

Programme-Informing Evaluation of the 2014-2017 Child Rights Monitoring System in Montenegro and Planned Approach to CRM under the 2017-2021 Country Programme

EVALUATION REPORT



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1. DEFINITIONS

CCR	National Council on Child Rights
CEDAW Committee	UN Committee on the Elimination of Discrimination against Women
CRC	UN Convention on the Rights of the Child
CRC Committee	UN Committee on the Rights of the Child
CRM	Child rights monitoring as defined in section 3.1 of this report
CRM mechanisms/ system	The nine child rights monitoring mechanisms in Montenegro
DAC	Development Assistance Committee
DO	Deputy Ombudsperson for Children, Social Protection and Youth
GANHRI	Global Alliance of National Human Rights Institutions
KII	Key informant interview
MoE	Ministry of Education
MoF	Ministry of Finance
MoFA	Ministry of Foreign Affairs
MoHMR	Ministry of Human and Minority Rights
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLSW	Ministry of Labour and Social Welfare
MoS	Ministry of Sport
MONSTAT	Statistical Office of Montenegro
NHRI	National human rights institutions
NPAC 2013-2017	2013-2017 National Action Plan for Children, adopted by the Government of Montenegro

OHCHR	Office of the High Commissioner for Human Rights
Ombudsperson's Law	Law on the Protector of Human Rights and Freedoms of Montenegro 2003, as amended in 2011 and 2014
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
Paris Principles	Principles relating to the status of national institutions for the promotion and protection of human rights, adopted by General Assembly resolution 48/134, 20 December 1993
PRIS	Judicial Information System
SCA	Sub-Committee on Accreditation, Global Alliance of National Human Institutions (GANHRI)
SWIS	Social Welfare Information System
ToC	Theory of Change
ToR	Terms of Reference
UN	United Nations
UNDP	UN Development Programme
UNEG	United Nations Evaluation Group
UNFPA	United National Population Fund
UNHCR	United Nations High Commissioner for Refugees
UN Swap	UN System-Wide Action Plan for the Implementation of the Chief Executives Board for Coordination UN System-Wide Policy on Gender Equality and the Empowerment of Women
UPR	UN Universal Periodic Review

2. EXECUTIVE SUMMARY

2.1 Objective, object, purpose and users

This report presents the findings, conclusions and recommendations stemming from an evaluation of the child rights monitoring ('CRM') system in Montenegro at the national and local levels for the period from January 2014 to October 2017, in light of the Government of Montenegro and UNICEF's planned approach to strengthening the CRM system under the 2017-2021 Country Programme. The evaluation was commissioned by the UNICEF Country Office in Montenegro and conducted by Coram International at Coram Children's Legal Centre.

The overall purpose is for UNICEF and key national stakeholders (notably the Government of Montenegro; Parliament; the Ombudsperson and particularly the Deputy Ombudsperson for Child Rights, Social Protection and Youth ('DO'), civil society organizations (CSOs) and academia) to use the recommendations, knowledge and insights from the evaluation to inform the development of UNICEF–Government joint programming under the new 2017-2021 Country Programme. Secondary or indirect beneficiaries include children, parents, caregivers, professionals and practitioners who work with children, and others who may benefit from the use of the evaluation by the primary target audience.

The 'CRM system' – the first object of the evaluation – is defined as comprising the following CRM mechanisms: state party, CSO and Ombudsperson reports to the UN Committee on the Rights of the Child ('CRC Committee') and the UN Committee on the Elimination of Discrimination against Wom-

en ('CEDAW Committee'); annual reports of key line ministries and parliamentary committees; annual reports on the implementation of the 2013-2017 National Plan of Action for Children ('NPAC 2013-2017'); annual reports of, and the handling of individual complaints concerning alleged violations of child rights by the Ombudsperson; and state reports to the Universal Periodic Review ('UPR').

The theory underlying UNICEF's planned approach to CRM under its 2017-2021 Country Programme – the second object of the evaluation – may be summarized as follows: by working towards (i) improvements in the functioning of the CRM system and (ii) raising the awareness of CRM stakeholders and the general public of the importance of child rights and the CRM system, the 2017-2021 Programme Document will result in all girls and boys in Montenegro progressively utilizing a well-governed and accountable CRM system by 2021, contributing towards the overall goal of enhancing equitable systems for the progressive realization of the rights of girls and boys in Montenegro, with a special focus on children affected by poverty, adversity and exclusion.

2.2 Methodology

The conceptual framework for this evaluation is rooted in the CRC and international standards relating to CRM. Furthermore, the evaluation criteria, questions and indicators for analysis were developed based on the Organization for Economic Cooperation and Development/Development Assistance Committee's ('OECD/DAC') Principles for Evaluation of Development Assistance: relevance; effectiveness; efficiency;

and sustainability, with the addition of two additional criteria (coordination, and mainstreaming of cross-cutting equity issues) which were considered important in light of the objectives of the evaluation. Given that this is a programme-informing evaluation, the evaluation of the impact or unintended impact was not considered a priority or possibility at this stage, although the evaluation sought to produce knowledge and insights to develop recommendations on how UNICEF interventions may be developed to contribute to the desired impact. Outlined below are the evaluation questions:

- **Relevance:** How can the planned CRM interventions be aligned with the needs of boys and girls in Montenegro and the priorities and policies of CRM stakeholders?
- **Effectiveness:** How can UNICEF best support CRM stakeholders to develop the CRM system at both the central and local levels to ensure that girls and boys in Montenegro, including those who are particularly marginalized or vulnerable to discrimination, have access to an accountable CRM system?
- **Efficiency:** How can UNICEF support key CRM stakeholders in developing an efficient CRM system?
- **Sustainability:** How can UNICEF support key CRM stakeholders in developing a sustainable CRM system?
- **Inter-sector coordination:** How can UNICEF best support the development of effective and sustainable inter-sector coordination between CRM stakeholders in the performance of their CRM functions?
- **Impact:** How can UNICEF support key CRM stakeholders to develop a CRM system that contributes towards the progressive realization of the

rights of girls and boys in Montenegro, including children who are particularly marginalized or vulnerable to discrimination?

- **Cross-cutting equity issues:** How can UNICEF support the key CRM stakeholders to ensure that gender and other relevant equity-based considerations are mainstreamed in the CRM system and activities of the CRM mechanisms?

This evaluation adopted a non-experimental design and was primarily qualitative, although it included analyses of secondary quantitative data to facilitate triangulation and interpretation of the qualitative findings. Data collection techniques included: a desk review; semi-standardized interviews, and focus group discussions with children at three research sites (Podgorica; Bijelo Polje and Herceg Novi); a review of a random sample of the Ombudsperson's case files; and a validation meeting to refine and validate the findings and recommendations. The evaluation was carried out according to UNICEF's and Coram International's ethical standards.

2.3 Key findings

2.3.1 Likely impact

The activities of the key CRM stakeholders and mandates of the CRM mechanisms are broadly relevant to the needs of boys and girls in Montenegro. However, at the present time, the CRM system is not functioning at its full capacity in terms of relevance, effectiveness, efficiency, sustainability and coordination. The challenges are associated largely with: the collection, analysis and use of accurate and disaggregated data; knowledge and skills retention within CRM stakeholder bodies; the allocation of financial resources to CRM and child rights matters; and the development of a culture of accountability. Accurate data on the imple-

mentation of the recommendations of the Ombudsperson concerning violations of child rights is also lacking, making a full assessment of the impact of its activities impossible at this stage. Together, these challenges may inhibit the potential for the CRM system to achieve the desired **impact**. One key finding, however, was the good level of engagement by the ministries, the Ombudsperson and CSOs involved in reporting on the implementation of child rights to the various international CRM mechanisms.

2.3.2 Inter-sector coordination

Despite the clear mandate of the national Council on Children's Rights (CCR) to conduct CRM, it is not currently achieving effective **inter-sector coordination** amongst the different CRM mechanisms. This is particularly noticeable in relation to civil society and the CRM stakeholders at the local level. Challenges stem from: weak lines of accountability and supervision, most notably between the CCR and the top levels of the government; the absence of a structured operational framework with clearly defined goals and duty bearers; limited human and financial resources and capacity; a lack of awareness or understanding by national CRM stakeholders of their CRM obligations; no established links with CRM stakeholders at the local level; and a strained relationship between the government and segments of civil society. The decision to locate the CCR within the MoLSW has served to perpetuate an erroneous belief that CRM is mainly the responsibility of this line ministry rather than that of the state, and has not succeeded in increasing the capacity of the CCR.

2.3.3 Relevance

Of the CRM mechanisms, periodic reports issued by line ministries and parliamentary committees are less relevant to children than the more specific CRC and CEDAW periodic reports or the annual reports on

the implementation of NPAC 2013-2017, which are targeted at improving children's rights. This gap is exacerbated by a lack of recognition by certain ministries (notably the Departments for Gender Equality of the MoHMR and MoH) and the Parliamentary Committee on Education, Culture and Sport, that children's matters fall within their mandates. This finding is particularly problematic when matters relating to children or groups of children, such as girls, intersect a number of ministries or parliamentary committees. The expansion of the mandate of the DO in 2016 to include youth and social protection issues without a corresponding increase in staff risks diluting the time and capacity available to address children's issues. This must be regarded as having an impact on the relevance of its workload. At present, the Office of the Ombudsperson is not fully complying with the Paris Principles in relation to the selection and appointment of staff. However, there is evidence of the Ombudsperson carrying out effective promotional activities concerning child rights and engaging with universities to develop and deliver teaching and research programmes as per the Paris Principles, increasing its relevance as an NHRI.

The Country Programme and its theory of change are not fully relevant to the needs of boys and girls in Montenegro as they do not address the need for a well-coordinated CRM system integrated within central and local government. The needs of particularly hidden or vulnerable groups of children are not as yet sufficiently mainstreamed in the outputs and indicators of the theory-of-change document.

There are several notable existing and planned CRM interventions which can be aligned with the Country Programme, such as the development of a new NPAC, local action plans and the pilot data management tool currently being developed by the government with the support of the OHCHR. Existing awareness-raising mechanisms, particularly the Ombudsperson's Network

of Golden Advisers, are potentially excellent avenues for strengthening child participation and awareness raising under the new Country Programme, but are not currently factored into the design or implementation of this document.

2.3.4 Effectiveness

Data collected across all government bodies on child rights is primarily quantitative and does not provide sufficiently disaggregated data (by gender, age, ethnicity, rural/urban location, disability or other status) to enable identification of the gaps or inequities in the enjoyment of child rights across the country. Where data is collected, it does not appear to be analysed or shared between CRM stakeholders on a systematic basis, resulting in large volumes of collected, unanalysed data.

While the CRM structures are in place, it appears that those responsible for operating the structures are not always clear what to do with, or how to use, the information they gather. There is little evidence that the data obtained as a result of CRM is being used in a systematic manner to influence child-related laws, policies or programming, or to hold duty bearers to account.

Specifically, regarding the DO, the lack of accurate disaggregated data on individual complaints prevents a complete assessment of its effectiveness as a CRM mechanism. At the present time, the Office of the Ombudsperson does not appear to be using the full range of its statutory powers to encourage the protection of child rights or enforcement of their recommendations. In terms of accessibility, children were generally vague or unclear about the role of the Ombudsperson. Children in Bijelo Polje reported that the Ombudsperson was far removed and not very visible to them, with similar reports also being made by children in Herceg Novi. In the vast majority of FGDs, children stated that they would not report rights violations, particularly those occurring within the

family. Where children said that they would report them, the Ombudsperson did not appear amongst the list of bodies to which they would report. The main reason for this was fear of the repercussions and a lack of trust in the institution.

The ToC document for the Country Programme does not fully address the key barriers to developing an effective CRM system, although these barriers are better reflected in the broader theory that was developed for this evaluation. Most importantly, the ToC does not yet incorporate a component that highlights the importance of the government's responsibility for CRM, which is essential for developing a culture of accountability.

2.3.5 Efficiency

All CRM stakeholders, including the Ombudsperson and the DO, government ministries and departments, parliamentary committees, CCR and NGOs, face financial resource challenges. This is due to a combination of a lack of budgetary allocation for children's matters generally, and the absence of specific budgetary allocation to CRM activities. Furthermore, the human resources within the CRM mechanisms are not of a sufficient quantity nor, for the most part, quality, due to a combination of factors including understaffing, lack of training and challenges in the ways in which staff are employed.

In relation to the DO, there is insufficient filtering and categorization of the individual complaints and inquiries concerning children submitted to it, many of which are inadmissible, giving an inaccurate reflection of the DO's caseload and resulting in an inefficient use of limited staff time.

2.3.6 Sustainability

Knowledge and skills retention in the CRM system appear to be threatened, not so much by staff turnover, but rather by fund-

ing and resource constraints that lead to uncertainty and burn-out among staff. Other contributory factors include the absence of tools or guidelines to support stakeholders in carrying out their CRM activities or in systematizing CRM practices, and limited opportunities for ongoing training on CRM and research on child rights. CRM activities focusing on raising awareness of child rights are generally funded by international donors, limiting their sustainability. However, the Ombudsperson's Network of Golden Advisers is an example of a potentially sustainable awareness-raising initiative, which benefits from being incorporated into the Ombudsperson's activities.

2.3.7 Cross-cutting equity issues

Different CRM stakeholders, particularly line ministries and departments, the Ombudsperson, public bodies and CSOs, collect quantitative data concerning children. However, the data is generally not disaggregated by age, sex, disability, ethnic or social origin or urban/rural areas. This acts as a barrier to both understanding and ensuring the mainstreaming of gender and other cross-cutting equity concerns in the CRM system. Where data is collected, it appears that it is subject to limited analysis and is not used on a regular basis to inform policy, service delivery or practice for marginalized groups. This, in turn, limits recognition of, and accountability for, inequities in the realization of child rights. Data is shared most commonly as a result of data requests rather than as a result of systematized reporting.

2.4 Conclusions

2.4.1 Government

Encouragingly, there is an acknowledgement within the government that under international standards, the state is primarily responsible for monitoring child rights, and

that it has a duty to establish a coordinated mechanism within the government, that is separate to the Ombudsperson, to achieve this aim. However, at present, there is still insufficient recognition that CRM obligations naturally fall to *all* line ministries and departments involved in children's matters and transcend the MoLSW to include the MoHMR, MoH, MoE, MoF, MoFA, MoJ, the Directorate General of Youth in the Ministry of Sport and local government bodies, amongst others.

The evidence gathered for this report also demonstrates a need to strengthen the knowledge and understanding within the government of what it means to '*monitor*' child rights, and that CRM extends beyond data collection and periodic reporting to include a proactive process of collecting, verifying, analysing and using data to highlight shortfalls or inequities in the realization of child rights and to hold duty bearers to account. This obligation is an integral part of IPA 2014-2020.

Overall, there has been a low level of financial investment in the government's CRM activities which, when combined with the limited human resources, has had a negative impact on the effectiveness, sustainability and efficiency of the government's CRM mechanisms.

2.4.2 National Council on Children's Rights

The findings of this report are that the CCR is currently not achieving effective and sustainable inter-sector coordination within the government on CRM matters, and has no direct links to CRM stakeholders at the local level. Unfortunately, the positioning of the CCR within the MoLSW has not increased the government's capacity to perform CRM as initially intended and is, in fact, reinforcing the mistaken belief of some government bodies that CRM is the role of the MoLSW alone and not that of the government as a whole.

The challenges in achieving effective and sustainable inter-sector coordination are exacerbated by staff changes in the membership or attendance of the CCR. Further, the CCR is not seen by stakeholders as having the necessary capacity or authority.

2.4.3 Parliament

Parliament and, most notably, parliamentary committees are not taking full advantage of their key strategic position as a CRM stakeholder to question the government on its child rights record. This limitation is due in part to a lack of awareness by some parliamentary stakeholders of their CRM duties, the lack of consistent and reliable data to identify inequities in the realization of child rights in the first place, and a weak culture of accountability for CRM issues.

2.4.4 Ombudsperson

The Ombudsperson has not yet achieved 'A status' with the GANHRI under the Paris Principles, although it is making important advances towards this goal through the publication of its annual work reports, and strong engagement with the UN Committee on the Rights of the Child. However, the Ombudsperson lacks a strategic and policy framework to provide it with direction in its path towards achieving 'A status' and fulfilling its CRM mandate.

In addition, the Ombudsperson is not currently making full use of its statutory powers to encourage enforcement of its recommendations on children's matters. These gaps are hindering the Ombudsperson's effectiveness, efficiency, relevance and sustainability as a CRM mechanism.

Despite its evident commitment to raising awareness of child rights and strengthening children's access to the individual complaints mechanism, the Ombudsperson has not yet reached all groups of children, including children living outside the main towns. However, it should be emphasized

that implanting the Ombudsperson as a national mechanism available to children takes time and continuous awareness-raising activities that appeal to and are accessible to children.

2.4.5 Civil society and academia

CSOs participate actively in international CRM mechanisms. However, the relationship between some segments of civil society and the government appears strained, which is causing civil society's engagement in the CRM mechanisms at the domestic level to stagnate. Existing links between civil society and the government regarding CRM are in need of revival to encourage a dynamic public discourse on children's issues. In terms of human and financial resources, some NGOs are well resourced and have both the financial and human capacities to carry out CRM. However, even for these NGOs, barriers still remain, including the inability to secure long-term contracts that give a degree of certainty to the role they play in CRM, and staff retention. Academia is virtually non-existent in the CRM system, although the reported cooperation agreement between the Faculty of Law of the University of Montenegro and Ombudsperson provides an opportune gateway to strengthening the contribution of academia to this area.

2.4.6 Data collection, exchange, analysis, use and follow-up

Data collection, sharing and analysis are significant challenges to the successful functioning of the CRM system as a whole and deserve special mention. Overall, the collection and exchange of data by CRM stakeholders are largely reactive and meant for the purposes of international reporting, in response to requests, or pursuant to ad-hoc research projects rather than on a systematic basis. Importantly, where data on the situation of children is collected and shared by CRM stakeholders, it is in-

sufficiently disaggregated by gender, age, ethnicity, disability, geographical location or other status to enable effective CRM of marginalized and vulnerable groups of children. Although CRM stakeholders understand the need to collect data, as yet the data is not being used on a systematic basis to inform the development of laws, policies and programmes or to address gaps or inequities in the enjoyment of child rights. Furthermore, data from the CRM mechanisms is not being analysed and communicated to the relevant government or public bodies in a systematic or sufficiently targeted manner to encourage them to address these shortfalls. These challenges, combined with the lack of awareness of CRM obligations amongst some CRM stakeholders, are inhibiting the development of a culture that places value on the implementation of rights or accountability for child rights violations.

2.4.7 2017-2021 Country Programme

The theory of change underpinning this evaluation is sound, in that it addresses the need to continue strengthening demand for CRM (by focusing on awareness raising), as well as the supply of CRM (by focusing on creating a functioning and accountable CRM system). However, the actual theory-of-change document and framework of activities, outputs and outcomes do not fully address the priority areas that require reform, as highlighted in this evaluation. Most importantly, the theory-of-change document does not address the need to reform the CCR to achieve a well-coordinated, effective, sustainable and efficient CRM mechanism within the government that has collaborative links with local authorities, civil society, academia and the Ombudsperson.

Other notable gaps include the need to refine the legal and regulatory framework of the Ombudsperson and the DO, and to

mainstream the needs of particularly vulnerable and invisible groups of children throughout the outputs and indicators.

2.5 Lessons learned

According to the findings and conclusions from this evaluation, three key lessons have been learned:

- It is evident from the analysis that the establishment of CRM-reporting mechanisms are not enough in themselves to establish a fully-functioning and accountable CRM system. The government needs to ensure that sufficient funds are allocated for CRM activities; that there are strong lines of accountability; that the government's CRM mechanisms have the authority needed to address rights violations and influence change; and that CRM staff have a firm understanding, not only of the mechanics of the CRM mechanisms, but also of their purpose and underlying rationale;
- In order to achieve country-wide awareness of children's rights and the role of CRM mechanisms, such as the Ombudsperson, there is a need for constant awareness-raising activities involving both the continuation of existing initiatives and the incorporation of innovative ideas;
- Inter-sector coordination is crucial for achieving an effective CRM system and can only be achieved by an authoritative, adequately funded and staffed CCR, which focuses on developing links between CRM stakeholders at the national and local levels, and encourages collaboration between the government and civil society, as well as between the government actors themselves.

2.6 Recommendations

2.6.1 Reforming the national Council on Child Rights

It is recommended that the **government** consider:

- Prioritizing the CRM and children's issues on its agenda, in particular, by integrating these within its activities and strategies towards EU accession;
- Reforming the institutional structure of the CCR by establishing a multi-sector committee chaired by the deputy prime minister and including representatives from all line ministries involved in children's issues, including the MoFA, which is currently unrepresented on the CCR;
- Given the broad mandate of the CCR, which should broadly remain unchanged, the CCR should have its own secretariat staffed by a team of at least four full-time employees with expertise in and experience of working with children to ensure that the CCR can function on a day-to-day basis;
- Appointing a fifth, paid, staff member to the secretariat, who must have worked for, or be working for, an NGO specializing in children's issues. NGO members should be included on the appointment committee or board. This appointment should be for a duration of no longer than three years, and after that a new person appointed. The primary function of this person would to ensure that information and the views and experience of civil society in its widest form are represented on the CCR;
- Establishing, in collaboration with the Ombudsperson, civil society and academia, a small 'expert council' to the CCR consisting of professionals, academics or practitioners specializing

in child rights. The role of the expert council should be to provide the CCR with specialist advice and information on specific aspects of child rights, adding an extra level of expertise to the CCR, as well as further strengthening inter-sector collaboration;

- With the technical assistance of UNICEF, developing a new, *costed* NPAC via the CCR for the Country Programme period, rooting its activities and goals in the CRC, Optional Protocols, and recommendations of the CRC Committee, especially with regard to the most vulnerable and marginalized groups of children;
- Allocating financial resources to the CCR to cover the activities outlined in the action plan for the Programme Period; and
- **With the technical assistance of UNICEF**, establishing 'local councils on child rights' in all municipalities, mirroring the CCR. Similar to the approach of the gender councils and National Council on Gender Equality, local councils on child rights should monitor implementation of NPAC at the local level by developing, implementing and monitoring local action plans for children based on the NPAC. The progress of the local councils should be reported to and monitored by the CCR at the national level, which should follow up on issues of non-implementation directly with the relevant council.

2.6.2 CRM by Parliament

It is recommended that **Parliament**, including **all parliamentary committees that engage with children's matters**, should consider:

- Making full use of their powers to question the government on its CRM record, using the findings

of the Ombudsperson's reports, amongst other sources, to inform its deliberations; and

- Encouraging the development of a culture of accountability, making full use of its statutory powers to require the government to provide public statements in response to the Ombudsperson's reports on children's issues.

2.6.3 The Ombudsperson and Deputy Ombudsperson for Child Rights, Social Protection and Youth

It is recommended that the **Ombudsperson and DO** develop a costed strategy and work plan outlining their vision in the area of CRM for the next five years, including concrete goals and activities, within the broader objective of attaining 'A status' by the GANHRI. The strategy and action plan should factor in the following sub-recommendations, the achievement of which is likely to require the following **technical support from UNICEF**:

- Advocate for an amendment to the Law on the Ombudsperson or regulatory framework to improve the breadth and transparency of the selection and appointment process of the Ombudsperson and DOs, in line with the guidance issued by the SCA;
- Advocate for the amendment of the Law on the Ombudsperson to clarify the establishment of the position of a DO focusing solely on child rights;
- Review and refine its working protocols to improve its process of filtering and investigation of individual complaints, data collection and enforcement of recommendations in the area of child rights by making full use of its statutory powers. The protocols should also include firm time limits within which

final decisions in individual cases should be reached;

- **In collaboration with academia and professional training institutions**, assist in the development of teaching and research programmes in the area of child rights, using newly established links with the Faculty of Law of the University of Montenegro;
- Continue to raise awareness on child rights and the role of the Ombudsperson in relation to CRM, with enhanced use of social media platforms, competitions for children, targeted outreach initiatives to marginalized groups particularly in rural and remote areas, and continued participation of children in the design and implementation of such projects. These projects should also be designed and evaluated according to robust monitoring frameworks that assess outcomes and impacts of the initiatives, as well as implementation of activities.

2.6.4 Capacity building

It is recommended that **UNICEF consider providing technical assistance to the government and relevant professional training bodies, such as the Institute for Social and Child Protection**, to develop a knowledge - and skills-based, capacity-building, training-of-trainers course, focusing on broader education on children's rights; the aims, objectives and purpose of CRM and the CRM mechanisms; child rights budgeting; and the effective use of data to monitor child rights, with a view to working with professional training academies to integrate this course into existing training programmes for civil servants involved in CRM.

2.6.5 Data-collection and sharing mechanism

UNICEF and the government should consider extending its planned CRM activities under the Country Programme to strengthening national systems for data collection beyond SWIS and PRIS, including MEIS, the new judicial information system, 'ISP', and the collection of data by the MoH, to establish a harmonized data collection system for CRM bodies with the inclusion of disaggregated indicators according to gender, age, ethnicity, geographical local, and disability status.



3. BACKGROUND

3.1 Object of the evaluation

The UNICEF Country Office in Montenegro ('UNICEF Montenegro') has engaged Co-ram International as an independent consultant to conduct a programme-informing evaluation of: the child rights monitoring ('CRM') system in Montenegro at the national and local levels for the period from January 2014 to October 2017 ('Object 1'); and the development of UNICEF's planned approach to strengthening the CRM system in Montenegro under its 2017-2021 Country Programme ('Object 2').

The 'CRM system' consists of the following nine 'CRM mechanisms', as per the terms of reference for this evaluation in Appendix 8.B ('ToR') subject to adjustments made during the inception phase of the project (see section 3 for more details):

1. State-party reports to the UN Committee on the Rights of the Child ('CRC Committee') and the UN Committee on the Elimination of Discrimination against Women ('CEDAW Committee');
2. Shadow reports of civil society organizations to the CRC Committee and CEDAW Committee;
3. Shadow reports of the Ombudsperson's Office to the CRC Committee;
4. Annual reports of key line ministries: Ministry of Labour and Social Welfare ('MoLSW'); Ministry of Health ('MoH'); Ministry of Interior ('MoI'); Ministry of Justice ('MoJ'); Ministry of Education ('MoE'); Ministry of Foreign Affairs ('MoFA'); and Ministry of Human and Minority Rights ('MoHMR');
5. Annual reports on the implementation of the 2013-2017 National Plan of Action for Children ('NPAC 2013-2017');
6. Reports of the Parliamentary Committee on Human Rights and Freedoms; Committee on Health, Labour and Social Welfare; and the Committee on Education, Science, Arts and Sports from its regular sessions and public hearings;
7. Annual reports of the Ombudsperson;
8. National reports to the Universal Periodic Review ('UPR'); and
9. Individual complaints regarding violations of child rights submitted to the Deputy Ombudsperson for Children, Social Protection and Youth ('DO').¹

The third programme outcome under the 2017-2021 Country Programme is for girls and boys in Montenegro to progressively utilize a well-governed and accountable child rights coordination and monitoring system and have equitable access to justice by 2021.² UNICEF is in the process of developing interventions to support the government in achieving this outcome, and is a primary reason for this programme-informing evaluation.³ This evaluation is therefore pivotal to the direction of CRM reforms in Montenegro over the programme period and to UNICEF's programming to support the government and other national stakeholders in this area. The funding allocated by UNICEF to the 2017-2021 Country Programme is US\$11,609,000, US\$1,922,000⁴ of which is allocated to the CRM and access to justice component. The Country Programme does



not, however, contain a specific allocation between CRM activities and justice activities. At present, the Government of Montenegro has not allocated part of the national budget to CRM.

The direct and indirect beneficiaries of Object 1 of this evaluation are all children (i.e. under-18s) in Montenegro. As the interventions and outputs of Object 2 of the evaluation remain in the developmental stage, the direct and indirect beneficiaries are not concretely defined in the programme documentation (either by type, geographical location or number). Rather, the direct beneficiaries of Object 2 may be described generally as:

- 'Major duty bearers', including the CCR, 'key line ministries', the Office of the Ombudsperson, and 'civil society actors';
- Institutions operating 'national sector information systems', most notably the Judicial Information System ('PRIS') and the Social Welfare Information System ('SWIS'); and
- 'Children, adults and professionals in related sectors' with a special focus on children belonging to minority groups and children with disabilities.

The indirect beneficiaries of Object 2 may similarly be described as 'girls and boys in Montenegro, with a special focus on children affected by poverty, adversity and exclusion'. The relationship between these beneficiaries and the draft planned outputs under the 2017-2021 Country Programme are described further in section 3.3 (Logic model and theory of change) below.

3.2 Context

3.2.1 What is 'child rights monitoring'?

Monitoring of human rights may be described as 'a proactive method involving the collection, verification, analysis and

use of information to address human-rights problems with the ultimate goal of improving protection.'⁵ International standards obligate states to establish two different types of monitoring mechanisms: (i) a well-coordinated *governmental mechanism* of monitoring that lies within the state structure; and (ii) an *independent* monitoring mechanism. Montenegro's obligations to establish these monitoring mechanisms stem from Article 4 of the UN Convention on the Rights of the Child ('CRC') which requires States Parties to 'undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention'. As highlighted by the UN Committee on the Rights of the Child ('CRC Committee'), general measures of implementation for these purposes include '*the establishment of coordinating and monitoring bodies – governmental and independent.*'⁶ The CRC Committee continues to state that '*[r]igorous monitoring of implementation is required, which should be built into the process of government at all levels but also independent monitoring by national human rights institutions, NGOs and others.*'⁷

Several international documents provide guidance for the establishment and operation of independent human rights monitoring mechanisms, although the main ones are the Vienna Declaration and Programme of Action⁸ and the 'Principles relating to the status of national institutions for the promotion and protection of human rights' (the 'Paris Principles').⁹ The CRC Committee's General Comments No. 2 on the '*role of independent national human rights institutions in the promotion and protection of the rights of the child*'¹⁰ and No. 5 on '*General measures of implementation of the Convention on the Rights of the Child*'¹¹ emphasize the importance of establishing effective child rights monitoring mechanisms to meet CRC obligations and contain guidance on the mandate, structure and functioning of these mechanisms.

