

Report on the trust of judges and citizens in the judiciary

CONCLUSIONS AND RECOMMENDATIONS

According to most judges, **the state of affairs in judiciary is generally good (72,6%)**. Judges are **satisfied (67%)** with the functioning of Judicial Information System (JIS). However, judges, especially from the north of Montenegro, have expressed serious criticism of the functioning of this system, as the internet connection is poor and this significantly makes their work more difficult. Misdemeanor courts are not connected to this system, which should be done as a matter of urgency.

When asked how they assess the role of other state bodies in administration of justice and efficiency of the proceedings, the highest percentage of judges (70,8%) replied that **they are contributing, but their participation should be significantly more effective**. According to the judges, the slowdown in the proceedings and efficiency of the courts are mostly influenced by other state and local bodies, police and ministries.

The judges also consider that there is room for improvement of administrative and professional support to increase the quality and timeliness of the proceedings. Cumulatively, 69,3% of judges believe that **the existing administrative and professional support is insufficient**.

The judges' assessment of the **existing capacities of the expert witnesses** is concerning and whether they affect expectations of the parties and the court and the quality of judgments. **The percentage of 58,5 of the surveyed judges** consider that there is a deficit of expert witnesses in certain areas and that this negatively affects the quality and efficiency of the procedure, while 4,7% believe that the role of expert witnesses significantly slows down the proceedings before the courts.

The surveyed 49,1% of the judges believe that the public generally trusts the judiciary. Judges see the main reasons for the public's lack of confidence in the work of the judiciary in the length of the proceedings and the lack of information among citizens. According to the judges, an important factor of public distrust is the subjective attitude of citizens towards court proceedings, as well as their personal expectations from the trial.

For the past three years, the Commission has evaluated 46,2% of the surveyed judges, while it has not surveyed 48,1% of them.

The highest percentage of judges (50,5%) considers that "media reporting is generally satisfactory, with occasional biased reports". Reporting is considered satisfactory and objective by 13,2% of judges and by 23,1% of them as unsatisfactory and unbiased or generally unsatisfactory.

As priority and urgent measures to strengthen citizens' confidence in the judiciary, judges cited the following: 1) development, strict adherence to the Code and respect for the principles of professional and independent conduct and conduct of the media (31%), 2) more information on the courts work in public

(30,2%), 3) significantly more aggressive PR campaign by the courts (20,3%) and 4) more “live” contacts between media representatives (journalists) and judicial institutions (16%).

When it comes to **general attitude of citizens towards the judiciary**, the answers are divided. Percentage of citizens with a more or less negative attitude towards judiciary is 48,26%, while 33,1% of them have mostly positive or very positive attitude.

Citizens largely base their opinion about the judiciary (46%) on the experience of those they trust, and 41,4% on the basis of what they have heard on television and radio or what they have read in the newspapers, i.e. on what is generally said about judiciary.

Percentage of those who believe that judges always or mainly judge by law has dropped from 42,3% to 35,6%. The number of citizens surveyed who believe that judges do not judge by law or make legal decisions is cumulative 42.9%.

The attitude of citizens is also divided when it comes to the efficiency of judiciary. The surveyed 53,8% of citizens consider that the work of the judiciary is mostly inefficient, i.e. very inefficient, while 43,7% consider it to be mostly efficient or very efficient. Comparing the results of previous years' research, it is noticeable that the percentage of citizens who consider the judiciary to be generally inefficient has increased from 34,9% in 2013 to 42,2% in 2015 and to 44,4% in 2017.

When asked if they heard about the Code of Ethics for Judges and Prosecutors, 43,9% of citizens said they did, and 36% said they did not. If they heard about the Code of Ethics, citizens received this information: 1) through the media (37,4%), 2) through official web portals of judicial institutions (13,1%) or 3) through the brochure (4,4%). Survey showed that majority of citizens (49,9%) are still unfamiliar with the work of the Commission for Code of Ethics for Judges and Prosecutors (Table 18). Also, 20,9% of the surveyed said that they did not even know it existed.

Cumulatively, compared to the percentage of citizens who stated that they or their immediate family members had experience with the court, **majority was not satisfied with the court's efficiency in their case (60,4%)**. Still, the largest number of citizens stated that they mostly had insight into procedures and manner in which the court handled their case (39%), that is, they had a complete insight (11,9%).

According to the surveyed citizens, there are three key problems in the judiciary: politics/political pressures on judges, using connections and acquaintances as a way of pressure on judges and corruption, nepotism, citizens complaining about the “human factor”. In cumulative terms, **percentage of those who think that political ineligibility has or has to a certain extent some bearing on the work of the judiciary is still high (58,7%)**. The same is true for corruption (56%).

In general, **the attitude of citizens towards the work of prosecution is more negatively assessed**. The surveyed 47,4% of citizens have mostly negative or very negative attitude, while 34,3% have mostly

positive or very positive attitude. Citizens largely base their position about prosecution on the experience of those they trust (39,4%), as well as on what they read in the newspaper and heard in the media (37,3%). **Majority of citizens believe that the work of prosecution is very or mostly inefficient (50,2%).**

The key things that affect the work of prosecutors, according to citizens, are corruption (29%) and political ineligibility (27.6%).

Based on the conducted research, we highlight the following **recommendations** that should contribute to creating greater confidence in judiciary:

- Improve Judicial Information System (JIS) by providing stable and faster internet connection. This problem, as they pointed out, is particularly evident in the north of Montenegro. Due to poor internet connection, data entered in a timely manner through the system are not updated, there is difference in data, which is unacceptable. This is especially noticeable in the north of Montenegro, as indicated by judges through surveys.
- Link misdemeanor courts to Judicial Information System (JIS), which would further link all courts and facilitate communication and improve statistics management. Misdemeanor court judges specifically emphasized this segment.
- Leaders in judiciary to initiate and enhance communication with institutions of the system in order to improve the functional part of the trial, primarily referring to the postal and delivery service, social work centers, Real Estate Administration, Police Administration who, according to the judges, have to improve their timeliness and efficiency of conduct regarding the work of judicial institutions, thus contributing to faster and more efficient resolution of court cases.
- Citizens are still not sufficiently familiar with the Code of Ethics for Judges and Prosecutors, as well as with the existence of the Commission for Code of Ethics and how they can file a complaint.