

JUDICIAL REFORM STRATEGY 2024-2027





Ministry
of Justice

JUDICIAL REFORM STRATEGY 2024-2027

Podgorica, 2024

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ACRONYMS AND ABBREVIATIONS

AP 2024-2025.	Action Plan for the Implementation of the Judicial Reform Strategy 2019-2022 (for the period 2019-2020)
AP 2019-2020.	Action Plan for the Implementation of the Judicial Reform Strategy 2019-2022 (for the period 2021-2022)
AP 2021-2022.	Action Plan for the Implementation of the Judicial Reform Strategy 2024-2027 (for the period 2024-2025)
CC	Criminal Code of Montenegro
CEDAW	The Committee on the Elimination of Discrimination against Women
CeMI	Centre for Monitoring and Research
CEPEJ	Council of Europe European Commission for the Efficiency of Justice)
CH 23	Chapter 23
Council for JRS 2019-2022	Council for Monitoring the Implementation of the Judicial Reform Strategy 2019-2022
CPC	Criminal Procedure Code
CSO	Civil Society Organization
EC	European Commission
EU	European Union
GRECO	Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HRA	Human Rights Action
JC	Judicial Council of Montenegro
JRS 2014-2018	Judicial Reform Strategy 2014-2018
JRS 2019-2022	Judicial Reform Strategy 2019-2022
JTC	Judicial Training Centre of Montenegro
MONEYVAL	The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental Organisation

PC	Prosecutorial Council of Montenegro
SAA	Stabilisation and Association Agreements
SC	Supreme Court of Montenegro
SSPO	Supreme State Prosecution Office
UN	United Nations

I INTRODUCTION

1.1. PURPOSE OF THE JUDICIAL REFORM STRATEGY 2024-2027

Judicial Reform Strategy 2024-2027 (hereinafter referred to as: “the JRS 2024-2027”) is a sectoral strategic document the development of which is aimed at ensuring the continuity of reform based on public policy long-term planning which began with the Judicial System Reform Project in 2000. This cycle has continued through the Judicial Reform Strategy 2007-2012 and following the expiration of the Judicial Reform Strategy 2014-2018 (JRS 2014-2018), the Government of Montenegro adopted the Judicial Reform Strategy 2019-2022 (hereinafter referred to as: “the Strategy, JRS 2019-2022”) at the session held on 12 September 2019.

The continuity of the reform process thus ensured has multiple benefits as follows:

- On one hand, it represents a systemic and long-term approach to improvement of the organisation and functioning of the judiciary of Montenegro and increases the level of the rule of law and access to justice for citizens;
- Simultaneously, it keeps up with the need for alignment of the judicial system with relevant international standards and recommendations of international bodies responsible for monitoring the alignment level with these standards.

Finally, the strategic approach to judicial reform is an integral part of addressing priorities and meeting the benchmarks defined within the negotiating process for Chapter 23 (hereinafter referred to as: “the CH 23”).¹ within the accession negotiations with the European Union (hereinafter referred to as: “the EU”).

2. RELEVANT STRATEGIC FRAMEWORK OF MONTENEGRO AND ALIGNMENT WITH INTERNATIONAL OBLIGATIONS

In terms of the **mutual alignment of the Strategy and other public policy documents implemented by the Government and the judicial institutions**, the need to ensure strategic reform access was also addressed in the **Work Programme of the Government for 2023**, which envisages the obligation of adopting the Final Report on the Implementation of the Action Plan for the Implementation of the Judicial Reform Strategy 2021-2022 and the adoption of the Judicial Reform Strategy 2024-2027 with the Action Plan for 2024-2025. Taking this into account, it can be stated that coherence of the planning system in this area is ensured.

The **National Strategy for Sustainable Development by 2030**² includes Strategic Objective 4.2.3: “Development of the State as an Efficient Rule of Law” which defines that crime, organised crime, corruption and, as of recently, terrorism, represent serious challenges, and threats for modern countries. States alone, most often, cannot appropriately respond to these challenges; a wider, inter-societal and international partnership is necessary in order to eliminate or at least, minimize these phenomena.

Strategy for Combating Trafficking in Human Beings 2019-2024³ represents a document that is inextricably linked to the Strategy, particularly within the strategic areas 2 and 3 related to the protection of victims of trafficking in human beings and the response of criminal judiciary i.e. criminal prosecution of human trafficking perpetrators. In this regard, strategic area 2 particularly points out the need to improve the identification of victims and

1 See relevant versions of action plans for Chapter 23: Action plan for Chapter 23 - Judiciary and Fundamental Rights (2013) available at: <https://www.gov.me/dokumenta/fab71e67-b278-42cf-89c5-ac69741d82b1>, Action Plan for Chapter 23 - Judiciary and Fundamental Rights (2015) available at: https://www.eu.me/wpfd_file/akcioni-plan-za-poglavlje-23-pravosudje-i-temeljna-prava/, Dynamic Plan for Fulfilling the Interim Benchmarks within Chapter 23 – Judiciary and Fundamental Rights, available at: https://www.gov.me/biblioteka?page=1&sort=published_at&q=23&dt=7, accessed on 9 May 2023.

2 National Strategy for Sustainable Development by 2030, <https://www.gov.me/dokumenta/6852d215-af43-4671-b940-cbd0525896c1>

3 Strategy for Combating Trafficking in Human Beings 2019-2024, <https://www.gov.me/dokumenta/ffadbb5a-c40e-4ab2-ad5d-3606cfca4a97>

potential victims of trafficking in human beings among vulnerable groups; to ensure a more efficient functioning of mechanisms for the compensation of damages to victims; to improve the quality of protection and assistance to victims of trafficking in human beings in their social reintegration, as well as to improve the protection of victims during criminal proceedings with a special focus on children. Strategic area 3 particularly points out the importance of continued harmonization of criminal legislation with relevant international standards in the area of combating trafficking in human beings and efficient cooperation with international authorities such as *Europol* and *Eurojust*.

Strategy for the Execution of Criminal Sanctions 2023-2026⁴ - reform of the execution of criminal sanctions system cannot function in the necessary manner without the alignment with the reform of judiciary, primarily in the segments that refer to the independence and impartiality of judiciary and its efficiency, and especially in the context of aligning criminal legislation with relevant international standards, including minors in contact with the law and international cooperation mechanisms.

Strategy for the Prevention of Terrorism, Money Laundering and the Financing of Terrorism 2022-2025⁵ is relevant to this Strategy primarily within the framework of strengthening preventative mechanisms for combating money laundering and preventing terrorism, in terms of recognising risks and also in terms of the operational objectives 2, 3 and 4 that envisage strengthening the capacities of judiciary for prosecuting these types of criminal offences and improving efficiency of criminal prosecution.

National Strategy for Gender Equality 2021-2025⁶ refers to the issue of reform of judiciary from the perspective of improved collection of alimony, urgent need for the state institutions to be able to produce, collect and analyse gender-disaggregated data as soon as possible, to enable planning of public policies based on real-life situations and regular monitoring of progress and achievements of public policies based on quantitative indicators. Finally, this strategic document recognizes the need to include the judicial branch in the gender mainstreaming of public policies.

Montenegro Digital Transformation Strategy 2022-2026⁷ - alignment with the relevant strategic document is particularly emphasized in the part concerning the use of electronic signature, electronic stamp, electronic time stamp and electronic registered delivery service in legal operations, administrative, judicial and other proceedings.

Judiciary ICT Development Programme 2021-2023⁸ - represents the third strategic document that addresses the relevant area. Its predecessors were the ICT Strategy for the Judiciary 2016-2020 as well as the ICT Strategy in the area of judiciary 2011-2014. The ICT Program has been primarily dedicated to the development and improvement of the judicial information system, as a unified system of courts, public prosecution offices, the Directorate for the Execution of Criminal Sanctions and the Ministry of Justice. Although the duration of this public policy document will expire during the period of Strategy preparation, the fact that it defines in detail the improvement of ICT in judiciary, as well the fact that, on the basis of results achieved and remaining challenges, new multi-annual strategic document will be developed that will address, in more detail, the needs of the basic justice defined in this Strategy as well, makes it relevant for the content of the Strategy itself.

In terms of the **alignment of the Strategy with the European integration process and public policy documents in this area, Program of Accession of Montenegro to the EU 2023 – 2024⁹** envisages the adoption of the new Strategy and the Work Programme of the Government envisages the following Strategy to be adopted for the period as of 2024. It is important to note that this document presents one of the key reform pillars the implementation of which is necessary for fulfilling 16 **interim benchmarks defined in the Common Negotiating Position for Chapter 23¹⁰**, which correctly recognises the need for strategic approach and continuous reform processes in this field.

4 Strategy for the Execution of Criminal Sanctions 2023-2026, <https://www.gov.me/dokumenta/7ba33ee1-9c9e-4b32-9afe-c87760d49ed6>

5 Strategy for the Prevention of Terrorism, Money Laundering and the Financing of Terrorism 2022-2025, <https://www.gov.me/dokumenta/74aa43fb-3f67-4ecf-b741-e3dad584a5d2>

6 National Strategy for Gender Equality 2021-2025, <https://www.gov.me/dokumenta/26b0c8cc-3890-426e-a275-a29e1ff69648>

7 Montenegro Digital Transformation Strategy 2022-2026, <https://wapi.gov.me/download/b70528ed-0bba-4140-a576-addab76998e4?version=1.0>

8 Judiciary ICT Development Programme 2021-2023, <https://www.gov.me/dokumenta/3ab0d094-2b75-4c84-b40d-c71d7b8c7d6f>

9 Program of Accession of Montenegro to the EU 2022-2023, available at: <https://www.eu.me/dokumenti-pregovori-o-pristupanju/#1583-1683-pp-cg>, accessed on 12 May 2023

10 General EU Position - Negotiating Chapter 23, Judiciary and Fundamental Rights, available at: <https://www.eu.me/dokumenti-pregovori-o-pristupanju/#1583-1624-zajednicke-pozicije>, accessed on 12 May 2023.

In addition, in order to plan further steps in this area an entire set of interim benchmarks envisaged by the Common Negotiating Position for Chapter 24 is relevant.¹¹

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. In the course of developing a new strategic document, it is necessary, among other things, to take into account the **assessment of the European Commission on progress achieved** in the area of reform of the judiciary within Chapter 23.¹² However, the fact that the role of national strategic documents is not to address, exclusively, the priorities recognised by the European Commission, but an overall approach to improving the state of the judiciary, in line with *ex-ante*, detailed assessment of the state and identification of challenges should not be disregarded.

In addition to the above mentioned, reform priorities and objectives within this Strategy are largely conditioned by the need for full alignment with international universal and regional standards specified in the recommendations of the **UN treaty bodies** (CRC, HRCtee, CCPR, CEDOW, CAT, CED, SPT, CRPD), as well as treaty and expert bodies of the Council of Europe (**Venice Commission**¹³, **GRECO**¹⁴, **GRETA**¹⁵, **GREVIO**¹⁶, **MONEYVAL**¹⁷, **CEPEJ**¹⁸ etc).

Strategy directly relies also on the UN Sustainable Development Goals, or more precisely, Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels: 16.1 Significantly reduce all forms of violence and related death rates everywhere; Promote the rule of law at the national and international levels and ensure equal access to justice for all; 16.5 Substantially reduce corruption and bribery in all their forms; 16.6 Develop effective, accountable and transparent institutions at all levels; 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels; 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements; 16.b Promote and enforce non-discriminatory laws and policies for sustainable development. Goal 5, i.e. 5.5 is also significant: "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life".

3. ANALYSIS OF THE JRS IMPLEMENTATION RESULTS 2019-2022

During the session held on 12 September 2019, the Government of Montenegro adopted the Judicial Reform Strategy 2019-2022. Reform activities in this four-year term have been focused on achieving five strategic objectives as follows:

- strengthening the independence, impartiality and accountability of the judiciary;
- strengthening the efficiency of the judiciary;
- Montenegrin judiciary as part of the European judiciary;

11 Common Negotiating Position for Chapter 24, <https://www.eu.me/poglavlje-24-pravda-sloboda-i-bezbjednost/>

12 COMMISSION STAFF WORKING DOCUMENT Montenegro 2022 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy, available at: <https://op.europa.eu/en/publication-detail/-/publication/a9b0d6b3-4b02-11ed-92ed-01aa75ed71a1/language-fr>, accessed on 12 May 2023

13 Primarily: CDL-AD(2023)011 Montenegro - Follow-up Opinion to the opinion on the draft amendments to the Law on the Judicial Council and Judges, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023); CDL-REF(2023)016 Montenegro - Law on the Judicial Council and Judges with revised draft amendments; CDL-AD(2022)050 Montenegro - Opinion on the draft amendments to the Law on the Judicial Council and Judges, adopted by the Venice Commission at its 133rd Plenary Session (Venice, 16-17 December 2022); CDL-AD(2021)030 English Montenegro - Urgent Opinion on the revised draft amendments to the Law on the State Prosecution Service, issued pursuant to Article 14a of the Venice Commission's Rules of Procedure on 10 May 2021, endorsed by the Venice Commission at its 127th Plenary Session (Venice and online, 2-3 July 2021); CDL-PI(2021)008 Montenegro - Urgent Opinion on the revised draft amendments to the Law on the State Prosecution Service, issued pursuant to Article 14a of the Venice Commission's Rules of Procedure; CDL-REF(2021)040 Montenegro - Revised draft amendments to the Law on the State Prosecution Service (Consolidated version); CDL-AD(2021)012 Montenegro - Opinion on the draft amendments to the Law on the State Prosecution Service and the draft law on the Prosecutor's Office for organised crime and corruption, adopted by the Venice Commission at its 126 plenary session (online, 19-20 March 2021); CDL(2021)016 Montenegro - Draft opinion on the draft amendments to the Law on the State Prosecution Service and the draft law on the Prosecutor's Office for organised crime and corruption; CDL-REF(2021)028 Montenegro - Draft amendments to the legislation on the prosecution service (the Law on the State Prosecution Service and the Law on the Special State Prosecutor's Office); CDL-REF(2018)047 Montenegro - Law on Amendments to the Law on the Judicial Council and Judges; CDL-AD(2018)015 Montenegro - Opinion on the draft law on amendments to the law on the Judicial Council and Judges, adopted by the Venice Commission at its 115th Plenary Session (Venice, 22-23 June 2018)

14 GRECO 2022, Fifth Evaluation Round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation Report, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a8a108>

15 GRETA 2021, Evaluation Report Montenegro, Third Evaluation Round, Access to justice and effective remedies for victims of trafficking in human beings, <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2aefc>

16 GREVIO Baseline Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Montenegro, 2018

17 MONEYVAL 4th round of mutual evaluation of Montenegro, <https://rm.coe.int/moneyval-2019-31rev-mgr-4thfollowupprep/16809e6485>, 2020

18 CEPEJ Evaluation report , 2022 Evaluation cycle, (2020 data), <https://www.coe.int/en/web/cepej/special-file-report-european-judicial-systems-cepej-evaluation-report-2022-evaluation-cycle-2020-data>

- strengthening the accessibility, transparency and public trust in the judiciary,
- development of the Ministry of Justice, Judicial Training Centre, professions of lawyers, notaries, bailiffs and court experts.

