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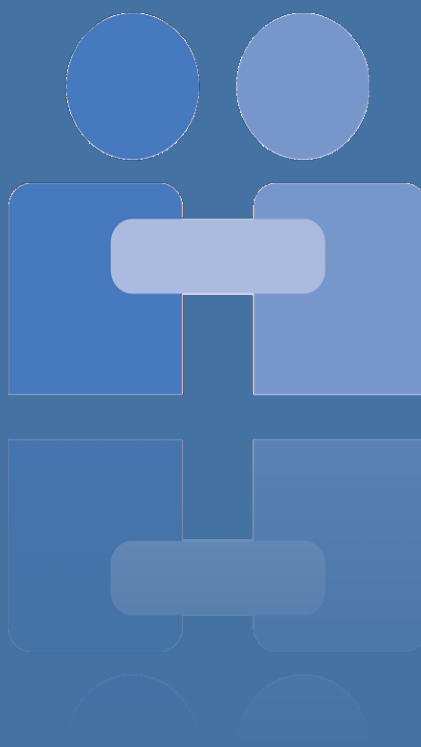
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Serbia

Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia

An Independent Evaluation Report
by Dragiša Mijačić



December 2010

Final Report

Independent evaluation of the Project “Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia”

**Prepared by
Dragiša Mijačić
December 2010**

PREFACE

This report was entirely prepared by the independent evaluation consultant Dragiša Mijačić who was contracted by UNDP Serbia for this assignment.

Mr Mijačić wishes to thank the many individuals from the Delegation of the EU in Serbia, the Ministry of Labour and Social Policy of the Republic of Serbia, UNDP Serbia and the Commissioner for the Protection of Equality who contributed their valuable time and resources to this report. The evaluation would not have been possible without their insights, advice, knowledge, contributions and support.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AWP	Annual Work Plan
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CDAG	Capacity Development and Accountable Governance
CAD	Coalition Against Discrimination
CoE	Council of Europe
CPE	Commissioner for the Protection of Equality
DEU	Delegation of the European Union (to the Republic of Serbia)
DoA	Description of the Action
DIM	Direct Implementation Modality
EAR	European Agency for Reconstruction
EC	European Commission
EE	Education Entertainment
EU	European Union
FAFA	Financial and Administrative Framework Agreement
FMK	Faculty of Media and Communication
JTA	Judicial Training Academy
LDWG	Legislative Development Working Group
LGBT	Lesbian, Gay, Bisexual, Transsexual
LoA	Letter of Agreement
MHMR	Ministry of Human and Minority Rights
MLSP	Ministry of Labour and Social Policy
MoE	Ministry of Education
NIM	National Implementation Modality
NPD	National Project Director
OVI	Objectively Verifiable Indicators
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
PMU	Project Management Unit
RTS	Radio Television Serbia
SIGMA	Support for Improvement in Governance and Management
SMART	S-Specific, M-Measurable, A-Available, R-Relevant and T-Time-bound
UNDP	United Nations Development Programme

EXECUTIVE SUMMARY

This report covers findings, conclusions and recommendations of the final evaluation of the project "Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia", funded by the Delegation of the European Union (DEU) and implemented by the Ministry of Labour and Social Policy (MLSP) of the Republic of Serbia and the United Nations Development Programme (UNDP) in Serbia.

The objective of the evaluation is to assess the project's relevance, effectiveness, efficiency, sustainability and impact, according to the criteria of the Development Assistance Committee (DAC). In addition, the issues covered by the evaluation report include those of utility, credibility, and relevance/appropriateness.

The overall objective of the project is to support the Government of Serbia in building a society governed by laws and institutions ensuring equal treatment for all. The project has been funded under the 2006 EU CARDS Programme, covering the territory of Serbia (excluding Kosovo¹). The total project budget, funded by the EAR/DEU, is €1,999,319. The project duration was initially planned for 24 months, but was extended with no additional cost until 31 December 2010. The project was implemented using the National Implementation Modality (NIM), with UNDP support services.

KEY FINDINGS

Relevance: There is a wide body of evidence from primary and secondary sources that confirms a strong positive correlation between the quality of the project's design, the success of its implementation and the impact of its intervention. The design of each of the five specific objectives of the project was relevant to the needs of the direct beneficiaries, the Government of Serbia and its line ministries. Clarity of the project document could have been improved, in terms of a more detailed description of the objectives, expected results and indicators (OVIs), as well as in the quality in regard to its assessment of risks.

Efficiency: The quality of the project intervention presents a successful implementation of NIM. The cooperation between all parties involved in the project's operations was assessed as both positive and efficient. According to the original proposal, the project duration was planned for 24 months, from 10 January 2008 to 10 January 2010, and later extended at no further cost until 31 December 2010. This non-cost extension significantly affected the time efficiency of the project intervention, but the blame is mostly on the side of external factors such as the fall of the governing coalition, new elections and reconstruction of the Government. After the PMU became operational (in September 2008), the project was implemented in a time-efficient manner. The biggest success of the PMU lay in their great potential for mobilisation, gathering all the relevant actors to advocate for changes in regard to the fulfilment of the project objectives. The successful implementation of the project was due to well-established cooperation between all other project stakeholders, including the MLSP, the MHMR, the UNDP, Civil Society Organisations (CSOs), municipalities across Serbia, media representatives and many others.

Effectiveness: Although the project activities were outnumbered, often overlapping each other, the implementation was effective in achieving outputs and results. Formal verification of effectiveness per each criterion was difficult, and in a few cases nearly impossible, due to overambitious statements of project purpose and project results, compounded by poorly-formulated OVIs throughout the log-frame. However, the final evaluation succeeded in providing a detailed assessment of project effectiveness on the basis of quantitative and qualitative data, collected from both primary and secondary sources during the evaluation process. This assessment was done beyond the OVI, given in the lograme. Full analysis of the effectiveness of each project result is provided within the text of the Evaluation.

¹ Under UNSCR 1244

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Impact: Although the project intervention has only just finished, the project succeeded in generating a positive impact in a number of areas. Adoption of the Law on the Prohibition of Discrimination supported the Serbian aspiration to EU accession - more directly obtaining the EU decision to allow Serbian citizens to travel without visas to the Schengen Area. More importantly, the Law provided legal mechanisms to fight against discrimination and raised public awareness on these issues among disadvantage groups and the mainstream population in general. In addition, the impact is visible in the drafting new laws in the area of anti-discrimination such as the Law on the Prohibition of Domestic Violence. The Commissioner was appointed and the project contributed a great deal in allocating the necessary budget for the CPE to function, which contributed to the positive impact and sustainability of the CPE office. The project intervention also developed a conference technique, which was already applied in solving complex inter-community.

Sustainability: The sustainability of most of the results was achieved due to the nature of the intervention. The CPE's financial sustainability has been secured by the budget planning for 2011 and 2012. Sustainability of the training modules related to ADR/Mediation and the implementation of the Law on the Prohibition of Discrimination have been secured by including them in the official curricula of the relevant public institutions that deal with those issues. Furthermore, the sustainability of the results was secured by the production of 19 publications as part of the project intervention.

CONCLUSIONS AND LESSONS LEARNED

Conclusions: The final evaluation concludes that the project intervention has all the necessary elements to be assessed as a positive example of project development. The project succeeded in delivering most of the expected results and in meeting specific objectives, working in very complex circumstances. The most significant result of the project is its contribution to the adoption of the Law on the Prohibition of Discrimination, which had been pending since 2002. The project team succeeded in reconciling the different points of confrontational parties from the Government and CSOs, as well as balancing out the negative attitudes of traditional religious communities toward the legislative act. Moreover, the project achieved significant results in other fields, including successful advocacy to secure public funding for the CPE, development of the CPE's institutional capacity, training in the field of anti-discrimination, introduction and application of ADR and mediation techniques in the field of discrimination and public awareness on equality and anti-discrimination.

Lessons Learned: The project implementation generated a significant number of lessons, which are discussed throughout the final evaluation report. It is important to separately document the key lessons here, thereby creating the possibility for their usage in further interventions of a similar kind.

- For successful project intervention it is important to have a strong team with excellent skills of interpersonal communication between them. The project shows that team-building meetings at the beginning of the intervention as well as multiple retreat meetings during the project were able to significantly increase team spirit, develop confidence and increase the efficiency of the team's performance. In addition, the practice of organising planning workshops externally from the office premises contributed to the better oversight of all activities and tasks that had to be done in the forthcoming period, as well as to better synergy between different project components;
- In order to successfully implement the complex project intervention in a politically sensitive environment, the project team combined advocacy and lobbying with networking and mobilising of all key actors. This modality created great results in reaching a consensus on the draft Law on the prohibition of discrimination, on securing the budget for the CPE even before the Commissioner was appointed, and on many other issues that occurred during the project's implementation.

SUMMARY OF RECOMMENDATIONS

Recommendation #1: Project indicators should be SMART-designed. If they are not well-designed during the programming phase, there is a need to re-adjust or calibrate the indicators during the inception phase of the project. Improperly designed indicators create difficulties in monitoring and evaluation operations.

Recommendation #2: Risk assessment and its measures of address are important parts of programming project intervention. If risk(s) cannot be foreseen prior to the project intervention, there is a need to re-assess them during the inception phase of the project intervention.

Recommendation #3: During the Steering Committee meetings, the DEU raised their concern on the proper use of the EC visibility rules. The same issue was mentioned during the field interview with the DEU representative, organised as a part of the final evaluation. This clearly indicates a high level of sensitivity when it comes to visibility issues and the UNDP should pay more attention in this regard in current or future interventions that are DEU-funded.

Recommendation #4: In the majority of cases, the identified needs of the beneficiary groups changed between the phase of programming and the start of the project. It is therefore recommended that future inception reports identify all those changes and propose re-adjustments of the project documents so as to best address arising problems and in the needs of beneficiary groups which the project intervention is trying to solve.

Recommendation #5: It is recommended to create a project intervention that will provide technical assistance to the Network of Focal Points. This Network might be incorporated into existing networks of human rights organisations such as the Coalition Against Discrimination. In any case, CSOs should be encouraged to take a more proactive role in facilitating the Network in the future. The Network should also create better links with the CPE, since at this stage those links are loose or inexistent.

Recommendation #6: Since the pilot projects funded within the scope of this project has created very positive results at local level, UNDP should try to establish a small-scale funding scheme that will continue similar local initiatives in the future.

Recommendation #7: In order to measure the impact of the project intervention, the project should design an impact indicator (linked to the overall objective) that is measurable using existing statistics, or - alternatively - to create data collection mechanisms that can feed the impact indicator with the necessary statistics.

Recommendation #8: In order to achieve the sustainability of the project results, the PMU needs to adequately transfer the project outputs and the knowledge that was created during the project intervention. This should be included in the project's exit strategy, and implemented well before project closure.

Recommendation #9: UNDP should provide support to the CPE and other governmental institutions and line ministries in the further development of legislation and institutional mechanisms for the protection of vulnerable groups, particularly the Roma and Lesbians, Gays, Bisexuals and Transsexuals (LGBT), but also national minorities, women, and persons with disabilities. In this regard, UNDP should explore options for partnership under EU IPA Component I funding.

Recommendation #10: UNDP should promote this project as a model of best practice in the implementation of complex multi-stakeholder and politically-sensitive project interventions. In this regard it is recommended to conduct further research, analysing in detail all aspects of the intervention that led to the successful implementation of this project.

INTRODUCTION

Evaluation Objectives

This report covers findings, conclusions and recommendations of the final evaluation of the project "Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia", funded by the Delegation of the European Union (DEU) and implemented by the Ministry of Labour and Social Policy (MLSP) of the Republic of Serbia and the United Nations Development Programme (UNDP) in Serbia.

The objective of the evaluation is to assess the project's relevance, effectiveness, efficiency, sustainability and impact and to provide recommendations for future engagement in this field.

The key audience for the evaluation are the stakeholders of the project: the UNDP in Serbia, the Delegation of the European Union to the Republic of Serbia, the Ministry of Labour and Social Policy and the Commissioner for the Protection of Equality (CPE). Recommendations and the lessons learned generated by the evaluation exercise are primarily intended to be used in improving the UNDP's support to its constituents in the future, yet other project stakeholders and institutions may also largely benefit from the report, its findings, lessons learned and recommendations.

Scope of Work

The evaluation covers the period of the project's implementation, from January 2008 to December 2010, taking into consideration the results of intervention of the first anti-discrimination project funded under the capacity of EAR CARDS 2005, called "Developing a Comprehensive Framework for Preventing and Combating Discrimination".

According to the Terms of Reference (ToR)², the scope of the evaluation was to focus on the following:

- Assess the status of the outcome (i.e. anti-discrimination in Serbia) and estimate the degree of project's contribution to it;
- Assess and evaluate the degree to which the project activities listed in the Project Document have been successfully implemented;
- Assess and evaluate the extent to which the targeted beneficiaries have benefited from the project activities;
- Identify challenges, constraints and lessons learned;
- Present recommendations and specific actions that need to be taken to ensure the success for future engagement in the area.

The evaluation is based on the Development Assistance Committee (DAC) criteria of relevance, effectiveness, efficiency, impact and sustainability. In addition, the evaluation report has analysed the issue of utility, credibility, and relevance/appropriateness.

² See Annex 3

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Methodology

In preparing the methodology, the evaluator used the Terms of Reference (ToR) as the primary guide, designing the process that would give the expected outcomes within a limited timeframe. The evaluation consisted of four phases: (1) Inception, (2) Desk Review, (3) Field Interviews, and (4) Reporting/Discussion. Due to the short timeframe these phases were to some extent overlapping.

During the Inception phase, interviews were conducted at the project office to re-confirm the nature and objectives of the evaluation, which were primarily set within the ToR. The Evaluation Questions were also discussed in detail. During this phase, the secondary data was delivered as well as logistic arrangements being set for the field interviews. Timeframe of the evaluation was also reconfirmed during this phase.

The Desk Review phase included the review and analysis of the secondary data, primarily the project progress reports and EC monitoring reports, with other relevant publications and reports which were also taken into consideration.

Field interviews were organised with the representatives of the donor, their project partners and key external experts, through semi-structured interviews.

During the reporting/discussion phase, a draft evaluation report was prepared and circulated for comment and revised accordingly.

Performance criteria were assessed based on the portfolio review of the key project reports and further validated through the interviews with experts in the field, representatives of the project partners and the project staff members.

Limitations of the Evaluation

The main limitation encountered was the extremely tight timeframe, which led to the various phases of the evaluation overlapping. Nonetheless, the evaluator feels that the combination of interviews with key figures and desk analysis provide a reasonably sound basis for the conclusions given in the report. Detailed interviews with the project staff in combination with deep analysis of the progress reports have led to significant clarification of the points made.

The quality of impact and outcome indicators is not sufficient, further limiting the assessment of status and achievement of overall objectives and project purpose/specific objectives of the project intervention.

PROJECT DESCRIPTION

Project Background

Ever since the democratic changes in Serbia, international organisations and civil society organisations (CSOs), as well as other actors, have called on Serbia to advance the legal framework for proscribing discrimination in the country. Progress on the prohibition of discrimination was made with the adoption of the new Constitution of the Republic of Serbia in 2006, through which the equality of all citizens before the Constitution and Law is guaranteed and all discrimination (direct and indirect)

based on any grounds is prohibited³. The Constitution makes particular mention of the prohibition of discrimination against national minorities⁴.

The adoption of a comprehensive anti-discrimination act and its implementation has become one of the most important issues for the EU integration of Serbia. In the 2005 Report on the preparedness of Serbia and Montenegro (later applicable to Serbia) to negotiate a Stabilisation and Association Agreement with the European Union, the European Commission (EC) stated: "*The national legislation [...] is also mostly in accordance with international standards, but the adoption of a comprehensive Anti-Discrimination Act is necessary as a further guarantee and protection mechanism*"⁶. Furthermore, EC Progress Reports on Serbia for 2007⁶ and 2008⁷ recognised the need for adoption of the anti-discrimination law, particularly emphasising the problems of monitoring the widespread discrimination against the Roma community, persons with disabilities, ethnic minorities and persons of different sexual orientation. Similar issues were raised within the Council of Europe's Report for the Commissioner for Human Rights from March 2009⁸, as well as numerous other reports from international organisations including the Human Rights Committee of the United Nations and OSCE's Office for Democratic Institutions and Human Rights (ODIHR).

The Federal Ministry of Justice drafted the first model of the anti-discrimination law in 2002. An improved version of this Law was published in 2005 by the Institute of Advanced Legal Studies in cooperation with a network of NGOs, the "*Coalition Against Discrimination*" (CAD)⁹, together with a guide to Anti-discrimination Law and a Report on Discrimination in Serbia. However, this initiative did not receive the necessary attention from the Government of Serbia, and was therefore never submitted to the Serbian Parliament for adoption.

The second initiative for developing the draft of the Law was organised within the EAR-funded UNDP-led project intervention "*Developing a Comprehensive Framework for Preventing and Combating Discrimination*". The project was implemented in cooperation with the Agency of Human and Minority Rights¹⁰ and other stakeholders from the side of the Government and the CSOs. However, due to various circumstances, this Law was never submitted to the Serbian Parliament either.

The project "*Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia*" was developed on the grounds of the aforementioned UNDP-led predecessor project, with the aim to increase the impact of the legislation and enhance effectiveness of its provisions, as well as to address the more complex aspects of discrimination, including the existence of prejudices and stereotypes about vulnerable groups. In addition, the project was intended to provide further support to the Government of the Republic of Serbia by advancing legislation in the field of protection against discrimination, thereby contributing to the fulfilment of criteria required for faster integration into the European Union.

³ Article 21 of the Constitution of the Republic of Serbia

⁴ Article 76 of the Constitution of the Republic of Serbia

⁵ European Commission (2005): "*Report on preparedness of Serbia and Montenegro to negotiate a Stabilisation and Association Agreement with the European Union*", page 14.

⁶ *Serbia 2007 progress report* is available at

http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf, last visited 19 December 2010.