3.2.2 Montenegro in the international community

Montenegro became an independent state on 3 June 2006 and is an upper-middle-income country undergoing intense transition. It was admitted as the 192nd member of the United Nations ('UN') on 28 June 2006, and the 47th member Council of Europe on 11 May 2007. Montenegro's transition is driven largely by its goal of accession to the European Union ('EU'). It was granted EU candidacy status in December 2010, with accession negotiations formally commencing in June 2012. During this period, Montenegro has embarked on an intensive series of reform programmes in the country, components of which have entailed developments of CRM mechanisms, policies and practices in the country. Central to this are the Instruments for Pre-Accession Assistance ('IPAs') for 2007-2013 and 2014-2020, the most recent of which make reforms in 'the rule of law and fundamental rights sector' under chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) a key priority for Montenegro.¹² In particular, IPA 2014-2020 requires that '*[p]articular attention will be paid to reforms improving the independence, accountability and professionalism of the judiciary, strengthening the fight against corruption and against organized crime, enhancing border control and managing migration flows, as well as to reforms tackling the shortcomings in the protection of fundamental rights and minorities*', providing a robust basis to strengthen CRM in the country.¹³

Montenegro is party to two key international treaties pertaining to children: the CRC, to which Montenegro became party on 23 October 2006, and the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'), to which Montenegro became party on 23 October 2006.¹⁴ Since then, the Government of Montenegro and national NGOs have been

participating with the international bodies mandated to monitor implementation of these treaties: the UN Committee on the Rights of the Child ('CRC Committee'), and the UN Committee on the Elimination of Discrimination against Women ('CEDAW Committee'). Furthermore, as a UN state, Montenegro is required to participate in the UN Universal Periodic Review ('UPR') before the UN's Human Rights Council, which monitors Montenegro's progress in implementing the full range of human rights, including child rights. Although Montenegro participates with a multitude of other international and regional human rights bodies, its involvement in the CRC Committee, CEDAW Committee and UPR processes are the only three international CRM mechanisms that fall within the object of this evaluation. Montenegro's activities pertaining to these CRM mechanisms are explained more fully under section 5.1 (Relevance) below.

3.2.3 Government CRM mechanisms

As highlighted above, the primary obligation to monitor child rights falls to the state. The government, including at the highest levels, and local government authorities are therefore critical to the achievement of CRM reforms. Besides the MoLSW, MoH, MoI, MoJ and MoE, the activities of which all concern children directly, the MoHM is a particularly important CRM stakeholder, given the focus on its mandate regarding human rights. The MoFA is similarly important, in light of its role as the lead coordinating ministry for the monitoring of recommendations arising from the UPR, as well as the Ministry of Finance, whose involvement is essential for ensuring that CRM activities within the government are budgeted for.

Montenegro has been taking steps to develop CRM coordinating mechanisms within the government. The Council on Child

Rights ('CCR'), formerly known as the Commission for Developing the National Plan of Action for Children's Rights which was chaired by the deputy prime minister,¹⁵ was relocated to the Ministry of Labour and Social Welfare ('MoLSW') in 2013.¹⁶ Established by a government decision,¹⁷ the CCR is a multi-disciplinary body consisting of government ministers (Labour and Social Welfare; Finance; Health; Education and Sports; Justice; Internal Affairs and Culture), a child representative proposed by the Centre for Children's Rights, a representative of the Secretariat for Legislation, a representative of the Office for Combating Trafficking in Human Beings within the General Secretariat of the Government of Montenegro, the Director of the National Statistical Office ('MONSTAT') a representative of the Union of Associations of Parents of Children and Youth with Disabilities 'Our Initiative', a representative of the NGO National Association of Parents of Children and Youth with Disabilities in the Development of Montenegro 'NARDOS', and a representative of the Association of Parents, Children and Youth with Disabilities 'Give Us a Chance'.¹⁸ The CCR is mandated, amongst other things, to monitor the implementation of NPAC 2013-2017, the implementation of regulations relating to the protection of child rights, and the fulfilment of Montenegro's obligations under the CRC and other international child rights documents.¹⁹

Initiatives to realize children's rights are reflected in Montenegro's achievement of most of the Millennium Development Goals in 2015.²⁰ In July 2016, Montenegro also adopted a National Strategy for Sustainable Development 2030 outlining its plan to develop the country in line with the UN Agenda for Sustainable Development 2030, which provides a framework for the direction of child rights reforms over the coming years. The 2017-2030 National Strategy for Sustainable Development contains an action plan containing measures,

sub-measures, indicators and targets to be achieved by 2030 to implement the Sustainable Development Goals (SDGs).

3.2.4 Parliamentary committees

Parliament is an important CRM stakeholder, given its institutional role in scrutinizing the government's actions and holding the government to account. Parliamentary committees such as the Committee on Human Rights and Freedoms, the Committee on Health, Labour and Social Welfare and the Committee on Education, Science, Arts and Sports are the most relevant parliamentary committees to this evaluation, the CRM activities of which are set out in more detail in Part 5.1 (Relevance) below.

3.2.5 The Ombudsperson and Deputy Ombudsperson for Child Rights, Social Protection and Youth

The Ombudsperson is Montenegro's 'national human rights institution' ('NHRI') for the purposes of the Paris Principles, which calls upon states to establish an independent national institution to promote and protect human rights.²¹ The Ombudsperson was established by the Law on the Protector of Human Rights and Freedoms of Montenegro 2003, a mandate revised in 2011 and subsequently amended in 2014 ('Law on the Ombudsperson'). The mandate of the Deputy Ombudsperson for Child Rights was expanded in 2016 to deal with issues concerning children, social protection and youth, resulting in the renaming of the office to the Deputy Ombudsperson for Child Rights, Social Protection and Youth ('DO'). The current DO was appointed on 8 July 2016. The former DO served from 29 July 2009 to 30 July 2015. The DO reports to both the Ombudsperson and Parliament.²² The Office of the Ombudsperson is taking steps to seek accreditation by the Global Alliance of National Human Rights Institutions ('GANHRI') although, as of 5

August 2016, it has ‘B status’, meaning that it is regarded by the GANHRI as ‘not fully in compliance with the Paris Principles’.²³

3.2.6 The situation of children in Montenegro

According to the most recent census by MONSTAT from 2011, there were 145,126 children in Montenegro, making up 23.4 percent of the total population.²⁴ Existing research highlights that there are inequities and shortfalls in the realization of child rights in Montenegro, which reinforces the need for a closer assessment of the functioning and substantive results of the CRM system in the country. UNICEF reports indicate that at least 10 percent of children in Montenegro live below the poverty line, which the existing welfare system is not able to address due to poor coverage and low rates of benefits.²⁵ Consequently, only 26 percent of households with children living below the poverty line receive welfare and other benefits, whilst 55 percent of poor families with children considered that their monthly income was insufficient to cover their needs.²⁶ Although there have been significant reform efforts to improve the administration of cash transfer schemes and expand the non-cash transfer services available to families, UNICEF considers that there has been little focus on the adequacy of benefits to ensure children’s rights to survival, development and health, or to develop a social protection system that strengthens resilience, promotes equity and accelerates human and economic development.²⁷

Child poverty appears to disproportionately affect children living in **rural areas** and the **northern regions** of Montenegro.²⁸ A reported three-quarters of poor children live in rural areas whilst over 50 percent of poor children live in the north of the country.²⁹ Seven percent of children in the poorest quintile attend early childhood education, whilst 82 percent attend secondary

school.³⁰ These figures are significantly lower than the 66 percent and 98 percent of children from the wealthiest quintile who attend early childhood education and secondary school, respectively.³¹

UNICEF highlights that **Roma and Egyptian children** are the most vulnerable and excluded group of children in the country.³² Nineteen percent (21 percent of girls and 16 percent of boys) of Roma and Egyptian children aged 36 to 59 months attend early childhood education, compared to 40 percent (42 percent of girls and 39 percent of boys) of the population of 36 to 59 month-olds in the country (2013 figures).³³ The inequities continue at the primary and secondary education levels; Roma and Egyptian primary and secondary school attendance rates are significantly low at 58 percent (56 percent of girls and 59 percent of boys) and 6 percent (4 percent of girls and 7 percent of boys), respectively, compared to the overall national attendance rates of 98 percent (primary school) and 93 percent (secondary school) for boys and girls.³⁴ High drop-out rates of Roma and Egyptian children are also a concern, with only 29 percent of girls and 30 percent of boys of primary school completion age actually completing the last grade of compulsory education.³⁵ Drivers of these inequities reportedly include stigma and discrimination against Roma and Egyptian children, inadequate implementing of education legislation and policies, poverty, language barriers, and cultural practices such as child marriage.³⁶

Despite important improvements in the situation of **children with disabilities**, concerns still arise regarding the significant estimated numbers of children with disabilities outside the formal school system,³⁷ who are most likely being cared for at home. Drivers perpetuating this issue include continuing stigma against children with disabilities, mistrust of external agencies, insufficient suitable education to meet needs, absence of other appropriate support services in the

community, and the lack of disaggregated data on the situation of boys and girls with disabilities to enable analysis of their situation which is critical for developing policies and programmes designed to address these inequities.³⁸

3.2.7 Economic context in Montenegro

These inequities arise in a context where Montenegro has undergone political stability, social and political reform and a transition from steady to uneven economic growth. In 2013, economic growth was 3.3 percent of real GDP growth, although this decreased to 1.8 percent in 2014 before rising to 3.2 percent in 2015.³⁹ Poverty has declined from 8.6 percent in 2013 to 7.5 percent in 2014.⁴⁰ Regional poverty disparities echo those relating to children above, with 47 percent of poor individuals living in the central region of the country, 31 percent in the north and 22 percent in the south.⁴¹ Unemployment in Montenegro is also high, at 18 percent in 2015.⁴²

3.2.8 UNICEF's role in CRM

Before the 2017-2021 Country Programme, UNICEF has not followed a programme or strategy specifically pertaining to CRM. Rather, its CRM interventions have been fragmented across several different programmes and strategies, targeting several different stakeholders involved in the CRM system. This has included the provision of technical assistance to the government in drafting NPAC 2013-2017 and supporting consultations regarding its development, launching the 'Children Write to the Ombudsperson' campaign to increase awareness of CRM and the importance of the realization of child rights, and supporting local partners to develop data collection systems, including the inclusion of child justice indicators in PRIS and child protection indicators in SWIS.⁴³

3.3 Logic model and theory of change

Based on the ToR, the 2017-2021 Country Programme and UNICEF's ToC on CRM and access to justice in Appendix 8.D, the **theory** behind UNICEF's planned approach to CRM can be summarized as focusing on three key **outputs** involving the following beneficiaries:

- **Functioning (Supply) 1:** Major duty bearers, including the CCR, key line ministries, independent National Human Rights Institutions and civil society actors **have the requisite capacity and accountability mechanisms** for monitoring and reporting on children's rights;
- **Functioning (Supply) 2:** National sector information systems have **access to and capacity for incorporating disaggregated data** on issues pertaining to child rights in Montenegro; and
- **Awareness Raising (Demand) 1:** Children, adults and professionals in related sectors have an **enhanced awareness and understanding** of children as rights holders and of mechanisms for realizing their rights, with a special focus on children belonging to minority groups and children with disabilities.

As mentioned above, the interventions leading to these outputs have not been determined and are intended to be informed by the results of this evaluation. However, the desired **outcome** of these outputs is the progressive utilization by all girls and boys in Montenegro to an easily accessible, well-governed and accountable CRM system by 2021. The intervention aims to contribute towards the **overall goal** of 'enhancing equitable systems for the progressive realization of the rights of girls and boys in Montenegro, with a special focus

on children affected by poverty, adversity and exclusion'. The theory may therefore be summarized as follows:

By working towards improvements in the functioning of the CRM system and raising the awareness of CRM stakeholders and the general public of the importance of child rights, CRM and access to CRM mechanisms, UNICEF's programme will result in all girls and boys in Montenegro progressively utilizing a well-governed and accountable CRM system by 2021, contributing towards the overall goal of enhancing equitable systems for the progressive realisation of the rights of girls and boys in Montenegro, with a special focus on children affected by poverty, adversity and exclusion.

The key stakeholders involved in Object 1 and their contributions/ specific roles during the evaluation period are summarized in the table in Appendix 8.D. As the interventions under the 2017-2021 Country Programme have not yet been determined, UNICEF's programme documentation does not concretely identify the key stakeholders involved in Object 2 or provide details of their contributions and specific roles. However, the 2017-2021 Country Programme generally describes the 'major partners' for the 'CRM and access to justice' component as follows: the MoJ; MoLSW; the NHRIs; and participating UN agencies (UNICEF and the United Nations Development Programme).⁴⁴

3.4 Evaluation purpose, objectives and scope

The **overall objective** of this programme-informing evaluation is to assess the processes, operating procedures, functions and substantive outputs of the CRM system at the national and local levels in

Montenegro from January 2014 to October 2017, in light of the government's and UNICEF's planned strategies and approach to strengthening the CRM system in the country under the 2017-2021 Country Programme.

Clarifying the ToR: Further to discussions with UNICEF Montenegro on focal points during the inception phase of the project, it was confirmed that the intention of the ToR is to evaluate the CRM system since 2014 with a view to informing the development of the government and UNICEF's planned CRM intervention strategy. Up until the development of the 2017-2021 Country Programme, UNICEF did not have a targeted CRM programme, and the time period for the implementation of the 2017-2021 Country Programme has only just commenced, such that a summative evaluation of existing UNICEF CRM interventions would not be possible at this stage.

The ToR states that the evaluation shall cover the period from 2014 to 2016. However, the desk review highlighted that several key activities of the CRM mechanisms have taken place in 2017 (for example, Montenegro's periodic reviews before the CRC Committee and CEDAW Committee). Therefore, it was agreed that the evaluation should cover the activities of the CRM mechanisms from 2014 to October 2017.

The overall **purpose** of this evaluation is for the Government of Montenegro and UNICEF and other key national stakeholders to use the evidence-based recommendations, knowledge and insights produced from the study to inform the development of joint programming under the new Country Programme for Montenegro (2017-2021), which aims to achieve the following outcome: 'Girls and boys progressively utilize

well-governed and accountable child rights coordination and monitoring systems and have equitable access to justice by 2021’.

It is noted that the aspects of the 2017-2021 Country Programme that relate to access to justice more broadly, and the development of child- and gender-sensitive justice practices and procedures, fall outside the scope of this evaluation, which, as per the ToR, focuses on the CRM mechanisms.

Clarifying the ToR: The ToR sets out 10 CRM mechanisms as the object of the evaluation. However, there are no annual reports of the CCR (as a distinct mechanism to the CCR’s annual progress reports on the implementation of NPAC 2013-2017) or shadow reports of the Ombudsperson to the CEDAW Committee. Therefore, only nine CRM mechanisms are included in Object 1, and the shadow reports of the Ombudsperson to the CEDAW Committee have been deleted. Furthermore, it became evident to UNICEF and the Evaluation Team that the annual reports of other key line ministries besides the MoHMR are relevant to the scope of this evaluation, and have therefore been included within Object 1. However, these reports and those of the target parliamentary committees were not available for every year of the evaluation period, and so were only reviewed to the extent that these reports were available.

In light of the overall objective and purpose of the evaluation, the knowledge, insights and recommendations produced by this evaluation are intended to meet the following **sub-objectives**:

- Strengthen the effectiveness of the functioning of the CRM system,

particularly with regard to the generation and collection of quality data pertaining to children, analysis of data to identify and monitor trends in the realization of child rights, and the use of the data to mainstream child rights across the CRM policies and programmes in the country;

- Improve the impact of the activities of key CRM duty bearers, such as the government, public administration, Parliament, national human rights institutions and civil society organizations, in the effective promotion and monitoring of the realization of child rights in Montenegro, particularly of the most marginalized and vulnerable groups of children;
- Strengthen the accountability of the main duty bearers in the CRM system in the realization of child rights in Montenegro;
- Improve high-level inter-sector cooperation in the CRM system, including an assessment of the outcomes and (to the extent possible) impact of the Child Rights Council and other relevant inter-sector bodies;
- Improving evidence-based research concerning the CRM system in Montenegro, including an improved understanding of the barriers and bottlenecks in the CRM system, to inform decision making and policy development concerning children and its implementation;
- Enhance public awareness and understanding of children as rights holders and of mechanisms for realizing their rights, with a special focus on vulnerable children, including children from poor families, those living in rural areas, of Roma ethnicity, in institutional care and/or with disabilities.

The intended primary users of the evaluation are as follows:

- The **Government of Montenegro**, MoHMR, MoLSW, MoJ, MoI, MoE, MoH, MoFA, Ministry of Sport ('**MoS**') and other line ministries to gain insights into the steps needed to strengthen the CRM system and their coordination with other CRM stakeholders with a view to ensuring the realization of the rights of boys and girls, including those from particularly marginalized or vulnerable groups;
- **Parliament**, most notably the Parliamentary Committee on Human Rights and Freedoms; the Committee on Health, Labour and Social Welfare; and the Committee on Education, Science, Arts and Sports, to gain insights on the steps that may be taken to strengthen their CRM focus, capacities and functions and interaction with other CRM stakeholders;
- The **Office of the Ombudsperson**, particularly the **DO**, to provide guidance and knowledge to strengthen its CRM functions and its coordination with other stakeholders in the functioning of the CRM system as a whole;
- **Civil society organizations** involved in CRM to provide them with knowledge, data and guidance to support their capacity to monitor child rights and influence the development of CRM policies, programmes and functions;
- **Academia**, to raise its awareness of the importance of child rights and CRM, with a view to generating interest in incorporating these issues in faculty programmes, conducting research into these areas and leading to a scientifically-informed public debate on CRM and child rights in the country; and

- The **UNICEF Country Office in Montenegro**, to use the findings to inform the development of its programme interventions under the 2017-2021 Country Programme.

Secondary or indirect beneficiaries of the evaluation include children, parents, professionals and practitioners who work with children.

4. EVALUATION METHODOLOGY

4.1 Conceptual framework

Given the commitment of the UN and UNICEF to a human-rights-based approach to programming, gender equality and equity, the conceptual framework for this evaluation is rooted in the CRC and the standards relating to CRM outlined in section 3.2 above (Context).

As per the ToR, international standards on CRM and the Montenegrin context, an effective CRM system should be able to foster an environment in which state and non-state actors are able to:

- Generate and collect quality quantitative and qualitative data on the situation of children in Montenegro, including those who are particularly marginalized or vulnerable to discrimination;
 - Analyse and monitor trends in the data to determine to what extent child rights are being realized;
 - Use the data to develop evidence-based policies and programmes;
 - Promote and enhance the accountability of CRM duty bearers for the realization of child rights through the findings generated;
 - Promote and strengthen the effectiveness of high-level inter-sector cooperation and mechanisms for better child rights outcomes;
 - Support key CRM stakeholders in the effective promotion and awareness raising of the importance of child rights and CRM and of how to access CRM mechanisms; and
- Support an environment in which children are recognized as rights holders.
 - The development of the evaluation questions and the indicators/standards/benchmarks to measure their achievement are therefore rooted in this conceptual framework.

4.2 Evaluation criteria

The evaluation framework has been developed based on the criteria set out in the Organization for Economic Cooperation and Development/Development Assistance Committee's ('OECD/DAC') Principles for Evaluation of Development Assistance: **relevance; effectiveness; efficiency; and sustainability**. As this evaluation concerns the functioning and substantive outputs of the CRM mechanisms from 2014 to present (2017) and, given that the aim of the evaluation is to inform UNICEF programme development, which is at its initial stages, the potential for evaluating the long- and medium-term **impacts** of the functioning of the CRM system is limited.

However, to the extent that it is possible, this evaluation will seek to produce knowledge and insights in order to develop recommendations as to how UNICEF interventions/initiatives may be developed so as to achieve the desired **impact**, namely, that girls and boys in Montenegro progressively utilize a well-governed and accountable CRM system by 2021, contributing towards the realization of the rights of girls and boys in the country, with a special focus on children affected by poverty, adversity and exclusion.



In addition, as per the ToR and in light of the objectives of the evaluation, two additional criteria have been identified as necessary:

- **Coordination** – namely, consideration of the best ways of improving inter-sector coordination in the CRM system and the best ways for UNICEF to support this; and
- **Mainstreaming of cross-cutting equity issues** in line with UNEG/ UNICEF standards and the Geros framework, particularly the mainstreaming of gender equality and the empowerment of women and girls, and addressing the needs of the most marginalized groups of children including those from poor families, living in poor areas, living in institutions and/or those with disabilities.

4.3 Evaluation questions

The following evaluation questions were developed in direct response to the objectives and criteria of the evaluation. These questions were based on the research questions in the ToR, with adjustments being made in light of the evaluability of the CRM mechanisms and UNICEF interventions.

Relevance: How can the planned CRM interventions be aligned with the needs of boys and girls in Montenegro and the priorities and policies of CRM stakeholders?

- (i) To what extent are the activities of the key CRM stakeholders or mandates of the CRM mechanisms relevant to the needs of boys and girls in Montenegro, including those who are particularly marginalized or vulnerable to discrimination?

- (ii) To what extent is the theory of change underlying the Country Programme relevant to the needs of boys and girls in Montenegro, including those who are particularly marginalized or vulnerable to discrimination, and relevant to the Montenegrin context?
- (iii) To what extent can the planned CRM interventions build upon any existing interventions by other key CRM stakeholders?
- (iv) How can the planned CRM interventions be synergized with the policies, strategies and approaches of other key CRM stakeholders?

Effectiveness: How can UNICEF best support the key CRM stakeholders to develop the CRM system at both the central and local levels to ensure that girls and boys in Montenegro, including those who are particularly marginalized or vulnerable to discrimination, have access to an accountable CRM system?

* Note that inter-sector cooperation is dealt with in more detail under the separate evaluation criteria, 'inter-sector coordination', below.

CRM Mechanisms 1, 2, 4, 5, 6 and 8 (i.e. the CRM mechanisms that do not pertain directly to the Office of the Ombudsman):

- (i) To what extent do CRM stakeholders collect, share and analyse data to monitor trends in the situation of child rights in Montenegro?
- (ii) To what extent do CRM stakeholders utilize the data and analysis to develop laws, policies and programmes with a view to improving the realization of child rights in Montenegro?

- (iii) To what extent are CRM duty bearers being held accountable for shortfalls or inequities in the realization of child rights in Montenegro based on the evidence generated by the CRM system?

Office of the Ombudsperson (i.e. CRM Mechanisms 3, 7 and 9):

- (iv) To what extent are girls and boys in Montenegro able to access the individual complaints mechanism at the Ombudsperson's Office?
- (v) To what extent do the recommendations of the Ombudsperson in respect of individual complaints involve a violation of child rights implemented in practice?
- (vi) How effective are the annual reports of the Ombudsperson and its shadow reports to the CRC and CEDAW committees in protecting child rights in Montenegro?
- (vii) To what extent does the Office of the Ombudsperson raise awareness of child rights and access to the individual complaints mechanism?

Theory of change underpinning the 2013-2017 Country Programme:

- (viii) To what extent does the theory of change for UNICEF's planned interventions address the barriers or bottlenecks to the utilization by girls and boys in Montenegro of a well-governed and accountable CRM system?

Efficiency: How can UNICEF support key CRM stakeholders in developing an efficient CRM system?

- (i) Do the key CRM stakeholders have sufficient financial resources to fund their CRM activities?

- (ii) To what extent are the outputs of the CRM mechanisms being delivered on time?
- (iii) Are the human resources allocated to the CRM mechanisms sufficient in quantity and quality?

Sustainability: How can UNICEF support key CRM stakeholders in developing a sustainable CRM system?

* Note that inter-sector cooperation is dealt with in more detail under the separate evaluation criteria, 'inter-sector coordination', below.

- (i) To what extent do the key CRM stakeholders retain the knowledge and skills of their workforce at all levels to continuously perform their CRM functions?
- (ii) How can UNICEF support national CRM stakeholders at the national and local levels to enable them to continuously build their capacity to perform their CRM?
- (iii) How sustainable are the awareness-raising initiatives of key CRM stakeholders with regards to child rights, CRM and the role of the Office of the Ombudsman?

Inter-sector coordination: How can UNICEF best support the development of effective and sustainable inter-sector coordination between CRM stakeholders in the performance of their CRM functions?

- (i) What changes are required to the overall institutional structure of the CRM system in order to improve inter-sector coordination between CRM stakeholders at the national and local levels?

- (ii) What steps or strategies should UNICEF take to support CRM stakeholders in achieving effective and sustainable inter-sector coordination in the performance of their CRM functions?

Cross-cutting equity issues: How can UNICEF support the key CRM stakeholders to ensure that gender and other relevant equity-based considerations are mainstreamed in the CRM system and activities of the CRM mechanisms?

- (i) To what extent are gender and other equity-based considerations relevant to boys and girls in Montenegro mainstreamed in the CRM system?

Impact: How can UNICEF support the key CRM stakeholders to develop a CRM system that contributes towards the progressive realization of the rights of girls and boys in Montenegro, including those of children who are particularly marginalized or vulnerable to discrimination?

- (i) To what extent are the CRM mechanisms likely to lead to improvements in the situation of boys and girls in Montenegro, including that of children who are particularly marginalized or vulnerable to discrimination?

4.4 Method of inquiry

In light of the objectives of the evaluation and the proposed research questions, contextual and explanatory data was collected to understand how the CRM system functions in practice, and the extent and means by which UNICEF can play a role

in strengthening the CRM system under the 2017-2021 Country Programme. To this end, this evaluation adopted a **non-experimental design** and primarily utilized **qualitative** data collection techniques. The collection of qualitative data was viewed as being the most suitable method to determine the relevance, effectiveness, efficiency and sustainability of the CRM system. Qualitative research methods are also regarded as having greater interpretative and explanatory potential than quantitative approaches, and as providing the best opportunity for exploring the barriers to and bottlenecks in the functioning of the CRM system, which are critical for the development of recommendations to inform UNICEF programming.

The limitation with adopting a qualitative method is that this approach may not enable the Evaluation Team to quantify the impact of the CRM system. Given the programme-informing nature of this evaluation, its focus on recent activities of the CRM system (i.e. since 2014) and the fact that it is taking place before UNICEF's commencement of its CRM interventions, a comprehensive and accurate measurement of the impact of the CRM system or UNICEF programming is not a priority or possibility at this stage. However, to the extent possible, the Evaluation Team has drawn upon mixed sources and types of data, including secondary **quantitative** data, to collect objective and measurable data to support the **triangulation** and interpretation of qualitative findings.

4.5 Data sources, collection methods and sampling

As outlined in more detail in the evaluation matrix in Appendix 8.E, the Evaluation Team used the following techniques to collect the data necessary to answer the research questions.

Desk review: The Evaluation Team conducted a desk review of documents and literature on the CRM system and UNICEF's planned approach to CRM, primarily relating to the outputs of the CRM mechanisms and UNICEF's programme documentation (listed in Appendix 8.F). The desk review informed the development of the evaluation framework as well as the findings and recommendations in this report.

Inception visit: The Evaluation Team conducted a week-long inception visit to Podgorica to meet with UNICEF focal points to introduce and raise awareness of the evaluation among key stakeholders, to familiarize them with the process of evaluation and strengthen stakeholder ownership, and to request the missing desk review documentation.

Semi-standardized interviews: The Evaluation Team conducted semi-standardized interviews with the CRM stakeholders listed in Appendix 8.G to gather in-depth qualitative information and secondary quantitative data relevant to the research questions. Most interviews were carried out on an individual basis (i.e. one researcher, one interpreter (where relevant) and the participant), to allow participants to engage with the researchers in a private and confidential setting where they were likely to feel comfortable sharing their experiences and views. The Evaluation Team adopted a semi-standardized approach, guided by a structured tool but which allowed for response-directed interaction. A total of 88 interviews were undertaken.

Following consultation with UNICEF focal points and the Steering Committee, the Evaluation Team adopted a **key stakeholder (purposive) sampling technique** to identify CRM stakeholder groups at the national and local levels to participate in the semi-standardized interviews. Due to the targeted nature of the research questions, participants in each stakeholder body were primarily selected according to

the relevance of their role and responsibilities to CRM and the CRM mechanisms. However, to the extent possible, steps were taken to ensure a diversity of participants and views, according to: the level of training/experience and level of seniority within the stakeholder body; gender; and ethnicity. The Evaluation Team planned to facilitate the participation of individuals with disabilities, or participants with particular communication or physical access needs, although such needs did not arise in practice. The semi-standardized interview tools are enclosed in Appendix 8.H.

The majority of CRM stakeholders at the national level were based in Podgorica, which formed one of the **research sites** for the field visit. However, in order to gain a broad view of the functioning of the CRM system at the level of municipalities, the Evaluation Team selected Podgorica, Bijelo Polje and Herceg Novi as the research sites, based on criteria which included: diverse geographical locations (Bijelo Polje in the north; Herceg Novi in the south; Podgorica nearer the centre of the country); rural/urban communities (with Podgorica being an urban area; Herceg Novi peri-urban; and Bijelo Polje predominantly rural); ethnic and religious demographics (Podgorica is multi-ethnic; Bijelo Polje has large Bosnian and Muslim communities, and Herceg Novi large Croat, Bosnian, Yugoslav, Macedonian, Russian, Slovenian and Egyptian populations compared to the municipalities within Podgorica; all three have Roma communities)⁴⁵ and a UNICEF programming presence.⁴⁶

Where appropriate, semi-structured group interviews were held for participants from similar CRM mechanisms (for example, where CRM activities within a department were divided between various staff members), though special attention was paid to ensuring that individuals were not grouped with supervisors or others who might inhibit their ability or willingness to speak freely. To the extent possible, group interviews

were capped at three participants, to ensure that each participant had the opportunity to contribute to the research questions relevant to them.

