**United Nations Development Programme**

**Country: Montenegro**

**Project Document**

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| **Project Title** | **Improving the efficiency and accessibility of judiciary through implementation of the Law on legal aid and promotion of mediation** |
| **Expected CP Outcome(s):** | Fostering a democratic society that fully respects, protects and fulfils human rights through rule of law, government transparency and accountability |
| **Expected Output(s):** | **Access to justice improved through strategic planning, functional legal aid system and wider use of mediation** |
| **Implementing Partner:** | Ministry of Justice |
| **Responsible Parties:** | UNDP Montenegro |

**Brief Description:** Objective of this project is to support the implementation of the Law on legal aid and amended Law on mediation through further upgrading of the established system for legal aid provision and developing the Mediation Center's capacities as well as promoting both institutes in Montenegro in order to enable their sustainability and efficient functioning.

YYYY AWP budget: 2012 - 2013

Total resources required 245,098.03 USD (200,000 EUR)

Total allocated resources: 245,098.03 USD (200,000 EUR)

Regular

* Other:
  + Donor Government of Norway (NOR)
  + Donor \_\_\_\_\_\_\_\_\_
  + Donor \_\_\_\_\_\_\_\_\_
  + Government \_\_\_\_\_\_\_\_\_

Unfunded budget:

In-kind Contributions:

Programme Period: September 2012 – Dec 2013

Key Result Area (Strategic Plan): \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Atlas Award ID: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Start date: Sept 1, 2012

End Date Dec 31, 2013

PAC Meeting Date 14 August,2012

Management Arrangements NIM

Agreed by UNDP:

