



**DEMOCRATIC GOVERNANCE
FINAL PROGRAMME¹ NARRATIVE REPORT**

Programme Title & Project Number
<ul style="list-style-type: none"> • Programme Title: Juvenile Justice System Reform • Programme Number (if applicable): DG 2.2.20 • MPTF Office Project Reference Number: 00075503

Country, Locality(s), Thematic Area(s)²
<i>(if applicable)</i>
Country/Region Montenegro
Thematic/Priority

Participating Organization(s)
<ul style="list-style-type: none"> • UNICEF

Implementing Partners
<ul style="list-style-type: none"> • Ministry of Justice, Ministry of Labour and Social Welfare, Mediation Centre of Montenegro

Programme/Project Cost (US\$)	
MPTF/JP Fund Contribution:	90,802 \$ (2010 funds)
• <i>by Agency (if applicable)</i>	
Agency Contribution	
• <i>by Agency (if applicable)</i>	
Government Contribution <i>(if applicable)</i>	
Other Contributions (donors) <i>(if applicable)</i>	
TOTAL:	90,802 \$

Programme Duration (months)	
Overall Duration <i>(months)</i>	17
Start Date ³ <i>(dd.mm.yyyy)</i>	21/06/2010 *received on 20/07/2010
End Date (or Revised End Date) ⁴	31/12/2011
Operational Closure Date ⁵	31/12/2011
Expected Financial Closure Date	31/12/2011

Final Programme/ Project Evaluation
Evaluation Completed
<input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____
Evaluation Report - Attached
<input type="checkbox"/> Yes <input type="checkbox"/> No

Submitted By
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¹ The term “programme” is used for programmes, joint programmes and projects.

² Priority Area for the Peacebuilding Fund; Sector for the UNDG ITF.

³ The start date is the date of the first transfer of the funds from the MPTF Office as Administrative Agent. Transfer date is available on the [MPTF Office GATEWAY](#).

⁴ As per approval by the relevant decision-making body/Steering Committee.

⁵ All activities for which a Participating Organization is responsible under an approved MPTF programme have been completed. Agencies to advise the MPTF Office.

FINAL PROGRAMME REPORT

I. CHILD PROTECTION-JUVENILE JUSTICE SYSTEM REFORM

a. Provide a brief introduction to the programme/project (one paragraph).

The Government of Montenegro has been implementing a comprehensive juvenile justice system reform which has achieved a commendable progress so far and has driven the Government's agenda to continue the reform process. Thanks to UN Country Fund the reform process is being further supported towards improved harmonization of the juvenile justice system with relevant international standards. The Government of Montenegro and UNICEF were in a position to ensure continuation of the process of comprehensive reform that started in 2004 with technical assistance of UNICEF and financial support of SIDA (2004-2007) and European Union (2008-2010). UN Country funds were supposed to be used primarily for operationalization of Juvenile Justice Law by developing a core secondary legislation, introduction of an analytical and consistent processing of data on juveniles in conflict with the law and fostering implementation of alternative measures for children/juveniles in conflict with the law. While significant efforts have been made in promoting alternatives to criminal prosecution, further action was required to increase their practical application and raise awareness of juvenile justice professionals on the benefits of alternative measures for juveniles. To that end, assistance was also required in creating all necessary preconditions for the implementation of such measures, especially Victim/Offender Mediation and Community-based Work for juveniles.

b. Provide a list of the main outputs and outcomes of the programme as per the approved programmatic document

Integrated UN Programme, Democratic Governance Pillar

OUTCOME 2.1: National legislative framework is harmonized with UN, EU and CoE standards and relevant secondary legislation regulating implementation is developed

Specific Outcome 1.: Juvenile Justice Law and relevant secondary legislation adopted

Specific Output 1.1.: Support and technical expertise for finalization of the Juvenile Justice Law and development of secondary legislation provided

OUTCOME 2.2: State and independent institutions with increased capacity to ensure the realization and monitoring of human rights, support empowerment of women, enable equal opportunities for all inhabitants, including access to efficient service delivery, through a transparent system of public administration at national and local level

Specific outcome 2: Juvenile Justice Data collection and management process improved

Specific Output 2.1.: Technical expertise for improvement of Juvenile Justice Data collection and management process provided

