

IV CONCLUSIONS AND RECOMMENDATIONS

According to majority of judges, **situation in judiciary is generally good (73.6%)**. Judges are **satisfied (67%)** with the functioning of judicial information system (PRIS). However, judges, especially judges from the north of Montenegro, seriously criticize functioning of the system, because the Internet connection is weak, which significantly makes their work hard. Misdemeanor courts have not been connected to this system yet, and according to misdemeanor judges it makes their work harder. Therefore, we invite again the leading people in judiciary to network misdemeanor courts with other courts.

Asked to assess the role of other bodies in justice system and proceeding efficiency, most judges (75.8%) responded that they **contribute, but their participation should be more efficient**. According to opinion of judges, other bodies of public administration and local self-government, police and ministries mostly influence on slow procedures and efficiency of work of courts.

Judges also believe that there is room for improvement of administrative and professional support in order to increase the quality and timeliness of the procedure. For the most part, 69.8% judges consider that the **current administrative and professional support is insufficient**. This parameter indicates that judges are under the increased workload, or everything that could make their job easier and therefore make the procedure faster, is not at the expected level.

There is a negative trend and growing dissatisfaction with **the existing capacities of court experts** and whether they affect expectations of parties and the court on the quality of judgments. So, 52.7% of surveyed judges believe that there is lack of experts in certain areas, which negatively affects the quality and efficiency of the procedure, while 17% believe that the role of experts significantly slows down the procedure before the courts.

Almost 44.5% of surveyed judges believe that the public generally has confidence in judiciary. Judges see personal expectations from the trial, duration of the proceedings, insufficient knowledge of work of the courts and insufficient information of citizens as the main reasons for the public's distrust in the work of judiciary.

For the previous three years, the Commission evaluated 56.6% of surveyed judges, but still have not evaluated 36.8% of them.

Although over the years the judges have directly indicated that the Postal and Delivery Service have to significantly change and improve their work, because it affects the efficiency of the functional part of the trial, so far there are no positive changes in this segment.

The new COVID-19 virus has seriously affected the work of judges. Judges noted that the virus greatly affected their work in 42.9% of cases, while partly in almost 50% of cases. Only 7% of judges said that this virus did not affect their work.

The largest percentage of judges (50.5%) considers that "media coverage is generally satisfactory, with temporarily biased reports". 13.7% think that reporting is satisfactory and objective and 26.4% think that it is unsatisfactory and biased or mostly unsatisfactory.

As priority and urgent measures for strengthening citizens' confidence in judiciary, judges stated: 1) drafting, strict compliance with the Code and respect of principles of professional and independent conduct and professional work of media (33.5%), 2) more information about the work of courts in public (31.5%), 3) significantly more aggressive PR campaign by courts (17.6%) and 4) more "live" contacts between media (journalists) and judicial institutions (16.5%).

When it comes to examination of attitudes of prosecutors, **a very high percentage** of surveyed prosecutors (95%) believe that the situation in the prosecution is generally good, or very good. On the other hand, **most prosecutors** (55.1%) are satisfied with the infrastructure and the building of the prosecution office. When it comes to satisfaction with the means of communication, most prosecutors (62.3%) are satisfied. Prosecutors believe that they are sufficient for the basic needs of procedures they conduct (24.3%), while 13% expressed dissatisfaction with the means of communication.

The majority of prosecutors (47.8%) believe that the public generally has confidence ie that "mostly have a confidence in the work of **the prosecutor's office**. They mentioned the key reasons for the lack of public trust - the lack of information of citizens, failure in the procedure and misinformation about the work of the prosecutor's office. On the other hand, most prosecutors (50.7%) stated that they were only sporadically acquainted with the general standpoints of the parties about the work of prosecutor's offices, ie on a case-by-case basis. In relation to the respect of the prosecution by the public, **the largest percentage of prosecutors answered that the prosecution as an institution is generally respected (75.4%)**.

The work of prosecutors was significantly affected by the new COVID-19 virus, so 53.6% responded that the virus partly influenced and 16.1% said it very influenced their work; 18.8% of prosecutors said it did not influenced at all.

In relation to the efficiency of the functional part of the trial and the bodies that should significantly change and improve their work, prosecutors mentioned the Postal and Delivery Service and the Real Estate Administration.