⁷ *Serbia 2008 progress report* is available at http://ec.europa.eu/enlargement/pdf/press_corner/key_documents/reports_nov_2008/serbia_progress_report_en.pdf, last visited on 19 December 2010.

⁸ The CoE report is available at: https://wcd.coe.int/wcd/ViewDoc.jsp?id=1417013#P396_68908, last visited on 19 December 2010.

⁹ More information about the Coalition Against Discrimination is available at the official website: <http://www.stopdiskriminaciji.org> (Serbian only), last visited on 19 December 2010

¹⁰ Prior to 2006 and the declaration of independence of the Republic of Montenegro, Human and Minority Rights were regulated at the level of the State Union of Serbia and Montenegro. After the dissolution of the State Union, the Federal Ministry for Human and Minority Rights was converted into the Agency for Human and Minority Rights of the Republic of Serbia, established in June 2006. Because agencies in Serbia are not empowered to propose laws, the Ministry of Labour and Social Policy undertook the role of the principle advocate of the legislation in the field of human and minority rights, including anti-discrimination. With the creation of the Serbian Government in July 2008, the Agency was replaced with the newly-established Ministry of Human and Minority Rights.

Project Objectives

The new project intervention is called "*Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia*" and was composed of the following components:

- Institutional support to the organisations and agencies that are mandated to implement either the existent legislation or that which is yet to be adopted in the field of anti-discrimination;
- Development and mainstreaming of Serbian legislation in the field of anti-discrimination, including analysis of its impact, level of harmonisation with international standards and internal consistency, as well as checking for legal gaps to be filled;
- Strengthening the role of alternative dispute resolution mechanisms in the overall implementation of anti-discrimination provisions;
- Awareness-raising activities that seek to impact targeted groups on the importance of equal treatments and the existence of anti-discrimination provisions.

The overall objective of the project is to support the Government of Serbia in building a society governed by laws and institutions ensuring equal treatment for all. The project has the following specific objectives (also called project purpose):

- To provide adequate legal protection against discrimination, thereby fulfilling one of the key requirements for the European integration of Serbia;
- To complete the legislative process with regard to anti-discrimination in Serbia, while taking into account the need for coordination between different sectors' legislation;
- To establish appropriate institutional structures for the implementation of the legislation to be adopted;
- To bolster anti-discrimination policies by enhancing the availability of mediation and ADR tools, thus reducing reliance on formal litigation;
- To incorporate a strong public awareness component into all anti-discrimination policies, aimed at disseminating consciousness of the existence of legal remedies and of the underlying values of anti-discrimination.

The Budget and the Timeframe

The project has been funded under the 2006 CARDS Programme, covering the territory of Serbia (excluding Kosovo¹¹). The total project budget, funded by the EAR/DEU, is €1,999,319, as stipulated in the Agreement signed between the UNDP and EAR (ref. no. 06SER01/08/009) on 31 March 2008.

The Agreement complied with the provisions of the Financial and Administrative Framework Agreement (FAFA) signed between the European Community and the United Nations on 29 April 2003. Since the EAR officially closed its mission at the end of 2008, UNDP signed the Addendum of the Agreement with the European Commission, represented by the Delegation of the European Union (DEU) in the Republic of Serbia, transferring all EAR obligations to the DEU.

¹¹ Under UNSCR 1244

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The Project duration was initially planned for 24 months, from 10 January 2008 to 10 January 2010. By the Addendum of the Agreement signed in November 2009, the project was extended with no additional cost until 31 December 2010.

Implementation Modality and Project Management Structures

The project's implementation modality is entitled as the National Implementation Modality (NIM), with UNDP support services¹², as defined per the Letter of Agreement (LoA) signed between UNDP and the Ministry of Labour and Social Policy in February 2008.

According to the project document, implementation and monitoring were organised within the following structures: a Steering Committee, a National Project Director, an Advisory Panel, a Network of Focal Points, a Legislative Development Working Group, an Alternative Dispute Resolution and Mediation Taskforce, the Project Management Unit and a Project Manager.

The Steering Committee was the main decision-making body on project activities and consisted of the following officials: the Minister of Labour and Social Policy, the National Project Director, a representative of the DEU and the CDAG Cluster Team Leader of behalf of UNDP in Serbia.

The National Project Director was elected with the power of signature on all project matters. The State Secretary at the Ministry of Labour and Social Policy (MLSP), Mr Zoran Martinovic was nominated for this position upon signature of the Letter of Agreement between MLSP and UNDP, in February 2008.

The Project Management Unit (PMU) consisted of a Project Manager and four Project Coordinators, one per each project component (Legislative Development; Public Awareness; Institutional Development and Capacity Building; and the Alternative Dispute Resolution System) as well as two project assistants. The PMU was responsible for the day-to-day implementation of the project. In particular, the PMU was responsible for:

1. Project Development (including the recruitment of consultants and the development of a work plan for the execution of the project, the elaboration of further legislation, capacity development of relevant institutions and the achievement of other results);
2. Knowledge Management and use of Development Information (including networking and fostering cooperation with existing stakeholders, and identifying sources of information related to anti-discrimination issues);
3. Ensuring the timely delivery of the project toward results identified (including ensuring qualitative and timely delivery of the project and systematic dissemination of results, submitting regular progress reports to the UNDP Programme Manager as well as to the cabinet of the Ministry of Labour and Social Policy, ensuring that implementation of the project adhered to agreed expectations and standards).
4. Other tasks and responsibilities as required.

Mrs Marija Mitic was selected for the position of the Project Manager. After delays caused by the aftermaths of Kosovo declaration of independence and the fall of Serbian Government, the PMU became operational in September 2008.

The Programme Manager was appointed from the UNDP Capacity Development for Accountable Governance (CDAG) cluster. The Programme Manager was in charge of overseeing the work of the

¹² NIM implies that the project activities are primarily planned to be implemented in accordance with national rules and regulations by the National Project Partner, in this case the Ministry of Labour and Social Policy, with UNDP providing necessary support services.

PMU and coordinating on all matters pertaining to the project with the Project Manager. UNDP Programme Officer Ms Jelena Manic was nominated for this position.

The project office was accommodated at the premises of the MLSP, located at Ruzveltova 61, office no.12 (Belgrade). The office became fully operational in September 2008.

The remaining project structures - the Advisory Panel, the Network of Focal Points, the Legislative Development Working Group, and the Alternative Dispute Resolution and Mediation Task Force - had no role in project management, having been established with the sole intention of maintaining an advisory role on a variety of its components. The initial role of the Advisory Panel was changed during project implementation, however, as will be explained in the key findings of the evaluation report.

KEY FINDINGS

Relevance¹³

There is a wide body of evidence from primary and secondary sources that confirms a strong positive correlation between the quality of the project's design and the success of its implementation, as well as between the quality of its design and the impact of its intervention.

The project was initially designed as one of the outcomes of the EAR-funded UNDP-led project "*Developing a Comprehensive Framework for Preventing and Combating Discrimination*"¹⁴. First, it was necessary to complete the process of developing the Law (Specific Objective 2) and in so-doing support the fulfilment of one of the key requirements for the European integration of Serbia (Specific Objective 1).

Second, it was to clear the adoption of the legislation on anti-discrimination would not be solely sufficient for the effective prosecution of numerous cases of discrimination in Serbia. There was consequently a need to strengthen mechanisms for effective implementation of the Law (Specific Objective 3) since examples of similar legislative acts (i.e. the Law on protection of personal information) had shown serious lack of governmental capacity for effective implementation. As for support to the effective implementation of the legislation and the reduction of reliance on formal litigation, the project rightly proposed innovative mechanisms of mediation and other Alternative Dispute Resolution (ADR) tools (Specific Objective 4).

Third and finally, the project incorporated a public awareness component as a horizontal issue throughout all anti-discrimination policies (Specific Objective 5), which was also important for the achievement of the overall project objective.

¹³ Relevance is defined as the extent to which the objectives of a development intervention are consistent with beneficiaries' requirements, country needs, global priorities and partners' and donors' policies (Source: OECD DAC Glossary of Key Terms in Evaluation and Results Based Management, p. 32, available at: http://www.oecd.org/findDocument/0,2350,en_2649_34435_1_119678_1_1_1,00.html, last visited on 19 December 2010).

¹⁴ The project achieved the following key results: (1) Feasibility Study conducted on Anti-discrimination law and practices that contain a set of guidelines to assist Serbia in creating a comprehensive legal and policy framework for combating discrimination; (2) Draft Anti-discrimination Law elaborated by working groups formed by the Agency of Human and Minority Rights; (3) Public consultation and debate on Draft Anti-Discrimination Law held to obtain views from interest groups and key stakeholders with a view to strengthening the draft Law; (4) Analysis of the Anti-discrimination normative framework performed, and recommendations made on the set of laws to be amended and adopted; (5) Initial assessment and measures taken in the field of ADR as a preparatory stage to the 2006/2007 project follow-up. The Project duration was for eight months with a non-cost extension approved for an additional three months, until 10th March 2007. The project covered the territory of Serbia (excluding Kosovo), with the management/coordination function performed by UNDP and the Project Management Unit located at the Agency of Human and Minority Rights in Belgrade.

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The design of each of the five specific objectives was relevant to the needs of the direct beneficiaries, the Government of Serbia and its line ministries (the Ministry of Labour and Social Policy and in particular the Ministry for Human and Minority Rights), the Commissioner for the Protection of Equality (CPE) - established with the support of this project intervention, and all other institutions and organisations (including CSOs) devoted to the protection of human rights and protection from any form of discrimination. This is validated through numerous reports, which praised the adoption of the Law on Anti-discrimination, advancement of the CPE capacity and other project results that marked a step forward in the protection of human rights and the EU integration of Serbia.

The EC Monitoring team conducted two reports and they both praised the quality of the design of the project logframe¹⁵. Indeed, the logframe has a relatively good vertical structure, making the project intervention comprehensive and easy to read. However, the final evaluation has found that the quality of objectives, results and Objectively Verifiable Indicators (OVIs) was weak, and sometimes insufficient, drastically limiting the assessment. The vast majority of OVIs are not entirely SMART¹⁶, making it hard to weigh their degree of achievement.

Recommendation #1: Project indicators should be SMART-designed. If they are not well-designed during the programming phase, there is a need to re-adjust or calibrate the indicators during the inception phase of the project. Improperly designed indicators create difficulties in monitoring and evaluation operations.

In general, the project document lacks quality in regard to its assessment of risks. The logframe, as well as the project document itself, did not adequately foresee the risk of political instability due to the (then forthcoming) Kosovo declaration of independence. The logframe did mention the possibility of new Parliamentary elections and a change of the Government, yet those assumptions were not placed in relevant fields nor further elaborated¹⁷. Although it is fair to say there is a difficulty to foresee all political risks that might occur during the project intervention, probability of political instability was high and the project document supposed to adequately design mitigation measures to remediate potential risks to minimum. Since the risk of political instability had not been well foreseen, later it was not properly addressed, with the result that the project intervention was delayed for nearly nine months. As a consequence, the project intervention was initially delayed and later extended with no cost for nearly nine months.

The project document also failed to properly assess the risk of shifting responsibilities from the Agency for Human and Minority Rights to the newly established Ministry of Human and Minority Rights (MHMR), taking into consideration the competencies of the Ministry of Labour and Social Policy. As a result, the key line ministry of the project, MHMR, was not fully engaged in the project intervention¹⁸, yet their representatives were fully engaged in the drafting and elaboration of the Law, as well as in a number of other activities.

Recommendation #2: Risk assessment and its measures of address are important parts of programming project intervention. If risk(s) cannot be foreseen prior to the project intervention, there is a need to re-assess them during the inception phase of the project intervention.

Application of NIM with the PMU located at the MLSP was appropriate implementation modality and relevant to the effective project execution.

¹⁵ During the project implementation two EC monitoring missions were performed, the first one from 6-13 February 2009 (ref. no. MR-11622.01), and the second one from 13-22 October 2009 (ref. no. MR-11622.02)

¹⁶ S-Specific, M-Measurable, A-Available, R-Relevant and T-Time-bound

¹⁷ The overall quality of the assumptions is weak. Moreover, vertical and horizontal links between the assumptions and project results/objectives are not methodologically correct. For instance, certain assumptions written in relation to project purpose / specific objectives correspond better with the expected project results. The project foresaw assumptions for the overall objective (upper-right box), yet this is not line with methodology for designing the proper logframe matrix.

¹⁸ This was additionally confirmed during the field interview with the EC/DEU representative.

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The project design foresaw the creation of: (1) the Advisory Panel, (2) the Network of Focal Points, (3) the Legislative Development Working Group and (4) the Alternative Dispute Resolution and Mediation Task Force. While the role of the Advisory Panel has not been well-defined within the project document, competencies of the other three working / network groups were appropriately elaborated.

Design of the project activities might be simplified. The project design foresaw 24 activities, which was far too many for a single project intervention. The project document lacks comprehensive explanations of some of the project activities and quite a substantial number of activities overlap with each other (more information on this issue is provided under the assessment of effectiveness, see below).

Project activities were slightly changed during the project intervention, yet the changes were done in accordance with the needs of the beneficiary groups and in line with the socio-political circumstances in Serbia. The project did not establish the Advisory Panel, which is probably the major discrepancy with the original project document.

The Advisory Panel was supposed to serve as a consultative body to the national counterparts, first to the MLSP and later (upon its establishment) to the CPE. However, the relevance and structure of the panel was not sufficiently elaborated within the project document. Even more, the project budget did not allocate adequate funding to cover scope of activities of the advisory panel members.

It was therefore decided not to establish the panel but to use the allocated finances to organise an essay competition on the topic of discrimination. In that regard, five essays were financially awarded and published in a book together with an additional 16 essays (21 essays in total). It is arguable that the publication of the book of essays had an even stronger impact on the beneficiary groups than the originally-planned advisory panel would have done.

The applied methodology for implementation of the project activities was also relevant to the needs of the beneficiary groups. The project intervention started by conducting a baseline analysis and other assessments, which provided recommendations enabling planning of adequate training activities and other interventions with the beneficiary groups. Moreover, relevance and planning of the project activities were additionally validated during conferences and workshops with key stakeholders from the MLSP, MHMR, and CSOs, etc. Furthermore, operational plans of project activities were calibrated on a regular basis, every 3 months, which enabled flexibility and openness of new demands for training from the beneficiary groups (i.e. the Ministry of Interior¹⁹). The application of such mechanisms in the planning of project intervention presented a model for achieving best practice in creating positive impacts of project intervention and it is a lesson that should be learnt for future interventions.

Efficiency²⁰

Efficiency is a measurement of project management performance with regard to achieving the goals by using resources at minimum cost. Effective management is a key part of both efficiency and effectiveness of the available funds. Given the limitations of project design and related concerns, effective management is often a key driving force to scope out the true position for intervention and to identify corrective measures.

At an operational level, the project was implemented in the framework of a management system referred to as National Implementation Modality (NIM), which inferred that the project activities would be implemented in accordance with the national rules and regulations of MLSP, with UNDP providing necessary support services. Following the NIM modality, MLSP established the project office in the

¹⁹ Ministry of Defence also expressed their interest in participation in such trainings.

²⁰ Efficiency is defined as a measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results (Source: *OECD DAC Glossary of Key Terms in Evaluation and Results Based Management*, p. 21, available at: http://www.oecd.org/findDocument/0,2350,en_2649_34435_1_119678_1_1_1,00.html, last visited on 19 December 2010)

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premises located in Belgrade at Ruzveltova 61 (office no.12). In addition, the MLSP appointed the National Project Director (NPD) who had power of signature on all project matters.

The quality of the project intervention presents a successful model of NIM application. The cooperation between all parties involved in the project operations was assessed as both good and efficient. As stipulated within the LoA, the PMU followed both national procedures in the recruitment of national experts and UNDP procedures in the recruitment of international experts.

According to the original proposal, the project duration was planned for 24 months, from 10 January 2008 to 10 January 2010. However, due to political instability caused by the Kosovo declaration of independence and followed by the fall of the governing coalition and new Parliamentary elections, the project initiation was delayed by nearly 9 months, with the PMU becoming operational in September 2008. By the Addendum of the Agreement signed in November 2009, the project was extended at no additional cost until 31 December 2010.

The supreme decision-making power was concentrated within the Steering Committee, consisting of the representatives of three major partners: the DEU as donor, the UNDP as the main implementing agency and the MLSP as the national counterpart. The Steering Committee gathered for meetings five times: three times in 2009 and twice in 2010. There were no Steering Committee meetings in 2008, which was also a remark of the first EC Monitoring Report. This can be explained by the closing of the European Agency of Reconstruction and transfer of their responsibilities to the DEU.

Recommendation #3: During the Steering Committee meetings, the DEU raised their concern on the proper use of the EC visibility rules²¹. The same issue was mentioned during the field interview with the DEU representative, organised as a part of the final evaluation. This clearly indicates a high level of sensitivity when it comes to visibility issues and the UNDP should pay more attention in this regard in current or future interventions that are DEU-funded.

Cooperation between the PMU and the NPD was both good and efficient. Moreover, the successful implementation of the project due to well-established cooperation between all other project stakeholders, including the MLSP, the MHRH, the UNDP, CSOs, municipalities across Serbia, media representatives and many others. The PMU has also maintained a high level of cooperation with the UNDP Country Office and the UNDP Programme Officer who was in charge of overseeing the work of the PMU and coordinating on all matters pertaining to the project with the Project Manager.

However, the final evaluation found a lack of document management at the Project Office, especially in regard to the filing of final versions of the quarterly progress reports and minutes from the Steering Committee meetings. According to the UNDP procedures, those documents are kept at the UNDP Country Office; however, this is not an excuse to not keep the copies at the Project Office as well.

The PMU consisted of the Project Manager, four Project Coordinators and additional Project Assistants. Project Coordinators were each in charge of one of the four project components, which made for a strong PMU organisational structure.