Focus group discussions ('FGDs') with children: The Evaluation Team held FGDs with children, including children who were particularly vulnerable to discrimination or marginalized, to provide insight into the relevance of the CRM system and potential UNICEF CRM interventions, as well as the demand for CRM, all of which were necessary to answer the research questions. The FGDs also ensured that children's voices were heard, a matter of particular importance as children are the indirect beneficiaries of the evaluation and its objects. In light of the objectives of the research questions and the need to ensure that the views of children across a broad range of contexts were heard, **four FGDs** were carried out at each of the **three research sites** (Podgorica, Bijelo Polje and Herceg Novi) with an additional three pilot FGDs in Podgorica. Groups consisted of 5–10 children selected according to the following criteria: age (12–14 years of age and 15–18 years of age); gender; disability status; ethnicity; religion; and school enrolment/attendance. The list of FGDs and the breakdown of participants are enclosed in Appendix 8.G and the FGD tool included in Appendix 8.H.

Review of case files at the Office of the Ombudsperson: The Evaluation Team reviewed 14 case files at the Office of the Ombudsperson concerning individual complaints handled by the DO. The purpose of the review was to gain a more detailed understanding of the procedure used when investigating individual complaints, the level of detail in which the complaint was investigated, the timeframe involved in handling the individual complaint, the nature of decisions issued by the DO, and the extent to which individual complaints are documented. The Evaluation Team randomly selected three cases from each year covered by the evaluation (2014, 2015, 2016

and 2017) plus two files for piloting the review tool (Appendix 9.H), to gain a broad understanding of how individual cases had been handled over the evaluation period.

Validation meeting: The Evaluation Team circulated the draft evaluation report to UNICEF Montenegro and the Steering Committee for comments. The Evaluation Team then discussed these comments with UNICEF, the Steering Committee and other key CRM stakeholders in Podgorica on 15–16 February 2018 for further refinement and validation of the accuracy and relevance of the findings. The Evaluation Team finalized the report based on the outcomes of this review, and the validation and Steering Committee meetings.

4.6 Data analysis

The data analysis process was driven by the research questions and evaluation framework, including the specific indicators outlined in the evaluation matrix. The qualitative data was transcribed and coded to allow for a thematic analysis of the data to identify key themes, patterns and relationships relevant to the research questions. The qualitative and secondary quantitative data was triangulated to identify any inconsistencies in the information. Where inconsistencies were identified, the Evaluation Team considered whether they were due to biases or inaccuracies in the interpretation of data, or a complexity that required further exploration and analysis.

The Evaluation Team adopted a highly consultative and participatory approach to the data analysis to ensure the accuracy of the findings, sharing the draft report with UNICEF and the Steering Committee for review and comments, and discussing any inconsistencies, key findings and recommendations at the validation meeting with key stakeholders, the outcomes of which informed the finalization of this report.

4.7 Gender equity and a human rights-based approach

The evaluation design, including the development of the methodology, evaluation questions, indicators, and data collection plan, were guided by international human rights standards (i.e. the human rights stipulated in the CRC and CEDAW) and gender equity and human rights criteria, particularly, UNEG's 2014 Manual, 'Integrating Human Rights and Gender Equality in Evaluations' and the 'UN System-Wide Action Plan for the Implementation of the Chief Executives Board for Coordination of UN System-Wide Policy on Gender Equality and the Empowerment of Women 2012' ('UN Swap').

The Evaluation Team adopted a highly consultative approach to the design and implementation of the evaluation, ensuring the participation of CRM stakeholders and beneficiaries. A Steering Committee comprising representatives from key CRM stakeholders⁴⁷ was established to provide guidance and validation of the research deliverables, promote their ownership of the project, and strengthen the Evaluation Team's accountability for their work. In terms of process, besides the validation meeting, the methodology included an inception visit by the Team Leader to meet key CRM stakeholders to ensure that the methodology and data collection plan was realistic and contextually relevant. The data collection tools were also designed to be participatory, interactive and age-appropriate, in order to collect rich, authentic data from participants from all CRM stakeholder and key beneficiary groups in a way that is engaging, and not intimidating or harmful (particularly important for children).

In arranging the FGDs with children, the National Researcher worked closely with NGOs and schools in the research sites to ensure that children from particularly

marginalized groups were invited to participate in the research, ensuring that their views were heard and taken into account in the research. Furthermore, the Evaluation Team was aware of the potential need to provide stakeholders/beneficiaries from minority groups who do not speak Montenegrin, or participants with unique vulnerabilities (for instance, those with disabilities or special needs), with appropriate assistance in order to facilitate their participation in the evaluation. However, the need for such measures did not arise in practice.

4.8 Ethics

To conduct the evaluation, the Evaluation Team acted in accordance with the International Charter for Ethical Research Involving Children developed by UNICEF and others⁴⁸ (UNICEF's Ethics Charter), Coram International's Ethical Protocol, which is in line with UNICEF's Ethics Charter and UNEG's Ethical Guidelines for Evaluation. These ethical standards include clear guidelines on the handling of child protection disclosures, ensuring child safety in accordance with the principles of 'doing no harm' and of acting in the participant's best interests. The ethical standards also demand that the Evaluation Team respect the human rights, diversity and dignity of all research participants, including by obtaining their prior informed consent, ensuring their anonymity (vis-à-vis third parties who are not involved in conducting or organizing the research) and protecting their privacy. With regard to child participants, the prior written consent of both the child and their parent/ legal guardian was required in order to participate in the FGD, using the template included in Appendix 9.L.

Strict procedures were put in place to ensure the confidentiality of the raw data collected. During FGDs, interviews and the case file review, the researchers took comprehensive written or typed notes (subject to the participant's voluntary consent). The

participants' names were not recorded on the notes without their consent. Written notes were subsequently transcribed electronically (and translated into English by the national expert based on her notes). Notes were kept securely on the premises of Coram International's office in London or on Coram International's internal computer system and were not shared with anyone outside the research team. Raw data and notes collected by the national expert will be destroyed after the publication of this report. When citing sensitive data obtained from the FGDs, interviews and case file review in the report, where appropriate, the authors took added precautions and withheld details of the participants' professional titles, institution and location to avoid any risk of identification.

No payments or compensation were offered to the research participants. However, to thank the children for their time and contributions during the FGDs, the researchers provided refreshments and snacks during the FGDs. The researchers also followed up the FGDs by sending the children letters to thank them again for their time and informing them of the progress of the research and finalization of this report. The letter was signed by the team leader, Professor Carolyn Hamilton, and the representative of the UNICEF, Mr Osama Mak-kawi Khogali.

Several additional steps were taken by the Evaluation Team to ensure the independence, impartiality and credibility of the evaluation, avoid conflicts of interest, and promote accountability for their work, in line with UNEG's Ethical Guidelines for Evaluation:⁴⁹

- The inception report for the evaluation, including the research tools, were submitted to UNICEF's Ethical Review Committee, which proposed some clarifications to the report and refinements to the FGD tool and consent form, which were duly made

by the Evaluation Team. The Ethical Review Committee provided ethical clearance ([Appendix 8.M](#)) before the commencement of the in-country data collection and to this final report ([Appendix 8.N](#)). The publication of this report is also subject to the approval of UNICEF's Ethical Review Committee;⁵⁰

- The Evaluation Team piloted the data collection tools in Podgorica in advance of the data collection mission to ensure that the tools were relevant, targeted and fit for purpose, and that there was a shared understanding amongst the researchers of the content and approach to carrying out the data collection. Small adjustments were made to the tools in advance of the data collection mission in light of the pilot outcomes;
- As Montenegro has a relatively small population and as CRM stakeholders and development actors in Podgorica are generally well acquainted with one another, particular care was taken to ensure the selection of a National Consultant with no direct involvement in the object of the evaluation, and that the National Consultant did not interview participants that she was well acquainted with or related to;
- The Evaluation Team adopted a participatory approach to the evaluation⁵¹ to obtain feedback from key stakeholders and intended beneficiaries, with the aim of: (i) ensuring that the evaluation remained relevant, targeted, necessary, and efficient; (ii) ensuring the accuracy of the research findings; and (iii) promoting stakeholder ownership and buy-in of the final recommendations;
- Clear and efficient reporting lines were established between the Evaluation Team and UNICEF focal points as well as within the Evaluation Team. The researchers reported to

the Team Leader, the Director of Coram International, which retains overall oversight of the quality of the deliverables and conduct of the evaluation by the Evaluation Team, ensuring compliance with UNEG's Norms and Standards, UNICEF's Evaluation Report Standards and the Geros Quality Assessment System.

The ethical review form that was used by the Team Leader to ensure that the project complied with these ethical standards is enclosed in Appendix 8.K.

4.9 Limitations and mitigation steps

To mitigate the fact that a comprehensive and accurate measurement of the impact of the CRM system or UNICEF programming was not possible in this study, the Evaluation Team explored the extent to which the CRM mechanisms are likely to lead to improvements in the situation of boys and girls in Montenegro, including those who are particularly marginalized or vulnerable to discrimination.

The absence of a dedicated national CRM budget meant that there were limitations in evaluating the efficiency of the CRM system in terms of financial resources. However, where relevant and to the extent possible, consideration was made to the funds allocated by key CRM stakeholder bodies to their CRM activities and whether these funds have been sufficient.

The ability of the CRM system to generate reliable, disaggregated data for use in policy development is limited, which in turn limited the ability of the Evaluation Team to collect reliable, disaggregated secondary quantitative data on the situation of children in Montenegro. However, this limitation was anticipated in the ToR and during the inception phase. To mitigate this limitation, the Evaluation Team worked closely with UNICEF and other CRM stakeholders

to gain access to children from particularly vulnerable communities as well as the full range of CRM stakeholders to obtain data either to fill or explain these gaps.

Interviews and FGDs that were carried out by the international researchers required the assistance of an English–Montenegrin interpreter. Despite the international researchers' experience in this area, there was a small risk of misinterpretation. To mitigate this risk, all deliverables under this project were subject to review and comments from UNICEF, the Steering Committee and key strategic CRM stakeholders, to ensure the accuracy of the data, strengthen stakeholder validation of the findings and the contextual appropriateness of the resulting recommendations. Data was also triangulated to the extent possible to further ensure accuracy of the research findings.

The National Researcher was required to provide the Team Leader with her interview transcripts in English, which entailed some risk of misinterpretation. The process of validation, review and triangulation served to mitigate this risk. In addition, the International and National Researchers piloted the interview and FGD tools together in advance of the data collection to ensure that there was a shared understanding of the content of the research tools and the approach to be taken in conducting the interviews/FGDs. This also provided an opportunity to test and, if necessary, adjust the tools to ensure that they were clear, easy to use by all members of the Evaluation Team, and fit for purpose.

The steps outlined under sections 4.6 to 4.8 to secure the participation of CRM stakeholders and beneficiaries, and validate and refine the findings, all serve to mitigate the risk of bias in the research data and promote its accuracy.

5. EVALUATION FINDINGS

5.1 Relevance

Relevance: How can the planned CRM interventions be aligned with the needs of boys and girls in Montenegro and the priorities and policies of CRM stakeholders?

5.1.1 CRM system, mechanisms and key CRM stakeholders

- (i) To what extent are the activities of the key CRM stakeholders or mandates of the CRM mechanisms relevant to the needs of boys and girls in Montenegro, including those who are particularly marginalized or vulnerable to discrimination?

The submission of state reports to the CRC Committee, CEDAW Committee and the UPR are all relevant to the promotion of children's rights and consistent with the definition of CRM used for this study: namely, '*proactive methods involving the collection, verification, analysis and use of information to address human rights problems with the ultimate goal of improving protection.*'⁵² During the evaluation period, Montenegro submitted its combined second and third periodic state party report to the CRC Committee on 30 November 2017, approximately one year later than its due date.⁵³ The preparation of the report was coordinated by the MoLSW, although a range of other state bodies and one NGO

also participated, including: the MoJ; the MoE; the MoH; the MoI; the Ministry of Culture; the MoHMR; the Office for Combating Trafficking in Human Beings; and the NGO Centre for Children's Rights.⁵⁴ The MoFA reported also being involved in the process of drafting the report.⁵⁵

Furthermore, Montenegro submitted its second periodic state report to the CEDAW Committee on 13 June 2016, approximately nine months after its due date of 1 October 2015.⁵⁶ For the preparation of the report, the MoHMR established a working group including representatives from the Committee for Gender Equality of the Parliament, the MoJ, the MoFA, the MoE, the MoH, the MoLSW, the MoI, the Ministry of Economy, the Ministry of Defence, the Police Directorate, the Supreme Court, the Supreme State Prosecutor's office, the Ombudsperson's Office, the Office for Combating Trafficking in Human Beings and an independent gender expert.⁵⁷ Although no NGOs reportedly applied to participate in the working group in response to a public call, the government stated that the report had been forwarded to NGOs and their responses were included.⁵⁸

In 2015, Montenegro submitted a voluntary mid-term report⁵⁹ on the progress of implementation of the recommendations from the second cycle of UPR recommendations in 2013, which contains key recommendations across a range of areas, including child rights.⁶⁰ Participants from the MoFA, which is the coordinating body for the state report to the UPR, reported that the third cycle report by Montenegro was being prepared for review in January 2018,⁶¹ although at the time of writing, this report was yet to be published on the OHCHR's website.



Alternative reports to the CRC and CEDAW Committees are highly relevant for children in Montenegro. As stated by the CRC Committee, rigorous CRM includes “*independent monitoring by national human rights institutions, NGOs and others.*”⁶² These reports enable CSOs to share their understanding of the situation of children in Montenegro, providing a means of verification of the information submitted by the state to the CRC Committee, and providing opportunities to shed light on the situation of children from particularly vulnerable groups that may otherwise be hidden in government or administrative data.

Three alternative reports were submitted by NGOs for Montenegro’s combined second and third periodic review before the CRC Committee.⁶³ The Centre for Children’s Rights submitted an alternative report for the period 2010-2015 covering all articles in the CRC, while the submissions by The Global Initiative to End All Corporal Punishment of Children and the joint submission by Child Helpline International and the NGO Children First focused on specific issues relating to the prohibition of corporal punishment in all settings and the need for accessible child helpline services; in particular removing any barriers to access for the children and young people most at risk, as particularly vulnerable and marginalized children.⁶⁴

The report by the Centre for Children’s Rights is particularly relevant. Through focus groups and its continuous work with children, the Centre for Children’s Rights obtained the views of children presented as quotations in their own words in the relevant sections. The report does not provide information on exactly how the children were selected and what efforts were made to include particularly vulnerable and marginalized groups; however, the views of children included those of Roma children.⁶⁵

The submission of a joint alternative report from women’s organizations to the CEDAW

Committee in June 2017 was coordinated by the Women’s Rights Centre and included inputs from six different organizations covering the period from 2012 to June 2017.⁶⁶ A further three submissions were made by the European Roma Rights Centre, Juventas and the Global Initiative to End All Corporal Punishment of Children, covering specific issues concerning women.⁶⁷ The report by the European Roma Rights Centre in particular discussed access to education, employment, housing, justice and health care and sexual and reproductive care services for Roma, Ashkali and Egyptian women and girls, and highlighted the issue of arranged and forced early marriages within RAE communities and their link to girls discontinuing their education.⁶⁸ The report by Juventas addresses issues for particularly vulnerable groups of women: women who use drugs, sex workers, LGBTI, women in prison and women living with HIV. While the report focuses generally on women, it provides some information and data that particularly relate to girls.⁶⁹

The CCR is mandated, amongst other things, to monitor the implementation of NPAC 2013-2017, the implementation of regulations relating to the protection of child rights, and the fulfilment of Montenegro’s obligations under the CRC and other international child rights documents.⁷⁰ NPAC 2013-2017 is a strategic document defining the general policy in relation to children and ‘*identifies the main problems in exercising, protecting and improving the rights of the children in [...] as well as the main directions of their resolution.*’⁷¹ The primary aim of NPAC 2013-2017 is to ensure coherence in Montenegro’s policy towards children, coordinated implementation of actions and measures in all areas dealing with children and fulfilment of Montenegro’s obligations under the CRC, its Optional Protocols as well as other international documents concerning children, to which Montenegro is party.⁷² According to NPAC 2013-2017, monitoring of its implementation

is a continuous process during every year of its implementation, including the preparation of an annual report published on the MoLSW's website, as well as a review of the report. However, no further information is provided on how the review is to be undertaken or which stakeholders are to be involved.⁷³ **The annual reports of the CCR on the implementation of NPAC 2013-2017 are therefore directly relevant to children in Montenegro as tool for monitoring the implementation of their rights, including vulnerable and marginalized groups that are given particular attention in the document both in relation to particular activities and impact indicators.**⁷⁴

The CCR plays a key role in the *promotion* of child rights, as its mandate includes promoting child rights in the fields of social protection, child protection, health care, education and other relevant areas, as well as informing the public about the situation of children's rights in the country.⁷⁵ In addition, the CCR has an important strategic function; its mandate includes promoting cooperation with local self-government and NGOs in the process of implementing and protecting child rights,⁷⁶ thereby reinforcing it as an important CRM stakeholder, the activities of which are consistent with the needs of children in Montenegro.

The primary purpose of **the annual reports of the line ministries and parliamentary committees** are informational: they document the achievements of the ministry or committee in terms of activity outputs and future plans, but they contain little by way of analysis or recommendations on how to address gaps or inequities in the enjoyment of rights by boys and girls.⁷⁷ As the objective is mainly to provide information, **the objectives of these CRM mechanisms cannot be said to be fully relevant to the needs of boys and girls in Montenegro, which require a more robust mechanism.** Furthermore, whilst the participants stated that these reports are

published on their respective websites,⁷⁸ which would allow for public scrutiny of the work of the ministry/parliamentary committee, these reports were often difficult to find from a public search of the internet (in both English and Montenegrin).⁷⁹

This challenge is exacerbated by gaps in the understanding of several ministries (notably the Departments of Gender Equality of the MoHMR; and the MoH) and the Parliamentary Committee on Education, Culture and Sport, which take the view that children's matters fall primarily within the mandates of the MoLSW and the Parliamentary Committee on Human Rights and Freedoms, respectively, and are therefore outside the scope of their own mandates.⁸⁰

This gap in understanding is particularly problematic when children's issues are spread across a number of ministries, for instance issues relating to girls, whom the participant from the Department of Gender Equality did not identify as a distinct group requiring particular attention by the department, on the understanding that this would be covered by the MoLSW (an understanding which the MoLSW did not share).⁸¹

Parliament has various powers that can be used for CRM purposes. Its powers include: the consideration of reports submitted to it by individual bodies; the adoption of 'conclusions that may include assessments and positions on specific issues';⁸² the holding of consultational hearings relating to the consideration or preparation of proposed acts or the study of specific issues, particularly on proposed solutions and other issues of special interest for citizens and the public;⁸³ and the holding of control hearings to obtain information or professional opinions on 'the specific issues under its competence, and specific issues related to the establishing and implementing of the policy and law or other activities of the government, state administration authorities and other bodies and organizations, which are required to report

to Parliament on their work and situation, 'which cause obscurity, dilemmas or principle-related disputes'.⁸⁴ Parliamentary committees also have the power to 'demand data and information of significance for performing its duties under its responsibility from any state authority';⁸⁵ and on-site visits to support its functions.⁸⁶ Recommendations arising from these hearings may be included in reports of the relevant parliamentary committee. The effectiveness of these mechanisms in contributing towards CRM activities is discussed further in section 5.2 below.

The Office of the Ombudsperson was established in Montenegro in 2003. As Montenegro's NHRI, it is a key CRM stakeholder and has a broad mandate, to '*take measures to protect human rights and freedoms, when they are violated by the act, action or failure to act of state bodies, state administration bodies, bodies of the local self-administration and local administration, public services and other holders of public powers (hereinafter referred to as: authorities) as well as measures to prevent torture and other forms of inhuman or degrading treatment or punishment and measures for protection from discrimination.*'⁸⁷

Children's issues are delegated to the DO. The DO has the power to receive and examine alleged violations of children's rights, and if a violation is found, to provide a recommendation on what should be done to rectify the violation, as well as a deadline for the remedy (CRM Mechanism 9).⁸⁸ This power is generally relevant to one of the key 'additional principles' outlined in the Paris Principles, namely, to 'hear and consider complaints and petitions concerning individual situations'.⁸⁹ **The ability of the Ombudsperson to receive cases from children, members of the public, professionals and practitioners is particularly relevant to the promotion of children's rights, as it is the one mechanism that is easily accessible to children and at no cost.**

Other powers granted under the Law on the Ombudsperson include: initiating the development of new legal instruments and acts to bring the legislative and regulatory framework of Montenegro in line with international human rights standards; issuing opinions on such proposals;⁹⁰ and initiating proceedings before the Constitutional Court on the conformity of laws with the Constitution or international treaties to which Montenegro is party,⁹¹ all of which are relevant and important tools for CRM purposes. Also, in line with the Paris Principles and accompanying guidance of the GANHRI's Sub-Committee on Accreditation's ('SCA'), the Ombudsperson's Annual Work Reports contain a section on child rights. These reports generally provide an account of the activities undertaken by the Ombudsperson in the area of child rights, and contain some of the Ombudsperson's opinions and recommendations in relation to children's complaints.⁹² As a part of the Ombudsperson's statutory role, and in line with the Paris Principles,⁹³ the Ombudsperson completed and submitted an alternative report to the CRC Committee in 2017, as well as supporting the submission of an alternative report by its 'Network of Golden Advisers'⁹⁴ (CRM Mechanism 3).⁹⁵

Despite the above, the GANHRI has accredited the Ombudsperson with 'B status', meaning that the Ombudsperson is not fully in line with the Paris Principles.⁹⁶ The SCA concluded that the Ombudsperson had fallen short of the Paris Principles in three main areas: its mandate; selection and appointment; and adequate funding and financial autonomy. 'Adequate funding and financial autonomy' are addressed under 'Efficiency' below, although 'mandate' and 'selection' are addressed in this section. Other research questions also raise issues under the Paris Principles, but are discussed in the relevant sections of this report where they arise.

The SCA concluded that the Law on the Ombudsperson provides the Ombudsperson

with a limited mandate to promote human rights, which is a fundamental requirement of the Paris Principles⁹⁷ and a crucial element for the development of an effective NHRI.⁹⁸ 'Promotion' in this sense was understood to include functions, 'which seek to create a society where human rights are more broadly understood and respected. Such functions may include education, training, advising, public outreach and advocacy.'⁹⁹ The SCA therefore encouraged the Ombudsperson 'to advocate for appropriate amendments to its enabling law to make its promotional mandate explicit.'¹⁰⁰ However, interviews with participants from the Office of the Ombudsperson indicate that the Ombudsperson does not have a strategy or action plan to address these issues.¹⁰¹

Despite the above, the Law on the Ombudsperson refers to the 'protection and promotion of children's rights' as part of the duties within the competency of the Ombudsperson that a Deputy shall perform under Article 9. **There is ample evidence of the Ombudsperson carrying out promotional activities concerning child rights, which increases its relevance as a NHRI in the area of child rights.** The Ombudsperson's awareness-raising campaign, 'Children Write to the Ombudsperson,' which was launched in 2013 but which continued into the evaluation period, aimed to increase public awareness about the individual complaints mechanism.¹⁰² The campaign, which was supported by UNICEF and the Swiss Embassy in Belgrade, and was implemented in collaboration with the local NGO Human Rights Action,¹⁰³ involved informing children in primary schools about the Ombudsperson and inviting them to write to the Ombudsperson about violations of their rights.¹⁰⁴ In 2014, a comic book depicting the most frequently reported cases of violence, together with the Ombudsperson's recommendations, was also prepared and circulated in schools.¹⁰⁵

In addition, the Ombudsperson has collaborated with the 'Network of Golden Advisers', which is a group of 12 children aged 11 to 17 years¹⁰⁶ to raise awareness of child rights and the work of the Ombudsperson, mainly through the network's social media platforms, and by organizing and participating in activities with government bodies, NGOs, the media and other public bodies (such as educational institutions and social protection bodies) and international organizations.¹⁰⁷ Furthermore, the DO has undertaken visits to institutions for children, including schools, residential care institutions and day centres,¹⁰⁸ in an attempt to reach particularly vulnerable or 'hidden' groups of children in Montenegro. Other awareness-raising activities have included translating the CRC into child-sensitive language, a brochure to familiarize professionals and children about OP III and roundtables with duty bearers from the government to remind them of the content of OP III and the challenges to ensuring its implementation.¹⁰⁹ **All these activities are considered highly relevant to children in Montenegro and are consistent with their needs to access this important CRM mechanism.**

Promotion by way of 'education and training' is elaborated in paragraph A.1(f) of the Paris Principles, which states that an NHRI shall have the responsibility of assisting 'in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles'. **There is evidence of the Ombudsperson/DO performing these activities, although they do not appear to be a significant part of their work.** The above-mentioned comic book was approved as a provisional teaching tool by the MoE for children in grades 6 and 7.¹¹⁰ In 2014, the Ombudsperson also developed a related guide for teachers.¹¹¹ Promisingly, the Evaluation Team were informed by a participant from the Faculty of Law of

the University of Montenegro that the faculty had signed a cooperation agreement with the Ombudsperson, so that students could acquire practical knowledge through lectures provided by the Ombudsperson at the university or lessons delivered on the Ombudsperson's premises.¹¹²

Though not specified by the SCA, **the expansion of the mandate of the Deputy Ombudsperson for Child Rights in 2016 to cover issues relating to 'social protection and youth'¹¹³ without an increase in staffing, has the potential to dilute the DO's role and to result in less time and capacity being available to address issues relating to children's rights (see also 'Efficiency')**.

Section B of the Paris Principles on the 'composition and guarantees of the independence and pluralism' of the NHRI requires, amongst other things, its composition and the appointment of its members to be established 'in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights.' Under the Constitution of Montenegro, the Ombudsperson is elected by a majority vote of Parliament based on a proposal of the state president.¹¹⁴ Article 7 of the Law on the Ombudsperson further provides that, in proposing a candidate, the president must 'carry out consultations with academic and professional institutions and non-governmental organizations whose main activity is the protection of human rights and freedoms.'¹¹⁵ According to the SCA, this process is 'not sufficiently broad and transparent' as it does not: require the advertisement of vacancies; establish clear and uniform criteria upon which all parties assess the merit of eligible applicants; and specify the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process.¹¹⁶ For this reason, the SCA recommends that the Ombudsperson

should advocate for the formulation of an appointment process that addresses these concerns, noting that a 'process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.'¹¹⁷

Though not noted in the SCA's conclusions, the Law on the Ombudsperson requires the DO to be appointed by Parliament at the proposal of the Ombudsperson. There are no requirements for the Ombudsperson to consult with others on the proposal. **The concerns outlined above with regard to the selection of the Ombudsperson therefore also apply to the selection of the DO, and its relevance as a CRM mechanism.**

5.1.2 Theory of change for the 2017-2021 Country Programme

- (ii) To what extent is the theory of change underlying the Country Programme relevant to the needs of boys and girls in Montenegro, including those who are particularly marginalized or vulnerable to discrimination, and relevant to the Montenegrin context?

The ToC for access to justice and the CRM component of the 2017-2021 Country Programme is a working draft, developed by UNICEF primarily as a tool to facilitate the development of the Country Programme. Finalization of the ToC in relation to CRM will take place following this evaluation.¹¹⁸

With this in mind, the overall outcome of the ToC is as follows: *"By 2021 the justice system will provide equitable access to justice for all children who benefit from effective legal protection and continuous monitoring of child rights violations*

by NHRIs and CSOs”.¹¹⁹ This outcome is preceded by six outputs, three of which relate to CRM: (i) increased awareness of citizens and professionals of children as rights holders; (ii) the Ombudsperson having increased the capacity to monitor the implementation of child rights; and (iii) the development of tools for informing children about accessing the Ombudsperson’s support, with a special focus on children who belong to minority groups and children with disabilities.¹²⁰ These outputs are relevant to the needs of children outlined in section 3.2 (Context) with regard to continuous monitoring of child rights violations by the Ombudsperson and CSOs, increased public awareness of children as rights holders, and increased capacity of the Ombudsperson to conduct CRM. These needs were also confirmed during the field research (see section 5.2 (Effectiveness) for data and analysis). **However, these outcomes and outputs do not reflect children’s needs for a well-coordinated CRM system integrated within the government, or the needs of particularly hidden or vulnerable groups of children who require special focus, such as children in rural areas, Roma and Egyptian children and children with disabilities,** as outlined under section 3.2 (Context) above and confirmed in section 5.2 (Effectiveness) below.

