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**Evaluation Report for the Justice for Children
(IPA 2011) Project**

UNICEF Montenegro

5 September 2014



Acknowledgements

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Coram Children's Legal Centre is an independent charity dedicated to the promotion and implementation of children's rights in the UK and worldwide. Full details of the work of the Centre can be obtained from www.childrenslegalcentre.com.

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List of Acronyms

CCLC	Coram Children's Legal Centre
CSW	Centre for Social Work
EU	European Union
FGDs	Focus Group Discussions
IPA	Instrument for Pre-Accession Assistance
J4CP	Justice for Children (IPA 2011) Project
LogFrame	Logical Framework
MoE	Ministry of Education and Sport
MoJ	Ministry of Justice
MoLSW	Ministry of Labour and Social Welfare
New Act	Treatment of Juveniles in Criminal Proceedings Act 2011
NGO	Non-Governmental Organisation
PSS	Professional Support Service
SIDA	Swedish International Development Agency
ToC	Theory of Change
TOR	Terms of Reference
TOT	Training of Trainers
UN	United Nations
UNCRC	International Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNEG	United Nations Evaluations Group
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
VOM	Victim-Offender Mediation
ZIKS	Institution for Execution of Criminal Sanctions

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1. Executive Summary

1.1. Overview of the Project

Coram Children's Legal Centre was engaged to conduct the final, summative evaluation of the Justice for Children Project (**J4CP**) - an initiative of the Montenegrin Ministry of Justice (**MoJ**), Ministry of Labour and Social Welfare (**MoLSW**), supported by UNICEF Montenegro and with the financial assistance of the European Union (**EU**) under the Instrument for Pre-Accession Assistance 2011. The total budget for the J4CP was €550,000, comprising €500,000 from the EU and €50,000 from UNICEF. The Contribution Agreement for the J4CP between the EU and UNICEF was signed on 9 July 2012, and the project implemented from November 2012 to 9 July 2014.

The overall aim/intended impact of the J4CP pursuant to its Logical Framework (**LogFrame**) and Theory of Change (**ToC**) is to ensure that children benefit from the full application of international norms and standards when they come into contact with justice and related systems as alleged offenders, victims and witnesses of crime or for other reasons where judicial, state administrative or non-state adjudication is needed. To achieve its desired impact, the LogFrame and ToC specified a series of 17 activities and 9 outputs to achieve the following three outcomes:

- The development and implementation of a legislative and policy framework for juvenile justice, including the adoption of an appropriate juvenile justice data collection and information system upgraded and harmonised with internationally recognised standards;
- The strengthening of institutional, administrative and human capacity for the implementation of the newly adopted Treatment of Juveniles in Criminal Proceedings Act 2011;
- The increased public awareness of juvenile justice matters through the active participation of boys and girls in conflict with the law in the promotion of their rights.

1.2. Evaluation Objectives and Intended Audience

As per the Terms of Reference (**ToR**), the Evaluation covered the entire project implementation period (i.e. from July 2012 to July 2014) at both national and local levels and all project components, following the way that the J4CP was conceptualised in the Grant Proposal, LogFrame and ToC. This Evaluation is aimed to:

- Provide feedback to EU Delegation to Montenegro, UNICEF Montenegro, the MoJ and MoLSW, and other stakeholders and partners, on the **relevance, effectiveness, impact, efficiency and sustainability** of the J4CP, including by revealing good practices adopted as part of J4CP and identifying lessons which can be learnt from the implementation of the J4CP; and
- Inform the development of recommendations aimed at furthering the juvenile justice system reform process in Montenegro.

It is envisaged that the findings and recommendations generated from this Final Evaluation will be used by the MoJ, MoLSW, EU Delegation, UNICEF and independent oversight bodies and NGOs to further develop the area of juvenile justice, strengthen the implementation of the new Act, strengthen monitoring and advocacy efforts, and inform further reform efforts.

1.3. Methodology

The methodology for the data collection has been developed using an '**Evaluation Matrix**' encompassing the criteria against which the J4CP was evaluated (relevance; effectiveness; impact; efficiency; and sustainability), the evaluation questions for each criteria, indicators for each evaluation question, and a plan for the data collection corresponding to each evaluation question. As per the TOR, the Evaluators used a mixed-methods approach utilising quantitative and qualitative data collection techniques and non-experimental design to gather rich and accurate data and improve the validity of results through triangulation. This consisted of a desk review and in-country data collection visit to four regions (Podgorica; Bijelo Polje; Tivat; and Nikšić) where a series of semi-structured individual interviews, focus group discussions and observations were conducted. The Evaluators adopted a participatory and process throughout the Evaluation by, among other things, submitting the draft methodology, data collection tools and evaluation report to UNICEF for feedback from the EU, MoJ, MoLSW and other key stakeholders, and via a validation conference with stakeholders held in Podgorica on 3 July 2014.

1.4. Main Findings and Conclusions

1.4.1. Relevance

The design of the J4CP is extremely relevant to the needs of stakeholders and beneficiaries. It responds well to the key needs and issues of children in conflict and in contact with the law and is integral to national strategies and policies in the area of juvenile justice and the legal system more broadly. The J4CP has also learnt from external evaluations of previous similar projects. The activities, outputs and outcomes of the J4CP are on the whole directly relevant to the overall goal of the J4CP and the achievement of their objectives in the given period of time. Further, the project was broadly designed according to international norms and standards on HR & GE and is in line with national strategies to advance HR & GE, although a strengthened equity-based approach to the design phase of the project could have been adopted.

1.4.2. Effectiveness

The Evaluators conclude that the J4CP was, overall, effective in meeting the outcomes as defined by the LogFrame and ToC. A legislative and policy framework for juvenile justice, including a juvenile justice data collection and information system in line with internationally recognised standards, has largely been established. The institutional and administrative capacity for the implementation of the Treatment of Juveniles in Criminal Proceedings Act has also certainly been strengthened by the J4CP. Further, the cultural, sport and educational programmes implemented pursuant to UNICEF grants were effective in strengthening

the participating children's knowledge of their rights, reinforcing their capacity as right-holders, the equity-based nature of this intervention, and the important rehabilitative function played by this activity.

Some practical challenges remain with the operation of the data collection system. Continuous efforts are also needed to strengthen the legislative and policy framework to ensure the full implementation of the new Act. Unfortunately, the Evaluators were unable to conduct a full evaluation of the effectiveness of Outcome 3 relating to increasing public awareness of juvenile justice matters, as its key activities were being developed during the final stages of the J4CP. Further, the cultural, sport and educational programmes pertaining to this outcome had limited effectiveness in promoting *public* awareness of the rights of children in conflict with the law, despite their important rehabilitative function.

1.4.3. Efficiency

Unfortunately, a full cost analysis was not possible, as the full impact of the J4CP is likely to only become apparent in the medium to long-term. However, from the information available, the Evaluators conclude that the J4CP was on the whole cost efficient, although certain activities could have been designed in a more-cost effective manner. Some challenges in obtaining funding for PSS equipment and additional training for defence lawyers were also identified. The management of the J4CP was, on the whole, efficient, and can largely be attributed to the strong leadership of the Management Committee's Chairperson and the commitment of the Technical Committee. The design of the J4CP was on the whole efficient, in terms of it being flexible enough to respond to and deal with challenges arising during the project, with the exception of the need to divert resources to the funding of vehicles for the PSS.

1.4.4. Impact

The J4CP is contributing to achieving its desired impact. There was an increase in the percentage of children benefiting from VOM and an estimated 29 percent increase in the number of social workers trained in prevention mechanisms for children at risk of coming into conflict with the law. There is a strong likelihood that the J4CP will contribute to an increase in the percentage of children in conflict with the law benefiting from other diversion measures. There is a good likelihood that the J4CP will contribute to increasing the number of children that participate in child rights-based rehabilitation programmes, particularly at the Ljubovic Centre. There is also a good likelihood that the J4CP will contribute to a tangible improvement of the treatment of children in conflict with the law, and child victims and witnesses of crime, in line with child-friendly hearing procedures and relevant standards.

There are certain areas in the legislative and policy framework of the juvenile justice system which could be further strengthened in order for the J4CP to have greater impact. In particular, a reconsideration of how to organise the implementation of the criminal sanction of referrals to closed-type institutions for children in conflict with the law, the consideration of the establishment of day treatment centres that could provide similar support services to the Ljubovic Centre across the country, and the strengthening of rehabilitation programmes at the Juvenile Wing at Spuž, would be beneficial. There is also an incomplete understanding of

the practices and conditions of pre-trial detention at the remand centre at Spuž, and of police custody practices, if any (noting that the Ombudsman's Office was, at the time of writing, finalising a report on this issue). Additionally, since the J4CP focuses on criminal acts, it is not clear to what extent juvenile delinquency constituting administrative offences in Montenegro are dealt with in line with international juvenile justice standards.

The Evaluators were not able to provide a conclusive view on the likelihood that the J4CP will contribute to an increase in the percentage of children benefiting from prevention programmes. Specifically regarding the Techniques on Peaceful Conflict Resolution Programme, the Evaluators consider that it itself cannot be said to have made a significant contribution to achieving this target. Since the key activities relating to the promotion of public awareness on juvenile justice matters were not complete at the time of writing this report, Evaluators have not been able to evaluate the potential impact of that component of the project. Evidently, the implementation of the recommendations on 'effectiveness' and 'sustainability' outlined in is important to ensure the J4CP's positive impact in the future.

1.4.5. Sustainability

The J4CP is broadly sustainable. The legislative framework developed and policy documents produced generally provide a ground for sustainable and coordinated implementation of diversion measures, community-based alternatives, rehabilitation and reintegration programmes, prevention programmes and professional support services. A strong foundation of knowledge and capacity to implement the new Act in the future has also been laid by this project. There is an extremely strong degree of local ownership of the J4CP, which the Evaluators consider to be one of the greatest achievements of the intervention. The design of the J4CP included appropriate sustainability strategies to support positive changes arising from the J4CP, which included mechanisms to strengthen links between juvenile justice professionals.

Notably, however, there is weak medium to long-term sustainability of the community services currently being provided under the contracts between UNICEF and the third parties. Further, the sustainability of the J4CP in the medium to long-term largely depends on the ability of stakeholders monitoring the implementation of the legislation and secondary instruments and the effective functioning of the PSS to check whether any particularly clarifications (perhaps via guidance notes or training) are required. While the trainings have been extremely useful and had wide coverage, the general consensus among participants was that continued, specific training is necessary. There is also a need for further initiatives by the MoE targeting teachers to strengthen their capacity to identify children at risk and prevent juvenile crime.

1.5. Recommendations

Red: High priority recommendations which the Evaluators suggest are implemented immediately;

Purple: Medium priority recommendations which are not urgent but which the Evaluators suggest are implemented at the appropriate time;

Blue: Recommendations that would be beneficial to implement if resources allow, or which are broader issues to be considered in the wider context of the reform of child protection systems in Montenegro.

1.5.1. Outcome 1

- i) Stakeholders, particularly the MoJ, MoLSW, Ombudsman's Office and civil society organisations should implement a system to monitor the medium to long-term implementation of the new Act and secondary legislation to determine whether any clarifications to the legislation or its implementation are required (perhaps through the development of guidance notes);
- ii) The MoJ, Judicial Council and Ministry of Interior implement the recommendations of the regional consultant responsible for the development of PRIS, particularly the Ministry of Interior with regard to the establishment of a juvenile justice database for police that is harmonised with PRIS.

1.5.2. Outcome 2

- i) The Judicial Training Centre, Police Academy and Bar Association:
 - If they have not done so already, approve and accredit the final specialist training programmes for judges, prosecutors, police and defence lawyers respectively;
 - Incorporate into the specialist training a specific module on the needs of children of different genders, children with disabilities and children from ethnic minority groups; and
 - Provide continuing professional development programmes focused on the treatment of juvenile victims and witnesses to refresh the skills of trained professionals and to train up new professionals.
- ii) The MoJ, MoLSW and UNICEF explore further opportunities to support the relevant training bodies in providing continuous training to juvenile justice professionals and to ensure an adequate geographical coverage and numbers of trained personnel throughout Montenegro, with a particular emphasis on joint practical training sessions between police and prosecutors and training for lawyers.
- iii) The MoJ, Judicial Training Institute and MoLSW provide further cross-sector practical training in the work of the PSS, particularly among the PSS, prosecutors, judges and CSW, to ensure that there is a common understanding on the role of the PSS and to encourage more judges and prosecutors to use the services, whilst also further strengthening the skills of PSS personnel.
- iv) The MoJ explores opportunities to provide financial and logistical support to the PSS to assist it in procuring the equipment and strengthening the infrastructure it needs to conduct its services effectively, and to conclude the third party contracts required to fully implement the full range of diversion or correctional measures.
- v) The MoLSW and MoJ:

- Work with the Ljubovic Centre to ensure that it is financially and logically able to implement its amended Methodology and Programme of Work; and
 - Establish geographically accessible day treatment centres that could provide similar support services to the Ljubovic Centre across the country.
- vi) The High Court of Podgorica moves its child interview room to a location that is more conducive to holding child-friendly hearings, and the other Prosecutors' Offices and Courts (in which the child-friendly interviewing equipment has been installed) review the location of their child interview rooms to ensure that they are appropriate for holding child-friendly hearings in line with international standards.
- vii) The MoJ and UNICEF reconsider how to organise the implementation of the criminal sanction of referrals to closed-type institutions for children in conflict with the law;
- viii) The MoJ, Ombudsman's Office and UNICEF improve their understanding of the practices and conditions of pre-trial detention at the remand centre at Spuž, and to consider whether the programmes and method of work at the remand centre need to be developed to strengthen rehabilitation prospects of children held there;
- ix) The MoJ, Ministry of Interior, Montenegrin Parliament and UNICEF pay particular attention to the findings of the Ombudsman's Office on police custody practices (if any) and consider whether further training or guidance is required to ensure that such practices remain within the remit of the boundaries established by the Treatment of Juveniles in Criminal Proceedings Act and international juvenile justice standards.
- x) The MoE, in consultation with children, teachers and other juvenile justice professionals, develops further interventions targeting teachers to ensure that they receive adequate training on juvenile justice matters and participate in projects which strengthen their capacity to identify children at risk and prevent juvenile crime.
- xi) The MoJ provides further training for staff at the Juvenile/Young adults' wing at the Institution for Execution of Criminal Sanctions on the types of programmes that could be developed to further the rehabilitation of juvenile offenders.
- xii) The MoLSW considers, as part of the broader reform process to the child protection system in Montenegro and in consultation with other stakeholders, the appropriateness and suitability of the role of the Ljubovic Centre in providing both rehabilitation services for children in conflict with the law *and* child protection services for children in need of care and protection.

xiii) The MoJ, MoLSW, Ministry of Interior, MoE, Judicial Training Institute, Judicial Council, Police Academy, Bar Association, civil society organisations and UNICEF strengthen their knowledge and understanding of the treatment of juveniles accused of or responsible for administrative offences, and that consideration is made as to whether the law or practice in this area could be further brought in line with international standards.

1.5.3. Outcome 3

- i) If they have not already done so, the MoJ and MoLSW develop and implement the television or radio show to increase public awareness on juvenile justice matters through the active participation of boys and girls in conflict with the law;
- ii) MoJ, MoLSW, PSS, Ljubovic Centre and Institution for Execution of Criminal Sanctions:
 - Focus on maintaining and strengthening links with the NGOs/third party service providers of prevention programmes and alternative measures over the medium to long-term;
 - Ensure that all NGO/third party programmes selected to provide services for children in conflict or in contact with the law have been designed with equity and HR & GE considerations as priorities, are adaptable to varying literacy levels of the participants, and have sufficient resources (such as IT equipment) available to provide the services effectively to each of the participants.

1.6. Good Practice

- The use of strategies to strengthen the capacity of government Ministries to manage, monitor and implement the J4CP and similar projects in future, achieved through various mechanisms including via the dual-Ministerial leadership of the MoJ and MoLSW (ensuring government ownership of the project), a multi-stakeholder management committee, a technical committee composed of juvenile justice professionals to implement the activities with UNICEF support;
- The decision of the Ombudsman's Office to conduct a study into police practices with respect to children in conflict with the law, enabling the J4CP to respond quickly to this apparent grey area in the juvenile justice framework, and increasing the prospects of the government adopting the recommendations arising from the project;
- The multi-sector training sessions were an excellent opportunity for juvenile justice professionals to exchange best practices and become acquainted with their counterparts;
- UNICEF's facilitation of productive cross-sector dialogues and policy-making discussions relating to the implementation of the Treatment of Juveniles in Criminal Proceedings Act among juvenile justice professionals.

1.7. Lessons Learnt

- The expansion of stakeholder capacities, in both core project staff and support, including in the relevant ministries, and the Ombudsman’s Office for alternative data gathering and monitoring;
- Strengthened participation of the MoLSW and the establishment of a ‘bridge’ between the MoLSW and juvenile justice reform;
- Strengthened stakeholder participation, particularly the MoE through its formal high-level participation, law enforcement officials, and sector and community-level officers in the planning and investigation phases of the project;
- In future: ensure greater participation by children and parents (particularly children in conflict and in contact with the law, girls, and children/parents from ethnic minority groups) during the design phase of the project; devote greater attention to the development of activities that specifically address the particular needs of these vulnerable groups; ensure that HR & GE and general equity analyses conducted during the design phase of the project are formally documented; and devote greater attention to gender and other equity issues in the formulation of budgets and implementation of the interventions by the management committees, and that such analyses are formally documented.

2. Object, Objective, Purpose and Scope of the Evaluation

2.1. Introduction

This Evaluation Report was commissioned by UNICEF and conducted between the 4th April and 4th July 2014 by Coram Children's Legal Centre, a UK based NGO. It forms part of the Final Evaluation of the 'Justice for Children' (IPA 2011) Project (**J4CP**), which is an initiative of the Montenegrin Ministry of Justice (**MoJ**) and Ministry of Labour and Social Welfare (**MoLSW**), supported by UNICEF Montenegro with the financial assistance of the European Union (**EU**) under the Instrument for Pre-Accession Assistance 2011 (**IPA 2011**).

2.2. Object and Objectives of the Evaluation

The main objective of this summative Evaluation, as stipulated in the Terms of Reference (**TOR**), is to evaluate the final (end) results and achievements of the J4CP in relation to the Logical Framework (**LogFrame**) and Theory of Change (**ToC**) which were developed at the beginning of the project.¹ The TOR, LogFrame and ToC are enclosed in **Annex A**, **Annex B** and **Annex C**, respectively.

The J4CP is led by Montenegro's MoJ and MoLSW, implemented by key stakeholders in the juvenile justice system (including police, judges, prosecutors, defence lawyers, social workers, and the professional support services), with the support of UNICEF Montenegro (composed of a Project Coordinator, Consultant seconded to the MoJ and Project Assistant) and with the financial assistance of the EU. Details of the management and organisation structure are set out in the relevant sections of this Report.

The total budget for the J4CP is €550,000, comprising €500,000 from the EU and €50,000 from UNICEF. Under the initial Grant Proposal, it was envisaged that the J4CP would be implemented over an 18-month period, from July 2012 to January 2014. The Contribution Agreement for the J4CP between the EU and UNICEF was signed on 9 July 2012, although the actual implementation of the project started in November 2012 due to administrative delays. Due to this delayed start, a no-cost extension was granted to extend the implementation period for an additional 6 months (i.e. until 9 July 2014).²

The general aim of the J4CP may be described as follows:

- Contribute to the improvement of the skills and knowledge of professionals working directly with children in conflict with the law, children demonstrating anti-social behaviour ('**children at risk**') and child victims and witnesses of crime;

¹ Institutional Consultancy for Final Evaluation of the "Justice for Children" (IPA 2011) Project, March 2014, p 5

² UNICEF, *Progress Report: Justice for Children Project (Montenegro)*, November 2013, p 28; Amended Action Plan for Implementing the Action

- Contribute to the further specification of the necessary legislative and regulatory framework (through development of secondary legislation) to fully implement the Treatment of Juveniles in Criminal Proceedings Act 2011 (the ‘new Act’); and
- Support the implementation of diversion measures and procedures as alternatives to criminal prosecution and deprivation of liberty, to allow the full implementation of the new Act.³

The **overall objective** or desired **impact** of the J4CP, as stated in the LogFrame and ToC, is for children to benefit from the full application of international norms and standards when they come into contact with justice and related systems as alleged offenders, victims and witnesses of crime or for other reasons where judicial, state administrative or non-state adjudication is needed.⁴ This overall objective/desired impact is described in the project documentation more specifically as follows:

- **Specific Objective 1:** To improve the rights, status and treatment of children in conflict with law and introduce child-friendly hearing procedures for child victims and witnesses of crimes, children with disabilities, visual impairments, hearing or speech impairments, and children with behaviour problems; and
- **Specific Objective 2:** To increase the application of prevention programmes, alternative procedures and measures, and rehabilitation and reintegration programmes for juveniles, which adopt a child rights-based, restorative justice approach.⁵

To achieve the overall objective/ desired impact, the LogFrame and ToC were designed to incorporate three key components or **outcomes**, as follows:

- **Component 1 - Policy and Legislative Reform:** The new Act which was adopted in December 2011 aimed to align Montenegrin law with international juvenile justice standards. To implement this new Act and, in particular, to enable juveniles in conflict with the law and child victims and witnesses to benefit from its provisions on diversion, non-custodial measures and individualised working methods,⁶ a variety of secondary legislation and administrative orders were deemed necessary. Furthermore, despite the progress made in Montenegro in gathering and analysing data on juvenile justice issues, it was considered that policy making was still hindered by a lack of clear, accessible and reliable data in line with international standards, and that much work remained to be done on

³ Terms of Reference, pp 3-4

⁴ Theory of Change; Grant Proposal, p 5; UNICEF, *Progress Report: Justice for Children Project (Montenegro)*, November 2013

⁵ Terms of Reference, p 5

⁶ See in particular Title 2, Part I on Diversion Measures, Articles 16 to 31 on Correctional Measures, and Article 121 on Individual Programmes.

enhancing the capacity of State actors to gather, collate and interpret this data. **Outcome 1** was therefore described as the development and implementation of a legislative and policy framework for juvenile justice, including the adoption of an appropriate juvenile justice data collection and information system upgraded and harmonised with internationally recognised standards.

- **Component 2 - Institutional and Administrative Capacity for the Implementation of the new Act:** Through J4CP, UNICEF aims to build upon the existing knowledge of juvenile justice professionals in juvenile justice matters. To do this, the J4CP was designed to provide selected police officers, judiciary staff, prosecutors, defence lawyers, social workers and selected NGO partners, with more skills-based training in order to strengthen both their knowledge of the new Act and their practical skills, including child-sensitive communication skills, individualised working methods with child offenders, and particular skills and methods relevant to each of the professional sectors. Further, to strengthen the capacity of professionals to work with child victims and witnesses of crimes in line with international juvenile justice standards and the new Act, the J4CP included interventions to provide equipment and training to Montenegro's judiciary and prosecution to conduct child-friendly hearing procedures. **Outcome 2** was therefore described as the strengthening of institutional, administrative and human capacity for the implementation of the new Act.
- **Component 3 - Public Awareness on Juvenile Justice Matters:** This component of J4CP is aimed to ensure increased child participation in the promotion of the rights of children in conflict with the law, which in turn is aimed to increase public awareness of such issues. **Outcome 3** was therefore described as the increased public awareness of juvenile justice matters through the active participation of boys and girls in conflict with the law in the promotion of their rights.

To achieve the three outcomes, the LogFrame and ToC incorporated a series of 17 **activities** and nine **outputs**. The activities, their corresponding outputs and outcomes, the assumptions on which the ToC was based, are clearly set out in the J4CP's LogFrame and ToC enclosed in **Annex B** and **Annex C**, respectively.

2.3. Purpose of the Evaluation

This Evaluation is aimed to:

- Provide feedback to EU Delegation to Montenegro, UNICEF Montenegro, the MoJ and MoLSW, and other stakeholders and partners, on the **relevance, effectiveness, impact, efficiency and sustainability** of the J4CP in strengthening the capacities of the justice, social and child welfare systems in applying international norms and standards when children come into contact or conflict with justice, and related systems as alleged offenders, victims and witnesses of crime or for other reasons where judicial, state administrative or non-state adjudication is needed. To do this, the Evaluation is intended to:

- Reveal good practices and gaps in the approaches adopted as part of J4CP; and
- Identify lessons which can be learnt from the implementation of the J4CP; and
- Inform the development of recommendations aimed at furthering the juvenile justice system reform process in Montenegro.⁷

It is envisaged that the findings and recommendations generated from this Final Evaluation will be used by:

- The MoJ and MoLSW as an important source of information to further develop government policies and programming, particularly in the area of juvenile justice and to further strengthen the implementation of the new Act;
- Independent oversight bodies and NGOs representing vulnerable groups to further strengthen their monitoring and advocacy efforts;
- The EU Delegation to Montenegro and other project partners to discuss potential future support for further reform efforts;
- UNICEF to assist in developing future programming and support initiatives to advance the rights of children who come into conflict or contact with the law, or who are at risk of doing so; and
- UNICEF to ensure the provision of efficient and effective assistance and support to the MoJ and MoLSW in defining the future direction of the juvenile justice reform process in Montenegro.⁸

2.4. Scope of the Evaluation

The TOR stipulates that the Evaluation is intended cover the entire project implementation period (i.e. from July 2012 to July 2014) at both national and local levels and all project components, following the way that the project has been conceptualised (in the Grant Proposal, LogFrame and ToC). All of the J4CP's activities, outputs and outcomes have therefore been included in the Evaluation Matrix. Also as required by the TOR, the ToC and LogFrame have been used as the main reference point for the development of the Evaluation Matrix.

2.5. Status of Implementation

As stated in the TOR, this final, summative Evaluation was expected to be completed by the end of June 2014, coinciding with the end stages of the J4CP implementation period and by which time the majority – but not all - of the J4CP's activities were expected to have been completed. In practice, certain activities were therefore outstanding as at the date of the in-country data collection visit, report-writing stage of this Evaluation Report and conclusion of the J4CP implementation period, such that the Evaluators were not able

⁷ Institutional Consultancy for Final Evaluation of the “Justice for Children” (IPA 2011) Project, March 2014, p 6

⁸ Terms of Reference, p 5

to conduct a complete evaluation of certain areas of the J4CP. The outstanding and ongoing activities as at 1 July 2014 are listed in Table 8 of this Evaluation Report.

Apart from the outstanding or ongoing activities, there were no significant changes to the LogFrame or ToC during the course of its implementation which had any significant implications for this Evaluation, apart from the no-cost extension mentioned above which resulted in a few changes to the action plan (timeline) for the project. There were certain challenges arising from the global economic crisis in procuring equipment for certain J4CP activities. While these challenges have not had a significant impact on the completion of this Evaluation, they have had some impact on the actual implementation of the J4CP itself, and are discussed where relevant in this Evaluation Report.

3. Context of the Evaluation

Montenegro has recently undergone a period of significant transition, having regained independence on 3 June 2006. It was admitted as the 192nd member of the United Nations (**UN**) on 28 June 2006, and the 47th member Council of Europe on 11 May 2007.⁹ It was granted EU candidacy status in December 2010, with accession negotiations formally commencing in June 2012. During this period, Montenegro has embarked on an intensive series of reform programmes in the country.¹⁰ Central to this is the Instrument for Pre-Accession Assistance (**IPA**) 2007-2013 under which the EU provides assistance to Montenegro as a potential EU candidate country to move towards meeting in full the Copenhagen political and economic criteria and the EU ‘acquis communautaire’.¹¹

In a very short period of time after independence, Montenegro also became party to key international and regional human rights treaties, including its succession to the International Convention on the Rights of the Child (**UNCRC**) on 23 October 2006.¹² It has therefore started upgrading its legislation and establishing an institutional human rights protection framework in line with these requirements, including those relating to juvenile justice. International child rights standards are particularly important given the relative paucity of EU-law on the subject and the J4CP’s integral role in Montenegro’s accession negotiations under the IPA.

The J4CP stems from a series of reforms in the area of juvenile justice. An assessment of the juvenile justice system in (what was then) the Former Republic of Yugoslavia in 2001 led to the ‘Children’s Chance for Change’ initiative in Serbia and Montenegro in 2004, which was led by the former MoJ and MoLSW, with the technical assistance of UNICEF and financial support of the Swedish International Development Agency (**SIDA 2004**).¹³ This project was followed by an 18-month initiative – the ‘Reform of the Juvenile Justice System’ – from October 2008 to April 2010, again with the support of UNICEF, and with the financial backing of the

⁹ UN Press Release ORG/1469, 3 July 2006; Council of Europe: Montenegro, accessed on 22 April 2014 via <http://www.coe.int/web/portal/montenegro>.

¹⁰ European Commission, Commission Staff Working Document, *Montenegro 2013 Progress Report*, 16 October 2013, p 3; Communication from the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2013-2014*, COM(2013)700 final

¹¹ European Union Delegation to Montenegro, *Assistance Programmes*, retrieved on 27 May 2014 from <http://www.delmne.ec.europa.eu/code/navigate.php?Id=59>

¹² Also note its succession/ ratification of the European Convention on Human Rights, the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of Discrimination against Women, and International Convention on the Rights of the Persons with Disabilities; UN Treaty Collection, Chapter IV Human Rights, <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>, accessed 20 April 2014; Convention for the Protection of Human Rights and Fundamental Freedoms CETS No.: 005, Council of Europe, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=&DF=&CL=ENG> accessed 22 April 2014

¹³ Introduction of the Restorative justice concept and Victim-offender mediation practice in Serbia and Montenegro within the ‘Children’s Chance for Change’ project – A juvenile justice reform initiative in Serbia and Montenegro, *UNICEF*, [http://www.unicef.org/tdad/serbiamontenegrormediation06\(2\).pdf](http://www.unicef.org/tdad/serbiamontenegrormediation06(2).pdf), accessed 20 April 2014

European Commission (€500,000) (**IPA 2008**). This project, which laid the foundations for the inception of the J4CP, sought to establish and implement a legal framework for children in conflict with the law in line with international standards on juvenile justice. It involved developing community-based crime prevention programs for children at risk of coming into conflict with the law, strengthening rehabilitation programmes for young offenders, introducing diversion mechanisms such as the ‘Victim-Offender Mediation’ (**VOM**) scheme, and awareness-raising initiatives to promote the rights of children in conflict with the law.¹⁴

Significantly, the new ‘Act on Treatment of Juveniles in Criminal Proceedings,’ which is a specialist law on juvenile justice standards and procedures, was adopted by the Montenegrin Parliament in December 2011. The new Act prescribes a minimum age of criminal responsibility of 14 years in line with international juvenile justice standards, and a juvenile justice system governed by the fundamental principles contained in the UNCRC (including respect for the best interests of the child, the prohibition of discrimination and the right of the child to express their opinion).¹⁵ It also incorporates a series of diversion and correctional measures, promotes the use of alternative measures to institutional sanctions, and provides for the establishment of personnel, including judges, public prosecutors, defence lawyers, and police specialised in juvenile justice matters.¹⁶

An independent evaluation of the ‘Reform of the Juvenile Justice System’ concluded that, ‘Montenegro’s unique circumstances – such as sweeping momentum towards EU membership, exemplary high-level political support, enthusiastic donor interest, full UNICEF investment, and sound project successes – present exceptionally rare strategic opportunities that should be seized, and that could be leveraged to build a model culture for children’s rights.’¹⁷ As such, it recommended focusing on the implementation of the new Act (still in draft form at that point) through the ‘prompt’ development and implementation of secondary legislation, specialised professional trainings, the provision of intensive expert technical assistance, implementation of diversion measures, expanded project capacity, and the development and integration of UNICEF/UNODC juvenile justice indicators into data collection and monitoring systems.¹⁸

These reforms have taken place against a backdrop of broader political, economic and social reforms and challenges. The EU Progress Report 2013 considered that Montenegro ‘continues to sufficiently meet the political criteria for membership in the EU’, notes the steps it is taking to strengthen its rule of law by

¹⁴ Montenegro: UNICEF Response, [UNICEF, http://www.unicef.org/montenegro/overview_9536.html](http://www.unicef.org/montenegro/overview_9536.html), accessed 20 April 2014; Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010

¹⁵ See Articles 1, 2 and 4, Act on the Treatment of Juveniles in Criminal Proceedings; UNCRC General Comment 10 (2007), *Children’s rights in juvenile justice*, para 30

¹⁶ See for example Articles 4(7), 4(9), Title Two (Part I), Article 46, Article 50, Act on the Treatment of Juveniles in Criminal Proceedings

¹⁷ Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, p V

¹⁸ ibid

enhancing judicial independence, and highlights the further steps it can take to strengthen these reforms.¹⁹ Montenegro came out of recession in 2013 and is described as making further ‘progress towards a functioning market economy.’²⁰ It is considered by the World Bank as an ‘upper middle income country with enormous growth potential’ and has a GDP of \$4.373 billion (2012) (or \$4682.25 per capita).²¹ GDP grew steadily in 2013.²²

However, the global economic crisis has had a significant impact on the Montenegrin economy and the general well-being of its population, 23.4 percent of which are children²³ (around 10,000²⁴ children under the age of 18 years). Poverty in Montenegro had fallen rapidly after independence, but these gains were ‘completely reversed’ by the financial crisis.²⁵ This situation is compounded by the geographical disparities in poverty. In 2012, the poverty rate in the northern region was reportedly 18.3 percent, compared to 7.9 percent in the central region and 9 percent in the southern region.²⁶ Further, almost a quarter of children living in Montenegro’s rural areas live in poverty, compared to 4 percent of children who live in urban areas.²⁷ According to UNICEF, while the economy is expected to recover during the next few years, macro-economic challenges will remain.²⁸

In terms of the extent of juvenile offending in Montenegro, figures from Monstat indicate that the number of adults and juveniles accused of committing a crime, and the number of adults and juveniles convicted of a crime, decreased between 2009 and 2011.²⁹ Between 2010 and 2011, there was a 24 percent decrease in the number of prosecuted juveniles, a 15 percent decrease in the number of accused juveniles and a 13 percent decrease of convicted juveniles.³⁰ In 2011, 4.6 percent of the number of persons convicted were juveniles.³¹ It is considered that the factors that influence the risk of children coming into conflict with law include dropping out of school and drug use.³²

¹⁹ Communication from the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2013-2014*, COM(2013)700 final

²⁰ ibid

²¹ Montenegro Overview, *World Bank*, <http://www.worldbank.org/en/country/montenegro/overview>, accessed 20 April 2014

²² World Bank, Montenegro Country Program Snapshot, April 2014, p 2

²³ UNICEF, Children in Montenegro: Data from the 2011 Census

²⁴ UNICEF, *Country Programme Document 2012-2016*, p 2

²⁵ World Bank, Montenegro Country Program Snapshot, April 2014, p 5

²⁶ Monstat, 2013; referenced in the Terms of Reference.