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| Background The Parliament of Montenegro adopted the Law on Legal Aid on the 5th of April 2011, after a comprehensive process which was implemented by the United Nations Development Programme (UNDP) Montenegro, through its two-year project ”Reform of the Legal Aid System in Montenegro – Creating an Effective and Sustainable System of Providing Legal Aid”. The project was supported by the Government of the Netherlands and Government of Norway, while a number of partners have taken part in the project’s implementation and these are: the Ministry of Justice of Montenegro, Montenegrin judiciary / Supreme Court, Bar Association, OSCE, Foundation Open Society Institute, Council of Europe, municipalities, NGOs, etc. After thorough analyses and assesments, a comprehensive drafting process, including all the relevant national and international stakeholders and broad public consultation round, the Law on legal aid was adopted. Fiscal impact analysis of the Law was drafted, so that the Government would have the overview of the expected expenses and their planning in the scope of the state budget. Legal aid offices in Podgorica, Pljevlja and Rozaje were equipped and staff for the provision of legal aid was trained. Implementation of the Law started on the 1st of January 2012.  The project’s impact has been of a high significance for the country, given that, until its adoption, Montenegro was one of the few countries in Europe lacking a specific Law guaranteeing legal aid to its citizens. The costs of legal services remain unaffordable for a significant number of people, especially those who lack employment. Such a situation especially affects women as well as other vulnerable parts of population, i.e. persons with disabilities, among whom unemployment rate is higher in comparison to the other segments of population. Thus, the Law stipulates that the citizens of lesser financial means are entitled to legal aid, hence helping to fulfill the constitutional determination of Montenegro that all citizens must be equal before the court. Besides the benefits which the introduction of the legal aid system brings to the Montenegrin inhabitants, it is to be emphasized that this is a necessity in order to achieve legislative harmonization with the EU standards in this field as one of the conditions for further progression towards the accession to European Union. The country will thus fulfil its obligations under international human rights laws and overcome the problem of a fundamental inequality of citizens in terms of access to justice. If some inhabitants cannot procure legal assistance due to their socio-economic circumstances, the egalitarian protection for all by the rule of law is jeopardized.  As to the mediation, the Law on Mediation in Montenegro was adopted in 2005. In 2008 the Government of Montenegro, represented by the Ministry of Justice, co-established, with the Central Bank of Montenegro and the NGO Association of Mediators of Montenegro the National Mediation Center in the capital Podgorica. In February 2008 the Mediation Center opened territorial units in the northern part of the country in Bijelo Polje and in Kotor, in the southern part of the country. These territorial units act as branches of the National Center for Mediation. In this way the country is covered geographically with regard to ensuring a modern dispute resolution form, annex to the regular court system. Also, with this infrastructure in place, the country is in line with EU policy in relation to ensuring freedom, security and justice. Implementation of alternative dispute resolution so far has shown some progress regarding the institute of mediation, especially owing to the synchronized engagement of the Ministry of Justice and Mediation Center.  As to the UNDP’s interventions in this field, Situation analysis on mediation in Montenegro was performed and it served as a basis for changing and amending the Law on mediation. The Law on Mediation has so far regulated the rules of procedure in civil cases, appointment and dismissal of a mediator, mediation procedure and other issues of importance for mediation, while mediation in criminal matters has been included in legal framework recently through changes and amendments to the existing Law on Mediation, drafted and adopted by the Government in December 2011 and adopted by the Parliament of Montenegro in June 2012. UNDP supported this process by the provision of expertise, as well as through creating Fiscal impact analysis. Fiscal impact analysis of the amended Law on mediation served to the Government as an assessment of decreasing the court proceedings expenses and their comparison with the expected mediation costs. Initial trainings for new mediators were organized and 40 new mediators were appointed. Capacities of the Center for Mediation were strengthened through education and engagement of local consultants. Official website of the Center for Mediation was created, so that the citizens would be able to obtain all information on the provision of mediation services. Additionally, Weeks of mediation were held in the Montenegrin Basic courts and the number of cases resolved through mediation was significantly increased. The first Conference of the Ministers of Justice of the Western Balkans’ countries in Montenegro and the first Regional conference of the Ministers of Justice on mediation was held in 2010. Situation analysis The implementation of the Law on Legal Aid started on 1 January 2012 and in the scope of this process the state authorities are expected to establish legal aid offices in Basic courts throughout Montenegro. Three pilot offices in Podgorica, Rozaje and Pljevlja have already been equipped in three Basic courts and the first legal aid office in Podgorica was opened in November 2011. Legal aid officers in all 15 Basic courts in Montenegro started working as of January 2012, but not all legal aid offices are equipped for operation and legal aid module/database does not exist in any of these offices. Due to the consequences of the financial crisis Montenegro currently does not have enough financial strength to provide full conditions for the implementation of the Law. United Nations, through its ONE UN fund, have provided financial resources with which 2 additional legal aid offices are equipped in the Basic courts in Niksic and Kotor, but for equipping the remaining 10 offices the concern remains whether additional funds will be mobilized. Therefore, the intention of this proposal is to mobilize financial resources for support to the implementation of the Law through the provision of infrastructure in 10 remaining Basic courts, staff training, and establishment of the legal aid module/database that will assist us in monitoring the effectiveness of the implementation of the Law and informing citizens about this institute to ensure outreach of this Law through public awareness campaign.  As to the sustainability of the legal aid system, the Government of Montenegro determined the amount of public budget allocation to support the costs related to operating the system. Since the legal aid officers in all Basic courts in Montenegro started working in January 2012, their salaries are covered by the state budget. According to the Fiscal impact analysis of the Law, the state is supposed to allocate 1,159,200 EUR for the legal aid system’s operation. Additionally, the Law on budget of Montenegro for 2012 stipulates that 8,882,349 EUR will be allocated for the operation of the court administration, while 2,695,000 EUR will be allocated for the work of ex officio lawyers, expert witnesses, court interpreters, etc. It is estimated that 400,000 EUR is allocated for the employees in the legal aid offices out of the first stated amount, while 650,000 EUR is allocated for the work of ex officio lawyers, expert witnesses, court interpreters, etc. assigned for the legal aid cases, out of the latter amount. Thus, the state is paying for the employees in the legal aid offices and for ex officio lawyers who work on the basis of the contractual obligations and will continue to do so in the forthcoming years, which is a guarantee for sustainability.  Legal aid should be closely linked with mediation, and provisions for this have been already made through the legislative framework. In that manner, the promotion of both these institutes would lead to reducing court cases backlog and raising efficiency of judiciary, which are repeatedly identified as the most serious drawbacks in functioning of the Montenegrin judiciary.  Although mediation has taken foot in the country, it is necessary to work on the further promotion of this method of dispute resolution and the creation of conditions for the conduct of mediation proceedings. This will not only significantly contribute to the on-going judicial reform, but will also put the country forward on its EU accession. Efficiency of the judicial system needs to be further enhanced and lengthy court procedures remain a cause for concern. Mediation would therefore provide a desirable alternative.  The project therefore, is built around these needs and will imply implementation of the changes and amendments to the Law on Mediation through the development of the capacities of the National Mediation Center and its territorial units in the northern and southern part of the country. Also, for the purpose of monitoring and evaluation, mediation module/database will be created in the scope of the Judicial Information System (PRIS), in cooperation with the Judicial Council and its IT and Multimedia Department. Further and enhanced promotion of mediation in the country will be generated, and partnerships, including in the region, will be established. The overall aim is to create sustainable mediation system in Montenegro.  Sustainability of the mediation system in Montenegro will be enabled by means of two important factors. Firstly, the changes and amendments to the Law on mediation that are adopted by the Parliament of Montenegro in June 2012, stipulate that the Center for Mediation will have the status of a governmental institution. As such, the Center will be funded by the state budget and the salaries of its employees will also be covered through public budget allocation. Also, changes and amendments to the Law on mediation stipulate remunerations for mediators, which will make mediators more motivated to perform this job. Secondly, the amendments introduce an obligation for the judges to acquaint their parties with the benefits of mediation for several types of civil disputes and propose it as alternative dispute resolution tool. The court will refer parties to mediation in property-legal disputes when a complaint is filed against the state of Montenegro, when the value of a dispute is low, as well as in economic disputes and those related to sharing of marital property. Referral to mediation will be performed by the court when this is beneficial for the interest of a child, whose rights are decided upon in a dispute. Finally, when it comes to family cases, referral to mediation procedure is obligatory. These two factors will provide for the sustainability of mediation, as one of the most often used alternative dispute resolution tool. There is a necessity for further promotion of the institute of mediation in order to acquaint people with its benefits, so that they would use it to a higher extent for the resolution of disputes.  In the previous phase of the projects’ implementation, partnerships with several international organizations were established. OSCE, Council of Europe and Foundation Open Society Institute supported drafting of the Law on legal aid through the provision of expertise and trainings. Strong link with NGOs was also established, through cooperation in the provision legal aid to vulnerable groups. NGOs were involved in the process of Law’s drafting by the participation in a broad public discussion. Strategy:3.1. Objective The project's objective is to provide two-pronged support to the rule of law reform in Montenegro with the overall goal of providing access to justice and raising efficiency of the judiciary, which is to be performed through the implementation of two project components:  1. Implementation of the Law on legal aid through the provision of infrastructure in 10 remaining Basic courts, staff training, establishment of the legal aid module/database in the scope of the Judicial Information System (PRIS) that will assist us in monitoring the effectiveness of the implementation of the Law and informing citizens about this institute to ensure outreach of the Law through a comprehensive public awareness campaign.  2. Promotion of mediation – Increased use of mediation as an alternative dispute resolution tool is one of the key objectives of this project in order to encourage individuals and businesses to exercise their legal rights avoiding long and expensive court proceedings.  The project objective will be achieved through the implementation of the following activities:   1. Law on Legal Aid stipulates the necessity of founding Legal aid services/offices in all Basic courts in Montenegro which have more than 10 judges, while special units for legal aid duties are to be provided in Basic courts that have fewer than 10 judges. Since the conditions for the enforcement of the Law have been provided in the Basic courts in Podgorica, Pljevlja and Rozaje through the previous phases of the project, and ONE UN Fund provided resources for equipping 2 offices in Kotor and Niksic, the obligation to provide infrastructure refers to the remaining 10 Basic courts in Montenegro. The intention is that all Basic courts provide separate offices for admission of citizens and for the provision of all envisaged legal aid services. This implies providing IT equipment in all courts, execution of the necessary construction works and equipping offices with office furniture in a consistent manner, respecting certain standards. 2. With regards to systematic handling of legal aid cases, there is a need to create a module in the Judicial Information System (PRIS) that will support the work of the legal aid services. This module will be created in cooperation with the Judicial Council and its IT and Multimedia Department. In that manner it will be possible to generate reports and statistical indicators in terms of the number of legal aid cases, types and number of provided legal aid services, number of rejected legal aid requests, and leading to the ability to assess effectiveness and efficiency of this institute as well as identify issues in the implementation. These statistical data will be used for the purpose of analysis of the implementation and reporting especially in the context of the EU accession/negotiation process. Namely, the Government continuously receives requests from them to report on the situation in this field. Additionally, gender sensitivity will be taken into consideration as an important factor and it will be reflected through collecting gender disaggregated requests as well as gender disaggregated data on the processed legal aid cases.   