In the context of the specificity and complexity of intervention, the need for clear-sighted intellectual leadership was particularly sought in the position of the Project Manager. The Project Manager was recruited in September 2008, since the initial candidate resigned. The selected candidate for the Project Manager was an excellent choice since she had academic qualifications, leadership skills and personal abilities that were necessary to lead such a complex project intervention.

The rest of the team also had good knowledge in both field of operation and project management issues. Moreover, the PMU functioned very well as a team, with team members being supportive to one another. This was very important for efficient project management since many of the project

²¹ EC Visibility Rules were discussed on three out of five Steering Committee meetings

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activities interlinked across different components and project results. Organised retreat meetings were very helpful with regard to team-building, especially at the beginning of the project and when new staff members were recruited. In addition, the planning meetings organised externally from the office premises presented a model of good practice²².

Besides the project staff, the project engaged numerous national and international consultants, all of whom were engaged on competitive grounds, following the procurement procedures of MLSP (for national consultants) and UNDP (for international consultants).

These consultants contributed significantly to the quality of the delivery of the project results, introducing cutting-edge practices from the field on protection against discrimination. Assessment showed that the use of external (international and national) consultants was both cost- and time-efficient. While international consultants were primarily used in introducing latest developments in the field (such as introduction of the Harvard methodology of mediation and the Entertainment Education methodology for incorporating social messages into entertainment programmes), national consultants were engaged in drafting and explaining the legislative acts, designing and conducting research, providing advice to the project stakeholders and so forth. Moreover, the international and national consultants were complementing each other, providing support and feedback on each other's work.

National consultants were engaged in the work of the Legislative Development Working Group but also of the Alternative Dispute Resolution and Mediation Task Force and the Network of Focal Points. Although it was initially planned that expert national consultants would also be engaged as members of the Advisory Panel, this modality was changed during project implementation.

Probably the biggest success of the PMU lied in their great potential for mobilisation, gathering all the relevant actors to advocate for changes in regard to the fulfilment of the project objectives. Implementing the project was not an easy task since there were numerous obstacles and great effort was required to prepare a draft Law that would reconcile the demands of different ministries, political parties, CSOs, religious communities and the general public. It is this team, which deserves praise for the success of the whole operation, leading to the adoption of the Law on the Prohibition of Discrimination.

The PMU was almost equally successful in supporting the establishment and capacity building of the CPE. At the Joint Institutional Workshop, the PMU succeeded in gathering all Government line ministries, representatives of the Parliament, the Statistical Bureau and the Ombudsperson to advocate for the budget of the CPE. As an outcome of the workshop and meetings that followed, the CPE became the first independent governmental institution that was allocated with the budget even before the Commissioner was appointed in the Serbian Parliament.

The final evaluation did not delve into financial operations. However, comparing the cost of the intervention with the number of activities and the outputs produced, it can be concluded that there was an optimal level of cost-efficiency. Namely, the total cost of the project intervention was €1,999,319, which covered implementation of the 24 project activities over a period of 2 years. Moreover, the project was extended at no extra cost, significantly contributing to the cost-effectiveness of its intervention. Success in achieving cost-efficiency lay in good planning of the interlinked activities and the combination of financial and human resources when organising workshops, seminars, trainings etc. Namely, the PMU had the practice of combining, for instance, meetings of the Network of the Focal Points at local level with public awareness campaigns and the ADR and Mediation trainings, thereby drastically reducing the cost of the project intervention.

²² The PMU had the practice of organising action-planning workshops at the Hotel ZIRA, only a few hundred metres away from the Project Office. This was extremely successful since the project staff could isolate themselves from regular issues and jointly focused on planning the project activities for forthcoming periods. In the case of emergency or urgent issues arising, they could be back in the office in a very short period of time. These planning workshops were organised on a quarterly basis and presented a successful model of participatory planning for numerous interlinked activities.

Effectiveness²³

Effectiveness is a qualitative measure of immediate and observable change in the target groups as a direct result of project activities and the delivery of outputs. This includes an assessment of the achievement of Objectively Verifiable Indicators (OVI) and whether planned results have been delivered and received.

Generally, the project was effective in its activities. However, formal verification of effectiveness per each criterion was difficult, and in a few cases nearly impossible, due to overambitious statements of project purpose and project results, compounded by poorly-formulated OVIs throughout the logframe. Project activities were outnumbered, often overlapping with each other, both within the same project result and across other project results. As alternative, the final evaluation provided assessment on the basis of quantitative and qualitative data collected from both primary and secondary sources, going beyond the OVI from the logframe. However, the assessment remained to be given per each project result and per each OVI. In addition, implementation and outputs of each project activity was identified, assessed and reported. Therefore, due to the large number of project activities, assessment of this criterion is significantly bigger compared to other criteria.

RESULT 1: Established a Project Management Unit (PMU) in the Ministry of Labour and Social Policy (MLSP) and defined the project implementation framework.

Overall finding: Implementation of the project activities clearly contributed to the achievement of the project result. The PMU was established on the premises of the MLSP and became fully operational in September 2008. An adequate number of project staff was recruited according to clear ToRs and UNDP procedures. The applied implementation framework was appropriate to the nature of the project. Management and monitoring mechanisms were well-established. The inception report was submitted in time and approved by the EAR.

Status of the Indicators:

Indicator 1: Number of staff of recruited to Project Management Unit (PMU) according to clear TORs.
The achievement of this indicator can be claimed since the PMU staff were recruited according to clearly-defined ToRs for each position.

Indicator 2: Internal procedures defining roles and functions of the PMU staff defined.
Internal PMU procedures were appropriately developed and functions of the project staff were clearly determined.

ACTIVITY 1: Define the project implementation and monitoring mechanisms

Due to the internal political turbulence that occurred as a consequence of Kosovan independence in February 2008, the start of the project was delayed until July, or more accurately, until September 2008 when the project team became fully operational.

Initial delays in project implementation also caused changes in the position of the Project Manager, with the initial candidate resigning. The new candidate was recruited according to UNDP procedures and in coordination with the MLSP. Two more staff resigned during the project's implementation; however, this did not have significant turbulence or negative consequences on the project.

²³ Effectiveness is defined as the extent to which the objectives of development intervention are achieved, or are expected to be achieved, taking into account their relative importance (Source: *OECD DAC Glossary of Key Terms in Evaluation and Results Based Management*, p. 20, available at: http://www.oecd.org/findDocument/0,2350,en_2649_34435_1_119678_1_1_1,00.html, last visited on 19 December 2010)

In order to adopt the procedures required by UNDP management standards, project staff participated in a number of training sessions throughout September and October 2008. An introductory team-building meeting involving acquaintance with UNDP staff and basic management procedures was organised on October 1, 2008 and training for the use of the Atlas financial and management network was held on October 7, 2008. A further team-building meeting was organised when two new members joined the team in the autumn of 2009. Moreover, in order to plan the activities of the project, PMU organised regular retreat meetings, either outside of Belgrade (e.g. in Subotica, October 15 – 17, 2008) or in Belgrade (on several occasions during 2009 and 2010). Organisation of team-building and retreat meetings helped significantly in the successful implementation of project activities and it is recommended for application as a lesson learned in future project interventions.

Mr Zoran Martinovic, a State Secretary at the MLSP, was appointed to the position of National Project Director upon signature of the Letter of Agreement between the MLSP and UNDP on the execution of the project, in February 2008. Having such a high-profile official as a project director enabled the project team to better communicate with the MLSP and other ministries of the Serbian Government.

Ms Jelena Manic, a UNDP Programme Officer, was appointed to the position of Programme Manager in charge of project assurance. Ms Manic contributed to the project by securing good communications and coordination between the UNDP Country Office and the project office located within the MLSP premises. She also contributed to the quality of reporting, making sure all reports were in line with the donor's requirements.

The project steering and monitoring mechanisms were well-established. The principal project management and monitoring body was the Steering Committee, consisted of the representatives of DEU, UNDP and MLSP. There were 5 Steering Committee meetings, organised during the project implementation on the following dates:

1. April 3, 2009
2. May 22, 2009
3. October 7, 2009
4. February 26, 2010
5. July 7, 2010

Project reporting was done with the Inception Report (see Activity 1.2) and with regular quarterly progress reports. There were 10 progress reports altogether, covering a period from 10 July 2008 to 31 December 2010. All reports were written in line with the EC requirements and were approved by the DEU.

In addition, there were two EC Monitoring Missions, conducted in February²⁴ and October 2009²⁵, which assessed project intervention at that stage and provided recommendations to the project authority (UNDP) and the contracting authority (DEU).

According to the project documents, there are 4 bodies that should be established to provide expert, advisory and advocacy support to the project

²⁴ Monitoring Reference: MR-116422.01 from 5 March 2009

²⁵ Monitoring Reference: MR-116422.01 from 12 November 2009

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team and key stakeholders on the project. Those bodies are: (1) an Advisory Panel, (2) a Network of Focal Points, (3) a Legislative Development Working Group, and (4) ADR and Mediation Task Force. All four bodies were established and their assessment has been provided within the assessment of the activities that particularly deals with those issues.

ACTIVITY 2: Prepare the Inception Report for the first Steering Committee meeting

The Inception Report for the period 10 January 2008 – 10 July 2008 was prepared and submitted to EAR on 30 July 2008. The Inception Report should have explained more clearly the turbulent socio-political situation in Serbia at that time and proposed necessary adjustments to the project proposal under the circumstances; however, it did not. Nevertheless, the EAR approved the report and the project was able to continue with the implementation of the planned activities.

Recommendation #4: In the majority of cases, the identified needs of the beneficiary groups changed between the phase of programming and the start of the project. It is therefore recommended that future inception reports identify all those changes and propose re-adjustments of the project documents so as to best address arising problems and the needs of beneficiary groups which the project intervention is trying to solve.

ACTIVITY 3: Define the Project Implementation Framework

The project implementation framework was defined in the Letter of Agreement (LoA), signed between the MLSP and UNDP in February 2008. The LoA defined in detail the division of financial, managerial and other responsibilities of the involved parties during the project implementation. Two parties agreed to apply NIM implementation modality, where the project activities were implemented in accordance with the national rules and regulations of MLSP, and with UNDP providing necessary support services.

According to the LoA and respective UNDP rules and regulations, the following services are performed by UNDP:

- a) Recruitment and contracting of international experts, covering of their expenses and those of the external evaluation / revision team;
- b) Recruitment and contracting of permanent project staff (PMU) as well as additional technical personnel and all activities with regard to human resources within the project;
- c) VAT exception for UNDP management expenses;
- d) Tendering and payments of equipment, printing and translation;
- e) Tendering and payment of services regarding media analysis, TV and Video production and other public awareness activities;
- f) Contracting for UNDP management, policy and administrative support staff;
- g) Other procedures as requested by the national partner.

All other activities, including recruitment of national consultants and experts within the implementation bodies, organisation of workshops, seminars and training sessions and other activities are implemented in accordance with the rules and regulations of the national project partner.

The project implementation framework was well-defined and appropriate to the scope and nature of the project intervention. There were no significant problems or issues during the implementation that might be related to the inadequate design of the framework.

RESULT 2: The Government of Serbia, judiciary, civil society and other key stakeholders with increased capacity to monitor discriminatory practices and lead an effective antidiscrimination policy.

- Overall Finding:** The Result 2 is not well-defined; it is not SMART, and therefore it is difficult to assess its achievement. Assessment per indicators has shown that they were only partially achieved. Implementation of the activities related to the Result 2 overlap and coincide with each other, which is not considered as negative in implementation, but it is a shortfall in the project design.
- This shortcoming in project design caused discrepancies with regard to establishing the Advisory Panel and the Network of Focal Points, as well as in the creation of mechanisms for the monitoring of discriminatory practices. Moreover, implementation of the project activities did not lead well to the full achievement of the project result, which might also be attributed to a weakness of the project design.
- Capacity-building training modules were developed according to the identified needs and recommendations from the baseline analysis and from the results of the first public opinion poll. This modality presents a good practice in designing and applying capacity-building activities and should be used as a lesson for future intervention.
- Status of the Indicators:**
- Indicator 1: Advisory Panel with Network of Focal Points is established.***
The initial role of the advisory panel was changed during the project's intervention, being replaced with an essay competition for scholars and practitioners in the field of anti-discrimination. Since the essay competition has ended and the awarded articles published, it is possible to conclude that the indicator has been achieved. Establishing the Network of Focal Points did not go alongside the establishment of the Advisory Panel, which is also a discrepancy with the original project design. The Network was developed, yet it is a rather a contact database of persons from institutions and organisations throughout Serbia than a well-established functional network with structures and regular activities.
- Indicator 2: A mechanism for the Monitoring of Discriminatory Practices on the territory of the Republic of Serbia is developed.***
The Network of Focal Points was created as a step forward with regard to monitoring of discriminatory practices in Serbia. In addition, consultants on the project (both international and national) developed a policy paper on "Anti-discrimination Monitoring Mechanisms" which proposes practical modalities for inter-agency monitoring mechanisms in line with the functions assigned by Law to the CPE, MHMR and other key institutions. However, those mechanisms remain loosely structured and functionally weak since there are no elements in place that coordinate the network structures. Therefore, the indicator has only been partially achieved.
- Indicator 3: Governmental capacities for implementation and monitoring of Anti-discrimination Policy are increased as measured by the systematic Analysis (Baseline Study) of capacity assessment needs.***
The Baseline Study identified three key government bodies for monitoring and reporting on anti-discrimination policy: MHMR, MLSP and the Ombudsman's Office. A fourth institution is the newly-established CPE. The final evaluation could not clearly determine the extent of increased capacity among the initial three government bodies (MHMR, MLSP and the Ombudsman's Office) with regard to implementation and monitoring of anti-discrimination policy. Representatives of these institutions participated in the capacity-building activities organised as part of the project, yet there is no strong empirical evidence to suggest that those training sessions have had an impact on the

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establishment of long-term implementation and monitoring mechanisms for anti-discrimination policy.

The CPE's capacity to implement and regulate the implementation of the Law is still too early to determine²⁶, yet the project significantly contributed to the general advancement of the CPE capacity²⁷ and the Commissioner received more than 150 complaints up to December 2010.

ACTIVITY 4: Providing capacity development and systemised education and training

The purpose of this activity was to provide development and capacity building training modules on anti-discrimination regulations and policies to the key stakeholders dealing with the implementation, monitoring and realisation of the anti-discrimination normative and policy framework.

The following sub-activities were implemented within this activity:

- The Study Tour to Ireland was organised with the aim of getting deeper insight and understanding of workplace anti-bullying legislation and regulations, and their practical implementation. The Study Tour was part of the wider initiative for developing a draft Law on the Prohibition of Abuse at the Workplace (Law against Mobbing)²⁸. The Study Tour was organised for 11 members of the Working Group for drafting the Law, and was held on 24-29 November 2008.
- The PMU developed a basic training modality that covered a detailed explanation of the provisions of the Law on the Prohibition of Discrimination, examples of court cases and the modality of usage of provisions within the system of court protection, as well as relevant information from public opinion polls illustrating the relevance of those provisions. The training was piloted during the Learning Session organised for UN thematic focus groups on 2 April 2009. The lessons learned from the pilot training were later used for developing the training curricula for capacity development of relevant institutions.
- Following the recommendations of the Baseline Survey, the Joint Institutional Workshop was organised with leading government institutions in Vrsac, held on 9-11 November 2009. The workshop was attended by a large number of representatives of the Serbian government as well as representatives of equality bodies from Hungary, Austria and Greece. The main goal of the workshop was to discuss the establishment of the Commissioner for the Protection of Equality and to assure the sustainability of this institution through the assurance of a budget for 2010 within that of the Government of Serbia, an agreement which was reached between representatives of the Ministry of Human and Minority Rights and the Ministry of Finance. This agreement is probably the most significant spin-off of the project intervention since it is the first instance in Serbia in which a budget has been allocated to an independent institution prior to it being established.
- Following the success and the final recommendations from the Joint Institutional Workshop, a set of meetings was organised with CSOs and local self-government officials. The local-level meetings took place in Zaječar, Negotin, Novi Pazar, Bujanovac, Vranje, Leskovac and Novi

²⁶ Although the CPE was established on 5 May 2010, until the end of 2010 the CPE had no permanent staff. Moreover, the CPE's official office premises are not occupied since they are still under reconstruction.

²⁷ See the findings of the achievement of indicators related to the Result 3

²⁸ The Study Tour was initiated by the MLSP as a direct support to their initiative for developing the draft Law on the Prohibition of Abuse at the Workplace (the so-called: Law against Mobbing), legislation directly linked to the issue of anti-discrimination. Developing this legislation was a part of ministerial duties in the realisation of the ILO Decent Work Programme and the CoE guidelines for decent work and labour rights.

Sad. The purpose of those meetings was twofold: to ensure that capacity for the implementation of national legislation was developed throughout Serbia and to expand the Network of Focal Points at local level.

- Besides those meetings, specialised workshops were organised in Šabac²⁹, Kraljevo³⁰ and Knjaževac³¹. The workshops focused on an in-depth description of the two mechanisms of protection in cases of discrimination: procedures before the Commissioner for the Protection of Equality and court procedures. Bearing in mind that the procedure involving the Commissioner can also be finalised through mediation (after receiving the complaint, but before undertaking any other steps in the process, the Commissioner is authorised to recommend reconciliation/mediation), the publication "*Perspective for the Use of Alternative Dispute Resolution Techniques in Cases of Discrimination*" was also presented to representatives of the NGOs.
- A special workshop was dedicated to the presentation of antidiscrimination legislation and protection mechanisms to representatives of Roma civil society organisations. The workshop was organised in Predejane on 28-29 April 2010 for 22 representatives of Roma CSOs.
- The PMU established cooperation with the Judicial Training Academy (JTA) for including training modules on the implementation of the Law on the Prohibition of Discrimination into the regular curriculum of the JTA. The formal development of the training material on anti-discrimination started in September 2010 and was finalised during the workshop held in Vrsac on 15-16 October 2010. Once adopted by the Judicial Training Academy Programme Council, the curriculum will be used for the training of judges, prosecutors and misdemeanour judges in this area, as part of their mandatory training.
- During October and November 2010, members of the LDWG participated as guest lecturers at the Anti-discrimination Law Clinic of the Law Faculty of Belgrade. The lecturers presented to students on the Law on the Prohibition of Discrimination, the procedure before the CPE and the procedures before the European Court of Human Rights, talked about judicial cases and assisted students in a number of workshop activities. This cooperation was important in helping ensure that the knowledge acquired in the process of the early implementation of the Law is made known and used by younger generations of legal experts, improving the legal landscape and Serbia's capacity to continue advancing in the anti-discrimination legislation.