Along with the adoption of the Strategy, Action Plan for the Implementation of the Judicial Reform Strategy 2019-2020 has been adopted as well (hereinafter referred to as: "the AP JRS 2019-2020") after the expiration of which the Government adopted a new Action Plan for the Implementation of the Judicial Reform Strategy 2021-2022, on 9 December 2021 (hereinafter referred to as: "the AP JRS 2021-2022"). These documents define activities, result and effect indicators, deadlines, competent institutions and funds planned for the implementation of operational objectives defined by the JRS 2019-2022.

In line with the relevant strategic document, the implementation control of JRS 2019-2022 was carried out by the Council for Monitoring the Implementation of JRS 2019-2022, established by the Government of Montenegro.

Towards monitoring the implementation of activities, the Council considered and the Government of Montenegro adopted four annual reports on the implementation of the relevant action plans for 2019, 2020, 2021 and 2022.

3.1. Basis, Methods and Scope of Evaluation of Effects of the Judicial Reform Strategy implementation for the period 2019-2022

Decree on methodology and process of drafting, aligning, and monitoring of implementation of strategic documents¹⁹ as well as Methodology for policy development, drafting, and monitoring of strategic planning documents²⁰ established the **legal basis** for the evaluation of strategies and programmes in the Montenegrin planning system.

In this regard, during May and June 2023, an external Judicial Reform Strategy 2019-2022 (hereinafter referred to as: "the Strategy, JRS 2019-2022") evaluation has been carried out.

The aim of the evaluation was twofold:

- On one hand, to objectively and systematically assess the results and impact of Strategy implementation at the end of the period that this public policy document refers to (ex post analysis), whereby the relevance and meeting of objectives, as well as the efficiency of development, effectiveness, impact and sustainability of the strategic document are determined.²¹
- Simultaneously, there was a requirement to ensure quality inputs in the process of developing new strategic documents (this strategy and its action plan) which would be used to plan directly and in detail the reform processes in judiciary as of 2024, whereby the results of that evaluation would become an important part of the ex-ante analysis necessary for the development of the strategy.

Evaluation has been carried out through the combination of quantitative and qualitative methods, including the documentation analysis and in-depth interviews, aimed at assessing relevance, coherence, effectiveness, effectiveness, impact, and sustainability.

3.2. General Remarks on Relevance, Coherence and Effectiveness of the JRS 2019-2022

In the course of the JRS 2014-2018 impact assessment that became the integral part of the JRS 2019-2022, an opportunity was missed to analyse, in essence, the results of its implementation and therefore, clearly connect the existing state of play and the challenges with the objectives, measures and activities contained in the Strategy and its action plans.

The evaluation has indicated that the objectives and activities from this strategic document are still **relevant**, not only because of the fact that only three and a half years have passed from the adoption of the Strategy, but also due to limited implementation effects of JRS 2019-2022. In terms of the structure of this Strategy, the findings of the evaluation concerning the existence of the need to potentially redistribute operational objectives within strategic objectives i.e. the possibility of reducing the number of strategic objectives is also very significant.

¹⁹ Official Gazette of Montenegro 54/2018 of 31 July 2018 which entered into force on 8 August 2018.

²⁰ Available in Montenegrin at: <https://javnepolitike.me/wp-content/uploads/2020/11/Methodologija-razvijanja-politika-draft3-preview-22SEP20.pdf>

²¹ Bulatović, J. (2022) *Handbook for the Evaluation of Strategic Documents*, Secretariat-General of the Government of Montenegro, Podgorica

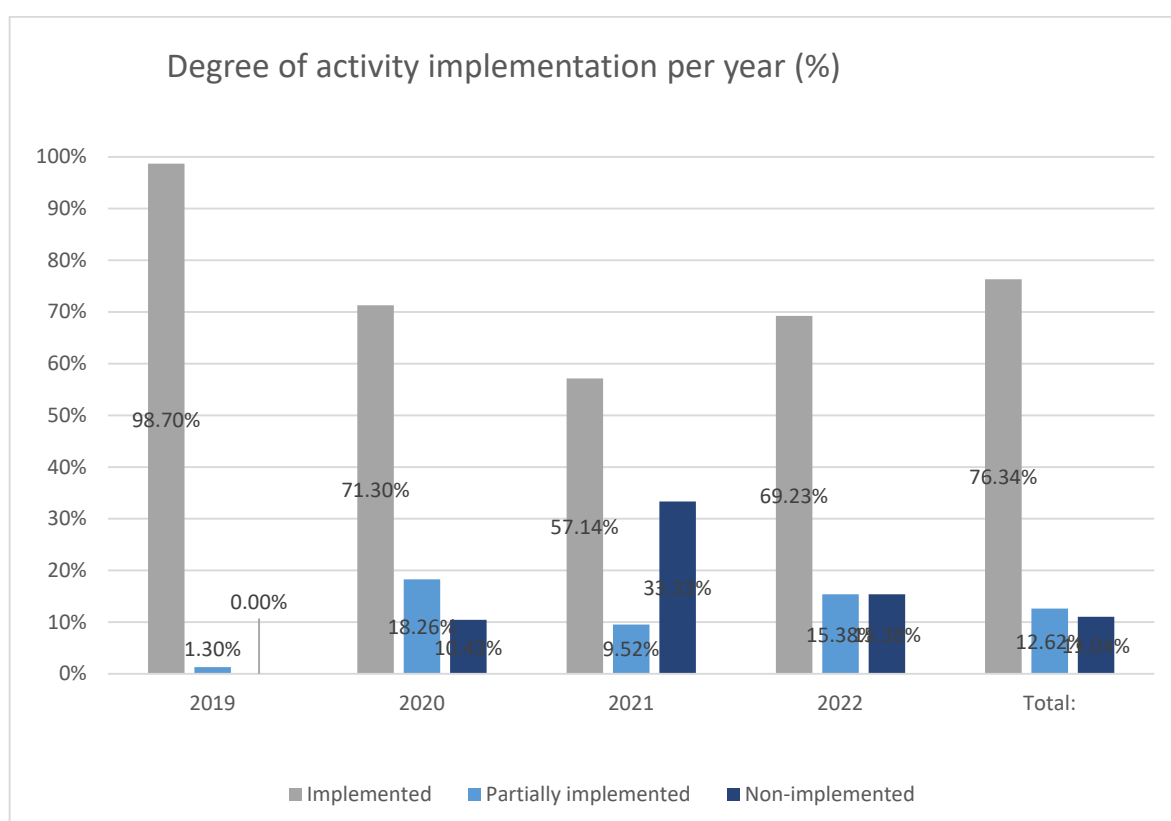
In terms of JRS 2019-2022 **coherence**, the findings of the evaluation have indicated that the adoption of the Strategy, as well as the assessment of its implementation results are envisaged in key public policy documents of the Government i.e. in the Government Work Programme and the Program of Accession of Montenegro to the EU. The foundations of this document include in principle the key international standards concerning the organisation and functioning of the judiciary. However, methodologically speaking, it can be noted that the very Strategy and its action plans often envisage the obligation of alignment with relevant international standards in a general manner, by listing the names of sources of international standards or only by referring to the Program of Accession of Montenegro to the EU, resulting in the lack of identification in the very JRS 2019-2022 and AP of the issues which need to be aligned, simultaneously disabling or hindering the effective monitoring of reform success achieved through Strategy implementation. The fact that the Secretariat-General of the Government was not directly included in the development of this document affected the above mentioned.

JRS 2019-2022 has not been aligned with relevant international gender equality standards, as the Strategy itself nor the APs have recognised or addressed the lack of existing normative and institutional framework in Montenegro, which currently does not ensure gender equality of judges and state prosecutors.

3.3. JRS 2019-2022 Implementation Efficiency and Sustainability

In terms of effectiveness, following the summary of statistical parameters on Strategy implementation it can be concluded that, except for 2019 being the first implementation year, the implementation percentage in the period 2020-2022 is unsatisfactory.

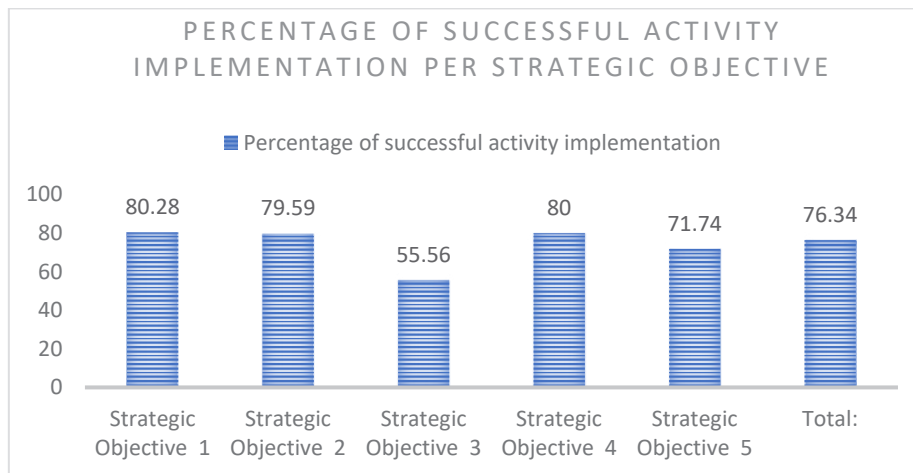
Table 1: Level of activity implementation per year²²



In terms of the **degree of activity implementation per strategic objectives**, the difference in terms of achieved results is noticeable, considering that the degree of full activity implementation ranges from minimum 55.56% in case of Strategic Objective 4 up to approximately 80% which is the implementation percentage of Strategic Objectives 1, 2 and 4.

²² Final report on the Implementation of the Judicial Reform Strategy 2019-2022, Council for Monitoring the Implementation of the Judicial Reform Strategy 2019-2022, Government of Montenegro, Podgorica, 2023

Table 2: Degree of activity implementation per strategic objective



Fundamental **reasons of insufficient degree of Strategy implementation** can be found in methodological shortcomings in defining operational objectives, activities, and deadlines for their implementation, as well as low indicator quality which prevent effective reform implementation monitoring. In addition, the lack of monitoring mechanism efficiency had a significant impact, focused on the lack of appropriate organisational structure and lack of early warning mechanisms. Long-term blockade of the work of the Judicial Council and Prosecutorial Council, lack of human resources and necessary expertise in institutions, pandemic caused by COVID 19, strike of lawyers as well as the general political instability in the country, significantly slowed down the implementation of the Strategy.

Funds planned for the implementation of the Strategy and action plans have generally been sufficient. Financing planned activities has been significantly supported by donors. Current monitoring has not provided for the possibility of an overview of the efficiency of planned and spent funds concerning the results achieved. The problem of lacking human resources in certain institutions, significantly strengthening by employee turnover during the implementation of the Strategy affected the lack of implementation of certain activities and alternative solutions have not been envisaged. The lack of initial basis has been recognised as one of the limiting factors that affected the achievement of aimed objectives, planning of the scope of activities, implementation dynamics, and assessment of required funds.

The existing **monitoring mechanism** has only partially reached its purpose aimed at ensuring the efficient implementation of the Strategy. This was caused by the lack of the early warning system mechanism, low (annual) reporting frequency, and multiplication of monitoring mechanisms in the area of reform of judiciary and overload of administrative capacities by reporting activities.

In addition to the above-mentioned reasons indicating the necessary continuous strategic planning in the area of reform of judiciary, the suspicion that cancelling this practice would negatively impact sustainability of already implemented reforms is justified.

Implementation of the Strategy provided a **limited impact** on judges and state prosecutors and the judicial system in its entirety, as well as citizens, NGOs, the economy and the EU integration process.

In terms of the impact on judges and public prosecutors, although the Strategy provided for the strengthening of their professional capacities through numerous training programmes and international cooperation, the long-term blockade of both councils, delays in legislative reform in almost all areas, the lack of capital investments in judicial infrastructure and ICT system, pandemic caused by COVID 19, the strike of lawyers and general political instability in the country have significantly decreased the potential impact of the implementation of the Strategy and even caused stagnation and regressive processes in certain areas.

In terms of the impact on citizens and the economy, it can be noted that the impact of the Strategy is very limited, whereas the effects are most visible in the part relating to the judicial professions, primarily notaries and

bailiffs, the work of which has significantly contributed to a facilitated access to justice and the increase of legal security through more efficient enforcement of court decisions and unburdening of the courts. The low level of citizens' trust in judiciary, including lawyers as well, justified by the lack of integrity due to political influence and corruption additionally speaks to the limited effects of the implementation of the Strategy, particularly in terms of establishing effective accountability mechanisms.²³

In addition to the general assessment that the inclusion and transparency practices of creating and implementing public policies have been improved in recent years, representatives of NGOs still have remarks in terms of the scope and quality of their inclusion into these processes.

Although it is one of the fundamental reform pillars within Chapters 23 and 24, i.e. the entire Cluster 1 (*Fundamentals*), due to the limited impact achieved in the implementation period, Strategy has not significantly contributed to Montenegro's accession process to the EU. On the contrary, its non-efficient implementation negatively affected this process.

In terms of the sustainability of the Strategy implementation results, the lack of effective budget and HR management as well as the lack of HR, particularly the capacities in the field of analytics, strategic and project planning is of special concern in this context. All of the above, along with a high level of financial, expert and logistic dependence of a large reform segment on project support, challenges the sustainability of already achieved and expected benefits of implemented reforms.

²³ See: CEMI (2023) Public opinion polling on the perception of independence and integrity of judiciary on Montenegro, available in Montenegrin at: <https://cemi.org.me/me/post/istrazivanje-javnog-mnjenja-o-percepciji-nezavisnosti-i-integriteta-pravosuda-u-crnoj-gori-1053>, accessed on 4 June 2023.

