



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Montenegro

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

620145

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	462347709
Regional / entity level	No regions.

3) Per capita GDP (in €)

2864

4) Average gross annual salary (in €)

4528,32

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

Official currency in Montenegro is €.

Please indicate the sources for the questions 1 to 4

Q.1. *last census in 2003.,(Monstat- Statistical office of Montenegro)

Q.2. Law on changes and additions of The Law on budget of Republic of Montenegro for 2006. ("Official Gazette of Republic of Montenegro", no.70/2006).

Q.3.- data for 2005., (Monstat)

Q.4.- data for 2006.,Monstat- Statistical office of Montenegro

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

8664682,03

7) Please specify

Part of the budget funds allocated to the courts was 8,426,193.39 euros. Fund allocated to the Constitutional court was 238,488.64 euros.

8) Does the approved budget of the courts include the following items? Please give for each item (or

some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	6181096,45
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input type="checkbox"/> Yes	416280,00
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	40600,00
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	102000,00
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	
Other (please specify):	<input checked="" type="checkbox"/> Yes	300000,00

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years? Yes No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

in 2006.- allocated fund was 8,664,682.03 euro
 in 2005.- allocated fund was 8,060,725.83 euro
 in 2004.- allocated fund was 6,844,720.77 euro
 in 2003.- allocated fund was 6,802,962.58 euro
 in 2002.- allocated fund was 6,033,407.51 euro.

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction: for criminal cases? for other than criminal cases?

If yes, are there exceptions? Please specify:

No.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

6027790,69

12) Total annual approved budget allocated to the whole justice system (in €)

12518933,16

13) Total annual approved public budget allocated to legal aid (in €)

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

1762362,20

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Judicial Council drafts the courts' budget proposal and sends it to the Ministry of Finance. This proposal includes the courts' budget allocation among the courts themselves. Ministry of finance proposes Budget to the Parliament for adoption. Also, as a view of control- after, The Parliament adopts the Final State Budgetary Report, a detailed document of all planned expenditures.

As for controlling mechanisms, there is internal and external control of using the budget funds.

The Ministry of Finance-Department for Budgetary Affairs controls the budgetary expenditure.

The president of the court approves the decisions related to the financial issues within that court.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q.10&11.- even though parties are not required to pay taxes for initiating the court proceedings, the income of court taxes (during and after the proceedings) was 6,027,790.69 euros

Q.13.- Part of the budget allocated to the courts includes funds for legal aid, but htat is not precisely stated in the law.

Please indicate the sources for the questions 6, 7, 13 et 16

Q. 6,7 &16.- Law on budget of Republic of Montenegro for 2006.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

21) If other, please specify (in regards to question 20):

Legal aid includes: giving legal advices and opinions, writing lawsuits, complaints, requests, petitions and other reports, writing contracts, wills, statements, general and individual acts and other documents, representation and defend of individuals and legal persons in front of the courts and other state authorities, commercial bodies and other legal persons, advocacy of individuals and legal persons in their legal affairs, and performing other affairs of legal aid on behalf and for the account of them, based on which such persons realize some of their rights.

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

In case when person does not have enough funds to cover expenses of the court proceeding he/she can request the court to let him/her free of these expenses. The court will accept this request if it estimates that all the conditions in this context are fulfilled.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

See Q.20&21.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

Total	
-------	--

Criminal cases	
Other than criminal cases	

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

- Yes
 No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		X	
for other than criminal cases?		X	

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
 No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
 an authority external to the court?
 a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
 No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties

during the procedure in:

	yes	no
criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Q.24.- In accordance with The Constitution of Montenegro ("Official Gazette of Montenegro", no. 1/07), everyone has a right for a legal aid. Legal aid is performed by advocacy, as independent profession, and other services. In accordance with law, legal aid can be free.

** Action plan for implementation of The Strategy for Judiciary reform of Montenegro includes, in the area of strengthening of access to justice, adoption of The law on free legal aid, harmonised with EU legislation and recommendations of The Council of Europe.

Q.26.- Procedural codes define that court in each case individually evaluates economic situation of the parties, because of the possible of releasing of the obligations to pay court taxes etc.

Q.27.- see Q.26

Q.30.- In civil procedural cases, each party priorly bears the costs caused by their actions. Party that loses the case is obliged to pay the costs to the other party and his interfere. Each party is obliged, independently of the outcome of the litigation, to reimburse to the opposite party cost caused by his guilt or case that happened to the party.

In criminal cases, when the court declares that the person is guilty, that person is obliged to pay the expenses of the criminal proceeding.

Please indicate the sources for the questions 24 and 26

Q.24.- The Constitution of Montenegro ("Official Gazette of Montenegro", no.1/07)

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)? yes

Parliament of Montenegro:
www.skupstina.cg.yu
Government of Montenegro:
www.gom.cg.yu
Ministry of Justice:
www.pravda.vlada.cg.yu
Official Gazette of Montenegro:
www.sllrcg.cg.yu
Courts of Montenegro:
www.sudovi.cg.yu
Constitutional court:
www.ustavnisudcg.cg.yu

case-law of the higher court/s? yes

Courts of Montenegro:
www.sudovi.cg.yu

other documents (for example forms)? yes

Bar Association of Montenegro
Montenegro:
www.advokatska.komora.cg.yu
Ombudsman:
www.ombudsman.cg.yu

Center for education of judges
and prosecutors:
www.coscg.org
Central Registry office of The
Commercial Court:
www.crps.cg.yu

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
- No

If yes, please specify:

** right on trial in reasonable time is protected by newly brought Law on protection of right on trial in reasonable term ("Official Gazette of Montenegro", no.). This law gives the opportunities to use two newly established legal means to accomplish this important right. Means are: Request for acceleration of the proceeding and Lawsuit for equitably fulfillment.

