



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

**Instruction :**

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

---

## **1.General and financial information**

### **1.1.Demographic and economic data**

#### **1.1.1Inhabitants and economic general information**



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

[ 620 029 ]

Comments Data for number of inhabitants are given in accordance with the results of the population census from 2011. The next population census will take place this year (2021).

=

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

	Amount
State or federal level	2 330 300 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Data available here: <https://mif.gov.me/ResourceManager/FileDownload.aspx?rId=426154&rType=2>

=

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

[ 7 959 ]

Comments Data for 2019.

GDP data for 2020 will be published later this year.

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

[ 9 396 ]

NA

Comments

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

[ 1 ]

Allow decimals : 5

NAP

Comments National currency in Montenegro is Euro.

## A1. Please indicate the sources for answering the questions in this part

Sources:

### 1.1.2 Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution

services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	31 567 667 [ ] NA [ ] NAP	30 058 506 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	21 459 152 [ ] NA [ ] NAP	21 135 928 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	587 052 [ ] NA [ ] NAP	563 299 [ ] NA [ ] NAP
<b>2.1 Investments in computerisation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	820 000 [ ] NA [ ] NAP	682 262 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	195 000 [ ] NA [ ] NAP	193 520 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	225 001 [ ] NA [ ] NAP	210 880 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	9 900 [ ] NA [ ] NAP	2 038 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	8 271 561 [ ] NA [ ] NAP	7 270 576 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being paid by enforced collection.

“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay... (Source: Judicial council)

Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.

Discrepancy clarifications:

-Annual public budget allocated to court buildings (maintenance, operating costs) - There was an increase in the monetary amount due to the adaptation of official premises in several Montenegrin courts.

-Annual public budget allocated to investments in new (court) buildings - There was an increase in the monetary amount due to the fact that construction works were carried out on the building of the Commercial Court of Montenegro on the adaptation of the building itself.

-Annual public budget allocated to training - There was a decrease in the said amount due to the fact that this year a smaller number of trainings was conducted compared to the previous reporting because of the COVID-19 pandemics.

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – Lawyer, notary and legal services.



=

008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

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

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

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

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

[ 70 ]

[ ] NA

[ ] NAP

Comments For claims in civil proceedings with dispute value amounting over € 500 and up to € 5,000, a fee in the amount of € 20 and 2% is payable on the difference of the amount exceeding € 500. This means that the court fee for filing a debt claim in the amount of € 3,000 would be € 70.

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

[ 793 178 ]

[ ] NA

[ ] NAP

Comments The pandemic of the new coronavirus COVID-19 has caused a reduction amount of court fees which the state has as revenue on an annual basis.

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately.

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	146 483 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: A smaller number of requests for free legal aid were adopted, thus less money was spent.

=



**012-2. Does legal aid include:**

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

=

**012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:**

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

=

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	9 636 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 490 312 <input type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The difference between the approved and implemented budget was due to the budget rebalance, all pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24 June 2020).

=

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
<b>Ministry of Justice</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Other ministry</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Parliament</b>	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Supreme Court</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Courts</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Inspection body</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP
<b>Other</b>	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	( ) Yes (X) No <input type="checkbox"/> NAP	(X) Yes ( ) No <input type="checkbox"/> NAP

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

**014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation**

	Criteria used	Main criteria
<b>Previous years’ budget costs</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Special needs assessment</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Number of judges/non judges’ staff</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Number of incoming cases</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Number of pending cases</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Number of resolved cases</b>	<input type="checkbox"/>	<input type="checkbox"/>

Other	[ ]	[ ]
-------	-----	-----

[ ] NAP

Comments - If "Other", please specify

### 014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
<b>Court President and/or judge(s)</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Head of court administration and/or non-judges</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Mixed body (judge(s) and non-judge(s))</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

### A2. Please indicate the sources for answering the questions in this part

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

### 1.1.3 Budgetary data concerning the whole justice system

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

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	54 906 637 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: Budget of Montenegro for 2020. ("Official gazette of MNE", no. 74/19, 61/20)

Judiciary: 29.920.426,33 € (including Judicial Council: 1.654.281,32 €)

State Prosecution Office: 9.636.314,04 € (including Prosecutorial Council: 669.704,92 €) Centre for Training in Judiciary and State Prosecution Office: 615.593,44 €



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

	Included
Courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Legal aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Public prosecution services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

### 015-3. Other budgetary elements

	Included
Prison system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
High Prosecutorial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Constitutional court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Judicial protection of juveniles	( ) Yes ( X ) No [ ] NAP
Functioning of the Ministry of Justice	( X ) Yes ( ) No [ ] NAP
Refugees and asylum seekers services	( ) Yes ( X ) No [ ] NAP
Immigration Service	( ) Yes ( X ) No [ ] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes ( X ) No [ ] NAP
Other	( X ) Yes ( ) No [ ] NAP

If "Other", please specify: Centre for Training in Judiciary and State Prosecution Office

### A3. Please indicate the sources for answering the questions in this part

Sources: .

## 1.2. Organisation and management of courts and public prosecution services

**015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.**

- The responsibilities for the management of individual courts is on the Presidents of courts, in accordance with the Article 30 of the Law on courts.

The president of the court is responsible for performing the tasks of court administration. The president of the court may delegate the certain tasks of court administration in larger courts, to the deputy president of the court, presidents of the court units, judges or court staff.

In order to perform orderly and timely work in the court, the president of the court supervises the work of court units and services by reviewing registers and auxiliary books, notes and hearings, constantly monitoring cases whose resolution takes longer, obtaining reports, and in other appropriate ways.

The president of the court takes care of the proper approach of judges, officials and employees towards parties, state authorities, legal entities and other organizations, and of the proper relations between employees in the court. In relation to court appearances that significantly disrupt interpersonal relations in court, obstruct citizens in exercising their rights, act illegally or otherwise damage the reputation of the court, the president of the court is obliged to act in accordance with the Law and the Code of Ethics of Judges

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- The answer is included in Article 137 of the Law on State Prosecutor’s Office

Head of the state prosecution office shall be accountable for carrying out tasks of the state prosecution office and shall take measures and actions to ensure efficient and lawful performance of tasks by the state prosecution office. Head of the state prosecution office shall organize work at the state prosecution office, allocate tasks and take measures to ensure regular and timely performance of tasks at the state prosecution office. In the event of absence, being prevented to discharge duties or upon expiry of the term of office, the head of the state prosecution office shall be replaced by the state prosecutor appointed by the session of the state prosecution office for each calendar year, upon the proposal by the head of the state prosecution office.

**2. Access to justice and all courts**

**2.1. Legal Aid**

**2.1.1 Scope of legal aid**

**016. Does legal aid apply to:**

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>Representation in court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Legal advice, ADR and other legal services</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

=

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

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

A person who, due to his financial situation, is not able to exercise the right to judicial protection, without prejudice to the necessary support of himself and his family, has the right to free legal aid, in accordance with the law, all in order to exercise the right to a fair trial.

Legal aid implies the provision of resources for full or partial coverage of costs for legal counselling, preparation of pleadings,

representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out-of-court dispute settlement , as well as exemption from payment of the costs of court proceedings.

The right to legal aid under the conditions stipulated by this Law may be exercised by:

- 1) a Montenegrin national;
- 2) a stateless person lawfully residing in Montenegro and a person seeking asylum in Montenegro;
- 3) an alien with permanent residence or approved temporary residence and other person legally residing in Montenegro; and
- 4) other person in terms with ratified international treaties.

The person shall have the right to legal aid provided that he is:

- 1) a beneficiary of family cash benefits or other social security right pursuant to the law governing social and child protection,
- 2) a child without parental care,
- 3) a person with special needs,
- 4) a victim of the crime of family or domestic violence and of human trafficking,
- 5) a person of unfavorable financial situation (a person who has no property, and his monthly income and total monthly income of family members does not exceed 30% of the average salary in Montenegro for one member and 15% of the average salary for each subsequent member)

The authority competent for granting legal aid is the president of the basic court or the judge authorized by him in whose territory the applicant has a permanent or temporary residence;

Performing professional and administrative tasks in the procedure of approving free legal aid is organized within the free legal aid service.

The procedure is initiated by a request, which is submitted to the competent authority through the Service, on the prescribed form.

The decision on the request is made within 15 days from the day of submitting the request. The decision of the competent authority on the request is final and an administrative dispute may be initiated against it, which is urgent.

The Service issues a referral with appropriate information to the applicant who has been granted free legal aid.

Free legal aid is provided by lawyers in the order from the list of the Bar Association of Montenegro.

Legal advice can also be provided by the Service, which is obliged to keep records of the provided legal advice

=

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

Yes

No

NAP

If yes, please specify:

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

Criminal cases	Other than criminal cases
----------------	---------------------------

<b>Legal aid granted for other costs</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
--	---	---

Comments - If yes, please specify:

## 2.1.2 Information on legal aid

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

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

Comments - Please specify when appropriate: The total number of filed requests for free legal aid in 2020 is 365. Unfortunately, we are not able to provide other data under question 20.