II ANALYSIS OF THE STATE OF PLAY

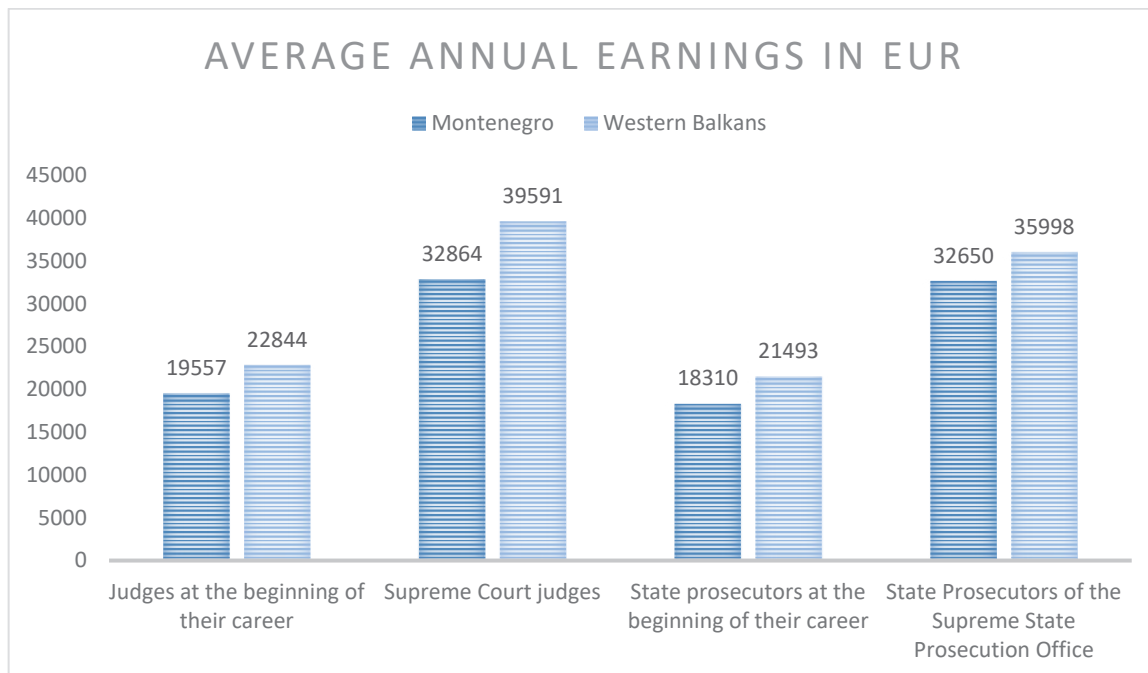
1. INDEPENDENCE, IMPARTIALITY AND ACCOUNTABILITY OF THE JUDICIARY

1.1. Independence and Impartiality

Contrary to expectations that the previous reform cycle will result in final alignment of the normative framework with relevant international standards defined by the recommendations of the Venice Commission, the effectiveness of reform in this area is still limited due to **postponements in amending the judicial and organisational legislation**, although the work process itself on developing the draft was deemed transparent and inclusive, in principle. Progress is particularly limited in terms of the normative framework regarding the state prosecution service.

Long-term blockade of the work of both councils due to the inability of selecting members from among eminent lawyers has only been partially resolved which caused significant delays in **appointments of judges and public prosecutors** and the rate of **evaluation of judges and public prosecutors**. The lack of an appropriate *anti-dead-lock* mechanism and prolonged management of key judiciary institutions by officials negatively reflects on the regular functioning of judiciary as well as the readiness to implement further reforms. Untimely and insufficient filling of vacant positions significantly affects functioning of courts and state prosecution offices. This is, among others, caused by existing legal solutions in terms of the manner of determining the number of vacant positions, which enables long-term planning in terms of the necessary number of judges and public prosecutors. In addition to this a high workload, insufficient resources, career related issues including duration of the initial training as well as poor infrastructure conditions, paired with the financial position of judges and state prosecutors, make these professions less attractive for young lawyers. Therefore, there is room for improvement, especially taking into account that the salaries of judges and public prosecutors still remain below average values in the Western Balkans.

Table 3: Average gross salaries of judges and state prosecutors in the Western Balkans²⁴



²⁴ Source: CEPEJ 2022 data

The indirect reasons for all above mentioned challenges could be also found in the political crisis occurred in the country during 2021 that, even if not directly connected to daily activities of judicial entities, through high employee turnover, general instability in the society, internal divisions and insecurity sentiment, negatively impacted the dedication to planned reforms. In addition to this indirect impact, political situation in the country directly impacted the implementation of the entire set of activities, through the inability to achieve the required qualified majority in the Parliament for the adoption of important status decisions in the judiciary and the fact that since autumn 2022 to autumn 2023 the Government has been functioning in a technical mandate, which affected the legitimacy of legislative activities.

Budget of courts and prosecution offices has been increased but it is still below the value of 1% of GDP which has been recognised, within the previous reform period, as the target that would enable uninterrupted work and improvement of judicial infrastructure. Courts and prosecution offices were awarded the status of autonomous budget users but the establishment of an effective budget control system and introduction of necessary software solutions are delayed.

Infrastructure capacities of both councils are still inadequate and, apart from analyses and plans, further steps towards relocating the judicial authorities to a new building have not been taken, while in terms of **administrative capacities**, the largest problems are still strategic and project planning, monitoring, evaluation and reporting.

Random case allocation system is still not functioning in misdemeanour courts but the scope of the delegation of cases has been lowered, which contributes to impartiality.

1.2. Accountability of Judiciary

The case law of the committees for **ethical and disciplinary liability of judges and state prosecutors** points to quite a low number of disciplinary proceedings, as noted by the European Commission.²⁵ Almost all proceedings have been carried out for the same disciplinary offence - failure to provide information on assets and income.²⁶ Inspection supervision mechanism of the Ministry of Justice is still facing two issues: lack of extraordinary inspection supervisions and lack of human resources.

Situation in terms of **accountability of judicial professionals** is unbalanced and there is a need to significantly improve the work of disciplinary authorities. In terms of the disciplinary liability of bailiffs and notaries, the situation caused by the COVID 19 pandemic has significantly made monitoring of their work difficult in the previous period.

Administration for Inspection Affairs carried out the inspection of 20 **bailiffs** in 2022, during which irregularities in the area of labour-law relations have been identified in 5 of their offices. In the same year, Ministry of justice inspected the work of 25 bailiffs in the total of 230 cases and ordered irregularities to be eliminated.²⁷

From the beginning of 2022, software solution enabling automatic case allocation has been implemented and it contributes to the balance of workload of bailiffs in terms of the number of cases.

In line with the Annual Inspection Plan, judicial inspectors carried out the inspection of 38 notaries in 2022, in terms of the legality of their work. The number of notarial records in the period inspected was 431, which represents approximately 1% of the total number of notarial records made in this period, so a more comprehensive inspection into the work of the notarial service is required.²⁸ Precondition in relation to the above mentioned is also the filling in of vacant judicial inspector positions at the Division for Supervision of the Ministry of Justice.

Simultaneously, the Law on Notaries and the Statute of the Chamber of Notaries defines that the Chamber of Notaries, among other things, carries out supervision of the work of notaries. During the session held on 16 February 2018, the Steering Committee made a decision on the establishment of three Commissions whose members are to be members of the Steering Committee for the overview of notarial offices. However, in 2021, Chamber of Notaries has not supervised the work of notaries due to the epidemic situation in the country. Chamber of Notaries, in 2023, established commissions that will supervise the work of notaries in the following period.²⁹

25 COMMISSION STAFF WORKING DOCUMENT Montenegro 2022 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2022 Communication on EU Enlargement policy, available at: <https://op.europa.eu/en/publication-detail/-/publication/a9b0d6b3-4b02-11ed-92ed-01aa75ed71a1/language-fr>, accessed on 12 May 2023

26 Human Rights Action (2022), Analysis of the procedure of appointment, advancement and determining liability of judges in Montenegro in 2022, Podgorica

27 Ministry of Justice (2022) Analysis of the Functioning of the System of Enforcement of Court Decisions for 2022

28 Montenegro, Ministry of Justice, Directorate for Judiciary, Division for Judicial Supervision (2023, Analysis of the Supervision of the Work of Notaries (for 2022)

29 *Ibid.*

In case of liability of **lawyers**, there is a significant delay in the process of adopting the Code of Professional Ethics. In practice, the lack of implementation of existing mechanisms of liability of **court experts** in case of unprofessional or inefficient work is noticeable.

2. EXPERTISE AND EFFICIENCY OF JUDICIARY

2.1. Expertise

The Judicial Training Centre currently has appropriate infrastructure capacities in terms of the size and equipment of premises and in the previous period, platform for e-learning has been developed. However, the challenge is still the need to ensure spatial capacities of the Centre that will be appropriate to the activity of the Centre and which will be owned by the Centre, as opposed to the current premises rented by the state.

In order to develop the Centre in the future period, continuous and appropriate budget allocations need to be ensured as well as strengthening professional capacities of employees and members of the managing bodies of the Centre (Steering Committee and Programming Council) in terms of analytics and strategic planning as well as a wider use of modern learning methods. Along with the termination of epidemic measures, this would promote a more comprehensive inclusion of judges and public prosecutors in continuous training, which is particularly important taking into account that currently amendments of a significant number of laws are being prepared or finalised.

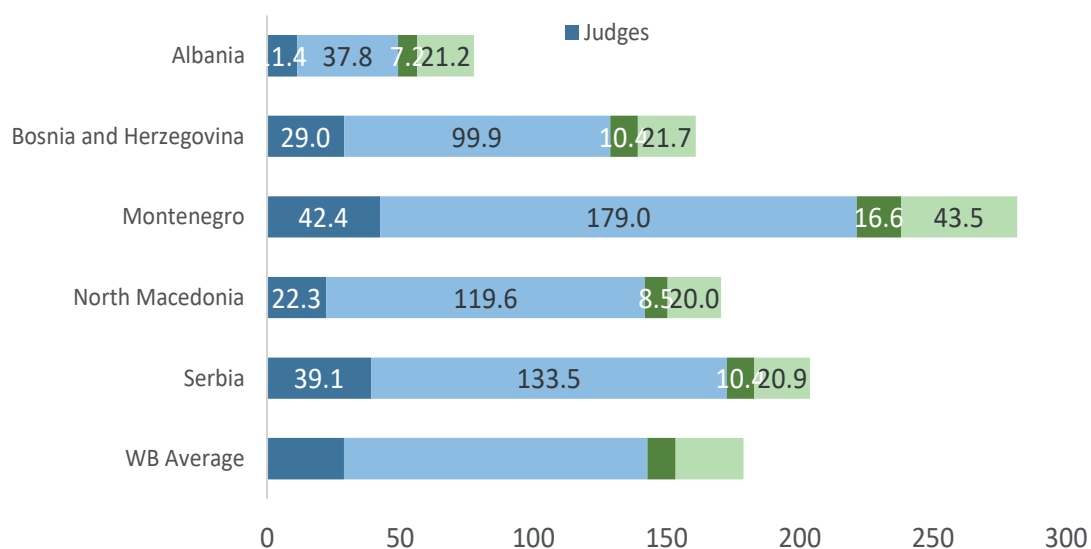
In terms of the **expertise of judges and public prosecutors**, post-pandemic period needs to be dedicated to intensifying the trainings. In terms of **bailiffs** and notaries, the need for improving soft-skills is noticeable, while the need for specialisation in the areas such as money laundering and terrorism financing risk assessment is recognised for **notaries**. Improvement of expertise of **court experts** is an area that is not systemically addressed and requires further intervention, taking into account the heterogeneity of areas covered by them. One of the urgent problems in this area is the lack of uniformity of expertise resulting in the same expert witnesses' frequent engagement.

2.2. Efficiency of Judiciary

The effects of previous reforms in terms of **efficiency of judiciary** have been limited and current state requires additional efforts in several segments, as follows:

1. Rationalisation or optimisation of the judicial network: Chart 4 indicates that the average number of judges, prosecutors and judicial staff per 100 000 inhabitants largely exceeds the average in the Western Balkans.

Table 4: Judges, judicial staff, prosecutors and prosecutorial staff per 100 000 inhabitants in 2022³⁰



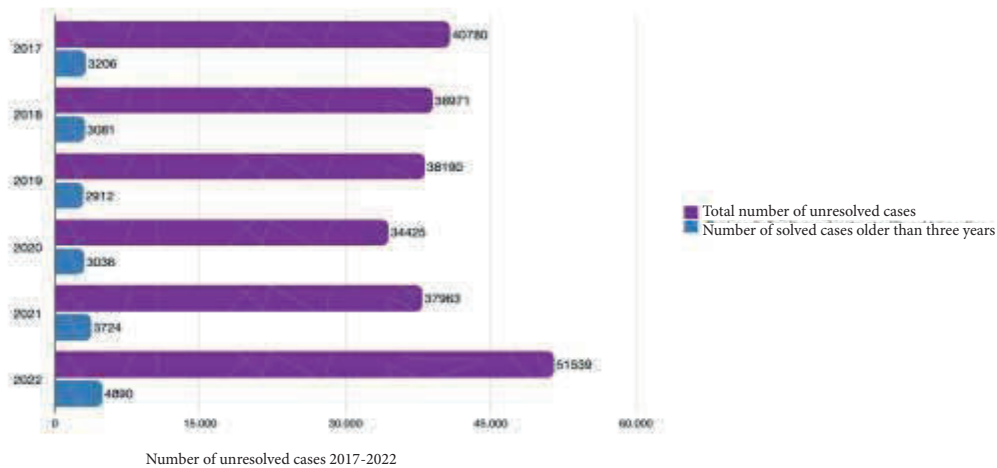
³⁰ Source: CEPEJ 2022 data

This would not be a problem in itself, on the contrary, it could contribute to the efficiency, if such a large number of judges and public prosecutors was not distributed in a large number of small courts. Namely, Montenegro is offering the most geographical judicial locations per 100 000 inhabitants (4.03) after Croatia (5.0), while the European average is 1.3 per 100.000 inhabitants.³¹

Namely, the average number of judges in Montenegrin courts is 10.5, compared to 19.5, which is the average in the Western Balkans. This difference is most noticeable in first instance proceedings (11.3 compared to the average of 18.9) which present the largest generators of (in)efficiency of every judicial system. This type of network also involves a large number of judicial infrastructure and administration facilities, which significantly increases the functioning costs.