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
- No

If yes, please specify:

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ethnic minorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

If yes, which kind of cases does this procedure concern?

Compensation is to be determined by a court decision. It is required from the sentenced person/losing party, both in the criminal (compensation request) and civil procedure (action for compensation).

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

The compensation is determined by the court depending on the circumstances of each case individually.

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

Yes

No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

Yes

No

If yes, please specify:

The State Prosecutor can withdrawn from prosecution until the end of the trial, because of the reasons stated in Criminal procedure code. In that cese, he is bound within eight days to notify the injured party thereof and instruct him that he can assume prosecution as Subsidiary Prosecutor. If the State Prosecutor withdraws the indictment, the injured party may, when assuming the prosecution, abide by the indictment already proffered or file a new one.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

If yes, please specify (fund, daily tariff):

Daily tarrif.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

Non- governmental organizations conduct such surveys.

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
- No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external		

organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>
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**Can you give information elements concerning the efficiency of this complaint procedure?**

Newly brought Law on protection of right on trial in reasonable timeframe gives the right on court protection because of the violation of right on trial in reasonable timeframe to: parties and their other interested parties in civil procedures, parties and interested persons in administrative procedures, defendant and injured party in criminal proceeding, if the proceedings are related with protection of their rights in sense of European Convention on protection Human Rights and Fundamental Freedoms. That right and length of resonable timeframe is set in accordance with practice of European court of Human rights. This law gives the opportunities to use two newly established legal means to accomplish this important right. Means are: Request for acceleration of the proceeding and Lawsuit for equitably fulfillment.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	15 + 2
Specialised first instance courts (legal entities)	2 + 1
All the courts (geographic locations)	22

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

There are two types of specialized courts in Montenegro: one Administrative and two Commercial courts.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

In the scope of Reform of Judiciary project in Montenegro, Ministry of Justice has started with creating of comprehensive Network of the courts Analysis, which will show the needs of reforming the structure of the courts aiming to improve the efficiency and effectiveness of the court's work, shorten the length of proceedings, equal assignment of cases etc.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	15
a dismissal	15 + 2 + 1
a robbery	15

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Claim less than 500 euros before the courts of general jurisdiction.

Claim less than 5000 euros before the Commercial courts.

Please indicate the sources for the question 45

Law on courts ("Official Gazette of Republic of Montenegro", no.5/02, 49/04).

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

231

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

Q.50.- There are no such judges in Montenegrin judiciary system. All judges are permanently appointed for that duty, and can not perform any other professional duty during that time.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

NA

53) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?

In accordance with Constitution of Montenegro, judicial function is performed by two categories: professional judges, and lay judges, in accordance with law. The principle of participation of citizens is realized through the participation of lay judges in the trials. The participation of lay judges in civil procedure was cancelled in the middle of 2004. In criminal procedures lay judges adjudicate along with professional judges, in the courts of first instance only.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**55) Number of non-judge staff who are working in courts (present the information in full time**

equivalent and for permanent posts)

868

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes

non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars Yes

staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes

technical staff Yes

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Q.56.- REMARK: Organisational structure of the courts is consisted of judges, senior associates and state employees.

Q.49., 55.- Annual report of the Supreme court of Montenegro about the individual work of the judges in Montenegro for 2006.

3. 1. 3. Prosecutors**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

83

58) Do any other persons have similar duties as public prosecutors? Yes No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

95

Please indicate the sources for the questions 57 and 59

Q.57., 59.- Annual report of Supreme State Prosecutor's Office for 2006.

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

The daily financial work is done by Financial Dept. of the courts.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Administrative office of the Supreme court. This section of the Supreme court was found in 2005.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Strategy for the Reform of Judiciary in Montenegro, and it's Action plan, devoted special part to improving and establishing full implementation of Judiciary informational system (PRIS). Goals are: operating of judiciary authorities based upon modern and integrated IT technology, enhanced management in judicial bodies and the Institute for Execution of Criminal Sanctions, improved accessibility to judicial bodies by the users (citizens, institutions, business entities, banks etc.), enhanced administrative capacities of judicial bodies, accessibility of the court practice to the expert and wider public, greater efficiency and higher quality of work in judicial institution and, consequently, reduced administration costs. Realization of the adopted measures is planned for the period 2008-2009.

Please indicate the sources for the questions 62, 63 and 64

Q.62.,63.and 64.- Ministry of Justice

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

Preparation of these informations is obligation of each court, and their overview is given in their Annual reports on work.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

All courts are obliged to send annual reports concerning their work to the Supreme Court of Montenegro, Judicial Council and Ministry of Justice. The courts of lower instance are also obliged to send annual reports to the directly responsible court of higher instance. In addition, the Supreme Court of Montenegro conducts annual general control of all courts' work (through visiting of the courts, controlling of their work at the spot, etc.). -The authorised officers of the Ministry of Justice have authorisation to oversee the administrative work of the courts.

