witnesses?
   a) yes, in all cases
   b) yes, in some cases
   c) I have never used the assistance of Units

7. Do prosecutors in your town use the assistance of Units when there is a need to question children victims and witnesses?
   a) yes
   b) some of them
   c) no, none of them
   d) I don’t know

8. If the prosecutors use the assistance of Units, how often is that?
   a) in most cases
   b) in some cases
   c) in a few cases
   d) I don’t know

9. Do you take part when the Units and prosecutors question children victims and witnesses?
   a) yes
   b) no
   c) sometimes

10. Do you think that the courts admit recordings of children’s testimonies provided by the Units?
    a) yes, always
    b) only partially / they sometimes question the children again during proceedings
    c) not at all – the always question the children again during proceedings
    d) I don’t know

11. Do you think that the used of the Units has reduced secondary victimization of children victims and witnesses during criminal proceedings?
    a) yes
b) somewhat
c) no
d) I don’t know

12. Have the info sessions contributed to a better cooperation between the sectors: police/CSW/prosecutors/courts?
   a) yes
   b) somewhat
   c) cooperation was good before the info sessions
   d) not at all

Component 3, Judges

1. To what extent have info sessions on children in civil proceedings held within the project been useful for your work?
   a) Very useful
   b) Mostly useful
   c) Partially useful
   d) Mostly not useful
   e) Not at all

2. Did you receive the *Guidelines for Children’s Partaking in Civil Proceedings and the Assessment of the Best Interest of the Child* during the info sessions?
   a) YES
   b) NO
   c) I don’t remember

3. If you received the Guidelines, to what extent have they been useful for your work?
   a) Very useful
   b) Mostly useful
   c) Partially useful
   d) Mostly not useful
   e) Not at all

4. Please indicate to what extent you agree with the following statement: “After info sessions on children in civil proceedings I constantly strive to hear the opinion of the child, whenever their age and other circumstances allow it”
   a) yes
   b) sometimes, but I mostly rely on the report of the CSW
   c) no, I just rely on the report of the CSW

5. Do you think that the info sessions provided you with additional knowledge to assess the best interest of the child in civil proceedings?
   a) yes
   b) partially
   c) no
   d) I had these insights even before the info sessions

6. After info sessions, do you demand to receive more detailed reports on children in civil proceedings from the CSW?
   a) yes, always
b) yes, in some cases
c) no
d) I find the reports from CSWs good as they are

7. After info sessions have you noticed any improvements in the contents of the reports on children in civil proceedings submitted by CSWs?
   a) yes, significant improvements are visible
   b) Improvements in some cases are visible
   c) There are no improvements
   d) There was no need for improvements, the reports were good even before

8. Have the info sessions contributed to an improved cooperation between the sectors: CSWs/courts and attorneys in reaching the best interest of the child in civil proceedings?
   a) yes
   b) somewhat
   c) cooperation was good even before the info sessions
   d) not at all

9. Do you think you will continue to use the knowledge gained through the info sessions on children in civil proceedings?
   a) yes
   b) no
   c) I’m not sure

10. If you answered NO or I’M NOT SURE, please briefly elaborate why.

Component 3, Centers for Social Welfare

7. To what extent have info sessions on children in civil proceedings held within the project been useful for your work?
   a) Very useful
   b) Mostly useful
   c) Partially useful
   d) Mostly not useful
   e) Not at all

2. Did you receive the Guidelines for Children’s Partaking in Civil Proceedings and the Assessment of the Best Interest of the Child during the info sessions?
   a) YES
   b) NO
   c) I don’t remember

3. If you received the Guidelines, to what extent have they been useful for your work?
   a) Very useful
   b) Mostly useful
   c) Partially useful
   d) Mostly not useful
   e) Not at all
4. Please indicate the answer that best describes your level of agreement with the following statement: “After info sessions on children in civil proceedings my work has changed since I strive to include in my report to the court the best interest of the child and the child’s opinion”
   a) yes
   b) partially,
   c) no (I think my work prior to the info session was at a satisfactory level)

5. Please choose an answer which best describes your level of agreement with the following statement: “After info sessions on children in civil proceedings my work has changed as I now strive to submit my report to the court in a shorter time-frame than before”
   a) yes
   b) partially
   c) no (I think my work prior to the info session was at a satisfactory level)

