



**Country: Serbia
Initiation Plan**

Project Title: **Strengthening Alternative Dispute Resolution Mechanisms in Serbia to Ensure Legal Empowerment of the Poor: Support to the Commissioner for the Protection of Equality**

Expected CP Outcome(s): CP Outcome 1.2: Rule of law is strengthened for compliance with international commitments and human rights instruments

Initiation Plan Start Date: 1 June 2011

Initiation Plan End Date: 15 December 2011

Implementing Partner: Commissioner for the Protection of Equality of the Republic of Serbia

Brief Description

This initiation plan seeks to finalize the design of a joint program (with UN Women), aimed at providing capacity building support to the newly established office of the Commissioner for Protection of Equality (CPE) and start up pilot activities related to Alternative Dispute Resolution (ADR) in cases of discrimination. The CPE has been established in May 2009 as a national human rights institution (NHRI) in Serbia, and as the equality body according to the directives of the EU. However, a year after its nomination, EC reports show that the CPE faces challenges in terms of capacity building, which require structured support. In order to assist the design of the joint program, activities will focus on the adaptation and roll-out of an open source ADR Database within the office of the CPE and related capacity building and advocacy activities, in order to gather inputs on the state of affairs within this area of combating discrimination and generate initial capacity for future interventions. An analysis of the existent paths toward justice in Serbia, in the area of antidiscrimination will also be conducted, generating inputs on the manner in which Serbian citizens can obtain legal satisfaction in cases of discrimination (ADR, courts, special procedure before the CPE). The inputs gathered will help design the joint program intervention.

Programme Period: 2011 - 2015

CPAP Programme Component: Outcome 1.2: Rule of law is strengthened for compliance with international commitments and human rights instruments

Atlas Award ID/Project ID: 46125/ 78893

PAC Meeting Date 1 June 2011

Total resources required	\$ 75,000
Total allocated resources:	\$ 75,000
Total TRAC + BDP funds:	\$ 135,000
• Regular	
TRAC	\$ 75,000
• Other:	
Parallel funding (BDP):	\$ 60,000
In-kind Contributions	

Agreed by (Commissioner for the Protection of Equality): 
 Dr. Nevena Petrusic, Commissioner for the Protection of Equality of the Republic of Serbia

Agreed by UNDP: 
 Mr. William S. Infante, UNDP Resident Representative

I. PURPOSE

The purpose of this Initiation Plan is to finalize the design of a joint program (with UN Women), aimed at providing capacity building support to the newly established office of the Commissioner for Protection of Equality and start up pilot activities related to alternative dispute resolution in cases of discrimination.

II. EXPECTED OUTPUT

The Initiation Plan will provide the following outputs:

- 1. The ADR Database will be piloted with the CPE by the end of the project period. The pilot ADR database is currently located at the following website: www.infodoc.info/adr. The ADR data base will be an interactive tool available to all ADR users and experts, as well as service providers, rounding up in one place the full extent of information on ADR services for Serbia. In order to help build the data base, the project will work on its establishment on the CPE server, provide trainings for the maintenance of the database, and support to gathering information for the database, and its popularization among the target audience. The project will provide full monitoring of the efficiency, effectiveness and impact of the database on the provision of mediation services in the field of antidiscrimination in Serbia. The final product is an interactive online database which can generate high quality reports on the state of ADR in Serbia, in particular within the area of antidiscrimination.*
- 2. Measuring Access to Justice tool incorporated into Database and utilized by professionals and the public, data gathered and analysed. The Hague Model of Measuring Access to Justice is a tool which allows the measurement of the costs and quality that normally users of justice may expect when they use a particular path to justice (in this case: mediation, the procedure before the CPE and the judicial solution to questions related to discrimination). UNDP Serbia has established cooperation with the developers of the methodology at Tilburg University. During the course of the project, the methodology will be applied on a representative number of users of different paths to justice in Serbia, the results analysed and used to improve the paths of justice with the work of the CPE. More on the methodology can be found on the website: <http://www.measuringaccesstojustice.com/> The final product is a report with recommendations for users on the advantages of particular paths of justice with regard to antidiscrimination in Serbia (including within the format of a citizens' charter), and concrete recommendations for the improvement of the paths of justice for policy/decision makers.*
- 3. Finalization of joint program for the CPE. The joint program in cooperation with UN Women will be designed and developed with the aim of ensuring capacity development programming for the CPE in the following five-year period at both national and local level, with particular emphasis on the inclusion of gender sensitive aspects within programming. In order to facilitate the process of the development of the joint program, preparatory activities will be undertaken in the field of Alternative Dispute Resolution mechanisms (development of initial manual for use of ADR in discrimination at community and individual level) and in the area of access to justice (preparatory awareness activities, including conduction of survey/interviews with beneficiaries, aimed at obtaining quantifiable inputs for the joint program document directly from beneficiaries throughout Serbia). The final product will be a fully developed project document in standard required format (UN joint programme / donor format).*

III. MANAGEMENT ARRANGEMENTS

The project will be implemented in NIM modality by the office of the Commissioner for Protection of Equality, with UNDP support services.

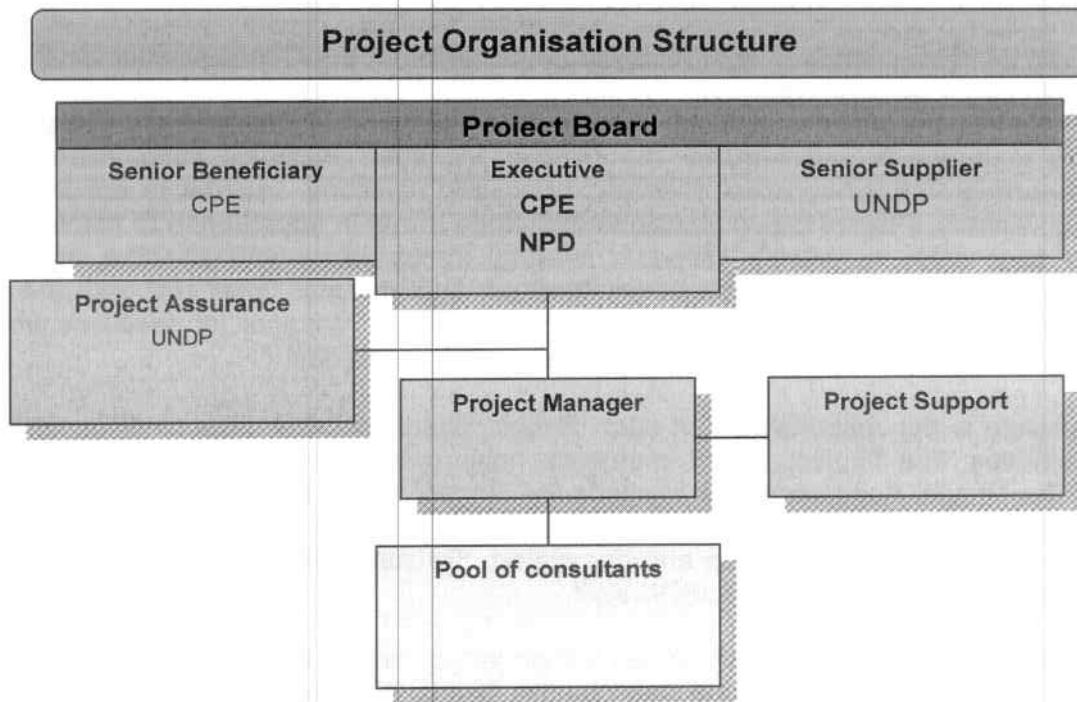
The Project Board is the group responsible for making by consensus management decisions for a project when guidance is required by the Project Manager, including recommendation for UNDP/Implementing Partner approval of project plans and revisions. In order to ensure UNDP's ultimate accountability, Project Board decisions should be made in accordance to standards¹ that shall ensure best value to money, fairness, integrity transparency and effective international competition. In case a consensus cannot be reached, final decision shall rest with the UNDP Resident Representative. This group is consulted by the Project Manager for decisions when PM tolerances (normally in terms of time and budget) have been exceeded.

Project Assurance is the responsibility of each Project Board member. Due to other obligations and responsibilities that Project Board members have outside the project, the role can be delegated. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. For nationally implemented projects, the assurance role is usually assumed by UNDP staff.

The Project Manager has the authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Board. The Project Manager is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost.

The Project Support role provides project administration, management and technical support to the Project Manager as required by the needs of the project or Project Manager.

¹ UNDP Financial Rules and Regulations: Chapter E, Regulation 16.05: a) The administration by executing entities or, under the harmonized operational modalities, implementing partners, of resources obtained from or through UNDP shall be carried out under their respective financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. b) Where the financial governance of an executing entity or, under the harmonized operational modalities, implementing partner, does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition that of UNDP shall apply.