**020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:**

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Actual average duration</b>	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information:

=

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

	Assisted by a free of charge lawyer
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

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

	free selection of lawyer
<b>Accused individuals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Victims</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

**023. If yes, please specify in the table:**

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
<b>Full legal aid to the applicant for criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Full legal aid to the applicant for other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid to the applicant for criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid to the applicant for other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

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

the judge(s) dealing with the main case

another judge or official

an authority external to the court

( ) several authorities (court and external bodies)

Comments

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

( ) Yes

( X ) No

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

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

	Judicial decisions direct how legal costs will be shared
in criminal cases	( X ) Yes ( ) No
in other than criminal cases	( X ) Yes ( ) No

Comments - If no, please specify how legal costs are distributed:

**B1. Please indicate the sources for answering the questions in this part**

Sources: Secretariat of the Judicial Council

## 2.2. Court users and victims

### 2.2.1 Rights of the users and victims

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	( X ) www.sudovi.me www.gov.me www.sluzbenilist.me https://tuzilastvo.me/drtz	( )
Case-law of the higher court/s	( X ) www.sudovi.me	( )
Information about the judicial system (organisation of courts, court proceedings, etc)	( X ) www.sudovi.me	( )
Other documents (e.g. forms, downloadable forms, online registration forms)	( X ) www.sudovi.me www.gov.me	( )

Comment - Please specify what documents and information are included in "Other documents"

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

Yes, always

No

Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify:

**030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:**

	Information system
General for citizens	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No
Specific for victims of offences	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No
Specific for minors (child-friendly systems)	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of terrorism	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ethnic minorities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



<b>Persons with disabilities</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify:

**031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?**

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children’s Houses”
- Other, please specify .....
- NAP

Comment

**031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?**

	<b>Civil proceedings</b>	<b>Criminal proceedings</b>
<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
<b>To be a witness</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). Civil proceedings

1. Other - A minor, who has not acquired full legal capacity is legally capable within the limits within which his/her legal capacity is recognized.
2. Other - A child may be heard as a witness if the Court determines that he/she is capable to be a witness, according to the expert opinion.

**Criminal proceedings**

For minors and persons who are completely deprived of legal capacity, a private lawsuit shall be filled by their legal representative. Exceptionally, a minor who has reached the age of 16 may also file a private lawsuit by himself/herself.

2. Capacity for discernment - A minor who, given his/her age and mental development is unable to understand the significance of the right not to have to testify.

Age threshold - The summoning as a witness of a minor who has not reached the age of 16 is made through his/her parents, ie. legal representative, unless this is not possible due to the need for urgent action or other circumstances.

**031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?**

	Civil proceedings	Criminal proceedings
<b>Parent/legal guardian</b>	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment

**031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)**

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

**031-3-1. What is the age threshold for the criminal liability of minors?**

**Criminal liability resulting in sentence without privation of liberty (for example, educational measures)**

- 14 ]
- NA
- NAP

**Criminal liability resulting in sentence of privation of liberty**

- 16 ]
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

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

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment YES, if the conditions, prescribed by the Law on compensation to the victims of criminal offences of violence are met. YES, if the victim submitted the compensatory claim before the competent civil court after the criminal proceeding, or if the victim submitted the compensatory claim within the criminal proceeding and the Criminal Court rendered a judgment, deciding on the sentence and compensatory claim.

**032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
  - For some types of offences
- NAP

Comment - Please specify:

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

- Yes
- No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
  - For some types of offences
- NAP

Comment - Please specify:

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

- Yes
- No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

- For all types of offences
  - For some types of offences
- NAP

Comment - Please specify:

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

- Yes
- No

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify: Clarified in the comment section of question 35-1

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - If yes, please specify: Clarification for questions 35 and 35-1

The assistance is reflected in the manner of hearing adapted to international standards, in order to avoid secondary victimization (hearing of children under the age of 14 in a separate room, with mandatory presence of a professional from the professional service; if necessary, a psychological assessment of the child is often performed to determine whether the child is able to testify, whether it adversely affects further development...) there is also the possibility that the child is heard in any other circumstances (premises), if it is in the interest of the child. There is a possibility to appoint a proxy from the ranks of lawyers who are trained to work with children, and the costs of the proxy fall on the budget.

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP

Comment - If necessary, please specify: The injured party is informed that he/she is entitled to initiate prosecution against the perpetrator before the competent court.

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

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	62 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 62 cases in work, upon claims for fair satisfaction. Based on the adopted claims for compensation of non-pecuniary damage, in 22 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 38 100 EUR.

In accordance with the article 498 of the Criminal Procedure Code, "(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before the competent court.

(2) A convicted person i.e. an acquitted person, is not entitled to compensation of damages if he caused the criminal proceedings through a false confession in the investigatory procedure or otherwise, or caused his conviction through such statements during the proceedings, unless he was forced to do so.

(3) In the case of conviction for offences committed in concurrence, the right to compensation of damages may also relate to respective criminal offences in regard to which the conditions for approving compensation are met."

In accordance with art. 499 par. 2 of the Criminal Procedure Code, "Before bringing a compensation claim to the court, the injured party shall submit his/her request to the ministry competent for the affairs of the judiciary in order to reach a settlement on the existence of damage and the type and amount of compensation."

"Court concerned" is referred to as the Court before which the violation of the right to a trial within reasonable time has been questioned in the procedure prescribed by the Law on the protection of the right to a trial within reasonable time (this could be any court in Montenegro).

## 2.2.2 Confidence and satisfaction of citizens with their justice system



**038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?**

	National level	Court level
<b>Surveys for judges</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for court staff</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for public prosecutors</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

<b>Surveys for lawyers</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for other professionals</b>	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for victims</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for minors</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Surveys for the general public</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>Other not mentioned</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: <https://cemi.org.me/>  
<https://gamn.org/>  
<https://www.cdtmn.org/>

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

( X ) Yes, please specify: The mentioned categories of persons are entered through the PRIS (Judicial Information System) information system, and based on the entered data, it is possible to make statistics by gender.

( ) No

Comment - If you have additional comments please specify:

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

( X ) Yes

( ) No

Comments

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

<b>Authority responsible for dealing with the complaint</b>	<b>Existence of a time limit to deal with the complaint for this authority</b>
---	--

<b>Court concerned</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Higher court</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ministry of Justice</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>High Judicial Council</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

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

	<b>Number of complaints</b>	<b>Compensation amount granted</b>
<b>Court concerned</b>	62 [ ] NA [ ] NAP	38 100 [ ] NA [ ] NAP
<b>Higher court</b>	0 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Ministry of Justice</b>	67 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>High Judicial Council</b>	120 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: “Higher court” – in this case – the Supreme court of Montenegro.

In relation to the work of the courts and judges, 62 complaints were filed to the Supreme court of Montenegro, which represents the reduction of 6,9% in comparison to the 2019 reporting year (73).

(Law on Judicial Council and Judges states that the Judicial Council, among other competences, considers complaints against the work of judges and court presidents. The Courts Rules of Procedure states that the President of the court is obliged to, either personally or through a person duly assigned by him, examine every complaint of the parties concerning the work of either the court or individual judges, officers and employees. Before responding to the complaint in the shortest time possible, president of the court shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, reviews the case files, and takes other steps necessary to assess the validity of the complaint.

Response to complaints and petitions shall be submitted no later than 30 days from the date of filing. The protection of the right to trial within a reasonable time, as well as fair redress in the event of violation of right to trial within a reasonable time shall be enforced through a special Law, in the judicial proceeding, on the manner and upon conditions prescribed by this Law.

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

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

Cases deciding on legal remedies for the protection of right to trial within a reasonable time shall be dealt with urgency by the court. The president of the court shall make a decision on the request for control. In courts having more than ten judges, a judge who will decide about requests for control apart from the president of the court, may be appointed under the annual schedule of assignments. President of the court or a judge shall not decide on the request for control in the case they act or were acting in the capacity of a judge. If the president

of the court is not allowed to decide in the case, the president of the next higher court shall decide about the request for control.)

\*

The Ministry of Justice, human and minority rights in accordance with the Regulation on organization and manner of work of the State administration („Official Gazette of MNE“, 118/20, 121/20, 1/21, 2/21, 29/21, 34/21 i 41/21.), performs the affairs of administration that, among other, relate to: inspection supervision in courts in relation to organizing the work in courts in accordance with The Law on Courts, and inspection supervision in relation to organizing the work in state prosecution offices in accordance with the Law on State Prosecution Office. In

2020, Ministry of Justice acted upon 67 petitions and complaints of the citizens and legal persons on the work of judiciary authorities.

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

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1 Number of courts

##### 042. Number of courts - legal entities.

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	25 [ ] NA [ ] NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	19 [ ] NA [ ] NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	15 [ ] NA [ ] NAP
<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	3 [ ] NA [ ] NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	1 [ ] NA [ ] NAP
<b>2 Total number of specialised courts - legal entities</b>	6 [ ] NA [ ] NAP

Comments 1.1 First instance courts of general jurisdiction - legal entities = Basic Courts

1.2 Second instance courts of general jurisdiction - legal entities = 2 High Courts and Appellate court

1.3 Highest instance courts of general jurisdiction - legal entities = Supreme Court

2 Total number of specialised courts - legal entities = Administrative Court, Commercial Court and 3 Offense courts

##### 043. Number of specialised courts – legal entities.

	First instance	Higher instances
<b>Total number of specialised courts - legal entities</b>	5 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP



<b>Commercial courts (excluded insolvency courts)</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insolvency courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Labour courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Family courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify: High misdemeanour court , Misdemeanour court in Podgorica, Budva and Bijelo Polje

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)</b>	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments We have 25 courts on 16 geographic locations.

Podgorica ( Basic court, Administrative court, Commercial court, High court, Appellate court, Supreme court, Misdemeanour court, High misdemeanour court) Bijelo Polje ( Basic court, High court, Misdemeanour court)

Basic courts: Ulcinj, Bar, Cetinje, Kotor, Herceg Novi, Nikši, Žabljak, Pljevlja, Danilovgrad, Kolašin, Berane, Plav, Rožaje

Budva: Misdemeanour court

=

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

	Number of courts
A small claim	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
An employment dismissal	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
A robbery	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
An insolvency case	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

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

[ 1 000 ]

Comments According to the Law on Civil Procedure, small claims disputes are those with the pecuniary claim that does not exceed 1000 Euro. Small claim disputes shall also include disputes which are not of pecuniary nature but for which the plaintiff has stated in the complaint that he will accept certain monetary sum that does not exceed the amount of 1000 Eur. Small claim disputes shall also include those disputes in which the main subject matter is not of pecuniary nature but the transfer of a moveable asset with value, as stated in the complaint by the plaintiff, that does not exceed the amount of 1000 Eur.