Presidents of the Basic Courts and legal aid advisors will be trained for the provision of legal aid services. Training will also be organized for attorneys-at-law who are interested in providing legal services to persons granted legal aid on the topic of their rights and obligations, the types of legal aid they are required to provide, fees and other issues. Special trainings regarding the provision of legal aid to stateless persons lawfully residing in Montenegro and persons seeking asylum in Montenegro will be organized for Legal aid services’ staff and for attorneys-at-law, in cooperation with the UNHCR. Additionally, in cooperation with UNICEF, special training will be organized in terms of providing legal aid services for children without maternal care.   1. General and professional publics, including potential beneficiaries, will be regularly informed about the progress in creating of a functional legal aid system. This will be achieved through public presentations, television and radio shows; targeted newspaper articles, leaflets and brochures, as well as through the website www.pravnapomoc.me. 2. Implementation of the changes and amendments to the Law on Mediation through further development of the capacities of the Center for Mediation’s staff in Podgorica, Bijelo Polje and Kotor, with the focus on long term sustainability of all mediation units and transfer of capacities / knowledge sharing among the staff. The capacities of the staff and coordinators strengthened in order to initiate, develop and implement projects and build long term partnerships with governmental (including municipal) institutions and agencies, regional counterparts and (international) donors. Higher demand for mediation will imply the possibility to hire additional, permanent, staff, in order to alleviate the burden on the current coordinators. 3. Establishing a special mediation module/database in the scope of the Judicial Information System (PRIS) for the purpose of monitoring the number cases submitted to the process of mediation, their type, and manner of resolving, etc. The process of monitoring will allow data to be consistently and systematically collected contributing to the sustainability of mediation as an effective alternative to court procedures in the country, and facilitating evaluation of the results of this institute’s application and positioning of the Center for Mediation as a central institution in this field. Similar to legal aid gender disaggregated data will be collected. 4. Strengthening the communications and advocacy components of the Center for Mediation’s operations, by providing a communications training for the staff, developing a communications strategy for the Center, improving relations with the media through a professional in-house PR service and by creating a media savvy messages, and through intensive reporting on the Center’s role and activities. 5. Trainings for the existing and new mediators according to the systematically devised and sustainable curricula, followed by the evaluation of the quality of provided service by the trainees, which would foster continuous improvement of the training programmes and service quality.   3.2. **Exit strategy**  This project is building on the previous results and its activities are complementing state actitivities and resources. Both legal aid and mediation project activities are supporting existing institutional structure fully funded by the government while project is bringing additional expertize and goods to: a) facilitate quality implementation and b) ensuring data collection (through establishmentg of two databases) that will contribute to continuous monitoring and evaluation of the effectiveness and efficiency of these institutes and, based on that, to its further development and upgrade. After the project's finalization, 15 legal aid offices will be in place with trained staff and established legal aid database/module, which will provide all the necessary conditions for future Law's implementation. Capacities of the Mediation Center will be enhanced, serving as basis for the implementation of the changes and amendments to the Law on mediation. Larger number of mediators will be appointed and mediation process will be more feasible. Special mediation database/module will be established and quantitative results on the application of this institute will be available. All above stated project results will enable the Goverenment of Montenegro to continue the work in these fields without further donor support which will, at the same time, prove the project activities to be sustainable. 3.3. Gender Mainstreaming As defined by the United Nations, gender mainstreaming is: “… the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.”  Women in Montenegro generally belong to the lower paid part of population in terms of income and have less property than men counted by percentage.[[1]](#footnote-2) Taking into account that the average salary in Montenegro is not sufficient e.g. to cover the expenses of a lawyer in divorce proceedings, the position of women is unfavourable in the existing system of justice. Also, the unemployment rate is significantly higher among the female population, and many women work on the black market. Under these circumstances women’s access to justice is quite limited and hampered.  Bearing in mind the intention of the project to provide assistance to vulnerable parts of the Montenegrin population along with the fact that women are generally in less favourable position than men in the country, the focus will be on addressing this inequality as regards the access to justice. When it comes to the provision of legal aid, the priority is to be given to family disputes, the majority of which are domestic violence cases where predominant victims are women. Hence, UNDP intends to ensure synergy between Gender Programme which addresses the violence in family issue and systematically support victims of domestic violence by developing sustainable institutional infrastructure and using all legal instruments in protecting their rights.  As a result of life experiences and interactions within the family, community, institutions, all people tend to make judgments based on gender. Mostly, gender biases are manifested in a more subtle fashion even by professionals trained to avoid those.Mediation has the potential to create a hospitable environment for participants of both genders. To reach this potential, mediators must be aware of gender bias issues and the possibility for imbalance in the participant's negotiation. Therefore, within this project special trainings will targeted judges, staff in charge of provision of these services and lawyers aiming to:   * **develop gender sensitive screening tools and techniques and** * **increase gender sensitivity and awareness of mediators to ensure unbiast acting**.   Project will make sure that educational sessions of mediators are equally attended by both women and men while  gender sensitivity will be taken into consideration as an important factor in the selection of applicants for the stated trainings.  In divorce cases, Family law provides for a mandatory referral to mediation.When mediating co-parenting disputes it is difficult to avoid the pitfalls associated with socially prescribed gender roles and the coincident bias. Regardless, mediators are expected to act as unbiased neutrals. Therefore trainings will be organized to facilitate that when mediating co-parenting issues,  an affirmative effort is taken to avoid gender bias. Studies indicate that women falter in situations which involve conflict. Women are encouraged to maintain a modest and selfless persona to facilitate cooperation and pleasantness. This social conditioning and expectation often cause a female to be unable to advocate for her views. Therefore, it is important to engage women actively in the mediation by providing a clearly articulated structure rather than an open-ended process. Creating goals and checkpoints before and during the mediation may help female participants to be certain that their interests have been addressed.  Since Legal aid and mediation databases will be created as particular electronic modules in the scope of the PRIS (Judicial Information System) these databases will enable extracting of sex-disaggregated data and therefore facilitate gender analyses of free legal aid and mediation cases and subsequently addressing the issues identified.   4. Management Arrangements **4.1. Project Organizational Structure**  The project will establish a Project Board, which will be comprised of representatives of the relevant government institutions, representatives of the UNDP Country Office, and the Programme Manager for the Rule of Law Programme. The Project Board will be responsible for providing general oversight to ensure achievement of results on the primary project outcomes, and making consensus strategic management decisions when guidance is required by the Programme Manager, including approval of project plans and revisions, as well as meeting the requirements of the Country Programme Action Plan and Annual Work Plan. The Deputy Minister of Justice and Human Rights will be the Chairperson of the Project Board. Project Board meetings will be organized by the Project Board as needed, but not less than once every six months.  UNDP will be the Senior Supplier, UNDP DRR or the Democratic Governance Team Leader, operating according to the terms specified below. The Senior Beneficiaries will be the Centre for mediation and legal aid offices.  **ProgrammeManager**  **Project Board**  **Senior Beneficiary**  **(Centre for mediation, Legal aid offices, …)**  **Executive**  **Ministry of Justice and Human Rights**  **Senior Supplier**  **UNDP(DRR/UNDP DemocraticGovernanceTeam Leader**  **Project Assurance**  **UNDP Democratic Governance Team Leader**  **Project Support Unit**  **Assistants, Specialists**  **Project Organizational Structure**  Project Assurance will be provided by the UNDP Democratic Governance Team Leader, the Country Office staff of the Democratic Governance Cluster and evaluators. They will ensure that objective and independent project oversight is carried out for the purpose of meeting project management targets.  The Programme Manager will be responsible for managing day-to-day project operations and decision-making. These will be executed on behalf of and according to the decisions of the Project Board. The Programme Manager will supervise the staff of the project. He/she will also closely coordinate project activities with relevant government and other stakeholders.  The Project Support Unit will provide adequate administrative, financial, and organizational support to the Programme Manager and staff of the project Teams.  The UNDP Bratislava Regional Center’s support shall be sought as part of project implementation process. UNDP Montenegro shall offer expertise in capacity development and gender equality at the onset of the project by reviewing the implementation plan and offering recommendations that shall strengthen the outcomes on the project.  Direct UNDP Country Office Support Services to the Programme Implementation  The UNDP and the Ministry of Justice and Human Rights have agreed that the UNDP Country Office will provide the following support services for the project activities at the request ofthe Ministry of Justice and Human Rights:   1. Identification and/or recruitment and solution of administrative issues related to the project personnel; 2. Procurement of commodities, labor and services; 3. Identification and facilitation of training activities, seminars and workshops; 4. Financial monitoring and reporting; 5. Processing of direct payments; 6. Supervision of project implementation, monitoring and assistance in project assessment.   The UNDP country office may provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the Ministry of Justice and Human Rights is strengthened to enable it to carry out such activities directly.  When providing the above support services, the UNDP Country Office will recover the costs for providing Implementation Support Services on the basis of actual costs and transaction fee based on the Universal Price List.  According to the corporate guidelines, these costs are an integral part of project delivery and, hence, will be charged to the same budget line (account in AWP) as the project input itself.  The procurement of goods and services and the recruitment of project personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures. If the requirements for support services by the country office change during the life of a project, the list of UNDP country office support services is revised with the mutual agreement of the UNDP resident representative and the Ministry of Justice and Human Rights.  The relevant provisions of the Standard Basic Assistance Agreement (SBAA) between the Government of Montenegro and the UNDP, signed by Parties on………………., including the provisions on liability and privileges and immunities, shall apply to the provision of such support services.  The Ministry of Justice and Human Rights shall retain overall responsibility for this nationally managed project and will consult closely with UNDP in the appointment of the Programme Manager.  Any claim or dispute arising under or in connection with the provision of support services by the UNDP country office in accordance with this document shall be handled pursuant to the relevant provisions of the SBAA. 4.2. Monitoring Framework and Evaluation In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:  Within the annual cycle   * On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below. * An Issue Log shall be activated in Atlas and updated by the Programme Manager to facilitate tracking and resolution of potential problems or requests for change. * Based on the initial risk analysis submitted, a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation. * Based on the above information recorded in Atlas, a Quarterly Progress Reports (QPR) shall be submitted by the Programme Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot. * A project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project * A Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events   Annually   * **Annual Review Report**. An Annual Review Report shall be prepared by the Programme Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level * **Annual Project Review**. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.  4.3. Legal Context This document, together with the CPAP signed by the Government and UNDP, constitutes together a Project Document as referred to in the SBAA. Hence, all CPAP provisions apply to this document. The CO will play the role of responsible partner/executing agency and the overall project will be executed in NIM modality within existing UNDP internal rules and procedures by the CO.  Refer to: Annex 1 – Risk analysis, Annex 2 – Cost Sharing Agreement, Annex 3 – TORs and Annex 4 – Standard Letter of Agreement. |