²⁷ UNICEF, *Child Poverty in Montenegro*, February 2012, p 56

²⁸ UNICEF, *Country Programme Document 2012-2016*, para 3

²⁹ UNICEF and Juventas, Annex A: Project Description (Prevention of criminal and drug abuse recidivism among children in conflict with law in Podgorica), March 2014, p 3

³⁰ ibid

³¹ ibid

³² ibid, p 4

Children from vulnerable groups in Montenegro deserve special mention. Refugees and unregistered Roma are considered to be among the most vulnerable people in Montenegro, with around only one-third of Roma children completing a full cycle of primary education.³³ Further, concerns have been raised regarding domestic violence and attitudes towards gender-based violence.³⁴ Respect for the rights of children with disabilities has also been an area of focus; attitudes towards children with disabilities are reportedly changing with positive steps being taken to promote their social inclusion.³⁵

³³ UNICEF, Montenegro Country Programme Document 2012-2016, para 4

³⁴ ibid para 6

³⁵ ibid, para 8

4. Methodology

4.1. Use of International Researchers

The evaluation is conducted by a team of international consultants from the Coram Children's Legal Centre ('**CCLC**'). The TOR for this Evaluation requested the use of national researchers, intended to contribute to the objectivity of the Evaluation Report and inject a national perspective to the evaluation. However, due to Montenegro's small population and its close-knit community of juvenile justice professionals, it was decided that no national researchers would be engaged as part of this Evaluation, in order to minimise the risk of conflict of interest.

CCLC is an independent charity and follows strict guidelines to ensure the objectivity of its evaluations. CCLC was awarded the contract to perform this Evaluation pursuant to UNICEF's competitive bidding procedures, and following UNICEF's consideration of CCLC's Technical and Financial Proposal submitted in response to UNICEF's publically-advertised call for proposals.

4.2. Evaluation Matrix

The methodology for the data collection has been developed using an '**Evaluation Matrix**' (enclosed in **Annex D**). The Evaluation Matrix encompasses the following:

- The five main criteria against which the J4CP will be evaluated (relevance; effectiveness; impact; efficiency; and sustainability);
- A set of evaluation questions for each criteria based on those stipulated in the TOR for this study;
- A set of indicators for each evaluation question guided by the ToC and LogFrame, the guidelines in paragraph 4.3 below, and UNEG gender equity and human rights (**GE & HR**) criteria (for which see paragraph 4.4.4 below); and
- A plan for the data collection corresponding to each evaluation question.

The development of the Evaluation Matrix was guided by UNEG Standards and Norms, and integrates and is informed by equity, human rights and gender equality criteria, drawing on relevant UNEG and UNICEF resources and guidance.³⁶

4.3. Developing the Indicators

³⁶ Including: UNICEF, How to Design and Manage Equity-Focused Evaluations, Evaluation Working Paper (2011); UNEG, Integrating Human Rights and Gender Equality in Evaluations: Towards UNEG Guidance (2011).

To ensure the development of realistic and measurable indicators in the Evaluation Matrix, the following approaches were used:

- Where appropriate, the number of indicators were limited to three or four per evaluation question, in order to keep the volume of data to be collected within manageable limits in light of time constraints;
- At least one qualitative indicator was been included in each evaluation question to facilitate the collection of contextually rich data and identification of nuances;
- Care was taken to ensure that the indicators were gender-sensitive wherever possible; and
- The indicators were ‘SMART’ (i.e. **S**pecific, **M**easurable, **A**ttainable, **R**elevant and where possible **T**ime-bound).

4.4. Data Collection Plan and Tools

As per the TOR, the Evaluators used a mixed-methods approach, utilising quantitative and qualitative data collection techniques and non-experimental design. A mixed methodology was used in order to draw from the strengths of both qualitative and quantitative methods, to gather rich and accurate data and improve the validity of results through triangulation. This consisted of a desk review and in-country data collection visit where a series of semi-structured individual interviews, focus group discussions (**FGDs**) and observations were conducted. In-country data collection tools were developed for the semi-structured individual interviews and FGD to enable the collection of reliable data and to measure the project relevance, effectiveness, impact, efficiency and sustainability against the evaluation indicators. The data collection tools are enclosed in **Annex E**.

4.4.1. Quantitative methods

Due to the time constraints for the conduct of this study, quantitative data was gathered from secondary sources, particularly from the MoJ, MoLSW, MNE Statistical Office Yearbooks, and other relevant stakeholders as set out in the Evaluation Matrix. The Evaluation Matrix was used to identify the secondary data required (for example, to test whether certain quantitative targets set out in the LogFrame or ToC had been met), the sources for this information and their method of collection (which was primarily via a desk review). To maximise the diversity of perspectives and accuracy of the data, secondary statistical data was obtained from various bodies and publications, namely: the Supreme Court; Supreme Prosecutor Office; Institution for Children and Youth at Ljubović; Social Welfare Centres; the Department for Execution of Criminal Sanctions; the Centre for Mediation; Statistical Office of Montenegro – Yearbooks for 2010, 2011 and 2012; Supreme Court - Annual reports for 2010, 2011, 2012 and 2013; and the State prosecutor - Annual reports for 2010, 2011 and 2012.

The limitations associated with this are set out in paragraph 4.6 below.

4.4.2. Qualitative methods

The Evaluators used the Evaluation Matrix to identify the qualitative data required, the sources of this information, and their method of collection (i.e. via desk review, semi-structured individual interviews and/or observations). To maximise the diversity of perspectives, secondary qualitative data was obtained from a range of key country-based stakeholders, and included the J4CP Progress Report, EU Monitoring Evaluation Report and reports of the Ombudsman's Office. To maximise the accuracy of the qualitative data obtained via secondary sources, the Evaluators compared the findings to the qualitative data obtained via primary data sources to identify any inconsistencies. A list of the secondary sources consulted for this Evaluation is enclosed in **Annex F**.

Researchers used a mixture of semi-structured key informant (one-to-one) interviews, FGDs and observations to obtain primary qualitative data. One-to-one interviews were generally preferable where professionals from the key stakeholder groups were involved, as FGDs can cause informants to comply with professional expectations rather than give authentic information. Researchers carried out a number of FGDs with project beneficiaries. FGDs permit the collection of more general data, while the participants are able to respond to each others' opinions and share, build upon and clarify each others' ideas, often resulting in the collection of richer data. Researchers are also able to observe nuances in participants' responses and behaviour during FGDs, such that information gathered is of a natural and spontaneous nature. Further, the use of FGD with children can be less intimidating for children than one-on-one interviews, and interactions between children can produce rich data, particularly where there is existing familiarity among children involved in the groups.

4.4.3. Sampling and field plan

Qualitative and quantitative data was collected from key stakeholders and/ or beneficiaries in the following regions which were selected according to their diverse geographical locations within Podgorica, their relative urbanisation, and whether new services had been established in those regions pursuant to the J4CP: Podgorica; Bijelo Polje; Tivat; and Nikšić.

Given the time and capacity of the Evaluation, it was determined that a representative sample through random selection would be difficult to achieve. Therefore, the evaluation employed a purposeful sampling technique, under which communities and participants were selected to represent different stakeholder groups identified according to the TOR and Evaluation Matrix. Within these groups, the participants were selected, to the extent possible, according to the following criteria:

- Diversity of ethnic groups;
- Gender diversity;
- With regards to children in conflict with the law and 'children at risk', their ages; and
- Geographical locations.

One-to-one interviews, FGDs and observations were conducted with the participants listed in **Annex G**.

4.4.4. Addressing Issues of Causation and Attribution

An integral part in the development of the Evaluation Matrix was the issue of assessing contribution and attribution of the results of the J4CP to its project activities and outputs. The adoption of a ‘mixed methods’ approach and triangulation were used to address these issues in the following ways:

- The Evaluators analysed trends in the quantitative data for the period before and during the J4CP’s implementation period to determine whether the quantitative indicators set out in the Evaluation Matrix had been met. The quantitative indicators were guided by the UNICEF/UNODC measurement of juvenile justice indicators and included, for example, whether there has been a 30 percent increase in the number of boys and girls in conflict with the law diverted from regular court proceedings through diversion measures during the implementation period;
- The semi-structured individual interviews and FGDs were designed to include questions that would elicit the views and perceptions of stakeholders and beneficiaries of the J4CP on whether the J4CP has contributed to the attainment of its desired impact and whether the assumptions on which the ToC were based were realistic. Participants included both primary and secondary beneficiaries of the J4CP; and
- Where possible, a comparison of the experiences, perceptions and views of stakeholders/beneficiaries that participated in a J4CP activity with those of the stakeholders/beneficiaries that participated in the J4CP activity to a different extent, would be considered (for example, a comparison of the experiences and views of children in conflict with the law at the Ljubovic Centre that participated in a particular J4CP rehabilitation programme as compared with those of children in conflict with the law at the Centre that did not);
- Based on the Evaluator’s professional judgment and the findings of the research, any unplanned effects or factors that may have contributed to achieving/not achieving the desired impact or are likely to do so/not do so in the future, were considered.

Limitations associated with evaluating the impact of the J4CP were discussed in the inception report that preceded the in-country data collection phase of the Evaluation.

4.4.5. Ensuring a GE & HR Approach

The development of the methodology, including the evaluation questions, indicators, and data collection plan, was equity-focused and guided by international human rights standards (for example, child rights stipulated in the UNCRC) and equity (including gender equity) and human rights (**GE & HR**) criteria (for example, the UNEG’s 2011 Manual, ‘Integrating Human Rights and Gender Equality in Evaluations: Towards UNEG Guidance’).

The Evaluation Team worked with UNICEF to ensure that a full range of stakeholders, including vulnerable groups (such as children in conflict with the law), boys and girls, participated in the evaluation; where this

was not possible or inappropriate, the Evaluation Team devised steps to address any limitations arising from their non/indirect participation (see ‘Limitations’ below).

4.5. Stakeholder Participation

The Evaluators adopted a participatory process in developing and conducting this Evaluation. The draft methodology, Evaluation Matrix and data collection tools were submitted to UNICEF for comments and feedback from stakeholders, particularly the MoJ and MoLSW (which led the project for the government), and the main contributor, the EU. Stakeholder consultations during the development of the methodology mainly focused on issues regarding the robustness, feasibility and practicalities of the methodology, scope of the Evaluation and data collection plan, and the availability of the data required. UNICEF and the consultant based at the MoJ were the main points of contact for the Evaluators in gathering secondary data documents and organising the in-country data collection programme.

A draft evaluation report was submitted to UNICEF for review and feedback from stakeholders, particularly the EU, MoJ and MoLSW, in order to obtain any outstanding desk review documents, updated quantitative data, and comments on the appropriateness of the recommendations in light of the domestic context. To ensure ownership and utility of the key findings and recommendations arising from the Evaluation, the Evaluators presented these at a multi-stakeholder validation conference attended by representatives from UNICEF, the EU, the MoJ, MoLSW, juvenile justice practitioners (including police, prosecutors, judges, PSS, social workers, staff from the Ljubovic Centre), partner NGOs and the national media. The Evaluation Report was finalised following the conference, taking into account the responses of the stakeholders to the appropriateness of the recommendations in the domestic context and whether they accurately reflected the findings of the data collected.

4.6. Limitations

There were certain limitations involved in conducting this evaluation, some of which were foreseen at an early stage and were addressed in the inception report that preceded this evaluation. In summary, they covered the limitations associated with evaluating the impact, target groups unwilling to participate, no direct involvement with child victims and witnesses, and limitations in evaluating equity-specific issues due to the lack of disaggregated data in relation to the gender and socio-economic and ethnic backgrounds of the target boys and girls. In addition, due to the sensitivity of the matter, with input from the Director of the Mediation Centre, the decision was made during the in-country data collection visit, not to interview children that had been through the process of mediation directly. Researchers instead met with the parents of children who had taken part in mediation as well as staff from the mediation centre in order to collect information. Unfortunately it proved difficult to engage parents of children in conflict with the law or of children at risk in the study for practical reasons as other commitments, them being located in other regions and having to arrange transport, which meant that the number of parents involved in the evaluation were more limited than initially planned.

The indicators to measure the results of the J4CP, as set out in the ToC and LogFrame, are largely based on UNICEF/UNODC juvenile justice indicators. The absence of a database for juvenile justice indicators for all juvenile justice institutions meant that quantitative data was obtained from several State institutions, the data from which was not always consistent. The evaluation relied mainly on data obtained from the State Prosecutors' Office as this was the most comprehensive and covered a broader range of indicators than other institutions providing data on the same topic. Further, in the absence of a team of national researchers in the project, UNICEF collated the data, having received it either directly from the relevant data providing institution or from the annual reports of these relevant bodies.³⁷ To address these limitations, where possible, the Evaluators compared the quantitative data obtained from secondary sources against quantitative data obtained through the semi-structured individual interviews, FGDs and observations to highlight any inconsistencies and assess its accuracy.

4.7. Ethical Considerations

CCLC's Ethical Guidelines (**Annex H**) applied to the field research undertaken.

³⁷ UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014

5. Evaluation Findings

5.1. Relevance

To what extent does the J4CP respond to the needs of stakeholders and beneficiaries?

Findings

Overall, the J4CP responds well the key needs and issues of children in conflict and in contact with the law, including those set out in UNICEF's Concept Programme 2012-2016 and the UNCRC's recommendations 2010. In addition, it responds well to the findings of the internal evaluation of the Reform of the Juvenile Justice System Project (IPA 2008). One of the most successful responses of the J4CP has been the use of strategies to strengthen the capacity of the Ministries to manage, monitor and implement the J4CP and similar projects in future.

As part of Montenegro's EU accession negotiations under Chapters 23 and 24, the J4CP is integral to national strategies and policies in the area of juvenile justice and the legal system more broadly. It is also intrinsically linked to parallel reforms to the child protection system, particularly as the project is run jointly by the MoLSW. The J4CP is a logical continuation of the Reform of the Juvenile Justice System. Its activities, outputs and outcomes are on the whole directly relevant to the overall goal of the J4CP and the achievement of their objectives in the given period of time.

The J4CP was broadly designed according to international norms and standards on HR & GE, and is in line with national strategies to advance HR & GE, including the National Plan of Action for Achieving Gender Equality in Montenegro for 2013 to 2017. However, there was limited participation by children and parents (particularly children in conflict and in contact with the law, girls, and children/parents from ethnic minority groups) during the design phase of the project, and limited evident consideration to incorporating activities that specifically address the particular needs of these vulnerable groups. This may have partly been due to the developers not *formally documenting* any equity and HR & GE analyses conducted during the design phase.

Reasoning

5.1.1. To what extent does the J4CP address and respond to the needs or issues of its most vulnerable target groups?

The J4CP is generally in line with the needs and issues facing children in conflict and in contact with the law as summarised in UNICEF's Concept Programme 2012-2016.³⁸ The J4CP also directly responds to several key concluding observations of the UN Committee on the Rights of the Child (**CRC Committee**) that were made following Montenegro's latest periodic review in 2010. Most relevant is the CRC Committee's recommendation that Montenegro '[s]peedily adopt the Draft Law on Juvenile Justice and take the necessary measures in order to implement it'.³⁹ The J4CP was designed to assist the government to implement the Act on Treatment of Juveniles in Criminal Proceedings.

Another key recommendation made by the CRC Committee was to establish a separate, adequate system of juvenile justice, including juvenile courts with specialised judges for children.⁴⁰ The new Act requires specialised treatment and the establishment of specialised procedures to deal with children in conflict and in contact with the law⁴¹ and two of the key aims of the J4CP are to establish the legal framework and strengthen the knowledge and capacity of juvenile justice stakeholders to implement this component. However, it was decided that a special court for juveniles would not be established, and that specialist juvenile justice judges, prosecutors, defence lawyers and police investigators would not be appointed. This decision took into account the reality of the situation in Montenegro, which has a small population, and not enough juvenile cases to make it cost effective to have specialised juvenile justice personnel working solely on such matters.⁴² Instead, before a judge, prosecutor, police investigator or defence lawyer can work on a juvenile justice matter, they are required to undergo specialised training, although their work will not be limited to such cases (see 'Effectiveness' below for more details).⁴³

The extent to which the J4CP addresses and responds to the other main needs and issues facing children in conflict and in contact with the law is set out in Table 1 below.

Table 1: Key needs and issues facing children in conflict and in contact with the law in Montenegro and the J4CP's response

Key Identified Needs and Issues ⁴⁴	J4CP's Main Response
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³⁸ An analysis of the extent to which the J4CP addresses the needs and issues of children in conflict and in contact with the law as identified in external evaluations of previous similar projects is discussed in detail later in this Evaluation Report.

³⁹ Committee on the Rights of the Child, *Consideration of reports submitted by states parties under article 44 of the convention; Concluding Observations: Montenegro*, CRC/C/MNE/CO/1, 21 October 2010, para 74(a)

⁴⁰ Committee on the Rights of the Child, *Consideration of reports submitted by states parties under article 44 of the convention; Concluding Observations: Montenegro*, CRC/C/MNE/CO/1, 21 October 2010, para 74(b)

⁴¹ Act on the Treatment of Juveniles in Criminal Proceedings 2011, Article 1 (Scope)

⁴² UNICEF Programme Coordinator, Podgorica, 12 May 2014

⁴³ Minute of the Meeting of the Steering Committee, 12 December 2012

⁴⁴ Committee on the Rights of the Child, *Consideration of reports submitted by states parties under article 44 of the convention; Concluding Observations: Montenegro*, CRC/C/MNE/CO/1, 21 October 2010

CHILDREN IN CONFLICT WITH THE LAW	
Alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them developed and implemented	<ul style="list-style-type: none"> Range of correctional measures set out in Articles 16 to 31 of the new Act; J4CP Output 2.3 consists of the organisation and facilitation of inter-sectoral capacity-development and experience exchange sessions on diversion measures for juvenile justice professionals The main aim of the J4CP is to meet the needs and issues of children in conflict with the law, particularly through the use of alternative measures and a focus on children's rehabilitation and reintegration as opposed to their punishment.⁴⁵
Training for all judges and law enforcement personnel who come into contact with children	Outcome 2 requires that the institutional, administrative and human capacity for the implementation of the new Act is strengthened including through the development and accreditation of skills-based training modules for juvenile justice professionals by the relevant training bodies, and strengthened domestic capacity to use prevention programmes, diversion measures and rehabilitation programmes.
<ul style="list-style-type: none"> Deprivation of liberty used only as a measure of last resort Separation of children and adult offenders Deprivation of liberty is regularly monitored and reviewed taking into account the best interests of the child 	See substantive analysis of the secondary instruments below.
• Development and establishment of the independent monitoring of detention conditions	See substantive analysis of the secondary instruments below.

⁴⁵ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

<ul style="list-style-type: none"> • Children deprived of their liberty are able to file complaints relating to their detention, conditions of detention, treatment, and adequate measures for investigation, redress and reintegration 	
CHILDREN IN CONTACT WITH THE LAW	
<p>Development and implementation of legal provisions and regulations to provide child victims and witnesses of crimes with the protection required under the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime</p>	<p>Output 2.2 (relating to the provision of training for juvenile justice professionals) includes training on the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime; witness protection was also reportedly a key need around which the J4CP was developed.⁴⁶</p>
<p>Development and implementation of strategies to prevent crimes in order to support children at risk at an early stage</p>	<p>Output 2.3 and its related activities focus on strengthening capacity of juvenile justice professionals to implement prevention programmes and diversion measures for children at risk and in conflict with the law, including the development and implementation of guidelines for social workers and training for high school students on Techniques of Peaceful Conflict Resolution.</p>
GENERAL RECOMMENDATIONS	
<p>The development and implementation of a consolidated system for the comprehensive collection and analysis of disaggregated data to analyse, monitor and assess the impact of laws, policies and programmes relating to children</p>	<p>Output 1.3 and its related activities concern the development of juvenile justice indicators, the integration of such indicators within the data collection system for judges and prosecutors (PRIS) and the training of staff to regularly collect data and monitor their status within PRIS.</p>
<p>The systematic dissemination and promotion of the UNCRC, to raise awareness of the convention and child rights among the general public and children in particular</p>	<ul style="list-style-type: none"> • Output 2.3 includes the provision of training to high school children on Techniques on Peaceful Conflict Resolution • Outcome 3 (and related outputs and activities): Increased public awareness of juvenile justice

⁴⁶ Interview with Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

	matters through the active participation of boys and girls in conflict with the law in promotion of their rights
Collaboration with civil society to ensure cooperation on a broad level on the promotion and protection of the rights of the child	The NGO contracts concluded with the PSS and/or UNICEF as part of Outcomes 2 and 3 of the J4CP are key examples of such collaboration (see 'Effectiveness' for further details).

It should be noted, that although the J4CP goes a long way towards addressing the recommendations contained in the CRC Committee's concluding observations it does not directly address the equity issues of discrimination and over-representation of ethnic minority children, in particular, Roma children, in the juvenile justice system as recommended by the Committee.⁴⁷

5.1.2. To what extent are the activities, outputs and outcomes of the J4CP relevant vis-à-vis the overall goal of the J4CP and the achievement of its objectives in the given period of time?

The planned activities, outputs and outcomes of the J4CP as set out in the ToC and LogFrame are relevant to the overall goal of the J4CP – namely, to ensure that children benefit from the full application of international norms and standards when they come into contact with justice and related systems as alleged offenders, victims or witnesses of crime.

The J4CP is an ambitious and exciting project, comprising 17 activities, nine outputs and three outcomes to develop the framework and capacity needed to implement the new Act within a two-year implementation period. Though ambitious, the implementation of the planned activities, outputs and outcomes, together with the assumptions on which they are based (as set out in the ToC), were achievable within the implementation period. This was partly due to two preceding juvenile justice projects in Montenegro (SIDA 2004 and IPA 2008), which laid much of the ground work for the J4CP, in terms of developing the political will and sense of ownership among stakeholders to implement the new Act.⁴⁸ The previous projects also helped sensitise a core group of stakeholders to international juvenile justice standards, concepts of restorative justice, and the obligation to rehabilitate juvenile offenders in accordance with the UNCRC, thus making the implementation of the J4CP's activities, outputs and outcomes achievable within the implementation period.

⁴⁷ Highlighted in the CRC Committee's Concluding Observations in 2010 and UNICEF's Montenegro Concept Programme for 2012-2016.

⁴⁸ Interview with UNICEF Project Coordinator, Podgorica, 12 May 2014

For an analysis of the whether the J4CP has contributed to achieving its desired impact, see paragraph 5.4 (*Impact*) below.

5.1.3. To what extent is the J4CP relevant vis-à-vis national policies and strategies in the area of juvenile justice and the justice or legal system more generally?

The J4CP is integral to national policies and strategies in the area of juvenile justice and the legal system more generally. Over the past two decades, Montenegro has embarked on an intensive series of reform programmes in the country, primarily in the context of its EU accession negotiations under the IPA. The J4CP forms an integral part of these EU reform initiatives, in particular, to the IPA 2008 (detailed above), of which the J4CP is a logical and necessary continuation, and the IPA 2011 Centralised National Programme on Strengthening Justice Reform in Montenegro.

The overall goal of the IPA 2011 Centralised National Programme is to strengthen justice reform in Montenegro in line with EU and international standards in order to support the implementation of the reform of the system of execution of criminal sanctions and the Treatment of Juveniles in Criminal Proceedings Act 2011.⁴⁹ This 1,330,000 EUR initiative (1,200,000 EUR of which is contributed by the EU) has two key components: the first aims to strengthen the workings of the penitentiary sector in line with EU standards and best practices to improve prison conditions and reduce prison overcrowding (currently being implemented under the Twinning Contract for the ‘Support penitentiary reform in Montenegro’);⁵⁰ the second aims to ensure that appropriate measures and practices are in place to further improve the juvenile justice system, and is being implemented via the J4CP.⁵¹

The ‘Standard Summary Project Fiche - IPA 2011 Centralised National Programme’, details the relevance of the J4CP in the broader context of Montenegro’s juvenile justice and legal reforms. A detailed discussion of all these initiatives falls outside the scope of this Evaluation Report. The key initiatives, however, are noted below.

The IPA 2011 builds upon the Government’s previous reform initiatives including the Judicial System Reform Project 2000-2005, and the Strategy for the Reform of the Judiciary 2007-2012. The Judicial System Reform Project 2000-2005 aimed to adopt a series of new organisational, substantive and procedural laws as the basis for the reforms to the judicial sector. In addition, it sought to implement these new laws, strengthen the professional development of judicial personnel, establish specialised judicial institutions, and develop a new judicial information system, PRIS.⁵² Building upon this project, the Reform of the Judiciary 2007-2012

⁴⁹ Standard Summary Project Fiche - IPA 2011 Centralised National Programme, para 2.1

⁵⁰ Twinning Contract, Project Number: MN 11 IB JH 01, Support Penitentiary Reform in Montenegro

⁵¹ Standard Summary Project Fiche - IPA 2011 Centralised National Programme, p 5

⁵² Government of Montenegro, Ministry of Justice, *Strategy for the Reform of the Judiciary* (2007-2012), pp 3-4

had the following goals: enhancing the independence, autonomy and efficiency of the judiciary; improving access to justice; and enhancing public trust in the judiciary.⁵³ The establishment of specialist juvenile justice procedures under the J4CP, including strengthening the knowledge and capacity of juvenile judges to deal with children in conflict and in contact with the law in line with international standards, and integrating juvenile justice indicators into PRIS, is therefore highly relevant in light of the broader reforms to the judicial system.

The development and implementation of the specialised juvenile justice system in Montenegro has been taking place in conjunction with the significant reforms to Montenegro's child protection system. These reforms include the Development and Poverty Reduction Strategy 2004 – 2006, the Poverty Alleviation and Social Inclusion Strategy (2007-2011) and the Strategy for Reform of Child and Social Protection 2008-2012. The latter strategy falls under the Reform of the Social and Child Protection System initiative under IPA 2010 implemented by the MoLSW in cooperation with UNICEF and UNDP, the third component of which aims to promote the inclusion and protection of the most vulnerable and marginalised children in Montenegro, including children in conflict with the law.⁵⁴ Participants from the MoLSW also considered that the J4CP was strategically relevant and that it "certainly does" fit in well with its other projects.⁵⁵

5.1.4. Was the J4CP designed according to international norms and standards on HR & GE and in line with national strategies to advance HR & GE?

The J4CP focuses on providing support to the Montenegrin government and other stakeholders to integrate domestic and international juvenile justice standards into secondary legislation and policies, and facilitate their implementation. Due to the very nature of the project, its subject matter and overall aim is in line with international norms and standards on human rights, specifically in the area of juvenile justice. The design of Outcome 3 to ensure the participation of children in conflict with the law in raising public awareness of their rights is an excellent example of the J4CP's equity-based features and design being in line with international standards on child rights.

However, from an equity perspective, the J4CP does not appear to give special consideration to 'girls or refugee, displaced, Roma, Ashkaelia, or Egyptian children', despite this being recommended in the external evaluation for IPA 2008. Further, in the absence of any documentary evidence (for example, via minutes of meetings) of a HR & GE or ethical analysis having been conducted in the design phase of the project, it is not possible to fully evaluate the extent to which the J4CP was designed around HR & GE and ethical considerations, particularly regarding the extent of the participation of children in conflict and in contact with the law, and their parents, in the actual *design* of the project. Nevertheless, it is evident that the views

⁵³ Government of Montenegro, Ministry of Justice, *Strategy for the Reform of the Judiciary* (2007-2012), p 7

⁵⁴ Standard Summary Project Fiche - IPA 2011 Centralised National Programme, p 13

⁵⁵ FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

of juvenile justice professionals from all relevant sectors were integral to the development of the design of the J4CP.⁵⁶ Further, the J4CP was conceptualised based on the findings of the external evaluation of the IPA 2008, which incorporated feedback from stakeholders and beneficiaries, including children in conflict with the law.⁵⁷

The Montenegrin government has developed a National Plan of Action for Achieving Gender Equality in Montenegro for 2013- 2017. One of its strategic goals is the equal participation of women and men at all levels of decision-making.⁵⁸ The members of the Steering Committee and Technical Working Group for the J4CP represent an approximately equal gender split between men and women, and the decisions of these committees appear to have been made with the equal participation of its members,⁵⁹ and is a positive example of the project addressing equity considerations within its management and organisation structure.

5.1.5. To what extent does the design of the J4CP reflect lessons learned from past similar programmes and evaluations in the area of juvenile justice?

The J4CP has learnt from many of the lessons of past similar programmes and evaluations, particularly of the IPA 2008 (**2008 Evaluation**). A key recommendation from the 2008 Evaluation was to focus on implementing the new Act through the development and implementation of secondary legislation, including in particular ‘value-added deliberative processes, specialized professional trainings,.....intensive expert technical assistance...and concrete solutions to blockages, particularly to the actual use of diversion and alternatives.’⁶⁰ The design of the J4CP’s activities, outputs, outcomes and intended impact directly address this recommendation.