Overall, only one of the outcome indicators¹²¹ within the ToC relates to CRM (in relation to the measurement and handling of complaints to the Ombudsman), while three output indicators relate to CRM (change of knowledge, attitudes and practices of professionals and citizens in relation to children as rights holders capable of seeking redress; specialized knowledge of professionals to monitor implementation of the legal framework and practices in relation to child rights; and an unrestricted-access website providing access to NHRI support). Only one of these indicators (measuring access to this website and child-friendly materials) takes into consideration margin-

alized and vulnerable groups, by requiring that this material be ‘in a language/form accessible to children who belong to minority groups and children with disabilities’.¹²² **To ensure that the ToC is consistent with the needs of all children in Montenegro, the needs of vulnerable and marginalized children need to be mainstreamed across all indicators.**

The outputs identified in section 3.3 above, based on the ToR and 2017-2021 Country Programme, in addition to the ToC, are more relevant to the needs of vulnerable and marginalized children, as they identify a broader range of key duty bearers within the government, as well as enhancing awareness and understanding of child rights and CRM amongst children themselves, and with a special focus on children from minority groups and children with disabilities. However, the ToC does not mention children in rural areas, which is a notable gap. See section 5.2 below (Effectiveness) on how the indicators, outputs and outcomes can be refined to address these needs more effectively.

As is generally the case within the ToC, the key assumptions focus more on access to justice than on CRM. However, the ToC does mention one CRM-specific assumption: that enhancing monitoring systems will lead to the greater availability of data/evidence for children’s rights (causality assumption), and one causality assumption that overlaps access to justice and CRM: that monitoring access to justice will contribute to an increase in the number of children accessing justice, and increased capacity of the NHRI (Ombudsperson). **These assumptions are relevant and valid, though the step from increased access to justice to the increased capacity of the Ombudsperson appears to rely upon the increased CRM capacity across the government, which is currently missing from the ToC.**

The ToC also identifies the main contextual risks to the development of a CRM system in Montenegro including: insufficient financial resources; personnel and organizational changes in the Government of Montenegro; limited enforcement of adopted strategies/policies/services; the culture of professional accountability not being attained over time; and generated data and evidence not being used for development of policies and reform proposals. Again, **these are all highly relevant and need to be taken into consideration and accounted for during CRM (and access to justice) programming.**

5.1.3 Synergizing planned interventions with existing CRM activities, policies, strategies and approaches

- (iii) To what extent can the planned CRM interventions build upon any existing interventions by other key CRM stakeholders, and how can the planned CRM interventions be synergized with the policies, strategies and approaches of other key CRM stakeholders?

The extent to which UNICEF's CRM interventions can build upon the existing interventions of key CRM stakeholders is intrinsically linked to the broader question of how UNICEF can synergize its future CRM interventions with the key policies, strategies and approaches of other key CRM stakeholders. Discussions with the key informants highlight that many interventions by CRM stakeholders are largely dependent on UNICEF's technical and financial support (for example, the provision of technical support in developing NPAC 2013-2017 as well as financial support to the Centre for Children's Rights to draft the alternative report for Montenegro's second

and third state periodic reviews before the CRC Committee).¹²³ CRM stakeholders reported that they lack both financial and human resources, restricting them in the interventions that they are able to implement (discussed further in section 5.3 (Efficiency); see also section 5.2 (Effectiveness)). However, as addressed above, it would also appear that some stakeholders have a rather limited understanding of what CRM actually involves. Together with the above-mentioned challenges associated with inter-sector coordination, CRM interventions therefore tend to be compartmentalized, restricting opportunities for systematic review or reform (see section 5.5 (Inter-sector coordination) for data and analysis).

Despite these challenges, there are notable interventions, policies, strategies and approaches by key CRM stakeholders, besides the CRM mechanisms themselves, with which the planned CRM interventions should be aligned. For example, with regard to awareness raising, it is important to consider synergies with the Ombudsperson, who during the evaluation period undertook awareness-raising activities through its website and social networks, activities of the Network of Golden Advisers and specific campaigns (see section 5.1.1 above).¹²⁴ One particular area requiring attention and careful planning is the design and implementation of CRM activities in line with the upcoming NPAC. NPAC 2013-2017 has expired, and there is an intention to develop a new NPAC.¹²⁵ The NPAC is intended to be the master action plan and monitoring framework for the implementation of child rights as set out in the CRC, as well as the Concluding Observations of the CRC Committee that are expected to be published in June 2018.¹²⁶ **The existing ToC and 2017-2021 Country Programme do not factor in these pivotal CRM activities despite the NPAC being a critical CRM document, and the CCR – the NPAC's monitoring body – a critical CRM stakeholder.**

The MoFA has been collaborating with OHCHR and other CRM stakeholders including the line ministries, the Ombudsperson and NGOs in relation to the development of a database to be used to monitor the implementation of recommendations from international human rights bodies.¹²⁷ The plan is for the database to automatically upload the recommendations arising from Montenegro's UPR, but it will also allow stakeholders to manually input recommendations from UN treaty bodies and special procedures. The database is not intended to *replace* the need for a well-coordinated government human rights monitoring system but rather to act as an information management tool.¹²⁸ The database would break the recommendations down into sub-activities and collate and link recommendations pertaining to similar issues from different bodies. The aim is for users to be able to use the database to identify activities that can address multiple recommendations, record information on the responsible duty bearers and deadlines, and track the implementation and funding of activities.¹²⁹

This intervention relates directly to the theory underlying the Country Programme, as outlined in section 3.3, particularly output 1, which relates to CRM stakeholders having the capacity and accountability mechanisms to carry out CRM.

At the municipal levels, the most relevant strategies and interventions to the objects of this evaluation are the development and implementation of local strategies/action plans. Local action plans are drafted by inter-sector working groups with participants from relevant local level institutions and NGOs.¹³⁰ The number of local action plans for children across the three research sites (Podgorica, Bijelo Polje and Herceg Novi) varied, as did their thematic focus, which included children, young people, gender equality, social inclusion and persons with disabilities.¹³¹ Several key informants

explained that action plans relating to children were based on the concluding observations of the CRC Committee and were harmonized with NPAC 2013-2017¹³², while gender equality plans were based on the concluding observations of the CEDAW Committee.¹³³ **In this sense, local action plans are relevant in that they are intended to provide a framework to address the gaps and inequities in relation to child rights at the local level, in synergy with the recommendations of the CRC and CEDAW Committees and NPAC 2013-2017.**

Finally, the design and implementation of the planned interventions should make full use of existing child participation mechanisms in Montenegro. This includes the Network of Golden Advisers, the Ombudsperson, Children's Parliaments and Student Communities, all of which are existing mechanisms for child participation, with the Network of Golden Advisers already embedded within the CRM system.¹³⁴ In order to build upon these mechanisms, however, it is important to consider whether they are representative of children in Montenegro by being inclusive of children from marginalized and vulnerable groups. For example, members of the Network of Global Advisers were reportedly selected on the basis of a public call, which ensured representation of children from different cities in Montenegro and from the children's home in Bijela, but which would not necessarily facilitate application or involvement by children from vulnerable and marginalized groups.¹³⁵

RELEVANCE: KEY FINDINGS:

- The activities of the key CRM stakeholders and mandates of the CRM mechanisms are broadly relevant to the needs of boys and girls in Montenegro. However, the ministry and parliamentary reports are less relevant to children than the more specific CRC- and CEDAW-related reports or the annual reports on the implementation of NPAC 2013-2017, which are targeted towards improving children's rights. The lack of relevance is partly due to a lack of acknowledgement by certain ministries (notably the Departments of Gender Equality of the MoHMR and MoH) and the Parliamentary Committee on Education, Culture and Sport that children's issues fall within their mandates.¹³⁶ This finding is particularly problematic in relation to the issues relating to children or groups of children, which fall across a number of ministries or parliamentary committees, such as issues relating specifically to girls.
- The widening of the mandate of the DO to include youth and social protection issues, although without a corresponding increase in staff, risks diluting the DO's role due so that less time and capacity are available to address children's issues. This must be regarded as impacting the relevance of the DO's workload. Furthermore, the method of the selection and appointment of the DO is neither sufficiently broad nor fully transparent, and does not comply fully with the Paris Principles. However, there is evidence of the Ombudsperson carrying out promotional activities concerning child rights and engaging with universities to develop and deliver teaching and research programmes on human rights as per the Paris Principles, increasing its relevance as an NHRI and, hence, a CRM mechanism.
- The Country Programme and the ToC document are not fully relevant to the needs of boys and girls in Montenegro as they do not address the need for a well-coordinated CRM system integrated within the government, including at the local levels. The needs of particularly hidden or vulnerable groups of children are also insufficiently mainstreamed in the outputs and indicators of the ToC document. There are several notable existing and planned CRM interventions which can be aligned with the Country Programme, such as the development of a new NPAC, local action plans and the pilot data management tool currently being developed by the government with the support of the OHCHR. Existing awareness-raising mechanisms, particularly the Ombudsperson's Network of Golden Advisers, are also potentially excellent avenues for strengthening child participation and awareness-raising under the new Country Programme, but are not currently factored into its design or planned implementation.

5.2 Effectiveness

Effectiveness: How can UNICEF best support the key CRM stakeholders to develop the CRM system at both the central and local levels to ensure that girls and boys in Montenegro, including those who are particularly marginalized or vulnerable to discrimination, have access to an accountable CRM system?

5.2.1 CRM by the government, parliamentary committees and civil society

- (i) To what extent do CRM stakeholders collect, share and analyse data to monitor trends in the situation of child rights in Montenegro?

Very few CRM stakeholders collect and *share* quantitative and qualitative data on the situation of children in Montenegro on a *systematic* basis. Other than the yearly publications of a narrow range of official statistics on children by MONSTAT,¹³⁷ which also collaborates with UNICEF to provide data for the TransMonEE (Transformative Monitoring for Enhanced Equity) database,¹³⁸ the collection and exchange of data by CRM stakeholders is primarily reactive for the purposes of international reporting (such as the state's periodic review before the CRC Committee or CEDAW Committee, or UPR), in response to ad-hoc requests for information from other stakeholders,¹³⁹ or pursuant to research projects carried out when funding allows.¹⁴⁰ **Whilst ministries and parliamentary committees collect data concerning their activities for publication in annual or periodic reports, the findings generally focus**

on the activities implemented and their outputs, as opposed to their outcomes or impact on children,¹⁴¹ and hence provide limited information on gaps or inequities in the enjoyment of child rights.

A 'reactive' approach to data exchange was also evident at the municipal and frontline levels. Public bodies at the municipal level and on the front line generally perceived CRM to be a 'high-level' or 'national-level' responsibility and viewed their role narrowly as a transmitter of data to the ministries or the Ombudsperson upon request.¹⁴² Even where data is collected and shared via an electronic database, such as MEIS or SWIS, the data itself is generally extracted on a 'need-to-know' basis at the central level. For instance, participants from a CSW reported that they did not have sufficient time or capacity to analyse and use the data themselves to monitor the enjoyment of child rights, ascribing this task to the MoLSW at the national level.¹⁴³

Where data on the situation of children is collected and shared by CRM stakeholders, it is insufficiently disaggregated by gender, age, ethnicity, and disability or other status to enable identification of the gaps or inequities in the enjoyment of child rights across the country. This challenge is not new, and has been identified as a barrier by both the CRC Committee and the CEDAW Committee during previous state periodic reviews.¹⁴⁴ By way of example, the annual reports of the CCR on the implementation of NPAC 2013-2017 do not report disaggregated data where required, particularly with regard to the specific objectives concerning health, children with disabilities and access to justice.¹⁴⁵ The fact that CRM stakeholders from a range of sectors and thematic areas also continue to identify this particular challenge¹⁴⁶ indicates that there is a continuing need to strengthen the systematic collection of disaggregated data concerning children.

The lack of disaggregated data on children is partly due to the absence of *indicators* for the collection of disaggregated data on children.¹⁴⁷ However, it is also caused by the fragmented nature of the numerous data collection databases (such as SWIS, MEIS and PRIS¹⁴⁸) and varying methods of data collection, measurement and analysis adopted by stakeholders.¹⁴⁹ The fragmented and inconsistent data collection practices result in contradictory findings where systems overlap (for example, on the different statistics concerning violence against children recorded by police units and CSWs), and in gaps created where these multiple systems do not line up (for example, on issues concerning: children with disabilities who are not enrolled in school; Roma girls who are victims of violence; and data concerning children that receive support from special support services in connection with justice proceedings).¹⁵⁰

This challenge is aggravated by the technological and practical challenges that government stakeholders are facing in extracting and interpreting data from these databases, particularly SWIS, PRIS and MEIS.¹⁵¹ This results in central ministries reverting to frontline staff to report the data manually. For example, one participant from a ministry reported that due to difficulties in extracting data from MEIS for the purposes of the state's periodic report to the CRC Committee, she needed to approach the CSWs and ask them to provide the requisite data.¹⁵² Furthermore, even where data is extracted from databases, challenges arise with participants not being able to interpret the statistics and conduct the analyses themselves. For example, commenting on the data collected through MEIS, participants from one state body reported that the database is not 'user-friendly' leading them to rely on their ICT colleagues to extract and interpret the figures from the database and to synthesize the findings for them.¹⁵³

The need to develop robust and transparent procedures and standards for data collection analysis and exchange at the national government level is particularly important in light of the increasing centralization of the data collection processes. Although MONSTAT continues to collect and publish data pertaining to children in its portfolio of official statistics, rather than collecting data from local-level and frontline stakeholders, this data is increasingly being collected and consolidated by central ministries, before being shared with MONSTAT.¹⁵⁴

The parliamentary committees are key CRM stakeholders and rely on data submitted by other CRM stakeholders, such as ministries, the Ombudsperson and CSOs. The limitations in the collection, analysis and sharing of data have an inevitable knock-on effect on the quality of the work of parliamentary committees. The parliamentary committees have the power to conduct visits to institutions, providing them with an opportunity for primary data collection and analysis. However, such visits only take place occasionally.¹⁵⁵ Deliberations at parliamentary committee hearings may also provide an opportunity to obtain further evidence on the situation of children from key witnesses. However, it has been suggested that parliamentary committees tend to focus on general questions rather than asking in-depth questions of witnesses.¹⁵⁶

As touched upon under section 5.1 above (Relevance), **many of those involved in or working for a CRM mechanism did not appear to fully understand the importance of CRM, what it involves, or why the data is being collected.** Participants from all sectors generally reduced CRM to the actual implementation of child rights or the production of reports, with only a few participants acknowledging that CRM requires a continuous process of disaggregated data collection and analysis, reporting, use and follow-up of the data findings as reflected in the definition used for the

purposes of this evaluation.¹⁵⁷ **CRM mechanisms are collecting large volumes of data via electronic databases but the data is not being analysed or used.**

While most stakeholder groups were acutely aware of the need to collect, share and analyse data pertaining to the children falling within their mandate,¹⁵⁸ **there was a belief amongst some stakeholders that the MoLSW is solely responsible for CRM.**¹⁵⁹ This finding is concerning as the CCR relies on the submission of data by other ministries to monitor the implementation of the CRC Committee's recommendations.¹⁶⁰ **Similar challenges arise in the context of some parliamentary committees,**¹⁶¹ which exacerbates the challenges associated with the collection, sharing and analysis of data for CRM purposes.

- (ii) To what extent do CRM stakeholders utilize the data and analysis to develop laws, policies and programmes with a view to improving the realization of child rights in Montenegro?

There are some examples of the outputs of the CRM mechanisms being used to develop laws, policies and programmes to address gaps and inequities in the realization of child rights, although this is not yet a mainstream or systematic practice within the CRM system. For instance, the CRC Committee's Concluding Observations on Montenegro's previous periodic review underpinned the development of NPAC 2013-2017¹⁶² while the MoHMR used the Concluding Observations of the CEDAW Committee, and the MoFA used the recommendations of the UPR, to develop action plans.

This evaluation found little or no evidence that the annual reports of government ministries were being used to inform the development of laws, policies and programmes to improve the

implementation of child rights. As indicated above, the contents of these reports do not lend themselves well to this purpose as they primarily document the ministries' achievements in terms of activity outputs and future plans.¹⁶³ Indeed, several NGO participants considered that government ministries are not utilizing the breadth of their data in a systematic manner to inform the development of reforms,¹⁶⁴ stemming in part from a lack of political will¹⁶⁵ and a lack of analysis of the statistics collected, although the gaps in these reports and data collection systems, as outlined above, are also evident barriers in this regard.

Participants from **parliamentary committees** considered that the recommendations arising from their CRM activities (namely, visits to institutions, control hearings and consultation meetings) are being used to pass laws to address the gaps and inequities in child rights, such as ending the practice of placing children under the age of 3 in the children's home in Bijela and introducing personal assistance for children with special needs in regular schools.¹⁶⁶ However, **there was little other evidence of their recommendations being used in a systematic manner** and indeed some participants expressed the view that these mechanisms had a limited effectiveness, with little use of their recommendations to implement reforms.¹⁶⁷ Whilst parliamentary committees may request that CRM stakeholders provide reports on the progress of the implementation of laws, such reports are most often requested on a reactive basis in response to complaints raised by other CRM stakeholders.¹⁶⁸

Civil society participants generally reported using the data they collected from their ad-hoc research projects and monitoring of their own programmes to submit comments on laws and policies.¹⁶⁹ Whilst there were some examples of good collaborative practices between CSOs and the government in using the CRM data to inform the development of laws, policies and national pro-

grammes, the view of the majority of NGO participants was that their involvement in working groups is largely token, that their views are not being seriously considered, and they are not being kept abreast of developments concerning the law or policy following their participation in the working group or consultation.¹⁷⁰ This is explored in more detail under section 5.5 (Inter-sector coordination), as is the non-involvement of academia in this process.

In terms of following up and tracking the progress of the development of laws, policies and programmes, this CRM activity is limited by restrictions relating to the collection, analysis and exchange of data concerning child rights already set out above.

- (iii) To what extent are CRM duty bearers being held accountable for shortfalls or inequities in the realization of child rights in Montenegro based on the evidence generated by the CRM system?

When the CRM mechanisms do identify gaps and inequities in the realization of child rights, there is little evidence of the CRM stakeholders using these findings to hold duty bearers to account. With regard to the periodic reports of individual ministries, these are submitted to permanent working bodies of the government, such as the Commission for the Political System and Internal and External Policy, and the Commission for Economic Policy and the Financial System, for their consideration, after which the reports are considered and adopted at the government sessions.¹⁷¹ As touched upon under section 5.1 ('Relevance'), ministry reports may be published on their websites which, some government participants considered, subjected them to public scrutiny¹⁷² and which may be regarded as a way of holding the government to account. However,

the authors found it difficult to locate these reports online, raising questions as to the accessibility of these reports to the general public. Further, there was very little evidence of the ministries taking active steps to publicize their annual reports or deliberating with other stakeholders on their content.

There is similarly little evidence of CRM stakeholders using the recommendations of the CRC Committee to hold duty bearers to account. This is due in part to the vague nature of NPAC 2013-2017. The NPAC is a high-level document with activities allocated to general groups of stakeholders or sectors, rather than specific duty bearers.¹⁷³ The periodic reports on the implementation of the NPAC (and the CRC recommendations) lack detail, and do not always address the extent to which the specific activities in the NPAC are being implemented,¹⁷⁴ or if it does, it is often only in the most general of terms.¹⁷⁵ This is despite the CRC Committee noting the need to develop an effective mechanism to review the implementation of plans of actions relating to children.¹⁷⁶ **The national database being developed by the MoFA and other national CRM stakeholders, together with the OHCHR, is intended to be used as a tool to track the implementation of recommendations issued by UN human-rights-monitoring bodies, including the CRC Committee, and could be used to address this particular challenge.**

The failure of the CCR to provide detailed reports on the implementation of NPAC 2013-2017, and to follow up non-implementation with the relevant government bodies, combined with the lack of acknowledgement of some ministries of their CRM responsibilities, has meant that shortfalls or inequities in the implementation of child rights have not been adequately brought to the attention of the government (see data and analysis under section 5.5 (Inter-sector coordination)).

Participants reported more positively on the implementation of the UPR recommendations, with responsible duty bearers being identified more clearly in the Action Plan for the implementation of UPR recommendations,¹⁷⁷ and with more frequent interactions and acknowledgement of responsibilities by implementing bodies.¹⁷⁸ **However, as with the CCR, there is limited evidence of the government following up on the non-implementation of UPR recommendations by stakeholders generally.**

There is very little evidence of the recommendations issued by parliamentary committees being followed up either by the parliamentary committees themselves, NGOs or the Ombudsperson on a systematic basis. In addition, some participants considered that the adoption of parliamentary committee reports is a formality,¹⁷⁹ which suggests there may be lost opportunities for scrutiny.

There is a need for NGOs to take a more proactive role in holding government bodies and public institutions to account for shortfalls in the protection of child rights and non-fulfilment of the outcomes of the CRM mechanisms. Several NGOs report-

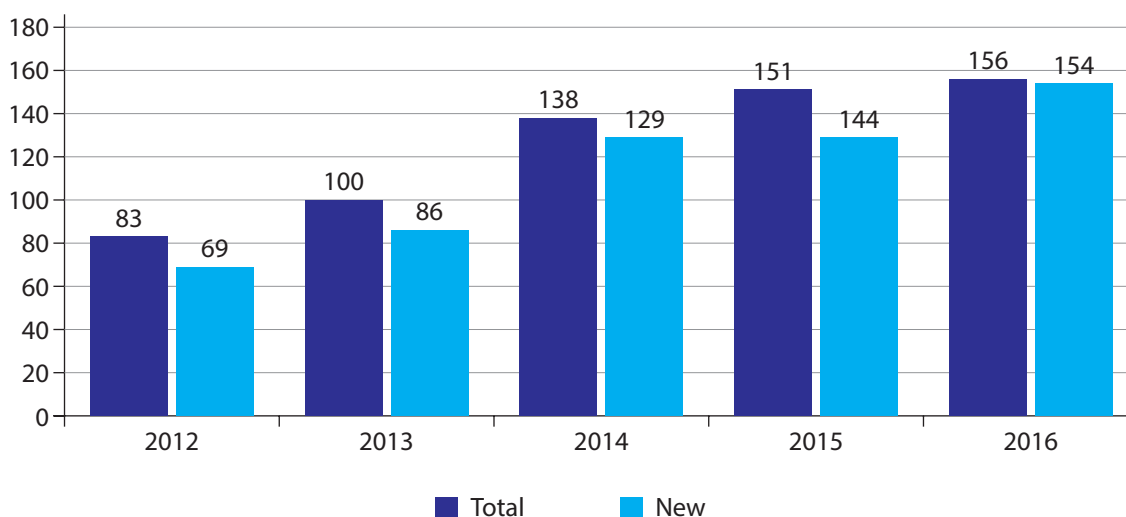
ed that they do not monitor the recommendations arising from periodic reviews before the CRC Committee, CEDAW Committee, the UPR, ministry reports or parliamentary committee recommendations concerning child rights.¹⁸⁰ This may be because of the absence of an NGO focusing on the full breadth of child rights, but it may also be due to the lack of collaboration fostered between the two sectors, as detailed more fully under Inter-sector coordination in section 5.5 below.

5.2.2 Office of the Ombudsperson

- (iv) To what extent are girls and boys in Montenegro able to access the Ombudsperson's individual complaints mechanism?

The number of individual complaints concerning alleged violations of child rights submitted to the Ombudsperson during the evaluation period is an indication of the extent to which boys and girls have access to the individual complaints procedure. The

Chart 1: Total number of individual cases and total number of new individual cases handled by the Deputy Ombudsperson (source: Annual Work Reports of the Ombudsperson)



total number of individual cases and total number of new individual cases handled by the DO are set out in Chart 1.

Although there was an increase in both the total number of individual cases and the number of new individual cases concerning children that were handled by the Ombudsperson between 2012 and 2016 (see Chart 1 above), from a closer analysis of the breakdown of these figures it cannot be concluded that this increase is due to an increase in the number of complaints of child rights violations. Firstly, the figures for 2016 do not specify the number of cases concerning violations of *children's* rights as opposed to those of their parents or young people over the age of 18, which now fall under the mandate of the DO. Secondly, in 2015 and 2016, a total of 11 and 23 individual cases were self-initiated by the Ombudsperson, respectively.¹⁸¹ **This means that the total number of new individual complaints submitted to the DO by the public actually decreased slightly from 133 to 131 during this period.**¹⁸²

It is not possible to comment on access by boys and girls based on the available data on individual complaints. **The Ombudsperson does not collect or report disaggregated figures on the gender of the 'victim' of the violation, which is a significant gap in its records.** As mentioned further under section 5.3 ('Efficiency') below, this is not just a gap in data reporting; the case file reviews indicate that this crucial disaggregated data is not always recorded in individual case files or collected at all.

Data on the numbers of individual complaints actually submitted by children themselves is only available for 2016. This data is not encouraging, as it would appear that very few or none of the 154 new cases handled by the DO that year were submitted by individual children; women submitted 66 complaints; men submitted 50 complaints; 10 cases

were 'formed after addressing children'; 23 cases were self-initiated; three complaints were submitted by groups of citizens; and two cases were anonymous.¹⁸³

The percentage of admissible versus inadmissible individual complaints submitted to the Ombudsperson during the evaluation period can also provide an indication of the extent to which children are accessing the Ombudsperson as a CRM mechanism. A breakdown of the outcomes of the cases handled by the DO between 2014 to 2016 are set out in Charts 2 to 4 below, which are based on the figures reported in the Ombudsperson's Annual Work Reports.

As indicated in Charts 2 to 4 above, only a small proportion of the individual cases were regarded as 'inadmissible', although no mention is made as to whether the complaints made by applicants who were referred to other legal mechanisms were admissible or not. Furthermore, the case file review highlights that inquiries or requests for advice, or individual complaints, which should be regarded as inadmissible, are in fact being recorded as 'violations removed during proceedings' or 'cases that are resolved during the procedure', providing an inaccurate reflection of the Ombudsperson's caseload.¹⁸⁴ For this reason, it is not possible to comment on the percentage of admissible versus inadmissible individual complaints submitted to the Ombudsperson during the evaluation period.