#### C. Please indicate the sources for answering the questions in this part

Sources: Secretariat of the Judicial Council

### 3.2. Court staff

#### 3.2.1 Judges and non-judge staff

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

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	309 [ ] NA [ ] NAP	125 [ ] NA [ ] NAP	184 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	214 [ ] NA [ ] NAP	87 [ ] NA [ ] NAP	127 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	77 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP	42 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	18 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: Even though the percentage discrepancy in the reported values seems drastic, those values may be misleading. The number of total judges has not changed drastically. Last year:

Number of Supreme Court professional judges total - 19 judges

Males:- 5

Females- 14

This year: total - 18

males - 3

females - 15

=

**046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?**

( X ) Yes

( ) No

Comments

**046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

[ X ] Child-care

[ ] Elderly care

[ ] For the purposes of early retirement

[ ] Other reason, please specify: .....

[ ] Without reason

Comments

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?**

Less than 50%

50 – 60%

60 - 80%

More than 80%

NA

NAP

Comments

=

**046-2. Number of judges (FTE) by case type:**

	Total	Civil and/or commercial	Criminal	Administrative	Other
<b>Total number of judges</b>	309 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>First instance</b>	214 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Second instance</b>	77 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Supreme court</b>	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If "Other", please explain which types of cases:

=

**047. Number of court presidents (professional judges).**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	25 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	20 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	4 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Number of Supreme Court presidents</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments

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

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

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

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

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

Comments

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

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full time equivalent</b>	[ ] NA [ X ] NAP

Comments

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

	Yes	No	Echevinage / mixed bench
<b>Criminal cases (severe)</b>	( )	( )	( )
<b>Criminal cases (misdemeanour and/or minor)</b>	( )	( )	( )
<b>Family law cases</b>	( )	( )	( )
<b>Labour law cases</b>	( )	( )	( )
<b>Social law cases</b>	( )	( )	( )
<b>Commercial law cases</b>	( )	( )	( )
<b>Insolvency cases</b>	( )	( )	( )
<b>Other civil cases</b>	( )	( )	( )

NAP

Comments - If "Other civil cases", please specify:

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

( ) Yes

( X ) No

Comments

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

Criminal cases

Other than criminal cases

Comments

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

[            ]

NA

NAP

Comments

=

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

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	1 127 [ ] NA [ ] NAP	308 [ ] NA [ ] NAP	819 [ ] NA [ ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)</b>	711 [ ] NA [ ] NAP	78 [ ] NA [ ] NAP	633 [ ] NA [ ] NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	127 [ ] NA [ ] NAP	43 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP
<b>4. Technical staff</b>	146 [ ] NA [ ] NAP	69 [ ] NA [ ] NAP	77 [ ] NA [ ] NAP
<b>5. Other non-judge staff</b>	143 [ ] NA [ ] NAP	118 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP

Comments - If “Other non-judge staff”, please specify: The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

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

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	1 127 [ ] NA [ ] NAP	308 [ ] NA [ ] NAP	819 [ ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	866 [ ] NA [ ] NAP	260 [ ] NA [ ] NAP	606 [ ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	220 [ ] NA [ ] NAP	39 [ ] NA [ ] NAP	181 [ ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	41 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP	32 [ ] NA [ ] NAP

Comments The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We

do not have a specific answer to the question why the structure of employees by certain categories has changed.



=

**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:**

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

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

- Yes
- No

Comments

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

- IT services
- Training of staff
- Security
- Archives
- Cleaning

Other types of services (please specify): We have outsourced the maintenance of servers in data centre and core network equipment to specialised company, due to a critical nature of that part of the system. Also, we have outsourced the maintenance of airconditioning and power generator for the data centre, as well.

Comments For Commercial court of Montenegro we outsource archiving of old cases, since 2016, due to the lack of archive space. We are considering to start this for biggest courts in Montenegro in the future.

**C1. Please indicate the sources for answering the questions in this part**

Sources: Secretariat of the Judicial Council

**3.3. Public prosecution**



### 3.3.1 Public prosecutors and staff

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

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	125 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP	81 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	97 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP	64 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	19 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	9 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP

Comments - Please indicate any useful comment for interpreting the data above: In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices the number of special state prosecutors is included.

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

( ) Yes

(X) No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify: .....
- Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

Total (%)	Male (%)	Females (%)

<b>Total (1 + 2 + 3) (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?**

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

**056. Number of heads of prosecution offices.**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above:

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

- Yes
- No

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

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

[ 0 ]

[ ] NA

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

( ) Yes

( ) No

[ ] NAP

Comments

**059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Sexual violence</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify The Basic State Prosecutor's Office in Kotor and the Basic State Prosecutor's Office in Bijelo Polje have prosecutors who are specially trained in the field of domestic violence and sexual violence, as well as in the particular field of domestic violence and sexual violence against juvenile victims.

The Basic State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Plav have prosecutors who are specially trained in the field of domestic violence and sexual violence.

The High State Prosecutor's Office in Bijelo Polje, the High State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Bar have specialized prosecutors for dealing with juvenile victims, in the criminal offences of domestic violence and sexual violence.

=

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	228 [ ] NA	67 [ ] NA	161 [ ] NA

Comments

**C2. Please indicate the sources for answering the questions in this part**

Sources:

### 3.4. Gender equality

#### 3.4.1 Specific provisions for facilitating gender equality

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

	Yes, please specify	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Judges: Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Prosecutors: According to the Law on State Prosecution Service, in rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other minority national communities as well as gender balance.

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

	Yes, please specify	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( )	( X )
lawyers	( )	( X )

<b>notaries</b>	( )	( X )
<b>enforcement agents</b>	( )	( X )

Comments - If the situation changed since the reference year or you have additional comments, please specify: Judges: Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Prosecutors: According to the Law on State Prosecution Service, in rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other minority national communities as well as gender balance.

=

### 061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
<b>Court president</b>	( X ) Yes If “yes”, please specify:[Comment]Described in the comments section ( ) No
<b>Head of prosecution services</b>	( X ) Yes If “yes”, please specify:[Comment]Described in the comments section ( ) No

Comments Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Article 40 paragraph 2 of the Law on State Prosecutor's Office

When making a decision on the election of heads of state prosecutor's offices and state prosecutors, the Prosecutorial Council is obliged to take into account the proportional representation of members of minority peoples and other minority national communities and gender balance.

### 3.4.2 At national level

#### 061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

( ) Yes

( X ) No

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

#### 061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) /

**institution dealing with gender issues in the justice system concerning:**

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

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

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

(title, date, nature of the text)

[ X ] NAP

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

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

[ X ] NAP

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

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

[ X ] NAP

**3.4.3 At court/public prosecution services level**



**061-7. At the court or public prosecution services level, is there a person (e.g. an equal**

opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

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

Comments - Please specify the details of this person/institution, in particular its titles and function:

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

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

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

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

have been already implemented (please specify) :

are planned (please specify) :

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

NAP

### 061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify: .....
- Appointment to the position of court president, please specify: .....
- Appointment to the position of head of prosecution services, please specify: .....
- Promotion procedures and access to the functions of responsibility, please specify: .....
- Other studies, please specify: .....

NAP

Comments - Please specify also the reference documents.

## 3.5 Use of information technologies in courts

### 3.5.1 General policies in Information Technology in judicial systems

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

	Organisation
IT policies and strategies	<input type="checkbox"/> Defined and coordinated at national level by one institution <input checked="" type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input type="checkbox"/> Governed at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments The Ministry of Public Administration, Digital Society and Media is ICT at the state level. Coordination is carried out by the Ministry of Justice, Human and Minority Rights. The Judicial Council manages the information system in the courts. And we have Working Groups formed by the Government of Montenegro dealing with the ICT strategy of Judiciary 2016-2020 and the Judiciary ICT development program 2021-2023.

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

- administrative, technical and scientific staff only



( X ) mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff

( ) other (please specify in a comment)

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

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

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

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

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

( ) Yes

( X ) No

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

- [ ] Business processes
- [ ] Workload
- [ ] Human resources
- [ ] Costs
- [ ] Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

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

( ) Yes

( X ) No

Comments (please specify in particular if national frameworks of information security exist): We have an intention to fully implement ISO 27001 in the new few years and to get a certification. At the national level, there is a legislature, but the system for audit or control is missing.

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

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) We have established a specialized Agency for the protection of personal data. There is also legislature on that topic. We have all the data about any party in a centralised information system, and it is possible to get info about which information has been used by courts. We have a plan to improve this in the new information system.

**3.5.3 Centralised databases for decision support**

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

Yes

Non

Comments

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

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - if it exists in other matters please specify

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

Yes

No

Comments

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

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access Few institution regulate usage of ICT in courts in Montenegro:  
 1. Ministry of Public Administration, Digital Society and Media - is the main institution for coordination of ICT on government level,  
 2. Ministry of Justice, Human and Minority Rights - coordinates ICT and information systems development for Judiciary,  
 3. Secretariat of Judicial Council (Department for ICT) - Is the institution that directly develop, maintain and plan all ICT aspects for courts: information systems for courts, infrastructure, maintenance of computer equipment, judicial statistics, multimedia, court web portal, etc.

Secretariat of the judicial council, Ministry of justice, human and minority rights administers the electronic Register of Criminal convictions (all sanctions - jail, parole, etc.). All judges (criminal, civil, misdemeanor, etc.) have access to that database and they use it every day.