# Results and Resources Framework

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| **Intended Outcome as stated in the CPAP’s RRF:** Fostering a democratic society that fully respects, protects and fulfils human rights through rule of law, government transparency and accountability **Related UNDP Strategic Plan focus area:** Democratic Governance, Rule of Law and Human Rights | | | | |
| **Outcome indicators as stated in the CPAP’s RRF, including baseline and targets**: **Indicator 6.1:** # of cases submitted to mediation directly and through court**; Baseline:** 2010;800 cases; **Annual Target**: 2012; 950 cases **; Indicator 6.2:** # of cases qualified for the legal aid provision**; Baseline:** 2011; 0; **Annual Target:** 2012; 400 cases per year**; Related Strategic Plan focus area:** Democratic Governance, Rule of Law and Human Rights | | | | |
| **Applicable Key Result Area:** Democratic Governance, Rule of Law and Human Rights | | | | |
| **Partnership Strategy:** UNDP,Ministry of Justice, Center for Mediation, bilateral donors | | | | |
| **Project title and ID (ATLAS Award ID): Improving the efficiency and accessibility of judiciary through implementation of the Law on legal aid and promotion of mediation; Award ID:** ? | | | | |
| **INTENDED OUTPUTS** | **OUTPUT TARGETS FOR (2012-2013)** | **INDICATIVE ACTIVITIES** | **RESPONSIBLE PARTIES** | **INPUTS** |
| **Component 1:**  Support to the implementation of the Law on legal aid and assistance through monitoring the effectiveness of the implementation of the Law by means of establishing LA database in the scope of the Judicial Information System (PRIS)  **Baseline**:  1. Ten out of fifteen legal aid offices not equipped and furnished; 2. System for gathering statistical data on the number of legal aid cases and monitoring the effectiveness and efficiency of the implementation of the Law does not exist; 3. Low level of awareness of the existence and provisions of the legal aid system especially among vulnerable groups; 4. Conditions not created for the uniform implementation of the Law on legal aid throughout the country.  **Indicators:**  1.Number of the Basic courts where infrastructure is provided; 2. Database/module for monitoring the effectiveness of the Law on legal aid’s implementation and gathering statistical data on the number of legal aid cases, established in the scope of Judicial Information System (PRIS); 3. Public and media awareness on the instutute of legal aid increased, which is reflected through the increased number of legal aid cases; 4. Commentary on the Law on legal aid drafted and published; 5. % increase of the number of legal aid cases  **Component 2:**  Promotion of mediation and promoting access to adequate dispute resolution processes for individuals and businesses; Development of capacities of the Mediation Center; Increased gender sensitive mediators approach and ensured unbiased acting; Establishment of the mediation database in the scope of the Judicial Information System (PRIS) and promotion of public relations aspect of the Center’s operations.  **Baseline:**  1.Mediation Center’s capacities limited to perform its tasks in line with the adopted changes and amendments to the Law on Mediation; 2. System for gathering statistical data on the number of mediation cases and monitoring the effectiveness and efficiency of the mediation does not exist 3. Low level of awareness of the existence and provisions of the mediation system.  **Indicators:**  1. Number of new mediators who passed initial training and and number of mediators and judges who passed advanced trainings increased by 20%; 2. increase in the number of cases resolvedout of court, through mediation; 3. Database/module for monitoring the effectiveness of the mediation system and gathering statistical data on the number of mediation cases, established in the scope of Judicial Information System (PRIS). Public and media awareness on the instutute of legal aid increased, and partnerships established to promote wider use of mediation which is reflected through the increased number of legal aid cases; | **Targets (year 1):**  1. Legal aid offices in at least 3 Basic courts in Montenegro established;  2. Legal aid database devised in the scope of the Judicial Information System (PRIS);  3. Public awareness campaign prepared and relevant partnerships established to ensure vulnerable groups are reached;  4. The Commentary on the Law on legal aid drafted with the aim to ensure its consistent implementation throughout the country.  **Targets (year 2):**  1. Legal aid offices in at least 7 Basic courts in Montenegro established;  2. Legal aid database established in the scope of the Judicial Information System (PRIS) and operational;  3. Public awareness campaign conducted and relevant partnerships established to ensure vulnerable groups are reached;  4. The Commentary on the Law on legal aid drafted with the aim to ensure its consistent implementation throughout the country;  5. 20% increase in the number of legai aid cases.  **Targets (year 1):**  1. Capacities of the Center for Mediation strengthened through the increase of knowledge of the Center’s staff and mediators especially in relation to amendments/new provisions in the Law;  2. Mediation database devised in the scope of the Judicial Information System (PRIS);  3.Gender sensitive screening tools and techniques introduced.  **Targets (year 2):**  1. Capacities of the Center for Mediation strengthened through the increase of knowledge of the Center’s staff and mediators especially in relation to amendments in the Law; 2. 20% increase in the number of cases resolved out of court; 3. Mediation database established in the scope of the Judicial Information System (PRIS); 4. Public awareness campaign on mediation services, including the promotion of the Mediation Center’s activities conducted and partnerships established to promote wider use of mediation. | Activity Result **(year 1)**: 1. Contracting of an agency for refurbishing and equipping legal aid offices in at least 3 Basic courts in Montenegro; 2. Recruitment of 2 Local consultants for creating legal aid database for the support to the work of the legal aid services in the scope of the Judicial Information System (PRIS); 3. Compilation of data, printing and distribution of materials for public awareness campaign; 4. Recruitment of Local consultant to draft the Commentary on the Law on legal aid; 5. Recruitment of lecturers and preparation of logistics for training of the court presidents and staff, including lawyers, for the provision of legal aid services for at least 40 persons; 6. Recruitment of National Consultant for day-to-day support in the project’s implementation.  Activity Result **(year 2)**:  1. Contracting of an agency for refurbishing and equipping legal aid offices in the remaining 7 Basic courts in Montenegro; 2. Compilation of data, printing and distribution of materials for public awareness campaign on legal aid; 3. Consultative meetings with the Ministry of Justice as the main stakeholder held, in the aim of the quality check, before publishing of the Commentary on the Law on legal aid;  4. Recruitment of lecturers and preparation of logistics for training of the court presidents and staff, including lawyers, for the provision of legal aid services for at least 60 persons.  **Activity Result** **(year 1)**:  1.Devising of training modalities and preparation of logistics for the education of the staff of the the Center for Mediation;  2. Recruitment of lecturers and preparation of logistics for initial training for at least 20 new mediators and advanced training for at least 20 existing mediators;  3. Recruitment of 2 Local consultants for creating legal aid database for the support to the work of the legal aid services in the scope of the Judicial Information System (PRIS).  **Activity Result** **(year 2)**:  1. Recruitment of lecturers and preparation of logistics for initial training for at least 40 new mediators and advanced training for at least 40 existing mediators; training for at least 20 judges on cases where it is necessary to refer parties to mediation.  2. Recruitment of 2 Local consultants for creating mediation database/module in the scope of the Judicial Information System (PRIS);  3. Compilation of data, printing and distribution of materials for public awareness campaign on mediation services, including the promotion of the Mediation Center’s activities | MoJ, UNDP  MoJ, UNDP  MoJ, UNDP  MoJ, UNDP | **Activity 1:** 1.Refurbishing costs and equipment for 3 legal aid offices; 2. Database establishment costs (2 national IT experts); 3. Engagement of Consultant for drafting the Commentary on the Law on legal aid; 4. Training services costs (premises, refreshments, lecturers); 5.Engaging 2 National Consultants (MoJ and CoM).  ***Activity 1- 2012: 45,320 EUR***  **Activity 2:** 1.Refurbishing costs and equipment for 7 LA offices; 2. Publishing of the Commentary on the Law on LA; 3. Conducting public awareness campaign. Training services costs (premises, refreshments, lecturers); 4. Database establishment costs (2 national IT experts);  5. Public awareness campaign costs (printing and distribution of materials); 6. Salary for PM and P.Associate; 7. Fee for engaging National Consultants (CfM and MoJ).  ***Activity 2- 2013: 154,680 EUR*** |