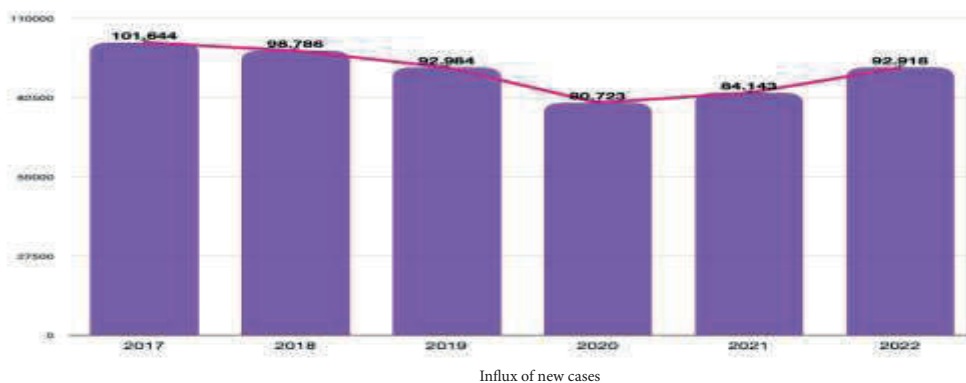
Considering that this problem has been recognised in 2013 and addressed through above-mentioned interim benchmark, the Ministry of Justice developed and adopted in September 2020 - with the support of EUROL 2 - analysis of the needs for the rationalisation of judicial network, with an overview of the current situation and recommendations for further work. Due to a set of factors (political situation, COVID 19, strike of lawyers, etc.), addressing recommendations has not begun and the update of the analysis in line with the current data and defining further steps was necessary.³²

2. A large number of unresolved as well as old cases still burdens the Montenegrin judiciary.



Data shown in Table 5 indicate that, following the trend of decrease of the number of unresolved and old cases in the period 2017-2020, during 2021-2022, their number has exponentially increased - for 2022, 35.7% in relation to the previous 2021.³⁴

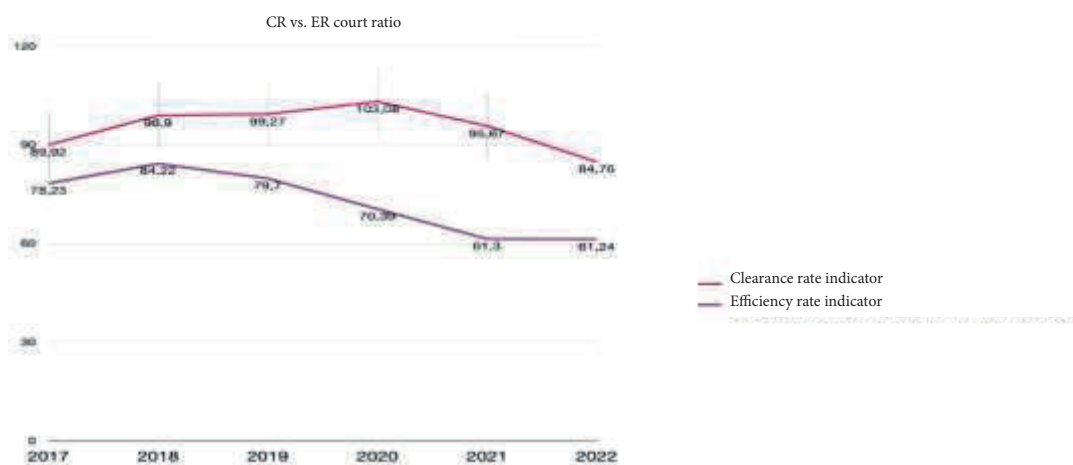
Table 6: Number of incoming cases in the period 2017-2022³⁵



31 Stawa, G. Analysis of the Need to Streamline the Judicial Network with an overview of the existing state and recommendation for further work (version 2.0), European Union Support to the Rule of Law (EUROL 3)
 32 Ibid.
 33 Kiseljica, D. (2023) The Analysis of the Implementation of the Law on the Protection of the Right to a Trial within a Reasonable Time for the period 2017-2022, Human Rights Action and Centre for Monitoring and Research, Podgorica, based on the data from the annual reports on the work of courts in Montenegro.
 34 Kiseljica, D. (2023) The Analysis of the Implementation of the Law on the Protection of the Right to a Trial within a Reasonable Time for the period 2017-2022, Human Rights Action and Centre for Monitoring and Research, Podgorica, based on the data from the annual reports on the work of courts in Montenegro.
 35 Ibid.

This can be justified by the fact that, following the 2020-2021 period of specific circumstances caused by the COVID 19, the influx of cases in 2022 has returned to the level from 2019. At the same time, the total number of judges of regular courts has decreased from 257 in 2017 to 212 in 2022, which presents a 17% reduction.

Table 7: Influx clearance and efficiency rate in the period 2017-2022³⁶



Although it is clear that **clearance rate** (CR) needs to be over 100% in a multi-annual period in order to overcome this problem, this happened in 2019 the last time and the efficiency rate of employees in courts (ER) is also decreasing.

3. **Long lasting court proceedings** still presents a problem of the Montenegrin judiciary. The average duration of proceedings in first instance civil proceedings is 229 days (in Europe, the average is 194 days) while the ratio between the Montenegrin and European average duration of first instance criminal cases is 189 and 145 days, respectively. Data on the total duration of proceedings in several instances are still not available.
4. Significant role in improving the efficiency belongs to the **ICT system in judiciary**, the state of which is currently one of the largest issues. The existing system (PRIS), aside from not being used in misdemeanour courts, is outdated and does not support the need for effective case management and increasingly complex and detailed reporting. The work regarding the development of the new JI, due to the lack of fulfilment of contractual obligations by the company that should have implemented the system, has not been completed and a decision was made for the work on the improvement of JIS to be continued as a transitional solution until a new system is developed that would include all ICT subsystems in judiciary (courts, prosecution offices, system of the execution of criminal sanctions, Ministry of Justice, Judicial Council, Prosecutorial Council and Judicial Training Centre).

Taking into account the **significance of efficient collecting and processing of statistical data** for improving the efficiency of judiciary, it is important to note that this process still presents a large challenge for Montenegrin judiciary, precisely due to the shortcomings of the ICT system.

5. Serious problem is still the **state of the judicial infrastructure and safety** of judges and public prosecutors and citizens that have business before the courts and state prosecution offices. Apart from analyses carried out and partially implemented planning process, there was no significant progress in terms of judicial infrastructure improvement. Recognising the need that further investments into judicial infrastructure need to be based on the detailed current state assessment, a study was developed in 2019³⁷ based on the needs assessment that refer to the improvement of program and spatial, technological, security and energy conditions of 50 facilities in total, in 30 locations, which presents a crucial input in the development if the technical documentation for future projects. However, in the course of conducting this analysis, a chance was missed to perform a status assessment in terms of the state of the judicial infrastructure from the perspective of access to justice for particularly vulnerable groups of citizens, such as children, victims of criminal offences and disabled persons, due to which there is no appropriate information based on which priorities in terms of adapting the existing and development of new facilities in line with relevant international standards could be determined.

³⁶ *Ibid.*

³⁷ Tmušić, Ž, Abadić, Z, Bogosavljević, J. (2019) Assessment of Infrastructure of Judicial Authorities in Montenegro, EUROL 2, Podgorica

- 6. Enforcement of court decisions:** Towards the assessment of functioning of this system and in line with AP 23 and AP JRS 2021-2022, Ministry of Justice conducted an analysis of the functioning of the system of enforcement of court decisions in 2022.³⁸ The findings indicate that **bailiffs** successfully resolved 75.69% of received cases, i.e. 26.20% of the total number of ongoing cases. Out of this number, 92.62% has been resolved by collecting 100% of the amounts. In 90-95% of cases, unresolved cases are the ones the enforcement of which was not possible due to the lack of assets of the judgement debtor. The procedures of enforcement based on enforceable title lasted 24 days on average, and in cases in which the claims have been collected 100%, procedures lasted 21 days on average. Situation is different in enforcement procedures on the basis of an authentic document and bill of exchange where the average duration was 57 days if there were no complaints, or 132 days if there were complaints (total average duration of 60 days) taking into account that complaints have been lodged in only 1.87% of cases and that 46,97% of complaints were adopted. In addition to satisfactory results, the remainder of unresolved cases are being accumulated annually to present a significant number of unresolved cases. In terms of the work of courts in enforcement cases, basic courts and Commercial Court have resolved 90.57% of cases based on an enforceable title and 76.75% of cases based on an authentic document or a bill of exchange within the analysed period. The data that the courts have resolved 92.54% of cases in a period of less than 3 months is encouraging, and represents progress in relation to the previous period.
- 7. In terms of the functioning of notaries in Montenegro,** during 2022, notaries have been dealing with 8561 probate cases, 21 of which have been returned to court or 0.24%, due to the non-competence of notaries to act in those cases, while 6.148 or 71.99% have been resolved successfully, with the remaining 2.391 cases or 27.99% unresolved taking into account the total number of delegated cases. This is quite a high percentage of resolved cases that, although slightly lower in relation to the previous period when it was 75.48%, indicates that probate cases in this period have been successfully resolved and that the continuity in proceeding should be maintained and additional efforts invested so that the number of completed cases is even higher. In a majority of delegated probate cases, the hearings have been completed within the legal deadline of 60 days. Reasons for exceeding the deadline in certain probate cases, according to the data delivered, mostly referred to the difficulties in terms of carrying out probate proceedings due to the situation caused by COVID 19 while the remaining reasons were procedural and mostly referred to: incomplete data in death certificates (imprecise addresses of heirs, etc.); incomplete documentation and difficulties in obtaining it (data from the immovable property register and other necessary data); inability to deliver summons and other acts to probate proceeding parties (avoidance of receiving summons, inaccurate addresses, etc.); cross-border submission of summons and other acts, etc. Therefore, these are objective circumstances that notaries could have an impact on. In addition, in the following period, undertaking all legally appropriate actions aimed at successful resolution of all delegated probate cases should be intensified, particularly those cases from an earlier period. In terms of complaints against the notaries' decisions in probate proceedings, it can be noted that in this period, quite a small number of complaints have been submitted - 39 which means that its percentage, in the total number of completed cases is quite low and amounts to 0.63%. Such a small number of submitted complaints indicate that citizens have been satisfied with notaries' actions and therefore have a high level of trust in their work. However, in order to further improve the efficiency of notaries' work, further efforts should be invested in eliminating challenges related to limited possibilities of direct access to relevant databases in real time.
8. Due to legal limitations in terms of the status, expertise, remunerations and accountability mechanisms, great challenge in practice is the lack of motivation of expert witnesses to accept cases, particularly in remote courts that require trips to be taken to attend hearings as well as the workload and inefficiency of certain expert witnesses, which negatively impacts the efficiency of court proceedings.

3. ACCESS TO JUSTICE, TRANSPARENCY AND TRUST IN JUDICIARY

An important element of **access to justice** for citizens of Montenegro is reflected in enabling procedural and infrastructure requirements for access to justice and procedural protection of particularly vulnerable categories of citizens such as victims of crime, children in contact with the law and disabled persons.

In terms of **access to justice for victims of crime**, demanding and increasing international standards in this area require systemic and strategic approach to the improvement of normative framework, establishing procedures

³⁸ Ministry of Justice (2022), Analysis of the Functioning of the System of Enforcement of Court Decisions for 2022

of dealing with victims from the very first contact with authorities, establishing support services to victims in the entire territory of Montenegro, a comprehensive approach to training of judges and public prosecutors and enabling infrastructure requirements of procedural protection in line with the Directive (2012)029EU.

In terms of **access to justice for children in contact with the law**, although they have begun, the amendments to the legislation have not been finalised, which delays a more comprehensive approach to trainings that will be necessary in order to improve the knowledge of judges and prosecutors, lawyers and police. The same applies to ensuring infrastructure prerequisites for the protection of minors-victims and witnesses for the interviewing of whom only a small number of Montenegrin court and prosecution offices have suitable premises. Interviews via video links are also not possible in all courts and prosecution offices due to the lack of appropriate equipment.

Access to justice for **disabled persons** is largely conditioned, on one hand by appropriate judicial infrastructure, but also the awareness on the needs of this category of citizens. Taking this into account, only a small number of recently refurbished judicial infrastructure facilities have enabled physical approaches (lifts and ramps) or information (sound and tables in Braille) for disabled persons.

The system of free legal aid is functioning without major difficulties but its further improvement through amendments to the Law on Free Legal Aid and increase of the circle of users is delayed, primarily for victims of torture.

Transparency of the work of judiciary, along with independence, impartiality, accountability, and efficiency is a necessary prerequisite of **trust of citizens in judiciary**. Current situation indicates that improvement is necessary in at least several key areas:

- Existing IT solutions do not enable sufficient monitoring of judiciary in real time;
- Availability of electronic services for citizens and lawyers is limited;
- Precision and details in statistical reports on the work of judiciary is limited and conditioned by the shortcomings of the ICT system in judiciary;
- Process of drafting and publishing objective and comprehensive reports on the course of judicial reform in Montenegro is conditioned by the inappropriate administrative capacities, lack of standardised methodology, and lack of auxiliary digital tools.
- Regular publishing of fully binding court decisions in the case law database needs to continue (498 390 decisions is currently available).

4. GENDER MAINSTREAMING OF PUBLIC POLICIES

Relevance of this strategic document in relation to the needs of women and men should be considered from three levels:

- a. First of all, the impact **on the needs of citizens** that should enjoy benefits of reforms implemented in the process of Strategy implementation, through the improvement of access to justice and quality of justice. In this regard, majority of planned reforms will equally refer to men and women. Exceptions are activities related to the implementation of operational objectives aimed at access to justice for victims of crime, that would enable additional protection and for women victims of human trafficking and domestic violence that are particularly sensitive.
- b. In addition, this type of strategic document is also significant for ensuring equal position of women and men who are judges and public prosecutors. The study Gender Equality in Judiciary in Montenegro³⁹, states that according to the Global Gender Gap Report for 2021, Montenegro is at 48th position out of 156 countries. This report analyses progress according to gender parity in relation to four dimensions: economic participation and opportunity, educational attainment, health and survival and political empowerment. Gender Development Index (GDI) measures gender inequalities in achievement in three basic dimensions of human development - health, education, and command over economic resources and concludes that Montenegro belongs to the Group 2 of countries with medium and high equality between women and men.⁴⁰

³⁹ Janashia, N. & Elezović, S. (2022) Gender Equality in the Judiciary in Montenegro, Council of Europe, Podgorica, p. 8.