**3.5.4 Writing assistance tools**

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

- Yes
- No

Comment – if it exists in other matters please specify

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

	Availability rate
Civil and/or commercial	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input checked="" type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

<b>Criminal</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input checked="" type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input checked="" type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

**062-8. Are there voice recording tools?**

Yes

No

Comments

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

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

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

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

**Availability rate:**

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

NA

Comments

**3.5.5 Technologies used for administration of the courts and case management**

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

- Yes
- No

Comments - if it exists in other matters please specify

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

CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool

<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input checked="" type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input checked="" type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input checked="" type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

### 063-2. Computerised registries managed by courts

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

Comment – if it exists in other matters please specify: In Montenegro neither the land registry, neither the business registry have been managed by the courts. The business registry has been managed by the tax administration and the land registry has been managed by The real estate administration.

## Budgetary and financial monitoring

### 063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
<b>Budgetary and financial management of courts</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Justice expenses management</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

## Other tools of courts management

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

Yes

No

Comments

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

Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS

<b>For judges</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

#### users

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

Yes

No

Comments

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

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



<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
-----------------------	--	--	--	--

Comments - if it exist in other matters please specify

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

Yes

No

Comments

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

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

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

Yes

No

Comments

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

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

Comments

**Use of information technologies for improving the quality of the communication between courts and professionals**

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

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for
Civil and/or commercial	<input type="checkbox"/> [ ] 100% <input type="checkbox"/> [ ] 50-99% <input type="checkbox"/> [ ] 10-49% <input type="checkbox"/> [ ] 1-9% <input checked="" type="checkbox"/> [X] 0% (NAP) <input type="checkbox"/> [ ] NA	<input type="checkbox"/> [ ] Submission of a case to a court <input type="checkbox"/> [ ] Phases preparatory to a hearing <input type="checkbox"/> [ ] Schedule of hearings and/or deferrals <input type="checkbox"/> [ ] Transmission of court decisions	<input type="checkbox"/> [ ] E-mail <input type="checkbox"/> [ ] Specific computer application <input type="checkbox"/> [ ] Other	<input type="checkbox"/> [ ] Yes	<input type="checkbox"/> [ ] Lawyers <input type="checkbox"/> [ ] Parties not represented by lawyer

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

Comments

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

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

<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Judicial police services</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

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

Yes

No

Comments – Please describe the system that exists.

### Use of information technologies between courts, professionals and users in the framework of judicial proceedings

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

Yes

No

Comments

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

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

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

Yes

No

Comments

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

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

**064-12. Is electronic evidence admissible?**

<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
---	------------------------------

<b>Civil and/or commercial</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Criminal</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

### 3.6. Performance and evaluation

#### 3.6.1 National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify:

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

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

Comments

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

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

Yes

No

Comments

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

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

Comments

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

Yes

No

Comments

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

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

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

Comments - If "Less frequent" or "More frequent", please specify:

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

Yes

No

Comments

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

Identifying to the causes of improved or deteriorated performance

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

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

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

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

Yes



( X ) No

Comments

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

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify): .....

Comments

=

**079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?**

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

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

Comments

**3.6.3 Measuring courts' / public prosecution services activity**

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

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff

- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

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

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

Comments

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

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

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( )	( X )
<b>within the public prosecution services</b>	( )	( X )

### 3.6.4 Information regarding courts /public prosecution services activity

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

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

No

Comments

**080-1. Are the statistics on the functioning of each court published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

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

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

No

Comments

**080-3. Are the statistics on the functioning of each public prosecution service published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

- Annual
- Less frequent
- More frequent

Comments

=

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

- Yes
- No

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

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

- Internet
- Intranet (internal) website
- Paper distribution

Comments

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

- Annual
- Less frequent
- More frequent

Comments

### **3.6.5 Courts administration**

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

- Yes
- No

Comments - If yes, please specify:

**082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

### **3.6.6 Performance and evaluation of judges and public prosecutors**

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Legislative power

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

President of the court

Other (please specify): .....

NAP

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

=

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public Prosecutorial Council

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify): .....

NAP

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

Comments

**C4. Please indicate the sources for answering the questions in this part**

Sources:

**4.Fair trial**

**4.1.Principles**

**4.1.1Principles of fair trial**

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

[            ]

NA

NAP

Comments - Please add methodology for calculation used.

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

Yes

No

Comments - Please could you briefly specify:

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

[ 99 ]

[ ] NA

Comments In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of which 1860 cases were resolved, and 12 remained unresolved.

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

[ X ] For civil procedures (non-enforcement)

[ X ] For civil procedures (timeframe)

[ X ] For criminal procedures (timeframe)

[ ] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

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

( X ) Yes

( ) No

[ ] NAP

Comments

**D1. Please indicate the sources for answering the questions in this part**

Sources: Secretariat of the Judicial Council

## 4.2. Timeframe of proceedings

### 4.2.1 General information

**087. Are there specific procedures for urgent matters regarding:**

[ X ] civil cases

[ X ] criminal cases

[ X ] administrative cases

[ ] There is no specific procedure for urgent matters

Comments - If yes, please specify:

**088. Are there simplified procedures for:**

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

Comments - If yes, please specify:

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

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify:

**4.2.2 Case flow management – first instance**

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	30 724 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 190 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 183 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 069 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 568 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	19 220 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 023 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 395 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 189 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 328 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	1 135 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 036 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 037 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 134 <input type="checkbox"/> NA <input type="checkbox"/> NAP	196 <input type="checkbox"/> NA <input type="checkbox"/> NAP



<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	895 [ ] NA [ ] NAP	2 351 [ ] NA [ ] NAP	2 349 [ ] NA [ ] NAP	897 [ ] NA [ ] NAP	140 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	240 [ ] NA [ ] NAP	685 [ ] NA [ ] NAP	688 [ ] NA [ ] NAP	237 [ ] NA [ ] NAP	56 [ ] NA [ ] NAP
<b>3. Administrative law cases</b>	10 074 [ ] NA [ ] NAP	5 473 [ ] NA [ ] NAP	7 039 [ ] NA [ ] NAP	8 505 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Other cases</b>	295 [ ] NA [ ] NAP	1 658 [ ] NA [ ] NAP	1 712 [ ] NA [ ] NAP	241 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP

Comments Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R) "2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U) "4. Other cases":

Execution cases (I)

Clarification on discrepancies: Total of other than criminal law cases (1+2+3+4) for incoming cases - Lower inflow of cases in courts Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) - Lower inflow of cases in courts

Non litigious cases (2.1+2.2+2.3) for resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Other non-litigious cases for incoming and resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Other cases – for pending cases on jan. 1 RY and resolved cases - In 2020, there was a lower number of unresolved cases at the beginning

of the year, compared to the previous one. As for resolved cases, there was a lower inflow of cases, and therefore a lower number of resolved cases.

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

. Basicandcommercialcourtsdealwith:

- Civilcases(P)
- Civilcases-smallvalue(Mal)
- Complexnon-litigiouscases(Rs)
- Othercivilandnon-litigiouscases(R)
- Legacycases(O)

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

. Basicandcommercialcourts

- Executioncases(I)

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2+3)</b>	38 134 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 197 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 652 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 601 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	1 564 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 237 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 583 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 140 <input type="checkbox"/> NA <input type="checkbox"/> NAP	115 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	18 951 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 534 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 171 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other criminal cases</b>	17 619 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 426 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 898 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 147 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify 1. Severe criminal cases”:

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.

### 4.2.3 Case flow management – second instance

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	2 979 [ ] NA [ ] NAP	10 723 [ ] NA [ ] NAP	10 931 [ ] NA [ ] NAP	2 243 [ ] NA [ ] NAP	675 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	2 707 [ ] NA [ ] NAP	9 373 [ ] NA [ ] NAP	9 530 [ ] NA [ ] NAP	2 040 [ ] NA [ ] NAP	664 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	104 [ ] NA [ ] NAP	321 [ ] NA [ ] NAP	354 [ ] NA [ ] NAP	58 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	91 [ ] NA [ ] NAP	274 [ ] NA [ ] NAP	309 [ ] NA [ ] NAP	48 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	13 [ ] NA [ ] NAP	47 [ ] NA [ ] NAP	45 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP

<b>3. Administrative law cases</b>	160 [ ] NA [ ] NAP	910 [ ] NA [ ] NAP	928 [ ] NA [ ] NAP	142 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Other cases</b>	8 [ ] NA [ ] NAP	119 [ ] NA [ ] NAP	119 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If "Other cases" please specify Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents High and Appellate court cases

1. Civil (and commercial) litigious cases - High and Appellate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal) )

2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))

2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))

3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)

4. Other cases - \*\*\*Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))

Clarification on discrepancies:

Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on 01.01, the inflow of cases in the reporting year also decreased, thus, the number of unresolved cases decreased on 31.12.2020. year.

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2+3)</b>	99 [ ] NA [ ] NAP	3 195 [ ] NA [ ] NAP	3 203 [ ] NA [ ] NAP	91 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	99 [ ] NA [ ] NAP	1 267 [ ] NA [ ] NAP	1 275 [ ] NA [ ] NAP	91 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	0 [ ] NA [ ] NAP	1 928 [ ] NA [ ] NAP	1 928 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. 1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)

- Special criminal appeal case (Kžs)

- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases": High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Clarification of discrepancies:

Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year

In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year.

