



Creating an Effective and Sustainable System of Providing Free Legal Aid in Serbia

First Report of the Project Monitoring Group

December 19, 2007

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Executive Summary

In November 2006 Sida signs an agreement with UNDP regarding Swedish support to the project "Creating an effective and sustainable system of providing Free Legal Aid in Serbia". The Swedish support amounts to SEK 8 832 000 and is to cover project activities from November 2006 until October 2008.

In August 2007, Sida decides to commission SIPU International to form a Project Monitoring Group (PMG). This group is to function as "a special resource to Sida and UNDP with regard to the continuous monitoring and follow-up of the performance of the project". The PMG consist of Ms. Barbro Svedberg, Ms. Marijana Trifunovic and Mr. Pär Sköld.

The PMG visited Belgrade November 26-30, 2007. Interviews were held with a great number of stakeholders representing the Government, the Judiciary, the local authorities, the civil society, the international community and private citizens/beneficiaries.

This is the first monitoring report and the conclusions are summarised in the following bullet points:

- The project is relevant and the main outputs will possibly lead towards the project goal.
- You are on the right track.
- There is a national commitment to the process, which is a crucial condition for ownership and sustainability.
- The project document takes a broad and inclusive approach but there have been some obstacles on the way concerning inclusiveness.
- The Working Group and the PIU are very central actors to achieve the project goal, but it is still too early to say if they will live up to expectations.
- Most project activities are way behind the original time plan. This is a challenge but not an emergency.
- The project would be strengthened by a greater clarity concerning central terms, relations between objectives and activities and a more consistent use of indicators and means of verification.
- The project has a great potential for promoting human rights, but there are some risks that must be addressed.
- The goal of increasing access to justice for the poor and vulnerable is highly dependent on the success of the overall judicial reform strategy – and the political development.
- The crucial issue of financing a future legal aid system remains unresolved.
- The next phase of the project should pay much higher attention to strengthening capacities within the MoJ.

It is our hope that our report will serve to strengthen the many positive processes that have already started as a result of the project. Hopefully, the observations may also give some input to the efforts being made to overcome some weaknesses and avoid future risks.

1. Background

The Assignment

In November 2006 Sida signs an agreement with UNDP regarding Swedish support to the project "Creating an effective and sustainable system of providing Free Legal Aid in Serbia". The Swedish support amounts to SEK 8 832 000 and is to cover project activities from November 2006 until October 2008.

In August 2007, Sida decides to commission SIPU International to form a Project Monitoring Group (PMG). This group is to function as "a special resource to Sida and UNDP with regard to the continuous monitoring and follow-up of the performance of the project".

Sida foresees two missions during the project period, one at the end of 2007 and one in 2008.

The general Terms of Reference for the PMG are enclosed as annex 1. As these Terms of Reference are quite extensive, and to some extent more appropriate for evaluation missions than for monitoring missions, discussions were held between Sida and SIPU on the focus of the PMG. It was decided that the first PMG mission should focus on the following:¹

- Relevance and realism of the project objectives and activities;
- Links between the project and the judicial reform strategy;
- Ownership and conditions for sustainable results; and
- Gender equality aspects.

The Consultants

The PMG consist of Ms. Barbro Svedberg (SIPU/Stockholm), Ms. Marijana Trifunovic (Ponsconsulting/Belgrade) and Mr. Pär Sköld (Pnyx/Göteborg). Even if the latter formally serves as team-leader, the three consultants work as a team and take equal part in carrying out the assignment.

The Methodology

The PMG visited Belgrade November 26-30, 2007. Interviews were held with a great number of stakeholders representing the Government, the Judiciary, the local authorities, the civil society, the international community and private citizens/beneficiaries. Please find enclosed a list of persons interviewed and the meeting schedule. With the exception of representatives of the Strategy Implementation Secretariat, the PMG was able to carry out all meetings/interviews as planned. A few meetings were held individually while others were group interviews. Most interviews were of a semi-structured character. An appreciative inquiry technique was used when appropriate.

The working language of the PMG is English. As a substantial number of interviews had to be carried out in Serbian, translation was needed. For a few interviews, an interpreter was contracted by the PMG. Mainly however, the Serbian speaking member of the PMG served as translator as well as co-interviewer. Even if language was an obstacle for the team, we do not think that this has affected the conclusions in any substantial way.

¹ Sida (2007).

The very limited time available did not permit any field visits outside Belgrade. (With the only exception being a trip to the Municipality of Pancevo in Vojvodina.) Even if this is unfortunate it is not regarded as a major problem in terms of the validity and reliability of our findings.

All stakeholders involved have been generous in providing the PMG with documents and written material. Most documents were reviewed and discussed within the PMG ahead of the mission, and thus served as a basis for interviews and discussions.

A de-briefing was organised on the last day of the mission. The preliminary observations were presented to representatives of Sida, the UNDP and the Ministry of Justice. This served as a good opportunity to listen to comments and reactions and thus gather additional data for the preparation of the written report.

As an approach to monitoring and a more forward oriented assessment of the project, the different components of the project are analysed using a SWOT perspective (Strengths, Weaknesses, Opportunities and Threats). The reasoning behind is that a project always entails all these components and the analysis makes them visible. The SWOT perspective could also facilitate continued discussions within the project, in preparation of work plans and risk management plans. It further enables the monitoring group to follow up on critical issues during the next mission. We do not believe this is a complete picture on the strengths and weaknesses of the project. Thus it merely represents what the PMG could observe during the limited period.

2. The Legal Aid Project

Project Overview

The Government of Serbia has identified the deficient access to legal aid as one of the obstacles to overcome in order to guarantee access to justice – which is a precondition for the rule of law. Presently, the legal framework for legal aid is inadequate. There is a lack of funding and of supply. Furthermore, the quality varies substantially and coordination between the different providers of legal aid is deficient or non-existing. The people who suffer the most from these problems are the marginalised and most vulnerable groups in society.

The Ministry of Justice formed a Working Group on Legal Aid and invited the UNDP to assist them in their work. A project was developed and given the name “Creating an effective and sustainable system of providing Free Legal Aid in Serbia”.² The project document covers two years (2006-2008) but a second phase of the project (2008-2010) is foreseen.

According to the project document, the long-term goal of the first phase of the project is to “establish a roadmap for the creation of an effective and affordable state-funded and run legal aid system for those who cannot afford legal services.” The project document goes on to state that the short-term goals are “to formulate a strategy for the reform of the legal aid system that will be accepted by the key stakeholders and to increase access to justice for the most vulnerable and marginalized groups.”

The two short-term goals, and their respective activities, are divided into two parallel tracks. Track I consist of a number of workshops, study visits, studies, consultation meetings, etc, all aiming at the development of a strategy for the reform of legal aid. The financing of a future system is one of the issues which will be studied. Track II consist of the setting up of a legal aid fund and the disbursements of grants to different providers. In addition to expanding the provision of legal aid, this track aims at testing different models of providing public support to legal aid providers in an efficient and sustainable way.

Experiences, results and findings from both tracks are to be fed into the Working Group of the Ministry of Justice, thus facilitating its work on developing a so called road-map.

Important stakeholders in the project are the Ministry of Justice, the municipalities providing legal aid, the civil society (the Bar Associations on different levels and other NGOs active in the field of legal aid) as well as the beneficiaries of the legal aid services (poor, marginalised people and groups of people, including IDPs/refugees and vulnerable minorities.)