6. Do you think that after the info sessions you have more insights to assess the best interest of the child in civil proceedings?
   a) yes
   b) partially
   c) no, I had these insights even before the info sessions

7. Do you think that judges ask for more detailed reports on children in civil proceedings after info sessions?
   a) yes, always
   b) yes, in some cases
   c) I haven’t observed any changes

8. Have info sessions contributed to an improved cooperation between the sectors: CSWs/courts and attorneys in reaching the best interest of the child in civil proceedings? a) yes
   b) somewhat
   c) cooperation was good even before the info sessions
   d) not at all

9. Do you think that in the future you will be able to use knowledge gained at info sessions on children in civil proceedings?
   a) yes
   b) no
   c) I’m not sure

10. If you answered NO or I'M NOT SURE, please briefly elaborate why.

7.6. Annex 6: Consent form for participation in evaluation

As part of the external summative evaluation to strengthen implementation of the justice for children system in the Republic of Serbia (2010–2017), performed by an independent evaluation team gathered
I agree to participate as a respondent in an in-depth interview/focus group discussion. The purpose of this document is to specify the terms of my participation.

1. I have been given sufficient information about this evaluation and the purpose of my participation as an interviewee/focus group participant has been explained to me and is clear.
2. My participation as an interviewee/focus group participant is voluntary. There has been no explicit or implicit coercion whatsoever to participate.
3. Participation involves being interviewed/taking part in the focus group guided by the evaluation team member(s). The interview will last approximately 60 minutes. The focus group will last approximately 120 minutes. I allow the evaluator(s) to take written notes during the interview.
4. If I feel uncomfortable answering a certain question, I have the right to retain from answering.
5. The data gathered through my participation will only be used for the purposes of this evaluation.
6. I have been given the explicit guarantees that, if I wish so, the evaluators will not identify me by name or function in their report, and that my confidentiality as a participant in this evaluation will remain secure.
7. If I wish to express something that is not the standpoint of the organization/institution I represent, I will indicate beforehand that I speak in my personal name.
8. I have been given the guarantee that this evaluation would be reviewed and approved by the UNICEF CO Serbia and external quality assurance facility.
9. I have read and understood the points and statements of this form. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this evaluation.
10. I have been given a copy of this consent form, co-signed by the evaluator.
11. I allow audio recording of the interview/focus group, solely for the purpose of note keeping:
   YES            NO
   Please circle your answer.

<table>
<thead>
<tr>
<th>Participant 's Name</th>
<th>Participant 's Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Evaluator’s Name</th>
<th>Evaluator’s Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

**7.7. Annex 7: List of respondents and sites visited**

<table>
<thead>
<tr>
<th>Location</th>
<th>No.</th>
<th>Name and surname</th>
<th>Institution/organisation</th>
<th>Position</th>
<th>Method</th>
<th>Date of contact</th>
<th>Component</th>
<th>Evaluator</th>
</tr>
</thead>
</table>