The percentage of admissible complaints concerning children in which violations are found can also be an indicator to measure the extent to which girls and boys are accessing the Ombudsperson as a CRM mechanism. Charts 2 to 4 suggest that **violations were found in 58.7% of cases in 2014; 47.0% in 2015; and 46.1%¹⁸⁵ in 2016.** While this appears to indicate a decrease in the number of successful cases, in light of the evidence that **inadmissible cases or inquiries may be characterized as cases in which**

Chart 2: Breakdown of the cases handled by the Deputy Ombudsperson in 2014 (N=138) (source: Ombudsperson’s Annual Work Report for 2014)

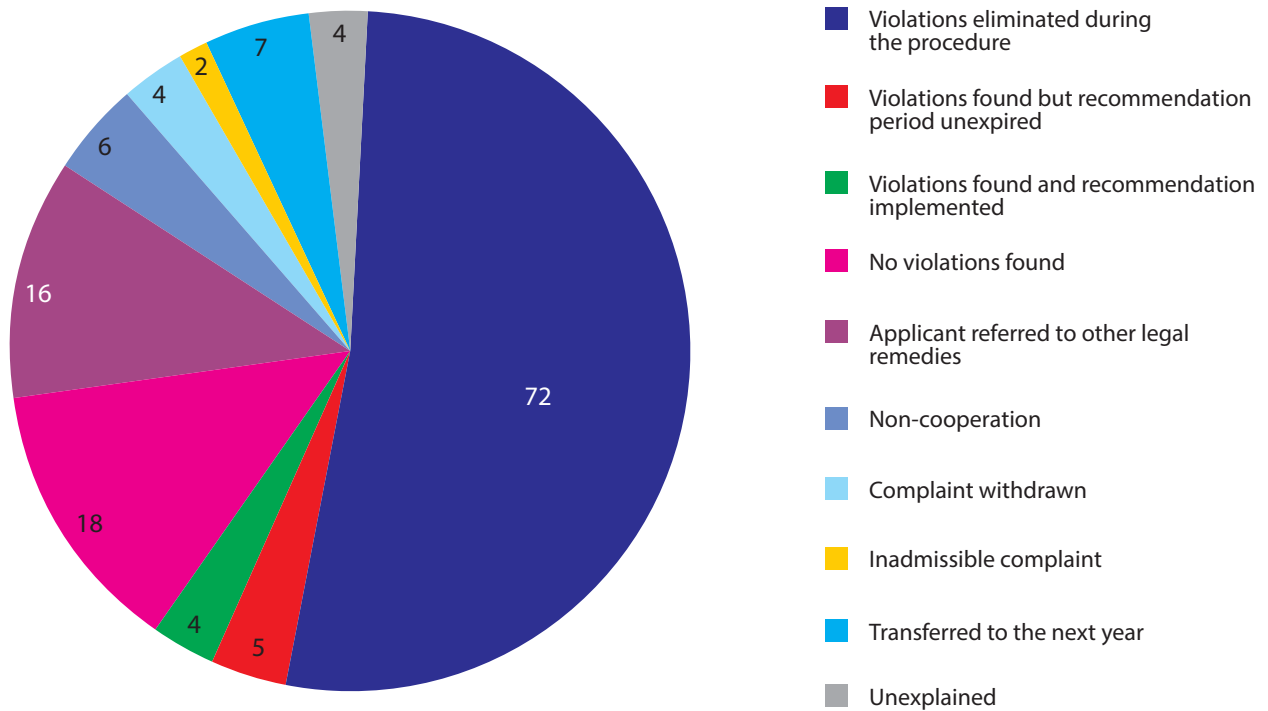


Chart 3: Breakdown of cases handled by the Deputy Ombudsperson in 2015 (N=151) (source: Ombudsperson’s Annual Work Report for 2015)

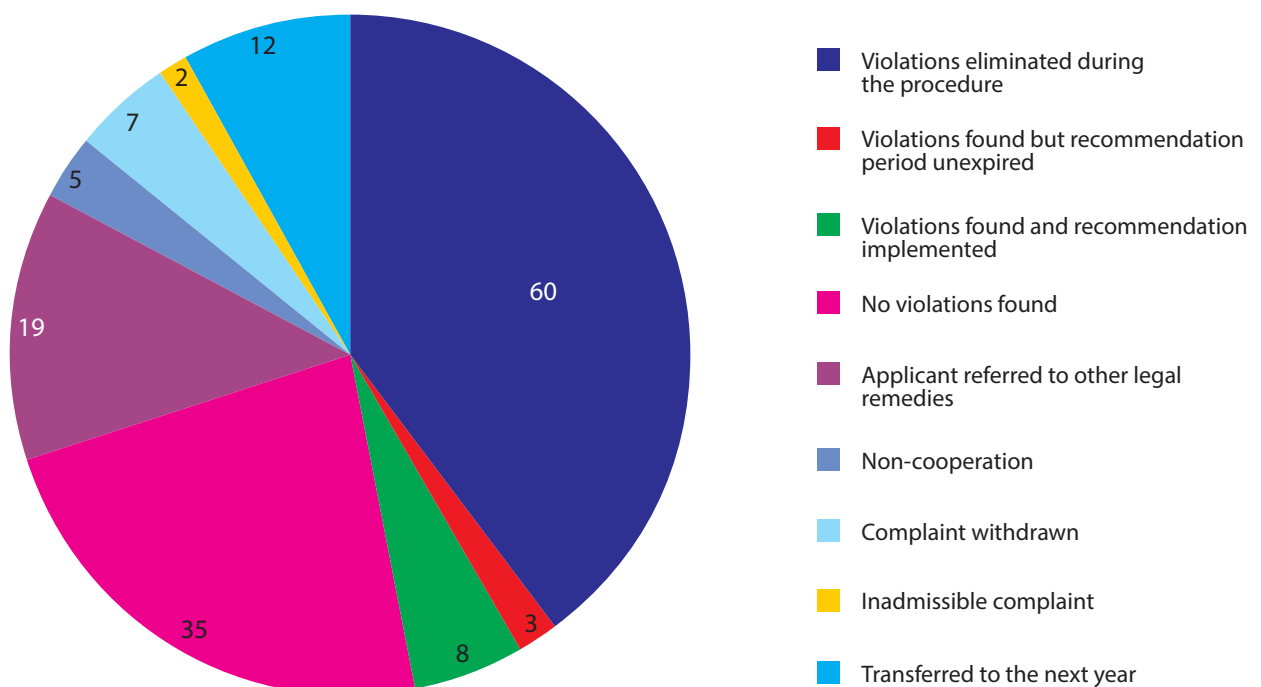
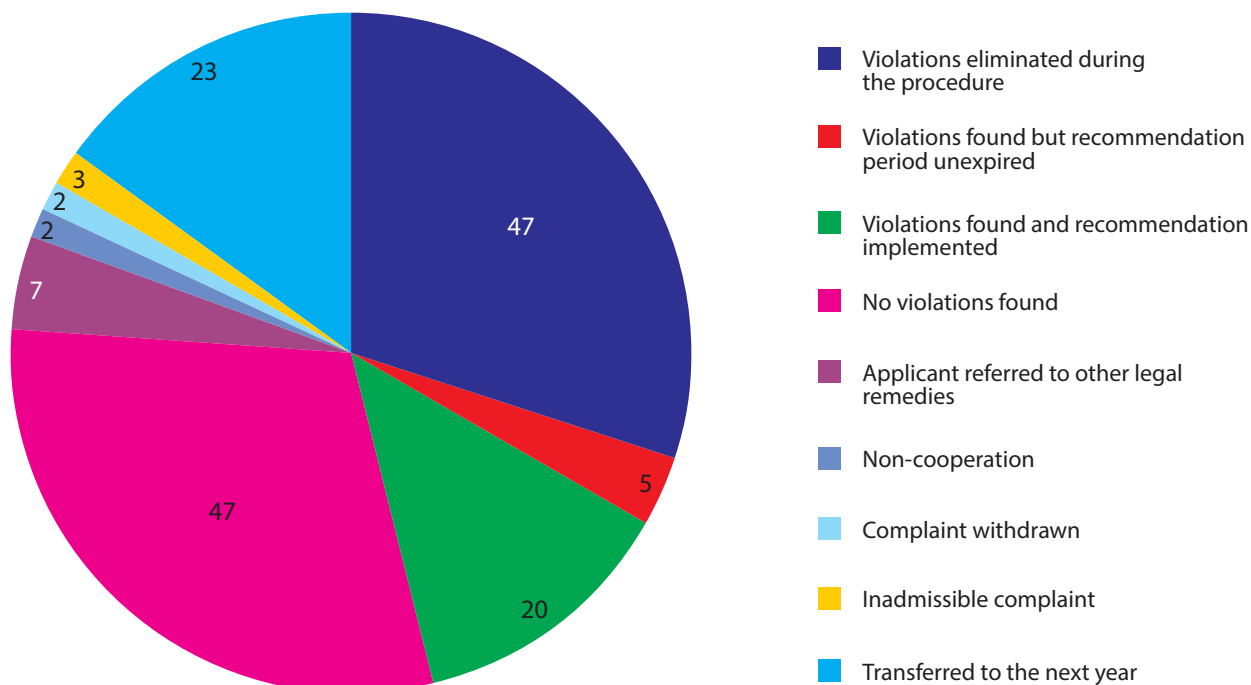


Chart 4: Breakdown of cases handled by the Deputy Ombudsperson in 2016 (N=156)
(source: Ombudsperson’s Annual Work Report for 2016)



‘violations were resolved during the procedure’, these figures cannot be taken as an accurate reflection of the numbers of genuine violations. The figures are complicated further by the expanded mandate of the DO and absence of a breakdown of the numbers of violations of child rights, as opposed to the rights of parents or young people over the age of 18.¹⁸⁶

Children’s awareness of the existence and role of the Ombudsperson and how to submit individual complaints can help to assess to what extent boys and girls have access to this CRM mechanism. **Awareness of the Ombudsperson varied between age groups, genders and research sites.** For example, the vast majority of participants in one FGD for young people (male and female) in Podgorica had not heard of the Ombudsperson, compared to younger girls and boys at the same research site who had heard of this body.¹⁸⁷ Similarly, in Bijelo Polje, children in the younger age groups

were well aware of the existence of the Ombudsperson,¹⁸⁸ whereas there was less awareness amongst the older boys and girls.¹⁸⁹ Conversely, in Herceg Novi, there was good awareness of the Ombudsperson among the older boys and girls,¹⁹⁰ with only one person in the younger age group having such an awareness.¹⁹¹ Importantly, children considered that the Ombudsperson might be less known amongst less educated or uninterested groups of children who are not already active and engaged in community life.¹⁹² Furthermore, **children were generally vague or unclear of what the Ombudsperson does, with some not having any knowledge of the role of the Ombudsperson at all, even if they had heard of it.**¹⁹³

Whilst some children understood that they could report their complaints to the Ombudsperson if they had no one else to assist them,¹⁹⁴ many of these children believed that the Ombudsperson

provides counselling or advice to children generally (like a helpline staffed by psychologists).¹⁹⁵ Children were vaguely aware that they could submit complaints via email, in writing or by telephone, and those who were not aware of how to contact the Ombudsperson considered they could easily find out online.¹⁹⁶

There was a clear feeling amongst children in Bijelo Polje that the Ombudsperson was far removed and not very visible to them, calling for the Ombudsperson to open a branch in Bijelo Polje or to fund student representatives from the region to represent their interests before the Ombudsperson in Podgorica.¹⁹⁷ Similar references were debated in the FGDs in Herceg Novi. For example, one girl remarked that whenever she hears about the Ombudsperson, she just hears an account of the Ombudsperson's achievements, rather than how to access the service and was of the view that the Ombudsperson did not *"really bother"* with children.¹⁹⁸ In this connection, it is important to emphasize the CRC Committee's guidance that NHRIs should be geographically and physically accessible to all children and should proactively reach out to all groups of children, in particular the most vulnerable and disadvantaged.¹⁹⁹

In the vast majority of FGDs, children stated that children would not report rights violations, particularly those occurring within the family but where they said that they would report, the Ombudsperson did not appear amongst the list of people or bodies to whom they would report.²⁰⁰ Whilst some CRM stakeholders considered that children were becoming less fearful of reporting crimes or other rights violations within the family,²⁰¹ children were still afraid of the repercussions of reporting, for example, violent reprisals, the perpetrator being sent to prison or their teacher giving them poor grades, losing friends, shame or, for cases concerning the family, being taken away from home

and placed in an orphanage.²⁰² It was evident that this concern is compounded by a sense that the children would be breaching a sense of duty towards their parents or disrespecting those close to them.²⁰³ This feeling appeared to be worsened by concerns over whether or not complaints could be made anonymously.²⁰⁴ **The fear of reporting is compounded by the lack of trust in the Ombudsperson that was expressed by some child participants.**²⁰⁵

Another key barrier to children accessing the individual complaints mechanism is that children consider that they would not be believed or taken seriously, and that even if they were believed, no one would be willing or able to help.²⁰⁶ In this connection, participants highlighted a broader culture of adults not listening to or respecting children's views, and a culture of solving one's own problems.

Children and participants from a few NGOs also highlighted a belief that the Ombudsperson did not have the standing or credibility to be able to influence change, discouraging access. For example, children in one FGD considered that the government *"does not care about the Ombudsperson"* and that the Ombudsperson *"cannot do anything if no one is breaking the law."*²⁰⁷ Similar views were voiced by some NGO participants, which are detailed further below.

- (v) To what extent are the recommendations of the Ombudsperson in respect of individual complaints involving a violation of child rights being implemented in practice?

The extent to which the recommendations of the Ombudsperson on individual cases concerning violations of child rights are implemented on time is an indication of the effectiveness of this CRM mechanism. The Ombudsperson does not impose uni-

form deadlines for the implementation of its recommendations. Rather, it depends on their subject matter, urgency and nature.²⁰⁸ Time limits are “usually 15, 30, 60 days. If [the recommendation concerns] systematic [changes], 90 days or even six months.”²⁰⁹ The percentage of cases in which the DO has issued recommendations is small, given that the vast majority of cases are reportedly resolved during the course of the investigation procedure (see Charts 2 to 4 above). In 2014, recommendations were implemented in 44.4% of the cases in which they were made (4 out of 9 cases).²¹⁰ In 2015, a total of 11 complaints resulted in recommendations being issued, which were ‘acted upon’ in eight cases (72.7% of the cases), although the time limit for the implementation of the recommendations in the remaining three cases had not yet expired. In 2016, 25 complaints resulted in recommendations, which were ‘acted upon’ in 20 cases (80% of the cases), whilst the time limit for the implementation of the recommendations in the other five cases had not yet expired. These figures seem to suggest significant improvements in the implementation of recommendations. However, without a breakdown of whether the individual cases concerned violations of child rights or the rights of adults in the areas of social protection or youth, it cannot be concluded that the increase specifically relates to cases involving violations of child rights, and hence the CRM mechanism.

Participants’ responses nevertheless indicate that enforcement of recommendations issued in individual cases is a challenge, particularly those calling for systematic changes.²¹¹ The recommendations of the Ombudsperson are not binding.²¹² Rather, the Ombudsperson is required to rely on political and reputational pressure to encourage duty bearers to implement its recommendations. According to participants from the division of the DO, despite the commitment demonstrated by duty bearers to resolve systematic viola-

tions, there are “no visible results” and “[i]n this environment, it [the recommendations] doesn’t lead to any better result.”²¹³ In this connection, they considered that limited financial and human resource capacities, and different political priorities, are broader barriers to duty bearers implementing systematic recommendations, constituting “the biggest challenge” to enforcement.²¹⁴ Perceptions that the Ombudsperson lacks authority, which was highlighted by children and some NGO participants (see above and further below), may also be affecting implementation.

Despite the above, **there are a range of statutory powers which the Ombudsperson may use to encourage enforcement, although there is little evidence of their use in practice.** When issuing its opinion on a violation, the Ombudsperson is required to issue recommendations on the steps needed to remedy the violation by a certain deadline.²¹⁵ The ‘head or the person managing the authority’ to whom the recommendation is directed is then obliged to submit a report to the Ombudsperson on the steps taken by it to implement the recommendations by that deadline.²¹⁶ If the head or person managing the authority in question fails to comply with the recommendation by that deadline, in addition to informing the public, the Ombudsperson is permitted to inform the immediate superior authority, and submit a special report.²¹⁷ It is also up to the Ombudsperson to ‘submit an initiative for opening a disciplinary procedure or procedure for the dismissal of the person whose work or failure to act resulted in a violation of human rights and freedoms’.²¹⁸ In addition, the Ombudsperson may use its powers to initiate proceedings before the Constitutional Court on the conformity of laws with the Constitution or international treaties to which Montenegro is party,²¹⁹ which is a strong tool for enforcing systematic recommendations stemming from legislative gaps.

- (vi) How effective are the Annual Work Reports of the Ombudsperson and its alternative reports to the CRC Committee in protecting child rights in Montenegro?

In line with the Paris Principles and the accompanying guidance of the SCA, the annual reports of the Ombudsperson, each of which contains a section on child rights, generally provide an account of the activities undertaken by the Ombudsperson in the area of child rights, and contain some of the Ombudsperson's opinions on how to address identified child rights issues.²²⁰ Similarly, by submitting its shadow report to the CRC Committee in 2017 and participating in discussions before the CRC Committee on its report in Geneva, the Ombudsperson is contributing to one of the key functions of an NHRI under the Paris Principles, namely, to interact with international human rights systems.²²¹ Furthermore, all these reports aim to promote and ensure the harmonization and implementation of Montenegro's legislation, regulations and practices according to its obligations under international human rights instruments, which is also a fundamental requirement of the Paris Principles.²²²

The sections on the 'Rights of the Child' in the Ombudsperson's Annual Work Reports rely primarily on the recommendations arising from individual complaints.²²³ However, recommendations are often difficult to identify as they are buried within the text of the report, and often do not target the ultimate duty bearers, referring, for example, solely to 'centres for social work' or 'education institutions' rather than to the relevant departments or divisions within the ministries with the power to push through the reforms.²²⁴ Furthermore, very little cross-reference is made to the relevant national or international obligations or best practices on which

the recommendations are based. The CRC Committee's recommendations are simply reiterated in the report, rather than being used to support the Ombudsperson's arguments and recommendations.

Participants cited some concrete examples of the Ombudsperson's recommendations influencing the development of laws concerning children, which is a highly positive finding. For example, participants from the Parliamentary Committee on Gender Equality reported that the amendments to the criminal law for children to provide evidence via video link from another room were made based on recommendations from the Ombudsperson and civil society.²²⁵ **However, as touched on above, participants from the division of the DO reported challenges in ensuring implementation of its recommendations, particularly those concerning reforms at the systems level.**²²⁶ In this sense, one participant reported feeling powerless to enforce the recommendations.²²⁷ In addition, **despite its statutory powers concerning enforcement (see the preceding section), there was little evidence of the Ombudsperson or DO taking concrete or systematic steps to monitor or continue advocating for the implementation of its recommendations made with specific bodies.**

The Office of the Ombudsperson does arrange meetings with the relevant duty bearers to encourage implementation of its recommendations, which is a positive practice and should be continued. However, in light of the limitation of resources (see section 5.3 'Efficiency' below), it is not feasible or practicable for the Office to rely on this strategy to achieve implementation of its recommendations in the area of children's rights. This finding further emphasizes a need for the Office of the Ombudsperson to develop a targeted strategy for its CRM activities using the full range of its statutory powers.

It is good practice and in line with the Paris Principles that the Ombudsperson is required to, and actually does, submit its annual report to Parliament, and that this is broadcast on television.²²⁸ This is particularly important as the publicity and reputational risk of violations is a primary tool for encouraging implementation of the recommendations and the holding of duty bearers to account. Furthermore, Parliament may require the government to issue its statement on the report.²²⁹ Although Parliament has the power to adopt conclusions on the Ombudsperson's report, including assessments and positions on specific issues,²³⁰ and has been doing in practice,²³¹ **Parliament is not mandated by law to discuss or debate the report.**²³² Despite the conclusions issued by Parliament on the Ombudsperson's Reports, participants from one CRM stakeholder observed that the Ombudsperson still ends up repeating the same recommendations the following year,²³³ suggesting that there remains a need to strengthen accountability mechanisms for the implementation of the Ombudsperson's recommendations amongst CRM stakeholders.

The key informant interviews reinforced this concern, particularly with regard to the need to strengthen public confidence in the NHRI. For instance, the children in one FGD considered that the Ombudsperson *"is aligned with the government"*.²³⁴ Similarly, **the participants from some NGOs highlighted a belief that the Ombudsperson does not have the standing or credibility to be able to influence change: "the state chooses what recommendations to implement or not. The Ombudsman has not been able to impose itself as an authority to be listened to".²³⁵ Another participant considered that the appointment of the DO was a political decision.²³⁶ Such comments reinforce the recommendations of the SCA to strengthen the selection process and public confidence in the institution of the Ombudsperson.**

(vii) To what extent does the Ombudsperson raise awareness of child rights and access to the individual complaints mechanism?

As touched on above, one of the reasons for the Ombudsperson's 'B status' from the GANHRI stems from the need to strengthen its mandate to promote of human rights, including by making 'appropriate amendments to its enabling law to make its promotional mandate explicit'.²³⁷ Yet, there are various examples of the Ombudsperson raising awareness of child rights and the CRM mechanism, detailed under section 5.1 ('Relevance') above. 'Children Write to the Ombudsperson' was the main awareness-raising campaign implemented by the Ombudsperson during the evaluation period. An evaluation of the results of this campaign was not carried out. However, participants from the Office of the Ombudsperson considered that this laid the groundwork for the establishment of the 'Network of Golden Advisers' and 'made children closer to the office'.²³⁸ The commitment and energy of the division of the DO in reaching out to children more generally is acknowledged in the 2017 Peer Review on the Capacities of the Ombudsman Institution of Montenegro, which found that the division of the DO has raised its visibility and devotes a significant proportion of its time and resources to this area.²³⁹ **The conclusion of the cooperation agreement with the Ombudsperson and the Faculty of Law of the University of Montenegro is also a promising initiative that can provide opportunities for the Ombudsperson to raise awareness of child rights and the CRM mechanism via the delivery of educational programmes and training.**²⁴⁰

Children's awareness of their rights and of the CRM mechanism is perhaps the best indicator of the effectiveness of

the Ombudsperson’s awareness-raising initiatives. **Most child participants had a basic knowledge of their rights, understood that the state is responsible for protecting and respecting their rights and acknowledged that parents also have responsibilities towards their children in this regard. However, there were examples of child participants from all the sampled age groups, genders and research sites who did not have a good knowledge or awareness of their rights.** For example, one young person in Podgorica stated that although they had received education on child rights when they were seven, they had forgotten about it.²⁴¹ Similarly in Herceg Novi, a younger girl reported that “[w]e never talk about... what rights are...”²⁴² **However, very few participants made a link between their child rights education and the Ombudsperson’s activities, attributing this more to ‘Life Skills’ lessons in elementary school.** Furthermore, as found above, research indicates that awareness amongst children of the nature and role of the Ombudsperson generally remains low.

5.2.3 Theory of change for the 2017-2021 Country Programme

- (vii) To what extent does the theory of change for the 2017-2021 Country Programme address the barriers or bottlenecks to the utilization by girls and boys in Montenegro of a well-governed and accountable CRM system?

Bearing in mind that the ToC is still under development, it is not surprising that the planned activities only partially address the barriers and bottlenecks to boys and girls in Montenegro utilizing a well-governed and accountable CRM system highlighted in the preceding analysis. The ToC focus-

es on addressing three barriers: addressing cultural and social barriers to children as rights holders through awareness raising of professionals and children on child rights (Output 1); strengthening electronic systems of data collection and analysis (namely SWIS and PRIS) and harmonizing the government’s approach to data collection across the health, education, social and justice sectors (Output 2);²⁴³ strengthening the capacity of the Ombudsperson to conduct CRM (Output 4)²⁴⁴; and the establishment of a child-friendly website and promotional materials to act as a tool for informing children on the support provided by the Ombudsperson (Output 5).

However, the outcome (that children benefit from continuous monitoring of child rights violations by the Ombudsperson and CSOs), omits to mention one of the greatest needs to effective CRM in Montenegro, namely, the development of a coordinated CRM system within government structures. Furthermore, the indicator relating to the outcome refers solely to the number of complaints made by children or their representatives which are officially investigated and for which remedial action was taken within six months, which not only fails to address the CRM system within the government but also the role of CSOs. **The refined ‘theory’ that was developed for the evaluation based on the ToR, the 2017-2021 Programme Document and the ToC (set out in section 3.3) addresses the gaps in the ToC, and should be used as the basis for refining and finalizing the ToC document.**

Whilst the ToC takes into account the need to strengthen the capacity of the Ombudsperson, it fails to address the gaps in its working practices, particularly the inconsistent data collection, analysis and reporting concerning individual cases, which fail to capture disaggregated data. Similarly, whilst the harmonization of electronic data collection systems across key thematic sectors and the integration of child rights-based indicators in SWIS and

PRIS are necessary based on the analysis above, the ToC does not capture the wider range of databases that should be included within this output, such as MEIS or the planned new judicial information system, 'ISP'. More broadly, however, the barriers to data collection and analysis are only one element of CRM; gaps in data verification, exchange, reporting, communicating shortfalls to duty bearers and proactive, systematic follow-up, must also be addressed. Whilst much of this depends on effective inter-sector coordination (see section 5.5 below), **the analysis above has shown that there is a press-**

ing need to highlight the importance of CRM amongst stakeholders from all sectors, though particularly within the government, specifying their responsibilities in the process, in order to contribute to the development of a culture of accountability for child rights violations. Achieving this requires a broader awareness-raising campaign and need to develop a culture of accountability, which is not currently addressed either in the ToC or in the reformulated theory underpinning this evaluation, and should be included.

EFFECTIVENESS – SUMMARY OF KEY FINDINGS:

- Data collected across all government bodies on child rights is primarily quantitative and is insufficiently disaggregated by gender, age, ethnicity, rural/urban location, disability or other status to enable identification of the gaps or inequities in the enjoyment of child rights across the country. Where data is collected, it is not being analysed or shared between CRM stakeholders on a systematic basis, resulting in large volumes of collected, but unanalysed data. This challenge is partly due to a low level of understanding in government departments of what 'CRM' actually involves and why the data is being collected; insufficient acknowledgement of CRM obligations and limited follow-up of the outcomes of the CRM mechanisms. There is therefore little evidence of CRM recommendations being used in a systematic manner to influence child-related laws, policies or programming, or hold duty bearers to account.
- Specifically, regarding the DO, the lack of accurate disaggregated data on individual complaints prevents a complete assessment of its effectiveness as a CRM mechanism, which is in itself a key finding of the effectiveness of its CRM activities. It is also clear that neither the Ombudsperson nor the DO are using the full range of their statutory powers to encourage enforcement of their recommendations or protect child rights. In terms of accessibility, children were generally vague or unclear about the role of the Ombudsperson. Children in Bijelo Polje reported that the Ombudsperson was far removed and not very visible to them, with similar reports also being made by children in Herceg Novi. In the vast majority of FGDs, children stated that they would not report rights violations, particularly those occurring within the family. Where children said that they would report, the Ombudsperson did not appear on the list of bodies they would report to, largely due to fear of the repercussions and lack of trust in the institution.

- The ToC document for the Country Programme does not fully address the key barriers to developing an effective CRM system, although these barriers are better reflected in the broader theory that was developed for this evaluation. The missing key barriers include gaps in the working practices of the Ombudsperson, and the challenges associated with having fragmented databases for the collection and sharing of data on children, not all of which are addressed in the document. Most importantly, the ToC does not yet incorporate a component that highlights the importance of CRM amongst government duty bearers and their corresponding CRM responsibilities, which is essential for developing a culture of accountability.

5.3 Efficiency

How can UNICEF support key CRM stakeholders in developing an efficient CRM system?

5.3.1 Financial efficiency

- (i) Do the key CRM stakeholders have sufficient financial resources to fund their CRM activities?

Ministries and state bodies:

Government ministries and departments face insufficient resource allocation for CRM activities due to the combination of a lack of budgetary allocation to children’s matters and child rights issues generally, and the absence or even recognition of budgetary allocation to CRM stakeholders and activities specifically. NPAC 2013-2017 acknowledged the CRC Committee’s concerns over the ‘small allocation’ from the state budget in relation to children, but noted that the level of financing of child-related issues was not inconsistent with other areas in Europe and Central Asia, and was in fact higher than in some, concluding that ‘the problem is not the amount of allocated funds, but

the achieved level of quality and range of services in relation to allocations.’²⁴⁵ This direct view on efficiency, though taken from before the timeframe for this evaluation, provides some insight into concerns held by drafters of the NPAC that even where resources are available, they are not being used to the greatest benefit. Despite this view, specific funds were not allocated towards the costs of the implementation of NPAC 2013-2017, but were instead provided from the regular budgets of line ministries and local self-governments involved in its implementation.²⁴⁶ The main reason for this was because the activities arising from the NPAC were considered to largely form part of the regular activities of the ministries or would be funded through international development projects and donations, causing ‘no additional burden for the citizens and economy of Montenegro’.²⁴⁷ This decision was made despite the fact that Article 15 of the Rules of Procedure for the CCR states that the funding towards its activities must be allocated from the national budget.²⁴⁸

There is an overall lack of funding for children within state and donor budgets in Montenegro, which, although not the focus of this evaluation, has a direct bearing upon whether funds are available for CRM activities and outputs. This is evident from the reports of the MoLSW on the implementation of NPAC 2013-2017; ‘Specific Objective 1.3’ of the NPAC

requires including the rights and welfare of the child among the budgetary priorities of the state, although this was not reported against in the 2015 Progress Report, and in the 2016 Progress Report it was stated that, '[t]here are no clearly allocated child-related funds in the budgets, so we can say that our children are not visible in the budget, and hence we have difficulty monitoring the allocation of budget funds in particular when it comes to the children of vulnerable groups.'²⁴⁹ This issue has been emphasized in more recent sources. For example, in its Alternative Report to the CRC Committee, the Centre for Child Rights stated that the 'budget tailored to the child and the child's visibility in the Budget are set as priorities for Montenegro, but unfortunately, in practice this has not happened yet'.²⁵⁰ The Report further noted difficulties in ascertaining the level of finance distributed for child rights, specifically in relation to marginalized groups:

*'We have no information about whether the line ministries involved in the implementation of the UNCRC, Optional Protocols and the NAPC, are realizing 5% greater coverage of socio-economically deprived, marginalized and neglected children on an annual basis, which was one of the NAPC indicators to monitor implementation of this measure.'*²⁵¹

Similarly, the lack of knowledge in relation to the financial allocation for children's rights was noted in the Ombudsman's Alternative Report to the CRC Committee, which stated 'there is no precise data on the funds allocated for the realization of children's rights'.²⁵² This view was also expressed by a participant from a national NGO, who spoke of a pattern in Montenegro of "adopting strategies without a budget"²⁵³. This concern is borne out by similar comments from a number of research participants from the line ministries and connected departments, each of whom explained that they did not have a separate budget for children or

CRM activities, despite several of these bodies being 'members' of the CCR, or as agencies required to contribute data for the purposes of a CRM mechanism.²⁵⁴ **The lack of information on the funds spent on children's matters or CRM activities is a data gap, but is an evaluation finding in itself because without this information, it is not possible to determine the level of efficiency of state CRM mechanisms.**

One participant from a line ministry informed the researchers that there are "no specially allocated funds for CRM"²⁵⁵ and that each sub-directorate in the line ministry receives a lump sum of funding, which is not disaggregated according to its source and is not sub-allocated sufficiently to allow for an understanding of how much budget has been allocated to CRM activities.

Another concern expressed by a local public body was that of 'reprogramming': "We have a budget that is allocated and then the budget is reprogrammed and we then cannot access all of it. [Due to other needs, parts of the budget goes to other things]."²⁵⁶ Where funds are allocated and then 'reprogrammed', this can have a negative impact upon the sufficiency of the financial resources allocated to CRM activities if funds are diverted away from CRM towards other matters.