The project is executed by a National Implementing Partner (NEX) with some elements being executed through the Direct Execution Modality (DEX).

In addition to the above mentioned Working Group, the following are the most important bodies directly involved in the management of the project:

- The Steering Committee (MoJ, MoF, Bar Association, UNDP and Sida)
- The National Project Director (MoJ)
- The Project Implementation Unit (MoJ)
- The UNDP Programme Specialist and backstopping team
- The Advisory Panel of the Legal Aid Fund (Experts and stakeholders)

² UNDP (2006).

- The Legal Aid Fund Staff (UNDP)

Project Progress

The PMG does not see as its role to measure and scrutinize the extent to which the activities and timelines described in the project document are followed – and offer critique if timelines are not met. Rather, we try to monitor progress in a forward-looking way, in the hope that our observations can strengthen positive processes and encourage self-reflection, cooperation and efficiency.

As noted in the first progress report of the UNDP³ the project was severely delayed from the start. The table below shows the main activities undertaken by the project: (Based on a work plan updated November 2007.⁴)

March 2007-December 2007	
Components	Activities Implemented
0. Project Implementation Unit	PIU established (March 07)
1. Public Consultation and Training	Consultative meetings (April 07) Database for the Legal Aid Fund designed and legal aid partners trained (Sept 07) Installation of database (Oct-Nov 07) Conference on legal aid (June 07) Workshop on management issues (Oct 07) Study tour to South Africa (Dec 07)
2. Public Information	Public debates in five regions (June 07)
3. Research and Publications	Draft ToR for survey developed (Nov 07)
4. Strategy for Reforming Legal Aid Structure	-
5. Establishment of a Legal Aid Fund	Legal Aid Fund Unit established (March 07) Formation of the Advisory Panel (May 07)
6. Provision of Free Legal Aid	Open calls to Legal Aid Fund (July 07) Contracts Legal Aid Fund (Aug 07) Database and monitoring mechanism (Oct 07)

The table above includes the main activities undertaken by the project during the first year of implementation. We have decided to use the outputs as described in the project document and listed the activities as they appear in the work plan. We acknowledge that some of the activities are feeding into the progress of more than one output, but have decided to list them only once. On a general level the documents are not consistent when describing outputs and activities. In the latest work plan the initial seven outputs have been merged into four. However we believe this could be easily adjusted by developing a more result based model for identifying goals/objectives, outputs and activities, for example by defining the outputs as clear results of the project.

The two tracks of the project are interrelated and their subsequent outputs and activities will jointly lead to the project goal. Due to the dependence between the different outputs, a timely and coordinated progress is important for reaching the project goal in time. The most visible progress in the project is related to Track II. The time schedule for the activities planned within Track II is, however, not fully coordinated with the expected time schedule for Track I. For example, the strategy which will come out of Track I is expected to be drafted in May 2008, but according to the schedule of the pilot activities of the LAF, the results are not likely to be completed before the strategy is finalised.

³ UNDP (2007c).

⁴ UNDP (2007b).

3. Findings

Links with the Judicial Reform Strategy

The National Judicial Reform Strategy is a vision document that sets out the main direction of judicial reforms in Serbia. It envisages the introduction of a free legal aid system as a significant element of improving access to justice in Serbia.

The action plan for implementation of this strategy envisages the following timeline for the reform of free legal aid system⁵:

Short-Term Reforms 2006-2007	Medium Term Reforms 2008-2009	Long-Term Reforms 2010-2011
Legal aid system reviewed and a new law creating a integral legal aid system adopted.	Institutional support for legal aid is provided and the system is put in operation, criteria for granting legal aid are defined.	Legal aid for civil/criminal cases provided using clear means test.

Due to delays in the formation of new Government and changes at the Ministry of Justice, many deadlines in this action plan were not met, including the adoption of new law on legal aid.

The UNDP/MoJ Project is relevant from the perspective of overall reform in Serbia since the reform of the legal aid system is identified as an element of the EU accession process as well as an element of the reform framework for poverty reduction set in the Poverty Reduction Strategy paper for Serbia⁶.

Among all judicial reform initiatives, it seems as if legal aid reform is the issue around which the main consensus has been reached amongst key stakeholders. Legal aid reforms are not on the top of the Government’s list of reform priorities. However, as such reforms, at the moment, are not considered as politically sensitive, this has facilitated consensus and should thus serve as an asset from a risk management point of view.

⁵ Ministry of Justice, Republic of Serbia (2006b).

⁶ “It is very important to restore public trust in the judiciary. This, among other things, implies affordable and simple access to the legal system, the reduction and final eradication of corruption, controlling the level of court tax (development of a free-of-charge legal aid system), the exemption of socially vulnerable categories from the payment of court taxes (the institute of rights for the poor) and the adoption of the Law on Ombudsman.”, Government of Serbia (2003), p.12.

Relevance of the Project and Intervention Logic

Observations

Serbia is experiencing both economic and political transition and is facing challenges to adapt and adjust to new conditions. A driving force for change is the EU integration process and many reform strategies have developed over the past four years, including the public administration reform strategy and reforms in the legal and judicial sector. However, the readiness of the different ministries and public agencies to adopt and start implementing these reforms is still considered limited. A great amount of laws have already been passed by the Parliament in recent years but are yet to be enforced. The experiences of large scale social and economic turmoil are affecting the administration and although it is gradually settling down and becoming more balanced, there are great challenges to the implementation capacity. The political development, including elections as well as the issue of Kosovo, has affected and will continue to affect this and other projects and must continually be analysed under risks and assumptions in the project.

The project proposal was developed to create a sustainable system for legal aid in Serbia. The project follows a process by the Ministry of Justice in developing a draft law on legal aid, and therefore builds on existing experiences and a previous project within the MoJ. Other related projects by the donor community have mainly been channelled directly to NGOs operating in the field of legal aid. In order to enhance the ability to draft and implement a future law, the need was identified to develop a more comprehensive analysis of providers and beneficiaries, of legal aid effectiveness, of financial strategies and of the management structure of a future system.

This project links directly to chapter 10 of the National Judicial Reform Strategy (2006) to improve access to justice. The project is also in conformity with UNDP and Sida strategies⁷ for legal sector development in the country and for supporting the ability or capacity to comply with obligations under international human rights law.

Regarding the *intervention logic*, we note that the relationship between the long-term and short-term goals is uncertain, although we presume the term “goal” to be similar to the term “project objective”. The vague definition of project goal or objectives using both the terms “roadmap” and “strategy” makes it difficult to determine the level of expected accomplishment. Our interviews revealed that these terms are used and understood differently by various stakeholders. Thus, there is a need to further clarify for all parties, these concepts and the relation between them.

The different project reports (including the project document, progress reports and work plans) do not use the same output structure. This makes it hard to follow the logic of the project, although all outputs are described in all documents. A defined structure for objectives, outputs and activities that is used in all documents would improve the logic of the interventions. For example some activities are described in detail and others more as outputs. The project documents also currently lack comprehensive indicators and means of verification, although efforts have been made to identify indicators for the different results in the latest progress report.

