

Standard Summary Project Fiche – Centralised National Programme

Project Fiche: 1

1. Basic information

Background:

1.1 CRIS Number:2011/023-173

1.2 Title: Strengthening justice reform

1.3 ENLARGE Statistical code: 1.24

1.4 Location: Montenegro

Implementing arrangements:

1.5 Contracting Authority: Delegation of the European Union to Montenegro

1.6 Implementing Agency: Delegation of the European Union to Montenegro, and UNICEF under joint management

1.7 Beneficiary:

Ministry of Justice
SPO: Lidija Masanovic
Address: Vuka Karadzica 3, 81000 Podgorica
Phone: +382 20 407 510, Fax:+382 20 407 510
E-mail: lidija.masanovic@mpa.gov.me

Component 1 Project Leader: Lidija Mašanović, Ministry of Justice
Address: Vuka Karadzica 3, 81000 Podgorica
Phone: +382 20 407 510, Fax:+382 20 407 510
E-mail: lidija.masanovic@mpa.gov.me
Partner organization: The Prison Administration, Mr. Milan Radović, The Director
Implemented through a Twinning Covenant

Component 2 Project Leader: Deputy Minister of Justice, Ms Branka Lakocevic
Phone: +382 20 407 512, Fax:+382 20 407 586 ;E-mail :branka.lakocevic@gov.me
Implemented through joint management with UNICEF

Financing:

1.8 Overall cost: EUR 1,330,000

1.9 EU contribution: EUR 1,200,000

1.10 Final date for contracting:

Three years after conclusion of the Financial Agreement.

1.11 Final date for execution of contracts:

Two years after the final date for contracting

1.12 Final date for disbursements:

One year after the final date for the execution of contracts

2. Overall Objective and Project Purpose

2.1 Overall Objective:

Strengthening justice reform in Montenegro in line with EU and international standards.

2.2 Project purpose:

Support the implementation of the reform of the system of execution of criminal sanctions and of the new juvenile justice legislation.

2.3 Link with AP/NPAA / EP/ SAA

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

2.4 Link with Multi-Annual Indicative Planning Document (MIPD)

Under Priority Axis 1, the **MIPD (2011-13)** emphasizes the need to improve the rule of law which included Judiciary reform, fight against organised crime and other criminal acts with special accent put on strengthening institutional capacity of the judiciary system included organisational, human and technical resources. The status of judges and prosecutors, upgrading the capacities, straightening the efficiency of judiciary and improving education of judges are essential elements. Strengthening of judiciary is a main priority in order to guarantee the rule of law. The MIPD also clearly emphasises that “the improvement of prison conditions is a particular challenge for Montenegro. It includes aspects related to human rights, the need to reduce ill-treatment and security as well as corrective measures and re-integration measures.”

The MIPD advocates the establishment of transparent procedures based on professional and objective criteria for selection and career advancement rationalise the court system and provide

adequate financing. Moreover, as one of the proposed objectives under Priority Axioms 1, the MIPD underlines the need to improve prison conditions, in particular as regards vulnerable groups such as juvenile offenders.

2.5 Link with National Development Plan

N. A.

2.6 Link with national/ sectoral investment plans

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

National Programme for Integration of Montenegro to The European Union (2008-2012) stipulates that with regard to penitentiary reform (Ch. 3.23.3) a short term priority is "Passing a law on changes and amendments on the Law on the Execution of Criminal sanctions in order to establish probation service, all aiming to create conditions for the supervision of persons during parole, suspended sentence, conditionally sentenced persons and those to whom community service punishment has been pronounced." The NPI also has provision for the necessary administrative changes. The National Programme of Integration to the EU, 2008-2012 also contains a specific sub-chapter on Children's Rights under the section 'Political Criteria'. This marks a major breakthrough in efforts to put children at the heart of the accession process, bearing in mind that the NPI is a key strategic document for defining the five-year timetable of the EU accession process. Implementation of a comprehensive reform of juvenile justice system, including the adoption of a special Law on Juvenile Justice and establishment of the specialized departments for conducting procedures towards juveniles has been set as one of Mid-term Priorities within the NPI.

3. Description of project

3.1 Background and justification:

A particularly significant place in the overall justice reform process in Montenegro is occupied by activities on the reform of the system of execution of sanctions, especially the system of execution of imprisonment sentence, since this punishment by its nature represents the restriction of one of the fundamental rights of each person and citizen – right to freedom. A distinct trait of these activities is a clear determination to achieve the highest level of respect for and protection of human rights and freedoms. In accordance with the reform policy of The Government of Montenegro and measures defined by the strategic documents, Ministry of Justice continuously performs activities in order to improve penitentiary system. Reforms are in all fields of the system – from harmonizing legislation to strengthening mechanisms of fulfillment and protection of human rights of sentenced persons. **The Analytical report accompanying the Commission Opinion on Montenegro's application for membership of the European Union (2010)** recognizes the efforts to harmonize national legislative framework with international standards. It stressed that the prison conditions are improving, but the Law on execution of criminal sanctions and internal regulations that define system of execution of criminal sanctions need further harmonization with European standards (among which regarding to access to education, proper health protection, lasting of measures of isolation etc.). It is also stated that overpopulation in prisons should be reduced and that in order to improve prison conditions it is necessary to develop alternative sanctions and rehabilitation activities. Also, lasting and frequency of visits needs further harmonization with the European standards, which is also the case with further improvement of premises and rooms for detention. In the field of accomplishing these priorities, The Ministry of Justice is starting new policy in the system of execution of criminal sanctions, whose main characteristics are: improving the legislative framework, promotion of alternative sanctions, reducing prison population and improving detention conditions.

In respect of Juvenile Justice, significant progress has been made and the Government has shown a strong commitment to improve the treatment and protect the rights of children at risk and children in conflict with the law, both within the Justice and the Child and Social Welfare Systems. Especially so, having in mind that at the very beginning of the reform of the Juvenile Justice System, Montenegro had no separate juvenile justice legal framework, nor judges, prosecutors or social workers with specialized knowledge to deal with juvenile offenders and children and families at risk. However, despite these positive actions, further efforts will be required both in the area of the justice and child and social welfare systems in order to ensure long-lasting and sustainable solutions in the area of juvenile justice. Also, various developments redirected Government's priorities in 2010, including the obligations of the Ministry of Justice vis a vis key issues to be addressed in the EU accession process and in particular Action Plan for following the implementation of recommendations from the EC Opinion 2011. As a result the Government postponed the process of adoption of the Juvenile Justice Law for the second quarter of 2011.