69) Concerning court activities, have you defined performance indicators?

- Yes
- No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff

- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

On the first place target is on the length of proceedings, which is regularly yearly followed especially in the first instance courts, but also in others. This means length of first instance procedure, length of the appellate procedure, length of complete court procedure, etc.

Then especially on number of appeal, when relation between the courts of lower and higher instance is concerned. The evidence is taken on the following data: number of confirmed decisions of the lower courts by the higher courts, number of the changed decisions of the lower courts by the higher courts, number of the cancelled decisions of the lower courts by the higher courts...

71) Are there performance targets defined for individual judges?

- Yes
- No

72) Are there performance targets defined at the level of the courts?

- Yes
- No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

Ministry of Justice set the Orientation rates for defining necessary number of judges and other employees in the courts ("Official Gazette of Republic of Montenegro" no. 25/98), which defines the basic criteria for setting the number of judges in courts, by type and number of cases in one year.

74) Please specify the main targets applied:

- Number and type of solved cases.

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

Please see Q.68.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

Reform process of judiciary system in Montenegro pays a lot of intention to this area. Therefore, beside existing regulations related to this area (Law on courts, Operating regulations of courts), measures are taken to fully implement (by reforming the existing and bringing new regulations) international standards, in order to improve efficiency and quality of judicial system.

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?

administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

Law on protection of right on trial in reasonable timeframe established that practice of European Court for Human rights will be used as standard for analyzing "reasonable timeframe" in proceedings.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

The Supreme Court of Montenegro conducts annual general control of all courts' work (through visiting of the courts, controlling of their work at the spot, etc.).
Authorised officers of the Ministry of Justice constantly (in the office/on the spot) oversee the administrative work of the courts.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

- through annual report of the Supreme State Prosecutor to the Parliament
- through annual reports of the low instance prosecution office to the directly responsible higher instance prosecution office
- The Ministry of Justice, i.e. the authorised officer of the Ministry of Justice oversees the administrative work of the prosecution offices
- through special reports of the Supreme State Prosecutor on the situation concerning crime and other similar issues, upon the request of the Parliament and Government of Montenegro.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

Q.77.- Supreme court, in accordance with The Constitution, is the highest court of Montenegro. As such, one of the jurisdictions is working on questions related to court's work, application of legislation and performing judicial authority.

Q.78.-For instance If it is noted (by analyses of the annual reports of courts) that there is a significant backlog of cases (if number of pending cases is higher than 3-months income of cases), the president of the court drafts the program of solving of this case backlog. This program can include overtime work of judges, change of the internal organization of the court, temporary change of the working time, etc. The president oversees the monthly realization of this program.

Please indicate the sources for the the question 70,71, 72 and 76

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

Please indicate the sources for the questions 82 and 84

Q.84. - Rights from Art.6 of The European Convention on Human Rights are Constitutional categories in Montenegro. As such, their application is guaranteed with no exceptions. Furthermore, procedural codes of Montenegro include realization of all the rights from this article in each case. Newly brought Law on protection of right on procedure in reasonable timeframe gives additional, multiple possibility to accomplish this right. Criteria for defining the "reasonable timeframe" for length of proceedings is practice of The European court for Human rights. + Please see elaboration of Q.32. of this E-scheme.

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

Each procedural code includes timeframes for certain actions. For instance, against the ruling on detention issued by the competent Court, a detainee may file an appeal with

the Panel within a term of 24 hours from the moment of the receipt of the ruling. The appeal, the ruling on detention and other files shall immediately be submitted to the Panel. The appeal does shall not stay the execution of the ruling. Also, if the investigative judge disagrees with the State Prosecutor's motion to order detention, he shall ask the Panel to decide on this. In such cases, the Panel shall be bound to decide on appeal within 48 hours.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Criminal procedure code includes special provisions for (among few others) summary proceedings, and proceedings on the imposition of criminal sanctions without holding a trial. Provisions for summary proceedings are used in cases of proceedings for criminal offences punishable by fine or imprisonment for a term not exceeding three years as a principal punishment, and unless these provisions provide otherwise, other provisions of the Code shall apply accordingly.

Another special procedure is significant in this context:

For criminal offences punishable by a fine or the sentence of imprisonment for a maximum term not exceeding one year as a principal punishment, upon a motion of the State Prosecutor, and with the consent of the defendant, the judge may issue a warrant pronouncing sentence without holding a trial.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*	16352	15739	17707	14384
2 Civil (and commercial) non-litigious cases*	396	1433	1382	447
3 Enforcement cases	27653	22038	24675	25016
4 Land registry cases**				
5 Business register cases**	128	16562	16589	101
6 Administrative law cases	1450	10046	10038	1458
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (severe criminal offences)	8426	7304	7176	8554
9 Misdemeanour cases (minor offences)				

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Category 1:

- out of 16352, 1174 cases are litigious proceedings in Commercial courts
- out of 15739, 1439 cases are litigious proceedings in Commercial courts
- out of 17707 solved cases, 1698 are litigious proceedings in Commercial courts
- out of 12666 cases, 915 are litigious proceedings in Commercial courts

Category 3:

In 2006., before the courts of general jurisdiction, there were 43840 enforcement cases in progress. Out of that number, the number of pending cases on 01/01/06 was 27212, of new cases was 16628. Until 31/12/2006, 19399 cases were solved (44,25%).