⁴⁰ In Montenegro, 88% of adult women have reached at least a secondary level of education compared to 98.2% of their male counterparts. Female participation in the labour market is 46.5% compared to 62.8% for men Janashia, N. & Elezović, S. (2022) Gender Equality in the Judiciary in Montenegro, Council of Europe, Podgorica, p. 13.

According to the Council of Europe analysis, there are 266 judges in Montenegro, 57.2% (152) are women, and 42.8% (114) are men. Within the Supreme Court - 83.3%, judges are women; within the Appellate Court - 62.5% are women; within the courts of specific jurisdiction, such as Administrative and Commercial Court, there are respectively 45.4% and 54.5% of female judges. Regarding the Judicial Council, normally it should have 10 members. However, in terms of presidents of court, among the 25 presidents of courts, only 7 (28%) are women.⁴¹ The largest court in the country is managed by a woman.

The Study identifies, as fundamental barriers for career advancement of female judges to managerial positions, difficulties women face in the context of family and parental obligations, that require (sometimes) multi-annual breaks in career due to the use of maternal and parental leave as well as changes to the place of residence during initial training in Podgorica, due to appointment into higher instance court or transfer without the judge's consent.

JRS 2019-2022 has not been aligned with relevant international gender equality standards. Namely, as stated above, the Strategy and its action plans have not recognised nor addressed the lack of existing normative and institutional framework in Montenegro, which currently does not ensure gender equality of judges and public prosecutors.

Taking this into account, this Strategy and its Action Plan will envisage activities aimed at eliminating shortcomings for the career advancement of female judges.

5. STRATEGIC ENVIRONMENTAL IMPACT ANALYSIS IN THE STAGE OF DEFINING OBJECTIVES

As stated above, judicial infrastructure in Montenegro is critical and significantly hinders the efficient functioning of the judiciary. This, in practice, means that in the period to follow, significant efforts will be invested into the reconstruction of existing and construction of new facilities and this process should be used for the introduction of innovative practices and achievement of the highest energy efficiency standards and more accountable relationship towards the environment and use of resources.

This process should involve not only the foundational reconstruction and construction of completely new facilities, but also smaller investments such as replacements of roofs, carpentry, or renewal of facades of facilities. In addition, whenever technical conditions allow, the possibility of supply from renewable energy source should be used.

⁴¹ Janashia, N. & Elezović, S. (2022) Gender Equality in the Judiciary in Montenegro, Council of Europe, Podgorica, p. 17-19

III VISION, ADDRESSEES, STRATEGIC AND OPERATIONAL OBJECTIVES OF THE JUDICIAL REFORM

The Vision of the Strategy is an independent, impartial, autonomous, contemporary, efficient judiciary, accountable and open towards the citizens and society of Montenegro.

Addressees of the Strategy: Although the direct addressees of the Strategy are judicial professionals, judicial institutions and judicial professions, the expected results of its implementation are directly aimed at the benefit of all, particularly vulnerable or marginalised categories of citizens of Montenegro and the creation of a more favourable business atmosphere that favours more efficient operation of business entities and encourages the development of economic activity.

Overall Objective of the Strategy: Further strengthening of the rule of law by strengthening independence, accountability, professionalism, and efficiency of judiciary as well as the improved access to justice and legal security in the process of exercising the protection of rights and freedoms of citizens and increasing trust in the judicial system.

Furthermore, the Strategy is based on three specific strategic objectives that rely on the vision and the overall objective of the Strategy and are clearly related to the JRS 2019-2022 strategic objectives.

These strategic objectives will be implemented through 22 operational objectives, taking into account progress achieved in the implementation period of the previous strategic document, as well as current challenges.

Table 1: Vision and Strategic Objectives of the Strategy

Vision of the Strategy		
Independent and autonomous, contemporary, efficient judiciary, accountable and open towards the citizens and society of Montenegro		
Overall Objective of the Strategy		
Further strengthening of the rule of law by strengthening independence, accountability, professionalism, and efficiency of judiciary as well as the improved access to justice and legal security in the process of exercising the protection of rights and freedoms of citizens and increasing trust in the judicial system.		
Strategic Objective 1	Strategic Objective 2	Strategic Objective 3
Strengthening independence, impartiality and accountability of the judiciary	Improving professionalism and efficiency of judiciary	Improving access to justice, transparency and trust in the judiciary

For each of the hierarchical degree of objectives, appropriate successful indicators have been defined with initial and target values at the half of the Strategy implementation period, as well as in the final year. Specifically, impact indicators are defined for strategic objectives and outcome indicators for operational objectives. Additionally, for specific Strategy implementation activities, result indicators have been defined within the Action Plan.

Therefore, developmental vision of judiciary of Montenegro and strategic objectives that have been defined provide an answer to the solution of the crucial problem while the causes of the problem have been transformed into operational objectives that actually represent the answer to the question related to which activities are required in order to improve the state in the period of 2024-2027.

1. STRENGTHENING INDEPENDENCE, IMPARTIALITY AND ACCOUNTABILITY OF THE JUDICIARY

Based on the analysis of the current state and identification of crucial problems in the judiciary reform during the implementation of the previous JRS 2019-2022, Strategic Objective 1 has been defined as well as the set of operational objectives to achieve this strategic objective.

Progress achieved in the course of implementation of the Strategic Objective 1 will be measured via a set of impact indicators.

Table 2: Operational objectives within the Strategic Objective 1

Strategic Objective 1: Strengthening Independence, Impartiality and Accountability of the Judiciary			
Impact Indicator	2023 Baseline	2025 Target Value	2027 Target Value
Normative framework defining the appointment, evaluation, financial position, advancement and termination of judicial functions and disciplinary liability has been aligned with relevant international standards and recommendations of the Venice Commission.	NO	YES	YES
Judicial and Prosecutorial Council are operational and in full composition, supported by the appropriate human, financial and infrastructure resources which ensures timely procedures related to appointment, evaluation and disciplinary liability.	NO	NO	YES
<p><u>The following operational objectives have been defined within the framework of the Strategic Objective 1:</u></p> <p>OG 1.1. Improving the normative framework guaranteeing the independence and impartiality of judiciary</p> <p>OG 1.2. Effective implementation of the system of appointment, evaluation of performance and advancement of judges and public prosecutors</p> <p>OG 1.3. Strengthening the capacities of the Judicial and Prosecutorial Council</p> <p>OG 1.4. Improving the financial independence of judiciary</p> <p>OG 1.5. Strengthening the impartiality and integrity of holders of judicial functions through the consistent adherence to the principle of random case allocation, implementation of provisions on recusal and adherence to the codes of ethic</p> <p>OG 1.6. Strengthening the system of disciplinary liability of judges and public prosecutors</p> <p>OG 1.7. Strengthening the system of disciplinary liability of judicial professions</p>			

Relevant interim benchmarks, Chapter 23:

IB 3: Montenegro implements constitutional amendments in line with the recommendations of the Venice Commission and European standards and best practices. Montenegro subsequently adopts implementing legislation. On that basis:

IB 4: Montenegro establishes an initial track record of appointments of high-level judges and high-level prosecutors based on transparent and merit-based procedures and substantial qualified majority thresholds where the parliament is involved.

IB 5: Montenegro establishes an initial track record of recruiting judges and prosecutors on the basis of a single, nationwide, transparent and merit-based system and ensures that candidate judges and prosecutors undergo obligatory initial training in the Judicial Training Centre prior to their nomination.

IB 6: Montenegro establishes an initial track record of implementing a fair and transparent system of promoting judges and prosecutors based on periodic, professional performance assessment (including at senior level);

IB 7: Montenegro strengthens the administrative capacity of the Judicial and Prosecutorial Councils allowing them to perform in a professional, accountable, transparent, and impartial manner their key functions.

IB 8: Montenegro strengthens the system for random allocation of cases in all courts with three judges or more through the application of the PRIS system and ensures that the planned analysis on the organization of the court system confirms the commitment to establish a minimum number of judges per court that allows for effective random allocation of cases.

IB 9: Montenegro provides an initial track record of regular inspections of the work of judges and prosecutors and ensures that in case of detected breaches of rules, the disciplinary sanctions are effectively enforced. Montenegro develops case law on the interpretation of the disciplinary rules and raises awareness among judges and prosecutors of the interpretation, as well as the amended Code of Ethics.

IB 10: Montenegro establishes a new disciplinary Commission in the Judicial and Prosecutorial Councils for the conduct of disciplinary proceedings against magistrates based on objective criteria. Montenegro ensures that integrity managers in courts also develop measures fostering respect of ethical standards among other court staff.

IB 11: Montenegro provides an initial track record that assets reported by magistrates are duly checked, that sanctions are applied in cases of non-compliance, should this occur, and that in cases where reported assets do not correspond to the reality, appropriate action is taken, including criminal investigations where relevant.

IB 12: Montenegro aligns legal provisions with the constitution so as to make magistrates fully accountable under criminal law and avoids that the concept of functional immunity of magistrates is abused so that it does not hamper the launch of criminal investigations should there be such requests.

1.1. Improving the normative framework guaranteeing the independence and impartiality of judiciary

As stated above, adoption of the set of amended legislation pertaining to judiciary, in line with the recommendations of the Venice Commission, is one of the key requirements to ensure a continuous and efficient work of both councils in their full capacity.

In addition to the differences in the procedural stages of amendments to the laws pertaining to judiciary at the time the Strategy was being developed, at the time the Strategy is adopted are still not finalized, activities related to their completion should present one of the priorities in the following period after which the adoption of the subsequent secondary legislation necessary for their implementation.

Amendments to the judicial legislation should reflect previous recommendations contained in the opinions of the Venice Commission. This primarily relates but is not limited to the manner of appointment of members of councils from the ranks of eminent lawyers but also the mechanisms of accountability of judges and public prosecutors.

Tabela 3: Indikatori realizacije Operativnog cilja 1.1

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.1. Improving the normative framework guaranteeing the independence and impartiality of judiciary	Adopted judicial laws in line with the recommendation of the Venice Commission Opinions CDL-AD (2023)011 and CDL-AD(2021)030 in terms of ensuring the independence of judiciary	0%	100%	100%
	Adopted secondary legislation for the implementation of amended judicial laws	0%	50%	100%

1.2. Effective implementation of the system of appointment, evaluation of performance and advancement of judges and public prosecutors

Taking into account that the legislative framework and secondary legislation are not sufficient guarantees of the independence of judiciary, Operational Objective 2 is focused on the effective implementation of the carrier system in judiciary.

Elimination of multi-annual blockade of the work of both councils as well as their functioning in full capacity are conditioned by the appointment of the remaining members from the ranks of eminent lawyers.

Achievement of this operational objective in practice should be carried out through a continuous implementation of the appointment procedure of judges and public prosecutors for the vacant positions. This would enable the work of courts and public prosecution offices in full capacities and contribute to a more efficient clearance of influx.

In parallel, continuous appointment of presidents of courts and heads of public prosecution offices should eliminate instability, lack of independence and initiative for long-term planning that characterise the managers while performing their functions.

As stated above, high percentage of women from the total number of judges has not been properly represented in the managerial positions in the judiciary. In this regard, relying on good comparative practices, we should work on developing and applying a set of measures directed towards establishing a necessary work balance in the judiciary.

Legal obligation of implementing the entire initial training programme in Podgorica demotivates candidates from the north of Montenegro to apply for initial training. Finally, this results in frequent refusals of initial training users to be assigned into courts and public prosecution offices in the north of the country.

Tabela 4: Indikatori realizacije Operativnog cilja 1.2.

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.2. Effective implementation of the system of appointment, evaluation of performance and advancement of judges and public prosecutors	% of judicial positions filled	81,48%	90%	100%
	% of prosecutorial positions filled	70%	80%	90%
	% of presidents of courts' positions filled	88%	100%	100%
	% of heads of prosecution offices' positions filled	85%	90%	95%
	% of judges evaluated within regular evaluation	81,65%	90%	100%
	% of public prosecutors evaluated within regular evaluation	30%	80%	90%
	% of women in managerial positions in courts	28%	30%	35%
	% women in managerial positions in public prosecution offices	25%	30%	35%

1.3. Strengthening the capacities of the Judicial and Prosecutorial Council

Proactive role of judicial councils in managing judiciary and ensuring guarantees of independence and autonomy of judges and public prosecutors largely depends not only on the guarantees embedded in the normative framework but also the strengthening capacities of the Judicial Council and Prosecutorial Council in the performance of this role.

In this regard, strengthening capacities in the upcoming period should be carried out in three parallel tracks, aimed at budget, human resources, as well as methodological and digital tools.

Having this in mind, while the budget capacities will be addressed within the Operational Objective 1.4 in terms of **strengthening human resources** in both councils, continuous work is necessary in filling in the planned positions in secretariats but also strengthening professional capacities of both the employees in secretariats and members of both councils. This is of particular importance, taking into account the role the councils have in the process of planning, implementing, reporting and evaluating public policy documents and also the recommendations of relevant international bodies including but not limited to UN treaty bodies and special procedures, contractual and advisory Council of Europe bodies as well as recommendations and measures defined by the European Commission. Special skills are necessary for both councils also in the area of planning and monitoring the implementation of projects, particularly from the perspective of ensuring their mutual coherence and coherence with reform processes and aims that arise from national public policy documents and accession negotiation process with the EU.

Table 5: Operational Objective 1.3 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.3. Strengthening the capacities of judicial councils	Budget execution in the judiciary is monitored via special software	NE	DA	DA
	% of filled planned working positions in the JC Secretariat	83,3%	90%	100%
	% of filled planned working positions in the PC Secretariat	70%	80%	90%

1.4. Improving the financial independence of judiciary

Financial independence is one of the vital components of independence of judiciary. In addition to the above-mentioned increase of the budget of the judiciary in previous years, this trend has not been sufficient to meet the targets defined by the previous strategy.

Taking this into account, in terms of budgetary capacities, the trend of increasing the judicial budget needs to continue, and achieve the objective of 1% of GDP during the implementation of the Strategy. Although above average in Europe, such target is conditioned by the need to massively intervene in terms of the judicial infrastructure and information system.

Table 6: Operational Objective 1.4 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.4. Improving the financial independence of judiciary	Percentage of the budget allocated for judiciary	0,82%	0,90%	1%

1.5. Strengthening the impartiality and integrity of holders of judicial functions through consistent adherence to the principle of random case allocation, implementation of provisions on recusal and adherence to the codes of ethics

Impartial actions of judges and public prosecutors and maintaining their professional integrity depend on a whole set of factors, the most important of which are: random case allocation, adherence to the provisions on recusal of judges and public prosecutors and adherence to the provisions of codes of ethics for judges and public prosecutors.

Establishment of the random case allocation system in Montenegrin judiciary directly depends on the further work on improving the case management system. Therefore, this system is still not operational in misdemeanour courts.

Consistent adherence to the provisions of the Code of Ethics required continuous trainings of judges and public prosecutors and effective sanctions for the violation of its provisions.

Table 7: Operational Objective 1.5 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.5. Strengthening the impartiality and integrity of holders of judicial functions through the consistent adherence to the principle of random case allocation, implementation of provisions on recusal and adherence to the codes of ethic	Random case allocation system is operational in all courts	NE	DA	DA

1.6. Strengthening the system of disciplinary liability of judges and public prosecutors

Accountability of judges and public prosecutors is a necessary balance to their independence. In the period of implementation of the previous strategy, attempts to eliminate the perceived problems in the system of disciplinary liability have not been finalised, both on the legislative level, due to the delays in adopting the law, as well as on the implementation level where, due to the lack of functionality of the Judicial and Prosecutorial Council, there were problems in establishing and functioning of disciplinary bodies.

Taking this into account, in the upcoming period, amendments of a set of judicial laws as well as secondary legislation need to create an appropriate legislative disciplinary liability framework in line with the Venice Commission recommendation.

The new normative framework must be followed by an efficient work of disciplinary bodies that prevents the statute of limitation coming into effect and targets the wider circle of offences in relation to the previous practice.

Although the mechanisms of vetting are considered as a last resort implemented in situations when other measures aimed at improving mechanisms of disciplinary liability do not provide results, during the period of implementation of this Strategy, comparative analysis needs to include the capacities and capabilities of implementation of these mechanisms in Montenegrin judiciary.

Tabela 8: Indikatori realizacije Operativnog cilja 1.6

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.6. Strengthening the system of disciplinary liability of judges and public prosecutors	% of completed disciplinary proceedings against judges prior to the statute of limitations	95%	100%	100%
	% of completed disciplinary proceedings against public prosecutors prior to the statute of limitations	100%	100%	100%

1.7. Strengthening the system of disciplinary liability of judicial professions

Entrusting public powers to judicial professions also involves establishing (and continuity) the implementation of accountability mechanisms in the performance of these powers.

This involves, on one hand, the functioning of judicial inspection in its full capacity and a proactive approach of all three chambers through work supervision mechanisms as well as disciplinary proceedings. As stated before, these mechanisms have, in the previous period, only partially functioned, which was, in the case of the Chamber of Bailiffs and Chamber of Notaries, caused by the COVID 19 pandemic. In addition, the lack of capacities of the judicial inspection affected the efficiency its work and number of inspections carried out. Finally, in the case of the Bar Association, a serious problem has been the delays in the adoption of the Code of Ethics for lawyers as well as the lack of efficiency in disciplinary proceedings that often led to the statute of limitations coming into effect.

Taking into account all of the above mentioned, the implementation of this Strategy needs to significantly intensify supervision mechanisms of the work of notaries and bailiffs and simultaneously work on the continuous education of notaries and bailiffs with regard to ethical standards.

In terms of the Bar Association, urgent adoption of the Code of Professional Ethics for Lawyers and efficient disciplinary procedures are a priority.

Taking into account problems identified in the functioning of the court witness analyses, these problems need to be taken into account in view of the comparative legal solutions, which would present the beginning of the systemic intervention in the judiciary of Montenegro in this area.

Table 9: Operational Objective 1.7 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
1.7. Strengthening the system of disciplinary liability of judicial professions	% of notaries inspected by the Chamber of Notaries (annually)	100%	100%	100%
	% of notaries inspected by the judicial inspectors (annually)	60%	70%	100%
	Total number of inspections of bailiffs by the judicial inspectors (annually)	0%	100%	100%
	% of completed disciplinary procedures against lawyers prior to the statute of limitations (annually)	89%	95%	100%
	% okončanih disciplinskih postupaka prema advokatima prije nastupanja zastarjelosti (na godišnjem nivou)	100%	100%	100%

2. IMPROVING EXPERTISE AND EFFICIENCY OF JUDICIARY

Based on the analysis of the current state and identification of crucial problems in the judiciary reform during the implementation of the previous JRS 2019-2022, Strategic Objective 2 has been defined as well as the set of operational objectives to achieve this strategic objective.

Progress achieved in the course of implementation of the Strategic Objective 2 will be measured via a set of impact indicators.

Table 10: Strategic Objective 2 Implementation Indicators

Strategic Objective 2: Improving Professionalism and Efficiency of Judiciary			
Impact Indicator	2023 Baseline	2025 Target Value	2027 Target Value
System of initial and continuous training in judiciary ensures professional activities of judges and prosecutors	Partially achieved	Partially achieved	Fully achieved
Efficiency of judiciary of Montenegro improved through amendments of the procedural legislation, optimisation of court network, strengthened mechanisms of alternative dispute resolution, efficient case management, and strengthened international cooperation	NO	NO	YES
<p><u>The following operational objectives have been defined within the framework of the Strategic Objective 2:</u></p> <p>OG 2.1. Improving expertise of judges and public prosecutors</p> <p>OG 2.2. Improving expertise of judicial professions</p> <p>OG 2.3. Improving capacities of the Judicial Training Centre</p> <p>OG 2.4. Optimising the judicial network</p> <p>OG 2.5. Improving procedural legislation</p> <p>OG 2.6. Reducing the number of backlogs and strengthening alternative dispute resolution</p> <p>OG 2.7. Improving the system of judicial management, administration and strategic planning</p> <p>OG 2.8. Development of the judicial information system</p> <p>OG 2.9. Improving international cooperation</p>			

Relevant interim benchmarks, Chapter 23:

IB 13: Montenegro develops a sound statistical capacity (based on the guidelines on judicial statistics of the European Commission for the Efficiency of Justice (CEPEJ) allowing it through the Judicial Information System (PRIS) to monitor the workload and performance of judges and courts, to measure inter alia the average duration of court proceedings per type of case, the clearance rate, the number of pending cases, as well as the recovery rate, the length and costs of enforcement proceedings. Montenegro analyses these statistics in order to identify backlogs, the exceeding of deadlines for preparing decisions, procedural bottlenecks, as well as human and financial resources involved in resolving a particular type of case. Montenegro actively uses these data as a management tool and takes appropriate action where needed.

IB 14: Montenegro continues to implement the organization of the judicial network. Montenegro finalises a new needs analysis establishing the basis for adopting the next steps of the organization, which should lead to closing down all unviable small courts.

IB 15: Montenegro establishes an initial track record of further reducing the case backlog before the courts, particularly as regards old civil, administrative and enforcement cases. Montenegro makes increasing use of alternative measures such as mediation, court settlements and arbitration.

IB 16: Montenegro puts in place a system of permanent voluntary horizontal transfer of judges, based on incentives allowing for an increase in the voluntary reallocations of judges to courts with the highest workload.

IB 17: Montenegro ensures the full respect and correct implementation of court orders and rulings. Montenegro establishes an initial track record of an improved clearance and recovery rate of enforcement proceedings in civil and commercial cases. Montenegro finalises a general assessment of the enforcement system and develops further measures where relevant.

IB 18: Montenegro adopts a law on training in the Judiciary and secures the necessary financial and human resources to turn the Judicial Training Centre into an institutionally and financially independent body in accordance with the set timeline.

Relevant interim benchmarks, Chapter 24:

IB 16: Montenegro implements the analysis and clearly defines future legal steps necessary for the alignment with the *acquis* in the area of judicial cooperation in civil and commercial matters.

IB 17: Montenegro establishes the information system to keep records on international judicial cooperation and monitors the efficiency of actions based on international requests in the area of judicial cooperation in civil matters.

IB 18: Montenegro implements the analysis of administrative capacities, budget and training needs necessary to implement the *acquis* in the area of judicial cooperation in criminal matters, both within the Ministry of Justice and courts and prosecution offices and defines precisely future steps aimed at full alignment with the *acquis* in this area, among other things, with regard to the European Arrest Warrant.

IB 19: Montenegro adopts and begins the implementation of the training plan (including foreign languages) in the field of judicial cooperation in criminal matters through the Judicial Training Centre and the Police Academy.

IB 20: Montenegro ensures the initial track record of successful processing of international judicial cooperation requests and implementation of bilateral agreements on judicial cooperation with other regional countries.

2.1. Improving expertise of judges and public prosecutors

Taking into account the obstacles in organising trainings during 2020-2022 period caused by the COVID 19 epidemic as well as planned, comprehensive amendments to the organisational, substantive and procedural legislation, the implementation of numerous trainings for judges and prosecutors in the following period will be necessary and could enable a timely and effective implementation of new legal solutions in practice. At the same time, it is necessary to ensure that all judges and public prosecutors are included in continuous trainings in order to ensure a uniform quality of actions within the judicial system.

In addition, it is necessary to continue the trend of modern training methods that have become an unavoidable standard in the past years. Taking into account that an online platform of the Judicial Training Centre has been developed in courts and public prosecution offices, the development should be continued by creating thematic

online trainings, which would enable facilitated approach to educational content for judges and public prosecutors at the time their individual schedule of obligations allows it.

Table 11: Operational Objective 2.1 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.1 Improving expertise of judges and public prosecutors	Number of trainings/courses available on the e-platform	0	2	4
	% of judges that attended the continuous training	81,27%	95%	100%
	% of public prosecutors that attended the continuous training	86,3 %	95%	100%

2.2. Improving expertise of judicial professions

In order to meet Operational Objective 2.2, parallel improvement of expertise of bailiffs and notaries and employees in their offices needs to be carried out as well as the establishment of a system of court experts training.

Taking into account that, during the previous period, **bailiffs and employees in bailiff offices** have attended trainings significant for acquiring expertise, in the following period, priority should be the improvement their skills (so-called *soft skills*) in the area of communication skills with clients, crisis communication as well as training for providing assistance to the police and brochures on this topic.

Having in mind that the immovable property market has been recognised as one of the riskiest markets in terms of money laundering and terrorism financing, increasing expertise of notaries in this area, as well as the development of necessary tools that would enable identification of risk transactions are crucial for prevention of money laundering. This process should be followed by the improvement of digital skills of **notaries** and employees in notary offices as well as their continuous updating in terms relevant international standards in the area of family and probate law.

Development of the training system for **court experts** requires intense work in the following period, with the priorities of developing the plan of further development of this system which must identify primary expert analysis areas in which training programs must be developed as a priority, and define mechanisms, deadlines and competences.

Table 12: Operational Objective 2.2 Implementation Indicators.

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.2. Improving the expertise of judicial professions	% of notaries that have completed the training on prevention of money laundering	10%	100%	100%
	Number of newly developed and implemented trainings for bailiffs	2	+2	+4
	Number of newly developed and implemented trainings for court experts	0	+2	+4

2.3. Improving capacities of the Judicial Training Centre

Ensuring an appropriate budget, infrastructure, and administrative capacities of the Judicial Training Centre is a necessary requirement of achieving and maintaining the necessary quality and expertise of judges and public prosecutors.

Taking this into account, in the following period continuous efforts should be made in order to secure the portion of the budget of the Centre provided by the law. In addition, strengthening of administrative capacities plays an important role in the functioning of the Centre and needs to be improved on two levels:

- primarily, ensure continuous filling of planned positions within the Centre is necessary, and
- implement regular trainings of employees as well as members of the Steering Committee and the Programming Council in the area of strategic and project planning, analytics, monitoring and evaluation.

Further development of modern learning method implementation, including also an e-learning programme, needs to be an aim for further strengthening and development of the Centre. Taking into account the significance of records on trainings carried out and the participation of judges and public prosecutors in trainings in the process of evaluation of their performance and advancement, significant attention should be dedicated to ensuring interoperability of the IT system of the Centre with the IT systems of other judicial institutions.

Continuous work is necessary with regards to improving regional and international cooperation.

Table 13: Operational Objective 2.3 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.3. Improving capacities of the Judicial Training Centre	% of achieved legislative target of the budget of the Judicial Training Centre (2% of allocated budget for judiciary)	60%	100%	100%
	% of filled planned working positions	79%	85%	100%
	Number of trainings for the employees as well as the members of the Steering Committee and Programming Council of the Judicial Training Centre in the area of strategic and project planning, monitoring and evaluation	3	+2	+4

2.4. Optimising the judicial network

As mentioned before, the parameters CEPEJ is monitoring within its competences point to a comparative deviation of data on the average number of judges and courts in relation to the population of Montenegro. Previous analytical work on the preparation of optimization has provided certain results in view of the impact projections of discontinuing certain courts in relation to the number of cases they are working on.

Currently existing Decision on the number of judges in courts envisages two or three judges as an optimal number for certain courts. This should be considered in view of the fact that this number of judges disables establishing a three-member or five-member panel of judges when procedural laws require so, which blocks the work of courts in their full capacities. Simultaneously, eliminating this issue by allocating a larger number of judges inevitably leads to disproportionately lower workload of a judge in that court in relation to the judges in other cities, primarily in larger cities where an average influx of cases is also higher.

In addition to the above mentioned, if you add complex issues such as geographical surfaces to be covered by a certain court, average number of inhabitants in these areas, age and ethnic structure of the population as well as the intensity of economic activities, it can be easily understood that the process called rationalisation so far should be treated more as the optimisation of the court network, particularly taking into account that previously mentioned findings should be supplemented by the financial implication assessment of implementation of several different models of the optimisation of the court network (cost assessment) taking into account comparative regional experiences as well.⁴² Based on data collected in this manner, an overall optimisation plan that would include precise activities and deadlines for their implementation needs to be developed. The plan for the optimization of the judicial network needs to define the activities that will enable the establishment of the Special Court for the

⁴² See: Kolaković-Bojović, M. (2018) Organisation of judiciary in the Republic of Serbia - reform framework and EU standards, Institute of Criminological and Sociological Research, Belgrade, p. 203- 209.

fight against organized crime, high corruption and war crimes, new courts and departments, but also closing down unviable small courts.

Table 14: Operational Objective 2.4 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.4. Optimising the judicial network	Activities and deadline for the optimization of the judicial network defined by the Judicial Network Optimization Plan	NE	DA	DA
	% of implementation of the Plan for optimising the judicial network	0%	20%	50%

2.5. Improving procedural legislation

Development and adoption of this Strategy corresponds to the period of intense legislative activity of the Ministry of Justice in which the amendments of the procedural legislation present an important role in this process.

In this regard, draft Law on Amendments to the Criminal Procedure Code, Law on Treatment of Juveniles in Criminal Proceedings, Law on Civil Procedure and the Law on Enforcement and Securing of Claims need to be finalised and the process of amending the Law on Administrative Dispute needs to begin again.

In the course of amending the criminal procedural legislation, particular attention should be dedicated to the alignment with international standard in the area of justice fit for a child as well as access to justice for victims of criminal offences.

In terms of the civil procedural legislation, focus should be placed on improving the work of bailiffs through extended scope of databases bailiffs can access directly, and in particular, their connection to the registers of the Central Securities Depository and Clearing Company (checks whether the debtors are registered in their system of securities), and Central Bank of Montenegro related to the electronic document exchange.

Table 15: Operational Objective 2.5 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.5. Improving procedural legislation	% of adopted amendments of laws in the area of civil legislation	0%	80%	100%
	% of adopted amendments of laws in the area of criminal legislation	0%	70%	100%
	% of adopted amendments of laws in the area of administrative legislation	0%	80%	100%

2.6. Reducing the number of backlogs and strengthening alternative dispute resolution

Eliminating blockages in the appointment of judges and public prosecutors through above-mentioned activities within the Strategic Objective 1 is only one activity but not enough in terms of lowering the number of backlogs. Namely, this process is largely connected with planned and efficient resolution of old cases that have prolonged burden to the judiciary, improved case management including the advanced use of digital tools and lowering the influx of cases through a widened application of alternative dispute resolution.

Considering that the activities aimed at improvement of ICT in judiciary have been addressed through activities for the implementation of Operational Objective 2.8, the implementation of the Operational Objective 2.6 will be carried out by updating and effective implementation of the Programme for the reduction of backlogs.

Additionally, taking into account that the Programme for Improving Alternative Dispute Resolution (2023-2025) which will open new perspectives of widening the implementation of this type of dispute resolution has been adopted, it is necessary to define mechanisms for strengthening the capacities of the Centre for ADR.

Table 16: Operational Objective 2.6 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.6.	% of resolved influx of cases	84, 76%	100%	101%
Reducing the number of backlogs and strengthening alternative dispute resolution	Number of cases resolved through mediation annually	2.397	2.600	3.000

2.7. Improving the system of judicial management, administration and strategic planning

Efficient planning and managing resources and processes, reporting and evaluation of results are inextricable segments of the improved work of judiciary in all of its segments, including closely connected institutions such as the Ministry of Justice. Taking this into account, in the upcoming period continuous and precise targeted strengthening of the Judicial and Prosecutorial Council as well as the Ministry of Justice needs to take place at two levels:

- Centralisation and automation of work process by applying the software for Centralised Budget and Human Resource Management (ERP);
- Improving the reporting process on implementing relevant public policy documents by improving and unifying the methodological approach (indicator based) and use of digital tools.
- Improving practical skills of members of both councils and employees in their secretariats, as well as employees of the Ministry of Justice, among other things, in the area of strategic and budgetary planning, analytics as well as planning and implementing projects.

Table 17: Operational Objective 2.7 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.7. Improving the judicial management, administration and strategic planning	% establishing the ERP system in the Judicial Council	0%	50%	100%
	% of Ministry of Justice employees that have completed the strategic planning and analytics trainings	10%	20%	30%
	% of employees of the Judicial Council Secretariat and members of the Judicial Council that have completed the strategic planning and analytics trainings	20%	40%	70%
	% of employees of the Prosecutorial Council Secretariat and members of the Prosecutorial Council that have completed the strategic planning and analytic trainings	20%	40%	70%

2.8. Development of the judicial information system

Taking into account the significance of the IT systems in terms of improving the efficiency of the work of judiciary as well as transparency, access to justice and managing resources and work processes and taking into account above mentioned challenges related to unsuccessful attempts to develop the new JIS, Ministry of Justice will simultaneously to the development of this Strategy work on the new Strategy for ICT system development in judiciary 2024-2027 (ICT Strategy 2024-2027).

Having this in mind and in order to avoid overlaps or duplication of activities in two public policy documents, this Strategy recognizes that during the following period we need to work on several parallel processes, within which these activities will be defined precisely by the ICT Strategy 2024-2027:

- The establishment of the JIS in misdemeanour courts in which digitalisation process has been lacking so far.
- Improving the existing PRIS system with the aim of overcoming the gap until a new comprehensive JIS is developed.
- Development of a new comprehensive JIS.

Table 18: Operational Objective 2.8 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.8. Development of the judicial information system	Judicial information system operational in misdemeanour courts	NE	DA	DA
	% of implemented activities towards the establishment of a new single information system in judiciary	0%	0%	20%

2.9. Improving international cooperation

During the implementation of this Strategy, priority in terms of further improvement of international cooperation will be the continuation of signing bilateral treaties and ratification of certain multilateral treaties, which will enrich legislative framework in the area of international legal assistance in civil and criminal matters.

In addition to the above mentioned, it is necessary to perform detailed analysis of treaties ratified before aimed at defining needs for their amendments.

Table 19: Operational Objective 2.9 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
2.9. Improving international cooperation	Number of newly signed bilateral treaties	0	1	4
	Number of newly ratified multilateral treaties	0	2	6

3. IMPROVING ACCESS TO JUSTICE, TRANSPARENCY AND TRUST IN THE JUDICIARY

On the basis of the analysis of the current state and identification of crucial problems in the judiciary reform during the implementation of the previous JRS 2019-2022, Strategic Objective 3 has been defined as well as a set of operational objectives to achieve this strategic objective.

Progress achieved in the course of implementation of the Strategic Objective 3 will be measured via a set of impact indicators.

Table 20: Strategic Objective 3 Implementation Indicators

Strategic Objective 3: Improving access to justice, transparency and trust in the judiciary			
Impact Indicator	2023 Baseline	2025 Target Value	2027 Target Value
Number of particularly vulnerable categories of citizens to whom free legal aid services are available	5	+3	+3
The following operational objectives have been defined within the framework of the Strategic Objective 3:			
OG 3.1. Further development of uniformity and publication of case law			
OG 3.2. Improvement of the free legal aid system			
OG 3.3. Improvement of the transparency of work of the judiciary			
OG 3.4. Improvement of the system of infrastructure and safety of judicial facilities and physical access to judicial institutions			
OG 3.5. Access to justice fit for a child			
OG 3.6. Improvement of access to justice for victims of criminal offences			
Relevant interim benchmarks, Chapter 23:			
IB 19: Montenegro effectively demonstrates the capacities of law enforcement authorities and courts to independently solve war crime cases in line with international humanitarian law and case law of the International Criminal Tribunal for the former Yugoslavia and undertakes effective measures to deal with issues of impunity, particularly by accelerating progress in investigations and prosecution of these cases and by ensuring access to justice and damages to civil victims.			
IB 34: Montenegro continues to align its legal framework (particularly the Law on Ombudsman) with the EU acquis and international standards. Montenegro strengthens independence, professionalism, and institutional capacity of the Ombudsman (also through the establishment of the National Mechanism for Torture Prevention). Montenegro guarantees effective implementation of human rights – including rights of children and disabled persons – through the court system and other authorities and ensures sufficient training in this regard.			
IB 37: Montenegro continues the implementation of the Strategy for Prevention of Domestic Violence, including raising awareness on the prevention of domestic violence and ensuring sufficient protection to victims.			
IB 39: Montenegrin courts establish the initial track record of effective legal remedies in line with Article 13 of the European Convention on Human Rights.			
IB 40: Montenegro informs its citizens on the legal rights and ensures that free legal aid is available to all citizens who require it, particularly the most vulnerable categories.			

3.1. Further development of uniformity and publication of case law

Uniform case law is one of the preconditions to ensure equality before law and the rule of law. Availability of case law in public, electronic databases provides citizens and commercial entities a more precise insight into the previous case law of courts in various areas and facilitates making a decision on whether to initiate or continue court proceedings, as well as to foresee its duration, costs, and potential outcome.

Simultaneously, availability of case law enables judges and public prosecutors insight into previous decisions of their colleagues in similar cases thus contributing to the coherence of actions and uniformity of case law.

Continuous translation and publishing of decisions of the European Court of Human Rights is particularly significant for both citizens and judges and public prosecutors.

In order to have this in practice, during the implementation of the Strategy, it is necessary to continue strengthening the capacities of the divisions for case law in courts, particularly the Supreme Court, by filling vacant positions and organising trainings for judges and their associates, focused on the ECHR case law as well as other international courts such as the International Court of Justice and International Criminal Court.

Continuous digitalisation of case law in Montenegro is particularly important, i.e. the increase of the number of decisions available to be searched and downloaded from the case law database.

Table 21: Operational Objective 3.1 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
3.1. Further development of uniformity and publication of case law	% of published decisions in the case law database	95%	98%	100%
	Number of ECHR case law trainings annually	15	15	15

3.2. Improvement of the free legal aid system

Although the **free legal aid system** is functioning without major difficulties, its further improvement through amendments to the Law on Free Legal Aid and increase of the circle of users, primarily for victims of torture, is still delayed.

Taking this into account, the following is necessary in the period to come:

- Continuation of the process of amending the Law on Free Legal Aid
- Organisation of continuous trainings on rights of particularly vulnerable groups of citizens
- Improvement of cooperation with legal clinics and NGOs aimed at continuously raising the quality and availability of free legal aid.

Table 22: Operational Objective 3.2 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
3.2. Improvement of the free legal aid system	Right to free legal aid provided for victims of torture	NE	DA	DA
	% of increase of the number of approved free legal aid requests annually	85%	+2%	+5%

3.3. Improvement of the transparency of work of the judiciary

In the future, the issue of work transparency of judiciary should be treated on several levels as follows:

- Continuous improvement of IT solutions enabling direct insight into the course of the case;
- Introduction of additional electronic services for citizens and lawyers;
- Improving statistical reports on the work of the judiciary
- Regular drafting and publishing of objective and comprehensive reports on the course of judicial reform in Montenegro.

Table 23: Operational Objective 3.3 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
3.3. Improvement of the transparency of work of the judiciary	Number of published reports on the implementation of the Strategy annually	1	2	2
	Number of additional statistical parameters on the work of courts on the basis of which data on the work of courts (annually) are being published	60	+2	+4
	Number of additional statistical parameters on the work of prosecution offices on the basis of which data on the work of public prosecution offices (annually) are being published	130	+2	+4
	Number of new electronic services in judiciary available to citizens	5	+3	+5

3.4. Improvement of the system of infrastructure and safety of judicial facilities and physical access to judicial institutions

Development of judicial infrastructure has multiple significance for improving the work of the judiciary.

Primarily, it provides for:

- better work conditions and higher level of safety of judges, public prosecutors and employees in judiciary,
- more efficient work processes and case management,
- more responsible approach towards the environment and use of resources by improving energy efficiency,
- facilitated access to justice for particularly vulnerable categories of citizens, such as disabled persons, children and victims of criminal offences.

Taking into account the above mentioned challenges in terms of infrastructure the Montenegrin judiciary is faced with, during the following period, it is necessary to finalize all of the initiated reconstructions of six courts and work on necessary preparations such as defining location, changes to the spatial plan and development of the technical location for the construction of the new building which will house judicial institutions in Podgorica and necessary works within the conversion of facilities provided for use to judicial institutions in this city.

In parallel, planning of all future infrastructure projects (construction and reconstruction) of facilities that house courts and prosecution offices is necessary as well as taking into account the need for alignment with standards in the area of access to justice for disabled persons, including but not limited to access ramps, lifts, information tables in Braille and sound notifications. Simultaneously, needs in terms of alignment with relevant international standards in the area of access to justice for children and victims of criminal offences need to be taken into consideration systematically and this will be further elaborated within operational objectives.

Table 24: Operational Objective 3.4 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
3.4. Improvement of the system of infrastructure and safety of judicial facilities and physical access to judicial institutions	Number of facilities of courts that have ramps/lifts than enable access to disabled persons	15	18	19
	Number of facilities of courts that information tables in Braille or audio information system	7	11	12
	Number of facilities of public prosecution offices that have ramps/lifts than enable access to disabled persons	5	6	7
	Number of facilities of public prosecution offices that information tables in Braille or audio information system/ tactile surfaces/accessibility signs	2	2	3
	Number of facilities of courts that have security scanners	3	4	5
	Number of facilities of public prosecution offices that have security scanners	3	4	5
	Number of facilities of courts that meet energy efficiency standards	0	6	7
	Number of facilities of public prosecution offices that meet energy efficiency standards	0	6	7
	Number of new/converted facilities of judicial authorities	0	1	2

3.5. Access to justice fit for a child

Protection of children in contact with the law is one of the areas of international law in which standards are developed the quickest, thus generating the need for continuous improvement of national legislation, institutional framework, and professional and infrastructure capacities necessary for the implementation of these standards in practice.

Taking into account that during the implementation of the previous Strategy, limited progress has been achieved in this area, the process of amending laws and aligning of secondary legislation needs to be completed during the implementation of this Strategy.

Considering that appropriate exercise of the best interest of children in court proceedings is impossible without the professional and expert parties to the proceedings, amendments to the normative framework will be followed by the organisation of trainings for police officers, prosecutors, judges, lawyers and expert witnesses that are acting in the proceedings against minors.