In **the EU Progress Report 2009**, the following is noted in chapter 2.1. Democracy and the rule of law, Judicial System: "The ongoing reform of the juvenile justice system has yet to yield results". The Ministry of Justice adopted the Montenegro Judiciary Reform Strategy for the period 2007-2012 in June 2007 and the Juvenile Justice System Reform has been set as one of the priority areas of the reform with the finalization of separate Juvenile Justice

Legislation as a central part. Further, in **the Analytical Report accompanying the Commission Opinion on Montenegro's application for membership of the European Union 2010**¹, the efforts made to harmonize the national legal framework with international law, in particular as regards juvenile justice have been recognized and noted as such.

Thus, this Project's purpose is to both assist in further development of the system of execution of criminal sanctions based upon continual harmonization with relevant international standards, and to ensure that appropriate measures and practices are in place to further improve the Juvenile Justice system. *In the following paragraphs there is a brief description of the background and justification on these two important areas of the justice sector.*

Penitentiary Reform & Probation Service

The problem faced in the prison system of the Republic of Montenegro is a problem shared by prison systems in many countries, and that is prison over population. Apart from the continual growing trend in the number of detained and convicted persons, the solution to this problem is further challenged by the spatial capacities of the buildings of The Prison Administration. In the light of the obligation to respect the right to decent accommodation and the fact that the existing accommodation facilities require some improvements, the construction of new facilities and the reconstruction and renovation of the existing facilities, Montenegro is working on reconstruction and adaptation of existing facilities as well as on the construction of the new facilities. In IPA 2009 Project "Support to the penitentiary sector in Montenegro" now in progress, one of expected results is to prepare a preliminary building design, including technical specifications, bill of quantities and drawings for the prison for long sentences (closed prison) and prison hospital. Regarding the promotion of alternative sanctions, the Government of Montenegro adopted the Proposition of the Law on changes and amendments of The Law on execution of criminal sanctions. One of the key changes defined by this law is establishing a special organizational unit in the Ministry of Justice – Department for conditional liberty, which will supervise over sentenced persons on liberty during release on parole, suspended sentence, suspended sentence with supervision, community-service sentence and other measures stipulated by the law. Establishing of such service is in line with European standards and best practice. Bringing this law is defined as one of the measures in The National Plan for Integration of Montenegro to EU 2008-2012, as well as The Action plan for implementation of The Strategy for the reform of The Judiciary 2007/2012. The law is in Parliamentary procedure. This will relate to the coherence and effectiveness of the existing legislation and regulatory framework in Montenegrin legislation and regulations with regard to the implementation of human rights obligations, alternative sanctions and measures to pre-trial detention and imprisonment through installing a Probation Service step-by-step. The Ministry of Justice is committed to the reform of the penitentiary system. The current state requires need for sustainability in human resources policy and training policy. Since the penal and prison field are strongly interconnected, the joint training and collaboration of the staffs inside and outside of the prisons will help to improve the cooperation between the judicial bodies (courts, prosecutors' offices, enforcement agencies, probation service) and prisons, in order to increase awareness as far as alternatives to imprisonment are concerned. The analysis also shows, as confirmed through a **EU-funded TAIEX assignment in September 2010**, the need for improving Human Resources management and staff training in the prison system in the compliance with the European Prison Rules, Human Rights issues and the specific Recommendations of the Council of Europe. Also, in relation to promotion of alternative

¹ {COM(2010) 670}

sanctions, there is a challenge of successful incorporation of the alternative punishment model into the existing and traditional one. A positive socio-political environment and public opinion ready to accept something new must be created.

By complete establishing and implementation of alternative sanctions, population in prison will reduce, thus improve the detention conditions, which is also one of the reasons for promoting these alternatives to imprisonment.

One of main challenges relates to need to strengthen the organizational structure of the penal and prison system in Montenegro. Information flow and co-ordination between the custodial and non-custodial measures within the Ministry of Justice and Prison Administration need to be improved. To meet these outstanding challenges, the project will help Montenegro to establish a comprehensive set of standards which competent authorities will be expected to meet and which will be the subject to regular compliance checking. With this aim, the Project will address the Ministry of Justice and The Prison Administration (ZIKS), namely through reforming relevant legislation and strengthening the capacities of institutions for running the affairs of the penitentiary system. The activities of the Project will strengthen the Ministry of Justice institutional and administrative capacity to steer and manage penitentiary affairs, specifically policy/strategic framework and inter-institutional cooperation, the establishment and implementation of an alternative sanctions system, and the improvement of detention conditions, as well as strengthen The Prison Administration administrative capacity, specifically planning, human resource management, prison operations, and the improvement of the human rights of persons deprived of liberty.

Background on Juvenile Justice

The Government of Montenegro started the process of a comprehensive reform of the Juvenile Justice System with a project that initiated the reform entitled “**Children’s Chance for Change**” (2004), implemented with technical assistance from UNICEF, in cooperation with the Ministry of Labour and Social Welfare and the financial support of the Swedish International Development Agency (SIDA). Among the main accomplishments of this three-year project were amendments to relevant legislation authorizing application of different forms of alternative measures and sanctions for children in conflict with the law, and building capacities of juvenile justice professionals who created an inter-ministerial, inter-sectoral mechanism which became one of the driving forces of the whole process. The **EU-funded “Juvenile Justice System Reform” project (2007)** continued the reform efforts, addressing all important components of the Juvenile Justice System (the Judiciary and the Social Welfare Sector) and focused on policy and legislative change, development of rights-based standards of work for children in conflict with the law, strengthening preventive work with children and families at risk, and on development of community-based initiatives.

The development of the separate Juvenile Justice legislation fully harmonized with relevant international legal instruments and standards was an essential component of the project. The Draft JJ Law has been developed by the MoJ’s working group with technical assistance of UNICEF and contains for the first time substantive and procedural provisions as well as provisions on enforcement of criminal sanctions for juveniles in one legal text. It is fully based on restorative justice principles and allows for the application of a variety of alternative measures and sanctions for juveniles in conflict with the law. The Draft Juvenile Justice Law was adopted by the Government of Montenegro in the session held on 24th December 2009. Thanks to support of UN Country Fund the Government of Montenegro and UNICEF were in

a position to ensure continuation of the process of comprehensive juvenile justice system reform. Allocated resources were primarily used for the continued promotion and capacity building of professionals for implementation of alternative measures for juveniles in conflict with the law – with a special focus on Victim/Offender Mediation and Community Based Work for Juveniles in Conflict with the Law. As a result application of alternatives to criminal prosecution for juveniles has increased in 4 selected municipalities – Bar, Bijelo Polje, Niksic and Podgorica. The Concluding Observations of the Committee on the Rights of the Child for Montenegro, published in October 2010 set a 5 years roadmap for further reform of juvenile justice system with focus on: adoption of draft Juvenile Justice Law and undertaking of necessary measures to implement it; setting up a separate, adequate system of juvenile justice; implementation of alternative socio-educational measures to deprivation of liberty; implementation of strategies to prevent crimes in order to support children at risk at an early stage; continuation of training for all judges and all law enforcement personnel who come into contact with children and establishment of independent monitoring of detention conditions. Use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and by its members, which include UNODC, UNICEF, OHCHR and NGOs, is recommended. It also calls the Country to ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

Juvenile Justice – the Current Situation

Taking into account current situation in juvenile justice it is clear that much progress has been made, but that there are also significant gaps in both the regulatory framework and professional practices. Thus, several areas that are in need for additional assistance have been identified. Additional activities will be aimed at further developing the juvenile justice legal framework, building the capacities of the justice, police, education and the child and social welfare systems for proper implementation of the new Juvenile Justice Law, and promotion of full application of alternative measures and sanctions for children in conflict with the law.

Namely, after the adoption of the Juvenile Justice Law, a set of secondary legislation is required to regulate the implementation of alternative measures and sanctions for children in conflict with the law, record keeping of criminal cases involving children, internal operating rules of semi-open and closed educational institutions and others. In addition, Montenegro is still lacking a uniform juvenile justice data collection and information system and specific bylaws to contribute to the regulation of this area and to contribute to the creation of necessary tools for monitoring of the observance of the rights of the children in conflict with the law. Furthermore, juvenile justice professionals need to be provided with the necessary knowledge and skills to implement the provisions of the new juvenile justice legal framework. Also, additional efforts are needed to improve existing and develop new rehabilitation programmes of work with children in conflict with the law residing in semi-open and residential institutions. Finally, while significant efforts have been made in promoting alternatives to criminal prosecution, further action is required to increase their practical application and raise awareness of juvenile justice professionals on the benefits of alternative measures and sanctions for juveniles in terms of promoting their rehabilitation and re-socialization. To that end, assistance is also required in creating all necessary conditions for the implementation of such measures throughout Montenegro, especially for community-based work for juveniles and victim/offender mediation.

The contribution agreement to UNICEF is justified because UNICEF has a de facto monopoly in this field of activity, having an exclusive competence in juvenile justice matters. Moreover, UNICEF has an operational presence in Montenegro (through the UNICEF Country Office) which is currently supporting the Government and Parliament of Montenegro to adopt the law on juvenile justice. Furthermore, UNICEF implemented the first phase of the Juvenile Justice project with good results. The proposed project aims to support the implementation of the juvenile justice law, thus UNICEF is in the best position to implement this action. Also from a cost efficiency and effectiveness perspective UNICEF is the most suitable implementation modality option.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

The project will seek to provide long-lasting and sustainable solutions and will represent an important contribution towards achieving overall objectives: improving the penitentiary policies and detention conditions as well as creation of separate juvenile justice system in Montenegro.

One of strong commitments of The Ministry of Justice is improving system of execution of criminal sanctions and promotion of alternative sanctions. New normative solutions and management practices will help reducing the number of persons deprived of liberty, which will improve the detention conditions by reducing the prison population. Results of the Project will also reflect on the right of persons deprived of liberty to easier reintegration into free society, which is one of the principles of European Prison Rules. Also, the planned activities will create a mechanism of strong commitment to promotion of alternative sanctions and education of Probation service and prison staff, as well as judiciary and other relevant authorities. The envisaged activities have **catalytic effect** and once introduced as such, they are to be implemented continuously through national level funding mechanisms. Once reformed Law on execution of criminal sanctions and Juvenile Justice Law are adopted, and consequent bylaws, standards and capacity building programme introduced and implemented, continuation of the process will be secured through sustainable funding mechanisms. The project will seek to strengthen the independence and efficiency of the judiciary and in particular penitentiary and juvenile justice system as well as its capacity to operate more closely according to EU and UN standards. This will more broadly speaking, produce an efficient and professional judiciary and social welfare system responsive to the needs of its beneficiaries and therefore will increase confidence amongst citizens and potential inward investors.

A capacity building programme containing tailored training for the representatives of different sectors, as well as inter-sectoral trainings, accompanied by appropriate monitoring mechanisms, will be organized in cooperation with respective national bodies. Thus, the investment will be sustained through a broad ownership of the capacity building.

In order to support additional project **sustainability**, the Ministry of Justice and UNICEF pays particular attention to securing ownership of the project by its stakeholders. This will be ensured through participatory and transparent development, clear role of the Ministry of Justice in coordination and provision of directions for the overall reform process and monitoring of activities in each project phase. The same approach will be used with the

Ministry of Labour and Social Welfare and other line ministries and institutions in all activities that considered involvement of representatives of these sectors. The project's main **impact** will be two-fold. To have more effective and efficient penitentiary system, through improvement of detention conditions and probation service and process of reintegration of sentenced persons into society, and promotion of new models of prison practices, with operational capacity working more closely according to EU standards. This will allow better legislative implementation, increased citizens' confidence in the system and improved judicial cooperation within the region and EU. The other is to strengthen the independence and efficiency of the juvenile justice system.

3.3 Results and measurable indicators

:

Component 1 (Strengthening the capacities of the MoJ, the Prison Administration and judiciary to effectively implement the system of execution of criminal sanctions)

Result 1.1: A reformed coherent and conducive legal framework for the execution of criminal sanctions, improved detention conditions and increased use of alternatives to imprisonment.

Result 1.2: Prison management system improved.

Result 1.3: Delivery of probation and reintegration services for offenders reformed and strengthened.

Component 2 (Support the implementation of new juvenile justice legislation)

Result 2.1: Enhanced legislative and policy framework for Juvenile Justice, including appropriate JJ Data Collection & Information System.

Result 2.2: Strengthened institutional and administrative capacity for the implementation of JJ Law (Judiciary, Public Prosecutors' Offices, Social Welfare System, Police, MoES, JJ institutions, etc.)

Result 2.3: Increased public awareness on juvenile justice matters

Measurable indicators are following:

More detailed and precise indicators and baselines will be specified when twinning fiche and the contribution agreement will be elaborated.

Component 1 (Strengthening the capacities of the MoJ, the Prison Administration and judiciary to effectively implement the system of execution of criminal sanctions)

Measurable indicators related to result 1.1:

- Number of bylaws in full compliance with the EU standards adopted and enforced
- Number of expert assistance of the probation service to Public Prosecution Office or the court during criminal proceedings (Art. 166, 272 CPC) per year (pre-sentence reports),
- Number of cases of alternative criminal sanctions enforced

Measurable indicators related to result 1.2:

- Percentage of executive level management that have received training by the end of the project
- 40 persons of the Middle-management from all prisons are trained in the new strategy by end of project
- 10% of the Prison Service trained in total for 12-weeks by end of project
- Job descriptions adopted and the 'Performance Evaluation System enforced in the annual staff performance by end of project
- Increase in the levels of satisfaction as expressed by offenders in the prison system

Measurable indicators related to result 1.3:

- % of staff of the probation service able to apply specialised probation methodology for juveniles and adults by end of project
- Checklists being used by staff in the probation service
- % increase in the number of pre-release cases for probation (adults/juveniles)
- Number of Bylaws in full accordance with the EU standards

Component 2 (Support the implementation of new juvenile justice legislation)

Measurable indicators related to result 2.1:

- No. of bylaws, rulebooks and manuals prepared in accordance with UN CRC and other relevant international instruments
- Juvenile Justice data collection and information system established and operational with appropriate and internationally recognized set of indicators in juvenile justice

Measurable indicators related to result 2.2:

- Number of professionals who have been certificated from specialised trainings for implementation of JJ Law (judges, prosecutors, social workers, police officers, correctional officers, teachers) during 2013-4
- At least 20% increase in application of alternative measures for girls and boys in conflict with the law - Victim/Offender Mediation, Community-Based Work for Juveniles
- Number of courts and police stations in MNE which are equipped and have necessary trained staff for the application of child-friendly procedures by end of 2014
- Number of child rights-based rehabilitation programmes for work with children in conflict with the law in semi-open and juvenile justice educational institutions

Measurable indicators related to result 2.3:

- % increase of public awareness on the rights of children in conflict with the law and child victims and witnesses and on the importance of prevention among professionals, general public and children

3.4 Activities:

Component 1 (Strengthening the capacities of the MoJ, the Prison Administration and judiciary to effectively implement the system of execution of criminal sanctions)

To achieve Result 1.1

1.1.1 Assessment of the legal and institutional set-up on the basis of comparison of best practices and EU standards;

1.1.2 Prepare drafts of amendments to existing legal framework and submit for approval;

1.1.3. Prepare revised plan of institutional arrangements and cooperation between the various services (judicial, prosecution, prison and probation)

1.1.4 Design and deliver training programmes for all target groups (staff of the various services) on the implementation of the new rules and procedures;

1.1.5 Facilitate the monitoring of the enforcement of the new regulations and procedures through a series of experience-sharing seminars/conferences with participation of representatives from all the services (judicial, prosecution, prison and probation)

To achieve Result 1.2

1.2.1 Analyze and create guidelines for a new prison management system;

1.2.2 Undertake a Training Needs Assessment, and prepare a Human Resource Development policy, Training Plan and Curricula;

1.2.3 Revise staff Job Descriptions and develop Performance Evaluation Systems;

1.2.4 Deliver series of training programmes for Prison Service personnel;

1.2.5 Establish a computerised Management Information System (MIS) to track records of sentenced and conditionally sentenced persons;

1.2.6 Develop an approach for prisoners' reintegration.

To achieve Result 1.3

1.3.1 Develop a set of guidelines for the operation of the probation service, including specialised probation methodologies for juveniles and adults;

1.3.2 Support the staff and management of the newly established probation service with the design, development and delivery training programmes;

1.3.3 Facilitate study visits to Member States for staff and management to review probation services in the EU;

1.3.4 Take measures to ensure appropriate data management is linked to the national judicial MIS to record probation service delivery;

1.3.5 Draft an advisory note on how to improve public awareness to the probation service

1.3.5 Supply IT equipment for the Probation Service Unit of the MoJ (national co-financing)

Component 2 (Support the implementation of new juvenile justice legislation)

To achieve Result 2.1:

2.1.1 Support to improve juvenile justice policy and legislative framework (secondary legislation, rulebooks, standard operating procedures etc.);

2.1.2 Support to improvement of Juvenile Justice Data Collection and Information System with appropriate and internationally recognized set of indicators in juvenile justice.

To achieve Result 2.2:

2.2.1 Prepare and deliver specialized training programme for JJ professionals on implementation of JJ Law focusing on the rights of children in conflict with the law, child victims and diversion schemes/alternatives (organize seminars, trainings, workshops, study visits, etc), based on a needs assessment survey and report prepared

2.2.2 Support to implementation of alternative measures for juveniles (girls and boys in conflict with law)

2.2.3 Provision of necessary equipment for application of child-friendly procedures for three courts and three police stations in MNE

2.2.4 Improve existing and develop new child rights-based rehabilitation programmes of work with children in conflict with the law in semi-open; Improve existing and develop new rehabilitation programmes of work with children in conflict with the law in semi-open juvenile justice institutions.

To achieve Result 2.3:

2.3.1 Prepare and implement a public awareness campaign on juvenile justice matters focusing on prevention, incl. execution of baseline and end of project surveys, content analysis, etc.

3.5 Conditionality and sequencing:

The Project will be implemented through 3 contracts, a Twinning Covenant and a supply contract for Component 1, and a Contribution Agreement with UNICEF for Component 2.

The implementation of both will be closely co-ordinated; however there is no specific sequencing necessary.

Law on changes and amendments of The Law on execution of criminal sanctions which establishes the Department for conditional liberty (Probation service) in the Ministry of Justice is in Parliamentary procedure. The relevant staff in The Department for conditional liberty and The Deputy minister of Justice for the execution of criminal sanctions shall be hired before the start of the implementation of the Project.

Juvenile Justice Law should be adopted by the Parliament of Montenegro before the start of the implementation of the Project.

3.6 Linked activities

This project will take in to consideration experiences gained during implementation stage of EU funded projects.

EU funded projects:

In the context of judicial reform, the CARDS and subsequent IPA initiatives have focussed on developing initial and in-service training for judges, prosecutors and court support staff, and continues to strengthen the judicial training centre and prison administration.

- Under IPA 2009 funding, Project „Support to the penitentiary sector in Montenegro“ is in progress.
- Project “Support to the implementation of The new Criminal procedure Code” IPA 2009
 - Project “Justice Reform”, Twinning, IPA 2007.
 - Under IPA 2007 Juvenile Justice System Reform Project implemented by the Ministry of Justice with technical assistance of UNICEF
- Reform of the Social and Child Protection System-Empowering Social Inclusion, under IPA 2010 implemented by the Ministry of Labour and Social Welfare and the Ministry of Education and Sport in cooperation with UNICEF and UNDPthe 3rd Component on Child Care System Reform implemented by the Ministry of Labour and Social Welfare with technical assistance of UNICEF aims to initiate inclusion and protection of the most vulnerable and marginalized children, including children in conflict with the law.
- Advisory Support for prosecutors training, CARDS, Twinning light project is under implementation by the Judicial Training Center From 1 July 2008 until 31 December 2008
- Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans, CARDS, Regional Programmes 2006
- Development of a reliable and functioning judicial systems and enhancing of international judiciary cooperation, CARDS 2003. The almost finalised project contributed significantly to the development of the draft strategy for the Montenegrin judiciary and the new project will build upon its results as well by developing the action plan for the implementation of the mentioned strategy.

Other donor’s activities:

-Joint Initiative between the **European Agency for Reconstruction and the Council of Europe** on Prison reform and Probation service development in Montenegro (implemented from 2006 to 2008). The project produced recommendations for the setting up of a system for alternative sanctions.

-**UNDP** Project 'Strengthening the Center for Mediation and Promotion of Alternative Sanctions' (ongoing 2010-2012). This project will support to the Ministry of Justice to draft the law for the establishment of a system for alternative sanctions.

-**OSCE** Montenegro is providing technical assistance support for the preparation of training courses for the prison administration

3.7 Lessons learned

Improved inter-agency and donor coordination:

Improvement of efficiency of Judiciary institutions is identified as a top priority within the Government's strategic documents. In order to achieve defined objective for full effectiveness, it must be supported by complementary development of institutional organization, upgrading of security equipment and a comprehensive training programmes. These elements have been addressed through previous EU and other donor's activities. The simultaneous presence of several donors (in particular non-EU donors) with sometime different agendas did not always lead to the necessary synergies. Therefore, further and better organized donor coordination is necessary.

Awareness-raising and engagement with the public:

Need for raising awareness on the judiciary reform process still exists and will be taken into consideration during the course of project implementation. It is essential to have a public awareness and to include civil society, competent NGO's, companies etc., in order to reach healthy environment for conditionally sentenced persons and minors, so society can provide them with adequate approach and give a chance to efficient reintegration into society of these categories of persons.

Importance of participation of target groups:

The External Evaluation of the Juvenile Justice System Reform Project supported through IPA 2007 emphasized the importance of child participation in the project and contribution of civil society organizations which played a critical role in executing various activities, including research, technical assistance, training, general support, and programmatic work with children. This approach will be further cultivated and build upon.

4. Indicative Budget (amounts in €)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	%(2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	%(2)
Component 1												
Twining	X		745,000	700,000	94	45,000	6	45,000				–
Supply		X	35,000			35,000	100	35,000				
Component 2												
Contribution agreement	X		550,000	500,000	91	50,000	9			50,000		
TOTAL IB			1,295,000	1,200,000	92.66	95,000	7.34					
TOTAL INV			35,000			35,000	100					
TOTAL PROJECT			1,330,000	1,200,000	90.2	130,000	9.8					

The project has the following types of contract: Contract 1 - which will be a Twinning covenant and Contract 2 – Supply contract – these will cover Component 1; Contract 3 – Contribution agreement with UNICEF which will cover Component 2.

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Twinning contract (IPA)	Q4 2011	Q3 2012	Q1 2014
Contribution agreement (IPA)	n / a	Q1 2012	Q3 2013
Supply contract(national Co-financing)		Q3 2012	Q2 2013
Service contract (national Co-financing)		Q3 2012	Q1 2014

6. Cross cutting issues

6.1 Equal Opportunity

Gender balance is applied. The reform and modernisation of the judiciary will aim at providing equal opportunities for women in terms of access to employment, promotion, equal wages, and social benefits.

The Committee on the Rights of the Child has stressed non-discrimination, including particular attention to groups with relatively high poverty rates, lack of social inclusion, low school attendance and completion rates, and low employment rates, as a general principle of the CRC and as the first of the leading principles for a comprehensive juvenile justice policy.²

6.2 Environment

Environmental issues will be addressed through the purchasing and installing of any new equipment in line with environment protection and the new understanding of saving natural resources.

6.3 Minorities

The proposed project will, as far as is practicable, take the required steps to assure that the internal policies, structure or operating procedures of the beneficiary will conform with or promote minority issues. In order to develop a fair and accountable judicial system, the project should assist beneficiaries in implementing mechanisms to ensure equitable representation of ethnic minorities so as to reflect the ethnic diversity of Montenegrin society.

² Committee on the Rights of the Child, *General Comment No. 10: Children's rights in juvenile justice*, CRC/C/GC/10, 25 April 2007.

ANNEX I- Log frame in Standard Format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number:	Strengthening justice reform in Montenegro
	Contracting period expires: Three years from the conclusion of the Financing Agreement	Disbursement period expires: Disbursement period expires One years from the final date of execution of contract
	Total budget : 1,330,000	IPA budget: 1.200,000

Overall objective	Objectively verifiable indicators	Sources of Verification
Strengthening justice reform in Montenegro in line with EU and international standards.	-At least 20 % increase in the use of alternative sanctions -At least 20% decrease of prison overcrowding. -At least 20% increase of the No. of detainees rehabilitated and integrated in the soiciety -At least 20% increase in the application child friendly procedures and alternative measures for girls and boys in conflict with the law -At least 20% increase in the number of	EU regular reports Government reports Reports of Human Rights organisations Ombudsman Report

	girls and boys exposed to child rights based rehabilitation programmes		
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Support the implementation of the reform of the system of execution of criminal sanctions and of the new juvenile justice legislation.	<ul style="list-style-type: none"> • Reducing of prison population through decreasing the number of pre-trial detainees in total up to 10% by end of the project • Reducing the length of sentences: all in total up to 10 % by end of the project • % increase of application of alternative measures for adults • % increase in application of child friendly procedures and alternative measures for girls and boys in conflict with the law • Number of child rights-based rehabilitation programmes designed and implemented for girls and boys in conflict with the law in JJ Institutions • Increased awareness on the rights of children in conflict with the law and child victims and importance of prevention 	<p>Inspections and implementation reports of the Ministry of Justice</p> <p>Findings of the CPT about the allocation and classification feedbacks on prisons level</p> <p>Reports of NGOs and donors regarding corrective orders and diversion measures with juvenile offenders</p> <p>Reports and data from the Judicial Training Centre, Ministry of Justice, Ministry of Interior and Public Administration, Ministry of Labour and Social Welfare, and Ministry of Education & Sport</p> <p>Annual Reports of the Supreme State Prosecutor's Office and the Supreme Court</p> <p>EY regular reports and national and international human rights organizations.</p>	<ul style="list-style-type: none"> • Transformation of the penal policy as the follow-up of the judiciary reform • Continuation in transformation of the Montenegrin prison system • Effective cooperation between concerned authorities • Political willingness to provide adequate material needs and financial support
Results	Objectively verifiable indicators	Sources of Verification	Assumptions

<p><u>Component 1</u> Result 1.1 A reformed coherent and conducive legal framework for the execution of criminal sanctions, improved detention conditions and increased use of alternatives to imprisonment.</p>	<ul style="list-style-type: none"> • Number of bylaws in full compliance with the EU standards adopted and enforced • Number of expert assistance of the probation service to Public Prosecution Office or the court during criminal proceedings (Art. 166, 272 CPC) per year (pre-sentence reports), • Number of cases of alternative criminal sanctions enforced 	<ul style="list-style-type: none"> • Project reports • Parliament database • Official gazette; • MoJ annual reports • Public Prosecutor’s Office annual report • CoE reports • Administrative and judicial statistics 	<ul style="list-style-type: none"> • Political will of Parliament to undertake the judiciary reform in further legislation • Active support from all stakeholders
<p>Result 1.2 Prison management system improved.</p>	<ul style="list-style-type: none"> • Percentage of executive level management that have received training • 40 persons of the Middle-management from all prisons are trained in the new policies by end of project • 10% of the Prison Service trained in total for 12-weeks by end of project • Job descriptions adopted and the ‘Performance Evaluation System enforced in the annual staff performance by end of project • Increase in the levels of satisfaction as expressed by offenders in the prison system 	<ul style="list-style-type: none"> • Project reports of RTA & experts • MoJ evaluation of the New Human Resources Management policies • Adopted Training Plans and Modules; • Monitoring of MoJ (regular and end-of-project monitoring) • Research/monitoring reports of IPR and the HRC, in evaluating the dissemination of knowledge after study visits abroad; • Quantitative Analyses and Evaluation of the training sessions • Qualitative Interviews with staff and offenders; questionnaires and self-assessment 	<ul style="list-style-type: none"> • Adequate quality and number of staff • Good cooperation of stakeholders Commitment of Government institutions to prison reform • Training facility for prison Staff separated from the Police Academy in order to foster a culture of change in the mentality of staffs

<p>Result 1.3 Delivery of probation and reintegration services for offenders reformed and strengthened.</p>	<ul style="list-style-type: none"> • % of staff of the probation services able to apply specialised probation methodology for juveniles and adults by end of project • Checklists being used by staff in the probation service • % increase in the number of alternative sanctions cases (adults/juveniles) • Number of Bylaws in full accordance with the EU standards by end of project 	<ul style="list-style-type: none"> • Project progress reports • Ministry of Justice reports (Penal System reports (including the prison and probation systems) • Crime reports of Ministry of Interior/National Police • Court Annual reports • Prosecution Service’s Annual reports • NGO reports on the prison system and administration of alternatives • Reports of international organisations (CoE, OSCE, UNICEF) • Official Gazette 	<ul style="list-style-type: none"> • Commitment to prison system reform • Commitment of the government to provide financial support to infrastructure and staffs of the Probation service • Appropriate working conditions for the newly established units PPC in prisons including salaries, premises and equipment • Commitment and cooperation of stakeholders in pursuing new objectives and challenges • Adequate quality of training provided
<p><u>Component 2</u> Result 2.1 Enhanced legislative and policy framework for Juvenile Justice, including appropriate JJ Data Collection & Information System.</p>	<ul style="list-style-type: none"> • No. of bylaws , rulebooks and manuals prepared in accordance with UN CRC and other relevant international instruments • Juvenile Justice Data Collection and Information System fully operational with appropriate and internationally recognized set of indicators in juvenile justice 	<ul style="list-style-type: none"> • Reports of the Ministry of Justice • Official Gazette • Project reports • Reports of the Ministry of Labour and Social Welfare • Reports of the Ministry of 	<ul style="list-style-type: none"> • JJ by-laws adopted • Continued Government commitment to juvenile justice reform

		<p>Interior and Public Administration</p> <ul style="list-style-type: none"> • MNE Statistical Office Yearbooks 	
<p>Result 2.2 Strengthened institutional and administrative capacity for the implementation of JJ Law (Judiciary, Public Prosecutors' Offices, Social Welfare System, Police, MoJ, MoLSW, JJ institutions, etc.),</p>	<ul style="list-style-type: none"> • Number of professionals who have been certificated from specialised trainings for implementation of JJ Law (judges, prosecutors, social workers, police officers, correctional officers, teachers) during 2013-4 • At least 20% increase in application of alternative measures for girls and boys in conflict with the law - Victim/Offender Mediation, Community-Based Work for Juveniles • Number of courts and police stations in MNE, expressed as a % of the national population they serve, which are equipped and have necessary trained staff for the application of child-friendly procedures by end of 2014 • Number of child rights-based rehabilitation programmes for work 	<ul style="list-style-type: none"> • Independent External Evaluation of the Project; • Reports and data from the Judicial Training Centre, Ministry of Justice, Ministry of Interior and Public Administration, Ministry of Labour and Social Welfare, and Ministry of Education and Sport, Prison Administration. • Annual Reports of the Supreme State Prosecutor's Office and the Supreme Court • Annual Report of Mediation Centre • Project reports • Articles in newspapers and/or websites 	<ul style="list-style-type: none"> • Beneficiary institutions provide the necessary human, material and financial support to the project. • Good inter-agency coordination and cooperation • Trained staff remain in service • Readiness to change and accept restorative justice concepts and innovative solutions • Assessment of the needed equipment made prior to project start

	with children in conflict with the law in semi-open and residential juvenile justice institutions		
Result 2.3 Increased public awareness on juvenile justice matters	<ul style="list-style-type: none"> • % increase of public awareness on the rights of children in conflict with the law and child victims and witnesses and importance of prevention among professionals, general public and children 	<ul style="list-style-type: none"> • Survey conducted at the beginning and at the end of the project • Project reports • Articles in newspapers and/or websites 	<ul style="list-style-type: none"> • Cooperation of the media
Activities	Means	Costs	Pre-Conditions
Activities under Component 1 To achieve Result 1.1 -Assessment of the legal and institutional set-up on the basis of comparison of best practices and EU standards -Prepare drafts of amendments to existing legal framework and submit for approval -Prepare revised plan of institutional arrangements and cooperation between the various services (judicial, prosecution, prison and probation) -Design and deliver training programmes for all target groups (staff of the various services) on the implementation of the new rules and procedures -Facilitate the monitoring of the enforcement of	Twining Agreement	€ 745,000 (€ 700,000 from IPA and € 45,000 from NC)	

the new regulations and procedures through a series of experience-sharing seminars/conferences with participation of representatives from all the services (judicial, prosecution, prison and probation)

To achieve Result 1.2

-Analyze and create guidelines for a new prison management system

-Undertake a Training Needs Assessment, and prepare a Human Resource Development policy, Training Plan and Curricula

-Revise staff Job Descriptions and develop Performance Evaluation Systems

-Deliver series of training programmes for Prison Service personnel

-Establish a computerised Management Information System (MIS) to track records of sentenced and conditionally sentenced persons

-Develop an approach for prisoners' reintegration, including pre-release arrangements and aftercare modules, as a collaboration between the services (judicial, prosecution, prison and probation)

To achieve Result 1.3

-Develop a set of guidelines for the operation of Probation service, including specialised probation methodologies for juveniles and adults

<ul style="list-style-type: none"> -Support the staff and management of the newly established Probation service with the design, development and delivery training programmes -Facilitate study visits to Member States for Probation service staff and management to review probation services in the EU -Take measures to ensure appropriate data management is linked to the judiciary information system to record probation service delivery -Draft an advisory note on how to improve public awareness to the practice of alternative sanctions. -Supply IT equipment for the Probation Service Unit of the MoJ (national co-financing) 	Supply contract	€ 35,000 (from NC)	
<p>Activities under Component 2</p> <p>To achieve Result 2.1</p> <ul style="list-style-type: none"> -Support to improve juvenile justice policy and legislative framework (secondary legislation: rulebooks, standard operating procedures, etc.) -Support to improvement of Juvenile Justice Data Collection & Information System with appropriate and internationally recognized set of indicators in juvenile justice <p>To achieve Result 2.2</p> <ul style="list-style-type: none"> -Prepare and deliver specialized training programme for JJ professionals on implementation of JJ Law focusing on the rights 	Contribution Agreement with UNICEF	Total costs € 550,000 (€ 500,000 from IPA and € 50,000 from UNICEF contribution)	Juvenile Justice Law adopted by The Parliament

<p>of children in conflict with the law, child victims and diversion schemes/alternatives (organize seminars, trainings, workshops, study visits, etc), based on a needs assessment survey and report prepared</p> <ul style="list-style-type: none"> -Support to implementation of alternative measures for juveniles(girls and boys in conflict with law) -Provision of necessary equipment for application of child-friendly procedures for three courts and three police stations in MNE -Improve existing and develop new child rights-based rehabilitation programmes of work with children in conflict with the law in semi-open and residential juvenile justice institutions <p>To achieve Result 2.3</p> <ul style="list-style-type: none"> -Prepare and implement a public awareness campaign on juvenile justice matters focusing on prevention, incl. execution of baseline and end of project surveys, content analysis, etc. 			
--	--	--	--

ANNEX II- Indicative Amounts contracted and Disbursed per Quarter over the full duration of Programme (IPA)

Contracted	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Twinning			700,000						
Contribution agreement	500,000								
Cumulated	500,000		1,200,000						
Disbursed	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
Twinning			300,000				330,000		70,000
Contribution agreement		250,000			200,000		50,000		
Cumulated		250,000	550,000		750,000		1,130,000		1,200,000

ANNEX III – Organisational structure

The Ministry of Justice is the beneficiary of the Project in partnership with The Prison Administration. Component 1 will be implemented with The Sector for execution of criminal sanctions of The Ministry of Justice and The Prison Administration. Component 2 will be implemented with Sector for the Judiciary of The Ministry of Justice and UNICEF.

I In accordance with the EU practice, Probation service is to be positioned within The Ministry of Justice, Sector for execution of criminal sanctions.

II Structure of the Prison Administration

1. Penal-correctional facility Podgorica
2. Investigative prison Podgorica
3. Prison for short sentences Podgorica
4. Prison Bijelo Polje
5. Prison special hospital
6. Center for education of staff
7. Service for general affairs

The Prison for short sentences Podgorica also encompasses a building where foreign nationals, minors and female separately execute their sentences.

Reference to laws, regulations and strategic document

- **Law on execution of criminal sanctions** (Official Gazette of the Republic of Montenegro No. 25/94, 29/94, 69/03 and 65/04) regulates the enforcement of penal sanctions (sentences, security measures and corrective measures). The provisions of this law are also applied to the enforcement of sanctions for commercial offenses and violations unless otherwise regulated by a separate law. According to this Law, penal sanctions ordered by foreign courts are also enforced when that is envisaged by the Law on Criminal Procedure and international agreements.

- **The Law on Protection of the Right to a Trial in a Reasonable Period of Time** (Official Gazette of the Republic of Montenegro No. 11/07) regulates the protection of the right to a trial in a reasonable time period, as well as the legal satisfaction due to the violation of the right to a trial.

- **The Criminal Code** (“Official Gazette of the Republic of Montenegro” No. 70/03,13/04,47/06 and “Official Gazette of Montenegro” No.40/08 and 25/10) The most significant relates to the increased implementation of the principle of postponed criminal prosecution towards minors and the increased implementation of the alternative sanctions.

