

MONTENEGRO EXPERIENCES AND PERCEPTIONS OF JUDICIAL PERFORMANCE

Survey on Perception of General Population of Citizens,
Business Sector, Lawyers, Judges, Public Prosecutors,
and Court Administrative Staff

Montenegro, January 2018



Kingdom of the Netherlands



KINGDOM OF BELGIUM
www.diplomatie.belgium.be



WORLD BANK GROUP



CRNA GORA
MINISTARSTVO PRAVDE

Report No: AUS0000102

Montenegro – Experiences and Perceptions of Judicial Performance

January 2018

GOV



© 2018 The World Bank
1818 H Street NW, Washington DC 20433
Telephone: 202-473-1000; Internet: www.worldbank.org

Some rights reserved

This work is a product of the staff of The World Bank. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of the Executive Directors of The World Bank or the governments they represent. The World Bank does not guarantee the accuracy of the data included in this work. The boundaries, colors, denominations, and other information shown on any map in this work do not imply any judgment on the part of The World Bank concerning the legal status of any territory or the endorsement or acceptance of such boundaries.

Rights and Permissions

The material in this work is subject to copyright. Because The World Bank encourages dissemination of its knowledge, this work may be reproduced, in whole or in part, for noncommercial purposes as long as full attribution to this work is given.

Attribution—Please cite the work as follows: “World Bank. 2018 . Montenegro – Experiences and Perceptions of Judiciary’s Performance © World Bank.”

All queries on rights and licenses, including subsidiary rights, should be addressed to World Bank Publications, The World Bank Group, 1818 H Street NW, Washington, DC 20433, USA; fax: 202-522-2625; e-mail: pubrights@worldbank.org.

Document of the World Bank

Table of Contents

EXECUTIVE SUMMARY	1
1. Introduction	1
2. General perception of the work of the judiciary through five dimensions - efficiency, quality, accessibility, fairness, and integrity	1
3. The most important reasons why work of the judiciary isn't evaluated better	2
4. Experience with a court case relative to five basic dimensions – efficiency, quality, fairness, accessibility, and integrity.....	3
4.1. Experience with a court case and evaluation of efficiency.....	3
4.2. Experience with a court case and evaluation of quality	5
4.3. Experience with a court case and evaluation of accessibility	6
4.4. Experience with a court case and evaluation of fairness.....	9
4.5. Experience with a court case and evaluation of integrity.....	11
5. Perception of the judiciary reform effects.....	12
INTRODUCTION.....	14
A.1 Research background and objectives	14
A.2 Methodology	14
A.3 Structure of report.....	21
KEY FINDINGS.....	22
1. GENERAL PERCEPTION OF WORK OF THE JUDICIARY THROUGH FIVE DIMENSIONS – efficiency, quality, accessibility, fairness, and integrity	26
1.1 General perception of providers of court services, users of court services, and lawyers.....	26
1.2 General perception of users of court services with and without experience of a court case	28
2. EFFICIENCY	30
2.1 Perception of efficiency of the judiciary	30
2.1.1 General perception of efficiency of the judiciary	30
2.1.2 Perception of the efficiency of court processes	32
2.1.3 Perception of enforcement efficiency	44
2.2. Perception of judges' and prosecutors' caseload	45
3. QUALITY	48
3.1 Perception of quality of the judiciary	49
3.1.1 General perception of quality of the judiciary.....	49
3.1.2 Perception of reasons due to which quality of the judiciary wasn't higher and satisfaction with working conditions.....	52
3.1.3 General perception of the quality of lawyers' work.....	54
3.1.4 General perception of the quality of work of bailiffs and court experts	55
3.2 Evaluation of the quality of court services in the specific case	56

3.2.1 Evaluation of the quality of the judiciary in the specific case.....	56
3.2.2 Perception of the reasons why the quality of court performance in the specific case wasn't higher	60
3.2.3 Level of satisfaction with the performance of judges, prosecutors, and other court staff in the specific case	60
3.2.4 Perception of behavior and integrity of judges in the specific case	61
3.2.5 Satisfaction with infrastructure	62
4. ACCESSIBILITY.....	63
4.1 General perception of accessibility of the judiciary.....	64
4.2 Perception of accessibility of the judiciary in terms of accessibility of information, geographic accessibility of the court, navigation in court building, and financial accessibility	67
4.2.1 General perception of accessibility of the judiciary regarding the defined aspects.....	67
4.2.2 Effect of experience of a court case on general perception of accessibility of different aspects of the judiciary	68
4.3 Perception of accessibility of the judiciary in own court case	69
4.3.1 Perception accessibility of information	69
4.3.2 Perception of financial accessibility (cost-effectiveness)	72
4.3.3 Orientation in court building	77
4.4. Mediation, plea agreement, and deferred prosecution	78
4.4.1 Mediation process (mediation).....	78
4.4.2 Plea agreement and deferred prosecution.....	79
4.5. Were the trials open to the citizens?	80
5. FAIRNESS	81
5.1 Perception of fairness of the judiciary	81
5.1.1 General perception of fairness of the judiciary	81
5.1.2 Perception of reasons which reduce the fairness of the judiciary	85
5.1.3 How equally does the judicial system treat all citizens	87
5.1.4 Relevant laws and their implementation.....	88
5.2 Gender equality	90
6. INTEGRITY.....	92
6.1 General perception of integrity of the judiciary	93
6.1.1 Confidence in the judiciary	93
6.1.2 Independence of the judiciary	94
6.1.3 Perception of corruption in the judiciary.....	95
6.2 Experience with corruption in the judiciary.....	97
6.2.1 Experiences of attempts to influence proceedings	97
6.3 Factors that influence the integrity of the judiciary	98
6.3.1 Perception of factors that influence the integrity of the judiciary	98