IV. MONITORING

- Field visits. A representative from the UNDP office (M&E Unit) will visit project at least once and as frequent as demanded. Field visits serve the purpose of results validation, especially when undertaken in the first half of the year. Field visits should be documented through brief and action-oriented reports, submitted within the week of return to the office.
- Annual Review Report. An Annual Review Report will be prepared by the Project Manager and shared with the Project Board. As a self-assessment by the project management, it does not require a cumbersome preparatory process. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the Project Progress Report (PPR) covering the whole year with a summary of results achieved against pre-defined targets at the output level. As such, it can be readily used to spur dialogue with the Project Board and partners.
- Annual Project Review. Based on the above report, an annual project review will be conducted during the fourth quarter of the year or end of the Initiation Phase, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. At the end of the Initiation Phase, 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. Once cleared, key elements of the reports shall feed directly into the annual reporting exercise on results at the outcome level.

V. ANNUAL WORK PLAN

Year: 2011

EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET	
		Q1	Q2	Q3	Q4		Funding Source	Amount
<p><i>And baseline, indicators including annual targets</i></p> <p>Output 1: ADR Database piloted with the CPE</p> <p>Baseline: There is a lack of comprehensive and coordinated information relating to ADR in Serbia, including the providers, methods of ADR, success rates, costs and types of cases ADR can cover, segregated by gender.</p> <p>Indicators:</p> <ul style="list-style-type: none"> - Number of registered users - Number of cases - Number of news articles included - Number of visitors in first year of operation - Number of responses to Access to Justice Tool <p>Targets:</p> <ul style="list-style-type: none"> - 50 providers included - 100 cases included - 25 new articles included in Database - 1000 visitors to Database in first year 	<p><i>List activity results and associated actions</i></p> <p>1. Activity Result: ADR database developed and operational</p> <p>Actions</p> <ul style="list-style-type: none"> - Finalization and operationalisation of the ADR Database - Training of CPE staff - Installation of Database in the national partner's premises – CPE - Handover of full administrator rights to new custodians of Database <p>2. Activity Result: Measuring Access to Justice tool incorporated into Database and utilized by professionals and the public, data gathered and analysed</p> <p>Actions</p> <ul style="list-style-type: none"> - Translation of Tilburg University's Methodology on Measuring Access to Justice tool translated into Serbian - Inclusion of Methodology onto the ADR Database - Testing the tool with a pre-determined pool of users - Targeting of users of ADR and court users to complete the Methodology in order to gain empirical evidence for the study - Drafting of the study 					CPE	parallel ²	\$25,000
						CPE	parallel	\$5,000
						CPE	parallel	\$10,000
							TRAC	\$5,000
							Travel - 71600	
							Translation 71200	\$12,000
						CPE		
							National consultants 71200	\$8,000

² Funds allocated from UNDP HQ BDP Access to Justice project, Atlas ID 74560.

				TRAC	Contractual services companies 72100	\$1,000
<p>Output 2: Finalization of joint program for the CPE</p> <p>Baseline: Project concept developed with UN Women and submitted to the EU</p> <p>Indicators:</p> <p>Project concept adopted by CPE</p> <p>Ex-ante and ex-post survey among target population.</p> <p>Target: Full joint program developed in EU and UN formats</p>	<p>1. Activity Result: Drafted manuals that are to be used when CPE decides that a case should be resolved through mediation. Increased knowledge among marginalized groups of existent channels of access to justice.</p> <p>Actions:</p> <ul style="list-style-type: none"> - <i>Preparing manual on mediation involving discrimination in individual cases and in communities,</i> - <i>Preparatory/advocacy activities for enhancing channels for access to justice including survey/ interviews with beneficiaries at national and local level (Novi Sad, Belgrade and Nis).</i> 	CPE		TRAC	National consultants 71200	\$15 000
				TRAC	Contractual services companies 72100	\$15 000
<p>Target: Full joint program developed in EU and UN formats</p>	<p>2. Activity Result: Design of joint program for the CPE finalized</p> <p>Actions:</p> <ul style="list-style-type: none"> - <i>Drafting of the joint program in the donor required format</i> - <i>Drafting of the joint program in the UN required format.</i> 	CPE		TRAC	Contractual services individuals 71400	\$34,000
TOTAL		CPE		TRAC	Audit/Evaluation (74100)	\$5,000
TOTAL				TOTAL	TOTAL	\$135.000