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36 Evaluation team for field work consists of Maja Horvat, Bistra Netkova and Dejana Razić Ilić who are only authorized to conduct interviews and facilitate focus group discussions.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Organization</th>
<th>Position/Membership</th>
<th>Starting Date</th>
<th>Duration</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Vesna Zajc</td>
<td>Statistical Office of the Republic of Serbia</td>
<td>Head of Group</td>
<td>11/9/2017</td>
<td>1,2,3</td>
<td>BN</td>
</tr>
<tr>
<td>2.</td>
<td>Nenad Vujić</td>
<td>Judicial Academy</td>
<td>Director</td>
<td>11/9/2017</td>
<td>1,2,3</td>
<td>BN, DR</td>
</tr>
<tr>
<td>3.</td>
<td>Mirko Milovanović</td>
<td>Judicial Academy</td>
<td>Head of Professional Training Sector – Human Rights</td>
<td>11/9/2017</td>
<td>1,2,3</td>
<td>BN, DR</td>
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<tr>
<td>4.</td>
<td>Vera Sofrenović</td>
<td>Higher Court Belgrade</td>
<td>Juvenile Justice Judge</td>
<td>11/9/2017</td>
<td>1</td>
<td>BN, DR</td>
</tr>
<tr>
<td>5.</td>
<td>Ljubinka Marković</td>
<td>Higher Court Belgrade</td>
<td>Court Psychologist</td>
<td>11/9/2017</td>
<td>1</td>
<td>BN, DR</td>
</tr>
<tr>
<td>6.</td>
<td>Nevena Golić Ružić</td>
<td>NGO Child Rights Centre</td>
<td>Director</td>
<td>12/9/2017</td>
<td>2,3,4</td>
<td>BN, DR</td>
</tr>
<tr>
<td>7.</td>
<td>Sladjana Radulović</td>
<td>NGO Child Rights Centre</td>
<td>Project Coordinator</td>
<td>12/9/2017</td>
<td>2,3,4</td>
<td>BN, DR</td>
</tr>
<tr>
<td>9.</td>
<td>Zoran Bursač</td>
<td>First Basic Court Belgrade</td>
<td>Criminal Judge</td>
<td>12/9/2017</td>
<td>2</td>
<td>BN, DR</td>
</tr>
<tr>
<td>10.</td>
<td>Ljudmila Miljković</td>
<td>First Basic Court Belgrade</td>
<td>Criminal Judge</td>
<td>12/9/2017</td>
<td>2</td>
<td>BN, DR</td>
</tr>
<tr>
<td>11.</td>
<td>Zoran Milačić</td>
<td>Centre for Protection of Infants, Children and Adolescents Zvečanska , Belgrade</td>
<td>Director</td>
<td>13/9/2017</td>
<td>2</td>
<td>BN</td>
</tr>
<tr>
<td>12.</td>
<td>Ivana Djukić Milosavljević</td>
<td>Centre for Protection of Infants, Children and Adolescents Zvečanska , Belgrade</td>
<td>Direct work with children V/W</td>
<td>13/9/2017</td>
<td>2</td>
<td>BN</td>
</tr>
<tr>
<td>13.</td>
<td>Savo Džurdjic</td>
<td>High Judicial Council</td>
<td>Judge, Member of the HJC</td>
<td>13/9/2017</td>
<td>All</td>
<td>BN</td>
</tr>
<tr>
<td>15.</td>
<td>Ines Cerović</td>
<td>UNICEF</td>
<td>Justice Consultant</td>
<td>6/9/2017</td>
<td>All</td>
<td>MH, BN, DR</td>
</tr>
<tr>
<td>17.</td>
<td>Ines Cerović</td>
<td>UNICEF</td>
<td>Justice Consultant</td>
<td>7/9/2017</td>
<td>IMG</td>
<td>MH, DR</td>
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<tr>
<td>19.</td>
<td>Tamara Mirović</td>
<td>Republic Public Prosecutor Office Belgrade</td>
<td>Deputy Republic Public Prosecutor</td>
<td>11/9/2017</td>
<td>1,2</td>
<td>MH</td>
</tr>
<tr>
<td>22.</td>
<td>Željka Košutić</td>
<td>Institute for mental health Belgrade</td>
<td>Psychologist</td>
<td>12/9/2017</td>
<td>2</td>
<td>MH</td>
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<tr>
<td>23.</td>
<td>Aleksandar Peulić</td>
<td>Institute for mental health Belgrade</td>
<td>Psychologist</td>
<td>12/9/2017</td>
<td>2</td>
<td>MH</td>
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<tr>
<td>24.</td>
<td>Ivana Stevanović</td>
<td>National Child Rights Council</td>
<td>Member of the NCRC</td>
<td>12/9/2017</td>
<td>All</td>
<td>MH</td>
</tr>
<tr>
<td>25.</td>
<td>Predrag Petrović</td>
<td>Republican Institute for Social Protection</td>
<td>Former Director</td>
<td>12/9/2017</td>
<td>1,2,3</td>
<td>MH, DR</td>
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<tr>
<td>No.</td>
<td>Name</td>
<td>Organization</td>
<td>Position</td>
<td>Institution</td>
<td>Date</td>
<td>MH, DR</td>
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</tr>
<tr>
<td>26</td>
<td>Božidar Dakić</td>
<td>Republican Institute for Social Protection</td>
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</tr>
<tr>
<td>108.</td>
<td>Biljana Jakovljević</td>
<td>CSW Kragujevac</td>
<td>Psychologist</td>
<td>19/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>109.</td>
<td>Biserka Kostić</td>
<td>Higher Court Leskovac</td>
<td>Juvenile Judge</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>110.</td>
<td>Djura Stanić</td>
<td>Higher Public Prosecutor’s Office Leskovac</td>
<td>Deputy Prosecutor</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>111.</td>
<td>Nada Cakić</td>
<td>Basic Court Leskovac</td>
<td>Criminal Judge</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>112.</td>
<td>Sladjana Randjelović</td>
<td>Basic Public Prosecutor’s Office Leskovac</td>
<td>Deputy Prosecutor</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>113.</td>
<td>Aleksandra Stevanović</td>
<td>Basic Court Leskovac</td>
<td>Civil Judge</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>114.</td>
<td>Gordana Andjelković</td>
<td>CSW Leskovac</td>
<td>Pedagost</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>115.</td>
<td>Nada Mladenović</td>
<td>CSW Leskovac</td>
<td>Social Worker</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>116.</td>
<td>Marija Stanković</td>
<td>CSW Leskovac</td>
<td>Psychologist</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td>117.</td>
<td>Sladjana Kostić</td>
<td>CSW Leskovac</td>
<td>Pedagost</td>
<td>22/9/2017</td>
<td>BN</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Serbia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>119.</td>
<td>Gordana Buljan Flander</td>
<td>Child and Youth Protection Center of Zagreb</td>
<td>Director</td>
<td>10/10/2017</td>
<td>MH</td>
<td></td>
</tr>
</tbody>
</table>