6.3.2 Perception of the media and NGO sector influence on the judiciary.....	101
6.3.3 Judicial control bodies.....	103
7. ADMINISTRATIVE COURT SERVICES AND NOTARY SERVICES	105
7.1 Perception of administrative court services and notary services on the dimensions of efficiency, quality, accessibility, and integrity (presence of corruption).....	106
7.1.1 Perception of administrative court services by the users of services with experience and administrative court services providers on the dimensions of efficiency, quality, accessibility, and integrity (presence of corruption)	106
7.1.2 Perception of administrative court services and notary services by the users with experience of these services on the dimensions of efficiency, quality, and economic accessibility	106
7.2 Perception of the efficiency of administrative court services and notary services.....	108
7.2.1 Perception of the efficiency of administrative court services	108
7.2.2 Workload and quality of working conditions of the employed in administrative court services.....	111
7.2.3 Perception of the efficiency of notary services	113
7.3 Perception of quality of administrative court services and notary services.....	114
7.3.1 Perception of quality of administrative court services	114
7.3.2 Perception of the quality of notary services	116
7.4 Perception of accessibility of administrative court services and services of notaries.....	116
7.4.1 Perception of accessibility of administrative court services.....	116
7.4.2 Perception of accessibility of notary services	120
7.5 Perception of integrity of the employed in administrative court services	122
7.5.1 Perception of the presence of corruption in administrative court services	122
7.5.2 Control and evaluation of work of the employed in administrative court services	125
8.1 Perception of the judiciary reform effects by the providers of court services, users of court services, and lawyers	127
8.1.1 General perception of the judiciary reform effects by the providers and users of court services and lawyers	127
8.1.2 Major judiciary reform issues	128
8.2. Perception of the judiciary reforms by target groups	131
8.3 PERCEPTION OF THE JUDICIARY REFORM EFFECTS IN THE COURT ADMINISTRATIVE SERVICES SECTOR.....	133

Preface

This report summarizes a survey of perceptions, experiences, and reform expectations with regard to the Montenegrin judiciary. The survey was conducted in 2017 by the company, Ipsos. The survey was funded through generous contributions from the Kingdom of Netherlands and the Kingdom of Belgium.

The report was drafted by Ipsos and edited by a World Bank Team composed of Mr. Srdjan Svircev (Senior Public Sector Specialist and Task Team Leader), Ms. Georgia Harley (Senior Governance Specialist and Co-Task Team Leader), and Ms. Marina Matic - Boskovic (Consultant). Ms. Margoux Veronica Rusel (Consultant) reviewed the report , Mr. Nenad Milic (Consultant) and Ms. Maja Simonovic (Consultant) , responsible for design and editing.

The team worked in close consultation with Ms. Marijana Lakovic – Draskovic, Director General in the Directorate for Judiciary in the Ministry of Justice and with the World Bank Team in Montenegro.

The team would like to thank the judicial officials in Montenegro who were consulted for this report, particularly those in the Ministry of Justice, Supreme Court, Judicial Council, Supreme State Prosecutor’s Office, Prosecutorial Council, Centre for Training in Judiciary and State Prosecution, for their time, hospitality, and availability to discuss the issues raised by this survey in a frank and open manner.

EXECUTIVE SUMMARY

Introduction

In an effort to help the Montenegrin Government in its efforts to implement reforms and modernization of the judiciary, the World Bank conducted a survey dealing with the perception of the judiciary through five basic dimensions - efficiency, quality, fairness, accessibility, and integrity (independence of the judiciary and the presence of corruption). The survey also deals with comparison of perceptions of the work of the judiciary by various stakeholders: users of court services (general population and business sector), providers of court services (judges, prosecutors, and court administration) and lawyers as intermediaries between users and providers of court services.

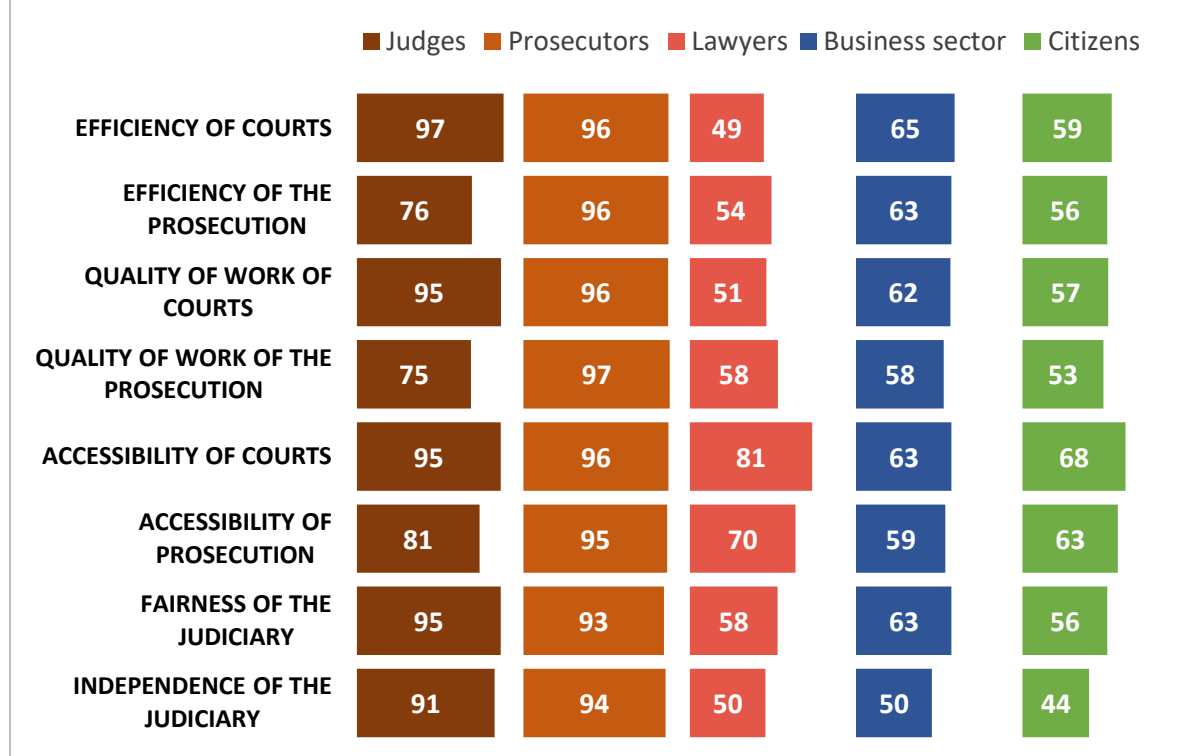
General perception of the work of the judiciary through five dimensions - efficiency, quality, accessibility, fairness, and integrity

The picture of the work of the judiciary through five dimensions in the eyes of providers of court services is exceptionally positive. Nine out of ten judges and public prosecutors evaluate positively the work of courts and prosecution on all dimensions. However, judges give a somewhat lower percentage of positive scores for efficiency, quality, and accessibility of prosecution (eight in ten judges evaluate these dimensions positively).

Although the opinions of almost all judges and prosecutors are positive, a relatively small percentage of them evaluate efficiency and quality with the highest grade, while in case of accessibility and fairness the share of the highest grades is somewhat bigger.

The general picture of the judiciary from the aspect of judges and prosecutors is considerably more positive than from the aspect of citizens, business sector, and lawyers. The majority of the citizens and business sector representatives also evaluate all dimensions of the judicial system positively (between one half and two thirds), with the exception of integrity of the judiciary. Nevertheless, the percentage of positive grades given by users of judicial services is considerably lower compared to judges and prosecutors. Perception of lawyers, on a majority of dimensions, is close to perception of the users of judicial services, with the exception of presence of corruption, where perception of the lawyers is closer to perception of providers of judicial services.