Before the Commercial courts, there were 5851 enforcement cases in progress. Out of that number, the number of pending cases on 01/01/06 was 441, of new cases 5410. Until 31/12/06, 5276 cases were solved (90%).

Category 8:

- out of 8426 cases, 552 are first-instance proceedings before Higher courts
- out of 7367 cases, 386 are first-instance proceedings before Higher courts
- out of 7176 cases, 321 are first-instance proceedings before Higher courts
- out of 8554 cases, 617 are first-instance proceedings before Higher courts

Note:

In 2008., the adoption of New law on legal offences/misdemeanours is planned, which will reform this area in grand measure.

GENERAL INFORMATION

Annual income of cases in Montenegrin courts (in all types of cases) was 216335. Monthly income was 18029. Number of solved cases in 2006. was 217919, which shows that in 2006. number of solved cases was larger

than number of incoming cases. General number of cases in progress in 2006. was 361103, which number shows that, in average, each judge in Montenegro, in 2006., was in charge for 1563 cases. Based on analysis of all relevant data, average quota that judges fulfilled in all the courts was 151%.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*	4540	5980	4835	5695
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)	1062	3385	3084	1363
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*	12	11	13	10
2 Civil (and commercial) non-litigious cases*	8	78	85	1
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	9	116	93	32
7 Other	732	443	958	217
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)	0	280	280	0
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases				
Employment dismissal cases				
Robbery cases	973	764	632	1105
Intentional homicide case	27	7	10	24

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases	10.8%				
Intentional homicide	20%				

94) Where appropriate, please specify the specific procedure as regards divorce:

"The proceeding in matrimonial dispute shall be initiated by an action.

The proceedings for divorce by mutual consent shall be initiated by a joint proposal of spouses (proposal for divorce by mutual consent).

If one spouse brings an action for divorce of the marriage, and the other spouse at latest before the closure of the main hearing explicitly states that he/she does not dispute the merits of the statement of claim, it shall be considered that the spouses have submitted a proposal for divorce by mutual consent.

.....

In the disputes for divorce of marriage upon the action of one of the spouses, the procedure of mediation shall be conducted in accordance with the Law on Mediation and this Law.

Upon receiving the action the court shall schedule hearing and ask the spouses to make statements immediately as for which mediator they want to approach for the purposes of the attempt at reconciliation or i.e. achieving agreement on regulation of the legal consequences of the divorce of their marriage.

If spouses do not reach the agreement about the mediator, the mediator shall be appointed by the court.

The court shall without any delay forward the action to the mediator, together with the enactment of appointing him/her as mediator, the names and addresses of spouses and data on joint children, if any.

The mediator shall, within eight days from the day of receiving the enactment of appointment, invite the spouses, according to the rules of direct service, to attend the procedure of reconciliation without proxies. In the procedure of reconciliation they shall attempt to resolve the disturbed relations without conflicts and without divorce of marriage.

If spouses reconcile in the reconciliation hearing, it shall be considered that the action for divorce has been withdrawn.

If one or both spouses, although duly summoned, fail to respond to the mediator's invitation to reconciliation, and they do not justify their absence, it shall be considered that reconciliation was unsuccessful and the procedure of mediation shall continue in the aim of reaching the agreement of spouses on exercising parental rights after the divorce and agreement on settlement of joint property.

Both spouses and their proxies shall be invited to the meeting aimed at reaching the agreement.

.....

The procedure of mediation aimed at attempting reconciliation of spouses must be conducted within a month from the day of forwarding the action to the mediator/ The procedure of mediation aimed at achieving agreement on consequences of the divorce must be conducted within 60 days from the day of termination of the reconciliation procedure.

Mediator shall be obliged to inform the court the action was brought to about the success of mediation and to deliver to the court the minutes on reconciliation and the minutes containing the agreement of the spouses about exercising of parental rights and about the settlement of joint property, i.e. the statements of spouses that the agreement was not achieved.

The agreement of spouses about the settlement of joint property shall be entered into the declaration of court judgment on divorce of the marriage.

The agreement of spouses about exercising parental rights shall be entered into the declaration of court judgment on divorce of the marriage if the court estimates that the agreement is in the best interest of the child.

If one or both spouses, although duly summoned, fail to appear upon the invitation of the mediator related to reaching the agreement on exercising parental rights or settlement of joint property, and they do not justify

their absence, the mediation shall be considered unsuccessful and the proceedings upon the action for divorce of marriage shall continue.

Procedure of mediation for the purposes of reaching the agreement on exercising parental rights and agreement on settlement of joint property after annulment of the marriage shall be completed within 60 days after forwarding the court decision on annulment of the marriage to the mediator.

During the whole proceedings for divorce of marriage the court shall be obliged to cooperate with the custody agencies and other professional services which deal with the issues of marriage and family, especially when spouses have joint minor children.

The main hearing may not be scheduled before the expiry of the term of a month from the day of unsuccessful reconciliation or from the decision of the court not to attempt the reconciliation because it is impossible or it is connected to extreme difficulties.