The capacity-building training sessions and workshops executed have contributed to the advancement of knowledge in the field of implementation and monitoring of the anti-discrimination normative and policy framework. Recommendations from the Baseline Survey and the Joint Institutional Workshop were guiding lights for capacity-building activities, which was a recipe for success. Moreover, training sessions and workshops were well-coordinated with other project activities, especially with Activity 6 (development of a training curriculum and conducting training), Activity 8 (creation of the Network of Focal Points) and Activity 18 (establishment of ADR and the Mediation Task Force), which created synergy of the project results and

²⁹ The workshop was organised on 3 February 2010, at the Sabac Centre for NGOs with the participation of 25 representatives of local NGOs.

³⁰ Held on 2 June 2010.

³¹ Held on 8 June 2010.

increased cost-efficiency of the overall project intervention.

ACTIVITY 5:
Conduct a Baseline Survey to assess capacity development in MLSP

The Baseline Survey was conducted by a group of national consultants, supported by international experts. All experts were hired on competitive grounds, respecting UNDP and MLSP regulations. The applied methodology included developing a questionnaire that was completed by the representatives of the relevant institutions during the workshop held in Nis on 26 November 2008. In addition, national experts conducted over 40 interviews with representatives of NGOs, local self-governments, public administration bodies and experts. The Baseline Survey was published in July 2009.

The Baseline survey concluded: "*currently, no formal mechanism exists to monitor and report on the implementation of the anti-discrimination law, and Government coordination remains reportedly weak. The ability to evaluate the Law's effectiveness will require the identification of country-specific indicators as well as quality data collection. Although Serbia already reports on issues of discrimination to international bodies, there remains a gap with respect to reporting on discrimination at the national level. Efforts to strengthen information gathering processes and to develop new channels for reporting on discrimination at the national level are currently necessary*".³² The Baseline Analysis also provides inputs in order to support the Government's ability to³³:

- Evaluate the impact of the Law;
- Report on the Law's implementation;
- Monitor relevant indicators;
- Produce a comprehensive report on discrimination in Serbia;
- Raise public awareness; and
- Establish the Commissioner for the Protection of Equality.

The Baseline Analysis recommended the organisation of an anti-discrimination seminar for the key governmental bodies, including the MLSP, MHMR, and the Ombudsman's Office, as well as other high-level representatives from other ministries (i.e. the Ministry of Finance and the Ministry of Interior) and NGO representatives with expertise in the field. The purpose of the seminar would be to cover the content of the Law on the Prohibition of Discrimination and to secure institutional support for the establishment of the Commissioner for the Protection of Equality. Based on this recommendation, the seminar was organised in Vrsac from 9-11 September 2009.

The Baseline Survey is one of the most important outputs of the project intervention and its role was twofold: firstly, it provided an extensive analysis of the overall capacities of the Serbian Government to assure monitoring and reporting on the implementation of the Law on the Prohibition of Discrimination, not only within the MLSP but also other institutions relevant to the field such as MHMR and the Ombudsman. Secondly, it provided useful and practical recommendations that significantly contributed to the successful implementation of the project activities.

ACTIVITY 6:
Develop a training curriculum and conduct training

The project activity aimed to develop a training curriculum and conduct training seminars on anti-discrimination, targeting advancement of the knowledge, abilities and skills of individuals within key stakeholders and improve both institutional structures and processes so that they can efficiently implement, monitor and realise the anti-discrimination normative and policy framework in a

³² Baseline Analysis of institutional capacities for implementation of antidiscrimination legislation in Serbia, page 6

³³ Ibid

sustainable way. This education is supposed to be carried out in partnership with special institutions in the field, including the Judicial Training Academy (JTA)³⁴.

The implementation of the activity started with the following inputs from the Baseline Analysis (Activity 5) and the public opinion poll (Activity 22). Based on the ToR, the International Capacity Building Expert was selected and her assignment started on 19 April 2009 when she converted data from the Baseline Analysis into a training curriculum.

The first capacity-building training session was organised during the Joint Institutional Workshop (in Vrsac, 9-11 September 2009), following the modality that had been developed and tested during the Learning Session organised for UN thematic focus groups on 2 April 2009. The training module included a detailed explanation of the provisions of the Law on the Prohibition of Discrimination, examples of court cases and modality of usage of the provisions within the system of court protection, as well as relevant information from the public opinion poll illustrating the relevance of those provisions. The intention was that the training module has both an educational and a practical component. The training module was further advanced with the findings from the Baseline survey on the national capacities for monitoring and reporting on discrimination cases. Key government institutions and the international guests from Greece, Austria and Hungary also contributed to the training module by sharing their experience and findings on various issues with regard to anti-discrimination. The Workshop in Vrsac gathered 29 participants, who praised the quality of the training in the evaluation grids. The training module was further used during the meetings and workshops organised throughout Serbia³⁵.

Following the requirements received from the Network of the Focal Points (from the Ministry of the Interior), a special training course on communication skills was developed and conducted for representatives of the Serbian Police. This training course aimed to develop the skills of Police Public Relation (PR) Officers in providing information to citizens related to discrimination cases. The initial training was held in Zrenjanin on 12-13 November 2009, and was repeated in Nis on 15-19 February 2010. The reason for organising two rounds of the same training course was due to the demand of the Ministry to fully train PR Officers across the whole of Serbia. The Ministry of the Interior has also directly benefited from training on mediation and negotiation techniques, as is elaborated in more detail within the findings of Activity 19.

Through organising training modules for the police officers, the PMU developed a very good relationship with the Ministry of the Interior, which helped them to increase their lobbying capacity within the key stakeholders of the Government of Serbia.

A special 2-day training course was developed with regard to discrimination against the Roma national minority, following the findings from the Baseline Survey and the First Public Opinion Poll that identified the Roma as the most vulnerable minority group in Serbia. The training was organised during the workshop held with representatives from Roma civil society organisations in Predejane on 27-28 April 2010.

³⁴ *Description of the Action (DoA)*, page 12

³⁵ For the full list of meetings and workshops please see findings of Activity 4.

As can be seen above, there were three groups of trainings organised within Activity 6: (1) the main training module, developed for the Joint Institutional Workshop and further disseminated during meetings and workshops organised at the local level throughout Serbia, (2) the training module on communication skills developed for the Police PR officers, and (3) the training module developed for Roma civil society organisations. All these trainings were organised in line with the assessed needs of the target groups, following the recommendations from the Baseline Analysis and the First Public Opinion Poll. Furthermore, the second group of trainings were organised upon requests received from the Focal Points, which is assessed in a very positive way.

ACTIVITY 7:
Establish an
Advisory Panel

According to the original DoA, the Advisory Panel should consist of key stakeholders (from government institutions, representatives of the judiciary and CSOs) in the field of anti-discrimination policy, established with the goal of providing inputs on the development of equal treatment policy in Serbia, first to the MLSP and later to the CPE (once created). The main scope of the Advisory Panel would therefore be drafting, circulating and adopting a Plan for the Monitoring of Discriminatory Practices occurring in Serbia³⁶.

The role of the Advisory Panel changed during the project's implementation however, the original concept being replaced by the decision to organise an essay competition for scholars and practitioners in the field of anti-discrimination. The rationale for this change can be found in the restrictive payment modalities of the project budget (one-off payments) for long-term policy advice activities.

The Call for Proposals was released on 9 May 2010 with a deadline for submitting essays of 7 July 2010. The Commission for the selection of the essays had two highly-regarded panels: the technical review panel was composed of representatives from the UNDP, MLSP and an independent journalist, while the selection approval panel consisted of the National Project Director and UNDP representative. The technical review panel reported that 67 essays were received. The quality of the essays was assessed according to a previously determined scoring system. At the end, five essays were nominated to receive the financial award of 1,000 Euro each (equivalent to the remuneration of the members of the originally-planned Advisory Plan). Moreover, all essays which had scored more than 100 points were recommended for publishing (in total, 16 essays). The selection approval panel agreed to those recommendations and the winners were awarded during the National Anti-discrimination Conference, held from 18-19 November 2010, following which 21 essays were published in a book that was delivered to the stakeholders as an output of the project.

The changes applied to this activity were appropriate since it would have been very difficult for the project team to establish an advisory panel according to the original plan. The published essays provide a great insight into cutting-edge thoughts in the field of protection against discrimination and therefore the long-term impact of this activity may even be stronger than originally planned.

ACTIVITY 8: Create
a mechanism for
monitoring

The objective of this activity was to create a Network of Focal Points from human rights practitioners active across Serbia and by that end to establish sustainable mechanisms for the monitoring of discriminatory practices.

³⁶ DoA, page 13

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discrimination based on a Network of Focal Points

Creation of the Network of Focal Points started with the Joint Institutional Workshop in Vrsac, where representatives of the line ministries and other government bodies were invited to become Focal Points for their institutions. The Focal Points were asked to participate actively within the project, to assure that the conclusions of the workshop were realised and to provide information and support for activities on prevention of and combating against discrimination within their respective institutions. In addition, they were asked to provide the MHMR with information for monitoring and reporting on discrimination in its regular reports on international human rights treaties, as well as specific information that would be required by the CPE (once established).

The first meeting with Focal Points was organised on 21 September 2009 when Focal Points from MHMR (Assistant Minister Sanja Jašarević Kuzić) and MLSP (Emila Spasojević) got together and planned future budget allocation of the CPE. This plan was subsequently submitted to the Ministry of Finance of the Republic of Serbia, whose Focal Point (Ms Milica Ilić) helped to include the proposal in the Law on the Budget of Serbia for 2010, with projections for 2011 and 2012. This exercise conducted by the Focal Points from three line ministries secured the budget allocation for the CPE, which created a positive impact on the ability of CPE to financially survive in 2010.

The Network of Focal Points was extended to include representatives from local self-governments and CSOs across Serbia. Based on the Tenth Progress Report, the Network counts *"over 270 institutions and organisations in Serbia, they will be used as a resource by the office of the Commissioner for the Protection of equality, in both gathering information about acts of discrimination, as well as for transmission of information to the end-users of the institutions and organizations which make part of the Network"*³⁷.

Creation of the Network of Focal Points is a positive output of the project yet the issue of the network's sustainability is under question. The network seems to be a database of contact points from institutions and organisations rather than a functional and sustainable monitoring mechanism of discriminatory practices in Serbia. There is therefore a need for technical assistance in further strengthening the role and the capacity of the Network in future.

Recommendation #5: It is recommended to create a project intervention that will provide technical assistance to the Network of Focal Points. This Network might be incorporated into existing networks of human rights organisations such as the Coalition Against Discrimination. In any case, CSOs should be encouraged to take a more proactive role in facilitating the Network in the future. The Network should also create better links with the CPE, since at this stage those links are loose or inexistent.

ACTIVITY 9: Provide training and education for Focal Points

This activity coincides with Activities 4 and 6, as well as with the activities related to the ADR. Focal Points participated in the following trainings and workshops:

- Focal Points participated at the ADR specialised training, organised in Vrnjacka Banja on 15-20 November 2009. Beside the Focal Points, participants included representatives of civil society and the judiciary. The training used the Harvard methodology specially re-designed to conditions in Serbia. The Canadian expert on ADR, Ms Peggy Blair, delivered the training.
- As explained within Activity 6, Focal Points from the Ministry of the

³⁷ The Tenth Progress Report, Page 10

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Interior requested training in anti-discriminatory approaches via the public to be given to Police Public Relation Officers. Following this request, two training sessions were organised. The first was held in Zrenjanin on 11-13 November 2009, involving PR officers from Northern and Central Serbia. The second training was organised in Nis from 15-19 February 2010, with PR officers from Central and Eastern Serbia.

- Focal Points from Sabac participated in the one-day legal training on protection mechanisms within the Law on the Prohibition of Discrimination, held on 3 February 2010.
- Focal Points participated in the second round of mediation training organised at the Centre for Mediation of the Ministry of Justice, on 8-12 February 2010. The Centre for Mediation also opened a branch office in Novi Pazar and organised a set of meetings with the local level Focal Points on the following dates: 21 January 2010, 25-26 February 2010 and 7-8 March 2010.
- Focal Points participated at the national anti-discrimination conference, held in Belgrade from November 18-19, 2010. The conference gathered more than 170 participants from all over Serbia.

As stated above, it is difficult to distinguish this activity from other capacity-building activities organised within the project, since they coincide and overlap. However, this is a shortfall in project design rather than project implementation, since methodologically the project activities were executed in an efficient way.

RESULT 3: CPE (once established) and other institutions involved in the promotion of equal treatment are equipped with the necessary competencies and resources for effective implementation of the anti-discrimination act.

Overall Finding: Implementation of activities related to this result was delayed due to the belated creation of the CPE. Moreover, the CPE office staff were not recruited until the end of the project intervention; consequently, it was hard to implement activities related to CPE capacity-building, though some of those activities were organised with CPE temporary staff in the period September to December 2010, including the strategic planning for 2011.

While waiting for the election of the CPE, the project team prepared the necessary assessments, documents and reports that helped a great deal in the efficient implementation of all planned activities once the CPE was in place. In a short period of time, therefore, the project succeeded in significantly contributing to the institutional development of the CPE, creating necessary policy procedures, internal acts and strategic planning documents, enabling exposure to the best practices of equality bodies from other countries and supporting membership to Equinet.

The modality of support applied by the PMU in the case of CPE could stand as best practice for capacity development of similar institutions in the future.

Status of the Indicators:

Indicator 1: Commission for the Protection of Equality (CPE) established

The Commissioner for the Protection of Equality was established; therefore, the indicator has been achieved. However, it should be noted this indicator is not directly relevant to the project since the establishment of the CPE did not depend on the project intervention.

Indicator 2: CPE capacities are developed as measured by the Systematic Analysis (Baseline Study) of capacity assessment needs

The project undoubtedly contributed to the development of the CPE's capacity. However, the level of the CPE's development is very difficult to measure since there is no indicator that might be used in this regard.

Indicator 3: CPE is fully operational and able to discharge its duties, including receive and reply to individual cases in a timeframe defined by the Draft Anti-Discrimination Act

The CPE did not become fully operational, yet that cannot be subscribed as a weakness of the project's intervention. Indeed, the project intervention clearly helped the CPE to develop to the fullest possible extent under the given circumstances.

ACTIVITY 10:
Capacity development (including training) of the body in charge with protection of equality (CPE)

The project activity targeted the capacity-building of the Commission for the Protection of Equality (CPE) to discharge its mandate and implement the anti-discrimination normative framework, monitor its realisation and create policy in this field³⁸. This was intended to be done through: (1) staff development, (2) bolstering the existing staff structure as needed, (3) supporting the CPE's infrastructure, and (4) providing systematised education and training on anti-discrimination standards and best practices in their implementation.

The Law on the Prohibition of Discrimination was adopted by the Parliament of the Republic of Serbia on 26 March 2009. The Law establishes the Commissioner for the Protection of Equality (CPE), as an independent state organisation with responsibility for performing the tasks prescribed by this Law (Article 1). The Commissioner is elected by the Parliament of the Republic of Serbia "within 60 days from the day when the provisions of Articles 28 through 40 of this Law start to be applied". However, Article 63 states that: "This Law shall come into effect on the eighth day after the day of being published in 'The Official Gazette of the Republic of Serbia', with the exception of Articles 28 through 40³⁹, which will start being applied as of January 1st 2010"⁴⁰.

The Commissioner Ms Nevena Petrusic was elected on 5 May 2010 with 126 votes, significantly later than the date of election stipulated by the Law⁴¹.

According to Article 32, the Commissioner will benefit from the service of experts engaged to help him/her in performing the work he/she is authorised for, including three assistants. Furthermore, Article 62 states that: "The Commissioner shall pass an act regulating the organisation of his/her expert service⁴² and the Rules of Procedure within 45 days of the day of his/her election", which provides a time-frame within the Law for the setting-up of the expert service of the Commissioner. However, this act was approved by the Parliament on 23 November 2010, more than 6 months after the Commissioner's election. In practice, this meant that the Commissioner was only able to establish the expert service at a time when the project was closing down.

³⁸ DoA, page 13

³⁹ Articles 20 through 40 concern the duties and responsibilities of the Commissioner.

⁴⁰ This Article was developed following complaints received from the Ministry of Finance that there was no budget allocation for the Commissioner within the Budget of the Republic of Serbia for 2009. Therefore, the establishment of the CPE was postponed until 2010, with the MHMR and MLSP being invited to plan the expenses of the CPE for the Budget year 2010. The project significantly contributed to the CPE budget planning that was initiated during the Joint Institutional Workshop (Vrsac, 9-11 September 2009), and later finalised in Belgrade. The total allocated amount for CPE was 39.336.000 RSD, which covered nine months of CPE operations. The amount was established for a total of 12 office members, including three Assistant CPEs (as per the Law) and five expert positions and required technical positions.

⁴¹ Article 61 stated the Commissioner should be elected 60 days after 1 January 2010.

⁴² The "expert service" refers to the CPE staff

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Despite the above-described constraints, the PMU succeeded in implementing several activities that supported the institutional development of the Commissioner's expert services.

Immediately after the election of the CPE, the PMU organised a number of working meetings with them, some of which included the National Project Director and the capacity development experts.

Initial support was provided with regard to the development of an internal act regulating the internal procedures of the CPE's expert services. The act was developed with the support of international and national consultants during meetings organised in Vrsac (20 August 2010) and Sremski Karlovci (20 September 2010). This internal act was used in the procedure for joining Equinet⁴³. The PMU also supported the CPE in developing their human resource plan, which justified and elaborated each future position in the CPE staff. The Parliament of Serbia approved those two documents on 23 November 2010, which finally enabled the CPE to recruit the staff necessary.