## 4.2.4 Case flow management – Supreme Court



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of other than criminal law cases (1+2+3+4)</b>	614 [ ] NA [ ] NAP	2 379 [ ] NA [ ] NAP	2 427 [ ] NA [ ] NAP	566 [ ] NA [ ] NAP	358 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	439 [ ] NA [ ] NAP	1 415 [ ] NA [ ] NAP	1 440 [ ] NA [ ] NAP	414 [ ] NA [ ] NAP	351 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	14 [ ] NA [ ] NAP	50 [ ] NA [ ] NAP	54 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	11 [ ] NA [ ] NAP	47 [ ] NA [ ] NAP	49 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	3 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>3. Administrative law cases</b>	160 [ ] NA [ ] NAP	910 [ ] NA [ ] NAP	928 [ ] NA [ ] NAP	142 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Other cases</b>	1 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If “Other cases”, please specify \*\*\*Civil appeals (Rev, Rev IP, Gzz) for (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))

Discrepancy clarification:

-Covid-19 courts regime and functioning, as well the case inflow in 2020. contributed to the difference between the two reporting periods

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

( X ) Yes, please indicate the number of cases closed by this procedure: Described in the comments section

( ) No

Comments 4148 is total number of received cases by the Supreme Court of Montenegro in 2018. We can not provide the exact number closed by this procedure

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of criminal law cases (1+2+3)</b>	8 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	8 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Other criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify Discrepancy clarification:

-If column no. 1 and line 1,2, a small oscillation between numbers 2 (2018) and 8 (2020) is noticeable and we have no explanation for that, except that several cases under legal remedy went to the highest degree. (SoJC)

### 4.2.5 Case flow management and timeframes – specific cases



#### 101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
<b>Litigious divorce cases</b>	367 [ ] NA [ ] NAP	1 221 [ ] NA [ ] NAP	1 075 [ ] NA [ ] NAP	513 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	1 411 [ ] NA [ ] NAP	345 [ ] NA [ ] NAP	1 363 [ ] NA [ ] NAP	393 [ ] NA [ ] NAP	21 [ ] NA [ ] NAP

<b>Insolvency</b>	418 [ ] NA [ ] NAP	463 [ ] NA [ ] NAP	564 [ ] NA [ ] NAP	317 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP
<b>Robbery case</b>	35 [ ] NA [ ] NAP	48 [ ] NA [ ] NAP	58 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>Intentional homicide</b>	62 [ ] NA [ ] NAP	63 [ ] NA [ ] NAP	41 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP

Comments In the 2018. reporting the methodology we applied varies in relation to the 2020.

(e.g in employment dismissal cases and robbery cases) this difference is most easily noticed because we applied the methodology of the calculation connecting cases that went to the third degree (Supreme Court). So, we realized late and noticed that in 2018 we had an incorrect case count.



=

### 101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
<b>Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	500 [ ] NA [ ] NAP	539 [ ] NA [ ] NAP	730 [ ] NA [ ] NAP	309 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Non-court procedures relating to the right of entry and stay for aliens</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	24 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP	29 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Court cases relating to the right of entry and stay for aliens</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments "Non-court procedures relating to the right of entry and stay for aliens" and "Court cases relating to the right of entry and stay for aliens" clarification:

In 2020, 19,354 permits for work and employment of foreigners were issued (11,289 in quota and 8,065 out of quota)

In 2020, 15,350 temporary residence permits were issued

In 2020, 3 (three) lawsuits were filed against the Decisions on the rejection of the application for a permanent residence permit and they are in the process.

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

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

January 2018.

- Asylum shall be granted to a foreigner seeking international protection, who is outside the country of his origin, and owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.
- The procedure upon an application for international protection, as well as the reception and accommodation of a foreigner seeking international protection, temporary protection, subsidiary protection shall be conducted by the state administration authority responsible for internal affairs (Ministry of the Interior).
- The tasks regarding the accommodation and reception of a foreigner above shall be carried out by the Ministry through its unit for providing accommodation to foreigners seeking international protection (the Reception Centre). The tasks regarding the accommodation of asylees, foreigners granted subsidiary protection and foreigners granted temporary protection shall be carried out by the state administration authority through its unit for providing help for integration of these persons into society.
- The Ministry of the Interior decides on the asylum application. Against the decision of the Ministry a lawsuit can be filed to the Administrative Court.

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

The Law on Aliens regulates conditions for the entry, movement and the work of aliens and the conditions of stay and work. An administrative dispute may be started against an administrative or other act that has been passed in second instance before the Administrative Court of Montenegro. An administrative or other act may be disputed: in the case of violation of the codes of procedure, in the case of inaccurate and incomplete establishment of the facts; in the case of inaccurate application of the material law. The complaint shall be accepted, or refused as unsubstantial by a judgment. If the complaint is accepted, the Administrative Court shall nullify the disputed act. When found that the disputed act shall be nullified, the Administrative Court may, if the character of affairs allows so and if the established facts offer a reliable ground for it, settle the matter by a judgment, under the rules stated in Law on Administrative Dispute. Against the legally binding decision of the Administrative Court the following extraordinary legal remedies may be submitted: a request for exceptional reconsideration of a court decision and request for repeat of the procedure. The request for extraordinary reconsideration of a court decision shall be decided on by the Supreme Court in a panel of three judges, in a non public session, The request for extraordinary reconsideration of a court decision may be filed in the following cases: violation of the material law; violation of the codes of procedure in the administrative dispute, which might affect the deciding on the matter.

Upon request for a repeat of the procedure decides Administrative Court, in a panel of three judges, in a non-public session.

A procedure concluded by a judgment or a decision shall be repeated upon request of a party: if the party discovers new facts, or finds or acquires the possibility to use new evidence, on which grounds the dispute might be settled more favorably for him/her, had these facts, i.e. evidence been put forward or used in the previous court procedure; if the court decision was reached due to a criminal act of the judge or an employee of the court, or the decision was achieved by deceit of the representative or attorney of the party, his/her opponent or the opponent's representative or attorney, and such a proceeding represents a criminal act; if the decision had been based on a judgment passed in a criminal or civil matter, and this judgment was later cancelled by another legally binding court decision; if a

Page 62 of 106

document, on which the decision is based, was false or altered falsely, or if a witness, assessor or party, has given a false statement during the hearing before court, and the court decision is based on that statement; if a party finds or acquires the possibility to utilize an earlier decision passed in the same administrative dispute; if an interested party had not been granted the possibility to participate in the administrative dispute; if the decision of the Administrative Court contradicts the judgment of the European Court of Human Rights in the same matter.

Ministry of the Interior:

Law on International and Temporary Protection of Foreigners governs the principles, conditions, and procedures for granting



international and temporary protection to a foreigner seeking international protection; the rights and duties of a foreigner seeking international protection, an asylee, a foreign granted subsidiary protection, a granted temporary protection; as well as the conditions and the procedure for the withdrawal and cessation of asylee status, subsidiary and temporary protection.

The tasks regarding the accommodation and reception of a foreigner above shall be carried out by the Ministry through its unit for providing accommodation to foreigners seeking international protection (the Reception Centre).

The decision on the restriction or deprivation of the right to reception in cases referred to ( if: fails to stay at the Reception Centre he has been assigned to; leaves the Reception Centre for more than 24 hours without permission; has the means to afford an adequate standard of living; violates the rules of stay and house rules at the Reception Centre; ) shall be issued by the Ministry of interior.

Administrative dispute may be initiated before the Administrative Court against the decision referred to within eight days from the receipt of the decision.

The Ministry of the Interior also issues a decision which may impose measures in order to limit the freedom of movement of a foreigner seeking international protection, in cases prescribed by law. Administrative dispute may be initiated before the Administrative Court against the decision referred to within three days from the receipt of the decision.

The Law on International and Temporary Protection of Foreigners defines the following institutes of European legislation: acts of persecution; perpetrators of persecution; reasons for exclusion; safe country of origin; safe third country; a secure European third country; border procedure. This law implements the standards of international humanitarian law and human rights standards in the development and implementation of reception policy and the need to create a safe and dignified environment for foreigners seeking international protection, recognizes the need to establish and apply fair and expeditious international protection procedures, so that those who need international protection and those for whom this is not the case are identified in a timely manner. As in previous normative decisions, the State Commission for Resolving Asylum Appeals was a second-instance body for dealing with appeals filed against decisions of the Ministry of the Interior; in line with international standards in the field of international and temporary protection of the right to an effective remedy provided by the judiciary, this law introduced judicial protection, i.e. the right to file a lawsuit with the Administrative Court, against decisions made in the first instance, thus ensuring compliance with these standards.

## 101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Child sexual abuse</b>	0 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Child pornography</b>	1 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: According to the Criminal Code of Montenegro:

Assault of a Child by Penetration

Article 206 (1) Whoever commits assault of a child by penetration or other act of equivalent nature against a child shall be punished by a prison sentence for a term from three to twelve years.

(2) Where the offence set forth in paragraph 1 of this Article results in a serious bodily injury of the child against whom the offence was committed, or where the offence was committed by several persons or where it results in pregnancy, the perpetrator shall be punished by a prison sentence for a term from five to fifteen years.

(3) Where an offence set forth in paragraphs 1 and 2 of this Article results in the child's death, the perpetrator shall be punished by a prison sentence for a minimum term of ten years.

(4) The perpetrator of the offence set forth in paragraph 1 of this Article shall not be punished provided that there is no major difference between him and the child in terms of their mental and physical development.

Child Pornography Article 211 (1) Whoever sells, gifts, shows or makes accessible to a child by publicly exhibiting, via information and communication technologies or otherwise photographs, texts, audio-visual material or other items of pornographic content or who shows the child a pornographic performance shall be punished by a prison sentence for a term from six months to five years.

(2) Whoever induces or exploits a child to produce photos, audio-visual material or other items of pornographic content (child pornography) or for a pornographic performance shall be punished by a prison sentence for a term from one to eight years.

(3) The penalty set out in paragraph 2 of this Article shall be imposed on whomever unauthorisedly records, produces, offers, makes accessible, distributes, imports, exports, procures for himself or for another, sells, gives, shows, publicly displays or possesses photos, audio-visual material or other items of pornographic content (child pornography).

(4) Where the offence set forth in paragraphs 1 and 2 of this Article is committed against a juvenile, the perpetrator shall be punished by a prison sentence for a term from three months to three years.

(5) Where the offence set forth in paragraph 2 of this Article is committed by means of force or threats, the perpetrator shall be punished by a prison sentence for a term from two to ten years.

(6) The objects set out in paragraphs 1 to 3 of this Article shall be confiscated and destroyed.

(7) Child pornography, within the meaning of this Article, is deemed to be any material that visually depicts a child engaged in real or simulated sexually explicit conduct and any depiction of a child's sexual organs for primarily sexual purposes.