.....
When the procedure is initiated by the proposal of the spouses for divorce of marriage by mutual consent the facts on which the proposal is based shall not be examined, but the court may decide to conduct the evidence procedure, as in the case of the action for divorce of marriage, if the court estimates that the justified interests of the joint minor children require for the marriage to survive.

If the proposers have children together the court may examine the facts and conduct the evidence procedure, related to the part of the proposal of the spouses which refers to exercising parental rights, if the court is of the opinion that the agreement of the parents about these issues cannot provide sufficient guarantees that the interests of their minor and incapable children shall be sufficiently protected by such an agreement.

.....
In the judgment on matrimonial dispute the court shall be obliged to decide on exercising parental rights.

In the judgment on matrimonial dispute the court may decide on limitation or deprivation of parental rights.

The judgment by which marriage is divorced upon the proposal of spouses for divorce by mutual consent, can be attacked in the part referring to the divorce of marriage, only due to significant violation of provisions of litigation procedure or due to the fact that the proposal was given in delusion, or under the influence of force or fraud.

.....".

Clipping from Family law of The Republic of Montenegro ("Official Gazette of the Republic of Montenegro", No. 1/07).

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

Please see Q.32., Q.44. & Q.84. of this E-scheme.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

The fundamental right and the main duty of the State Prosecutor is the prosecution of perpetrators of criminal offences.

The State Prosecutor is, regarding the criminal offences that are prosecuted ex officio, competent to:

- 1) conduct pre-trial proceedings
- 2) request that an investigation be carried out and direct the course of preliminary proceedings in accordance with the present Code
- 3) issue and represent an indictment or indicting proposal before the competent Court
- 4) file appeals against Court decisions that are not final and to seek extraordinary legal remedies against the final Court decisions
- 5) undertake other actions determined by the present Code.

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

The State Prosecutor represents the interests of the state in property- related cases.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	14459	2723	5251			

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

in 2006., total number of 14459 of known (juveniles and adults) perpetrators of criminal offences, and unknown persons was reported to The Supreme State Prosecutor. That makes it 5,27% less than in 2005., when the number was 15264. In total number of registered persons (14459 denouncements), the number of known perpetrators was 11077 (76,60%), of unknown 2762 (19,10%) and 620 of juveniles (4,20%).

In reported year, 2762 criminal offences were indicted, committed by unknown perpetrators, which is 20,28% less than in the previous year, in which the number was 3465. As in criminal record keeping there were 11714 indictments with unknown perpetrators were indicted in previous years, that makes the total number in reporting year 14503 NN perpetrators.

During reporting year, 517 unknown perpetrators were discovered, while, for becoming old or other reasons, 2723 indictments against undiscovered persons were rejected, and 13 indictments were solved in other manner. Finally, at the end of reporting year, in evidence of The State Prosecutor there was 11250 indictments.

From total number of criminal indictments, unsolved remained 31,01%. Criminal indictments remained unsolved mostly because of the checkout in pre-trial proceeding or proceeding before the courts for criminal offences with punishment maximum three years, or fine.

From total number solved criminal indictments, against 11679 persons, after previous elaboration and

checkout, prosecutors in charge dismissed criminal indictments against 3266 persons (27,96%).

Please indicate the sources for the questions 92 to 94 and question 98

Q.94. Family law of The Republic of Montenegro ("Official Gazette of the Republic of Montenegro", No. 1/07)

Q.98. Report on work of The Supreme State Prosecutor of Republic of Montenegro for 2006.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

**New Constitution of Montenegro defines that Judicial Council chooses and releases judges (except The President of The Supreme court and The President and judges of The Constitutional court -remained under jurisdiction of The Parliament). Until adoption of new solution, election of judges was in jurisdiction of The Parliament (The Parliament elected and released judges on the proposal of Judicial Council).

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

- working experience in the field of law (in order to become judge, person must have experience in law field for: Basic court - 5 years, Commercial court 6 years, Higher court 8 years, Appellate court and Administrative court- 10 years, and Supreme court 15 years).
- professional and working qualities of candidate

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

In Montenegro, Prosecutors are chosen and released by The Parliament of Montenegro. Nomination for exoneration, acquittal and cessation of function of prosecutor is given by The Prosecutor's Council. At the moment of fulfilling this Questionnaire, new Law on The Supreme State Prosecutor's Office is being written.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

Promotion of Prosecutors is in jurisdiction of Parliament of Montenegro, on the proposition of The Prosecutor's Council.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

- working experience in the field of law (candidates for Supreme state Prosecutor and it's deputies, must have experience in law field for 15 years, candidates for Higher state prosecutor and his deputies must have experience in the field of law for 10 years, and for Basic state prosecutor and his deputies, number of years required is five).
- professional and working qualities of candidate

107) Is the mandate given for an undetermined period for judges ?

- Yes
 No

Are there exceptions? Please specify:

Judical function is permanent" (art.121).

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

As for The State Prosecutor's office, The Constitution regulates as follows:

"State Prosecutor's Office

Appointment and mandate

The Supreme State Prosecutor and State prosecutors are appointed on the period of five years." Furthermore, in accordance with Law on State Prosecutor ("Official Gazette of Republic of "Montenegro", No.69/2003), prosecutors are appointed on period of five years and can be appointed again.