There is, however, a logical relationship between the intended outputs and the project objective. We regard the public information and consultation processes as important steps in order to involve different stakeholders in the development of a new system for legal aid. If done in a comprehensive and coherent way, using the lessons learned from the other components of the project, the strategy will probably facilitate for the Ministry of Justice to prepare and implement a future law. The experience from the Legal Aid Fund may provide the project and the MoJ with important information on the current legal aid system and of the advantages and disadvantages of different models.

⁷ Utrikesdepartementet (2004) and UNDP (2004a).

Regarding the logic between the outputs and the activities, the amount of project activities planned for is very ambitious and leads to the question whether all activities are necessary to reach the project objective. For example, there are several studies to be undertaken by the project, meant to be fed into the strategy work early next year. Several conferences are planned for without an obvious connection to the results from studies or findings from other components.

As mentioned above, the two tracks of the project are interrelated and their subsequent outputs and activities will jointly lead to the project goal. Due to the dependence between the different outputs, a timely and coordinated progress is important for reaching the project goal in time. Due to the delays in the project, we understand the pressure to complete project activities in time, and to coordinate all activities to achieve the expected synergies of the two tracks. We believe that the project would gain from a more comprehensive planning process within the different implementing bodies of the project. For example a key body for planning the project, together with the UNDP, is the PIU. With new PIU staff expected to be integrated into the project process, strategic planning will be an important task in order to enable the two tracks to be an integrated project. A comprehensive planning with the PIU and the “new” Working Group will also be important.

To ensure the quality of the project the strategic plans must be as realistic as possible. It must be taken into account that many of the activities are new to the stakeholders, for example the piloting of the LAF. It appears wise to let the process take the time needed, to ensure that misunderstandings, problems or delays can be accounted for. Should the activity plan be too ambitious given the situation with delays and changes in the project management arrangements, this could influence the next step of the project, and the expectations from stakeholders. Participatory projects are time consuming, but we believe it is the right approach.

SWOT Analysis

Strengths

- The project goals are relevant and in line with national strategies to enhance the judiciary, and the national poverty reduction strategy.
- The project goals are relevant to the UNDP and Sida strategies in the area of access to justice.
- The project is supporting a process of identifying best practises and prepare for implementation of a law for a future legal aid system and is using a participatory approach which aims to involve all relevant stakeholders.
- The project operates under a high level of political commitment, and the objective of strengthening legal aid system is not controversial in it self.
- The introduction of the Legal Aid Fund as a test and piloting model can provide baseline data for strategy development, and become a future model for funding of legal aid.

Weaknesses

- The project objective, outputs and activities could be more clearly defined.
- There is a lack of comprehensive indicators that will measure progress, and a lack of identified means of verification.
- The project activities are not fully coordinated in terms of timing and expected results.
- It is a challenge to involve all stakeholders in the process and keep open communication with all.
- The challenge to analyse the effects and consequences of the activities in an overall perspective – how will the different part of the project feed in to the project goal.

Opportunities

- The logic of the project objectives, outputs and activities can be clearly defined and communicated to relevant stakeholders
- There are possibilities for more process oriented communication with different stakeholders.

Threats

- Timing of the project activities and the different components of the project.
- The level of ambition with the components.

Track I – Effectiveness and Appropriateness

Project Implementation Unit

According to the project document, the role of the PIU is directly linked to the objective of the project: “The mandate of the PIU will be the development of a reform strategy for the provision of legal aid”. This will be done through a number of tasks specified in the document.⁸ At this stage of the project, it cannot be foreseen to which extent the PIU will succeed in living up to this great task. Staff turnover within the PIU and the yet unclear working relationship with the Working Group are two difficulties on the road.

Still, we find that PIU staff has managed to establish a good working relationship within the MoJ and that the PIU is regarded as committed to the project by representatives of the newly established Working Group.

Public Consultation

A series of consultative meetings and roundtables have involved more than 150 representatives of key stakeholders throughout Serbia. The PIU has compiled notes and recommendations from these meetings that are supposed to be used for the purpose of strategy development. An international conference was held in Belgrade in June 2007. All key stakeholders were present and they all agreed that reforms of the legal aid system are a priority.

We find this consultative approach at the outset of the project very effective. The effect of this approach can possibly be strengthened even more. For obvious reasons, stakeholders which are not directly involved within the Advisory Panel or Working Group cannot be given the same insights into the process as others. However, we encourage the project staff to find ways to increase transparency and information sharing as much as possible. There is a potential risk that lack of information and feedback may create resistance and feelings of exclusion from the reform process among some stakeholders.

Public Information

Few activities were carried out so far in this field but more activities are planned to be conducted at later stages of the project.

Research and Publications

The PMG was informed that draft ToRs are prepared for an assessment of financial aspects of a new legal aid system as well as for conducting a public opinion survey on potential beneficiaries.

These surveys may be crucial for the work of the newly established Working Group and it will be important that all analyses and surveys provide additional information on time for each step of the strategy development process. This will be facilitated by a detailed and clear work plan of new Working Group (including its relation with the PIU).

⁸ UNDP (2006).

Several roundtables are planned to be organised, covering the issues of managing and financing a legal aid system, as well as the issues of potential providers and beneficiaries.

PIU staff informed us that the first one, planned for December 2007, will address the issues of financing of a legal aid system, whereas the commissioned analyses on the same topic is not likely to be finalised by that time. Additional synchronisation of individual activities may be facilitated by the development of the work plan of the Working Group.

Strategy for Reforming Legal Aid System

Set out as a short term goal of the first phase of the project,⁹ the development of a strategy is envisaged as the main activity under Track I. For this purpose, the MoJ has nominated a Working Group responsible for devising a strategic approach towards the establishment of a legal aid system. The majority of the members of this “new” working group were members of initial WG (nominated by the previous Minister of Justice) which developed the initial model law on legal aid. Many are also members of LAF Advisory Panel.

The limited presence of NGOs in the WG (only the NGO Serbian Democratic Forum is represented) can be regarded as a weakness as it risks limiting access to expertise and harming conditions for a broad ownership of the process. We find that there are conditions for greater inclusiveness in the project. The positive attitude of the NPD is promising.

It is not yet fully clear how the drafting of the strategy and the new law will be handled in practice and at what pace. All members of the Working Group may not yet have a clear picture of their mandate as a WG, and the exact content of and relation with the UNDP/MoJ project. Even if the mixed membership in the WG and the AP has advantages, it may also contribute to some confusion. The readiness of the Working Group to prepare a comprehensive strategy paper, in cooperation with the PIU, remains unclear and needs to be addressed in the coming period. The role of the PIU in facilitating this process through analysis, research etc. will be crucial for the development of the strategic document.

It could be further clarified how experiences, assessments, etc. from previous projects and activities (for example PILI) and the experiences from study tours will be fed into the overall strategy design in a systematic manner.

SWOT Analysis

Strengths

- There are prospects for a law on legal assistance which is acceptable to major stakeholders and the international community.
- The project links to the results of the previous MoJ Working Group and secures continuation of legal drafting.
- The project provides an opportunity for in depth analyses of the financial and procedural feasibility of a model law.
- There is a high level of commitment to the project at the MoJ which is supported by the PIU functioning within the Ministry.

Weaknesses

- The level of inclusion of stakeholders in the legal drafting process could be improved.
- The stakeholder’s access to information on the project may be improved.
- The capacity for the preparation of the legal aid strategy within the Working Group and the PIU is unclear.
- The implementation capacity of the MoJ of a future strategy may be limited.

⁹ UNDP (2006).