When it comes to **the general attitude of citizens towards judiciary**, answers are divided. The percentage of citizens who have a more or less negative attitude towards judiciary is 48.26%, while 33.1% have mostly positive or very positive attitude.

Citizens largely create their opinion on judiciary (46%) according to experiences of people they trust, and 41.4% on the basis of what they have heard on television and radio or what they have read in newspapers, or what they have heard about judiciary.

38.6% of citizens believe that judges always or mostly judge by law. The number of surveyed citizens who believe that judges do not judge according to the law or do not make legal decisions is a cumulative 42.8%, which is at the level of last year's survey.

The attitude of citizens is divided in terms of efficiency of judiciary. 54.4% of citizens think that the work of judiciary is mostly inefficient, or very inefficient, while 43.9% think that work of judiciary is mostly efficient or very efficient.

Asked if they had heard of the Code of Ethics for Judges and Prosecutors, 43.5% of citizens responded positively, and 36% responded negatively. If they heard about the Code of Ethics, citizens obtained this information: 1) from the media (36.5%), 2) through the official web portals of judicial institutions (14.2%) or 3) through a brochure (4.8%). The survey showed that most citizens (49.9%) were not familiar with the work of the Commission for the Code of Ethics for Judges and Prosecutors (Table 18). Also, 20.9% of respondents answered that they did not even know that it existed.

Cumulatively, in relation to the percentage of citizens who stated that they or members of their close family had experience with the court, **most of them were not satisfied with the efficiency of work of the court in the concrete case** (58.2%). Nevertheless, the largest number stated that they mostly had insight into procedures and the manner in which the court handled their case (42.5%), or had a full insight (23.7%).

According to respondents, the judiciary faces three key problems: politics / political pressures on judges, the use of connections and acquaintances as a manner of pressuring judges and corruption, nepotism, ie citizens complain about the "human factor". Cumulatively observed, **the percentage of those who believe that political ineligibility has or to some extent has an impact on the work of judiciary is still significant** (55.8%). The same goes for corruption (54.1%).

Generally, **the attitude of citizens towards the work of the prosecutor's office was negatively assessed.** Almost 44.9% of citizens have mostly negative or very negative attitude, while 30.8% have a mostly positive or very positive attitude. Citizens created their standpoints about the prosecutor's office largely according to experiences of people they trust (35%) as well as on personal experiences (34.8%). **Most citizens believe that the work of the prosecutor's office is very or mostly inefficient** (45.2%).

According to opinion of citizens, the key matters that affect the work of prosecutors are political influences (28.6%) and corruption (26.8%).

Based on the study, we want to mention and repeat a few **recommendations** that should contribute to better conditions and creation of confidence in judicial institutions:

- Improvement of the Judicial Information System (PRIS) by providing a stable and faster internet connection. As the data entered timely through the system is not refreshed due to the poor internet connection, a difference in the data occur, which is unacceptable. This is especially emphasized in the north of Montenegro, which the judges pointed out again through surveys.
- Integrate misdemeanor courts to the Judicial Information System (PRIS), which would connect all courts and facilitate communication and improve statistics. Judges of misdemeanor courts especially emphasized this segment.
- Citizens are still insufficiently familiar with the Code of Ethics for Judges and Public Prosecutors, as well as with the existence of the Code of Ethics Commission and the way in which they can file a

complaint. It is important to promote this institute, especially bearing in mind that the smallest number of complaints to the Commission comes from citizens.

- Judicial and Prosecutorial Council has to negotiate the budget increase for them, must, through direct communication with representatives of executive power, especially from the aspect of expanding the infrastructure capacities of courts and prosecutor's offices. It is necessary to build the Palace of Justice, which would partially relieve the existing capacities.
- Rationalization of the judicial network, which should abolish some courts, especially in the North, has to take into account the geographical aspect and that some villages are already far from the city, so abolishing of certain courts would make access to court would be even more difficult, in terms of costs.
- Since judges and prosecutors stated that COVID-19 significantly affected their work, it is important to make an additional analysis of consequences of this impact, in terms of efficiency of proceedings.
- Leading people in the judiciary should initiate and improve communication with the institutions of the system, in order to improve the functional part of the trial, primarily considering the postal and delivery service, social work centers, Real Estate Administration, Police Directorate which, according to the opinion of judges, have to improve their timeliness and the efficiency of proceedings, in relation to the work of judicial institutions and therefore contribute to a faster and more efficient resolution of court cases.