109) If no, what is the length of the mandate?

Is it renewable?

for judges

yes, please
specify the
length

for prosecutors

yes, please
specify the 5 years
length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

At the time of fulfilling this Questionnaire, new Law on Judicial Council is being written. Jurisdiction regarding to election and promotion of judges will be given to this body, in accordance with new Constitution of Montenegro ("Official Gazette of Montenegro", no.1/07). This way, full independence of judicial authority will be promoted and protected.

5. 1. 2. Training

110) Nature of the training of judges.**Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors.**Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

The Law on Training in Judicial Authorities ("Official Gazette of Republic of Montenegro", no.27/2006) is adopted in Montenegro in 2006. This Law introduced important novelties when training of judges and prosecutors is concerned. The Center for education of judges widen its target group to prosecutors too (up until now it has only been working with judges). Training of judges and prosecutors is defined as their right and obligation. In addition, initial training is introduced by this Law for future judges and prosecutors. This initial training includes final exam, and at the end forming of a list of the candidates (according to the exam results). This list will be sent to the Judicial and Prosecutorial Council. The financing of this Center is provided by the state. This Center is organization unit of The Supreme court of Montenegro.

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5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	14760,00	9725,52
Judge of the Supreme Court or the Highest Appellate Court	19005,48	12479,52
Public prosecutor at the beginning of his/her career	14760,00	9725,52
Public prosecutor of the Supreme Court or the Highest Appellate Instance	21994,08	14400,00

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

Judges and prosecutors do not have additional benefits such as reduced taxation, special pension etc. But they are having business mobile phones, possibility to use business vehicles, additional payment for overtime work.

117) Can judges combine their work with any of the following other professions?

Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

Constitution of Montenegro ("Official Gazette of Montenegro", no.1/07) regulates that judge can not perform function of member of the Parliament, or any other public function, nor professionally perform other work. In practice, most often, judges are members of working groups for drafting new laws.

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

Constitution of Montenegro ("Official Gazette of Montenegro", no.1/07) regulates that State prosecutor and Deputy of State Prosecutor can not perform function of member of the Parliament, or any other public function, nor professionally perform other work.

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

Ministry of finance* Note: this are datas for 2007.

+ Since 01.09.2007., new Law on salaries and other incomes of holders of judiciary and judicial functions ("Official Gazette of Republic of Montenegro", no.36/2007 & 53/2007). This law increased earnings of members of

Judicial authorities. **Ministry of Justice

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

For judges:

President of the Court, President of Higher court with jurisdiction, and The President of Supreme court.

For prosecutors:

Minister of Justice- for The Supreme State Prosecutor

Supreme State Prosecutor, Higher State Prosecutor and Basic State Prosecutor for their deputies

Supreme State Prosecutor for Higher and Basic State Prosecutors

Higher State Prosecutor for Basic State Prosecutor

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The Judicial Council- for judges

The Prosecutor's Council- for prosecutors

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)		
1. Breach of professional ethics		
2. Criminal offence		
3. Professional inadequacy		
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)		
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

In the evaluation period, there were no disciplinary proceedings initiated toward judges. But, very important, during the evaluation period, five judges in Montenegro were released from their duty (on the initiatives of the presidents of The Supreme court, and of one basic courts).

On the initiatives coming from The President of The Supreme court, three proceedings were held and all three judges were released/acquitted from their duty.

On the initiatives of The President of one Basic court in Montenegro, two judges of that court were released/acquitted from duty.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

479

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

In civil cases, there is possibility of representation by legal representative.

In criminal cases, victim can be presented by legal representative.

In administrative cases, there is also possibility of party to be represented by legal representative.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

All lawyers in Montenegro are associated in Bar Association of Montenegro.
www.advokatska.komora.cg.yu

Please indicate the source for the question 126

Q.126.- Chamber of lawyers of Montenegro. Data on date 01.04.2007.

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
 No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
 No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

Requirements of professional ethics and responsibility are established by Ethical codex of Lawyers.

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

- complains to the Bar association
- disciplinary procedure

** Please see Q.139.

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

The bar association monitors that the Codex is followed, prescribes whether the violation of Codex has as a consequence a disciplinary liability of attorney-at-law and establishes and sanctions such liability.

Disciplinary Prosecutor

Disciplinary Prosecutor is an independent organ of the Bar Association. Disciplinary Prosecutor initiates disciplinary procedure, represents the charges before Disciplinary Court, Superior Disciplinary Court, uses legal remedies and undertakes all the necessary actions in disciplinary procedure. Disciplinary Prosecutor has one Deputy who has the same rights and duties in disciplinary procedures as Disciplinary Prosecutor, and does as instructed by the Prosecutor.

First instance Disciplinary Court

Disciplinary Court realizes disciplinary procedure and passes first instance decisions. Disciplinary Court consists of the Chairman and two judges. Chairman heads the work of Disciplinary Court. Disciplinary Court works in a Council which includes the Chairman and two judges. The Council makes decisions based on majority votes. Disciplinary Court is to: 1. Pass decisions in the first instance based on charges of Disciplinary Prosecutor, 2. Makes decisions on temporary suspension of the right for an attorney-at-law to carry out his/her legal practice, 3. Makes decisions on lifting a temporary suspension of the right for an attorney-at-law to carry out his/her legal practice, in cases when it passed a decision on temporary suspension, 4. Do other activities in line with the law and these Articles of Association.