Figure 2.a: General perception of the work of the judiciary through five dimensions - efficiency, quality, accessibility, fairness, and integrity



The most important reasons why work of the judiciary isn't evaluated better

- Efficiency**
 Judges and prosecutors who didn't give the highest grade for efficiency of the institution that they worked in mention as the main reasons for such attitude insufficient number of judges, insufficient number of support staff, and bad infrastructure.
- Quality**
 When it comes to quality of work of the courts and prosecution, the reasons which judges and prosecutors mention to account for less than optimal quality of work in the institution in which they work are primarily lack of staff, unclear laws allowing for inconsistent interpretations, as well as lack of opportunity for additional education/training of judges/prosecutors and administrative staff.
- Fairness**
 All three groups of legal professionals have a rather different perception of the reasons for suboptimal fairness of the judicial system. Namely, all three groups mention poor legal provisions, but this reason is mentioned by a considerably higher percentage of judges (one half). Besides that, circa one third of the providers of judicial services mention insufficient accessibility of these services to all citizens as the reason for suboptimal fairness of the judiciary. On the other hand, the lawyers also mention politicized judicial system (more than one half) and corruption (one quarter) as reasons for suboptimal fairness of the judiciary,

while these reasons are not mentioned almost at all by judges and prosecutors. It is indicative that, among judges and prosecutors, a high percentage of nonresponse was registered on this question – one half of the judges and even eight in ten prosecutors did not answer this question.

- **Integrity**

Judges and prosecutors think that sensationalist/exaggerated media reporting about the work of the judiciary is the factor which jeopardizes the integrity of the judicial system to the highest extent. Nevertheless, a considerable percentage of judges and prosecutors agree that certain aspects of the function of the judiciary also lay on the line the integrity of the judiciary, most of all, different decisions for similar cases, length of proceedings, and inadequate penalties for corruption. Besides that, the lawyers particularly accentuate poor, non-transparent personnel policy, selective initiation of cases by the prosecution, but also political/politicians' influence on the work of courts and prosecutors and biasness of the judges.

Judges and prosecutors share the opinion that independence of the judicial system is jeopardized most of all by the media, NGO sector, and politicians. In comparison with judges and prosecutors, the lawyers believe that a considerably bigger number of institutions jeopardize the independence of the judiciary, primarily various strongmen, politicians, organized crime, but also some ministries and the Government of Montenegro.

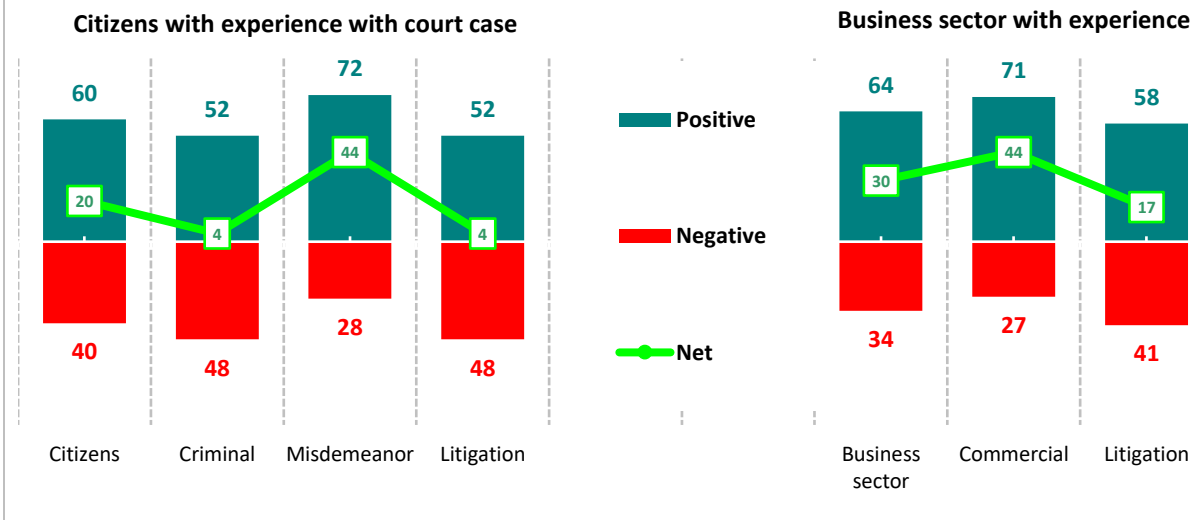
Experience with a court case relative to five basic dimensions – efficiency, quality, fairness, accessibility, and integrity

1.1. Experience with a court case and evaluation of efficiency

It is interesting that experience with a court case does not represent an important factor in terms of perception of court efficiency in general – there is no difference between the citizens who have an experience of a court case and those who do not have such experience. On the other hand, when it comes to concrete court cases that the citizens had experience with, the citizens evaluated the efficiency of the courts somewhat more negatively in comparison with their perception of court efficiency in general. Observed by type of court case, the citizens evaluate considerably more positively the efficiency of courts in misdemeanor cases compared to litigation and criminal cases.

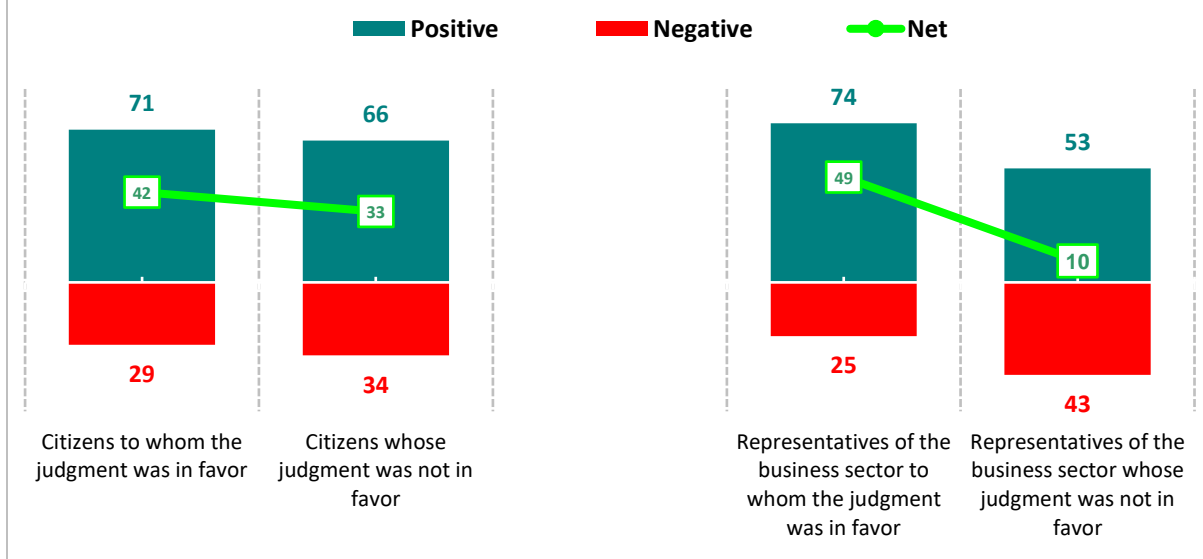
In contrast to the citizens, when it comes to representatives of the business sector, experience with a court case is a negative factor. Namely, those business sector representatives who had experience of a court case have a more negative perception of court efficiency in general compared with perception of business sector representatives without such experience. This is particularly interesting having in mind the fact that representatives of the business sector assessed more favorably the court efficiency in their concrete court case than efficiency of the courts in general. Observed by type of court case, the representatives of the business sector evaluate court efficiency considerably more positively in commercial court proceedings than in litigation cases.