The other key recommendations arising from the evaluation of the IPA 2008, and the extent to which the J4CP addresses these recommendations are set out in Table 2 below.

Table 2: Key recommendations from IPA 2008 Evaluation and response under J4CP

Key Recommendations	Summary of J4CP’s Response
Full incorporation of UNICEF/UNODC Juvenile Justice	Output 1.3 specifically addresses this recommendation. For an analysis of the effectiveness of this component of the project, see

⁵⁶ See for example Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014 and the FGD with the Technical Working Group, Podgorica, 15 May 2014.

⁵⁷ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

⁵⁸ National Plan of Action for Achieving Gender Equality in Montenegro 2013-2017, p 28

⁵⁹ Minutes of the Meetings of the Steering Committee, 31 July 2013 and 10 February 2014; Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014; FGD with the Technical Working Group, Podgorica, 15 May 2014

⁶⁰ Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, Executive Summary, p v

Indicators into data collection and monitoring mechanisms, and use of those same indicators to measure project results ⁶¹	'Effectiveness' below. As the J4CP aims to establish the juvenile justice data collection mechanisms, the use of these indicators to actually measure the results of the J4CP presents evident challenges. Nevertheless, the project indicators contained in the ToC and LogFrame for the J4CP are largely based on these indicators.
Strengthened participation in the MoLSW and the establishment of a 'bridge' between the MoLSW and juvenile justice reform (like the MoJ Judicial Reform Strategy in respect of the MoJ) ⁶²	The J4CP is a joint project headed by the MoJ in partnership with the MoLSW, reflecting the integral role of the MoLSW in the implementation of the J4CP. The Reform of the Social and Child Protection System – Enhancing Social Inclusion project under the IPA 2010 also serves as a critical bridge between the MoLSW and juvenile justice reform. Participants from the MoLSW considered that the J4CP highlighted "possibilities" for the MoLSW, increasing their awareness of the steps needed to support children in conflict with the law with no overlap of jurisdiction with other Ministries. ⁶³
Ensuring full stakeholder participation, especially teachers, children and parents (particularly children in conflict with the law and their parents), the MoE (through its formal high-level participation), and law enforcement officials, and sector and community-level officers in the planning and investigation phases of the project ⁶⁴	<ul style="list-style-type: none"> • There is formal high-level participation of the MoE in the design and implementation of the Techniques on Peaceful Conflict Resolution programme, more details of which are set out under 'Effectiveness' below. This programme was an ideal opportunity to ensure extensive teacher participation, although in practice, their involvement was marginal (see paragraph 5.2.7 below for more details); • There was a high level of participation by sector and community-level officers, including the police and Ministry of Interior, in planning the implementation of the project, predominantly via the Steering Committee and Technical Working Group (for more details on which see paragraph 5.3 on 'Efficiency' below); • Children have an integral role to play in the J4CP, particularly in the implementation of Outcome 3 (relating to promoting public

⁶¹ Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, Executive Summary, p v

⁶² Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, Executive Summary, pp iii- iv; EU Delegation to Montenegro, Minutes of the Meeting of the Steering Committee, 12 December 2012

⁶³ FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

⁶⁴ Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, Executive Summary, p iii

	awareness of the rights of children in conflict with the law). The extent to which children in conflict with the law participate in practice cannot be fully evaluated as Outcome 3 is still under implementation. Children and parents, however, appear to have had limited participation in the actual <i>design</i> of the project.
Children to be included as key stakeholders and the need to give special consideration to ‘girls or refugee, displaced, Roma, Ashkaelia, or Egyptian children’; Replicate and expand upon the success of the play, ‘On the good and on the bad road in life’ (implemented under the IPA 2008) ‘as a priority’ ⁶⁵	Please see the comments above under paragraph 5.1.4. It was a conscious decision by the project developers not to replicate the play that was so successful in IPA 2008, but rather to develop a film or radio show to promote the rights of children in conflict with the law, an activity which was designed to fall in line with other strategies relating to the media. ⁶⁶ Indeed, various stakeholders interviewed for this Evaluation highlighted a need for such media coverage. ⁶⁷
The expansion of stakeholder capacities, in both core project staff and support, including in the relevant ministries, and the Ombudsman’s Office for alternative data gathering and monitoring ⁶⁸	The J4CP responds excellently to this recommendation, as the J4CP was designed to ensure maximum ownership by domestic stakeholders and increase the capacity of the Ministries to implement similar projects in future. Feedback highlighted in Part 5.2 on ‘Effectiveness’ and 5.5 on ‘Sustainability’ highlights how the J4CP was designed to strengthen the capacity of stakeholder to manage and implement the J4CP and similar projects in the future, thus strengthening their responsibilities as duty-bearers to fulfil their human rights obligations and further evidencing the J4CP’s equity-based approach. The study initiated and conducted by the Ombudsman’s Office to review police practices when dealing with juveniles informed the development of the Rulebook for Police Officers and is one such example if the J4CP responding to this recommendation.

⁶⁵ Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, Executive Summary, pp iii-iv

⁶⁶ Interview with UNICEF Child Protection Officer, Podgorica, 12 May 2014

⁶⁷ See for example FGD with the Director and the staff of the Institute for Execution of Criminal Sanctions, Podgorica, 16 May 2014

⁶⁸ Don Cipriani, March-April 2010, External Evaluation of the Montenegro Juvenile Justice System Reform Project, 28 April 2010, Executive Summary, pp iv-v

5.1.6. To what extent are the strategies and approaches adopted in J4CP relevant to the promotion of child rights more generally?

The individual activities comprising the J4CP are relevant to several of the key Concluding Observations of the CRC Committee on the promotion of child rights more generally. See the response to paragraph 5.1.1 above for more details. Further, the strategies and approaches incorporated into the implementation plan of the J4CP were designed to promote child rights and reinforce its equity-based approach, such as the participation of children in conflict with the law in the implementation of Outcome 3, the secondment of consultant to the MoJ to facilitate the exchange of best practices between UNICEF and the MoJ, and the organisation of cross-sector roundtable discussions in respect of Outcome 1 to promote best practices and knowledge of child rights between juvenile justice professionals and regional experts.

5.2. Effectiveness

To what extent does the J4CP meet the outcomes as defined by the LogFrame and ToC?

OUTCOME 1

Findings

Most of the activities and outputs comprising Outcome 1 were complete by the end of the implementation period. Regarding the roundtable discussions, UNICEF was extremely effective in facilitating productive cross-sector dialogues and policy-making discussions relating to the implementation of the new Act among juvenile justice professionals from the key institutions. These discussions were also effective in promoting the new juvenile justice legislation among the juvenile justice professionals.

Due to the delay in the commencement of the implementation of the J4CP in 2012, four of the secondary instruments that were initially going to be developed under the J4CP were developed by the MoJ instead. The remaining instruments were developed as planned under the J4CP, with the addition of two additional instruments, the needs for which were identified during the course of the implementation of the J4CP.

An assessment of the Juvenile Justice Data Collection and Information System has been conducted and 22 juvenile justice indicators that are broadly in line with international standards have been developed (their variations with the international standards being the result of participatory discussions with stakeholders and the need to take into account the specific country context). These indicators are operational, although certain practical challenges exist, mainly relating to the exchange of information between the police, prosecutors and PSS, lack of clarity over the meaning of 'victim' under the new Act, and the absence of a similar database for police officials.

Reasoning

5.2.1. To what extent was there a cross-sector dialogue, policy-making and promotion of new juvenile justice legislation among juvenile justice professionals, facilitated by UNICEF? (Output 1.1)

As envisaged by the LogFrame and ToC, four cross-sector roundtable discussions with the participation of all juvenile justice sectors, facilitated by UNICEF, were held to discuss the implementation of the new Act. The LogFrame and ToC set a target of 100 participants in these discussions. This target was exceeded in practice, as a total of 184 participants attended these meetings. The subject matter of these discussions concerned: the law regarding the treatment of juveniles in criminal proceedings; the role of the social sector in implementing the new Act; presenting a guide for police officers on dealing with juveniles; and a discussion of the problems and challenges encountered in implementing the new Act, issues which are indeed crucial

for the successful implementation of the new Act. The dates, number of representatives from each participating sector and the subject matter of the roundtable discussions are summarised in Table 3 below.

Table 3: Roundtable discussions

Date of Roundtable Discussion	Number of Representatives from each Participating Sector/Institution	Number of Participants (including number of men and women)	Subject-matter of Discussions
20 December 2012	<ul style="list-style-type: none"> • Judiciary x 12 • Prosecution x 10 • Police x 7 • MoJ x 1 	30 (14 male, 16 female)	The law regarding the treatment of juveniles in criminal proceedings
18 June 2013	<ul style="list-style-type: none"> • Judiciary x 12 • Prosecution x 14 • Centre for Social Welfare (CSW) x 27 • MoLSW x 2 • Penitentiary in Spuž (Podgorica) x 2 	57 (15 male, 42 female)	The Role of Social Sector in the Implementation of the Act on Treatment of Juveniles in Criminal Proceedings
31 March 2014	<ul style="list-style-type: none"> • Prosecution x 16 • Judiciary x 1 • Police x 21 • Ombudsman's Office x 2 • Bar Association x 6 	46 (23 male, 23 female)	Presentation of a Guide for police officers on dealing with juveniles
23 April 2014	<ul style="list-style-type: none"> • Judiciary x 9 • Police x 8 • Prosecution x 9 • Bar Association x 9 • 'Social sector' x 9 	44 (21 male, 23 female)	Discussion of the problems and challenges encountered in implementing the new Act
	TOTAL	184	

Qualitative feedback from most participants in the in-country interviews highlights that the roundtable discussions were extremely effective in establishing cross-sector dialogue, policy-

making and promotion of the new Act, and that UNICEF effectively collaborated with these groups to facilitate the discussions:⁶⁹

"Police, judges, lawyers and prosecutors were able to share experiences on the law, the difficulties they have, the issues, and to improve. It was fruitful.... Educational measures under the new law were discussed. It was a platform for UNICEF to hear opinions on issues before the training etc. was planned."⁷⁰

"The inter-sectoral meetings were very important and useful."⁷¹

"The two roundtables were very helpful."⁷²

Discussions with participants from the General Prosecutors' Office indicate that there is a high level of understanding among prosecutors of the content of the new Act and the role of this institution within the juvenile justice system.⁷³ More generally, there is a good degree of sensitisation of the rehabilitative aims of the new Act and international juvenile justice standards among juvenile justice professionals.⁷⁴ It appears that there has been a significant shift in attitude among juvenile justice professionals towards juvenile justice over recent years, the subject once being "taboo."⁷⁵

Representatives from the Ljubovic Centre were not present at any of these roundtable meetings. Given their key role in the new juvenile justice system and integral role as a duty-bearer towards children in conflict and in contact with the law, it would have been extremely beneficial to invite them to these inter-sectoral discussions, particularly in light of comments from participants at the Ljubovic Centre of a need for strengthened communication between the Centre and other stakeholders.⁷⁶

5.2.2. To what extent were bylaws, administrative acts, professional guidelines and codes of conduct for the implementation of new Act developed? (Output 1.2)

Due to the delay in the commencement of the J4CP, the MoJ took the initiative to develop and implement the following four instruments which it considered were crucial for the immediate implementation of the new Act:

⁶⁹ See also FGD with the Technical Working Group, Podgorica, 15 May 2014

⁷⁰ FGD with participants from the Judicial Training Centre, Podgorica, 13 May 2013

⁷¹ FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014

⁷² FGD, Representative of the Bar Association, Technical Working Group, Podgorica, 15 May 2014

⁷³ Interview with Juvenile Justice Prosecutors, Podgorica, 12 May 2014

⁷⁴ For example, FGD with participants from the Ljubovic Centre, Ljubovic, 14 May 2014

⁷⁵ FGD, Representative from the Ministry of Interior, Technical Working Group, Podgorica, 15 May 2014

⁷⁶ FGD with participants from the Ljubovic Centre, Ljubovic, 14 May 2014

- Rulebook on the Detailed Content and Method of Keeping Records on Alternative Measures;
- Rulebook on the Detailed Content and Method of Keeping Records on Criminal Sanctions;
- Amended Register Sheet of Juvenile Criminal Cases for Judicial Records (as part of the Court Rules); and
- Rulebook on Internal Management of the State Prosecutor's Office.⁷⁷

The Working Groups of the J4CP listed in Table 4 were established to develop the remaining outstanding instruments:

Table 4: Working Groups established

#	Working Group	Instrument	Status ⁷⁸
1.	Working Group on the Development of the House Rules (11 members)	MoJ Rulebook on House Rules for Execution of Juvenile Imprisonment Sentences	Developed
2.	Working Group on the Development of the Ljubovic Rulebook (11 members)	MLSW Rulebook on the Implementation of Institutional Measure of Referral to a Correctional Institution (open type)	Developed
3.	Working Group on the Development of the Rulebook for Police Officers (4 members)	Development and adoption of the Rulebook for Police Officers on the Treatment of Juveniles in Preliminary Proceedings (not in original work plan but subsequently added)	Developed
4.	As at 26 June 2014, no Working Group had been officially established although consultants for the development of the Guidelines had been selected and initial consultation meetings with the	Development of Guidelines for work of Professional Support Services (PSS)	As at 26 June 2014, this was being developed with UNICEF's assistance.

⁷⁷ As such, the Evaluators have not reviewed these documents.

⁷⁸ As at the date of this Evaluation Report.

	relevant institutions were taking place.		
5.	The Ministry of Labour and Social Welfare has not officially established working group, however, whole department/sector of child and social protection has been involved in the development of the Guidelines	Guidelines for Social Workers	Developed

The Rulebook for Police Officers (Instrument 3) and the Guidelines for the PSS (Instrument 4) were not initially envisaged by the J4CP. However, during the implementation of the J4CP, it was identified that these instruments were needed to ensure the effective implementation of the new Act and [were] therefore developed. Feedback indicates a high degree of collaboration and equal participation among the relevant stakeholders in the development of these instruments, and excellent cooperation from UNICEF.⁷⁹ The need to develop a Rulebook for Police Officers was a key step, as indicated by the following comment:

“The issue is that the new Act is well drafted. But where it is silent, the general Criminal Procedure Code applies – but that is ambiguous.”⁸⁰

In terms of their substantive content, the Guidelines for Police Officers on the Treatment of Juveniles (**Police Guidelines**) contain certain key provisions in line with the new Act and/or international standards on handling cases involving children in conflict and in contact with the law. Such provisions include:

- The requirement for a defence lawyer and appropriate adult to be present during the questioning (preliminary investigation) by police of a juvenile suspect; and
- The requirement for the gathering of information from a juvenile victim to be conducted by a juvenile justice police officer.⁸¹

That said, as the Police Guidelines will serve as the main reference point for police officers when dealing with children in the performance of their duties, the Evaluators consider that certain provisions could benefit from strengthened wording or clarity to ensure their application in line with the new Act and international standards, particularly on the following points:

⁷⁹ See for example, FGD with the Deputy Ombudsperson for Child Rights and the Focal Point for the Ombudsman’s Office on the Technical Working Group, Podgorica, 14 May 2014; FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014

⁸⁰ FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014

⁸¹ Articles 21, 24 and 27

- Definitions on who constitutes a ‘child’, ‘juvenile’, ‘younger juvenile’ and ‘older juvenile’ in line with Article 3 of the new Act;
 - Definition of who constitutes a specialist juvenile justice police officer in accordance with the new Act;
 - Emphasising that *all* matters concerning ‘juveniles’ must be dealt with by the juvenile justice police officer, whereas the Guidelines state that the juvenile justice police officer ‘may’ take over the case ‘or’ provide guidelines on further treatment (particularly important for the interrogation of a juvenile suspect during a preliminary investigation);
 - Clarity that the best interests of the child is a primary consideration in all action and decisions taken in respect of the child - a particularly important clarification in light of the provisions which require the police officer to act as quickly as possible when dealing with juvenile proceedings;⁸²
 - The deprivation of liberty of a juvenile suspect should only be used as a ‘measure of last resort’, even if there are legal requirements for ordering the juvenile’s detention;
 - Clarification of the boundaries for the legitimate use of force upon the arrest of a juvenile suspect or treatment of a child, including the specification that the action must be in proportion to the seriousness of the act and the legitimate objective to be achieved;⁸³
 - Maximum time periods in which a child may be held at the police station pending the arrival of his/her legal representative, social worker or other responsible person to take custody of him/her, and the requirement to keep the child away from adults and juvenile suspects at the police station;⁸⁴
 - The circumstances in which ‘instruments of restraint’ may be required and legitimately used;⁸⁵
 - The maximum duration for which a juvenile may be questioned without a break (the Guidelines currently only specify a maximum duration of six hours; and
 - The maximum time period for which a juvenile may be held before a decision is made on whether or not to charge the juvenile by the prosecutor, and the period within which the juvenile must be brought before a judge to determine the legality of his/her detention;⁸⁶
 - Guidance on best practices for the interrogation of juvenile suspects (relevant for preliminary investigations);
-

⁸² See for example Article 5 of the Guidelines.

⁸³ Envisaged in Articles 7, 15 and 23 of the Guidelines.

⁸⁴ Relevant to, for example, Article 9

⁸⁵ Article 19

⁸⁶ The CRC Committee recommends that every child arrested and deprived of his or her liberty must be brought before a competent authority – in this case, a juvenile judge - within **24 hours** to examine the legality of his or her continued detention; Para 83, UN Committee on the Rights of the Child, *General Comment No. 10 (2007) Children’s Rights in Juvenile Justice*

- Where the juvenile may be held and under which circumstances while he/she is being held for interrogation or investigation pending charge (in particular, that they be held separately from convicted persons (both children and adults) and convicted persons, save in exceptional circumstances;⁸⁷
- To strengthen its equity-focus, the inclusion of gender-specific provisions relating to the particular needs of female juvenile suspects or victims (noting that the Police Guidelines contain general provisions requiring police officers to take account of the child's 'personal characteristics'); and
- Complaints mechanisms for juveniles, to strengthen their capacity as a rights-holder.

In addition, in line with international standards, the juvenile should have the right to discuss this diversion option with his/her defence lawyer, although the Guidelines suggest that a defence lawyer need not necessarily be appointed in such circumstances.⁸⁸

It should be noted that under international best practice, where police are given the power to divert a case, it is recommended that they are given the discretion to consider diversion in *every case*, something which the new Act does not permit and therefore is not included in the Police Guidelines.

The Rulebook on House Rules for the Execution of Juvenile Imprisonment Sentences within the Juvenile Department of the ZIKS at Spuž is broadly in line with international standards. It addresses the fundamental requirements of the Havana Rules⁸⁹ relating to the need for specialist trained staff, physical conditions of detention, family contact and privacy, contact with the outside world, medical care, education, vocational training and work, recreation, and complaints and external inspection mechanisms. They also include gender-specific provisions relating to the female juvenile detainees, including pregnant juveniles and new mothers.⁹⁰ Crucially, the provisions of the Rulebook are generally geared towards ensuring the rehabilitation of the juvenile and his/her reintegration of the community. This is reflected in, among other things, the requirement for a multi-sector team (including a psychologist, specialist pedagogue, a social worker and medical doctor) to develop an individual treatment plan on the admission of a juvenile to the Juvenile Department that aims to ensure his/her rehabilitation.⁹¹ The implementation of the treatment plan must be

⁸⁷ Article 10(2)(a), ICCPR; Rule 17, Havana Rules; Rules 84(2) and 85(1), Standard Minimum Rules for the Treatment of Prisoners

⁸⁸ Article 24 states that the decision on the issuance of the warning must be sent to certain persons, including the juvenile's defence lawyer 'if it is appointed by the juvenile or their legal representative.'

⁸⁹ The UN Rules for the Protection of Juveniles Deprived of their Liberty, General Assembly resolution 45/113, 14 December 1990

⁹⁰ See for example Article 60 of the Rulebook.

⁹¹ Part III of the Rulebook.

periodically reviewed and updated, and the juvenile's progress monitored.⁹² The views and preferences of the juvenile regarding the development of the individual treatment are factored into this process.⁹³

To strengthen the provisions of the Rulebook in line with the UNCRC, the Evaluators recommend that Article 4 should specify that in all action concerning a juvenile detainee, the best interests of the juvenile should be 'a primary consideration'.⁹⁴ Further, the Evaluators recommend that the possible use of the disciplinary punishment, 'separation into a separate room' should be removed from the Rulebook, as the measure may (according to international standards and practice) constitute 'solitary confinement' and hence a violation of the international prohibition against cruel, inhuman or degrading treatment or punishment.⁹⁵

The Rulebook on the Enforcement of the Corrective Measure of Referral to an Open-Type Correctional Institution elaborates on the procedures and standards applicable to the referral of a juvenile to an open-type correctional institution pursuant to correctional measures issued under Article 25 of the new Act. The Rulebook designates the Ljubovic Centre as the open-type correctional institution at which such correctional measures should be carried out.⁹⁶ The main area of concern is that the Ljubovic Centre also houses children in need of care and protection due to the absence of an alternative institution in which to place children in need of care and protection. This is an issue wider than the J4CP. Otherwise, the provisions of the Rulebook are *broadly* in line with international standards, the key feature being that individualised treatment plans are required to be developed for, and with the participation of, each child subject to correctional measures at the Centre to ensure their rehabilitation and ultimate reintegration into the community.⁹⁷ Though individualised, each programme is multi-faceted and including the following types of work:

- Direct individual 'social-psychological-advisory work';
- Educational and vocational training;
- Protection and promotion of physical and mental health;
- Enhancement of the educational competence of the juvenile's family;
- Provision of recreational, cultural and sports activities; and
- Specific programmes aimed at meeting the juvenile's specific needs, interests or abilities.⁹⁸

The Rulebook would benefit from the inclusion of a clear provision affirming that the best interests of the juvenile is a primary consideration in all decisions taken in relating to him/her, in accordance with Article 3 of the UNCRC. This clarification is particularly important in light of Part 5 which contains provisions on the

⁹² Article 21 of the Rulebook.

⁹³ See for example Articles 19 and 22 of the Rulebook.

⁹⁴ Article 4 currently only requires persons 'to have regard' for the best interest of the juvenile.

⁹⁵ Rule 67, Havana Rules; Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268, 5 August 2011, paras 25-26 and 77.

⁹⁶ Article 2 of the Rulebook.

⁹⁷ See for example Articles 3(3), 3(4), 3(6), 9(1), 13, 15, 24, 53 and 70

⁹⁸ Article 14 of the Rulebook.

duties of the Centre to preserve the juvenile's relations with his/her family. In particular, Article 102 of the Rulebook which states that the '[i]nvovement of family relations and educational competence of parents may be the crucial factor in assessing the justification of requests for approval of conditional release, replacement or suspension of a corrective measure'⁹⁹ – a provision which the Evaluators consider should be removed from the Rulebook as the release of a juvenile in conflict with the law from a detention facility (albeit an open-type facility) should not depend on the juvenile's relations with his/her family or the latter's educational competence.

The Rulebook on House Rules for Execution of Juvenile Imprisonment Sentences and Rulebook on the Implementation of Institutional Measure of Referral to a Correctional Institution (open type) contain some important gender-specific provisions.¹⁰⁰ However, the Rulebook for Police Officers on the Treatment of Juveniles in Preliminary Proceedings is noticeably silent on gender considerations relevant to their practices, a key component for strengthening its equity-based approach to dealing with children in conflict with the law.

The Evaluators were not provided with, and hence were unable to conduct a substantive review of, the Guidelines for Social Workers.

A study tour to Italy was conducted between 9 and 13 June 2014 for the following 11 participants (exceeding the 6 to 7 participants envisaged by the J4CP):

- MoJ x 2
- MoLSW x 2
- High Court of Podgorica x 2
- High Court of Bijelo Polje x 1
- Supreme State Prosecutor x 1
- State Prosecutor's Office x 1
- Police Directorate x 1
- Mediation Centre x 1.

The destination was selected following a consideration of the comparative experiences and practices in juvenile justice in 5 countries: Finland; Italy; Germany; Spain; and Sweden. The programme included a visit to the Central Training Institute outlining the organisation, programs and training approaches within the juvenile justice system, meetings with Juvenile judges and Prosecutors in Rome and Naples, visits to juvenile

⁹⁹ Article 102 of the Rulebook.

¹⁰⁰ See for example: Rulebook on House Rules for Execution of Juvenile Imprisonment Sentences, Article 60 (*Pregnant Juveniles and New Mothers*); MLSW Rulebook on the Implementation of Institutional Measure of Referral to a Correctional Institution (open type), Article 17 (*Accommodation and Living Space*)

service facilities in order to gain an understanding of the programmes for children in conflict with the law and a visit to a commune to gain insight into the placement in community, the most-used non-custodial sanction. From participant's reports, it is clear that the study tour and the opportunity to consider and compare the functioning of the system in Italy with the one in Montenegro were highly appreciated. As this task was completed after the evaluation, evaluators have not been able to fully evaluate its effectiveness. Through participants' reports a number of learning points were raised among which was especially the high level of cooperation between institutions and stakeholders in the Italian system.¹⁰¹

5.2.3. To what extent has the Juvenile Justice Data Collection and Information System been developed and implemented? (Output 1.3)

An assessment of the Juvenile Justice Data Collection and Information System was conducted by a regional consultant in June 2013.¹⁰² The assessment aimed to assess the existing data collection system on juvenile justice in Montenegro, identify positive and negative aspects of the data collection system and recommendations to improve data collection on juvenile justice matters in the future.¹⁰³ The assessment culminated in the development of six general recommendations, two recommendations for the Public Prosecutors' Office, three recommendations to the Judiciary and four recommendations to 'other institutions'.¹⁰⁴ Key among these recommendations were the following:

- The creation and implementation of juvenile-justice and country-specific indicators based on international standards, and which take into account the legal status of 'children' (persons under the age of 14 years) as compared to 'juveniles' (persons aged 14 years and above), and the legal responsibility of, and sanctions which may be imposed on, such persons;
- The implementation of these indicators into PRIS,¹⁰⁵ the database at the ZIKS in Spuž, and the new database within the Department for the Execution of Criminal Sanctions at the MoJ;
- The full implementation and operationalisation of the indicators by the end of 2013;
- Training for all personnel at the Public Prosecutors' Office, Judiciary and MoJ involved in data collection to receive training on using the new system.¹⁰⁶

¹⁰¹ Study visit report Goran Kusevija, Study visit report Natasa Gospic, Study visit report Valentina Smolovic

¹⁰² Prof. Netkova Bistra (Associate Professor in Human Rights at the SEEU, Macedonia), *Assessment Report: Development of Juvenile Justice Data Collection and Information System in Montenegro*, June 2013

¹⁰³ Prof. Netkova Bistra, *Assessment Report: Development of Juvenile Justice Data Collection and Information System in Montenegro*, June 2013, pp 4, 6-7

¹⁰⁴ Prof. Netkova Bistra, *Assessment Report: Development of Juvenile Justice Data Collection and Information System in Montenegro*, June 2013, pp 23-24

¹⁰⁵ The electronic case management system used by the Public Prosecutors' Office and the Judiciary, falling under the control of the Judicial Council.

¹⁰⁶ Prof. Netkova Bistra, *Assessment Report: Development of Juvenile Justice Data Collection and Information System in Montenegro*, June 2013, pp 23-24

Following the assessment, the international consultant proposed a set of 14 quantitative indicators for inclusion in PRIS, the database at the ZIKS in Spuž, and the database on criminal sanctions at the MoJ.¹⁰⁷ These indicators were reportedly developed according to the following principles:

- Coverage of the standards, norms, provisions, requirements and procedures contained in the new Act (as per the terms of reference);
- Where possible, the indicators should be internationally comparable or selected from existing lists used in EU member countries (as per the terms of reference); and
- As concluded from the prior assessment in Podgorica, it was preferable to have a few, meaningful indicators rather than many indicators. While these should generally be in line with ‘UN indicators,’ they should, among other things:
 - Take into account national priorities (such as recidivism, children in conflict with the law, child victims, and the use of alternative measures);
 - Focus on the entire criminal justice system in Montenegro (whereas the ‘UN indicators’ were deemed to focus predominantly with detention); and
 - Be appropriate to the Montenegrin context (for example, the calculation of indicators according to a 100,000 or 10,000 juvenile population would not be realistic in a country that has an overall population of approximately 600,000 people).¹⁰⁸

The project culminated in the development of a set of 22 indicators to be integrated into PRIS.¹⁰⁹ A methodology for the data collection was developed in the form of a ‘User Manual’ for judges and prosecutors – the direct users of PRIS.¹¹⁰ By March 2014, the indicators had reportedly been implemented and accepted by all institutions involved in the data collection.¹¹¹ The regional consultant’s mission report, based on feedback from participants, states that the indicators are highly regarded by the relevant institutions and that ‘the end result of statistical output and measurement of the implementation of [new Act]...has been understood.’¹¹²

¹⁰⁷ It is understood from the regional consultant who worked on this activity that the MoJ is developing a database on criminal sanctions with Swedish support and so the regional consultant provided them with five juvenile justice indicators to integrate into their system; Prof. Netkova Bistra, *Assessment Report: Development of Juvenile Justice Data Collection and Information System in Montenegro*, June 2013. It is understood that juvenile justice-related data from the ZIKS in Spuž will be submitted to the Department for Execution of Criminal Sanctions at the MoJ for inclusion in this database.

¹⁰⁸ Prof. Netkova Bistra, *Proposed Indicators for Monitoring the Implementation of the Juvenile Justice Law and related Metadata in Montenegro*, 24 June 2013, p 1-2

¹⁰⁹ UNICEF Podgorica, *Indicators for the Juvenile Judiciary System Incorporated into the Judicial Information System: User Manual*, March 2014, 2-6

¹¹⁰ UNICEF Podgorica, *Indicators for the Juvenile Judiciary System Incorporated into the Judicial Information System: User Manual*, March 2014

¹¹¹ Prof. Netkova Bistra, *Mission Report*, 3-5 March 2014, p 2

¹¹² Prof. Netkova Bistra, *Mission Report*, 3-5 March 2014, p 2

Trainings for 55 users of the new data collection system (23 judges; 29 prosecutors; and 3 PSS staff members) were also conducted on 4 and 5 March 2014 (1 day for prosecutors and 1 day for judges).¹¹³

During this project, the regional consultant found there to be great cooperation from the Judicial Council.¹¹⁴ However, there were reported challenges with persuading police officers to complete the requisite data collection forms to pass onto prosecutors who would input the data into PRIS.¹¹⁵ However, during the mission, these and certain other practical problems encountered by users in implementing the system were identified and discussed, including the following:

- Difficulties with the collection and exchange of data between the police, prosecution and PSS resulting in no data being available for indicators 2 ('children in conflict with the law,' i.e. the number of children who were reported to the police for an act during a period of 12 months), 3 (the right of a juvenile to a defence attorney) and 5 (duration of pre-trial detention);
- The Prosecution having no registry for diversion measures in accordance with the new Act, something which was also raised by the Ombudsman's Office;¹¹⁶
- The police having no access to information regarding prior convictions and alternative measures held in PRIS, resulting in it having to submit information requests to the courts, slowing down the criminal procedure and adding to their paper work;
- The absence of a uniform understanding of the term 'victims of crime', there being no statistics on victims of crimes and no agreed definition of this term in the new Act;
- The need to develop a juvenile justice database for police.¹¹⁷

The mission resulted in the development of a set of six short-term and five long-term recommendations to address these challenges.¹¹⁸ According to the consultant's Final Report on the consultancy, several of these challenges appear to have been addressed and, overall, the input of data into PRIS has so far been very successful.¹¹⁹ The consultant ends the Final Report with the following key remaining recommendations:¹²⁰

- The input of data into PRIS should be monitored during the next 12 months to ensure that all prosecutors and courts are inputting their data into the system on time;

¹¹³ UNICEF, *JJ Training 4 April: List of Participants; JJ Training 5 April: List of Participants*, submitted to CCLC on 16 May 2014

¹¹⁴ Skype interview with regional consultant on PRIS, Podgorica, 14 May 2014

¹¹⁵ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

¹¹⁶ FGD with representatives from the Ombudsman's Office, Podgorica, 14 May 2014

¹¹⁷ FGD with the Deputy Ombudsperson for Child Rights and the Focal Point for the Ombudsman's Office on the Technical Working Group, Podgorica, 14 May 2014

¹¹⁸ Prof. Netkova Bistra, *Mission Report*, 3-5 March 2014, pp 2-3

¹¹⁹ Prof. Netkova Bistra, *Final Report on Consultancy for the Provision of Technical Assistance in the Analyses and Improvement of Juvenile Justice Data Collection and Information System (Justice for Children Project IPA 2011)*, June 2014

¹²⁰ Prof. Netkova Bistra, *Final Report on Consultancy for the Provision of Technical Assistance in the Analyses and Improvement of Juvenile Justice Data Collection and Information System (Justice for Children Project IPA 2011)*, June 2014

- The establishment as soon as possible of a multi-sectoral body tasked with monitoring the implementation of the new Act and reporting annually on the juvenile justice indicators to the government and/or Parliament;
- The development of an Analytical Report in January 2015 to assess the implementation of the new Act; and
- The annual updating of the juvenile justice indicators, if needed, depending on the needs of the system at the time (a task for which the proposed multi-sectoral monitoring body would be responsible).¹²¹

With regard to the indicators themselves, overall, they can be said to be *broadly* in line with the UNODC/UNICEF indicators, with variations being the result of participatory discussions with stakeholders and the need to take into account the specific country context.