Superior Disciplinary Court

Superior Disciplinary Court passes decision in the second instance. Superior Disciplinary Court consists of the Chairman and two judges. Chairman is the Head of the Superior Disciplinary Court. Superior Disciplinary Court works in a Council which includes the Chairman of the Council and two judges. The Council passes decisions based on the majority votes.

140) Disciplinary proceedings and sanctions against lawyers:

Disciplinary proceedings initiated

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	0	0	0	0

141) Disciplinary proceedings and sanctions against lawyers:

Sanctions pronounced

	Reprimand	Suspension	Removal	Fine	Other
Annual number	0	0	0	0	0

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

Q.140.&141.- Disciplinary body of Bar Association of Montenegro is formed in the end of year 2007. So far, since of short period after establishing procedure (explained in Q.139.) and that body, there are no records of initiated disciplinary proceedings against lawyers.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

It is possible that parties in proceedings are represented by for instance lawyers or legal representatives.

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

33

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

- employment dismissals? yes,
number:
- criminal cases? yes,
number:

Please indicate the source for the question 145

Association of Mediators of Montenegro

**From the records of Association of Mediators of Montenegro, by the middle of 2007., 15 litigations were solved, out of 300 directed to mediation. We do not have numbers of cases on each category especially. By the newly- brought Family law, which began it's application in July 2007., special procedure for mediation in family matters is established. Therefore it is reasonable to expect that the increase of number of mediation cases in this area will be the highest.

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

Arbitration proceeding, as a form of alternative dispute resolution exists as souch in Montenegro. it is conducted voluntarily, at the request of the parties. This proceeding can be done (it depends of the choice of the parties) or in front of the regular court, or in front of ad hoc elected arbitral court. Unless the parties decide otherwise, the award of the Arbitral court has the binding power of regular verdict.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Q.142.

New Law on mediation ("Official Gazzette of Republic of Montenegro" no.30/2005) regulates procedures of mediation in civil matters, including litigations in family, commercial, and other property-related matters in which parties can freely handle with their requests, and in labour disputes in front of courts, if there are no certain provisions that are to be applied.

Mediation procedure starts based on agreement of the parties, and if the court proceeding started- based on the recommendation of the court. Parties are involved in mediation procedure voluntarily. Regarding to relation between mediation and court proceedings- if the court dealing with the case estimates that dispute can be successfully solved by mediation, shall address the parties into such procedure. If the parties do not solve the dispute within 60 days from date they were adressed to mediation, court must fix date of summons. If the court proceedings is not in progress, duration of mediation procedure is fixed by the parties. If the court proceeding is in progress, parties can accept mediation procedure in each phase of the procedure.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

44

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Enforcement agents work in the courts. Please note that in Montenegro there is a special enforcement procedure which is conducted by the so called "enforcement judges". Enforcement agents are part of the so called "Enforcement Department" of the court (together with judges and other staff who work in this Department).

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Courts.

* From total number of judges, 29 works on enforcement procedures. It is important to state that most of these judges do not work on enforcement proceedings exclusively.

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Executive judge- directly.

Presidents of the courts- in the light of general structure of functioning of the court.

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Enforcement agents without delay conduct all enforcement procedures by the turn they were assigned to them. Assigning of cases is done so that enforcement agents can in the same time do if possible more enforcement actions which refer to more than one procedure in the same place or nearby locations.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Q.155. Court's operating regulations ("Official Gazette of Republic of Montenegro", no.36/2004).

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

In general, Action plan for implementation of Strategy of Reform of Judiciary, defines measures to improve system of enforcement agents. In that sense, Ministry of Justice will do analysis of number, structure and length of enforcement proceedings in basic and commercial courts, and of the number of responsible judges and enforcement agents. In accordance with conclusions of analysis, current Law on executive procedure will be revised, with aim of creating more efficient and more professional enforcement system.

159) Is there a system measuring the timeframes of the enforcement of decisions:

for civil cases?

for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

Please specify:

The general principle of the enforcement procedure is urgency. The court is obliged to decide about the proposal for enforcement in 5 days from the moment when this proposal was officially received by the court.

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics

yes,
number:

Professional inadequacy

yes,
number:

Criminal offence

yes,
number:

Other yes,
number:

162) Sanctions pronounced against enforcement agents:

Reprimand yes,
number:

Suspension yes,
number:

Dismissal yes,
number:

Fine yes,
number:

Other yes,
number:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Q.150. Profession of enforcement agents is performed within the courts, as part of the court structure.

Q.151. Enforcement agents have a salary (they work in the courts).

Q.152. Costs of enforcement procedure are defined in the decision about the enforcement. They depend on the price/value of the object/s of enforcement. These costs are to be paid by the enforcement debtor (the one whose property is object of enforcement).

Q.159. Through the analyses contained in the annual courts reports.

Remark: Law regulates that court is obliged to deal with urgency in enforcement procedures and security measure procedures.

Please indicate the sources for the questions 157 and 160

Q.160. Law on executive procedure ("Official Gazette of Republic of Montenegro", no.23/04).