Figure 4.1.a: Perception of court efficiency in concrete court cases that the citizens / business sector representatives had experience with



It is worth mentioning that the outcome of the trial does not affect the citizens' assessment of efficiency of the work of the judiciary in a particular case, with two thirds of them assessing positively the efficiency although the court decision was not in their favor. On the other hand, the outcome of the trial significantly affects the assessment of efficiency by representatives of the business sector, but half of them still assess positively the efficiency despite the fact that the decision was not in their favor. Nevertheless, it is worth mentioning that circa one fourth of the citizens and business sector representatives claim to be dissatisfied with efficiency of the judiciary in concrete cases, although the court decision was in their favor.

Figure 4.1.b: Perception of court efficiency in concrete court cases related to outcome of the trial



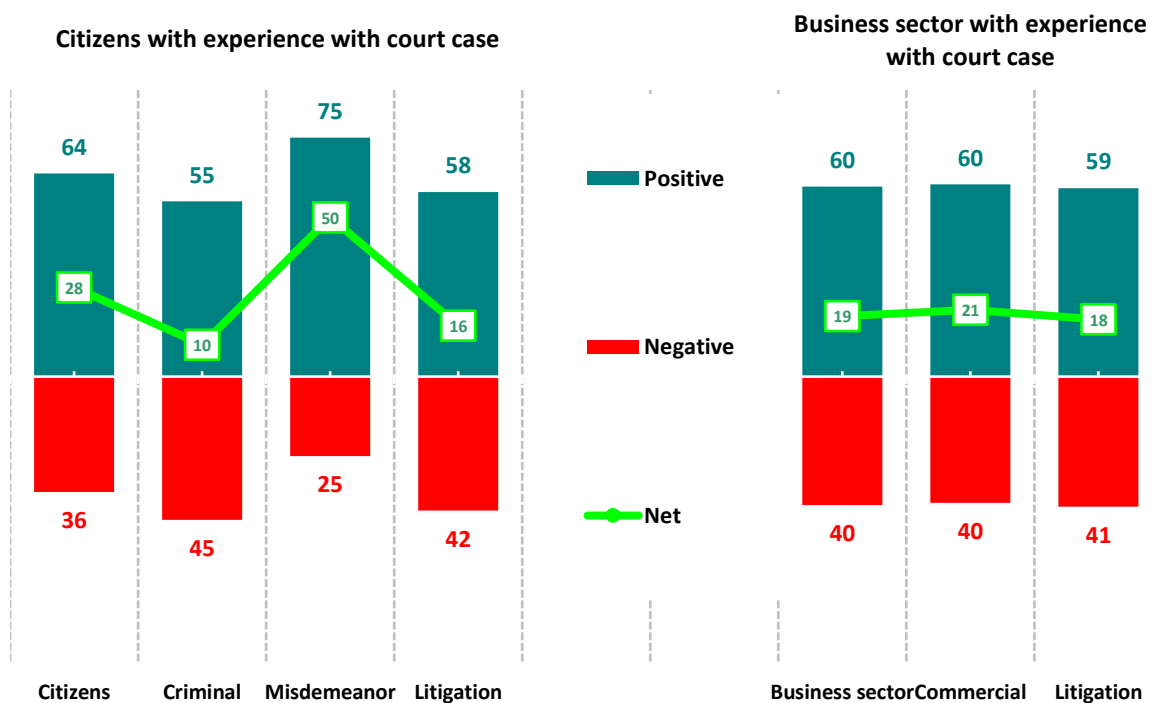
On the basis of data about the number of unheld and inefficient hearings, an efficiency index was calculated. It shows the share of efficient hearings (hearings which contributed to resolution of the case) in the total number of scheduled hearings. Indices of efficiency obtained on the basis of data from users and providers of court services are in agreement (cca. 70%), while the index of efficiency according to data provided by the lawyers is considerably lower (cca. 50%).

1.2. Experience with a court case and evaluation of quality

Experience with a court case is not a factor which affects the differences in perception of quality of work of the courts, both among the citizens and representatives of the business sector. However, when it comes to assessment of quality of prosecution work, the citizens who had experience of a court case assess this quality more negatively compared to those without experience. This is not the case with representatives of the business sector.

