



CCJE-BU(2020)1

Strasbourg, 29 January 2020

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 23 (2020):

“The role of the Associations of Judges in supporting the judicial independence”

*Please in your answers do not send extracts of your legislation
but describe the situation in brief and concise manner.*

General

1. How many Associations of Judges (please note that they can have different names) exist in your country? **ONLY ONE**
 - a) For judges of all jurisdictions and all court levels **ONE**
 - b) For judges of certain jurisdictions only **NONE**
 - c) For judges of certain court levels only **NONE**
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) **NO**

Total number of all types of Associations of Judges **ONE. The Association was established January 11, 2000, as Non-governmental organization and professional association of judges(only judges can be members)**

Other objectives _____

Membership

2. What are the requirements for membership in the Associations of Judges? **JUST TO BE APPOINTED AS A JUDGE AND TO SIGN THE STATEMENT**
3. Are prosecutors members of the Associations of Judges? **NO**

Legal framework / objectives

4. Which is the legal framework of the Association of Judges? Are there specific legal regulations (law, by-laws) which deal with the Associations of Judges in your country?

According to the art. 5 of the Law on Judicial Council and judges , judges in Montenegro are entitled with the right to professional association.

The Association of Judges of Montenegro has a Statute, as an legal act that governs activities area of Association, Association Objectives, activities for achieving objectives, membership and membership fee, rights and obligations of members, organisational structure of Association, association bodies and assets.

Since our Association is organized and registered as an NGO, the Law on NGOs also applies .

5. According to their statutes, what are the main objectives of the Associations of Judges? (please mark yes or no and indicate by “1”, “2” and “3” the three most important objectives)

The Association of Montenegrin judges is a voluntary, professional and independent form of joining of judges in Montenegro, that strives for establishing of independent, professional, efficient and responsible judiciary by affirmation of law as profession, improvement of regulations, strengthening the reputation, professional ethic and dignity of judges and establishment of material and social security of judicial profession and that is subjected to the rules regulated in its Statute, for protecting and achieving of common objectives.

Defending and fostering the independence of judges and the judiciary	<input type="radio"/> yes <input type="radio"/> no THE MOST IMPORTANT OBJECTIVE /1
Defending and fostering the rule of law	<input type="radio"/> yes <input type="radio"/> no
Fighting for economic safeguards of judges	<input type="radio"/> yes <input type="radio"/> no 3
Fighting for social and physical security of judges	<input type="radio"/> yes <input type="radio"/> no
Contribution to the development of the law	<input type="radio"/> yes <input type="radio"/> no
Training of judges	<input type="radio"/> yes <input type="radio"/> no
Ethics and accountability of judges	<input type="radio"/> yes <input type="radio"/> no 2

Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="radio"/> yes <input type="radio"/> no
Media work	<input checked="" type="radio"/> yes <input type="radio"/> no
Organising conferences	<input checked="" type="radio"/> yes <input type="radio"/> no
International contacts and networking	<input checked="" type="radio"/> yes <input type="radio"/> no
Other objectives (which)	<input type="radio"/> yes <input type="radio"/> no

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges? **Trough sessions, upon a request of a judge for any kind of assistance**

b) Can judges get assistance from the Association (which kind)? **Yes, for example , if there is a inappropriate statement in media of the party in dispute or any other person jeopardizing judges independence, the Association will react in behalf of that particular judge by giving public statement**

c) Do the Associations of judges defend individual judges (against what)? **No**

7. If there is an infringement of the independence of a judge or of the judiciary, by what means do the Associations of Judges react? **By issuing public statement in different kind of media**

8. Is there any influence of the Associations of judges on appointment or promotion of judges? **NO**

9. Is there any influence of the Associations of Judges in disciplinary procedures? **NO**

10. Is there any influence of the Associations of Judges on training?

Yes, The Association organizes different kind of seminars and trainings of judges by itself or in cooperation with the Center for training in judiciary and public prosecutor office

Resources

11. Are there membership fees? **Yes, 5 euro per a month**

12. What other resources are available for the Associations of Judges? **Participation in some international funding projects**

Administration of the Associations of Judges

13. How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?

Permanent Association bodies are: Association Assembly, Executive board, Association President and Secretary. The permanent Association bodies members shall be elected to a four-year term of office and can be re-elected several times. The temporary Association bodies shall be established by Executive board, upon nomination by the Association President.

The Assembly is the supreme body of the Association, it is composed of representatives of all courts in Montenegro: one representative from courts numbering to 10 judges, two representatives from courts numbering to 20 judges and three representatives from courts numbering more than 20 judges.

The Executive Board is the body managing the Association, formed of elected members of Association - 7 (seven) members. Nomination for election of members of the Executive Board is constituted by Association Assembly. The Executive Board member is appointed to a four-year term of office.

The Association has a President. He/She shall provide the correct and legal work of Association, and is elected by the Association Assembly to a four-year term of office. The Association President has a Deputy who shall replace him/her when s/he is absent.

The Association Secretary shall be appointed to a four-year term of office.