- **The Criminal Procedure Code** (Official Gazette of Montenegro No.57/09) sets forth the rules with the objective to enable a fair conduct of the criminal proceedings and ensure that no innocent person be convicted and that a criminal sanction be imposed on a criminal offender under the conditions provided for in the Criminal Code and on the basis of legally conducted proceedings.

- **The Law on Responsibility for Criminal Acts of the Legal Entities** (Official Gazette of the Republic of Montenegro No. 2/07 and 13/07) regulates the responsibility for criminal acts of the legal entities, as a novelty in the legal system.

- **The Law on Courts** (Official Gazette of the Republic of Montenegro No. 5/02, 49/04 and Official Gazette of MNE 22/08) regulates the foundation, organization and jurisdiction of courts, as well as the manners and procedures for electing judges and jury- judges, organization of the work of the courts, judicial administration, financing of the work of the courts and other issues relevant for efficient and in a time-manner functioning of the courts.

- **The Law on the Public Prosecutor** (Official Gazette of the Republic of Montenegro No. 69/03 and Official Gazette of MNE 40/08) regulates the establishment, organisation, jurisdiction and other issues of significance for the work of the State Prosecutor's Office, as well as issues of significance for the work of the Special Prosecutor for Suppression of Organised Crime, Corruption, Terrorism and War Crimes.

- **The Law on Education in Judiciary Bodies** (Official Gazette of the Republic of Montenegro No. 27/06) is in compliance with the Basic Principles of the Judiciary Autonomy, Recommendation on the Independence, Efficiency and Role of the Judges of the Ministers' Committee of the SE member countries, European Charter on the Law on Judges, Opinion No. 4 on the Appropriate Initiative and Subsequent Education of Judges on the national and European Level, of the Consultative Council of the European Judges, and prescribes the initial and continuous training in judiciary bodies.

- Strategy of poverty reduction and social exclusion (2007)
- National Plan of Action for Children (2004)
- Family Law (2007)
- Law on Social and Child Protection (2005)
- Law on Protection from Family Violence (2010)
- Law on Police (2008)
- Law on General Education
- Law on Misdemeanours
- Strategy for social and child welfare development in Montenegro (2008)

The Stabilization and Association Agreement (October 2007)

In their co-operation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Co-operation will notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training etc.

Reference to Sector Policies and Strategies

Judiciary Reform Strategy (2007-2012)

The Judiciary Reform Strategy 2007-2012 was adopted by the Montenegrin Government in June 2007. The Strategy defines main objectives of the further judiciary reforms for the following five-year period. Key objectives of the reforms are: strengthening of independence,

efficiency and availability of judiciary, and the increase of the public confidence in the judiciary.

As reforming of the normative framework and strengthening of the institutions competent for organization and implementation of the system for execution of criminal sanctions in Montenegro is one of the priorities defined by the Strategy and **The Action plan for the implementation of The Strategy**, the Section IX of The Strategy and The Action plan sets forth concrete measures in order to reform of the system for execution of criminal sanctions. The aims of the measures and activities are: establishing the Probation Service within the Ministry of Justice with the aim of creating conditions for performing supervision over execution of conditional sentence, conditional release and work in the public interest; creating conditions for mutual separation of categories of convicted persons, i.e. detained persons, and particularly for separating the category of juvenile convicted persons, i.e. detained persons, provision of accommodation and staff capacities for execution of juvenile prison sentence, as well as for execution for institution measures towards the juveniles; provision of continuity in the activities on reconstruction and adaptation of the existing buildings, as well as construction of new buildings; equipping the Special Hospital and creating special conditions for psychiatric observation and expertise for persons against whom criminal procedure is conducted, as well as for execution of safety measures mandatory psychiatric treatment and safeguarding, mandatory treatment of alcoholics and mandatory treatment of drug addicts; promotion of the security system; organizing professional education, specialization and testing of the knowledge of the officers in the Institution for Execution of Criminal Sanctions as well as promotion of the treatment of the convicted persons.

ANNEX IV- Details per EU funded contract

Contract 1 – One Twinning Contract, co-financed by IPA for € 700,000, with national contribution of € 45,000

The Twinning Contract will include provision for a RTA, an RTA assistant, a number of Short Term Experts, Project Management, the implementation of start-up, trainings, seminars, study tours, and other events.

The twinning project will support the upgrading of the legal framework for the execution of criminal sanctions, and the improvement of detention conditions as well as the use of alternatives to imprisonment. Prison management system will be improved and the delivery of probation and reintegration services for offenders reformed and strengthened.

In order to reform and strengthen the probation and reintegration services for offenders, among activities such as developing a set of guidelines for the operation of Probation service, supporting the staff and management of the newly established Probation service with the training programmes etc., activities will be taken to ensure appropriate data management (Probation service record) system. In this regard, National co-financing authorities will conclude a supply contract for IT equipment for the Probation Service in the MoJ.

Contract 2 – One Contribution agreement, co-financed by IPA for € 500,000, with a contribution of funds of € 50,000 from UNICEF

The Contribution agreement will be set up with UNICEF with the following justification:

Component 2 of the project will be carried out through a Contribution Agreement between UNICEF and the European Union Delegation and will represent a multi-donor action. The contribution agreement to UNICEF is justified because UNICEF has a de facto monopoly in this field of activity, having an exclusive competence in juvenile justice matters*. Moreover, UNICEF has an operational presence in Montenegro (through the UNICEF Country Office) which is currently supporting the Government and Parliament of Montenegro to adopt the law on juvenile justice. Furthermore, UNICEF implemented the first phase of the Juvenile Justice project with good results confirmed by a project evaluation. The proposed project aims to support the implementation of the juvenile justice law, thus UNICEF is in the best position to implement this action. Also from a cost efficiency and effectiveness perspective UNICEF is the most suitable implementation modality option.

*UNICEF is UN organization for protection and promotion of children's rights guided by the principles of the UN Conventions on the Rights of the Child, established by the UN General Assembly on 11 December 1946. UNICEF's overall mandate is to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF's mandate is guided by the Convention on the Rights of the Child (CRC), ratified by Montenegro in 2006.

Supply contract (national co-financing)

As for the supply contract to be funded by the national co-financing, it is foreseen to procure IT equipment (such as desktops, monitors, printers, scanners, laptops, photocopy machines, cameras, etc.) for the Probation Service Unit of the MoJ. Technical specifications will be prepared during project implementations.