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

163) Is there a judge who is in charge of the enforcement of judgments?

Yes

No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

Legal consequences of a sentence can be envisaged solely by law and shall come into effect by force of law. Legal consequences of conviction shall begin on the day of rendering of a final judgement.

Courts are entrusted with enforcement of judgments.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

Criminal court decides about the fine according to the Criminal Code definitions in each case. In addition, the Criminal Code defines maximum and minimum daily amount of money/fine. Also, the general rule is that the fine is decided based on the known income and outcome of the sentenced person.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | |
|---|---|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes, number: |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes, number: |
| a public one? | <input checked="" type="checkbox"/> yes, number: |
| other? | <input type="checkbox"/> yes, number and specify: |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Q.165. In Montenegro, institute of notaries was introduced for the first time by bringing The Law on notaries in 2005. ("Official Gazette of Republic of Montenegro", no.68/05). In accordance with newly established procedure of election and appointment of notaries, at this point, trainings and preparations for notary exam are in progress. After that, next step is appointment of notaries.

Q.166. In accordance with Law on notaries, notary performs his duty as public service, professionally and as only occupation.

Q.167. Notary writes notary acts, receives in deposit documents, money, valuable papers and other objects, on the order of the court, notary can perform other duties: inventory and evaluation of inheritance, keeping safe of the inheritance documents, money, valuable papers or preciousnes, and other duties in accordance with law.

Please indicacte the source for the question 166

Q.166.Law on notaries ("Official Gazette of Republic of Montenegro", no.68/2005).

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Law on notaries defines triple mechanism of control over the work of notaries.

Direct supervision over the work of notary is performed by Notary chamber.

Supervision over the legality in performing notary duties is entrusted to the Ministry of Justice.

Supervision over the legality in performing notary duties in subjects which are entrusted to notary by the court, is entrusted to the president of the court on whose area is seat of the notary.

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

Reply to this question involves large number of informations, because Montenegro began very comprehensive reform process in 2000. Year 2007. was very succesful in this matter, because Strategy for Reform of Judiciary was adopted. Strategy for Reform of Judiciary is new strategic document which appointed further directions and goals which should be reached in order to reform the entire judiciary system, with special regards to European standards and best practice. The Strategy for Reform of Judiciary is created for period 2007-2012., and it's strategic goals are: strengthening of independence of judiciary, strengthening of efficiency of judiciary, strengthening of accessibility to judiciary institutions (access to justice), strengthening of public trust in judiciary. Also, document paid a lot of intention to education in judiciary institutions, strengthening of international and regional judiciary cooperation, alternative dispute resolution, fight against crime (especially corruption, terrorism and organized crime), court practice, jail system, and further development of judiciary informational system.

Adoption of Strategy for Reform of Judiciary was followed by adoption of Action plan for implementation of Strategy for Reform of Judiciary, which elaborates goals, further measures, responsible institutions, timeframes, and indicators of success in all these fields. Special accent is given to foreseen reforms of legislation in Accordance with Acquis communautaire, establishing clear and objective criteria for election and advancing in careers for judges and prosecutors, revising current legal frame that regulates disciplinary responsibility of judges and prosecutors, discontinuation of their work and acquittal from function, establishing wider independence in creation of part of the budget allocated to judiciary, rationalization of the court and state prosecutor's network, reform of offence legislation, relization of successful protection of right on trial in resonable timeframe, revision of criminal legislation, juvenile justice, civil legislation, capacity building in judiciary, establishing adequate system of court enforcement procedure, strengthening free legal aid system, access to justice, enforcing better communication with citizens, implementing Law on education of carriers of judiciary functions... It is also very important to deepen and establish legal framework for more efficient and more effective international legal cooperation.

Also, special attention will be given to alternative dispute resolution. (organizing education of citizens, judges, lawyers- with aim to acquaint them with institutes of ADR and it's advantages, follow the development of these institutions and strengthen their application, so as the use of arbitration in commercial matters etc.).

Aware of the threat and consequences of crime, especially corruption, terrorism and organized crime, special parts of these documents are dedicated to these topics. Further measures for fight against this phenomenon include incorporation and fulfilling the European standards, by ratifying many Conventions in this field, such as CETS no.196, CETS no.197, CETS no.198, ETS 189, ETS 190, and signing and ratification of Convention ETS 116, ETS 082...Measures are imposed to implement international standards (revision of relevant legislation, a priori Criminal code, Criminal procedure code, Law on courts, Law on State Prosecution Office. Also, it is planned until beginning of 2009 to bring new Law on management of seized property gained by perpetration of criminal offences.Also, steps will be made in order to strengthen human capacities in judiciary for these purposes, etc. Measures will be taken to improve jail system, by legislative and institutional changes, etc.

Also, related to court practice, measures will be taken so that judiciary system members and citizens can have better prospective of court practice, as well as the practice of European Court of Justice. Also, it is planned that judges should have constant education into EU law, and the role of ECJ.

Full implementation of the PRIS- Judiciary informational system, will certainly improve functioning of entire judiciary system, not just management part, but also better accessibility to court decisions and practice. Furthermore, by complete realization of this system, efficiency of court's work will be increased. Also, measures will be taken to, by full realization of PRIS, improve international cooperation in the field of judiciary and criminal sanctions.