OUTCOME 2

Findings

The specialist training programmes for judges, prosecutors, police and defence lawyers developed under Output 2.1 are undergoing final adjustments before their accreditation by the relevant training bodies. At the time of writing, their finalisation and accreditation were due to be completed before the end of the implementation period. It is not possible to conduct a final evaluation of the effectiveness of the substantive content of these specialist programmes.

The training sessions under Output 2.2 were all implemented. Feedback from judges and prosecutors who participated in the training indicates that such training was highly effective. The response from lawyers was positive, though less positive than the response of judges and prosecutors. There was a mixed response from participants from the Police Academy, representatives of the Ministry of Interior and police officers, who called for more practical training. Further, it is clear that additional training focusing on professionals in the northern and southern regions of Montenegro is necessary.

With regard to output 2.3, not all of the planned inter-sectoral working groups on diversion measures have been held. It does not seem likely that the remaining sessions will all be held before the end of the implementation period. On the whole, the implementation of diversion measures appears to be working well, although feedback indicates that some police officers and prosecutors are uncertain as to when they should issue warnings.

¹²¹ Prof. Netkova Bistra, *Final Report on Consultancy for the Provision of Technical Assistance in the Analyses and Improvement of Juvenile Justice Data Collection and Information System (Justice for Children Project IPA 2011)*, June 2014, pp 5-6

Feedback in respect of the Techniques on Peaceful Conflict Resolution Programme indicates that it was highly effective in coaching the participants on necessary skills to resolve disputes peacefully. The format of the programme, which was largely driven by the MoE, consciously targeted small groups of children within schools. For this reason, less than half the target number of children set out in the ToC participated in this project, although 10 schools were covered across the country, instead of five.

As planned under the J4CP, a new methodology and programme of work with juveniles in prison at the Prison Administration has been drafted and appears to be under implementation. All members of the juvenile correctional team received training under the J4CP and interviewed participants appeared sensitised to the needs and obligations to rehabilitate juvenile prisoners.

Recommendations to bring the Methodology and Programme of Work with children in conflict with the law at the Ljubovic Centre in line with juvenile justice standards have been developed. Professional members of staff at the Centre also received one-on-one *in situ* by the international consultant which developed the recommendations. The recommendations have been incorporated in the Centre's work plan, although their implementation depends on whether the Centre can fund the changes.

The three PSSs are up and running, although they are encountering several major practical hurdles preventing them from functioning effectively. In addition, at the time of writing, fourteen out of the 15 selected courts/prosecutors' offices have been installed with the audio-visual equipment for child-friendly hearings. While no practical issues with the actual audio-visual equipment have been raised, the location of at least one of the interview rooms is not conducive to ensuring child-friendly hearings in line with international standards.

Reasoning

5.2.4. To what extent have skills-based training modules or programmes for juvenile justice-related professionals been developed and approved by the relevant bodies? (Outcome 2.1)

Four specialist training modules were developed by a multi-disciplinary team of regional consultants in close collaboration with representatives from the juvenile justice institutions and training centres. The team of regional consultants consisted of one Judge from Croatia, two experts in child rights from Serbia, one expert psychologist from Croatia and Director of the Zagreb Clinique for Child Victims of Violence.

The training was designed to be highly participatory (via discussions of cases and films, and workshops) with limited "lecture" components.¹²² The training programmes include a good balance of theory and practice,

¹²² Skype Interview with Juvenile Justice Expert from Macedonia, Podgorica, 13 May 2014

such as conducting forensic interviews, relevant to the Montenegrin country context and the respective juvenile justice sectors.¹²³ They also included a balanced combination of sessions on international and domestic standards on child rights and juvenile justice, modules focusing on the psychological aspects of child development, and modules focusing on dealing with children in conflict with the law, children at risk of coming into conflict with the law, and children in contact with the law.¹²⁴ The training session relating to the treatment of juvenile victims paid consideration to how victims should be treated and by whom depending on their gender, although there were no specific case studies on or consideration paid to the particular needs of children from ethnic minority groups, an equity issue which could be focused on in future training sessions.

The development of these training modules was highly participatory, with domestic stakeholders playing a central role. For instance, in the development of the training programme for prosecutors, the designated focal point on the Technical Working Group claimed that she held discussions with psychologists, a juvenile judge and human rights experts to discuss the topics which needed to be covered during the trainings.¹²⁵ Similar accounts were given by participants from the Judicial Training Centre and judiciary.¹²⁶

The specialist training modules for police, judges, prosecutors and defence lawyers that were developed by the international consultants required reformatting in line with the ‘standard training format’ requirements of the relevant training bodies.¹²⁷ To address this issue, UNICEF engaged a local expert consultant to work in collaboration with the training bodies to bring the training modules in line with their respective requirements on form.¹²⁸ As at the date of this Evaluation Report, the training programmes for judges and prosecutors have been aligned and submitted to the Executive Board of the Judicial Training Centre for approval and accreditation. The reformatting and process for accreditation of the training programmes for police and defence lawyers is in progress. It is understood that after accreditation, the programmes will be published, and 1000 copies of which will be distributed to the relevant institutions.¹²⁹

Montenegro’s Faculty of Law was not involved in this process.

¹²³ Training Agendas for the Specialist Training For Lawyers, 14-17 May 2013 and 22-25 October 2013; Specialist Training for Police, 13-16 May 2013; Specialist Training for Judges, 22-25 April 2013; Specialist Training for Prosecutors, 23-26 April 2013

¹²⁴ Training Agendas for the Specialist Training For Lawyers, 14-17 May 2013 and 22-25 October 2013; Specialist Training for Police, 13-16 May 2013; Specialist Training for Judges, 22-25 April 2013; Specialist Training for Prosecutors, 23-26 April 2013

¹²⁵ Interview with Juvenile Justice Prosecutors, Podgorica, 12 May 2014

¹²⁶ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

¹²⁷ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014; UNICEF Montenegro, *Contract Request for Temporary Assistance*, Start Date: 26 May 2014; End Date: 26 June 2014

¹²⁸ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

¹²⁹ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

5.2.5. To what extent have juvenile justice professionals been selected, trained and passed the training on the treatment of children (relevant to their professional discipline)? (Output 2.2)

A total of six training sessions for police, prosecutors, defence lawyers and judges on juvenile justice matters were held on the dates set out in Table 5 below, based on the specialist training programme developed under output 2.1 above.

Table 5: Training sessions

Sector	Date of Training	Number of Attendees (and gender split)	Brief Description of Training
Judges	22-25 April 2013	21 (14 male, 7 female) ¹³⁰	'Special Training for Judges on Juveniles'
Prosecutors	23-26 April 2013	23 (8 male, 15 female) ¹³¹	'Special Training for Prosecutors on Juveniles'
Police	13-16 May 2013	29 (20 male, 9 female) ¹³²	'Special Training for Police Officers on Juveniles'
Lawyers	14-17 May 2013	25 (14 male, 11 female) ¹³³	'Special Training for Lawyers'
Judges, Prosecutors and PSS	21-24 October 2013	11 judges (6 male, 5 female), 8 prosecutors (4 male, 4 female) and 6 PSS staff members (all female)	'Special Training for Judges and Prosecutors on Juveniles'
Lawyers	22-25 October 2013	20 (11 male, 9 female)	'Special Training for Lawyers'

Exceeding the target set out in the LogFrame and ToC, specialised skills-based training has been provided to 143 juvenile justice professionals comprising 32 judges, 31 prosecutors, 29 police officers, 45 defence attorneys and 6 PSS staff members.¹³⁴ Crucially, it was identified during the project that additional training sessions would be required to ensure a greater coverage of professionals in the country, prompting the addition of two extra training sessions.¹³⁵

¹³⁰ Register of Participants, Justice for Children Project, 'Specialised Training for Judges', 22-25 April 2013

¹³¹ Register of Participants, Justice for Children Project, 'Specialised Training for Prosecutors on Juveniles', 23-26 April 2013

¹³² Register of Participants, Justice for Children Project, 'Specialised Training for Police on Juveniles', 13-16 May 2013

¹³³ Register of Participants, Justice for Children Project, 'Specialised Training for Lawyers on Juveniles', 14-17 May 2013

¹³⁴ UNICEF, *Progress Report: Justice For Children Project*, November 2013, pp 6, 14, 19, 20-22

¹³⁵ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

The judges and prosecutors who attended the training were selected by the President of the Supreme Court and Chief Prosecutor according to their annual work plans to ensure that each court in Montenegro and each Prosecutor's Office has at least one judge and one prosecutor respectively who are specially trained.¹³⁶ There is little detail on how the participants were selected by the Ministry of Interior and Bar Association.

With regard to the substantive content of the programmes, see the comments under Output 2.1 above.

Most participants interviewed during the in-country data visit considered that the training was extremely effective in strengthening the knowledge and capacity among juvenile justice professionals of the content of the new Act and its implementation.¹³⁷ Feedback also indicates a particular interest in the training from judges and prosecutors.¹³⁸ According to one juvenile justice prosecutor, practices of dealing with juvenile suspects and offenders vary between and within institutions. However, the training aimed to ensure a common understanding of the rehabilitative spirit of the new Act and a harmonised approach to dealing with children in conflict with the law, which the participant considered that it has achieved.¹³⁹ The high quality and effectiveness of the training for prosecutors is exemplified in the following quote:

“Was there anything regarding the training which could have been improved?”

“Not really.....UNICEF was experienced..... They made a great effort. They always had new ideas. Their cooperation was exceptional, perfect. They always met demands. They always offered assistance. Persons working on the project, including the lecturers, were excellent.”¹⁴⁰

The responses from representatives from the judiciary and Judicial Training Centre were equally positive:

How effective was the training in strengthening the participants' knowledge and capacity to implement the new Act?

“Very satisfied, from both a theoretical and practical point of view. When we drafted the curricula, we took into account psychological aspects, international standards, and practice including examples from other countries. [It gave the participants] familiarity

¹³⁶ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

¹³⁷ See for example, Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014 and FGD with Representatives of the Institute for the Execution of Criminal Sanctions, Spuž, 16 May 2014

¹³⁸ Skype Interview with Juvenile Justice Expert from Macedonia, Podgorica, 13 May 2014

¹³⁹ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

¹⁴⁰ Interview with Juvenile Prosecutor, Podgorica, 12 May 2014

with child rights and international standards, relevant decisions of the European Court of Human Rights and the rehabilitation of children.”¹⁴¹

“A professor in child psychology lectured judges on the protection of child victims. This was effective.”¹⁴²

Were there any difficulties? How were they resolved?

“[The difficulties] were not serious.....the four consultants were very experienced so they knew what to include.....We are holding an inter-sectoral meeting in 2014 to see what the problems are and whether any change is needed to the training.”¹⁴³

Could the trainings have been improved?

“There is always room for improvement, but the content was satisfactory.”¹⁴⁴

The responses from police officers and the participant from the Police Academy on the training were more mixed. According to one participant, police officers do not fully understand how to implement the new Act in practice.¹⁴⁵ Indeed, feedback from a police investigator who attended the training still included queries regarding their role in the new juvenile justice system, and included the preference of longer training sessions which focus on practice:

“We definitely learnt something new but we [the police participants] consulted each other after [the training] and learnt that we were more confused than before, especially regarding the cooperation between police and prosecutors.....The trainings were rather short – two days..... When we do have training, it is theory, but we need practical examples from the field..... For example, how to keep records. No legislating can teach us that.”¹⁴⁶

However, participants of the police training considered that the lectures by the psychologist were the most interesting and had the biggest impact on educating the participants on how to deal with juvenile suspects

¹⁴¹ FGD with representatives from the Judicial Training Centre, Director of the Judicial Training Centre, Podgorica, 13 May 2014

¹⁴² Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

¹⁴³ FGD with representatives from the Judicial Training Centre, Director of the Judicial Training Centre, Podgorica, 13 May 2014

¹⁴⁴ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

¹⁴⁵ Interview with a Lecturer in Criminal Law, Police Academy, Danilovgrad, 13 May 2014

¹⁴⁶ FGD with representatives from the MoI, Podgorica, 15 May 2014

and offenders. One participant considered that the training could have been improved by giving more practical examples on police treatment of juveniles.¹⁴⁷

Importantly, however, this mixed response from representatives from the police was identified during the course of the implementation of the J4CP and it was for this reason that the Rulebook for Police Officers was developed. It is understood that the Ministry of Interior is planning to hold training sessions on the Rulebook for Police Officers, although this would not form part of the J4CP.¹⁴⁸ The training of police officers in this Rulebook may go some way to resolving their concerns and clarifying their role in the new system.

One key finding which arose from the qualitative interviews is the varying levels of understanding of the new Act between professionals in Podgorica as compared to professionals from the other regions. According to one participant from the Police Academy, the police officers from the northern regions “stood out” at the training sessions in terms of their knowledge.¹⁴⁹ A judicial participant gave a similar response:

“[There is a need to] invite more judges from the southern and northern regions [of Montenegro]. Podgorica had the pilot scheme¹⁵⁰ so they [the judges in Podgorica] have been more exposed to the new rules – so maybe there can be more trainings for those [judges] in the north and south [of Montenegro].”¹⁵¹

One regional consultant who was involved in developing and delivering the training considered that the training was “very hard work for some of them.”¹⁵² Similar responses were given by the participants from the Judicial Training Centre.¹⁵³

Feedback highlighted a need for further inter-sectoral training on juvenile justice, particularly with the education and healthcare sectors,¹⁵⁴ and joint training sessions between police and prosecutors.¹⁵⁵

In addition Evaluators received feedback in Bijelo Polje, that additional trainings for lawyers would be beneficial as finding lawyers with specific training in relation to juvenile cases sometimes proved difficult.¹⁵⁶

In addition to the specialised training programmes above, the terms of reference for the development and delivery of training for juvenile justice professionals on the UN Guidelines on Justice in Matters involving

¹⁴⁷ Interview with a Lecturer in Criminal Law, Police Academy, Danilovgrad, 13 May 2014

¹⁴⁸ Skype Interview with Juvenile Justice Expert from Macedonia, Podgorica, 13 May 2014

¹⁴⁹ Interview with a Lecturer in Criminal Law, Police Academy, Danilovgrad, 13 May 2014

¹⁵⁰ It was not evident during the interview to which pilot scheme the participant was specifically referring.

¹⁵¹ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

¹⁵² Skype Interview with Juvenile Justice Expert from Macedonia, Podgorica, 13 May 2014

¹⁵³ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

¹⁵⁴ Skype Interview with Regional Juvenile Justice Expert and J4CP Consultant, Podgorica, 13 May 2014

¹⁵⁵ Skype Interview with Juvenile Justice Expert from Macedonia, Podgorica, 13 May 2014

¹⁵⁶ FGD Centre for Social Work, Bijelo Polje, 13 May 2014.

Child Victims and Witnesses of Crime has been circulated.¹⁵⁷ Trainings for two groups of professionals were held from 4 to 6 June and from 2 to 3 July, 2014.¹⁵⁸ As this training was implemented during the final stages of the project, the Evaluators have not been able to assess its effectiveness.

During the course of the implementation of the J4CP, it was identified that Training of Trainers (**ToT**) programmes for representatives of the Police Academy, Judicial Training Centre, MoJ and Bar Association were needed. As such, the Amended Work Plan includes the development and delivery of ToT modules for each of these four institutions for between October 2013 and July 2014.¹⁵⁹ This training took place between 17 to 20 June in Becici, Montenegro. Twenty participants attended including five judges, five prosecutors, three police officers, three lawyers, two professionals from the PSS and two professionals from the Ministry of Work and Social Welfare (a total of seven males and 13 females).¹⁶⁰ The training was based around a specialised training curriculum with several ‘core’ elements to be the same for all groups, ensuring a common understanding of essential child rights and juvenile justice standards.¹⁶¹

5.2.6. To what extent has the J4CP contributed to strengthening the capacities of juvenile justice professionals for implementing diversion measures and establishing community-based alternatives for children in conflict with the law? (Output 2.3)

The J4CP project design envisaged holding 18 multi-sector capacity-development and experience exchange sessions on diversion measures for juvenile justice professionals.¹⁶² It was intended that 12 of these working sessions would cover VOM for 240 juvenile justice professionals.¹⁶³ In practice, a total of seven working sessions have been held, four of which were on VOM involving 83 professionals. Details of these sessions are set out in Table 6 below.

Table 6: Working sessions held

¹⁵⁷ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014; UNICEF Montenegro, *Contract Request for Temporary Assistance: International consultancy for the provision of technical assistance to the Judicial Training Centre for the provision of the training for judges and prosecutors on the UN Guidelines on Justice in Matters involving Children Victims and Witnesses of Crime (Justice for Children Project IPA 2011)*; Start Date: 26 May 2014, End Date: 7 July 2014

¹⁵⁸ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

¹⁵⁹ Justice for Children Project, *Amended Work Plan*, provided to CCLC on 11 April 2014

¹⁶⁰ UNICEF, Comments on the J4C draft report, 26 June 2014.

¹⁶¹ Nevena Vuckovic Sahovic, Gordana Buljan Flander and Ivana Stevanovic, *Consultants' report on the provision of Technical Assistance to respective institutions for organization of high-quality tailor-made Training of Trainers (Justice for Children Project IPA 2011)*.

¹⁶² UNICEF, *Grant Application Form*, undated, p 21; Theory of Change, para 2.3.4

¹⁶³ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

Date and Location of Session	Participating Sectors	Number of Participants 164	Subject-Matter
8 February 2013 (Podgorica)	<ul style="list-style-type: none"> • Judiciary x 2 • Police x 6 • Prosecution x 6 • Bar Association x 6 • Social sector x 2 • MoJ x 2 • MoE x 1 	25	Alternative Measures: Mediation
28 February 2013 (Budva)	<ul style="list-style-type: none"> • Judiciary x 2 • Police x 1 • Prosecution x 2 • Bar Association x 3 • Social sector x 2 • MoJ x 2 • Ljubovic Centre x 1 	13	Alternative Measures: Mediation
22 March 2013 (Pljevlja)	<ul style="list-style-type: none"> • Judiciary x 5 • Police x 6 • Prosecution x 1 • Social sector x 2 • MoJ x 1 	15	Alternative Measures: Mediation
30 May 2013 (Bijelo Polje)	<ul style="list-style-type: none"> • Judiciary x 4 • Police x 8 • Prosecution x 5 • Social sector x 2 • MoJ x 2 • Bar Association x 4 • Local government 1 	26	Alternative Measures: Mediation
14 November 2013 (Bijelo Polje)	<ul style="list-style-type: none"> • Judiciary x 2 • Prosecution x 1 • Social sector x 1 • MoJ x 2 • NGOs x 6 	37	Alternative Measures: Community-based work

¹⁶⁴ Register of Participants for each of the Working Sessions, provided by UNICEF to CCLC on 16 May 2014

	<ul style="list-style-type: none"> • Local governance x 25 		
24 December 2013 (Podgorica)	<ul style="list-style-type: none"> • Judiciary x 3 • Prosecution x 1 • Police x 1 • Local governance x 15 • MoJ x 2 • NGOs x 14 	36	Alternative Measures: Community-based work
14 February 2014 (Bar)	<ul style="list-style-type: none"> • Judiciary x 2 • Prosecution x 2 • NGOs x 7 • Local governance x 6 • MoJ x 3 	20	Alternative Measures: Community-based work

Feedback indicates that these sessions were highly effective in encouraging stakeholder cooperation and promoting the implementation of diversion measures under the new Act, particularly with regard to VOM.¹⁶⁵

Overall, qualitative feedback indicates that the implementation of the diversion measures under the new Act is working well. According to one Juvenile Judge, the introduction of the *range* of alternative measures, for example, the issuance of ‘warnings’ is one of the biggest novelties of the new Act, and that they are being issued in practice.¹⁶⁶ As a result, the participant considered that only very serious criminal offences end up going to court, and there usually there are no problems in practice regarding diversion measures.¹⁶⁷ The representatives from the CSW echoed this by stating that the diversion schemes “were actually functioning very well.”¹⁶⁸ Similarly, according to one prosecutor from Nikšić:

“Last year, I issued 15 warnings. I gave approval to the police [to issue a warning] in nine cases. I encountered no problems; it worked well.”¹⁶⁹

VOM appears to be working particularly well. As indicated by the external evaluation for the IPA 2008, the infrastructure for dealing with VOM cases was being established before the new Act entered into force, and so is something that was built upon by the J4CP. There were no cases that were successfully resolved through

¹⁶⁵ Interview with the Director of the Centre for Mediation, Podgorica, 14 May 2014

¹⁶⁶ Interview with Juvenile Justice, Basic Court, Podgorica, 13 May 2014

¹⁶⁷ Interview with Juvenile Justice, Basic Court, Podgorica, 13 May 2014

¹⁶⁸ FGD with a Specialist Pedagogue and Psychologist at the CSW in Podgorica, 14 May 2014

¹⁶⁹ FGD, Representative of the Prosecutors’ Office in Nikic, Podgorica, 15 May 2014

mediation in 2010, only three cases in 2011, with the number rising significantly to 57 in 2012 and 110 in 2013.¹⁷⁰

Feedback obtained from professionals at the Centre for Mediation in Podgorica and Bijelo Polje commented on the effective operation of juvenile cases at the Centre.¹⁷¹ Crucially, parents of children in conflict with the law who had undergone VOM also commented highly on the usefulness of the procedure, its effectiveness in preventing their child from reoffending and improving his/her behaviour, its ability to put the child at ease, and its ability to avoid stigmatising the child:¹⁷²

“A second chance is a stimulus for a child.”

“Being forgiven changed their attitude.”

“They [the children] were a lot more relaxed [when the child heard about the VOM option], as they were very scared of the consequences after committing the crime.”¹⁷³

“It is a small community and going through the system had labelled children.”

“He pays more attention at school... His communication has improved.... I felt he changed the moment he left the mediation building.”

Particularly noteworthy is the feedback from parents that the mediation helped change their attitudes to Roma people (as the victims in one case were a Roma couple).¹⁷⁴

However, some issues regarding the implementation of diversion measures by the police and prosecutors were reported, particularly with respect to ‘warnings’:

“The new law allows the police to issue warnings... The police are confused – they always ask the prosecutors when to use this. The police are not sure when to use this.”¹⁷⁵ *[Under Article 10(2) of the new Act, a juvenile justice police officer may decide to issue a warning but requires the approval of the Public Prosecutor]*

“There are still major issues with warnings. Prosecutors interpret themselves what it means and it creates problems in the field..... Prosecutors are not issuing [approvals for

¹⁷⁰ Centre for Mediation of Montenegro

¹⁷¹ Interview with the Coordinator of the Centre for Mediation, Bijelo Polje, 13 May 2014; Interview with the Director of the Centre for Mediation, Podgorica, 14 May 2014

¹⁷² FGD with parents whose children had undergone VOM, Bijelo Polje, 13 May 2014

¹⁷³ FGD with parents whose children had undergone VOM, Bijelo Polje, 14 May 2014

¹⁷⁴ FGD with parents whose children had undergone VOM, Bijelo Polje, 14 May 2014

¹⁷⁵ [Interview details withheld], May 2014

police to issue] warnings because they are not clear whether they need to take this to a hearing. They do not understand that this is diversion. So it loses its effectiveness. Some prosecutors have been saying that giving an approval to the police to issue a warning is a violation of the new Act. They do not know how to interpret the law.”¹⁷⁶

5.2.7. To what extent has the J4CP contributed to strengthening the capacities of juvenile justice professionals to implement prevention mechanisms for children at risk of coming into conflict with the law? (Output 2.3)

Guidelines for Social Workers on the implementation of the new Act have been developed and were submitted to the MoLSW and approved in May 2014.¹⁷⁷ Training was held on:

- 27 and 28 May 2014 for 29 social workers from the north of Montenegro (8 males and 21 females); and
- 29 and 30 May 2014 for 18 social workers from central and southern Montenegro (two males and 16 females) and 4 representatives from the PSS.

The training falls short very slightly of the target of 60 social workers which was factored into the J4CP budget. It has not been possible for the Evaluators to otherwise assess the effectiveness of the training as this activity was carried out in the final stages of the project.

In conjunction with the Ministry of Education (**MoE**), a training programme entitled ‘Peaceful Conflict Resolution Techniques – Peer Mediation’ was developed and delivered to a total of 218 school children between the ages of 14 and 17. The number of participants in this project fell short of the 500 target. The participants and schools which participated in the programme are outlined in Table 7 below.

Table 7: Participants in Peaceful Conflict Resolution Techniques – Peer Mediation training

Date	Location of School	Number of Participants ¹⁷⁸
19-20 October 2013	Ulcinj	6
8-9 November 2013	Bar	28
23-30 November 2013	Podgorica	20
7 December 2013	Podgorica	8
7-8 December 2013	Podgorica	18

¹⁷⁶ FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014

¹⁷⁷ Draft Guidelines on the Role of the Centre for Social Work in Proceedings (Montenegrin), provided to CCLC by UNICEF on 16 May 2014; UNICEF, Comments on the J4C Inception Report, 16 May 2014

¹⁷⁸ One programme session was designed for 15 to 20 participants; (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, p 4

14-21 December 2013	Nikšić	21
7-8 February 2014	Mojkovac	25
15-22 February 2014	Cetinje	26
28 February – 1 March 2014	Nikšić	27
14-15 March 2014	Berane	21
4-5 April 2014	Tivat	18
	TOTAL	218

During the design phase of the project, it is understood that UNICEF recommended that the training be delivered during civic education classes for children, so that the civic education teachers could continue to pass on the knowledge to pupils in future.¹⁷⁹ The MoE, on the other hand, preferred to deliver more comprehensive training for smaller groups within the school and based the development of the Techniques on Peaceful Conflict Resolution Programme on this model.¹⁸⁰ The main reason for this was that previous interventions had been delivered in the former format, and therefore children were already aware of peaceful conflict resolution processes, and that the second format was in line with the broader practice of referring criminal cases to mediation.¹⁸¹

The programme aimed to train young people (between 15 and 19 years of age) in using peaceful conflict resolution techniques by providing them with basic knowledge and communication, peaceful conflict resolution, peer mediation and analytical-thinking skills, empowering them to take an active role at school in reducing the number of violent conflicts.¹⁸² The aim was that the participants would become ‘trained peer mediators’ of (non-criminal) school disputes.

The 20-hour programme consisted of two modules: one four-hour module on ‘non-violent communication’; and a 16-hour module on ‘transformation of conflicts – peer mediation’.¹⁸³ The first module aimed to develop and strengthen the participants’ skills in using ‘a determined but not offensive method’ of communication that would enable them to clearly state their opinion, and listen to and understand the views of others.¹⁸⁴ In addition, the module aimed to strengthen their ability to adapt their style of communication according to

¹⁷⁹ UNICEF, feedback provided to CCLC on 26 June 2014.

¹⁸⁰ Interview with the Focal Point on the Technical Working Group from the Ministry of Education, Podgorica, 15 May 2014

¹⁸¹ Interview with the Focal Point on the Technical Working Group from the Ministry of Education, Podgorica, 15 May 2014

¹⁸² (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, pp 3-4

¹⁸³ (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, pp 4-5

¹⁸⁴ (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, p 4

their counterpart and situation, with the aim of fostering strong interpersonal relationships.¹⁸⁵ The second module aimed to familiarise participants with the concept and sources of conflict, strengthen their ability to analyse conflict situations and identify obstacles to conflict resolution.¹⁸⁶ The module focused particularly on Alternative Dispute Resolution and mediation techniques.¹⁸⁷ Twelve hours of the programme consisted of workshops, with the remaining eight hours being dedicated to presentations, questions and answers sessions and discussions.¹⁸⁸

The MoE representative selected schools to participate in the project on the following basis:

- Mix of general and vocational high schools;
- Selection of two schools in Nikšić which had previously participated in workshops on mediation and so the MoE wanted to build on their knowledge;
- Schools in areas where “incidents” involving juveniles had taken place (e.g. Bar);
- Schools in multi-ethnic locations (e.g. Ulcinj)
- Schools in densely populated areas (e.g. Podgorica and Nikšić).¹⁸⁹

Crucially, however, the feedback from a FGD of nine girls and four boys who participated in the programme was excellent.¹⁹⁰ The participants displayed a strong understanding of the different techniques they could use to peacefully solve conflicts, and were using these skills in practice. The effectiveness of the programme is demonstrated by the following quotes:

“My friend and I had an argument two days after the training, but we talked about it and in the end my friend said ‘we solved this conflict successfully’”

“Everyone liked the training....”

“Usually teachers talk and talk but the [programme coordinators] had a great sense of humour”

¹⁸⁵ (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, p 4

¹⁸⁶ (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, p 4

¹⁸⁷ (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, p 4

¹⁸⁸ (Sample Programme) Ajša Hadžibegović and Bego Begu, *Peaceful Conflict Resolution Techniques – Peer Mediation: Training Programme for High School Students*, Podgorica, June 2013, p 5

¹⁸⁹ Interview with the Focal Point on the Technical Working Group from the Ministry of Education, Podgorica, 15 May 2014

¹⁹⁰ FGD with Participants in the Peaceful Conflict Resolution Programme, Tivat, 14 May 2014

"We played games and conducted role plays; we reached conclusions on our own"

"We could express our thoughts freely"

Anything you didn't like so much? "No"

"When I showed up on the Friday, I thought I would not show up on the Saturday, but I had constant fun for eight hours on the Friday so I wanted to come back"

Can you tell me what you learnt? "How to avoid conflict....how to solve conflict situations without violence... how to identify causes of conflict that were invisible...."¹⁹¹

5.2.8. To what extent has the J4CP contributed to strengthening the capacity of juvenile justice professionals to implement rehabilitation and reintegration programmes for children in conflict with the law? (Output 2.3)

Prison Administration

As planned in the LogFrame and ToC, a new methodology and programme of work with juveniles in prison at the Prison Administration has been drafted with UNICEF's technical assistance, encapsulated in the Rulebook on House Rules for Execution of Juvenile Imprisonment Sentences within the Juvenile Department of the Institution for Execution of Criminal Sanctions. An evaluation of the content of this Rulebook is provided in respect of Outcome 1, Output 1.2 above.