The project provided support to the CPE and its temporary staff⁴⁴ in the following fields:

- Communications and media relations: PMU organised a two-day training session in Vrsac (17-18 August 2010) in the field of communications and media relations. This training led to the elaboration of the communications and media plan to the end of 2010. Support in the field of communications and media relations continued with the recruitment of a designer to develop CPE's visual identity (the logo, templates and the website).
- Complaints mechanisms and access to the CPE: the project team helped the CPE create an electronic system for effective filing and analysis of complaints received. The system incorporated the best practice models from other independent bodies and organisations in Serbia, which use complaint mechanisms as part of their procedures. This activity is expected to significantly contribute to the CPE's capacity to report, which is considered a key aspect in relation to the Parliament.
- Policy Advice: the project provided all necessary support to the CPE to join Equinet as a full member⁴⁵.
- The project helped the CPE to draft its section of the reply from the Government and Institutions of Serbia to the Questionnaire of the UN Committee on Human Rights with regard to the Government's Second Regular Report. The project succeeded in establishing the importance of the CPE as a national partner in the monitoring and reporting to such a high-level UN body, thereby assuring that data from the CPE would be heard within the UN's appropriate forums and thus gain international recognition and sustainability, as well as the possibility of influencing further developments in the field at national level.
- Strategic Planning: the project provided support to the CPE in

⁴³ Equinet is the European Network of Equality Bodies that brings together 33 member organisations from 28 European countries, including Serbia. More information on Equinet is available at <http://www.equineteurope.org>, last visited on 20 December 2010.

⁴⁴ While being in limbo, waiting for the Parliament approval of the internal act and the human resources plan, the CPE has engaged several associates on temporary part-time contracts.

⁴⁵ Although the MHMR did not have legal requirements for Equinet membership, it had been granted with the status of an observer. Legal conditions for Serbian membership to Equinet were created with establishment of the CPE. In order to foster good cooperation between MHMR and the CPE, and a joint and coherent appearance before the Equinet, the PMU organised a study tour for representatives of both institutions to Brussels / Equinet, which led to granting full Equinet membership to CPE.

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developing financial and action plans for 2011. In this regard, the PMU organised a workshop that was held in Ecka from 3-5 December 2010, with the outcome that the CPE prepared the budget for 2011, which was submitted to the Ministry of Finance to be included in the proposal of the Law on Budget for 2011.

Although CPE staff were not recruited and the office not fully operational until the end of the project's intervention, the project managed to provide a set of activities that significantly contributed to the CPE's capacity development. This happened due to the proactive approach of the project staff and the assigned external consultants who developed the publication: "*Report on Capacity Development and Institutional Strengthening of the Commissioner for the Protection of Equality*", which led to the creation of necessary support for the CPE (see Activity 11). The support was provided on all fronts, from lobbying national and international authorities to technical assistance in organisational development, planning and development of internal acts.

The model of support that PMU provided to the CPE should be set as the best practice model for future interventions of a similar nature.

ACTIVITY 11: Establishing guidelines for CPE

The activity aimed to develop guidelines for: (1) selection of cases to be litigated before the CPE and support for the establishment of internal procedures for the coordination of the work of the CPE, with drafting of required by-laws, and (2) implementation of the anti-discrimination act, to be used by state organisations, service providers, Chambers of Commerce and trade unions⁴⁶.

For the purpose of the implementation of this activity, an international consultant was engaged in order to undertake research and finalise the Report on Capacity Development and Institutional Strengthening of the Commissioner for the Protection of Equality. The report was based on the findings of the research conducted by national consultants. The final report provides recommendations and policy advice on strengthening the capacities of the CPE.

As discussed within Activity 10, the establishment of the CPE happened much later than the project document stipulated. The report that was produced as an output of this activity increased the efficiency and impact of the project's intervention with regard to capacity development of the CPE.

ACTIVITY 12: Attainment and implementation of best practices by the CPE (including study tours)

This activity aimed to acquaint the CPE with best practices of well-established equality bodies from the EU and other candidate countries. The best practices were supposed to be ascertained by acquiring information through the exchange of relevant documents, active partnership with Equinet, study tours, etc⁴⁷.

The Report on Capacity Development and Institutional Strengthening of the Commissioner for the Protection of Equality recommended the organisation of study tours for the CPE as a way to gain exposure to other best practices. In that regard, the following study tours and visits were organised:

- The study tour to Equinet, the Directorate General for Employment, Social Affairs and Equal Opportunities of the European Commission and

⁴⁶ DoA, page 14

⁴⁷ Ibid

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equality bodies of two countries: the Netherlands and Belgium. The tour was organised for the CPE and representatives of the Supreme Cassation Court, MHML, MLSP and Academia and took place from 30 August to 2 September 2010.

- Participation of the CPE and MLSP representatives to the First International Congress on Mediation held in Lisbon, Portugal, on 6-9 October 2010. The delegation from Serbia presented the benefits of mediation and ADR in the field of combating discrimination and enhancing equality.
- The CPE visit to the Bulgarian equality body, held from 9-10 November 2010. The Bulgarian equality body is one of the best examples and this visit was helpful to compare experiences in designing modalities for effective implementation of anti-discrimination legislation.
- The CPE participation at the 4th Equality Summit organised in association with the Belgium Presidency and the Commission of the EU on 16-17 November 2010. The CPE used this opportunity to attend the Equinet Annual General Meeting 2010, which was held in Brussels on 17 November 2010. During this meeting, the Serbian membership application to Equinet was presented and subsequently officially ratified.

During the field interview, the CPE praised the opportunities provided to meet counterparts from other countries and to get acquainted with some of their best practice models. Visiting the Equinet premises and attending the Annual General Meeting 2010, where the CPE received membership status, was especially important.

ACTIVITY 13: Develop a CPE strategy for the use of ADR and mediation

This activity aimed to provide support and assistance to the CPE in developing and implementing a strategy for using ADR and mediation.

It was implemented together with Activity 11, where the CPE's strategy for the use of ADR and mediation was included as part of the Report on Capacity Development and Institutional Strengthening of the Commissioner for the Protection of Equality.

This activity is far beyond the current needs of the CPE⁴⁸; however, the strategy might prove to be a useful document once the CPE office is fully operational.

RESULT 4: Anti-discrimination acts and policies developed and harmonised with European and international standards.

Overall finding: Through the Legislative Development Working Group, the project succeeded in finalising the whole process with regard to the development and adoption of the Law on the Prohibition of discrimination, which is the most significant output of the project intervention. After adopting the Law, the LDWG (and the project in general) became widely recognised as an important and significant actor in the field of anti-discrimination. In consequence, the LDWG was engaged in other initiatives such as the development of the Law on the Prohibition of Domestic Violence and the National Strategy for HIV/AIDS for Serbia.

⁴⁸ The CPE does not have staff at the moment, therefore the developing and implementation of the ADR and mediation Strategy is not at the current agenda.

The LDWG performed well in researching and analysing domestic and international legislation and case studies in the field of discrimination, which is likely to have a long-term impact on the development of further legislative acts.

To conclude, implementation of the project activities and the generated outputs will lead, in the long term, to the achievement of the project result.

Indicator 1: Legislative Development Working Group (LDWG) established

The working group was established in December 2008.

Indicator 2: White Paper on the reform and implementation of antidiscrimination legislation developed

The White Paper was developed, published and disseminated to stakeholders in the public and CSO sector at both national and local levels; therefore the indicator is fully achieved.

Indicator 3: Specific pieces of legislation developed.

Beside the Law on the Prohibition of Discrimination, the project contributed to the development of the Law on the Prohibition of Domestic Violence and to the development of the National Strategy for HIV/AIDS for Serbia.

ACTIVITY 14:
Establishing a
Legislative
Development
Working Group

The aim of Activity 14 was to establish a Legislative Development Working Group (LDWG), which would work on developing the Law on the Prohibition of Discrimination.

The LDWG was established in December 2008 by national experts in the field of human rights and anti-discrimination, selected on competitive grounds following ToRs and national procedures in the procurement of expert services.

Following recommendations from the inter-ministerial meeting (involving MHMR and MLSP) held on 9 September 2008, the LDWG was established (in December 2008) with the goal of going through the draft Law and incorporating all changes requested by a number of institutions, including CSOs. As agreed by two ministries, the LDWG was chaired by the Project Manager Ms Marija Vujnović (later Mitic) and consisted of the following members:

- Marko Karadzic, state secretary, Ministry of Human and Minority Rights
- Zoran Martinovic, state secretary, Ministry of Labour and Social Policy
- Emila Spasojevic, Ministry of Labour, Sector for International Cooperation
- Gordana Mataja, advisor, Ministry of Human and Minority Rights
- Gordana Mohorovic, advisor, Ministry of Human and Minority Rights,
- Jelena Jolic, project coordinator ADII for legislation development
- Sasa Gajin, representative of the Coalition against Discrimination

The project provided technical assistance to LDWG members by engaging 4 national consultants, all of whom were experts in the field of human rights⁴⁹.

The key function of the LDWG was to finalise the draft Law on the Prohibition of Discrimination and to conduct a set of public debates as well as an expert meeting in order to finalise the text of the Law. Furthermore, the LDWG provided assistance during the passing of the Law by the National Assembly,

⁴⁹ The following experts were contracted as technical support to the LDWG: Prof Marijana Pajvančić, law professor, University of Novi Sad; Dr Dejan Milenković, Committee of Lawyers for Human Rights; Prof Saša Gajin, law professor at Union University and member of the Coalition against Discrimination; and Ms Mirna Kosanović, human rights lawyer.

by preparing relevant documentation for Parliamentary committees and by formulating replies to a number of amendments to the Law suggested by the opposition right wing parties. In addition, the LDWG worked in close contact with the Republic Secretariat for Legislation, the Parliamentary Committees and the MHMR and the MLSP. The Parliament of Serbia finally adopted the Law on the Prohibition of Discrimination on 26 March 2009.

The LDWG did an excellent job on the Law on the Prohibition of Discrimination and the other activities it was assigned to. There were numerous obstacles to the adoption of the Law and the LDWG had a crucial role in providing necessary expertise in the field. For its work done with regard to the elaboration of the Law on the Prohibition of Discrimination, the LDWG received the Annual Award from the Coalition Against Discrimination (30 April 2010).

ACTIVITY 15:
Drafting a "White Paper" on further reform on Anti-discrimination legislation

The objective of this activity was to produce a so-called "*White book*" on the reform and implementation of anti-discrimination legislation and to disseminate it both to stakeholders and the general public, in order to seek views on the priorities for institutions charged with the implementation of anti-discrimination policy.

The LDWG wrote the "*White book*" that was published under the title "*Anti-Discrimination in Serbia and Vulnerable Social Groups*". Prior to publishing, the book was peer-reviewed by experts in a number of areas, each time upgrading with new information on the adopted national legislation. At the end, the white book was divided into three parts: (1) International anti-discrimination standards and a review of general legislation within the legal system of the Republic of Serbia, (2) Special cases of discrimination, and (3) A review of the prohibition of discrimination of specific groups in the legal system of Serbia.

Beside the white book "*Anti-Discrimination in Serbia and Vulnerable Social Groups*" (in English and Serbian), three other publications were produced within this activity: (1) "*Gender Equality in Public Life*", (2) "*Comments on the new gender equality law*" and (3) "*Analysis of the Criminal Law in the Field of Anti-discrimination*".

The publications produced as part of this activity undoubtedly contributed to the advancement of anti-discrimination legislation through the assessment of needs for further legislation and the explanation of best practices and international standards. The "*White book*" is a guiding tool for developing new legislation in the field of protection of vulnerable groups from discrimination in Serbia.

ACTIVITY 16:
Drafting specific Anti-discrimination legislation

The objective of this activity was to further advance the level of legal protection from discrimination by drafting specific pieces of legislation. This objective was supposed to be achieved through research and analysis done by the LDWG, including a series of policy seminars at national level in various fields such as employment, education, health and social care, housing, and criminal justice, together with a number of consultation events across Serbia⁵⁰.

The project contributed to the development of the draft Law on the Prohibition of Domestic Violence. The working group focused on developing this Law was chaired by the Government Directorate for Gender Equality and consisted of the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of

⁵⁰ DoA, page 15

Justice and the LDWG. The LDWG developed an analysis of existing legislation across all Council of Europe countries in the field of domestic/gender-based violence, based on which they selected the Austrian legislation as most suitable for use as a blueprint in drafting the Serbian legislation.

Furthermore, the LDWG participated in the elaboration of the human rights aspect of the National Strategy for HIV/AIDS for Serbia. As part of this, the project cooperated with the United Nations Task Group on HIV/AIDS and with the National HIV/AIDS Advisor for Serbia on the development of monitoring indicators for discrimination / stigma.

RESULT 5: Increased role of conflict prevention through new mediation and ADR structures.

Overall finding: Activities with regard to the ADR and mediation were logically sequenced and methodologically sound. The project established the ADR and Mediation Task Force that produced the Strategy which provided recommendations to all other activities such as: trainings and certification, awareness campaigns and pilot projects. These activities were well interconnected and simultaneously implemented. The applied methodology was continuously upgraded with lessons learned.

Application of ADR and mediation techniques in cases of discrimination presents an innovative practice, and the project contributed to the advancement of this field not only in Serbia but globally.

Indicator 1: ADR and Mediation Task Force established

This indicator was achieved. The ADR and Mediation Task Force was established in September 2008 and became fully operational in 2009.

Indicator 2: Recommendations to the CPE by the Task Force on an functioning, coherent, unified ADR system

This indicator is not well-defined since it is not specific enough. However, it might be concluded that the indicator was achieved since recommendations to the CPE were included in the report on "Perspectives on the Use of ADR Techniques in Cases of Discrimination". The CPE applied those recommendations by using conferencing techniques in reconciling an inter-ethnic dispute in the village of Jabuka.

Indicator 3: ADR (e.g. mediation, arbitration, or combination) Strategy produced in which all levels of government are connected through referral system of checks and balances.

ADR Strategy was produced within two reports on "Perspectives on the Use of ADR Techniques in cases of Discrimination". This indicator was achieved.

Indicator 4: Training Manual in ADR and Mediation developed in cases of discrimination

The Training Manual was developed and training sessions organised based on the manual. This indicator was achieved.

Indicator 5: Pilot projects established in select municipalities where ADR is institutionally incorporated.

This indicator was not sufficiently comprehensive since it is unclear whether the pilot project should be established only in "select(ed) municipalities where ADR is institutionally incorporated" or in all municipalities that were eligible for

funding. In any case, fifteen pilot projects were funded with amounts of up to €11,000.

Indicator 6: Information materials distributed in mediation centres

This indicator was achieved.

Indicator 7: Specialised mediation certification programme conducted by the Mediation Centre and Task Force

This indicator was achieved.

ACTIVITY 17:

Execution of pilot projects through the ADR and Mediation Pilot Project Fund

This activity aimed at: (1) enhancing the quality and accessibility in the use of ADR and mediation when resolving group disputes focused on discrimination, and (2) collecting relevant data and developing lessons learned to be used in creating an effective, efficient and sustainable ADR and mediation system on a local level in Serbia. The activity focused on the creation of the ADP and Mediation Pilot Projects Fund for providing grant opportunities to project initiatives (primarily) at local level.

The activity started with creation of the team for the Pilot Project Fund (March 2009), which developed the Guidelines for the Grant Competition within the Pilot Project Fund. The guidelines identified the following targeting areas of the Fund:

1. Awareness-raising with the aim of recognising discrimination and actively supporting both institutions and individuals with regard to anti-discrimination through the use of ADR techniques in approaching discrimination-based conflicts;
2. Strengthening relevant civil society organizations and stakeholders at local level to provide victims of discrimination with support and justice through the use of ADR techniques
3. Provision of services in the area of ADR in discrimination-based conflicts

The call for proposals was published on the MLSP website on 11 August 2009, with a deadline for submitting applications of 18 September 2009. In total, 79 project proposals were submitted. The Assessment Committee selected 15 projects for funding with amounts of up to €11,000 per project, or €165,000 in total. Geographical distribution of the awarded projects is positive, covering 27 municipalities across Serbia.

Prior to receiving the funds, members of the awarded institutions were obliged to pass a five-day training course in ADR and mediation in the field of anti-discrimination (see Activity 19). The training was held in Vrnjacka Banja, from 15-20 November 2009 and the funding agreements with the awarded institutions were signed at the end of this training.

The implementation period for the awarded projects was one year, ending November 2010. The evaluation team that was engaged in assessing the results of the implementation included their findings in the second report on "*Perspectives on the Use of ADR Techniques in cases of Discrimination*"⁵¹, printed in Serbian. This report contributed to the development of the publication "*Guide for the use of negotiation and mediation techniques in discrimination*

⁵¹ The second report presented the analytical framework for the use of ADR in Serbia, and provides a full overview of the activities undertaken within the Pilot Projects, including interesting examples of the use of negotiation and mediation techniques in discrimination cases during the project implementation.

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cases".

The pilot projects funded under the ADR and Mediation Pilot Project Fund have generated best practices and interesting tools that have already been applied in practice, including the conferencing technique that is currently used for reconciling communities in Jabuka village in Vojvodina.

However, a shortcoming of the ADR and Mediation Pilot Project Fund is its "single-shot funding opportunity" nature and the lack of financial assets for organising a second call despite the good results achieved by the pilot projects.

Recommendation #6: Since the pilot projects funded within the scope of this project has created very positive results at local level, UNDP should try to establish a small-scale funding scheme that will continue similar local initiatives in the future.

ACTIVITY 18:
Establishment of an ADR and Mediation Task Force

This activity focused on establishing the ADR and Mediation Task Force to assist the MLSP and the CPE (once established) in creating and implementing an ADR system, and in providing training and certification to future ADR providers.