Parliamentary committees:

Funding for parliamentary committees also appears to be limited and the process for obtaining funding challenging. Representatives from the Parliamentary Committee on Human Rights and Freedoms and the Parliamentary Committee on Health, Labour and Social Welfare explained: "The committees themselves do not have a budget – the budget goes to Parliament as a whole. According to the agenda of a committee, specific funds are allocated on a needs basis."²⁵⁷ **This raises concerns over whether the CRM activities of parliamentary committees are sufficiently funded.** The

committee's participants also explained, for example, that: *"the issue here is that ministries do not have disaggregated budgetary assets intended solely for concrete recommendations for CRM and this is where we experience problems. In budgets, you need to struggle for your own share to implement measures. Given the lack of funds, they need to prioritize issues – it is not because of a lack of capacity or political will."*²⁵⁸

Ombudsperson:

Sufficiency of financial and human resources is essential for the effective functioning of a NHRI, and one in which independent monitoring is achieved. To achieve this, as recommended by the CRC Committee, the NHRI should have an adequate infrastructure, funding (including specifically for children's rights, within broad-based institutions), staff, premises, and freedom from forms of financial control that might affect their independence.²⁵⁹ Where financial resources are insufficient, or insufficiently independent, this can act as a barrier to the delivery of independent CRM activities. The Law on the Ombudsperson requires that the 'resources necessary for the effective and efficient implementation of the functions' of the Ombudsperson must be provided in a 'separate allocation' in the national budget.²⁶⁰ Article 53 of the Law on the Ombudsperson was amended in 2014 to ensure a greater level of financial independence of the Ombudsperson from Parliament and the national budget, by requiring that the management of the Ombudsperson's financial resources must be decided *'independently, according to the dynamics defined in accordance with the Law on the Budget.'*

Despite this important legal amendment, **challenges remain in ensuring the Ombudsperson's financial independence, which inevitably impacts upon the financial independence of its CRM activities.** In the 2017 Peer Review on the Ca-

pacities of the Ombudsman Institution of Montenegro, whilst the cooperation of the Ombudsperson in projects with non-governmental or state organizations was welcomed and recommended as an area for further developed, it noted that all its financial liabilities must be 'strictly separated' from other entities to ensure its independence.²⁶¹ This comment was in part linked to the fact that, due to financial constraints, the Ombudsperson was forced to work with NGOs in order to finance *"the activity of the Ombudsman for which the latter had been established"*.²⁶²

There are real concerns over the limited financial resources of the Ombudsperson, both generally and specifically in relation to the DO. In its Alternative Report to the CRC Committee in 2017, the Ombudsperson recommended an increase in the budget of the office, to ensure *'the necessary technical and financial resources in order to conduct the activities laid down in its mandate and plan, with particular emphasis on activities that involve a process of consultation and participation of children in the Ombudsman's work.'*²⁶³ This recommendation and underlying concerns echo recommendations from the 2013 Report of the Working Group on the UPR, in which several states called for increases in resources for the Ombudsperson to carry out its functions²⁶⁴ and the CRC Committees Concluding Observations from 2010.²⁶⁵ Research participants also highlighted the limited financial resources of the Ombudsperson or DO as concerns.²⁶⁶ For example, one participant from an international organization commented that, *"funding is never enough, but especially I think the Ombudsperson's institution would need to receive a greater budget, if nothing but for raising its visibility and becoming more approachable to different, especially vulnerable target audiences."*²⁶⁷

The financing of the Ombudsperson is derived from two main funding streams: the national budget and international organiza-

tions. The national budget allocation covers salaries and ongoing costs, the amount of which is proposed by the Ombudsperson to the Parliamentary Committee on Human Rights and Freedoms, which analyses and approves, or rejects or limits it. Despite the fact that it is a specific objective of NPAC 2013-2017 to provide 'optimal human and financial resources' to the DO, and despite NPAC 2013-2017 suggested increasing the DO's budget by 10% between 2012 and 2014²⁶⁸, salaries and ongoing costs are still "limited", and the funding requested is always "reduced".²⁶⁹

With regard to funding from international donors, a participant from the division of the DO noted that: "*a huge part of our mandate involves participating in seminars and networks of Ombudsman's offices relies on international donor funds. [For example] UNICEF always finances the cost for us to go to yearly conference of Ombudsmen's networks. Our funds are limited. When it comes to research, we always need to find a partner e.g. UNICEF, Save the Children, OSCE which helped us to finance a larger scale conference on protection of children of [harmful] media contents.*"²⁷⁰

The scarcity of funding for activities for the DO is perhaps best emphasized by the following figures: "*Every year we try to negotiate with donors to support the topics we are dealing with. In 2017 – for all four sectors involved in this office – we are entitled to €2,000 for all the research, so we have €500 per year.*" Despite these financial constraints, participants working in the division of the DO expressed a clear commitment to delivering on the CRM mandate regardless of funding, explaining, for example, "*there are no limits when it comes to complaints*" and "*we will fulfil our plans to visit all institutions*"²⁷¹.

The nationwide focus on EU accession plans also plays a role in reducing the scope for the independence of the DO in that there is a perception that, in order to re-

ceive funding for activities, including CRM activities, it is important for bodies to align their budgetary plans with EU accession plans, with the implication that if they do not align them, they will not be funded,²⁷² which may encourage bodies to focus on broader issues, rather than on child rights monitoring, given that child-related issues are reportedly highly limited in accession documents.²⁷³

The insufficiencies in state funding are particularly concerning, not only because they reduce the independence of the Ombudsperson's CRM activities, but also because they act as a barrier to the completion of the full range of CRM activities set out within the Ombudsperson's mandate. This barrier is likely to become worse in light of the expansion of the mandate of the DO to include issues of social protection and young people, and the dilution of resources that may be available for CRM work. This barrier lends further support for the need for a DO who focuses solely on child rights, as highlighted by the CRC Committee, which considers that a specific focus on children is likely to be the best approach to ensuring that available resources are used most effectively for promoting and protecting children's rights.²⁷⁴

In this connection, **there are certain practices within the Office of the Ombudsperson regarding the handling of individual complaints, which are hampering the efficient use of its financial (and human) resources.** The rules and procedures governing the handling of individual complaints are derived from a variety of documents, including the Law on the Ombudsperson,²⁷⁵ the Rules of Procedure of the Office of the Ombudsperson²⁷⁶ and internal guidelines relating to the handling of discrimination cases but which are used to guide the handling of children's cases. However, these documents are generic documents that do not specifically relate to the handling of children's cases and con-

tain gaps in the procedure, such as the how to define or determine 'victim status', the *ratione loci*, or *ratione materiae*, thus resulting in a lack of clarity on when the Ombudsperson should handle a case. This challenge is aggravated by the fact that the Law on the Ombudsperson and the guidelines only require the Ombudsperson to provide reasons for *inadmissible* cases,²⁷⁷ which may explain why none of the case files reviewed for this evaluation contained records of *written* admissibility decisions.²⁷⁸

The weak filtering of cases is heightened by the DO taking on individual cases where applicants have not exhausted domestic remedies, although in practice the DO may advise the complainant to pursue other legal avenues. Whilst it is appreciated that there may be instances where the pursuance of domestic remedies may be futile or may unduly prolong redress for the child, the case file review highlighted numerous instances of cases where applicants had failed to exhaust domestic remedies and did not fall within this exception. For example, in one case, the (adult) applicant approached the Ombudsperson concerning an alleged crime against her daughter without first reporting it to the police.²⁷⁹ Whilst such cases indicate a degree of trust by the public in approaching the Ombudsperson for advice, these cases are recorded as 'violations removed during proceedings' or 'cases that are resolved during the procedure' rather than inadmissible cases, which is not an accurate reflection of the Ombudsperson's caseload. This issue is likely to be one of the key reasons why a significant proportion of individual cases are recorded as 'resolved during the investigation process', it becoming apparent to the DO later in the process that there is either no violation or that the case is inadmissible.

Many of the case files examined lacked basic information, which raises the issue of whether sufficient information was obtained to ensure admissibility before the case was investigated. Sev-

eral case files lacked crucial details on the identity of the applicant and alleged victim (if different), including: the child's date of birth or even age, address and gender; power of attorney or proof of relationship to the child where the applicant was not the child; and (as indicated above) the extent to which the applicant had exhausted domestic remedies. The DO also accepts anonymous complaints provided that the applicant submits sufficient details to enable investigation into the matter.²⁸⁰ This reluctance to require a child to identify him/herself stems from a concern by the DO to avoid overburdening the child with documents.²⁸¹ However, whilst the DO may need to withhold the name of the child during the investigation into the complaint to protect the child's safety, **it is essential that it obtains accurate details of the complaints to filter out spurious or inadmissible claims and improve its efficiency.**

Non-governmental organizations:

In the NGO sector, many CRM stakeholders reported difficulties in obtaining sufficient financial resources to engage in CRM activities. Although a lack of funding in itself is reported to be a significant barrier, participants placed particular emphasis on the way in which funding is allocated to NGOs as a barrier to receiving sufficient financial resources for CRM activities. Sufficient NGO funding for CRM activities is essential, not just because NGOs are able to carry out their own activities, independent of any other CRM stakeholder, but also because there is an expectation that CRM stakeholders such as the Ombudsperson will collaborate with NGOs in fulfilling their mandate. The Ombudsperson's Alternative Report to the CRC Committee stated, for example, in relation to a 2010 recommendation by the CRC Committee that the Ombudsperson and state bodies cooperate with civil society: 'Although the method of funding projects implemented by NGOs is

governed by law, practice has shown that NGO representatives are not satisfied with the current state of affairs.²⁸²

The reports and data received during key informant interviews suggest that public funding for NGO activities more generally is a growing concern. The European Commission's Montenegro Progress Report stated, for example, that *'[t]he current system of public funding has so far proved to be inefficient, as acknowledged by the latest report from the State Audit Institution.'* The progress report goes on to describe strained and *'adversarial at times'* relationships between CSOs and the government,²⁸³ and this is discussed in more detail in section 5.5 (Inter-sector coordination).

Of the NGOs consulted during the data collection phase of this evaluation, none reported that they had any specific budget allocated to CRM activities. One participant was clear in the view that: *"[y]ou can never get money for such activities. Donors do not recognize this part as important."*²⁸⁴ Another participant stated, *"[c]hild rights are not a priority for donors. We don't have funds for the monitoring of child rights, but we use our own human and financial resources"*, while another noted, *"[w]e do not have any budget that deals with it [CRM activities]. This and the advocacy is a part of the work that civil society organizations, and even ours, often work pro bono."*²⁸⁵ **The lack of funding for CRM activities was also felt by one NGO working on the rights of Roma children specifically:** *"we do not have a secured budget. The impression is that no one can find money for monitoring the rights of Roma children, and child begging especially is not among the donor's priorities"*.²⁸⁶

One participant from an NGO which has submitted Alternative Reports to the CRC Committee explained that it is funded *"mainly through projects and foreign funders"* and that, as there is competition for state funding, it would normally be granted a

lower amount of state funding than it applied for.²⁸⁷ Even then, international funding for CRM activities is limited. For instance, one participant from an NGO explained that its first and second alternative reports were funded by international organizations, whereas its most recent shadow report *"was part of our institutional funding. But it was hard as we had to do it at the expense of our other work."*²⁸⁸ **This suggests that, while funding is available for some CRM activities, it is insufficient, such that the activities are undertaken alongside other funded work, rather than as a priority.**

These concerns and funding limitations were reported by all the NGOs with whom the evaluation team met, with a common explanation being that CRM activities were simply not seen as a desirable activity to fund by donors: *"Everything is project-based, because nobody gives administrative grants so that we can employ a lawyer or statistician long-term, who would deal with collecting and analysing data."*²⁸⁹ Despite all these challenges, the NGO sector was praised within the Peer Review on the Capacities of the Ombudsperson, which stated *'[w]e also have to commend the self-initiative of employees in the area of the rights of a child as they provided the most self-initiatives of all the sectors (40 in the current year), which demonstrates that they regularly monitor problems and also respond to them.'*²⁹⁰

5.3.2 Timely delivery of CRM outputs

- (ii) To what extent are the outputs of the CRM mechanisms delivered on time?

International CRM mechanisms:

There has been variation in the delivery of the CRM mechanism outputs. The first CRC State Party Report was due for submission

on 23 November 2008, but was submitted two days early, on 21 November 2008, and published on 4 March 2010.²⁹¹ However, the second and third periodic reports to the CRC Committee, which were combined in line with the Committee's updated procedures²⁹², were due on 1 October 2015 and were both submitted and published on 30 November 2016. The Montenegrin government's reports to the CRC Committee on OPAC and OPSC were also late, with OPAC due on 2 June 2009, but submitted on 20 May 2010 and published on 10 June 2010, and with OPSC due on 23 November 2008, but submitted on 22 May 2009 and published on 15 June 2010. It has not been possible to obtain explanations as to why these reports were delayed.

Reports to the CEDAW Committee were also delayed, with the first periodic report due on 22 November 2009, but submitted on 27 May 2010 and published on 12 August 2010. The second periodic report was also late, although less so, as it was due on 1 October 2015, but submitted on 13 June 2016 and published on 15 June 2016. Montenegro will participate in its third UPR Cycle in January 2018, with a tentative deadline for submission set for October 2017. The third report for the third UPR Cycle was published in November 2017.²⁹³

Three NGOs submitted alternative reports to the CRC Committee in time for consideration at the 2018 session examining Montenegro's second and third State Party Reports: The Centre for Children's Rights; Child Helpline International and Children First; and the Global Initiative to End All Corporal Punishment of Children. The Ombudsperson's Network of Golden Advisers and the Ombudsperson's Protector of Human Right and Freedoms of Montenegro also submitted alternative reports for the upcoming session.²⁹⁴ Four NGOs provided Shadow Reports to the CEDAW Committee for the 67th Session, at which Montenegro's second periodic report was examined, including a Joint NGO Submission. **Overall,**

and compared to many other states, one can conclude that the late submission of reports was not irregular.

NPAC 2013-2017 progress reports and periodic reports of ministries and parliamentary committees:

It has been more problematic to locate data in order to ascertain whether the CRM stakeholders have been successful in delivering on time other outputs, such as annual reports, particularly in light of the difficulties in obtaining these reports from the relevant ministries and parliamentary committees. However, it appears from the key informant interviews that the process of producing annual reports is fairly well embedded into the practices of state agencies and the Ombudsperson and in relation to the implementation of the NPAC, although NGOs may not have the resources to complete their annual reports.²⁹⁵

Ombudsperson:

The final CRM mechanism for consideration in relation to efficiency and timeframes is that of individual complaints for violations of child rights that have been submitted to the DO. According to participants from the division of the DO, the receipt of a complaint and decision on admissibility normally takes place on the same day,²⁹⁶ although as indicated under sections 5.2 (Effectiveness) and 5.3.1, admissibility decisions are not always made effectively and are not always recorded in case files. The DO encourages other agencies to respond to requests quickly, "*usually immediately or within eight days*".²⁹⁷ Where the DO is asked to examine cases in which a child is without parental care, this is treated urgently and handled as soon as possible.²⁹⁸ The case review of a random sample of case files conducted for this evaluation found the following time periods between the receipt and decision in the case.

Table 1: Office of the Ombudsperson – Case file sample review and timeframes²⁹⁹

Year	Sample case 1	Sample case 2	Sample case 3
2017	Time to decision: Under 1 month Note: no date specified for receipt of complaint or admissibility decision	Time to decision: 1.5 months	Time to decision: 3.5 months Note: no date specified for receipt of complaint or admissibility decision
2016	Time to decision: 1.5 months Note: no date specified for data of admissibility decision	Time to decision: 6 months Note: no date specified for admissibility decision	Time to decision: 2 months Note: no date specified for admissibility decision
2015	Time to decision: 2 weeks Note: no date specified for data of admissibility decision	Time to decision: 1 month Note: no date specified for admissibility decision	Time to decision: 2.5 months Note: no date specified for admissibility decision
2014	Time to decision: 2 days	Time to decision: 5 months Note: no date specified for admissibility decision	Time to decision: 4.5 months Note: no date specified for admissibility decision

Unfortunately, as the table shows, **while the overall timeframe for cases varies considerably, and while the majority of cases are completed within two months, a date for an admissibility decision was only recorded in two of the 12 cases, which means it is not possible to assess whether the DO is meeting timeframe-related efficiency targets in all aspects of its handling of individual complaints. It should be noted however, that six months is a very long period of time for a child to wait for the resolution of a complaint.**

5.3.3 Human resources

- (iii) Are the human resources allocated to the CRM mechanisms sufficient in quality and quantity?

Government ministries:

Personnel changes within ministries were reported to have resulted in insufficient attention being paid to ensuring implementation of NPAC 2013-2017, which reportedly

remained weak,³⁰⁰ and may have contributed to challenges faced by the CCR in its functions as a CRM stakeholder (see section 5.5 on inter-sector coordination below). A participant from one line ministry further emphasized the human resources and staffing challenges faced within government agencies, explaining: “*all of us are overburdened in a way*”, adding that they use external consultants to provide technical assistance.³⁰¹ **The use of external consultants, while valuable, suggests that institutional knowledge and experience is not being captured and built upon.**

This finding is reinforced by other sources. For instance, the Centre for Child Rights' Alternative Report to the CRC Committee made specific recommendations regarding training staff working on child rights and CRM: "*institutions of the system mostly have training plans that their employees have to pass during the year in order to have the continuity of strengthening their professional capacities. [...] Also, practice shows that newly acquired knowledge of professionals, who are participants in various education [activities], seminars and workshops and who work with children and for children, does not bring visible changes in relation to children,*"³⁰² **suggesting that the training and education activities for staff are not sufficient to bring staffing competency and efficiency to a high-enough level and that institutional capacity in the form of experience and knowledge of practice in the field is needed.** The findings in section 5.2 (Effectiveness) reinforce this finding.

Non-governmental organizations:

In general, the NGO CRM stakeholders who were consulted for this evaluation noted that they did not experience high levels of turnover, at least in relation to a core set of staff,³⁰³ but one commented that the **lack of funding means that many staff work on short-term rather than permanent contracts.**³⁰⁴ **The issue of training on CRM monitoring is also of particular concern,** with one NGO noting that "*the structure is stable, but there are new people coming in. They are educated in human rights monitoring, but would need special training to focus only on child rights.*"³⁰⁵

Ombudsperson:

The division of the DO consists of four employees in addition to the DO him/herself.³⁰⁶ However, the Ombudsperson's 2017 Alternative Report to the CRC Committee recommended that the state 'enable an increase in the number of personnel so

that the Ombudsperson can respond adequately to challenges in the realization of children's rights'.³⁰⁷ Similar findings were made by the 2017 Peer Review on the Capacities of the Ombudsperson, which noted that "*the children's department in the Ombudsman's Office [...] is understaffed.*"³⁰⁸ **Participants from the division of the DO made similar comments, although as indicated in section 5.3 (Efficiency) above, there is a strong need to streamline the types of individual cases being handled by the DO through the development and application of more robust admissibility criteria which, if carried out successfully, would free up the capacity of the staff to work on eligible individual cases and other CRM activities.**

More generally with regard to the recruitment of personnel in the Office of the Ombudsperson, the 2017 Peer Review on the Capacities of the Ombudsperson recommended that the Ombudsperson "*should develop a recruitment policy that ensures that the tasks of the Ombudsman comply with the qualifications of the employees,*"³⁰⁹ suggesting that there are concerns over recruitment and the ability to source suitably qualified employees. The Peer Review further noted that "*the fact that the Ombudsman cannot independently appoint its new employees is very questionable, as pursuant to the law the recruitment process takes place through the responsible state authority (Human Resources Administration). As a result, the independence of the Ombudsman is hampered, as it cannot appoint the employees who through their professional qualifications and personal character would ensure the Ombudsman's duties are successfully completed.*"³¹⁰ The Review also stated, "*[g]iven the current legal framework, it would be difficult to expect the Ombudsman to hire quality staff, since the remuneration for this work is not high or attractive.*"³¹¹

The manner in which the Ombudsperson handles individual complaints can provide

an indication of the training needs of the division of the DO. **The review of case files highlighted examples of the Ombudsperson challenging decisions of fact made by public authorities concerning custody or access disputes, which did not show any signs of procedural impropriety.**³¹² This approach risks replacing the decisions made by specialists on the factual merits of a case, and should be avoided. Furthermore, case decisions often failed to provide any analysis of why a breach of rights had occurred. **The analyses in sec-**

tions 5.2 (Effectiveness) and 5.3 (Efficiency) highlight a need to strengthen the skills of the personnel within the division of the DO on: handling individual complaints (including making decisions on inadmissibility); developing, promoting and following up targeted recommendations; and drafting targeted and well-formulated ‘Rights of the Child’ sections in the Ombudsperson’s Annual Work Reports in order to maximize their impact.

EFFICIENCY – SUMMARY OF KEY FINDINGS:

- All CRM stakeholders, including the Ombudsperson and DO, government ministries and departments, parliamentary committees, CCR and NGOs face financial resource challenges. This is due to the combination of a lack of budgetary allocation to children’s matters generally and the absence of budgetary allocation to CRM stakeholders and CRM activities specifically. Furthermore, the human resources within the CRM mechanisms are not of a sufficiently high quantity nor, for the most part, quality, due to a combination of factors including: understaffing, a lack of training and challenges in the ways in which staff are employed.
- With respect to the DO, there is insufficient filtering and categorization of the individual complaints and inquiries concerning children submitted to it, giving an inaccurate reflection of the DO’s caseload and has been found to cause an inefficient use of limited staff time. Concerns regarding the lack of independence of the Ombudsperson in recruiting new employees also raises questions about whether it has a suitably qualified workforce.
- The Ombudsperson’s Office would benefit from more training on the writing of case decisions to ensure the robustness of their findings and to provide more targeted recommendations.

5.4 Sustainability

How can UNICEF support national CRM stakeholders in developing a sustainable CRM system?

- (i) (i) To what extent do the key CRM stakeholders retain the knowledge and skills of their workforce at all levels to continuously perform their CRM functions?

Knowledge and skills retention within any workforce is problematic when there is a high turnover of staff and where there has been little development of an institutional history, knowledge and experience. As set out in section 5.3 above (Efficiency), most interview participants stated that staff turnover was not a significant concern to them, in the sense that NGOs in particular have a ‘core team’ of employees who stay within an organization for some time. **This is likely to lead to a strong retention of knowledge and skills, particularly within NGOs. However, the way in which funding for NGOs is organized was criticized by one NGO, which noted that it leads to staff being employed on short-term contracts,³¹³ which can threaten retention of knowledge and skills.**

In addition to staff retention, ongoing training is another means by which CRM stakeholders can retain knowledge and skills, both because it offers staff learning opportunities and incentives to remain in their post, and because it ensures that their knowledge and skills are up to date. **Training appears to be a particular concern across all CRM stakeholders, including the Office of the Ombudsperson. There are very few examples of training for civil servants or members of parliamentary committees on CRM. Training ses-**

sions delivered during the evaluation period that touch upon themes relevant to CRM, such as training for justice professionals on how to use electronic databases such as PRIS, or workshops for civil servants on the development of the pilot data management tool for the monitoring of the implementation of UPR recommendations, **were generally externally funded, and were therefore delivered only until the expiry of the grant.** The Report on the Work of the Committee on Human Rights and Freedoms for January–July 2017 reinforces this finding, stating that, *“Parliament calls on the Ombudsman’s institution to continue educating employees, with an emphasis on training on international and European law and human rights standards. Also, the Assembly points to the need for continuous education of employees in public administration.”*³¹⁴

One research participant from an NGO considered that training *“should provide tools for more serious monitoring”*.³¹⁵ This response **suggests that skills and practical tools to carry out CRM are lacking within current human resources.** Indeed, in addition to providing ongoing skills and knowledge-based training on CRM, the development of practical guidelines or tools on CRM for stakeholders to continuously use or refer to on a day-to-day basis can also contribute towards systematizing CRM practices within a particular body or sector.

- (ii) How can UNICEF support national CRM stakeholders at the national and local levels to enable them to continuously build their capacity to perform their CRM?

UNICEF’s current plans to develop capacities to perform CRM (as outlined in the ToC) is limited to developing the capacity of the Ombudsperson, although the analysis above demonstrates that

the need for capacity-building on carrying out CRM extends across the range of CRM stakeholder bodies, and that such capacity-building initiatives should be integrated into existing training curricula or syllabi to ensure their sustainability. The primary intervention that would help build the capacity of CRM stakeholders is continuous training. One participant noted, for example: *“If we had a magic wand... I think it is about continuous training of staff and motivation.”*³¹⁶ Delving into this quote more deeply, it is clear that both training and motivation are important to capacity building, a sentiment reflected by another participant who stated: *“the cultivation of personal mental health is important in order not to, so-called, burn out.”*³¹⁷

The ‘Effectiveness’ analysis above highlights a need to strengthen the activities of the Ombudsperson/DO in assisting with the *formulation of programmes* for the teaching of, and research into child rights and to take part in their execution in schools, universities and professional circles, in line with Paris Principle A.1(f). In the same vein, the analysis highlights the limited participation of academia in child rights education and CRM, which is a critical gap to transferring knowledge and skills in this area over the long term.³¹⁸ **UNICEF should therefore consider devoting a segment of its CRM programme to strengthening links between the Ombudsperson and academia, particularly with regard to the development of child rights and CRM-related education programmes with a view to sustaining the transfer of this knowledge to students and the future workforce.**

Connected to the above is the need to ensure that CRM stakeholders and the Ombudsperson have opportunities to conduct their own research projects, to enable CRM stakeholders to understand child rights issues in the country, contributing to learning and development in this area. This need was emphasized by

several participants during the research, including from a participant from the division of the DO, who noted that *“[s]ustainability is always questionable. What we need is to have continuous research opportunities because certain research always leads to greater insight into issue and solving of problems. The fact is that when it comes to sustainability, the possibilities for education are better.”*³¹⁹ **Mainstreaming child rights budgeting and the allocation of funds towards CRM into government practices is a prerequisite for addressing this need, as emphasized by the findings under ‘Efficiency’ above.**

A further issue, which is noted but not commented on as it is outside the remit of this report, is the need to ensure salaries within government CRM mechanisms are compatible with NGO salaries and the individual’s knowledge and experience, to encourage retention of trained staff.

- (iii) How sustainable are the awareness-raising initiatives of key CRM stakeholders with regards to child rights, CRM and the role of the Office of the Ombudsman?

Although CRM stakeholders engage in awareness-raising activities, these are often externally funded on a project-by-project basis, especially where NGOs and the Ombudsperson are concerned. Several key informants from the Office of the Ombudsperson, government ministries, state agencies and NGOs noted that they are engaging in awareness-raising activities through funding with UNICEF or other international agencies.³²⁰ One participant from a line ministry was unconcerned about the sustainability of awareness-raising activities, given that *“there is continuous cooperation with international organizations”* in this area,³²¹ suggesting what might be regarded as an over-

optimistic reliance on the intervention and on-going financial support of international organizations in this area.

The Ombudsperson’s awareness-raising activities appear to be the most successful, with the 2017 Peer Review of the Capacities of Ombudsperson noting that *“the children’s department in the Ombudsman’s Office continued its awareness-raising activities and raised its visibility, leading to an increase in the number of cases handled”* (although, note the findings under ‘Effectiveness’ concerning this statement).³²² **However, these have all been implemented with the support of an international organization** (for example, the ‘Children Write to the Ombudsperson’ campaign

which was carried out with the support of UNICEF and the Swiss Embassy in Belgrade). However, a mechanism such as the Ombudsperson’s ‘Network of Golden Advisers’ is an example of a potentially sustainable awareness-raising initiative, as, although awareness raising is not its primary aim, the group engages in child-led activities, including a Facebook blog, raising awareness of the Ombudsperson amongst their peers and community.³²³

This is, perhaps, the strongest example of a potentially sustainable awareness-raising intervention in the CRM system, which could be linked to the fact that the awareness-raising activities are incorporated into other activities.

SUSTAINABILITY – SUMMARY OF KEY FINDINGS:

- Knowledge and skills retention in the CRM system appears to be threatened, not so much by staff turnover, but rather by funding and resource constraints that lead to uncertainty and burn-out among staff, the absence of tools or guidelines to support stakeholders in carrying out CRM activities on an ongoing basis or in systematising CRM practices, and by limited opportunities for ongoing training on CRM and research on child rights.
- Activities focusing on raising awareness of child rights, the Ombudsperson or CRM mechanisms are generally funded by international donors, limiting their sustainability. However, the Ombudsperson’s Network of Golden Advisers is an example of a potentially sustainable awareness-raising initiative, which benefits from being incorporated into the Ombudsperson’s activities.

5.5 Inter-sector coordination

How can UNICEF best support the development of effective and sustainable inter-sector coordination between CRM stakeholders in the performance of their CRM functions?

- (i) What changes are required to the overall institutional structure of the CRM system in order to improve inter-sector coordination amongst CRM stakeholders at the national and local levels?