Specific outcome 3: Alternatives to criminal prosecution and institutionalization implemented

Specific Output 3.1.: Support to promotion and implementation of Victim/Offender Mediation for and Community Based Work provided

c. Explain how the Programme relates to the Strategic (UN) Planning Framework guiding the operations of the Fund

This component of the Integrated UN Programme aims to contribute to the achievement of the first Outcome of the Democratic Governance Pillar, namely *National legislative framework is harmonized with UN, EU and CoE standards and relevant secondary legislation*, through the alignment of juvenile justice related legislation with relevant international instruments, primarily UN CRC, and the second Outcome: *State and independent institutions with increased capacity to ensure the realization and monitoring of human rights, support empowerment of women, enable equal opportunities for all inhabitants, including access to efficient service delivery, through a transparent system of public administration at national and local level* through improvement of Juvenile Justice Data collection and management system and capacity building of professionals ranging from judiciary, police and social welfare sector for increased application of alternatives to criminal prosecution and institutionalization of children in conflict with the law.

d. List primary implementing partners and stakeholders including key beneficiaries.

The main implementing partner is the Ministry of Justice of Montenegro.

Additional implementing partners contributing to the implementation in the form of specific activities are the following:

- Ministry of Labour and Social Welfare
- Ministry of Interior
- Office of the Supreme State Prosecutor of Montenegro
- Supreme Court of Montenegro
- Police Directorate of Montenegro
- Centres for Social Welfare
- Basic and Higher Courts and Prosecutor`s Offices
- Police Directorate
- Centre for Mediation
- Union of municipalities
- Institute for Employment
- Civil society organizations

Key beneficiaries are children in conflict with the law, juvenile justice professionals and respective policy makers.

II. ASSESSMENT OF PROGRAMME/ PROJECT RESULTS

a. Report on the key outputs achieved and explain any variance in achieved versus planned results.

This Project was primarily designed to support creation of pre-conditions for effective implementation of Juvenile Justice Law which was planned to be adopted by the Parliament of Montenegro in the last quarter of 2010. However, various developments redirected Government`s priorities in 2010, including the obligations of the Ministry of Justice vis a vis key issues to be

addressed in the EU accession process and in particular Action Plan for Montenegro's accession to European Union. More importantly, the Ministry of Justice brought a decision to invest further work in the process of finalization of the Draft Juvenile Justice Law and its alignment with relevant international instruments. As a result the Government of Montenegro postponed the process of adoption of the Juvenile Justice Law for the second quarter of 2011. This fact has had an important impact on implementation of project activities as the process of development of secondary legislation and improvement of juvenile justice related databases was closely linked to and conditioned by the process of finalization and adoption of Juvenile Justice Law (in particular in terms of final legal definitions and solutions the law will prescribe). In the same time and in accordance with the plan, other activities were implemented in cooperation with the Ministry of Justice, Ministry of Labour and social Welfare, Mediation Centre, courts, prosecutors' offices and centres for social welfare aimed at promotion of implementation of alternatives to criminal prosecution, i.e. victim/offender mediation and community based work for juveniles in conflict with the law.

As a result of common efforts and commitment, the project partners have undertaken the following activities and achieved the following key results during the period of implementation of the project:

1. The Juvenile Justice Law (Treatment of Juveniles in Criminal Proceedings Act) has been finalized, aligned with relevant international standards and adopted by the Parliament of Montenegro in December 2011;
2. Application of alternative measure/educational order of Victim/Offender Settlement has been broadly promoted through implementation of the comprehensive project on promotion of application of Victim/Offender Mediation for Juveniles in conflict with the law: Project was developed in cooperation with the Ministry of Justice and Montenegro's Mediation Centre and implemented in 4 municipalities in Montenegro selected on the basis of the highest prevalence of juvenile crime and has achieved the following results:
 - The capacities of judges and prosecutors to increase application of Victim/Offender Mediation for juveniles in conflict with the law have been increased in particular in 4 municipalities selected for the implementation of the project (Bar, Bijelo Polje, Podgorica, Niksic);
 - Application of Victim/Offender Mediation for Juveniles as an alternative dispute resolution method gradually increased: 60 Victim/Offender Mediation for juveniles have been conducted from the beginning of the project by the end of 2011;
 - Children in conflict with the law and their rehabilitation and reintegration in society have been supported through increased usage of peaceful conflict resolution techniques, namely 100 children passed through V/O Mediation process and no case of recidivism was registered;
 - Victims of crime and their rehabilitation have been also supported through increased usage of peaceful conflict resolution techniques;
 - In order to promote and present the important results achieved that place Montenegro in a group of few countries with the best model practices in this area the Regional Conference was held in November 2011 in Montenegro. The Conference gathered participants, juvenile justice professionals from Croatia, Serbia, Macedonia, Kosovo, Bosnia and Herzegovina and Montenegro.
3. In order to enable application of child friendly hearing procedures the audio equipment was purchased and installed for the purposes of functioning of the one-way glass partition in the Mediation Centre's Bijelo Polje Branch Office, which is the only location in Montenegro which poses such equipment;
4. Educational order of Community Based Work for Juveniles in conflict with the law has been promoted and piloting has started in the two selected municipalities: Niksic and Bijelo Polje. In partnership with the Ministry of Justice of Montenegro and the Ministry of Labour and Social Welfare a Study visit was organized for professionals from the two selected municipalities (judges, prosecutors, social workers) with the aim of introduction of selected professionals

with Slovenian experience in implementation of educational order/alternative measure of Community Based Work for juveniles in conflict with the law. The overall objective of the study visit was to learn from the practice and experience of the Slovenian Juvenile Justice System, and to enable exchanging of experience, knowledge and lessons learned with Slovenian colleagues in order to foster implementation of this alternative measure. The participants used acquired knowledge and skills in supporting the processes of creation of necessary preconditions for implementation of educational order of Community Based Work in their local communities firstly by development of necessary regulations, forms and establishment of an agreement with potential organizations where proposed measure may be implemented.

5. The Centre for Children and Family Support-Mediation Branch Office in Bijelo Polje was supported in the process of development of Local Plan of Implementation of Community Based Work for Juveniles which defines practical implementation and strengthening of inter-sectoral cooperation in the implementation of community based work for juveniles among all local stakeholders – judges, prosecutors, social workers, representatives of institutions and organization where the measure could be implemented, etc.

b. Report on how achieved outputs have contributed to the achievement of the outcomes and explain any variance in actual versus planned contributions to the outcomes. Highlight any institutional and/ or behavioural changes amongst beneficiaries at the outcome level.

Achieved outputs have contributed to a great extent to the achievement of planned outcomes and have provided important contribution for bringing juvenile justice system in line with relevant international standards.

Although the project was designed to concentrate on the operationalization of Juvenile Justice Law, after Government`s decision to postpone the process of adoption of the Law and continue the process of its harmonizing with relevant international standards, the UN Country Funds helped UNICEF to further support the reform, contributing technical assistance to the continued process of finalisation of the Law, and providing continued support to the provision of alternative measures, in particular the use of Victim/Offender Mediation for juveniles (VOM).

Finalization of the Treatment of Juveniles in Criminal Proceedings Act (Juvenile Justice Law), aligned with relevant international instruments and its consequent adoption by the Parliament of Montenegro justified the importance of technical assistance provided to the Ministry of Justice`s working group throughout the almost entire period of project implementation and contributed to the achievement of the 1st outcome.

Also, very high rate of juvenile justice cases diverted from regular court procedures to application of alternative measures, primarily Victim/Offender Mediation for Juveniles, namely 60 cases for period of one year, from which directly benefited more than 100 children in conflict with the law, contributed to the achievement of planned outcome of increased application of alternatives to criminal prosecution and institutionalization of children in conflict with the law. This fact is particularly worth when consider that no cases of diversion of children to application of V/O Mediation was registered prior the project started although necessary legal and administrative preconditions were set through previously implemented juvenile justice system reform initiatives.

Such achievement definitely represents the major institutional and behavioural change achieved amongst various juvenile justice professionals: police, judges, prosecutors who realized the importance of diverting the juvenile from formal proceeding and providing him/her with the second chance each child deserves.

However, there were also several variations introduced. Major variations from the project plan were managed in consultation with key partners. The project has introduced an important change as a result of Ministry of Justice`s decision to postpone the process of development of secondary legislation till integration of final MoJ`s inputs into the draft Law and parliament`s adoption of Juvenile Justice Law

(Treatment of Juveniles in Criminal Proceedings Act). The sources allocated for this activity were agreed to be used for supporting the process of finalization of the law, consequent development of secondary legislation and development of a handbook on application of alternatives which will compile all necessary templates and forms for its facilitated implementation by juvenile justice professionals. Also, despite the Government's commitment to the reform process, due to intensive Government agenda in relation to the EU accession process and other related activities it was difficult to ensure implementation of the project in accordance with originally planned timeline. In addition the full implementation of alternative measures/educational orders for juveniles (especially educational orders of Victim/Offender mediation and community-based work for juveniles) was challenging and required additional efforts.

c. Explain the overall contribution of the programme to the Strategy Planning Framework or other strategic documents as relevant, e.g.: MDGs, National Priorities, UNDAF outcomes, etc.

All strategic programming documents highlight the need for reform in the Justice sector and strengthening of the rule of law principle. The European Partnership (EP) was adopted following the independence of Montenegro in June 2006. The EP stresses the need to strengthen judiciary independence, rationalize the court system, modernize proceedings and improve administration, provide adequate and sustainable financing for the judicial system. Within the framework of political criteria specific attention will be given to good management, justice reform, strengthening and implementation of the rule of law. The SAA states, under Article 80, that in their co-operation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law, law enforcement and the administration of justice in particular. The article stresses that co-operation will aim at strengthening the independence of the judiciary and improving its efficiency.

National Programme for Integration of Montenegro to The European Union (2008-2012) contains a specific sub-chapter on Children's Rights under the section 'Political Criteria'. This marks a major breakthrough in efforts to put children at the heart of the accession process, bearing in mind that the NPI is a key strategic document for defining the five-year timetable of the EU accession process. Implementation of a comprehensive reform of juvenile justice system, including the adoption of a special Law on Juvenile Justice and establishment of the specialized departments for conducting procedures towards juveniles has been set as one of Mid-term Priorities within the NPI.

Judiciary Reform Strategy (2007 2012) was adopted by the Montenegrin Government in June 2007. The Strategy defines main objectives of the further judiciary reforms for the following five-year period. Key objectives of the reforms are: strengthening of independence, efficiency and availability of judiciary, reform of the Juvenile Justice system, and the increase of the public confidence in the judiciary. The Action Plan for implementation of the Judiciary Reform Strategy envisages specific measures that should be undertaken for the implementation of these objectives and responsible bodies and implementation deadlines. The Action Plan for the implementation of the Judiciary Reform Strategy indicates the following objectives: Independence and autonomy of the judiciary system, strengthening of the public's confidence in the judiciary system, staff education in the judiciary organisations, strengthening of the international and regional cooperation, alternative methods of dispute resolution, juvenile justice system reform, fight against crime, and namely corruption, terrorism and organised crime, strengthening of human capacities, the penitentiary system, launch and use of the judiciary information system PRIS. The Action Plan for the implementation of the reform of Judiciary highlights the need to combat corruption at national and local level and through an inter-agency cooperation between judicial bodies and other institutions. The Action Plan stipulates also the need to foster the participation of CSO. Adoption of the Strategy for Reform of Child and Social Protection 2008-2012 and a so-called innovative Strategy on Poverty Reduction and Social Exclusion (an update of the PRSP) set the national development priorities and the achievable goals contributing to poverty reduction, by integrating the social, macroeconomic and structural elements and identifying the instruments for

measuring progress towards those goals.

This component of the Integrated UN Programme aims to contribute to the achievement of the first Outcome of the Democratic Governance Pillar, namely National legislative framework is harmonized with UN, EU and CoE standards and relevant secondary legislation, through the alignment of juvenile justice related legislation with relevant international instruments, primarily UN CRC, and the second Outcome: State and independent institutions with increased capacity to ensure the realization and monitoring of human rights, support empowerment of women, enable equal opportunities for all inhabitants, including access to efficient service delivery, through a transparent system of public administration at national and local level through improvement of Juvenile Justice Data collection and management system and capacity building of professionals ranging from judiciary, police and social welfare sector for increased application of alternatives to criminal prosecution and institutionalization of children in conflict with the law.

d. Explain the contribution of key partnerships and collaborations, and explain how such relationships impact on the achievement of results.

The Ministry of Justice has been successfully leading and coordinating the reform process and has been invited to provide directions for the overall reform process. The same approach has been used with other partners, primarily the Ministry of Labour and Social Welfare in charge for the establishment of preconditions for implementation of alternative measure of community based work for juveniles. Mediation Centre of Montenegro and its Branch Office in Bijelo Polje have provided particularly important contribution and significant efforts to the promotion and implementation of Victim/Offender Mediation and Community based work for juveniles. These activities considered high level of inter-sectoral cooperation and participation of broad range of juvenile justice professionals-representatives of police, courts and prosecutors` offices and social sector`s representatives in regular meetings carefully maintained by Montenegro`s Mediation Centre.

e. Who have been the primary beneficiaries and how they were engaged in the programme/project implementation? Provide percentages/number of beneficiary groups, if relevant.

Direct target beneficiaries of the Project are juvenile justice professionals: judges, prosecutors (increased capacities of judges and prosecutors to divert the cases to the implementation of Victim/Offender Mediation for juveniles in conflict with the law; reduction of the number of cases on the docket) and indirect beneficiaries are juveniles in conflict with the law and their families (improved rehabilitation and re-socialization of juveniles, increased juvenile responsibility and accountability, avoidance of stigma, higher involvement of families in support to juveniles), then victims of crime (rehabilitation of the victim and increased satisfaction with the results of peaceful conflict resolution methods), and mediators themselves – (affirmation of mediation practice and performance of a useful social activity) as well as society as a whole – (promotion of a culture of dialogue).

f. Highlight the contribution of the programme on cross-cutting issues pertinent to the results being reported.

The Project was focused to strengthening partnership among relevant ministries through coordinated inter-sectoral work and supporting ownership of the project by its stakeholders. UNICEF has also paid particular attention to securing coordinated assistance with other UN agencies, in the area of justice system reform and more particularly in relation to promotion and implementation of peaceful conflict resolutions techniques. The successful approach of UNDP office applied in promotion of the mediation technique in civil matters through organization of the days of mediation in selected basic courts in Montenegro has been used as the main strategy for promotion of implementation of V/O mediation for juveniles.

g. Has the funding provided by the MPTEF/JP to the programme been catalytic in attracting funding or other resources from other donors? If so, please elaborate.

The important progress has been made through the implementation of Delivering as One Initiative, much because of concerted partnership efforts between the Government of Montenegro and UNICEF. However, the continued support is needed before crucial components of the system can fully comply with international standards and before professionals in relevant spheres have the resources and capacity to fully implement the provisions of the new Treatment of Juveniles in Criminal Proceedings Act. The new Act, adopted in December 2011, provides the legal framework for a comprehensive, rights-based system of juvenile justice in Montenegro and adaptations of general mainstream system for children victims and witnesses of crime. Therefore the Ministry of Justice nominated Juvenile Justice for continued assistance through EU IPA 2011 funds and the European Union decided to support continuation of the reform process. The future action aim to contribute to the implementation of that system in Montenegro by improvement of the skills and knowledge of professionals working directly with children in conflict with the law, children demonstrating anti-social behaviour and children victims and witnesses of crime and broad capacity building of professionals to apply international standards and norms in work with children victims and witnesses of crime.

- h. Provide an assessment of the programme/ project based on performance indicators as per approved project document using the template in Section IV, if applicable.**

III. EVALUATION & LESSONS LEARNED

- a. Report on any assessments, evaluations or studies undertaken relating to the programme and how they were used during implementation. Has there been a final project evaluation and what are the key findings? Provide reasons if no evaluation of the programme have been done yet?**

The External Evaluation of Juvenile Justice System Reform Project implemented by the Government of Montenegro with technical assistance of UNICEF and financial assistance of European Union in the period from 2008-2010 provided important recommendations for conceptualization of this initiative.

- b. Explain, if relevant, challenges such as delays in programme implementation, and the nature of the constraints such as management arrangements, human resources, as well as the actions taken to mitigate, and how such challenges and/or actions impacted on the overall achievement of results.**

Major variations from the project plan were managed in consultation with key partners. The project has introduced an important change as a result of Ministry of Justice's decision to postpone the process of development of secondary legislation till integration of final MoJ's inputs into the draft Law and parliament's adoption of Juvenile Justice Law. The sources allocated for this activity were agreed to be used for supporting the process of finalization of the law and fostering of application of alternative measures for children in conflict with the law. Also, despite the Government's commitment to the reform process, due to intensive Government agenda in relation to the EU accession process and other related activities it was difficult to stick to the project timeline. Although the Ministry of Justice committed to finalize the law in the second quarter of 2011 and to start the process of development of secondary legislation immediately after the Law has been adopted in December 2011 and the process of secondary legislation has been postponed. On the basis of request of the Ministry of Justice the funds were used as an additional injection for fostering the process of application of alternative measures. The full implementation of alternative measures/educational orders for juveniles (especially educational orders of Victim/Offender mediation and community-based work for juveniles) was challenging and required additional efforts. Due to renewed circumstances and changed priorities the main partners proposed twice the change in the project content and schedule. Nevertheless, there is a common understanding the important results have been achieved and the best usage of funds applied which drawn the path for further reform process.

c. Report key lessons learned that would facilitate future programme design and implementation, including issues related to management arrangements, human resources, resources, etc.,

Strong partnership cultivated between the key project partners, combined with intensive inter-sectoral cooperation and clear commitment towards the reform process represents a strong basis for continuation of the reform process. Also, the ability of the project partners to effectively adapt to changed circumstances and ensure continuity in the reform process proved to be an important segment of the project. This is particularly important because of the intensive efforts invested in the EU accession process which brings new challenges almost on a daily basis. This project also highlighted the importance of inter-sectoral cooperation translated in the concrete results of significant increase in application of alternatives measures for juveniles in conflict with the law.

IV. INDICATOR BASED PERFORMANCE ASSESSMENT

	Performance Indicators	Indicator Baselines	Planned Indicator Targets	Achieved Indicator Targets	Reasons for Variance (if any)	Source of Verification	Comments (if any)
Outcome 1: Juvenile Justice Law and relevant secondary legislation adopted							
Output 1.1 Support and technical expertise for finalization of the Juvenile Justice Law and development of secondary legislation provided	Treatment of Juveniles in Criminal Proceedings Act aligned with international standards and adopted by the Parliament of Montenegro	Nonexistence of separate legislation on Juvenile justice	-Law adopted by the Parliament of MNE;	Target fully achieved		-Official Gazette of Montenegro No. 64/2011	
	Bylaws developed and adopted		-Bylaws developed		The process postponed until the adoption of the Law		
Outcome 2: Juvenile Justice Data collection and management process improved							
Output 2.1. Technical expertise for improvement of Juvenile Justice Data collection and management process provided	Juvenile Justice Data collection and management process improved				The process postponed until the adoption of the Law		

Outcome 3: Alternatives to criminal prosecution and institutionalization implemented							
Output 3.1 Support to promotion and implementation of Victim/Offender Mediation for and Community Based Work provided	% of increase of application of alternative measures for juveniles in conflict with the law	7 alternative measures imposed (mainly educational order of mandatory attendance of school)	30 % of increase in application of alternative measures	60 cases of application of Victim/Offender Mediation achieved, almost 100 % increase; Plan of Implementation of alternative measure of Community Based Work in selected municipality adopted.		-Reports of the Ministry of Justice; -Reports of the Ministry of Labour and Social Welfare; -Reports of Montenegro`s Mediation Centre	
	Number of JJ professionals educated for application of alternative measures	Basic education on international standards of work with children in conflict with the law provided to majority of JJ professionals	JJ professionals educated to apply alternative measure, primarily V/O Mediation and Community Based Work	Regular working sessions of representatives of courts, prosecution, police and social sector organized; more than 100 professionals participated		-Reports of the Ministry of Justice; -Reports of the Ministry of Labour and Social Welfare; -Reports of Montenegro`s Mediation Centre	
	Preconditions for conduction of child friendly hearing	Nonexistence of necessary equipment	Application of child friendly hearing procedure	Audio-visual equipment provided; child friendly hearing procedure		-Reports of the Ministry of Justice; -Reports of the Ministry of	

	procedure established in at least one location in MNE		enabled in at least one municipality in Montenegro	enabled in selected location		Labour and Social Welfare; -Reports of Montenegro's Mediation Centre.	
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