The ADR and Mediation Task Force was established in September 2008 and became fully operational in 2009. The Task Force was proactive in developing strategies, training curricula and guidelines for applying ADR and Mediation techniques in solving discrimination cases in Serbia. In that regard, the Task Force conducted research and organised meetings with key stakeholders in the field. As a result, the ADR and Mediation Task Force prepared several important publications, which set the standards in this field in Serbia.

ACTIVITY 19:
Development of a manual and training of mediators

The objective of this activity was to create and carry out a specific training programme for mediations that would specialise in the field of anti-discrimination and equity. A special manual for mediation in cases of discrimination was supposed to be developed in this regard. The activity was planned to be implemented in cooperation with the Centre for Mediation of the Ministry of Justice of the Republic of Serbia. Training courses targeted CPE staff, municipal leaders, staff engaged in pilot projects (from Activity 17) and many others. Certificates for those who completed the training were supposed to be issued by the Centre for Mediation and MLSP⁵².

The activity started by establishing institutional cooperation with the Centre for Mediation with regard to the development of a training curriculum and a manual for mediation in cases of discrimination. Development of the manual and the training curriculum correlated highly with the model of mediation that will be used for cases of discrimination in the national context. An international expert was contracted in April 2009, with the purpose of providing assistance in developing the manual and the training curriculum (as well as the strategy, see Activity 20).

The training course was developed following principles of the globally-recognised negotiation/mediation methodology and tailored to the situation and social structure of Serbia. The manual presents an improved and specialised training methodology in this field, and was used as part of the final training, held in November 2010.

⁵² DoA, page 16

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The first training session was organised in Vrnjacka Banja from 15-20 November 2009, for the grantees of the ADR and Mediation Pilot Project Fund (see Activity 17). The Centre for Mediation organised the second round of basic mediation training, again as part of the pilot project that was awarded under Activity 17. The training targeted participants from the Network of Focal Points (representatives of civil society dealing with marginalised groups) and took place in Belgrade from 8-12 February 2010. The final training session was organised for the representatives of the Ministry of the Interior, which took place in Vrsac, from 29 November to 3 December 2010.

Findings and best practice from the training of mediators were presented at the International Biannual Conference of the European Forum on Restorative Justice, which took place in Bilbao (Spain), from 17 - 19 June 2010, as well as in the First Congress on Mediation, which took place in Lisbon (Portugal), from 7-9 October 2010.

In addition to the above activities, the project contributed to the development of the first database on ADR in Serbia, which is a joint project of UNDP Serbia and the Ministry of Justice. More information on the database is available on www.infodoc.info/adr.

The activity succeeded in developing the training curriculum and the manual that helped the Centre for Mediation to upgrade their programme with training courses in the field of mediation in cases of discrimination. Training courses produced good results and findings were presented at the international conference in Bilbao (Spain).

The indicator of success for this activity can also be measured by training demands received by the Ministry of the Interior and Ministry of Defence. Training for officers of the Ministry of Interior were held during the project intervention, while demand from Ministry of Defence came too late to be organised within the project timeframe.

ACTIVITY 20: Development of an ADR Strategy

The aim of this activity was to develop the ADR strategy and through that to lay the path for the design of an effective, efficient and sustainable ADR and mediation system at local level⁵³.

The activity produced the strategic report "Perspectives on the Application of ADR Techniques for Resolving Discrimination-Based Conflicts"; a principal document that assisted in the elaboration of the Guidelines for the Pilot Project Fund (Activity 17), development of the Training Curriculum (Activity 19) and development of the ADR awareness campaign. During the project implementation, the report was updated with findings and best practice models identified under monitoring and evaluation of the Pilot Projects (funded under Activity 17). The report also contributed to the work of the CPE, especially in using conferencing techniques in reconciling a dispute in the village of Jabuka.

The report was presented at the First International Congress on Mediation in Lisbon, Portugal, from 7-9 October 2010, where it was welcomed with great interest since there are few empirical case studies on the use of mediation in cases of discrimination.

⁵³ *ibid*

Development of the strategy created preconditions for a long-term impact on the use of ADR and mediation techniques in cases of discrimination.

ACTIVITY 21:
Awareness
campaign on ADR
and Mediation

The ADR awareness campaign was carried out simultaneously with other awareness campaigns organised within the project, using recommendations and findings from both reports on "Perspectives on the Application of ADR Techniques to Resolving Discrimination-Based Conflicts".

RESULT 6: General public and target groups aware of the importance and role of antidiscrimination reforms

Overall finding:

The project was active in organising public awareness and advocacy campaigns with regard to the broad spectrum of issues related to protection from discrimination.

Although most of the indicators have been achieved, the second public opinion poll showed some negative changes in the attitude towards vulnerable groups. However, the success cannot be measured exclusively by this report since the general public has clearly become more aware of the importance and role of anti-discrimination legislation (as was also confirmed with the second public opinion poll).

The impact of the TV serial on discrimination issues is limited yet visible. The second public opinion about discrimination and inequality in Serbia provided the analysis of the effects of the serial to age group 15 - 25, which concluded that young people who have watched the series express "*slightly higher sensitivity at least for some discrimination problems*" compared with average population of this age group⁵⁴. However, since the second public opinion also showed a limited influence of the serial to the targeted population groups: only 2% of the interviewed recognised "*Pridi bliže*" as a favourite serial. This percentage is much higher among those ones that regularly watched the serial (19%). Only 4% of viewers recognised discrimination as a main topic of the serial, yet 52% of viewers said "*Pridi bliže*" raises the question of important social issues to a great extent. Viewers of the serial better recognise importance of family, school and citizens themselves in reducing discrimination within society, which might be also greeted as a result of the serial.

Indicator 1: Public Awareness and Advocacy Strategy Developed and Implemented

The public awareness and advocacy strategy was developed and implemented, thus the indicator has been achieved.

Indicator 2: TV serial (Entertainment Education Serial) produced and broadcast,

The TV Serial was produced in co-production with RTS; 16 episodes were filmed and broadcast on RTS1 in a prime-time slot.

Indicator 3: Roundtables/panels on the Anti-Discrimination Act with participants from government and non-government sectors, judiciary, media and other public officers whose behaviour may directly affect discriminatory practice held,

Numerous roundtables and panels were organised with the influential public

⁵⁴ Public Opinion about Discrimination and Inequality in Serbia, October 2010, p. 40.

officers.

Indicator 4: Activities concerning anti-discrimination awareness in schools implemented.

This indicator is vague and hard to measure. The project did not organise almost any activity that directly targeted anti-discrimination awareness within school. Indirectly, the project organised casting for TV Series with 400 pupils within Belgrade schools, which might be put in correlation to this indicator.

ACTIVITY 22:
Development and Implementation of a Public Awareness and Advocacy Strategy

This project activity targeted the development and implementation of a Public Awareness and Advocacy Strategy that would promote the implementation of anti-discrimination norms and raise public awareness about discrimination.

Activities regarding public awareness and the advocacy campaign were sequenced appropriately. The activity started with the organisation of a first public opinion poll on discrimination and inequality in Serbia, conducted by the Strategic Marketing Research. The report, entitled "*Public Opinion about Discrimination and Inequality in Serbia*", was delivered on 18 March 2009. The report served as a baseline document for planning future activities of the project, as well as a general indicator in regard to anti-discrimination policymaking in Serbia.

The report on the first public opinion poll provided the necessary data for the development of a Public Awareness and Advocacy Strategy⁵⁵, which was produced by the project team using the in-house knowledge of the UNDP Country Office. The strategy defined objectives (reflected in the 4 buzzwords: awareness, understanding, support and commitment), the main messages of the campaign, the vehicles of transmitting these messages and a timeframe for their delivery.

Following the recommendations made in the strategy, a service provider was contracted to design the overall visual identity of the campaign, produce TV spots, develop classical PR mechanisms and provide training for journalists and the media in anti-discriminatory writing.

The public awareness and advocacy campaign lasted six months, from May to October 2010. The campaign aimed at reducing the level of discriminatory practice in Serbia through the delivery of messages which were timely, well informed, well designed, clear and concise and oriented toward a segmented target audience. The main target audience was youth in Serbia between 15 and 25 years of age, focusing on the issue of linkage in violence with discriminatory attitudes among people of this age.

The campaign included the creation of a visual identity as well as a TV spot and accompanying press ads featuring six different vulnerable groups (people with disabilities, women, Roma, LGBT, national minorities and discriminated age groups). TV spots were broadcast 156 times on all the TV stations that cover the territory of Serbia: RTS1, RTS2, Avala, B92, Fox and Pink. In addition, an arrangement was made with RTS to make free broadcasts of the TV spot during the football match Serbia – Cameroon, played on 5 June 2010. In addition, 19 press ads were published in the main daily newspapers (13 ads) as well as weekly and monthly magazines (6 ads).

⁵⁵ *The Public Awareness and Advocacy Strategy*, page 8

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Institutional cooperation was established with the Faculty for Media and Communications (FMK) who helped the project team in regard to the implementation of the public awareness and advocacy campaigns. The FMK developed three short documentaries focusing on the problems of youth in Serbia today, as well as the website "*Encyclopaedia of Discrimination*", which will be hosted by the Faculty of Media and Communications (FMK) from Belgrade⁵⁶.

Cooperation was also established with the Sports Association of Serbia through the campaign "*Equality wins – Ravnopravnost pobeđuje*", which gathered young sportsmen together with women and children with disabilities and Roma children. The campaign ads were published in a number of magazines and on 40 billboards across Belgrade, from 11-21 November, as part of a broad campaign for the promotion of the final anti-discrimination conference.

The second public opinion poll on prejudices and attitudes toward discrimination in Serbia was carried out in 2010 as part of the final activities of the project, with the goal of assessing the impact of the TV series and the campaign. The report was published for the final anti-discrimination conference, held on 18 November 2010⁵⁷.

The second public opinion poll cast a shadow on public awareness, the advocacy campaign and the project intervention in general, since the results showed that intolerance of minority and vulnerable groups had increased in comparison with 2009. The impact of the TV Series was also weak, though traceable. This clearly demonstrates how deep the problem of discrimination is in Serbia and the necessity for a broader action plan to resolve this issue than the project intervention, which was too weak in this regard.

ACTIVITY 23: Production of TV series using Education Entertainment methodology

The project activity focused on producing a TV series that would have a concrete effect on behavioural and attitudinal changes among the population as a whole. An "*Entertainment - Education*" methodology was to be used in that regard, as a technique that incorporates social messages into entertainment programmes.

The International Entertainment Education Expert was contracted to prepare the Guidelines on the use of Entertainment Education methodology in the Serbian context.

Agreement for producing a TV series was reached with the national public service "*Radio Television of Serbia*" (RTS), which has a national broadcasting coverage and great experience in producing similar serials in the past. According to the agreement, RTS participated with 51% of co-funding on the production of the TV Series, including the allocation of a prime-time slot on the

⁵⁶ Website was approved by the EC for hosting until December 2010. The website had not been hosted at FMK till the end of the final evaluation, on 31 December 2010.

⁵⁷ In regard to the success of the campaign, the report found that a great majority of citizens are aware of the concept of discrimination and that they perceive it as a negative phenomenon. The report showed, however, that intolerance towards minority and vulnerable groups had increased, as well as the percentage of citizens inclined to justify discrimination, at least in some circumstances. The highest percentage of Serbian citizens spontaneously think about Roma as the most discriminated group, though the percentage is somewhat below the level recorded in 2009 (45% in 2010 year against 50% in 2009). In regard to the TV Series "*Pridi bliže*", the poll found that the serial did have a positive impact on young people aged 15 to 25 who watched it, compared with the average population of this age group. Those who watched the serial expressed slightly higher sensitivity to at least some discrimination problems and they would support the introduction of measures of positive discrimination to a significantly greater extent.

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First TV channel. The contract between RTS and MLSP (which represented the project) was signed on 17 August 2009, bringing the overall costs of the production of the TV Series to circa €900k. The TV Series was entitled “*Pridi Bliže*” and was aimed at targeting young people between 15 and 25.

Shooting started on 23 October 2009 and was finalised on 8 April 2010, with a total of 16 episodes filmed. In addition, the RTS produced a short trailer on the TV series, as well as the “*Filming the TV Series*” movie and the sketches “*Funniest moments of the TV Series*”.

The series was broadcast on Sundays at 17:30 on RTS 1 Channel, with re-runs on Tuesdays at 15:30 on RTS 1 Channel again. The premiere broadcasting of the first episode was on 21 February 2010 and the final one on 8 June 2010.

Production of the TV series was successful and in line with the Entertainment Education methodology. The serial was welcomed among young people, becoming popular in a short period of time. However, the public opinion poll showed a limited (yet visible) impact created among young people by the series and even less so on the population as a whole (though this had been taken into account by the age-group focus of the project’s design).

ACTIVITY 24:
Targeted advocacy
and awareness
raising

Targeted advocacy and awareness raising activities were incorporated into the public awareness and advocacy strategy, implemented under Activity 22 (see above).

Impact⁵⁸

Formally, impact can only be fully assessed after the end of the project. However, the ToR stipulated that the final evaluation should anticipate impact (and sustainability) in the short- and medium-term following the project’s end. Impact measures the effect of the project in meeting the overall objective; a positive impact results if the project purpose is achieved, thereby contributing to the realisation of the overall objective.

The overall objective of the project is stated as follows: “*to support the government of Serbia in building a society governed by laws and institutions ensuring equal treatment for all*”. The overall objective was supposed to be measured by the following indicator: “*recognition from observers, in particular civil society organisations (CSOs), vulnerable groups’ representatives and international organisations, indicating respect for anti-discrimination norms, equality before the law and Serbia’s compliance with EU criteria set forth on equal treatment*”. The indicator is not well-formulated, since it is not SMART. Therefore, the assessment of the impact indicator has been taken from qualitative statements provided in international and domestic reports on Serbia.

Recommendation #7: In order to measure the impact of the project intervention, the project should design an impact indicator (linked to the overall objective) that is measurable using existing statistics, or - alternatively - to create data collection mechanisms that can feed the impact indicator with the necessary statistics.

The project had four components and an impact assessment has been conducted for each of them.

⁵⁸ Impact is defined as positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended (Source: OECD DAC Glossary of Key Terms in Evaluation and Results Based Management, p. 24, available at: http://www.oecd.org/findDocument/0,2350,en_2649_34435_1_1_119678_1_1_1,00.html, last visited on December 19, 2010)

Component 1: Institutional support to the organisations and agencies that are mandated to implement either the existent legislation or that which is yet to be adopted in the field of anti-discrimination.

The project intervention provided support to the CPE in many aspects. However, the belated appointment of the Commissioner and the fact that the CPE office is still not fully established with expert support have limited the effectiveness of the project intervention, thereby limiting the expected impact of the intervention.

The most significant project contribution to the CPE's impact and sustainability was probably the successful advocacy for allocating the budget, even before the Commissioner had been appointed. Furthermore, the budget has been planned for 2011 and 2012, contributing to the medium-term sustainability of the CPE.

In terms of capacity-building of the CPE office, the project contributed to the development of internal Rules of Procedures that the CPE had to submit to the Serbian parliament. The parliament approved this act on 23 November 2010, and by that enabled the CPE to finally hire the necessary staff. The project also contributed to the capacity-building of the Commissioner's abilities, by organising study visits for her in the Netherlands, Belgium and Bulgaria. Moreover, the study visit to the Equinet office and later support that led to the CPE membership of Equinet, are likely to have created significant positive medium- and long-term impacts of the project intervention.

The CPE has benefited from the transfer of the ADR and mediation techniques. Clear evidence in that regard has been in the Commissioner's use of the conference techniques in solving inter-community dispute in the village of Jabuka.

The transfer of contacts via the Network of Focal Points might also benefit the CPE. However, the impression is that the project did not fully succeed in creating inter-agency and Serbia-wide monitoring mechanisms for anti-discrimination.

According to some unofficial notes, one PMU coordinator may join the CPE and become the Commissioner's assistant⁵⁹. If that does go ahead, it would have a very positive impact in transferring institutional knowledge of the project to the CPE office.

However, there is a need for further advancement of the CPE's capacity, especially through the still—pending recruitment of further CPE staff. In this regard, the EC Serbia 2010 Progress Report concluded: "further efforts are needed to ensure that the Commissioner becomes operational". Numerous publications produced as part of the project might benefit the CPE in that regard.

Besides the CPE, the project also contributed to the institutional capacity of other stakeholders. The project established institutional cooperation with the Judicial Training Academy and the Centre for Mediation by developing specialised training curricula and conducting training seminars in the field of anti-discrimination and mediation. The project could therefore claim having increased the institutional capacity of the local agencies awarded with the pilot projects.

By contrast, the impact of the project intervention on the national partner, the MLSP, seems to be limited. However, during the project intervention, the MLSP did receive EU PROGRESS grant for the project entitled "*Introduction of Anti-discrimination Issues in Social Protection*", and this project might be considered as a spin-off effect of the EU-UNDP project intervention.

⁵⁹ According to the Article 32, the Commissioner shall have an expert service to help him/her in performing the work he/she is authorised for, including three assistants. One of those three assistants should be an ex-Project Coordinator.

Component 2: Development and mainstreaming of Serbian legislation in the field of anti-discrimination, including analysis of its impact, level of harmonisation with international standards, internal consistency and check for legal gaps to be filled.

The Law on the Prohibition of Discrimination was adopted in March 2009 and the project had a crucial role in that regard. Passing of the Law is a step forward in the protection of human rights. Two EC progress reports on Serbia, from 2009 and 2010, praised the adoption of the Law and reported on the ongoing practice of discrimination against vulnerable groups such as the Roma, the LGBT community, women, national minorities, and persons with disabilities. These groups, but also human rights defenders and journalists, are exposed to diatribe and threats of hatred that are rarely followed up by the authorities⁶⁰. These two EC reports also call upon authorities to fight impunity at all levels as well as to further improve relevant legislation to be in line with European standards.

However, not all reports were positive on the adoption of the Law. The SIGMA's⁶¹ assessment of Serbia's Administrative Legal Framework from May 2009 heavily criticised the necessity and quality of the Law on the Prohibition of Discrimination⁶², discussing the relevance of establishing the CPE and its overlapping with competencies of the Ombudsman and other public institutions.