The team responsible for the juvenile/young offenders' wing at Spuž comprises the Director of the Institute for the Execution of Criminal Sanctions, its Deputy Director, at least two professionals from the treatment team, 16 members of the security team (prison guards of varying ranks) and the Head of the Occupational Programme.¹⁹² Training for 15 members of the team took place in Spuž on 7 June 2013,¹⁹³ as per the target set out in the LogFrame and ToC. The participants included reception ward staff, members from the treatment team and prison guards.¹⁹⁴ Feedback from participants indicates that the training was well organised and beneficial, sensitising them to the need and obligation to rehabilitate juvenile prisoners.¹⁹⁵

Centre for Children and Young People Ljubovic (Ljubovic Centre)

¹⁹¹ FGD with Participants in the Peaceful Conflict Resolution Programme, Tivat, 14 May 2014

¹⁹² FGD with Representatives of the Institute for the Execution of Criminal Sanctions, Spuž, 16 May 2014

¹⁹³ Register of Participants, 7 June 2013, provided to CCLC by UNICEF on 16 May 2014

¹⁹⁴ Minutes of the Meeting of the Steering Committee, 31 July 2013

¹⁹⁵ FGD with Representatives of the Institute for the Execution of Criminal Sanctions, Spuž, 16 May 2014

The Ljubovic Centre is Montenegro's only semi-open treatment facility which houses both children in conflict with the law for a period of between six months and two years, and children in need of care and protection on a temporary basis (i.e. for up to one month).¹⁹⁶ The latter category of children includes foreign national children who are apprehended for begging and/or are illegal immigrants.¹⁹⁷ The Centre falls under the authority of the MoLSW, although both the courts and the CSW can refer children to the Centre.¹⁹⁸ As at 14 May 2014, there were nine children staying at the Centre, four of whom were children in conflict with the law, and five of whom were children in need of care and protection.¹⁹⁹ When the Evaluators visited the Centre, the Director was expecting a sixth child to be admitted to the Centre that same day.²⁰⁰

Between 22 and 30 November 2013, UNICEF engaged an international consultant to visit the Ljubovic Centre to assess the capacity and suitability of the Centre to implement the new Act, strengthen the standards, quality and functionality of the Centre's direct work with children, identify the strengths, challenges and opportunities for reform, and provide recommendations for sustainable improvements to the quality of care provided for the children.²⁰¹ The purpose of this consultancy was to support the MoLSW and the Ljubovic Centre to further promote child rights and ensure the positive development of children in contact and conflict with the law by adopting and/or implementing appropriate policies, international and domestic laws, bylaws, and 'cutting edge concepts' and evidence-based practices that aim to assure that all the children will receive care and treatment appropriate to their developmental needs and build upon their strengths and potential.²⁰²

The consultant highlighted 12 accomplishments and improvements, and 12 weaknesses and challenges at the Centre, culminating in the development of a series of general recommendations and more specific recommendations on the following topics:

- Improvements of existing residential programmes;
 - Development of new residential programmes;
 - Development of programmes to prevent the unnecessary placement of children in residential treatment facilities; and
 - Development of programmes to prevent re-entry of children in residential treatment facilities.
-

¹⁹⁶ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

¹⁹⁷ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

¹⁹⁸ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

¹⁹⁹ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

²⁰⁰ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

²⁰¹ Professor Djuradj Stakic, Ph.D., *Centre for Children and Youth Ljubovic, Podgorica, Consultancy Report, Justice for Children Project, IPA 2011*, pp 5-6

²⁰² Professor Djuradj Stakic, Ph.D., *Centre for Children and Youth Ljubovic, Podgorica, Consultancy Report, Justice for Children Project, IPA 2011*, p 10

The ToC requires that the Methodology and Programme of Work with children in conflict with the law at the Ljubovic Centre is revised in line with international standards. Not all the recommendations made in the consultant's report have been implemented. However, the Centre has drafted its next annual work plan incorporating these recommendations.²⁰³ The actual implementation of these recommendations would therefore have to be funded from the Centre's own finances, rather than under the J4CP.

What are being implemented are the extra-curricula sport activities and computer training via short-term contracts established between UNICEF and third party organisations. These contracts are discussed more fully under Outcome 3 below.

With regard to the training of professionals at the Ljubovic Centre in the new Methodology and Work Plan, it was considered that since the Centre had participated in the training for social workers, the staff at the Centre would receive coaching *in situ* from the international consultant.²⁰⁴ Participants from the Ljubovic Centre identified a need for continuous training and education, as they considered that the focus on the Centre so far has been more on investment and the development of its infrastructure. However, it should be noted that the consultant that provided the *in situ* training reportedly worked one-on-one with each member of staff at the Ljubovic Centre, something which was not provided to other juvenile justice stakeholders during the J4CP.²⁰⁵

5.2.9. To what extent have PSS been established and the use of modern audio-visual equipment for child-friendly hearing procedures enabled in the Judiciary? (Output 2.4)

Professional Support Services

The PSS were established under the new Act "to provide the courts and public prosecution service with assistance in their proceedings against juvenile offenders".²⁰⁶ As per the new Act, ToC and LogFrame, three PSSs have been established in the following locations:

- Higher Court in Podgorica (responsible for PSS activities in all Basic Courts in the centre and south of Montenegro);
- Higher Court in Bijelo Polje (responsible for PSS activities in all Basic Courts in the north of Montenegro); and

²⁰³ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

²⁰⁴ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014; UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

²⁰⁵ UNICEF, Comments provided to CCLC, 18 July 2014

²⁰⁶ Article 46(2) of the new Act

- Supreme State Prosecutor's Office in Podgorica (which is responsible for PSS activities in all Prosecutors' Offices in Montenegro).²⁰⁷

Only one of the three PSSs (the one at the Higher Court in Podgorica) is fully staffed.²⁰⁸ The PSS at the Supreme State Prosecutor's Office is staffed with only one person, and therefore needs an additional two employees before it too is fully staffed.²⁰⁹ As at the date of this Report, the PSS in the Higher Court in Bijelo Polje had recruited its third member of staff and is therefore now fully staffed.²¹⁰

The new Act requires a multi-disciplinary staff body at the PSS, including social workers, psychologists and special teachers.²¹¹ The staff must be able to give professional opinions, notifications and other assistance in proceedings against juvenile suspects/offenders in accordance with the new Act.²¹² Based on the brief descriptions of their qualifications provided during the in-country interviews, the PSS staff members appear to meet this requirement:

- PSS member at the Supreme State Prosecutors' Office (F): special pedagogue (expert in defectology); 13 years of work experience in the CSW; former head of the social workers' team that worked on juvenile justice matters; one year of work experience in prison; one and a half years of work experience with drug addicts;
- PSS Member I at the Higher Court in Podgorica (F): special pedagogue (expert in defectology); 19 years of work experience in prison;
- PSS Member II at the Higher Court in Podgorica (F): paediatric nurse; work experience as a sociologist in prison; expert in social pathology; acts as the social worker;
- PSS Member III at the Higher Court in Podgorica (F): psychologist; experience of working in schools;
- PSS Member I in Bijelo Polje (F): a special pedagogue for minors; and
- PSS Member II in Bijelo Polje (M): social worker.²¹³

The third member of staff at the PSS in Bijelo Polje was recruited after the researchers' in-country visit.²¹⁴

²⁰⁷ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor's Office in Podgorica, 14 May 2014

²⁰⁸ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor's Office in Podgorica, 14 May 2014

²⁰⁹ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor's Office in Podgorica, 14 May 2014

²¹⁰ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor's Office in Podgorica, 14 May 2014; FGD including staff of the PSS in Bijelo Polje, Bijelo Polje, 13 May 2014

²¹¹ Article 46(3) of the new Act

²¹² Article 46(3) of the new Act

²¹³ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor's Office in Podgorica, 14 May 2014

²¹⁴ UNICEF, feedback provided to CCLC, 26 June 2014

A specific training programme for the staff at the PSS has not been developed. Rather, their training has been delivered via the following activities:

Training for social workers 29-30 May 2014 (4 participants), Training for trainers 17-20 June 2014 (2 participants)

- Six members attended the training for judges and prosecutors from 21 to 24 October 2013 ;
- Six members participated in the training on the juvenile justice indicators incorporated into PRIS;
- Four members completed the training for social workers from 29 to 30 May 2014;
- Two members completed the training for trainers conducted from 17 to 20 June 2014; and
- One member from each of the three PSSs participated in the study visit to Italy in June 2014.

However, as mentioned above, it was determined during the course of the J4CP that it would be beneficial to develop a set of Guidelines for the Work of the PSS. It is understood that a separate programme of education for the PSS may be developed only *after* the Guidelines have been developed, although this will not be funded under the J4CP.

The establishment of the PSS in Montenegro is a novel concept and therefore will inevitably take time to make fully operational. It is therefore not unexpected for the reviews of the effectiveness of the operationalisation of the PSS to be mixed. One juvenile judge in Podgorica stated that the PSS at the High Court is “definitely effective” and “very useful” and it is still too soon to identify the areas that need improvement.²¹⁵ However, there are certain practical challenges to the effective operation of the PSS, each of which are discussed in turn below.

First, it is evident that it is taking some prosecutors and judges time to get accustomed to this new service, and that they do not always involve the PSS in juvenile proceedings.²¹⁶ Several possible reasons were cited for this reluctance or failure by judges and prosecutors to involve the PSS: the courts not being obliged under the law to seek the involvement of the PSS and already having the relevant information from the Centre for Social Work and the PSS at the Supreme State Prosecutors’ Office; some prosecutors and judges viewing the PSS as an unwanted ‘interference’ in their case; some judges and prosecutors viewing and treating the PSS staff more as assistants than experts in their own right; ambiguity in the new Act as to which sector should be called upon to work with juvenile victims; and the courts not prioritising juvenile cases as compared with

²¹⁵ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

²¹⁶ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

the more “meaty” adult cases.²¹⁷ However, according to one PSS staff member, “when they [prosecutors] do involve [the PSS], the see that it is beneficial and they like it.”²¹⁸

The second key challenge for the PSS is their limited mobility and absence of vehicles to ensure that they can travel to the field where they are needed.²¹⁹ This challenge stems from the lack of financial resources to fund this equipment. As the PSS are not permitted to visit juveniles in their own home (something which remains the remit of the CSW), they must invite the juvenile to visit them.²²⁰ However, as the PSS cover a relatively large region, their ability to travel is central to their work. See ‘Efficiency’ below for more details.

The third key challenge befalling the PSS relates to the implementation of diversion and correctional measures. The responsibility for procuring the services for these diversion and correctional measures appears to fall on the PSS. During the implementation period, UNICEF arranged meetings with several stakeholders that could sign agreements with the PSS to establish these services.²²¹ In practice, the agreements concluded by the PSS have been with NGOs and the Red Cross. The PSS have reportedly met several other institutions but have yet to conclude agreements with them.²²² Now without the direct assistance from UNICEF and the MoJ in arranging meetings, the PSS appear to be proactive in seeking potential service providers, with the staff members using their own cars for transport and having their expenses reimbursed by the court.²²³ Nevertheless, reported barriers to concluding these agreements include:

- Challenges in arranging adequate insurance for children required to conduct work pursuant to such measures;
 - The need to obtain mayoral approvals for agreements with state organisations, something which the PSSs are unable to obtain until after the elections when the mayor for the proceeding term has been elected,²²⁴
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²¹⁷ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014; FGD including staff of the PSS in Bijelo Polje, Bijelo Polje, 13 May 2014

²¹⁸ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²¹⁹ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014; FGD including staff of the PSS in Bijelo Polje, Bijelo Polje, 13 May 2014

²²⁰ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²²¹ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²²² FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²²³ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²²⁴ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

- The organisations appearing “a little scared” of the prospect of admitting convicted offenders to their activities and, according to one participant, probably “hope that [the PSS] will send nobody”,²²⁵
- Without the gravitas the MoJ representative lends the team, the PSS are finding it more difficult to arrange meetings;
- Lack of financial resources;
- Sports clubs in Montenegro are predominantly competitive clubs which require membership fees.²²⁶

Some of these challenges were echoed by participants in the Judicial Training Centre:

“For example, correctional orders in sport. [These are] not always implementable because some require the child to be able and willing etc. and the child is not.²²⁷ Also, a fee is demanded sometimes. Or the advisory/ counselling institutions needed [to implement the correctional order] have not been established. Or, the order requires the child to go to school but the child has been expelled. These issues are structural.”²²⁸

Other challenges faced by the PSS in Bijelo Polje is that the small room allocated to them is arranged like a court room and is therefore inappropriate for interviewing children.²²⁹ Further, it appears that the boundaries between the work of the PSS and the CSW are not clear in practice. In this connection, there is a degree of confusion among some juvenile justice professionals about the actual role of the PSS and the division of responsibilities between it and the CSW, including among members of the Technical Working Group.²³⁰

The PSS staff in Podgorica appeared to be clear of their role in the juvenile justice system and described their role as set out in the new Act.²³¹ They considered that their work “complemented” the work of the CSW and that they are the missing link between the social workers and the courts/prosecutors.²³² Another

²²⁵ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²²⁶ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014; FGD, Technical Working Group, Representative from the Prosecutors’ Office, Podgorica, 15 May 2014

²²⁷ Note that participants from the PSS considered that there is a lot of interest among juvenile offenders in participating in the correctional measures’ schemes.

²²⁸ FGD with participants from the Judicial Training Centre, Podgorica, 13 May 2014

²²⁹ FGD including staff of the PSS in Bijelo Polje, Bijelo Polje, 13 May 2014

²³⁰ FGD with the Technical Working Group, Representative of the Prosecutors’ Office, Podgorica, 15 May 2014

²³¹ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

²³² FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

representative from the CSW considered that the role of the CSW under the new juvenile justice system focuses on the prevention of juvenile crime, whereas before, the CSW was rather “a service to the prosecutors’ office and courts” – they carried out the “field work” and “reported to the court on each juvenile.”²³³ However, one representative from the CSW reported that they had a large role in monitoring the implementation of increased supervisions orders as a correctional measure.²³⁴ Further, the exchange of information between the PSS and CSW is not always fluid; one participant the CSW is that they “lose touch” with the progress of a case when it is referred to the juvenile justice system. For example, when correctional measures are imposed, the social workers are not always notified of this by the PSS.²³⁵ Although the participants considered that inter-institutional cooperation is strong, it could be made stronger still, and may benefit from the development of a working protocol between the PSS and CSW.²³⁶ There are further questions surrounding the impact of the reforms to the child protection sector on the social workers’ involvement in juvenile justice matters.²³⁷

To address these challenges, three representatives of the PSS participated in the study tour to Italy in June 2014. The development of the Guidelines on the work of the PSS may also address this issue, provided that it is coupled with appropriate practical training for all the sectors involved.

Although there have been challenges in fully staffing and operationalising the PSS, one participant highlighted that the significance of the achievement of establishing the PSS in the first place should not be overlooked. The Montenegrin Ministry of Finance operates within strict guidelines and so any approval by it of such initiatives is considered to be a significant achievement.²³⁸

Audio-Visual Equipment for Child-Friendly Hearings

The ToC and LogFrame planned the installation of audio-visual equipment in 15 Prosecutors’ Offices and Courts throughout Montenegro. In practice, the equipment has been installed in the following 14 locations:

- Higher Court, Podgorica;
 - Basic Prosecutor's Office, Podgorica;
 - Basic Prosecutor's Office, Bijelo Polje;
 - Basic Prosecutor's Office, Berane;
 - Basic Prosecutor's Office, Pljevlja;
 - Basic Prosecutor's Office, Ulcinj;
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²³³ FGD with a Specialist Pedagogue and Psychologist from the CSW in Podgorica, 14 May 2014

²³⁴ FGD with a Specialist Pedagogue and Psychologist from the CSW in Podgorica, 14 May 2014

²³⁵ FGD with a Specialist Pedagogue and Psychologist from the CSW in Podgorica, 14 May 2014

²³⁶ FGD with a Specialist Pedagogue and Psychologist from the CSW in Podgorica, 14 May 2014

²³⁷ FGD with a Specialist Pedagogue and Psychologist from the CSW in Podgorica, 14 May 2014

²³⁸ Interview with UNICEF Programme Coordinator, Podgorica, 12 May 2014

- Basic Prosecutor's Office, Bar;
- Basic Prosecutor's Office, Nikšić;
- Basic Court, Kotor;
- Basic Court, Bar;
- Basic Court, Rozaje;
- Basic Court, Pljevlja;
- Basic Court, Nikšić;
- Basic Court, Podgorica.

The installation of the equipment in the remaining Basic Court is in progress and is expected to be completed by the end of the implementation period.

The MoJ sent personnel to Bosnia-Herzegovina to observe the equipment and operation of child-friendly hearings there, in order to assist with the selection of equipment and determination of locations at which the child-friendly hearing equipment would be installed in Montenegro.²³⁹

During the in-country data collection visit, the Evaluators were able to visit the High Court and Basic Prosecutor's Office in Podgorica to observe the installation of the audio-visual equipment. No issues were identified with respect to the functioning of the equipment itself and it appeared to be fit for purpose. In this respect, care had evidently been taken to ensure that this would be the case; as one participant reported, the microphones initially installed in the Basic Prosecutors' Office in Podgorica were not appropriate for their needs but after reporting this to UNICEF, new, suitable microphones were installed.²⁴⁰ Rather, there is a concern with the location of the child-friendly hearing room in the Higher Court in Podgorica. As one representative from the PSS described it:

“Kids have to pass handcuffed persons [to get to the room]. The room is not adequate. It is cold, sterile. I don't feel comfortable there let alone a kid. We should go to the kid, not the other way around.”²⁴¹

The Evaluators observed that the interview room at the Higher Court in Podgorica was located in the basement floor at the back of the court building, beside the court cells in which adults are held. The courts cells and the persons held there are visible when walking to the juvenile interview room and, indeed, the Evaluators passed handcuffed adult suspects and offenders in the corridor on the way to the room. With

²³⁹ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014; UNICEF, feedback provided to CCLC, 26 June 2014

²⁴⁰ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

²⁴¹ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor's Office in Podgorica, 14 May 2014

regard to the interview room itself, there is no natural light (or if there was, the window was covered) such that it is necessary to switch the lights on. Also, the Evaluators observed a one-way viewing window and were informed that the same room is sometimes used to conduct adult line-up identification. The Evaluators would reluctantly agree that the location of this particular interview room is not suitable to ensure child-friendly hearings in line with international juvenile justice standards.

In Nikšić the issue was raised that no separate room is available from which the judge and prosecutor may question a child victim or witness via link, and thus the child victim is questioned with the judge and prosecutor present.²⁴² It is advisable to look in to if and how facilities could be made available to provide for this.

The operation of the child-friendly hearing equipment was observed in the Basic Prosecutors' Office in Podgorica. While the technicians reported no practical issues with the equipment, the equipment had not yet been used as the prosecutors in the cases considered that the equipment was not needed.²⁴³ It is therefore difficult to fully assess its effectiveness.

The LogFrame and ToC planned that 30 staff members would be trained in using the audio-visual equipment. It is understood that IT staff and prosecutors underwent in situ training in using the equipment by the installation company. There is at least one person trained to use the audio-visual equipment in each prosecutor's office.²⁴⁴ No further information was obtained on the specific number and locations of the persons trained.

OUTCOME 3

Findings

Several of the activities under Outcome 3, including the development of the film or radio show, are being implemented during the final stages of the J4CP and therefore it has not been possible for the Evaluators to conduct a full assessment under this heading.

However, the Evaluators were able to evaluate (to varying extents) the effectiveness of nine programmes that target the active participation of children in conflict with the law, and/or children at risk of coming into conflict with the law, in cultural, sport and educational activities.²⁴⁵ Overall, it is clear that, in general, children that take part in the projects thoroughly enjoyed what they had learned and were able to provide

²⁴² Interview with Juvenile Judge and Basic Prosecutor, Nikšić, 12 May 2014

²⁴³ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

²⁴⁴ Interview at the Basic Prosecutors' Office, Podgorica, 15 May 2014

²⁴⁵ Please note that the Techniques on Peaceful Conflict Resolution programme is dealt with under Outcome 2 above and so is not repeated here.

examples of what they had learned and how they had been able to make use of these skills in practice. While these activities do not directly seek to promote *public* awareness, the programmes are effective in strengthening the participating children's knowledge of their rights, and play an important rehabilitative function. Crucially, as one staff member at Ljubovic explained, "it means a lot for [the children]....that someone from the outside has taken the time to provide this for them".²⁴⁶

Some of the programmes appeared to have far more male participants than female ones. The low level of female participation does not necessarily mean that the programme does not appeal to girls, but could be a result of a greater number of boys coming into conflict/being at risk of coming into conflict with the law who are given the choice to attend the programme.

The ICT programme at the Ljubovic Centre did not appear to be suitable for the literacy level of all the children, although the programme coordinator attempted to adapt the materials according to children's needs. Further, the effectiveness of the ICT programme was limited by it only having two laptops between 6 children, a limitation which the MoLSW and management of the Centre is currently seeking to resolve.

Reasoning

5.2.10. To what extent has the J4CP increased public awareness on juvenile justice matters through active participation of boys and girls in conflict with the law in the promotion of their rights? (Outcome 3; Outputs 3.1 and 3.2)

A total of nine programmes targeting the active participation of children in conflict with the law in cultural, sport and educational activities (in cooperation with representatives of sport, educational and cultural organisations (SCOs) and with child participation) are being implemented in Nikšić, Podgorica, Herceg Novi and Bijelo Polje.²⁴⁷ A summary of the contracts is outlined in **Annex I**.

Third party service providers were selected pursuant to a selection process headed by a multi-sectoral Technical Working Group consisting of the following six members:

- Nela Krnic Brkovic, UNICEF Child Protection Officer;
 - Goran Kusevija, Deputy Minister of Labour and Social Welfare;
 - Natasa Radonjic, Advisor in the Ministry of Justice;
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²⁴⁶ Observation of training on computer literacy in the Centre for Children and Youth Ljubovic, Podgorica, 16 May 2014

²⁴⁷ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

- Sladjana Pesic, Advisor in the Ministry of Labour and Social Welfare;
- Nada Djurovic, UNICEF Project Officer;
- Aleksandra Tomkovic Vukoslavcevic, UNICEF Consultant.²⁴⁸

A call for proposals from potential partners was advertised on UNICEF's website and through the local printed media in accordance with UNICEF's standards procedures.²⁴⁹ A total of 12 applications were received by the closing date of 15 December 2013. The Technical Working Group convened on 14 January 2014 to review the proposals, before unanimously deciding to award the grants to the nine third parties as listed in **Annex I**.²⁵⁰ Three of the proposals were rejected primarily because they did not fully meet the sustainability requirements of the terms of reference and were considered to be too broad to meet the aim of the J4CP.²⁵¹

The LogFrame and ToC planned for 50 children in conflict with the law to participate in the *design* of the new programmes, which would have reinforced its equity-based focus. However, the selection process outlined above suggests that children in conflict with the law were not involved in designing the programmes, as the programmes were proposed by the applicant NGOs in response to a UNICEF public tender. Recommendations relating to the lack of child participation in the design of the J4CP have already been made above. However, children in conflict with the law and children at risk are evidently the target audiences for these projects. In total 112 children in conflict with the law participated in these projects and 14 peer educators were trained²⁵².

The Evaluators were able to meet with representatives of these service providers and/or speak to child participants in six of these projects: Basketball Club Junior (Podgorica); Youth Club, Bejo (Bijelo Polje); Jedinstvo (Bijelo Polje); the Secretariat of Culture, Sport, Youth and Social Welfare (Nikšić); NGO ICT forum; and Juventas. The Evaluators did not meet with the following three projects: 35 mm, New Chance in Novi and Sport Kids 2010.

Basketball Club Junior, Podgorica²⁵³

The basketball training has become a regular activity for children from the Ljubovic Centre who all attended the programme two to three times per week. Through the basketball sessions, children from the Ljubovic

²⁴⁸ UNICEF Montenegro, *File Note: Selection Process – Promotion of Children’s Rights Through Their Active Participation*, 15 January 2014

²⁴⁹ UNICEF Montenegro, *File Note: Selection Process – Promotion of Children’s Rights Through Their Active Participation*, 15 January 2014

²⁵⁰ UNICEF Montenegro, *File Note: Selection Process – Promotion of Children’s Rights Through Their Active Participation*, 15 January 2014

²⁵¹ UNICEF Montenegro, *File Note: Selection Process – Promotion of Children’s Rights Through Their Active Participation*, 15 January 2014

²⁵² UNICEF, *Comments on the J4C draft report*, 26 June 2014.

²⁵³ Observation of training and interview with staff, Basketball club “Junior”, Podgorica, 14 May 2014

Centre interact with other children who are playing in the club. The Evaluator talked to one of the coaches who said that although it is of course hard to change the behaviour of young people, the young people had all accepted the training as a regular activity in their free time and coaches had noticed positive changes in their behaviour. Staff in Ljubovic also reported that children were very interested in this activity and were in a good mood after trainings.

*NGOs in Bijelo Polje: Jedinstvo and Youth Club, Bejo*²⁵⁴

In Bijelo Polje, an Evaluator met with the representatives of two NGOs, a table-tennis club and a youth club that mainly provided sport activities, like football and pool, and that was planning to enter in to an agreement with PSS towards the end of the year. These agreements provide services for the implementation of alternative measures under the new Act. It has not been possible for the Evaluators to draw any conclusions regarding the effectiveness of these projects as none of the clubs had had any children referred to the project at the time of the interview.

*Secretariat of Culture, Sport, Youth and Social Welfare (Nikšić)*²⁵⁵

The project included both children in conflict with the law and children at risk with eighteen to twenty children participating in the workshops. Through the project, children learnt about their rights and specifically about the rights of children in conflict with the law, thus reinforcing their capacity as rights-holders and the equity-based nature of the programme. Children were referred by their schools, through their principals and pedagogues. The programme is voluntary and the workshops take place after school hours. Only a small percentage of children that the project had targeted and had aimed to involve had chosen not to take part.

Feedback indicates that the programme has served to strengthen the child participants' knowledge of their rights within the juvenile justice system, and provide a form of rehabilitation, again reinforcing the equity-based focus of the programme and strengthening the participants' capacity as rights-holders to claim their rights:

“We learned new rights that we did not know we had like in relation to social services and in relation to the police.”

“I myself did not know that police officers cannot interrogate children without their guardian. We don't have to say everything in front of them.”

²⁵⁴ Interviews with staff from Jedinstvo and Youth Club, Bejo, Bijelo Polje, 13 May 2014

²⁵⁵ Observation of activities and interview with staff, Workshop on healthy life styles, Secretariat for Sport, Nikšić, 12 May 2014

“Do you think it has helped you in relationships with your parents and friends?

- Yes we have better conversations with parents and friends
- Less fights”²⁵⁶

*NGO ICT forum*²⁵⁷

An Evaluator observed a computer class both at the Ljubovic Centre and at the Institute for Execution of Criminal Sanctions. In both places, young people were taught the basics in Microsoft Word, Excel and PowerPoint. At the Ljubovic Centre, about four to five children attended the programme regularly, while at Spuž, only two people attended. The class at Spuž had been open to all the prisoners held in the juvenile/young offenders’ wing, but according to the trainer, once it was understood that the training would not involve internet skills, they were no longer interested.

One challenge relating to the programme at the Ljubovic Centre is that some children stay for short periods at the Centre, and as such it has been difficult to provide continuity in the training. Further, in light of the basic level of education and low literacy levels of many of the children taking part, the extent to which the children were able to gain and retain knowledge from these classes is questionable, even if the trainer had tried to adapt the training in light of this.

A further challenge with this course is the lack of computers. Trainers would bring two laptops to share between children, meaning that only two children at a time could actually practice. The lack of computers raises the risk that the skills gained will be forgotten fairly quickly. However, it is understood that seven computers had previously been provided to the Centre for children to use. The MoLSW and management at the Centre are therefore looking into this issue and status of these computers.²⁵⁸

At Spuž, the trainer mentioned that there is a plan to provide a computer for the offenders to practice their skills on after the project.

*Juventas*²⁵⁹

²⁵⁶ FGD with children, Workshop on healthy life styles, Secretariat for Sport, Nikšić, 12 May 2014

²⁵⁷ Observations and interviews with staff and children, training on computer literacy, Institute for Execution of Criminal Sanctions, Podgorica 15 May 2014; Observations and interviews with staff and children, training on computer literacy, Centre for Children and Youth Ljubovic, Podgorica, 16 May 2014;

²⁵⁸ UNICEF, update provided to CCLC, 26 June 2014

²⁵⁹ Interview with staff and FGD with children, Workshop on perceptions, JUVENTAS, Podgorica 15 May 2014

Juventas provided three main activities; workshops on teambuilding and related skills, individual counselling and workshops to be held at Spuž.

An Evaluator visited a skills workshop held by Juventas. The workshop was one of a series of 20 workshops that focused on teamwork, leadership, communication and negotiation and human rights. The workshop included five children in conflict with the law, two from Ljubovic, two referred by the CSW and one referred by prosecution. The other participants were high school children that applied to join. Out of all attendees, only three were boys; they had all been referred to the project. Very few boys had applied to the project. Children were very positive about the project stating that they had learnt to consider different viewpoints and how different experiences and backgrounds influence people's ideas and actions in different situations. They also mentioned learning to work in teams.

At the time of the Evaluator's in-country visit, only one child and parent was using the individual counselling service. Further, plans were being made to hold 10 workshops targeting 15 to 29-year olds at Spuž. The Evaluator was not able to assess the effectiveness of these activities.

Target under the ToC and LogFrame

It is important to note that the LogFrame and ToC planned for at least five such programmes to be developed at the Ljubovic Centre and Prison Administration and be integrated into the regular curriculum at these institutions. At the time of the Evaluator's visit, only 3 of these programmes were being practiced at the Ljubovic Centre and Spuž. Even then, the programmes were being provided under small scale funding agreements between UNICEF and the service provider for a period of three months. However, at the time of writing, it was understood that UNICEF was taking steps to implement this activity before the end of the J4CP implementation period.²⁶⁰

Audio-visual and visibility actions

The LogFrame and ToC require that 20 promotional and visibility actions are taken to promote the rights of children in conflict with the law. The J4CP involved well in excess of 20 different visibility actions, the key ones being as follows:

- Four roundtable discussions for a total of 184 juvenile justice professionals;
- Training for 55 professionals on the new indicators for juvenile justice data collection;
- Six training sessions for a total of 143 police, prosecutors, judges, defence lawyers and PSS staff on the new Act;
- Seven working sessions on the use of alternative measures to juvenile criminal offending;

²⁶⁰ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

- Delivery of the Peaceful Conflict Resolution Programme for 218 high school students;
- Distribution of 224 copies of the new Act to 60 key juvenile justice stakeholders across Montenegro;
- Distribution at the launch of the J4CP, meetings of the Technical Working Group, roundtable discussions and trainings for professionals, of a leaflet on the J4CP clearing marking the EU Delegation's support and contribution to the J4CP, a description of the J4CP, key contacts at the MoJ, EU Delegation and UNICEF, the implementation period of the J4CP, the objectives and expected results of the J4CP and its key components.

It is understood that the following key visibility actions are planned before the end of the J4CP implementation period in July 2014:

- Training for judges, prosecutors and the PSS on the UN Guidelines on Justice in Matters involving Child Victims and Witnesses;
- Short film and radio show on the rights of children in conflict with the law produced with child participation (for which see below); and
- The Final Conference for the presentation of the results of the J4CP.

The LogFrame and ToC planned for at least 50 media reports on the rights of children in conflict with the law to be circulated during the project period. Evaluators were provided with information from UNICEF²⁶¹ that provides that there was a total of 459 media report, divided between 276 reports in printed media, 104 TV reports and 79 reports through online media, in relation to the J4C project during the period 1 October 2012 and 16 May 2014.²⁶²

More generally, feedback from participants during the field research highlighted varying personal views regarding the extent of public awareness towards children in conflict with the law. One participant considered that attitudes towards children in conflict with the law are stigmatising but are becoming less so.²⁶³ The understanding of the need and obligation to provide such children with individualised treatment towards their rehabilitation is growing, particularly among juvenile justice professionals.²⁶⁴ Another participant considered that some hold the view that the treatment of juvenile offenders should be no different to that of adults as they are capable of committing very serious offences, or commit offences because "they know that they will get away with it."²⁶⁵ According to one participant, there is a need to work with the whole society, including media and healthcare professionals, raise public awareness about the new juvenile justice system and why it has been put in place. The expert added her personal view that, "the media

²⁶¹ Note that evaluators have not been able to review these media clippings.