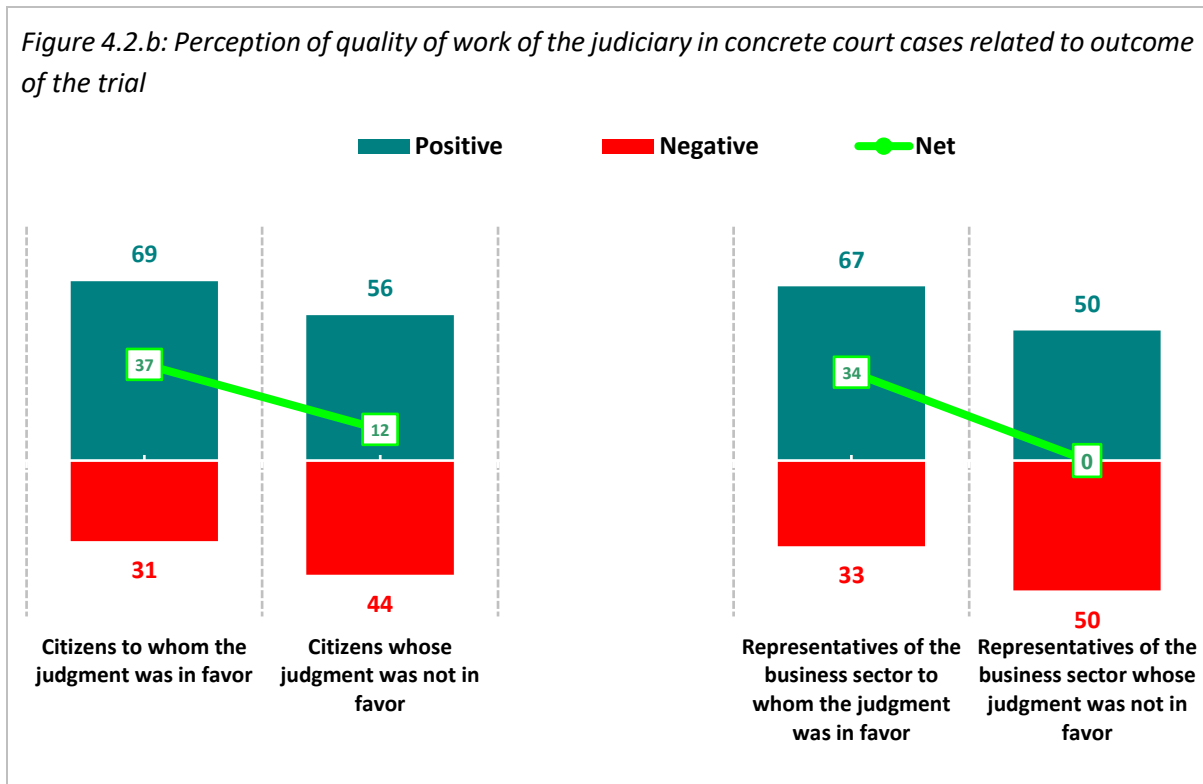
The citizens who have experience of a court case evaluate more positively the quality of work of the judiciary in their concrete case than quality of court work in general. As expected, assessment of quality is significantly affected by outcome of the trial. The citizens whose court decision was in their favor assess considerably more positively the quality of court work in their case. However, it is interesting that more than half of the citizens whose court decision was not in their favor still assess positively the quality of trial.

Figure 4.2.a: Perception of quality of work of the judiciary in concrete court cases that the citizens / business sector representatives had experience with



Similar to the assessment of efficiency, the citizens assess considerably more favorably the quality of work of the judiciary in misdemeanor cases than in cases of litigation or criminal cases.

Figure 4.2.b: Perception of quality of work of the judiciary in concrete court cases related to outcome of the trial

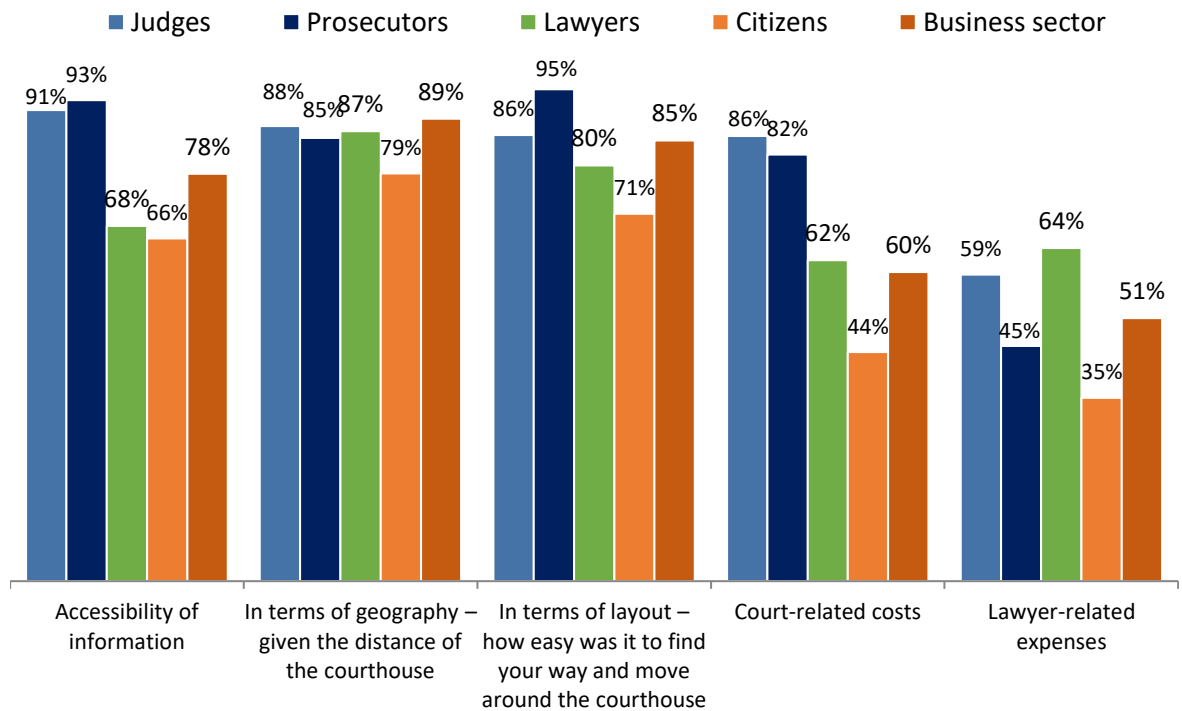


In contrast to citizens who assess the quality of work of the judiciary in their concrete case better than quality of the judiciary in general, perception of representatives of the business sector is equally positive in both cases. Similar to citizens, business sector representatives whose court decision was in their favor expressed considerably higher satisfaction with quality of work of the judiciary. It is also obvious here that half of those whose court decision was not in their favor still assess positively the quality of work of the judiciary.

1.3. Experience with a court case and evaluation of accessibility

Judges and prosecutors evaluate accessibility of almost all aspects of the judiciary a lot more positively than users of judicial services and lawyers do, except for lawyers' costs, which record more even evaluation. Users of judicial services are the least satisfied with the accessibility of the judiciary in terms of costs, both of lawyers and of the court.

Figure 4.3.a: Accessibility of the judicial system in terms of the defined aspects



The biggest difference between citizens on one side, and judges and prosecutors on the other, is detected in the evaluation of accessibility of court costs – judges and prosecutors are a lot more likely to evaluate this aspect as accessible than citizens are. On the other hand, both providers of judicial services (especially prosecutors) and users of judicial services (especially citizens) perceive the costs related to lawyers as the least accessible.

Experience with a court case seems to be a positive factor, influencing the differences between perceptions of performance of courts and prosecution among citizens, and of prosecution among business sector representatives. Citizens with experience with a court case perceive general accessibility of courts and of prosecution somewhat more positively than citizens without experience do. Business sector representatives with experience with a court case evaluate accessibility of prosecution somewhat more positively, but not accessibility of courts.