Nevertheless, the adoption of the Law was a necessary step for the EU accession process and contributed significantly to the EU decision⁶³ to allow Serbian citizens to travel without visa to the Schengen Area⁶⁴. In addition, the Government received a questionnaire on the Serbia's application for membership of the European Union⁶⁵, which included a section entitled "Anti-discrimination and Equal Opportunities" and had 39 questions on equal opportunities and the position of women and men. The project intervention has created outputs that may well contribute to the effective and efficient answering of those questions.

More importantly, the Law provided legal mechanisms to fight against discrimination and raised public awareness on these issues among disadvantage groups and the mainstream population in general. According to the Law, the Commissioner has the right to receive complaints from citizens on potential cases of discrimination and to answer upon those requests. Until the end of the evaluation mission (December 2010), the Commissioner received more than 150 complaints of discrimination. The Law encouraged sexual minorities to raise a public awareness on their status within Serbian society, which led to the first-time ever successfully organised "Pride Parade" in Belgrade.

⁶⁰ See the EC 2009 Progress Report, page 17 and the EC 2010 Progress Report, page 15.

⁶¹ Sigma - Support for Improvement in Governance and Management - is a joint programme of the OECD and the European Union

⁶² SIGMA Assessment, page 8: "Whatever the policy case may be, this Law on the Prohibition of Discrimination is of poor quality and raises concerns about its usefulness. In addition, doubts do exist that this law will ever be implemented, as it creates a confusing set of responsibilities involving several authorities: a) A Commissioner for the Protection of Equality reports to parliament and has responsibilities overlapping with those of the Ombudsman. The Commissioner has weak executive competences, as he/she has competence only to recommend action to the relevant authorities, to attempt a reconciliation, to "name and shame" publicly the authority or the individual who committed the discrimination and to lodge a lawsuit on behalf of the party supposedly aggrieved by a discriminatory act. b) The Ministry of Human and Minority Rights has a vague responsibility for monitoring the implementation of the law. c) The courts have unclear roles for the time being, as they do not have full jurisdiction because, among other reasons, the administrative court system still has to be created and developed. In addition, article 45 contains a legally risky inversion of the burden of the proof, which could render an anti-discrimination lawsuit unfair to the defendant, who is obliged to prove that a discriminatory act has not occurred. The fines stipulated in articles 50 to 60 of this law will be difficult to apply, as their definition seems to be in itself discriminatory and is deficiently worded so as to probably render the penalisation unviable. In addition, it is unclear who has the competence for imposing fines, although from the context it seems that this competence lies with the same administrative authority that committed the discriminatory offence, which may be tantamount to allowing many discriminatory acts to remain unpunished".

⁶³ The EU decided on 16 July 2009 that citizens of Macedonia, Montenegro and Serbia should be able to travel to the Schengen Area without visas starting from 19 December 2009.

⁶⁴ The Schengen border-free area consists of 25 member states: 22 EU countries (all except Bulgaria, Romania, Ireland, the UK and Cyprus) as well as three associated countries: Norway, Iceland and Switzerland. Denmark has signed the Schengen agreement, but maintains its freedom not to apply certain measures. The UK and Ireland decided to stay outside the Schengen Area.

⁶⁵ The questionnaire was received on 24 November 2010 during the visit of Mr Štefan Füle, the European Commissioner for Enlargement and Neighbourhood Policy to Serbia. The questionnaire has 2,483 questions, divided into 33 chapters.

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Through its intervention, the project developed 19 publications. It is expected that these publications will contribute significantly to the impact and sustainability of the project intervention. A complete list of these publications is given as Annex 2 of the final evaluation report. Among the most significant publications should be mentioned the so-called "*White book*", published under the title "*Anti-Discrimination in Serbia and Vulnerable Social Groups*". This book presents a significant piece of work in the field of anti-discrimination since it offers a guiding tool for further improvement of legislation in this field.

Besides the Law on the Prohibition of Discrimination, the project contributed to the development of the draft Law on the Prohibition of Domestic Violence and in the elaboration of the human rights aspect of the National Strategy for HIV/AIDS for Serbia.

Component 3: Strengthening the role of alternative dispute resolution mechanisms in the overall implementation of anti-discrimination provisions.

The project contributed to the advancement of the ADR and mediation techniques in cases of discrimination, not only in Serbia, but also globally, since findings and best practices were presented at the International Biannual Conference of the European Forum on Restorative Justice, which took place in Bilbao (Spain), from 17 - 19 June 2010. The project was also presented at the First Congress on Mediation, which took place in Lisbon (Portugal), from 7-9 October 2010.

The report "Perspectives on the Application of ADR Techniques for Resolving Discrimination-Based Conflicts" has the potential to make a positive impact in the field since it is a key document that provides guidelines for applying ADR and mediation in cases of discrimination. The training curriculum and manual are part of the report, and the Centre for Mediation is using them as a part of their regular activities. In addition, the project supported several training sessions in applying the ADR and mediation techniques, which had a high level of success. The best indicator of this is in the request received from the Ministry of the Interior, and later from the Ministry of Defence, to organise such training sessions for their officers.

Probably the most significant impact of this component is the development of the conference techniques through the pilot projects and their application in solving inter-community dispute in the village of Jabuka. This contributed to the positive impact of the project intervention to the CPE, as discussed above.

Component 4: Awareness-raising activities that seek to impact targeted groups on the importance of equal treatments and the existence of anti-discrimination provisions.

According to the second public opinion poll, this component did not have a significant impact on the target groups regarding the importance of equal treatment and the existence of anti-discrimination provisions. As discussed earlier, the result of the second public opinion poll showed negative trends in the anti-discrimination issues towards vulnerable groups among the mainstream population.

However, the project did contribute to increased knowledge of the Law and the importance of equal treatment in the democratisation of society, especially at local level. There is a growing trend of local CSO initiatives in the field of fighting discrimination and many of them might be concluded as spinoffs of the project intervention. The very fact that the final conference gathered over 170 participants from all over Serbia shows a significant short-term impact of the project intervention in terms of raising awareness among stakeholders in the field.

The impact of the TV serial "*Pridi bliže*" was discussed above, when were discussed overall findings of the result 6 (see page 38). The second public opinion poll analysed the impact of the TV Serial "*Pridi bliže*" and found that the serial achieved its intention in some aspects since young people aged 15 to

25 who had watched the serial expressed slightly higher sensitivity to some discrimination problems compared with the average population of this age group⁶⁶. However, the created impact goes below the initial expectations of the project intervention. This might be explained by the fact that the Entertainment Education methodology for incorporating social messages into entertainment programmes did not have the desired impact on Serbian society.

Sustainability⁶⁷

As per impact, sustainability can only be assessed after project intervention since it relates to whether the positive outcomes of the project at purpose level are likely to continue after external funds end.

The nature and modality of the project intervention have created good preconditions for the sustainability of the achieved project results. The legislative and institutional framework for combating discrimination in Serbia, established as an outcome of the project intervention, will be sustained due to its public nature. As a public sector institution, the CPE is funded by the Budget of the Republic of Serbia and the project played a significant role in securing its budget allocations. In regard to the sustainability of the CPE, the contribution of the project to its capacity building should also be mentioned, especially in regard to developing Rules of Procedures and membership of Equinet.

There is a question concerning how the project results have been transferred to the CPE. According to the findings from the interview with the Commissioner, the PMU had not had a formal meeting with the CPE in regard to the formal transfer of project results such as publications and models of best practice, the contact list of the Network of Focal Points, etc. From the other side, the PMU claimed such meeting was organised when the Commissioner was appointed. Whatever is true, the formal transfer of the project results should be better organised.

Recommendation #8: In order to achieve the sustainability of the project results, the PMU needs to adequately transfer the project outputs and the knowledge that was created during the project intervention. This should be included in the project's exit strategy, and implemented well before project closure.

Sustainability of the Network of Focal Points might be under question since it seems to be a loose network of institutions and professionals from all over Serbia, without clear organisational structures. Sustainability of the training modules on the implementation of the Law on the Prohibition of Discrimination, used for the training of judges, prosecutors and misdemeanour judges in this area, is secured by putting those into the official curriculum of the Judicial Training Academy. It applies the

⁶⁶ The Tenth Progress Report provided the following analysis of the results from the second public opinion poll (pages 15-16): "Majority of young viewers (15 to 25 years) estimate that the serial deals with socially engaged issues, that it makes people think, that it is memorable and that it evokes emotions. Selection of favourite characters, and particularly their features that viewers mention as those that made them choose these characters as their favourite, show that viewers of the serial "Pridi bliže" both recognized and accepted main traits of the characters, and through them the main points of the serial. Describing the main features of their favourite characters from the TV serial, viewers of "Pridi bliže" significantly more frequently mention characteristics related to pro-social behaviour (behaviour oriented towards others), than their peers in 2009. Relative to features of the main characters mentioned in 2009, favourite characters of the serial "Pridi bliže" are significantly more frequently described as good friends, sincere, and emotional, and somewhat more also as tolerant and willing to help the weaker, while good looks and wit were a lot less important for selection of favourite characters. In terms of general attitudes toward discrimination, young people aged 15 to 25 who have watched the series, compared with average population of this age group, express slightly higher sensitivity at least for some discrimination problems. Although these differences are neither big nor always consistent, their cumulative effect may be taken for a possible indicator of at least somewhat broader awareness of this problem. They expressed full agreement with the attitude that discrimination hurts others and with the attitude that discrimination is not justified without exception, and to a somewhat lesser extent with the attitude that prejudice is hard to overcome and with the attitude that reciprocal discrimination is necessary. Those who watched the serial would support introduction of measures of positive discrimination to a significantly greater extent".

⁶⁷ Sustainability is defined as the continuation of benefits from a development intervention after major development assistance has been completed (Source: OECD DAC Glossary of Key Terms in Evaluation and Results Based Management, p. 36, available at: http://www.oecd.org/findDocument/0,2350,en_2649_34435_1_119678_1_1_1,00.html, last visited on December 19, 2010)

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same for the sustainability of the ADR and mediation training and their placement into the regular curriculum of the Centre for Mediation. Sustainability of the results created by the pilot projects might be achieved through alternative source of funding. Some spinoffs of those projects are occurring throughout Serbia. Sustainability of the serial "*Pridi bliže*" will occur by its re-running.

However, it is likely to expect that sustainability of the results will be secured by 19 publications produced by the projects. Those publications provide with guidelines, analyses, best practice models, case studies and public opinions that might significantly contribute to further development of the anti-discrimination legislation and practice at all levels.

CONCLUSIONS AND LESSONS LEARNED

Conclusions

The final evaluation concludes that the project intervention had all the necessary elements to be assessed as a positive example of project development. The project succeeded in delivering most of the expected results and in meeting specific objectives, working in very complex circumstances. The most significant result of the project is its contribution to the adoption of the Law on the Prohibition of Discrimination, which had been pending since 2002. The project team succeeded in reconciling the different points of confrontational parties from the Government and CSOs, as well as balancing out the negative attitudes of the traditional religious communities towards the legislative act. Moreover, the project achieved significant results in other fields, including successful advocacy to secure public funding for the CPE, development of the CPE's institutional capacity, training in the field of anti-discrimination, introduction and application of ADR and mediation techniques in the field of discrimination and public awareness on equality and anti-discrimination.

The overall quality of the project design was fair, yet the quality of the objectives and OVI was weak. Complex political situation that occurred after the Kosovan declaration of independence caused an initial delay of nine months to the project intervention. In the end, however, the project intervention was extended for almost a year at no additional cost.

The design of the project activities could be simplified. The project intervention included 24 project activities, often supplementing and complementing one another. Considering the timeframe of the project intervention (24 months) it should have been obvious that the project would not succeed in implementing all of the activities in the time due.

Therefore, there is a slight discrepancy between what was originally planned and what was later implemented. However, the changes applied during the project intervention contributed well to the fulfilment of the specific objectives, probably better than what could have been achieved through the initially planned activities.

The overall project design was fully relevant to the needs of the beneficiary groups, the Government of Serbia and its line ministries: MLSP and MHMR, the newly established Commissioner for the Protection of Equality (CPE) and all other institutions and organisations (including CSOs) devoted to the protection of human rights and protection against any form of discrimination. Moreover, the project is highly relevant to the EU integration of Serbia since it targeted issues that have been required in the country for quite some time.

The project was implemented in the framework of National Implementation Modality (NIM), which inferred that the project activities would be implemented in accordance with the national rules and regulations of MLSP, with UNDP providing necessary support services. The NIM modality was highly relevant to the nature of the project and contributed to the efficiency and effectiveness of the project activities. The project presents a successful model of implementation of the NIM modality and should be promoted for best practice in this regard.

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Generally, the project was managed by the Steering Committee, which was composed by the representatives of DEU, MLSP and UNDP. There were five Steering Committee meetings during the project intervention. At operational level, the project was managed by the PMU, though with the National Project Director maintaining the power of signature on all project matters. The UNDP officer was assigned to oversee the work of the PMU. This is a standard model for project management, combined with the NIM requirements.

Project monitoring was established through regular quarterly progress reports. During project implementation, the PMU produced ten progress reports, all of which were accepted by the DEU. In addition, in the first year of project intervention the EC had two external monitoring missions. The project did not have a mid-term evaluation.

The PMU was efficient in implementing the project results in a timely and cost-effective manner. A Project Manager with clear-sighted intellectual leadership skills, excellent academic qualifications and outstanding personal abilities led the PMU. The project coordinators also had good knowledge in both the field of operation and project management issues. The project team functioned very well together with team members being mutually supportive, which contributed significantly to the efficient implementation of such an overarching project intervention. The use of international and national consultants was also very good, properly managed and results-oriented.

In terms of effectiveness, the project succeeded to reach most of the indicators. In order to be cost-efficient, implementation of some activities were combined, which was a positive implementing strategy. Instead of creating the Advisory Panel, the project organised the essay competition. Activities related to Result 3 were late due to the belated appointment of the Commissioner. However, the PMU adequately adjusted the project activities in order to fully maximise the intervention for achieving the best possible results under the given circumstances.

Although the project intervention has only just finished, the project succeeded in generating positive impacts in a number of areas. Adoption of the Law on the Prohibition of Discrimination supported the Serbian aspiration to EU accession and, more directly, obtained the EU decision to allow Serbian citizens to travel without visas to the Schengen Area. Moreover, the impact has been visible in the drafting and adoption of new Laws that are further regulating the area of anti-discrimination. The Commissioner was appointed and the project contributed a great deal in the allocation of a necessary budget for the CPE to function, which contributed to the positive impact and sustainability of the CPE office. The project intervention developed a conference technique, which was applied by the Commissioner in solving the inter-community dispute of the village of Jabuka. However, results of the second public opinion poll showed how deeply-rooted are the problems of discrimination and inequality in Serbia.

The sustainability of most of the results has been achieved due to the nature of the intervention. The CPE's financial sustainability has been secured with the budget planning of 2011 and 2012.

Sustainability of the training modules related to ADR/Mediation and the implementation of the Law on the Prohibition of Discrimination have been secured by including them in the official curricula of the relevant public institutions that deal with those issues. Furthermore, sustainability of the results has also been secured through the 19 publications that were produced as part of the project intervention.

There is a need for further development of legislation and institutional mechanisms for protection of vulnerable groups. Therefore, the following recommendation is proposed:

Recommendation #9: UNDP should provide support to the CPE and other governmental institutions and line ministries in the further development of legislation and institutional mechanisms for the protection of vulnerable groups, particularly the Roma and Lesbians, Gays, Bisexuals and Transsexuals (LGBT), but also national minorities, women, and persons with disabilities. In this regard, UNDP should explore options for partnership under EU IPA Component I funding.

Lessons Learned

The project implementation generated a significant number of lessons and those have been reported on throughout the final evaluation report. However, it is important to separately document the key lessons here, thereby creating the possibility of their usage in future interventions of a similar kind.

- For successful project intervention it is important to have a strong team with excellent skills of interpersonal communication between them. The project shows that team-building meetings at the beginning of the intervention as well as multiple retreat meetings during the project were able to significantly increase team spirit, develop confidence and increase the efficiency of the team's performance. In addition, the practice of organising planning workshops externally from the office premises contributed to the better oversight of all activities and tasks that had to be done in the forthcoming period, as well as to better synergy between different project components;
- In order to successfully implement the complex project intervention in a politically sensitive environment, the project team combined advocacy and lobbying with networking and mobilising of all key actors. This modality created great results in reaching a consensus on the draft Law on the prohibition of discrimination, on securing the budget for the CPE even before the Commissioner was appointed, and on many other issues that occurred during the project's implementation.

Recommendation #10: UNDP should promote this project as a model of best practice in the implementation of complex multi-stakeholder and politically-sensitive project interventions. In this regard it is recommended to conduct further research, analysing in detail all aspects of the intervention that led to the successful implementation of this project.