**102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100 <b>37</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	288 <input type="checkbox"/> NA <input type="checkbox"/> NAP	62 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 <input type="checkbox"/> NA <input type="checkbox"/> NAP	136 <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <b>87</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Litigious divorce cases</b>	_____ Max numeric value allowed : 100 <b>7</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	117 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP	73 <input type="checkbox"/> NA <input type="checkbox"/> NAP	74 <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	_____ Max numeric value allowed : 100 <b>37</b> <input type="checkbox"/> NA <input type="checkbox"/> NAP	330 <input type="checkbox"/> NA <input type="checkbox"/> NAP	63 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50 <input type="checkbox"/> NA <input type="checkbox"/> NAP	148 <input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Insolvency cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>6</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>235</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>21</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>0</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>85</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>[ X ] NA</p> <p>[ ] NAP</p>
<b>Robbery cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>87</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>212</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>24</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>14</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>83</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>[ X ] NA</p> <p>[ ] NAP</p>
<b>Intentional homicide cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>98</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>371</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>70</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>52</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>164</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>[ X ] NA</p> <p>[ ] NAP</p>

Comments Clarification of discrepancies:

Employment dismissal cases in column % of decisions subject to appeal

In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal

In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.

There are some variations between data of length of proceedings in 2019 and in 2020 which have not been explained (notably decrease of length of proceedings for litigious divorce cases and employment dismissal cases in first instance ; increase of length of proceedings for insolvency cases in first instance ; increase of length of proceedings in first instance and decrease in second instance for civil and commercial cases).

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

. Pursuant to the provisions of the Family Law, proceedings in marital disputes shall be initiated by a lawsuit. The procedure for the divorce agreement is initiated by the joint proposal of the spouses (the proposal for an agreement on divorce). If a spouse has filed a lawsuit for divorce and the other person expressly declares that he does not dispute the merits of the lawsuit at the latest until the conclusion of the main hearing, the spouses shall be deemed to have proposed a divorce agreement. In marital disputes initiated of one of the spouses, a mediation procedure shall be conducted in accordance with the Law on Mediation, unless there are circumstances indicating the existence of any form of domestic violence. Upon receipt of the lawsuit, the court shall convene a hearing and ask spouses to immediately disclose which mediator they wish to address for the purpose of conciliation or reaching agreement on the legal consequences of divorce. If a spouse does not reach a mediator agreement, he or she shall be assigned by a court. The court shall, without delay, provide the mediator with a lawsuit, an act on his / her appointment to the mediator, the names and addresses of the spouses and the data of the joint children, if any. The mediator shall, within eight days from the receipt of the act, invite spouses, under the terms of personal delivery, to attend a mediation procedure without attorneys in which they will attempt to terminate the disputed relationships without conflict and without divorce.

The mediation procedure for attempting reconciliation shall be carried out within one month of the day the lawsuit has been filed with the mediator and the mediation procedure for reaching an agreement on the consequences of divorce within 60 days of the date of termination of the conciliation procedure. The marriage agreement of the spouses about sharing the common property shall enter in the sentence of marriage divorce. The spouses' agreement on the exercise of parental rights is included in the sentence of marriage divorce if the court finds that the agreement is in the best interest of the child. During the entire divorce proceedings, the court shall be obliged to cooperate with guardianship authorities and other professional services dealing with marriage and family issues, especially when spouses have joint children. During the proceedings in marital disputes, the court may, by means of a decision, impose provisional

measures in order to provide support to the spouse and to accommodate his / her proposal. In marital disputes, no judgment can be made for omission or judgment on the basis of recognition or renunciation. In martial law parties can not conclude court settlement.

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

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

**4.2.6 Case flow management – public prosecution**

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

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

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

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

- [ X ] civil cases
- [ X ] administrative cases
- [ ] insolvency cases

Comments - If yes, please specify:

**107. Public prosecutors: Total number of 1st instance criminal cases.**

	Number of cases
<b>1.Pending cases on 1 Jan. ref. year</b>	1 541 [ ] NA [ ] NAP
<b>2.Incoming/received cases</b>	8 790 [ ] NA [ ] NAP
<b>3.Processed cases (3.1+3.2+3.3+3.4)</b>	8 601 [ ] NA [ ] NAP
<b>3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)</b>	4 127 [ ] NA [ ] NAP
<b>3.1.1 Discontinued by the public prosecutor because the offender could not be identified</b>	0 [ ] NA [ ] NAP
<b>3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	3 714 [ ] NA [ ] NAP
<b>3.1.3 Discontinued by the public prosecutor for reasons of opportunity</b>	0 [ ] NA [ ] NAP
<b>3.1.4 Discontinued for other reasons</b>	413 [ ] NA [ ] NAP
<b>3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor</b>	0 [ ] NA [ ] NAP
<b>3.3.Cases closed by the public prosecutor for other reasons</b>	0 [ ] NA [ ] NAP
<b>3.4.Cases brought to court</b>	4 474 [ ] NA [ ] NAP
<b>4.Pending cases on 31 Dec. ref. year</b>	1 730 [ ] NA [ ] NAP

Comments The data submitted by the Special State Prosecutor's Office, high state prosecutor's offices and basic state prosecutor's offices have been presented:

Cases that were not completed in 2019 and were transferred to 2020;

Cases received in 2020, criminal complaints (by police and others);

Processed cases that were completed or went to court in 2020;

3.1 Total number of discontinued investigations;

3.1.1 Number of discontinued cases, because the offender could not be identified;

3.1.2 Number of discontinued investigations, because the act the accused person is charged with is not a criminal offence or a criminal offence prosecuted ex officio;

3.1.3 Number of discontinued cases, because the statute of limitations has come to effect or the offence is subject to amnesty or pardon

3.1.4 Number of discontinued investigations, where there were other circumstances that permanently disqualify criminal prosecution and there is no evidence which would back a reasonable suspicion that the accused person has committed a criminal offence; 3.2 Number of cases in which the state prosecutor rendered a decision to postpone criminal prosecution; 3.3 Number of cases in which criminal complaints were dismissed for other reasons; 3.4 Number of cases brought to court in 2020; 4. Pending cases on 31 December 2020.

**107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?**

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
<b>Total number of guilty plea procedures</b>	314 [ ] NA [ ] NAP	314 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Before the main trial</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>During the main trial</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

**109. Do the figures provided in Q107 include traffic offence cases?**

- ( X ) Yes  
( ) No

Comments

**D2. Please indicate the sources for answering the questions in this part**

Sources: Secretariat of the Prosecutorial Council

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1 Recruitment and promotion of judges**

**110. How are judges recruited?**

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

Comments Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate

candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph

2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

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

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

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

**111-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? During the reference year, there were changes in the staff of the Judicial Council, so the composition of the Judicial Council was incomplete and consisted of 4 women and 5 men. That is why we marked NAP in the male/female columns.

**111-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

- Yes
- No

Comments – please specify which body is competent to decide on appeal? A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law.

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

Yes

No

Comments

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

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination):  
The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court. A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

## 5.1.2 Status, recruitment and promotion of prosecutors

### 115. What is the status of public prosecution services?

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)

Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify.

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

Yes

No

Comments - If yes, please specify:



**115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions:

**115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If “Other”, please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If “Other”, please specify:

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If “Other”, please specify:

**115-6. What is the frequency of this type of instructions:**

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

Yes

No

NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

## 116. How are public prosecutors recruited?

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

Comments The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

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

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

- grade given in the performance evaluation
- interview evaluation grade

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

- An authority composed of public prosecutors only
- An authority composed of non-public prosecutors only
- An authority composed of public prosecutors and non-public prosecutors
- Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

### 117-1. How many members compose this authority?

	Total	Male	Female
<b>Members</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members? Prosecutorial Council shall have a president and ten members.

The Supreme State Prosecutor shall be the President of the Prosecutorial Council.

The following shall be the members of the Prosecutorial Council:

- 1) four state prosecutors who have permanent function and at least five years of work experience in performing prosecutorial function, three of whom are from the Supreme State Prosecutor's Office, Special State Prosecutor's Office and High State Prosecutor's Offices, and one from basic state prosecutor's offices, who are elected and dismissed by the Conference of State Prosecutors;
- 2) four prominent jurists appointed and relieved from office by the Parliament of Montenegro (hereinafter: the Parliament) at the proposal of the competent working body,
- 3) one representative of the state administration body responsible for judicial affairs (hereinafter referred to as: "the Ministry of Justice") appointed by the Minister of Justice from among the employees of the Ministry of Justice.
- 4) one prominent jurist as a representative of non-governmental organizations from the field of rule of law, work of the state prosecutor's

office or fight against corruption and organized crime, proposed by non-governmental organizations that meet the requirements prescribed by this law, and elected and dismissed by the Parliament.

A member of the Prosecutorial Council from the ranks of state prosecutors, may not be: marital or extramarital partner or a relative of the member of the Parliament, member of Government of Montenegro (hereinafter: The Government) and the President of Montenegro in a straight line regardless of the level of kinship, in the lateral line to the second level of kinship and in-law kinship to the first level.

The state prosecutor who was given the grade unsatisfactory or the state prosecutor who has been imposed a disciplinary sanction cannot be elected to the position of a member of the Prosecutorial Council from among the state prosecutors. Composition of the Prosecutorial Council shall be promulgated by the President of Montenegro the President of the Parliament. Administrative tasks for the Prosecutorial Council shall be carried out by the Secretariat of the Prosecutorial Council.

**117-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

Yes

No

Comments - Please specify which body is competent to decide on appeal? Decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them. (Administrative court)

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

Yes

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

Comments

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

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

**5.1.3Mandate and retirement of judges and prosecutors**

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

Yes, please indicate the compulsory retirement age: .....