Figure 4.3.b: Accessibility of courts related to the experience of citizens / business sector representatives with court cases

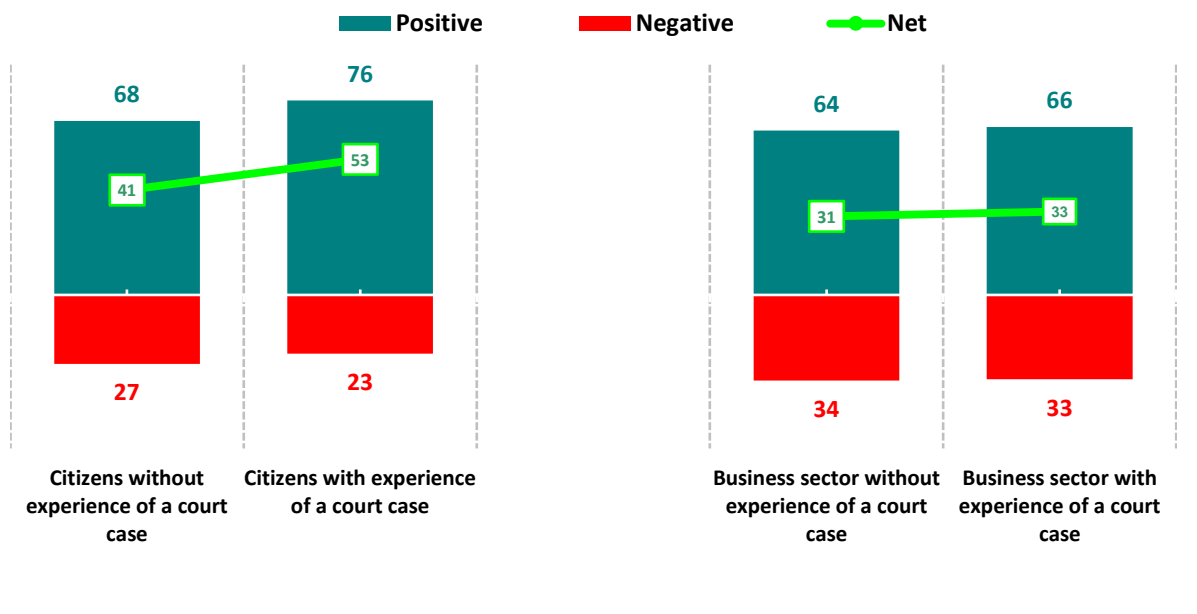


Figure 4.3.c: Accessibility of prosecution related to the experience of citizens / business sector representatives with court cases

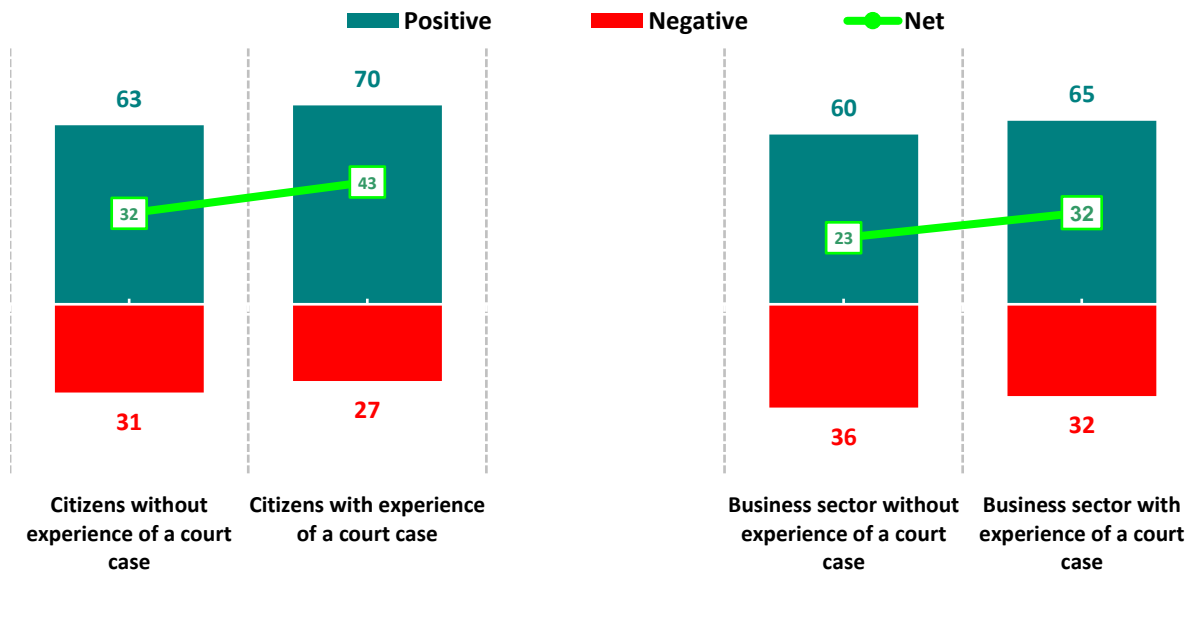
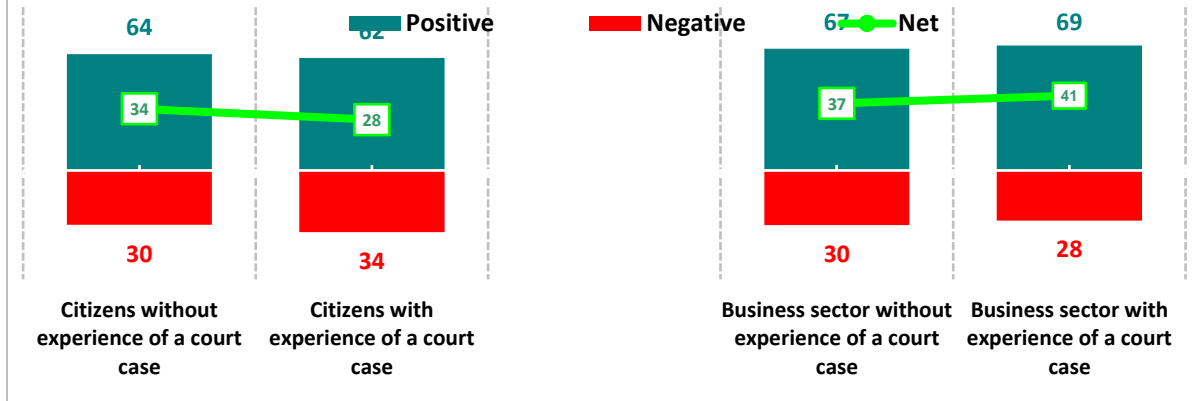