ANNEXES

Annex 1: Logical Framework

Log Frame Analysis: Support to the Implementation of Anti-Discrimination Legislation and Mediation in Serbia			
Overall objective	Objectively verifiable indicators	Sources of verification	Assumptions
To support the government of Serbia in building a society governed by laws and institutions ensuring equal treatment for all	Recognition from observers, in particular civil society organisations (CSOs), vulnerable groups’ representatives and international organisations, indicating respect for anti-discrimination norms, equality before the law and Serbia’s compliance with EU criteria set forth on equal treatment	Reports by EU, other international observers, on the level of enjoyment of human rights. (In particular with regard to t anti-discrimination) Reports by civil society organisations (CSOs) and vulnerable groups’ representatives, including specialist human rights NGOs, on Serbia’s advances with regard to anti-discrimination and rule of law issues.	Political and social stability. Political commitment to democratic principles maintained.
Project purpose	Objectively verifiable indicators	Sources of verification	Assumptions
To provide adequate legal protection against discrimination, thereby fulfilling one of the key requirements for the European integration of Serbia.	Implementation of normative anti-discrimination framework, and development of effective antidiscrimination policy.	Legislation “White Paper” with normative recommendations produced. Draft Laws and amendments created and passed in Parliament. Cooperation between governmental and non-governmental actors and experts, within process of implementation Anti-discrimination Law.	Government committed to the process of developing a normative anti-discrimination framework
To complete the legislative process with regard to anti-discrimination in Serbia, while taking into account the needs for coordination between different sector legislation.	Develop comprehensive anti-discrimination legislation covering all pertinent grounds of discrimination, thereby advancing system of human rights protection.	Polls, interviews with beneficiaries, participants at various stages of the process and the wider public.	Government ready to support inclusion of relevant stakeholders in the process
To establish appropriate institutional structures for the implementation of the legislation to be adopted.	Establish Commission for Protection of Equality and strengthen Ministry of Labour and Social Policy and other relevant institutions.	Progress reports by PMU and UNDP; reports by monitoring and evaluation UNDP consultants.	In case of a change of government, the new government committed to continue process of

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<p>To bolster anti-discrimination policies by enhancing the availability of mediation and ADR tools, thus reducing reliance on formal litigation.</p> <p>To incorporate a strong public awareness component into all anti-discrimination policies, aimed at disseminating consciousness of the existence of legal remedies and of the underlying values of anti-discrimination.</p>	<p>Adoption of the legislative framework required to fulfil international standards in the field of antidiscrimination. Improved position of vulnerable groups in Serbia and their inclusion in the process of creating of future anti-discrimination policies.</p> <p>Raised awareness with regard to preventing and combating discrimination.</p>		<p>developing and implementing anti-discrimination normative and institutional framework agreed</p> <p>In case of Parliamentary Elections, new Parliamentary set-up is open to cooperation with UNDP on the project</p>
<p>Results</p>	<p>Objectively verifiable indicators</p>	<p>Sources of verification</p>	<p>Assumptions</p>
<p>Established a Project Management Unit (PMU) in the Ministry of Labour and Social Policy and defined the project implementation framework.</p> <p>Government of Serbia, judiciary, civil society and other key stakeholders with increased capacity to monitor discriminatory practices and lead an effective antidiscrimination policy.</p> <p>CPE (upon its establishment) and other institutions involved in the promotion of equal treatment equipped with competencies and resources needed for an effective</p>	<p>1. Number of staff of recruited to Project Management Unit (PMU) according to clear ToRs; Internal procedures defining roles and functions of the PMU staff defined;</p> <p>2. Advisory Panel with Network of Focal Points is established, Mechanism for the Monitoring of Discriminatory Practices on the territory of the Republic of Serbia is developed, Governmental capacities for implementation and monitoring of Anti-discrimination Policy are increased as measured by the systematic Analysis (Baseline Study) of capacity assessment needs.</p> <p>3. Commission for the Protection of Equality (CPE) established, CPE capacities are developed as measured by the Systematic Analysis (Baseline Study) of capacity assessment needs;</p>	<p>1. Regular progress reports by UNDP, PMU; Internal PMU procedures;</p> <p>2. Composition of Advisory Panel; Reports on developing Monitoring Discriminatory Practices Plan, including consultation process (meetings etc) M&E progress reports by UNDP consultants, covering both all levels of the process;</p> <p>3. Progress reports by PMU on CPE establishment; Reports from training sessions and interviews with participants; Guidelines for the selection of CPE cases will be a source of verification for its content, recommendations, and</p>	<p>Expediency in creation of Advisory Panel, with Government support.</p> <p>Government and civil society open for partnership and committed to participatory policy dialogue.</p> <p>CSO input of good quality; appropriate M&E indicators developed</p> <p>MLSP committed to project and its monitoring and evaluation</p> <p>Monitors carry out their</p>

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<p>implementation of antidiscrimination act</p> <p>Anti-discrimination acts and policies developed and harmonised with European and international standards.</p> <p>Increased role of conflict prevention through new mediation and ADR structures.</p> <p>General public and target groups aware of the importance and role of</p>	<p>CPE is fully operational and able to discharge its duties, including receive and reply to individual cases in a timeframe defined by the Draft Anti-Discrimination Act.</p> <p>4. Legislative Development Working Group (WG) established, White Paper on the reform and implementation of antidiscrimination legislation developed, Specific pieces of legislation developed.</p> <p>5. ADR and Mediation Task Force established Recommendations to the CPE by the Task Force on an functioning, coherent, unified ADR system. ADR (e.g. mediation, arbitration, or combination) Strategy produced in which all levels of government are connected through referral system of checks and balances. Training Manual in ADR and Mediation developed in cases of discrimination. Pilot projects established in select municipalities where ADR is institutionally incorporated. Information materials distributed in mediation centres. Specialized mediation certification program conducted by the Mediation Centre and Task Force</p> <p>6. Public Awareness and Advocacy Strategy Developed and Implemented, TV serial</p>	<p>quality;</p> <p>4. Reports and comments issued by international organizations, human rights NGOs, on draft Anti-discrimination Law and its implementation; Recommendations, on the set of laws and provisions to be amended and adopted in order to harmonise provisions contained with specific pieces of legislation with the general antidiscrimination law will be source of verification for its content, recommendations, and quality; “White Paper” will be a source of verification for its content, recommendations, and quality.</p> <p>5. Progress reports by PMU on ADR and mediation activities; Reports from training sessions and interviews with participants; Number of local communities that participate in the project; Strategy for usage of ADR and mediation within procedures before CPE will be source of verification for its content, recommendations, and quality.</p> <p>6. Progress reports by PMU on public awareness and advocacy strategies; Polls and studies of</p>	<p>role; develop and use analytical skills and feed into the process of learning</p> <p>Interest by governmental and non-governmental sector in the issue of mediation</p>
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antidiscrimination reforms	(Entertainment Education Serial) produced and broadcast, Roundtables/panels on Anti-Discrimination Act with participants from government and non-government sectors, judiciary, media and other public officers whose behaviour may directly affect discriminatory practice held, Activities concerning antidiscrimination awareness in schools implemented.	beneficiaries, vulnerable groups and the general public; Amount of media coverage (ascertainable through media clipping agencies) of roundtables/panels and other public events organised as part of the project. Comments compiled at public consultation events such as roundtables/panels.	
Activities	Means	Costs	Assumptions
Activities related to capacity building and the provision of institutional support to the MSLP and other bodies charged with implementing anti-discrimination normative framework, monitoring its realization and policy-making in this field Activities related to the support to further legislative development Activities related to the development and strengthening of alternative dispute resolution and mediation tools Activities related to awareness raising in the field of Anti-discrimination	Technical Assistance Government of Serbia/MSLP Office space Technical Assistance PMU staff salaries International and local advisers Recruitment of activity coordinators Technical assistance in harvesting and managing knowledge to inform policy process; preparing, printing and publishing project materials International expertise and recruitment of CSOs that have experience in ADR and mediation issues in the region.	See Attached budget, Annex 1	Appropriate technical expertise available on time Implementation of project activities as planned The space provided by the Government is suitable Adequate equipment procured and functioning Timely identification of the staff and consultants Preconditions: Proper information / knowledge sharing is ensured among all project partners

Annex 2: List of Publication produced by the project

1. Analiza početnog stanja u oblasti institucionalnih kapaciteta za sprovođenje antidiskriminacionog zakonodavstva u Srbiji
2. Analiza Zakona o ravnopravnosti polova
3. Anti-Discrimination in Serbia and Vulnerable Social Groups
4. Baseline Analysis of institutional capacities for implementation of antidiscrimination legislation in Serbia
5. Report on the Capacity Development and Institutional Strengthening of the Commissioner for the Protection of Equality
6. Public Opinion about Discrimination and Inequality in Serbia - February 2009
7. Public Opinion about Discrimination and Inequality in Serbia - October 2010
8. Perspektive primene tehnika alternativnog rešavanja sukoba u slučajevima diskriminacije u Srbiji - drugi izveštaj
9. Izabrani eseji sa javnog konkursa Zaštita ravnopravnosti i promovisanje jednakosti građana
10. Guide for the Application of Negotiation and Mediation Techniques in Situations of Discrimination
11. Izveštaj o razvoju kapaciteta i institucionalnom jačanju službe Poverenika za zaštitu ravnopravnosti
12. Javno mnjenje o diskriminaciji i nejednakosti u Srbiji - februar 2009
13. Javno mnjenje o diskriminaciji i nejednakosti u Srbiji - oktobar 2010
14. Perspectives for the use of Alternative Dispute Resolution Techniques in Cases of Discrimination in Serbia
15. Perspektive primene tehnika alternativnog rešavanja sukoba u slučajevima diskriminacije u Srbiji
16. Ravnopravnost polova u političkom životu
17. Vodič za primenu tehnika pregovaranja i medijacije u slučajevima diskriminacije
18. Zabrana diskriminacije u Srbiji i ranjive društvene grupe
19. Zakon o zabrani diskriminacije

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Annex 3: List of Interviewed people⁶⁸

Name ⁶⁹	Function	Institution
Aleksandra Miletić	Civil servant	Ministry of Labour and Social Policy
Đorđije Vuković	Project Coordinator	Project Management Unit
Jelena Manić	Programme Officer	UNDP Cluster on Capacity Development and Accountable Governance
Maria Mitić	Project Manager	Project Management Unit
Maša Đuković	Project Coordinator	Project Management Unit
Milovan Batak	Project Coordinator	Project Management Unit
Nevena Petrušić	The Commissioner	The Commissioner for the Protection of Equality
Olivera Purić	Cluster Manager	UNDP Cluster on Capacity Development and Accountable Governance
Olivera Vučić	Project Coordinator	Project Management Unit
Saša Gajin	Human Rights Expert	Coalition Against
Svetlana Đukuć	Task Manager	Delegation of the European Commission to the Republic of Serbia
~ 20 participants interviewed at the margins of the final conference, held in 15-16 November 2010. ⁷⁰		

⁶⁸ Due to the time-pressure of the final evaluation mission, the methodology included interviews with limited number of key stakeholders and the project staff, while other findings were confirmed through secondary sources.

⁶⁹ In alphabetical order

⁷⁰ The Evaluator was present at the final Project Conference, where he interviewed about 20 stakeholders from beneficiary institutions and other conference participants. Their views and responses were taken into consideration when findings and recommendations were designed.

Annex 4: Terms of Reference

Title: National Consultant Final Evaluation

Project: Support to the Implementation of Antidiscrimination Legislation and Mediation in Serbia

Reporting to: Project manager

Duty Station: Belgrade

Duration: 1 November to 12 December 2010) - (output based consultancy)

Type of Contract: Special Service Agreement (SSA) – for free lance consultant or Reimbursable Loan Agreement (RLA) - if the consultant is working with institution or government or university

Background of the assignment

Purpose

The purpose of this consultancy is to undertake the Final Evaluation of the "**Support to the Implementation of Antidiscrimination Legislation and Mediation in Serbia**" project, funded by the Delegation of the European Union.

Objective

The objective of the evaluation is to assess project's relevance, effectiveness, efficiency, sustainability and impact and provide recommendations for future engagement in this field.

Background Information

The Draft Anti-discrimination Act was prepared by the Agency for Human and Minority Rights of the Republic of Serbia and UNDP, in partnership with the European Agency for Reconstruction (EAR) under the 2005 CARDS programme, as part of the first phase of the intervention. This Draft Act was elaborated with governmental support and in cooperation with international agencies. It substantiated the policy statements of the government and confirmed a trend, which was already initiated in sector legislation. In order to increase the impact of the legislative work undertaken within the first phase of the project, and to guarantee the effectiveness of present and forthcoming provisions, the "Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia" Project has been implemented by the Ministry of Labour and Social Policy and UNDP in partnership with the Delegation of the European Union in Serbia. The Project is composed of the following components:

- Institutional support to the agencies and bodies involved in the implementation of current and future antidiscrimination legislation;
- Enhancing and mainstreaming further legislative developments in the field of antidiscrimination;
- Strengthening the role of alternative dispute resolution mechanisms in the overall implementation of antidiscrimination provisions;
- Awareness raising within key groups and the society at large on the importance of equal treatment and the relevance of new antidiscrimination rules

Duties and Responsibilities

Scope of Work

- a) Assess the status of the outcome (i.e. antidiscrimination in Serbia) and estimate the degree of project's contribution to it
- b) Assess and evaluate the degree to which the project activities listed in the Project Document have been successfully implemented.
- c) Assess and evaluate the extent to which the targeted beneficiaries have benefited from the project activities.
- d) Identify challenges, constraints and lessons learnt.
- e) Present recommendations and specific actions that need to be taken to ensure the success for future engagement in the area.

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The evaluation is expected to take place from November 2010 to December 2010 and must be completed by 12 December 2010.

Evaluation Methodology

The evaluation approach has to respond to standard practices in projects' evaluation. The methodology will cover:

- Review of programme documentation and monitoring records and relevant reports.
- Organize interviews with key staff involved in the project implementation.
- Organize interviews with relevant stakeholders in all the project pillars (government, CSOs, local self-governments etc.).
- Hold discussions with members of the project team and project beneficiaries to assess project's relevance and effectiveness of project implementation, take note of their perceptions of accomplishments and potentials for further development and provide early suggestions for management response to evaluation findings. To this purpose, the evaluator will undertake a field mission to Serbia.
- Prepare the Draft Report, Executive Summary and the Final report.

A complete set of information sources on the project will be made available to the evaluation expert, as follows:

- Project documents;
- Progress reports;
- Key documents (policy analyses, researches, surveys) produced by the project;
- Training tools, learning packages and other publications;

Objectively verifiable data should be used where available, to as much as possible supplement evidences obtained through interviews and focus group discussions.

Deliverables and Timeline

It is expected that the evaluation will be completed within 65 working days, with the following deliverables due:

- The work plan and methodology are presented prior to the commencement of the assignment,
- More detailed report outline (15th day of evaluation)
- Draft Evaluation Report and Executive Summary (35th day of evaluation)
- Final Draft Evaluation Report and Executive Summary (60th day of evaluation)
- Final Evaluation Report and Executive Summary (70th day of evaluation)

The Consultant should also attach the following appendices:

- A list of documents used
- A list of the people consulted
- Any major reports / minutes of meetings with key stakeholders

The measurable output upon which the final payment will be based will be a detailed Final Evaluation Report.

Outputs	Duration	Deadline
Report outline	15 days	15 November 2010
Draft Evaluation Report in accordance with the TOR on approximately 20 pages including the executive summary	30 days	1 December 2010
Final Evaluation Report Draft in accordance with the TOR on approximately 20 pages including the executive summary Final report will be due 10 days upon receiving comments from UNDP on the	40 days	10 December 2010

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final draft.		
Upon submission of the final evaluation report, presented findings of the evaluation to representatives of MLSP and key stakeholders.	42 days	12 December 2010

The performance indicator for evaluation of the report will be:

- Report is written in clear language,
- Well documented and supported findings,
- Provides concrete, sufficient and implementable recommendations.

Formal approval for the payment will be given by the UNDP Project Manager upon acceptance of the Evaluation Report.

The enclosed UN(DP) evaluation report format and quality criteria constitute the integral part of this ToR – Annex 1.

Evaluation Ethics

The evaluations in UNDP will be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation (UNEG 2007). Code of conduct for Evaluators will be provided at the mission's outset.

Competencies

- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Displays ability to synthesize research and reach empirically based conclusions on related subjects;
- Displays capacity to provide seasoned advice on best practices, to address broader issues outside the field of specialization;
- Possesses knowledge of inter-disciplinary development issues
- Proven capacity to produce reports (e.g. technical publications, training manuals and draft resolutions)
- Focuses on result for the client and responds positively to feedback
- Consistently approaches work with energy and a positive, constructive attitude
- Remains calm, in control and good humored even under pressure

Qualifications

Education:	<ul style="list-style-type: none"> • Advanced University Degree in social science, public administration, Economics, Organizational Science or another relevant field.
Experience:	<ul style="list-style-type: none"> • At least 5 years of relevant experience at the national or international level in providing consultancy work related to human rights, civil society or related field; • Experience in evaluating and monitoring technical cooperation activities and projects; • Profound knowledge of human rights policy in Serbia and Europe; • Experience in antidiscrimination theory and practice in Serbia would be an asset; • Demonstrated excellent potential for complex analysis within tight deadlines; • Initiative and strong communication and negotiation skills.
Language Requirements:	<ul style="list-style-type: none"> • Excellent command of Serbian and English languages, written and spoken.

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Prepared by: Marija Mitic, Project Manager ADII.
Reviewed by: Jelena Manic, Program Officer
Reviewed by: Daniel Varga, Programme Associate/Learning Manager
Cleared by: Slobodanka Torbica, HR Associate
Approved by: Olivera Puric, DRR a.i.

Application Procedure:

The following are steps for on-line application:

- Submit the application through the UNDP Serbia Jobs website:
<http://www.undp.org.rs/?event=public.jobs>
- Upload completed and signed Personal History Form (P.11) in the required resume field. The P.11 form can be downloaded from: http://www.undp.org.rs/download/P11_SC_SSA.doc;
- The short-listed candidates only would be requested to submit a **letter of interest including a price quotation** indicating the lump sum requested for the work and travel envisaged in the section "Duties and Responsibilities".

Additional Information:

- Special Service Agreement (SSA) will be applicable for individual consultants applying in their own capacity. If the applicant is employed by any legal entity, SSA would be issued upon submission of Consent letter from the employer acknowledging the engagement with UNDP. Template of SSA with General Terms and Conditions could be found on:
http://www.undp.org.rs/download/SSA_Contract%20with%20General%20Terms%20and%20Conditions.doc
- Reimbursable Loan Agreement (RLA) will be applicable for applicants employed by any legal entity that cannot provide Consent letter from employer for engagement with UNDP. Template of RLA with General Terms and Conditions could be found on:
<http://www.undp.org.rs/download/RLA%20with%20General%20Terms%20and%20Conditions.doc>
- In the case of engagement of Civil servants under SSA contract modality a Letter of release and unpaid leave by the Government entity is required.