Opportunities

- Readiness of MoJ to increase inclusion of relevant NGOs in the process.
- Effective compilation of all analyses and best practices produced through previous initiatives and this project to secure effective knowledge sharing.

Threats

- Conflicting interests and diverging views on design of legal aid system.
- Potential for resistance and opposition from stakeholders that were not fully involved in the designing process.
- The responsibility, role and capacity of the Working Group and the PIU in preparation of the strategy is not properly defined.
- The time sequence between activities within Track I and II are not fully harmonized in order to maximize input in preparation of the strategy.

Track II – Effectiveness and Appropriateness

The Legal Aid Fund

We regard the idea to set up a Legal Aid Fund (LAF) as innovative and constructive. The LAF has the potential to promote contacts and cooperation between different stakeholders, on the local as well as on the national level. Furthermore, the LAF has the potential to contribute to the generation of relevant knowledge about legal aid in practice. In addition, the LAF can naturally facilitate the provision of legal aid on the ground through grants.

One of the two short-term goals of the project (first phase) is “to increase access to justice for the most vulnerable and marginalized groups through the creation of a Legal Aid Fund”. It is also clearly stated that the fund will serve to test different models of providing legal aid, in order to generate knowledge that will be fed into the process of drafting the strategy and the road-map.

Considering the relatively small size of the grants, and the way they are disbursed, it seems like the “model-testing-aim” of the LAF has dominated. In our view, it was a bit over-ambitious to expect that a LAF of this size and type could contribute to increasing access to justice in any significant way. We do, however, believe that it was wise to limit the size and number of grants and pay more attention to other potential outputs of the LAF than mere expansion of legal aid activities in the field.

It is still too early to tell to which extent the “model-testing” will result in valid and reliable knowledge about different ways of providing legal aid, and thus if grounded policy recommendations may be produced. Expectations are high as the LAF is expected to “ascertain the quality of legal aid given by various providers, the real needs of the beneficiaries, the optimal model for financing legal aid in Serbia, etc.”¹⁰ We think it would be wise to lower expectations since the methodological difficulties involved are quite significant, and also taking into consideration the time available. Nevertheless, we do believe that the LAF will generate insights and experiences that will be of value for the strategy work.

There are many ways in which the Fund could have been set up and managed. We do believe the present structure to be wise. The fact that the Advisory Panel is an independent body promotes the idea of an independent legal aid authority. A stakeholder composition of the AP has a potential to serve the purposes of expertise, cooperation, capacity building and efficient coordination with the Working Group.

In practice, these potential benefits have not been fully taken advantage of. We note that only one out of 13 members of the AP represents an NGO. We regard this as an obstacle for the

¹⁰ UNDP (2007c).

realisation of the potential purposes mentioned above. Considering the expertise found within many NGOs, their importance for serving marginalised groups with legal aid, the lack of cooperation between different kinds of stakeholders, and the need to promote understanding between, and knowledge-sharing among, different stakeholders, a more significant NGO-representation in the AP would have been advisable.

The NGO-community's lack of insight into the LAF and Track II, underlines the need for increased transparency and information sharing about the project and its activities.

Provision of Legal Aid

Concerning the eligibility, the project document states:

“All organizations active in the provision of legal aid will be eligible to apply, including the Bar Association of Serbia and its regional offshoots, non-governmental organizations, Centres for Social Welfare, legal clinics and municipal legal aid offices.”¹¹

However, after the approval of the project document but before the setting up of the AP, a new Constitution of the Republic of Serbia entered into force. Article 67 of the Constitution¹² caused a great controversy. According to the interpretation of the AP only the Bar Associations and the Municipalities are eligible to apply for funds from the LAF. A total exclusion of the NGOs could have resulted in a total redesigning – or even the cancellation - of Track II. It would have caused major damage to confidence between different stakeholders and would seriously have affected the prospects of reaching the goals of the project. The damage, however, was somewhat reduced by the decision to permit and encourage eligible applicants to form partnerships with NGOs and legal clinics. Nevertheless, damage was done and will take time and effort to repair.

The first grants have been disbursed (but with a delay as mentioned above). Two more rounds of grants are foreseen. The grantees (including partners/indirect grantees) consist of ten municipalities, four bar associations, one legal clinic and eight NGOs.

We do not have enough data to conclude if the partnerships created through the interpretation of Article 67 will contribute to more long-term cooperation between different stakeholders and synergy effects, or merely additional paper work.

Policy Recommendations

Because of the delay, no policy recommendations have yet been formulated. We expect that it will be possible to extract relevant information from the LAF experience at a later stage. How valuable this information will be for the Working Group is impossible to predict. The value does not only depend on its validity and reliability, but also on the timing and on the receptiveness of the members of the Working Group.

SWOT Analysis

Strengths

- A constructive, concrete and operational initiative.
- Potential for promoting contacts and cooperation between stakeholders.
- Potential for fostering and expanding legal aid in practice.
- Potential for generating relevant knowledge and capacity building.
- Promotes the idea of an independent legal aid authority.

¹¹ UNDP (2006), p. 9.

¹² “Everyone shall be guaranteed right to legal assistance under conditions stipulated by the law. Legal assistance shall be provided by legal professionals, as an independent and autonomous service, and legal assistance offices established in the units of local self-government in accordance with the law. The law shall stipulate conditions for providing free legal assistance.” Parliament of Serbia (2006).

- The fact that several members of the AP are also members of the Working Group facilitates communication between these two bodies.

Weaknesses

- Limited NGO participation in the Advisory Panel.
- Interpretation of Article 67 contradictory to the original idea of the LAF.
- Short-term goal of “increasing access to justice” a bit overambitious.
- Expectations on knowledge to be generated very high considering the methodological problems and the time constraints.

Opportunities

- Finding ways for greater inclusion of relevant NGOs as participants and grantees.
- Greater transparency/information sharing (for example through a newsletter and the website) about the activities of the LAF.

Threats

- The data gathered through the testing of models may not be as valid and reliable as expected, and thereby not as useful for drafting grounded policy recommendations.
- The value of the policy recommendations very much depends on the receptiveness and the timing of the Working Group, which is difficult to control and foresee.
- The loss of confidence among some stakeholders, inflicted by the interpretation of Article 67, may be difficult to repair.

Project Implementation Arrangements

Observations

As mentioned previously the most important bodies directly involved in the management of the project are the Steering Committee, the NPD, the PIU, the UNDP, and the Advisory Panel of the LAF. In addition of course, the MoJ-appointed Working Group has a crucial role to play.

The project implementation arrangements at first sight seem complicated, with several key bodies in charge of decision making and with responsibility for the different components. However, the project is firmly supported by experienced stakeholders, and with the MoJ having a key role in the development of the strategy through the establishment of the Working Group, supported by the PIU.

It may be discussed to which extent the delays in establishing the project bodies and having them operational, has influenced the progress of the project and the timing of the project activities. We would like to claim that despite the considerable delays we believe:

- 1) That the reasons for the delays are understandable and acceptable and not the fault of the project managers, and;
- 2) That the delays have not caused any major problems with the project as can be foreseen at this stage. A potential risk is that the delays may create a pressure on the project staff and stakeholders to rush through activities in order to catch up, instead of sticking to careful and thorough planning and execution. Another potential risk is that the Working Group will work faster than foreseen. The delay in providing input from the project into the Working Group could thus limit the value and relevance of the input

Concerning the relationship between the principal implementing partners, the UNDP and the Ministry of Justice, it is our overall impression that the partnership is open and guided by mutual interest and respect.

