



[INSERT NAME OF MPTF/JOINT PROGRAMME]
FINAL PROGRAMME¹ NARRATIVE REPORT

Programme Title & Project Number

- Programme Title: Democratic Governance Pillar
- Programme Number (if applicable):
- MPTF Office Project Reference Number: 00075497

Country, Locality(s), Thematic Area(s)²

(if applicable)

Country/Region

Montenegro

Thematic/Priority

Democratic Governance

Participating Organization(s)

- Organizations that have received direct funding from the MPTF Office under this programme

Implementing Partners

- National counterparts (government, private, NGOs & others) and other International Organizations
Ministry of Justice, Center for Mediation, Courts

Programme/Project Cost (US\$)

MPTF/JP Fund Contribution:

- *by Agency (if applicable)*

Agency Contribution

- *by Agency (if applicable)*

Government Contribution
(if applicable)

Other Contributions (donors)
(if applicable)

TOTAL:

Programme Duration (months)

Overall Duration –

Six months (*months*)

Start Date³

September 2010

End Date (or

Revised End

Date)⁴20 March

2011

Operational Closure

Date⁵22 March 2011

Expected Financial

Closure Date

Final Programme/ Project Evaluation

Evaluation Completed

Yes No Date: _____

Evaluation Report - Attached

Yes 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.

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Guidelines:

The Final Programme Report should be provided after the completion of the activities in the approved programmatic document and provide information on the overall results of the programme including the final year of the activities. Building on continued efforts made in the UN system to produce results-based reports, the report should demonstrate how the outputs collectively contributed to the achievement of the agreed upon outcomes of the Strategic (UN) Planning Framework guiding the operations of the Fund.

In support of the individual programme reports, please attach any additional relevant information and photographs, assessments, evaluations and studies undertaken or published.

The information contained in the Quarterly Updates and Annual Progress Reports prepared by the Participating Organizations may be useful in the preparation of the Final Narrative Report and are available on the MPTF Office GATEWAY (<http://mdtf.undp.org/>).

Formatting Instructions:

- The report should not exceed 10-15 pages.
- Number all sections and paragraphs as indicated below.
- Format the entire document using the following font: 12point _ Times New Roman and do not use colours.
- The report should be submitted in one single Word or PDF file.
- Annexes can be added to the report but need to be clearly referenced, using footnotes or endnotes within the body of the narrative.
- Do not change the Names and Numbers of the Sections below.

FINAL PROGRAMME REPORT

I. PURPOSE

- a. Provide a brief introduction to the programme/ project (*one paragraph*).
UNDP Montenegro launched the project „Strengthening the capacities of the Center for Mediation and Promotion of Alternative Sanctions“ in the aim of reinforcing the rule of law in Montenegro by means of providing better access to justice, decreasing backlog of court cases and strengthening human rights’ observance through the provision of larger number of opportunities for pursuing justice and reducing the number of prison sentences. This goal is to be realized by means of the development of alternative dispute resolution tools, with an emphasis on the institute of mediation and promotion of alternative sanctions, as well as through strengthening the capacities of the Center for Mediation, as an institution in charge of the service delivery in this field. This goal will be achieved through the adoption of the amended Law on Mediation and its implementation, development of the capacities of the Mediation Center and its territorial units in Bijelo Polje and Kotor as well as training of future mediators. The emphasis will be placed on the long-term sustainability of these institutes. Public awareness campaign on the benefits of the wider usage of alternative dispute resolution tools, with an emphasis on mediation as well as of alternative sanctions is to be conducted.
- b. Provide a list of the main outputs and outcomes of the programme as per the approved programmatic document.