They all can be re-elected.

14. Are there restrictions as regards the number of terms of office for members of the governing bodies of the Associations of Judges, and if yes, how many terms and for how long? **NO**

15. Are there restrictions to become an officer of an Association of Judges? **NO**

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?

In the meter of adopting laws

Are Associations of Judges involved in the process of law-making?

Yes, the President of the Association is a member of various Working groups

If yes, how (is this formal or informal)? **Formal member of WG**

17. How do the Associations of Judges interact with the government, especially with the ministry of justice?

The Association of Judges of Montenegro is taking measures to improve and protect the material status of Montenegrin judges, and in this direction several initiatives have been taken to the competent institutions, with the aim of improving judicial salaries, pension status, housing needs and overall protection of the dignity of the judicial profession.

The President of the Association is a member of : Council for monitoring the implementation of the Judicial reform strategy 2019-2022, Commission for the Judicial Code of Ethics, Working group for the negotiations with EU for Chapter 23 –Judiciary and Fundamental rights.

18. a) How do the Associations of Judges interact with political parties?

It does not

- b) Are certain Associations of Judges connected with certain political parties?

NO

- c) Is there an influence of party politics within the Associations of Judges? **NO**

19. a) How do the Associations of Judges interact with the Council for the Judiciary?

By proposing different actions needed to secure judicial independence and responsibilities, proposing different kinds of trainings for judges etc

- b) What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary and/or presidents of courts and judges (please describe)? **NONE**

20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?

The Association has a professional cooperation with the Union of court administration, no problems detected so far.

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other? **There is only one Association in MNE for all judges**

- b) If there is more than one Association of Judges, how other stakeholders deal with this fact?

22. How do the Associations of Judges interact with NGOs?

The Association of Judges of Montenegro is engaged as a partner in several projects implemented by the NGO Civic Alliance and NGO Center for Democratic Transition (CDT).

NGO CIVIC ALLIANCE (partnership): ANONYMOUS SURVEY OF CITIZENS AND JUDGES ON THE SITUATION IN THE JUDICIARY –Inline with measure 1.1.5.6. from the Action Plan for Chapter 23, the Association of Judges of Montenegro, in partnership with the Civic Alliance, conducts an anonymous survey of citizens and judges on the situation in the Judiciary. This survey has been conducted seven times so far. Project **“IMPROVING THE OPPORTUNITIES OF CRIMINAL LAW INSTITUTIONS TO COMMUNICATE ABOUT THEIR WORK WITH CITIZENS ”** -Within this project, the Association of Judges, in partnership with the NGO Civic Alliance, have organized five public events for the final year students of two high schools and the students of three Law faculties.

NGO CENTER FOR DEMOCRATIC TRANSITION(CDT) (partnership): The Association started a partnership with the NGO Center for Democratic Transition –CDT for the project "Transparency of Criminal Justice System in Montenegro." The project was aimed to establish a methodology for monitoring of the transparency of the three main pillars of the criminal justice system, ie. courts, prosecution and police administration. The focus of monitoring was transparency, as one of the basic preconditions for the fight against corruption. Based on an analysis of key shortcomings, recommendations for improvement have been created, in accordance with international standards and good practices. This project was supported by the US Embassy in Podgorica. This project continued in 2019, when the transparency of Montenegrin judicial institutions was measured according to new indicators.

This NGO and the Association are partners on the project „Transparency Judiciary Initiative project“ which is implemented by the Center for Democratic Transition -CDT, with the support of the Delegation of EU in Montenegro. In the first phase, partners organized two trainings on media relations, aimed at fostering cooperation and constructive dialogue with the institutions of the legal system, contributing to more transparent court proceedings, better access to justice, greater quality of judicial proceedings, and increasing public trust in the judicial system. The second phase involved a public campaign and the development of five brochures on Criminal Procedure, Civil Procedure, Free Legal Aid, Organization of Courts and Judicial Responsibility. These brochures were distributed to citizens in all Montenegrin municipalities via info-points, and since the end of 2017 they have been available in all courts in Montenegro.

23. How do the Associations of Judges interact with foreign or international organisations?

Within the Horizontal facility for the Western Balkans and Turkey implemented by the Council of Europe, the Association of Judges of Montenegro has been recognized as an equal partner through membership of the steering committees of the projects "Accountability in the Judicial System" and "Accountability and Professionalism in the Judicial System of Montenegro".

The Association is a member of the International and European associations of judges, as well as member of the MEDEL –European association of Judges and Prosecutors

24. Is there a trade union, in which judges can be members? If so, what are the relations between this trade union and the association of judges?

Judges in MNE does not have their own trade union.

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards? **Yes, the President of the Association is a member of the Ethical Committee**
26. Do the Associations of judges contribute to a further improvement of the justice system? How? **By taking active steps in proposing laws or participating in working groups for preparing the proposals of the laws concerning judiciary or judges**

Perception

27. How does the public at large see the Associations of Judges? **My personal opinion is that public in MNE should be more informed of the work and aims of the Association**