Figure 4.3.d: Accessibility of lawyers related to the experience of citizens / business sector representatives with court cases

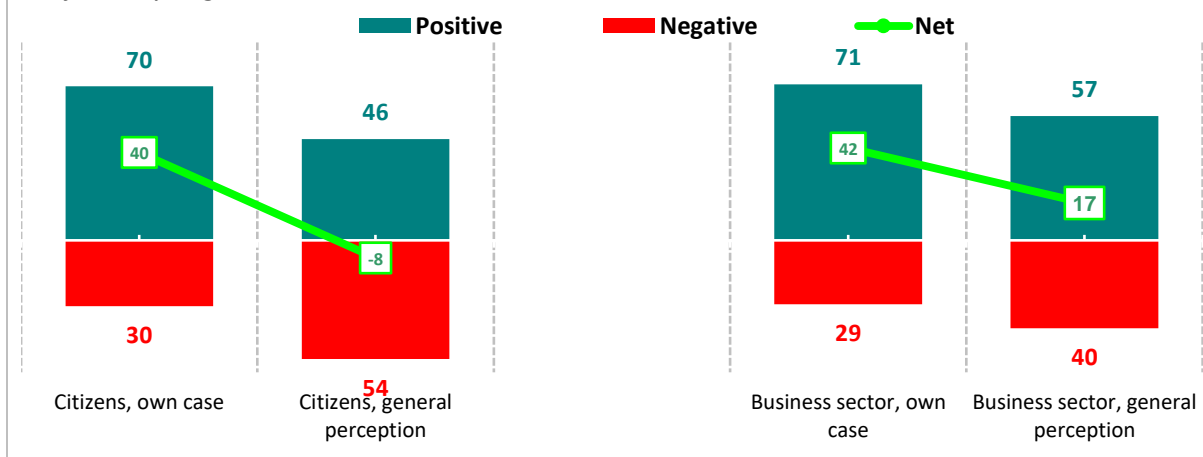


Another evaluated aspect was accessibility of lawyers. As for general perception, about two thirds of citizens and business sector representatives evaluate it positively, which matches the evaluation of accessibility of courts and prosecution by users of judicial services. Experience with taking part in a court case seems to be a negative factor, affecting the perception of accessibility of lawyers. Namely, citizens with experience with a court case evaluate accessibility of lawyers somewhat more negatively than citizens without this experience do. On the other hand, all business sector representatives, those with and without experience with a court case, evaluate the accessibility similarly.

1.4. Experience with a court case and evaluation of fairness

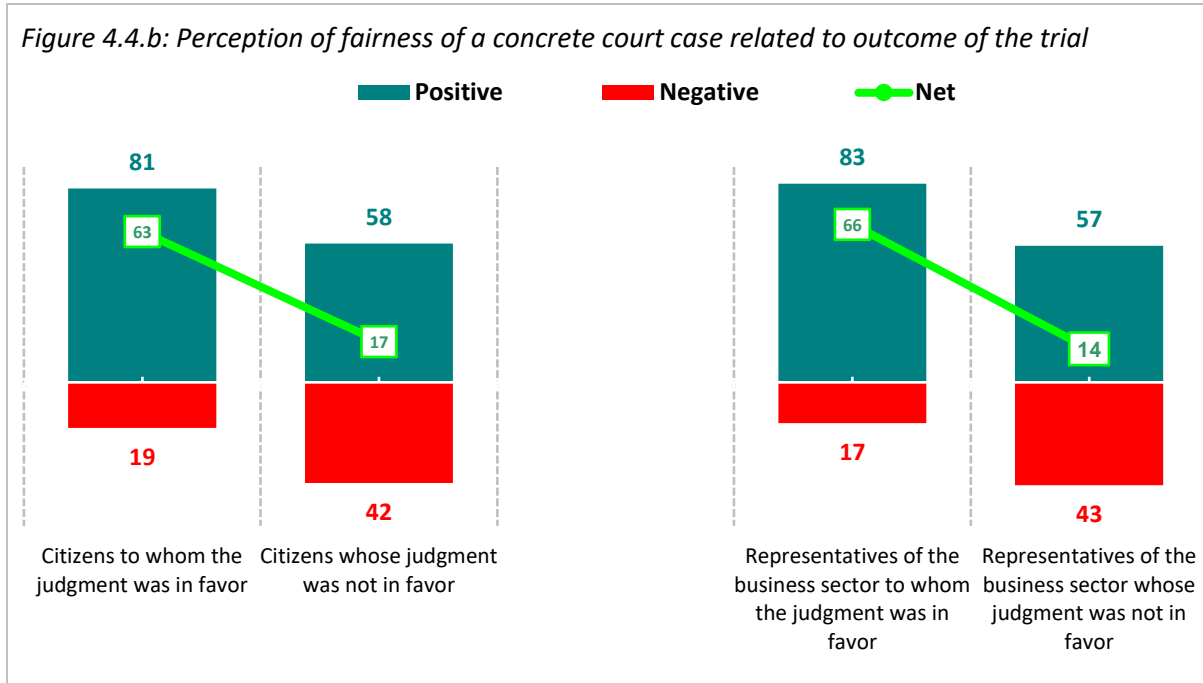
Citizens' and business sector representatives' general perception of fairness of the judiciary is affected negatively by their participation in a court case. Citizens without experience with a court case evaluate fairness of the judiciary more positively than citizens with experience do. As for business sector representatives, the situation is somewhat more positive, but we can still detect the negative trend, meaning that business sector representatives without experience with a court case evaluate fairness more positively.

Figure 4.4.a: Perception of fairness of their own court case compared to perception of fairness of the judiciary in general



Interestingly though, in spite of this negative trend, users of judicial services with experience with a court case, both citizens and business sector representatives, evaluate fairness of their own court case a lot more positively than they evaluate fairness of the judiciary in general.