The implementation of the project started in September 2010 and was finished in March 2011. It **significantly contributed to the realization of two, out of four expected Results, as defined in UNAWP 2010** Priorities for Expanded Funding Window (EFW), i.e. - Result 1: Law on Mediation amended and Management capacities upgraded of the Center for Mediation’s staff and the coordinators in Bijelo Polje and Kotor; Result 2: Center for Mediation’s capacities strengthened to initiate, develop and implement projects and build long-term partnerships. Firstly, as regards drafting new Law on mediation, the preparatory work has been completed through the creation of the Situation analysis on mediation in Montenegro, whose recommendations will be used by the Working group of the Ministry of Justice that is to be tasked with the Law’s drafting. As to the capacities of the Center for Mediation, the Programme engaged three Consultants, two of them working in the Center for Mediation in Podgorica and one of them in its territorial unit Bijelo Polje. Two study visits to the institutions dealing with alternative dispute resolution tools in Slovenia and Norway were organized for the staff of the Center and several practitioners in the field of ADR with the objective of increasing their professional ability in this area. A lot has been done for raising awareness on the institute of mediation, among other things through the redesign of the official website of the Center for Mediation and IT equipment was also provided for the engaged Consultants and transferred to the Center’s ownership, all in the aim of capacity building. With the view of increasing management capacities and in accordance with the project document, the Director of the Mediation Center attended the intensive Leadership training in Belgrade, 22-23 March 2011, supported through the project.

- c. Explain how the Programme relates to the Strategic (UN) Planning Framework guiding the operations of the Fund.
Mediation project is specifically mentioned in the **Integrated UN Programme, Results and Budgetary Framework (2010 – 2015)** for Montenegro. The project is listed under the Outcome 2.2 of the document - 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.

The project received UN Country Fund allocations due to the fact that the realization of its main objective significantly contributed to the achievement of the above **Outcome**. Namely, UNDP Montenegro launched the project „Strengthening the capacities of the Center for Mediation and Promotion of Alternative Sanctions“ in the aim of reinforcing the rule of law in Montenegro by means of providing better access to justice, decreasing backlog of court cases and strengthening human rights’ observance through the provision of larger number of opportunities for pursuing justice and reducing the number of prison sentences.

The project was implemented *by* the **UNDP Rule of Law and Human Rights Programme**, in cooperation with the Ministry of Justice of Montenegro, Center for Mediation and Supreme Court. UNDP Project Management Unit (PMU) sits at the Ministry and acts as a link between the partners, creates the project implementation plan, conducts the distribution of activities among the partners, provides the administrative and technical support to the activities’ implementation and performs monitoring and assessment whether they are in accordance with the previously created plans.

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

Key partnerships are the Center for Mediation and Ministry of Justice. The project activities are realized in cooperation with the governmental institutions, namely the Ministry of Justice, Mediation Center, Supreme Court in Montenegro. All the project activities, such as the adoption of the amended Law on Mediation and infrastructure building are aimed at enhancing access to justice for all citizens and disburdening courts. Therefore, the project outputs will remain within the aforementioned public institutions for future usage in the best interest of the target groups.

As far as the scope of beneficiaries is concerned, the project’s target group was the general public, since enhancing access to justice for all is one of the main challenges for Montenegro according to all relevant international reports. In the light of this objective, the project has a positive impact on **gender equality**, especially regarding family law cases. In **divorce cases**, Family law provides for a **mandatory referral to mediation** and given that women are in a financially worse position than men as per statistics, mediation will enable them to exercise their rights. These elements create the conditions for a better protection of women’s rights in family disputes, which is as such a significant objective. Implementation of the Law so far would be analyzed in terms of how it has worked in practice and if there is a room for improvement, what specifically needs to be improved in the Law to ensure **gender balanced and sensitive treatment in family law cases**. It should be noted that more than 50% of divorce cases referred to mediation so far were resolved.

II. ASSESSMENT OF PROGRAMME/ PROJECT RESULTS

- a. Report on the key outputs achieved and explain any variance in achieved versus planned results.
- The project contained five components and these are: 1. Drafting changes and amendments to the Law on Mediation; 2. Strengthening the capacities of the Center for Mediation of Montenegro; 3. Training of future national mediators; 4. Public awareness campaign and 5. Promotion of alternative sanctions. The direct beneficiary of the project is the Center for Mediation (CfM), while indirect beneficiaries are all inhabitants of Montenegro, having in mind that with the development of alternative dispute resolution tools and alternative sanctions, their human rights – right to access to justice and right to freedom will be observed to the higher extent.
 - The project document was successfully defended before the UNDP Project appraisal

committee that approved the project's realization in the planned period (September 2010 – December 2012).