No

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

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

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards): .....
- No

Comments

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

- Yes, duration of the probation period (in years): .....
- No

Comments

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

- Yes, please indicate the compulsory retirement age: .....
- No

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

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

- Yes, duration of the probation period (in years): .....
- No

Comments

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

- [ ]
- NA
- NAP

Comments

**125-1. Is it renewable?**

- Yes
- No
- NAP

Comments

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

[ ]

[ ] NA

[ X ] NAP

Comments

### 126-1. Is it renewable?

( ) Yes

( ) No

[ X ] NAP

Comments

### E1. Please indicate the sources for answering the questions in this part

Sources:
----------

## 5.2. Training

### 5.2.1 Training of judges

#### 127. Types of different trainings offered to judges:

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

Comments NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in

Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's Offices in Montenegro, which was adopted in 2019.

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

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

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

Comments - Please indicate any information on the periodicity of the continuous training of judges: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

## 5.2.2 Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor’s Offices in Montenegro, which was adopted in 2019.

When it comes to training activities for the use of computers in state prosecution offices, these training activities are conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

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

	Frequency of the in-service training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in office</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training on ethics</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed

<b>In-service training on child-friendly justice</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
--	--

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

### 5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
<b>Institution(s) for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Institution(s) for prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Institution(s) for both judges and prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

	Budget of the institution(s) for the reference year, in €
<b>Institution(s) for judges</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Institution(s) for prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Institution(s) for both judges and prosecutors</b>	615 593 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments NOTE. Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service. Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The budget allocated to the Centre for Training in Judiciary and State Prosecution still remains below the statutory minimum of 2% of the budget allocated to the judiciary and prosecution.

In addition to the amount allocated from the public budget for training activities, the Centre obtained financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the Centre.

Anyway, upon the collected data, it is visible that financial support of the international partners in 2020 amounted to around – 169,784.62 €

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



## 5.2.4 Number of trainings



### 131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
<b>Total</b>	50 [ ] NA [ ] NAP	79 [ ] NA [ ] NAP	34 [ ] NA [ ] NAP
<b>1. For judges</b>	33 [ ] NA [ ] NAP	57 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP
<b>2. For prosecutors</b>	30 [ ] NA [ ] NAP	56 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP
<b>3. For other non-judge staff</b>	31 [ ] NA [ ] NAP	46 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP
<b>4. For other non-prosecutor staff</b>	24 [ ] NA [ ] NAP	40 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP
<b>5. Training for other professionals</b>	17 [ ] NA [ ] NAP	28 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice.

Note: Total - online training courses available (e learning) - 40 training days

For judges - online training courses available (e learning) - 33 training days

For prosecutors - online training courses available (e learning) - 25 training days

For non judge staff - online training courses available (e learning) - 18 training days

For non-prosecutor staff - online training courses available (e learning) - 15 training days

Training for other professionals - online training courses available (e learning) - 15 training days

Note: The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 10 training activities of this kind in 2020 and these lasted for 13 days.

Advisors from courts and State prosecution also have the right to participate in trainings intended for judges and state prosecutors (they are allowed to participate in continuous training in case that judges and state prosecutors are prevented to attend the trainings) From the number of 34 online only 2 training activities planned to be online (CE HELP program e-learning courses). The rest of the number are training that were planned to be in-person but due the situation which is caused by covid pandemic we organized it online. The training that were supposed to be in-person we adapted to the online format-shorter lecture time, encourage participants to use online platforms for training. In 2020, due to the situation caused by the corona virus, 11 trainings planned by the Program for Continuous Training of Judges and State Prosecutors were not implemented.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and State prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no.55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2020, the Centre organised 24 training (of this number 15 online trainings - all together 57 days of training) activities for 141 trainees/ interns, 107 in courts and 34 in state prosecution offices.

When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 192 days of initial training activities.

### 131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
<b>Total</b>	618 [ ] NA [ ] NAP	701 [ ] NA [ ] NAP
<b>Judges</b>	226 [ ] NA [ ] NAP	313 [ ] NA [ ] NAP
<b>Prosecutors</b>	166 [ ] NA [ ] NAP	119 [ ] NA [ ] NAP
<b>Non-judge staff</b>	129 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP
<b>Non-prosecutor staff</b>	44 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP
<b>Other professionals</b>	53 [ ] NA [ ] NAP	158 [ ] NA [ ] NAP

Comments

## 5.3. Practice of the profession

### 5.3.1 Salaries and benefits of judges and prosecutors

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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
<b>First instance professional judge at the beginning of his/her career</b>	18 233 [ ] NA [ ] NAP	12 216 [ ] NA [ ] NAP	18 233 [ ] NA [ ] NAP	12 216 [ ] NA [ ] NAP
<b>Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)</b>	43 364 [ ] NA [ ] NAP	29 054 [ ] NA [ ] NAP	43 364 [ ] NA [ ] NAP	29 054 [ ] NA [ ] NAP
<b>Public prosecutor at the beginning of his/her career</b>	18 360 [ ] NA [ ] NAP	12 300 [ ] NA [ ] NAP	18 360 [ ] NA [ ] NAP	12 300 [ ] NA [ ] NAP
<b>Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).</b>	31 356 [ ] NA [ ] NAP	21 008 [ ] NA [ ] NAP	31 356 [ ] NA [ ] NAP	21 008 [ ] NA [ ] NAP

Comments Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of

service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2020 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the Supreme Court.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Special pension</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Housing</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other financial benefit</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

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

. Judiciary  
 Judges: Special allowance, salary supplements for work in commissions and other bodies. State Prosecutor's Office  
 In the Supreme State Prosecutor's Office, the State prosecutor dealing with cases of organized crime, corruption, money laundering, terrorism and war crimes is entitled to a special allowance in the amount of 45% of the basic salary;  
 In the Special State Prosecutor's Office, the Chief Special Prosecutor, special prosecutors, state prosecutor seconded to work at the Special State Prosecutor's Office are entitled to special allowance in the amount of 45% of the basic salary;

[ ] NAP

=

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

	With remuneration	Without remuneration
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

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

	With remuneration	Without remuneration
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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

Yes

No

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

### 5.3.2 Body/institution of ethics

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

Yes

No

**138-1. If yes, who are the members of this institution/body?**

- Only judges
- Judges and other legal professionals
- Other, please specify: .....

Comments By judges and other legal professionals

Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law."

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

- Yes
- No
- NAP

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

Not public opinions

As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

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

- Yes
- No

Comments

**138-4. If yes, who are the members of this institution/body?**

- Only prosecutors
- Prosecutors and other legal professionals
- Other, please specify: .....

Comments a) The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from

among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro.

The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:

"In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law."

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

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

## 5.4. Disciplinary procedures

### 5.4.1 Authorities responsible for disciplinary procedures and sanctions

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

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify): .....

Other (please specify): .....

This is not possible

Comments

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

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

Comments

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

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

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)**

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**5.4.2 Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and**

public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

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

Comments - If "other", please specify: Disciplinary offence under Article 108, paragraph 3, item 8 of the Law on State Prosecutor's Office (failure to submit data on property and income in accordance with the legislation on prevention of conflicts of interest).

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP



<b>8. Resignation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>9. Other</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>10. Dismissal</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

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

### E3. Please indicate the sources for answering the questions in this part

Sources: Secretariat of the Prosecutorial Council

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	947 [ ] NA	628 [ ] NA	319 [ ] NA

Comments

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

Yes ( )

No ( X )

Comments

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

[ ]

[ ] NA

[ X ] NAP

Comments

=

#### 149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies

possible)

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil cases</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Dismissal cases</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Criminal cases – Defendant</b>	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Criminal cases – Victim</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Administrative cases</b>	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

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

**149-0. If other than lawyers may represent a client in court, please specify who:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family member</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Self-representation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Trade union</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Special types of representation deal with the special laws, for different type of procedures different representations are provided, so it is not possible to give answer to this question, in relation to the offered answers.

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

Notarial activity

Arbitration / mediation

- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments It is not allowed to practice law simultaneously with any other activity, except in the field of science, literature, art, publications, pedagogy, translation and sport. Along with doing allowed activities, lawyers also have the right to take part in management of appropriate professional associations and societies.

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

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

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

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

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

**150. Is the lawyer profession organised through:**

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

Comments

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

- Yes
- No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: Bar exam

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

- Yes
- No

Comments

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

- Yes

( ) No

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

## **F1. Please indicate the sources for answering the questions in this part**

Sources: Bar Association of Montenegro

### **6.1.2 Practicing the profession**

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

( X ) Yes

( ) No

Comments

**155. Are lawyers' fees freely negotiated?**

( X ) Yes

( ) No

Comments

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

[ ] Yes, laws provide rules

[ X ] Yes, standards of the bar association provide rules

[ ] No, neither laws nor bar association standards provide rules

Comments

### **6.1.3 Quality standards and disciplinary procedures**

**157. Have quality standards been determined for lawyers?**

( X ) Yes

( ) No

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

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

[ X ] the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

a judge

Ministry of Justice

a professional authority

other (please specify):Disciplinary Court of the Bar Association

Comments

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

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

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP
<b>5. Other</b>	0 [ ] NA [ ] NAP

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

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1. Court related mediation

#### 7.1.1 Details on court related mediation

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

Yes

No

Comments

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

Before/instead of going to court

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

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in bankruptcy procedure is referred to civil procedure; 3) in other cases required by special law (family disputes, labour disputes)

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

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned: As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

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

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

Comments

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

( X ) Yes

( ) No

NAP

Comments - If yes, please specify (only one or both options)::

=

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

	Total	Males	Females
<b>Number of mediators</b>	139 <input type="checkbox"/> NA <input type="checkbox"/> NAP	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP	97 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Adoption of the new Law on ADR, in August 2020, led to the significant increase of a number of cases referred to the Center for mediation procedure, by courts and citizens and thus to the need for training of new mediators. In addition, according to the analysis done by the Centre, there is a need for additional increase of a number of mediators in some municipalities.