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# Annual Work Plan

## 6.1. Annual work plan: 2012

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **EXPECTED OUTPUTS**  *And baseline, indicators including annual targets* | **PLANNED ACTIVITIES**  *List activity results and associated actions* | | | | **TIMEFRAME** | | | | | **RESPONSIBLE PARTY** | | **PLANNED BUDGET** | | |
| Q1 | | Q2 | Q3 | Q4 | Funding Source | Budget Description | Amount |
| **Activity:** 1. Commentary on the Law on legal aid drafted; 2. Legal aid offices in at least 3 Basic courts in Montenegro established; 3. Training of the court presidents and staff, including lawyers, for the provision of legal aid services conducted for at least 40 persons; 4. Legal aid database established in the scope of the Judicial Information System (PRIS); 5. Initial training for at least 20 new mediators and advanced training for at least 20 existing mediators conducted.  **Baseline**: Legal aid offices established in 5 Basic courts, 10 remaining courts are in need of establishing LA offices in their premises; Staff for the provision of LA services received basic training, but their knowledge needs to be upgraded; LA database/module non-existent; Changes and amendments to the Law on Mediation adopted in 2012, new mediators received intial training, advanced trainings need to be organized.  **Indicators:** Legal aid offices in 3 Basic courts in Montenegro established – infrastructure provided; Court Presidents and staff, including lawyers (at least 40 persons) trained on the provision of legal aid services; Database for legal aid cases created; advanced trainings for mediators (at least 40 persons) conducted. |  | | | |  | |  |  |  |  | |  |  |  |
| Result:  Action – Engaging National Consultant for MoJ (3 months) | | | | x | |  |  |  |  | |  |  | 4,411.76 USD (3,600 EUR) |
| Action – Engaging National Consultant for CoM (3 months) | | | | x | |  |  |  |  | |  |  | 4,411.76 USD (3,600 EUR) |
| Action - Engaging Consultant for drafting the Commentary on the Law on legal aid | | | | X | | X |  |  | Programme Manager | | NOR |  | 3,676.47 USD (3,000 EUR) |
| Action - Refurbishing and equipping three legal aid offices | | | |  | | X | X | X | Programme Manager | | NOR |  | 18,382.35 USD (15,000 EUR) |
| Action - Training 40 persons (court presidents and staff, including lawyers) for the provision of legal aid services | | | | X | | X | X | X | Programme Manager | | NOR |  | 9,803.92 USD (8,000 EUR) |
| Action – Recruiting 2 national IT experts for legal aid database | | | |  | | X | X |  | Programme Manager | | NOR |  | 6,127.45 USD (5,000 EUR) |
| Action – Training 40 persons (20 new mediators and 20 existing mediators) for the provision of mediation services | | | | X | | X | X | X | Programme Manager | | NOR |  | 9,803.92 USD (8,000 EUR) |
|  | | | | | | | | | | | | | |
| GMS+ISS (10%) |  |  |  |  | |  | |  | | |  | |  | 5,049.02USD (4,120EUR) |
| TOTAL Activity 1 |  |  |  |  | |  | |  | | |  | |  | 55,539.22 USD (45,320 EUR) |

## 6.2. Annual work plan: 2013 (provisional plan)

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **EXPECTED OUTPUTS**  *And baseline, indicators including annual targets* | **PLANNED ACTIVITIES**  *List activity results and associated actions* | | | | **TIMEFRAME** | | | | | **RESPONSIBLE PARTY** | | **PLANNED BUDGET** | | |
| Q1 | | Q2 | Q3 | Q4 | Funding Source | Budget Description | Amount |
| **Activity:** 1. Commentary on the Law on legal aid published; 2. Legal aid offices in 7 Basic courts in Montenegro established; 3. Training of the court presidents and staff, including lawyers, for the provision of legal aid services conducted for at least 60 persons; 4. Public awareness campaign on legal aid conducted, relevant partnerships established to ensure vulnerable groups are reached; 5. Mediation database/module in the scope of the Judicial Information System (PRIS) established; 6. Initial training for at least 40 new mediators and advanced training for at least 40 existing mediators conducted; training for at least 20 judges conducted; 6. Public awareness campaign on mediation services, including the promotion of the Mediation Center’s activities, conducted.  **Baseline**: Legal aid offices established in 5 Basic courts, 10 remaining courts are in need of establishing LA offices in their premises; Staff for the provision of LA services received basic training, but their knowledge needs to be upgraded; Public awareness campaign on legal aid and mediation not conducted; new mediators received intial training, advanced trainings need to be organized; mediation database in the scope of the Judicial Information System (PRIS) non-existent; public relations aspect of the Center’s operations not adequately developed.  **Indicators:** Infrastructure in 7 Basic courts in Montenegro provided; Court Presidents and staff, including lawyers trained (60 persons); Mediation database created; advanced trainings for mediators and trainings for judges on mediation conducted (100 persons) ; Public awareness campaign on mediation conducted; Number of beneficiaries using mediation services increased by %, data obtained through the established database. | Result:  Action – Salary for Programme Manager (12 months) | | | | X | | X | X | X | Programme Manager | | NOR |  | 27,593.13 USD (22,516 EUR) |
| Action – Salary for Programme Associate (4 months) | | | |  | | X | X | X |  | | NOR |  | 8,578.43 USD (7,000 EUR) |
| Action – Fee for National Consultant for MoJ (9 months) | | | | X | | X | X |  |  | |  |  | 13,235.29 USD (10,800 EUR) |
| Action – Fee for National Consultant for CoM (9 months) | | | |  | |  |  |  |  | |  |  | 13,235.29 USD (10,800 EUR) |
| Action – Publishing of the Commentary on the Law on legal aid | | | | X | |  |  |  | Programme Manager | | NOR |  | 3,676.47 USD (3,000 EUR) |
| Action - Refurbishing and equipping seven legal aid offices | | | | X | | X | X |  | Programme Manager | | NOR |  | 42,892.15 USD (35,000 EUR) |
| Action – Conducting public awareness campaign on legal aid and mediation (Communications trainings, designing, printing and distribution of promotional materials) | | | |  | | X | X | X | Programme Manager | | NOR |  | 23,897.06 USD (19,500 EUR) |
| Action – Recruiting 2 national IT experts for mediation database | | | |  | | X | X |  | Programme Manager | | NOR |  | 6,127.45 USD (5,000 EUR) |
| Action - Training 60 persons (court presidents and staff, including lawyers) for the provision of legal aid services | | | |  | | X | X | X | Programme Manager | | NOR |  | 14,705.88 USD (12,000 EUR) |
| Action – Training 100 persons (40 new mediators, 40 existing mediators and 20 judges) for the provision of mediation services | | | |  | | X | X | X | Programme Manager | | NOR |  | 18,382.35 USD (15,000 EUR) |
|  | | | | | | | | | | | | | |
| GMS+ISS (10%) |  |  |  |  | |  | |  | | |  | |  | 11,916.81 USD (14,061.60 EUR) |
| TOTAL Activity 1 |  |  |  |  | |  | |  | | |  | |  | 189,555.88 USD (154,677.60 EUR) |

# Annex 1: Risk Analysis

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Project Title: Improving the efficiency and accessibility of judiciary through implementation of the Law on legal aid and promotion of mediation** | | | | | **Award ID:** | | | **Date: 24 July 2012** | |
| **#** | **Description** | **Date Identified** | **Type** | **Impact &**  **Probability** | **Countermeasures / Management response** | **Owner** | **Submitted, updated by** | **Last Update** | **Status** |
| 1 | State financing of the legal aid system – the Montenegrin Government needs to allocate funds for financing of the system for 2013 through the Law on the state budget for 2013. Otherwise the effectiveness and sustainability of the legal aid system are jeopardized. | 24/07/2012 | Financial risk | Considering that the salaries for legal aid officers and lawyers’ costs are covered by the state budget, it is necessary to determine a particular line in the budget for this purpose for 2013.  *Medium* | UNDP Montenegro CO continues to advocate for the necessity for the implementation of the Law on legal aid, including allocating a specific budget line for legal aid lawyers’ cost. That will include meetings with the Ministry of Justice and Judicial Council aiming at having clearly specified budget allocation for implementation of the legal aid law. | UNDP RR, DRR, Team Leaders, PM | Programme Manager |  |  |
| 2 | Legal aid offices established and equipped in all courts, but use of the institute remains low because of complexities in the implementation. |  |  | Vulnerable groups are hard to reach, there are complexities as well as capacity and resources related issues which are making consistent implementation of the Law throughout Montenegro a challenge, especially in the first years of the Law implementation. Medium | Through conducting a public awareness campaign, law commentary facilitating the establishment of partnership between legal aid offices and relevant organizations including NGOs focusing on vulnerable groups and proactive monitoring of implementation, project will aim to increase awareness and understanding of the institute and reduce complexities in its implementation. |  |  |  |  |
| 3 | Difficulties with incorporating legal aid and mediation database in the Judicial Information System (PRIS). | 24/07/2012 | Operational risk | Resources mobilized to cover the costs of establishing legal aid and mediation database in the scope of PRIS, which is at its inceptional phase at the moment and it is complicated to integrate new modules in the existing system.  *Medium* | Efforts will be made to secure the best available IT experts, and in close cooperation with national stakeholders and their experts already familiar with PRIS create high-quality databases/modules and integrate them in the PRIS in a satisfactory manner. | UNDP RR, DRR, Team Leaders, PM | Programme Manager |  |  |
| 4 | Insufficient readiness of the Montenegrin citizens to use the institute of mediation instead of a regular court procedure for disputes resolving. |  | Strategic | Due to the lack of awareness or confidence in the mediation system, citizens may remain hesitant to use this institute. Resources will be invested in increasing awareness, establishing relevant partnership including with NGOs to promote the benefits of the use of mediation. On the other side trainings will be conducted to increase sensitivity of judges and mediators to issues which are influencing the readiness of people to use mediation.  *High* | CO invests efforts to involve as many national and international stakeholders in the process of the implementation of the changes and amendments to the Law on mediation and emphasize the importance of the Law for the country to the responsible parties. Further efforts will be invested in education of mediators and informing citizens on the benefits of using this institute as well as collecting and analysing the data to identify issues and ways to address those. | UNDP RR, DRR, Team Leaders, PM | Programme Manager |  |  |

**Annex 2: THIRD-PARTY COST-SHARING AGREEMENT**

**BETWEEN THE NORWEGIAN MINISTRY OF FOREIGN AFFAIRS AND**

**THE UNITED NATIONS DEVELOPMENT PROGRAMME**

WHEREAS THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) and THE NORWEGIAN MINISTRY OF FOREIGN AFFAIRS (MFA) have agreed to cooperate in the implementation of the project **“*Improving the Efficiency and Accessibility of Judiciary through the Implementation of the Law on Legal Aid and Promotion of Mediation in Montenegro****”.*

WHEREAS UNDP and MFA concluded a Framework Agreement on 2 December 2003 (the Framework Agreement) setting out the general arrangements for receipt and use of resources from MFA,

WHEREAS MFA hereby agrees to contribute funds to UNDP on a cost-sharing basis for the implementation of the Project,

WHEREAS UNDP is prepared to receive and administer the contribution for the implementation of the Project,

WHEREAS the Government of Montenegrohas been duly informed of the contribution of MFA to the Project,

WHEREAS UNDP shall designate an Executing Entity or under the harmonized operational modalities an Implementing Partner for the implementation of the Project (The Executing Agency),

NOW THEREFORE UNDP and MFA hereby agree as follows:

**Article I**

**Scope and Objective**

1. This Agreement together with the Framework Agreement sets forth the terms and procedures for MFA’s contribution to the Project which is summarized in Annex I to this Agreement and more fully described in the Project Document “*Improving the Efficiency and Accessibility of Judiciary through the Implementation of the Law on Legal Aid and Promotion of Mediation in Montenegro”,* dated 27 April 2012.
2. The Goal of the Project is to improve the efficiency and accessibility of the Montenegrin judiciary through the implementation of the Law on legal aid and promotion of the institute of mediation.
3. The Objectives of the Project are to create conditions for the implementation of Law on legal aid and amended Law on mediation, establish sustainable system for legal aid provision, develop the Mediation Center's capacities and promote both institutes in Montenegro.

**Article II. The Contribution**

1. MFA shall, subject to Parliamentary appropriation and on the terms and conditions set forth in this Agreement, and Article II, Paragraph 5 of the Framework Agreement and in accordance with the schedule of payments set out below, contribute to UNDP an amount not exceeding NOK 1,520,000 to be used exclusively to finance the Project and cover the costs referred to in Article VI, paragraph 1 covering the period 2012-2013. The contribution shall be deposited in DNB NOR Bank ASA, Stranden 21, Aker Brygge, 0021 Oslo, Norway, UNDP Contributions (NOK) Account #7001-02-43287, IBAN# NO4370010243287, SWIFT# DNBANOKK, Bank Code: 00019, Account code: 1001;

Schedule of payments Amount

August 15, 2012 NOK 1,520,000

UNDP shall promptly upon identification in writing acknowledge receipt of the funds.

The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNDP of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform MFA with a view to determining whether any further financing could be provided by MFA. Should such further financing not be available, the assistance to be provided to the Project may be reduced, suspended or terminated by UNDP.)

2. After consultation with UNDP, MFA may withhold disbursements in case of:

1. substantial deviations from agreed plans and budgets;
2. failure of UNDP to provide the reports in Article IV as agreed;
3. evidence of financial mismanagement of the Project.

MFA may claim repayment in full or in part of funds from the contribution to the extent UNDP has been able to obtain repayment from the negligent party if the funds are found to be misused or not satisfactorily accounted for. Such repayment shall be in accordance with the Financial Regulations and Rules of the UNDP. Before withholding disbursement or reclaiming payment UNDP and MFA shall consult with a view to resolving promptly the matter. UNDP reserves the right to reduce, suspend or terminate the activities, in its sole discretion.

**Article III. Utilization of the Contribution**

1. The implementation of the responsibilities of UNDP pursuant to this Agreement and the Project Document shall be dependent on receipt by UNDP of the contribution in accordance with the schedule of payment as set out in Article II, Paragraph 1.
2. If unforeseen increases in expenditures or commitments are expected or realized (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNDP shall submit to MFA on a timely basis a supplementary estimate showing the further financing that will be necessary.
3. If the payments referred to in Article II, Paragraph 1 are not received in accordance with the payment schedule, or if the additional financing required in accordance with Paragraph 2 above is not forthcoming from MFA or other sources, the assistance to be provided to the Project under this Agreement may be reduced, suspended or terminated by UNDP.

**Article IV. Administration and reporting**

* 1. For the implementation of this Agreement MFA shall be represented by the Royal Norwegian Embassy inBelgradeand UNDP byUNDP Montenegro Country Office*.* All communication concerning the Project shall be between the abovementioned representatives.
  2. Representatives of MFA and UNDP shall have annual consultations once a year, *in accordance with* the Framework Agreement Article VIII, in order to:
     1. review the progress of the Project
     2. discuss possible revisions of plans and budgets
     3. discuss issues of special concern for the implementation of the Project.

Representatives fromMontenegroand other donors involved in the financing of the Project may also be invited to the annual consultations.

* 1. The documents specified in the Framework Agreement Articles V and VI shall form the basis for the annual consultations.
  2. Project management and expenditures shall be governed by the Financial Regulations and Rules of UNDP. If matters arise during the execution of the Project, which are considered by UNDP of substantive character, UNDP shall inform and consult with MFA. UNDP shall ensure that the contribution is recorded in the accounts of UNDP and reported together with all other non-core (Other resources) contributions to UNDP from Norway.
  3. UNDP headquarters and country office shall provide reporting to MFA as outlined in the Framework Agreement prepared in accordance with UNDP accounting and reporting procedures.
  4. If special circumstances so warrant, UNDP may provide more frequent reporting at the expense of MFA. The specific nature and frequency of this reporting shall be specified in an annex of the Agreement.

**Article V. Evaluation**

All UNDP programmes and projects are evaluated in accordance with UNDP Evaluation Policy. UNDP and the Government of Montenegro in consultation with other stakeholders will jointly agree on the purpose, use, timing, financing mechanisms and terms of reference for evaluating a project including an evaluation of its contribution to an outcome which is listed in the Evaluation Plan. UNDP shall commission the evaluation, and the evaluation exercise shall be carried out by external independent evaluators.

**Article VI. Equipment**

Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.

**Article VII. Management and Support Services**

1. In accordance with the decisions and directives of UNDP's Executive Board reflected in its Policy on Cost Recovery from Other Resources, the Contribution shall be subject to cost recovery for indirect costs incurred by UNDP headquarters and country office structures in providing General Management Support (GMS) services. To cover these GMS costs, the contribution shall be charged a fee equal to 7%.  Furthermore, as long as they are unequivocally linked to the specific project(s), all direct costs of implementation, including the costs of executing entity or implementing partner, will be identified in the project budget against a relevant budget line and borne by the project accordingly.
2. The aggregate of the amounts budgeted for the programme/project, together with the estimated costs of reimbursement of related support services, shall not exceed the total resources available to the programme/project under this Agreement as well as funds which may be available to the programme/project for programme/project costs and for support costs under other sources of financing.

**Article VIII. Audit**

Arrangements for audit of project activities are as set forth in the Framework Agreement.

**Article IX. Completion, termination and amendments**

1. UNDP shall notify MFA when all activities relating to the Project have been completed.

2. After consultations have taken place between MFA, UNDP and the Government of Montenegroand provided that the payments already received are, together with other funds available to the Project, sufficient to meet all commitments and liabilities incurred in the implementation of the Project, this Agreement may be terminated by UNDP or by MFA. The Agreement shall cease to be in force 30 (thirty) days after either of the Parties have given notice in writing to the other Party of its decision to terminate the Agreement.

3. Notwithstanding termination of this Agreement, UNDP shall continue to hold unutilized payments and liabilities incurred in implementation of the Project up to the date of termination have been satisfied and the Project activities brought to an orderly conclusion.

4. Any payments that remain unexpended after such commitments and liabilities have been satisfied may be utilized for the benefit of other activities within the Project upon agreement between the Parties.

5. The Agreement may be amended through an exchange of letters between MFA and UNDP. The letters exchanged to this effect shall become an integral part of the Agreement.

**Article X. Entry into Force**

1. This Agreement shall enter into force upon its signature by both Parties and shall remain in force until all obligations arising form it have been fulfilled and all commitments and liabilities incurred in the implementation of the Project have been satisfied. Whether these obligations shall be regarded as fulfilled shall be determined in consultations between the Parties.

IN WITNESS WHEREOF, the undersigned, acting on behalf of their respective institution, have signed the present Agreement in the English language in two copies.

For the Norwegian Ministry of Foreign For the United Nations Development

Affairs: Programme:

Name: Name: Rastislav Vrbensky

Title: Title: UN Resident Coordinator and UNDP

Resident Representative

Date: Date:

**Annex 3:**

**TERMS OF REFERENCE**

Job Title:Programme Manager

Post Reference:

ProgrammeTitle: Rule of Law and Human Rights Programme

Duty station: Podgorica, Montenegro

Duration of appointment:

Contractual Modality:

Deadline for Applications:

**BACKGROUND**

The importance of reform in the justice sector in Montenegro is the driver for a broader set of democratic reforms and it is critical to bring about the desired sector reforms. Together with the Ministry of Justice of Montenegro, UNDP Montenegro has been acting as the moving force behind the preparation and adoption of the Action Plan for the implementation of the Strategy for the reform of judiciary – a roadmap for the advancement of Montenegrin judiciary which aims to transform this key system so as to become fully responsive to the needs of citizens by 2012.

Having in mind the importance of the implementation of the Action Plan for the Reform of Judiciary, UNDP has formulated the UNDP Rule of Law and Human Rights Programme, consisting of four projects in the area of judiciary:

1. Strengthening Capacities of the Ministry of Justice project;

2. Reform of the Legal Aid System in Montenegro: Creating an Effective and Sustainable System of Providing Legal Aid project,

3. Strengthening Capacities of the Ministry of Justice to Fight Corruption and Organized Crime project and

4. Strengthening the capacities of the Center for Mediation project.

These four projects correspond to four areas of intervention in the judiciary: Independence of judiciary, Access to justice, Efficiency of Justice and Anti-corruption policies.

In accordance with the above mentioned and in order to support the judicial reform in Montenegro, as the key area of all further reforms, UNDP in Montenegro intends to engage a **Programme Manager** of UNDP Rule of Law and Human Rights Programme.

**JOB CONTENT**

Under direct supervision of Team Leader of UNDP Democratic Governance Cluster, Programme Manager will perform the following activities:

* Support the formulation of programme strategies and implementation of Country Programme Action Plan,
* Coordinate and contribute to the further development of the UNDP Judicial Reform Programme through its promotion and partnership building with the relevant judicial stakeholders and relevant international and local partners,
* Coordinate resource mobilization activities for the projects within the framework of the UNDP Judicial Reform Programme, identify possible donors, develop cooperation and maintain regular communication with them,
* Contribute to the formulation and development of new projects and strategic plans that are in line with the UNDP strategic focus,
* Identify opportunities for synergies between the UNDP Judicial Reform/Institutional Development programmes and ongoing and planned UN programmes,
* Organize programme team work of the Judicial Reform Programme Team in the Ministry of Justice, prepare and assign tasks, monitor progress and motivate staff,
* Monitor implementation progress and ensure quality and timely reporting to donors and programme partners;
* Identify the links of the Judicial Reform Programme with the local self-government project initiatives,
* Maintain regular communication and provide advisory support to the Deputy Minister of Justice in charge of judicial reform,
* Perform any other duty as may be assigned by the supervisor.

**Qualifications and Experience:**

* An advanced university degree in Law and 5 or more years of relevant professional experience preferably but not necessarily including international experience.
* Extensive knowledge of Judicial Reform process in Montenegro
* Knowledge of current Montenegrin governing institutions and practices and demonstrated capacity to approach them creatively and promote change; knowledge of concepts and methods of change management.
* Extensive knowledge of EU and CoE standards
* Experience in judiciary service reforms and/or donor-funded project management
* Excellent information technology skills, including word’s processing, database applications, presentation software, and Internet.
* Excellent knowledge of written and spoken English language and language of the duty station.

Applicants are kindly requested to send their CV along with a cover letter to UNDP Office in Podgorica by e-mail to **vacancy.me@undp.org** by --------Please indicate in the cover letter the post reference clearly, otherwise your application may not be considered. Applicants will be short-listed on the basis of their qualifications and work experience. Only short-listed candidates will be invited for an interview.

**UNDP is an equal opportunity employer.**

**TERMS OF REFERENCE**

Job Title:Programme Associate

Post Reference:

ProgrammeTitle: Rule of Law and Human Rights Programme

Duty station: Podgorica, Montenegro

Duration of appointment:

Contractual Modality:

Deadline for Applications:

**BACKGROUND**

The importance of reform in the justice sector in Montenegro is the driver for a broader set of democratic reforms and it is critical to bring about the desired sector reforms. Together with the Ministry of Justice of Montenegro, UNDP Montenegro has been acting as the moving force behind the preparation and adoption of the Action Plan for the implementation of the Strategy for the reform of judiciary – a roadmap for the advancement of Montenegrin judiciary which aims to transform this key system so as to become fully responsive to the needs of citizens by 2012.

Having in mind the importance of the implementation of the Action Plan for the Reform of Judiciary, UNDP has formulated the UNDP Rule of Law and Human Rights Programme, consisting of four projects in the area of judiciary:

1. Strengthening Capacities of the Ministry of Justice project;

2. Reform of the Legal Aid System in Montenegro: Creating an Effective and Sustainable System of Providing Legal Aid project,

3. Strengthening Capacities of the Ministry of Justice to Fight Corruption and Organized Crime project and

4. Strengthening the capacities of the Center for Mediation project.

These four projects correspond to four areas of intervention in the judiciary: Independence of judiciary, Access to justice, Efficiency of Justice and Anti-corruption policies.

In accordance with the above mentioned and in order to support the judicial reform in Montenegro, as the key area of all further reforms, UNDP in Montenegro intends to engage a **Programme Associate for the Reform of Judiciary**to assist Programme Manager in supporting the UNDP Rule of Law and Human Rights Programme, consisting of the three projects.

**JOB CONTENT**

Under direct supervision of Programme Manager of UNDP Rule of Law and Human Rights Programme, Programme Associate will perform the following activities:

**Provide assistance to the Programme Manager by the means of:**

* + Supporting the formulation of programme strategies and implementation of the Country Programme Action Plan
  + Contribute to the formulation and development of new projects and strategic plans that are in line with the UNDP strategic focus,
  + Preparing judicial projects’ implementation action plans,
  + Preparing meetings with project main partners: relevant judicial stakeholders and relevant international and local partners, authorities at the appropriate level, Government, NGOs and Donors;
  + Assisting in identifying relevant sources of expertise and funds for programme implementation,
  + Conducting regular monitoring of the local media in order to assess the current political situation,
  + Facilitating contacts and promote information exchange on the issues involved with political parties, local authorities, universities, research institutions, and NGOs,
  + Entering of transactions in Atlas (Vouchers, Requisitions, etc.) and provide regular delivery estimation and all necessary reports regarding Project finances to the finance department;
  + Ensuring completeness of documentation, checking accuracy of calculation for all financial transactions related to relevant projects,
  + Maintaining day-to-day communication with UNDP administration/operations regarding procurement, HR and finance issues,
  + Maintaining files relevant to the project, undertake searches for information and prepare abstracts and reports; collect and compile information necessary for briefings, and prepare draft briefings for meetings and visits, take minutes from the meetings,
  + Organizing of seminars, workshops and conferences; ensure provision of adequate secretarial and interpretation facilities;
  + Drafting correspondence, facsimile, memoranda and reports from oral instructions, previous correspondence or other available information sources and ensure follow up;

- Perform any other duty as may be assigned by the supervisor.

1. **Qualifications and Experience:**

* An advanced university degree in law or social sciences and 5 or more years of relevant professional experience
* Experience in administrative and programme work
* Extensive knowledge of Judicial Reform process in Montenegro
* Knowledge of current Montenegrin governing institutions and practices and demonstrated capacity to approach them creatively and promote change; knowledge of concepts and methods of change management.
* Extensive knowledge of EU and CoE standards
* Experience in judiciary service reforms and/or donor-funded project management
* Excellent information technology skills, including word’s processing, database applications, presentation software, and Internet.
* Excellent knowledge of written and spoken English language and language of the duty station.

Applicants are kindly requested to send their CV along with a cover letter to UNDP Office in Podgorica by e-mail to **vacancy.me@undp.org** by-------. Please indicate in the cover letter the post reference clearly, otherwise your application may not be considered. Applicants will be short-listed on the basis of their qualifications and work experience. Only short-listed candidates will be invited for an interview.

**UNDP is an equal opportunity employer.**

Annex 4.

**STANDARD LETTER OF AGREEMENT BETWEEN UNDP AND THE GOVERNMENT FOR THE PROVISION OF SUPPORT SERVICES**

**HOW TO USE THIS LETTER OF AGREEMENT**

1. This agreement is used to provide appropriate legal coverage when the UNDP country office provides support services under national execution.
2. This agreement must be signed by a governmental body or official authorised to confer full legal coverage on UNDP. (This is usually the Minister of Foreign Affairs, the Prime Minister /or Head of State.) The UNDP country office must verify that the government signatory has been properly authorised to confer immunities and privileges.
3. A copy of the signed standard letter will be attached to each PSD and project document requiring such support services. When doing this, the UNDP country office completes the attachment to the standard letter on the nature and scope of the services and the responsibilities of the parties involved for that specific PSD/project document.
4. The UNDP country office prepares the letter of agreement and consults with the regional bureau in case either of the parties wishes to modify the standard text. After signature by the authority authorised to confer immunities and privileges to UNDP, the government keeps one original and the UNDP country office the other original. A copy of the agreement should be provided to UNDP headquarters (BOM/OLPS) and the regional bureau.

Dear [*name of government official*],

1. Reference is made to consultations between officials of the Government of *[the name of programme country]* (hereinafter referred to as “the Government”) and officials of UNDP with respect to the provision of support services by the UNDP country office for nationally managed programmes and projects. UNDP and the Government hereby agree that the UNDP country office may provide such support services at the request of the Government through its institution designated in the relevant programme support document or project document, as described below.

2. The UNDP country office may provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the Government-designated institution is strengthened to enable it to carry out such activities directly. The costs incurred by the UNDP country office in providing such support services shall be recovered from the administrative budget of the office.

3. The UNDP country office may provide, at the request of the designated institution, the following support services for the activities of the programme/project:

(a) Identification and/orrecruitment of project and programme personnel;

(b) Identification and facilitation of training activities;

1. Procurement of goods and services;

4. The procurement of goods and services and the recruitment of project and programme personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures. Support services described in paragraph 3 above shall be detailed in an annex to the programme support document or project document, in the form provided in the Attachment hereto. If the requirements for support services by the country office change during the life of a programme or project,

the annex to the programme support document or project document is revised with the mutual agreement of the UNDP resident representative and the designated institution.

5. The relevant provisions of the [*Insert title and date of the UNDP standard basic assistance agreement with* *the Government*] (the “SBAA”), including the provisions on liability and privileges and immunities, shall apply to the provision of such support services. The Government shall retain overall responsibility for the nationally managed programme or project through its designated institution. The responsibility of the UNDP country office for the provision of the support services described herein shall be limited to the provision of such support services detailed in the annex to the programme support document or project document.

6. Any claim or dispute arising under or in connection with the provision of support services by the UNDP country office in accordance with this letter shall be handled pursuant to the relevant provisions of the SBAA.

7. The manner and method of cost-recovery by the UNDP country office in providing the support services described in paragraph 3 above shall be specified in the annex to the programme support document or project document.

8. The UNDP country office shall submit progress reports on the support services provided and shall report on the costs reimbursed in providing such services, as may be required.

9. Any modification of the present arrangements shall be effected by mutual written agreement of the parties hereto.

10. If you are in agreement with the provisions set forth above, please sign and return to this office two signed copies of this letter. Upon your signature, this letter shall constitute an agreement between your Government and UNDP on the terms and conditions for the provision of support services by the UNDP country office for nationally managed programmes and projects.

Yours sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed on behalf of UNDP

*[Name]*

*[Title: Resident Representative*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For the Government

[*Name/title*]

[*Date*]

Attachment

# DESCRIPTION OF UNDP COUNTRY OFFICE SUPPORT SERVICES

1. Reference is made to consultations between [*insert name of Designated institution*], the institution designated by the Government of [*name of programme country*] and officials of UNDP with respect to the provision of support services by the UNDP country office for the nationally managed programme or project [*insert programme or project number and title*], “the Programme” [*or “the Project*”].

2. In accordance with the provisions of the letter of agreement signed on [*insert date of agreement*] and the programme support document [*or project* *document*], the UNDP country office shall provide support services for the Programme [*or* *Project*] as described below.

3. Support services to be provided:

|  |  |  |  |
| --- | --- | --- | --- |
| Support services  (insert description) | Schedule for the provision of the support services | Cost to UNDP of providing such support services (where appropriate) | Amount and method of reimbursement of UNDP (where appropriate) |
| 1. |  |  |  |
| 2. |  |  |  |
| 3. |  |  |  |

4. Description of functions and responsibilities of the parties involved:

1. While 51.8% of the Montenegrin population is female, only 11% of the seats in the National Parliament are held by women, only 7% of the councillors in the local parliaments are women; out of 17 government ministers only one is a woman, while one out of 21 mayors is a woman. Furthermore 39.5% of all employees are women, out of whom only 7.2% are performing managerial tasks. 8% of the women in Montenegro are owners/co-owners of their homes/flats, 6% are car owners and 1% are business or company owners (source Department of Gender Equality, 2010). [↑](#footnote-ref-2)