- Three Local consultants were engaged at the beginning of the project's implementation in order to work on a full-time basis in the Mediation Center in Podgorica (2 Consultants), as well as in its territorial unit in Bijelo Polje (1 Consultant) and IT equipment for their work was provided and transferred to the Center's ownership (3 laptops).
 - Support to conducting a **Situation analysis on the current legal framework in the field of mediation** in Montenegro as well as on the provision of mediation services in practice and institutions dealing with this issue was provided in terms of engagement of two National consultants who produced this document, according to the guidelines received from the Ministry of Justice of Montenegro. International consultant was subsequently engaged in order to review and complement the created Situation Analysis and to provide expert advice and recommendations to the Working group of the Ministry of Justice for the forthcoming process of drafting a new Law on mediation.
 - **Public information campaign** on alternative dispute resolution tools, with the emphasis on the institute of mediation was initiated, in the scope of which the **first regional Conference of the Ministers of Justice on Mediation** was held on 1 December 2010. The Conference hosted the representatives from Serbia, Bosnia and Herzegovina, Croatia, Macedonia, Albania and Kosovo. This was the first Conference of the Ministers of Justice from the region ever held in Montenegro. The Conference was jointly organized by the Ministry of Justice of Montenegro, UNDP, Center for Mediation and IFC. It was positively evaluated by all the participants as a huge contribution to the further development and promotion of mediation, for which reinforcing regional cooperation is an essential precondition. The **Declaration on promotion of alternative dispute resolution and cooperation in this field** was concluded. RLHRP will support the Ministry of Justice in publishing a **newsletter on the held Conference**.
 - Study visits to Norway and Slovenia on the institute of mediation were organized in the period of, respectively, 24 – 28 October and 12 – 15 December, 2010. The participants in the held study visits were the Director of the Center for Mediation, Local Consultants as well as certain renowned practitioners in this field. They visited the Centers for Mediation in these two selected countries, along with all the relevant institutions dealing with ADR in the aim of exchanging experiences and lessons learnt. The outcomes and impressions from the visits were positive.
 - Two International consultants to assist the Ministry of Justice of Montenegro in revising the drafted changes and amendments to the Law on enforcement of criminal sanction were engaged. The experts were in charge of providing recommendations and practical guidelines for future **development and improvement of alternative sanctions** defined in the scope of the Law on enforcement of criminal sanctions and their implementation, as well as of presenting an overview of the best practices and regional experiences regarding alternative sanctions.
 - A Consultant was engaged in order to redesign already existing official **website** of the Center for Mediation and make it more responsive to clients' needs for the purpose of better transparency and high-quality promotion of this institute. The required task was completed in a satisfactory manner.
- 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.

This project of the DG pillar aims to contribute to the achievement of the second Outcome, namely, *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.*

The project received UN Country Fund allocations due to the fact that the realization of its main objective significantly contributed to the achievement of the above **Outcome**. Namely, UNDP Montenegro launched the project „Strengthening the capacities of the Center for

Mediation and Promotion of Alternative Sanctions“ in the aim of reinforcing the rule of law in Montenegro by means of providing better access to justice, decreasing backlog of court cases and strengthening human rights’ observance through the provision of larger number of opportunities for pursuing justice and reducing the number of prison sentences. This goal is to be realized by means of the development of alternative dispute resolution tools, with an emphasis on the institute of mediation and promotion of alternative sanctions, as well as through strengthening the capacities of the Center for Mediation, as an institution in charge of the service delivery in this field, which is the highlight of the above Outcome. Beside the Center for Mediation in Podgorica, the conducted capacity development efforts also covered its territorial units in Bijelo Polje and Kotor, along with the training of future mediators through study visits to the countries where this institute is firmly established. The emphasis is placed on the long-term sustainability of these institutes. Public awareness campaign on the benefits of the wider usage of alternative dispute resolution tools, with an emphasis on mediation is conducted through design and printing of information brochures and leaflets and their distribution in all the Basic courts in the country and the organization of the first Ministerial conference on mediation ever held in Montenegro. It should be emphasized that the project significantly contributes to the realization of the **priority national development goal**, described in the section VII of the Action plan for the implementation of the Strategy for the reform of judiciary (2012-2017), on the topic of Alternative dispute resolution. This section lists some crucial priorities for the development of ADR, some of which are addressed through the project: mediation pilot programme in Podgorica Basic court, analysis of its results and further application on the national level (realized through our GRANT to the Center for Mediation); strengthening the capacities and human resources of the national Mediation Center; trainings of mediators and public awareness campaign for raising citizens’ knowledge on ADR; provision of technical assistance to the Center in terms of drawing up and printing manuals, leaflets, etc.; analysis of the harmonization of regulations with new international standards and practice (through the created Situation analysis), etc. Furthermore, some of the defined priorities are yet to be realized in the course of 2011 and 2012, and these are: establishment of database for keeping records on the conducted mediation procedures, their types and efficiency, appointed mediators, etc. as well as further mediation seminars for judges, lawyers and newly appointed mediators. This information clearly shows that all the project activities are carefully planned in accordance with the Strategy and Action plan for the reform of judiciary (2007-2012), which serves as a roadmap for all the rule of law reforms in the country.

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

Considerable support in the project’s realization has been provided by the **Ministry of Justice**, as a strategic leader and policy adviser in this area. In the aim of preparing the ground for changes and amendments to the Law on mediation or drafting of the new Law on mediation which is to be decided, Situation analysis in the field of mediation in Montenegro has been conducted by one international and two national consultants, who worked in a close cooperation with the Ministry’s staff. Furthermore, the findings and recommendations from this Analysis will be used in drafting the new Law. Additionally, the Ministry was involved in drafting of the Report with recommendations for creating new normative and organizational framework for the establishment of alternative sanctions system in Montenegro, in cooperation with two international consultants engaged by UNDP. Changes and amendments of the Law on the execution of criminal sanctions were recommended through this Report and subsequently adopted by the Government and Parliament.

The **Center for Mediation** is a non-profit institution which informs citizens and interested parties about mediation and planned activities with regard to the development of this institute. To that extent, the Center organizes and carries out activities geared towards specialization of

mediators and their continuous training. The regular activities of the Center are: provision of technical support with regard to the implementation of mediation procedures; record keeping on successfully completed mediations; public promotion of mediation; organization of trainings for mediators and issuing certificates after the completion of trainings for persons who have successfully passed them and maintaining the register of these persons; issuing brochures and publications for the training of mediators and other reference literature regarding mediation. Mediations are carried out in the premises of the Center.

UNDP engaged three Consultants who provide support to the Center for Mediation in conducting the above mentioned regular activities as well as project activities, two of them working in Podgorica and one of them in the territorial unit in Bijelo Polje. The cooperation between the Center and UNDP was particularly fruitful in the areas of training, such as the organization of the study visits and promotion, such as the redesign of the Center's website, publishing of leaflets and brochures on the institute of mediation and organization of the Ministerial conference, bearing in mind that these are the areas where this institution has the most abundant and relevant experience.

- 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.

As mentioned above, the project's target group was the general public, since enhancing access to justice for all is one of the main challenges for Montenegro according to all relevant international reports. In the light of this objective, the project has a positive impact on **gender equality**, especially regarding family law cases. In **divorce cases**, Family law provides for a **mandatory referral to mediation** and given that women are in a financially worse position than men as per statistics, mediation will enable them to exercise their rights. These elements create the conditions for a better protection of women's rights in family disputes, which is as such a significant objective. Implementation of the Law so far would be analyzed in terms of how it has worked in practice and if there is a room for improvement, what specifically needs to be improved in the Law to ensure **gender balanced and sensitive treatment in family law cases**. It should be noted that more than 50% of divorce cases referred to mediation so far were resolved.

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

The positive impact of the project on **human rights** observance is explained above. The project has a positive impact on **gender equality**, especially regarding family law cases. Regarding the provision of mediation services, the project included the component related to training of mediators, regardless of their gender. However, gender sensitivity was taken into consideration as an important factor and it will be reflected through the special mediation database that will be installed. This **database** will provide the possibility to receive **gender disaggregated data** on future mediators who will pass mediation training successfully and will be, therefore, fully capable for the provision of mediation services. Also, the database will be used for obtaining gender disaggregated data on the processed mediation cases.

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

Yes, the project received additional funding from the Government of Norway for its continuation.

- 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?

It is stated in the project document that the external evaluation of the project's impact will be conducted by the relevant agency or organization mandated for this purpose. So far, **the Outcome Evaluation of the Democratic Governance Cluster** within the UNDP CO Montenegro Country Programme 2007 – 2011 was made by **Richard Flaman**, evaluator from FMP, Canada engaged by our office. The final draft of the evaluation was submitted on 11 February 2011 and as regards this project, it contains a short account of its components and appraisal of the most relevant activity conducted in the reviewed period, i.e. the organization of the first Ministerial conference on mediation. As to the most significant findings regarding this area, it should be noted that the evaluator considers alternative dispute resolution mechanisms to be “seen also as an **example of a good practice, based on learning from other country experiences and well integrated with other activities.**”

In the **Commission Opinion on Montenegro's application for membership of the European Union**, the section dealing with the **legal system**, it is stated that the “**regulatory framework also improved with the establishment of a mediation centre** to facilitate simple resolution of commercial disputes”, implying that the institute of mediation is recognized as a successful tool for efficient resolution of disputes and, hence, reduction of court cases backlog, which is one of the main project's objectives.

- 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.

There were **no significant constraints** in the implementation of the project activities so far. As mentioned above, the establishment of mediation database is necessary for the purpose of obtaining qualitative and quantitative data and this task will be challenging, given that the database should be integrated into the existing judicial information system (PRIS) and the possibilities for this undertaking are to be further explored, since it is very expensive to make PRIS fully operational and effective and there is no strategy for this in order to make the activities systematic and consistent. Therefore, the timeframe and financial resources for the completion of the planned activities in terms of database establishment may be an issue.

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

As to the **lessons learnt**, the Programme recognized **the need for quantitative and qualitative indicators** that would be able to show the **impact of the project outputs in practice**. This necessity was also demonstrated through the created Situation analysis on mediation in the country for the purpose of analyzing the present state of affairs and comparing it with the achieved results as the project progresses. Due to this, the Programme set the **establishment of the mediation database** as one of its primary goals in the course of 2011, where the number of cases referred to mediation would be entered, along with the number of resolved and unresolved cases, as well as the number of mediators. The data would be updated regularly, and thus, the Programme would be able to track the concrete impact of the project results in practice in a transparent manner, given that the final objective is the increased usage of mediation by larger number of people. At the moment, the Programme is trying to devise the best modality for this database establishment.

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)
<p>Outcome 1 This project of the DG pillar aims to contribute to the achievement of the second Outcome, namely, <i>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.</i></p>							
<p>Output 1.1 <i>Existing Law on Mediation amended or new Law on mediation adopted and implemented through the development of the capacities of the Center for Mediation and its territorial units</i></p>	Indicator 1.1.1 Existing Law on Mediation amended or new Law on mediation adopted	Existing Law on Mediation provide mediation only in civil cases, mediators provide mediation on voluntary basis	Existing Law on Mediation amended or new Law on mediation adopted in order to provide mediation in civil and criminal cases, mediation services to be paid	Amended Law on mediation in the Parliament procedure			
	Indicator 1.1.2 Capacities of the Center for Mediation and its territorial units strengthen	Weak capacities of the Center of Mediation and its territorial units	To improve managerial capacities in general, to improve and enhance cooperation between the	Capacities of the Center for Mediation and its territorial units strengthen			

			Center, its territorial units and relevant governmental institutional				
Output 1.2 <i>Public awareness and information campaign conducted</i>	Indicator 1.2.1 Information brochures on the mediation services provision created and mediation website updated	Mediation website outdated	Brochures on the mediation services created, mediation website continuously updated	Mediation website continuously updated			
	Indicator 1.2.2						