Considering that justice fit for a child is not limited only to the criminal judiciary (although it presents a significant segment of this concept), continuation of improvement of judicial infrastructure is necessary in two directions:

- Refurbishing of existing premises for interviewing minors - victims and witnesses
- Enabling testifying via technical means for audio and video links

Table 25: Operational Objective 3.5 Implementation Indicators

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
3.5. Access to justice fit for a child	Improved level of alignment of the normative framework of Montenegro (Law on the Treatment of Juveniles in the Criminal Proceedings and related secondary legislation) with relevant international standard in the area of justice fit for a child.	Partially aligned	Partially aligned	Fully aligned
	Percentage of prosecutors for minors trained to implement the amended normative framework	0%	30%	100%
	Percentage of judges for minors trained to implement the amended normative framework	0%	30%	100%
	Percentage of police officers for minors trained to implement the amended normative framework	0%	50%	100%
	Number of facilities of courts that have separate premises for interviewing minors - victims and witnesses	4	5	6
	Number of facilities of public prosecution offices that have separate premises for interviewing minors - victims and witnesses	8	9	10

3.6. Improvement of access to justice for victims of criminal offences

Process of alignment with the relevant standards in the area of rights of victims, primarily the Directive (2012)029EU requires comprehensive interventions of both the legislative framework and improvement of organisational and infrastructure preconditions for effective access to justice for victims or parties injured by the commission of a criminal offence. Taking this into account, drafting, adoption and efficient implementation of the overall strategy for exercising rights of victims will be carried out in the following period during which steps regarding the amendments to the legislation and secondary legislation would be defined, procedures of treatment of victims in practice as well (from the first contact with the proceeding authority), define precisely the dynamics of establishing services supporting victims, strengthening professional capacities of judges and prosecutors, police and lawyers, improve practice of deciding on claims under property law and raise awareness of victims themselves and public on the rights of victims of criminal offences.

In parallel, planning of all future infrastructure projects (construction and reconstruction) of facilities that house courts and prosecution offices is necessary as well as taking into account the need for alignment with standards in the area of access to justice for victims of criminal offences.

Tabela 26: Indikatori realizacije Operativnog cilja 3.6.

Operational Objective	Impact Indicators	2023 Baseline	2025 Target Value	2027 Target Value
3.6. Improvement of access to justice for victims of criminal offences	Activities aimed at improving the rights of victims of criminal offenses defined in the strategic document of the Government	NO	YES	YES

IV MONITORING OF IMPLEMENTATION, REPORTING AND EVALUATION

Monitoring the implementation of the Strategy will be entrusted to the Council established by the Government of Montenegro within 30 days from the day the Strategy is adopted. Heads of all key judicial institutions, professional associations and civil society organisations will be included into the membership of the Council as follows: Minister of Justice - Council chairman and members: Director General of the Ministry of Justice in charge of the organization of the judiciary, Director General at the Ministry of Justice responsible for criminal and civil legislation, President of the Supreme Court of Montenegro, Supreme State Prosecutor, President of the Judicial Council, President of the Bar Association of Montenegro, President of the Chamber of Bailiffs, president of the Steering Committee of the Judicial Training Centre, President of the Association of Judges, President of the Association of State Prosecutors of Montenegro, representative of the Association of Court Experts of Montenegro and representatives of three civil society organisations selected on the basis of a public call published by the Ministry of Justice.

Each of the Council members will have a deputy who will have all the authorisations of the Council member that is absent.

Within the competences for monitoring the implementation of the Strategy, the Council will have the following tasks:

- to organise and synchronise the activities of state administration bodies, state bodies and other competent institutions in the implementation of activities set forth by the Strategy and its Action Plan;
- to monitor priorities, timeline and deadlines for implementation and to evaluate the achieved results in the implementation of the Action Plan;
- to evaluate the budget consumption and other funds from other sources allocated for the implementation of the Action Plan;
- to deliver to the Government of Montenegro the annual and closing reports with its status, assessment and proposals for measures.

The Council will have a Secretary General who will be responsible for managing the collecting and processing data and preparing reports of competent authorities, as well as other administrative and technical tasks. All of the institutions submitting reports to the Secretary General will appoint contact persons responsible for collecting data within their institution and cooperation with the Secretary General in the process of processing data and drafting reports. Deputy Council member can also be the contact person.

Ministry of Justice will provide administrative and technical support to the work of the Council.

Council will hold meetings when necessary and at least three times per year. Organisation and manner of work will be defined in more details by the Rules of Procedure of the Council adopted by this body during its constitutive session. In addition to the Rules of Procedure, the Council will adopt the single methodology for reporting and evaluating results aimed at methodological approach and reporting quality unification among institutions. Methodology must also include an early warning mechanism in cases of delays in reform implementation. When needed, Council and the Ministry will be responsible for organising trainings aimed at strengthening analytical capacities of institutions.

Annual reporting will need to be implemented in line with the Methodology for policy development, drafting and monitoring the implementation of strategic documents based on indicators. Annual reports be published on the website of the Government and Ministry of Justice within seven working days from the date of the adoption of the reports. At the end of the second year from the beginning of implementing JRS, matching the end of the two-year Action Plan, Report on the Implementation of AP needs to be drafted on the form provided for by the Methodology. Evaluation of the success of Strategy implementation should serve as the guideline for developing new two-year AP.

At the end of implementation of the Strategy, external evaluation will be performed by an independent expert whose results will form an integral part of the Report on the Implementation of the Strategy, which will be submitted to the Government of Montenegro.

V INFORMATION ON CONSULTATIONS WITH STAKEHOLDERS

In line with the Decree on the Election of Representatives of Non-Governmental Organizations to the Working Bodies of the State Administration Bodies and Conducting Consultation in Preparation of Laws Strategies, adhering to the principle of transparency, on 26 May 2023, Ministry of Justice published a Call for Consultation of the interested public for the drafting of the Judicial Reform Strategy 2024-2027 with the Action Plan for 2024-2025.

In the period provided for consultation of the interested public (from 26 May until 12 June 2023), one proposal was received and Ministry of Justice drafted a Report on the consultation of interested public for the drafting of the Judicial Reform Strategy 2024-2027 with the Action Plan for 2024-2025 and published it on its website.

Ministry of Justice regularly informed the public via its website on all of the activities regarding the drafting of the Strategy and Action Plan; dates of meetings and conclusions the Working group has reached at these meetings.

Public discussion, in line with the Law on State Administration and the Decree on the Election of Representatives of Non-Governmental Organizations to the Working Bodies of the State Administration Bodies and Conducting Consultation in Preparation of Laws Strategies. Public discussion related to the Strategy was organized from 24th January 2024 until 13th February 2024. It was held in line with the adopted programme of Public Discussion, in the form of written proposals, suggestions, and remarks. A roundtable was held on 31 January 2024, in Podgorica, within the public discussion. In the course of the public discussion, in addition to the proposals and suggestions submitted at the round table, seven letters with proposals and suggestions were received via e-mail, all of which contributed to the qualitative editing of the text and contained specific proposals that could be contained in this type of planning document, were accepted and included into the text of this Strategy and its Action Plan.

Detailed Report on the public discussion, with a table illustrating received comments and the described degree and method of their implementation into the draft have also been published at the website of the Ministry of Justice, which makes the entire process, from the establishment of the working group for the drafting of this Strategy until its submission for adoption, completely transparent.

VI FORECAST OF FUNDS NECESSARY FOR THE IMPLEMENTATION OF THE STRATEGY

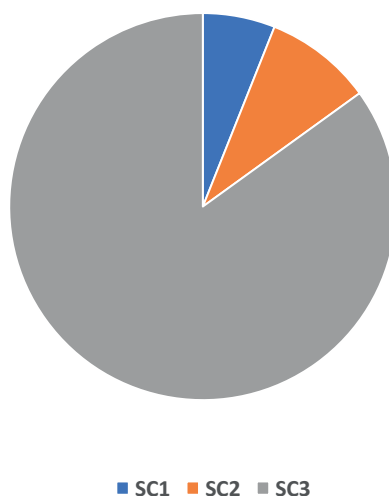
The implementation of the Judicial Reform Strategy 2024 - 2027 will be financed from the national budget, donor funds and funds provided through IPA 2022. Through the Action Plan for the Implementation of the Judicial Reform Strategy 2024 - 2027 for the period 2024 - 2025, the implementation of all planned activities is expected to cost a total of EUR 3.770.745,00, while the next Action Plan for 2026-2027 will define the remaining financial resources.

The projected budget for 2024 is EUR 1.923.590,00, and for 2025, it amounts to EUR 1.847.155,00, with the following sources of funding:

Year	Budgetary resources	Donor support	IPA II	Funds of the organisations:	Total:
2024.	9.450,00	900.640,00	1.000.000,00	13.500,00	1.923.590,00
2025.	64.800,00	782.355,00	1.000.000,00	-	1.847.155,00
Total:	74.250,00	1.682.995,00	2.000.000,00	13.500,00	3.770.745,00

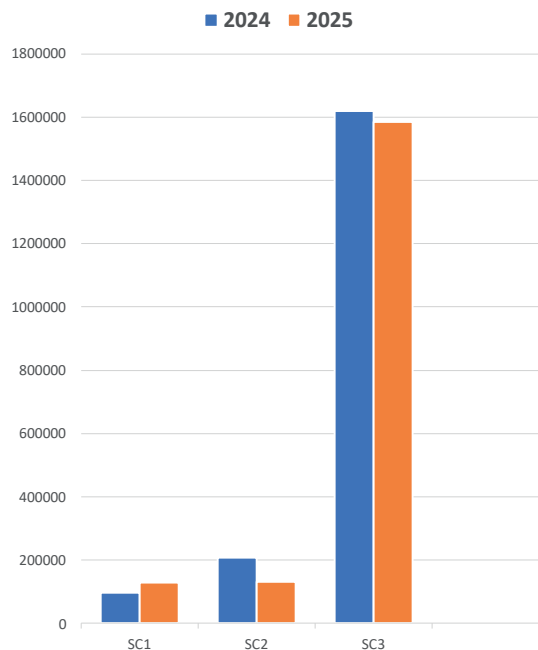
The structure of total costs according to strategic objectives is as follows:

Strategic objective 1: Strengthening the independence, impartiality and accountability of the judiciary	227,810.00
Strategic objective 2: Improving the expertise and efficiency of the judiciary	339,175.00
Strategic objective 3: Improving access to justice, transparency and trust in the judiciary	3,203,760.00



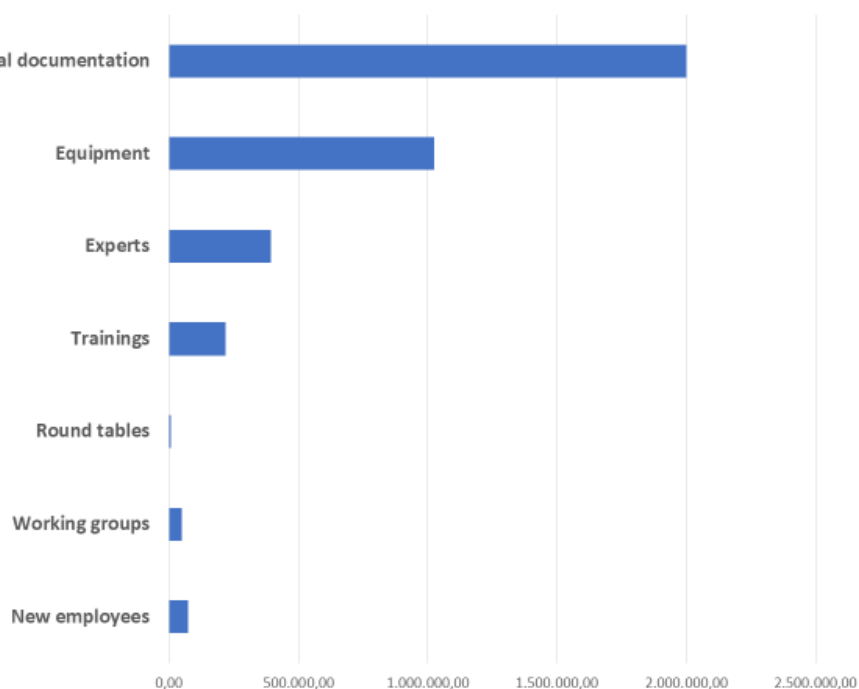
Per years and strategic objectives, the cost structure is as follows:

	2024.	2025.
SC 1	97,661.00	130,149.00
SC 2	207,750.00	131,425.00
SC 3	1,618,179.00	1,585,581.00



The structure of costs, per types of costs, is as follows:

New employees	74,250.00
Working groups	50,620.00
Round tables	8,060.00
Trainings	220,515.00
Experts	393,300.00
Equipment	1,024,000.00
Technical documentation	2,000,000.00



By extrapolating the cost estimation for the first two years of the implementation of the Strategy, it can be estimated that for the implementation of activities in the period 2026 - 2027, the necessary funds will be approximately at least at the level of the first two years, which without the costs for technical documentation and without capital investments amounts to 1.770.745,00 EUR. Thus, the total costs for the implementation of the Strategy can be tentatively estimated at the level of 5.541.490,00 EUR.

Three funding scenarios are indicated below:

1. Low probability scenario

Although the consultations with donors, as well as previous experiences in cooperation with donors, indicated that the necessary additional resources for the implementation of the planned activities and the achievement of

the Strategy's objectives will be provided to the greatest extent through donor support, there is a low probability that donor support, through expert and logistical support, as well as the provision of equipment, will not fully provide all necessary additional resources for the implementation of activities. If, after the first year of implementation of the Strategy, it is estimated that there is a probability for such a scenario, it will be necessary to foresee the possibly missing necessary financial resources in the budget for 2025.

2. Realistic scenario

Based on the above consultations with donors, it is realistic to assume that for all activities for which donors have expressed interest in providing support, the necessary additional resources will be provided in this way and that additional budget funds will not be necessary for the implementation of these activities.

3. Pessimistic scenario

If, for any reason, donors withdraw from Montenegro, the realization of the activities would be significantly jeopardized and there would be a high probability that the operational and strategic objectives would not be achieved.

The calculation of costs per funding sources for the first two years of implementation is based on the previously described realistic scenario.

VII ACTION PLAN

Action Plan for the implementation of this Strategy is its integral part.

Action Plan, in line with the strategic objectives and operational objectives of this Strategy, defines activities for the implementation of each of the objectives, responsible institutions for their implementation, result indicators, deadlines, resources and their sources.

Bearing in mind the need to prepare detailed budget projections for the period from 2026 to 2027 in the second half of 2025, the results of the implementation of reforms during 2024 and 2025 will be reviewed as a basis for the preparation of the Action Plan for the period 2026-2027 as an integral part of this Strategy and an instrument for its implementation in the period in question.

VIII PUBLISHING

This Strategy and its Action Plan will be published on the website of the Government and Ministry of Justice within seven working days from the date of the adoption of the Strategy and its Action Plan.

ANNEX I

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