²⁶² UNICEF, Media clipping report- justice for Children – October 1, 2012- May 16, 2014.

²⁶³ Interview with UNICEF Project Coordinator, Podgorica, 12 May 2014

²⁶⁴ Interview with UNICEF Project Coordinator, Podgorica, 12 May 2014

²⁶⁵ Interview with Lecturer of Criminal Law, Police Academy, Danilovgrad, 13 May 2014

is not so open with the good stories” and that more work is needed to promote the rights and needs of children in conflict with the law, as opposed to child victims and witnesses.²⁶⁶ Representatives of the Institution for the Execution of Criminal Sanctions also called for media attention to highlight the rehabilitation schemes being implemented for juveniles at Spuž.²⁶⁷

5.2.11. Has the project provided any additional significant contributions or outcomes which were not directly planned by the project?

As mentioned elsewhere in this Report, certain activities that were not initially planned or envisaged under the project was still undertaken within its framework, including the assessment by the police of the treatment of children in conflict with the law, undertaken by the Ombudsperson, the development of the Rulebook for Police Officers, the Guidelines for the PSS and the development and training on the ToT for judiciary, prosecutors, police and the Bar Association. The Evaluators consider that these were important additional contributions to the gaps identified during the project directly and to ensure that these did not create hurdles for the overall implementation of the project. No such additional significant contributions or outcomes, other than those discussed above, were found.

5.2.12. To what extent has the J4CP contributed to strengthening capacities of juvenile justice professionals and government stakeholders to monitor and manage the J4CP implementation process?

The design and implementation of the J4CP incorporated strategies which have significantly strengthened the capacities of juvenile justice professionals and government stakeholders to monitor and manage the J4CP implementation process, reinforcing the equity-based approach of this feature and the obligations of the stakeholders as duty-bearers towards children in conflict or in contact with the law. Such mechanisms include:

- The establishment of the multi-stakeholder Steering Committee which led the project (see ‘Efficiency’ below for more details);
- The establishment of the Technical Working Group made up a juvenile justice professional from each of the relevant sectors to implement the project in collaboration with the Steering Committee and UNICEF;
- The activities themselves were designed to strengthen the capacities of the professionals to implement the new Act (for example, the inter-sectoral roundtable discussions provided the professionals with opportunities to meet and collaborate with their work counterparts);

²⁶⁶ Skype Interview with Regional Juvenile Justice Expert, Podgorica, 13 May 2014

²⁶⁷ FGD with Representatives of the Institution for the Execution of Criminal Sanctions, Spuž, 16 May 2014

- A UNICEF consultant was seconded to the MoJ to provide capacity support, exchange best practices and ensure more efficient coordination of the project.²⁶⁸

Feedback from the professionals and government representatives indicates that they received great benefit from the inter-sectoral and participatory design of the J4CP activities and management structure, which was particularly effective in strengthening cooperation among the stakeholders and their capacity to implement the new Act.²⁶⁹ One prosecutor on the Technical Working Group remarked that the project enabled the professionals to discuss practical issues and exchange opinions, thus greatly strengthening their experience and capacity to implement the J4CP, as well as furthering their professional and personal development.²⁷⁰ This is supported by the comments of the Chair of the Steering Committee who considered that, although the participants implemented action points at different rates, this was something that the participants learnt about each other during the project and which strengthened their adaptability skills.²⁷¹

The J4CP strengthened capacities and coordination lines not only between sectors but across levels within sectors. For instance, the role of the Steering Committee was not limited to directing the project, but was active in working with the Technical Working Group to implement the project. It was reportedly in contact with the relevant institutions on a daily basis to address the challenges, and reportedly will continue to do so in the future.²⁷² The Steering Committee was also involved in evaluating the suitability of international consultants and whether the instruments developed were suitable to the needs of the vulnerable groups to which they were directed, and in determining the locations where the child-friendly equipment would be installed.²⁷³

²⁶⁸ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

²⁶⁹ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014; FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014; FGD with representatives from the Ombudsman's Office, Podgorica, 14 May 2014; FGD, Technical Working Group, Represnetative of the Mol, Podgorica, 15 May 2014

²⁷⁰ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014; Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

²⁷¹ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

²⁷² Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

²⁷³ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

5.3. Efficiency

To what extent did the management of the project ensure timelines and efficient utilisation of resources?

Findings

Due to administrative reasons, the commencement of the implementation of the J4CP was delayed by four months. As a result, a no-cost extension was granted until 9 July 2014. The delay was dealt with extremely well by government stakeholders, as the MoJ independently proceeded to develop four secondary instruments that it considered to be crucial for the implementation of the new Act. The vast majority of activities were implemented, or are expected to be completed, within the implementation period. The Steering Committee - particularly its Chairperson, Branka Lakočević (Deputy Minister of Justice) - exercised strong and effective leadership, and continuously monitored the project's implementation. The members of the Technical Group, who implemented the J4CP whilst also performing their full-time duties as juvenile justice professionals, were committed and proactive.

A full analysis of the efficiency of the use of funds for the J4CP is not possible at this point in time, as the full impact of the J4CP is likely to only become apparent in the medium to long-term. However, the costs incurred for the J4CP were within budget. In addition, there were reasonable justifications for any over or under-spending. Most participants considered that they received 'value for money' from the J4CP. Further, the overall relationship between the costs incurred to date and measurable results are reasonable, with the notable absence of funds to procure vehicles for the professional support services, something that was not envisaged during the development of the initial budget, and addition requests for training from the Bar Association. Further, the Evaluators consider that the Techniques on Peaceful Conflict Resolution Programme could have been designed in a more cost-effective manner.

There was effective coordination of projects by and between ministries which ensured that there was little to no overlap between the J4CP and the activities of other similar interventions. The design of the J4CP was generally flexible to respond to and deal with challenges arising during the project, with the exception of the need to divert resources to the funding of vehicles for the PSS.

Overall, human rights' considerations were evidently an integral component in the implementation of the J4CP. However, feedback indicates that gender equity issues were not *consciously* given priority in the budget and implementation of the J4CP at the Steering Committee or Technical Working Group level.

Reasoning

5.3.1. To what extent were activities implemented as scheduled, and what management and monitoring tools were used to monitor their timely delivery?

The J4CP was initially due to be implemented over a period of 18 months from July 2012 to January 2014. Although the Contribution Agreement for the J4CP was signed on 9 July 2012, the actual implementation of the project only started on 1 November 2012 due to administrative delays. It was therefore agreed between the parties that a no-cost extension equivalent to the delay to the start of the project (i.e. four months), plus an additional two months required for the adequate completion of the planned activities, would be added to the contract. The end date for the implementation of the J4CP is therefore 9 July 2014.

There have been some delays in implementing the activities during the implementation period. The main delays include the establishment of the PSS and the procurement of equipment for the child-friendly hearing procedures.²⁷⁴ Further, the Supreme Prosecutors' Office reportedly did not start implementation until July 2013 due to administrative procedures (such as advertising vacancies).²⁷⁵ Certain challenges also arose in terms of the comparative lack of capacity in the MoLSW (as compared to the MoJ) and changing personnel in the ministries, hence the bulk of the MoLSW activities being implemented towards the end of the implementation period.²⁷⁶ However, feedback from participants indicates that UNICEF was active and effective in motivating the institution to speed up their procedures and keeping to the timeline.²⁷⁷

Besides these initial delays, most of the activities of the J4CP have been, or are expected to be, completed within the implementation period. However, as the field visit for this Evaluation was conducted in mid-May, and the Evaluation Report was largely finalised before the end of the implementation period, it has not been possible to fully evaluate the timely implementation of the activities due to be implemented between mid-May and the end of the implementation period. The statuses of these activities, together with a few other ongoing activities are set out in Table 8 below.

Table 8: Ongoing or outstanding activities as at 1 July 2014

Activity	Due Date	Status	Reason for Non-Completion
Development of Guidelines for the Work of the PSS (Output 1.2; Outcome 1)	Jan 2014 to end of June 2014/beginning of July 2014	<ul style="list-style-type: none"> ● Consultants engaged ● First technical meeting with PSS professionals held on 26 June in order to provide guidance to the consultant ● Scheduled to be completed by the end 	Activity is being implemented according to schedule in the amended Work Plan

²⁷⁴ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

²⁷⁵ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

²⁷⁶ Interview with UNICEF Representative, Podgorica, 15 May 2014

²⁷⁷ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

		of the implementation period	
Specialised curricula for juvenile justice judges, prosecutors, police and defence attorneys accredited by the relevant training body (Output 2.1; Outcome 2)	End of May 2014/ beginning of June 2014 ²⁷⁸	<ul style="list-style-type: none"> The training programme for judges and prosecutors is aligned and is currently awaiting final approval by the executive board of the Judicial Training Centre Training for police and defence lawyers is in the process of being aligned and will then be accredited²⁷⁹ 	The training programmes developed by the international consultants were not aligned with the training format requirements of the accrediting bodies. Therefore, UNICEF has advertised Terms of Reference for a local expert consultant to work with these bodies to bring the training modules in line with these requirements. Accreditation is expected before the end of the implementation period.
Printing and distribution of specialised training programmes for juvenile justice professionals to all relevant institutions (Output 2.1; Outcome 2)	End of May 2014/ beginning of June 2014 ²⁸⁰	Outstanding.	Awaiting accreditation, after which the materials will be circulated. ²⁸¹ It seems likely that this will not be completed before the end of the project.
Specialised training programmes for juvenile justice professionals communicated to the Montenegro's Faculty of Law	Not in the original or amended Work Plans	Outstanding.	Montenegro's Faculty of Law has not been involved in the J4CP. This step will not be implemented under the J4CP.

²⁷⁸ Amended Work Plan

²⁷⁹ UNICEF, Comments on the *J4C draft report*, 26 June 2014

²⁸⁰ Amended Work Plan

²⁸¹ UNICEF, Comments on the *J4C Inception Report*, 16 May 2014

10 staff members trained to work at the PSS (Output 2.4; Outcome 2)	Nov 2012 to end of June 2014/beginning of July 2014	No formal training programme for PSS staff has been developed	A specific training programme for the staff at the PSS has not been developed. Rather, their training has been incorporated into the other training programmes delivered under the J4CP. It is understood that a separate programme of education for the PSS may be developed only <i>after</i> the Guidelines for the Work of the PSS have been developed, although it will not be funded by the J4CP.
Audio-visual equipment sets for child-friendly hearing procedures provided for 15 Prosecutor's Office/Courts (Output 2.4; Outcome 2)	Nov 2012 to end of June 2014/beginning of July 2014	Audio-visual hearing/interview equipment installed in 14 locations, 6 courts and 8 prosecutor's offices.	Delays in procuring equipment; the remaining location is expected to be fitted with the equipment by the end of the implementation period.
Short film and radio show on the rights of children in conflict with the law produced with child participation and widely distributed	Jan 2014 to end of June 2014/beginning of July 2014	In progress.	Activity is being implemented according to the amended Work Plan. The activity is expected to be completed before the end of the implementation period.

As mentioned under 'Effectiveness', due to the delayed start to the project, the following four secondary instruments which were supposed to be developed under the J4CP were in fact developed independently by the MoJ before the practical commencement of the J4CP in November 2012, and hence were not developed under Outcome 1 of the J4CP:²⁸²

²⁸² Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

- Rulebook on the Detailed Content and Method of Keeping Records on Alternative Measures;
- Rulebook on the Detailed Content and Method of Keeping Records on Criminal Sanctions;
- Amended Register Sheet of Juvenile Criminal Cases for Judicial Records (as part of the Court Rules); and
- Rulebook on Internal Management of the State Prosecutor's Office.

Management

The project was directed by a Steering Committee consisting of members from the MoJ, MoLSW, Ministry of Foreign Affairs and European Integration, EU and UNICEF,²⁸³ which was the main mechanism for monitoring the timely implementation of the J4CP. The Steering Committee was also generally responsible for monitoring the progress of the J4CP and discussing the main challenges and proposed remedial actions.²⁸⁴ For instance, it was at these meetings that the decision to hold another round of specialist training for juvenile justice professionals and ToTs, and the Rulebook for Police Officers was made.²⁸⁵ Feedback indicates that the Steering Committee, particularly its Chairwoman, Branka Lakočević (Deputy Minister of Justice at the MoJ), exercised strong and effective leadership on the project, motivating the Technical Working Group to implement their activities within their designated implementation periods. The MoJ in particular took an active role in addressing the issues which arose during the project. For instance, it arranged two meetings with the PSS to discuss problems with their work.²⁸⁶

Due to the quick succession of implementation of project activities, it was decided that the Steering Committee meet every three months.²⁸⁷ However, the Steering Committee appears to have met only four²⁸⁸ times during the implementation period.

Interim evaluation reports were carried out during the implementation period which provided further monitoring of the project. In May 2013, the EU monitoring report graded the 'Efficiency of Implementation' of the J4CP grade A. It found that the LogFrame and Work Plan could be used effectively as management tools and that comprehensive and well-defined Action Lists were produced before every Project Steering Committee meeting.²⁸⁹ Indeed, the Action List contained lists of the activities, preparatory tasks, tasks, expected results indicators and status. Further monitoring was provided through a progress analysis

²⁸³ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

²⁸⁴ Meeting minutes of the Project First Steering Committee, 12 December 2012

²⁸⁵ Minutes of the Meeting of the Steering Committee, 31 July 2014

²⁸⁶ Minutes of the Meeting of the Steering Committee, 10 February 2014

²⁸⁷ Meeting minutes of the Project First Steering Committee, 12 December 2012

²⁸⁸ 12 December 2012, 21 March 2013, 31 July 2013, 10 February 2014

²⁸⁹ Walter, Johannes, May 2013, Monitoring report; Minutes of the Meeting of the Steering Committee, Action List, 21 March 2013

conducted by UNICEF in November 2013 covering the period July 2012 to October 2013.²⁹⁰ The progress report concluded with a number of lessons learned and recommendations, among these pointing out the current delay in the establishment of the PSS and the impact of this on the realisation of other activities under the project.

The general feedback on the management and organisation of the J4CP was extremely positive:

“[The project] was very well organised. All participants were interested in doing their tasks quickly and saw concrete results. Branka Lakočević at the Ministry of Justice was energetic and kept us going.”²⁹¹

The Steering Committee directed the Technical Working Group – a committee comprised of members from each institution involved in the project, a further mechanism for ensuring the timely implementation of the project.²⁹² The Technical Working Group was responsible for directing the practical implementation of the project activities and worked closely with UNICEF.²⁹³ The Technical Working Group was designed to be more flexible than the Steering Committee, it comprising of more members and communicated among each other and UNICEF more regularly due to the nature of its role. It met with the Steering Committee to provide feedback on progress and challenges in implementation.²⁹⁴

Due to the quick succession of implementation of project activities, it was also decided that the Technical Working Group would meet every three months.²⁹⁵ In practice, the Technical Working Group met four times during the implementation period.²⁹⁶ However, as one participant described it, there were clear agendas and deadlines for the activities, and the members of the Technical Working Group were able to communicate regularly via email and informal meetings.²⁹⁷

Participants also provided extremely positive accounts of the degree of cooperation and commitment from UNICEF in addressing their needs and concerns.

“Cooperation with UNICEF was good. Without it, we wouldn't have been able to implement the new Law..... The importance of UNICEF's role was that it played a technical role and was a control body, for example, to deliver the specialist training. We

²⁹⁰ UNICEF Montenegro, November 2013, Progress Report: Justice for Children project (Montenegro).

²⁹¹ FGD with representatives of the Ombudsman's Office, Podgorica, 14 May 2014

²⁹² Including the Judiciary, Prosecution, Police Administration, the Institute for Execution of Criminal Sanctions, the Centre for Mediation, the Bar Association.

²⁹³ Meeting minutes of the Project First Steering Committee, 12 December 2012

²⁹⁴ Minutes of the Meeting of the Steering Committee, 31 July 2013

²⁹⁵ Meeting minutes of the Project First Steering Committee, 12 December 2012

²⁹⁶ 23 November 2012, 15 February 2013, 5 July 2013 and 15 May 2014.

²⁹⁷ FGD, Technical Working Group, Representative of the Bar Association, Podgorica, 15 May 2015

were in constant communication with UNICEF...[There was] excellent monitoring and support from UNICEF.”²⁹⁸

“The cooperation with UNICEF was perfect. The multi-disciplinary approach was great. We were connected in this project. We had opportunities to raise problems during the project, at least with regard to the judges and prosecutors.”²⁹⁹

Similar accounts were provided by stakeholders from the Prosecutors’ Office.³⁰⁰

There is an evident high degree of commitment to the success of the J4CP among the members of the Technical Working Group. However, it appears that the workload for the focal points was significant. When asked about whether there were any delays in the project, one participant replied, “*I think that there were some delays, but I couldn’t tell you the deadlines. I was not engaged in this. I didn’t have the time.*”³⁰¹ The project may have benefitted from allocating a sub-committee for the focal point to manage, rather than the workload falling onto one person.³⁰² Further, it appears that the focal points were not involved in the budgetary aspects of the implementation, only on the professional aspects.³⁰³ Integrating these two aspects within the work stream of one focal point would have been preferable.

5.3.2. Are the costs incurred to date within budget, and is there a reasonable explanation for any over or under-spending?

According to the Final Budget Report, €533,583 out of the available budget of €550,000.00 had been spent. This amounts to a total spending of 97 percent of the total budget. The actual EU funds spent totalled €484,782 - 97percent of the EU’s total contribution.

Table 9 sets out the line items for which there was an overspending together with any specific reasons for such overspending:

Table 9: Overspending according to the Final Budget Report

Budget line from Final Budget Report	Amount of Overspending in EUR	Justification ³⁰⁴
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²⁹⁸ Individual Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2013

²⁹⁹ FGD with the Technical Working Group, Representative of the Judicial Training Centre, Podgorica, 15 March 2014

³⁰⁰ Interview with Juvenile Prosecutor, Podgorica, 12 May 2014; FGD with participants from the Judicial Training Centre, Podgorica, 13 May 2014

³⁰¹ Interview with Juvenile Justice Professional [Institution Withheld], May 2014

³⁰² Interview with Juvenile Justice Professional [Institution Withheld], May 2014

³⁰³ Interview with Juvenile Justice Professional [Institution Withheld], May 2014

³⁰⁴ UNICEF, Email Correspondence to CCLC, 2 June 2014; Final Budget Report, 18 July 2014. Where no specific justifications are provided, the variance was primarily due to varying market rates available at the time, the fact that consultants were

1. Human Resources		
1.1.2.1 UNICEF Project Assistant	1,539.47	-
1.2.3. International Expert/s for Assessment of Juvenile Justice Data Collection Systems and continued Support to JJ Data Collection Working Group	5,711.89	Addition of several activities, including trainings and inter-sectoral meetings, to address the emerging need to have more stakeholder trainings, as specified in consultants' reports.
1.2.4. International Expert/s on Review and Development of Training materials for Judges, Police, Defence Counsel and Prosecutors and conducting trainings	6,810.04	Addition training was provided, namely: <ul style="list-style-type: none"> • Two additional specialised trainings for judges and prosecutors • Second round of training for defence lawyers • Training of trainers
1.2.8 International expert/s for Training on UN Guidelines on Justice in Matters involving Child Victims and Witnesses	806.68	The expert, whose fees were slightly higher than budgeted, was strongly recommended by UNICEF regional office
1.3.3.DSA for International Expert/s on Assessment of Juvenile Justice Data Collection Systems and Continued Support to Data Collection group (DSA rate for Podgorica)	-470.01	-
1.3.4 DSA for International Expert/s on Assessment and Development of Training materials for Judges, Police, Defense Counsel and Prosecutors and conducting trainings (DSA rate for Podgorica)	4,451.44	Addition of several activities, including trainings and inter-sectoral meetings, to address the emerging need to have more stakeholder trainings, as specified in consultants' reports.
1.3.8 DSA for participants, international study visit	8,176.14	Number of participants was extended to include the PSS, a police representative, a representative from the mediation service, a translator and two members from

able to work less days than expected, the numbers of participants varying to that envisaged in the budget, varying intensity of the activities, and staff carrying out more than one activity which reduced the duplication of cost for those items; UNICEF, Email Correspondence to CCLC, 18 July 2014.

		each ministry, as explicitly requested by the MoJ and MoLSW
1.3.9 DSA for international evaluation	1,431.06	The decision to use an additional international researcher rather than a national researcher incurred additional DSA.
1.3.10 DSA for International Expert/s for training on UN Guidelines on justice in matters involving child victims and witnesses of crime	835.84	-
2.1.2 Transportation costs, participants international study visit	6,406.45	See comment above regarding the study visit.
2.2.1 Transportation costs for participants of specialized training for judges (25 participants x 2 trainings)	223.30	-
2.2.2 Transportation costs for participants of specialized training for prosecutors (25 participants x 2 trainings)	256.00	-
2.2.9 Transport costs for participants in the training on statistical indicators, mechanisms for collection, interpretation, dissemination and usage	243.00	-
3. Equipment and supplies⁷		
3.2.1 IT equipment for Project staff	58.97	-
3.2.3 Installation of audio-visual equipment in 15 identifies locations and training on usage of the equipment	3,193.29	The six courts requested that TV equipment also be provided in addition to the audio-visual equipment.
5. Other costs and services		

5.1 Sub-granting of sport, cultural institutions and organizations and NGOs	657.51	-
5.4.1 External evaluation of the project	4,994.64	The decision to use an additional international researcher rather than a national researcher incurred addition fees, DSA, travel and translation costs.
5.7.1 Four roundtables as per action plan, 50 participants	108.91	-
5.7.2 Specialised training for judges/25 participants x 4 days' accommodation	1,614.57	-
5.7.3 Specialised training for prosecutors/25 participants x 4 days' accommodation	4,071.46	-
5.7.4. Specialised training for Police/25 participants x 4 days-Accommodation	195.31	-
5.8.2 Visibility costs	949.11	-
TOTAL	53,457.26	

The total under-spending for all line items was €69,874.75. Table 10 below lists any under-spending of more than €300.00 together with any justifications provided for such under-spending.³⁰⁵

Table 10: Under-spending of more than €300 according to the Final Budget Report

Budget line from Final Budget Report	Under-spending €	Justification ³⁰⁶
1.1.1.2. Consultant seconded to the MoJ	1,481.10	There was one month without a consultant as the previous consultant left and a new one was recruited
1.2.1. International Consultant/s, Development of Secondary Legislation	12,302.66	Not all the planned bylaws were developed under the J4CP; due to the delayed commencement of the project, four bylaws were developed by the MoJ before the J4CP started

³⁰⁵ Final Budget Report

³⁰⁶ Final Budget Report; Where no specific justifications are provided, the variance was primarily due to varying market rates available at the time, the fact that consultants were able to work less days than expected, the numbers of participants varying to that envisaged in the budget, varying intensity of the activities, and staff carrying out more than one activity which reduced the duplication of cost for those items; UNICEF, Email Correspondence to CCLC, 18 July 2014.

1.2.2 International Expert/s, Participation in Roundtables	4,200.00	MoJ staff facilitated roundtables
1.2.5. International Expert/s for Social Workers on Trainings on JJ Law implementation	1,800.00	-
1.2.6 International Expert/s for Inter-sectoral training on alternative measures and sanctions	3,000.00	MoJ preferred to hold roundtable discussions instead of trainings involving international expertise
1.2.7 International Expert/s for training and development of programmes and administrative acts in Ljubovic and Juvenile Prison	4,105.10	-
1.3.1 DSAs for International Expert/s, Development of Secondary Legislation (DSA rate for Podgorica)	7,099.60	See comment above against Item 1.2.1
1.3.2.DSA for International Expert/s participation in Roundtables (DSA rate for Podgorica)	1,296.00	-
1.3.5. DSA for International Expert for Social Workers	841.00	-
1.3.6. DSA for International Expert/s for Inter-sectoral training on alternative measures and sanctions	1,040.57	See 1.2.6 above.
1.3.7 DSA for International Expert/s for training and development of programmes and administrative acts in Ljubovic and Juvenile Prison	1,670.68	-
1.3.1.2 Local consultant for training of youth in peaceful conflict resolution (10 sessions x 5 schools x 2 consultants)	821.53	-
2.2.6 Transportation costs for participants in training on alternative measures and sanctions	600.00	See 1.2.6 above.
2.2.7 Transportation costs for participants in training for Ljubovic and Juvenile Prison staff	579.52	-
2.2.8 Transportation costs for participants in training on UN Guidelines on justice in matters involving child victims and witnesses of crime	377.23	-
5.1.2 Publication of training material for JJ professionals	2,126.48	-

5.1.3 Publication of catalogue on child participation in promotion of the rights of children in conflict with the law	3,000.00	-
5.5.1. Translation Services	619.94	-
5.7.6. Trainings for Social Workers, 60 Participants x 2 days Accommodation (30 participants per 2-day training)	2,328.38	-
5.7.7. Inter-sectoral trainings on alternative measures and sanctions 60 Participants x 2 days Accommodation (30 participants per 2-day training)	631.02	-
5.7.8 Specialized training for staff of Ljubovic and prison (4 trainings x 2 days accommodation x 15 participants)	6,400.00	-
5.7.9 Training on UN Guidelines on justice in matters involving child victims and witnesses of crime (20 participants x 2 training x 3 day training)	962.66	-
5.7.10 Working Sessions on alternative measures and sanctions including VOM, 18 Groups x 20 Participants	2,239.00	-
5.7.11 Training on statistical indicators, and the working methods and mechanisms for collection, interpretation, dissemination and usage (25 participants, 2 days training)	1,396.82	-
5.7.12. Expert Working groups for secondary legislation, 7 groups x 7 members x 8 days, once per month-refreshment (lunch and refreshment)	892.76	-
5.8.1. Production and broadcasting of short TV spot on the rights of children in conflict with law	4,165.98	-
10.1. Administrative costs (maximum 7 percent of 9, total direct eligible costs of the Action)	3,052.55	-
TOTAL	69,030.58	

According to EU requirements, it was not possible to transfer more than 15 percent between the major items: ‘Human Resources’, ‘Travel’, ‘Equipment and supplies’ and ‘Other costs, services’.³⁰⁷ The only official record of the reallocation of funds between these headings took place during the preparation of the annual progress report.³⁰⁸ These reallocations were made for the following purposes:³⁰⁹

- To fund the increase in the salaries of UNICEF J4CP staff and related running costs for an additional two months and (secured by transferring a total of €20,600 from the budget allocated to the installation of audio-visual equipment in 15 courts and prosecutors’ offices as it was considered to be possible to procure the equipment of the same quality and specifications for less expenditure than that originally budgeted). Note, however, that there has been an overspending in respect of the procurement of the audio-visual equipment;
- To fund an additional month’s salary for the J4CP consultant seconded to UNICEF (secured by transferring €1,600 from the budget allocated to the publication of training materials for juvenile justice professionals);
- The reallocation €1,600 from the budget for internal travel to international travel;
- The reallocation of funds originally budgeted for the development of the four instruments developed by the MoJ to the development of the additional secondary instruments identified during the implementation period (the Rulebook for Police Officers, the Guidelines on the Work of the PSS, and the Guidelines for Social Workers);
- The reallocation of €3,200 from the budget allocated to furnish and equip the PSS to the development of the ToTs for juvenile justice professionals (as it was considered to be possible to procure furniture and equipment of the same quality and specifications for an amount less than that initially budgeted);
- The reallocation of €2,800 to the transportation costs of international consultants, comprising €800 from the furnishing and equipping of the PSS, €1,600 from internal travel and €400 from the equipping and training on the use of the equipment for child-friendly hearing procedures.³¹⁰

The salaries, stationary and other similar materials of the PSS were financed directly by the government budget.³¹¹

5.3.3. Is the relationship between the costs incurred to date and results reasonable (e.g. were there sufficient resources? Could the same results have been achieved with less cost?)

³⁰⁷ UNICEF, Email Correspondence to CCLC, 2 June 2014

³⁰⁸ UNICEF, Email Correspondence to CCLC, 2 June 2014

³⁰⁹ Final Revised Budget, provided by UNICEF to CCLC, 2 June 2014

³¹⁰ Final Revised Budget, provided by UNICEF to CCLC, 2 June 2014

³¹¹ Meeting minutes of the Project First Steering Committee, 12 December 2012

A full analysis of this heading is not possible at this point in time, as the full impact of the J4CP is likely to only become apparent in the medium to long-term. However, based on the information provided so far, most participants considered that they received ‘value for money’ from the J4CP.³¹² Indeed, based on the analysis under ‘Effectiveness’ above and ‘Impact’ below, the Evaluators would generally agree with this statement. However, there were insufficient resources for the following two main activities:

- Lack of resources to fully operationalise the PSS (particularly in terms of vehicles to strengthen their mobility across the country), noting that had not been budgeted for in the initial proposal;³¹³
- Additional training requests from the Bar Association.³¹⁴

The Steering Committee discussed the possibility of reallocating funds to procure vehicles for the PSS,³¹⁵ but it was not possible to reallocate funds to this activity. As one participant noted:

“UNICEF wanted to help us here and wanted to buy a car for each PSS but the project terms did not allow such reallocation of funds.”³¹⁶

As indicated above, certain reallocations between the budget lines have had to be made, primarily to address the delayed start of the project and the running costs associated with this. EUR 4000 was diverted from the budget of PSS at a time when it was reportedly not evident that vehicles for the PSS would be required³¹⁷.

With regard to the training of defence lawyers, the Bar Association considered that the funds from the J4CP were used to the maximum extent possible but that it was still “very little.”³¹⁸ However, the Evaluators received feedback that due to limited costs, only defence lawyers in Podgorica were invited to the specialist training (noting that UNICEF did not conduct this selection process).³¹⁹

It is understood that UNICEF provided additional funds from its regular resources to fund the scale-up of the Techniques on Peaceful Conflict Resolution Programme from five to 10 high schools. The Evaluators consider that this scale-up was necessary to increase its potential to contribute to the desired impact of the J4CP. However, even with the scale-up, only 218 children participated in the project. Given the likely impact

³¹² See for example: FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014; FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

³¹³ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³¹⁴ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³¹⁵ Minutes of the Meeting of the Steering Committee, 10 February 2014

³¹⁶ FGD with representatives of the PSSs at the High Court and Supreme State Prosecutor’s Office in Podgorica, 14 May 2014

³¹⁷ UNICEF, Comments on *J4C Draft Report*, 26 June 2014.

³¹⁸ FGD, Representative of the Bar Association, Technical Working Group, Podgorica, 15 May 2015

³¹⁹ FGD with Representatives from the Bar Association, Podgorica, 16 May 2014; UNICEF, Comments on *J4C Draft Report*, 26 June 2014.

(discussed below), the Evaluators consider that this activity could have been designed in a more cost effective manner.

5.3.4. Did the J4CP ensure co-ordination with other similar interventions to encourage synergy and avoid overlaps?

There is effective coordination of projects by and between ministries which ensures that there is little to no overlap between the activities of similar interventions. Various mechanisms and strategies were implemented as part of the J4CP to ensure synergy. For instance, the Resident Twinning Representative for Support Penitentiary Reform in Montenegro sat on certain meetings of the Steering Committee.³²⁰ The Deputy Minister of Justice which chaired the Steering Committee also coordinates multi-donor meetings to ensure effective coordination.³²¹ A further example of such coordination are the Terms of Reference for the institutional consultancy to provide training for staff at the Ljubovic Centre under the IPA 2011, which also covers the similar training which should be provided under the Child Care System Reform Project 2010.

5.3.5. How flexible was the J4CP design in adapting to the changing environment (impact of the economic crisis, etc.)?

The effect of the economic crisis in Montenegro had a slight impact on the implementation of the J4CP evidenced by the challenges in procuring equipment for the child-friendly hearings.³²² The design of the J4CP was also not flexible enough to respond to the need to divert resources to funding the vehicles for the PSS, as there were difficulties in the ability of the Steering Committee to reallocate funds between line items in the budget to these activities.³²³

The lack of human resources and finances within the ministries, particularly the MoJ, was a challenge which the J4CP faced from the start of the project. However, UNICEF's support strengthened the MoJ's capacity to implement the project, and assisted with the coordination of the activities.³²⁴

The Technical Working Group appeared to be flexible in its working methods, the sector representatives being able to conduct visits in the field to monitor the progress of the activities.³²⁵

5.3.6. To what extent are HR & GE a priority in the budget and implementation of J4CP?

³²⁰ Minutes of the Meetings of the Steering Committee, 31 July 2013 and 10 February 2014; Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³²¹ UNICEF Programme Coordinator, Podgorica, 12 May 2014

³²² Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³²³ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³²⁴ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³²⁵ FGD, Technical Working Group, UNICEF Representative, Podgorica, 15 May 2014

Overall, human rights' considerations were evidently an integral component in the implementation of the J4CP. For instance, the main discussions regarding the development of the film/radio show under Outcome 3 have focused on how to protect and ensure the confidentiality of the children participating in the film that will promote public awareness of the rights of children in conflict with the law.³²⁶

Feedback indicates that gender and other equity issues were not *consciously* given priority in the budget and implementation of the J4CP at the Steering Committee or Technical Working Group level. For instance, gender equality was seen by one participant as something that would be addressed when juvenile justice personnel are employed by the relevant institutions,³²⁷ rather than a factor to be consciously taken into account during the implementation of the project activities. Gender equity was only taken into consideration by some institutions when selecting participants for the trainings.³²⁸ With regards to the selection of judges and prosecutors in the specialist training, there was roughly equal gender representation among the participants, although this was not planned.³²⁹ Similarly, there was reportedly an approximate equal gender split among the pupils who participated in the Technique for Peaceful Conflict Resolution Programme.³³⁰ Most of the police participants in the specialist training courses were men,³³¹ although this could be because of a lack of gender equity in the police force itself.

³²⁶ Interview with UNICEF Child Protection Officer, Podgorica, 12 May 2014

³²⁷ Ministerial Official, Podgorica, May 2014

³²⁸ For example, the Prison Administration; FGD, Deputy Minister of Justice for the Sector for the Execution of Criminal Sanctions and the Resident Twining Representative – *Support to Prison Administration Reform in Montenegro*, Podgorica, 13 May 2014

³²⁹ FGD with participants from the Judicial Training Centre, Podgorica, 13 May 2014; Skype Interview with Regional Juvenile Justice Expert and J4CP Consultant, Podgorica, 13 May 2014

³³⁰ According to observations of the Focal Point on the Technical Working Group from the MoE, Interview with CCLC, Podgorica, 15 May 2014

³³¹ Skype Interview with Regional Juvenile Justice Expert and J4CP Consultant, Podgorica, 13 May 2014

5.4. Impact

To what extent has the J4CP increased system's capacities to ensure that more children benefit from full application of international norms and standards when they come into contact with justice and related systems as alleged offenders, victims and witnesses of crime?

Findings

In the absence of an accurate breakdown of statistics from before, during and after the actual implementation period of the J4CP, it is not possible make an exhaustive evaluation under this heading. Further, due to the nature of the activities, the Evaluators consider that the full impact of the project would become clearer in the medium to long-term after the project's conclusion. However, *qualitative* feedback indicates that the J4CP activities that aimed to strengthen the capacities of juvenile justice professionals to refer cases to VOM are contributing to an increase in the percentage of children benefiting from this diversion mechanism. Further, provided that the limitations regarding the functioning of the PSS, the need for further practical joint training between police and prosecutors, and the issues regarding the selection of future 'NGO contracts' are addressed, there is also a strong likelihood that the J4CP will contribute to an increase in the percentage of children in conflict with the law benefiting from other diversion measures. The *quantitative* evidence on the use of diversion measures *on the whole* supports this analysis.

Based on the statistics available, the Evaluators are not able to provide a conclusive view on the likelihood that the project will contribute to an increase in the percentage of children benefiting from prevention programmes. Further, due to the nature of the prevention programmes implemented under the J4CP, their full impact will only really become visible in the medium to long-term. However, with regard to particular activities under the J4CP in this area, the Evaluators consider that the Techniques on Peaceful Conflict Resolution Programme cannot in itself be said to have made a significant contribution to the number of children participating in prevention programmes. However, during the implementation period, there was an estimated 29 percent increase in the number of social workers trained in prevention mechanisms for children at risk of coming into conflict with the law. Further, provided that relations with partner NGOs are maintained following the expiry of the small-scale grants, and that such services are integrated into the work of the CSW and PSS, these initiatives could contribute to a significant increase in the percentage of children benefiting from prevention programmes.

The Evaluators consider that there is a good likelihood that the J4CP will contribute to increasing the number of children that participate in child rights-based rehabilitation programmes, particularly at the Ljubovic Centre, although some outstanding issues remain regarding how to organise the implementation of the criminal sanction of referrals to closed-type institutions for children in conflict with the law, the rehabilitative impact of the programmes provided at the juvenile wing at Spuž, the understanding of the practices and conditions of pre-trial detention at the remand centre at Spuž, and an understanding of police custody practices (if any), noting that the Ombudsman's Office was, at the time of writing, finalising a report on this.

There is a good likelihood that the J4CP will contribute to a tangible improvement of the treatment of children in conflict with the law, and child victims and witnesses of crime, in line with child-friendly hearing procedures and relevant standards, although there is a need for further and continuous training in this area. Since the key activities relating to Outcome 3 which relate to promoting public awareness were not complete at the time of writing this report, Evaluators have not been able to evaluate the potential impact of this component of the project. Further, as the J4CP focuses on criminal acts, it is not clear to what extent juvenile delinquency constituting administrative offences is dealt with in line with international standards.

Reasoning

5.4.1. What is the likelihood that the project will contribute to an increase in the percentage of children in conflict with the law benefiting from diversion measures?

As highlighted under ‘Effectiveness’ above, qualitative feedback indicates that the J4CP activities that aimed to strengthen the capacities of juvenile justice professionals to refer cases to VOM are contributing to an increase in the percentage of children benefiting from this diversion mechanism. Further, provided that the recommendations made under ‘Effectiveness’ above are addressed, particularly in respect of the functioning of the PSS, the provision of further practical joint training for police and prosecutors, and the selection of future ‘NGO contracts,’ there is also a strong likelihood that the J4CP will contribute to an increase in the percentage of children in conflict with the law benefiting from these other diversion measures. As one participant explained:

Have practices in the court changed since the training in and implementation of the new Act, and how?

“Of course. [For example, regarding]....diversion from court. Before, correction orders could only be issued by a juvenile judge but now, prosecutors can also do so. There are more alternatives, including for serious offences. For example, for huge burglaries. The new law marginalises the role of the juvenile court; there are very few such cases now.....Ljubovic has been reconstructed... before, overloaded, but now [we have the] support services [PSS] so this problem does not arise as much.”³³²

As indicated in Table 11, encouragingly, there was a 32.72 percent increase between 2011 and 2012 in the total number of children in conflict with the law who were diverted from regular court proceedings through warnings of attendance orders, compared to a 61.64 percent increase between 2012 and 2013 (which overlaps with part of the implementation period). It is not possible to calculate the percentage increase during the implementation period.

³³² Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

Also as indicated by Table 11 below, the *percentage* of children in conflict with the law who were diverted has been increasing year by year between 2010 and 2013. There was a significant increase between 2010 and 2011 followed by a more modest increase between 2011 and 2012. However, between 2012 and 2013, which overlaps during the J4CP implementation period, there is a higher increase in the percentage of children in conflict with the law who have been diverted from regular court proceedings, supporting the argument that the J4CP is likely to contribute to an increase in the percentage of children in conflict with the law benefiting from diversion measures.

In terms of the breakdown of these figures between boys and girls, there is a clear increase in the number of boys who are being diverted from criminal proceedings via warnings or attendance orders. With regard to girls, no girls were diverted in 2010 and 2011. In 2012, five girls were diverted, comprising 16.1 percent of the total number of girls in conflict with the law. Between 2012 and 2013, there was a 10 percent decrease in the total number of girls in conflict with the law who were diverted from regular court proceedings through warnings or attendance orders (comprising a lower percentage of 6.1 of the total number of girls in conflict with the law in 2013). So far in 2014, no girls have been diverted via warnings/attendance orders. These trends do not necessarily mean that girls in conflict with the law are not being diverted, as the case against them may have been dropped. This is supported by the fact that between 2010 and 2013, the percentage of girls reported who were actually charged has been decreasing.

Table 11: Children in conflict with the law who were diverted from regular court proceedings via warnings or attendance orders³³³

	2010	2011	2012 (Nov 2012 J4CP implementation actually starts)	2013	2014 (up to 20 May) ³³⁴
Number of juveniles reported	501	402	389	472	137
Number of boys reported	472	382	358	439	131
Number of girls reported	29	20	31	33	6
Percentage of juveniles charged	72.6	52.7	56.3	50.6	16.1
Percentage of boys charged	73.5	53.4	59.2	53.8	16
Percentage of girls charged	58.6	40	22.6	10	16.7

³³³ UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014 (Source: State Prosecutors' Office)

³³⁴ Note that the implementation period is due to end on 9 July 2014.

Number of juveniles diverted from regular court proceedings	2	55	73	118	15
Number of boys diverted from regular court proceedings	2	55	68	116	15
Number of girls diverted from regular court proceedings	0	0	5	2	0
Percentage of the number of reported juveniles who were diverted	0.4	13.7	18.8	25	10.9
Percentage of the number of reported boys who were diverted	0.4	14.4	19	26.4	11.5
Percentage of the number of reported girls who were diverted	0	0	16.1 ³³⁵	6.1	0
Increase from the previous year of the percentage of reported juveniles who were diverted	-	13.3	5.1	6.2	-
Increase from the previous year of the percentage of reported boys who were diverted	-	14	4.6	7.4	-
Increase from the previous year of the percentage of reported girls who were diverted	-	0	16.1	-10	-

5.4.2. *What is the likelihood that the project will contribute to an increase in the percentage of children benefiting from prevention programmes?*

³³⁵ Note that the figures provided give a percentage of 12.9, which appears to be an error. On the basis that in this year, criminal charges were filed against 31 girls, 5 of whom were diverted, the percentage should be 16.1, the Evaluators have made this change in the table.

Number of children in conflict with the law

Although official statistics for the number of children coming into conflict with the law varies, the most complete information was obtained via UNICEF from the State Prosecutors' Office and is set out in Table 12 below.

Table 12: Number of reported children³³⁶

	2010	2011	2012	2013	2014
Male	472	382	358	439	131
Female	29	20	31	33	6
Total	501	402	389	472	137

As the figures show, the number of children in conflict with the law was decreasing until 2012, before increasing in 2013. The numbers of reported girls also increased from 2011 to 2013. Despite the apparent increase in the number of reported children between 2012 and 2013, this does not necessarily mean that the project is not likely to contribute to an increase in the percentage of children benefiting from prevention programmes, as the increase in numbers could be due to external factors contributing increased juvenile delinquency, or increased trend in reporting juvenile crime. Further, the Evaluators consider that due to the nature of the prevention programmes implemented under the J4CP, their full impact will only really become visible in the medium to long-term.

Techniques on Peaceful Conflict Resolution Programme

Specifically relating to the Techniques on Peaceful Conflict Resolution Programme, the LogFrame and ToC did not provide a target in terms of the percentage of schools in Montenegro that should participate in this activity. In fact, 10 out of the 49 secondary schools in Montenegro participated in the programme, which is 20.4 percent of the number of secondary schools in the country. However, the selection of participants in the training was conducted by the schools themselves and no guidelines on the selection of participants was provided to the schools to assist them with this.³³⁷ It is not clear how pupils were selected, although it appears that it may have been done via an application process.³³⁸ Further, the programme took place outside school hours, for example, on the weekend. On this basis, it is not clear how many children at risk of coming into conflict with the law were actually involved in this programme. It is possible that the pupils who signed

³³⁶ UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014 (Source: State Prosecutors' Office)

³³⁷ Interview with the Focal Point on the Technical Working Group from the Ministry of Education, Podgorica, 15 May 2014

³³⁸ Interview with the Focal Point on the Technical Working Group from the Ministry of Education, Podgorica, 15 May 2014

up to the programme were predominantly ‘keen’ and consciously pupils who are already active in the school community.

Although teachers were not prevented from signing up the programme, only 13 teachers, pedagogues and psychologists participated in the trainings. It is not clear whether each school had a teacher participating in the training. This means that skills gained by the students may leave with them when they leave school, with few teachers available to train new students. Coupled with the fact that less than half of the target number of children participated in this programme, the J4CP cannot be said to have made a significant contribution to the number of children participating in prevention programmes under this particular activity.

Training for Social Workers

Trainings for total of 47 professionals from the CSW were held on 27-28 May and 29-30 May 2014. Given that these were the first trainings of their kind for these professionals, it can be said that there is a percentage increase in the number of social workers trained in prevention mechanisms for children at risk of coming into conflict with the law during the implementation period. These 47 participants comprise an estimated 29 percent of the total number of CSW professionals in Montenegro (according to figures provided in the Report on Capacities of Social Welfare Centres in Montenegro, UNICEF, Republic of Montenegro, October, 2011,³³⁹ there were 162 CSW professionals in Montenegro in 2011).

Third Party Contracts

As discussed under ‘Effectiveness’ above, certain of the third party contracts provided services for children at risk of coming into conflict with the law, or those who are deemed ‘antisocial’ by the CSW. The services provided under the short-term small scale funding agreements with UNICEF are not likely to make a significant contribution to increasing the percentage of children benefiting from prevention programmes. However, if longer term contracts are entered and integrated into the work of the CSW and PSS, these initiatives could contribute to a significant increase in this percentage.

5.4.3. What is the likelihood that the project will contribute to an increase in the number of children benefiting from rehabilitation and reintegration programmes?

Spuž

At present, there are no persons under the age of 18 currently being held in the juvenile wing at Spuž. Further, as this is only prison in Montenegro, the Evaluators were not able to compare the findings from this prison with those from others in the country. There are four persons currently being held in the

³³⁹ Report on Capacities of Social Welfare Centres in Montenegro, UNICEF, Republic of Montenegro, October, 2011

juvenile/young adults' wing (all in connection with the same crime). Two of these offenders were juveniles at the time of the crime, but were over the age of 18 when they were referred to Spuž.³⁴⁰ All four offenders are now young adults.³⁴¹ It is therefore difficult to assess the impact of these programmes on children held at the prison. Nevertheless, the ICT Programme is currently being implemented at Spuž. On its own, it is not likely to make a significant difference. According to one participant involved in the Twinning Project, the impact of these rehabilitative programmes is not detectable.³⁴² Indeed, if a child were to be referred to the prison tomorrow, it is difficult to see how the one computer course (even assuming it is a long-term contract) would significantly strengthening his/her rehabilitation where they are required to spend up to 10 years at the facility.

Representatives from Spuž reported that there are 'occupational programmes' at the prison that aim to rehabilitate the offenders, which follow the two principles below, but that this was not set up as part of the J4CP:

- The occupational programmes should be as closely linked to the offenders' home lives as possible, and therefore includes financial rewards for tidying up/cleaning the juvenile/young adults' wing, and carpentry classes;
- The need to exclude the detrimental impact of other prisoners on the young offenders and identify adult prisoners at the prison who would act as good role models for the young offenders.³⁴³

Reportedly, the Prison Administration is building a juvenile detention centre on the grounds of Spuž, which will be entirely separate to the buildings containing adult prisoners. However, was not planned under the J4CP and was also something that only the personnel in Spuž had knowledge of. The new building will reportedly contain a facility room to conduct the education programmes, and is being planned following the introduction of the Rulebook on the Treatment of Juvenile Offenders.³⁴⁴

In addition when visiting Spuž, Evaluators were told that one of the juveniles had expressed an interest in continuing his high school education while at Spuž, but that it had not been possible to arrange this since his arrival about 3 months ago. Reasons for this were unclear but seemed to be related to costs. Recently the Ombudsman had become involved in this issue, but a solution has not yet been found. It is important to ensure that arrangements for access to educational programmes in juvenile detention is formalised to ensure access to education, even in custody, in line with international standards.

³⁴⁰ It is understood that they may have served time in remand when they were juveniles.

³⁴¹ There are a total of 1100 persons held in prison throughout Montenegro. The juvenile wing at Spuž forms part of the long-term facility at Spuž which holds offenders sentenced from six months to 40 years' imprisonment; FGD with Representatives at Spuž, 16 May 2014.

³⁴² Resident Twining Representative – *Support to Prison Administration Reform in Montenegro*, Podgorica, 13 May 2014

³⁴³ FGD with Representatives of the Institution for the Execution of Criminal Sanctions, Spuž, 16 May 2014

³⁴⁴ FGD with Representatives of the Institution for the Execution of Criminal Sanctions, Spuž, 16 May 2014

The Ljubovic Centre

The Ljubovic Centre has the potential to play an even greater role in the juvenile justice system than it currently does, particularly in light of the range of correctional measures that may be imposed under the new Act. For instance, a juvenile offender may receive a sentence of direct supervision coupled with day treatment at an institution or organisation for education and personal development of juveniles.³⁴⁵ The Ljubovic Centre could be used to implement such sentences. However, as yet, the courts are reportedly reluctant to impose such measures.³⁴⁶ It is inevitable that resort to these new correctional measures will take time and some getting used to by the juvenile justice professionals. However, the real issue here appears to be that the Ljubovic Centre is the only institution of its type in Montenegro and, as such, has limited geographical reach. In order for the full range of correctional measures to be implemented, it is recommended that the establishment of day treatment centres that could provide similar support services to the Ljubovic Centre across the country are considered.

Another issue with regards to Ljubovic is that it houses both children in need of care and protection and children in conflict with the law. This problem reportedly stems from Montenegro's family law and the absence of an alternative institution in which to place children in need of care and protection.³⁴⁷ This is an issue wider than the J4CP.

The impact of the 'third party grants' on the children in conflict with the law at the Ljubovic Centre is dealt with in the following paragraphs.

Third Party Grants

There is positive feedback to indicate that the grants have the potential to make a significant impact in this respect. For instance, with regard to the programmes provided by the Secretariat of Culture, Sport, Youth and Social Welfare (Nikšić), staff involved in the programme reported that the referring schools had provided positive feedback on the effectiveness of the programme. For example, participants were attending school more regularly, were expelled less regularly and the number of police involvements had been reduced.³⁴⁸ Children that had been assessed by the school as antisocial have worked very well in the group and also improved their behaviour in school. Similarly, staff at the basketball club noticed how children had improved their behaviour and were better able to control their aggression.³⁴⁹

³⁴⁵ Article 23 of the new Act

³⁴⁶ FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

³⁴⁷ Minutes of the Meeting of the Steering Committee, 12 December 2012

³⁴⁸ Interview with staff, Workshop on healthy life styles, Secretariat for Sport, Nikšić, 12 May 2014

³⁴⁹ Interview with staff, Basketball club "Junior", Podgorica, 14 May 2014

The issues regarding the effectiveness and sustainability of these contracts (see above and below), however, evidently limit their potential to make a significant impact.

Absence of closed-type institutions to implement certain corrective measures

During the in-country research, several participants highlighted an apparent gap in the juvenile justice framework. According to these participants, previously, a juvenile offender could be sent to the Ljubovic Centre or the juvenile wing at the prison, Spuž, to serve a custodial sentence. However, following the entry into force of the new Act, correctional measures requiring detention in a closed-type institution, *ustanova zavodskog tipazavoda* (understood to refer to the correctional facility care institutions listed in Article 16(3) of the new Act), cannot be served at the Ljubovic Centre, due to its 'semi-open' status. The only alternative institution is the juvenile wing at Spuž.³⁵⁰ The concerns of the stakeholders are reflected in the following quotes:

"The courts sentence [juveniles to a custodial sentence] on the understanding that they will go to the Ljubovic Centre but they go to prison – this is not progress."³⁵¹

"The new Act anticipates three types of institutions: open, closed and penitentiary [prison]..... But the issue is that there are only open institutions or prison..... This creates problems for judges but also for us [Ljubovic Centre]" [as there may be children who require a stricter regime than Ljubovic.]³⁵²

The participant refers to a court judgement: "A 'correctional measure' was imposed but it must be served in a *zavod*, which means a 'closed-type institution', so the juvenile is sent to prison. But the prison does not admit him..... The child was actually accommodated in Ljubovic but he ran away. We cannot put him in prison because an educative correctional measure was imposed. The judge had to change his ruling to impose an increased supervision order until it is decided what to do with the child."³⁵³

"We don't have a closed facility and recently the judge had problems with this."³⁵⁴

"The law is a bit vague regarding the sending of juveniles to open or closed-type prisons..... there is a missing link between closed type institutions and prisons." ***Is this***

³⁵⁰ FGD, Deputy Minister of Justice for the Sector for the Execution of Criminal Sanctions and the Resident Twining Representative – *Support to Prison Administration Reform in Montenegro*, Podgorica, 13 May 2014

³⁵¹ It is understood that the phrase 'go to prison' means a referral, not actual admission; FGD, [position of stakeholder withheld], Podgorica, May 2014

³⁵² FGD with the Director and Social Pedagogue of the Ljubovic Centre, Ljubovic, 14 May 2014

³⁵³ FGD, Deputy Minister of Justice for the Sector for the Execution of Criminal Sanctions, Podgorica, 13 May 2014

³⁵⁴ FGD including staff of the PSS in Bijelo Polje, Bijelo Polje, 13 May 2014

a practical problem now or a problem foreseeable in the future? “These are practical problems occurring now.”³⁵⁵

It is understood that a discussion regarding the establishment of a closed-type institution for children in conflict with the law was held, but was not considered to be the most cost effective measure due to the very low numbers of juvenile offenders sentenced to imprisonment.³⁵⁶ However, the issue appears to stem from differing legal interpretations of the term *zavod* under the new Act, rather than a lack of capacity of the professionals and the current regimes in place at the Ljubovic Centre and Spuž.

Functions of the PSS

According to the representative of the PSS at the Supreme State Prosecutors’ Office, from June 2013 to May 2014 (a period of 11 months), the PSS had been involved in 30 juvenile cases for the whole country.³⁵⁷ The PSS at the Higher Court in Podgorica has reportedly been involved in around 20 of the 50 cases involving juvenile offenders.³⁵⁸ From the beginning of 2014 to 14 May 2014, the PSS had been involved in five cases referred to it by the Basic Court in Podgorica.³⁵⁹ Unless resolved, the challenges facing the PSS (discussed in depth under “Effectiveness” above), particularly with regard to establishing contracts with third party providers for the implementation of the alternative measures, the PSS is not likely to make a significant contribution to the number of children benefiting from rehabilitation and reintegration measures. According to the PSS, the courts are in the habit of imposing orders for increased supervision as correctional measures, despite several stakeholders considering that such measures are not effective in rehabilitating the juvenile or preventing recidivism.³⁶⁰ One participant from the PSS considered the number of such cases to be as high as 80 percent of the juvenile cases coming before the courts,³⁶¹ although no official figures were provided to support this statement.

Quantitative Data

All children in conflict with the law who are staying at the Ljubovic Centre are participating in the rehabilitation and reintegration schemes provided via the third party NGO contracts. As the juvenile wing at Spuž and the Ljubovic Centre are the only two institutions in which juveniles may serve a custodial sentence, it can be said that 100 percent of the children residing in these juvenile institutions as at 12 May 2014

³⁵⁵ FGD with representatives of the CSW in Podgorica, 14 May 2014

³⁵⁶ Interview with the Child Protection Officer, UNICEF, Podgorica, 16 May 2014.

³⁵⁷ FGD with representatives of the PSSs in Podgorica, 14 May 2014

³⁵⁸ FGD with representatives of the PSSs in Podgorica, 14 May 2014

³⁵⁹ FGD with representatives of the PSSs in Podgorica, 14 May 2014

³⁶⁰ FGD with representatives of the PSSs in Podgorica, 14 May 2014; FGD with representatives of the Ljubovic Centre, Ljubovic, 14 May 2014

³⁶¹ FGD with representatives of the PSSs in Podgorica, 14 May 2014

participated in these schemes, exceeding the target of 80 percent set out in the LogFrame and ToC. There is little to no information on how the J4CP has had an impact on conditions of pre-trial detention (including at the remand centre at Spuž), and with regard to police custody practices with respect to juveniles. Therefore the Evaluators cannot comment on whether the J4CP has contributed to ensuring that juveniles in pre-trial detention or in police custody (if any) are held in conditions promoting their rehabilitation or reintegration.

According to figures provided by the CSW (see Table 13 below), the number of children participating in child rights-based rehabilitation programmes was decreasing until 2012 before increasing in 2013, overlapping with part of the J4CP implementation period. The figures for the number boys participating in such programmes generally follow this trend, in contrast to those of the girls which contradict this trend. It is not possible to calculate the overall percentage increase during the implementation period.

Table 13: Number of children participating in child rights-based rehabilitation programmes³⁶²

	2010	2011	2012	2013	2014
Male	322	251	231	292	155
Female	23	52	70	60	25
Total	345	303	301	342	180
Percentage increase from the previous year	-	-12.2	-0.7	13.6	-

It has not been possible to calculate the percentage increase during the implementation period of the number of children released from detention receiving structural aftercare pursuant to programmes (if any) developed under the J4CP.

5.4.4. What is the likelihood that the J4CP will contribute to a tangible improvement of the treatment of children in conflict with the law, and child victims and witnesses of crime, in line with child-friendly hearing procedures and relevant standards?

The training on the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime was organised on 4-6 June for 16 participants; 10 judges and 6 prosecutors. A second training is to be organised 2-3 July.³⁶³

³⁶² UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014 (Source: Centres for Social Welfare)

³⁶³ UNICEF, Comments on the J4C draft report, 26 June 2014

As at 30th June 2014, 6 courts; the Higher Court in Podgorica and 5 Basic Courts as well as 7 Prosecutors' Offices have been equipped with audio-visual equipment for conducting child-friendly hearing procedures.³⁶⁴ This falls short of the target set in the LogFrame and ToC by one location only, or is equal to 93.3 percent.

Feedback from participants suggests that the new Act is already having some impact on improving the treatment of juveniles in court in accordance with domestic and international juvenile justice standards:

Have the practices in the court changed since the [specialist] training [for judges] and implementation of the new Act, and how?

"Of course..... There are procedural guarantees – the procedures are different regarding defence lawyers, detention of juveniles, the presence of social workers, procedural time limits etc..... juvenile cases must now be appealed to a juvenile panel of the High Court."³⁶⁵

However, some participants highlight the need for continuous practical training in these areas:

"The main issue is that although judges and prosecutors have training - and the lecturers were excellent – it was only scratching the surface. They [the judges and prosecutors] should have continuous specialist training as we do not have juvenile-only judges [and prosecutors]. They don't know how to introduce themselves, or explain their role. They are irritated by the juvenile. Their immediate reaction is that they must sanction him!"³⁶⁶

The need for continuous training for the police, and inter-sectoral training between the police and prosecutors was also highlighted:

"[Our impression] of violence against children and sexual exploitation is that the adults are treated as more trustworthy, not the child. The police, for example, stick to material evidence but you don't always have material evidence."³⁶⁷

It should be emphasised that the teething period for police and prosecutors in the implementation of the new Act is not a symptom of the J4CP per se, but rather of the recent more structural changes to the criminal justice system introduced under the Criminal Procedure Code, which impacts upon how police and prosecutors deal with juveniles, and particularly juvenile victims.³⁶⁸

³⁶⁴ See the full list of these locations under 'Effectiveness' above; UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014; UNICEF, *Comments on J4C draft report*, 26 June 2014.

³⁶⁵ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

³⁶⁶ [Details of the interview withheld], May 2014

³⁶⁷ FGD with representatives for the Ombudsman's Office, Podgorica, 14 May 2014

³⁶⁸ FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014; FGD with representatives from the Ombudsman's Office, Podgorica, 14 May 2014

Further improvements in the representation of juveniles were also identified:

"Also, lawyers need training. We had a case where the child was not represented properly. Sometimes, the CSW³⁶⁹ does not represent the child's best interests, for example, where the child's best interests conflict with that of the parent in cases of domestic or family violence."³⁷⁰

[In relation to the application of Article 95 of the new Act, under which the court may (upon motion of a public prosecutor, guardianship authority or ex officio) appoint a juvenile justice lawyer for a juvenile victim if, broadly, it is considered to be in his/her best interests]: "The victim was stabbed 12 times. Nobody thought it was in his interests to appoint an attorney..... The kid was traumatised; he never saw the person who stabbed him and he got four misdemeanours for fighting.... He gave his statement at least twice which is contrary to the law.... He's traumatised, vulnerable. This has impacted his level of aggression in his family, in the community. A lot of stress....."³⁷¹ [In this case, the specially trained defence lawyer resorted to obtaining a power of attorney to represent the victim]

There still appears to be some shortage of trained personnel in some areas. In Bijelo Polje, lawyers that were trained to take on juvenile cases sometimes proved difficult to access, and thus additional training for lawyers would be beneficial.³⁷²

One participant from Nikšić claimed that he was the only juvenile inspector in the region.³⁷³ There have been calls to establish a cohort of specialist police inspectors to solely work on juvenile cases.³⁷⁴

Regarding the PSS, the same juvenile judge considered that in order for the PSS at the High Court in Podgorica to reach its full potential, it needs "money and time", and that it is still too soon to identify the issues in practice which need further improvement.³⁷⁵ It is difficult to gauge the extent to which the PSS have improved the treatment of child victims and witnesses of crime. According to the juvenile judge, while the PSS is reportedly effective and useful, even before their establishment, professionals were sensitive to juvenile cases.³⁷⁶

³⁶⁹ The participant referred to the CSW, not the PSS.

³⁷⁰ FGD with representatives for the Ombudsman's Office, Podgorica, 14 May 2014

³⁷¹ FGD with Representatives from the Bar Association,

³⁷² FGD Centre for Social Work, Bijelo Polje, 13 May 2014.

³⁷³ FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014

³⁷⁴ FGD with representatives from the Ministry of Interior, Podgorica, 15 May 2014; FGD with representatives for the Ombudsman's Office, Podgorica, 14 May 2014

³⁷⁵ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

³⁷⁶ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

5.4.5. To what extent has the J4CP contributed and/or is likely to contribute to raising awareness of the need and obligation to deal with children alleged of violating the penal law in accordance with the spirit and letter of the UNCRC?

Since the key activities relating to Outcome 3 which relate to promoting public awareness were not complete at the time of writing this report, Evaluators have not been able to evaluate the potential impact of this component of the project.

5.4.6. Have any unplanned effects or factors contributed to achieving/not achieving the desired project impact so far or are likely to contribute to achieving/not achieving the intended impact in the future?

No such factors have been identified.

5.4.7. Is there early evidence that the J4CP has contributed to increasing the percentage of children who benefit from full application of international norms and standards when they come into contact with justice and related systems as alleged offenders, victims and witnesses of crime or for other reasons where judicial, state administrative or non-state adjudication is needed?

Information obtained in respect of the number of children sentenced to juvenile detention may provide early evidence that the J4CP has contributed, or is likely to contribute, to increasing the percentage of children who benefit from the application of international norms and standards when they come into conflict with the law.