When it comes to the numbers of male and female mediators, we have to say that there are still more female than male mediators.

**167. Number of court-related mediations:**

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	2 617 [ ] NA [ ] NAP	1 730 [ ] NA [ ] NAP	1 269 [ ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	921 [ ] NA [ ] NAP	399 [ ] NA [ ] NAP	291 [ ] NA [ ] NAP
<b>2. Family cases</b>	171 [ ] NA [ ] NAP	147 [ ] NA [ ] NAP	98 [ ] NA [ ] NAP
<b>3. Administrative cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Labour cases including employment dismissal cases</b>	1 492 [ ] NA [ ] NAP	1 151 [ ] NA [ ] NAP	847 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	33 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP
<b>6. Consumer cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - Please indicate the source: ADR Centre annual report for 2020 <https://centarzaars.me/izvjestaji/>

Number of cases resolved in the mediation procedure in 2020 has been increased mainly due to the adoption of new Law on ADR and raising of the public awareness on alternative dispute resolution methods, but this still is not on satisfactory level.

=

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

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

Comments Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July 2020.

## G1. Please indicate the sources for answering the questions in this part

Source:

## 8.Enforcement of court decisions

### 8.1.Execution of decisions in civil matters



## 8.1.1 Number of enforcement agents, status and mandate

### 169. Number and type of enforcement agents in your country.

	Total	Male	Female
<b>Total (1+2+3+4)</b>	29 [ ] NA	21 [ ] NA	8 [ ] NA
<b>1. Private professionals under the authority (control) of public authorities</b>	29 [ ] NA [ ] NAP	21 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Judges</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If other, please specify their status and competences:

### 170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

### 171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the age of retirement: 66
- No, please specify the duration of the appointment: .....

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

## 8.1.2 Activities/scope of competence

### 171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

Access to information	Direct electronic access to information
-----------------------	---

<b>Address</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Date of birth</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Civil status</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cohabitant</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Employer</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Motor vehicle</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Movable property</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Immovable property</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Bank account</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other enforcement proceedings underway</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Other</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If "other", please specify:

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

	<b>Option</b>
<b>Seizure of movable tangible properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Preventive seizure of movable tangible properties</b>	( ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( X ) No [ ] NAP
<b>Seizure of immovable properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP

<b>Preventive seizure of immovable properties</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of aircrafts</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Enforced sale by public tender of seized properties</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Sale of shares</b>	( X ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Other</b>	( ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ X ] NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immovable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

**8.1.3 Training and ICT**

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

- ( X ) Yes
- ( ) No

Comments

**172-2. Do you have an e-learning training system established for enforcement agents?**

Yes

No

Comments - If yes, please specify:

**172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

Yes

No

Comments - If yes, please specify:

**172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

Yes

No

Comments

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

Yes

No

Comments - Please explain:

#### **8.1.4 Fees**

**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

Comments

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments

**175-2. Who has to pay these fees if the enforcement proceedings are successful?**

The debtor

The creditor

Other – please specify .....

Comments

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

Yes

No

Comments

**H0. Please indicate the sources for answering the questions in this part**

Source: Chamber of Bailiffs of Montenegro

### **8.1.5 Organisation of profession and efficiency of enforcement services**

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): .....

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

other (please specify): .....

Comments

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

	Existence of the system
for civil cases	( ) Yes ( X ) No
for administrative cases	( ) Yes ( X ) No

Comments

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

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify): .....

NA

Comments

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	2 ( ) NA ( ) NAP
1. For breach of professional ethics	0 ( ) NA ( ) NAP
2. For professional inadequacy	0 ( ) NA ( ) NAP

3. For criminal offence	0 [ ] NA [ ] NAP
4. Other	2 [ ] NA [ ] NAP

Comments - If "other", please specify: Interpretation of Law in a wrong way.

### 188. Number of sanctions pronounced against enforcement agents:

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

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

### H1. Please indicate the sources for answering the questions in this part

Source: Chamber of Bailiffs of Montenegro

## 8.2. Execution of decisions in criminal matters

### 8.2.1 Functioning of execution in criminal matters

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

- Judge
- Public prosecutor
- Prison and Probation Services
- Enforcement agent



[ ] Other authority (please specify): .....

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

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

( ) Yes

(X) No

Comments

### 191. If yes, what is the recovery rate?

( ) 80-100%

( ) 50-79%

( ) less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1 Number, status and mandate of notaries

### 192. Number and status of notaries in your country.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	56 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2. Holders of public offices appointed by the State</b>	56 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>3. Civil servants (paid by the State)</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>4. Other</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: Ministry of justice, human and minority rights

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

[X] diploma

[X] professional experience

[X] specific exam

[X] appointment procedure by the State

initial training

other (please specify):Specified in the comments section

Comments Specific exam: bar exam and notary exam

Other: citizenship of Montenegro; at least 5 years of law experience and at least 3 years law experience after passed bar exam; notary has not been convicted of an act that makes him unfit to perform the duties of a notary;

Notwithstanding a person who is a citizen of a Member State of the European Union may be appointed a notary. (Notary Chamber of Montenegro)

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

yes, please indicate the age of retirement:67

no, please specify the duration of the appointment: .....

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

### 9.1.2 Activities/scope of competences

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

	Please select one option
<b>Authentication</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Certification of signatures</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

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

Real estate transaction

Family law

Succession law

- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

### **9.1.3 ICT, organisation of the profession and training**

#### **194-3. Do notaries use specialised ICT systems in their activity?**

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

#### **194-4. Which computerised registries can notaries consult?**

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify) .....
- None

Comments

#### **194-5. Are there registries/ registry infrastructures run by the notaries?**

- Yes
- No

Comments - If yes, please specify:

#### **194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?**

	Directly modifying	Indirectly modifying by submitting an online request
<b>Land registry</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Civil status/ Population registry</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Succession / Family law registry</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Any other registry (please specify)</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>None</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments

**194-7. What ICT tools are used by notaries in their relations with clients?**

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify .....
- None

Comments

**194-8. Who is responsible to run the digital archives?**

- Notariat / Professional body
- Other public authority
- Another entity (please specify) .....

Comments

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

- Yes
- No

Comments

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

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): .....

Comments

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

- Yes

No

Comments

## 196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: Because of COVID notaries had webinars (topics of the training activities: Law on bussiness; inheritance and regulations EU on inheritance; money laundry, mortgages etc). Also workshops on Etical Code of notaries.

## 11. Please indicate the sources for answering the questions in this part

Sources: Notary chamber of Montenegro

## 10. Court interpreters

### 10.1. Details on profession of court interpreter

#### 10.1.1 Status of court interpreters

### 197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

### 199. Number of registered court interpreters:

[ 358 ]

[ ] NA

[ ] NAP

Comments

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

**proceedings?**

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam):

**201. Are the courts responsible for selecting court interpreters?**

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

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

No, please specify which authority selects court interpreters Ministry of justice, human and minority rights

Comments

**J1. Please indicate the sources for answering the questions in this part**

Sources: Ministry of justice, human and minority rights

**11. Judicial experts**

**11.1. Profession of judicial expert**

**11.1.1 Status of judicial experts**



**202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):**

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case.

**202-1. Are there lists or any other form of official registration for judicial experts?**

Yes

No

Comments

**202-1-1. If yes, at which level is the list established (multiple replies possible):**

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an

oath? How are his/her skills evaluated? By whom?):

**202-1-2. Are these lists publicly available?**

- Yes, available on the internet
- Yes
- No

Comments

**202-2. Which authority is competent for the registration of judicial experts?**

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

Comments - Please also specify the registration criteria:

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

- Yes, for how long 6 years
- No

Comments

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

- Yes
- No

Comment - If yes, please specify in which cases:

**203. Is the title of judicial experts protected?**

- Yes
- No

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

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

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

Comments

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

- judicial proceedings



the profession of expert

other

Comments

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
<b>Number of experts</b>	790 <input type="checkbox"/> NA <input type="checkbox"/> NAP	509 <input type="checkbox"/> NA <input type="checkbox"/> NAP	270 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In addition to the stated number of women and men judicial experts, there are also 11 legal entities that perform judicial expertise.

Discrepancy clarification:

Compared to previous data, in the period 2018-2020, the Ministry of Justice, Human and Minority Rights organized several exams for court experts and appointed a larger number of experts.

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

	Number of cases
<b>Total (1+2+3+4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.Civil and commercial litigious cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.Administrative cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.Criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4.Other cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**205-1. Who defines the amount of the expert remuneration?**

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Defined by the court/judge	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Freely agreed between expert and the parties	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - If other, please specify:

**206. Are there binding provisions for judicial experts regarding:**

	Yes	No
Deadlines to provide expertise	( X )	( )
Quality of expertise	( X )	( )
Other	( )	( X )

[ ] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

**207-1. Does the judge or another body control the progress of the expertise?**

( ) Yes

( X ) No

If yes, please specify:

**207-2. Are judicial experts' associations involved in:**

[ X ] Selection processes

[ ] Initial or continuous training

[ ] Disciplinary procedures

[ ] NAP

Comments

## K1. Please indicate the sources for answering the questions in this part

Sources: Ministry of justice, human and minority rights

### 12.Reforms in judiciary

#### 12.1.Foreseen reforms

##### 12.1.1Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:**

##### **208-1. (Comprehensive) reform plans**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

##### **208-2. Budget**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

**208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

#### **208-4. Access to justice and legal aid**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

#### **208-5. High Judicial Council**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

#### **208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

#### **208-7. Gender balance**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

#### **208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No

NA

Comments - If yes, please specify:

### **208-9. Enforcement of court decisions and in particular regarding decisions against public authorities**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-10. Mediation and other Alternative Dispute Resolution**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-11. Fight against crime**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-12. Prison system**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

### **208-13. Child friendly justice**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-14. Domestic violence**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-15. New information and communication technologies**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

## **208-16. Other**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: