



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[620 029]

Comments Data for number of inhabitants are given in accordance with the results of the population census from 2011.

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

| | Amount |
|--|--|
| State or federal level | 2 152 416 255 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments The increase of public expenditure was because of the increase of the capital budget due to construction of the highway.

003. Per capita GDP (in €) in current prices for the reference year

[7 423]

Comments Increased GDP due to increased investments.

004. Average gross annual salary (in €) for the reference year

[9 192]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: Ministry of Finance, Statistical Office of Montenegro.

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

| | |
|------------------------|---------------------------|
| Approved budget (in €) | Implemented budget (in €) |
|------------------------|---------------------------|

| | | |
|--|---------------------------------|---------------------------------|
| TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) | 27 426 302 [] NA [] NAP | 31 170 606 [] NA [] NAP |
| 1. Annual public budget allocated to (gross) salaries | 22 106 333 [] NA [] NAP | 22 072 690 [] NA [] NAP |
| 2. Annual public budget allocated to computerisation | 914 561 [] NA [] NAP | 790 692 [] NA [] NAP |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.) | 820 243 [] NA [] NAP | 786 301 [] NA [] NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | 115 000 [] NA [] NAP | 82 682 [] NA [] NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | [X] NA [] NAP | [X] NA [] NAP |
| 6. Annual public budget allocated to training | 46 910 [] NA [] NAP | 17 751 [] NA [] NAP |
| 7. Other (please specify) | 3 423 253 [] NA [] NAP | 7 420 487 [] NA [] NAP |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: During 2018, there was a amending of budget, so additional funds were allocated to the budget unit "Judiciary".

The increase of approved and implemented budget for ICT was in order to provide for new communication and security equipment for all courts, in terms of preparation for introduction and implementation of the new information system. Old equipment for the courts was replaced with new one and equipment for the new employees was provided as well.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------|---------------------------|
| Total annual public budget allocated to all courts and the public prosecution services together | [] NA [X] NAP | [] NA [X] NAP |
| Total annual public budget allocated to all courts and legal aid together | [] NA [X] NAP | [] NA [X] NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | [] NA [X] NAP | [] NA [X] NAP |

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: In 2018, courts did not have individually allocated funds for provision of free legal aid, but the funds were within the legal services account.

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general

jurisdiction:

| | Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ? |
|-------------------------------|--|
| for criminal cases | (X) Yes () No |
| for other than criminal cases | (X) Yes () No |

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- In civil proceedings, the fee is paid according to the value of the case.
In the enforcement proceedings, the fee is paid according to the value of enforcement or security.
In a non-contentious proceedings, criminal proceedings based on a private lawsuit, administrative dispute and insolvency proceedings of companies, a tax shall be paid at a tariff fee.
Law on Court Fees states fee tariff for pleadings, decisions and court settlements in civil and enforcement proceedings, the amount of fees for non-contentious proceedings, the fees in proceedings on insolvency of companies, the amount of fees for pleadings and decisions in criminal proceedings conducted by private prosecution and in an administrative dispute.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[70]

[] NA

[] NAP

Comments For claims in civil proceedings with dispute value amounting over € 500 and up to € 5,000, a fee in the amount of € 20 and 2% is payable on the difference of the amount exceeding € 500.

This means that the court fee for filing a debt claim in the amount of € 3,000 would be € 70.

009. Annual income of court fees received by the State (in €):

[1 315 146]

[] NA

[] NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|--|---------------------|---------------------|---------------------------|
| TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 12.1 for cases brought to court (court fees and/or legal representation) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | |
|--|--|--|--|
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
|--|--|--|--|

Comments

012-1. Annual implemented public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|--|--|--|--|
| TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2) | 163 970 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

| | Approved budget (in €) | Implemented budget (in €) |
|--|--|--|
| Total annual public budget allocated to the public prosecution services, in € (including 13.1) | 8 949 884 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 8 962 024 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 13.1. Annual public budget allocated to training of public prosecution services | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The difference between the approved and implemented budget refers to payment of liabilities from the previous period - court executions in the amount of 173096 € which are carried out through the Ministry of Finance.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

| | Preparation of the total court budget | Adoption/approval of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level |
|---------------------|--|--|--|--|
| Ministry of Justice | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Other ministry | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

| | | | | |
|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Parliament | () Yes (X) No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Supreme Court | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| High Judicial Council | (X) Yes () No [] NAP | () Yes (X) No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP |
| Courts | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Inspection body | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Other | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | (X) Yes () No [] NAP |

If any other Ministry and/or inspection body and/or other, please specify: The Judicial Council submits the proposal of the Judicial Budget to the Ministry of Finance, which, together with the proposal of the other budget units, is submitted in the form of a draft to the Government. State Audit Institution controls the regularity (legality), economy, effectiveness and efficiency of budget expenditure and state property management. The results of the audits, Institution reports to the Assembly, by filing an annual report. The annual report is submitted to the Assembly and the Government by the end of October.

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

| | 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 | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Court President | (X) Yes () No | (X) Yes () No | (X) Yes () No | () Yes (X) No |
| Court administrative director | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Head of the court clerk office | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Other | () Yes (X) No | () Yes (X) No | () Yes (X) No | (X) Yes () No |

Comments - If "other", please specify: A Department of Finance and Accounting of the Secretariat of the Judicial Council, performs payment of bills for all courts in Montenegro. In this way, the budget execution is also controlled.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Secretariat of the Judicial Council and Report on work of the JC.

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

| | Approved budget (in €) | Implemented budget (in €) |
|--|---------------------------------|---------------------------|
| Total annual public budget allocated to the whole justice system in € | 53 103 179 [] NA [] NAP | [X] NA [] NAP |

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

Judiciary - 28.777.436,05€ of which, the Judicial Council 1.351.345,60€ and courts 10.463.521,86€

Prosecution - 8.949.884,68€ of which, for Prosecutorial Council 541.114,38€ Judicial Training Centre -624.240,06€

Ministry of Justice - 13.611.785,96€ of which the prison system - 10.086.836,33€ Constitutional Court - 1.139.832,86€

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

| | Included | Not included | Does not exist (NAP) |
|--|----------|--------------|----------------------|
| Courts (see question 6 or 7) | (X) | () | () |
| Legal aid (see question 12 or 7) | (X) | () | () |
| Public prosecution services (see question 13 or 7) | (X) | () | () |

015-3. Other budgetary elements

| | Included | Not included | Does not exist (NAP) |
|--------------------------|----------|--------------|----------------------|
| Prison system | (X) | () | () |
| Probation services | (X) | () | () |
| High Judicial Council | (X) | () | () |
| Constitutional court | (X) | () | () |
| Judicial management body | () | () | (X) |
| State advocacy | () | (X) | () |
| Enforcement services | () | (X) | () |
| Notariat | () | (X) | () |

| | | | |
|--|-------|-------|-----|
| Forensic services | () | (X) | () |
| Judicial protection of juveniles | (X) | () | () |
| Functioning of the Ministry of Justice | (X) | () | () |
| Refugees and asylum seekers services | () | (X) | () |
| Immigration Service | () | (X) | () |
| Some police services (e.g. : transfer, investigation, prisoners' security) | () | (X) | () |
| Other | () | (X) | () |

If "other", please specify:

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

| | Criminal cases | Other than criminal cases |
|--|--|--|
| Representation in court | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Legal advice, ADR and other legal services | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Free legal aid implies the provision of resources for full or partial coverage of costs for legal counselling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out-of-court dispute settlement and in proceedings involving bailiffs, as well as exemption from payment of the costs of court proceedings.

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

NAP

If yes, please specify: Legal aid includes exemption from court fees.

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify: Free legal aid in proceedings before the bailiffs imply exemption from the cost of drafting proposals for the enforcement and advance payment of the costs to the bailiffs.

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

| | Criminal cases | Other than criminal cases |
|-----------------------------------|---|---|
| Legal aid granted for other costs | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please specify:

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

| | Total | Cases brought to court | Cases not brought to court |
|-------------------------------------|--|--|--|
| TOTAL | 563 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In other than criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Assisted by a free of charge lawyer

| | |
|----------------------------|---------------------|
| Accused individuals | (X) Yes () No |
| Victims | (X) Yes () No |

Comments - If yes, please specify:

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

| | free selection of lawyer |
|----------------------------|---------------------------------|
| Accused individuals | () Yes (X) No [] NAP |
| Victims | () Yes (X) No [] NAP |

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

(X) Yes

() No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The property is not priced according to the amount. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by: a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

In 2018, the costs of hiring lawyers in providing free legal aid, before all courts, it was spent a total of € 163.970,15.

023. If yes, please specify in the table:

| | Annual income value (for one person), (in €) | Assets value (for one person), (in €) |
|--|---|--|
| Full legal aid to the applicant for criminal cases | [X] NA [] NAP | [X] NA [] NAP |
| Full legal aid to the applicant for other than criminal cases | [X] NA [] NAP | [X] NA [] NAP |
| Partial legal aid to the applicant for criminal cases | [X] NA [] NAP | [X] NA [] NAP |

Partial legal aid to the applicant for other than criminal cases

NA
 NAP

NA
 NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: Free legal aid is NOT provided in: - proceedings before commercial courts and procedure involving registration of the type of economic activity performed, - procedure for the award of damages in relation to defamation and insult, - proceedings initiated on the basis of the lawsuit for reducing the amount of child support where the person who is obligated to pay for the support failed to fulfil such obligation, except if the failure to fulfil such obligation has not been his/her fault.

In deciding on the request, the competent authority shall evaluate all the circumstances and facts of the request, and in particular whether the subject of the application is manifestly ill-founded or there are likely prospects for success.

The case in relation to which an application was filed is deemed as manifestly unfounded if:

- 1) the value of the claim is disproportionate to the actual state of affairs,
- 2) the Applicant is abusing the possibility of being granted legal aid for a legal matter for which the Applicant would not have otherwise sought legal services even if his financial situation would allow that, or
- 3) it is contrary to the case law in legal matters with similar factual state and legal grounds.

Legal aid shall not be granted to an Applicant for a case in which he has previously desisted from complaint or pursuant to Law it is believed that he has desisted from the complaint.

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

| | Judicial decisions direct how legal costs will be shared |
|------------------------------|--|
| in criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| in other than criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Ministry of Justice.

2.2. Court users and victims

2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

| | Yes | Internet adresse(es) |
|--|-----|--|
| legal texts (e.g. codes, laws, regulations, etc.) | () | (X) www.sudovi.me; www.pravda.gov.me; www.sluzbenilist.me; http://www.tuzilastvocg.me |
| case-law of the higher court/s | () | (X) www.sudovi.me |
| other documents (e.g. downloadable forms, online registration) | () | (X) www.sudovi.me; www.pravda.gov.me |

Please specify what documents and information are included in "other documents": Other documents include: application forms for judicial exam, exam for court interpreters, court experts, trainees in courts and public prosecution offices, e-services, etc.

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- (X) Yes, always
() No
() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

- () Yes
(X) No

Comments - If yes, please specify:

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

| Information mechanism | Special arrangements in hearings | Other specific arrangements |
|-----------------------|----------------------------------|-----------------------------|
|-----------------------|----------------------------------|-----------------------------|

| | | | |
|--|--|--|--|
| Victims of sexual violence/rape | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims of terrorism | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Minors (witnesses or victims) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Victims of domestic violence | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Ethnic minorities | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Disabled persons | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Juvenile offenders | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or dumb. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of offences?

Yes, please specify for which kind of offences: The defendant in the criminal proceedings has the right to submit a motion for the enforcement of a claim on property, which is a result of the commission of the criminal offense, and the same court will discuss it if it does not substantially delay the criminal proceedings. The property claim may, inter alia, relate to the compensation of damage. In civil proceedings the injured party may bring an action for pecuniary or non-pecuniary damage. Also, Montenegro passed the Law on Compensation of Victims of Violent Crimes, which regulates the conditions, method and procedure for exercising the right to compensation for victims of crimes of violence, which shall be applicable from the date of Montenegro's accession to the European Union.

No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

| | Number of requests for compensation | Number of condemnations | Total amount (in €) |
|---|--|--|--|
| Total | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Excessive length of proceedings | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-execution of court decisions | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | |
|----------------------------|--|--|--|
| Wrongful arrest | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful conviction | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

| | National level | Court level |
|--|---|---|
| 1. Surveys aimed at judges | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 2. Surveys aimed at court staff | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 3. Surveys aimed at public prosecutors | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 4. Surveys aimed at lawyers | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 5. Surveys aimed at the parties | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs) | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 7. Surveys aimed at victims | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| 8. Other not mentioned | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: <https://gamn.org/wp-content/uploads/2018/12/GA-Istra%C5%BEivanje-o-povjerenju-gra%C4%91anasudija-i-tu%C5%BEilaca-u-pravosu%C4%91e-2018-2.pdf>

https://www.udruzenjesudija.me/images/pdfovi/Istraživanje_ankete_sudije_tužioc_i_graani_2018.-min.pdf

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

| | Authority responsible for dealing with the complaint | Existence of a time limit to deal with the complaint for this authority |
|---|--|---|
| Court concerned | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Higher court | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Ministry of Justice | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| High Judicial Council | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other external bodies (e.g. Ombudsman) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

041-1. If yes, please specify certain aspects of this procedure:

| | Number of complaints | Compensation amount granted |
|---|--|--|
| Court concerned | 143 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Higher court | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Ministry of Justice | 165 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| High Judicial Council | 144 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other external bodies (e.g. Ombudsman) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: Law on Judicial Council and Judges states that, the Judicial Council considers complaints against the work of judges and court presidents. The Courts Rules of Procedure states that the chief judge shall examine, either personally or through a person duly assigned by him, every customer complaint concerning the work of either the court or individual judges, officers, and employees. Before responding to the complaint in the shortest time possible, a chief judge shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, review the case files, and take other steps necessary to assess the validity of the complaint. Response to complaints and petitions shall be submitted no later than 30 days from the date of filing.

Conditions, the manner and the procedure of realization of judicial protection of right to trial within a reasonable time, as well as fair redress in the event of violation of right to trial within a reasonable time shall be enforced through a special Law.

Legal remedies for the protection of right to trial within a reasonable time are:

1) Request to accelerate the proceedings (the request for control), 2) Action for fair redress.

Cases dealing with the protection of right to trial within a reasonable time shall be dealt with urgency by the court. The president of the court shall make a decision on the request for control.

In courts having more than ten judges, a judge who will decide about requests for control apart from the president of the court, may be appointed under the annual schedule of assignments. President of the court or a judge shall not decide on the request for control in the case they act or were acting in the capacity of judge. If the president of the court, is not allowed to decide in the case, the president of the next higher court shall decide about the request for control.

The Protector of Human Rights and Freedoms is empowered to deal with complaints relating to the work of the courts in the event of delays in the proceedings, misuse of procedural powers or non-execution of court decisions.

The Ministry of Justice, through the judicial inspection, carries out inspection supervision in courts in relation

In 2018, the Supreme Court of Montenegro received 143 complaints on the work of the courts and judges, of which 10 were based, and unfounded 133.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

| | Number of courts |
|---|-------------------------|
| 42.1 First instance courts of general jurisdiction (legal entities) | 15 [] NA [] NAP |
| 42.2 First instance specialised courts (legal entities) | 5 [] NA [] NAP |
| 42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts) | 25 [] NA [] NAP |

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

| | Number of courts |
|--|------------------------|
| Total (must be the same as the data given under question 42.2) | 5 [] NA [] NAP |
| Commercial courts (excluded insolvency courts) | 1 [] NA [] NAP |
| Insolvency courts | [] NA [X] NAP |

| | |
|--|--|
| Labour courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Family courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Rent and tenancies courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Enforcement of criminal sanctions courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Fight against terrorism, organised crime and corruption | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Internet related disputes | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Administrative courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Insurance and / or social welfare courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Military courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Other specialised 1st instance courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If “other specialised 1st instance courts”, please specify:

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

Yes

No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

| | Number of courts |
|---|---|
| a debt collection for small claims | 15 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| an employment dismissal | 15 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| a robbery | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

an insolvency case

1

NA

NAP

Comments

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims:

045-2. Please indicate the value in € of a small claim:

[1 000]

Comments According to the Law on Civil Procedure, small claims disputes are those with the pecuniary claim that does not exceed 1,000 Euro.

Small claim disputes shall also include disputes which are not of pecuniary nature but for which the plaintiff has stated in the complaint that he will accept certain monetary sum that does not exceed the amount of 1,000 Eur.

Small claim disputes shall also include those disputes in which the main subject matter is not of pecuniary nature but the transfer of a moveable asset with value, as stated in the complaint by the plaintiff, that does not exceed the amount of 1,000 Eur.

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Supreme Court of Montenegro.

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

| | Total | Males | Females |
|--|--|--|--|
| Total number of professional judges (1 + 2 + 3) | 310 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 123 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 187 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Number of first instance professional judges | 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 86 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 129 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Number of second instance (court of appeal) professional judges | 76 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 32 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 44 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Number of Supreme Court professional judges | 19 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 5 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 14 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges).

| | Total | Males | Females |
|--|-------------------------|-------------------------|------------------------|
| Total number of court presidents (1 + 2 + 3) | 25 [] NA [] NAP | 17 [] NA [] NAP | 8 [] NA [] NAP |
| 1. Number of first instance court presidents | 20 [] NA [] NAP | 13 [] NA [] NAP | 7 [] NA [] NAP |
| 2. Number of second instance (court of appeal) court presidents | 4 [] NA [] NAP | 4 [] NA [] NAP | 0 [] NA [] NAP |
| 3. Number of Supreme Court presidents | 1 [] NA [] NAP | 0 [] NA [] NAP | 1 [] NA [] NAP |

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

| | Figure |
|--------------------------------|---------------------|
| Gross figure | [] NA [X] NAP |
| In full-time equivalent | [] NA [X] NAP |

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- (X) No
- [] NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

| | Figure |
|---------------------|---------------------|
| Gross figure | [] NA [X] NAP |

In full time equivalent

NA
 NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

| | Yes | No | Echevinage |
|--|-----|-------|------------|
| criminal cases (severe) | () | (X) | () |
| criminal cases (misdemeanour and/or minor) | () | (X) | () |
| family law cases | () | (X) | () |
| labour law cases | () | (X) | () |
| social law cases | () | (X) | () |
| commercial law cases | () | (X) | () |
| insolvency cases | () | (X) | () |
| other civil cases | () | (X) | () |

NAP

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question

60) (please give the information in full-time equivalent and for permanent posts actually filled)

| | Total | Males | Females |
|--|--------------------------|--------------------------|--------------------------|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | 978 [] NA [] NAP | 247 [] NA [] NAP | 731 [] NA [] NAP |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) | 698 [] NA [] NAP | 81 [] NA [] NAP | 617 [] NA [] NAP |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | 107 [] NA [] NAP | 35 [] NA [] NAP | 72 [] NA [] NAP |
| 4. Technical staff | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 5. Other non-judge staff | 173 [] NA [] NAP | 131 [] NA [] NAP | 42 [] NA [] NAP |

Comments - If "other non-judge staff", please specify:

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

| | Total | Males | Females |
|--|--------------------------|--------------------------|--------------------------|
| Total non-judge staff working in courts (1+2+3) | 978 [] NA [] NAP | 247 [] NA [] NAP | 731 [] NA [] NAP |
| 1. Total non-judge staff working in courts at first instance level | 761 [] NA [] NAP | 217 [] NA [] NAP | 544 [] NA [] NAP |
| 2. Total non-judge staff working in courts at second instance (court of appeal) level | 185 [] NA [] NAP | 26 [] NA [] NAP | 159 [] NA [] NAP |
| 3. Total non-judge staff working in courts at Supreme Court level | 32 [] NA [] NAP | 4 [] NA [] NAP | 28 [] NA [] NAP |

Comments

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Secretariat of the Judicial Council.

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

| | Total | Males | Females |
|--|--------------------------|-------------------------|-------------------------|
| Total number of prosecutors (1 + 2 + 3) | 119 [] NA [] NAP | 45 [] NA [] NAP | 74 [] NA [] NAP |
| 1. Number of prosecutors at first instance level | 89 [] NA [] NAP | 34 [] NA [] NAP | 55 [] NA [] NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | 21 [] NA [] NAP | 7 [] NA [] NAP | 14 [] NA [] NAP |
| 3. Number of prosecutors at Supreme Court level | 9 [] NA [] NAP | 4 [] NA [] NAP | 5 [] NA [] NAP |

Please indicate any useful comment for interpreting the data above: In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices, the number of special state prosecutors is included, 11 in total, out of which 7 women and 4 men.

Also, we note that the above total number of state prosecutors include the heads of state prosecutor's offices, which was not the case in the previous report.

056. Number of heads of prosecution offices.

| | Total | Males | Females |
|---|-------------------------|-------------------------|------------------------|
| Total number of heads of prosecution offices (1 + 2 + 3) | 17 [] NA [] NAP | 10 [] NA [] NAP | 7 [] NA [] NAP |
| 1. Number of heads of prosecution offices at first instance level | 14 [] NA [] NAP | 8 [] NA [] NAP | 6 [] NA [] NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 2 [] NA [] NAP | 1 [] NA [] NAP | 1 [] NA [] NAP |
| 3. Number of heads of prosecution offices at Supreme Court level | 1 [] NA [] NAP | 1 [] NA [] NAP | 0 [] NA [] NAP |

Please provide any useful comment for interpreting the data above: In the column "Number of heads of prosecution offices at first instance level", besides the heads of the basic state prosecutors' offices, the number includes also the head of the Special State Prosecutor's Office, i.e. the Chief Special Prosecutor.

057. Do other persons have similar duties to those of public prosecutors?

() Yes

(X) No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[]
[] NA

059. If yes, is their number included in the number of public prosecutors that you have

indicated under question 55?

Yes

No

NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

Yes

No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

| | Total | Males | Females |
|---|------------------------------------|-----------------------------------|------------------------------------|
| Number of staff (non-public prosecutors) attached to the public prosecution service | 222 <input type="checkbox"/> NA | 56 <input type="checkbox"/> NA | 166 <input type="checkbox"/> NA |

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Performance Report of the Prosecutorial Council and State Prosecution Office 2018.

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

| | |
|---------------------|----|
| Yes, please specify | No |
|---------------------|----|

| | | |
|---------------------------|---|-------|
| judges | (X) According to the Law on Judicial Council and Judges When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation. | () |
| prosecutors | (X) According to the Law on State Prosecution Service In rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other national communities as well as gender balance. | () |
| non-judge staff | () | (X) |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

| | Yes, please specify | No |
|---------------|---|-----------|
| judges | (X) According to the Law on Judicial Council and Judges When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation. | () |

| | | |
|---------------------------|---|-------|
| prosecutors | (X) According to the Law on State Prosecution Service In rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other national communities as well as gender balance. | () |
| non-judge staff | () | (X) |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

| | Yes | No |
|---------------------------|-------|-------|
| judges | (X) | () |
| prosecutors | (X) | () |
| non-judge staff | () | (X) |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices. Data on the gender and age structure of Presidents of courts and judges is published in the Annual Report on the Work of the Judicial Council and Total Balance in the Judiciary for 2018.

061-5. Is there a national programme or an orientation document to promote males/females

equality within the judicial system?

() Yes

(X) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

| | Yes, please specify | No |
|------------------------------------|---------------------|-------|
| the recruitment of judges | () | (X) |
| the promotion of judges | () | (X) |
| the recruitment of prosecutors | () | (X) |
| the promotion of prosecutors | () | (X) |
| the recruitment of non-judge staff | () | (X) |
| the promotion of non-judge staff | () | (X) |

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

061-6-1. Please specify the text which set up this person/institution :

| |
|-----------------------------------|
| (title, date, nature of the text) |
|-----------------------------------|

[X] NAP

061-6-2. Please specify the status of this person/institution:

| |
|--|
| (e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) |
|--|

[X] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

| |
|--|
| (e.g. block a decision or allow an appeal) |
|--|

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

| | Yes | No |
|--|-----|-------|
| in courts (judges) | () | (X) |
| in public prosecution services (prosecutors) | () | (X) |
| for courts' non-judge staff | () | (X) |

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

| | Yes | No |
|--|-----|-------|
| Assignment in different positions | () | (X) |
| Workload distribution | () | (X) |
| Working hours | () | (X) |
| Modalities of teleworking and presence in the work space | () | (X) |
| Replacement of absent persons | () | (X) |
| Organisation of the hearings | () | (X) |
| Other | () | (X) |

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

| | Yes, please specify | No |
|--|---------------------|-------|
| judges and court staff are more chosen among males or females according to the type of cases | () | (X) |
| the composition of hearings with several judges is always mixed | () | (X) |
| statistics exist concerning males and females who initiate a case/victims, accused persons, etc. | () | (X) |

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

| | Organisation |
|----------------------------|--|
| IT policies and strategies | <input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other |
| IT Governance | <input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other |

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
 mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
 other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

| | Implementing new projects | Management of applications |
|---|--|---|
| Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non |
| Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non |
| Other alternatives (external service provider only – specify in a comment) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non |

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from

personal and/or local/court level initiatives?

Yes

No

Comments (please specify projects that have experienced national developments) Through the Working group for monitoring the implementation of PRIS, and the proposals and initiatives are submitted through the help desk.

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

Yes

No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

Business processes

Workload

Human resources

Costs

Other, please specify

Comments (please specify examples of the impact) - Disposition time shortened
- Less time needed for individual operations
- The reports are issued faster than before

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) There is the Agency for the Protection of Personal Data and a set of laws and by-laws issued in this field.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

062-4-1. If yes, please specify the following information:

| | For 1st instance decisions | For 2nd instance decisions | For 3rd instance decisions | Link with ECHR case law | Data anonymised | Case-law database available free online | Case-law database available in open data |
|--------------------------------|---|---|---|-------------------------|---------------------|---|--|
| Civil and/or commercial | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | () Yes (X) No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Criminal | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | () Yes (X) No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Administrative | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | () Yes (X) No | (X) Yes () No | (X) Yes () No | (X) Yes () No |

Comments - if it exists in other matters please specify All judgments in all proceedings and cases were recorded in a centralized database and most of them were published anonymized on the portal sudovi.me.

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

[] Linkage with other European records of the same nature

[X] Content directly available through computerised means for judges and/or prosecutors

[X] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

(X) Yes

() No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

| | Availability rate |
|--------------------------------|---|
| Civil and/or commercial | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

| | Availability of simple dictation tools | Availability of multiple speakers recording tools | Voice recognition feature |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |

| | | | |
|-----------------------|---|---|---|
| Administrative | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |
|-----------------------|---|---|---|

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

| | CMS deployment rate | Status of case online | Centralised or interoperable database | Early warning signals (for active case management) | Status of integration/connection of a CMS with a statistical tool |
|--------------------------------|---|--|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> accessible to parties <input checked="" type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|-----------------------|---|--|---|---|---|
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> accessible to parties <input checked="" type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> accessible to parties <input checked="" type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |

063-2. Computerised registries managed by courts

| | Deployment rate | Data consolidated at national level | Service available online | Statistical module integrated or connected |
|--------------------------|---|--|--|--|
| Land registry | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Business registry | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

| Tool deployment rate | Data consolidated at national level | System communicating with other ministries (financial among others) |
|----------------------|-------------------------------------|---|
| | | |

| | | | |
|---|---|--|--|
| Budgetary and financial management of courts | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Justice expenses management | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other (please specify in comments) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

| | Tools deployment rate | Data used for monitoring at national level | Data used for monitoring at court local level | Tool integrated in the CMS |
|---|---|---|---|---|
| For judges | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| For prosecutors | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| For non-judge/non-prosecutor staff | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

3.5.6 Technologies used for communication between courts, professionals and/or court

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

| | Availability rate | Simultaneous submission of cases in paper form remains mandatory | Specific legislative framework authorising the submission of a case | An integrated/connect ed tool with the CMS |
|--------------------------------|--|--|--|--|
| Civil and/or commercial | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

Requesting legal aid electronically

| | |
|--|--|
| Availability rate | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Formalisation of the request in paper form remains mandatory | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Specific legislative framework regarding requests for legal aid by electronic means | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Granting legal aid is also electronic | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Information available in CMS | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

| | Summons produced by CMS | Simultaneous summon in paper form remains mandatory | Consent of the user to be notified by electronic means | Modalities (if other please specify in comments) | Specific legislative framework |
|--------------------------------|--------------------------------|--|---|---|---------------------------------------|
| Civil and/or commercial | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> |
| Criminal | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> |

| | | | | | |
|-----------------------|-----|-----|-----|---|-----|
| Administrative | [] | [] | [] | [] SMS [] E-mail [] Specific computer application [] Other | [] |
|-----------------------|-----|-----|-----|---|-----|

Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

() Yes

(X) No

Communication between court and parties not represented by lawyer

() Yes

(X) No

Comments

064-6-1. If yes, please specify the following information:

| | Tool deployment rate | Trial phases concerned | Modalities (if there are different according to the trial phases or if other, please specify in a comment) | Specific legal framework |
|--------------------------------|--|---|---|---------------------------------|
| Civil and/or commercial | [] 100% [] 50-99% [] 10-49% [] 1-9% [X] 0% (NAP) - for this matter [] NA | [X] Submission of a case to a court [X] Phases preparatory to a hearing [X] Schedule of hearings and/or appeals management [X] Transmission of court decisions | [X] E-mail [X] Specific computer application [X] Other | [X] Yes |

| | | | | |
|-----------------------|--|---|---|---|
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions | <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions | <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

Comments There are not yet possibilities of electronic communication between courts and lawyers and/or parties.

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

| | Tool deployment rate | Modalities (if there are different according to the deeds or if other, please specify in a comment) | Specific legal framework |
|--|---|--|---------------------------------|
| Enforcement agents (as defined in Q169 and following) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| Notaries (as defined in Q192 and following) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| Experts (as defined in Q202 and following) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> Yes |

| | | | |
|---------------------------------|--|-----------------------------------|------------------------------|
| Judicial police services | <input type="checkbox"/> 100% | <input type="checkbox"/> E-mail | <input type="checkbox"/> Yes |
| | <input type="checkbox"/> 50-99% | <input type="checkbox"/> Specific | |
| | <input type="checkbox"/> 10-49% | computer application | |
| | <input type="checkbox"/> 1-9% | <input type="checkbox"/> Other | |
| | <input checked="" type="checkbox"/> 0% (NAP) | | |
| | <input type="checkbox"/> NA | | |

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

| | Deployment rate (chose one only) | Proceeding phase | Specific legislative framework |
|--------------------------------|---|--|--|
| Civil and/or commercial | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

| | Tool deployment rate | Type of recording | Specific legislative framework |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-12. Is electronic evidence admissible?

| | Admissibility of electronic evidence | Legislative framework |
|--------------------------------|--|---|
| Civil and/or commercial | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |
| Criminal | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |
| Administrative | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |

Comments

3.6. Performance and evaluation

3.6.1.National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

| | Yes / No |
|---|--|
| within the courts | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| within the public prosecution services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

3.6.2.Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

costs of the judicial procedures

number of appeals

appeal ratio

clearance rate

disposition time

other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

Yes

No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of prosecutors and prosecution staff

satisfaction of prosecution staff

satisfaction of users (regarding the services delivered by the public prosecutors)

costs of the judicial procedures

clearance rate

disposition time

percentage of convictions and acquittals

other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.

073-1. Is this evaluation of the court activity used for the later allocation of resources within this

court?

() Yes

(X) No

Comments

073-2. If yes, which courses of action are taken?

[] Identifying to the causes of improved or deteriorated performance

[] Reallocating resources (human/financial resources based on performance (treatment))

[] Reengineering of internal procedures to increase efficiency (treatment)

[] Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

(X) Yes

() No

Comments

073-4. If yes, please specify the frequency:

(X) Annual

() Less frequent

() More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

() Yes

(X) No

Comments

073-6. If yes, which courses of action are taken?

[] Identifying to the causes of improved or deteriorated performance

[] Reallocating resources (human/financial resources based on performance (treatment))

[] Reengineering of internal procedures to increase efficiency (treatment)

[] Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

[X] High Judicial Council

[] Ministry of Justice

- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

| | Yes (If yes, please specify) | No |
|---|------------------------------|-------|
| within the courts | () | (X) |
| within the public prosecution services | () | (X) |

Comments

3.6.4. Information regarding courts /public prosecution services activity



080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution):Judicial Council Secretariat, Miljana Vukova bb. st., Podgorica
- No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):

No

Comments The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency.

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: According to Criminal Procedure Code the Chair of the Panel shall, if necessary, set a preparatory hearing for the purpose of determining the future course of the main hearing and planning as to which evidence, in what manner and at what time shall be presented at the main hearing, summon to a preparatory hearing the parties, defense attorney, injured party, proxy of the injured party, and, as needs be, an expert witness and other persons.

Preparatory hearing is held without the presence of the public and of which records are made and signed by the parties and other persons present, the Chair of the Panel shall inform the participants of the future course of the main hearing and ask for their comments thereon and for their proposals as to evidence, and shall invite them to state whether they are available to appear at the main hearing at the time planned by the Chair of the Panel. At the preparatory hearing the parties shall particularly be cautioned that they must, as a rule, make all evidentiary proposals at the preparatory hearing and that if they submit new proposals at the main hearing they shall justify in detail why they did not do so at the preparatory trial, as well as that the court shall reject such proposals unless the parties demonstrate that at the time of the preparatory hearing they did not know or could not have known of certain evidence or facts that should be proven.

Persons referred to in previous paragraph may at the preparatory hearing be orally informed as to the time of holding one or more planned hearings of the main hearing, which shall be entered in the records, in which case these persons shall be considered duly summoned to the main hearing.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding

the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: Also, except in criminal proceedings, the court shall schedule the preparatory hearing upon the receipt of the response to the complaint in civil procedure, too. Except in cases where upon the examination by the court of the complaint and response to the complaint it determines that there are no disputable facts between the parties or when due to the simplicity of the case, the court determines that the preparatory hearing is unnecessary.

In the summons for the preparatory hearing, the court shall inform the parties of consequences should they fail to appear at the preparatory hearing and that they are obliged to present all facts on which the claims are based and disclose all the evidence that they want to present in the course of proceedings and to bring to the preparatory hearing all the documents and items that they want to use as evidence.

Issues related to any obstacles to further course of the proceedings shall be heard after the presentation of the complaint and the response to the complaint. Evidence related to these issues can be presented at the preparatory hearing when necessary. In the course of preparatory hearing, court shall try, by asking questions, to present all decisive facts, complement all incomplete information on important facts, to specify or supplement evidence related to the allegations of the parties and provide all clarifications needed for the establishment of facts. Based on the deliberations at the preparatory hearing, the court shall decide and give directions on the issues to be discussed and the evidence to be presented at the main hearing.

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

Comments

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council.

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Judicial Council, Prosecutorial Council.

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

NA

NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

NA

Comments Number of submitted challenges is 1.838

Number of successful challenges is 1.272

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The party may file a request for control to the President of the court i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of

procedure.

In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person, if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on such violation, provided that the reopening of the proceedings can remedy such violation.

Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Administrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

D1. Please indicate the sources for answering questions in this chapter.

Sources: Supreme Court of Montenegro.

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify: In criminal cases proceedings against minors are urgent, proceedings for offenses committed in an organized manner, detention cases. In civil proceedings, the procedure by the so-called lawsuits per instance, labor disputes, trespassing, proceedings for enforcement and claims securing, physical divisions, disputes for child maintenance support, are urgent.

The procedure for adopting temporary measures in administrative proceedings is urgent. In Administrative disputes upon request of the plaintiff, the authority whose act is executed, respectively the authority competent for the execution if it is an act of an organization that is not authorized for the execution, shall defer the execution pending the validity of the court decision, if the execution might cause a damage to the plaintiff which could hardly be redressed, and if the deferment is not against the public interest or would not cause any major irreparable damage to the opposing party.

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: In the small claim disputes proceedings, the record of the main hearing, in addition to the information required also contains the following: if the court schedules the main hearing and the plaintiff fails to appear at the hearing in spite of being duly summoned, the court renders a judgment by which it shall dismiss the statement of claims (the judgment based on waiver), the judgment in the small claim disputes proceedings is rendered immediately after conclusion of the main hearing, special rules on refuting decisions, shorter deadlines for the execution of the period of the sentence ordered by decision.

Summary procedure is prescribed for the offenses for which the main prescribed punishment is a fine or imprisonment of up to five years.

Compared with the regular criminal proceeding, this form of the process has certain characteristics such as. in the indictment not charges, already indictment by a state prosecutor, or an indictment of an injured or private lawsuit; grounds for detention; duration of detention; Preliminary Examining indict; hearing for conciliation.

Also, the offenses for which, as punishable by fine or imprisonment up to three years, at the proposal of the state prosecutor and with the consent of the victim, the judge may issue a decision on punishment without trial.

In addition, the procedure for the imposition of judicial admonition is a different procedure. Thus, judicial admonition is imposed solution which shall be issued immediately after the end of the trial, with relevant reasons, grounds for contesting are differently placed in relation to the regular procedure, and on appeal, if an appeal against the decision on judicial admonition was pronounced by the prosecutor at the expense the accused, the appellate court may render a judgment finding the defendant guilty and impose a fine or a suspended sentence if it finds that the Trial court correctly established the relevant facts and the proper application of the law can impose a fine or a suspended sentence.

In the administrative procedure, in the event that the court finds that the challenged administrative act or other administrative activity contains such deficiencies that prevent the assessment of legality, it may annul the act or other administrative activity by a verdict and without the submission of a delivery of the charges.

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: Criminal Procedure Code states possibility for parties and injured party to waive the right to appeal immediately after the judgment was delivered to him/her. In such case copy of the decision shall be delivered only upon request of the parties. If the both, defendant and injured party, waived the right to appeal upon the announcement of the decision, and no party requested delivery of the judgment, written copy of the judgment doesn't have to contain statement of reasons.

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

- Yes
- No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|---|---|---|---|---|--|
| Total of other than criminal law cases (1+2+3+4) | 32 910 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 43 535 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 45 359 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 31 079 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------|
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 20 603 [] NA [] NAP | 28 852 [] NA [] NAP | 30 383 [] NA [] NAP | 19 072 [] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 1 235 [] NA [] NAP | 3 993 [] NA [] NAP | 3 991 [] NA [] NAP | 1 237 [] NA [] NAP | [] NA [X] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | 925 [] NA [] NAP | 2 886 [] NA [] NAP | 2 847 [] NA [] NAP | 964 [] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.3. Other registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | 310 [] NA [] NAP | 1 107 [] NA [] NAP | 1 144 [] NA [] NAP | 273 [] NA [] NAP | [X] NA [] NAP |
| 3. Administrative law cases | 10 740 [] NA [] NAP | 9 112 [] NA [] NAP | 9 451 [] NA [] NAP | 10 394 [] NA [] NAP | [X] NA [] NAP |
| 4. Other cases | 332 [] NA [] NAP | 1 578 [] NA [] NAP | 1 534 [] NA [] NAP | 376 [] NA [] NAP | [X] NA [] NAP |

Comments The decrease in the number of other non litigious cases was due to the reduced influx of cases in cases of inheritance (“O” register), because according to the Law on Amendments to the Law on Non-contentious Procedure the aforementioned cases are forwarded to notaries for further action. The increase in the number of administrative law cases was due to the increased influx of cases in administrative cases (“U” register) (Increase in the number of cases arising from claims filed by beneficiaries of compensations based on the birth of three or more children to decisions of the Ministry of Labor and Social Welfare during 2017 and 2018).

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Succession cases, cases on appeals of notary's decisions, cases on appeals on civil and non- contentious decisions, serious non - contentious cases.

093. Please indicate the case categories included in the category "other cases":

. Enforcement cases (I)

094. First instance courts: number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|--|
| Total of criminal law cases (1+2+3) | 37 553 [] NA [] NAP | 74 379 [] NA [] NAP | 72 465 [] NA [] NAP | 39 467 [] NA [] NAP | [] NA [X] NAP |
| 1. Severe criminal cases | 1 590 [] NA [] NAP | 3 781 [] NA [] NAP | 3 646 [] NA [] NAP | 1 725 [] NA [] NAP | [] NA [X] NAP |
| 2. Misdemeanour and / or minor criminal cases | 12 538 [] NA [] NAP | 45 878 [] NA [] NAP | 40 177 [] NA [] NAP | 18 239 [] NA [] NAP | [] NA [X] NAP |
| 3. Other cases | 23 425 [] NA [] NAP | 24 720 [] NA [] NAP | 28 642 [] NA [] NAP | 19 503 [] NA [] NAP | [] NA [X] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: The increase of criminal law cases is due to the inclusion of misdemeanor offences enforcement cases (IPS) (registry/ Basic Misdemeanor Courts) under "other cases".

4.2.3. Case flow management – second instance



097. Second instance courts (appeal): Number of "other than criminal law" cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|---|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| Total of other than criminal law cases (1+2+3+4) | 3 373 [] NA [] NAP | 11 073 [] NA [] NAP | 11 289 [] NA [] NAP | 3 157 [] NA [] NAP | [X] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.3. Other registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Administrative law cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |
| 4. Other cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [] NA [X] NAP |

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| Total of criminal law cases (1+2+3) | 80 [] NA [] NAP | 3 671 [] NA [] NAP | 3 683 [] NA [] NAP | 68 [] NA [] NAP | [X] NA [] NAP |
| 1. Severe criminal cases | 80 [] NA [] NAP | 1 535 [] NA [] NAP | 1 547 [] NA [] NAP | 68 [] NA [] NAP | [X] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | 0 [] NA [] NAP | 2 136 [] NA [] NAP | 2 136 [] NA [] NAP | 0 [] NA [] NAP | [X] NA [] NAP |

| | | | | | |
|----------------|---|---|---|---|---|
| 3. Other cases | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA |
| | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify.

4.2.4. Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|---|---|---|---|---|
| Total of other than criminal law cases (1+2+3+4) | 425 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 4 202 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 3 865 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 762 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 350 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 1 440 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 1 532 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 258 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2.1. Non litigious land registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2.2 Non-litigious business registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2.3. Other registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| 2.3. Other non-litigious cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Administrative law cases | 75 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 762 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 333 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 504 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "Other cases", please specify

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

Yes

No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [7 572]

cases closed by this procedure? [0]

Comments 7572 is total number of received cases by the Supreme Court of Montenegro in 2018. We can not provide the exact number closed by this procedure.

100. Highest instance courts (Supreme Court): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|--|--|--|--|---|
| Total of criminal law cases (1+2+3) | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 90 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 85 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 1. Severe criminal cases | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 90 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 85 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify

4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases,

intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year |
|---|-----------------------------------|----------------------------|----------------------------|-----------------------------------|
| Litigious divorce cases | 346 [] NA [] NAP | 1 637 [] NA [] NAP | 1 451 [] NA [] NAP | 532 [] NA [] NAP |
| Employment dismissal cases | 1 [] NA [] NAP | 0 [] NA [] NAP | 1 [] NA [] NAP | 0 [] NA [] NAP |
| Insolvency | 315 [] NA [] NAP | 679 [] NA [] NAP | 692 [] NA [] NAP | 302 [] NA [] NAP |
| Robbery case | 1 [] NA [] NAP | 8 [] NA [] NAP | 5 [] NA [] NAP | 4 [] NA [] NAP |
| Intentional homicide | 39 [] NA [] NAP | 31 [] NA [] NAP | 33 [] NA [] NAP | 37 [] NA [] NAP |
| Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention) | 0 [] NA [] NAP | 22 [] NA [] NAP | 17 [] NA [] NAP | 5 [] NA [] NAP |
| Cases relating to the right of entry and stay for aliens | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. Law on International and Temporary Protection of Foreigners governs the principles, conditions, and procedures for granting international and temporary protection to a foreigner seeking international protection; the rights and duties of a foreigner seeking international protection, an asylee, a foreign granted subsidiary protection, a granted temporary protection; as well as the conditions and the procedure for the withdrawal and cessation of asylee status, subsidiary and temporary protection. This Law shall apply from 1 January 2018.

- Asylum shall be granted to a foreigner seeking international protection, who is outside the country of his origin, and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

- The procedure upon an application for international protection, as well as the reception and accommodation of a foreigner seeking international protection, temporary protection, subsidiary protection shall be conducted by the state administration authority responsible for internal affairs (Ministry of the Interior).

- The tasks regarding the accommodation and reception of a foreigner above shall be carried out by the Ministry through its unit for providing accommodation to foreigners seeking international protection (the Reception Centre). The tasks regarding the accommodation of asylees, foreigners granted subsidiary protection and foreigners granted temporary protection shall be carried out by the state administration authority through its unit for providing help for integration of these persons into society.

- The Ministry of the Interior decides on the asylum application. Against the decision of the Ministry a lawsuit can be filed to the Administrative Court.

The procedure for granting asylum is a administrative procedure and body of the state administration charged with interior affairs shall conduct the procedure in the first instance, receive applications and take decisions on applications, conduct the procedure and take decisions on the cessation and revocation of asylum and perform other tasks. The State Asylum Appeals Commission shall adjudicate appeals lodged against decisions of the first-instance body. The State Commission shall take a decision on each appeal by a majority of votes of the total number of members, within two months from the day on which the appeal was lodged, unless a shorter period is provided by this Law. The State Commission is made up of a president and four members. The president, deputy president and members of the State Commission shall be appointed by the Government of the Republic of Montenegro (hereinafter: Government) for a four-year term. An administrative dispute can not be initiated against the decision of the second-instance body.

The Law on Aliens regulates conditions for the entry, movement and the work of aliens and the conditions of stay and work. An administrative dispute may be started against an administrative or other act that has been passed in second instance before the Administrative Court of Montenegro. An administrative or other act may be disputed: in the case of violation of the codes of procedure, in the case of inaccurate and incomplete establishment of the facts; in the case of inaccurate application of the material law.

The complaint shall be accepted, or refused as unsubstantial by a judgment. If the complaint is accepted, the Administrative Court shall nullify the disputed act. When found that the disputed act shall be nullified, the Administrative Court may, if the character of affairs allows so and if the established facts offer a reliable ground for it, settle the matter by a judgment, under the rules stated in Law on Administrative Dispute. Against the legally binding decision of the Administrative Court the following extraordinary legal remedies may be submitted: a request for exceptional reconsideration of a court decision and request for repeat of the procedure. The request for extraordinary reconsideration of a court decision shall be decided on by the Supreme Court in a panel of three judges, in a non public session, The request for extraordinary reconsideration of a court decision may be filed in the following cases: violation of the material law; violation of the codes of procedure in the administrative dispute, which might affect the deciding on the matter. Upon request for a repeat of the procedure decides Administrative Court, in a panel of three judges, in a non-public session.

A procedure concluded by a judgment or a decision shall be repeated upon request of a party: if the party discovers new facts, or finds or acquires the possibility to use new evidence, on which grounds the dispute might be settled more favorably for him/her, had these facts, i.e. evidence been put forward or used in the previous court procedure; if the court decision was reached due to a criminal act of the judge or an employee of the court, or the decision was achieved by deceit of the representative or attorney of the party, his/her opponent or the opponent's representative or attorney, and such a proceeding represents a criminal act; if the decision had been based on a judgment passed in a criminal or civil matter, and this judgment was later cancelled by another legally binding court decision; if a document, on which the decision is based, was false or altered falsely, or if a witness, assessor or party, has given a false statement during the hearing before court, and the court decision is based on that statement; if a party finds or acquires the possibility to utilize an earlier decision passed in the same administrative dispute; if an interested party had not been granted the possibility to participate in the administrative dispute; if the decision of the Administrative Court contradicts the judgment of the European Court of Human Rights in the same matter.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

| | % of decisions subject to appeal | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|----------------------------------|--|--|--|---|--|
| Civil and commercial litigious cases | 37 [] NA [] NAP | 264 [] NA [] NAP | 135 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | 4 [] NA [] NAP |

| | | | | | | |
|----------------------------------|-------------------------|--------------------------|--------------------------|---------------------|---------------------|-------------------------|
| Litigious divorce case | 6 [] NA [] NAP | 99 [] NA [] NAP | 73 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | 1 [] NA [] NAP |
| Employment dismissal case | 53 [] NA [] NAP | 315 [] NA [] NAP | 113 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | 0 [] NA [] NAP |
| Insolvency | 5 [] NA [] NAP | 176 [] NA [] NAP | 19 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | 24 [] NA [] NAP |
| Robbery case | 52 [] NA [] NAP | 201 [] NA [] NAP | 30 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | 0 [] NA [] NAP |
| Intentional homicide | 66 [] NA [] NAP | 397 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | 0 [] NA [] NAP |

Comments The numbers have been rounded up, the exact data for % litigious divorce cases of cases pending for more than 3 years for all instances is: 0,53%.

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. Pursuant to the provisions of the Family Law, proceedings in marital disputes shall be initiated by a lawsuit. The procedure for the divorce agreement is initiated by the joint proposal of the spouses (the proposal for an agreement on divorce). If a spouse has filed a lawsuit for divorce and the other person expressly declares that he does not dispute the merits of the lawsuit at the latest until the conclusion of the main hearing, the spouses shall be deemed to have proposed a divorce agreement. In marital disputes initiated of one of the spouses, a mediation procedure shall be conducted in accordance with the Law on Mediation, unless there are circumstances indicating the existence of any form of domestic violence. Upon receipt of the lawsuit, the court shall convene a hearing and ask spouses to immediately disclose which mediator they wish to address for the purpose of conciliation or reaching agreement on the legal consequences of divorce.

If a spouse does not reach a mediator agreement, he or she shall be assigned by a court. The court shall, without delay, provide the mediator with a lawsuit, an act on his / her appointment to the mediator, the names and addresses of the spouses and the data of the joint children, if any. The mediator shall, within eight days from the receipt of the act, invite spouses, under the terms of personal delivery, to attend a mediation procedure without attorneys in which they will attempt to terminate the disputed relationships without conflict and without divorce.

The mediation procedure for attempting reconciliation shall be carried out within one month of the day the lawsuit has been filed with the mediator and the mediation procedure for reaching an agreement on the consequences of divorce within 60 days of the date of termination of the conciliation procedure. The marriage agreement of the spouses about sharing the common property shall enter in the sentence of marriage divorce. The spouses' agreement on the exercise of parental rights is included in the sentence of marriage divorce if the court finds that the agreement is in the best interest of the child. During the entire divorce proceedings, the court shall be obliged to cooperate with guardianship authorities and other professional services dealing with marriage and family issues, especially when spouses have joint children. During the proceedings in marital disputes, the court may, by means of a decision, impose provisional measures in order to provide support to the spouse and to accommodate his / her proposal. In marital disputes, no judgment can be made for omission or judgment on the basis of recognition or renunciation. In martial law parties can not conclude court settlement.

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. The length of the proceedings shall be counted from the moment when the judge is charged with a single subject until the moment of hand in.

4.2.6. Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

Comments In accordance with the Criminal Procedure Code, the state prosecutor issues a binding order or directly manages the activities of the law-enforcement competent authority during the preliminary investigation stage and files request for the protection of legality against the final decision and, also concludes plea agreements with the accused after gathering evidence in accordance with law.

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: Submitting request for the protection of legality against a final court decision (Art.416 Civil Procedure Code), filing a complaint with the Administrative Court of Montenegro (Article 3 paras 3 and 4 of the Law on Administrative Procedure), submitting proposals for advertising with nullity of the decision (Article 261, in conjunction with Article 260 of the Law of Administrative Procedure), power to file a claim for the determination of the nullity of the contract under the Law on Obligations and power to undertake legal actions under the provisions of the Family Law for the protection of interests of the child etc.

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

| | Received during the reference year | Discontinued during the reference year (see Q108 below) | Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases brought to court |
|--|------------------------------------|---|--|------------------------------|
| Total number of first instance cases processed by the public prosecutor | 10 856 | 3 875 | 915 | 3 641 |
| | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA |
| | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP |

Comments The State Prosecutor's Office reports on the movement of criminality based on known perpetrators of crimes, therefore we have special reports for adult, legal, responsible and juvenile persons, which is kept by persons (9692), and when it comes to unknown perpetrators of criminal offences (2794) and cases in which indictments and grounds for suspicion are checked (8062), records are kept by cases.

In 2018, the State Prosecution Office rejected criminal charges against 3,875 persons (in 2017, against 3,461 persons, in 2016 against 3,798 persons, in 2015 against 3,225 persons), out of which against 316 persons under the jurisdiction of the Special State Prosecutor's Office (377 persons in 2017, 595 in 2016), against 3,512 persons under the jurisdiction of basic state prosecutor's offices (in 2017 3,056 persons, in 2016 3,139, in 2015 against 2,976 persons). Out of this number, it was against 617 persons after conducting deferred prosecution procedure (in 2017 against 659 persons, in 2016 against 591 persons, in 2015 against 487 persons), while criminal charges against 47 persons were dismissed within the jurisdiction of high state prosecutor's offices (in 2017 against 28 persons, in 2016 against 64 persons, in 2015 against 62 persons). Out of the total number of rejected criminal charges, only 363 persons were reported to the Special State Prosecutor's Office and high state prosecutor's offices, which confirms the conclusion that in most cases, criminal charges within the subject matter jurisdiction of basic state prosecutor's offices were decided by rejection.

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

| | Number of guilty plea procedures |
|------------------------------|--|
| Total | 298 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Before the court case | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| During the court case | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments In 2018, prosecutors resolved cases against 617 perpetrators (in 2017, 659 perpetrators, in 2016 against 591 perpetrators; in 2015, 487 perpetrators) by applying the deferred prosecution agreement. The above data indicate that the trend of applying alternative ways of resolving criminal cases in the State Prosecutor's Office has been maintained.

Pursuant to plea agreements, cases against 298 perpetrators of criminal offences were decided by judgments of the competent court (in 2017 240, in 2016 167, in 2015 57 agreements), out of which 255 agreements were reached in basic and high state prosecutor's offices (211 in 2017, 139 in 2016, 53 in 2015), and 43 agreements with the Special State Prosecutor's Office (29 in 2017, 28 in 2016, 4 in 2015) for the most serious crimes of corruption and organized crime

Please note that in the column "Cases received by the state prosecutor during the reference year" it is necessary to separate the data on the total number of cases because the State Prosecutor's Office reports on crime trends by known perpetrators of crimes, therefore we have separate data for adults, legal persons, responsible and juvenile persons, record of which is kept by persons (9692), and when it comes to unknown perpetrators of crimes (2794) and cases in which indications and grounds for suspicion are checked (8062), records are kept by cases.

We also point out that the data we provided in 2016 only related to the number of reported persons by known adult perpetrators of criminal offences, and that the work of state prosecutors in cases against unknown perpetrators of criminal offences and cases examining indications/evidence and grounds for suspicion were not shown.

108. Total number of cases which were discontinued by the public prosecutor.

| | Number of cases |
|---|--|
| Total number of cases which were discontinued by the public prosecutor (1+2+3+4) | 3 875 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|--|--|
| 1. Discontinued by the public prosecutor because the offender could not be identified | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Discontinued by the public prosecutor for reasons of opportunity | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

109. Do the figures include traffic offence cases?

- Yes
- No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Supreme State Prosecution Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges



110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council.

Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement.

Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established subcriteriums; 2. Ability to perform judicial function on the basis of established subcriteria; 3. Worthiness to perform judiciary function being valued based on established subcriteria .

For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website.

After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council.

Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision-making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision.

The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website.

The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance.

The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law.

The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The Judicial Council of Montenegro decides on the election of judges and presidents of all courts.

The Law on the Judicial Council and Judges regulates the procedure and criteria for the selection of judges for the first time elected.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):
State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

1) the performance of the judge or the state prosecutor;

2) ratings of the interview with the candidate.

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

statutory independent

under the authority of the Minister of Justice or another central authority

other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). The State Prosecutor's Office is a unique and independent state authority that performs the prosecution of perpetrators of criminal offences and other punishable offenses that are prosecuted ex officio - Article 134 of the Constitution of Montenegro.

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

Yes

No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. Vacant posts of state prosecutors are filled on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview.

Criteria for promotion of the state prosecutor:

-grade given in the performance evaluation

- interview evaluation grade

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

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

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Prosecutorial Council elects and dismisses the heads of state prosecutor’s offices and state prosecutors. The Prosecutorial Council has a president and ten members.

The Supreme State Prosecutor is the President of the Prosecutorial Council. Members of the Prosecutorial Council are:

- 1) five state prosecutors who hold permanent office and have at least five years of experience in discharging the prosecutorial duties; four; four of them are from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and one from basic state prosecution offices elected and dismissed by the Prosecutorial Conference;
- 2) four eminent lawyers elected and dismissed by the Parliament of Montenegro on the proposal of the relevant working body;
- 3) one representative of the state administration body responsible for judicial affairs appointed by the Minister of Justice from among the employees of the Ministry of Justice.

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors’ posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and
- grade in the interview.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

Criteria for the election of state prosecutor to the state prosecutor's office of o higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.

Professional knowledge is evaluated based on the following sub-criterion:

1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.

General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:

1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:67

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:67

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The function of the state prosecutor is permanent. Exceptionally, the person who is elected for the first time as State Prosecutor is elected for a period of 4 years.

The Supreme State Prosecutor and the heads of State Prosecutors' Offices are elected for a period of five years.

The Head of the State Prosecutor's Office and the State Prosecutor shall be dismissed from office if they are sentenced by a final judgment to a unconditional prison sentence

The dismissal is pronounced for the most serious disciplinary offences: 1) if he is convicted of an offence that makes him unworthy of performing his duties; 2) if he performs the prosecutorial office unprofessionally and unconscientiously.

State prosecutor's function ceases: 1) upon the expiry of the term of office 2) resignation; 3) fulfilment of requirements for for old-age pension; 4) termination of citizenship.

The head of the state prosecutor's office ceases when: 1) upon expiry of the term of office he/she is elected to; 2) if his function of the state prosecutor is terminated 3) upon his/her request or due to closing or merging of state prosecution offices.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):4 years for the first appointment

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Judicial Council, Prosecutorial Council.

5.2.Training

5.2.1.Training of judges

127. Types of different trainings offered to judges:

| | Compulsory | Optional | No training proposed |
|--|---------------------|---------------------|----------------------|
| Initial training (e.g. attend a judicial school, traineeship in the court) | (X) Yes () No | () Yes (X) No | () Yes (X) No |
| General in-service training | (X) Yes () No | () Yes (X) No | () Yes (X) No |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training for management functions of the court (e.g. court president) | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training for the use of computer facilities in courts | () Yes (X) No | (X) Yes () No | () Yes (X) No |
| In-service training on ethics | () Yes (X) No | (X) Yes () No | () Yes (X) No |

Comments When it comes to training activities for the use of computers in courts these training activities are conducted by the Judicial Council and Human Resource Management Authority which are in charge for this type of training.

128. Frequency of the in-service training of judges:

| | Frequency of the judges training |
|--|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions of the court (e.g. court president) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in courts | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on ethics | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges: The Centre for Training in Judiciary and State Prosecution has been continuously organizing and implementing trainings of judges and state prosecutors in order to strengthen their professional capacities according to the training programs, in conformity with the Law. Judges and state prosecutors have the right and duty to attend in-service training to which they apply according to their own interest, at least two working days a year.

Trainings in the Centre are implemented in accordance with the annual training program consisting the areas for which the training is

conducted in one calendar year, the dynamics and deadlines for the implementation, the structure and number of participants, the professional structure of the lecturers, the necessary funds, as well as the manner of evaluating the activities of the program. On the basis of the annual training program, special programs for in-service training are adopted in accordance with the Law.

www.cosdt.me In 2018, the Centre implemented 92 activities of in-service training of judges and state prosecutors, i.e. 163 days of training, either independently or in cooperation with the state institutions, international partners and NGO sector.

In addition, judges and state prosecutors, via the Centre, took part in 25 trainings that were held outside Montenegro, organized by regional and European training institutions, i.e. Montenegrin judges and state prosecutors participated in a total of 117 trainings.

Out of 312 judges in Montenegro, 266 judges participated in the trainings.



5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

| | Compulsory | Optional | No training proposed |
|---|--|--|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised functions (e.g. public prosecutors specialised on organised crime) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training on ethics | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments When it comes to training activities for the use of computers in state prosecution offices these training activities are conducted by the Prosecutorial Council and Human Resource Management Authority which are in charge for this type of training.

130. Frequency of the in-service training of public prosecutors :

| | Frequency of the in-service training |
|--|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

| | |
|---|--|
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on ethics | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: The Centre for Training in Judiciary and State Prosecution has been continuously organizing and implementing trainings of judges and state prosecutors in order to strengthen their professional capacities according to the training programs, in conformity with the Law. Judges and state prosecutors have the right and duty to attend in-service training to which they apply according to their own interest, at least two working days a year. Trainings in the Centre are implemented in accordance with the annual training program consisting the areas for which the training is conducted in one calendar year, the dynamics and deadlines for the implementation, the structure and number of participants, the professional structure of the lecturers, the necessary funds, as well as the manner of evaluating the activities of the program. On the basis of the annual training program, special programs for in-service training are adopted in accordance with the Law.

www.cosdt.me In 2018, the Centre implemented 92 activities of in-service training of judges and state prosecutors, i.e. 163 days of training, either independently or in cooperation with the state institutions, international partners and NGO sector.

In addition, judges and state prosecutors, via the Centre, took part in 25 trainings that were held outside Montenegro, organized by regional and European training institutions, i.e. Montenegrin judges and state prosecutors participated in a total of 117 trainings. Out of 118 state prosecutors in Montenegro, 107 state prosecutors participated in the trainings.

131. Do you have public training institutions for judges and / or prosecutors?

| | Initial training only | Continuous training only | Initial and continuous training |
|---|--------------------------|--------------------------|-------------------------------------|
| One institution for judges | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One institution for prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One single institution for both judges and prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments

131-0. If yes, what is the budget of such institution(s)?

| | Budget of the institution for the reference year, in € |
|---|--|
| One institution for judges | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One institution for prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One single institution for both judges and prosecutors | 624 240 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments In 2018, the allocated Budget for the work of the Centre for Training in Judiciary and State Prosecution amounted to a total of € 624,240.06, out of which amount is financed not only the initial and in-service training activities, but also a training program for trainees in courts and the state prosecutor's offices, as well as the salaries of employees, fees for the work of the Centre's bodies, costs of the

electricity, telephone, maintenance, material costs and all other expenses related to the functioning of an independent institution. Out of the abovementioned amount, € 174,973.13 was spent on organizing trainings (for judges, state prosecutors, candidates for judges and candidates for state prosecutors and trainees). Support provided by international organizations for the implementation of the in-service training amounted to € 403, 220.91, of which the amount of donations provided to the Center was € 26.139,49.

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Judges and prosecutors have compulsory initial training.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

| | Number of training courses in days organised, without e-learning | Online training courses available during the reference year (e-learning) |
|---|--|--|
| Total | 416 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Only for judges | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Only for prosecutors | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Only for other non-judge staff | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Only for other non-prosecutor staff | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 5. Other common training | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments:

E2. Please indicate the sources for answering the questions in this chapter:

Sources: Data on the total number of training days for all the aforementioned categories (416) are derived from the Annual Report on the Work of the Centre, which can be found on the Centre's website www.cosdt.me. The Centre always implements joint trainings for the aforementioned categories of the representatives of the judiciary and the state prosecution office, except when it comes to civil matters, and these trainings are intended for civil judges (as well as bailiffs, notaries ...), i.e. 22 days of training during 2018. When it comes to the theoretical part of the initial training, where candidates for judges and candidates for state prosecutors are trained together, during 2018, a total of 157 days of training was conducted. In 2018, the Centre for Training in Judiciary and State Prosecution started implementing the theoretical part of the professional training of trainees in the courts and the state prosecutor's offices, in accordance with the Law on Trainees in the Courts and the State Prosecutor's Office and the Bar Examination ("Official Gazette of Montenegro" no. 55/2016 and 57/2016). The theoretical part of the professional training is implemented by the Centre according to the joint Training Program for Trainees in the Courts and the State

Prosecutor's Office, and herewith, during 2018, 36 days of training were conducted.
Advisors in courts and prosecutor's offices also have the possibility of participation in trainings intended for both judges and state prosecutors

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

| | Gross annual salary, in € | Net annual salary, in € | Gross annual salary, in local currency | Net annual salary, in local currency |
|---|---|---|--|--|
| First instance professional judge at the beginning of his/her career | 21 536 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 12 852 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President) | 48 605 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 28 757 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career | 18 653 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 12 305 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General). | 32 556 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 21 336 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments The difference in the gross and net wages of state prosecutors in relation to prior reporting is the result of amendments to the Law on Salaries of Public Sector Employees 2017, which among other things reduced the coefficients to state prosecutors.

Law on wages of civil servants and state employees defines wages and positions in public sector as well as coefficients of wages of judges and state prosecutors. There has been an increase of coefficients for judicial office holders and thus increase of annual salaries. This applies to Presidents of Courts as well as to heads of public prosecution offices.

133. Do judges and public prosecutors have additional benefits?

| | Judges | Public prosecutors |
|------------------|--|--|
| Reduced taxation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Special pension | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Housing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| | | |
|--------------------------------|---------------------|---------------------|
| Other financial benefit | (X) Yes () No | (X) Yes () No |
|--------------------------------|---------------------|---------------------|

Comments

134. If “other financial benefit”, please specify:

| |
|--|
| . special allowance, life insurance, salary supplements for work in commissions and other bodies |
|--|

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|---------------------------------|---------------------|----------------------|
| Teaching | (X) Yes () No | (X) Yes () No |
| Research and publication | (X) Yes () No | (X) Yes () No |
| Arbitrator | () Yes (X) No | () Yes (X) No |
| Consultant | () Yes (X) No | () Yes (X) No |
| Cultural function | () Yes (X) No | () Yes (X) No |
| Political function | () Yes (X) No | () Yes (X) No |
| Mediator | (X) Yes () No | (X) Yes () No |
| Other function | () Yes (X) No | () Yes (X) No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. According to the Constitution of Montenegro, a judge cannot perform a post or other public function or professionally perform any other activity. At the request of a court president or judge, the Judicial Council gives an opinion on whether certain activities shall be considered as a professional performance of an activity incompatible with the performance of a judicial function.

The judge who performs scientific, educational and artistic activities as well as activities protected by copyright shall not be deemed to professionally perform other activity within the meaning of the Constitution.

137. Can public prosecutors combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|-----------------|---------------------|----------------------|
| Teaching | (X) Yes () No | (X) Yes () No |

| | | |
|---------------------------------|--|--|
| Research and publication | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Arbitrator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Consultant | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Cultural function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Political function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Mediator | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

- Yes
- No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

- Yes
- No

Comments

138-1. If yes, how is this institution / body formed

- only by judges
- by judges and other legal professionals
- other, please specify:

Comments

138-2. Are the opinions of this institution / body publicly available?

- Yes
- No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. In one procedure, the Commission adopted the Opinion, in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

[] NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

(X) Yes

() No

Comments

138-4. If yes, how is this institution / body formed

() only by prosecutors

() by prosecutors and other legal professionals

(X) other, please specify:

Comments The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro.

The Conference of State Prosecutors is elected by the President of the Commission for the Code of Ethics of State Prosecutors

138-5. Are the opinions of this institution / body publicly available?

(X) Yes

() No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

[] NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

[] Court users

[X] Relevant Court or hierarchical superior

[X] High Court / Supreme Court

[] High Judicial Council

[] Disciplinary court or body



- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments Minister of Justice and the Commission for monitoring application of the Prosecutorial Code of Ethics.

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments The Judicial Council issued a brochure for applicants complaints against judges and court president in 2017. It can be found at the following link: <http://sudovi.me/podaci/sscg/dokumenta/5566.pdf>

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body

- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments The procedure of determining disciplinary liability for minor and more serious disciplinary offenses is carried out by the disciplinary council upon the accusatory motion of the disciplinary prosecutor.

The Disciplinary Council consists of three members of the Prosecutorial Council, out of which two are from the rank of state prosecutors and one member from the rank of eminent lawyers who is the president of the disciplinary council. The Supreme State Prosecutor cannot be a member of the Disciplinary Council.

The members of the disciplinary council and their deputies are appointed by the Prosecutorial Council upon the proposal of the President of the Prosecutorial Council.

The Prosecutorial Council conducts the procedure for determining disciplinary liability for the most serious disciplinary offenses upon the motion of the disciplinary prosecutor.

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Judges | Prosecutors |
|---|--|--|
| Total number (1+2+3+4) | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2. Professional inadequacy | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify: It does not provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

| | Judges | Prosecutors |
|-------------------------------------|--|--|
| Total number (total 1 to 10) | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|---|------------------------|------------------------|
| 1. Reprimand | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 2. Suspension | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 3. Withdrawal from cases | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 4. Fine | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 5. Temporary reduction of salary | 0 [] NA [] NAP | 3 [] NA [] NAP |
| 6. Position downgrade | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 7. Transfer to another geographical (court) location | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 8. Resignation | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 9. Other | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 10. Dismissal | 0 [] NA [] NAP | 0 [] NA [] NAP |

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Secretariat of the Judicial Council, Secretariat of the Prosecutorial Council.

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

| | Total | Male | Female |
|-------------------|---------------|---------------|---------------|
| Number of lawyers | 911 [] NA | 616 [] NA | 295 [] NA |

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

| | First instance | Second instance | Highest instance court (Supreme Court) |
|----------------------------|----------------|-----------------|--|
| Civil cases | [] | [] | [] |
| Dismissal cases | [] | [] | [] |
| Criminal cases – Defendant | [] | [] | [] |
| Criminal cases – Victim | [] | [] | [] |
| Administrative cases | [] | [] | [] |

[X] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

| | First instance | Second instance | Highest instance court (Supreme Court) |
|----------------------------|-------------------|-------------------|--|
| Civil society organisation | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Family member | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Self-representation | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Trade union | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Other | (X) Yes () No | (X) Yes () No | (X) Yes () No |

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these

representation(s): Special types of representation deal with the special laws, for different types of procedures-different representations are provided, so it is not possible to give a concrete answer of this question, in relation to the offered answers.

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments The answer is NO. It is not allowed to practice law simultaneously with any other activity, except in the field of science, literature, art, publicists, pedagogy, translation and sport. Along with doing allowed activities, lawyers also have the right to take part in management of appropriate professional associations and societies.

During doing jobs on managing positions in state authorities, public services and companies, if lawyer does not decide to be deleted from the directory of lawyers, it is obliged for every lawyer to ask from Bar Association allowing the resting rights and obligations of the lawyer, and they are not allowed to use the title „lawyer“, for that period.

It is not in contradiction with the Code of Professional Conduct of the lawyers if the lawyer is a member of managing team in expert, working and other professional government or non-government bodies, in humanitarian organisations, NGOs for human rights and freedom protection, publishing and editing committee, as well as in similar organisations and societies.

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments The Law on solicitors of Montenegro do not state the above categories of lawyers. According to the Law, an attorney shall practice law independently or in a law firm or in a partnership law firm. Two or more attorneys may have one joint law firm. A joint law firm shall be established under a contract that regulates mutual business and property relations. A joint law firm shall be enrolled in the register of joint law firms. An attorney shall represent in any instance court and in any type of proceedings, regardless his practice in the previously stated categories.

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

- Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: According to the Law:

1) a lawyer as a defense attorney of a juvenile, in criminal proceedings, who is ex officio appointed by a court or a state prosecutor (since the defense is mandatory and the juvenile or his legal representative does not elect a lawyer) must have special knowledge in the area of the protection of juvenile delinquency in criminal proceedings, and the same advocacy specialty is being implemented through training.
2) in family law disputes - the case for the protection of the rights of the child and the dispute over the exercise of parental rights, the temporary agent is appointed from the rank of attorneys from the list of attorneys who have undergone training in the representation of children in family law proceedings, conducted by the Ministry of Justice.

F1. Please indicate the sources for answering questions 146 and 148:

Sources: BAR Association of Montenegro.

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify: The right to file a disciplinary appeal against a lawyer shall have any person who considers that an attorney in the performance of an activity has violated any of the lawyer's duties, and this also applies to the amount of remuneration. Such appeals shall be submitted, in the form of disciplinary appeal, to the Disciplinary Prosecutor of the Chamber of Montenegro.

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings |
|---|--|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 6 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | 6 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

| | Number of sanctions |
|--|------------------------|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | 2 [] NA [] NAP |
| 1. Reprimand | 0 [] NA [] NAP |
| 2. Suspension | 0 [] NA [] NAP |
| 3. Withdrawal from cases | 0 [] NA [] NAP |
| 4. Fine | 2 [] NA [] NAP |
| 5. Other | 0 [] NA [] NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: In the divorce disputes the claims of one of the spouses is carried out through mediation in accordance with the Law on Mediation and Family Law, except in cases where there are circumstances that point to the existence of any form of domestic violence.

Also, in Article 27a of the Law on Mediation it is stipulated in which cases the court is obliged to refer the parties to a meeting with the mediator:

1. when provided for by a special law

2. when he or she determines that it is in the best interest of the child whose rights and interests it decides

3. when litigation in property law litigation is initiated requiring fulfillment of the obligation to perform, in:

- the disputes in which Montenegro is liable

- small claims
- Economic disputes
- disputes involving more than five parties on one side
- disputes concerning the division of property of spouses.

Upon receipt of the lawsuit, the court will schedule a hearing and ask the spouses to immediately state which mediator they want to address in order to attempt to settle or reach an agreement on the legal consequences of the divorce. If spouses do not reach an intermediary agreement, they will be appointed by the court. If the spouses are reconciled, the lawsuit is deemed to be withdrawn.

The intermediary is obliged to inform the court to which the lawsuit is filed and to provide him with a minutes of the conciliation and a record containing the agreement of spouses on exercising the parental right and on the divorce of the joint property or the statement of the spouses that the agreement has not been reached

Pursuant to the Law on Amendments to the Law on Civil Servants and State Employees as of March 2019, there stands the obligation of civil servants and state employees to, in terms of the procedural presumption, if they consider that their rights from work and on the basis of their work has been violated, they are entitled to peaceful resolution of labor dispute before the competent authority, one of which is the Center for Mediation.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: Not for the time being, although the proposal for the new Law on the ADR provides for such an obligation in certain types of disputes.

164. Please specify, by type of cases, who provides court-related mediation services:

| | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|---|--|--|--|--|
| Civil and commercial cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Family cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Administrative cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Labour cases including employment dismissals | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Criminal cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Consumer cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators.

166. Number of accredited or registered mediators for court-related mediation:

| | Total | Males | Females |
|---------------------|---|---|---|
| Number of mediators | 98 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 25 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 73 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

167. Number of court-related mediations:

| | Number of cases for which the parties agreed to start mediation | Number of finished court-related mediations | Number of cases in which there is a settlement agreement |
|--|--|--|--|
| Total (1 + 2 + 3 + 4 + 5 + 6) | 708 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 655 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 378 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil and commercial cases | 128 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 115 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 37 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Family cases | 124 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 117 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 37 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Administrative cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Labour cases including employment dismissal cases | 423 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 390 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 271 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Criminal cases | 33 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 33 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 33 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Consumer cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please indicate the source: The data comes from Centre for Mediation.

Regarding commercial disputes, they are less represented, mainly due to the fact that business entities, and primarily their lawyers, do not necessarily consider positively mediation. In 2017, there was more commercial disputes referred to mediation by the Commercial Court, since then was organized the mediation Week in the Commercial Court. There was a significant increase in mediation cases in labor disputes in front of the Mediation Centre, because in some cities of Montenegro, due to the previous positive experience of the parties, citizens and some lawyers recognized the importance of resolving disputes through the mediation process and benefits that it can have for the party itself.

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments Parties in labor disputes - both individual and collective, may, in accordance with the Law on Peaceful Settlement of Disputes, voluntarily decide to settle the dispute to the facilitator or arbitrator.

A facilitator is a person who provides assistance to parties in a collective dispute and gives a recommendation with the aim of concluding a dispute settlement agreement, and the arbitrator is the person who leads the dispute and decides on the subject of an individual dispute. For the purpose of conducting professional tasks related to the peaceful settlement of labor disputes, the Agency for the Peaceful Settlement of Labor Disputes was founded.

G1. Please indicate the source for answering question 166:

Source: Centre for Mediation.

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments

170. Number of enforcement agents

| | Total | Male | Female |
|------------------------------|-----------------------------------|-----------------------------------|----------------------------------|
| Number of enforcement agents | 31 <input type="checkbox"/> NA | 22 <input type="checkbox"/> NA | 9 <input type="checkbox"/> NA |

Comments

171. Are enforcement agents (multiple options are possible):

- judges
- bailiffs practising as private professionals under the authority (control) of public authorities
- bailiffs working in a public institution
- other

Comments - Please specify their status and powers: A Bailiff carries out activities as a public service, independently, professionally and as sole interest, in accordance with the Law on Enforcement and Security and the Law on Bailiffs.

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: Authorizations under the jurisdiction of public enforcement is established with the Law on Enforcement and Securities and the Law on Bailiffs, and shall apply exclusively to these public servants

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

| | Option |
|--|---|
| Seizure of movable tangible properties | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of immovable properties | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of remunerations | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of motorised vehicles | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Eviction measures | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Enforced sale by public tender of seized properties | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Other | <input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP |

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

Service of judicial and extrajudicial documents

- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

174. Are enforcement fees easily established and transparent for court users?

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: Chamber of Bailiffs.

8.1.2. Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify: The Ministry of Justice shall perform supervision over the legality of work of judicial officers and of the Chamber ex officio or upon a proposal of a president of a court for whose territory the bailiff is appointed, as well as upon a proposal of parties and participants to the proceedings. Ministry may order measures, as part of performing the supervision over the legality of work of the judicial officer and of the Chamber, to remove the shortcomings in the work of bailiff and define the deadline for acting in line with such measures.

183. What are the main complaints made by 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):

Comments Dissatisfied litigants have a possibility for complaints against enforcement officers, in order with legislation.

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

Yes

No

Comments - If yes, please specify: All courts in Montenegro annually issue a Resettlement Action Plan and Program, and within the PRIS, there is a statutory monitoring of backlog of cases in the courts. In connection to this, the Basic Court in Podgorica as court with highest number of backlog cases, adopted the Strategy of reducing the number of cases for enforcement, which is to help to significantly reduce the backlog of enforcement cases. These enforcement cases are mostly been completed.

185. Is there a system measuring the length of enforcement procedures:

| | | Existence of the system |
|-----------------|--|--|
| for civil cases | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| | |
|--------------------------|-------------------|
| for administrative cases | () Yes (X) No |
|--------------------------|-------------------|

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):
- NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings initiated |
|---|--|
| Total number of initiated disciplinary proceedings (1+2+3+4) | 4 [] NA [] NAP |
| 1. For breach of professional ethics | 0 [] NA [] NAP |
| 2. For professional inadequacy | 0 [] NA [] NAP |
| 3. For criminal offence | 0 [] NA [] NAP |
| 4. Other | 4 [] NA [] NAP |

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

| | Number of sanctions pronounced |
|--|--------------------------------|
| Total number of sanctions (1+2+3+4+5) | 4 [] NA [] NAP |
| 1. Reprimand | 0 [] NA [] NAP |
| 2. Suspension | 0 [] NA [] NAP |

| | |
|--------------------------|------------------------|
| 3. Withdrawal from cases | 0 [] NA [] NAP |
| 4. Fine | 4 [] NA [] NAP |
| 5. Other | 0 [] NA [] NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Chamber of Bailiffs.

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Chamber of Bailiffs.

8.2.Execution of decisions in criminal matters

8.2.1.Functioning of execution in criminal matters



189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

9.Notaries

9.1.Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

| | Total | Male | Female |
|---|-------------------------|-------------------------|-------------------------|
| TOTAL (1+2+3+4) | 53 [] NA [] NAP | 20 [] NA [] NAP | 33 [] NA [] NAP |
| 1. Private professionals (without control from public authorities) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Professionals appointed by the State | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 3. Public officials | 53 [] NA [] NAP | 20 [] NA [] NAP | 33 [] NA [] NAP |
| 4. Other | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary (multiple options possible):

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement: 67
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments Real estate purchase contracts, establishing mortgages – mortgage declarations, mortgage contracts, contracts on lifetime support, wills, real estate exchange contracts, real estate donation contracts.

194-1. Do notaries have the exclusive rights when exercising their profession:

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: Notaries only have the exclusive right to make contracts that have real rights for the trade. In relation to the verification of transcripts, signatures and manuscripts, they have competitiveness with the courts.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

In establishing authentic instruments

In recording authentic instruments (archives)

Other activity (please specify):

Comments Some notaries, but in smaller numbers, have devices for recording identification documents.

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments The court has jurisdiction to control only in procedure in inheritance matters.

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments

11. Please indicate the sources for answering question 192:

Sources: Chamber of Notaries.

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[303]

NA

NAP

Comments Decrease in the number of accredited and registered court interpreters is due to the new and more strict requirements in terms of appointment which is the consequence of the amendment to the Law.

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): Court interpreter shall be a person who:

- is a Montenegrin citizen or a national of a Member State of the European Union;
- with general health and capacity to act;
- which has not been convicted for a criminal act that makes him unworthy of performing the duties of an interpreter;
- against whom no criminal proceedings for a criminal offense which is prosecuted ex officio, is undergoing;
- has a higher education qualification VIII level of education;
- with at least five years of experience with higher education;
- besides knowledge of the Montenegrin language has excellent performance in language from which translates oral or written text;
- is familiar with the organization of public authorities, the judiciary and state administration and procedural legal terms.

The interpreter is bound to translate conscientiously, impartially and in accordance with the rules of translation and science.

Court interpreter is considered unprofessional if he gives incomplete, vague, contradictory or inaccurate translations, and if performs translation that does not meet professional standards in the field of translation.

201. Are the courts responsible for selecting court interpreters?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects court interpreters Ministry of Justice

Comments

J1. Please indicate the sources for answering question 199

Sources: Ministry of Justice.

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts



202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

- experts who are requested by the parties to bring their expertise to support their argumentation,
- experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments

202-1. Are there lists or databases of registered judicial experts?

- Yes
- No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): Judicial Experts Commission shall decide on the appointment of an expert witness,

who is bound to take an oath before the Ministry of Justice.

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
 Courts
 Independent body (association of judicial experts)
 Other

Comments

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long 6
 No

Comments

203. Is the title of judicial experts protected?

- Yes
 No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

| | Obligation of training |
|----------------------------|--|
| Initial training | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Continuous training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

203-2. If yes, does this training concern:

- judicial proceedings
 the profession of expert
 other

Comments

204. Is the function of judicial experts regulated by legal norms?

- Yes
 No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

- Yes

() No

Comments

205. Number of accredited or registered judicial experts:

| | Total | Male | Female |
|-------------------|--------------------------|---------------------|---------------------|
| Number of experts | 386 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments Decrease in the number of accredited and registered court experts was due to the new and more strict requirements in terms of appointment which is the consequence of the amendment to the Law

205-1. Who sets the expert remuneration?

| |
|---------|
| - Judge |
|---------|

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

(X) Yes

() No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: The term shall be determined by the judge in the decision on the engagement of the expert.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

| | Number of cases |
|--|---------------------|
| Total (1+2+3+4) | [X] NA [] NAP |
| 1.Civil and commercial litigious cases | [X] NA [] NAP |
| 2.Administrative cases | [X] NA [] NAP |
| 3.Criminal cases | [X] NA [] NAP |
| 4.Other cases | [X] NA [] NAP |

Comments

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts
Judicial experts Commission of the Ministry of Justice

Comments The Law on Court Experts has been amended in 2016 and responsible is the Judicial experts Commission of the Ministry of Justice.

207-1. Does the judge control the progress of the expertise?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice.

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans In the previous period, the semi-annual reports on the implementation of the Action Plan for monitoring of implementation of the Judiciary Reform Strategy for the period 2014-2018, adopted by the Government, continuously monitor the implementation of this strategy.

In September 2019 the Government adopted new Strategy for the Reform of the Judiciary 2019-2022 and accompanying Action plan. The Strategy rests on strategic goals that are based on the assessments of achieved goals from the earlier Strategy from 2014, and on the basis of findings and recommendations contained in numerous reports and analyses about the reform of the judiciary of the international organisations, institutions and local non-governmental organisations. Therefore, this Strategy recognises and addresses the main challenges, findings and recommendations resulting from the integration process of Montenegro in the EU and Montenegro's international commitments under the process of negotiations for Chapter 23. The following are some of the relevant documents that laid the foundations for preparation of the Strategy: Montenegro Progress Reports by the European Commission, Program of Accession of Montenegro to the EU, Temporary measures from Chapter 23 (especially the measure No 23 that refers to the adoption and implementation of the national strategy for the reform of the judiciary and the present Action Plan), reports produced by the UN committees (CRC, UNCAC, CEDAW, HRC) and Council of Europe committees (CEPEJ, MONEYVAL, GRECO, GRETA), Analyses of the Judiciary in Montenegro produced by the World Bank etc.

In the future, reform activities will focus on achievement of several strategic goals. Further strengthening of independence, impartiality and accountability of the judiciary remain a priority for Montenegro in the EU integration process. Increased efficiency of the judicial system will lead to improvements in the better quality of respect for human rights and the rule of law. In the future,

increased accessibility and transparency of judicial institutions should result in a stronger public trust in the judiciary. Reform processes will also contribute to the improvement of international and regional judicial co-operation and to further capacity building of judicial institutions. Furthermore, a special part of the Strategy is focused on strategic guidelines, the aim of which is the reform and further development of judicial institutions and other institutions working with the judiciary. The results so far call for a further commitment for a full implementation of laws and application of practices of the European Court of Human Rights and the international standards.

The Action Plan will define the measures and activities for the implementation of strategic goals and guidelines defined by the Strategy.

2. Budget /

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) New legislation in the field of justice adopted in 2015 (Law on Courts, Law on Judicial Council and Judges, Law on State Prosecution Office) shall be continuously implemented. In the previous period, the semi-annual reports on the implementation of the Action Plan for monitoring of implementation of the Strategy for ICT Judiciary 2016-2020 ,adopted by the Government, continuously monitor the implementation of this strategy.

3.1. Access to justice and legal aid /

4. High Judicial Council In order to overcome the problem of election of the new Judicial Council that arose due to the lack of a constitutional two-thirds majority in the Parliament of Montenegro for the appointment of members of Judicial Council from among eminent lawyers, the Law amending the Law on Judicial Council and Judges was adopted in 2018. This Law, according to the recommendations of the Venice Commission, has improved the existing law regarding the mandate of the Judicial Council in cases when following the expiry of the Judicial Council's mandate, new Council cannot be elected. Moreover, this Law improved the procedure of election of members of the Council from among the eminent lawyers, who are appointed by the Parliament of Montenegro, upon a proposal of a competent committee of the Parliament.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Institutional development of the Centre for Mediation and of mediators' work through the implementation of activities from the Programme of Development of Alternative Dispute Resolution 2019-2021, adopted by Government.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities /

7. Enforcement of court decisions /

8. Mediation and other ADR /

9. Fight against crime /

9.1. Prison system In the previous period, the semi-annual reports on the implementation of the Action Plan for monitoring of implementation of the Strategy for the Execution of Criminal Sanctions 2017-2021, adopted by the Government, continuously monitor the implementation of this strategy.

9.2 Child friendly justice /

9.3. Violence against partners /

10. New information and communication technologies /

11. Other /