Table 14: Number of children sentenced to juvenile detention³⁷⁷

	2010	2011	2012	2013
Total	7	4	6	1
Percentage increase	-	-42.9	50	-83.3

In light of Montenegro's small population, it is no surprise that very few juveniles are sentenced to juvenile detention. As indicated from Table 14 above, there is no clear trend in the number of children sentenced to juvenile detention, although it is notable that there was a significant percentage decrease of 83.3 percent between 2012 and 2013 to only one juvenile sentenced to juvenile detention in 2013. It was not possible to compare the experiences of juveniles between different places of detention as there were none in the prison and the Evaluators did not have access to the remand centre.

³⁷⁷ UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014 (Source: Monstat)

It should be noted that there have been no child deaths in detention from 2010 to May 2014.³⁷⁸

³⁷⁸ UNICEF, *Indicators for Monitoring the Implementation of the Juvenile Justice Law*, provided to CCLC on 30 May 2014 (Source: Department for the Execution of Criminal Sanctions)

5.5. Sustainability

To what extent are the project outcomes achieved sustainable?

Findings

There is an extremely strong degree of local ownership of the J4CP, which the Evaluators consider to be one of the greatest achievements of the intervention. The design of the J4CP included appropriate sustainability strategies to support positive changes arising from the J4CP, which included mechanisms to strengthen links between juvenile justice professionals. The integration and operation of the new indicators in PRIS are generally sustainable, although note the recommendation made previously to monitor its operation over the next 12 months.

There appears to be weak medium to long-term sustainability of the community services currently being provided under the contracts between UNICEF and the third parties, although steps were being taken by UNICEF towards the end of the implementation period to encourage the sustainability of such contracts.

The legislative framework is generally sustainable although there is a need to:

- Monitor the implementation of the secondary legislation to ensure that practices are in line with international standards and the new Act, and to determine whether juvenile justice professionals would benefit from the development of guidance to the regulations;
- Devote more time, investment and attention is devoted to the PSS to develop them into a sustainable mechanism;
- Provide financial support to the Ljubovic Centre to enable them to implement the recommendations made by the international consultant on the methodology and programme of work at the Centre;
- Developed programmes targeting teachers to ensure that they receive adequate training on juvenile justice matters and participate in projects which strengthen their capacity to identify children at risk and prevent juvenile crime;
- Monitor the frequency of the delivery of the specialist training programmes and whether the accrediting bodies (the Prison Administration, Judicial Training Centre and Bar Association) have the material resources, funds and infrastructure to deliver regular training to new juvenile justice professionals as well providing updated training to existing professionals.

Reasoning

5.5.1. *Did the J4CP design include an appropriate sustainability strategy (including promoting national/local ownership, use of local capacity, etc.) to support positive changes arising from the J4CP after the end of the intervention?*

There is an extremely strong degree of local ownership of the J4CP. This is one of the greatest successes of the J4CP, and significantly raises the prospects of the sustainability of the project after the end of the implementation period. Several mechanisms and strategies in the J4CP have promoted local ownership of the project and strengthened the prospects of the sustainability of the J4CP in the future. The multi-sectoral Steering Committee and Technical Working Group, and their successful cooperation and collaboration between each other, is one such example. Further, the UNICEF representative seconded to the MoJ was able to develop excellent links between the two bodies, facilitating the exchange of best practices. The engagement between government stakeholders and national experts was also reportedly excellent.³⁷⁹ The development of materials for the activities, particularly the training modules, involved a multi-stakeholder deliberative process. The strong sense of domestic ownership of the J4CP is exemplified in the following quote:

Was there ownership of the J4CP among the domestic stakeholders?

“Yes. We drafted the [new] law, using comparative experiences of others. [UNICEF] provided technical support with organising meetings, but we drove the process. It is definitely our product and ownership.”³⁸⁰

Multi-stakeholder discussions also strengthened the stakeholders’ understanding of their respective roles, and are likely to enhance harmonisation of juvenile justice practices in future.³⁸¹

The development of the Rulebook for Police Officers was a particularly creative initiative that reflects the high degree of local ownership of the J4CP and its capacity to monitor and implement the impact of the J4CP in future. During the implementation period, the lack of data on the practices of the police with respect to juveniles was identified. The Ombudsman’s Office therefore conducted a survey, using its own funds, of the treatment of juveniles in conflict and in contact with the law by the police, including site visits of places of detention, qualitative and quantitative data collection, and the distribution of questionnaires to police officers and prosecutors.³⁸² A key driver for this survey was that the final report would be submitted to Parliament and, if passed, the recommendations become mandatory.³⁸³

5.5.2. To what extent does the legislative framework developed and policy documents produced provide a ground for sustainable and coordinated implementation of: diversion

³⁷⁹ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014

³⁸⁰ Interview with Juvenile Judge, Basic Court, Podgorica, 13 May 2014

³⁸¹ FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

³⁸² FGD with the Deputy Ombudsperson for Child Rights and the Focal Point for the Ombudsman’s Office on the Technical Working Group, Podgorica, 14 May 2014

³⁸³ FGD with the Deputy Ombudsperson for Child Rights and the Focal Point for the Ombudsman’s Office on the Technical Working Group, Podgorica, 14 May 2014

measures /community-based alternatives; rehabilitation and reintegration programmes; prevention programmes; professional support services?

As indicated from the conclusions of the substantive review of the secondary instruments (please see ‘Effectiveness’ above), the legislative framework is generally sustainable although the implementation of the secondary legislation needs to be monitored to ensure that practices are in line with international standards and the new Act, and whether formal guidance needs to be developed.

The sustainability of the diversion measure and community based alternatives established or promoted under the J4CP largely depends on the future functioning of the PSS. The evaluation of the PSS conducted under the headings above highlights that the PPS need more time, investment and attention to develop into a sustainable mechanism.³⁸⁴ The provision of further training to other juvenile justice professionals, particularly prosecutors, on the role of the PSS in the juvenile justice system and how to use them in practice is also crucial to their sustainability, and ultimately on the future coordination of diversion and correctional measures provided through them. The development of the PSS guidelines under the J4CP can only address these issues to an extent.

The recommendations highlighted by the expert consultant at Ljubovic have not yet been implemented and so the framework for the sustained implementation of rehabilitation and reintegration measures at the Centre is incomplete.

With regard to the Techniques on Peaceful Conflict Resolution Programme, while the programme was not closed to teachers, the majority of the participants were children.³⁸⁵ The medium to long-term sustainability of the initiative is therefore questionable as trained children leave the school. As emphasised by one juvenile justice prosecutor, the education sector are usually the first to witness problems of juvenile delinquency and children at risk of coming into conflict with the law. For this reason, it is important that they receive adequate training on juvenile justice matters and participate in projects which strengthen their capacity to identify children at risk and prevent juvenile crime.³⁸⁶

An analysis of the third party NGO contracts is provided further below.

5.5.3. To what extent is the strengthened national juvenile justice data-collection and monitoring mechanism (PRIS) likely to be effective beyond the project time-frame?

There are some areas of PRIS that need to be strengthened – these are discussed in more detail under ‘Effectiveness, Outcome 1.3’ above. Apart from resolving these discrete issues, the system is generally

³⁸⁴ FGD, Representative of the MoJ, Technical Working Group, Podgorica, 15 May 2014

³⁸⁵ Interview with the Focal Point on the Technical Working Group from the Ministry of Education, Podgorica, 15 May 2014

³⁸⁶ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

sustainable. Prosecutors and judges have started collecting data using the new indicators in PRIS but periodic monitoring of the system would be beneficial to ensure that it is operating as it should.³⁸⁷ Further, it was decided that a ToT would not be developed for users of PRIS as the PRIS operational manual provided sufficient instruction.³⁸⁸ It would be beneficial to consider when monitoring the operation of PRIS whether additional training would indeed be required.

5.5.4. To what extent are new knowledge and skills relevant to the implementation of the new Act integrated into regular activities of juvenile justice-related professionals?

There is a broad consensus that a strong foundation of knowledge and capacity to implement the new Act in the future has been laid by this project.³⁸⁹ While the trainings have been extremely useful and had wide coverage, the general consensus among participants was that continued training is necessary to:

- Ensure that a larger number of professionals are trained in juvenile justice matters (the Bar Association in particular requested this);
- Ensure a uniform distribution of trained juvenile justice professionals throughout the country, particularly in the north and south of Montenegro (for example, only defence lawyers from Podgorica were invited to attend the specialist training);
- Ensure continuous, enhanced training on *practice* (as opposed to theory) for juvenile justice professionals;
- Address the issue of trained personnel leaving the profession to pursue other disciplines (a particular issue for police officers) meaning that updated juvenile justice training will need to be regularly delivered;
- Cater for any expansion in the operation of the PSS; and
- To facilitate the understanding of the role of the PSS among juvenile justice professionals and promote their use in practice.³⁹⁰

These challenges should be largely addressed to some extent by the accreditation of the specialist training programmes which will be incorporated into the professional training of judges, prosecutors, police and lawyers, and the ToT. After accreditation, it is understood that police officers and defence lawyers must have obtained a specialist certificate from the Police Academy or Bar Association, as relevant, before they can act

³⁸⁷ Skype interview with the regional PRIS consultant, Podgorica, 14 May 2014

³⁸⁸ Skype interview with the regional PRIS consultant, Podgorica, 14 May 2014

³⁸⁹ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

³⁹⁰ Branka Lakočević, Deputy Minister of Justice, Ministry of Justice, 12 May 2014; Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014; FGD, Representative of the Bar Association, Technical Working Group, Podgorica, 15 May 2014; Interview with UNICEF Representative, Podgorica, 15 May 2014; FGD with Representatives of the Institute for the Execution of Criminal Sanctions, Spuž, 16 May 2014; FGD with Representatives from the Bar Association, Podgorica, 16 May 2014; Skype Interview with Juvenile Justice Regional Expert from Macedonia, Podgorica, 13 May 2014

in juvenile cases.³⁹¹ Similarly, judges and prosecutors must have completed their training before they can act in a juvenile case.

However, even after accreditation, a key challenge to the sustainability of the positive effects of the J4CP lies in the limited human resources and finances of the implementing ministries.³⁹² It will also be important to monitor the frequency of the delivery of the specialist training programmes and whether the accrediting bodies (the Prison Administration, Judicial Training Centre and Bar Association) have the material resources, funds and infrastructure to deliver regular training to new juvenile justice professionals as well providing updated training to existing professionals.

The Director of the Judicial Training Centre reported that the aim is to deliver the specialised training sessions for judges and prosecutors once a year, depending on the need (as there may only be a few new juvenile justice prosecutors and judges to train) and available finances.³⁹³ In 2014, specialist training will be needed due to trained professionals going on maternity leave or retiring.³⁹⁴ This raises the question as to why a retiring professional was selected to undergo the specialist training in the first place. Nevertheless, this highlights that a degree of cooperation with international organisations to deliver this training in future is likely to be needed.³⁹⁵ Further, while the personnel there consider that they have the knowledge and skills to deliver the specialist training, as there are only three of them in the office, they do not have the human resources to deliver the training for all professionals.³⁹⁶ The decision to introduce the ToT is therefore a crucial new activity in the J4CP. However, this does not escape the issue of the lack of financial resources to sustain the training in the future.

The participants from the Ljubovic Centre expressed a keen interest in participating in inter-sectoral training sessions, particularly on the range of measures which can be implemented at the Ljubovic Centre under the new Act.³⁹⁷ While this was not something that was planned for the Centre under the J4CP, this could be factored into any future training programmes.

With regard to the police, the survey conducted by the Ombudsman identified a need for continuous training, particularly between police and prosecutors.³⁹⁸ This is because of recent reforms to the criminal

³⁹¹ Interview with UNICEF Representative, Podgorica, 15 May 2014

³⁹² Interview with UNICEF Child Protection Officer, Podgorica, 12 May 2014

³⁹³ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

³⁹⁴ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

³⁹⁵ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

³⁹⁶ FGD with representatives from the Judicial Training Centre, Podgorica, 13 May 2014

³⁹⁷ FGD with representatives from the Ljubovic Centre, Ljubovic, 14 May 2014

³⁹⁸ FGD with the Deputy Ombudsperson for Child Rights and the Focal Point for the Ombudsman's Office on the Technical Working Group, Podgorica, 14 May 2014

justice system more generally which the police and prosecutors are still adjusting to and which impact on how they treat juvenile suspects and offenders.³⁹⁹

5.5.5. What is the level of ownership of the reform process within the MoJ and MoLSW and what are the prospects for further development of related interventions after the end of external support?

There is a strong sense of ownership of the J4CP and juvenile justice reform more generally in the MoJ. The sense of ownership in the MoLSW, while not as strong as that in the MoJ, is definitely present, and appears to have strengthened since the IPA 2008. Participants from the MoLSW, for example, considered that while UNICEF's support was "precious", the activities that they recognised as necessary were taken into account.⁴⁰⁰ In fact, participants from the MoLSW expressed that they would like there to be further collaborative projects like the J4CP in future, focusing particularly on Ljubovic and the rehabilitation of children leaving the Ljubovic Centre.⁴⁰¹ Participants from the MoLSW also considered that this project highlighted "possibilities" for the Ministry, increasing their awareness of the steps needed to support children in conflict with the law with no overlap of jurisdiction with other Ministries.⁴⁰²

While the MoJ had more responsibilities than the MoLSW in this project, feedback from the MoLSW indicates that all their contributions were taken into account and that they had strong cooperation with the MoJ.⁴⁰³

This project has served to motivate stakeholders and "help [them] link up" in future.⁴⁰⁴ Their capacity to implement similar projects in future has also been strengthened.⁴⁰⁵

5.5.6. To what extent has the J4CP promoted strengthening of already existing partnerships and establishment of new ones and to strengthening of inter-sectoral and cross-sectoral cooperation both at the national and local level?

According to one participant, the implementation of the J4CP would not have been possible without the strong working relationship that existed between the stakeholders. This relationship was strengthened through this project as they played a central role in its implementation and were able to cooperative face-

³⁹⁹ FGD with the Deputy Ombudsperson for Child Rights and the Focal Point for the Ombudsman's Office on the Technical Working Group, Podgorica, 14 May 2014

⁴⁰⁰ FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

⁴⁰¹ FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

⁴⁰² FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

⁴⁰³ FGD with the Deputy Minister of MoLSW and Social Worker Focal Point on the Technical Working Group, Podgorica, 12 May 2014

⁴⁰⁴ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

⁴⁰⁵ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014; FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

to-face in periodic meetings.⁴⁰⁶ This sentiment was generally reflected across the participating stakeholders, including the MoLSW.⁴⁰⁷

Links with the MoE in the area of juvenile justice were cemented through this project, particularly through the Techniques on Peaceful Conflict Resolution programme. This is a promising new link for future initiatives.

5.5.7. To what extent is the increase (if any) of public awareness of juvenile justice issues and strengthened participation of children in conflict with the law in the promotion of their rights likely to be effective beyond the project time-frame?

There appears to be weak medium to long-term sustainability of the services currently being provided under the contracts between UNICEF and the third parties. While UNICEF made it a requirement in the initial tender that these service providers develop a sustainable programme, the contracts have a short duration of only three months. Participants from the Ljubovic Centre, for example, did not know what the next steps would be after the three-month contracts come to an end.⁴⁰⁸

However, it is a significant step that initial contact between these service providers and the juvenile justice system has been made, and provides promising prospects for further collaboration. As one NGO representative stated, after the end of the project, staff would not be continuing to meet regularly with the children, but would monitor their progress and ask schools for updates on their progress. If possible they would try to make this a sustainable project.⁴⁰⁹ On 27 May, UNICEF organised a meeting with all NGOs to discuss their future involvement. All participants reportedly confirmed that they were open to the prospect of continuing the participation of children in conflict with the law in their initiatives.⁴¹⁰ However, the desired outcome (namely, that the schemes would be accredited and integrated into the programmes of the NGOs) was not achieved.⁴¹¹ It should be noted in this respect that the number of applicants NGOs for the grants was lower than expected, and therefore from the very beginning of this activity, the sustainability of the activity was uncertain.⁴¹²

⁴⁰⁶ Interview with Juvenile Justice Prosecutor, Podgorica, 12 May 2014

⁴⁰⁷ FGD with Deputy Minister of MoLSW and the Social Worker Focal Point of the Technical Working Group, 12 May 2014

⁴⁰⁸ FGD with representatives at the Ljubovic Centre, Ljubovic, 14 May 2014

⁴⁰⁹ Interview with staff, Workshop on healthy life styles, Secretariat for Sport, Nikšić, 12 May 2014

⁴¹⁰ UNICEF, Correspondence with CCLC, 18 July 2014

⁴¹¹ UNICEF, Correspondence with CCLC, 18 July 2014

⁴¹² UNICEF, Correspondence with CCLC, 18 July 2014

6. Conclusion

Based on the findings outlined in Part 5 of this Report, the Evaluators drew the following conclusions:

6.1. Relevance

The design of the J4CP is extremely relevant to the needs of stakeholders and beneficiaries. It responds well to the key needs and issues of children in conflict and in contact with the law and is integral to national strategies and policies in the area of juvenile justice and the legal system more broadly. The J4CP has also learnt from external evaluations of previous similar projects. The activities, outputs and outcomes of the J4CP are on the whole directly relevant to the overall goal of the J4CP and the achievement of their objectives in the given period of time. Further, the project was broadly designed according to international norms and standards on HR & GE and is in line with national strategies to advance HR & GE, although a strengthened equity-based approach to the design phase of the project could have been adopted.

6.2. Effectiveness

The Evaluators conclude that the J4CP was, overall, effective in meeting the outcomes as defined by the LogFrame and ToC. A legislative and policy framework for juvenile justice, including a juvenile justice data collection and information system in line with internationally recognised standards, has largely been established. The institutional and administrative capacity for the implementation of the Treatment of Juveniles in Criminal Proceedings Act has also certainly been strengthened by the J4CP. Further, the cultural, sport and educational programmes implemented pursuant to UNICEF grants were effective in strengthening the participating children's knowledge of their rights, reinforcing their capacity as right-holders, the equity-based nature of this intervention, and the important rehabilitative function played by this activity.

Some practical challenges remain with the operation of the data collection system, mainly stemming from the exchange of information between the police, prosecutors and PSS, lack of clarity over the meaning of 'victim' under the juvenile justice law, and the absence of a similar database for police officials. Continuous efforts are also needed to strengthen the legislative and policy framework to ensure the full implementation of the new Act, particularly in respect of the role of the PSS, the implementation of alternative measures, the location of certain child-interviewing rooms at courts and prosecutor's offices, the geographical coverage of trained juvenile justice personnel across Montenegro, and the implementation of the amended Programme of Work for children in conflict with the law at the Ljubovic Centre. Additionally, the effectiveness of the Peaceful Conflict Resolution Programme could have been strengthened by targeting more school children between 14 and 17, and their teachers.

Unfortunately, the Evaluators were unable to conduct a full evaluation of the effectiveness of Outcome 3 relating to increasing public awareness of juvenile justice matters, as its key activities were being developed during the final stages of the J4CP. Further, the cultural, sport and educational programmes pertaining to this outcome had limited effectiveness in promoting *public* awareness of the rights of children in conflict

with the law, despite their important rehabilitative function. Further, the findings highlight a need to ensure that such programmes in the future are adaptable to varying literacy levels of the child participants and have sufficient resources in order for them to be implemented effectively.

6.3. Efficiency

Unfortunately, a full cost analysis was not possible, as the full impact of the J4CP is likely to only become apparent in the medium to long-term. However, from the information available, the Evaluators conclude that the J4CP was on the whole cost efficient, although certain activities could have been designed in a more-cost effective manner (namely, the Techniques on Peaceful Conflict Resolution Programme). Some challenges in obtaining funding for PSS equipment and additional training for defence lawyers (the needs for which were identified during the implementation period) were also identified.

The management of the J4CP was, on the whole, efficient, and can largely be attributed to the strong leadership of the Management Committee's Chairperson, Branka Lakočević (Deputy Minister of Justice) and the commitment of the Technical Committee. While human rights' considerations were an integral component in the implementation of the J4CP, findings indicate that gender and other equity issues were not *consciously* given priority in the budget and implementation of the J4CP at the Steering Committee or Technical Working Group level. The design of the J4CP was on the whole efficient, in terms of it being flexible enough to respond to and deal with challenges arising during the project, with the exception of the need to divert resources to the funding of vehicles for the PSS.

6.4. Impact

Overall, the Evaluators conclude that the J4CP is contributing to achieving its desired impact. Notable findings which support this conclusion include an increase in the percentage of children benefiting from VOM and an estimated 29 percent increase in the number of social workers trained in prevention mechanisms for children at risk of coming into conflict with the law. There is a strong likelihood that the J4CP will contribute to an increase in the percentage of children in conflict with the law benefiting from other diversion measures, although continuous monitoring of disaggregated statistics over the medium to long term in respect of boys and girls would be beneficial to ensure that this is the case. There is a good likelihood that the J4CP will contribute to increasing the number of children that participate in child rights-based rehabilitation programmes, particularly at the Ljubovic Centre. Further, there is a good likelihood that the J4CP will contribute to a tangible improvement of the treatment of children in conflict with the law, and child victims and witnesses of crime, in line with child-friendly hearing procedures and relevant standards, although there is a need for further and continuous training in this area.

There are certain areas in the legislative and policy framework of the juvenile justice system which could be further strengthened in order for the J4CP to have greater impact. In particular, a reconsideration of how to organise the implementation of the criminal sanction of referrals to closed-type institutions for children in conflict with the law; the consideration of the establishment of day treatment centres that could provide

similar support services to the Ljubovic Centre across the country; and the strengthening of rehabilitation programmes at the Juvenile Wing at Spuž, would be beneficial. There is also an incomplete understanding of the practices and conditions of pre-trial detention at the remand centre at Spuž, and of police custody practices, if any (noting that the Ombudsman's Office was, at the time of writing, finalising a report on this issue). Additionally, since the J4CP focuses on criminal acts, it is not clear to what extent juvenile delinquency constituting administrative offences in Montenegro are dealt with in line with international juvenile justice standards.

The Evaluators were not able to provide a conclusive view on the likelihood that the J4CP will contribute to an increase in the percentage of children benefiting from prevention programmes. Specifically regarding the Techniques on Peaceful Conflict Resolution Programme, the Evaluators consider that it itself cannot be said to have made a significant contribution to achieving this target. Since the key activities relating to the promotion of public awareness on juvenile justice matters were not complete at the time of writing this report, Evaluators have not been able to evaluate the potential impact of that component of the project.

Evidently, the implementation of the recommendations on 'effectiveness' and 'sustainability' outlined in Part 7, particularly regarding the functioning of the PSS, the provision of further practical joint training for police and prosecutors, and the selection and implementation of future 'NGO contracts,' is important to ensure the J4CP's positive impact in the future.

6.5. Sustainability

The J4CP is broadly sustainable. The legislative framework developed and policy documents produced generally provide a ground for sustainable and coordinated implementation of diversion measures, community-based alternatives, rehabilitation and reintegration programmes, prevention programmes and professional support services. A strong foundation of knowledge and capacity to implement the new Act in the future has also been laid by this project. There is an extremely strong degree of local ownership of the J4CP, which the Evaluators consider to be one of the greatest achievements of the intervention. The design of the J4CP included appropriate sustainability strategies to support positive changes arising from the J4CP, which included mechanisms to strengthen links between juvenile justice professionals.

Notably, however, there is weak medium to long-term sustainability of the community services currently being provided under the contracts between UNICEF and the third parties. Further, the sustainability of the J4CP in the medium to long-term largely depends on the ability of stakeholders monitoring the implementation of the legislation and secondary instruments and the effective functioning of the PSS to check whether any particularly clarifications (perhaps via guidance notes or training) are required. While the trainings have been extremely useful and had wide coverage, the general consensus among participants was that continued, specific training is necessary. There is also a need for further initiatives by the MoE targeting teachers to strengthen their capacity to identify children at risk and prevent juvenile crime.

7. Recommendations, Good Practice and Lessons Learnt

7.1. Recommendations

Based on the findings, conclusions and stakeholder discussions, the Evaluators have developed a set of recommendations to further the reform process in Montenegro, and have characterised them according to the components to which they relate. The recommendations are colour coded in the following manner:

- **Red:** High priority recommendations which the Evaluators suggest are implemented immediately;
- **Purple:** Medium priority recommendations which are not urgent but which the Evaluators suggest are implemented at the appropriate time (for example, in the development of similar projects in the future, or through medium to long term monitoring);
- **Blue:** Recommendations that would be beneficial to implement if resources allow, or which are broader issues to be considered in the wider context of the reform of child protection systems in Montenegro.

7.1.1. Development and Adopting the legislative and policy framework for juvenile justice, including a juvenile justice data collection and information system upgraded and harmonised with internationally recognised standards:

- i) Stakeholders, particularly the MoJ, MoLSW, Ombudsman's Office and civil society organisations should implement a system to monitor over the medium to long-term the implementation of the new Act and secondary legislation to determine whether any clarifications to the legislation or its implementation are required (perhaps through the development of guidance notes);
- ii) The MoJ, Judicial Council and Ministry of Interior implement the recommendations of the regional consultant responsible for the development of PRIS, particularly the Ministry of Interior with regard to the establishment of a juvenile justice database for police that is harmonised with PRIS.

7.1.2. Strengthening the institutional and administrative capacity for the implementation of the Act on the Treatment of Juveniles in Criminal Proceedings:

- iii) The Judicial Training Centre, Police Academy and Bar Association:
 - If they have not done so already, approve and accredit the final specialist training programmes for judges, prosecutors, police and defence lawyers respectively;
 - Incorporate into the specialist training a specific module on the needs of children of different genders, children with disabilities and children from ethnic minority groups; and
 - Provide continuing professional development programmes focused on the treatment of juvenile victims and witnesses to refresh the skills of trained professionals and to train up new professionals.

- iv) The MoJ, MoLSW and UNICEF explore further opportunities to support the relevant training bodies in providing continuous training to juvenile justice professionals and to ensure an adequate geographical coverage and numbers of trained personnel throughout Montenegro, with a particular emphasis on joint practical training sessions between police and prosecutors and training for lawyers.
- v) The MoJ, Judicial Training Institute and MoLSW provide further cross-sectoral practical training in the work of the PSS, particularly among the PSS, prosecutors, judges and CSW, to ensure that there is a common understanding of the role of the PSS and to encourage more judges and prosecutors to use the services, whilst also further strengthening the skills of PSS personnel.
- vi) The MoJ explores opportunities to provide financial and logistical support to the PSS to assist it in procuring the equipment and strengthening the infrastructure it needs to conduct its services effectively, and to conclude the third party contracts required to fully implement the full range of diversion or correctional measures.
- vii) The MoLSW and MoJ:
 - Work with the Ljubovic Centre to ensure that it is financially and logically able to implement its amended Methodology and Programme of Work; and
 - Establish geographically accessible day treatment centres that could provide similar support services to the Ljubovic Centre across the country.
- viii) The High Court of Podgorica moves its child interview room to a location that is more conducive to holding child-friendly hearings, and the other Prosecutors' Offices and Courts (in which the child-friendly interviewing equipment has been installed) review the location of their child interview rooms to ensure that they are appropriate for holding child-friendly hearings in line with international standards.
- ix) The MoJ and UNICEF reconsider how to organise the implementation of the criminal sanction of referrals to closed-type institutions for children in conflict with the law;
- x) The MoJ, Ombudsman's Office and UNICEF improve their understanding of the practices and conditions of pre-trial detention at the remand centre at Spuž, and to consider whether the programmes and method of work at the remand centre need to be developed to strengthen rehabilitation prospects of children held there;
- xi) The MoJ, Ministry of Interior, Montenegrin Parliament and UNICEF pay particular attention to the findings of the Ombudsman's Office on police custody practices (if any) and consider whether further

training or guidance is required to ensure that such practices remain within the remit of the boundaries established by the Treatment of Juveniles in Criminal Proceedings Act and international juvenile justice standards.

- xii) The MoE, in consultation with children, teachers and other juvenile justice professionals, develops further interventions targeting teachers to ensure that they receive adequate training on juvenile justice matters and participate in projects which strengthen their capacity to identify children at risk and prevent juvenile crime.
- xiii) The MoJ provides further training for staff at the Juvenile/Young adults' wing at the Institution for Execution of Criminal Sanctions on the types of programmes that could be developed to further the rehabilitation of juvenile offenders.
- xiv) The MoLSW considers, as part of the broader reform process to the child protection system in Montenegro and in consultation with other stakeholders, the appropriateness and suitability of the role of the Ljubovic Centre in providing both rehabilitation services for children in conflict with the law *and* child protection services for children in need of care and protection.
- xv) The MoJ, MoLSW, Ministry of Interior, MoE, Judicial Training Institute, Judicial Council, Police Academy, Bar Association, civil society organisations and UNICEF strengthen their knowledge and understanding of the treatment of juveniles accused of or responsible for administrative offences, and that consideration is made as to whether the law or practice in this area could be further brought in line with international standards.

7.1.3. Increased public awareness on juvenile justice matters through active participation of boys and girls in conflict with the law in promotion of their rights through creative, sport, cultural and educational activities

- xvi) If they have not already done so, the MoJ and MoLSW develop and implement the television or radio show to increase public awareness on juvenile justice matters through the active participation of boys and girls in conflict with the law;

xvii) The MoJ, MoLSW, PSS, Ljubovic Centre and Institution for Execution of Criminal Sanctions:

- Focus on maintaining and strengthening links with the NGOs/third party service providers of prevention programmes and alternative measures over the medium to long-term;
- Ensure that all NGO/third party programmes selected to provide services for children in conflict or in contact with the law have been designed with equity and HR & GE considerations as priorities,

are adaptable to varying literacy levels of the participants, and have sufficient resources (such as IT equipment) available to provide the services effectively to each of the participants.

7.2. Good Practice and Lessons Learnt

7.2.1. Good Practice

From the findings, conclusions and stakeholder discussions, the Evaluators have identified the following good practices in the approaches adopted as part of J4CP:

- The use of strategies to strengthen the capacity of government Ministries to manage, monitor and implement the J4CP and similar projects in future. This was achieved through various mechanisms including via the dual-Ministerial leadership of the MoJ and MoLSW (ensuring government ownership of the project), a multi-stakeholder management committee, a technical committee composed of juvenile justice professionals to implement the activities with UNICEF support, and activities designed to both strengthen the capacity and knowledge of juvenile justice professionals as well as provide opportunities for them to become acquainted with their counterparts from other sectors (for example, through the roundtable discussions);
- The decision of the Ombudsman's Office to conduct a study into police practices with respect to children in conflict with the law, enabling the J4CP to quickly respond to this apparent grey area in the juvenile justice framework, and increasing the prospects of the government adopting the recommendations arising from the project;
- The multi-sector training sessions were an excellent opportunity for juvenile justice professionals to exchange best practices and become acquainted with their counterparts;
- Particularly noteworthy was the effectiveness of UNICEF's facilitation of productive cross-sector dialogues and policy-making discussions relating to the implementation of the Treatment of Juveniles in Criminal Proceedings Act among juvenile justice professionals.

7.2.2. Lessons Learnt

From the findings, conclusions and stakeholder discussions, the Evaluators have identified the following lessons learnt by the MoJ, MoLSW and UNICEF:

- a. The expansion of stakeholder capacities, in both core project staff and support, including in the relevant ministries, and the Ombudsman's Office for alternative data gathering and monitoring;
- b. Strengthened participation of the MoLSW and the establishment of a 'bridge' between the MoLSW and juvenile justice reform;
- c. Strengthened stakeholder participation, particularly the MoE through its formal high-level participation, law enforcement officials, and sector and community-level officers in the planning and investigation phases of the project;
- d. In future: ensure greater participation by children and parents (particularly children in conflict and in contact with the law, girls, and children/parents from ethnic minority groups) during the design phase

of the project; devote greater attention to the development of activities that specifically address the particular needs of these vulnerable groups; ensure that HR & GE and general equity analyses conducted during the design phase of the project are formally documented; and devote greater attention to gender and other equity issues in the formulation of budgets and implementation of the interventions by the management committees, and that such analyses are formally documented.