

**Project Title: EU Support to Confidence Building in the Western Balkans****Brief Description**

This project will support confidence-building activities in Bosnia and Herzegovina (BiH), Montenegro, North Macedonia, Serbia¹, and Kosovo* (which, for the purpose of this document, will be interchangeably referred to as “IPA III Beneficiaries” or “Beneficiaries”, “participating economies”, or as “participating jurisdictions”). The region has significantly advanced socially and economically as well as in regional cooperation particularly over the last decade, with EU accession as a primary goal. At the same time, however, the region continues to deal with unresolved issues and legacies of the conflicts in the 1990s. Transitional justice and reconciliation remain uncompleted, with politics and inter-ethnic tensions continuing to impact domestic and regional relations. A significant number of war crimes cases have remained unprocessed or blocked, processing of an increasing number requires regional cooperation. Together with almost 10,000 persons still missing due to the conflict, this creates an impunity gap that leaves victims and societies in grievances, anxiety, and division. Many victims need access to justice without re-traumatization, to provide crucial testimonies, and/or to social services and reparations. This particularly reflects on surviving victims of gender-based, conflict-related sexual violence crimes. The public, especially young people, is largely unfamiliar with objective findings about crimes committed in the nineties, and the perception of the recent past and justice is marked with increasing voices of denial and revisionism, antagonistic ethnic-based narratives, and perceptions. These all create an environment of polarization and division that is not conducive to reconciliation and good neighbourly relations. Regional cooperation, good neighbourly relations, and reconciliation are essential parts of the Stabilisation and Association Process and are key for progress on the respective European paths they contribute to fostering stability, and further efforts towards reconciliation are crucial to firmly anchor peace and ensure lasting stability in the region. Understanding the legacy of the conflicts of the past and bringing justice to all victims of the conflicts are expected to contribute to social cohesion and resilience.

The project will, therefore, step up the provision of expertise and support to better equip judicial and law enforcement authorities in handling war crimes cases at the domestic level, improve the conditions for regional (cross-jurisdictional/cross-boundary) cooperation in processing these cases, enhance the delivery of support services to victims and witnesses and strengthen the capacity of relevant actors in victim support, which would all enhance efficient and effective victim-centred and human rights-based domestic handling of war crimes. Not least, the project will better equip grassroots actors to raise public awareness of past crimes, including dialogue and exchanges amongst and between a wide range of stakeholders, especially youth and future opinion leaders in order to contribute to increasing a shared understanding of the crimes committed during the 1990s conflicts on the territory of the former Yugoslavia. Overall, all the interventions will aim at increasing both accountability for war crimes in the region and the public support for it, and at enhancing dialogue within societies and between ethnic groups about crimes committed during the 1990s, all with the vision of achieving sustainable peace in the region and leaving more resilient societies with stronger social cohesion.

¹ The Serbia component, provisions and activities under this project are pending the approval of the Serbian authorities, and will be finalized upon further advice from the Serbian authorities.

* For the European Union, this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. For UNDP, all references to Kosovo shall be understood to be in the context of the Security Council Resolution 1244 (1999).

Contributing Outcome (UNSDCF or CPD or RPD)

Indicative Output(s) with gender marker²: GEN 2

The region has significantly advanced socially and economically as well in regional cooperation, particularly over the last decade, with the EU accession as a primary goal. The region is seeing faster than expected recovery from COVID-19-induced recession experienced in 2020, while the poverty rate is expected to resume its pre-pandemic downward trend in 2021². At the same time, however, the region continues to deal with unresolved issues and legacies of the conflicts from 1991 to 2001, but progress remains limited in these areas, as assessed in the 2021 Communication on EU Enlargement Policy: “Overcoming the legacy of the past and addressing disputes arising from the conflicts of the 1990s is crucial. There is no place in the EU for genocide denial, the glorification of war criminals or inflammatory rhetoric, from any side. There has been limited progress in addressing important outstanding bilateral issues, including border issues and delivering justice to victims of war crimes, identifying the remaining missing persons, and establishing an accurate record of past atrocities at regional level.”³

Transitional justice and reconciliation remain uncompleted, with politics and inter-ethnic tensions continuing to impact domestic and cross-boundary relations. Different perceptions of national and local narratives about the conflicts and their legacies have been one of the main divisive factors between the countries, territories, and ethnic groups. Their mutual relations as well as internal social cohesion are burdened with these legacies.

Accountability for war crimes remains a critical precondition for genuine reconciliation and restoration of social cohesion and trust. A large number of war crimes cases (estimated at around 6,200 in total) still need to be processed, most of them requiring increased regional cooperation. There are also almost 10,000 unresolved cases of missing persons across the region. According to various sources, including the Final Report of the Expert Commission and UNCHR Special Rapporteur's Report, the reported number of war time rape victims throughout the former Yugoslavia varied, widely and the estimates ranged from 12,000 to 70,000. Reports indicate that the victims were both women and men, although mostly women, from all age groups, with the majority being of reproductive age.

The legacy of war crimes and the impunity gap, together with unresolved fate of the missing persons, still significantly contribute to frustrations, grievances, lack of trust, and ethnic polarization. Prosecution of those responsible for war crimes is therefore necessary for the creation of an enabling environment that will sustain peace and achieve reconciliation in the region. This is also a critical individual and societal need and institutions' legal obligation: victims need and have the right to access justice without re-traumatization and to have access to adequate social services.

The public, especially young people, is largely unfamiliar with the recent past and is entrenched in its own ethnic narrative adverse to the narratives of other ethnic groups. The divisive narratives are not only maintained but are often also further deepened, or even promoted or misused for political gains. Over the years, these outstanding inter-connected legacies have increasingly contributed to creating an environment susceptible to polarization and division which is detrimental to the stability and the future of the region and have impacted the fabric of societies in the region.

² Western Balkans Regular Economic Report: Fall 2021. World Bank.
<https://www.worldbank.org/en/region/eca/publication/western-balkans-regular-economic-report>

³ COM(2021) 644 final; https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/strategy-and-reports_en



The failure to resolve these issues further fuels increased risk of radicalization among ethnic, political and affected groups, including young people. Bridging a gap between the neighbours and between the ethnic groups and moving towards reconciliation is not possible without their dialogue across the boundaries and/or ethnic lines, which inevitably includes some shared understanding and mutual recognition of victims' suffering and victims as right holders, and acknowledgment of judicially established crimes. This should enable an environment conducive to trust, stability and prosperity and contribute to the region's development trajectories.

As there is an indispensable and strong cross-boundary and regional dimension in all these processes and challenges and their inter-dependence, the financing EU action and the project for addressing these issues should be at a regional level, also in line with IPA III Programming Framework, but mindful of and tailored to the specific context and needs of IPA III Beneficiaries in the region.

Addressing all these issues has been, at least principally, a part of the Beneficiaries' strategic political commitments, and forms an important element of their EU accession processes. Window 2 of the IPA III Programming Framework outlines that regional cooperation, good neighbourly relations and reconciliation are essential parts of the Stabilisation and Association Process and of importance for the IPA III Beneficiaries' progress on their respective European paths. It sets as priorities actions that contribute to confidence building, societal cohesion and strengthening neighbourly relations, especially in the area of combating impunity for serious international crimes, including through strong regional cooperation and effective domestic prosecutions, promoting victims' rights, and promoting dialogues, education and work with youth as vectors for social cohesion and drivers of sustainable development.⁴ Overcoming the legacy of the past in the region will also contribute to sustainable socio-economic development, as stressed in the 2020 Economic and Investment Plan for the Western Balkans.⁵

1.2. Problem analysis (by Beneficiary and areas of support)

Key characteristics and challenges in the participating jurisdictions

Serbia

There is a **specific legal and institutional framework purposefully set**, in 2003, for addressing war crimes cases. There is a special prosecution office established solely for prosecuting war crimes, and as such is institutionally unique in the region - the War Crimes Prosecutor's Office of the Republic of Serbia (WCPO). It has exclusive jurisdiction in Serbia, in first instance and appeal, over these cases (and unlike other special prosecution offices in the region, has no sub-units covering also organised or other serious crimes). The trials are conducted before the High Court in Belgrade and its War Crimes Department, and appeals are decided upon by the Appellate Court in Belgrade, which also has a War Crimes Department. The Supreme Court of Cassation (renamed into the Supreme Court with the very recent constitutional amendments), decides, i.a., on extraordinary legal remedies. High Judicial Council and High Prosecutorial Council are institutions of judicial self-governance and i.a. elect judges and appoint prosecutors, also to the WCPO, respectively. The Ministry of Interior has a dedicated War Crimes Investigation Unit. Police also provides witness protection by its Witness Protection Unit. The WCPO, the specialised court departments, and the police investigation unit were established, and their competence designated, by the Law on Organisation and Competence of State Authorities in War Crimes Proceedings (Law on War Crimes), adopted in 2003, and subsequently amended. This law also regulates some other jurisdictional, organisational and procedural aspects of war crimes trials, such as admissibility of evidence from the ICTY, now IRMCT.

⁴ 2021 Communication on EU Enlargement Policy, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, p.24, 19 October 2021.

⁵ COM (2020) 641 final, 6.10.2020, p. 2.

Criminal Procedure Code, which, like elsewhere in the region, is the key legislation for governing any criminal investigation and trial, provides for also certain specific rules, such as on special investigative measures, witness collaborator, etc., for war crimes (and organised crimes trials). War crimes cases, together with organised crimes proceedings, were also the first that transitioned in Serbia, in 2010, to the new concept of prosecutorial investigation, applied nowadays across the region. Definitions of war crimes and modes of liability are those that were in force at the time of the crimes - from the old Yugoslav law (SFRY Criminal Code), and are almost completely in line with the most updated definitions of war crimes in the current Criminal Code, with a notable difference that crimes against humanity, according to the dominant interpretation in the Serbian judiciary, are not applicable (as they were not a part of the SFRY Criminal Code at the time of the conflicts in the 1990ies).

While there was some notable progress in setting up and development of specialised prosecutorial and judicial institutions in charge of war crimes cases, there are challenges and shortcomings in **dealing with the case backlog** which is estimated to be 1 731 cases in pre-investigation stage. As noted also in the latest EU progress report, the number of self-initiated indictments remains low, case proceedings continue for a disproportionate amount of time, and progress needs to be made in prioritising complex cases and those involving senior ranking officials and providing a legal approach to resolve the issue of command responsibility.⁶

The key strategic framework is the new **National War Crimes Strategy** for 2021-2026, adopted by the Government in October 2021, replacing the previous 2016-2021 strategy. It was drafted with support of UNDP (Regional War Crimes project). The Strategy and its Action Plan, despite some deficiencies, including lack of clear targets and indicators, sets a roadmap for increasing capacity of the judicial and other institutions in many respects, including on processing CRSV cases, strengthening victim support capacities, search for missing persons, application of novel approaches in war crimes proceedings (such as use of financial investigation and plea bargaining), etc. It lays down strategic guidance for the institutional support to and division of responsibilities in creating conditions for more efficient processing of war crimes cases, support to victims and witnesses, search for the missing, and strengthening regional co-operation and co-operation with the IRMCT; it refers also, although only marginally, to other aspects and mechanism of transitional justice including public information and awareness raising. The Strategy's Action Plan explicitly refers to a need for support by international partners in its implementation, largely by UNDP. A more specific and case-oriented War Crimes Prosecutor's Office's strategy is expected to be developed and adopted in 2023 (currently in force is the 2018-2023 prosecutorial strategy) and it should set case selection criteria and principles that should reduce the case backlog and address some of the concerns mentioned above, including raising indictments for command responsibility and other modes of liability for higher-ranking suspects.

While the National War Crimes Strategy covers, as explained, some areas beyond criminal justice, it is not akin to a comprehensive and holistic transitional justice strategy that would include reparations, truth telling and other typical transitional justice mechanisms, and, as elsewhere in the region, such a strategic document would also be recommendable in Serbia.

Serbia frequently receives requests for assistance from the neighbouring jurisdictions, notably BiH, and its own war crimes case processing also very much depends on cross-boundary assistance rendered by other jurisdictions. Bilateral, inter-state agreements for **mutual legal assistance** in criminal matter and other forms of cross-border co-operation (extradition, serving of sentences) are in place with BiH, Montenegro, and North Macedonia, as well as with Croatia. Mutual extradition of own nationals for war crimes is possible only with Montenegro, based on the bilateral extradition treaty between the two countries. The WCPO has bilateral technical protocols on information and evidence sharing in war crimes cases with BiH, Croatia and Montenegro. There is a special arrangement for mutual legal assistance with EULEX – a protocol on co-operation between the Serbian Police and EULEX, from 2009, as well as the Procedure on Mutual Legal Assistance adopted by the Serbian Government's conclusion in 2013.

⁶ European Commission, Serbia 2021 Report, 19.10.2021, pp. 25-26, available at https://ec.europa.eu/neighbourhood-enlargement/serbia-report-2021_en

Relatively soundly set judicial victim support system is at disposal for **victims and survivors**. National Strategy for the Rights of Victims and Witnesses of Crimes for 2020-2025 while not addressing issues specific to war crimes provides an overall framework, institutional setting, and policy guidance for assisting victims and witnesses of war crimes and institutions working with them. Belgrade High Court has its own Victim and Witness Support Service, the first to have been established in the country, that assists victims and witnesses in war crimes cases. Recently, the WCPO, with help of UNDP, also established its own service for the purpose. Both units, so as victim support system in Serbia in general, need further capacity building. Protocol on co-operation between the BiH Court and Belgrade High Court in cross-border victim and witness support, signed in 2007, needs substantial update and extensive amending.

War crimes victims and survivors, especially CRSV victims, face, more than elsewhere in the region, a lack of proper victim- and gender-sensitive legislation that would facilitate their access to justice, services (psycho-social and other) and other forms of reparations. Exception in that regard would be **reparations for families of missing persons**, whose rights, including compensation, will be systematically addressed by Law on Missing Persons, which has been drafted, with UNDP's active support, and which is expected to be adopted in 2022; the implementation of the Law will require training and other adequate support and knowledge transfers with state institutions that will apply the law in direct interaction with the families.

The **Commission on Missing Persons** is institutionally in the lead of the process of search for the missing, facing a challenge of over 1500 missing persons cases reported by the families to the Commission. Its co-operation with the WCPO is regulated by a mutual co-operation protocol, but there is room for improvement of their and other institutions' (such as police) cross-sectoral co-operation in synergizing search for missing persons and war crimes investigations, including through training and skill building. The Commission's position in the institutional setting and its competencies and autonomy will be strengthened once the Missing Persons Law is adopted.

Serbia has been an **EU candidate** since 2012, and the accession negotiations started in January 2014. To date Serbia has opened 18 of accession negotiation chapters, including Chapter 23 on Judiciary and Fundamental Rights, and provisionally closed 2 of them. The EU emphasized in the 2021 report that, overall, Serbia needs to show a genuine commitment for investigating and adjudicating war crimes cases and that there is a requirement for the country to effectively deal with the legacy of the past and foster reconciliation.⁷

Montenegro

Montenegro has the least voluminous caseload of investigations and potential cases of all the Beneficiaries where the trials are conducted, but its record of actual **cases processed so far** has also been considerably low. From 1992 to 2021, only seven war crimes trials were conducted in Montenegro, with the last one concluded six years ago. Of 37 persons indicted, 11 were convicted and 26 acquitted. Concerns have been expressed by CSOs and other observers, including the EU Commission, about serious flaws in investigations and in quality of the indictments and the trials conducted so far, including legal mistakes and shortcomings in the application of international humanitarian law, resulting in such high rate of acquittals. Charges of command responsibility, co-perpetration, and aiding and abetting have not been brought in these cases and the processing was limited to direct perpetration.⁸ The need to address such deficiencies increased as several more cases are expected to be processed in the country: at the beginning of 2022, one new indictment was raised and the trial opened; seven cases are alleged to be in the investigation phase, based mainly on the handover, by the IRMCT, of case files concerning more than 15 suspects, believed to be Montenegrin nationals, suspected of war crimes, including sexual violence.

An **adequate legal framework** necessary for war crimes investigations and trials is largely in place in Montenegro, with a need to regulate and allow for admissibility of evidence from ICTY/IRMCT in domestic

⁷ European Commission, Serbia 2021 Report, p.26.

⁸ See also European Commission, Montenegro 2021 Report, Strasbourg, 19.10.2021 pp. 23-24, available at https://ec.europa.eu/neighbourhood-enlargement/montenegro-report-2021_en

trials (which should be achieved through amendments to the criminal Procedure Code that are currently in preparation by the Ministry of Justice). There is also a need to introduce enforced disappearance as a separate criminal offence, which is a country's obligation under the UN Convention on Enforced Disappearance.

The **War Crimes Investigation Strategy**, which was adopted in 2015 as part of the implementation of measure 1.5.1.1. of the Action Plan for Negotiation Chapter 23: Judiciary and Fundamental Rights, reached its time limit in 2021, and a new strategy is due. This strategy was prosecutorial, with Special State Prosecutor's Office responsible for its implementation, and the Montenegrin Supreme State Prosecutor, which adopted it, responsible for the oversight. The Strategy included set of general tasks and activities, but without deadlines, an action plan, and targets and indicators for the implementation assessment. A new and more elaborate strategic framework, with priorities and verifiable targets set, should be developed and adopted as a priority in Montenegro. In addition, same as observed in relation to other Beneficiaries, desirably, a national strategic document(s) on addressing wider transitional justice issues and dealing with broader legacy of the conflicts from the nineties should also be considered for adoption.

The Supreme State Prosecutor's Office of Montenegro has **cooperation agreements (technical protocols) on war crimes cases** with Croatia (2006), Serbia (2007) and Bosnia & Herzegovina (2014), as well as Memorandum of Understanding with the IRMCT Prosecutor's Office, allowing the Montenegrin Special Prosecutors more efficient, online access to information, evidence and materials in the IRMCT database. There are also bilateral treaties on mutual legal assistance in criminal matters with these countries. Mutual extradition of own nationals for war crimes is possible only with Serbia, based on the bilateral extradition treaty between the two countries. In regional co-operation and assistance in war crimes cases with the neighbouring jurisdictions, Montenegro judiciary has been responsive and co-operative, and regularly participated in all regional meetings, though with a limited volume of co-operation given a small number of cases processed in Montenegro and comparatively smaller number of witnesses and other evidence located in this country. However, a need for even closer co-operation with the neighbouring jurisdictions will increase, given the aforementioned pending new investigations.

Victim and witness support system in war crimes cases is inadequate, with no trained or professional staff allocated to provide support to victims, survivors and witnesses in these cases and no separate rooms/premises to accommodate them. While some victim and witness support mechanisms were established in courts of Montenegro for a limited type of cases (trafficking in human beings, trafficking in children for adoption, and domestic violence), there are no established services, or dedicated offices, or court employees to support witnesses and victims in war crimes cases. The Higher Court in Podgorica, where war crimes cases are tried does not have a separate room for providing support to witnesses and victims. There is no dedicated unit, staff, or space for victim support in the prosecution service either. This lack of capacity does not only affect victims and witnesses from Montenegro but also those coming from the neighbouring jurisdictions or countries outside the region. There are mechanisms for witness protection, regulated by the Criminal Procedure Code and the Witness Protection Act, both for procedural (in-court) protection against intimidation of witnesses and persons close to them, as well as out-of-court protection, by police, through a witness protection programme. Same as for other jurisdictions, witness protection officers from Montenegro would need additional sensibilisation and specific skills for working with and protecting witnesses and victims of war crimes, especially of conflict related sexual violence crimes (CRSV), as well as re-establishing and or improving their necessary cross-jurisdictional co-operation with protection units from other Beneficiaries, especially because of the expected investigations and processing of a number of new cases.

Although there is no comprehensive **system of reparations**, nor such legislation in Montenegro, reparations have been relatively adequately covered by the state for a significant number of victims and survivors through resolving their individual and group claims in court settlements (such as the government's court settlement with the families of Bosniaks deported and killed in 1992, paying off part of the reparations for the damage caused by Yugoslav People's Army reservists to citizens of Croatia during the 1991 attack on Dubrovnik, compensation to victims of the prisoners camp in Morinj).

The **key institutions** in Montenegro in handling war crime cases are the Ministry of Justice, Special State Prosecution Office, Supreme State Prosecutor Office. The Special State Prosecutor's Office has jurisdiction

over the prosecution of the perpetrators of war crimes, but also over organised crime, high-level corruption, money laundering and terrorism. The Special Prosecutors often divide their work between these cases; in practice, one of the special prosecutors focuses more on war crimes. Higher Court in Podgorica has jurisdiction as the first instance trial court (Higher Court in Bijelo Polje used to be the other court in charge of these case, but it no longer has the jurisdiction). Appellate Court of Montenegro hears appeals. The Police Directorate has a small unit of police investigators dedicated to war crimes cases.

EU accession negotiations with Montenegro were opened in June 2012 and 33 chapters have been opened to date, of which three provisionally closed. The key judicial reforms in Montenegro are stagnating, and a decisive political commitment at all levels of government, parliament and judiciary is needed to unblock progress towards meeting the rule of law interim benchmarks, which the progress in the area of rule of law and provisional closer of further chapters depend on.⁹ In that respect, the EU emphasized in its 2021 Progress Report that Montenegro needs to further step up its efforts as a matter of priority to fight impunity for war crimes, demonstrate a more proactive approach, and to address legal and practical obstacles in line with international standards.

Kosovo

Since 2018, judicial authorities have exclusive competence in prosecuting conflict related crimes (primarily war crimes, genocide and crimes against humanity). The Special Prosecution Office, with its War Crimes Department, conducts investigations and files indictments. Basic Courts of Pristina, Gjilan/Gnjilane, Prizren, Gjakovë/Djakovica, Pejë/Peć, Ferizaj/Uroševac and Mitrovicë/Mitrovica have the first instance jurisdiction and the Court of Appeals, based in Pristina has the second instance (appellate) jurisdiction. The Supreme Court decides upon extraordinary legal remedies.

There are also the **Specialist Chambers (SC)** and **Specialist Prosecutor's Office (SPO)**, as a hybrid judicial institution: established in 2015 pursuant to an international agreement, a Constitutional Amendment and the Law on SC and SPO.¹⁰ The Court is based in the Hague and judges, prosecutors, the Registry, and the staff are international. The SC and SPO are of temporary nature, with specific mandate and jurisdiction over crimes against humanity, war crimes and other crimes under the domestic law, committed between 1 January 1998 and 31 December 2000, as well as the associated crimes against the administration of justice.

In June 2018, the European Union Rule of Law Mission in Kosovo (EULEX) **handed over approximately nine hundred (900) cases** of violations of international humanitarian law and other conflict-related crimes to the Special Prosecution Office as well as nearly two thousand (2000) cases of missing persons to Kosovo Police. A large number of cases was also subsequently generated by victims' families associations filing criminal complaints and/or resulted from the Special Prosecution Office's own investigations. Following the handover, in February 2019, the prosecutorial council adopted the **National War Crimes Strategy**, with no time limit of duration, to prioritize and boost prosecution of conflict-related crimes and transfer the responsibilities, competencies, and cases from EULEX to local justice authorities.

There are several key acts of legislation applicable in war crimes handling. Chapter XV of the **Criminal Code**¹¹, adopted in 2018, defines and determines criminal offenses against humanity and values protected by international law - which include war crimes, crimes against humanity, and genocide. Since May 2019, the amendments to the **Criminal Procedure Code** provided for possibility for and regulates trials in absentia of

⁹ European Commission, Montenegro 2021 Report, p.2; EU Enlargement Package 2021: https://ec.europa.eu/neighbourhood-enlargement/news/2021-enlargement-package-european-commission-assesses-and-sets-out-reform-priorities-western-balkans-2021-10-19_en

¹⁰ Law 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 03 Aug 2015, and Law 04/L-274 on ratification of the international agreement ("The Exchange of Letters"), 23 Apr 2014.

¹¹ Code no. 06/L-074 Criminal Code, 23 November 2018.

defendants who are alleged to have committed war crimes from January to June 1999.¹² Law on International Legal Cooperation in Criminal Matters¹³ regulates the conditions and procedures for **cross-boundary legal assistance and cooperation** in criminal matters, unless otherwise provided by international agreements. The authorities responsible for implementation are the Ministry of Justice, prosecution offices and courts.

The legislation provides for right to legal aid during court proceedings including the right to translation to one's one language, which is important given differences in the languages that are spoken and official.

Competent authorities have developed measures to strengthen domestic mechanisms dealing with the conflict legacy, including the legal and policy framework, spanning from the revision of the Law on Missing Persons to drafting of a comprehensive and **multisectoral transitional justice strategy** – which would be unique in the region and will require expertise and support. Despite the progress made, there is a need to further provide strategic support, including for developing, drafting, or improving legislation and strategic documents. While increased human capacities have played a role in improving the criminal proceedings, it has been emphasized as important to provide **additional regular and meaningful specialized training** and continued professional development opportunities for prosecutors, judges (at district, Appellate, and Supreme court levels), their support staff, as well as the police. Training would need to include judgment drafting, application of international humanitarian law and other international standards, including access to justice and fair trial rights of victims and defendants, investigative techniques, gender-sensitive approach in dealing with these cases, CRSV crimes, upholding the highest ethical and professional standards during the proceedings, etc. There is also a need to improve collecting, storing, securing, codifying, documenting, archiving (including access to archives), and management of information and evidence and their (data) protection.

Improving **judicial co-operation** in processing war crimes cases is essential, particularly with, but not limited to, the War Crimes Prosecutor's Office of the Republic of Serbia and the War Crimes Departments of the High Court of Belgrade since there is a number of same cases open in both jurisdictions. While information and requests for mutual legal assistance related to war crimes cases are being shared by both jurisdictions, few of them were duly executed. The European Union Special Representative (EUSR) facilitates mutual legal assistance co-operation; it also provides advice and supports central authorities in political process and contributes to the development and consolidation of respect for human rights, and supports judicial cooperation with non-recognizing countries, including Serbia. On the latter, the EUSR plays an important role in keeping an open communication channel, including on issues of war crimes, missing persons, and all other types of requests falling within the portfolio of mutual legal assistance.

Initiatives have been taken in the context of dealing with the past and transitional justice aimed at realizing the human rights of the victims and their families by seeking accountability, acknowledgement, justice and redress for the harm they suffered. While mainly focusing on the issue of missing persons, the lack of comprehensive documentation of crimes, such as human, material, cultural and other damage prevents victims and society from fully accessing their right to the truth, justice, reparations, and guarantee of non-recurrence. In recent years, and based on practices from different countries, documentation of serious violations of international humanitarian law and human rights has proven to help in all cases to prosecute for war crimes, identify victims, seek and provide reparations as well as to memorialization. Documenting crimes therefore constitutes one important step towards achieving justice for victims and society and will strengthen human rights and the rule of law. Following the approval of the draft concept paper establishing the mechanism for the documentation of war crimes committed during the war, the law on such mechanism is currently in the final stage of drafting.

With regards to victim support, the legal framework for supporting the fulfilment of victims' rights includes the **Law on Missing Persons**,¹⁴ approved in 2011. It protects the rights and interests of missing persons and their family members, in particular their right to know the fate of persons who went missing in the period

12 Law no. 06/L-091 on amending and supplementing the Criminal Procedure Code no. 04/L-12, 30.05.2019.

13 Law no. 04/L-231 on International Legal Cooperation in Criminal Matter, 31 July 2013, as amended/supplemented with the Law No 08/L-026.

14 Law no. 04/L-023 on Missing Persons, 31 August 2011.

between 1 January 1998 to 31 December 2000 as a result of the conflict in the years 1998-1999. The Commission on Missing Persons (GCMP) is responsible for its implementation. The establishment and operation of the Institute of Forensic Medicine (IFM) was completed in 2016 under the **Law on Forensic Medicine**¹⁵, which regulates the procedure for conducting forensic examinations.

In 2014, **National Council for the Survivors of Sexual Violence during the War** was established. In 2017, the Council managed to coordinate relevant authorities to bring about legislative changes enabling recognition of victims of sexual violence and their material compensation through the establishment of the government commission responsible for the verification and recognition of the status of survivors of conflict-related sexual violence. Financial support through pensions and special benefits are determined by law for different categories of victims.

Witness protection is provided for and regulated based, primarily, on the **Law on Witness Protection**,¹⁶ which sets forth special and urgent measures and procedures for the protection of witnesses and collaborators of justice. The law is implemented by the Witness Protection Commission and the Directorate of Witness Protection.

One of the key problems across communities is also a lack of information, awareness, and knowledge among victims and survivors of their rights and of institutional processes for fulfilment of their rights. Resolving this problem is to address the needs of victims and survivors beyond the immediate financial support and should be centred on psychological support through rehabilitation centres, including for their families, fighting off stigma, and on economic opportunities. In July 2021, the **Strategy on Rule of Law for 2021-2026** was adopted¹⁷, which will help increase victims' access to justice as well as to strengthen the accountability, efficiency and integrity of judicial and prosecutorial authorities.

The EU conducts regular meetings with the authorities as part of the **Stabilisation and Association Process Dialogue (SAPD)** which, upon the entry into force of the Stabilisation and Association Agreement (SAA) on 1 April 2016, takes place in the SAA framework. While there is a solid majority in the Assembly, political fragility continues to hamper legislative activities, including EU-related reform efforts. Although progress across all sectors is limited, the adoption of a second phase of the European Reform Agenda (ERA 2) and its Action Plan, endorsed in October 2021, confirmed the positive trend of the renewed commitment to EU-related reforms.¹⁸ The judicial system is at an early consolidation and development stage, vulnerable to undue influence. The overall capacity of judicial authorities to prosecute and try cases quickly and effectively is limited. Some progress is evident though, such as the completion of the Functional Review of the Rule of Law Sector, which resulted in a Rule of Law Strategy and Action Plan adopted in August 2021.¹⁹

Good relations and reconciliation are intrinsically linked to rule of law, economic governance, and regional cooperation. In this regard, good relations were maintained with Albania, Montenegro, and North Macedonia. Formal relations with Bosnia and Herzegovina remain the same, with the latter not recognising declared independence. Concerning the normalisation of relations between Belgrade and Pristina, the EU-facilitated dialogue continued with high-level meetings during 2021 and 2022 between the three chief negotiators. Pristina needs to engage constructively and make further efforts on the implementation of past agreements and contribute to reaching a comprehensive legally binding normalisation agreement with Belgrade, so that they can advance on their respective European paths.²⁰

Bosnia and Herzegovina (BiH)

15 Law no. 05/L-060 On Forensic Medicine, 10 March 2016.

16 Law no. 04/L-015 on Witness Protection, 29 July 2011.

17 *Strategy on Rule of Law (2021-2026)*, Ministry of Justice, July 2021.

18 *Key findings of the 2021 Report on Kosovo* – European Commission (EU), p.1, 19 October 2021.

19 *Key findings of the 2021 Report on Kosovo* – European Commission (EU), p.1, 19 October 2021.

20 *Key findings of the 2021 Report on Kosovo* – European Commission (EU), 19.10.2021, p.1.

Of all the Beneficiaries, Bosnia and Herzegovina has processed by far the largest number of cases of war crimes, crimes against humanity, and genocide, including against high-level suspects. It has also received the largest volume of international development aid for war crimes cases processing and transitional justice, especially from the EU. Funds the EU provides through the national envelope are highest in the region and the EU's support to the High Judicial and Prosecutorial Council for enhancing the processing of war crimes cases in the country has already achieved significant results (and these EU-funded interventions will especially be taken into consideration in planning of the concrete project activities). The challenges, on the other hand, and the sheer size of the work still to be done are significant - given that BiH has the biggest case backlog and the largest number of missing persons, so as is the projected dynamic for addressing these issues.

Over time, the total number of **unresolved war crime cases** in BiH has been substantially reduced: moving from an estimated amount of 1,210 cases, with one or multiple accused, to process, in July 2013, down to the estimated 571 on 31 December 2020, which is reduction of 53%, of which 243 are complex cases.²¹ This is still a high number of cases to process, and, the processing, especially of the most complex ones, is subject to serious delays; if we take away the continuous factor of losing evidence with witnesses, and suspects dying, and the most recent and immediate Covid19 impact, such delays are often caused i.a. by quality and efficiency of work of judicial institutions and challenges and problems in regional co-operation.

Processing of war crimes cases in BiH is taking place in **four internal jurisdictions**: at the state level, in the two country's entities – Federation BiH (FBiH) and Republika Srpska (RS), and in the Brčko District. Consequently, there are four judicial structures and four legislative frameworks. Prosecutor's Office of BiH (PO BiH), with its War Crimes Department, has jurisdiction over most complex cases, including those transferred as unfinished investigations from the UN International Residual Mechanism for Criminal Tribunals (hereinafter: Mechanism or IRMCT), formerly the UN International Criminal Tribunal for the former Yugoslavia (ICTY), as well as the cases commenced by the War Crimes Department itself since its establishment in 2005. These cases are then tried before the Court of BiH, which has its Trial and Appellate divisions. The PO BiH also has a role in exhumations as a part of the process of search for missing persons. The cases are handled at the entity levels too: by cantonal (in FBiH) and district (in RS) prosecution offices and courts, with the Federal Prosecution Office (FBiH) and Republic Prosecutor's Office (RS) respectively at the top of the entity level prosecutorial hierarchy, as well as their own Supreme Courts, and the prosecutor's office and basic and appellate court of Brčko District. The BiH High Judicial and Prosecutorial Council (HJPC) is the single judicial self-governance body in the country; besides its primary role of the judicial self-regulatory body, like elsewhere in the region, it also has a role in overseeing implementation of the national war crimes strategy. Law enforcement agencies providing assistance to the prosecutors are police administrations in the entities, and, at the state level, the State Investigation and Protection Agency (SIPA), which is also in charge of witness protection.

The substantive criminal law that is applied, containing the definitions of war crimes and other serious violations of international humanitarian law, crimes against humanity and genocide, is the following: in cases before the Court of BiH, **Criminal Code** of BiH is applied; in the two entities and the Brčko District, the applicable law, content wise, is the Criminal Code of the former Yugoslavia, in force at the time of the commission of the crimes, as taken over by the two entities and Brčko District. Like elsewhere in the region, these crimes are grouped in the chapter titled "Criminal offences against humanity and values protected by international law". There are some significant discrepancies between these criminal codes in relation to the international crimes: the Criminal Code of BiH, passed in 2003, is the most updated and modernized, with the definition of the offences streamlined with international law standards. For example, crimes against humanity are applied/prosecuted only before the Court of BiH, but not in the entities/Brčko District, although this is not only matter of the law but also an issue of judicial interpretation of direct applicability of international law. Criminal Code of BiH of 2003 also provides for broader and more precise definitions of some of the war crimes, including contemporary international definition of rape and other conflict related sexual violence crimes; it also has a provision on command responsibility. Criminal Code of BiH, and its interpretation by

²¹ European Commission, Bosnia and Herzegovina 2021 Report, 19.10.2021, p. 21, available at https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en.

Court of BiH, also provides for a higher sentencing range (up to 45 years of imprisonment), whereas in the other three BiH jurisdictions maximum penalty for war crimes is 20 years.

Proceedings, from pre-investigation to appeals, are regulated by the BiH and entities'/Brčko District respective **Criminal Procedure Codes**, which are mostly very similar. Procedurally important is also the BiH Law on Transfer of Proceedings from ICTY to BiH Judiciary and Admissibility of ICTY evidence, which regulates admissibility in trials in BiH of evidence collected by or introduced in trials before the ICTY or the Mechanism.

The key country strategic document for comprehensively addressing the issue of war crimes case processing and case backlogs is the **Revised National War Crimes Strategy**, adopted by the BiH Council of Ministers in September 2020, replacing the previous National War Crimes Strategy of 2008. The Revised Strategy sets a number of objectives aimed at enhancing the processing and completion of war crimes cases and reducing the case backlogs and prescribes systematic measures to be put in place to that end. The Strategy sets the end of 2023 as the deadline for completion of the most complex and priority cases before the Court of BiH and the rest of the cases before the entity level and Brčko District courts. It gives priority to cases against the most responsible individuals based on the agreed criteria for case selection and prioritization. Measures envisaged in the Strategy include, i.a. those for: improving both efficiency and quality of the processing and case management including quality control of indictments; control over inflow of new cases and case allocation mechanisms; harmonisation of the case law; measures for speeding up the process of solving the cases that are in the crime reporting phase; intensifying the work on the cases where suspects are unavailable and improving regional cooperation; improving coordination and communication between the victim and witness support sections; intensifying the practice of awarding compensation to victims within a criminal procedure; improving transparency of war crimes trials by publication, in line with HJPC specific guidelines, of verdicts and indictments on their official websites.²²

The Strategy is legally binding for the judiciary and other state institutions, so as the by-laws - such as guidance, instructions, decisions, etc., issued for the Strategy implementation. A set of guidelines was adopted, in November 2020, by the BiH High Judicial and Prosecutorial Council (HJPC) for the (chief) prosecutor's offices of BiH, FBiH, RS, and Brčko District, which, following the Guidelines, then issued further binding instructions to their own respective prosecutors and prosecution offices. The Supervisory Body for monitoring the implementation of the Revised National Strategy is still to be established by the BiH Council of Ministers, but the HJPC, within the scope of its mandate as single judicial self-regulatory body, has proactively overseen the work of the prosecutors and courts in the Strategy implementation.

The country has bilateral, inter-state agreements, for mutual legal assistance in criminal matters and other forms of cross-border co-operation (extradition, serving of sentences) with Serbia, Montenegro, Croatia, and North Macedonia. War crimes are excluded by all these agreements as offences for which extradition of own nationals is allowed. The Prosecutor's Office of BiH has its own protocol on cooperation in prosecution of perpetrators of war crimes, crimes against humanity and genocide (information and evidence sharing) with Serbia, Montenegro, and Croatia. BiH is most affected by the fact that defendants, and sometimes evidence as well, are often located in other countries in the region and that they escape justice by taking advantage of their double nationality and prohibition of extradition of own nationals for war crimes. An estimated 178 cases in BiH, which is 31% of the currently unresolved cases backlog, are pending due to the unavailability of the suspects.²³ While progress has been achieved in the recent years, especially between BiH and Serbia, **regional judicial cooperation** in processing war crime cases remains ineffective in many aspects and is still short of being systematic. Cooperation with Serbia has led to new indictments in Serbia based on case- and evidence-transfers from BiH, whereas cooperation with Croatia continued to face a number of impediments and has not led to new indictments or other visible progress. Co-operation with the Montenegro prosecutor's office still remains sporadic.

²² Revised National (State) Strategy for Processing War Crimes Cases, adopted by the BiH Council of Ministers, 6 October 2020, available at https://www.vijeceministara.gov.ba/akti/prijedlozi_zakona/default.aspx?id=34754&langTag=bs-BA

²³ European Commission, Bosnia and Herzegovina 2021 Report, p.21

Support services to victims and witnesses have been embedded with courts and prosecution offices across BiH. While the Witness Support Service of the Court of BiH is considered a knowledgeable and experienced hub in the region, the level of development and capacities of such services vary across BiH, as do their internal co-ordination and integration (which is being addressed under the Revised Strategy, as mentioned).

Whereas the **legislative framework for victims and survivors** in BiH is more advanced than in some other parts of the region, there are still large number of victims and survivors, the largest population in the region, with no adequate local access to justice and services. BiH needs to substantially improve the system of redress for civilian victims of war.²⁴ It also needs to accelerate the prosecution of crimes of sexual violence, provide reparation to women victims of war crimes, and secure witness protection.²⁵ There is no state-level framework law clearly defining countrywide criteria on the rights of civilian victims of war-time torture in order to fulfil the country's pending obligation under the Convention against Torture.²⁶

There are close to 6,400 of **unresolved cases of persons still missing** as a result of the armed conflict in BiH. The Missing Persons Institute of BiH, with its rotating co-chairmanship of the representatives of the three constituent peoples, leads the process of searching for and identification of missing persons, based on the state-level Law on Missing Persons, co-operating closely in information gathering and analysis and exhumations with entity level police, SIPA, and prosecution offices.

There were earlier unsuccessful attempts to have a **transitional justice strategy** in BiH, and there is still a need for either countrywide or entity level consolidated policy or legal framework for dealing with the legacies of the past in wholistic manner that would underpin and promote an environment conducive to reconciliation in order to overcome the legacies of the war.

BiH has signed a Stabilisation and Association Agreement (SAA) with the European Union since 2015. The country submitted its **application for the EU membership** in February 2016. For the EU Commission to recommend opening of the accession negotiations, BiH needs to fulfil the 14 key priority reform measures from the May 2019 Commission Opinion, which cover the areas of democracy/functionality, rule of law, fundamental rights, and public administration reform. One of the priorities (no.5), as a part of Democracy/Functionality criteria, is to take concrete steps to promote an environment conducive to reconciliation in order to overcome the legacies of the war.²⁷ Yet, as assessed in the latest EU country report, the public political commitment of the authorities at all levels of government to the strategic goal of European integration has not been turned into concrete action, as political leaders continued to engage in divisive rhetoric and unconstructive political disputes, which have hindered overall progress on the 14 key priorities.²⁸

North Macedonia

There are no ongoing or expected war crimes cases or investigations in North Macedonia. In 2002, the Parliament of the country decided to apply the Amnesty Law to all cases returned to North Macedonia for prosecution from the ICTY (four cases, all related to the 2001-armed conflict in the country). This decision, made for context-specific reasons of internal political stability, and criticized as contrary to the international law principle that there should be no amnesties for international crimes,²⁹ received, in the meantime, internal political and legal endorsement, including through an authentic reading of the Amnesty Law's confirmation of the status quo by the Parliament in 2011³⁰; it has remained since a part of the North Macedonia legal and political strategic framework. Although no war crimes investigations and trials are expected in the country,

²⁴ Ibid, p.10.

²⁵ Ibid, p.30.

²⁶ See also Ibid, p. 26.

²⁷ Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union SWD(2019) 222 final, p. 14.

²⁸ European Commission, Bosnia and Herzegovina 2021 Report, p.3

there is nonetheless a role for the judiciary of North Macedonia and other relevant national authorities in providing legal assistance to the neighbouring jurisdictions in relation to processing cases arising out of the Kosovo conflict or other cases from the 1990ies because evidence and witnesses in these cases may be found in North Macedonia. The country has bilateral agreements on mutual legal assistance as well as on extradition with all the other four Beneficiaries. This necessitates involvement, albeit limited, of the judicial institutions, police and Ministry of Justice of North Macedonia in capacity building, experience sharing, knowledge transfer and regional co-operation activities of this project.

The aforementioned internal political and institutional arrangement that excluded war crimes trials, but also the fact that the interethnic conflict in North Macedonia in 2001 was short-lasting and far less intensive compared to the armed conflicts in the 1990ies in the rest of the region, have left for North Macedonia far less burdensome conflict legacy compared to other beneficiaries, also in terms of number of victims and survivors, reconciliation gaps and disruptively divisive narratives. Still, an inter-ethnic and inter-community dialogue, in the country and as a part of a wider regional context remains an important issue and not free from challenges for the country and the society. While inter-ethnic relations remain stable, the Ohrid Framework Agreement, which ended the 2001 conflict, continued to be implemented, and the government took a positive approach to regional cooperation and good-neighbourly relations, further commitment is needed, both at the local and the national level, to increase trust between ethnic communities.³¹ Therefore, support to bringing communities closer to a fact- and dialogue-based shared understanding of the recent past and acknowledging suffering of the victims is also needed and relevant for North Macedonia.

Because of the more narrow range of needs and areas of intervention by this project in North Macedonia, as explained above and elsewhere in the project document, the key national institutions, stakeholders and target groups will be those whose responsibility and role is limited to provision of legal assistance to the other jurisdictions and to development of good neighbourly relations and shared understanding of the legacies of the conflicts through equipping grassroots actors to raise public awareness on past crimes.

AREA OF SUPPORT #1: Effective and efficient war crimes case processing enhanced

In all the five Beneficiaries, except in North Macedonia, war crimes are prosecuted and tried before national courts, facing many similar challenges. There is a need to strengthen, in a sustainable manner, the capacities of the Beneficiaries' judicial, law enforcement, and other authorities in charge of war crimes, improve their regional cooperation, as a key to resolving war crimes cases, and enhance support to victims and witnesses.

One of the main challenges in investigating and prosecuting war crimes across the region is the lapse of time - 20 to 30 years after the crimes in the 1990s: witnesses are ageing and passing away, their memories - usually the key evidence in war crimes trials, fade away and become unreliable (often leading to acquittals). This all points to a growing likelihood that the majority of estimated 6000+ remaining investigations and cases (in different phases) will be left unprocessed and that the 'impunity gap' will be further deepened and intensified, which speaks of the importance of having more timely, efficient and effective trials. The issue of traumatization and double victimization of victims of gender-based conflict related sexual violence crimes is another challenge that can result in the 'impunity gap'. Due to the lapse of time, the next five years are considered critically important and would require concentration and rationalization of human and technical resources for domestic handling of war crimes cases.

While all the judicial and law enforcement systems in the Beneficiaries that conduct war crimes trials are at advanced levels compared to their beginnings in the 2000s, their operation still suffers, to different extent - depending on the country or the jurisdiction - from various inadequacies and lack of resources and know-how. Among the primary issues are the need for advanced institutional and human resource capacities, especially for prosecutors and their associates, investigators, as well as judges, i.a. due to turnover of the staff and

deployment of new unexperienced professionals. This need is particularly with regard to specific skills, such as analytics, investigation and prosecution of conflict related sexual violence crimes (CRSV), including specifics of CRSV crimes against men, and specific issues of international humanitarian law. Other challenges and problems are, e.g., inadequate modern analytical software, obsolete case filing and data management systems which have largely remained paper based and in non-readily searchable and accessible formats.

Regional co-operation in processing war crimes carries another set of challenges. Given the nature of the conflicts during the 1990s and their outcomes, in most cases the locations of alleged perpetrators, victims, witnesses and other evidence, and grave sites, are usually dispersed in two or more Beneficiaries and jurisdictions in the region. Individuals suspected of war crimes often hold multiple nationalities in the region which enables them to escape justice by taking advantage of the prohibition in almost all of the jurisdictions of the region to extradite to each other their own nationals for genocide, crimes against humanity and war crimes (with the exception of the bilateral agreement between Montenegro and Serbia as the only to allow for mutual extradition of own nationals for these crimes). Such situation leads to unavailability of suspects or accused, obstacles and delays in access to evidence and witnesses, and results in many cases being on hold in different procedural phases. This requires constant co-operation between the judiciaries, especially prosecution offices, to locate and access evidence, witnesses, or suspects, and move such cases forward. The existence of mutually dependent but different territorial jurisdictions entails a number of specific challenges and problems which, if unaddressed, significantly delay or completely stall many cases. While progress has been achieved, i.a. by UNDP's interventions since 2019 in relation to BiH, Croatia, Montenegro, and Serbia, through its Regional War Crimes (RWC) Project, and the almost completely stalled cross-border co-operation has been reinvigorated, especially between BiH and Serbia, and put on a more regular track, resulting in a start of more systematic case- and evidence transfers, further and continuous facilitation of and support to such co-operation is needed in the next few years until trust between justice professionals across the region is strong enough and the remaining legal impediments to regional cooperation removed so that the co-operation becomes more self-sustainable, institutionalized, and resilient.

Similar to unprocessed war crimes cases, the fact that close to 10,000 people are still considered missing as a consequence of the 1990s conflicts and their families are still searching for answers and closure, with prospects of finding them decreasing over time, poses a significant problem not only at personal and humanitarian level, but also as a societal problem carrying on trauma trans-generationally and impeding reconciliation and social cohesion. While process of searching for and identifying missing persons is subject of concerted interventions by leading organizations in the field including the International Commission on Missing Persons (ICMP), International Committee of the Red Cross (ICRC), as well as the IRMCT, there are some aspects of search for missing persons that are closely intertwined or inseparable from investigation and prosecution of war crimes and they, as such, need a blended approach and intervention: e.g. war crimes cases may generate information leading to discovery of mass graves, while excavations and exhumations also represent evidentiary actions in war crimes cases. This requires improvement of cross-sectoral co-operation of missing persons institutions, judiciary, and law enforcement and their joint analytics.

Testimony of victims and witnesses is crucial for proving war crimes. Yet, there is evidence of growing fatigue, loss of motivation and indifference on the part of victims and witnesses in relation to their participation in judicial proceedings, because of re-traumatisation, lengthy proceedings, number of acquittals, cumbersome access to services or even inability to get services due to inadequate legal framework or practices. Particularly exposed and vulnerable are women victims of conflict related sexual violence (CRSV) crimes, often experiencing secondary trauma when testifying and, in some of the Beneficiaries, when after the court process they stay with no or hardly obtainable compensation and access to services. They often do not testify for fear from social stigma and isolation. Conflict related sexual crimes against men also often go unreported due to social stigma and gendered expectations from men, and judicial and police staff are often unprepared for and inexperienced in how to work with such victims. Improving the support system for victims and witnesses of war crimes by responding to their needs in a more adequate, efficient and timely manner would not only help motivate them participate in judicial processes, but would also empower them to get justice, recognition, dignity, and other reparatory rights they are entitled to as victims. In some of the participating jurisdictions, civilian victims of war still do not have unimpeded access to compensation and other forms of reparations, or respective institutions, judicial or non-judicial, suffer from lack of trained staff and capacities to provide services and uphold rights in sensitized and dignified manner. There is a number of civil society organisations



(CSOs) helping victims fulfil their rights, but a gap or lack of co-ordination between institutions and CSOs still exist, so as the problem of sufficient capacity and competence of these CSOs.

Therefore, more efforts are also needed to acknowledge and empower victims, especially as right holders. (The term 'victim' is to be understood to include victims of various war crimes, crimes against humanity, and genocide, their family members - if they became right holders because of the crime, and families of missing persons). This requires sound victim and witness support services and strengthening of the capacities of such bodies, and enhanced gender-inclusiveness and gender-sensitivity in handling of war crimes cases, especially with regard to conflict-related sexual violence cases. Existing victim and witness support services within courts and prosecution offices should be helped to improve their functionality including their cross-sectoral and inter-agency collaboration as well as their cross-jurisdictional co-operation, whereas judicial institutions and line ministries should be helped to establish such dedicated services where they do not exist. The interventions through this project will take into account and be complementary to local legislations in the field and will work towards adopting legal frameworks - guided also by the relevant EU acquis - if and where such frameworks do not exist, and will be aligned with national strategies for victim and witness support (where such strategies exist).

The problems and issues described herewith, as well as the interventions to address them, have also been identified and recognized by national stakeholders and articulated in national reports, programmatic papers and, where existing, national strategies. More efficient war crime case processing and strengthened regional co-operation are also part of Negotiation Chapter 23: Judiciary and Fundamental rights and the Beneficiaries' Action Plans for EU accession.

While problems, challenges, deficiencies, and lack of capacities and resources are largely common and shared across the region proportionate to each jurisdiction's caseload, there are specifics for each of the Beneficiaries that warrant tailor-made approaches. As it will be further elaborated below, in the *Methodology* section, the interventions through concrete activities will be need- and context- based and driven, fit to each participating economy, based, i.a. on needs assessments and scoping reviews at the inception phase of the project and, periodically, during the implementation.

AREA OF SUPPORT #2: Good regional relations and shared understanding of the legacies of the conflicts

The discourse about the recent past is marked by lack of awareness and acknowledgement, and often outright denial and revisionism, of crimes and facts established by the ICTY/IRMCT and domestic courts and by conflicting ethnic-based political and societal narratives about the recent past entrenched in self-perceived collective victimhood. This is often exacerbated by increasing nationalistic and divisive rhetoric by political leaders. Strong prejudices and ethnic distances, identified also by public opinion polls, are surviving and are even deepening. This all has detrimental effect on regional relations as well as on relations within the complex multi-ethnic societies in some of the Beneficiaries). The collective discourse on the past is dominated by older generations. Younger generations, born after the conflicts, which typically have not had inter-personal experience with other ethnicities, are increasingly at risk of being radicalized in their views, which further contributes to disintegration, consolidation of mistrust, fragility of the overall region, and future risk of violence.

Recent findings from the UNDP and RYCO regional Youth Perception Study also confirm the existence of these problems and point to a need to engage with young people in constructive dialogue about the past and its effects on the current realities of youth. At the same time, they show a significant degree of willingness among youth from different ethnic groups across the region to learn more about the recent past and of each other and to engage in discussions about the past and for overcoming its negative associations.³²

³² "Shared Futures - Youth Perceptions on Peace in the Western Balkans," June 2021. UNDP with UNFPA and RYCO

Therefore, for confidence building, regional relations and social cohesion there is a need to promote a better knowledge and shared understanding of the past crimes and judicially established facts about these crimes. Dialogue and mutual understanding across the region should be strengthened through grassroots initiatives and inclusion of local communities, including engagement with, support to, and empowerment of victims whose voices must be heard in such dialogue, and building synergies between various local community level actors. Initiatives aiming at or moving towards joint memorialisation (inter-ethnic, cross-community) will be encouraged, supported and promoted. There is also a need to increase gender-inclusiveness to better meet the expectations and needs of the women and men affected by the past conflicts and, ultimately, enable more resilient societies. Raising awareness among young people about the accountability and reconciliation process and involving and empowering them as agents of change and future opinion leaders is also of critical importance. Some particular groups, who are and will continue to be key intermediaries between the established facts and the public at large and 'interpreters of the past', should particularly be reached out to and targeted, especially young professionals from these groups: these include history researchers and other social scientists dealing with or likely to cover topic concerning transitional justice, also political analysts, lawyers, culture operators, religious leaders, sport organisations, and others, as well as students and students' associations – especially of law, political sciences and journalism. Cross-societal dialogue about the recent past should always be intertwined with forward looking perspectives for co-operation for sustaining peace. Tapping the opportunities offered by digitalization and technology to support dialogues and information sharing will also provide new, innovative approaches to promoting reconciliation and social cohesion.

Media reporting on war crimes cases and judgements is often not only politically and ethnically biased but also ill-informed and does not sufficiently explain the established facts of individual criminal responsibilities to the public. Ethnic groups across the region are not well informed of efforts made by others, as well as within their own societies, to investigate and prosecute crimes committed against the respective ethnic groups. This creates distrust towards the authorities of other jurisdictions. Poor public information and awareness is also largely attributable to modest or non-existent public information and outreach capacities of the prosecution offices and the courts dealing with war crimes, their declining proactive communication with the media, so as to their official policies not to make judgments available online - with the notable exception of the Court of BiH, and, since recently, the Prosecutor's Office of BiH, , which regularly post their verdicts and indictments respectively at their websites, and, to an extent (because of the full anonymisation applied) Serbian War Crimes Prosecutor's Office. Communication gap between the judiciary and the media is widening.³³ This calls for pro-active, dynamic, accessible and understandable system and practices of public information about war crimes trials and other transitional justice processes, desirably regionally inter-linked, which will respond to the public's right to know and increase public awareness about the crimes committed in the 1990ies. That would contribute to maximizing societal impact of criminal proceedings and other transitional justice processes and to a conducive environment for reconciliation and sustaining peace in the region. This would include both increasing the capacity, where needed, of prosecutors' offices and courts to engage in public outreach and communication, and training of journalists to competently report on these issues and engage in investigative journalism.

II STRATEGY

Theory of Change

First, if local capacities for handling war crimes cases at domestic level are enhanced, and *if* conditions for national judicial and other stakeholders to engage in regional co-operation are increased, and *if* capacities of judicial and non-judicial victim support offices to provide gender responsive justice and services are improved, and victims' own support networks and advocacy platforms are built or strengthened, *under assumption* that

³³ On the aforementioned problems across the region in criminal justice institutions' communication with the media and the public, "Back to Basics: Public Information Needs at the time of Transitional Justice in Crisis" Expert Report prepared for the UNDP Regional War Crimes Project, June 2019, pp. 4-15.

there is political and institutional will of judiciary, police and line ministries to accept and engage in these interventions, and victims (individuals, groups, associations) are willing to engage, and that no political obstacles are made, *then* more effective and efficient local prosecution of war crimes will be achieved and delivery of support to victims strengthened with local actors' and victims' capacities improved.

Second, if expertise and support is provided to grassroots actors to enhance their capacity to raise public awareness of past crimes, and cross-societal and inclusive dialogue on the legacies of the 1990s conflicts, and future perspectives is maintained amongst and between a wide range of stakeholders (from judicial and other authorities, journalists, historians, youth, academia, to local community level actors, and others) and *if* future opinion leaders are generated among students and young professionals and empowered, *under assumption* that these groups are willing to engage and that national political environments do not prevent such engagement, *then* shared understanding of the crimes committed during the 1990s conflicts on the territory of the former Yugoslavia will be increased and will contribute to social cohesion and a more sustainable peace.

Finally, if local prosecution of war crimes is more effective and efficient, *if* the role of victims in transitional justice processes and their access to justice and support services is fostered and *if* there is more collaboration and engagement in information sharing on legacies of the conflicts from the 1990s on the territory of the former Yugoslavia, *under assumption* that there are adequate legal frameworks, political and institutional support and will, *then* accountability for war crimes in the region will be enhanced, mutual understanding and social cohesion fostered through accountability and fact-based inclusive dialogues about crimes committed during the 1990s conflicts on the territory of the former Yugoslavia, and the societies will be more resilient.

The project will therefore provide **expertise and support** to better equip judicial and law enforcement authorities in **handling war crimes cases** at domestic level, including through a multi-disciplinary and cross-sectorial approach (**output 1**). The project will improve the conditions for **regional (cross-boundary/cross-jurisdictional) cooperation** in handling war crimes cases through bilateral and multilateral high and technical level peer-to-peer meetings and policy dialogue (**output 2**). It will further provide **expertise and support** to enhance a stronger victim-centred and gender-sensitive approach in the handling of domestic war crimes cases, with a focus on **increasing the delivery of support services to victims and witnesses** as right-holders and **their access to justice** and **strengthening the capacity of other relevant actors at domestic level** and across the region, including through the rolling out of a sub-granting scheme (**output 3**). These outputs will contribute to enhancing the **efficient and effective domestic handling of war crimes (outcome 1)**. It should be noted that all expected main outputs are indicative (not exhaustive).

In parallel, the project will provide **expertise and support to better equip grassroots actors to raise public awareness** of past crimes, including dialogue and exchanges amongst and between a wide range of stakeholders (from judicial sector, journalists, historians, professors and students, to local community actors), especially youth and future opinion leaders (**output 4**). This will be primarily achieved through the setting up of a sub-granting scheme supporting grassroots initiatives, with a strong consideration for promoting intra-regional partnerships and local projects outside capitals. This output will contribute to **increase a shared understanding of the crimes** committed during the 1990s conflicts on the territory of the former Yugoslavia (**outcome 2**).

Overall, it is expected that both outcomes will in turn contribute to **increased accountability for war crimes** in the region so as to **more public support for the accountability**, and to fact-based **enhanced dialogues within societies and between ethnic groups about crimes** committed during the 1990s (**impact**).

Methodology

- Relevant stakeholders from the IPA III Beneficiaries – institutions (judicial and other) and civil society, have been **consulted in the design of the project strategy and activities** from the early start. Some strategic policy documents, especially the most recent ones (such as, in Serbia, the National War Crimes Strategy 2021-2026, adopted in October 2021) have also been a basis in the design. Any future revision of project activities would be also based on consultations with the stakeholders and a full regard to the relevant national documents.

The project also takes into account the past, current and planned interventions by other international partners in the area of transitional justice and reconciliation that UNDP has regularly been in communication and coordinated with through implementation of its regional and Beneficiary-specific projects in the field (some of them referred above or in Appendix 1 - *Mapping of relevant international assistance in transitional justice field by key international partners*).

- The standing in-house expertise in UNDP local and regional offices that will be leveraged covers not only transitional justice but also other cross-cutting areas relevant for the project, such as rule of law, gender, peace building, youth development, and others. The problem analysis, the intervention logic, and activities laid down in this document are informed by the findings, conclusions, needs assessments, so as institutional knowledge, experiences, best practices and lessons learned from these projects. (*On UNDP's own in-house expertise also further below, in Chapter III, 'Resources'*)
- Whenever possible, and following its previous experiences and partnership models, UNDP will rely on internal expertise coupled with, when needed, targeted engagement of specific **external partners**, if available, that have been active in the field of transitional justice or related areas in the region. These external partners with expertise in the areas the project is covering would include but not be limited to: IRMCT officials and staff (current, and former as freelancers) – for various training for judiciary, including victim support services, and police, advancement of regional judicial co-operation, and dialogue about the past based on judicially established facts; ICRC and ICMP – for training and cross-sectoral co-operation where war crimes investigations and search for missing persons intersect; BIRN (Balkans Investigative Reporting Network), or other pools of journalists experienced in transitional justice topics– for training of journalists; CSOs, such as Trial International, Vive Žene, offices of Humanitarian Law Center, and women's rights organisations and networks, e.g. Kosovo Women's network – for improving victims' access to justice and services. They would be engaged through various models of continuous or ad hoc partnership arrangements, in line with UNDP Standard Operational Procedures and other applicable rules. The incumbents of international organisations engaged in this field would not be paid, but their former employees may be engaged as paid consultants, unless some other free of charge arrangement is agreed with them
- UNDP will be **engaging external individuals (consultants) or companies** with specific expertise needed for concrete activities – from lecturing and delivering training and developing curricula to complex needs assessments and research, including focus groups or public opinion polls. Such experts will be always primarily sought among those knowledgeable of the local and/or regional context, institutional and legislative framework, problems and issues. (*See also below, in Chapter III under 'Resources'*)
- Specific **needs assessments and scoping reviews** at the inception phase of the project and, periodically, during the implementation will serve, as also explained in the sections below, to update and add on the assessments and studies done before (through other UNDP projects) or during the designing of this project, and to cover some specific angles not addressed by the previous assessments. Periodical or regular data collection and analyses will provide ground to evaluate the activities and approaches, and calibrate and adjust them to emerging needs or changing circumstances. These may include, for example, data reflecting dynamic of regional judicial co-operation, number of cases processed, type and number of interventions and/or victims receiving them, specific focus groups, public opinion polls, gender aspects of interventions, etc., The data will be aggregated by Beneficiary, gender, profession, and other categories that may be relevant for a given data collection and analysis. Depending on the areas and topics and type and degree of expertise required, the data collections, analyses and assessments will be done by the project staff, or external experts, or both. Data collection will be done by the project team in a structured regular process for indicators in the logical framework that is included in the action, which includes also EC corporate and IPA III monitoring indicators.
- The intervention as well as the concrete activities are to be **need- and context- based and driven**, fit for each participating economy and taking fully into account each of their institutional and legislative setting, various mechanisms of transitional justice applied, political and social context, as well as the needs already addressed by other international partners or UNDP's previous interventions. Any future adaptations and revisions will be informed also by these elements. Therefore, activities would be implemented in or include a

Beneficiary only if and to the extent the identified needs and other abovementioned elements would call for or justify such intervention.

For example, and most notably among the five Beneficiaries, since North Macedonia has no active war crimes cases nor such cases are expected to be brought before its courts, there are no war crimes victims or witnesses to support in relation to criminal proceedings and there is no need for the country's judiciary to prepare or improve conditions for domestic trials. There is, however, a role for the judiciary of North Macedonia in providing its legal assistance to the neighbouring jurisdictions, especially in relation to crimes from the Kosovo conflict, when they seek evidence and witnesses located or residing in North Macedonia for cases before their own judiciaries. Hence, North Macedonia should also benefit, to a limited extent, from experience sharing, knowledge transfer, and peer-to-peer meetings with other Beneficiaries. In Bosnia and Herzegovina, for example, the needs for external development support have been constantly high due, i.a, to the biggest case backlog, but the activities shall be adapted to fit the substantial achievements of other support projects conducted over the past decade or still in place in the country (notably the project of support to the BiH High Judicial and Prosecutorial Council and the projects implemented by the OSCE Mission to Bosnia and Herzegovina - all EU-funded).

• **Regional approach and regional activities** will be combined with Beneficiary specific approaches. Whether an activity will be regional will depend, i.a, on the needs identified, whether a specific issue or topic that is being addressed involve at least two Beneficiaries, whether cross-jurisdictional peer-to-peer communication and knowledge sharing will help addressing the need, which approach would yield better result and ensure more sustainability, and other considerations. Activities under Output 2 have the objective of enhancing regional judicial co-operation

[Detailed breakdown of regional and participating economy-specific activities is in the Activity Matrix.]

• The project will combine sector-wide approach with grass-roots actions.

A holistic, **multi-disciplinary approach**, which seeks coordination and cooperation with a broad set of actors at various levels will be applied as much as possible, also in view of many cross-cutting issues, such as synergy between war crimes case processing and search for missing persons, judiciary and law enforcement, between criminal justice, reparations and truth-seeking mechanisms, judicial and political actors, civil society and institutions, etc.

Some of the activities under Outputs 3 and 4 – related to victim support and public outreach, will particularly aim at supporting and enhancing **grassroots** initiatives and engagement, especially by sub-granting, but also through modalities of direct engagement. Due care will be taken that such initiatives are implemented or reach out outside the Beneficiaries' capitals as well as among especially affected or most vulnerable groups. This will include supporting grassroot initiatives and actions in small local communities. The project will strive to strengthen capacities of small CSOs from such communities, such as through training on planning, fundraising, grant administration, advocacy, communication, activism, improvement of their operational infrastructure, etc. Such effects on the development of local grassroot level organisations will be among criteria for sub-granting. When considering such organisations and initiatives for sub-granting or other forms of partnership, including forms of direct engagements, UNDP will take into account their initial capacities and, when needed, help them with measures, including assessment, training and coaching, so that they are able to administer sub-grants or other form of partnership engagement.

• The project will apply **participatory and people-centered transitional justice approach** in its work with institutions and different parts of population, especially with the most affected groups (victims) and with youth and other target groups in public awareness raising and dialogue. Links and co-operation between authorities and these groups will also be built and strengthened, when possible, to create functional and sustainable synergies and broader local ownership. Continuous involvement and visibility of domestic partners including in the local communities, will be ensured, so as the visibility of the project among the local actors and the public.

- The **human rights and gender equality based approach** will be among the cornerstone principles of the project. The interventions will directly concern and be in the core of implementation of human rights (especially rights to a fair trial, to legal remedy, to compensation for unlawful harm, equal access to justice, non-discrimination, right to truth, etc.) As such, the project contributes in the long-term to strengthening human rights-based systems across the Beneficiaries.

- The project also adopts a **victim-centered approach**. The activities will be either dedicated and designed to serve and address the particular need of war crimes victims and survivors and improve their rights and wellbeing – especially those under Outcome 1 Output 3, or be designed taking into account victims and survivors as right-holders and as an especially vulnerable group with a society, but also as an agent of change (such as in activities aimed at public awareness raising).

- In the area of public awareness raising and promotion of fact-based dialogue (Output 4), the project will focus on and **empower specific target groups** that have a potential to further expand and influence others: journalists, youth activists and young CSO activists, representatives and leaders of the victims' communities, social sciences students and young professionals (especially historians, lawyers, political scientists), young political party activists of leaders, culture operators, religious leaders, as well as, where possible, local community level actors, such as local CSOs, that can make specific impact in their own local communities. This is a mechanism to lay the ground for longer term impact on broader segments of societies. Generally, the engagement of young women and men in programme interventions will be pursued to enhance inclusive, sustainable solutions on the ground.

- In order to **promote synergies and avoid duplication, this action will be implemented in close cooperation** with other stakeholders, including the UN International Residual Mechanism for Criminal Tribunals (IRMCT), the Organisation for Security and Cooperation in Europe (OSCE) and its field operations in the region, International Commission on Missing Persons (ICMP), International Committee of the Red Cross (ICRC), sister agencies from the UN system, as well as with a number of relevant international and domestic civil society organisations. Cooperation and coordination with relevant EU Delegations/EU Office in the Beneficiaries will be regularly maintained. As a mechanism for the co-ordination and co-operation, a *Board of Partners* of this project, with an advisory role, will be established in each of the Beneficiaries, comprised of key local beneficiaries and stakeholders from the institutions, local CSOs, the main international partners active in transitional justice and confidence building field in the participating economy, and the respective EU delegation or office; such board of partners will meet periodically. A *regional advisory group* will also be established for the project, at the regional level, comprised of the EU and other international stakeholders from the region (such as OSCE, IRMCT, ICMP, key embassies), most active CSOs from the region, but also individuals. This is explained in more details below in *Chapter VIII – Governance Arrangements*. In addition, in close consultations and co-operation with the EU delegations, UNDP will offer to convene and co-chair, with EU, additional periodical (e.g. quarterly) co-ordination meetings with the aforementioned and other relevant international stakeholders, especially those implementing EU-funded projects in each of the participating economies. UNDP will also use or take into account any existing mechanism of co-ordination and synergy creation between international partners (such as, for example, in Bosnia and Herzegovina, the Quartet and the Trust-building Working Group).

UNDP has already closely co-operated, including through joint activities, with these stakeholders in the previous projects in transitional justice areas. Before or during the designing of this Project, consultations were held with these international and CSO partners and updates on their plans and activities were obtained.

More detailed explanation of co-ordination and synergy with all these stakeholders, including references to their concrete projects in the field that have informed the designing of this Project will be explained below in Chapter III under “Partnerships” and in Chapter VII – Governance Arrangements.

- Capacity building of direct beneficiaries, institutions as well as those from the civil sector, will strive to **ensure sustainability** of the results achieved by the interventions. First, all the interventions are planned and will be implemented following precisely established needs of the concrete beneficiaries, based on, i.a., UNDP's past activities and project, extensive consultations with the beneficiaries and the partners in the project design phase and, importantly, needs assessments in the project inception phase (described in the

sections of the activities, below). The project will, in general, promote strong ownership among the Beneficiaries, through proactive consultations and their engagement throughout the process - in the design as well as in the implementation and lessons learned phases. The project will apply various approaches and modalities for effective capacity development and learning, thereby ensuring that the direct beneficiaries will be able to sustain and apply expertise, systems, tools, and knowledge that will be generated and introduced. Among others, training and other forms of knowledge sharing will be developed with public institutions where possible, especially with judicial training academies and other relevant professional developments centres that exist in the participating jurisdictions. Training will include training of trainers, either as tailor-made knowledge transfer activities or as one of the end results. Depending on topics, knowledge transfer curricula and learning materials, and, where applicable, learning tools and platforms, will be purposefully developed for or left for use to the aforementioned local training academies/centers to be integrated into national training curricula, learning platforms, systems, and plans. Coaching and mentoring may be applied where applicable (without interfering or overlapping with the case-based mentoring and coaching of prosecutors by the IRMCT). Due care will be taken, in co-operation with local institutions, that professionals selected to participate in training and other forms of knowledge sharing will be those that have a perspective of staying longer with the institutions and applying and disseminating the acquired knowledge further. In addition, as mentioned elsewhere in this project document, reliance on experts from the region and from the local institutions as a primary source of expertise in carrying out the activities will enable crosspollination among the institutions both within the same jurisdiction and across the boundaries; the experts will both share their knowledge and learn from their peers thus enabling continuous knowledge and skills building and upgrade within the systems.

The project will also aim to achieve as much sustainability as possible in the civil sector and in capacity building of CSOs, especially of grassroots organisations. Sustainability will be among key selection criteria for sub-granting of CSOs both in relation to victim support and public awareness raising, as explained below in the sub-granting criteria section. By widening the scope of grassroots actors and supporting initiatives and actions in local communities, the pool of civil sector actors will become broader. In particular, the project will strengthen capacities of small CSOs from local communities, including through training on planning, fundraising, grant administration, advocacy, communication, activism, improvement of their operational infrastructure, self-help skills (for victim support in particular), as well as through capacity building and mentoring of small-size CSOs by more experienced organisations. In the area of public awareness raising and promotion of fact-based dialogue (Output 4), the project will focus on and empower specific target groups that have a potential to further expand and influence others: journalists, youth activists and young CSO activists, representatives and leaders of the victims' communities, students of social sciences and young professionals (especially historians, lawyers, political scientists), young political party activists or leaders. This will include, where possible, local community actors, such as local CSOs, that can make specific impact in their own communities.

By working through institutional structures and mechanisms, especially through prosecutors' offices and court systems, as well as with the civil sector, the project will strengthen the foundations for long-term institutional capacities and systems, so as non-state capacities, in the area of accountability and protection of human rights that would contribute to transitional justice and addressing the legacies of the conflicts in the region, while being also among the pillars of crime suppression and rule of law and general.

Gender aspect

The project will effectively mainstream gender and promote and support gender equality and girls' and women's empowerment, and, also in line with the EU gender equality strategy 2020-2025, the gender perspective and gender responsive justice and rights-based services will be systematically included in design and implementation of activities and policies.

The project will be guided by the EU Gender Action Plan III and the Women, Peace and Security (WPS) agenda, formally initiated by the landmark UN Security Council Resolution 1325 (2000), adopted on 31 October 2000. The WPS agenda affirms the important role of women in the prevention and resolution of conflicts and in peace-building initiatives. It rests on four pillars: prevention, participation, protection and

relief and recovery. It focuses on the links between gender inequality and conflict, how they are mutually reinforcing, and emphasizes the need to understand gender inequality as a root cause and driver of conflict and fragility. The project will be in line with the pillar 3 of the EU Gender Action Plan III and specific measures of policy 3.5: Integrating the women, peace and security agenda: promoting and supporting inclusive policies/activities across the whole WPS agenda with full and equitable participation, also by men and boys; promoting the strengthening of the rule of law, the criminal justice system through transitional and restorative justice, and Security Sector Reform (SSR), to end impunity for perpetrators of SGBV crimes; promoting the provision of medical, psycho-social, legal and safety support to all victims/survivors of conflict-related sexual and/or gender-based violence/SGBV.

The project will follow the UNDP gender equality strategy 2022-2025 and the objective of achieving gender justice to realize rights. Hence, with UN Women and Gender Justice Platform, UNDP will provide continued technical, financial and policy support on link between gender equality and legal protection, gender responsive justice, security sector reforms, legal aid services, transitional justice and constitutional reforms. The main obstacles for achieving gender equality are deeply rooted in patriarchal norms, as well as in the lack of systemic solutions for persistent implementation of polices for achieving gender equality. These patriarchal patterns affect women deeply. It is fair to say that the legacies of the conflicts present huge obstacle in building just, equal societies, respectful of human rights and gender equality principles. Consequences of wars, conflict and economic decline affect women and men differently.

Women in the region have been specifically and deeply affected by these conflicts. Precise gender-disaggregated data on victims and survivors of the conflicts have not been part of information available from the prosecution offices or the courts, or reliable data on human losses and toll of war crimes victims, but a large part of the overall number of war crimes victims and survivors are women. They were most notably struck as the survivors of conflict-related sexual violence (CRSV) crimes.

Women who survived CRSV crimes, some of whom were girls at the time, as well as children born from wartime rape, often experience prolonged trauma and social exclusion, which over years become also transgenerational, and face impediments to access to justice. Many CRSV crimes have still not been investigated, or those investigated did not reach trial or ended in convictions, due to many problems in processing and proving such crimes, including high risk of secondary victimization and re-traumatisation in the process, or inadequate or uninformed investigators' or judicial approach to victims. While CRSV crimes survivors nowadays enjoy a range of rights and reparation instruments in most of the jurisdictions in the region, they, as many other civilian victims of war, face challenges in the realisation of these rights and generally receive less attention and resources from the authorities than some other groups (such as ex-combatants). Therefore, a number of activities will be dedicated to dealing with conflict-related sexual violence crimes.

The conflicts are not only experienced differently by women and girls than by men and boys, but also their roles in conflict and peacebuilding are varied and complex. Women and girls have long been targets of war, regularly subjected to sexual and gender-based violence and enslavement as part of strategy of combatants. Often left to manage home life when men go off to war, in many countries, women have also been active in protecting their homes and communities. Women may act as peacebuilders, including through women's organisations and by using their influence in families and communities.

Some specific activities, such as training for investigators, prosecutors, judges, and defence lawyers – fit for specific needs in each jurisdiction - will seek to improve local capacities for investigation and prosecution of CRSV crimes (and also, concomitantly, suppression of gender-based violence) in gender sensitive and trauma-informed manner. Such training will specifically cover investigating CRSV crimes against men (which often remain unprocessed due to stigma and gendered expectations that leave such crimes against men largely underreported). The project will also help, directly or through CSOs supported by sub-grants, that women as victims of war crimes and their associations are more empowered at the end of intervention to use or seek their rights. Particular attention will also be dedicated to transgenerational transfer of trauma and particular effect on girls as victims' family members or children born from rape (e.g. by strengthening the work of CSOs, through sub-grants, involved in addressing transgenerational trauma). In addition, and in more general terms, all women victims will also benefit from enhancement of victim support services' capacities and these services' improved regional cooperation.

As the women are playing a leading role in most of the CSOs dealing with transitional justice and in gathering victims and families of the disappeared, many of them will be in charge of CSO implemented project supported by sub-grants.

The activities, especially under Output 4, will seek opportunities to promote an active role of women and girls, as well as children born from wartime rape as agents of change for promoting reconciliation and dialogue between and within the societies. Any such existing initiatives, such as networks of women parliamentarians, will be regarded as a source of experience or a potential partner - if appropriate and where there are shared values and goals between the project and such initiative.

A balanced representation of women and men among the institutional and civil society beneficiaries will be ensured to the greatest extent possible (e.g. no single-gender workshops, panels, etc. will be proposed). Gender sensitive language will also be promoted in public communications.

The Project will seek to promote role of women as advocates for women survivors and victims, engagement of female experts and professionals from the region and will encourage, including through sub-granting, emergence of new and young women leaders in the field of transitional justice and reconciliation.

A **gender analysis** will be conducted during the inception phase of the project as a part of the needs assessments, with draft recommendations included in the Inception Report for review of Project Board and the EC. Purpose of the gender analysis is to identify the underlying differences and inequalities between women and men, girls and boys and the power relationships and other relevant dynamics in the context of transitional justice which shape gender roles and give rise to assumptions and stereotypes that stand in the way of equal treatment of women in transitional justice mechanisms that will be addressed by the action's outputs, including an assessment how to increase meaningful participation of women and girls in relation to each output of the project. The analysis will provide concrete and operational recommendations on activities and indicators to improve gender responsiveness of the action. Implementation of (accepted) recommendations will be integrated in the project at the end of the Inception Phase and systematically reviewed during interim and monitoring reports and evaluations,. Baseline and needs assessment reports, interim reports and knowledge product will include as a rule gender disaggregated data.

In applying the gender sensitive approach in its activities and promoting women's participation in the processes, UNDP will be informed by and follow the guidelines, recommendations and lessons learned from UN and UNDP documents and policies, including, in particular, joint UNDP and UN Women report *Women's Meaningful Participation in Transitional Justice: Advancing Gender Equality and Building Sustaining Peace*, issued in March 2022. It will also include the aforementioned *Women, Peace and Security Agenda*. The Action will also report against the EU Gender Action Plan and include relevant indicators.

III RESULTS AND PARTNERSHIPS

Activities presented below and in the attached Workplan (*Appendix 2*), including timelines, number of participants and method of implementation are indicative and might be adapted during implementation. A revised workplan is presented to the Project Board with the respective updates and justifications (backward and forward looking) with each progress report

Output 1 (related to Outcome 1): Judicial authorities in the region-are better equipped to handle war crimes

- Domestic legal frameworks (laws, bylaws, regulations), strategies, and protocols are improved and gender mainstreamed in line with applicable international standards and international and regional best practices

- Prosecutors and judges and their staff, defence attorneys, police, institutions for search for missing persons and other relevant authorities have their professional knowledge and skills improved in matters including international humanitarian law, investigative techniques, investigating and adjudicating conflict related sexual violence crimes, exhumations, analytics, case and data management, and other targeted topics (as identified from the inception phase needs assessments and continuous implementation monitoring) through targeted, innovative learning programmes including training, as well as mentoring and other blended learning approaches
- Practices and jurisprudence in handling war crimes are improved in each of the Beneficiaries through national cross-sectoral and regional and international peer-to-peer exchanges and experience sharing between judicial, law enforcement and other authorities , particularly targeting young professionals in the authorities .

Depending on each of the Beneficiaries' needs, some goals and activities will be jurisdiction specific. IRMCT, OSCE, as well as most experienced practitioners from the region are key partners for this output

Activity 1.1 (Inception phase): Assessment study of needs and capacities of the beneficiaries' authorities (courts, prosecution services, police war crimes investigation units, witness protection services and other as relevant), including gender analysis, to handle and process war crimes cases.

The assessment will begin after the project start and be completed by the 4th month conclusive with the adoption of the Inception Report by the Project Board. It will be conducted by one or more experts, who will combine visits to and interviews with the authorities with desk review of open sources and data obtained from the authorities . Based on the Inception Report, the planned project activities will be tailored for each beneficiary and, if necessary and pursuant to the findings, modified.

The assessment will be carried out in all the Beneficiaries, including in North Macedonia where it would be limited, since the country has no active war crimes cases, to assessment on the needs and capacities in the area of international legal assistance and co-operation (and to the extent institutions of North Macedonia are or may be involved in provision of such assistance in the context of war crimes in the region).

How: needs assessment resulting in a report conducted by one or more experts, combining visits to and interviews with the authorities with desk reviews of open sources and data obtained from the authorities . Indicative number of expert(s)' workdays – 34

Timeline: hiring of expert(s) – 1st month; production of the final report by day 15th of the 3rd month; adoption of the report by the Project Board: end of the 4th month

Knowledge products (assessment outputs): comprehensive needs assessment report (inception report), including recommended capacity building actions in each Beneficiary and regionally. The report to be adopted by the Project Board

Activity 1.2: Provision of expert and technical support to line ministries for improving domestic legal framework (laws, bylaws, regulations), strategies, and protocols

Bosnia and Herzegovina: based on the needs-assessment (Act. 1.1), facilitate establishment of a focus/advisory group with relevant ministries, High Judicial and Prosecutorial Council (HJPC), courts, prosecutor's offices to review and provide amendments to relevant legal frameworks within the country, in line with the Revised War Crimes Strategy and develop relevant rules and procedures, when needed, including gender sensitive policies.

Kosovo: drafting of normative and policy framework for the implementation of the Transitional Justice Strategy, including Action Plan, bylaws, communication strategy; organising public consultations with local communities.



Montenegro: amending criminal legislation to allow for admissibility of ICTY evidence; adoption of new and gender responsive policy strategic documents for war crimes case processing and transitional justice.

Serbia: drafting (and adoption) of amendments to Witness Protection Law and bylaws enabling full application of several types of witness protection measures; drafting of the new prosecutorial war crimes strategy, with a quantifiable and time-bound backlog reduction plan (following the adoption of the National War Crimes Strategy on 14 October 2021); revision of the National War Crimes Strategy and the accompanying documents (2025)

How: expert workshops/round tables (consultations)

Timeline: One workshop in Year 2 (Y2) and one in Y3 in Serbia, Kosovo, Montenegro; one in Y2 in Bosnia and Herzegovina and North Macedonia

Number of events and participants (indicative): 8 events, ½ or one day, 20 participants per event

Knowledge products: draft of legislation amendments and bylaws, authorities' strategies and policy documents

Activity 1.3: Knowledge transfer for prosecution offices (POs), courts, police, defence attorneys, and other relevant authorities as appropriate

The activity will comprise targeted, innovative learning programmes including training, as well as mentoring and other blended learning approaches where appropriate and needed, for prosecutors and judges and their staff, defence attorneys, police, authorities for search for missing persons and others. An indicative and non-exhaustive list of topics is listed below, and it may include other topics if identified in the inception assessment under Act 1.1 and determined in the course of project implementation. A single training, or other form of knowledge sharing, may encompass one or more of these topics and the topics combined.

Serbia, Montenegro, Kosovo:

- International humanitarian and international criminal law (IHL and ICL), encompassing i.a.: rules on and relevance of differentiating between international and non-international armed conflicts, elements of war crimes (existence of an armed conflict, nexus, protected persons status), underlying acts/crimes of IHL violations, elements of crimes against humanity (existence of widespread or systematic attack, civilian population, knowledge of the attack, underlying acts), applicability of crimes against humanity, elements of and proving genocide; modes of liability under international and domestic law, defences in ICL, grounds for jurisdiction, relations between international and domestic law, building case theories (in Serbia for newly appointed staff of PO and police) – possible co-operation with IRMCT and others including practitioners from the region.

In Serbia, the activity will include development of an online curriculum and learning tool on international humanitarian and criminal law in co-operation with the Judicial Academy of Serbia (also as a part of the implementation of the Serbian National War Crimes Strategy), in the first year of the project, which will be accessible through the Judicial Academy's online learning platform. The learning tool will serve for continuous training and refreshment of the judicial prosecutorial and police staff, as well as for training of newly appointed staff as they come. After being piloted with the Serbian Judicial Academy, the online curriculum/learning tool will be offered to judicial academies/training centers from the other Beneficiaries and adjusted to their specifics (in terms of local legislation, language, etc.)

- Investigation techniques (for PO and police): forensics, exhumations, victims, survivors and witness interviewing techniques, use of expert witnesses and advisors, detecting and establishing elements of underlying crimes, building case theory – in co-operation with IRMCT and others including practitioners from the region
- Investigating and processing conflict related sexual violence crimes-CRSV (definition of rape and other forms of sexual violence under national laws and international law, trauma-informed psychological

approach; hearing victim/witnesses; specifics of CRSV against men, how to detect them and interview survivors) for POs, judges, police, and defence counsels - possible co-operation with IRMCT

- Working with traumatized witnesses, including the practitioners' own stress management (PO, court, police, defence counsels)
- Joint analytics and co-ordination between war crimes investigations and search for missing persons (for PO, police, missing persons commissions), possible co-operation with ICMP and ICRC)
- Legal drafting skills (preparing and drafting indictments) (for PO staff)
- Examination and cross-examination of witnesses in trial (for PO only) - possible co-operation with IRMCT
- Access to the IRMCT's database and requesting and handling the IRMCT evidence and documentation (PO and court) – in co-operation with IRMCT
- Public communication training for spokespersons (POs and courts) – possible co-operation with OSCE Serbia
- Case and data management, including sex disaggregated data, using specialised software for data analytics

Bosnia and Herzegovina (all to be done in co-ordination or co-operation with the Bosnia and Herzegovina HJPC and OSCE Mission to Bosnia and Herzegovina):

- Investigation techniques for Bosnia and Herzegovina entities' POs and police, including working in investigation teams and other forms and mechanisms of co-operation between prosecutors and police (possible co-operation with OSCE)
- Investigating and processing conflict related sexual violence crimes-CRSV (definition of rape and other forms of sexual violence under national laws and international law, trauma-informed psychological approach; hearing victim/witnesses; specifics of CRSV against men, how to detect them and interview survivors) for investigators (Bosnia and Herzegovina entities, SIPA) – possible co-operation with OSCE
- Public communication training for spokespersons (POs and courts at the entity level)
- Interplay between exhumations and analytics in search for missing persons and war crimes investigations (possible co-operation with ICMP and ICRC)

North Macedonia:

- International and cross-jurisdictional legal aid and assistance (with specifics concerning international criminal law cases)

How: training seminars (in person, as a rule, if not possible (Covid19), online; mentoring of professionals; development of curricula and e-learning tools

Timeline: in Serbia, Bosnia and Herzegovina, Montenegro, Kosovo: two trainings in Y1 in each of the four Beneficiaries, three in Y2 in each, two in Y3 in each, and one in Y4 in each; in North Macedonia: one in Y1, one in Y2, one in Y3

Number of events and participants (indicative): approximately 35 training events, 2 to 3 days each, 20 participants per event

Knowledge products: learning tools, including e-learning, curricula and handouts (manuals) on: international humanitarian and criminal law, investigation skills, interviewing techniques, specially including of CRSV victims, case management, analytics and cross sectoral co-operation in relation to war crimes proceedings

Activity 1.4: Internal cross-sectoral co-ordination meetings between judicial, law enforcement and other institutions towards enhancing practices and jurisprudence for handling war crimes

Bosnia and Herzegovina (especially between state and entity levels), Montenegro, Serbia, Kosovo: cross-sectoral co-ordination meetings in each Beneficiary for the purpose of strengthening co-operation between the authorities, ensuring their co-ordination, coherent approach, and information sharing and joint analytics (especially between prosecutors, police investigators and authorities for search for missing persons).

How: local level cross-sectoral co-ordination meetings

Timeline: Y1: once in each of the four Beneficiaries; Y2: once in each of the four Beneficiaries; Y3: once in Bosnia and Herzegovina, once in Kosovo; Y4: once in Kosovo

Number of events and participants (indicative): eleven cross-sectoral meetings, ½ to one day, 25 participants in each

Activity 1.5: Regional peer-to-peer knowledge and experience sharing meetings on handling war crimes cases, particularly targeting young professionals in the authorities

Implemented in all the five Beneficiaries:

How: regional peer-to-peer consultative meetings; bilateral or small-scale regional meetings; concrete participants to be selected depending on the exact topics which are to be determined based on the needs assessment study in the inception phase (Activity 1.1)

Timeline: regional meetings: one in Y2 and one in Y4. Bilateral or small-scale regional event, with participants from some of the Beneficiaries: one in Y2, one in Y3, one in Y4 (three in total)

Number of events and participants (indicative): two larger regional meetings, 2 days each, app. 30 participants; three bilateral or small-scale meetings, 1 or 2 days, 15-18 participants

Knowledge products: round table summaries, presentations

Output 2 (related to Outcome 1): Improved conditions for regional cooperation on war crimes

- Regional co-operation in war crimes case processing is improved through regional (multilateral and bilateral) peer-to-peer meetings, dialogues and working visits of prosecutors and judicial officials, victim and witness support and protection services, police, defence counsels, and representatives of other relevant authorities
- Regional co-operation in war crimes proceedings and cross-sectoral transitional justice co-operation is improved through regional policy dialogues (multilateral and bilateral; technical and high-level) and meetings of representatives of judicial and other authorities , including line ministries
- Regional co-operation in war crimes case processing is improved through provision of technical advice for developing and/or amending policy and legal frameworks pertaining to international and cross-jurisdictional legal co-operation

The UN IRMCT and OSCE will be the key international partners for this output.

Activity 2.1: Regional (multilateral and bilateral) peer-to-peer meetings, dialogues and mutual working visits of prosecutors/judicial officials, victim and witness support and protection services, police, defence counsels, and representatives of other relevant authorities to advance regional co-operation.

Key international partner will be IRMCT.

How: bilateral or multilateral technical level meetings and working visits of prosecutors, judges, law enforcement officers, or defence attorneys

Timeline: Year 1 - 3 bilateral or multilateral technical level meetings; Y2 - 4 meetings, Y3 – 3 meetings; Y4 – 2 meetings

Number of events and participants (indicative): 12 bilateral or multilateral technical level meetings, one day each, 8-10 participants per meeting

Activity 2.2: Regional (multilateral and bilateral; technical and high-level) policy dialogues: meetings of judicial practitioners and line ministries and other authorities for improving regional co-operation in war crimes proceedings and cross-sectoral transitional justice co-operation (with participation of the IRMCT)

How: high level regional meetings, with participations of heads of relevant prosecution offices, and judges, law enforcement official, and line ministries as needed

Timeline: one meeting in Year 1, Y2 and Y3

Number of events and participants (indicative): 3 multilateral meetings, two days, 25-30 participants per meeting

Activity 2.3: Technical advice for developing and/or amending policy and legal frameworks to further foster regional co-operation on war crimes handling

How: expert analysis of the multilateral and bilateral legal frameworks in the region with proposals for improvement; one expert meeting/round table at local level with participation of prosecutors, judges, defence attorneys, ministries of justice and interior or other relevant line ministries

Timeline: Year 1 – expert analysis of the legal frameworks (to be completed eight months after the start of the project); one meeting/round table, Y2 – two meetings/round tables, Y3 – one meeting/round table

Number of events and participants (indicative): 4 meetings/round tables in total, one day each, 25 participants per meeting

Knowledge products: expert analysis of the multilateral and bilateral legal frameworks in the region with proposals for improvement

Output 3 (related to Outcome 1): Increased delivery of gender sensitive support services to victims and witnesses of war crimes and stronger capacity of relevant actors

- Victims and witness support services from courts, prosecution offices, and police improved their professional knowledge and skills for providing assistance and services to victims and witnesses, especially to survivors of conflict related sexual violence crimes, through targeted, innovative and gender-sensitive learning programmes including training, mentoring and other blended learning approaches.
- Victim support mechanisms improved through enhanced regional co-operation of victim and witness support services from courts, prosecution offices, police, and other relevant authorities via their regional (multilateral, bilateral) peer-to-peer meetings.
- Gender responsive victim support mechanisms and cross-sectoral co-ordination improved through regional and domestic policy dialogues between victim support authorities and between the authorities and victim groups.
- Gender aware policy and legal framework for victims support and victims reparations (laws, bylaws, protocols for supporting victims, national and institutional reparations strategies and policies) improved and better aligned with EU acquis.
- Assistance to victims and survivors and their families improved through sub-granted active engagement of civil society, including victims associations, in several priority areas (*as explained below*).

Activity 3.1: (Inception phase): Update of UNDP's 2019 regional needs assessment report on institutional capacities and needs in the area of victim support (with special attention to gender responsive justice for women victims and survivors of armed conflicts) to tailor the activities and streamline interventions with EU acquis in the area.

To be conducted in all the Beneficiaries except in North Macedonia: in Bosnia and Herzegovina, Montenegro, and Serbia – update of the 2019 UNDP’s needs assessment; in Kosovo – full needs assessment

The assessment will begin after the project start and be completed by the 4th month conclusive with the adoption of the Inception Report by the Project Board. Based on the Inception Report, the planned project activities will be tailored for each beneficiary and, if necessary and pursuant to the findings, modified.

How: needs assessment, resulting in a report, conducted by one or more experts, who will combine visits to and interviews with the authorities and civil society organisations, including with victim associations, with desk reviews of open sources and data obtained from the authorities ; indicative number of expert(s)’ workdays is 37

Timeline: hiring of expert(s) – 1st month of the project; production of the final report by day 15th of the 3rd month; adoption of the report by the Project Board - end of the 4th month

Knowledge products (assessment outputs): comprehensive needs assessment report (inception report), including recommended capacity building actions in each Beneficiary concerned and regionally. The report to be adopted by the Project Board

Activity 3.2: Capacity building to strengthen support for victims of CRSV and other war crimes and to enhance capacity of victim and witness support services from relevant authorities .

ALL Beneficiaries (except North Macedonia):

The indicative list of topics and areas for learning (which will be further elaborated and expanded, as needed, by the inception phase needs assessment):

- Protection from secondary victimisation, application of trauma-informed approach, interviewing techniques, making psychological profiles of witnesses and victims;
- Working with victims of conflict related sexual violence (male and female), especially training for police investigators and prosecutors to investigate conflict related sexual violence and gender-based crimes (in co-operation with EULEX in Kosovo);
- Advanced communication skills and counselling techniques and skills, in particular communication and interview skills and counselling techniques of law enforcement officials and prosecutors who work with the victims and survivors directly;
- Crisis intervention for emotional conditions;
- Knowledge transfer and peer-to-peer mentoring of the VWS staff by senior psychologists, stress management and dealing with over-burning (‘supervision for psychologists’ based on best practices guidance and professional associations’ recommendations for services working with traumatized survivors and victims);
- Training of civil services to apply victim support legislation in direct interaction with victims groups.

How: training seminars - in person, as a rule, if not possible (Covid19), online; mentoring of professionals; development of curricula and e-learning tools. Trainings and learning programs may be for participants from only one Beneficiary or from two or more Beneficiaries at the same time (regional); they may take place in the form of consecutive series of seminars, exchange visits, or one-off training etc. - depending on the topic, needs

Timeline: Year 1 – 4 training, Y2 – 6 training, Y3 – 8 trainings, Y4 – 4 trainings; training taking place in one of the beneficiaries can be local or regional

Number of events and participants (indicative): approximately 22 training events, 1 to 2 days each, 10-15 participants per event

Knowledge products: learning tools, including e-learning, curricula and handouts (manuals) on victim and witness support

Activity 3.3: Regional (multilateral, bilateral) peer-to-peer meetings of victim and witness support services (from courts, prosecution offices, police, and other relevant authorities)

ALL (including North Macedonia in relation to provision of assistance to the other jurisdictions):

- Regional (multilateral and bilateral) meetings of victims and witness support services from the courts and prosecution offices for improvement of their mutual co-operation and knowledge and experience sharing (with participation of IRMCT Registry's Victim Support Service).
- Regional (multilateral and bilateral) meetings of the police witness protection units for improvement of their regional co-operation and knowledge and experience sharing (based also on the progress made previously by two Winpro programs); with participation of IRMCT Registry's Witness Protection Unit.

How: regional meetings of victim and witness support services, and regional meeting of police witness protection units

Timeline: Year 1 – one regional meeting of victim and witness support services, and one regional meeting of police witness protection units, Y2 – 1 regional meeting of victim and witness support services, Y3 – 1 regional meeting of victim and witness support services, Y4 – 1 regional meeting of victim and witness support services

Number of events and participants (indicative): 5 regional meetings, 2 days each, app. 25 participants per event

Knowledge products: regional meetings summaries, presentations

Activity 3.4: Regional and domestic cross-sectoral policy dialogues of authorities and victim groups on improving victim support mechanisms available to victims and their families

ALL (except North Macedonia):

- Co-ordination meetings, at domestic and regional level, between judicial victim support services and CSOs that provide victims assistance (in Bosnia and Herzegovina: only a regional meeting, while the coordination of the dialogue within each local jurisdiction is done by OSCE)
In Montenegro, Serbia, and Kosovo this will specifically include peer-to-peer meeting of judges and prosecutors with BiH colleagues on resolving victim's compensation claims through criminal proceedings (for Serbia, in co-ordination with the OSCE).
- Periodical meetings, at local level, of judges, prosecutors, police and defence attorneys with victim/survivors groups' (including specific victims groups, such as missing persons families, associations gathering victims of unlawful detention, CRSV survivors representatives) and victim support CSOs to identify problems and improve victim support (twice a year; for Bosnia and Herzegovina to be closely co-ordinated with HJPC and OSCE, and for Serbia with the OSCE)

The activities will be fine-tuned based on the inception phase needs assessment (Act 3.1) and then further adjusted, if needed, following results of the first public call for sub-granting (if some of the goals and purposes may also or be better achieved by grant recipients).

How: local level meetings, regional level meetings

Timeline: Y1- 4 local level meetings; Y2- 6 local level meetings and 1 regional meeting; Y3 - 5 local level meetings; Y4 - 4 local level meetings and one regional meeting. (The number of meetings per year is shown regionally and not per participating jurisdiction because frequency of the meetings in each of the jurisdictions

may vary from year to year depending on exact needs, developments in legislation drafting and in case processing or search for the missing person)

Number of events and participants (indicative): 19 local level meetings, one or ½ day each, 25-30 participants; two regional meetings (Y2 and Y4), two days and 25-30 participants each

Knowledge products: regional meetings summaries, presentations

Activity 3.5: Provision of expertise for improving policy and legal framework for victim support and victim reparations (laws, bylaws, protocols for supporting victims, reparations strategies and policies), gender mainstreaming, and aligning them with EU acquis.

ALL Beneficiaries (except North Macedonia):

- Drafting and adoption of gender responsive bilateral cross-boundary protocols between courts' and prosecution offices' victims support services (as a priority, amending the existing protocol between the Court of BiH and the Serbian High Court in Belgrade);
- Drafting gender responsive protocols for referral of witnesses and victims by the judicial victim support offices to other sources of support and assistance (civil sector mainly) and for co-operation between the judicial offices and CSOs (in Bosnia and Herzegovina to be closely co-ordinated with OSCE)

Serbia-specific: drafting of legislative provisions to improve status of civilian victims of war, including missing persons; drafting of a regulation for victims of CRSV crimes; intersectoral consultations for Serbian Missing Persons Commission, line ministries (of labour and social rights, interior, justice, minority and human rights, and their local detachments) and responsible for applying new Law on Missing Persons in Serbia (expected to be adopted in the second half of 2022), as provided for in the National War Crimes Strategy 2021-2026.

How: legal drafting by experts, consultative meetings/round tables of experts

Timeline: Year 1 – legal analysis and drafting in Bosnia and Herzegovina, Kosovo, Montenegro, Serbia, one round table/consultative meeting in Serbia, Y2 – one round table/consultative meeting in Bosnia and Herzegovina, Montenegro, Serbia, Kosovo; Y3 – one round table/consultative meeting in Bosnia and Herzegovina, Kosovo, Montenegro

Number of events and participants (indicative): 8 consultative meetings/round tables of experts, one or ½ day each, app-20 participants

Knowledge products: draft or model documents (protocols, bylaws, strategies); proceedings from expert round tables

Activity 3.6: Technical assistance for developing and providing information materials to victims and their families as right holders (toolkits, booklets, print and online materials on their rights in criminal proceeding, access to existing reparations, access to services, etc.).

ALL Beneficiaries (except North Macedonia)

The exact materials and of final beneficiary target groups (war crimes victims and survivors, including CRSV victims, witnesses in war crimes cases, etc.) will be determined based on the inception phase needs assessment, and supplemented by findings from the focus groups (Activity 3.8) as well as by the results of the first public call for sub-granting under Activity 3.7 (if some of the goals and purposes may also or be better achieved by a grant recipient).

How: working visits to meet with victims and victim support services; developing materials by experts; design and printing of materials (leaflets, brochures, other inf materials)

Timeline: Year 1 – working visits to meet with victims and victim support services; inception phase needs assessment (Activity 3.1) to be concluded by the 4th month since the start of the project; Y1 and Y2 – preparation and distribution of the material

Knowledge products: materials, print and online, available to victims and victims associations such as toolkits, booklets

Activity 3.7: Sub-grants for CSOs, including victims associations, for assisting victims and survivors and their families, in a gender-informed and -sensitive manner - locally or regionally

Selection criteria

Sub-grants under this output will be disbursed in all the participating economies, except in North Macedonia.

The following **types of activities** will be eligible for sub-granting:

- support to victims' and survivors' access to justice and institutional services, including, for example, realization of the right to compensation and reparations, informing victims and survivors of their rights;
- supporting criminal justice process by, i.a., facilitating and supporting court's and prosecution offices' access to witnesses, participation of survivors in trials as witnesses, victims (injured parties), or trial observers;
- psycho-social support to victims, survivors and their families – external or peer-to-peer (including addressing effects of transgenerational transfer of trauma);
- advocacy campaigning for improving rights and status of the victims and survivors;
- support to CRSV victims and survivors (including to their families, especially children born from wartime rape, for addressing effects of transgenerational transfer of trauma);
- capacity building and mentoring of small-size CSOs by more experienced organisations (to increase their sustainability vis-a-vis project planning and implementation, fundraising, campaigning, public advocacy and communication, etc.) improvement of their operational infrastructure;
- enable and promote better and direct communication between victims and relevant local authorities.

The selection of the proposal will be made **based on the following criteria:**

- an estimated impact of the proposed project on the rights and well-being of victims, especially in long-term, perspective,
- the potential of the proposed project to achieve systemic changes,
- potential of the proposal to strengthen the capacities of the victims support providers, including victims associations;
- sustainability of the intervention,
- envisaged costs (value for money)

Among the selection criteria, an **additional weight** will be given to proposals that:

- have capacity building and sustainability effects on the development of local grassroots level organisations, including in relation to victims association's capacity to provide self-help
- promote inter-ethnic partnerships (regional and within one society), e.g. include and promote participation of victims and survivors associations of different ethnic groups;
- promote role of women as advocates for women survivors and victims, engagement of female experts and professionals from the region and emergence of new and young women leaders in the field of transitional justice and reconciliation;
- promote emergence of young leaders in victims associations.

Eligible entities for receiving grants:

- associations gathering victims and survivors of conflict-related crimes and their families which have as their goal protection and promotion of rights and interests of these groups (registered in an appropriate legal form in one of the participating jurisdictions);
- civil society organisations and other non-public entities, including professional associations, engaged in promotion and protection of victims and their rights, transitional justice, human rights, provision of psychosocial support, free legal aid;
- academic, research and scientific institutions in the area of victimology.

Entities that may not possess a sufficient experience and capacity to file an application for and implement a project, such as grass-roots level victims associations, will be encouraged to apply and be offered, before the call for proposals, procedural coaching in filing the application as well as capacity building training for the implementation. The cost of such engagement will not be deducted from the overall amount allocated for grants, but from the separate budget line for that purpose.

Selection procedure and timeline

Each grant may be awarded to a project run by a single eligible entity, or by two or more eligible entities (consortium); in the case of the latter, only one entity is submitting an application (lead applicant), signing the contract with UNDP, and is accountable to UNDP for the implementation.

The grants will be disbursed mainly through public calls.

The Project Board may exceptionally decide to give a grant to a particular eligible entity through a direct selection, without public call, based on a developed project proposal, in accordance with relevant UNDP's rules, regulations and policies, in line with the criteria provided herewith that are applied in public call selection process, and justification provided by the Regional Project Coordinator.

Grant applications will be submitted locally, to each of the participating UNDP offices in the region (excluding North Macedonia), based on the territory where the single applicant, or the lead applicant in case of a consortium, is registered. A Local Selection Committee that will be set up at the level of each UNDP office will make the first selection of the candidates. UNDP will ensure absence of conflict of interest for each member of the selection committee on local and regional levels.

The final selection will be made by the regional level Selection Committee, in which each participating UNDP office will have a representative, based on the principle of compliance with selection criteria and quality. For proposals of equal quality, the Committee may take into consideration also criteria of fair distribution and representation among the UNDP offices-nominated proposals.

Total amount allocated for the duration of the project (48 months): EUR 1,200,000.

Minimum amount per grant: EUR 5,000

Maximum amount per grant: EUR 80,000

There will be **two public calls**: first, four months after the beginning of the project, for disbursing an estimated EUR 800,000, and second, after two and a half years, for disbursing estimated EUR 400,000.

The same entity may apply for and receive the grant both in the first and the second call.

First call:

Amount: total EUR 800,000, per grant: EUR 5,000 to EUR 80,000

Approximate number of grants per Beneficiary (taking into account expected number of entities that are active in the field and may apply): BiH – 12 grants, Montenegro – 5, Serbia - 7, Kosovo – 8.

Duration: minimum - 4 months, maximum - 24 months; exceptionally, 42 months (three and a half years) maximum, for complex projects, preferably by two or more entities, and if there is solid justification

Second call:

Amount: total EUR 400,000, per grant: EUR 5,000 to EUR 60,000

Approximate number of grants: BiH – 8 grants, Montenegro – 3, Serbia - 4, Kosovo – 5.

Duration: minimum - 4 months, maximum - 18 months

Timeline:

- by the end of Month 4 since the start of the project: adoption of the selection criteria and establishment of the selection committees;
- launch of first public call for proposals (in print media, portals, social networks, locally and across the region) at the end of the Inception Phase, once the Steering Board has approved the Inception Report (end of Month 4); deadline for applications: four weeks;
- end of Month 6: selection process completed, signing of grant agreements;
- until end of month 30: implementation (24 months or less depending on the project, unless the grant is exceptionally approved for more than 24 months – see above); initial capacity building to implement the project for those selected recipients that need it will be organised at the beginning of this period;
- month 28: adoption of criteria for the second call, issuing second call for proposals; four-week deadline for applications;
- month 30: selection of proposals from the second call (except those that were granted more than 24 months); the selection will take into account the track records from the previous implementation (if the same entity applies again) and what was the overall impact and results of the grants from the first call;
- end of Month 30: signing of the agreements for the second round; up to 18 months implementation;
- end of month 48: completion of the grant implementation from the second call; closing and evaluation; end of the Action's implementation period.

Grant making will be carried out in compliance with UNDP's rules, regulations, policies and procedures for sub-granting, including the following (and the same will apply to the grant making under Activity 4.3):

- The precise criteria that the grant proposals will be assessed against will be approved by the Project Board.
- Monitoring of the grant implementation will be done by the project staff (grant officers and other project staff designated to that purpose).
- Amendments to the grant agreements, including no-cost extensions of the timeline of a grant-implementation, can be approved by the Regional Project Manager.
- Recipients implement activities that they propose.
- The recipient is responsible for substantive and financial reporting on the utilization of the grant as defined in the grant agreement. Appropriate evidence that the activities reported were completed should be attached to the report, such as photographs, boarding pass copies, meeting minutes, sign in sheets, etc. Recipients should document their experiences and working methods.
- Recipients must provide performance reporting to UNDP at least 30 days before the expected release of the next tranche. In cases where a grant spans more than one year, the grant recipient must provide annual reports until activities have been completed. At the end of the grant period, the grant recipient is required to submit a final substantive and financial report, which shall include certification by the recipient's representative with institutional responsibility for financial reporting, including the certification date.
- Since the solution to a development challenge is generated by the grantee, and not UNDP, the intellectual property for solutions rests with the grant recipient, but through the grant application process, the grantee



agrees to give UNDP an irrevocable, unlimited, cost-free license to use the solution in its programs, and to replicate and disseminate it. The grant recipient retains the right to use the solution for its own benefits.

- Grantees use their own personnel, systems, designs, networks, procedures, and in some instances even their own funds to implement the grant. If provided for in the project document or otherwise agreed between UNDP and the Government, assets and equipment purchased by the recipient using grant funds shall be the property of the recipient.

Activity 3.8: Surveys among victims, using focus groups, and other data collection (disaggregated by gender, age, and other relevant criteria) for updating needs assessment and evaluation of the project implementation
ALL Beneficiaries (except North Macedonia)

Exact focus groups to be determined by experts, in consultation with the authorities and victims associations, and based on the recommendation from the inception needs-assessment.

How: focus groups surveys conducted by a hired specialised company

Timeline: mid-Y2 and mid-Y4

How many: 2 surveys, one in Y2 and in Y4, encompassing Bosnia and Herzegovina, Kosovo, Montenegro, Serbia.

Knowledge products: surveys results and findings, recommendations based on the findings

Output 4 (related to Outcome 2): Grassroots actors better equipped to raise public awareness and foster mutual understanding through fact-based dialogues about crimes committed during the 1990s conflicts on the territory of the former Yugoslavia

- Victim-centred, gender informed, national communication strategies developed to help identify training/learning support, advocacies, and communications initiatives targeting common awareness and understanding of war crimes (including promoting public accessibility of war crimes judgments)
- Reconciliation and fact-based dialogue about legacies of the conflicts, including gender perspective, stimulated and promoted through direct support, by sub-grants, to civil society (CSOs, including victims associations, think tanks, academia, media associations, etc.),
- Policy and communication dialogue between justice institutions and the media developed to increase public information and outreach on war crimes and transitional justice.
- More journalists trained to competently report on war crimes trials and transitional justice issues
- CSO activists, bloggers/vloggers, media influencers, and young professionals engaged in public advocacy and activism of promoting reconciliation and dealing with the past gained new public advocacy skills and techniques (including use of social media, designing and conducting campaigns, targeted fundraising and activity planning etc.), with an aim to strengthen CSOs and grass-root level sustainability

Activity 4.1: Regional study on public perceptions, behavioural insights and communications needs regarding war crimes trials and other transitional justice processes

ALL Beneficiaries (results to be disaggregated per Beneficiary)

How: two regional public opinion surveys, combined with focus groups on accountability for war crimes, transitional justice and reconciliation, to identify level of awareness and understanding of conflict related crimes handling and transitional justice processes as a basis for the development and promotion of public

outreach initiatives and victim-centered communications. Survey findings data will be disaggregated by Beneficiary, gender, age, ethnic background, nationality, profession, role in transitional justice processes, etc.

Timeline: first half of Y1, and second half of Y4

How many: two regional surveys

Knowledge products: surveys findings and results

Activity 4.2: Development of victim-centered and gender informed communication strategies to help identify training/learning support, advocacies, and communications initiatives targeting common awareness and understanding of war crimes

All Beneficiaries (except North Macedonia):

- Provision of expertise and other support to national judicial and other relevant authorities to develop or improve communication strategies for war crimes courts and prosecution offices and authorities for search for missing persons, including in relation to implementation of the current (Bosnia and Herzegovina, Serbia) or expected (Montenegro) war crimes strategies and expected transitional justice strategy (Kosovo);
- Promoting public accessibility of war crimes judgments in the region (other than the Bosnia and Herzegovina Court's judgments and Bosnia and Herzegovina Prosecution Office's indictments which are the only available) -also a part of Activity 4.4

The activity may be adjusted, if needed, following results of the first public call for sub-granting (Act 4.3) if some of the goals and purposes may also or better be achieved by a grant recipient.

How: provision of expertise (consultancy) to cover the four Beneficiaries and propose adequate strategies; consultative events/round tables

Timeline: Y1 and Y2 - provision of expertise (consultancy) to cover the four Beneficiaries and propose adequate strategies; Y2 - consultative events/round tables – one in Bosnia and Herzegovina, Montenegro, Kosovo, Serbia

Number of events and participants (indicative): 4 consultative events (round tables), 1 day, 30 participants

Knowledge products: recommendations on communication strategies and public access to war crimes judgments; strategies (if adopted)

Activity 4.3: Sub-grants for civil society (CSOs, including victims associations, think tanks, academia, media associations, culture operators, etc.), especially at grassroots level, for dealing with legacies of the conflicts and promoting reconciliation (e.g. cross-societal and cross-generational dialogue, transitional justice education, youth engagement, improving public awareness of war crimes and trials, conducting and publicising research (incl. on documenting crimes, human losses, positive examples of cross-ethnic solidarity), public advocacy, history research and teaching, developing and piloting curricula on transitional justice and confidence building.

(Work of other partners – IRMCT's Outreach, local CSOs, professional associations (journalists, historians) to be taken into account in setting up selection criteria and in the selection process)

Sub-grants under this output will be disbursed in all the five participating economies.

Selection criteria

Sub-grants should particularly aim to promote the activities and results in the following areas:

- Public debates, media campaigns, including on the social media, and other public outreach for promoting fact-based dealing with the past.
- Educational programs on transitional justice and wars in the 1990s targeting future decision makers and opinion leaders (young political activists, young lawyers, historians, sociologists, politicologists, etc).
- National/regional research, academic exchange and internship programs for social sciences researchers focusing on transitional justice, documenting crimes, promoting inter-ethnic relations and solidarity.
- Developing and/or piloting new university curricula on transitional justice and peace studies, with the emphasis on the context of the region.
- Promoting various forms of cross-societal and cross-ethnic dialogue, especially youth dialogue and youth engagement, about overcoming the legacy of the past and promoting reconciliation and closer inter-ethnic relations.
- Promoting gender informed dialogue regarding the legacies of the past with feminist approaches to reconciliation.
- Building synergies between local community level actors aimed at inclusive and joint (inter-ethnic) fact-based and victims-centered memorialisation initiatives.
- Enhancing or building sustainable partnerships between civil society (including grassroots initiatives and victims associations) and institutions – at national or local/municipal level - aimed at promoting inter-ethnic reconciliation, and fact-based memorialisation and dialogue about the past.
- Support to artists and culture operators and promotion of activism (artists' activism) in addressing the legacies of the past and promoting reconciliation.

The selection of the proposal will be made based, i.a. on:

- an estimated impact of the proposed project on raising public awareness of the past crimes, promotion of inter-ethnic dialogue and reconciliation,
- the potential of the proposed project to achieve systemic changes,
- sustainability of the intervention,
- envisaged costs (value for money).

Among the selection criteria, an additional weight will be given to proposals that:

- have capacity building and sustainability effects on the development of local grassroot level initiatives and organisations;
- involve authorities and institutions, including at local (municipal level) as partners in promoting fact-based and inclusive inter-ethnic memorialisation and dialogue about the past, promote inclusive memorialisation and joint commemoration by different ethnic groups;
- include substantial inter-ethnic partnerships (regional and within one participating economy);
- promote education and emergence of young leaders (opinion, professional, political, etc.) in transitional justice and reconciliation;
- promote the role of women as new professionals and emerging leaders in the field of transitional justice and reconciliation;
- serve to develop and test innovative approaches in truth-telling transitional justice mechanism, promote accountability for war crimes, and reconciliation.

Eligible entities for receiving grants:

- civil society organisations and other non-public entities, including victims associations, engaged in promotion and protection of transitional justice, human rights, social dialogue (registered in an appropriate legal form in one of the participating jurisdictions); sport associations and clubs may also be eligible in combination with the other criteria listed above.
- academic, research and scientific institutions;
- culture institutions;

- museums and other memorialisation institutions, if offering novel and innovative approaches to fact based and inclusive memorialisation

In North Macedonia, because of the specifics of the context - as explained in the Beneficiary-specific analysis above, in addition to the above mentioned criteria eligible for sub-granting will be civil society organizations that also have the proven track record of:

1. working with youth, particularly on topics related to reconciliation, inter-ethnic dialogue, conflict and conflict resolution, legal aspects of conflict and the aftermath of (armed) conflicts;
2. implementing projects, writing analysis/papers, or organizing dialogues for the 2001-armed conflict in North Macedonia.

Except for North Macedonia, entities that may not possess a sufficient experience and capacity to file an application for and implement a project, such as grass-roots level victims associations, will be encouraged to apply and be offered procedural coaching in filing the application as well as capacity building training for the implementation (the cost of such engagement will not be deducted from the overall amount allocated for grants, but from the separate budget line for that purpose).

Selection criteria procedure and timeline

Each grant may be awarded to a project run by a single eligible entity, or by two or more eligible entities (consortium); in the case of the latter, only one entity is submitting an application (lead applicant), signing the contract with UNDP, and is accountable to UNDP for the implementation.

The grants will be disbursed mainly through public calls.

The Project Board may exceptionally decide to give a grant to a particular eligible entity through a direct selection, without public call, based on a developed project proposal, in line with the criteria provided herewith that are applied in public call selection process, and justification provided by the Regional Project Coordinator.

Grant applications will be submitted locally to each of the participating UNDP offices in the region, based on the territory where the single applicant, or the lead applicant in case of a consortium, is registered. A Local Selection Committee that will be set up at the level of each UNDP office will make the first selection of the candidates. UNDP will ensure absence of conflict of interest for each member of the selection committee on local and regional levels.

The final selection will be made by the regional level Selection Committee, in which each participating UNDP office will have a representative, based on the principle of compliance with selection criteria and quality. For proposals of equal quality, the Committee may take into consideration also criteria of fair distribution and representation among the UNDP offices-nominated proposals.

Total amount allocated for the duration of the project (48 months): EUR 1,800,000.

Minimum amount per grant; EUR 5,000

Maximum amount per grant; EUR 80,000

There will be two public calls: first, two months after the beginning of the project, for disbursing an estimated EUR 1,200,000, and second, after two and a half years, for disbursing estimated EUR 600,000.

The same entity may apply for and receive the grant both in the first and the second call.

First call:

Amount: total EUR 1,200,000, per grant: EUR 5,000 to EUR 80,000

Approximate number of grants per Beneficiary (taking into account expected number of entities that are active in the field and may apply): BiH – 14 grants, Kosovo – 8, Montenegro – 5, North Macedonia – 3, Serbia – 10.

Duration: minimum - 4 months, maximum - 24 months; exceptionally, 38 months (3 and a half year) maximum, for complex projects, preferably by two or more entities, and if there is solid justification

Second call:

Amount: total EUR 600,000, per grant: EUR 5,000 to EUR 60,000

Approximate number of grants: BiH – 8 grants, Kosovo – 5, Montenegro – 3, North Macedonia – 2, , Serbia - 6.

Duration: minimum - 4 months, maximum - 18 months.

Timeline for sub-granting:

- by the end of Month 2 since the start of the project: adoption of the selection criteria and establishment of the selection committees; first public call for proposals (in print media, portals, social networks, locally and across the region). Deadline for applications: four weeks.
- end of Month 4: selection process completed, signing of grant agreements.
- until end of month 28: implementation (24 months or less depending on the project, unless the grant is exceptionally approved for more than 24 months – see above); initial capacity building to implement the project for those selected recipients that need it will be organised at the beginning of this period)
- Month 26: adoption of criteria for the second call, issuing second call for proposals; four-week deadline for applications
- Month 29: selection of proposals from the second call (except those that were granted more than 24 months); the selection will take into account the track records from the previous implementation (if the same entity applies again) and what was the overall impact and results of the grants from the first call.
- end of Month 29/beginning of Month 30: selection of the second round completed and signing of the agreements; 18 months max implementation:
- end of month 47: completion of the grant implementation from the second call
- month 48: closing and evaluation; end of the Action

Grant making will be carried out in compliance with UNDP's rules, regulations, policies and procedures for sub-granting, as referred to above in relation to grant making Activity 3.7.

Activity 4.4: Policy and communication dialogue – cross-sectoral and between justice authorities and the media – to increase public information and outreach on war crimes and transitional justice.

BiH (only in relation to the entity courts), Serbia, Montenegro, Kosovo:

- promotion of making war crimes judgments and indictments available to the public at large;
- domestic dialogue between the courts, POs, police, media, and civil society to improve public information and competent media reporting

How: provision of expertise (consultancy); one regional conference/consultations, with participation of international experts, on public availability of war crimes judgments and indictments; local level round tables between relevant authorities , media, and civil society

Timeline: Y2 - regional conference; 4 local level round tables (one per Bosnia and Herzegovina, Kosovo, Montenegro, Serbia); Y3 - 4 local level round tables (one per Bosnia and Herzegovina, Kosovo, Montenegro, Serbia)

Number of events and participants (indicative): 1 regional conference, two days, 30 participants; 8 local level round tables, 1 day and 30 participants each

Knowledge products: recommendations on public access to war crimes judgments

Activity 4.5: Training of journalists on gender responsive reporting on war crimes and transitional justice issues

ALL Beneficiaries: Training workshops combined with coaching by experienced journalists, gender experts, and court reporters (in person and online combined)

The activity will be implemented in co-operation with BIRN.

Participants will be selected from amongst journalists and the media who have shown some interest in reporting on transitional justice topics.

The activity may be further adjusted, if needed, following the results of the first public call for sub-granting (Act 4.3) if some of the goals and purposes may also or better be achieved by grant recipients.

How: local level trainings for journalists; regional level trainings, including participants from North Macedonia; provision of expertise (consultancy), including coaching of journalists following the trainings

Timeline: Y1 – one local training in Kosovo; Y2 – one local training in Montenegro and one in Kosovo; one regional training; Y3 – one local training in Bosnia and Herzegovina and one in Serbia, one regional training

Number of events and participants (indicative): 5 local trainings, 3 days, 10-15 participants each; 2 regional trainings, 3 days, 20 participants each

Knowledge products: training curricula, training handouts, guidelines (best practices and tips for journalists)

Activity 4.6: Training for CSO activists, bloggers/vloggers, media influencers, and young professionals engaged in public advocacy and activism of promoting reconciliation and dealing with the past (on public advocacy skills and techniques, use of social media, designing and conducting campaigns, targeted fundraising and activity planning etc.), with an aim to strengthen CSOs and grass-root level sustainability.

The activity may be further adjusted, if needed, following the results of the first public call for sub-granting (Act 4.3) if some of the goals and purposes may also or better be achieved by grant recipients.

ALL Beneficiaries:

- Advocacy and campaigning training (online and in-person); transitional justice learning toolkit to be developed for the activity beneficiaries
- Coaching on activity planning following the trainings; support to the best designed campaigns to be provided by grants

How: development of a transitional justice learning toolkit; advocacy and campaigning training (online and in-person) for 2 groups of activists/participants selected through nomination by their CSOs and a public call; follow-up coaching on activity planning (online and in person)

Timeline: Development of a learning toolkit – Y2; training for the selected participants: two trainings in Y2, two trainings in Y3; Coaching on activity planning and targeted fundraising following the trainings – continuous from Y2 to Y4; support to the best designed campaigns to be provided by sub-grants (Act. 4.3) in the second public call for sub-granting

Number of events and participants (indicative): 2 groups of 20 participants, 2 regional trainings for each group – in total 4 regional trainings (online and in person)

Knowledge products: transitional justice learning toolkit for the activists; training curricula and materials (handouts)

Activity 4.7: Media monitoring (including monitoring traditional media reporting, political and official statements, new media and social media, and big data) to identify trends and issues in transitional justice evaluate progress and impact of the project

ALL: media clipping agency to be hired to cover media monitoring all the five beneficiaries

How: hiring a media clipping agency to do media monitoring and clipping, using the selected key words provided by the project team

Timeline: hiring of a media clipping company through UNDP procurement procedures to be completed by the end of 3rd month since the start of the Action; media monitoring and clipping until the conclusion of the Action

Knowledge products: media clipping, analysis of trends and issues identified

Activity 4.8: Targeted regional and domestic experience sharing and peer-to-peer meetings of various stakeholders involved in public awareness raising about recent past, promoting reconciliation, and addressing misinformation and disinformation

ALL Beneficiaries:

Two regional consultations involving broader scope of stakeholders – journalists, civil society activists, activists targeted by Activity 4.7, authorities’ representatives (judiciary, police, and others), including their spokespersons, and foreign experts.

How: two regional round tables (hybrid - online and in person), involving broader scope of stakeholders – journalists, civil society activists, activists targeted by Activity 4.7, authorities’ representatives (judiciary, police, and others), including their spokespersons, and foreign experts as needed

Timeline: one regional meeting (round table) in Y 1, and one in Y4

Number of events and participants (indicative): 2 regional round tables (online and in-person combined), 1 and ½ days each, 20 participants (up to 40 in hybrid setting)

Knowledge products: conclusions and recommendations from the round table consultations

Partnerships

Partnership with EU

The European Union is the main strategic partner in the Project – not only as a donor, and member of the project governance body (Project Board), but also as a political and policy partner.

The key leverage of the EU’s engagement, and its main comparative advantage over any other international stakeholders, is its role in the policy and political dialogue with the authorities from the region in the context of the EU accession and the Stabilisation and Association process - which all the governments in the region are committed to, as well as its strong financial assistance in support of these processes.

The project is in line with the EU's strategic enlargement policy document *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*³⁴, which confirms the EU's support to reconciliation initiatives, including those that address transitional justice and seek to overcome the legacy of recent conflict. Among the approaches that are emphasized in this policy document are those that this project will be actively engaging with - support and giving a higher priority to the education and potential of young people as crucial for the region's further development and a prerequisite for peaceful coexistence and reconciliation. The actions to support reconciliation and good neighbourly relations are amongst the Commission's flagship initiatives. Also, IPA III gives priority, i.a. to actions that contribute to confidence building, societal cohesion and strengthening neighbourly relations, especially actions for combating impunity for serious international crimes, including through strong regional co-operation and effective domestic prosecutions; *IPA III Programming Framework, under its Window 2, Thematic Priority 3: Good neighbourly relations and reconciliation* brings as a specific objective to contribute to societal cohesion and resilience by addressing the legacy of the conflicts of the past and bringing justice to all victims of the conflicts.

As the EU *acquis* is also a key reference point for the Beneficiaries, all the actions in the course of the project implementation will be, by design and purpose, guided by relevant *acquis* in each area that the Project covers. This would be done either by way of helping national stakeholders harmonise their legal frameworks, policy documents, or practices with the EU regulations, or by promoting harmonisation with the *acquis*. This is especially the case in the areas covered by the project, such as victim support,³⁵ where the EU provides substantial regulation that the Beneficiaries have already internalized or are still to do so.

Partnership with international organisations

As also mentioned in the previous sections, this project fully takes into account the interventions by other international partners in the area of transitional justice and reconciliation. UNDP, through implementation of its regional and Beneficiary-specific projects in the field in earlier years, has been regularly in co-ordination or often in close co-operation with the key international partners.

The following are the key international stakeholders and their portfolios in the areas that are the same as, or intersect with, some areas that the project will be covering (some of them already mentioned in the preceding chapters and sections; see also Appendix 1 - *Mapping of relevant international assistance in transitional justice field by key international partners*):

- *International Residual Mechanism for International Criminal Tribunals (IRMCT)*: The existing co-ordination will be maintained in relation to regional judicial co-operation (in which the IRMCT has been direct and regular UNDP's partner), training of prosecutors, and, with the IRMCT Outreach Office, in relation to awareness raising about the ICTY jurisprudence and judicially established facts. The IRMCT's plans include seminars for groups of students in several selected law faculties in the region and for history teachers in schools (which would not overlap with education of young history researchers from universities and institutes planned for this project). They also plan to educate artists how they can use their database and archives for artists.
- *OSCE: OSCE Mission to BiH* (mainly EU-funded project(s) in relation to war crimes) has been engaged in trial monitoring, capacity building of state- and entity-level prosecution offices and courts, and in in-country co-ordination of court victim and witness support services. UNDP project activities in BiH will be most closely co-ordinated with the OSCE Mission and planned with understanding of what their project has accomplished so far or is covering.

OSCE Mission to Serbia (EU-funded in relation to war crimes) conducts trial monitoring and plans one seminar per year for a diverse group of participants from Serbia, mainly students, and to provide peer-to-peer

³⁴ https://ec.europa.eu/info/sites/default/files/communication-credible-enlargement-perspective-western-balkans_en.pdf
https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-02/enlargement-methodology_fr.pdf

³⁵ For example, key EU reference documents in this field would be: 2012/29/EU Directive (*Victims' Rights Directive*) establishes minimum standards on the rights, support and protection of victims of crime; 2004/80/EC Directive relating to compensation to crime victims; DG Justice Guidance Document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA



events and training to local judges, prosecutors, police officers/investigators and others in the coming four years. OSCE in Serbia also finishes an EU-funded project in support of establishing victim support services throughout the country; it does not deal with victim and witness support specifically in war crimes cases, but its outcomes will be fully taken into account in the implementation of this project's activities.

There is a very positive track record of joint UNDP-OSCE activities in Serbia in the past three years that this project will rely on and continue.

- International Commission on Missing Persons (ICMP) and International Committee of the Red Cross (ICRC). Coordination with the two organisations will continue in relation to activities concerning search for and identification of missing persons as a part of war crimes investigations (and their expertise will be drawn from), so as in relation to support to families of missing persons as a part of victim communities.

- Regional Youth Co-operation Office (RYCO): Coordination and information sharing will be maintained in relation to activities of reaching out to and involving youth and promoting regional dialogue.

A number of embassies (United Kingdom, the Netherlands, United States, Switzerland, Sweden, Germany – to name just a few) have also been active as bilateral or regional donors and they will continue to be active in all or some of the participating jurisdictions.

Same as in its interventions so far, UNDP will continue co-ordination and close partnerships with the aforementioned stakeholders to create synergies and harmonize approaches and policies in the implementation of the project. To that end, periodical co-ordination meetings with these partners and co-ordination mechanisms, in each Beneficiary, will be initiated after the beginning of the project and established as a regular practice (boards of partners in each participating jurisdiction and periodical co-ordination meetings, regional advisory group, - as explained above and also below, in more details, under *Governance Arrangements*). The already existing initiatives, fora, and practices for operational and/or policy co-ordination among international stakeholders that cover, exclusively or *inter alia*, the field of transitional justice and confidence building, such as, in BiH - the Quartet (EU, UN, OSCE, Council of Europe), or, in Serbia - Ambassadorial Group of Friends (of Transitional Justice), will also be used as platforms for co-ordination and creation of operational and political synergies.

Partnerships with civil society

Across the region, in each of the Beneficiaries, civil society – victims associations, human rights or transitional justice CSOs, the academic part of the civil society, etc., - will be both partners (sub-implementors, expertise providers, etc.) and direct project beneficiaries. They are also recognized stakeholders that UNDP will co-ordinate its project implementation with.

In designing the project, similarly to its implementation of other projects in this area, UNDP has closely co-operated with and consulted a number of CSOs. Some of those that are most active in this field, and **whose current and planned activities are particularly relevant for the project implementation**, are indicatively listed in *Appendix 3 - Stakeholders, target groups, beneficiaries*,

Risks and Assumptions

Assumptions

Outcome 1 Political and justice institutions' support to address legacy of the past

Outcome 2 Political support to address legacy of the past Engagement of CSOs and right holders

Output 1 Judicial stakeholders adopt strengthened practices

Output 2 Authorities cooperate regionally

Output 3 Authorities and CSOs willing to act on the support provided

Output 4 Authorities and CSOs willing to act on the support provided

Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
Risk 1: Political context not conducive to the implementation of the action	Medium	Medium	The action will maintain constant dialogue with key institutional stakeholders to ensure buy-in and ownership, including support for regional cooperation. This aspect of the action will receive high attention throughout the implementation.
Risk 2: Lack of sufficient interest, willingness or capacity of local partners to cooperate and support the implementation of the action	Low	High	The action will rely on previous partnerships and experiences working with stakeholders in the area of transitional justice and confidence building, including for community and public outreach and work with victims' associations. In addition, the action will demonstrate its value added through the implementation of concrete activities addressing gaps in the current response to accountability and fact-based dialogues.

South-South and Triangular Cooperation (SSC/TrC)

The project will provide a venue and facility for connecting Beneficiaries in capturing, codifying and sharing lessons learned, as well as good practices and success stories, to further foster regional cooperation in the substantive areas covered by the project. In addition, it will also tap available knowledge and expertise from UNDP and the EU's wide network of partners globally and in the region, to promote innovative learning and programme implementation, including through South-South and triangular cooperation.

Knowledge

The project will develop innovative, tailor-made learning materials, programmes and modules, analytics, perception studies, and media products, including social media, on various thematic topics outlined in the preceding sections to build on and further scale up existing knowledge and information. The project will generate and use the knowledge products and available channels to raise awareness on the importance of regional cooperation in handling war crimes cases, support efficient and effective victim-centred and human rights-based domestic handling of war crimes, and increase shared understanding of the crimes committed during the 1990s conflicts on the territory of the former Yugoslavia. The knowledge products that are in English will also make the expertise, knowledge transfer products, experiences, and best practices available for use by actors operating in other transitional justice settings in the world.

The following are types of knowledge products that the project may generate:

- *Needs assessments/inception studies on institutional capacities* (parts that may be public or for sharing): analyses of needs and capacities of the local institutions to handle war crimes cases and provide victim support (Activities 1.1 and 3.1, at the inception phase of the project);
- *Compilation of best practices and examples of legal frameworks and policy strategies*: containing relevant parts of laws, bylaws, regulations, strategies and protocols, or analyses thereof (from Activities 1.2 and 2.3, 3.5, 4.2);
- *Knowledge transfer products*: from targeted, innovative gender-sensitive learning programmes including training, as well as mentoring and other blended learning approaches for judicial and prosecution staff police, defence lawyers, missing persons institutions, and others, including training curricula, modules, online/e-learning platforms and tools, compilation of print training materials (Activities 1.3 and 3.2).
- *Info materials for victims*: toolkits, booklets, print and online materials, etc., when public and appropriate for publishing (Activity 3.6).
- *Knowledge transfer products and guidance for journalists/media and civic activists*: materials prepared for journalists, CSO activists, bloggers/vloggers, media influencers, and young professionals engaged in public advocacy, on, i.a., on public advocacy skills and techniques, use of social media, designing and conducting campaigns, targeted fundraising, and activity planning (Activities 4.6 and 4.7).
- *Public opinion or focus groups surveys and studies*: regional study on public perceptions, behavioural insights and communications needs regarding war crimes trials and other transitional justice processes (at the beginning and the end of the project, under Activity 4.1); surveys among victims, using focus groups, and other data collection, disaggregated by gender, age, and other relevant criteria (Activity 3.8).

Knowledge products will also include those *produced by sub-grantees* (Activities 3.7 and 4.4); the exact type, format, and amount of such knowledge products will depend on and be known after the sub-granting selection process and the implementation of activities supported by sub-granting.

Actual production and public availability of each specific knowledge product will depend on whether it would be for non-public, limited, or public circulation, and on its relevance and content. Knowledge products may be published (printed), be made available online to unlimited number viewers, or only accessible to limited circle of users.

Sustainability and Scaling Up

The project will promote strong ownership among the Beneficiaries, through proactive consultations and engagement throughout the process, including in the design phases. It will provide various approaches and modalities for effective capacity development and learning, thereby ensuring that the Beneficiaries will be able to sustain and apply the expertise, systems, tools, and knowledge that will be generated and introduced. By working through institutional structures and mechanisms, especially through prosecutors' offices and court systems, as well as with the civil sector, the initiative will strengthen the foundations for long-term institutional capacities and systems, so as for civil sector capacities, that would contribute to transitional justice and addressing the legacies of the conflicts in the region, while being also among the pillars of crime suppression and rule of law and general.

(On sustainability see also the Methodology section above.)

IV PROJECT MANAGEMENT

The most senior, decision making body for high-level oversight of the project and approval of key project execution decisions will be the *Project Board*. It will be composed of the UNDP Istanbul Regional Hub Manager, who will chair the Project Board and be the Project Director/Executive, and, as Project Board

members, UNDP Resident Representatives (RRs) in BiH, Montenegro, North Macedonia, Serbia, Kosovo and EU DG NEAR, as the Development Partner.

In each of the five Beneficiaries there will be *Board of Partners* established, with co-ordination and consultation roles and for ensuring representation of views and interests of national beneficiaries.

A *Regional Advisory Group*, involving broad range of partners and stakeholders (international development partners, civil society, academia, etc.). will be a regional level advisory mechanism, for discussing trends, ideas, national, regional and international experiences, lessons learned, ways forward, broader strategic, policy and operational co-ordination across the region.

The project will be implemented through the UNDP Direct Implementation Modality (DIM) in line with UNDP's Programme and Operations Policies and Procedures and IRH Standard Operating Procedures for Regional Programme Management. UNDP Istanbul Regional Hub will be responsible for overall management, guidance and quality assurance.

The project will be implemented in the five Beneficiaries, with the project teams based in *Belgrade, Podgorica, Sarajevo, Pristina and Skopje* in the respective UNDP offices, with travel across the region when needed.

The Project Management Team will consist of:

a) *Regional-level Project Team*, located in Istanbul, with Regional Project Manager responsible for the overall operational management of the project and reporting to the Team Leader of the IRH's Governance and Peacebuilding Team, and with Regional Communications and Knowledge Product Associate (Regional Communication Associate), and Regional Project Associate;

b) *UNDP office-level Teams* in each of the participating UNDP offices, located in *Belgrade, Sarajevo, Podgorica, Pristina and Skopje* respectively, with 11 full time and two part-time (50%) positions, consisting of project managers/co-ordinators, project associates/assistants and grant and communication officers.

In line with the Financial and Administrative Framework Agreement (FAFA) and the General Conditions, the financial transactions and financial statements shall be subject to the internal and external auditing procedures laid down in the Financial Regulations, Rules and directives of UNDP

Detailed explanations on the governing and management structure briefly indicated above are provided below, in Chapter VII "Governance and Management Arrangements"



V RESULTS FRAMEWORK³⁶

Please refer to Appendix 4 – LogFrame and Activity Matrix

³⁶ UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audience clearly understand the results of the project.

CR

VI MONITORING AND EVALUATION

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans: *[Note: monitoring and evaluation plans should be adapted to project context, as needed]*

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)
Inception Phase/ Report	The purpose of the Inception Phase (4 months after implementation start) is to fine-tune activities and workplan, conduct a detailed gender assessment, provide baseline data as required for the logframe. After 3 months the project team provides the draft inception report to the project board, 2 weeks ahead of the first project board meeting.	At the onset of implementation	Inception report to be drafted. Detailed gender assessment Workplan updated Logframe updated Detailed planning for first round of calls for proposals Approval of detailed planning by Project Board	joint
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.	
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.	

	sourced from other projects and partners and integrated back into the project.			
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	
Review and Make Course Corrections	Internal review of data and evidence from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.	
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report). The draft report will be provided to the Project Board members 2 weeks in advance of the Board meeting. At the meeting the respective report should be reviewed and approved		
Project Review (Project Board)	The project's governance mechanism (Project Board) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Board shall hold an end-of-project review to capture lessons learned and discuss opportunities for scaling up and	At the end of the inception period (Month 4) and then at least once a year	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.	

CB

	to socialize project results and lessons learned with relevant audiences.		
--	---	--	--

Evaluation Plan³⁷

Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders
e.g., Mid-Term Evaluation	Joint EU / UNDP			End 2024	Target groups, end beneficiaries, key international partners.

³⁷ Optional, if needed

VII GOVERNANCE AND MANAGEMENT ARRANGEMENTS

I Governance arrangements

The project is implemented by UNDP, represented by the Istanbul Regional Hub (IRH), under the direct implementation modality (DIM). All UNDP projects must be governed by a multi-stakeholder board or committee established to review performance based on established monitoring and evaluation metrics and high-level implementation issues to ensure quality delivery of results. For the purpose of this project, and to ensure standardization, such a body shall be referred to by the 'Project Board'. The Project Board is the most senior, dedicated oversight body for a UNDP 'Development Project', which is an instrument for UNDP to deliver outputs where UNDP has accountability for design, oversight, and quality assurance of the entire project.

The two prominent roles of the Project Board are as follows:

- 1. High-level oversight of the project:** This is the primary function of the Project Board. The Project Board reviews evidence of project performance based on monitoring, evaluation and reporting, including progress reports, monitoring missions' reports, evaluations, risk logs, quality assessments, and the combined delivery report. The Project Board is the main body responsible for taking corrective actions as needed to ensure the project achieves the desired results, and its function includes oversight of annual assessments of any major risks to the programme or project, and related decisions or agreements on actions or remedial measures to address them effectively.
- 2. Approval of key project execution decisions:** The Project Board has an equally important, secondary role in approving certain adjustments above provided tolerance levels, including substantive programmatic revisions and amendments, budget revisions, requests for suspension or extension and other major changes subject to additional funding partner or donor requirements.

In order to ensure UNDP's ultimate accountability, the Project Board decisions should be made in accordance with the Quality Standards for Programming that shall ensure management for development results, best value money, fairness, integrity, transparency and effective national and international competition. An effective Project Board needs credible data, evidence, quality assurance and reporting to aid decision making. The Project Board also needs to be accountable to protect against conflicts of interest and fraud.

Specific responsibilities of the Project Board include the following:

- Provide overall guidance and direction to the project, ensuring it remains within any specified constraints, and promote gender equality and social inclusion in the project implementation.
- Review project performance based on monitoring, evaluation, and reporting, including standard quality assurance checks, progress reports, risk logs, and financial reports as well as regular reports from the Regional Advisory Group and the Boards of Partners.
- Address any high-level project issues as raised by the project manager and project assurance.
- Provide guidance on emerging and/or pressing project risks and agree on possible mitigation and management actions to address specific risks

- Agree or decide on project manager's tolerances as required, within the parameters set by UNDP and the donor, and provide direction and decisions for exceptional situations when the project manager's tolerances are exceeded.
- Advise on major and minor amendments to the project within the parameters set by UNDP and the donor.

Composition of the Project Board:

1. **Project Director/Executive:** UNDP Istanbul Regional Hub, represented by IRH Manager, who chairs the Project Board.
2. **UNDP Resident Representatives (RRs) in BiH, Kosovo, Montenegro, North Macedonia, and Serbia,** (representing also the interests of those groups of stakeholders who will ultimately benefit from the project in each of the participating jurisdictions). The RRs may designate the respective DRRs as their alternates on the PB.
3. **EU DG NEAR,** as the Development Partner.

The Regional Project Manager will provide secretarial support to the Project Board.

The PB meets first at the end of the Inception Phase (month 4) to review the Inception Report and then at least once a year, or more often as needed. Project Board will receive draft Inception Report, including draft Gender Analysis, updated workplan, updated logframe at least 2 weeks ahead of the Board meeting.

The PB will be formed immediately upon start of the Project.

Support Functions to the Project Board

There are two main functions outside the Project Board structure whose role is to report to the Project Board and support board members in effectively fulfilling their roles: project assurance and project management.

Project Assurance: Project assurance is the responsibility of each Project Board member; however, UNDP has a distinct assurance role for all UNDP projects in carrying out objective and independent project oversight and monitoring functions. UNDP performs quality assurance and supports the Project Board by carrying out objective and independent project oversight and monitoring functions, including applying UNDP's social and environmental management system to ensure the SES are applied through the project cycle. The Project Board cannot delegate any of its quality assurance responsibilities to the project manager.

Project Management and Support: UNDP is responsible for the overall management of the project, including the mobilization of all project inputs, supervision over project staff, responsible parties, consultants and sub-contractors. The project manager typically presents key deliverables and documents to the Board for review and approval, including progress reports, annual work plans, adjustments to tolerance levels and risk logs.

Besides the Project Board as the decision-making and oversight body, there will be two bodies with *advisory roles* and with broader composition - one for each of the five participating economies (**Board of Partners**), and the other for the whole region (**Regional Advisory Group**). They will ensure representation of views and interests of national beneficiaries and serve for consultation and co-ordination with broader range of partners and stakeholders (international development partners, civil society, academia, etc.).

Board of Partners (BP) at the level of each participating economy

This is the participating economy-level *co-ordination and consultation mechanism* with advisory role, for, i.a., determination of and updates on needs and priorities, streamlining the implementation with national policies, co-ordination and creation of synergies with other development actors, etc.

Composition and mode of operation (frequency and format of meetings, procedure, chairing/co-chairing) will be determined by each respective UNDP CO.

Each Board of Partners will submit a short meeting report to the Project Board, annually at minimum, including recommendations on the project implementation.

Members/participants in the Board of Partners would include, for example:

- EU Delegation/ EU Office;
- key local partner institutions, such as: self-regulatory managing judicial bodies (e.g. High Judicial and Prosecutorial Council in BiH), court presidents and chief prosecutors of the courts and prosecution offices in charge of war crimes, judicial academy/training center, line ministries (of justice, interior, or other relevant line ministries), institutions for search for missing persons, etc.;
- key local partner CSOs (including victim associations);
- international stakeholders engaged in transitional justice and confidence building in the particular participating economy, such as OSCE field operation or other relevant international organisation, an embassy that is particularly engaged in transitional justice (as permanent members/participants, or per invitation for a meeting).

Regional Advisory Group (RAG)

This would be a regional *advisory* mechanism, a sounding board, for discussing trends, ideas, national, regional and international experiences, lessons learned, ways forward, broader strategic, policy and operational co-ordination across the region.

Participants/members: international organisations, (e.g. OSCE, UN Mechanism’s Office of the Prosecutor and the Registry, ICMP, ICRC), regional organisation or mechanism (Regional Co-operation Council, RYCO), CSOs, including victim associations, and think-tanks, and individual experts from or outside the region (as permanent participants or invited for a particular RAG meeting).

RAG meetings will be held at least once in two years, or more frequently when needed. Consultations with RAG participants/members may also take place on ad-hoc basis - in thematic groups and/or individually.

RAG meetings will be convened and chaired by the Regional Project Manager, who will be responsible for timely sharing the RAG recommendations with the Project Board.

The project will be implemented by the **UNDP Istanbul Regional Hub (IRH)** in line with UNDP’s Programme and Operations Policies and Procedures and IRH Standard Operating Procedures for Regional Programme Management. UNDP Istanbul Regional Hub will be responsible for overall management, quality assurance and guidance, ensuring project coherence, the preparation and implementation of work plans, and ensuring accountability of project teams and COs in delivery of results; and preparation and operation of regional budgets and regional budget revisions; and disbursement of funds and oversight over CO administration of funds. COs will be responsible for project implementation in their respective jurisdictions, recruitment of national and international consultants and personnel in co-operation with UNDP IRH; and within their respective jurisdictions, the financial and progress reporting; and monitoring and evaluation and quality assurance.

UNDP IRH will establish a project management team responsible for the delivery of specified results and will have a delegation of authority and tolerance level prescribed by the Project Board. The project management team will be hosted by the UNDP Serbia CO, with supervision from UNDP IRH. The Regional Project Manager will report to the Team Leader, Governance and Peacebuilding Team, IRH.

--	--

--	--

Project Management Team

The management team will consist of a *Regional-level Project Team* located in Serbia, hosted by UNDP Serbia Country Office and supervised by the UNDP Istanbul Regional Hub, and teams located in each of the UNDP offices in each of the Beneficiaries (*UNDP office-level Teams*).

a) *Regional-level Team*, located in the Serbia Country Office, consists of:

Three full-time positions.

▪ *Regional Project Manager*

Heads the Regional-level Team and is responsible for the overall operational management and co-ordination of the project, including policy and operational guidance and co-ordination of the UNDP-office level teams; reports to and directly communicates with the donor; monitors and addresses risks, provides secretarial support, regularly reports to and prepares meetings of the PB; represents the project externally and maintains regular communication with key partners (international, national, CSOs), engages in advocacy including, when needed and appropriate, regular briefings on the project implementation and associated issues;

Works under direct supervision of IRH Governance and Peace Building Team Leader and in close co-ordination with the UNDP offices.

▪ *Regional Communications and Knowledge Product Associate (Regional Communication Associate)*

Primary responsibility is project visibility and communication (with the public, donor, international community, in-house, etc.) in line with the donor's and corporate guidelines, co-ordination and dissemination of knowledge products and assistance in their preparation; other tasks as assigned; covers all UNDP office-level teams, in close co-ordination with UNDP offices and IRH comms officers.

Must be fluent in Bosnian-Montenegrin-Serbian as the language spoken by majority of stakeholders and beneficiaries and the larger part of the victim communities and public in the region. UNDP offices in Kosovo and North Macedonia would need to allocate part-time duties to communication persons in their respective offices who speak Albanian and Macedonian respectively.

▪ *Regional Project Associate*

Primary responsibility is liaising with the UNDP office-level teams and IRH for providing inputs for financial and other reporting to the donor, co-ordination of low-value grant monitoring, and providing direct administrative support to the Regional-level Team; other tasks as assigned.

The purpose of the Regional-level Project Team, directly reporting to IRH while based in UNDP Serbia CO, is to maintain co-ordination and synergy in the project implementation across the participating UNDP offices and the region, as well as to ensure that the project is represented and seen by national partners and beneficiaries across the region, especially given the sensitivity of the topics, as a regional and not associated with a particular UNDP office (also based on the RWC project's positive experience with such arrangement).

UNDP office-level teams

In total 11 full-time positions and two part time (50%) positions.

A specific of this project is that there is a need for **staff allocated specifically to cover the sub-granting** as well as engagement of other project staff also in supporting the sub-granting. As provided for under outputs 3 and 4, sub-granting and the associated processes will be labour intensive throughout the entire project: 3 million EUR need to be disbursed to sub-grantees, which includes the process of selection of recipients (two public calls during the project) and then monitoring and evaluation of the implementation by a large number of sub-grantees across the region; in addition, a number of grassroots level recipients will need to be coached and supported in preparing the proposals and administration of their own grants.

UNDP Country Office (CO) in Bosnia and Herzegovina team (based in Sarajevo):

▪ *Project Manager/Co-ordinator*

Main responsibility is ensuring effective project management, delivery, monitoring, evaluation and reporting in relation to activities in the area of his/her UNDP office, including maintaining collaborative working relationships with project partners in the respective CO area (incl. with EU Delegation).

▪ *Project Associate*

Provides day-to-day administrative, financial, and logistical and organisational support to the implementation and technical support to the CO-level Project Manager

▪ *Grant/Capacity Building Officer*

Primary responsibility will be administration of sub-granting processes, including preparation and support to the selection process, disbursement of sub-grants, monitoring and evaluation of sub-grant implementation, assessment and capacity building of and support to the subgrantees that need additional support to their grant absorption and implementation capacity; primary geographical area of his/her responsibility will be in BiH while extending support, as needed and under co-ordination of the Regional Project Manager, to other project teams in the region in grant making processes, as well in victim support related activities; other duties as assigned by the CO-level Project Manager

Description of main duties and responsibilities of the Project Manager/Co-ordinator, Grant/Capacity Building Officer and Project Associate are common for other CO-level teams as well; for the staff based in other UNDP offices listed below a description would be added only if there is something additional or specific compared to the description above.

UNDP Office in Kosovo team (based in Pristina):

▪ *Project Manager/Co-ordinator*

▪ *Project Associate*

▪ *Project Officer (UN-volunteer)*

Primarily responsibilities will be support to administration of sub-grants as well as ensuring the Project's visibility through traditional and modern channels of communication and maintaining direct communication and cooperation with the local communities, CSOs/NGOs, municipal representatives and other stakeholders. (Because of the language requirements, as Albanian is spoken by the majority community, there is need for a dedicated staff member to cover in this CO-area for communication and for administration of sub-grants, with the latter needed not only as a general requirement for the project but also because of the specifics and sensitivity of implementation in this participating economy)

UNDP Country Office Montenegro team (based in Podgorica):

▪ *Project Manager/Co-ordinator*

▪ *Project Associate (Programme Assistant) 50%*

The position will be cost shared with another UNDP project/programme, and 50% of the incumbent's time will be dedicated to the Project.

▪ *Project Grant Officer*

Primary responsibility is administration of sub-granting processes in Montenegro and, same as for Sarajevo-based Grant/Capacity Building Officer, extending support to sub-granting in the other Beneficiaries when needed under co-ordination of the Regional Project Manager.

UNDP Country Office North Macedonia team (based in Skopje):

▪ *Project Manager/Co-ordinator*

▪ *Project Assistant (50%)*

Responsibility of the Project Assistant in CO North Macedonia team will also include support to sub-granting in their respective area.

UNDP Country Office Serbia team (based in Belgrade):

▪ *Project Manager/Co-ordinator*

▪ *Project Associate*

Responsibility of the Project Assistant in CO Serbia team will include support to sub-granting in their respective area and may include, when needed, administrative support to the Regional-level Team, based in Belgrade.

The descriptions of the duties provided above are substantial and indicative, whereas the ToRs, with precise description of duties and responsibilities and in line with UNDP's standard operational procedures and HR rules, will be prepared for each of the posts.

The titles of the post provided here are functional and indicative of their duties. The exact and formal titles of the positions may differ between the UNDP offices depending on specifics of each post or UNDP office's practices, as well as some other factors (e.g., what's the post already held by the person filling the position - in case of shared positions (50%) or transfers to the post), and they will be set in the respective individual contracts.

In some of the UNDP offices, position of Project Associate/Assistant may be shared (50%-50%) between two persons, who would be engaged in other UNDP projects with the remaining 50% of their time. This practice, common in UNDP project implementation, may increase efficiency of human resources (i.a. two persons available for alternating or both being engaged when needed at the peak of an activity), while the costs of the position would remain the same as when held by one person with 100% of the time.

The vacancies may be filled through open calls/advertisements, or internal recruitment and lateral movements within the organisation, in accordance with UNDP's rules. Positions may be filled also by UN volunteers, in line with UNDP rules.

Members of the UNDP office-level teams are *part of a respective UNDP offices' staff* and, when engaged in the project implementation, are under operational supervision and guidance of the Regional Project Manager. Their primary responsibility is project implementation in their own country or territory and communication and co-operation with partners and stakeholders from their UNDP offices' geographical area. Since many activities will be cross-boundary and also because there will be periods with less work in one but increased workload in another participating economy, a team based in one UNDP office may be tasked, on as needed base and under co-ordination of the Regional Project Manager, to temporarily engage in and help activities in another UNDP offices' geographical area (including, when needed, travel).

Office rent & utilities, IT equipment, administrative support, staff travel costs

The budgeted costs of office rent and utilities includes cost of office rental, utilities, internet, phone costs and other related costs that are necessary for the implementation of this project.

The whole project team will be located in UNDP's office space for which rental is paid.

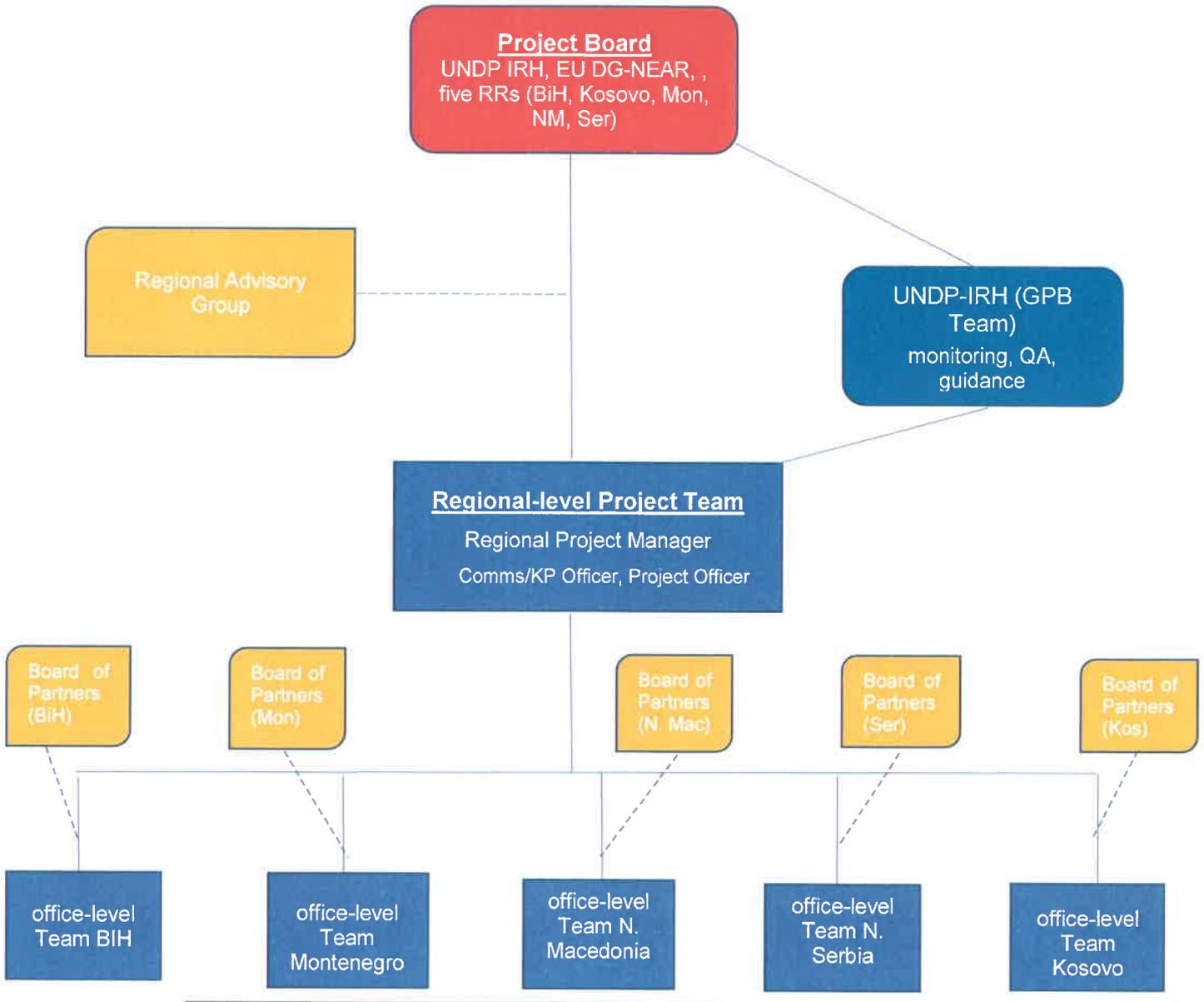
The Regional Team will be located in UNDP Serbia Country Office. The UNDP-office level teams will be located in UNDP offices in Sarajevo, Belgrade, Podgorica, Priština, and Skopje respectively. The unit rates provided in the budget were calculated based on the UNDP's standard rental arrangements for the office space square meters per person in the given office. The costs include premises, utilities, internet, phone costs, local transport (taxi), administrative support by the UNDP offices (such as with procurement, HR), and other related costs.

IT equipment will consist of computers, monitors, docking stations, software, mobile phones. The project staff will use it for the performance of day-to-day project implementation.

Administrative support costs are those incurred by the country offices providing regular administrative support to the implementation of the project (such as procurement and HR processes)

Staff travel costs budgeted are costs of staff travel associated with management and administration in the implementation of the project.

**Confidence Building in the Western Balkans project:
Project governance chart**



CB

ANNEX II - General Conditions for Contribution Agreements

Article 1: Definitions..... 2
Article 2: General obligations 4
Article 3: Obligations regarding information and reporting 6
Article 4: Liability towards third parties 8
Article 5: Conflict of interests 8
Article 6: Confidentiality 8
Article 7: Communication and visibility 9
Article 8: Right to use results and transfer of equipment..... 10
Article 9: Monitoring and evaluation of the Action 11
Article 10: Amendment to the Agreement 11
Article 11: Suspension 12
Article 12: Termination 14
Article 13: Applicable law and settlement of disputes..... 15
Article 14: Recovery 15
Article 15: Archiving, access and financial checks..... 16
Article 16: Eligibility of costs 17
Article 17: Payments 19
Article 18: Final amount of the EU Contribution 21
Article 19: Performance-based financing..... 21
Article 20: Contracting and Early Detection and Exclusion System 21

CB

Article 1: Definitions

- Action:** the cooperation programme or project partly or wholly financed by the EU, which is carried out by the Organisation as described in Annex I. Where reference is made to the Action or part of the Action financed by the EU Contribution, this refers both (i) to activities exclusively financed by the EU Contribution and (ii) to activities jointly co-financed by the EU.
- Contractor:** a natural or legal person with whom a Procurement Contract has been signed.
- Days:** calendar days.
- Early Detection and Exclusion System:** a system set up by Regulation (EU, Euratom) No 2015/1929 of 28 October 2015 on the financial rules applicable to the general budget of the Union (OJ L 286/1, 30.10.2015), which includes information on the early detection of risks threatening the EU financial interests, on the cases of exclusion from EU funding of legal and natural persons and on the cases of imposition of financial penalties.
- End Date:** the date by which the Agreement ends, i.e. the moment of the payment of the balance by the Contracting Authority in accordance with Article 17 or when the Organisation repays any amounts paid in excess of the final amount due pursuant to Article 18. If any of the Parties invokes a dispute settlement procedure in accordance with Article 13, the End Date shall be postponed until the completion of such procedure.
- EU Financial Regulation** Regulation (EU, Euratom) No. 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Council Regulation (EC, Euratom) No 996/2012 (OJ L 193, 30.7.2018, p. 1).
- Ex ante Pillar-Assessment:** an assessment of the systems, rules and procedures carried out in order to check whether such entity demonstrates a level of protection of the EU financial interests equivalent to that existing when the European Commission implements the budget itself.
- Final Beneficiary:** a natural or legal person ultimately benefitting from the Action.
- Force Majeure:** any unforeseeable and exceptional situation or event beyond the Parties' control which prevents either of them from fulfilling any of their obligations under the Agreement, which may not be attributed to error or negligence on either part (or on the part of the Grant Beneficiaries, Partners, Contractors, agents or staff), and which could not have been avoided by the exercise of due diligence. Defects in equipment or material or delays in making them available cannot be invoked as force majeure, unless they stem directly from a relevant case of force majeure. Labour disputes, strikes or financial problems of the Organisation cannot be invoked as force majeure by the defaulting Party.



Grant:	a direct financial contribution by way of donation given by the Organisation or a Partner to finance third parties activities, including sub-granting and procurement for the implementation of these activities.
Grant Beneficiary:	a natural or legal person to whom a Grant has been awarded.
Grave Professional Misconduct:	any of: <ul style="list-style-type: none"> a violation of applicable laws or regulations, in particular the Organisation's Regulations and Rules, or ethical standards of the profession to which a person or entity belongs, including any conduct leading to sexual or other exploitation or abuse, or any wrongful conduct of a person or entity which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence.
Impact:	the overall objective of the Action entailing positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.
Indicator:	the quantitative and/or qualitative factor or variable that provides a simple and reliable means to measure progress in the achievement of the relevant Results of the Action. An indicator must have an agreed baseline, target and source of data.
Internal Control System:	a process applicable at all levels of management designed to provide reasonable assurance of achieving the following objectives: <ul style="list-style-type: none"> a) effectiveness, efficiency and economy of operations; b) reliability of reporting; c) safeguarding of assets and information; d) prevention, detection, correction and follow-up of fraud and irregularities; e) adequate management of the risks relating to the legality and regularity of the financial operations, taking into account the multiannual character of programmes as well as the nature of the payments concerned.
International Organisation:	an international public-sector organisation set up by international agreement (including specialised agencies set up by such organisations), or an organisation assimilated to international organisations in accordance with the EU Financial Regulation.
Member State Organisation:	an entity established in a Member State of the European Union as a public law body or as a body governed by private law entrusted with a public service mission and provided with adequate financial guarantees from the Member State.
Multi-Donor Action:	an Action co-financed by the EU Contribution (whether or not earmarked) and other donor(s).
Outcome:	the specific objective of the Action entailing the likely or achieved short-term and medium-term effects of an Action's Outputs. For non-EU external actions "Outcomes" are synonymous of Results.
Output:	the products, capital goods and services which result from an Action's activities.
Partner:	an entity implementing part of the Action and being a party to the relevant Contribution Agreement together with the Organisation.

Procurement Contract: a contract signed between the Contractor and either the Organisation or a Partner under which the Contractor provides services, supplies or works.

Regulations and Rules: regulations, rules, organisational directives, instructions and other parts of the regulatory framework of the Organisation.

Result: the Output, Outcome or Impact of an Action.

Sound Financial Management: a principle overarching the implementation of this Agreement, namely economy, effectiveness and efficiency (including all aspects of internal control). The principle of economy requires that resources used in the pursuit of the implementation of the Action shall be made available in due time, in appropriate quantity and quality and at the best price. The principle of effectiveness concerns the attainment of the specific objectives and the achievement of the intended results. The principle of efficiency concerns the best relationship between resources employed and results achieved.

Article 2: General obligations

Implementation of the Action

- 2.1 The Organisation is responsible for the implementation of the Action described in Annex I, regardless of whether the activities are performed by the Organisation itself, a Contractor or a Grant Beneficiary. Both Parties will endeavour to strengthen their mutual contacts with a view to foster the exchange of information throughout the implementation of the Action. To this end, the Organisation and the Contracting Authority shall participate in coordination meetings and other jointly organised common activities, and the Organisation shall invite the European Commission to join any donor committee which may be set up in relation to the Action.
- 2.2 In the performance of the activities and subject to ad-hoc provisions stipulated in the Special Conditions, if any, the Organisation shall apply its own rules and procedures, which have been subject to the Ex-ante Pillar-Assessment, as regards:
- a) internal control;
 - b) accounting system;
 - c) independent external audit;
 - d) exclusion from access to funding;
 - e) publication of information on recipients;
 - f) protection of personal data.

The Organisation may apply its own rules and procedures as regards the award and management of Grants and/or Procurement Contracts only if and to the extent provided for by the Special Conditions, including any ad hoc measures.

As regards the publication of information on recipients, the Organisation shall authorise the publication of the internet site where it publishes the information referred to in Article 3.8 d) on the European Commission's internet site.

- 2.3 Where the Organisation has been fully or partially exempted, by the European Commission, from undergoing the Ex-ante Pillar Assessment, it may apply its own rules and procedures in the areas provided for under Article 2.2, subject to ad-hoc provisions stipulated in the Special Conditions, if any.
- 2.4 The Organisation may use any Regulations and Rules which have not been subject to an Ex-ante Pillar Assessment to the extent that these Regulations and Rules are not in conflict with the provisions of this Agreement and with the rules and procedures which have been subject to the Ex-ante Pillar-Assessment.

Responsibility

- 2.5 The Organisation shall be responsible for the performance of the obligations under this Agreement with a due degree of professional care and diligence, which means that it shall apply the same level of duty and care which it applies in managing its own funds. The Organisation shall respect the principles of Sound Financial Management, transparency, non-discrimination and visibility of the European Union in the implementation of the Action.
- 2.6 The Organisation shall have full financial responsibility towards the Contracting Authority for all funds, including those unduly paid to or incorrectly used by Contractors or Grant Beneficiaries. The Organisation shall take measures to prevent, detect and correct irregularities and fraud when implementing the Action. To this end, the Organisation shall carry out, in accordance with the principle of proportionality and its positively assessed Regulations and Rules, ex-ante and/or ex-post controls including, where appropriate, on-the-spot checks on representative and/or risk-based samples of transactions, to ensure that the Action financed by the EU Contribution is effectively carried out and implemented correctly. The Organisation shall inform the European Commission and the Contracting Authority of irregularities and fraud detected in the management of the EU Contribution and the measures taken. Where funds have been unduly paid to or incorrectly used by Contractors or Grant Beneficiaries, the Organisation shall take all applicable measures in accordance with its own Regulations and Rules to recover those funds, including, where appropriate, by bringing legal proceedings and by endeavouring to assign claims against its Contractors or Grant Beneficiaries to the Contracting Authority or the European Commission. Where the Organisation has exhausted such measures and the non-recovery is not the result of error or negligence on the part of the Organisation, the Contracting Authority will consider the amounts that could not be recovered from Contractors and/or Grant Beneficiaries as eligible costs.

Other obligations

- 2.7 The Organisation undertakes to ensure that the obligations stated in this Agreement under Articles 2.9-Other obligations, 5-Conflict of interests, 7- Visibility, and Article 15-Archiving, access and financial checks apply, where applicable, to all Contractors and Grant Beneficiaries.

In addition, the Organisation also undertakes to require Contractors and Grant Beneficiaries to: (i) comply with the relevant national laws and regulations as regards protection of personal data and (ii) ensure accurate and regular records and accounts.

- 2.8 The Organisation shall notify the Contracting Authority and the European Commission without delay of any substantial change in the rules, procedures and systems applied in the implementation of the Action. This obligation concerns in particular (i) substantial changes affecting the Ex-ante Pillar Assessment undergone by the Organisation or affecting the rules and procedures which have been assessed by the European Commission for the purpose of granting an exemption from the obligation to undergo an Ex-ante Pillar Assessment, or (ii) those that may affect the conditions for eligibility provided for in the applicable legal instruments of the EU. The Parties shall use their best efforts to resolve amicably any issues resulting from such changes. The Contracting Authority reserves the right to adopt or require additional measures in response to such changes. In the event an agreement on such measures or other solutions cannot be reached between the Parties, either Party may terminate the Agreement in accordance with Article 12.3.
- 2.9 The Organisation shall promote the respect of human rights and respect applicable environmental legislation including multilateral environmental agreements, as well as internationally agreed core labour standards. The Organisation shall not support activities that contribute to money laundering, terrorism financing, tax avoidance, tax fraud or tax evasion.

- 2.10 Where the European Commission is not the Contracting Authority, it shall not be a party to this Agreement, with the consequence that rights and obligations are conferred upon it only where explicitly stated. This is without prejudice to the European Commission's role in promoting a consistent interpretation of the terms of this Agreement.

Article 3: Obligations regarding information and reporting

General issues

- 3.1 The Organisation shall provide the Contracting Authority with full information on the implementation of the Action. To that end, the Organisation shall include in Annex I a work plan at least for the first year of the Implementation Period (or the whole Implementation Period where it is less than one (1) year). The Organisation shall submit to the Contracting Authority progress report(s) and a final report in accordance with the provisions below. These reports shall consist of a narrative part and a financial part.
- 3.2 Every report, whether progress or final, shall provide a complete account of all relevant aspects of the implementation of the Action for the period covered. The report shall describe the implementation of the Action according to the activities envisaged in Annex I as well as the degree of progress towards the achievement of its Results (Outputs, Outcomes and if possible Impact) as measured by corresponding Indicators. The report shall be drafted in such a way as to allow monitoring of the Results, the means envisaged and employed. The level of detail in any report shall match that of Annexes I and III.
- 3.3 Where the overall action of the Organisation lasts longer than the Implementation Period of this Agreement, the Contracting Authority may request – in addition to the final reports to be submitted pursuant to Article 3.8 - the final reports of the overall action, once available. The Special Conditions shall lay down the rules concerning any remaining funds.
- 3.4 Any alternative or additional reporting requirement shall be set out in the Special Conditions.
- 3.5 The Contracting Authority may request additional information at any time, providing the reasons for that request. Subject to the Organisation's Regulations and Rules, such information shall be supplied within thirty (30) Days of receipt of the request. The Organisation may submit a duly motivated request to extend the 30-Day deadline.
- 3.6 The Organisation shall notify the Contracting Authority without delay of any circumstances likely to adversely affect the implementation and management of the Action, or to delay or jeopardise the performance of the activities.

Content of the reports

- 3.7 The progress report(s) shall relate directly to this Agreement and shall at least include:
- a) summary and context of the Action;
 - b) actual Results: an updated table based on a logical framework matrix (as included in Annex I) including reporting of Results achieved by the Action (Outputs, Outcomes, and if possible, Impact) as measured by their corresponding Indicators, against agreed baselines and targets, and relevant data sources;
 - c) information on the activities directly related to the Action as described in Annex I and carried out during the reporting period;
 - d) information on the difficulties encountered and measures taken to overcome problems and eventual changes introduced;
 - e) information on measures taken to identify the EU as source of financing, in accordance with Article 7;

- f) a breakdown of the total costs, following the structure set out in Annex III, incurred from the beginning of the Action as well as the legal commitments entered into by the Organisation during the reporting period;
- g) a summary of controls carried out and available final audit reports in line with the Organisation's policy on disclosure of such controls and audit reports. Where errors and weaknesses in systems were identified, an analysis of their nature and extent, as well as information on corrective measures taken or planned, shall also be provided;
- h) where applicable, a request for payment;
- i) work plan and budget forecast for the next reporting period.

3.8 The final report shall cover the entire Implementation Period and include:

- a) all the information requested in Article 3.7 a) to h);
- b) a summary of the Action's receipts, payments received and of the eligible costs incurred;
- c) where applicable, an overview of any funds unduly paid or incorrectly used which the Organisation could or could not recover itself;
- d) the exact link to the webpage referred to in last subparagraph of Article 2.2;
- e) if relevant, details of transfers of equipment, vehicles and remaining major supplies mentioned in Article 8;
- f) where the Action is a Multi-Donor Action and the EU Contribution is not earmarked, a confirmation from the Organisation that an amount corresponding to that paid by the Contracting Authority has been used in accordance with the obligations laid down in this Agreement and that costs that were not eligible for the EU Contribution have been covered by other donors' contributions;
- g) where applicable, a request for payment.

3.9 The Organisation shall submit a report for every reporting period as specified in the Special Conditions starting from the commencement of the Implementation Period, unless otherwise specified in the Special Conditions¹. Reporting, narrative as well as financial, shall cover the whole Action, regardless of whether this Action is entirely or partly financed by the EU Contribution. Progress reports shall be submitted within sixty (60) Days after the period covered by such report. The final report shall be submitted, at the latest, six (6) months after the end of the Implementation Period.

Management declaration

3.10 Every progress and final report shall be accompanied by a management declaration in accordance with the template included in Annex VI, unless Article 1.5 of the Special Conditions states that a global management declaration shall be sent annually to the European Commission headquarters, separately from the reports provided under this Agreement.

Audit or control opinion for organisations other than International Organisations/Member State Organisations

3.11 In case the Organisation is neither an International Organisation, nor a Member State Organisation, the Organisation shall provide an audit or control opinion in accordance with internationally accepted audit standards, establishing whether the accounts give a true and fair view, whether the control systems in place function properly, and whether the underlying transactions are managed in accordance with the provisions of this Agreement. The opinion shall also state whether the audit work puts in doubt the assertions made in the management declaration mentioned above.

¹ By default, the reporting period is every twelve (12) months as from the commencement of the Implementation Period.

CR

- 3.12 Such audit or control opinion shall be provided up to one (1) month following the management declaration sent with every progress or final report, unless Article 1.5 of the Special Conditions states that the global management declaration and the global audit or control opinion shall be sent annually to the European Commission headquarters separately from the reports provided under this Agreement.

Currency for reporting

- 3.13 The reports shall be submitted in the Currency of the Agreement as specified in Article 3 of the Special Conditions.
- 3.14 The Organisation shall convert legal commitments, the Action's receipts and costs incurred in currencies other than the accounting currency of the Organisation according to its usual accounting practices.

Failure to comply with reporting obligations

- 3.15 If the Organisation is unable to present a progress or final report, together with the accompanying documents, by the deadline set out in Article 3.9, the Organisation shall inform the Contracting Authority in writing of the reasons. The Organisation shall also provide a summary of the state of progress of the Action and, where applicable, a provisional work plan for the next period. If the Organisation fails to comply with this obligation for two (2) months, following the deadline set out in Article 3.9, the Contracting Authority may terminate the Agreement in accordance with Article 12, refuse to pay any outstanding amount and recover any amount unduly paid.

Article 4: Liability towards third parties

- 4.1 The European Commission shall not, under any circumstances or for any reason whatsoever, be held liable for damage or injury sustained by the staff or property of the Organisation while the Action is being carried out, or as a consequence of the Action. The European Commission shall not therefore accept any claim for compensation or increase in payment in connection with such damage or injury.
- 4.2 The European Commission shall not, under any circumstances or for any reason whatsoever, be held liable towards third parties, including liability for damage or injury of any kind sustained by them in respect of or arising out of the implementation of the Action.
- 4.3 The Organisation shall discharge the European Commission of all liability associated with any claim or action brought as a result of an infringement of the Organisation's Regulations and Rules committed by the Organisation or Organisation's employees or individuals for whom those employees are responsible, or as a result of a violation of a third party's rights in the context of the implementation of the Action.

Article 5: Conflict of interests

- 5.1 The Organisation shall refrain, in accordance with its Regulations and Rules, from any action which may give rise to a conflict of interests.
- 5.2 A conflict of interest shall be deemed to arise where the impartial and objective exercise of the functions of any person implementing the Agreement is compromised.

Article 6: Confidentiality

- 6.1 The Contracting Authority and the Organisation shall both preserve the confidentiality of any document, information or other material directly related to the implementation of the Action that is communicated as confidential. The confidential nature of a document shall not prevent it from being communicated to a third party on a confidential basis when the rules binding



the Parties, or the European Commission when it is not the Contracting Authority, so require. In no case can disclosure put in jeopardy the Parties' privileges and immunities or the safety and security of the Parties' staff, Contractors, Grant Beneficiaries or the Final Beneficiaries of the Action.

- 6.2 The Parties shall obtain each other's prior written consent before publicly disclosing such confidential information unless:
- a) the communicating Party agrees in writing to release the other Party from the earlier confidentiality obligations; or
 - b) the confidential information becomes public through other means than in breach of the confidentiality obligation by the Party bound by that obligation; or
 - c) the disclosure of confidential information is required by law or by Regulations and Rules established in accordance with the basic constitutive document of any of the Parties.
- 6.3 The Parties shall remain bound by confidentiality for five (5) years after the End Date of the Agreement, or longer as specified by the communicating Party at the time of communication.
- 6.4 Where the European Commission is not the Contracting Authority, it shall nonetheless have access to all documents communicated to the Contracting Authority, and shall maintain the same level of confidentiality.

Article 7: Visibility

Visibility

- 7.1 Unless the European Commission requests or agrees otherwise, the Organisation shall take all appropriate measures to publicise the fact that the Action has received funding from the EU. Such measures shall be carried out in accordance with the Visibility Requirements for EU External Action², as in effect at the time of entry into force of this Agreement or with any other guidelines agreed between the European Commission and the Organisation.
- 7.2 If, during the implementation of the Action, equipment, vehicles or major supplies are purchased using the EU Contribution, the Organisation shall display appropriate acknowledgement on such vehicles, equipment or major supplies, including the display of the EU emblem (twelve yellow stars on a blue background). Where such display could jeopardise the Organisation's privileges and immunities or the safety of the Organisation's staff or of the Final Beneficiaries, the Organisation shall propose appropriate alternative arrangements. The acknowledgement and the EU emblem shall be of such a size and prominence as to be clearly visible in a manner that shall not create any confusion regarding the identification of the Action as an activity of the Organisation, nor the ownership of the equipment, vehicles or major supplies by the Organisation.
- 7.3 If, pursuant to Article 8.5, the equipment, vehicles or remaining major supplies purchased with the EU Contribution have not been transferred to the local authorities, local Grant Beneficiaries or Final Beneficiaries when submitting the final report, the visibility requirements as regards this equipment, vehicles or major supplies (in particular display of the EU emblem) shall continue to apply between submission of the final report and the end of the overall action, if the latter is longer. Where the Organisation retains ownership in accordance with Article 8.6, the visibility requirements shall continue to apply as long as the relevant equipment, vehicles or remaining major supplies are used by the Organisation.
- 7.4 Unless otherwise provided in the Special Conditions, if disclosure risks threatening the Organisation's safety or harming its interests, the European Commission and the Contracting Authority (if other than the European Commission) may publish in any form and medium,

² Visibility in EU-financed external actions – Requirements for implementing partners (Projects), available at: https://ec.europa.eu/intpa/comm-visibility-requirements_en.

including on its internet sites, the name and address of the Organisation, the purpose and amount of the EU Contribution.

- 7.5 The Organisation shall ensure that reports, publications, press releases and updates relevant to the Action are communicated to the addresses stated in the Special Conditions upon their issuance.
- 7.6 The Parties will consult immediately and endeavour to remedy any detected shortcomings in implementing the visibility requirements set out in this Article. This is without prejudice to measures the Contracting Authority may take in case of substantial breach of an obligation.

Communication

- 7.7 In addition to the obligations stipulated under Article 7.1 to 7.6, the Organisation shall implement, if applicable, communication activities as described in Annex I.

Article 8: Right to use results and transfer of equipment

Right to use

- 8.1 Ownership of the results of the Action shall not vest in the Contracting Authority. Subject to Article 6, the Organisation shall grant, and shall act to ensure that any third party concerned grants the Contracting Authority (and the European Commission where it is not the Contracting Authority) the right to use free of charge the results of the Action, including the reports and other documents relating to it, which are subject to industrial or intellectual property rights.
- 8.2 Where the results mentioned in Article 8.1 include pre-existing rights and the Organisation cannot warrant the Contracting Authority (and the European Commission where it is not the Contracting Authority) the right to use such results, the Organisation shall inform in writing the Contracting Authority (and the European Commission, where it is not the Contracting Authority) accordingly.

Transfer

- 8.3 The equipment, vehicles and remaining major supplies purchased with the EU Contribution shall be transferred to or remain with local authorities, local Grant Beneficiaries or Final Beneficiaries, at the latest when submitting the final report.
- 8.4 The documentary proof of those transfers shall not be presented with the final reports, but shall be kept for verification for the duration and along with the documents mentioned in Article 15.1.
- 8.5 By way of derogation from Article 8.3, the equipment, vehicles and remaining major supplies purchased with the EU Contribution in the framework of actions which continue after the end of the Implementation Period may be transferred at the end of the overall action. The Organisation shall use the equipment, vehicles and remaining major supplies for the benefit of the Final Beneficiaries. The Organisation shall inform the Contracting Authority on the end use of the equipment, vehicles and remaining major supplies in the final report.
- 8.6 In the event that there are no local authorities, local Grant Beneficiaries or Final Beneficiaries to whom the equipment, vehicles and remaining major supplies could be transferred, the Organisation may transfer them to another action funded by the EU or - exceptionally - retain ownership of the equipment, vehicles and remaining major supplies at the end of the Action or the overall action. In such cases, it shall submit a justified written request with an inventory listing of the items concerned and a proposal concerning their use in due course and - at the latest - together with the submission of the final report. In no event may the end use jeopardize the sustainability of the Action.

Article 9: Monitoring and evaluation of the Action

- 9.1 Keeping in mind the commitment of the Parties to the effective and efficient operation of the Agreement, the Organisation shall invite representatives of the European Commission and the Contracting Authority (if other than the European Commission) to participate at their own costs to the main monitoring missions and evaluation exercises related to the performance of the Action. Participation in evaluation exercises should be ensured by requesting comments from the European Commission and the Contracting Authority on the terms of reference before the exercise takes place, and on the different deliverables related to an evaluation exercise prior to their final approval (as a minimum, on the final report). The Organisation shall send all monitoring and evaluation reports relating to the Action to the European Commission and the Contracting Authority once issued, subject to confidentiality.
- 9.2 Article 9.1 is without prejudice to any monitoring mission or evaluation exercise, which the European Commission as a donor, or the Contracting Authority, at their own costs, may wish to perform. Monitoring and evaluation missions by representatives of the European Commission or the Contracting Authority shall be planned ahead and completed in a collaborative manner between the staff of the Organisation and the European Commission's (or Contracting Authority's) representatives, keeping in mind the commitment of the Parties to the effective and efficient operation of the Agreement. The European Commission (or the Contracting Authority) and the Organisation shall agree on procedural matters in advance. The European Commission (or the Contracting Authority) shall make available to the Organisation the terms of reference of the evaluation exercise before it takes place, as well as the different deliverables (as a minimum, the draft final report) for comments prior to final issuance. The European Commission (or the Contracting Authority) shall send the final monitoring and evaluation report to the Organisation once issued.
- 9.3 In line with the spirit of partnership, the Organisation and the European Commission (and the Contracting Authority, if applicable), may also carry out joint monitoring and/or evaluation. Such arrangements will be discussed and agreed in due time, planned ahead and completed in a collaborative manner.
- 9.4 Representatives of the relevant partner country may, whenever possible, be invited to participate at their own costs in the main monitoring missions and evaluation exercises, unless such participation would be detrimental to the objectives of the Action or threaten the safety or harm the interests of Partners, Grant Beneficiaries or Final Beneficiaries.

Article 10: Amendment to the Agreement

- 10.1 Without prejudice to Articles 10.3 to 10.6, any amendment to this Agreement, including its annexes, shall be set out in writing in an addendum signed by both Parties. This Agreement can only be amended before the End Date.
- 10.2 The requesting Party shall request in writing any amendment thirty (30) Days before the amendment is intended to enter into force and no later than thirty (30) Days before the End Date, unless there are special circumstances, duly demonstrated by it, and accepted by the other Party. The other Party shall notify its decision regarding the amendment proposed in due time and in any case no later than thirty (30) Days after the date when the amendment request was received.
- 10.3 By way of derogation from Articles 10.1 and 10.2, where an amendment to Annex I and/or Annex III does not affect the main purpose of the Action and the financial impact is limited to a transfer within a single budget heading, including cancellation or introduction of an item, or a transfer between budget headings involving a variation (as the case may be in cumulative terms) of 25 % or less of the amount originally entered (or as amended by a written addendum) in relation to each concerned heading, the Organisation may unilaterally amend Annex I and/or Annex III and shall inform the Contracting Authority accordingly in writing, at the latest in the next report.

- 10.4 The method described in Article 10.3 shall be used neither to amend the contingency reserve referred to under Article 16.2, the rate for remuneration, nor the agreed methodology or fixed amounts/rates of simplified cost options.
- 10.5 The Organisation may, in agreement with the Contracting Authority and before the modification takes place, change the following without a formal addendum to the Agreement:
- (a) Outputs, the Indicators and their related targets, baselines and sources of verification described in Annex I and in the logical framework if the change does not affect the main outcome of the Action;
 - (b) Communication activities described in Annex I.
- Approved changes must be explained in the next report.
- 10.6 Changes of address and of bank account shall be notified in writing to the Contracting Authority. Where applicable, changes of bank account must be specified in the request for payment, using the financial identification form attached as Annex IV.

Article 11: Suspension

Suspension of the time limit for payment

- 11.1 The Contracting Authority may suspend the time limit for payment following a single payment request by notifying the Organisation that either:
- a) the amount is not due; or
 - b) the appropriate supporting documents have not been provided and therefore the Contracting Authority needs to request clarifications, modifications or additional information to the narrative or financial reports. Such clarifications or additional information may notably be requested by the Contracting Authority if it has doubts about compliance by the Organisation with its obligations in the implementation of the Action; or
 - c) credible information has come to the notice of the Contracting Authority that puts in doubt the eligibility of the reported expenditure; or
 - d) credible information has come to the notice of the Contracting Authority that indicates a significant deficiency in the functioning of the Internal Control System of the Organisation or that the expenditure reported by the Organisation is linked to a serious irregularity and has not been corrected. In this case, the Contracting Authority may suspend the payment deadline if it is necessary to prevent significant damage to the EU's financial interests.
- 11.2 In the situations listed in Article 11.1, the Contracting Authority shall notify the Organisation as soon as possible, and in any case within thirty (30) Days from the date on which the payment request was received, of the reasons for the suspension, specifying - where applicable - the additional information required. Suspension shall take effect on the date when the Contracting Authority sends the notification stating the reasons for the suspension. The remaining payment period shall start to run again from the date on which the requested information or revised documents are received or the necessary further checks are carried out. If the requested information or documents are not provided within the deadline fixed in the notification or are incomplete, payment may be made on the basis of the partial information available.

Suspension of the Agreement by the Contracting Authority

- 11.3 The Contracting Authority may suspend the implementation of the Agreement, fully or partly, if:
- a) the Contracting Authority has proof that irregularities, fraud or breach of substantial obligations have been committed by the Organisation in the procedure of its selection, in its Ex-ante Pillar Assessment or in the implementation of the Action;
 - b) the Contracting Authority has proof that irregularities, fraud or breach of obligations have occurred which call into question the reliability or effectiveness of the Organisation's Internal Control System or the legality and regularity of the underlying transactions;
 - c) the Contracting Authority has proof that the Organisation has committed irregularities, fraud or breaches of obligations under other agreements funded by EU funds provided that those irregularities, fraud or breaches of obligations have a material impact on this Agreement.
- 11.4 Before suspension, the Contracting Authority shall formally notify the Organisation of its intention to suspend, inviting the Organisation to make observations within ten (10) Days from the receipt of the notification. If the Organisation does not submit observations, or if - after examination of the observations submitted by the Organisation - the Contracting Authority decides to pursue the suspension, the Contracting Authority may suspend all or part of the implementation of this Agreement serving seven (7) Days' prior notice. In case of suspension of part of the implementation of the Agreement, upon request of the Organisation, the Parties shall enter into discussions in order to find the arrangements necessary to continue the part of the implementation that is not suspended. Any expenditures or costs incurred by the Organisation during the suspension and related to the part of the Agreement suspended shall not be reimbursed, nor be covered by the Contracting Authority. Following suspension of the implementation of the Agreement, the Contracting Authority may terminate the Agreement in accordance with Article 12.2, recover amounts unduly paid and/or, in agreement with the Organisation, resume implementation of the Agreement. In the latter case, the Parties will amend the Agreement where necessary.

Suspension for exceptional circumstances

- 11.5 The Organisation may decide to suspend the implementation of all or part of the Action if exceptional and unforeseen circumstances beyond the control of the Organisation make such implementation impossible or excessively difficult, such as in cases of Force Majeure. The Organisation shall inform the Contracting Authority immediately and provide all the necessary details, including the measures taken to minimise any possible damage, and the foreseeable effect and date of resumption.
- 11.6 The Contracting Authority may also notify the Organisation of the suspension of the implementation of the Agreement if exceptional circumstances so require, in particular:
- a) when a relevant EU Decision identifying a violation of human rights has been adopted; or
 - b) in cases such as crisis entailing a change of EU policy.
- 11.7 Neither of the Parties shall be held liable for breach of its obligations under the Agreement if Force Majeure or exceptional circumstances as set forth under Articles 11.5 and 11.6 prevent it from fulfilling said obligations, and provided it takes any measures to minimise any possible damage.
- 11.8 In the situations listed in Articles 11.5 and 11.6, the Parties shall minimise the duration of the suspension and shall resume implementation once the conditions allow. During the suspension period, the Organisation shall be entitled to the reimbursement of the minimum costs, including new legal commitments, necessary for a possible resumption of the implementation of the Agreement or of the Action. The Parties shall agree on such costs, including the reimbursement of legal commitments entered into for implementing the Action

CB

before the notification of the suspension was received which the Organisation cannot reasonably suspend, reallocate or terminate on legal grounds. This is without prejudice to any amendments to the Agreement that may be necessary to adapt the Action to the new implementing conditions, including, if possible, the extension of the Implementation Period or to the termination of the Agreement in accordance with Article 12.3. In case of suspension due to Force Majeure or if the Action is a Multi-Donor Action, the Implementation Period is automatically extended by an amount of time equivalent to the duration of the suspension.

Article 12: Termination

- 12.1 Without prejudice to any other provision of these General Conditions or penalties foreseen in the EU Financial Regulation, where applicable, and with due regard to the principle of proportionality, the Contracting Authority may terminate the Agreement if the Organisation:
- a) fails to fulfil a substantial obligation incumbent on it under the terms of the Agreement;
 - b) is guilty of misrepresentation or submits false or incomplete statements to obtain the EU Contribution or provides reports that do not reflect reality to obtain or keep the EU Contribution without cause;
 - c) is bankrupt or being wound up, or is subject to any other similar proceedings;
 - d) is guilty of Grave Professional Misconduct proven by any justified means;
 - e) has committed fraud, corruption or any other illegal activity to the detriment of the EU's financial interests on the basis of proof in the possession of the Contracting Authority;
 - f) fails to comply with the reporting obligations in accordance with Article 3.15;
 - g) has committed any of the failings described in Article 11.3 on the basis of proof in the possession of the Contracting Authority.
- 12.2 Before terminating the Agreement in accordance with Article 12.1, the Contracting Authority shall formally notify the Organisation of its intention to terminate, inviting the Organisation to make observations (including proposals for remedial measures) within thirty (30) Days from the receipt of the notification. During this period, and until the termination takes effect, the Contracting Authority may suspend the time limit for any payment in accordance with Article 11.2 as a precautionary measure informing the Organisation immediately in writing. If the Organisation does not submit observations, or if, after examination of the observations submitted by the Organisation, the Contracting Authority decides to pursue the termination, the Contracting Authority may terminate the Agreement serving seven (7) Days' prior notice. During that period, the Organisation may refer the matter to the responsible director in the European Commission. Where the Contracting Authority is the European Commission, the termination will take effect if and when confirmed by the director. Where the Contracting Authority is not the European Commission, the referral to the responsible director in the European Commission will not suspend the effects of the decision of the Contracting Authority. In case of termination, the Contracting Authority may demand full repayment of any amounts paid in excess of the final amount determined in accordance with Article 18 after allowing the Organisation to submit its observations. Neither Party shall be entitled to claim indemnity by the other Party on account of the termination of this Agreement.
- 12.3 If, at any time, either Party believes that the purpose of the Agreement can no longer be effectively or appropriately performed, it shall consult the other Party. Failing agreement on a solution, either Party may terminate the Agreement by serving sixty (60) Days written notice. In this case, the final amount shall cover:
- a) payment only for the part of the Action carried out up to the date of termination;
 - b) in the situations described in Articles 11.5 and 11.6, the unavoidable residual expenditures incurred during the notice period; and,
 - c) in the situations described in Articles 11.5 and 11.6, reimbursement of legal commitments the Organisation entered into for implementing the Action before the

written notice on termination was received by it and which the Organisation cannot reasonably terminate on legal grounds.

The Contracting Authority shall recover the remaining part in accordance with Article 14.

- 12.4 In the event of termination, a final report and a request for payment of the balance shall be submitted in accordance with Articles 3 and 17. The Contracting Authority shall not reimburse or cover any expenditure or costs which are not included or justified in a report approved by it.

Article 13: Applicable law and settlement of disputes

- 13.1 The Parties shall endeavour to settle amicably any disputes or complaints relating to the interpretation, application or validity of the Agreement, including its existence or termination.
- 13.2 Where the Organisation is not an International Organisation, and the European Commission is the Contracting Authority, this Agreement is governed by EU law, complemented - if necessary - by the relevant provisions of Belgian law. In the absence of an amicable settlement in accordance with Article 13.1 above, the General Court, or on appeal the Court of Justice of the European Union, has sole jurisdiction. Such actions must be brought under Article 272 of the Treaty on the Functioning of the EU (TFEU). Notwithstanding the foregoing sentence, where the Organisation is not established or incorporated in the EU, any of the Parties may bring before the Brussels courts any dispute between them concerning the interpretation, application or validity of the Agreement, if such dispute cannot be settled amicably. Where one party has brought proceedings before the Brussels courts, the other party may not bring a claim arising from the interpretation, application or validity of the Agreement in any other court than the Brussels courts before which the proceedings have already been brought.
- 13.3 Where the Organisation is not an International Organisation and the European Commission is not the Contracting Authority, the Agreement shall be governed by the law of the country of the Contracting Authority and the courts of the country of the Contracting Authority shall have exclusive jurisdiction, unless otherwise agreed by the Parties. The dispute may, by common agreement of the Parties, be submitted for conciliation to the European Commission. If no settlement is reached within one hundred and twenty (120) Days of the opening of the conciliation procedure, each Party may notify the other that it considers the procedure to have failed and may submit the dispute to the courts of the country of the Contracting Authority.
- 13.4 Where the Organisation is an International Organisation:
- a) nothing in the Agreement shall be interpreted as a waiver of any privileges or immunities accorded to any Party by its constituent documents, privileges and immunities agreements or international law;
 - b) in the absence of an amicable settlement pursuant to Article 13.1 above, any dispute, controversy or claim arising out of or in relation to this Agreement, or the existence, interpretation, application, breach, termination, or invalidity thereof, shall be settled by final and binding arbitration in accordance with the 2012 Permanent Court of Arbitration Rules for Arbitration, as in effect on the date of entry into force of this Agreement. The appointing authority shall be the Secretary General of the Permanent Court of Arbitration. The arbitration proceedings must take place in the Hague and the language used in the arbitral proceedings will be English. The arbitrator's decision shall be binding on all Parties and there shall be no appeal.

Article 14: Recovery

- 14.1 Where an amount is to be recovered under the terms of the Agreement, the Organisation shall repay the amount due to the Contracting Authority.

- 14.2 Before recovery, the Contracting Authority shall formally notify the Organisation of its intention to recover any undue amount, specifying the amount and the reasons for recovery and inviting the Organisation to make any observations within 30 Days from the date of receipt of the notification. If, after examination of the observations submitted by the Organisation or if the Organisation does not submit any observations, the Contracting Authority decides to pursue the recovery procedure, it may confirm recovery by formally notifying the Organisation. If there is a disagreement between the Organisation and the Contracting Authority on the amount to be repaid, the Organisation may refer the matter to the responsible director in the European Commission within thirty (30) Days. Where the Contracting Authority is the European Commission, a debit note specifying the terms and the date for payment may be issued after the deadline for the referral to the director. Where the Contracting Authority is not the European Commission, the referral to the responsible director in the European Commission will not prevent the Contracting Authority from issuing the debit note.
- 14.3 If the Organisation does not make the payment by the date specified in the debit note, the Contracting Authority shall recover the amount due:
- a) by offsetting it against any amounts owed to the Organisation by the EU;
 - b) by taking legal action pursuant to Article 13;
 - c) in exceptional circumstances justified by the necessity to safeguard the financial interests of the EU, the Contracting Authority may, when it has justified grounds to believe that the amount due would be lost, recover by offsetting before the deadline specified in the debit note without the Organisation's prior consent.
- 14.4 If the Organisation fails to repay by the due date, the amount due shall be increased by late payment interest calculated at the rate indicated in Article 17.7(a). The interest shall be payable for the period elapsing from the day after the expiration of the time limit for payment up to and including the date when the Contracting Authority actually receives payment in full of the outstanding amount. Any partial payment shall first cover the interest.
- 14.5 Where the European Commission is not the Contracting Authority, it may, if necessary, proceed itself to the recovery.
- 14.6 The European Commission may waive the recovery in accordance with the principle of Sound Financial Management and proportionality or it shall cancel the amount in the event of a mistake.

Article 15: Archiving, access and financial checks

- 15.1 For a period of five (5) years from the End Date and in any case until any on-going audit, verification, appeal, litigation or pursuit of claim or investigation by the European Anti-Fraud Office (OLAF), if notified to the Organisation, has been disposed of, the Organisation shall keep and make available according to Article 15 all relevant financial information (originals or copies) related to the Agreement and to any Procurement Contracts and Grant agreements financed by the EU Contribution.
- 15.2 The Organisation shall allow the European Commission, or any authorised representatives, to conduct desk reviews and on-the-spot checks on the use made of the EU Contribution on the basis of supporting accounting documents and any other document related to the financing of the Action.
- 15.3 The Organisation agrees that OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions laid down by EU law for the protection of the financial interests of the EU against fraud, corruption and any other illegal activity.

- 15.4 The Organisation agrees that the execution of this Agreement may be subject to scrutiny by the Court of Auditors when the Court of Auditors audits the European Commission's implementation of EU expenditure. In such case the Organisation shall provide to the Court of Auditors access to the information that is required for the Court to perform its duties.
- 15.5 To that end, the Organisation undertakes to provide officials of the European Commission, OLAF and the European Court of Auditors and their authorised agents, upon request, information and access to any documents and computerised data concerning the technical and financial management of operations financed under the Agreement, as well as grant them access to sites and premises at which such operations are carried out. The Organisation shall take all necessary measures to facilitate these checks in accordance with its Regulations and Rules. The documents and computerised data may include information that the Organisation considers confidential in accordance with its own established Regulations and Rules or as governed by contractual agreement. Such information once provided to the European Commission, OLAF, the European Court of Auditors, or any other authorised representatives, shall be treated in accordance with EU confidentiality rules and legislation and Article 6. Documents must be accessible and filed in a manner permitting checks, the Organisation being bound to inform the European Commission, OLAF or the European Court of Auditors of the exact location at which they are kept. Where appropriate, the Parties may agree to send copies of such documents for a desk review.
- 15.6 Where applicable, the desk reviews, investigations, on-the-spot checks and inspections referred to in Article 15.2 to 15.5 shall refer to a verification that shall be performed in accordance with the verification clauses agreed between the Organisation and the European Commission. This is without prejudice to any cooperation arrangement between OLAF and the Organisation's anti-fraud bodies.
- 15.7 The European Commission shall inform the Organisation of the planned on-the-spot missions by agents appointed by the European Commission in due time in order to ensure adequate procedural matters are agreed upon in advance.
- 15.8 Failure to comply with the obligations set forth in Article 15 constitutes a case of breach of a substantial obligation under this Agreement.

Article 16: Eligibility of costs

- 16.1 Direct costs are eligible for EU financing if they meet all the following criteria:
- a) they are necessary for carrying out the Action, directly attributable to it, arising as a direct consequence of its implementation and charged in proportion to the actual use;
 - b) they are incurred in accordance with the provisions of this Agreement;
 - c) they are actually incurred by the Organisation, i.e. they represent real expenditure definitely and genuinely borne by the Organisation, without prejudice to Article 16.6;
 - d) they are reasonable, justified, comply with the principle of Sound Financial Management and are in line with the usual practices of the Organisation regardless of their source of funding;
 - e) they are incurred during the Implementation Period with the exception of costs related to final report, final evaluation, audit and other costs linked to the closure of the Action which may be incurred after the Implementation Period;
 - f) they are identifiable and backed by supporting documents, in particular determined and recorded in accordance with the accounting practices of the Organisation;
 - g) they are covered by one of the sub-headings indicated in the estimated budget in Annex III and by the activities described in Annex I; and
 - h) they comply with the applicable tax and social legislation taking into account the Organisation's privileges and immunities.

- 16.2 A reserve for contingencies and/or possible fluctuations in exchange rates - not exceeding 5 % of the direct eligible costs - may be included in Annex III to allow for adjustments necessary in the event of unforeseeable changes of circumstances on the ground. In such case, the reserve can be used only with the prior written authorisation of the Contracting Authority, upon a duly justified request from the Organisation.
- 16.3 The following costs may not be considered eligible direct costs, but may be charged as part of the remuneration: all eligible costs that, while necessary and arising as a consequence of implementation, are supporting the implementation of the Action and not considered part of the activities that the European Union finances as described in Annex I, including corporate management costs or other costs linked to the normal functioning of the Organisation, such as horizontal and support staff, office or equipment costs (except when duly justified and described in Annex I, such as a project office).
- 16.4 The remuneration shall be declared on the basis of a flat-rate which shall not exceed 7% of the total eligible direct costs to be reimbursed by the Contracting Authority. The remuneration does not need to be supported by accounting documents. For Multi-Donor and comparable actions, the remuneration shall not be higher than that charged by the Organisation to comparable contributions.
- 16.5 The following costs are ineligible for EU financing:
- a) bonuses, provisions, reserves or non-remuneration related costs. Employers' contributions to pension or to any other employee insurance funds run by the Organisation shall only be eligible to the extent they do not exceed the cost incurred during the reporting period, calculated following applicable international accounting standards;
 - b) full-purchase cost of equipment and assets unless the asset or equipment is specifically purchased for the Action and ownership is transferred in accordance with Article 8;
 - c) duties, taxes and charges, including VAT, that are recoverable/deductible by the Organisation;
 - d) return of capital;
 - e) negative remuneration charged by banks or other financial institutions;
 - f) debts and debt service charges;
 - g) provision for losses, debts or potential future liabilities;
 - h) banking charges for the transfers from and to the Contracting Authority;
 - i) costs incurred during the suspension of the implementation of the Agreement except the minimum costs agreed on in accordance with Article 11.8;
 - j) costs declared by the Organisation under another agreement financed by the European Union budget (including through the European Development Fund);
 - k) contributions in kind. The cost of staff assigned to the Action and actually incurred by the Organisation is not a contribution in kind and may be declared as a direct eligible cost if it complies with the conditions set out in Article 16.1; and
 - l) costs of purchase of land or buildings, unless otherwise provided in the Special Conditions.

Simplified cost options

- 16.6 Direct eligible costs may also be declared by using any or a combination of unit costs, lump sums and flat-rate financing.
- 16.7 The methods used by the Organisation to determine unit costs, lump sums or flat-rates shall comply with the principles provided in Articles 16.1, 16.3 and 16.5, be clearly described and substantiated in Annex III, shall avoid double funding of costs and shall respect the principle of Sound Financial Management. These methods shall be based on the Organisation's historical or actual accounting data, its usual accounting practices, an expert judgment or on statistical or other objective information where available and appropriate.
- 16.8 Costs declared under simplified cost options do not need to be backed by accounting or supporting documents except if they are necessary to demonstrate that the costs have been declared according to the declared method or cost accounting practices and that the qualitative and quantitative conditions defined in Annex I and III have been respected.
- 16.9 Simplified cost options not linked to the achievement of concrete Results shall only be eligible if they have been ex ante-assessed by the European Commission.
- 16.10 If a verification reveals that the methods used by the Organisation to determine unit costs, lump sums or flat-rates are not compliant with the conditions established in this Agreement, the Contracting Authority shall be entitled to recover proportionately up to the amount of the unit costs, lump sums or flat-rate financing.

Article 17: Payments

- 17.1 Payment procedures shall be as follows:
- a) the Contracting Authority shall provide a first pre-financing instalment as set out in Article 4.1 of the Special Conditions within thirty (30) Days of receiving the Agreement signed by both Parties;
 - b) the Organisation may submit a request for further pre-financing instalment for the following reporting period in accordance with Article 4 of the Special Conditions; the following provisions apply:
 - i) the reporting period is intended as a twelve-month period, unless otherwise provided for in the Special Conditions. When the remaining period to the end of the Action is up to eighteen (18) months, the reporting period shall cover it entirely;
 - ii) if at the end of the reporting period less than 70% of the last payment (and 100% of previous payments, if any) has been paid by the Organisation to its staff or otherwise subject to a legal commitment with a third party, the further pre-financing payment shall be reduced by the amount corresponding to the difference between the 70 % of the immediately pre-financing payment (and 100% of previous payments, if any) and the part of the previous pre-financing payments which has been paid by the Organisation to its staff or has been subject to a legal commitment with a third party;
 - iii) the Organisation may submit a request for further pre-financing payment before the end of the reporting period, once more than 70 % of the immediately preceding payment (and 100% of previous payments, if any) has been paid by the Organisation to its staff or otherwise subject to a legal commitment with a third party. In this case, the following reporting period starts anew from the end date of the period covered by this payment request;
 - c) at the end of the Implementation Period, the Organisation shall submit a payment request for the balance, where applicable, together with the final report. The amount of the balance shall be determined according to Article 18 and following approval of the request for payment of the balance and of the final report; and

- d) the Contracting Authority shall pay the further pre-financing instalments and the balance within ninety (90) Days of receiving a payment request accompanied by a progress or final report, unless the time limit for payment was suspended according to Article 11 or 12.
- 17.2 Payment requests shall be accompanied by narrative and financial reports presented in accordance with Article 3. The requests for pre-financing payments and the request for the balance shall be drafted in the Currency of the Agreement as specified in the Special Conditions. Except for the first pre-financing instalment, the payments shall be made upon approval of the payment request accompanied by a progress or final report. The final amount shall be established in line with Article 18. If the balance is negative, the payment of the balance takes the form of recovery.
- 17.3 Approval of the requests for payment and of the accompanying reports shall not imply recognition of the regularity or of the authenticity, completeness and correctness of the declarations and information contained therein.
- 17.4 The Contracting Authority shall make payments in the Currency of the Agreement as specified in the Special Conditions to the bank account referred to in the financial identification form in Annex IV.
- 17.5 Payment arrangements for performance-based financing in accordance with Article 19 shall be set out in Article 4 of the Special Conditions and Annex I.
- 17.6 If no payment has been made by the Contracting Authority within two (2) years of the entry into force of the Agreement, the Agreement shall be terminated.

Late payment interest

- 17.7 In case of late payment of the amounts stated in Article 4 of the Special Conditions the following conditions apply:
- a) upon expiry of the time limits for payments specified in Article 17.1, if the Organisation is not a Member State Organisation, it shall receive interest on late payment based on the rate applied by the European Central Bank for its main refinancing operations in Euros (Reference Rate), increased by three and a half percentage points. The Reference Rate shall be the rate in force on the first day of the month in which the time limit for payment expires, as published in the C series of the Official Journal of the EU;
 - b) the suspension of the time limit for payment by the Contracting Authority in accordance with Article 11 or 12 shall not be considered as late payment;
 - c) interest on late payment shall cover the period running from the day following the due date for payment, up to and including the date of actual payment as established in Article 17.1. Any partial payment shall first cover the interest;
 - d) by way of exception to point (c), when the interest calculated in accordance with this provision is lower than or equal to EUR 200, the Contracting Authority shall pay such interest to the Organisation only upon request from the Organisation submitted within two (2) months of it receiving late payment;
 - e) by way of exception to point (c), when the Contracting Authority is not the European Commission, and the European Commission does not make the payments, the Organisation shall be entitled to late payment interest upon its request submitted within two (2) months of it receiving late payment.



Article 18: Final amount of the EU Contribution

- 18.1 The Contracting Authority shall determine the final amount of the EU Contribution when approving the Organisation's final report. The Contracting Authority shall then determine the balance:
- a) to be paid to the Organisation in accordance with Article 17 where the final amount of the EU Contribution is higher than the total amount already paid to the Organisation; or
 - b) to be recovered from the Organisation in accordance with Article 14 where the final amount of the EU Contribution is lower than the total amount already paid to the Organisation.
- 18.2 The final amount shall be the lower of the following amounts:
- a) the maximum EU Contribution referred to in Article 3.1 of the Special Conditions in terms of absolute value;
 - b) the amount obtained after reduction of the EU Contribution in accordance with Article 18.3.
- 18.3 Where the Action (i) is not implemented, (ii) is not implemented in line with the Agreement or (iii) is implemented partially or late, the Contracting Authority may, after allowing the Organisation to submit its observations, reduce the EU Contribution in proportion to the seriousness of the above mentioned situations. If there is a disagreement between the Organisation and the Contracting Authority on the reduction, the Organisation may refer the matter to the responsible director in the European Commission.

Article 19: Performance-based financing

- 19.1 The payment of the EU Contribution may be partly or entirely linked to the achievement of Results measured by reference to previously set milestones or through performance Indicators. Such performance-based financing is not subject to Article 16. The relevant Results and the means to measure their achievement shall be clearly described in Annex I.
- 19.2 The amount to be paid per achieved Result shall be set out in Annex III. The method to determine the amount to be paid per achieved Result shall be clearly described in Annex I and take into account the principle of Sound Financial Management.
- 19.3 The Organisation shall not be obliged to report on costs linked to the achievement of Results. However, the Organisation shall submit any necessary supporting documents, including where relevant accounting documents, to prove that the Results triggering the payment as defined in Annex I and III have been achieved.
- 19.4 Articles 3.7 f), 3.8 b), 3.8 f), 10.3 and 10.5 do not apply to the part of the Action supported by way of performance-based financing.

Article 20: Contracting and Early Detection and Exclusion System

Contracting

- 20.1 Unless otherwise provided for in the Special Conditions, the origin of the goods and the nationality of the organisations, companies and experts selected for carrying out activities in the Action shall be determined in accordance with the Organisation's relevant rules. However, and in any event, goods, organisations, companies and experts eligible under the applicable regulatory provisions of the European Union shall be eligible. Without prejudice to the foregoing or to the Organisation's assessed Regulations and Rules, the Organisation shall promote the use of local contractors when implementing the Action.



Early Detection and Exclusion System

- 20.2 The Organisation shall inform the European Commission if, in relation to the implementation of the Action, it has detected a situation of exclusion pursuant to its rules and procedures referred to in Article 2.2 d) and any ad hoc measure stipulated in the Special Conditions or if it has detected a fraud and/or an irregularity pursuant to Article 2.6. This information may be used by the European Commission for the purpose of the Early Detection and Exclusion System. The Organisation shall inform the European Commission when it becomes aware that transmitted information needs to be rectified updated or removed. The Organisation shall ensure that the entity concerned is informed that its data was transmitted to the European Commission and may be included in the Early Detection and Exclusion System and be published on the website of the European Commission. These requirements cease at the end of the Implementation Period.
- 20.3 Without prejudice to the power of the European Commission to exclude a person or an entity from future procurement contracts and grants financed by the EU and/or to impose financial penalties according to the EU Financial Regulation, the Organisation may impose sanctions on third parties according to its own Regulations and Rules ensuring, where applicable, the right of defence of the third party.
- 20.4 The Organisation may take into account, as appropriate and on its own responsibility, the information contained in the Early Detection and Exclusion System, when implementing the EU Contribution. Access to that information can be provided through the authorised persons or via consultation with the European Commission as referred in Article 5.6 of the Special Conditions.



Qualified electronic signature by:
THOMAS HAGLEITNER
Date: 2022-12-05 11:16:46 +01:00



FINANCIAL IDENTIFICATION

PRIVACY STATEMENT

Please use CAPITAL LETTERS and LATIN CHARACTERS when filling in the form.

BANKING DETAILS ①

ACCOUNT NAME ②	UNDP CONTRIBUTIONS EURO ACCOUNT		
IBAN/ACCOUNT NUMBER ③	CH2200240240FP1030940		
CURRENCY	EUR		
BIC/SWIFT CODE	UBSWCHZH80A	BRANCH CODE ④	
BANK NAME	UBS S.A. (SWITZERLAND)		
ADDRESS OF BANK BRANCH			
STREET & NUMBER	RUE DES NOIRETTES 35, P.O BOX 2600		
TOWN/CITY	CH-1211 GENEVA 2	POSTCODE	
COUNTRY	SWITZERLAND		

ACCOUNT HOLDER'S DATA

AS DECLARED TO THE BANK

ACCOUNT HOLDER	UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)		
STREET & NUMBER	1 UN PLAZA, DC 1 BUILDING		
TOWN/CITY	NEW YORK	POSTCODE	10017
COUNTRY	USA		

REMARK	
--------	--

BANK STAMP + SIGNATURE OF BANK REPRESENTATIVE ⑤ UBS Switzerland AG / Geneva Nathan Ramadoo Associate Director	DATE (Obligatory) 22/03/2022
	SIGNATURE OF ACCOUNT HOLDER (Obligatory) Paul Gravenese, Treasurer, UNDP Paul Gravenese

- ① Enter the final bank data and not the data of the intermediary bank.
- ② This does not refer to the type of account. The account name is usually the one of the account holder. However, the account holder may have chosen to give a different name to its bank account.
- ③ Fill in the IBAN Code (International Bank Account Number) if it exists in the country where your bank is established
- ④ Only applicable for US (ABA code), for AU/NZ (BSB code) and for CA (Transit code). Does not apply for other countries.
- ⑤ It is preferable to attach a copy of RECENT bank statement. Please note that the bank statement has to confirm all the information listed above under 'ACCOUNT NAME', 'ACCOUNT NUMBER/IBAN' and 'BANK NAME'. With an attached statement, the stamp of the bank and the signature of the bank's representative are not required. The signature of the account-holder and the date are ALWAYS mandatory.

CB

ANNEX V

Request for payment for Contribution Agreement

Qualified electronic signature by:

THOMAS HAGLEITNER

Date: 2022-12-05 11:17:26 +01:00

Date of the request for payment <..... >

For the attention of

<Address of the Contracting Authority>

<Financial unit indicated in the Contribution Agreement>¹

Reference number of the Contribution Agreement: ...

Title of the Contribution Agreement: ...

Name and address of the Organisation: ...

Request for payment number: ...

Period covered by the request for payment: ...

Dear Sir/Madam,

I hereby request payment of pre-financing/interim payment/balance² under the Contribution Agreement mentioned above.

The amount requested is [in accordance with Article 4 of the Special Conditions of the Contribution Agreement/the following.....]³

Please find attached the following supporting documents:

- narrative and financial progress report (for pre-financing / interim payments)
- final narrative and financial report (for payment of the balance)⁴

The payment should be made to the following bank account: .⁵

Please when making the payment indicate the following communication: ...

I hereby certify on honour that the information contained in this request for payment is full, reliable and true, that the costs incurred can be considered eligible in accordance with the Agreement and that this request for payment is substantiated by adequate supporting documents that can be checked.

Yours faithfully, <signature>

¹ If applicable, please do not forget to address a copy of this letter to the European Union Delegation mentioned in Article 5 of the Special Conditions of the Contribution Agreement.

² Delete the options which do not apply.

³ Delete the option which does not apply.

⁴ Delete the items which do not apply.

⁵ Indicate the account number shown on the financial identification form annexed to the Contribution Agreement. In the event of change of bank account, please complete and attach a new financial identification form as per model.

N.B.: Instalments of pre-financing, interim payments and final payments shall be made upon approval of the payment request accompanied by a progress or final report (see Articles 19 of the General Conditions of Contribution Agreement).

CB

Annex VI

[Global] Management Declaration

I, the undersigned, <insert forename and surname>, in my capacity as <insert function in the entrusted entity or person>, confirm that in relation to the Insert/complete in case an individual Management Declaration for one Contribution Agreement is submitted: [[Contribution Agreement] [Contribution Agreement for Financial Instruments] <insert reference of the concrete Agreement>, (the "Agreement")] Insert in case a global Management Declaration covering all the Contribution Agreements and/or Contribution Agreements for Financial Instruments between the Contracting Authority¹ and the Organisation is presented:[Agreements listed below], based on my own judgement and on the information at my disposal, including, inter alia, the results of the audits and controls carried out, that:

1. The information submitted under Article 3 of the General Conditions of the Agreement[s] for the financial period dd/mm/yyyy to dd/mm/yyyy is properly presented, complete and accurate Insert/complete in case a global Management Declaration covering all the Contribution Agreements and/or Contribution Agreements for Financial Instruments between the Contracting Authority and the Organisation is presented: [for the following Agreements:

1. <insert references of the Agreement>; add below as necessary
2. <...>]

If at the time of signature of this Management Declaration, there were ongoing agreements for which there was not yet reporting obligation; insert: [To be noted that at the time of signature of this Management Declaration, the following Agreements were not yet subject to submission of reporting in accordance with the contractual conditions:

1. <insert references of the Agreement>; add below as necessary
2. <...>]

2. The expenditure was used for its intended purpose as defined in Annex I of the Agreement[s];
3. The control systems put in place give the necessary assurances that the underlying transactions were managed in accordance with the provision of the Agreement[s].
4. The Organisation performed the activities in compliance with the obligations laid down in the Agreement[s] and applying its own rules and procedures, where applicable, subject to the ad hoc measures agreed upon with the European Commission, as regards:
 - a) internal control;
 - b) accounting system;
 - c) independent external audit;
 - d) exclusion from access to funding;
 - e) publication of information on recipients;
 - f) protection of personal data;

Add one or more of the following options, as applicable:

 - g) [award and management of Grants;]
 - h) [award and management of Procurement Contracts;]
 - i) [Financial Instruments] In case any of the optional sub pillars 6b and/or 6c have been assessed and if applicable, add as required: [, including [Tax Avoidance and Non-Cooperative Jurisdictions][and][Anti-Money Laundering and Countering Terrorism Financing]].
5. No substantial changes, which have not already been communicated to the European Commission, affect the rules and procedures which have been [subject to the Ex-ante Pillar-Assessment] / [assessed by the European

¹ For the avoidance of doubt, references to 'Contracting Authority' in this annex shall be understood as referring to the European Commission for the purpose of Contribution Agreements for Financial Instruments.

Commission for the purpose of granting an exemption to the obligation to undergo the Ex-ante Pillar Assessment].

Furthermore, I confirm that I am not aware of any undisclosed matter which could harm the interests of the European Union.

However, the following reservation(s) should be noted:
<present and explain reservation(s)>²

<insert place and date>

.....
(signature)

<Insert forename and surname>

² Option to be used in case of reservations.

Appendix 1: CN IPAIII/2022/437-134 EU Support to Confidence Building in the Western Balkans

Mapping of relevant international assistance in transitional justice field by key international partners

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Regional						
Dialogue for the Future (DFF) - Fostering Dialogue and Social Cohesion	UN Peace Building Fund	UNDP, UNESCO and UNICEF Bosnia and Herzegovina, Montenegro, Serbia	2014 – 2021	Intercultural dialogue, social cohesion, cultural diversity, reconciliation, youth engagement	Creation of a platform for a constructive dialogue between various communities, citizens and their highest elected leaders; empowerment of adolescents and youth for their more active and constructive participation in dialogue and decision-making processes; overall, promotion of peaceful coexistence, increased trust and genuine respect for diversity.	Promotion of regional dialogue and contribution to reconciliation
Regional War Crimes Project (RWC)	United Kingdom	UNDP BiH, Montenegro, Serbia, and Croatia	Dec 2018 - 31 Mar 2022	Dealing with the past - transitional justice, Rule of law reconciliation, regional co-operation	Enhanced investigation and prosecution of war crimes in the four countries by facilitating cross-border co-operation, improving witness and victim support, and raising public awareness about accountability for war crimes and transitional justice.	Direct predecessor to the WB Confidence Building (regional judicial co-operation, victim support, promoting accountability for war crimes among youth groups)

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Regional Programme for Local Democracy in the Western Balkans 2 (RelOaD2)	EU	UNDP WB6 region	2021-2024	Civil society development, social cohesion	Strengthening participatory democracies in the region through strengthening the capacities of and collaboration between local governments and CSOs to contribute to stronger influence of civil society in communities and further development of participatory democracy in the country (continuation of EU-supported initiatives since 2009)	Grants to CSOs (civil society capacity building, although not directly for transitional justice processes)
RECOM Reconciliation Network	EU	<ul style="list-style-type: none"> • Humanitarian Law Center, Belgrade; • Humanitarian Law Center Pristina • Center for Democracy and Transitional Justice, Banja Luka • European Policy Institute, Skopje • Transitional Justice, Accountability and Remembrance, Sarajevo 	2021-2024	Dealing with the past - transitional justice, reconciliation, inter-ethnic dialogue	<p>General objective: to strengthen rule of law, peace, and regional stability in the Western Balkans.</p> <p>Specific objectives: to foster an inclusive, victim-centred and facts-based regional platform for dealing with the past, through three outputs.</p> <ul style="list-style-type: none"> - advanced truth-telling on human losses related to the war in Kosovo and detention sites of the war in BiH, - up to 25 high-impact grassroots reconciliation efforts, - a facts-based and victims-centred public platform for dealing with the past. 	Inter-ethnic dialogue about the past conflict and crimes, promoting memorialisation and reconciliation; sub-grants to some CSOs

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Strengthening the Role of Youth in Promoting Increased Mutual Understanding, Constructive Narrative, Respect for Diversity and Trust	UN Peace Building Fund,	UNDP (regional coordinator), UNFPA, UNESCO, UN Women	May 2022-May 2024	Social cohesion, inter-ethnic dialogue, reconciliation	Diminishing divisive narratives and transforming the traditional gender norms among young men and women and addressing the priority conflict drivers of hate speech, to contribute to building trust, intercultural dialogue, cultural diversity, gender equality and social cohesion in the region.	Promoting inter-ethnic dialogue among youth, including on the recent past (especially in BiH, by UNFPA)
Enhancing War Crimes Accountability in the Western Balkans	EU	International Residual Mechanism for Criminal Tribunals – IRMCT (Office of the Prosecutor and the Registry)	Jan 2021 - Dec 2023	Transitional justice, inter-ethnic dialogue	To foster reconciliation and good neighbourly relations in the Western Balkans through enhancing criminal accountability and the rights of the victims of the 1990s conflicts in the former Yugoslavia. The project enhances the prosecution of war crimes at domestic level (component A, implemented by the Office of the Prosecutor) and (2) Increase public knowledge and understanding of crimes committed (component B implemented by the Registry).	Supporting national capacities for prosecution of war crimes and raising public knowledge and understanding of crimes committed

¹ All references to Kosovo shall be understood to be in the context of UN Security Council resolution 1244 (1999).

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)	EU	UNDP and Regional Co-operation Council (RCC)	2002 – ongoing	Disarmament, gender equality, cross-border co-operation	Small arms and light weapons control, security sector reform (SSR) and advancement of gender equality in SSR.	Disarmament and weapons control contributing to transitional justice
Strengthening Inclusive Victim Voices, Transforming Narratives	EU	Coordinating body: Peace Movement PAX Netherlands. Partner bodies: Peace Action (PA), Civic Initiatives (CI), Integra NGO, New Social Initiative (NSI) & International Centre for Transitional Justice (ICTJ)	Feb 2021 – Jan 2022.	Transitional justice	Target groups: members and leaders of victim groups stemming from the wars between 1990-2001 in the three Beneficiaries, including families of civilian victims, families of the missing, families of the military victims, victims of torture, sexual violence and gender related violations, internally displaced people. In North-Macedonia also: veterans' groups, people living in the former armed conflict areas (especially youth and history teachers). Final beneficiaries: the broader communities, affected by the 1990-2001 conflicts and societies at large in Kosovo, Serbia and North Macedonia	Support to victims and survivors
EU/Council of Europe Horizontal Facility in Western	EU	Council of Europe	Phase III 01/2023 to 12/2026	justice/ anti-corruption and fighting org crime/	The Council of Europe will provide technical assistance and expertise to Albania, Bosnia and Herzegovina,	Access to Justice for women work in the WB region, regional

03

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Balkan and Turkey Phase II [ending 12/2022] and Phase III as of 1/2023				anti-discrimination (including no hate speech and access to justice for women)/ freedom of expression and freedom of media	Kosovo, Montenegro, North Macedonia, Serbia and Türkiye in the areas of strengthening justice; fighting corruption, economic crime and money laundering; promoting anti-discrimination and protection of the rights of vulnerable groups ; and promoting freedom of expression and of the media	and beneficiary specific anti-discrimination and fighting hate speech actions, potentially also work with judiciaries in the region
Support to Media Freedom and Pluralism in the Western Balkans	EU	Implemented by GIZ, Deutsche Welle and Internews, it	2022- 2025	media	aims to improve the economic sustainability of independent media outlets in the Western Balkans, improve their capacities for quality reporting and facilitate regional exchanges and networking between media outlets and other media market actors.	Regional work with media, capacities for quality reporting
Grants to support regional networks of media and journalist associations:	EU	(awarded via periodic calls for civil society and media organisations)	2020 to 2023	media	Support to Media Freedom and Pluralism in the Western Balkans - www.Safejournalists.net regional early warning platform reporting cases of attacks and threats against journalists; - Resilience: Civil society action to reaffirm media freedom and counter disinformation and hateful propaganda, - Reporting Diversity Network 2.0. - a regional network of CSOs aiming to influence the quality of	Work with media on promotion of tolerance, no hate speech and counter disinformation

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Western Balkans School Exchange Scheme	EU	GIZ and RYCO	12/2020 – 11/2023	Youth, skills, education, peacebuilding, reconciliation	<p>media messages in relation to ethnicity, religion and gender, and promote tolerance and diversity.</p> <p>The Action contributes to increasing skills and knowledge of young people in the Western Balkans by enhancing education systems and promoting cooperation in the region through 1) improving the institutional and organisational capacities of RYCO to manage regional cooperation projects, 2) improving the capacity of schools and other formal education structures to actively participate and develop quality projects, and 3) designing and implementing RYCO's regional secondary School Exchange Scheme "Superschools".</p>	<p>The "Superschools" project aims to support the peacebuilding and reconciliation processes and intercultural learning and dialogue.</p> <p>Cooperation to strengthen sustainability of civil society in reconciliation, confidence building related activities</p>
Enhancing support for civil society and independent media in Turkey and the Western Balkans	EU	<p>European Endowment for Democracy (EED)</p> <p>European Endowment for Democracy - home (democracyendowment.eu)</p>	Until 08/2026	Medi, civil society, youth	<p>The overall objective of this action is strengthened participatory democracies in the Western Balkans and Turkey through an enhanced contribution by civil society and media. This action will provide additional flexible financial and technical support to independent media initiatives, civil society actors including grass-roots and community based organisations, activists and emerging actors, as well as to</p>	<p>Cooperation to strengthen sustainability of civil society in reconciliation, confidence building related activities</p>

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Regional Network for Cultural Diversity (Albania, North Macedonia, Kosovo*, Serbia and Turkey)	EU	Goethe Institute	04/2020 – 08/2024	Culture, CSOs reconciliation and tolerance	independent mission media actors in the Western Balkans and Turkey The project contributes to the reconciliation and intercultural tolerance by opening new channels of communication by key independent cultural CSOs, providing them with networking possibilities outside of political arena. This action offers networking and advocacy possibilities that will facilitate sharing of experiences through joint projects, public events, and campaigns.	Cultural cooperation for reconciliation
Reporting Diversity Network 2.0 (Albania, Bosnia and Herzegovina, Kosovo*, North Macedonia, Montenegro, Serbia)	EU	Media Diversity with local partners	04/2020 - 03/2024	Civil society and media, diversity reporting	The project will empower a regional network of CSOs to work together with the aim to influence the quality of media messages affecting perceptions of ethnicity, religion and gender as pressing thematic areas relevant for overall levels of understanding and tolerance in the Western Balkans. The Reporting Diversity Network (RDN) will provide tools, resources and much needed evidence for the entire civil society to promote more inclusive media, and effective policy-making advancing tolerance.	Reconciliation and good neighbourly relations through mutual understanding
"Culture and Creativity for the	EU	UNESCO, the British Council and the Italian Agency for	04/2022 to 04/2026	culture	Aimed at fostering dialogue in the Western Balkans through enhancing	The project has been launched with the overall objective

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Western Balkans (CCA/WBs)"		Development Cooperation			<p>the cultural and creative sectors for increased socio-economic impact.</p> <p>The CCA/WBs project will develop the capacities of cultural and creative sectors across the Western Balkans region by acting at multiple levels. In particular, it will support stronger cultural policies for enhanced regional cultural cooperation, notably increased mobility of artists and cultural operators as well as financial and technical assistance for the growth of cultural and creative industries. It will also stimulate the protection, management and promotion of cultural heritage; as well as enhanced public-private partnerships in the cultural and creative sectors.</p>	<p>of fostering reconciliations and good neighbourly relations in the region</p>
13 grant projects in the Western Balkan region under the EU Creative Europe programme	EU	EACEA	Different, until 2023	Different cultural sectors	<p>13 projects that strengthen cultural cooperation and improve the cultural and creative industries in the region</p> <p>Publication metadata</p> <p>The EU and the Western Balkans share a history, deep cultural roots and a common future. In July 2019, the European Commission decided to reinforce cultural cooperation in the Western Balkans as an engine for</p>	<p>Culture as vector for reconciliation and engagement of youth</p>

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Ending violence against women in the Western Balkans and Turkey, Phase II. Implementing Norms, Changing Minds	EU	UNWOMEN	Until 07/2023	VAW, women's rights	reconciliation and good neighbourly relations. Detailed information is available here: European cultural cooperation projects in the Western Balkans - Publications Office of the EU (europa.eu)	Violence against women and strengthening regional networks for women's rights
Support to the promotion of Civil Society regional actions in the Western Balkans	EU	Western Balkans Fund Western Balkans Fund – Supporting Common Projects	07/2021 – 07/2024	Youth, civil society capacity, gender	The project provides direct support to the civil society to contribute to regional cooperation, good neighbourly relations and people to people links in the Western Balkans region, as well as to improve the capacities of civil society to be more effective and accountable on issues relevant to participatory democracy.	Civil society cooperation for good neighbourly relations, youth engagement.

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
					gender equality, disability inclusiveness, youth engagement and regional cooperation	
Bosnia and Herzegovina						
War Crimes Processing Project in BiH	EU (IPA), UK, Norway, Switzerland, US, Italy, Germany	OSCE Mission to BiH	2013 – mid-2022	Rule of law, dealing with the past - transitional justice	To bolster the capacities of the BiH judiciary to expedite the fair and effective processing of war crimes cases including to address the most urgent staffing and training needs of courts and prosecutors' offices at various levels of BiH jurisdiction	Capacity building of state- and entity-level prosecution offices and courts and in-country coordination of court victim and witness support services.
„Enhancing Crime Case Processing in BiH“ IPA 2019	EU IPA 2019	High Judicial and Prosecutorial Council of BiH	2014 – end of 2022	Rule of law, dealing with the past - transitional justice	To uphold the effective implementation of the strategic objectives set out in the Revised National War Crimes Strategy of BiH through, i.a., enhancing institutional capacities of courts and prosecutor's offices including professional capacities of judges and prosecutors handling war crimes cases, financing of judicial and support staff positions, technical support to judicial institutions and other related activities.	Training of judges, prosecutors, and defense attorneys have received in handling war crimes cases.

CS

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
?	EU FPI	EU, OSCE, UN, CoE (Quartet in BiH)	upcoming	Dealing with the past	Support to the Quartet (EU, UN, OSCE, CoE) in BiH, working on reconciliation-related matters. The Project is aimed at supporting local "peace champions" and those municipalities already working on trust-building as well as those with the potential for increased cooperation across the IEBl.	
Kosovo						
Further Support to Forensic Medicine Services in Kosovo'	EU project	UNDP	2018 – 2021	Rule of law, dealing with the past - transitional justice (missing persons)	To strengthen and modernize the forensic services at the Institute for Forensic Medicine including the Missing Persons Operation by enhancing its technical and administrative capacity	Support to search for missing persons and exhumations as an evidentiary proceeding
Dealing with Conflict Legacy	British Embassy in Pristina	UNDP	November 2018 – March 2022	Dealing with the past, transitional justice, reconciliation	The project aimed at contributing to existing conflict legacy issues through sustainable reconciliation, dialogue with families of missing persons and increasing returns to sensitive areas in Kosovo	Dialogue about the recent past and with families of missing persons
Monitoring Conflict-Related Crime Trials in Kosovo and the Inclusion of the Youth in the Justice Sector	British Embassy in Pristina and EU	Humanitarian Law Center Kosovo	2019 -	Dealing with the past, rule of law, access to justice, justice sector reform	To improve conflict related crimes case processing by, i.a. monitoring of the trials and inclusion of the youth in the justice sector	Support to local war crimes trials

CB

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Transforming conflicting perceptions through increased civic and community engagement in Kosovo	EU	Kosovo Coalition for Reconciliation (KCR): Humanitarian Law Center Kosovo, Arpolis, NGO Aktiv and Documenta	2019 -	Intercultural dialogue, social cohesion, cultural diversity, reconciliation	To contribute to overall improvement of ethnic relations in Kosovo and increase understanding and participation of grass-root community actors in initiatives fostering the reconciliation process in Kosovo incl. by facilitation of respectful ethnic dialogue, promotion of cultural diversity values, increased opportunities for inter-ethnic cooperation in promotion of peace and tolerance and amplified inclusion women and youth groups in reconciliation process in Kosovo	Dialogue about the recent past at grass-roots level
European Union Justice Sector Programme – EUKOJUST	EU	German IRZ, Center for International Legal Cooperation, Ministry of Justice of Croatia	2020 - 2024	Rule of law, access to justice, justice sector reform	To reform the justice system in line with European and international standards.	Capacity building of the justice systems (general)
Cultural Heritage as a Driver for Intercommunity Dialogue and Social Cohesion	European Commission (ICSP)	Municipalities, Ministry of Culture, Youth and Sports, Regional Centres for Cultural Heritage, CSOs/NGOs, religious communities, Kosovo police	1 Dec 2020 – 30 Nov 2022	Intercultural dialogue, social cohesion, cultural heritage rehabilitation and preservation	To foster a conducive environment, based on trust and mutual understanding, where diversity is acknowledged and respected and communities are engaged towards a more stable society (through cultural interventions promoting dialogue, building understanding and fostering a shared sense of ownership of cultural heritage among all the communities)	Inter-ethnic dialogue

CS

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Youth Development, Gender Norms and Human Security in Kosovo: supporting youth as drivers of gender equality, development, and positive peace	UNDP Funding Windows (GCP)	UNDP	2021-2023	Youth participation, gender equality	To empower youth as drivers of gender equality, development and positive peace through consolidating and supporting youth-led innovative and transformational development responses to the impact of gender norms and stereotypes, especially in the aftermath of the COVID-19 pandemic.	Youth inter-community dialogue
Support to Kosovo Police Reform	EU	Northern Ireland Co-operation Overseas (NI-CO), Center for International Legal Co-operation, the Netherlands, Ministry of Interior of Croatia in co-operation with OSCE and ICITAP	2021 -	Rule of law, access to justice, justice sector reform	To provide expertise and develop capacities of the Kosovo Police.	Training of police investigators
Montenegro						
Improving efficiency of the justice system	Government of Norway and Montenegro,	UNDP	2018-2023	Rule of law	To enhance the efficiency of the justice system through further use of ICT solutions with specific focus on the court subsystem and provision of reliable statistics, to boost administrative capacities of the justice system, increasing its efficiency in	Capacity building of the judiciary, including on data management

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Rule of Law Program	US	US Embassy in Podgorica (Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL).	2008-ongoing	Rule of law	The programme supports Montenegro's transition to a more effective criminal justice system, providing targeted technical assistance, training, mentoring and equipment donations, including support to police, prosecutors, defense attorneys, citizens, and judicial officials in learning their new roles and responsibilities under the Criminal Procedure Code (CPC).	Capacity building of the judiciary, including training on prosecution-led investigation and criminal process

North Macedonia

EU Support for Rule of Law	EU Commission	Austrian Agency for European Integration and Economic Development (AEI), Croatian Ministry of Justice, Austrian Federal Ministry of Interior, Ludwig Boltzmann Institute of Human Rights	2021-2026	Rule of law	Improve capacities of justice institutions to deliver justice in transparent and accountable manner (incl. capacities of the academy for judges and public prosecutors); application of modern investigation techniques in fighting organized crime; improving the prevention and fight against corruption; enhancing the protection of fundamental rights	Capacity building of the judiciary, incl. judges and prosecutors

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Support to the Academy for Judges and Prosecutors and Judges Association	USAID	US Embassy and OSCE	2017-2022	Rule of law	Capacity building of the judiciary for trial skills, special investigative measures, and regional networking.	Capacity building of the judiciary, cross-border cooperation
Support to the Ministry of Justice in implementing Judicial Reform Strategy	EU	UNOPS	2017-2022	Rule of law	Implementing Judicial Sector Reform Strategy (including drafting bylaws for application of the Law on Public Prosecution).	Capacity building of prosecutors
Serbia						
Support to Monitoring of National War Crimes Trials – Phase 3	EU (Facility for Support of the Rule of Law in Serbia IPA 2019)	OSCE Mission to Serbia	1 Jan 2022 – 31 Dec 2024	Rule of law, dealing with the past – transitional justice	Contribute to the advancement of the rule of law in Serbia through evaluating the quality of war crimes trials in Serbia and its adherence to international standards, strengthen Serbia's criminal justice system in order to render accountability for war crimes, contribute to fostering regional co-operation among legal practitioners, and promote accountability for war crimes and regional reconciliation amongst youth.	Capacity building of the judiciary, support to war crimes trials (knowledge transfer), public awareness raising among certain youth groups
Support to Victims and Witnesses of Crimes	EU	OSCE Mission to Serbia	Feb 2018-Feb 2023	Rule of law, victim and witness	Enhancing Serbian institutions capacity to implement the National Strategy for Fulfilment of Rights of	Victim support to courts of genera

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective	Main link to the WB Confidence Building
Justice for victims of sexual violence in war	EU (Civil Society Facility Programme 2018)	Humanitarian Law Center	2020-Oct 2023	Rule of law, dealing with the past – transitional justice, gender equality	To make the prosecution of sexual violence in war (CRSV) in Serbia more effective and victims-centred (by providing practical legal and psychological support to victims of CRSV, enhancing procedural safeguards for victims of fundamental rights violations, and increasing transparency and public awareness on war crimes prosecution, with a specific focus on CRSV. Main activities: Support to victims of sexual violence in war; policy research on prosecution of sexual violence in war. research and advocacy for reform of Criminal and Civil Procedure Code; monitoring and reporting of war crime trials; overview of prosecution of sexual violence in war in Serbia; training for journalists; exhibition on children born from sexual violence in war and public debate.	Support to victims of sexual violence crimes and public awareness raising about the issue
Digital Activism	U.S. Department of State	Humanitarian Law Center	2020-2024	Dealing with the past – transitional justice, inter-ethnic dialogue	To facilitate facts-based memory culture related to the wars in ex-Yugoslavia; to counter divisive and revisionist narratives about the conflicts by, i.a. producing digital tools	Supporting memorialisation

Title of intervention (project)	Donor	Implemented by	Duration	Areas of intervention	Objective and resources for commemoration and awareness-raising	Main link to the WB Confidence Building

05

Qualified electronic signature by:
THOMAS HAGLEITNER

Date: 2022-12-05 11:14:10 +01:00

Logical framework and Activity matrix (Appendix 2)

The Logical framework (logframe) matrix should evolve during the Action (i.e. the projects) lifetime: new lines can be added for listing new activities as well as new columns for intermediary targets (milestones) when it is relevant and values will be regularly updated in the column foreseen for reporting purpose (see "Current value"). The term "results" includes: Overall Objective (impact), Specific Objective (outcome), Other outcomes and Outputs.

The logframe can be revised as necessary (in line with the provisions defined in Article 9.4 of the general conditions).

Results	Results chain: Main expected results (maximum 10)	Indicators All data collected for each indicators have to be aggregated by gender, beneficiary. Where applicable and possible also age group, professional group or other relevant	Baseline (value & reference year)	Target (value & reference year)	Current value* (reference year) (* to be included in interim and final reports)	Sources and means of verification (1 per indicator)	Assumptions
Impact	To contribute to improved neighbourly relations in the Western Balkans by increasing war crimes accountability and promoting fact-based dialogues within and between societies about the 1990s conflicts on the territory of the former Yugoslavia.	1) Worldwide Governance Indicators from World Bank, sub-indicator on Political Stability and Absence of Violence/Terrorism ¹ . 2) Global Peace Index GPI-2022-2 3) % of Western Balkans citizens who find regional cooperation important ³	To 1) (2020): AL - 49.53 BA - 27.83 ME - 47.17 MK - 50.47 RS - 43.87 XK - 36.79	To 1) Increased (2026)(2026) To 2) Positive trend in majority of	To 1) Political Stability and Absence of Violence/Terrorism Index, WWG Indicators	<i>Not applicable</i>	

¹ Political Stability and Absence of Violence/Terrorism measures perceptions of the likelihood of political instability and/or politically motivated violence, including terrorism. This table lists the individual variables from each data source used to construct this measure in the Worldwide Governance Indicator. The percentile rank refers to the rank among all countries in the world with 0 as lowest and 100 as highest.

² [GPI-2022-web.pdf \(visionofhumanity.org\)](#) – The 2020 Global Peace Index provides a snapshot of the global state of peace along categories: Very high, high, medium, low and very low. In 2020 all Western Balkan partners were categorised as enjoying a high level of peace.

³ Western Balkans Barometer, RCC - Attitudes to regional cooperation and its role in improving political, economic and situation in their home economies, Balkan Barometer | Welcome (rcc.int)

CS

			Medium/High, High)					
Outcome 2	Good neighbourly relations improved through enhanced participation and increased voice of civil society stakeholders in the discourses related to the 1990s conflicts on the territory of the former Yugoslavia.	2.1. Level of acceptance of facts established by the ICTY and national courts 2.2 Level of public support for processing war crimes cases. 2.3 Number of civil society and public authority interventions promoting social cohesion and harmony / reconciliation between different groups (OPSYS core indicator)	2.1: Very low 2.2: Low 2.3: 0	2.1: Medium level of acceptance 2.2: Medium level of public support 2.3: 40 interventions		Surveys, including public opinion polls, and focus groups, project reports	Political commitment to strengthen good neighbourly relations and promote mutual understanding; Engagement of civil society and right holders	
Output 1 related to outcome 1	Western Balkans judicial authorities-are better equipped to handle war crimes	1.1.1 Number of a) judges, b) prosecutors and c) lawyers and d) court staff trained with EU support on war crimes handling and/ or respective EU acquits (IPA PF 2018 2.4)	1.1.1: 0	1.1.1: 500 individuals trained		Reports by judicial councils and line ministries; focus groups (self assessment); trial monitoring reports, project reports	Judicial stakeholders willing to adopt new practices and knowledge and committed to work on war crimes cases.	
Output 2 related to outcome 1	Improved conditions for regional cooperation on war crimes	1.2.1 Number of documented regional cooperation actions in handling war crimes. 1.2.2 Number of a) judges, b) prosecutors and c) lawyers and d) other relevant justice and law enforcement officials participating in regional peer-to-peer meetings	1.2.1: 0 1.2.2: 0 1.2.3: Low/Medium	1.2.1: 80 regional co-operation actions 1.2.2: 170 individuals participating in		Statistics and reports by courts, prosecution offices, police, judicial councils, and line ministries; trial monitoring reports, project	Authorities willing to cooperate regionally	

		related to cross-border co-operation in war crimes handling supported by the action. 1.2.3 Level of regional co-operation between prosecution offices improve		regional co-operation 1.2.3: Medium/High (progress reports)	reports, reports by the Mechanism, OSCE, EU (progress reports)	
Output 3 related to outcome 1	Increased delivery of support services to victims and witnesses of war crimes and stronger capacity of relevant actors	1.3.1 Number of sub-grants of the action successfully implemented by civil society partners 1.3.2. Number of individuals (especially women victims of conflict related sexual and gender-based violence) benefitting from sub-grants and activities to improve access to justice and services. 1.3.3 Number of victim and witness support officers trained on techniques of interacting with sensitive victims and cross-border co-operation.	1.3.1: 0 1.3.2: 0 1.3.3: 0	3.2 1.3.1: 40 sub-grants 1.3.2: 400 individuals benefitting 1.3.3: 200 victim and witness support officers trained	Victim perception surveys and focus groups, court trial monitoring reports, project reports; reports by OSCE, EU (progress reports)	Victims and witnesses are willing to take part in proceedings and receive assistance. Authorities make sufficient resources available for victim support.
Output 4 related to outcome 2	Grassroots actors better equipped to understand, report about, discuss and disseminate facts related to the 1990s conflicts on the territory of the former Yugoslavia.	2.4.1. Number of initiatives related to the 1990s conflicts on the territory of the former Yugoslavia, led by civil society organisations and supported by the action (IPA PF 2.10) 2.4.2. Number of people participating in reconciliation events related to the 1990s	2.4.1: 0 2.4.2: 0 2.4.3: 0 2.4.4: 0	2.4.1: 30 initiatives 2.4.2: 300 people participating in reconciliation events 2.4.3: 120,000 people reached	Focus groups, project reports	General public and authorities are receptive to awareness raising on past crimes. Civil society is given sufficient space to operate freely and without

		<p>conflicts on the territory of the former Yugoslavia</p> <p>2.4.3 Number of people reached through information material / campaigns prepared or promoted by the action and disseminated through social and mainstream media.</p> <p>2.4.4 Number of civil society and media representatives participating in public awareness raising events supported by the action.</p>		<p>2.4.4: 130 media and civil society representatives reached</p>			<p>intimidation on promotion of fact-based dialogues regarding the 1990s conflicts on the territory of the former Yugoslavia.</p>
--	--	---	--	---	--	--	---

Activity Matrix

<p><i>What are the key activities to be carried out to produce the intended outputs? (*activities should in principle be linked to corresponding output(s) through clear numbering)</i></p>	<p>Means <i>What are the political, technical, financial, human and material resources required to implement these activities, e. g. staff, equipment, supplies, operational facilities, etc.</i></p> <p>Costs <i>What are the action costs? How are they classified? (Breakdown in the Budget for the Action)</i></p>	<p>Assumptions <i>Factors outside project management's control that may impact on the activities-outputs linkage.</i></p>	<p>Risks</p>
	<p>Indicative Costs for the Action (EUR):</p>		

<p>Output 1 related to Outcome 1: Western Balkans judicial authorities are better equipped to handle war crimes</p> <p><i>Output 1 related to Outcome 1, Activity 1 (Activity 1.1): Project's inception phase:</i> Assessment study of needs and capacities of the beneficiaries' institutions (courts, prosecution services, police war crimes investigation units, witness protection services and other as relevant) to handle and process war crimes cases; to result in an <i>Inception Report</i> based on which the planned Project activities will be tailored for each beneficiary and, if necessary and pursuant to the findings, modified,</p>	<p>Costs for Output 1:</p> <p>Consultants</p>	<p>All relevant documents accessible and stakeholders available for interviews.</p>	<p>Some of the stakeholders interviewed and documents accessed do not provide sufficient information</p>
<p><i>Activity 1.2:</i> Provision of expert and technical support to line ministries for improving domestic legal framework (laws, bylaws, regulations), strategies and protocols .</p> <p><i>Activity 1.3:</i> Targeted, innovative learning programmes including training, as well as mentoring and other blended learning approaches where appropriate and needed, for prosecutors and judges and their staff, defence attorneys, police, institutions for search for missing persons and others) on matters such as international humanitarian law; investigative techniques, conflict related sexual violence crimes (CRSV), exhumations, analytics, case management, public communication and outreach (for spokespersons and other staff from the judicial and other relevant institutions), and other targeted topics as identified from the inception assessment under Activity 1.1 and determined in the course of the project implementation <i>(the activities involving judiciary as the beneficiary will be implemented in co-operation or co-ordination with each Beneficiary's judicial and prosecutorial council(s) and national judicial academies/training centers)</i></p>	<p>Consultants; working groups; round tables (accommodation, rental of premises), travel, interpretation)</p> <p>Consultants, training facilities (accommodation, rental of premises), travel, interpretation)</p>	<p>Domestic authorities committed to adopt/change and implement legal frameworks</p> <p>Beneficiaries and their institutions willing to take training and apply the gained knowledge and skills</p>	<p>Lack of political will; bottlenecks in adoption of the drafted regulations</p> <p>Lack of adequate technical equipment and infrastructure preventing implementation and application of some of new skills or solutions</p>
<p><i>Activity 1.4:</i> National cross-sectoral and international peer-to peer exchanges between judicial, law enforcement and other institutions towards enhancing practices and jurisprudence for handling war crimes, particularly targeting young professionals in the institutions</p>	<p>Facilities (accommodation, rental of premises), travel, interpretation</p>	<p>Beneficiaries and their institutions committed to dialogue and professional exchange with other sectors and peers from other jurisdictions.</p>	<p>Cross-sectoral co-operation impeded by internal administrative and political obstacles. Lack of sufficient interest, willingness or capacity of local partners to engage in the dialogue.</p>
<p>Output 2 related to Outcome 1: Improved conditions for regional cooperation on war crimes</p>	<p>Costs for Output 2:</p>		

<p><i>Activity 2.1:</i> Regional (multilateral and bilateral) peer-to-peer meetings, dialogues and working visits of prosecutors/judicial officials, victim and witness support and protection services, police, defence counsels, and representatives of other relevant institutions to advance regional co-operation (with participation of the UN IRMCT)</p>	<p>Facilities (accommodation, rental of premises), travel, interpretation</p>	<p>No political obstacles for regional judicial co-operation. Relevant stakeholders committed to regular cross-border co-operation.</p>	<p>Deterioration of good neighbourly relations; political constraints and bilateral disputes</p>
<p><i>Activity 2.2:</i> Regional (multilateral and bilateral; technical and high-level) policy dialogues: meetings of judicial practitioners, line ministries and/or other institutions for improving regional co-operation in war crimes proceedings and cross-sectoral transitional justice co-operation (with participation of the IRMCT)</p>	<p>Consultants; (accommodation, rental of premises), interpretation</p>	<p>Institutions, line ministries in particular, committed to cross border dialogue; institutions willing to implement agreements reached in policy dialogues.</p>	<p>Deterioration of good neighbourly relations; bilateral political constraints or disputes. Political obstacles within national governments.</p>
<p><i>Activity 2.3:</i> Technical advice for developing and/or amending policy and legal frameworks to further foster regional co-operation on war crimes handling</p>	<p>Consultants, (facilities, accommodation, interpretation)</p>	<p>National authorities committed to adopt/change and implement regional and national legal frameworks</p>	<p>Deterioration of legal framework or institutional setting for planned interventions</p>
<p>Output 3 related to Outcome 1: Increased delivery of support services to victims and witnesses of war crimes and stronger capacity of relevant actors</p>	<p>Costs for Output 3:</p>		
<p><i>Activity 3.1: (Inception phase):</i> Update of UNDP's 2019 regional needs assessment report on institutional capacities and needs in the area of victim support (with special attention to gender responsive justice for women victims and survivors of armed conflicts) to tailor the activities and streamline interventions with EU acquis in the area</p>	<p>Consultants</p>	<p>All relevant documents accessible and sufficiently representative number of stakeholders available for interviews.</p>	<p>Some of the stakeholders interviewed and documents accessed do not provide sufficient information</p>
<p><i>Activity 3.2:</i> Targeted, innovative and gender-sensitive learning programmes including training, mentoring and other blended learning approaches, including on working with victims of CRSV crimes, for victim and witness support services from courts, prosecution offices, and police, for defence attorneys, and from line ministries and other institutions that have responsibilities, under local regulations, for providing support to victims and witnesses (as established by the inception phase needs assessment as well as subsequent victim focus groups surveys and determined in the course of the project implementation)</p>	<p>Consultants; (accommodation, rental of premises), interpretation</p>	<p>Victim support services willing to take training and apply the gained knowledge and skills</p>	<p>Lack of adequate technical equipment and infrastructure preventing implementation and application of some of new skills or solutions</p>
<p><i>Activity 3.3:</i> Regional (multilateral, bilateral) peer-to-peer meetings of victim and witness support services (from courts, prosecution offices, police, and other relevant institutions)</p>	<p>Facilities (accommodation, rental of premises), travel, interpretation</p>	<p>No political obstacles for regional judicial co-operation. Victim and witness support services and their institutions committed to regular cross-border co-operation.</p>	<p>Deterioration of good neighbourly relations; bilateral political constraints or disputes. Political obstacles within national governments</p>

<p><i>Activity 3.4:</i> Regional and domestic cross-sectoral policy dialogues of institutions and victim groups, on improving victim support mechanisms available to victims and their families</p>	<p>Consultants; facilities (accommodation, rental of premises), travel, interpretation</p>	<p>Institutions and victim groups willing to engage in dialogue; institutions willing to implement agreements reached in policy dialogues.</p>	<p>Cross-sectoral co-operation impeded by internal administrative and political obstacles. Lack of sufficient interest, willingness or capacity of authorities or victim groups to engage in the dialogue.</p>
<p><i>Activity 3.5:</i> Provision of expertise for improving policy and legal framework for victims support and victims reparations (laws, bylaws, protocols for supporting victims, national and institutional reparations strategies and policies), gender mainstreaming, and aligning them with EU acquis</p>	<p>Consultants,</p>	<p>National authorities committed to adopt/change and implement legal frameworks</p>	<p>Deteriorating legal framework or institutional setting for planned interventions</p>
<p><i>Activity 3.6:</i> Technical assistance for developing and providing information materials to victims and their families as right holders (toolkits, booklets, print and online materials on their rights in criminal proceeding, access to existing reparations, access to services, etc.)</p>	<p>Consultants, supplies</p>	<p>Relevant national authorities (courts, ministries and others) committed to informing victims of their rights</p>	<p>Lack of adequate technical equipment and infrastructure impeding victims from realizing their rights.</p>
<p><i>Activity 3.7:</i> Sub-grants for CSOs, including victims associations, for assisting victims and survivors and their families, in a gender-informed and -sensitive manner, - locally, nationally, or regionally</p>	<p>Grants</p>	<p>Political circumstances and legal framework allow implementation of activities supported by sub-grants. Sufficient number of qualified candidates for sub-grants. Authorities and CSOs willing to act on the support provided</p>	<p>Finding CSOs and other stakeholders and beneficiaries competent and willing to engage as partners</p>
<p><i>Activity 3.8:</i> Surveys among victims, using focus groups, and other data collection (disaggregated by gender, age, and other relevant criteria) for updating needs assessment and evaluation of the project implementation</p>	<p>Consultants,</p>	<p>Statistically relevant number of target groups' respondents available</p>	<p>Victims/focus groups representatives not willing to participate in data collection or provide sincere answers</p>
<p>Output 4 related to Outcome 2: Grassroots actors better equipped to raise public awareness on past crimes</p>	<p>Costs for Output 4:</p>		

<p><i>Activity 4.1:</i> Regional study on public perceptions, behavioural insights and communications needs regarding war crimes trials and other transitional justice processes: two regional public opinion surveys, combined with focus groups (<i>in the inception phase</i> and at the end of the Action) to identify level of awareness and understanding of conflict related crimes handling and transitional justice processes as a basis for the development and promotion of public outreach initiatives and victim-centered communications (survey findings data to be disaggregated gender, age, ethnic background, nationality, profession, role in transitional justice processes, etc.)</p>	<p>Consultants</p>	<p>All relevant documents accessible and stakeholders available for interviews.</p>	<p>Some of the stakeholders interviewed and documents accessed do not provide sufficient information</p>
<p><i>Activity 4.2:</i> Development of victim-centered gender informed communication strategies to help identify training/learning support, advocacies, and communications initiatives targeting common awareness and understanding of war crimes</p>	<p>Consultants Websites/ Communications campaigns</p>	<p>Lessons learned from previous/existing communications approaches and strategies will inform design of innovative, targeted communications strategies</p>	<p>Political sensitivities may constrain communications</p>
<p><i>Activity 4.3:</i> Sub-grants for civil society (CSOs, including victims associations, think tanks, academia, media associations, etc.), especially at grassroots level, for dealing with legacies of the conflicts and promoting reconciliation (e.g. cross-societal and cross-generational dialogue, transitional justice education, youth engagement, improving public awareness of war crimes and trials, conducting and publicising research (incl. on documenting crimes, human losses, positive examples of cross-ethnic solidarity), public advocacy, history research and teaching, developing and piloting curricula on transitional justice and confidence building. <i>(Work of other partners – IRMCT’s Outreach, local CSOs, professional associations (journalists, historians) to be taken into account in setting up selection criteria and in the selection process).</i></p>	<p>Grants</p>	<p>Political circumstances and legal framework allow implementation of activities supported by sub-grants. Sufficient number of qualified applicants for sub-grants.</p>	<p>Finding CSOs and other stakeholders and beneficiaries competent and willing to engage as partners. Resistance (at political and micro levels) by political, revisionist and nationalistic circles to activities aimed at increasing knowledge and shared understanding of legacies of the conflicts from the 1990s</p>
<p><i>Activity 4.4:</i> Policy and communication dialogue – cross-sectoral and between justice institutions and the media – to increase public information and outreach on war crimes and transitional justice.</p>	<p>Consultants: (accommodation, rental of premises), interpretation</p>	<p>Justice institutions and the media willing to engage in dialogue and to implement reached agreements.</p>	<p>Institutions representatives/spokespersons constrained by institutional procedures/ protocols from frequently addressing media</p>
<p><i>Activity 4.5:</i> Training of journalists on gender responsive reporting on war crimes and transitional justice issues (in co-operation with BRN)</p>	<p>Consultants: (accommodation, rental of premises), interpretation</p>	<p>Media outlets and individual journalists willing to take training and apply the gained knowledge and skills</p>	<p>Unavailability of journalists to attend training due to professional engagement</p>

<p><i>Activity 4.6:</i> Training for CSO activists, bloggers/vloggers, media influencers, and young professionals engaged in public advocacy and activism of promoting reconciliation and dealing with the past (on public advocacy skills and techniques, use of social media, designing and conducting campaigns, targeted fundraising and activity planning etc.), with an aim to strengthen CSOs and grass-root level sustainability</p>	<p>Consultants; facilities (accommodation, rental of premises), travel, interpretation; grants</p>	<p>Beneficiaries willing to take training and apply the gained knowledge and skills</p>	<p>Political developments preventing or impeding their campaigns (e.g. activists targeted by defamation campaigns, etc.)</p>
<p><i>Activity 4.7:</i> Media monitoring (including monitoring traditional media reporting, political and official statements, new media and social media, and big data) to identify trends and issues, evaluate progress and impact of the project</p>	<p>Consultants, supplies</p>	<p>Media reports on relevant topics available</p>	<p>Reliability of media reports; political influence on the media</p>
<p><i>Activity 4.8:</i> Targeted regional and national experience sharing and peer-to-peer meetings of various stakeholders involved in public awareness raising about recent past and promoting reconciliation, and address misinformation and disinformation</p>	<p>Consultants; facilities (accommodation, rental of premises), travel, interpretation</p>	<p>Stakeholders available and willing to share experiences</p>	<p>Immediate developments stakeholders views</p>
<p>Programme management, coordination, and monitoring</p>			
<p>Human Resources/Staff, Travel, Meetings, Supplies</p>			

Project Title: EU Support to Confidence Building in the Western Balkans
ANNEX 3: Stakeholders, Target Groups, Beneficiaries

Bosnia and Herzegovina (BiH)

Key institutions or stakeholders/ target groups

High Judicial and Prosecutorial Council (HJPC) of BiH: the supreme judicial self-governance body in the country; besides its typical role of the judicial self-regulatory body, like elsewhere in the region, it also oversees the implementation of the National War Crimes Strategy and endorses education and training of courts and prosecutors offices; a key institutional partner for training, capacity building, improvement of legal framework, and enhancing judicial victim support mechanisms.

Prosecutor's Office of BiH: key institution for conducting investigations and raising indictments for war crimes cases (and, according to the Strategy, focused on more complex and sensitive cases); focal point and stakeholder in participating in, and promoting, regional judicial co-operation in war crimes proceedings; a key institutional beneficiary for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms.

Prosecutor's offices of entity and Brčko District levels: Federation of BiH (FBiH) - Federal Prosecution Office of FBiH, cantonal prosecutor's offices; Republika Srpska (RS) – Republic Prosecutor's Office of RS, district prosecutor's offices; Brčko District - Prosecution Office of Brčko District: investigate war crimes under jurisdiction of entity courts (less complex and less sensitive cases), engaged in regional judicial co-operation (each PO in relation to its own case); institutional beneficiaries for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms

Court of BiH – War Crimes Department, Trial and Appellate Chambers: conducts war crimes trials following indictments by the Prosecutor's Office of BiH; has a Victim and Witness Support Service (VWSS) (besides providing victim and witness support, also plays co-ordination role between judicial VWS services in BiH; a key institutional beneficiary for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms.

Courts of entity and Brčko District levels: FBiH – Supreme Court of FBiH, cantonal courts; RS – Supreme Court of RS, district courts, Brčko District - Court and Appellate Court of Brčko District; institutional beneficiaries for training, capacity building, regional judicial co-operation, and victim support mechanisms.

Ministry of Justice of BiH: a key stakeholder in processing international legal assistance (receives and sends out requests for mutual legal assistance (letters rogatory); penholder for BiH of any legislative change at state level concerning regional judicial co-operation.

SIPA (State Investigation and Protection Agency): in charge of war crimes investigations and witness protection at state level; police at entity and Brčko District Level: key institutional beneficiaries for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms

Missing Persons Institute of BiH: central institution for search for missing persons and protection of rights of missing persons families, files requests for exhumations and preliminary examination of locations of potential mass graves with prosecutor's offices; institutional beneficiary for training, capacity building, and enhancing victim support mechanisms

Civil society (for victim and witness support): victims and survivors associations, including associations of families of missing persons (notably the Advisory Board to the Missing Persons Institute, representing

families' associations) CSOs specialised for victim support, such as Vive Žene Tuzla, Trial International, Medica Zenica.

Civil society (for public awareness raising): local grass-roots initiatives, victims associations, including associations of families of missing persons, media, academic institutions (including, for example, Balkans Investigative Reporting Network (BIRN), Post-conflict Research Center, Association "Pravnik, Vive Žene Tuzla, RECOM Reconciliation Network - regional, etc.)

Montenegro

Key institutions or stakeholders/ target groups:

Ministry of Justice: key stakeholder in processing mutual legal assistance (receives and sends out requests for legal assistance; penholder for any legislative change, including inter-state agreements, concerning regional judicial co-operation.

Supreme State Prosecutors Office, and Special State Prosecution Office: jurisdiction over, i.a, the prosecution of the perpetrators of war crimes; victims and witness support service; key stakeholder for regional judicial co-operation; a key institutional beneficiary for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms.

Higher Court in Podgorica: jurisdiction as the first instance trial court; a key institutional beneficiary for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms

Appellate Court of Montenegro: hears appeals in war crimes cases; a key institutional beneficiary for training.

Center for Training in the Judiciary and Prosecution Offices: institution in charge of providing training for judges and prosecutors (a key partner for organising training and other knowledge sharing activities and making learning tools available for continuous use by the institutions).

Police Directorate: has a small unit of police investigators dedicated to war crimes cases; a key institutional beneficiary for training, capacity building, regional judicial co-operation and victim support mechanisms.

Civil society (for victim and witness support): victims and survivors associations, CSOs specialised for victim support, such as Human Rights Action (for victim representation), Montenegrin Women Lobby and NGO Ikre, Rožaje).

Civil society (for public awareness raising): local grass-roots initiatives, victims associations, academic institutions, youth organisation, CSOs focused on transitional justice and dealing with the past (such as Youth Initiative for Human Rights Montenegro, Center for Civic Education, Human Rights Action, Civic Alliance, Anima Kotor - Centre for Women and Peace Education, Kotor, RECOM Reconciliation Network - regional).

Serbia

Key institutions or stakeholders/ target groups:

War Crimes Prosecutor's Office: prosecution office in charge of investigation and prosecution of war crimes cases; key focal point and stakeholder in participating in, and promoting, regional judicial co-operation in war crimes proceedings; has its own recently established Victim and Witness Support Unit, a key partner and

beneficiary in activities concerning victim support; a key institutional beneficiary for training, capacity building, regional judicial co-operation, and enhancing victim support mechanisms

Higher Court in Belgrade (War Crimes Department): exclusive competence in Serbia as the court of first instance for hearing war crimes cases; its Victim and Witness Support Unit is central for provision institutional victim and witness support in war crimes trials; a key institutional beneficiary for training, enhancing victim support mechanisms, capacity building, and regional judicial co-operation.

Appellate Court in Belgrade (War Crimes Department): court of appeals in war crimes cases; beneficiary for training and capacity building.

Ministry of Justice: responsibilities for implementation of the National War Crimes Strategy; key stakeholder for international legal assistance (receives and sends requests for mutual legal assistance; penholder for Serbia of changes in legal framework (national laws, international treaties) on war crimes processing and regional judicial co-operation; also partner in strengthening victim support mechanisms.

Judicial Academy: institution for training for judges and prosecutors (a key partner for training and other knowledge sharing activities and making learning tools available for continuous use by the institutions).

Ministry of Interior's Police Directorate, War Crimes Investigation Unit and Witness Protection Unit: responsible for detecting and investigating war crimes and witness protection; a key institutional beneficiary for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms

Ministry of Labour and Social Affairs: ministry responsible for drafting and implementing legislation on victims' rights; institutional partner and beneficiary for legislation drafting.

Commission on Missing Persons: central institution for search for missing persons and protection of rights of missing persons families, files requests for exhumations and preliminary examination of locations of potential mass graves with prosecutor's offices; institutional beneficiary and partner for training and enhancing victim support mechanisms.

Civil society (for victim and witness support): victims and survivors associations, including associations of families of missing persons, CSOs specialised for victim support, such as Humanitarian Law Center, Autonomous Women Center, International Aid Network.

Civil society (for public awareness raising): local grass-roots initiatives, victims associations, academic institutions, youth organisations, CSOs focused on transitional justice and dealing with the past (such as Youth Initiative for Human Rights, Humanitarian Law Center, Independent Journalists Association of Vojvodina, Center for Cultural Decontamination, Belgrade Center for Human Rights, RECOM Reconciliation Network – regional, etc.).

Kosovo

Key institution or stakeholders/ target groups with brief description

Ministry of Justice: responsible, i.a., for legislation drafting in the areas of criminal justice, rule of law and human rights, harmonisation with the EU standards, and ensuring efficient, independent and impartial judicial and prosecutorial system; key institutional focal point for sending and receiving requests for legal assistance and co-operation with other jurisdictions; partner and beneficiary for improving institutional and legal framework, regional co-operation, and victim support.

Special Prosecution Office of the State Prosecutor's Office (War Crimes Department): in charge of war crimes cases except for those that are under the jurisdiction of the Hague-based Specialist Prosecution Office; a key

institutional beneficiary for training and other forms of capacity building, regional judicial co-operation, and enhancing victim support mechanisms.

Basic Courts (Serious Crimes Departments) in Pristina, Gjilan/Gnjilane, Prizren, Gjakovë/Djakovica, Pejë/Peć, Ferizaj/Uroševac and Mitrovicë/Mitrovica and the Court of Appeals (Serious Crimes Department): in charge of war crimes cases except when the case is under the jurisdiction of the Hague-based Specialist Chambers; institutional beneficiaries for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms.

Prosecutorial Council and Judicial Council (KJC): self-governing regulatory and oversight body for public prosecutors and judges respectively; have competence over appointment and career development, including professional education and training, of the public prosecutors and judges; ensures autonomy and independence, impartiality and professional standards of prosecutors and judges.

Specialist Chambers (SC) and Specialist Prosecutor's Office (SPO): internationalised (hybrid) court and prosecution office, established pursuant to the Kosovo legislation and a ratified international agreement, a part of the domestic judicial system while based to the Hague, Netherlands; the staff is international, as are the Judges, the Specialist Prosecutor and the Registrar; of temporary nature, with specific mandate and jurisdiction over crimes against humanity, war crimes and other crimes under the domestic law, which were commenced or committed in Kosovo between 1 January 1998 and 31 December 2000, as well as crimes against the administration of justice; *will not be direct beneficiaries of the project, but may be partners* (in capacity building, victim support, mutual legal assistance, public outreach).

Section for Investigating War Crimes (SIWC) of the Kosovo Police (Unit for Investigating War Crimes and Unit for Missing Persons): conduct investigations of conflict-related crimes and search for missing persons, participates in regional co-operation with investigations units of other jurisdictions; beneficiary for training, capacity building, and enhancing victim support mechanisms.

Academy of Justice: provides training for judges and prosecutors as well as administrative staff of courts and prosecution offices; key institutional focal point for judicial training – training for judicial officials should be organised through or in co-operation or co-ordination with this institution.

Chamber of Advocates/Kosovo Bar Association (KCA): independent self-governing regulatory and oversight body for defence counsels; training or any other capacity building of defence counsels, legislation drafting or policy advocacy concerning defence in criminal cases should be organised through or in co-operation or co-ordination with the Bar Association.

Institute for Forensic Medicine (IFM): an agency under the Ministry of Justice with functional autonomy, performing medico-legal and forensic examinations, as foreseen by law; key role in identification of remains of missing persons and establishing identity of victims of conflict related crimes and collecting evidence.

Commission for Missing Persons (GCMP): leads the process of search for missing persons and protects the rights and interests of missing persons and their family members (in particular the right to know the fate of their missing family members).

Ombudsperson Institution: independent institution mandated to review cases of human rights violations or abuse of authority by public institutions.

Parliamentary Committee on Human Rights, Gender Equality, Victims of Sexual Violence During the War, Missing Persons, and Petitions: a working body of the Assembly, which deals with all matters related to rights of victims of conflict related crimes and issues of missing persons; a key counterpart and beneficiary for legislation drafting and policy advocacy in this field.

Council for Survivors of Sexual Violence during the War: established in 2014, led by the President, a coordinating mechanism for activities related to status and rights of survivors of sexual violence during the conflict, including legislation drafting, policy making and advocacy, and public awareness raising.

Commission for Recognition and Verification of the Status of Victims of Sexual Violence: reviews applications of survivors of conflict related sexual violence crimes to receive reparations.

Civil society (for victim and witness support): victims and survivors associations, including associations of families of missing persons (notably Missing Persons Resource Center), CSOs specialised for victim support, such as Humanitarian Law Center, Council for the Defense of Human Rights and Freedoms, Medica Gjakova, Medica Kosova, Centre for the Rehabilitation of Torture Victims, Centre for the Promotion of Women's Rights, Kosovo Women's Network.

Civil society (for public awareness raising): local grass-roots initiatives, victims associations, including associations of families of missing persons (notably Missing Persons Resource Center), academic institutions, youth organisations, CSOs focused on transitional justice and dealing with the past (such as Youth Initiative for Human Rights, Humanitarian Law Center, RECOM Reconciliation Network - regional, BIRN, etc.).

North Macedonia

Key institutions or stakeholders/ target groups:

Ministry of Justice: central institution for mutual legal assistance.

Public Prosecutor's Office of the Republic of Macedonia: chief prosecution service with a mandate in provision of cross-jurisdictional legal assistance; a key institutional beneficiary for training, capacity building and regional judicial co-operation.

Basic Court Skopje 1: biggest court in the country, with a dedicated department for mutual legal assistance; institutional beneficiary for regional judicial co-operation.

Basic courts and basic prosecution offices in Bitola, Gostivar, Kočani, Kumanovo, Ohrid, Prilep, Skopje, Štip, Strumica, Tetovo, Gostivar, and Veles: each vested with responsibilities in providing mutual legal assistance, depending on the location of a witness or concrete evidentiary action

Ministry of Interior: role in mutual legal assistance and in witness protection; institutional beneficiary for training, capacity building, regional judicial co-operation and enhancing victim support mechanisms.

Academy for Judges and Public Prosecutors: national training institution for judges and prosecutors and their support staff; partner for training delivery.

Ministry of Defence and Military Academy "General Mihailo Apostolski": for awareness on international humanitarian law - sensitizing the employees and current and future officers (current cadets) about war crimes and respect for international humanitarian law

Civil society (for public awareness raising): youth organisations and think tanks, academic institutions, CSOs focused on inter-ethnic dialogue (such as the Blueprint Group for Judicial Reform, Macedonian Young Lawyers Association (MYLA), Institute of Sociological, Political and Juridical Research, Center for Research and Policy Making, Multicultura Tetovo; Center for Intercultural Dialogue Kumanovo, National Youth Council of Macedonia (NYCM); Youth Educational Forum (MOF)

Partnership with international organisations

As also mentioned in the previous sections, this project fully takes into account the interventions by other international partners in the area of transitional justice and reconciliation. UNDP, through implementation of its regional and Beneficiary-specific projects in the field in earlier years, has been regularly in co-ordination or often in close co-operation with the key international partners.

The following are the key international stakeholders and their portfolios in the areas that are the same as, or intersect with, some areas that the project will be covering (some of them already mentioned in the preceding chapters and sections; see also Annex 1 - *Mapping of relevant international assistance in transitional justice field by key international partners*):

- International Residual Mechanism for International Criminal Tribunals (IRMCT): The existing co-ordination will be maintained in relation to regional judicial co-operation (in which the IRMCT has been direct and regular UNDP's partner), training of prosecutors, and, with the IRMCT Outreach Office, in relation to awareness raising about the ICTY jurisprudence and judicially established facts. The IRMCT's plans include seminars for groups of students in several selected law faculties in the region and for history teachers in schools (which would not overlap with education of young history researchers from universities and institutes planned for this project). They also plan to educate artists how they can use their database and archives for artists.

- OSCE: *OSCE Mission to BiH* (mainly EU-funded project(s) in relation to war crimes) has been engaged in trial monitoring, capacity building of state- and entity-level prosecution offices and courts, and in in-country co-ordination of court victim and witness support services. UNDP project activities in BiH will be most closely co-ordinated with the OSCE Mission and planned with understanding of what their project has accomplished so far or is covering.

OSCE Mission to Serbia (EU-funded in relation to war crimes) conducts trial monitoring, and plans one seminar per year for a diverse group of participants from Serbia, mainly students, and to provide peer-to-peer events and training to local judges, prosecutors, police officers/investigators and others in the coming four years. OSCE in Serbia also finishes an EU-funded project in support of establishing victim support services throughout the country; it does not deal with victim and witness support specifically in war crimes cases, but its outcomes will be fully taken into account in the implementation of this project's activities.

There is a very positive track record of joint UNDP-OSCE activities in Serbia in the past three years that this project will rely on and continue.

- International Commission on Missing Persons (ICMP) and International Committee of the Red Cross (ICRC). Coordination with the two organisations will continue in relation to activities concerning search for and identification of missing persons as a part of war crimes investigations (and their expertise will be drawn from), so as in relation to support to families of missing persons as a part of victim communities.

- Regional Youth Co-operation Office (RYCO): Coordination and information sharing will be maintained in relation to activities of reaching out to and involving youth and promoting cross-border dialogue.

Number of embassies (United Kingdom, the Netherlands, United States, Switzerland, Sweden, Germany – to name just a few) have also been active as bilateral or regional donors and they will continue to be active in all or some of the participating jurisdictions.

Same as in its interventions so far, UNDP will continue co-ordination and close partnerships with the aforementioned stakeholders to create synergies and harmonize approaches and policies in the implementation of the project. To that end, periodical co-ordination meetings with these partners and co-ordination mechanisms, in each Beneficiary, will be initiated after the beginning of the project and established as a regular practice (boards of partners in each participating jurisdiction and periodical co-ordination meetings, regional advisory group, - as explained above and also below, in more details, under *Governance Arrangements*) The already existing initiatives, fora, and practices for operational and/or policy co-ordination among international stakeholders that cover, exclusively or *inter alia*, the field of transitional justice and confidence building, such as, in BiH - the Quartet (EU, UN, OSCE, Council of Europe), or, in Serbia - Ambassadorial Group of Friends (of Transitional Justice), will also be used as platforms for co-ordination and creation of operational and political synergies.

Partnerships with civil society

Across the region, in each of the Beneficiaries, civil society – victims associations, human rights or transitional justice CSOs, the academic part of the civil society, etc., - will be both partners (sub-implementors, expertise providers, etc.) and direct project beneficiaries. They are also recognized stakeholders that UNDP will co-ordinate its project implementation with.

In designing the project, similarly to its implementation of other projects in this area, UNDP has closely co-operated with and consulted a number of CSOs. Some of those that are most active in this field, and whose

current and planned activities are particularly relevant for the project implementation, are indicatively listed here (and UNDP has existing or completed cooperation arrangements with them).

- *Balkans Investigative Reporting Network (BIRN)*, across the region (offices in each of the participating economies, and the regional hub in Sarajevo): they provide periodical training of journalists to report on war crimes trials and search for missing persons (mainly in BiH).
- *Humanitarian Law Center (HLC)*, Belgrade- as well as Priština-based: representing and supporting victims appearing in war crimes proceedings; representation in compensation procedures; regional transitional justice workshop once a year; policy documents drafting and trial monitoring.
- *Youth Initiative for Human Rights (YIHR)*, as separate CSOs in all the Beneficiaries except in N. Macedonia: public advocacy and education of young people about reconciliation; Information and Documentation Centre in Podgorica.
- *Vive Žene*, Tuzla, and *Medica*, Zenica, (BiH): continuous psychological support to women victims and survivors, especially victims of CRSV.
- *Trial*, Sarajevo: free legal aid to victims of war, including representation in court proceedings.
- *Post Conflict Research Center*, Sarajevo: peace education (including production of multimedia materials), post conflict research, transitional justice (incl. documenting victims and survivors' accounts); it has a media hub *Balkan Diskurs*, producing media products and serving as a pool of media experts in the field.
- *UDI-Euroclio*, Belgrade: seminars for elementary- and high-school history professors on teaching contemporary history of the region.
- *Coalition for RECOM*, regional: gives small grants (2-7,000 EUR) for projects starting at the beginning of 2022 and duration of up to 8 months, for various activities including locally documenting human losses, voice of the local victims associations, artistic work for promotion of dealing with the past.

In the last three years, UNDP was or still is actively engaged in partnerships or various forms of co-operation with these CSOs, including many joint activities and is familiar with these organisations portfolios and plans.

Victim support: BiH – TRIAL International, Vive Žene; Montenegro - Human Rights Action; Serbia – Humanitarian Law Center, Women in Black, Autonomous Women Center, International Aid Network; Kosovo - Center for Protection of Women and Children, Council for the Defense of Human Rights and Freedoms, Medica Gjakova, Medica Kosova, Centre for the Rehabilitation of Torture Victims, Centre for the Promotion of Women's Rights, Kosovo Women's Network;

Public awareness raising and dialogue about past: BiH – BIRN (so as elsewhere in the region), YIHR, Association "Pravnik"; Montenegro – Youth Initiative for Human Rights, Center for Civic Education, Human Rights Action, Civic Alliance, Anima, Centre for Women and Peace Education, Kotor; North Macedonia - Macedonian Young Lawyers Association (MYLA), Institute of Sociological, Political and Juridical Research, University of Ss Cyril and Methodius, Macedonian Center for International Cooperation, Center for Research and Policy Making, Multicultura Tetovo; Center for Intercultural Dialogue Kumanovo, National Youth Council of Macedonia (NYCM); Youth Educational Forum (MOF); Serbia – YIHR, Humanitarian Law Center, Independent Journalists Association of Vojvodina, Center for Cultural Decontamination, Belgrade Center for Human Rights. Cross-regional: Coalition for RECOM. Kosovo - Dealing with the Past Principles (a group of CSOs' initiative), Humanitarian Law Center; War Crimes Research Institute; Kosovo Law Institute.