There are several inter-sector working groups that perform monitoring activities pertaining to the CRM mechanisms. These include inter-sector working groups tasked with developing the state reports to the UPR,³²⁴ the CRC Committee³²⁵ and the CEDAW Committee. However, the CCR is the most relevant inter-sector body for the purposes of CRM. It has a broad mandate, including the protection and promotion of child rights, initiating the adoption of regulations for the promotion and protection of child rights, and informing the public about child rights and the situation of children in the country.³²⁶ However, a key part of its mandate is to monitor implementation of NPAC 2013-2017 (which is based on, amongst other things, the CRC Committee's recommendations), as well as Montenegro's implementation of the CRC and regulations protecting child rights,³²⁷ which requires effective coordination between CRM stakeholders given the holistic nature of children's rights. **CRM stakeholders from the government generally considered that there is good inter-sector coordination in the CCR.** Indeed, the State Party Report to the CRC Committee in 2015 stated that, "*cooperation between departments has been improved*

although *'it is still working on the improvement of coordination in monitoring and implementation of the adopted policies'*. It added that *'[c]oordination between the Ministries and consultation with civil society are mandatory and supported by the Decision of the Government.'*³²⁸

Despite the clear mandate of the CCR to conduct CRM, the vast majority of participants from civil society, international organizations, the Office of the Ombudsperson, parliamentary committees and indeed some participants from government ministries highlighted challenges in achieving effective inter-sector coordination in conducting CRM activities via the CCR.³²⁹ Firstly, the capacity and resource constraints of CRM stakeholders (discussed in detail in section 5.3 (Efficiency) and section 5.4 (Sustainability)) are having a particular impact upon inter-sector coordination, which can be time-consuming and logistically complex by its nature and may be seen as subordinate to core activities that sit solely within an agency's mandate, particularly as line ministries are expected to fund their CRM activities from their existing budgets. This was emphasized by a participant from the Parliamentary Committee on Human Rights and Freedoms who responded to a question concerning the effectiveness of the CCR:

*"But the issue here is that ministries do not have disaggregated budgetary assets intended solely for concrete recommendations for CRM and this is where we experience problems."*³³⁰

Furthermore, **in practice, there is reportedly only one person within the MoLSW who works solely on child rights and is also the professional administration secretary to the CCR, indicating a very limited capacity to devote time to the CCR.** Personnel changes within ministries are also reportedly resulting in insufficient attention being paid

to ensuring implementation of the NPAC.³³¹ This was echoed by a participant, who noted that, over the period of one year, there had been three ministers of labour and social welfare which, given that the minister is chairperson of the CCR, created barriers to its effective functioning.³³²

Besides NPAC 2013-2017 and the annual progress reports by the MoLSW, which relies on ad-hoc reporting by a working group of members of the CCR, the CCR does not operate according to any action plans or other strategy document setting out its planned goals from year to year. MoLSW progress reports do not always provide recommendations or follow-up steps to CRM stakeholders to ensure timely implementation of the NPAC.³³³ **This absence of a structured CRM framework for the CCR further hinders its ability to fulfil its broad CRM mandate effectively.**

However, the greatest challenge to the effectiveness of the CCR lies in the low level of understanding or acknowledgment on the part of several line ministries of their CRM obligations, and indeed a reluctance by some participants to take on a share of this responsibility. These participants generally felt that the MoLSW is responsible for CRM and that their only role is to feed information to the MoLSW to assist it in its duties (see section 5.2 (Effectiveness) for data and analysis).³³⁴ One participant from a state body which is a member of the CCR was perplexed about being invited for an interview in relation to this evaluation, in the belief that CRM did not fall within the mandate of the state body, prompting the participant to remark, *“I do not know why we are on it.”*³³⁵ In addition, research participants from one line ministry were not familiar with the CCR, even though their line ministry is a CCR member.³³⁶ **This challenge is aggravated by the absence of ‘key CRM players’ on the CCR, most notably from the highest level of government and the MoFA, which is responsible for coordi-**

nating the preparation of the state report for the UPR,³³⁷ and parliamentary committees.³³⁸

The decision to locate the CCR at the ministerial level and to appoint the MoLSW as the chair undoubtedly perpetuates the erroneous belief that CRM is mainly the responsibility of the MoLSW. This further supports the need to reconsider the structure of the CCR and to strengthen its authority to encourage the active participation of all line ministries. The Office of the Prime Minister provides advisory, analytical and expert services to the prime minister and is not directly involved in the implementation of the CRM as *“line ministries are involved in the implementation”* [of CRM activities].³³⁹ **Reconsideration of the structure of the CCR should take into account whether the Office of the Deputy Prime Minister can play a role in strengthening the authority of the CCR and encourage a greater level of involvement of all the relevant line ministries, and if so, what role that would be.**

The primary reason for locating the CCR at the ministerial level was that the ministries were thought to have greater capacity and ‘specialism’ to carry out CRM activities than the Office of the Deputy Prime Minister.³⁴⁰ However, **the analysis above indicates that locating the CCR at the ministerial level has not improved its capacity, such that other ways of structuring the CCR should be considered.** In fact, according to the Ombudsperson’s 2017 Alternative Report to the CRC Committee, it has had the opposite effect:

“the importance and role of the Council for Children’s Rights have been reduced. To explain, the decision that the Council as a body is to be established by the Minister of Labour and Social Welfare, not by the Montenegrin Government, essentially changes the position which this body should have. Inconsistency in

*the work of the Council is also noticeable. [...] The Ombudsman recommends [...] to reinstate the Council for Children's Rights to its previous position, so as to be an expert advisory body of the Government of MNE, whose views will be taken into consideration and that will actively participate in policy-making related to children as well as in monitoring the implementation of strategic documents in the field of children's rights.*³⁴¹

The research highlighted a reluctance amongst some NGOs to be involved in the CCR for fear that their involvement could legitimize or lend credibility to an entity that they consider to be inadequate and insufficient: *“we avoid being a part of these bodies, we want to be free to criticize, it may have an influence on our work. It may corrupt our position to observe things independently.”*³⁴² Another participant added:

“The state has the coordinating body for CRM, the CCR.... it meets the requirements in terms of the number of meetings and the inclusion of three NGOs and a child, but we have no information that other things are being done by the Council.

*As for the state and the cooperation with the civil society we have the government office for cooperation with NGOs. The NGOs are not happy with the inclusion of NGOs in policy making, as it is generally formal, we are part of working groups where our views are underutilized, so we may leave them or not apply for membership even if the area is in our interest and important.”*³⁴³

These comments, however, should be viewed in the light of comments by one participant from a government agency who suggested that NGOs are overly critical and less-than-willing to engage collaboratively.³⁴⁴

More broadly, **there is a notable lack of coordination between the government and non-government sectors.** Although several CSOs appear well connected, a number of participants commented that their involvement in consultation and working groups is reduced to a ‘formality’ or that coordination between government and CSOs is weak.³⁴⁵ Since 2016, the Council for Cooperation between the government and NGOs has been reportedly boycotted by NGOs which claim that they were not being listened to.³⁴⁶ This issue was touched upon by the Ombudsperson in its 2017 Alternative Report to the CRC Committee: ‘practice has shown that NGO representatives are not satisfied with the current state of affairs [...]. The Ombudsman recommends: [...] Further improve cooperation between state authorities and the NGO sector based on the principles of partnership.’³⁴⁷ This broader issue is impacting upon the effectiveness of the CCR; as one participant noted, *the CCR “is not really working due to a boycott by the NGO sector because it doesn’t take its opinion into consideration, but gets used to having NGOs only as a decoration in the Councils.”*³⁴⁸

Even where inter-sector coordination does take place, and leaving aside the constraints noted above, it was reported that linkages are weak. The challenges in coordinating CRM activities between ministries are particularly apparent in the collection and exchange of data highlighted under ‘Effectiveness’ above. **In addition to weak coordination between ministries, there is an overlap between various working groups** (such as those working on the state reports for the UPR, the CRC Committee and the CEDAW Committee) all of which may touch upon CRM but which do not coordinate between themselves. These two challenges were summed up by one NGO participant: there is *“poor coordination, which can be seen especially within the ministries themselves – between their*

directorates. It was also clear during the development of these inter-sector analyses – nobody deals deeper with certain areas, and in some of them they have [been] overlapping.”³⁴⁹

Inter-sector coordination on issues of CRM is also failing to reach the local level.³⁵⁰ Although participating CRM stakeholders at the local level reported providing data to ministries on request, there is little by way of coordinated planning or activities from the national to the local level in terms of child rights or, perhaps most importantly, feedback and response from the national to the local level: “Everyone is sending us the questionnaires and we fill out our part – but we are usually not able to see the final version and to have a complete picture of the report.”³⁵¹

There are some isolated examples of inter-sector coordination at the local levels on issues relevant to children. The National Council on Gender Equality is chaired by the MoHMR and tasked with monitoring implementation of gender equality policies at the local and national levels. Gender councils, which are regulated by local authorities and established in 12 municipalities, as well as a local network of 23 coordinators for gender equality employed by municipalities, facilitate monitoring of gender rights by monitoring implementation of local gender action plans and reporting data to the National Council on Gender Equality.³⁵² As the National Council on Gender Equality is a new council (established in 2016), the results of this monitoring and coordination mechanism are yet to be seen.³⁵³ In addition, one participant from a state body believed that the MoHMR does not recognize ‘girls’ as a distinct category of people falling within its mandate, as it views this as a matter for the MoLSW,³⁵⁴ which raises questions about the extent to which the National Council on Gender Equality will impact the monitoring of the rights of girls. **This model is, nevertheless, a potentially good example of**

a multi-sector monitoring mechanism which links the national- and local-level stakeholders.

Local action plans concerning children have been developed at all three research sites (Podgorica, Bijelo Polje³⁵⁵ and Herceg Novi), which are reportedly based on the concluding observations of the CRC Committee and harmonized with NPAC 2013-2017.³⁵⁶ Local action plans are reportedly being developed and monitored by multi-disciplinary working groups including representatives from the police, schools, courts, Centres for Social Work and NGOs.³⁵⁷ These working groups reportedly monitor the implementation of the action plans amongst themselves and submit a final report to the local municipal assembly on the implementation of the action plan at its conclusion.³⁵⁸ **Whilst this is an example of multi-sector coordination at the local level, there is no evidence of these working groups linking up with the CCR or with working groups at the national level, except in response to requests at the national level for data on children.**

- (ii) What steps or strategies should UNICEF take to support CRM stakeholders in achieving effective and sustainable inter-sector coordination in the performance of their CRM functions?

There are a number of key ways in which UNICEF could take action to support CRM stakeholders in achieving effective and sustainable inter-sector coordination in the performance of the CRM functions. First and foremost, UNICEF should advocate for the relocation of the CCR to include representation by the Office of the Deputy Prime Minister, as well as representation of missing key line ministries, such as the MoFA. This should take place in conjunction with advocacy efforts to promote the

importance of CRM and the obligations of CRM stakeholders in this area. UNICEF is in a good position to engage with the government to support a revitalization of the relationship, links and coordination between government and civil society CRM stakeholders. Consideration should also

be made to advocating for and providing technical expertise to CRM stakeholders to support them in establishing stronger lines of accountability and supervision for the CCR. Recommendations to this effect are provided at the end of this report.

INTER-SECTOR COORDINATION – SUMMARY OF KEY FINDINGS:

Despite the clear mandate of the CCR to conduct CRM, it is not achieving effective inter-sector coordination in CRM, particularly with civil society and CRM stakeholders at the local level. Challenges stem from: weak lines of accountability and supervision of the CCR; the absence of a structured operational framework with clearly defined goals and duty bearers; limited human and financial resources and capacity; a lack of awareness or understanding by national CRM stakeholders of their CRM obligations; no established links with CRM stakeholders at the local level; and a strained relationship between the government and segments of civil society. The decision to locate the CCR within the MoLSW has served to perpetuate an erroneous belief that CRM is mainly the responsibility of this line ministry rather than that of the state, and has not succeeded in increasing the capacity of the CCR.

5.6 Cross-cutting gender and equity issues

How can UNICEF support CRM stakeholders in ensuring that gender and other relevant equity-based considerations are mainstreamed in the CRM system and activities of the CRM mechanisms?

- (i) To what extent are gender and other equity-based considerations that are relevant to boys and girls in Montenegro mainstreamed in the CRM system?

In its 2010 concluding observations to Montenegro, the CRC Committee expressed deep concern regarding the lack of a sys-

tematic mechanism for collecting and analysing data disaggregated by, for example age, sex, ethnic or social origin and urban/rural areas.³⁵⁹ The CRC Committee highlighted the need to provide systematic and comprehensive quantitative and qualitative data in order to monitor and evaluate the progress achieved and assess the impact of policies in relation to children.³⁶⁰

While progress has been made since 2010 in some specific areas, for example in the integration of gender-based and gender-disaggregated indicators into PRIS,³⁶¹ the concern over data disaggregation remains, as is evident from the analysis under ‘Effectiveness’ above. The Ombudsperson has highlighted that information on the number of children in Montenegro published by MONSTAT is only available by age group and sex.³⁶² Stakeholders also mentioned that data is not disaggregated sufficiently by minority groups, in particular Roma and Egyptian

minorities³⁶³ or, in relation to gender statistics, by women and girls.³⁶⁴ **This is in part due to CRM stakeholders not sharing disaggregated data routinely, but rather in response to requests as and when a need arises, as well as the lack of disaggregated indicators (see ‘Effectiveness’ above).**

Data is also unavailable for certain groups of children. For instance, there is no information on the total number of children with disabilities in Montenegro.³⁶⁵ Whilst different institutions and service providers may collect data on children with disabilities, they use different indicators and criteria, such that an overall analysis of the situation of children with disabilities is not possible.³⁶⁶ Gaps and inconsistencies in

data prevent a clear overall picture of the situation of children in Montenegro, particularly in relation to equity issues and the situation for specific, often marginalized, groups of children.

Other barriers to highlighting inequalities are contained in the section on ‘Effectiveness’ above. These barriers include non-analysis of data when it is collected, which is due in part to a low level of understanding of CRM, why the data is being collected and awareness of CRM obligations. Together, these challenges are barriers to the development of well-founded and targeted laws, policies and practices and to accountability in relation to equity concerns.³⁶⁷

CROSS-CUTTING EQUITY ISSUES – SUMMARY OF KEY FINDINGS:

Different CRM stakeholders, particularly the Ombudsperson, line ministries and departments, public bodies and CSOs, primarily collect quantitative data concerning children. However, the data is generally not disaggregated by age, sex, disability, ethnic or social origin or urban/rural areas. This acts as a barrier to both understanding and ensuring mainstreaming of gender and other cross-cutting equity concerns in the CRM system. Where data is collected, there is a limited understanding of the purpose of such collection, leading to a lack of analysis of the data obtained, the data not being used to inform policy, service delivery or practice for marginalized groups, which in turn limits accountability in relation to inequities in the realization of child rights. Data is shared most commonly as a result of data requests rather than as a result of systematized reporting, which itself leads to gaps.

5.7 Likely Impact

How can UNICEF support CRM stakeholders in developing a CRM system that contributes towards the progressive realization of the rights of girls and boys in Montenegro, including children who are particularly marginalized or vulnerable to discrimination?

- (i) To what extent are the CRM mechanisms likely to lead to improvements in the situation of boys and girls in Montenegro, including those who are particularly marginalized or vulnerable to discrimination?

A review of reports generated by the CRM mechanisms, including, in particular

the State Party Reports to the CRC Committee, CEDAW Committee and UPR, and the alternative reports presented by the Ombudsperson, Centre for Children's Rights and other CSOs, suggests a level of engagement that could impact on the situation of all children in Montenegro. However, **in light of the challenges to comprehensive data collection, analysis and use (see section 5.2 (Effectiveness) above), and the limited relevance of the annual reports of key line ministries and parliamentary committees (see section 5.1 (Relevance) above), there are gaps in these reports, which could limit potential improvements in the situation of boys and girls in Montenegro, particularly with regard to marginalized groups.**

Whilst it is not possible to evaluate the impact in terms of implementation of recommendations issued during the evaluation period, it is clear that some progress has taken place in this area. This progress is evidenced by the use of recommendations arising from CRM activities, including ending the practice of placing children under the age of 3 years in large-scale residential institutions, and introducing personal assistance for children with special needs in regular schools³⁶⁸ (see section 5.2 (Effectiveness) above). Furthermore, in 2015 the working group chaired by the MoFA developed a Mid-Term Report on the Implementation of the Recommendations Received during the Second Cycle of the UPR, describing the steps taken to meet the 14 UPR recommendations directly relating to child rights.³⁶⁹

However, as set out in section 5.2 (Effectiveness), **there is generally weak tracking of the implementation of the outputs of the CRM mechanisms, particularly by the key CRM stakeholder within the government – the CCR – and particularly in the area of finance. The analysis also shows that there is limited use of the outcomes of the CRM mechanisms to hold specif-**

ic duty bearers to account, which is further aggravated by a general low level of awareness of CRM obligations by duty bearers, particularly in the government, of their CRM obligations and of what CRM actually involves. Inefficiencies in the functioning of the CRM system further blunt the potential of the CRM system to contribute to the overall desired impact. Inefficiencies in the system, particularly with regard to insufficient financial resources (see Efficiency above), and the challenges associated with knowledge and skills retention, further limit the potential for the CRM system to contribute to the above-mentioned impact.

Another way to gauge the impact of the CRM system is by examining data on individual cases from the Ombudsperson. As set out in section 5.2 (Effectiveness), although the Ombudsperson's Annual Work Reports note an increase in the total number of individual cases, and the number of *new* individual cases concerning children that were handled by the Ombudsperson between 2012 and 2016 (see Chart 1 above), closer examination of these figures show that many cases are initiated by the Ombudsperson/DO, which means that it is not possible to conclude that the increases in the number of cases were due to increased access by children and adults and increased impact of the Ombudsperson's activities upon public awareness of this CRM mechanism. In fact, as set out in detail within section 5.2 (Effectiveness), **the total number of new individual complaints submitted to the Ombudsperson by the public actually decreased slightly from 133 to 131 between 2015 and 2016 (disaggregated figures for before 2015 are unavailable).**

A review of the percentage of recommendations made by the Ombudsman in respect of violations of children's rights submitted under the individual complaints procedure that are or have been implemented is another means by which

impact could be assessed. However, the data provided within the Ombudsman's Annual Reports does not allow for this comparison or assessment to be made

(see section 5.2 (Effectiveness) above). This is an important gap that could be addressed through data collection and case management.

LIKELY IMPACT – SUMMARY OF KEY FINDINGS:

The CRM system is not functioning at full capacity in terms of relevance, effectiveness, efficiency, sustainability and coordination. The challenges are associated largely with the collection, analysis and use of accurate and disaggregated data; knowledge and skills retention within CRM stakeholder bodies; the allocation of financial resources to CRM and child rights issues; and the development of a culture of accountability. Accurate data on the implementation of the recommendations of the Ombudsperson concerning violations of child rights is also lacking, making the full impact of its activities impossible at this stage. Together, these challenges are likely to inhibit the potential for the CRM system to achieve the desired impact. One key finding, however, was the good level of engagement by ministries, the Ombudsperson and CSOs involved in reporting to the various international CRM mechanisms on the implementation of child rights.

6. CONCLUSIONS AND LESSONS LEARNED

6.1 The role of the government in CRM

Encouragingly, there is an acceptance by the government that, under international standards, it is the state that is primarily responsible for monitoring child rights, and that it has a duty to establish a coordinated mechanism within the government, separate from the Ombudsperson, to monitor child rights. However, there still is not a strong response to the shortfalls or inequities in the realization of child rights, due in part to insufficient recognition by the government that the obligation for CRM naturally falls upon all the line ministries and departments involved in children's issues and transcends the MoLSW to also include the MoHMR, MoH, MoE, MoF, MoFA, MoJ, the Directorate General of Youth in the Ministry of Sport and local government bodies, amongst others. There is also an evident need to strengthen the knowledge and understanding of government bodies about what it means to 'monitor' child rights, and that CRM extends beyond data collection and periodic reporting to include a proactive process of collecting, verifying, analysing and using data to highlight shortfalls or inequities in the realization of child rights and to hold duty bearers to account. That this obligation is an integral part of IPA 2014-2020 does not yet appear to have been fully acknowledged. Overall, there has been limited financial investment in the government's CRM activities, and there are limited staff with the skills needed to monitor child rights. These barriers are limiting the effectiveness, sustainability and efficiency of the government's CRM mechanisms.

6.2 The role of Parliament in CRM

Parliament, most notably its parliamentary committees, are not taking full advantage of their key strategic position as a CRM stakeholder to question the government on its child rights record and to require the government to issue a statement in response to the Ombudsperson's annual work reports. This limitation is due in part to a lack of awareness by some parliamentary stakeholders of their CRM duties, the lack of consistent and reliable data to identify inequities in the realization of child rights in the first place, and the lack of a strong response to CRM issues that generally pervades state bodies.

6.3 The role of the Ombudsperson in CRM

The Ombudsperson has not achieved 'A status' with the GANHRI under the Paris Principles, although it is making important advances towards this goal through the publication of its annual work reports and strong engagement with the UN Committee on the Rights of the Child. However, the Ombudsperson lacks a strategic policy framework to provide it with direction in its path towards achieving 'A status' and fulfilling its CRM mandate, particularly with regard to the effective and efficient handling of complaints. The Ombudsperson is also not making full use of its statutory powers to encourage enforcement of its recommendations on children's issues. These gaps are hindering the Ombudsperson's



effectiveness, efficiency, relevance and sustainability as a CRM mechanism and the impact it is likely to have under the 2017-2021 Country Programme. Despite its evident commitment to raising awareness of child rights and strengthening children's access to the individual complaints mechanism, the Ombudsperson is not yet reaching all groups of children, including children living outside the main towns. However, it should be emphasized that embedding the Ombudsperson as a national mechanism available to children takes time and continuous awareness-raising activities that appeal and are accessible to children.

6.4 The role of civil society and academia in CRM

CSOs are participating actively in international CRM mechanisms. However, the relationship between some segments of civil society and the government appears strained, which is leading to civil society's engagement in CRM mechanisms stagnating at the domestic level. Existing links between civil society and the government on CRM matters appear to the NGO sector to be formal or largely token, and are in need of revival to encourage productive public dialogue on children's matters. The lack of collaboration between the government and civil society appears to be connected to mistrust, misperception and attitudinal challenges. In terms of human and financial resources, some NGOs are well resourced and have both the financial and human capacity to carry out CRM. However, even for these NGOs barriers still remain, including the inability to secure long-term contracts that would give a degree of certainty to the role they play on CRM and staff retention. The involvement of academics in the CRM system is almost non-existent, although the reported cooperation agreement between the Faculty of Law of the University of Montenegro and the Ombudsperson provides an opportunity to strengthen the involvement of academics in this area.

6.5 National Council on Children's Rights

The CCR is currently not achieving the effective and sustainable inter-sector coordination within the government on CRM matters that was intended, with little or no direct links to CRM stakeholders at the local level. The positioning of the CCR in the MoLSW has unfortunately not increased the government's capacity to perform CRM as initially intended, but rather appears to have reinforced the mistaken belief of some government bodies that CRM is primarily the role of the MoLSW and not that of the government as a whole. The challenges in achieving effective and sustainable inter-sector coordination are exacerbated by a lack of human and financial resources allocated to CRM activities across the government and staff changes in the membership or attendance of the CCR. The existing CCR faces too many barriers in terms of capacity, authority and influence to be able to address the challenges.

6.6 Data collection, exchange, analysis, use and follow-up

The collection, sharing and analysis of data are significant challenges to the successful functioning of the CRM system as a whole and deserve special mention. Overall, the collection and exchange of data by CRM stakeholders is mostly reactive and for the purposes of international reporting, in response to requests, or pursuant to ad-hoc research projects rather than on a systematic basis. Importantly, where data on the situation of children is collected and shared by CRM stakeholders, it is insufficiently disaggregated by gender, age, ethnicity, disability, geographical location or other status to enable effective CRM of marginalized and vulnerable groups of children. Although CRM stakeholders understand the need to

collect data, there is a gap in the understanding of why data is being collected and how it can be used to hold CRM duty bearers to account. The outcomes of the CRM mechanisms are not being used on a systematic basis to inform the development of laws, policies and programmes to address gaps or inequities in the enjoyment of child rights. Nor are the outcomes of these CRM mechanisms being communicated to the relevant government or public bodies in a systematic or sufficiently targeted manner to encourage them to address these shortfalls. These challenges, combined with the lack of awareness of CRM obligations amongst some CRM stakeholders, are inhibiting the development of a culture of accountability for child rights violations on the country.

6.7 CRM under the 2017-2021 Country Programme

The theory of change underpinning this evaluation is sound, in that it addresses the need to continue strengthening demand for CRM (by focusing on awareness raising), as well as the supply of CRM (by focusing on creating a functioning and accountable CRM system). However, the actual theory-of-change document and the framework of activities, outputs and outcomes do not fully address the priority areas that require reform, as highlighted in this evaluation. Most importantly, the theory-of-change document does not address the pressing need to reform the CCR to achieve a well-coordinated, effective, sustainable and efficient CRM mechanism within the government that has collaborative links with local authorities, civil society, academia and the Ombudsperson. Other notable gaps include the need to amend the legal and regulatory framework of the Ombudsperson and the DO, and to mainstream the needs of particularly vulnerable and invisible groups of children throughout the outputs and indicators.

6.8 Lessons learned

According to the findings and conclusions from this evaluation, three key lessons have been learned:

- It is evident from the analysis that the establishment of CRM reporting mechanisms is not enough to establish a fully-functioning and accountable CRM system. A fully functioning CRM system requires: a firm understanding of the purpose and underlying rationale for CRM mechanisms; sufficient funding for CRM activities; and strong lines of accountability or 'checks and balances' to ensure that the government's CRM mechanisms have the credibility and authority needed to foster collaboration and influence change;
- In order to achieve country-wide awareness of child rights and the role of CRM mechanisms, such as the Ombudsperson, there is a need for constant awareness-raising activities involving both the continuation of existing initiatives and the incorporation of innovative ideas;
- Inter-sector coordination is crucial for achieving an effective CRM system and can only be achieved by an authoritative, adequately funded and staffed CCR, which focuses on developing links between stakeholders at both the national and local levels, and encourages collaboration between the government and civil society, as well as between the government actors themselves.

7. KEY RECOMMENDATIONS

The following programme-informing recommendations have been developed based on the findings, conclusions and lessons learned from the evaluation. As these recommendations are primarily targeted towards informing the 2017-2021 Country Programme, prioritization according to short-, medium- and long-term categories are not appropriate.

7.1 Reforming the National Council on Child Rights

It is recommended that the **government** should:

- Review its policy on CRM and children's issues to give these activities a higher profile and integrate them within its strategy for EU accession;
- Consider reforming the institutional structure of the CCR by having the multi-sector committee chaired by the deputy prime minister and including representatives from all line ministries involved in children's matters, including the MoFA, which is currently unrepresented on the CCR;
- Establish a secretariat within the CCR, staffed by a team of four civil servants on a full-time basis to ensure that the CCR can continue to function on a day-to-day basis;
- **In collaboration with civil society**, include a fifth, paid, staff member in the secretariat, seconded from an NGO that works on children's issues. This secondment should be for a duration of up to three years and be rotated amongst relevant NGOs on a twice-yearly basis;
- Retain the broad remit of the CCR;
- **In collaboration with the Ombudsperson, civil society and academia**, establish an 'expert council' for the CCR, consisting of professionals, academics or practitioners specializing in child rights. The role of the council should be to advise the CCR on its approach and activities, adding an extra level of scrutiny to the CCR, as well as further strengthening inter-sector collaboration;
- **With the technical assistance of UNICEF**, develop a new, *costed* NPAC via the CCR for the Country Programme period, rooting its activities and goals in the CRC, Optional Protocols and recommendations of the CRC Committee, especially with regard to the most vulnerable and marginalized groups of children;
- Allocate financial resources to the CCR to cover the activities outlined in the action plan for the programme period; and
- **With the technical assistance of UNICEF**, consider establishing 'local councils on child rights' in each municipality which mirror the CCR. Similar to the approach of the gender councils and National Council on Gender Equality, the local councils on child rights should monitor implementation of NPAC at the local level by developing, implementing and monitoring local action plans for children based on the NPAC. The progress of the local councils should be reported to and monitored by the



CCR at the national level, which should follow up issues of non-implementation directly with the relevant council.

7.2 CRM by Parliament

It is recommended that **Parliament**, including **all parliamentary committees that engage with children's matters**, should:

- Make full use of their powers to question the government on its CRM record, using the findings of the Ombudsperson's reports, amongst other sources, to inform its deliberations; and
- Encourage the development of a culture of accountability, making full use of its statutory powers to require the government to provide public statements in response to the Ombudsperson's reports on children's issues.

7.3 The Ombudsperson and Deputy Ombudsperson for Child Rights, Social Protection and Youth

It is recommended that the **Ombudsperson and the DO** should develop a costed strategy and work plan outlining their vision in the area of CRM for the next five years, including concrete goals and activities, within the broader objective of attaining 'A status' with the GANHRI. The strategy and action plan should factor in the following sub-recommendations, the achievement of which is likely to require **technical support from UNICEF**:

- Advocate for amendment of the Law on the Ombudsperson or the regulatory framework to improve the breadth and transparency of the selection and appointment process of the Ombudsperson and DOs, in line with

the guidance issued by the SCA;

- Advocate for amendment of the Law on the Ombudsperson to clarify the establishment of the position of a DO focusing solely on child rights;
- Reviewing and refining its working protocols to improve its process of filtering and investigation of individual complaints, data collection and enforcement of recommendations in the area of child rights by making full use of its statutory powers. The protocols should also include firm time limits within which final decisions in individual cases should be reached;
- **In collaboration with academia and professional training institutions**, assist in the development of teaching and research programmes in the area of child rights, using newly established links with the Faculty of Law of the University of Montenegro;
- Continue to raise awareness on child rights and the role of the Ombudsperson in relation to CRM, with enhanced use of social media platforms, competitions for children and adolescents to raise awareness, outreach initiatives targeted at marginalized groups particularly in rural and remote areas, and continued participation of children in the design and implementation of such projects. These projects should also be designed and evaluated according to robust monitoring frameworks that assess the outcomes and impacts of the initiatives, as well as the implementation of activities.

7.4 Capacity building

It is recommended that **UNICEF consider providing technical assistance to the government and relevant professional training bodies, such as the Institute for Social and Child Protection**, to develop

a knowledge- and skills-based, capacity-building training-of-trainers course, focusing on: broader education on children's rights; the aims, objectives and purpose of CRM and the CRM mechanisms; child rights budgeting; and the effective use of data to monitor child rights, with a view to working with professional training academies to integrate this course into existing training programmes for civil servants involved in CRM.

7.5 Data collection and sharing mechanism

UNICEF and the government should consider extending their planned CRM activities under the Country Programme to strengthening national systems for data collection beyond SWIS and PRIS, including MEIS, the planned new judicial information system, the 'ISP', and the collection of data by the MoH, to establish a harmonized data collection system for CRM bodies with the inclusion of disaggregated indicators according to gender, age, ethnicity, geographical local and disability status.