*BN, MH stand for different types of meetings.*
7.8. Annex 8: Evaluation team and presentation of relevant expertise

**MAP Consulting Ltd. (Croatia)**

Founded in 2003, **MAP Consulting Ltd.** is the first Croatian consultancy company that specialized in independent evaluations of social development interventions, including program and project evaluations implemented or funded by international donors and development agencies (Care International, UN agencies – UNDP, UNIFEM, UNICEF, CEB, World Learning, embassies, foundations), as well as EU-funded projects and programs (CARDS, PHARE, IPA and ESI funds).

Apart from independent program and project evaluations, MAP designs and implements applied research and policy analyses both in Croatia and the region. Additionally, MAP is an experienced provider of capacity building activities and technical assistance to the public and civil sectors, including strategic planning and organizational development.

Since 2003, it has provided services to more than 100 clients from Croatia and the region, working in different social areas and sectors, including the public sector, civil society, academia, as well as international organizations and foundations.

**Expert: Maja Horvat – director and consultant for social development**

More on MAP is available at [www.map-consulting.hr/en](http://www.map-consulting.hr/en).

**Synergies Coopération (France)**

Synergies Coopération is a consulting agency located in Saint Pierre, La Réunion (France), supporting the promotion and achievement of human rights through research, monitoring and evaluation of international projects and training. It has substantial expertise in the following fields:

- ✓ Child protection
- ✓ Criminal justice
- ✓ Violence and protection of vulnerable groups;
- ✓ Non-discrimination
- ✓ Strengthening the capacities of civil society organizations;
- ✓ Torture and ill treatments;
- ✓ Gender;
- ✓ Security Sector Reform;
- ✓ Economic, social and cultural rights.

**Expert: Carole Berrih – manager and human rights professional**

More on Synergies, please find at [https://formationsdh.org/](https://formationsdh.org/).

Apart from their internal staff, these two consulting companies engaged two additional individual experts **Bistra Netkova (Macedonia)** and **Dejana Razič Ilić (Serbia)**.
Detailed CVs summarized here as follows:

**Maja Horvat**

MSc in Public Policy (Queen Mary, University of London)
MA in Political science (Faculty of Political Science, University of Zagreb)

Maja is a director of Croatia–based consultancy MAP Consulting Ltd. specialized in evaluation of developmental intervention. She has 10 years of experience in *ex post, mid-term* and *ex ante* evaluations of projects, programs, strategic documents and policies. Apart from evaluations, Maja has considerable experience in facilitating strategic planning sessions and developing or enhancing project proposals for EU grant schemes. Maja is also an experienced trainer for the public and civil sectors in her areas of expertise.

Besides evaluating numerous EU projects, Maja’s recent experience includes evaluations of larger development programs, including the *ex-post* evaluation for the Council of Europe Development Bank (CEB) assessing the process of return and reconstruction following the Homeland war in Croatia; evaluation of the Croatian National Roma Integration Strategy, as well as the assessment of IPA Operational Programme Human Resources Development 2007–2013 consisting of more than 200 projects funded under this programme.