The *Working Group* for the legal aid strategy was yet to be officially appointed at the time of the mission, but the list of members comprises members from the previous MoJ Working Group. The new Working Group would therefore have substantial experience from the

previous process. However, in order to embrace the new tasks and obligations a clear and comprehensive work plan will be required. The tasks, mandate and detailed work plan must be developed and integrated with the PIU to guarantee progress in the project.

The *Project Implementation Unit* established in March 2007 with office premises within the MoJ was staffed with experienced project managers, familiar with the UNDP programs. The PIU is expected to have a key role in the project in terms of supporting the Working Group for developing the strategy, and to a large extent be a link between the two components as the experience from the Track II piloting will be fed into the strategy process of the Working Group. A challenge for the PIU is the current replacement of two staff members. Serving as a focal point for information and experiences, the PIU has to be reinforced and supported to be able to perform its tasks and obligations.

The *National Project Director* has recently been appointed deputy Minister of Justice and does not exercise day-to-day supervision of the project activities. However, she is informed by the PIU on a regular basis on the development of the project. It is unclear how involved the NPD is expected to be, and it can be presumed that she will be frequently occupied with political tasks and not always available for urgent decisions.

The *Advisory Panel for the Legal Aid Fund* has been operating since May 2007, and comprises member with a distinct and vast knowledge on legal aid and the judicial system. The main functions of the Panel are to guide and oversee the work of the Legal Aid Fund. Furthermore, it should analyse the lessons learned from the pilot activities and formulate policy recommendations. The Panel includes representatives of from many stakeholders but, as argued above, the composition ideally ought to be broader.

The *Legal Aid Fund staff* consisting of a Fund Manager and Finance Assistant is working on a daily basis on the LAF mechanism, planning and preparing the interventions and coordinating the work of the Advisory Panel. It is our impression that the working relationship between the AP and the LAF staff is functioning well. The UNDP recruited LAF staff holds in-depth knowledge and experience on the development of legal aid in Serbia.

The UNDP Programme Specialist and backstopping team will oversee the work of the Legal Aid Fund staff and support the MoJ and the PIU when appropriate.

The project arrangements seem to be working, especially under the Track II component, even if there are still some issues to be solved. Most essential for the progress of the project as it appears now, is the formation of a well organised Working Group to be able to lead the process of the strategy further - and the enhanced capacity of the PIU.

SWOT Analysis

Strengths

- There is a strong political commitment for strengthening the legal aid structure within the Ministry of Justice.
- Most of the stakeholders and appointed members of bodies in the project have substantial experience of legal aid, and have been engaged in previous projects in the field and can build on the experiences and lessons learned.

Weaknesses

- The delay in establishing a functioning Working Group for the strategy, and defining the role and responsibility between the Working Group and the PIU.
- The staff turnover of the PIU and possible work load in preparation of the different activities under Track I.

Opportunities

- The capacity of the new Working Group and establishment of a clear division of responsibility between the PIU and the Working Group.
- The staff recruitment for the PIU.

- Integration between the Advisory Panel and the Working Group.
- More equal representation in the different bodies of the project by all providers of legal aid.

Threats

- The capacity of the new PIU in relation to the tight time schedule for activities and results.
- The Working Group's ability to allocate necessary time according to expected timetable of drafting the strategy.

Ownership, Sustainability and Stakeholders

Observations

A precondition and rationale for the project is that the expected results will improve ownership and sustainability of a future legal aid system in Serbia. This has been confirmed by the majority of the stakeholders involved, highlighting the importance of a sustainable and affordable system for legal aid.

The first phase of the project is basically set up as an external UNDP program, especially Track II of course, although the Ministry of Justice serves as the main partner. However, the project has secured substantial involvement through the Advisory Panel and the (new) Working Group comprising high level representatives with vast knowledge of legal aid. We note that there is no focus on capacity building within the Ministry of Justice. Although physically placed within the MoJ, the PIU is not integrated within a department or with regular staff of the Ministry. The issue of capacity building should be further discussed and analysed even during the first phase of the project, to prepare for the expected next phase.

Presuming that stakeholder participation will affect ownership and sustainability of the future legal aid system, the project has made an effort to join the different legal aid providers. There is a widespread view by all stakeholders that NGOs have substantial experiences of legal aid, especially targeting the most vulnerable and marginalised groups, and that it is important to include these experiences when drafting the new strategy. On the other hand there is an open tension between the different providers. The project management needs to be consistently aware of the possible effects the project might have on these groups. Innovative and transparent methods to secure broad stakeholder participation and communication are recommended.

The project contributes to fostering public debate, participation and compromises, but it is recommended that civil society organisations be given greater possibilities to participate. This might entail inclusion in groups, on panels, and on study visits, enhanced transparency and information sharing, and eligibility to apply for grants from the legal aid fund. International donors have an important role to play in promoting civil society participation.

SWOT Analysis

Strengths

- The project operates under a high level of political commitment, and the objective of strengthening the legal aid system is not controversial in itself.
- The project focuses on financial sustainability and on developing a model for implementation before the law is passed.
- Ambition to create a joint mechanism for the Government and donors in a transition period
- The project involves all major providers in the project. Municipalities are becoming more visible as a legal aid provider.

Weaknesses

- General budget constrains within the Serbian government. The level of inclusion of different legal aid providers in the process of defining the new system.
- The role and responsibility of the Working Group in relation to the progress of drafting a strategy on legal aid.
- Capacity building within the Ministry of Justice.

Opportunities

- Increased focus on transparency and information sharing.
- Increased focus on strengthening the capacity of MoJ.
- How will a possible Trust Fund established within the MoJ by the World Bank affect the project?

Threats

- The underlying conflict between, and the unbalanced strength and capacity of, different legal aid providers.
- The ability to agree on a law on legal aid by all stakeholders.
- How will a possible Trust Fund established within the MoJ by the World Bank affect the project?
- Financial priorities of the MoJ in relation the implementation of the overall judicial reform.

Human Rights

Observations

International studies show that availability, affordability and adequacy are the three major challenges faced by poor people and other disadvantaged groups when it comes to legal aid.¹³ This observation is valid also in the case of Serbia. The project aims at tackling all of these problems. If the project succeeds in contributing to an effective and sustainable legal aid system, which is available, affordable and adequate for those in need, the project will indeed have contributed to the promotion and protection of human rights in Serbia. A successful project will facilitate for rights-holders to enjoy their rights and for the duty-bearers to live up to their national and international obligations.

Needless to say, an efficient legal aid system is only one of many components necessary for establishing and maintaining the rule of law. In a judicial system where the principles of independence, transparency, accountability and efficiency do not live up to minimum standards, even the most efficient legal aid system can do little to protect the rights of the individual. Thus, the full potential of the project is dependent on, and limited by, progress in the other reform areas identified in the National Judicial Reform Strategy. Development so far is not very encouraging.¹⁴

In the SWOT analysis below, we specify some observations about the project from a human rights perspective. Those observations will not be repeated here. Basically the project is on track, but there is naturally room for improvement both in terms of the day-to-day execution of the project and in terms of follow-up and preparedness for risk management.