8. APPENDICES

References:

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- 129 KII with participants from the OHCHR in Geneva, Skype interview, 13 November 2017; KII, MoFA, 11 October 2017.
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- 131 Group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017; KII with a participant from the Municipal Secretariat, Herceg Novi, 25 October 2017; Group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017; KII with a participant from the Municipal Secretariat, Herceg Novi, 25 October 2017.
- 132 Group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017; group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017; KII with participants from the Secretariat of Culture and Social Affairs, Herceg Novi, 24 October 2017.
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- 137 The Statistical Yearbook including data on population by age group and sex, data on social welfare of children and young people, data on juveniles in the justice system and the yearly publication "Men and Women in Montenegro" including population data, children without parental care, children with disabilities in institutions and children in kindergartens.
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- 139 KII with participants from the MoE, Podgorica, 9 October 2017; KII with participants from the MoJ, Podgorica, 10 October 2017; KII with a participant from the MoI, Podgorica, 11 October 2017.
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- 143 Centre for Social Work, [location withheld], 12 October 2017.
- 144 UN Committee on the Rights of the Child, Concluding Observations, 21 October 2010, CRC/C/MNE/CO/1, paragraph 15; CEDAW Committee, Concluding Observations, 4 November 2011, CEDAW/C/MNE/CO/1, paragraph 2.
- 145 MoLSW, Information on Monitoring of the Application of NPAC 2013-2017, September 2015; MoLSW, Information on Monitoring of the Application of NPAC 2013-2017, September 2016.
- 146 KII with a participant from the MoLSW, Podgorica, 10 October 2017; KII with a participant from the Office of the Prime Minister, Podgorica, 9 October 2017; KII with participants from the Parliamentary Committees on Human Rights and Freedoms and Parliamentary Committee on Health, Labour and Social Welfare, Podgorica, 9 October 2017; KII with a participant from the Directorate on the Improvement and Protection of Human Rights in the MoHMR, Podgorica, 10 October 2017; KII with participants from the MoJ, Podgorica, 10 October 2017; KII with a participant from [International Organization 1, name withheld], Podgorica, October 2017.
- 147 For example, participants from the MoE reported that data obtained through MEIS did not allow for disaggregation of data based on ethnicity or disability status; KII with participants from the MoE, Podgorica, 9 October 2017. By way of further example, the participant from the MoLSW reported that only data disaggregated by gender and age is collected concerning children placed in institutions under its authority; KII with a participant from the MoLSW, Podgorica, 10 October 2017. For general critiques: KII with a participant from the Office of the Prime Minister, Podgorica, 9 October 2017; KII with a participant from the MoFA, Podgorica, 11 October 2017.
- 148 Currently being developed for prosecutors; KII with participants from the Supreme State Prosecutor's Office and Basic Prosecutor's Office, Podgorica, 13 October 2017.
- 149 KII with a participant from [NGO 6, name withheld], Podgorica, 5 October 2017; KII with participant from [International Organization 1, name withheld], Podgorica, October 2017; KII with [International Organization 2, name withheld], Podgorica, October 2017; KII with a participant from [NGO 10, name withheld], Podgorica, 10 October 2017.
- 150 KII with UNDP Gender Focal Point, Podgorica, 26 October 2017; KII with a participant from [NGO 3, name withheld], Podgorica, 10 October 2017; KII with a participant from the MoFA, Podgorica, 11 October 2017; MoLSW, Information on Monitoring of the Application of NPAC 2013-2017, September 2015; MoLSW, Information on Monitoring of the Application of NPAC 2013-2017, September 2016; KII with a participant from [NGO 8, name withheld], Podgorica, 13 October; KII with participants from the Supreme State Prosecutor's Office and Basic Prosecutor's Office, Podgorica, 13 October 2017.

- 151 KII with a participant from the MoLSW, Podgorica, 10 October 2017; KII with participants from the MoE, Podgorica, 9 October 2017; KII with a participant from Supreme Court, Podgorica, 13 October 2017; KII with a participant from the Basic Court, Bijelo Polje 20 October 2017.
- 152 KII with a participant from [a line ministry], Podgorica, 10 October 2017.
- 153 KII with participants from [a state body], Podgorica, 9 October 2017.
- 154 For example, the participant from MONSTAT highlighted that, while it previously collected education-related data directly from schools, it now collects the consolidated data from the MoE; KII with a participant from MONSTAT, Podgorica, 13 October 2017.
- 155 For instance, the Committee on Human Rights and Freedoms undertakes around three to four visits per year although the number reduces significantly in election years; KII with participants from the Parliamentary Committee on Human Rights and Freedoms and Parliamentary Committee on Health, Labour and Social Welfare, 9 October 2017.
- 156 KII with a participant from [name and location of NGO withheld], 10 May 2017.
- 157 KII with a participant from the Judicial and Prosecutorial Training Centre, Podgorica, 9 October 2017; KII with a participant from the MoLSW, Podgorica, 10 October 2017; KII with a participant from the Parliamentary Committee on Education, Science, Culture and Sport, Podgorica, 10 October 2017.
- 158 KII with participants from the Supreme State Prosecutor's Office and Basic Prosecutor's Office, Podgorica, 13 October 2017.
- 159 KII with a participant from [a line ministry], Podgorica, 11 October 2017; KII with a participant from [a line ministry], 10 October 2017; KII with a participant [a line ministry], 13 October 2017; KII with participants from [a line ministry], Podgorica, 11 October 2017.
- 160 KII with a participant from the MoLSW, Podgorica, 10 October 2017.
- 161 See interview with a representative of the Parliamentary Committee, which believes that children's rights fall exclusively under the jurisdiction of another parliamentary committee.
- 162 KII with a participant from the MoLSW, Podgorica, 10 October 2017; NPAC 2013-2017, p. 15.
- 163 KII with a participant from [a line ministry], Podgorica, 10 October 2017.
- 164 KII with a participant from [NGO 5, name and location withheld], 9 October 2017; KII with a participant from [NGO 4, name and location withheld], 10 October 2017.
- 165 KII with a participant from [NGO 5, name and location withheld], 9 October 2017.
- 166 KII with participants from the Parliamentary Committee on Human Rights and Freedoms and Parliamentary Committee on Health, Labour and Social Welfare, 9 October 2017
- 167 KII with [International Organization 2, name and location withheld], October 2017; KII with a participant from [NGO 9, name and location withheld], 11 October 2017.
- 168 KII with participants from two parliamentary committees, 9 October 2017.
- 169 For example, KII with a participant from [NGO 4, name and location withheld], 10 October 2017.
- 170 KII with a participant from [NGO 3, name and location withheld], 10 October 2017; KII with a participant from [NGO 4, name and location withheld], 10 October 2017; KII with a participant from [NGO 7, name and location withheld], 11 October 2017; KII with a participant from [NGO 10, name and location withheld], 10 October 2017.
- 171 Written comments from [a government stakeholder] submitted to Coram International on 7 March 2018.
- 172 KII with a participant from [a line ministry], Podgorica, 10 October 2017.
- 173 For example, '[t]he relevant ministries involved in the NPAC implementation' or the 'civil sector'.
- 174 Such as 1.3 the 'rights and welfare of the child being among the budgetary priorities of the state'.
- 175 MoLSW, Information on Monitoring of the Application of NPAC 2013-2017, September 2015; MoLSW, Information on Monitoring of the Application of NPAC 2013-2017, September 2016.
- 176 UN Committee on the Rights of the Child, Concluding Observations, 21 October 2010, CRC/C/MNE/CO/1, paragraph 11.
- 177 Adopted by the Government of Montenegro in March 2014; Government of Montenegro, Mid-Term Report of Montenegro on the implementation of recommendations received during the second cycle of Universal Periodic Review (UPR), 18 June 2015.
- 178 KII with a participant from the MoHMR, Podgorica, 10 October 2017; KII with a participant from [NGO 10, name withheld], Podgorica, 10 October 2017; KII with a participant from the MoFA, Podgorica, 11 October 2017; KII with a participant from the Police Directorate, Podgorica, 11 October 2017.
- 179 See for example, KII with a participant from [non-state body, location withheld], October 2017.
- 180 KII with a participant from [NGO 2, name withheld], Podgorica, 9 October 2017.
- 181 Office of the Ombudsperson, Annual Work Report for 2015, March 2016, p. 107; Office of the Ombudsperson, Annual Work Report for 2016, March 2017, p. 121.
- 182 Note that until the Ombudsperson's Annual Work Report for 2015, the Ombudsperson did not provide a breakdown of the number of individual complaints

- submitted by external parties versus the number of cases *self-initiated* by the Deputy Ombudsperson, so it is not possible to comment on trends before 2015.
- 183 Office of the Ombudsperson, Annual Work Report for 2016, March 2017, p. 121.
- 184 For example, one case concerned an (adult) applicant who approached the Ombudsperson concerning an alleged crime against her daughter, without first reporting it to the police. The applicant confirmed in response to the Ombudsperson's inquiry that she subsequently informed the police, hence resolving the matter. Rather than recording this as an inquiry, it was recorded as an individual complaint and 'violation resolved during proceedings; Case file review, Case 1 from 2014, Office of the Ombudsperson, Podgorica, October 2017. See also: Case file review, Case 3 from 2014, Office of the Ombudsperson, Podgorica, October 2017; and Case file review, Case 2 from 2017, Office of the Ombudsperson, Podgorica, October 2017.
- 185 This was calculated by the authors by adding the number of cases in which violations were eliminated during the procedure, and cases in which violations were found and recommendations were issued.
- 186 The Annual Work Reports for 2014 and 2015 do not provide data on the numbers of admissible complaints in which violations were found, such that comparisons of this figures across the evaluation period cannot be made.
- 187 FGD, 8 girls and 2 boys aged 16 to 18, Podgorica, 6 October 2017; FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017.
- 188 FGD, 5 boys aged 12 to 14, Bijelo Polje, 20 October 2017; FGD, 7 girls aged 12 to 14, Bijelo Polje, 20 October 2017.
- 189 FGD, 8 boys aged between 15 and 17, Bijelo Polje, 19 October 2017; FGD, 7 girls aged 15 to 17, Bijelo Polje, 19 October 2017.
- 190 FGD, 6 boys aged 16 to 18, Herceg Novi, 24 October 2017; FGD, 6 girls aged 17 to 18, Herceg Novi, 24 October 2017.
- 191 FGD, 5 boys aged 12 to 14, Herceg Novi, 25 October 2017; FGD, 6 girls aged 12 to 14, Herceg Novi, 25 October 2017.
- 192 FGD, 4 boys and 4 girls aged 14 to 17, Podgorica, 6 October 2017.
- 193 See for example: FGD, 6 boys aged 16 to 18, Herceg Novi, 24 October 2017; FGD, 7 girls aged 15 to 17, Bijelo Polje, 19 October 2017; FGD, 6 girls aged 17 to 18, Herceg Novi, 24 October 2017; and FGD, 8 girls and 2 boys, aged 16 to 18, Podgorica, 6 October 2017.
- 194 See for example: FGD, 8 females and two males aged 16 to 18, Podgorica, 6 October 2017; FGD, 4 males and 4 females aged 14 to 17, Podgorica, 6 October 2017; FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017; FGD, 5 boys aged 12 to 14, Bijelo Polje, 20 October 2017; FGD, 8 boys aged between 15 and 17, Bijelo Polje, 19 October 2017.
- 195 FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017; FGD, 4 males and 4 females aged 14 to 17, Podgorica, 6 October 2017.
- 196 FGD, 4 boys and 4 girls aged 14 to 17, Podgorica, 6 October 2017; FGD, 8 boys aged between 15 and 17, Bijelo Polje, 19 October 2017; FGD, 7 girls aged 12 to 14, Bijelo Polje, 20 October 2017.
- 197 FGD, 8 boys aged between 15 and 17, Bijelo Polje, 19 October 2017.
- 198 FGD, 6 girls aged 12 to 14, Herceg Novi, 25 October 2017.
- 199 CRC Committee, General Comment No. 2 (2002), paragraph 15.
- 200 See for example: FGD, 6 boys aged 16 to 18, Herceg Novi, 24 October 2017; FGD, 7 girls ages 15 to 17, Bijelo Polje, 19 October 2017; FGD, 5 boys ages 12 to 14, Bijelo Polje, 25 October 2017.
- 201 KII with a participant from [a line ministry], 11 October 2017.
- 202 FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017; FGD, 4 boys and 4 girls aged 14 to 17, Podgorica, 6 October 2017; FGD, 8 girls and 2 boys aged 16 to 18, Podgorica, 6 October 2017; FGD, 5 boys aged 12 to 14, Bijelo Polje, 20 October 2017; FGD, 8 boys aged 15 to 17, Bijelo Polje, 19 October 2017; FGD, 5 boys aged 12 to 14, Herceg Novi, 25 October 2017; FGD, 6 boys aged 16 to 18, Herceg Novi, 24 October 2017; FGD, 6 girls aged 17 to 18, Herceg Novi, 24 October 2017.
- 203 FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017.
- 204 FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017.
- 205 FGD, 4 boys and 4 girls aged 14 to 17, Podgorica, 6 October 2017.
- 206 FGD, 3 girls and 3 boys aged 12 to 13, Podgorica, 6 October 2017; FGD, 8 boys and 2 girls aged 16 to 18, Podgorica, 6 October 2017; FGD, 8 boys aged between 15 and 17, Bijelo Polje, 19 October 2017.
- 207 FGD, 4 boys and 4 girls aged 14 to 17, Podgorica, 6 October 2017.
- 208 Group KII with participants from Office of the Ombudsperson, Podgorica, 12 October 2017.
- 209 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 210 I.e. four out of nine cases.
- 211 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 212 Law on the Ombudsperson, as amended in 2015, Articles 41 and 43
- 213 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.

- 214 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 215 Law on the Ombudsperson, as amended in 2014, Article 41.
- 216 Law on the Ombudsperson, as amended in 2014, Article 42.
- 217 Law on the Ombudsperson, as amended in 2014, Article 42.
- 218 Law on the Ombudsperson, as amended in 2014, Article 44.
- 219 Law on the Ombudsperson, as amended in 2014, Article 19.
- 220 Paris Principle A.3(a), General Observations of the SCA, 6 March 2017, General Observation 1.11.
- 221 Paris Principle A.3(e); General Observations of the SCA, 6 March 2017, General Observation 1.4.
- 222 Paris Principle A.3(b)-(c); General Observations of the SCA, 6 March 2017, General Observation 1.3.
- 223 Annual Work Reports of the Ombudsperson published in 2014, 2015, 2016 and 2017, sections on 'Rights of the Child'.
- 224 Annual Work Reports of the Ombudsperson published in 2014, 2015, 2016 and 2017, sections on 'Rights of the Child'.
- 225 KII with a participant from the Parliamentary Committee on Gender Equality, Podgorica, 11 October 2017.
- 226 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 227 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 228 Ombudsperson's Law as amended in 2014, Article 47; KII with representatives of the Office of the Ombudsperson, Podgorica, 8 May 2017.
- 229 Law on the Ombudsperson, as amended in 2014, Article 47.
- 230 Rules of Procedure of the Parliament of Montenegro 2006 (as amended), Article 162.
- 231 Parliament adopted conclusions with 15, 9 and 7 points in relation to the Ombudsperson's Reports for the years 2014, 2015 and 2016, respectively; written comments from a Parliamentary Committee member provided to Coram International on 15 February 2018.
- 232 Paris Principle A.3(a); General Observations of the SCA, 6 March 2017, General Observation 1.11.
- 233 KII, [name and location of public body withheld], 12 October 2017.
- 234 FGD, 4 boys and 4 girls aged 14 to 17, Podgorica, 6 October 2017.
- 235 KII with a participant from [NGO 9, name withheld], 11 October 2017.
- 236 KII with a participant from [NGO 13, name withheld], 10 October 2017.
- 237 GANHRI Sub-Committee on Accreditation Report of May 2016, retrieved from <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20FINAL%20REPORT%20-%20MAY%202016-English.pdf> on 27 November 2017, p. 17.
- 238 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 239 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017.
- 240 KII with a participant from the Faculty of Law of the University of Montenegro, Podgorica, 23 October 2017.
- 241 FGD, 8 girls and 2 boys aged 16 to 18, Podgorica, 6 October 2017.
- 242 FGD, 6 girls aged 12 to 14, Herceg Novi, 25 October 2017.
- 243 UNICEF Montenegro Theory of Change for Access to Justice and Child Rights Monitoring, 2016, p. 5.
- 244 Output 4 relates to the percentage of professionals within the Office of the Ombudsperson who possess specialized knowledge to carry out CRM.
- 245 Government of Montenegro, National Plan of Action for Children 2013-2017, 2013, p. 26.
- 246 Government of Montenegro, National Plan of Action for Children Progress Report, August 2016, p. 2.
- 247 Government of Montenegro, National Plan of Action for Children Progress Report, August 2016, p. 2.
- 248 Rules of Procedure for Council for Child Rights 2015, adopted by the CCR at its session held on 27 July 2015
- 249 Government of Montenegro, National Plan of Action for Children Progress Report, August 2016, p. 3.
- 250 Centre for the Children Rights of Montenegro, Alternative Report on implementation of the Recommendations of the UN Committee for the Rights of the Child (2010–2017), 2017, p. 9.
- 251 Centre for the Children Rights of Montenegro, Alternative Report on implementation of the Recommendations of the UN Committee for the Rights of the Child (2010–2017), 2017, p. 10.
- 252 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the Second and Third Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.5.
- 253 KII with a participant from [NGO name withheld]
- 254 KII with a participant from the Bureau for Education, Podgorica, Oct 13th 2017; KII with a participant from the Centre for Social Work Podgorica, 12 October 2017; KII with a participant from the MoI, 11 October 2017; KII with a participant from the MHMR, 10 October 2017.

- 255 KII with a participant from [a line ministry], 10 October 2017.
- 256 KII with a participant from the Council for Gender Equality, for Bijelo Polje, 19 October 2017.
- 257 Group KII with representatives from the Parliamentary Committee on Human Rights and Freedoms and the Parliamentary Committee on Health, Labour and Social Welfare, 9 October 2017.
- 258 Group KII with representatives from the Parliamentary Committee on Human Rights and Freedoms and the Parliamentary Committee on Health, Labour and Social Welfare, 9 October 2017.
- 259 CRC General Comment No. 2 paragraph 10.
- 260 In practice and according to the Law on the Ombudsman, the Ombudsman submits its budget proposal to the Parliamentary Committee on Human Rights and Freedoms, which is followed by a discussion with the Committee at its session. The Committee then submits the request to the Ministry of Finance which considers the request when drafting the annual state budget. Once the annual state budget has been drafted, the government submits this to Parliament for consideration and adoption, during which process the Committee on Human Rights and Freedoms can submit comments to the Committee on Economy, Finance and Budget; Law on the Ombudsman, Articles 6 and 53; written comments from a Parliamentary Committee member provided to Coram International on 15 February 2018.
- 261 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 25.
- 262 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 25.
- 263 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the Second and Third Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.4.
- 264 See for example: Recommendation 117.3 (France), 117.4 (Poland), 117.6 (Mexico) and 117.12 (Bulgaria). Report of the Working Group on the Universal Periodic Review, 2013, A/HRC/23/12.
- 265 UN Committee on the Rights of the Child, Concluding Observations, 21 October 2010, CRC/C/MNE/CO/1, paragraph 12(c)
- 266 See for example: KII with a participant from [International Organization 2, name withheld] 26 October 2017.
- 267 KII with a participant from [International Organization 2, name withheld], Podgorica, 26 October 2017.
- 268 Government of Montenegro, National Plan of Action for Children 2013-2017, 2013, p. 28.
- 269 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 270 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 271 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 272 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 273 KII with UNICEF focal points, 5 October 2017.
- 274 CRC Committee, General Comment No. 2 (2002), paragraph 8; General Observations of the Sub-Committee on Accreditation of the GANHRI, adopted on 6 March 2017, General Observation 1.1.
- 275 The law sets out the general criteria for the admissibility of complaints to the Ombudsman; Law on the Ombudsman, as amended, Articles 30-35.
- 276 Official Gazette Of Montenegro No. 053/14, 19 December 2014
- 277 Law on the Ombudsman, as amended in 2014, Article 34.
- 278 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 279 Case file review, Case 1 from 2014, Office of the Ombudsman, Podgorica, October 2017. See also: Case file review, Case 3 from 2014, Office of the Ombudsman, Podgorica, October 2017; and Case file review, Case 2 from 2017, Office of the Ombudsman, Podgorica, October 2017.
- 280 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 281 Group KII with participants from the Office of the Ombudsman, Podgorica, 12 October 2017.
- 282 Protector of Human Rights and Freedom, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.9.
- 283 European Commission, Montenegro Progress Report, 2014
- 284 KII with a participant from [NGO 14, name and location withheld], 5 October 2017.
- 285 KII with a participant from [NGO 2, name and location withheld], 9 October 2017.
- 286 KII with a participant from [NGO, name and location withheld], 10 October 2017.
- 287 KII with a participant from [NGO 10, name and location withheld], 10 October 2017.
- 288 KII with a participant from [NGO 10, name and location withheld], 10 October 2017.
- 289 KII with a participant from [NGO, name and location withheld], 9 October 2017.
- 290 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 24.

- 291 It is not known why there was a delay between submission and publication.
- 292 UN Committee on the Rights of the Child, Decision on the Methods of Work: Exceptional Submission of Combined Reports, CRC/C/114, 29th Session, January 2002.
- 293 National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/29/MNE/1, 6 November 2017, retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/333/59/PDF/G1733359.pdf?OpenElement> on 6 March 2018
- 294 United Nations Human Rights Office of the High Commissioner, CRC - Convention on the Rights of the Child 78th Session (14 May 2018 - 1 June 2018) retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1163&Lang=en, 13 December 2017.
- 295 KII with a participant from [NGO 10, name withheld] 10 October 2017.
- 296 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 297 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 298 Group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017.
- 299 This excludes the pilot case file reviews carried out for this study.
- 300 UNICEF, Research on Good Practices of Permanent Government Bodies for Child Rights, undated, p. 1.
- 301 KII with a participant from [a line ministry], 10 October 2017.
- 302 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.8.
- 303 KIIs with participants from various NGOs, October 2017.
- 304 KII with a representative from the NGO, 5 October 2017.
- 305 KII with a representative from the NGO, 10 October 2017.
- 306 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.4; Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 5;
- 307 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.4.
- 308 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 5.
- 309 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 6.
- 310 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 28.
- 311 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 2017, p. 32.
- 312 Due to, amongst other things, the uncle having conflicts with staff members, making very short visits which were not conducive to the child's wellbeing or development, and the uncle using the travel money intended for his visits for other purposes; Case file review, Case 2 from 2014, Office of the Ombudsperson, Podgorica, October 2017.
- 313 KII with a representative from [NGO 11, name and location withheld], 5 October 2017.
- 314 Report of the Committee on Human Rights and Freedoms, January–July 2017.
- 315 KII with a participant from [NGO 5, name withheld], Podgorica, 9 October 2017.
- 316 Group KII with representatives from the Parliamentary Committee for Gender Equality, Podgorica, 11 October 2017.
- 317 KII with a representative from the Centre for Social Work, Podgorica, 12 October 2017.
- 318 KII with a participant from the Faculty of Law of the University of Montenegro, Podgorica, 23 October 2017.
- 319 Group KII with participants from Office of the Ombudsperson, Podgorica, 12 October 2017.
- 320 See e.g. group KII with participants from UNICEF, Podgorica, 5 October 2017; Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 21–25 November 2016, 2017, p. 5.; KII with a participant from Centre for Social Work, Danilovgrad, 13 October 2017.
- 321 KII with a participant from [a line ministry], 10 October 2017.
- 322 Šelih, I. and Dolčić, T., Peer Review on the Capacities of the Ombudsman Institution of Montenegro, 21–25 November 2016, 2017, p. 5.
- 323 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd periodic reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Introduction and Section 1.4.

- 324 This working group includes the government, NGO representatives and the Ombudsperson, and is chaired by the MoFA and tasked with developing the state report on the progress of implementation of UPR recommendations for Montenegro's upcoming third UPR. After receiving Montenegro's UPR recommendations in 2013, the MoFA and MoHMR developed a plan of action, setting out measures to ensure their implementation. The plan of action categorizes the UPR recommendations into 19 thematic sections, including sections on 'child rights' and 'women and girls'. A coordinator from a relevant government department is appointed to lead the reporting on a section. Each coordinator is responsible for establishing his/her own groups to facilitate this process and may include representatives from the government/ministries, civil society and the Office of the Ombudsperson. These group members collect the necessary information regarding implementation of the recommendations and communicate it to their respective coordinator. The MoFA is responsible for managing and coordinating this process; KII with a participant from the MoFA, Podgorica, 11 October 2017.
- 325 The participant from the MoLSW reported that in order to draft the state report to the CRC Committee for Montenegro's 2017-2018 periodic review, it established a working group consisting of all the representatives of the line ministry who worked together to draft the state report; KII with a participant from the MoLSW, Podgorica, 10 October 2017.
- 326 Government Decision No. 16-102/15-1 of 13 February 2015, paragraph 3
- 327 Government Decision No. 16-102/15-1 of 13 February 2015, paragraph 3; Government of Montenegro, 2013-2017 National Plan of Action for Children, 2013.
- 328 Government of Montenegro, 2nd and 3rd State Periodic Reports to the CRC Committee 2015.
- 329 Group KII with participants from [a line ministry], Podgorica, 9 October, 2017; group KII with participants from the Office of the Ombudsperson, Podgorica, 12 October 2017; KII with a participant from [NGO 10, name and location withheld], 10 October 2017; KII with a participant from [NGO 9, name and location withheld], 11 October 2017; KII with a participant from [International Organization 1, name withheld], Podgorica, October 2017; KII with a participant from [a line ministry], Podgorica, 12 October 2017.
- 330 KII with participants from the Parliamentary Committee on Human Rights and Freedoms and Parliamentary Committee on Health, Labour and Social Welfare, Podgorica, 9 October 2017.
- 331 UNICEF, Research on Good Practices of Permanent Government Bodies for Child Rights, undated, p 1
- 332 KII with a participant from [name and location of stakeholder withheld], October 2017.
- 333 See for example, MoLSW NPAC 2013-2017 Progress Report for 2015.
- 334 Group KII with participants from the MoI, Podgorica, 11 October 2017; group KII with participants from the MoH Podgorica, 11 October 2017; KII with a participant from the MoHMR, Podgorica, 10 October 2017.
- 335 KII with participants from [a state body], Podgorica, 13 October 2017.
- 336 KII with a representative of the Ministry of Finance, Podgorica, 10 May 2017.
- 337 KII with a participant from MoFA, Podgorica, May 2015.
- 338 KII with a participant from a parliamentary committee, Podgorica, 8 May 2017.
- 339 KII with a participant from [a government body], Podgorica, 9 October 2017.
- 340 KII with a participant from [a government body], Podgorica, 9 October 2017.
- 341 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.2.
- 342 KII with a participant from [NGO 9, name withheld], Podgorica, 11 October 2017.
- 343 KII with a participant from [NGO 10, name withheld], Podgorica, 10 October 2017.
- 344 KII with a participant from [a public body, name and location withheld], 5 October 2017.
- 345 KII with a participant from [NGO 4, name withheld], Podgorica, 10 October 2017; KII with a participant from [NGO 3, name withheld], Podgorica, 10 October 2017.
- 346 KII with a participant from [NGO 3, name withheld], Podgorica, 10 October 2017; KII with a participant from [NGO 4, name withheld], 10 October 2017 (says boycotted); KII with a participant from [NGO 6, name withheld], Podgorica, 5 October 2017; KII with a participant from [International Organization 1, name withheld], Podgorica, October 2017; KII with a participant from [NGO 7, name withheld], Podgorica, 11 October 2017.
- 347 Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, Section 1.9.
- 348 KII with a participant from [NGO 4, name withheld], 10 October 2017; KII with a participant from [NGO 7, name withheld], Podgorica, 11 October 2017.
- 349 KII with a participant from [NGO 6, name withheld], Podgorica, 5 October 2017.
- 350 KII with a participant from [NGO 11, name and location withheld], 5 October 2017.

- 351 KII with a participant from [a state body], Podgorica, 12 October 2017.
- 352 KII with a participant from the Department of Gender Equality in the MoHMR, Podgorica, 13 October 2017.
- 353 KII with a participant from the Department of Gender Equality in the MoHMR, Podgorica, 13 October 2017.
- 354 KII with a participant from [state body withheld], Podgorica, 13 October 2017.
- 355 The participant of the Secretariat of the Municipal Assembly in Bijelo Polje reported that the local action plan on children covered the period 2011-2016 and that a multi-disciplinary working group had been established and was in the process of drafting a new one.
- 356 Group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017; group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017; KII with participants from Secretariat of Culture and Social Affairs, Herceg Novi, 24 October 2017.
- 357 See for example: group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017.
- 358 Group KII with participants from the Secretariat for Local Self-Government, Bijelo Polje, 17 October 2017.
- 359 CRC Committee, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Montenegro, CRC/C/MNE/CO/1, 21 October 2010, paragraph 15.
- 360 CRC Committee, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding Observations: Montenegro, CRC/C/MNE/CO/1, 21 October 2010, paragraph 15.
- 361 ToR.
- 362 Montenegro Protector of Human Rights and Freedoms, Alternative Report of Protector of Human Rights and Freedoms of Montenegro Concerning the 2nd and 3rd Periodic Reports of Montenegro on Implementation of the United Nations Convention on the Rights of the Child, 2017, p. 9
- 363 KII with a participant from the MoHMR, Podgorica, 12 October 2017.
- 364 KII with a participant from the MoHMR, Podgorica, 13 October 2017. KII with a representative from the MoLSW, Podgorica, 10 October 2017.
- 365 Centre for Children's Rights, Alternative Report on implementation of the Recommendations of the UN Committee for the Rights of the Child (2010- 2017), 2017, p. 28; KII with representatives from the NGO, Herceg Novi, 26 October 2017, KII with representative of the MoHMR, Podgorica, 10 October 2017.
- 366 Centre for Children's Rights, Alternative Report on implementation of the Recommendations of the UN Committee for the Rights of the Child (2010- 2017), 2017, p. 28; KII with representatives from the NGO, Herceg Novi, 26 October 2017, KII with representative of the MoHMR, Podgorica, 10 October 2017.
- 367 Government of Montenegro, National Plan of Action for Children, 2013-2017, Podgorica 2013, p. 20. See also 'Effectiveness' analysis above.
- 368 KII with participants from the Parliamentary Committee on Human Rights and Freedoms and Parliamentary Committee on Health, Labour and Social Welfare, Podgorica, 9 October 2017.
- 369 These include ratification of CRC OP III and recommendations in the field of education and violence against children.