In 2016, she also acted as a team leader of the formative evaluation of UNICEF’s CO Croatia program for support to parenting ‘Growing up Together’, coordinating six experts and achieving ‘highly satisfactory’ grade by external quality assurance facility for both Inception and Final evaluation report, with elements of ‘outstanding, best practice’. As mentioned above, she also acted as an evaluation team member for the formative evaluation for the programme component ‘Strengthening justice system in matters involving child victims and witnesses in criminal proceedings’.

Maja is an active member of the Croatian Evaluation Network (CEN), a part of the Regional Network of Evaluators from Western Balkans.

**Carole Berrih**

LL.M. in Public International Law (Universiteit Leiden, The Netherlands)
Maîtrise, Licence and DEUG of Law (University Paris XII)

Carole is the manager of Synergies Cooperation, a French consulting agency specialized in Justice, Human Rights and Development. She is a Human Rights professional (advanced Master at Law) who also holds a degree in Sociology (Masters). She has more than 15 years’ experience as an expert in the planning, formulation, implementation and evaluation of human rights projects.

She is specialized in the protection and promotion of human rights. During the last three years, Ms Berrih has led many evaluation missions for UNICEF and international NGOs, using both qualitative and quantitative collection methods, including in the Balkans. She has a thorough knowledge of evaluation principles and methodology, particularly logical framework and the theory of change approach.

Carole has in–depth experience in matters related to child protection and juvenile justice. In the last two years, she has implemented several missions related to the access to judicial services of children victims of violence: evaluation of UNICEF Croatia program component on the protection of child victims and witnesses in criminal proceedings (2016–2017), evaluation of a project on justice for children victims of sexual violence, particularly children with disabilities (2015–2016), evaluation of a project aiming to strengthen the access to justice of children victims of worst forms of child labour (2015), baseline survey for a program on peace–building and youth (2014) and baseline survey for a project dealing with children’s access to justice (2014). She systematically implements a gender–based approach and gender equality in all activities.

Ms Berrih is a member of the Société française d’Evaluation.

**Bistra Netkova**
Bistra is a professor of International Law and Human Rights, as well as Attorney of Law, with extensive expertise in the SEE region in the area of Human Rights of Women and Children, ranging from academic (teaching the subject of Human Rights of Children, Juvenile Justice and Violence against Children), research (author of numerous books and internationally published articles on the issue of human rights and criminal justice) to consulting experience, including working with UNICEF in the area of Juvenile Justice in Croatia, Macedonia, Kosovo and Montenegro (developing indicators for monitoring and evaluation of Juvenile Justice Laws, Analyses of Juvenile Justice Law, data collection systems in Juvenile Justice, evaluation of report), Children Victims and Witnesses and their protection, and Violence against Children (developed the National Strategy and Action Plan on protection from VAW in Montenegro, that included specific measures for children victims and witnesses in criminal and other procedures).

She also has extensive experience in evaluation of projects and programmes, both summative and formative for various organizations, including experience of working with government counterparts. Furthermore, she has experience in data gathering and analyses through statistical presentation, and use of indicators for measuring successful implementation of projects activities. Furthermore she is on the SEE/CIS UNICEF–Geneva Evaluation and Monitoring Roster.

She is fluent in Serbian, Bosnian and Croatian, which will enable her access to all relevant policy documents and enable conducting field work in the local language.

**Dejana Razić-Ilić**

Dejana is an independent consultant with 25 years of experience in institutional development and capacity building. One of the specialist areas is the design and evaluation of social protection and social inclusion programmes, particularly in SEE.

She has worked with both governments and civil society organisations and has extensive international experience in performing various types of evaluations of large-scale education and social reform projects with special focus on vulnerable groups and children. She is also an experienced researcher with strong strategic and analytical thinking and writing skills. She is a highly motivated and results-driven team member with good people and facilitation skills.

She has worked with various international organisations, governments and CSOs in public and civil sector reforms in the field of: social inclusion, policy coordination; strategy and policy development; policy analysis; institutional and capacity development, public policy reform.

**International organisations work experience includes:** European Commission (EC), Council of Europe (CoE), United States Agency for International development (USAID), Swiss Agency for Development and Cooperation (SDC), UNHCR, UNICEF, IOM, UNODC, Save the Children International, International Red Cross Movement, UK Department for International Development (DfID), Roma Education (REF), Good Governance Fund (GGF), etc.

All data collected during the field work are analyzed using an inductive approach according to each evaluation criteria and evaluation questions. In accordance with UNEG’s Norms and Standards, in order to ensure credibility and validity of data, multiple sources of data and methods are utilized. All data will be analyzed following the triangulation principles. The following evaluation matrix presents indicators and data collection methods for the evaluation. Please note that colored indicators refer to the original indicators defined by the program documentation, however only available for IPA project. Other indicators are outlined to suggest the direction which will guide the evaluators to answer evaluation question. Detailed data collection instruments per each of the proposed respondents is provided in Annex 4: Guides for interviews and focus groups and Annex 5: Online survey questionnaires.

<table>
<thead>
<tr>
<th>Evaluation Questions</th>
<th>Qualitative</th>
<th></th>
<th>Quantitative</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indicators</td>
<td>Desk review</td>
<td>Interviews</td>
</tr>
<tr>
<td>Relevance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. To what extent have implemented interventions been grounded in evidence-based problem analysis and to what extent they correspond to the recognized needs of the main target groups and final beneficiaries?</td>
<td>Existence and use of evidence-based problem analysis during intervention design/formulation Evidence of discussions with key stakeholders indicating the need to improve protection and respect for children’s rights</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2. To what extent have national and local level stakeholders (including target groups) been involved in interventions’ design/formulation?</td>
<td>Existence of minutes of meetings or documents relating to the design of the project Evidence of discussions with authorities indicating government bodies’ involvement in the design of project activities, as well as associations of judges, prosecutors and CSWs</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3. To what extent have interventions been implemented in a way consistent with priorities and policies of the Republic of Serbia?</td>
<td>Evidence of alignment of intervention objectives and activities with relevant national policy documents</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4. To what extent have interventions taken into account international standards and practices on juvenile justice, enshrined in UN CRC and other relevant documents?</td>
<td>Evidence of alignment of intervention objectives and activities with relevant international standards and practices</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>8. To what extent have interventions taken into account improvement of rights of the most marginalized children, in particular Roma children, girls, children with disabilities and children with multiple disadvantages?</td>
<td>References to equity perspective in designing project activities</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Effectiveness
1. To what extent have interventions increased capacity/competences (skills, knowledge and attitudes) of judicial and social professionals and developed mechanisms to increase the number and improvement of quality of diversionary measures and alternative sanctions (output 1)? What were the key factors contributing to/disabling this achievement?

<table>
<thead>
<tr>
<th>Evidence of implemented capacity building activities</th>
<th>Confirmation of perception of raised competencies by target groups</th>
<th>Evidence of new systems and mechanisms in place and in use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of application of diversionary schemes in relation to the total number of reported cases of juvenile offending (Baseline: 3.2% in 2012, Target: 15%)</td>
<td>Percentage of application of newly defined alternative sanctions (Baseline: 18.9% in 2011, Target: 25%)</td>
<td>Average length of proceedings when criminal offender is a juvenile (Baseline: 44% of cases last over 1 year in 2012, Target: less than 20% of cases last over than 1 year)</td>
</tr>
</tbody>
</table>

2. To what extent have implemented interventions contributed to the capacity/competencies (skills, knowledge and attitudes) of the justice, social welfare system, police and attorneys, as well as developed mechanisms to respond to the needs of children as victims and witnesses in criminal proceedings (output 2)? What were the key factors contributing to/disabling this achievement?

<table>
<thead>
<tr>
<th>Evidence of implemented capacity building activities</th>
<th>Confirmation of perception of raised competencies by target groups</th>
<th>Evidence of new systems and mechanisms in place and in use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence of new systems and mechanisms in place and in use</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. To what extent have implemented interventions contributed to the capacity/competences (skills, knowledge and attitudes) of the justice and social welfare system and developed mechanisms to respond to the needs in terms of children participating in civil proceedings (output 3)? What were the key factors contributing to/disabling this achievement?

<table>
<thead>
<tr>
<th>Evidence of implemented capacity building activities</th>
<th>Confirmation of perception of raised competencies by target groups</th>
<th>Evidence of new systems and mechanisms in place and in use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence of new systems and mechanisms in place and in use</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. To what extent have free legal aid providers been capacitated to provide quality support as a response to child rights violations in education, health and social protection, and are connected to provide horizontal support to each other (output 4)? What were the key factors contributing to/disabling this achievement?

<table>
<thead>
<tr>
<th>Evidence of implemented capacity building activities</th>
<th>Baseline: to be defined in first year of operation / Target: 90% of free legal aid providers participating claim a significant increase in knowledge that has increased the quality of their daily work with citizens</th>
</tr>
</thead>
</table>

5. To what extent has the IMG project strengthened Juvenile Justice Council? What were the key factors contributing to/disabling this achievement?

<table>
<thead>
<tr>
<th>Evidence of strengthen capacity of the Juvenile Justice Council</th>
<th>Evidence of perception of its strengthening among the key stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To what extent have the interventions contributed to supporting the change of behavior of juvenile offenders and their reintegration into their communities, as a result of the application of diversionary scheme and alternative sanctions (outcome 1)?</td>
<td>Evidence of behavioral changes in juvenile offenders as a result of diversionary scheme and alternative sanctions, as measured by a study done by University of Belgrade</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>2. To what extent have the interventions contributed to the protection of child victims/witnesses from secondary victimization in criminal proceedings and can overcome trauma through support (outcome 2)?</td>
<td>Baseline: Out of the total number of reviewed cases, 100% of the time they are not labelled as urgent due to the victim being a child, Target: In over 50% of reviewed cases, cases are labelled as urgent due to victim being a child. Baseline: In 20% of the cases the child victim’s hearing takes place in child-friendly space in the court; Target: 20% cases the child victim’s hearing takes place outside the court Baseline: In 63.6% of cases, the judge appoints a representative where this is obligatory by law; Target: In over 80% of cases, the judge appoints a representative where this is obligatory by law Baseline: In 100% of the reviewed cases, the judge uses standard/appropriate introductory ‘warning’ which is used for adult victims and is contrary to the procedure defined by law. Target: 80% of judges do not give a verbal warning to child witnesses and introduce the hearing in a manner adequate to the child’s age/capacity. Baseline: 43.3% of cases last over 1 year in 2013, Target: In over 80% of cases, the judge appoints a representative where this is obligatory by law</td>
</tr>
<tr>
<td>3. To what extent have the interventions contributed to supporting children in expressing their opinions and to the consideration of their opinion in civil proceedings (outcome 3)?</td>
<td>Baseline: In 5% of cases the CSW report fully covers the procedure applied for hearing the child’s opinion in line with Article 65 of Family Law, Target: In over 50% of cases the CSW report fully covers the procedure applied for hearing the child’s opinion in line with Article 65 of Family Law Baseline: Litigation for parental rights or domestic violence (as median) lasts one year, Target: Litigation for parental rights (as median) lasts 8 months Baseline: CSW opinion is received as median in 3-6 months, Target: CSW opinion is usually received as median in 2 months</td>
</tr>
<tr>
<td>4. To what extent have the interventions contributed to children getting high quality advice as a result of the intervention?</td>
<td>Please note it is not possible to measure this impact as the intervention has only set-up the network of FLA providers</td>
</tr>
<tr>
<td>Question</td>
<td>Evidence</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>response to violations of their rights in education, health and social</td>
<td>which will only in the future provide actual FLA to children as final</td>
</tr>
<tr>
<td>protection (outcome 4)?</td>
<td>beneficiaries</td>
</tr>
<tr>
<td>5. To what extent have the implemented measures ensured the focus on</td>
<td>Examples of new behaviors and practices regarding equity dimensions</td>
</tr>
<tr>
<td>equity (girls, Roma children, children with disability, children with</td>
<td></td>
</tr>
<tr>
<td>multiple disadvantages)?</td>
<td></td>
</tr>
<tr>
<td>9. Have the activities of the project resulted in unforeseen negative</td>
<td>Discussions with stakeholders revealing unforeseen impact</td>
</tr>
<tr>
<td>and/or positive impact?</td>
<td></td>
</tr>
<tr>
<td>Efficiency</td>
<td></td>
</tr>
<tr>
<td>1. Have available resources (human, technical, financial) invested in</td>
<td>Evidence of adequately used human resources (staff and external</td>
</tr>
<tr>
<td>development of justice for children system been used in a strategic and</td>
<td>consultants)</td>
</tr>
<tr>
<td>cost-effective manner?</td>
<td>Evidence of cost-effective use of budget</td>
</tr>
<tr>
<td></td>
<td>Reference to a similar intervention and comparison of costs</td>
</tr>
<tr>
<td></td>
<td>Existence of creation of links with partners or other projects that</td>
</tr>
<tr>
<td></td>
<td>contribute to cost-effective use of resources</td>
</tr>
<tr>
<td>2. To what extent were different interventions/measures implemented in</td>
<td>Evidence of justified extensions</td>
</tr>
<tr>
<td>a timely manner, and the extensions were justified?</td>
<td></td>
</tr>
<tr>
<td>3. Has the use of resources been well-coordinated among the key</td>
<td>Evidence of coordination of main stakeholders</td>
</tr>
<tr>
<td>stakeholders to encourage synergy and avoid overlaps? What was the</td>
<td>Evidence of regular and appropriate communication among the main</td>
</tr>
<tr>
<td>quality of communication between the stakeholders in charge of</td>
<td>stakeholders</td>
</tr>
<tr>
<td>implementation? Were the key responsibilities for implementation made</td>
<td>Evidence of appropriate division of task among key stakeholders</td>
</tr>
<tr>
<td>clear to the stakeholders in charge of implementation?</td>
<td></td>
</tr>
<tr>
<td>4. How has the implementation been managed in terms of reporting,</td>
<td>Evidence of use of monitoring tools and their appropriateness</td>
</tr>
<tr>
<td>monitoring and evaluation? Specifically, are monitoring data</td>
<td>Existence of regular reports on the implementation and the level of</td>
</tr>
<tr>
<td>disaggregated along equity and gender lines?</td>
<td>insight they enable</td>
</tr>
<tr>
<td></td>
<td>Evidence of assessment systems</td>
</tr>
<tr>
<td></td>
<td>Evidence of monitoring tools which are sensitive to equity</td>
</tr>
<tr>
<td></td>
<td>Evidence of use of monitoring data to change/cancel/add new activities</td>
</tr>
<tr>
<td></td>
<td>during implementation</td>
</tr>
<tr>
<td>5. How successful were the projects in communicating the results and</td>
<td>Evidence of dissemination and promotional activities</td>
</tr>
<tr>
<td>sharing best practices?</td>
<td>Discussion with key stakeholders on the successes of communicating</td>
</tr>
<tr>
<td></td>
<td>results</td>
</tr>
<tr>
<td>Sustainability</td>
<td></td>
</tr>
<tr>
<td>1. To what extent has UNICEF been able to support national authorities</td>
<td>Evidence of degree of involvement and ownership of national authorities</td>
</tr>
<tr>
<td>in developing capacities</td>
<td>in the activities</td>
</tr>
</tbody>
</table>
and establishing mechanisms to ensure continuity of activities?