Women play important roles within the different executive and decision making bodies of the project. Gender balance is not perfect but acceptable. However, measures should be taken to improve gender awareness within the project. Our impression is that gender awareness is higher within Track II than within Track I.

¹³ UNDP (2004b).

¹⁴ European Commission (2007).

Like in many other countries, there is a problem of discrimination in Serbia. In particular the Roma community, persons with disabilities, ethnic minorities and persons with different sexual orientation are affected.¹⁵ These problems are taken into consideration in the project document and in the design of the activities and some affirmative action have been taken. The focus of the first round of LAF grants is one positive example. It is crucial that a high awareness of the structures of discrimination is promoted and upheld within the project.

In other chapters of this report we have argued for the introduction of more specific and operational indicators, by which progress may be monitored. In order to highlight the risks for discrimination, the special needs of vulnerable groups, and in order to facilitate follow-up, there is a need for disaggregated data by for example by gender, ethnicity, rural/urban divide, age, HIV/ADS, physical or mental disability. Many of these factors have been taken into consideration when the database of the LAF has been designed. This could serve as an example also for other activities of the project, for how they are designed, carried out and followed up.

SWOT Analysis

Strengths

- The project aims at increasing access to justice for the most poor, marginalised and vulnerable in society. It is directly aimed at increasing the Government's capacity and possibilities to respect and protect human rights in Serbia in an institutionalised and sustainable way.
- In the project document, legal aid is regarded as a human rights issue and there is a clear focus on the most vulnerable in society as being the prime beneficiaries of the project.
- From a gender point of view, the composition of project staff and board members is fully acceptable.
- Some priority has been given to vulnerable groups in the first round of LAF grants.

Weaknesses

- As the use of indicators for monitoring purposes is not fully taken advantage of in the project as a whole, this will also affect the possibilities to follow up effects on marginalised and vulnerable groups. The lack of indicators also risk decreasing attention to the most vulnerable groups during the day-to-day project execution.
- Even if gender awareness is high among some project staff there is a need to promote greater awareness among all members of the staff involved.
- As the inclusion of relevant NGOs in the project is not fully satisfactory, this may affect the project's possibilities to reach out to the most vulnerable and marginalised groups in society.
- It is unclear to which extent representatives of ethnic minority groups have been given possibilities to participate in the design and execution of the project.
- The rights of the child are not mentioned in the project document, work plans or the progress reports.

Opportunities

- The project as a whole has a great potential for increasing knowledge about, and attention to, the problems suffered by vulnerable groups in society, and finding efficient and sustainable ways of addressing these problems.
- An even more inclusive and transparent approach is thought to increase this potential.
- The recruitment of new staff within the PIU is/was an opportunity to increase the human rights expertise within the project and within the MoJ.
- Highlighting human right indicators in the internal monitoring of the project is expected to raise awareness among project staff and stakeholders.

¹⁵ Utrikesdepartementet (2007) and European Commission (2007).

Threats

- The willingness of the Working Group, the Government and the Parliament to take advantage of the findings and recommendations generated through the project, may affect the extent to which a future legal aid system serves to protect and promote human rights.
- Deterioration of confidence and increased tension between different categories of legal aid providers, and/or between providers and the State, may affect possibilities to draft an inclusive strategy/law/road-map in which human rights are in focus.
- Conflicts of interest between different stakeholders may sharpen and become more manifest the closer the project gets to crucial decisions on the law, its implementation and financing. The willingness of the different stakeholders to compromise and give up power and influence cannot be taken for granted.
- Lack of financing/expected lack of financing of a future system may very well result in changes in the law/draft law, or in the way the law is to be implemented, that decreases the possibilities to protect and promote human rights.
- Political developments, including elections and the issue of Kosovo, may have severe implications for the possibilities of reaching the project objectives.

4. Conclusions

After the first monitoring mission has been completed and with only a few days for the joint PMG for meeting stakeholders in Serbia, we cannot claim to have the full picture of the project and the context in which it operates. Thus we are unable to guarantee the validity and reliability of all our conclusions. We have, however, made some observations and we try to describe them as clearly as possible in this report. It is our hope that these observations will serve to strengthen the many positive processes that have already started as a result of the project. Hopefully, the observations may also give some input to the efforts being made to overcome some weaknesses and avoid future risks.

For the sake of brevity and clarity we will formulate our conclusions as a number of messages. The messages are mainly directed to the project staff within the UNDP and the PIU/MoJ, but will hopefully also be of interest for the programme officers at Sida and representatives of stakeholders directly or indirectly involved in the project.

Message #1: The project is relevant and the main outputs will possibly lead towards the project goal.

The lack of adequate legal aid today cause great suffering for many individuals in Serbia. The poor and vulnerable are the ones that suffer the most. An effective, accessible and affordable legal aid system is very relevant considering the present situation. A project to promote this development is fully in line with Serbian as well as Swedish priorities and policies. The intended outputs of the project have a potential for leading towards the project goal.

Message #2: You are on the right track.

Our overall view of the project so far is that things are moving in the right direction. There is a clear potential and many stakeholders and staff members are knowledgeable and enthusiastic.

Message #3: There is a national commitment to the process, which is a crucial condition for ownership and sustainability.

Access to justice is included as an important component of the National Judicial Reform Strategy and the Government is committed to establishing a legal aid system. In political terms, it is a non-controversial issue. Major national stakeholders are backing the project. The international donors are merely supporting a process which to a great extent is owned by national actors. However, the importance of judicial reforms for EU accession should not be forgotten.

Message #4: The project document takes a broad and inclusive approach but there have been some obstacles on the way concerning inclusiveness.

A basic approach of the project is to include stakeholders as well as beneficiaries in the project, in order to promote participation, transparency, information-sharing, cooperation and compromise. The June conference was a commendable initiative and a good start. However, considering the great importance of NGOs for providing legal assistance to vulnerable and marginalised groups, we find that a greater NGO presence within the structures of the project (for example the Advisory Board) and as participants on activities like study tours, would have been advisable. The way in which NGOs were excluded as direct beneficiaries of the LAF grants was unfortunate. There is a need for affirmative action to get relevant NGOs on board. We see an openness as well as opportunities that should be taken advantage of. Transparency may be increased through simple methods like websites and newsletters.

Message #5: The Working Group and the PIU are very central actors to achieve the project goal, but it is still too early to say if they will live up to expectations.

The Working Group is recently constituted and has not yet found its forms of working. The PIU is suffering from staff turn-over. It is still an open question how the Working Group and the PIU will work together, which responsibilities the two bodies will get and if they will have the resources and capacities to live up to expectations. The success of the project also depends on the receptiveness of the Working Group when it comes to using the information and advice generated through the project.

Message #6: Most project activities are way behind the original time plan. This is a challenge but not an emergency.

The project consists of many activities, and we have questioned if they are too many. The fact that many activities have been postponed or delayed is not regarded *a priori* as serious. It is important that activities are not rushed through in an attempt to catch up. Thorough planning, timing, execution and follow-up should be given priority to the number of activities carried out. At present, synergy effects are sometimes lost when activities are carried out without proper timing. Considering the difficulty in foreseeing the efficiency and policy of the Working Group, it is hard to estimate if the delay of some activities (including the LAF grants) will make findings less relevant for the Working Group. I.e. in order to serve as an important input into the drafting process, the input must come at the right time.

Message #7: The project would be strengthened by a greater clarity concerning central terms, relations between objectives and activities and a more consistent use of indicators and means of verification.