2. To what extent is national and local stakeholders’ commitment and support likely to continue beyond the end of the intervention?

   - Existence of technical or financial partnerships
   - Evidence of follow-up activities (national or donor-based) by the key stakeholders

3. To what extent are new competencies integrated into regular activities of professionals working with children and their families involved in justice system and social welfare to ensure their continuation?

   - Evidence of degree of implementation of gained skills and knowledge by training participants

4. To what extent does legislative and strategic framework in this area support implementation and further development of the justice for children system? Is this likely to change in a way that adds to the sustainability of the program?

   - Evidence of legislative and strategic framework supporting/enhancing achieved results

5. What are the key factors that have positively or negatively influenced sustainability of program?

   - Discussions with stakeholders revealing key factors

<table>
<thead>
<tr>
<th>Question</th>
<th>Evidence</th>
<th>X</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>To what extent is national and local stakeholders’ commitment and support likely to continue beyond the end of the intervention?</td>
<td>Existence of technical or financial partnerships</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence of follow-up activities (national or donor-based) by the key stakeholders</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To what extent are new competencies integrated into regular activities of professionals working with children and their families involved in justice system and social welfare to ensure their continuation?</td>
<td>Evidence of degree of implementation of gained skills and knowledge by training participants</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence of legislative and strategic framework supporting/enhancing achieved results</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What are the key factors that have positively or negatively influenced sustainability of program?</td>
<td>Discussions with stakeholders revealing key factors</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>