The project documents are currently using different terminology on the expected results of the project, and the project outputs are not consistently defined as results which make it challenging to follow the logic of the activities (interventions). It is important that all outputs/results of the project are collectively understood by the project implementing bodies, as well as the way to achieve them. By jointly setting indicators for the outputs/results it will be more visible. Indicators are measurements on achievement of results, and can therefore be both qualitative and quantitative. In order to enable internal monitoring of the project progress, means of verification (how to get information) on the indicators should be defined. Collection on information and how to use it is an important part of the project.

Message #8: The project has a great potential for promoting human rights, but there are some risks that must be addressed.

The gender balance within the project structure is fully acceptable but there is a need for strengthening gender awareness within the project. Indicators as a means of verification may be used much more effectively in order to keep attention on vulnerable groups in society, in planning as well as in follow-up. The inclusion of NGOs is crucial for the project's possibilities to reach out to most marginalised groups.

Message #9: The goal of increasing access to justice for the poor and vulnerable is highly dependent on the success of the overall judicial reform strategy – and the political development.

An efficient legal aid system can do little to protect the rights of the individual if the judicial system as a whole does not live up to minimum standards of rule of law. Thus, the full potential of the project is dependent on, and limited by, progress in the other reform areas identified in the National Judicial Reform Strategy. Development so far is not very encouraging. Furthermore, the political development (including elections, the issue of Kosovo, etc.) may have severe effects on the chances of implementing and financing a new legal aid system.

Message #10: The crucial issue of financing a future legal aid system remains unresolved.

It is easy to foresee that the financing of a comprehensive and efficient legal aid system will be problematic. The project is starting to look into this issue. It is too early to predict the effects of a legal aid system on the economy, or the effects of the economy on the law and its implementation.

Message #11: The next phase of the project should pay much higher attention to strengthening capacities within the MoJ.

In order for laws to be drafted and implemented effectively, the capacity of the MoJ is crucial. The PIU is situated within the MoJ but as an *ad hoc* and fairly isolated body, there are serious doubts as to which extent the PIU may strengthen the capacity of the MoJ. More emphasis should be put on this issue in the coming phase.

Annex 1 - Terms of Reference

July 12, 2007

Lisa Mossberg/Helena Sancho

Reference: 2006-001781

TERMS OF REFERENCE

for a Project Monitoring Group in reference to the project *Creating an effective and sustainable system of providing Free Legal Aid in Serbia*

Background

Sida is supporting a project in Serbia on the creation of an effective and sustainable system of providing free legal aid. The project aims to increase access to justice for the most vulnerable and marginalized groups of the Serbian society. At the same time it will provide support to the Government of Serbia in the fulfilment of its international human rights obligations. The overall goal of the project is thus to support the establishment of an effective and affordable state-funded and run legal aid system for those who can not afford legal services.

The project, which is carried out in cooperation with the UNDP, is implemented by the Project Implementation Unit placed in the Ministry of Justice. The project extends over the period of two years (November 2006 – October 2008) with a total Sida budget of 8 832 000 SEK. For additional information see the Project Assessment Memo dated June 2006.

The assignment

Due to the rather specific expertise necessary for assessing the implementation, Sida has decided to assign an independent so called Project Monitoring Group (PMG) to monitor and assess the project.

The PMG shall function as a special resource to Sida and UNDP with regard to the continuous monitoring and follow-up of the performance of the project. The PMT will be requested to provide analysis and recommendations on the general progress as well as on the Annual Work Plans and Annual progress reports. Two evaluation missions are foreseen; after the first and the second year of the project implementation.

Conclusions and recommendations presented in the second monitoring mission report will be an important input for the consideration of further support to the free legal aid System (after the period of two years).

Scope of Work

Monitoring of the project implementation during the implementation period.

The PMG shall:

- Assess achievements in relation to the specific project objectives and indicators; adherence to time and work plan for the project.
- Analyse the development of a reform strategy for the provision of legal aid, giving special reference to the assessment of the sustainable funding of a legal aid system through the Serbian Government's increased financial contributions.
- Assess the local ownership of the process of developing a reform strategy for the provision of free legal aid.
- Discuss the conditions for sustainable results.
- Assess the relevance of the project to Sidas general objective "to contribute to creating conditions that enable poor people to improve their living conditions"
- Assess the extent to which a "rights perspective" is applied in the project activities.
- Assess the outcome of the project and the continued risk assessment (continued analysis of identified preconditions and risks in regard to the implementation of the project).
- Analyse the cost-effectiveness of the project activities (analysis of the initial allocation of resources and budget utilization) and adherence to the original budget for the project.
- Assess to what extent the results and experiences of the work of the recipients of grants from the Legal Aid Fund are successfully incorporated into the Assessment Survey for the establishment of a state funded legal aid system.
- Assess how NGOs and Civil Society Organisations providing Free Legal Aid, both those that are and those that are not recipients of grants from the Free legal aid Fund are influenced by the project and integrated in the strategic process.
- Evaluate the communication and co-ordination between the working group and other relevant stakeholders in the area of free legal aid.
- Assess the impact of the public information campaign.
- Assess the disbursement of grants to organizations providing free legal aid by the Legal Aid Fund.
- Assess the effectiveness of the overview carried out by the Advisory Panel over the Legal Aid Fund.
- Evaluate the coordination with other related projects in Serbia and assess how to generate synergy effects to increase the impact of the project.
- Discuss how the gender aspects have been integrated in the planning, management and implementation of the project.
- Assess any new project proposals for a continuation of the cooperation in the area of free legal aid submitted to Sida by UNDP.

- When relevant analyse how the recommendations/remarks from the previous monitoring and evaluation missions are taking into account by the project implementation team.

Methodology

The assignment will include two missions to Serbia and a close dialogue with representatives of the National Project Director, the Project Implementation Unit, the Working Group, other relevant departments of the Ministry of Justice, the UNDP Programme Specialist, the UNDP Backstopping Team, the Legal Aid Fund Advisory Panel, the Legal Aid Fund staff and other stakeholders within legal aid (including municipal legal aid offices, the Bar Association of Serbia, NGOs, trade unions, Centres for Social Welfare).

In the light of information acquired, the study shall analyse and assess the aspects that have been surveyed in respect of reliability and relevance, and a general assessment of UNDP reports to Sida.

The assignment shall result in concrete recommendations directed both to Sida and UNDP. Recommendations are to be stated briefly, clearly and in an analytical manner.

Time schedule

The first missions will take place following the submission by UNDP of the semi annual report on July 31, 2007, preliminary in the end of September or early October 2007. The second visit will be made during 2008 either after the submission of the Annual report in January or following the submission of the semi annual after July 31, 2008.

The first PMG report should be submitted to Sida no later than November 15, 2007.

The second PMG report should be submitted to Sida at a date to be decided by Sida at a later date.

Reporting

The reports should not exceed 20 pages and be restricted to analysis and conclusions including recommendations. The reports shall be submitted to Sida in two printed copies and one digital.

A meeting should be held with the Swedish Embassy in Belgrade both in the beginning and the end of each visit.

A follow-up meeting with Sida Stockholm should be held after submitting each PMG report to discuss the findings and recommendations. Sida will decide if other stakeholders are to be invited to these meetings.

Specification of requirements

The tenderer shall offer services described within the framework of the assignment.

The tenderer shall have documented knowledge and experience of making project reviews. The tenderer shall have documented experience in the area of judicial reform and preferably also from the field of Legal Aid.

The tenderer shall specify how he or she considers the assignment should be implemented. The tenderer shall specify the methods he or she intends to use to implement the assignment and to guarantee quality in the work performed.

The tenderer shall specify how the assignment will be organised. The tenderer shall specify the qualifications of each and every member of the personnel/sub-consultants he intends to make available for the assignment and shall attach a CV for each person. All CVs should be certified that the information on the person in question is correct.

The tenderer shall specify the level of knowledge that is offered in Swedish and English in speech and writing and in other languages for the personnel/sub-consultants allocated to the assignment.

The tenderer shall specify the shortest possible period of time for personnel/ sub-consultants to make themselves available for the assignment.

The tenderer shall describe previous experience of similar assignments that have been performed during the last three years and at least two referees for these assignments (the names and telephone numbers of the referees should be given). The persons in question should also have been informed that they are to act as referees.

The tenderers shall specify the total cost of the assignment, in the form of an hourly fee for each category of personnel, any reimbursable expenses and any other costs and rebates. All types of costs shall be given in SEK, excluding VAT.

The tenderer shall submit a proposal for a time schedule and a work plan for the implementation of the assignment. The tenderer shall accept Sida's general conditions and state whether the draft contract is acceptable and report any reservations in respect of the contractual conditions.

Budget:

The maximum budget for the PMT is SEK 350 000.

Annex 2 – Persons Interviewed

Ministry of Justice

- Ms. Snezana Malovic – State Secretary
- Ms. Bojana Solevic – Manager of the Project Implementation Team
- Ms. Tamara Belojevic – Coordinator at the Project Implementation Team
- Mr. Milos Perisic – Coordinator at the Project Implementation Team
- Ms. Dijana Ilincic - Financial Assistant at the Project Implementation Team

The Working Group on Legal Aid

- Mr. Milan Markovic – Public Attorney of the Republic of Serbia
- Ms. Milica Popovic-Djurickovic – President of Fifth Municipal Court of Belgrade

Municipality of Pancevo

- Ms. Jelena Novakov – Chief of Project Management Unit
- Ms. Jasmina Bukvic – Public Relations Officer

Municipality of Vracar

- Ms. Tijana Zivkovic-Blagojevic – Municipality Council Member

UNDP

- Ms. Olivera Puric - Team Leader, Governance Cluster
- Mr. Sinisa Milatovic – Programme Manager, Human Rights, Judicial Reform/Rule of Law Cluster
- Ms. Marija Lukic – Manager, Legal Aid Fund, Governance Cluster

The Advisory Panel of the Legal Aid Fund

- Ms. Borka Torbica – Legal Adviser, Serbian Democratic Forum (SDF)
- Mr. Stevan Arambasic – Deputy Ombudsman, Autonomous Province of Vojvodina
- Ms. Ljubica Milutinovic – Deputy President of the Serbian Supreme Court

Fund for an Open Society

- Mr. Mihajlo Colak - Program Coordinator (Rule of Law and Good Governance)

Lawyers' Committee for Human Rights – YUCOM

- Ms. Biljana Kovacevic-Vuco - President
- Mr. Milan Antonijevic – Executive Director

Swedish Helsinki Committee

- Mr. Goran Miletic – Human Rights Adviser
- Ms. Marie Månsson – Programme Director (HQ Stockholm)

Center for Advanced Legal Studies – CUPS

- Mr. Sasha Gajin – Legal Aid Project Coordinator

Out of Circle

- Ms. Lepojka Mitansovska - President

The Bar Association

- Mr. Dejan Ciric – Vice-President of the Bar Association of Serbia
- Ms. Biljana Bjeletic – Bar Association of Pancevo

Embassy of Sweden

- Ms. Snezana Nenadovic – Development Programme Section

Annex 3 – PMG Meeting Schedule

PMG Schedule 26-30 November 2007

Time	Institution	Participants	Location
Monday 26.			
09:00 - 10:30	SIDA, Belgrade	Snezana Nenadovic, Björn Mossberg	Ledi Pedzet 2
11:00 - 12:30	UNDP	Olivera Puric, Sinisa Milatovic	Internacionalnih brigada 69
13:00 - 15:00	Project Implementation Unit	Joined session with all employees	Nemanjina 22, 11th fl.
15:00 - 16:00	National project director - Ministry of Justice	Snezana Malovic, Deputy Minister of Justice	Nemanjina 22, 4th fl.
Tuesday 27.			
9:00 - 10:30	Center for Advanced Legal Studies	Sasa Gajin	Goce Delčeva 36
11:30 - 12:30	The Working Group on Legal Aid	Milan Markovic, Milica Popovic - Djurickovic	Nemanjina 22
13:00 - 14:00	The Legal Aid Fund (staff)	Marija Lukic,	UNDP, Internacionalnih brigada 56
14:00 - 15:00	Legal Aid Fund - Advisory Panel of the Fund	Ljubica Milutinovic, Stevan Arambasic, Borka Torbica	UNDP, Internacionalnih brigada 56
15:30 - 16:30	Bar Association of Serbia	Dejan Ciric, Deputy President	Decanska 13
17:00 - 18:00	Swedish Helsinki Committee	Goran Miletic, Legal Advisor	Svetozara Markovica 5/II
Wednesday, 28.			
09:00 - 10:00	Municipality of Vracar, "Out of Circle" and the	Lepojka Mitanovska, President, "Out of Circle" NGO	Sredačka 2, Belgrade
	SOS Telephone"	Lada Protic, President - Coordinator "SOS Telephone"	Resavska 28, Beograd
10:30 - 11:30	Lawyers' Committee for Human Rights	Biljana Kovacevic - Vuco, Milan Antonijevic	Svetogorska 15
12:00 - 13:00	Fund for an opened society	Mihajlo Colak	Kneginje Ljubice 14
14:00 - 15:00	Municipality of Vracar	Tijana Zivkovic Blagojevic	Njegoseva 77
	Additional meetings		
Thursday, 29.			
9:30 - 10:30	Pancevo Bar Association	Biljana Bjeletic, Coordinator, Lawyer	Zmaj Jovina 5a, lokal br.5, 26000 Pancevo
12:00 - 13:30	Municipality of Pancevo	Jelena Novakov, Head of project Unit, Coordinator	Trg kralja Petra I 2-4, 26000 Pancevo
	Team Debriefing		
Friday, 30.			
10:00 - 11:30	Debriefing	SIDA - Belgrade, UNDP, MoJ PIU	UNDP, Internacionalnih brigada 56

Annex 4 – Literature References

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Annex 5 – Acronyms and Abbreviations

AP	Advisory Panel
CSO	Civil Society Organisation
DEX	Direct Execution Modality
EC	European Commission
EU	European Union
LAF	Legal Aid Fund
MFA	Ministry of Foreign Affairs
MoJ	Ministry of Justice
MoF	Ministry of Finance
NEX	National Execution Modality
PAR	Public Administration Reform
PIU	Programme Implementation Unit
PMG	Project Monitoring Group
Sida	Swedish International Development Cooperation Agency
SWOT	Strengths, Weaknesses, Opportunities, Threats
ToR	Terms of Reference
UNDP	United Nations Development Programme
WG	Working Group