Figure 4.4.b: Perception of fairness of a concrete court case related to outcome of the trial

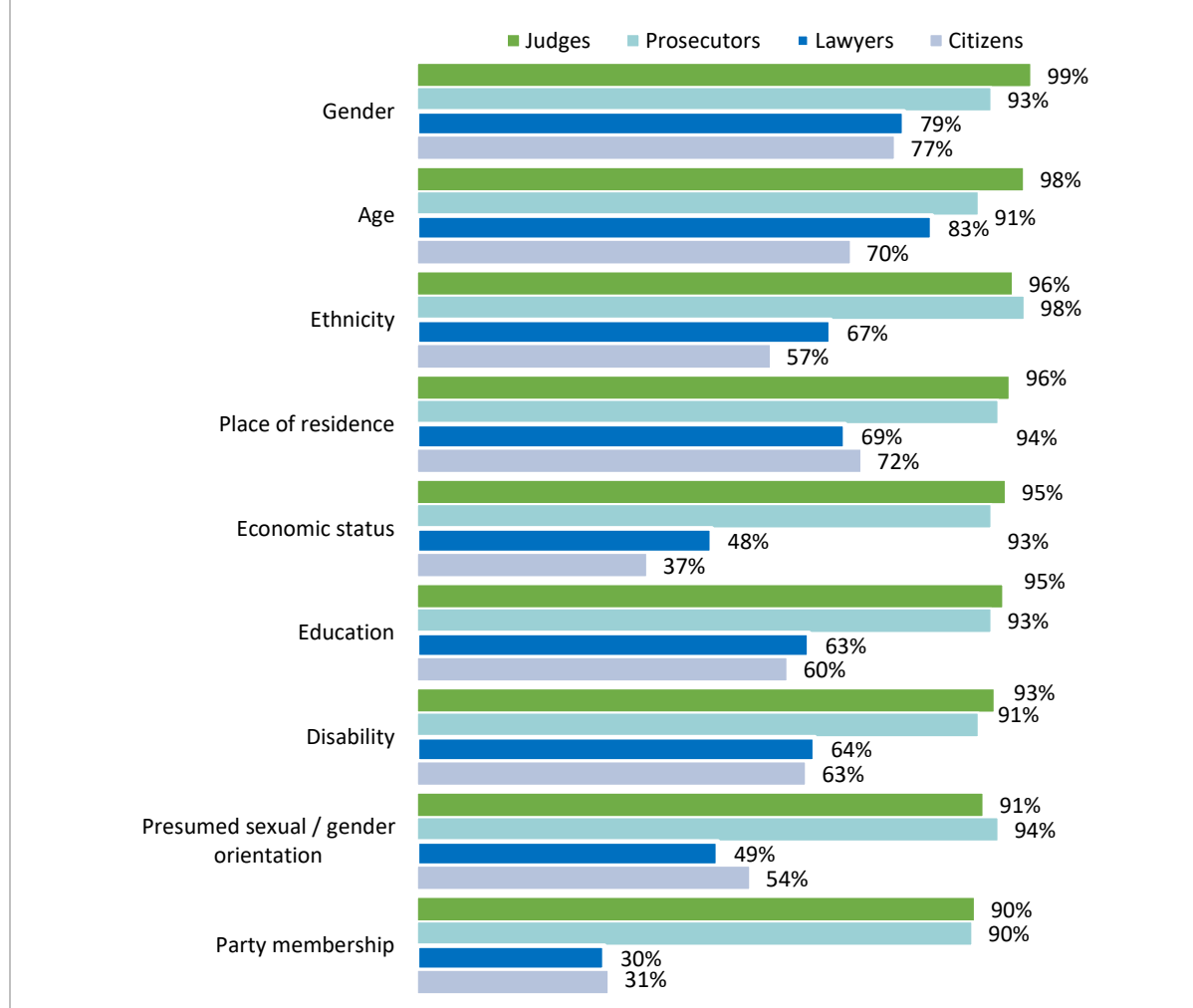


Quite expectedly, evaluation of fairness of a concrete court case is related to the outcome of the case, both among citizens and business sector representatives. Participants in a court case were a lot more likely to evaluate the process as fair if the judgment was in their favor. While eight out of ten citizens and business sector representatives who had the judgment in their favor evaluated the process as fair, almost six out of ten users of judicial services evaluated their process as fair too, even though the judgment was not in their favor.

1.4.1. Equal treatment of all citizens by the judiciary

Citizens and lawyers on one side, and providers of judicial services on the other, perceive the way citizens are treated by the judiciary differently. While citizens and lawyers mainly believe that the judiciary doesn't treat all citizens equally, this is a lot less likely to be the opinion shared by judges and prosecutors.

Figure 4.4.1.a: Perception of equality of all citizens before the judiciary depending on specified characteristics



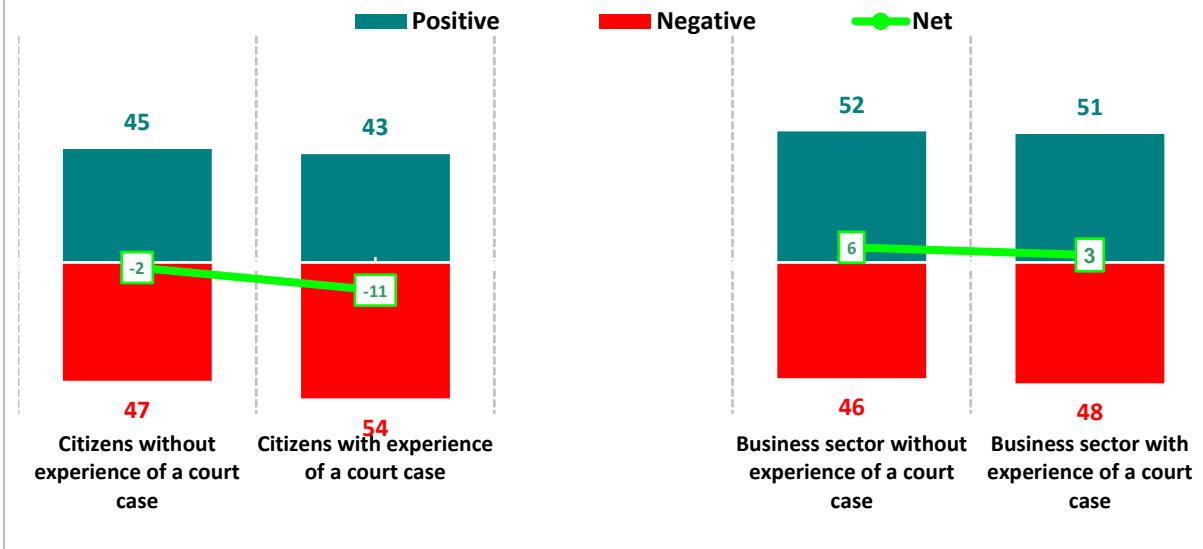
Members of these two groups base their opinion primarily on party affiliation (six out of ten users of judicial services believe that membership in political parties influences treatment by the court) as well as on economic status (six out of ten citizens and half of business sector representatives believe that citizens of different economic status are treated differently).

The attitudes of business sector representatives are similar to the attitudes of citizens and lawyers – they are very likely to detect unequal treatment of different business sector representatives by the judiciary, primarily depending on ownership structure and company size.

1.5. Experience with a court case and evaluation of integrity

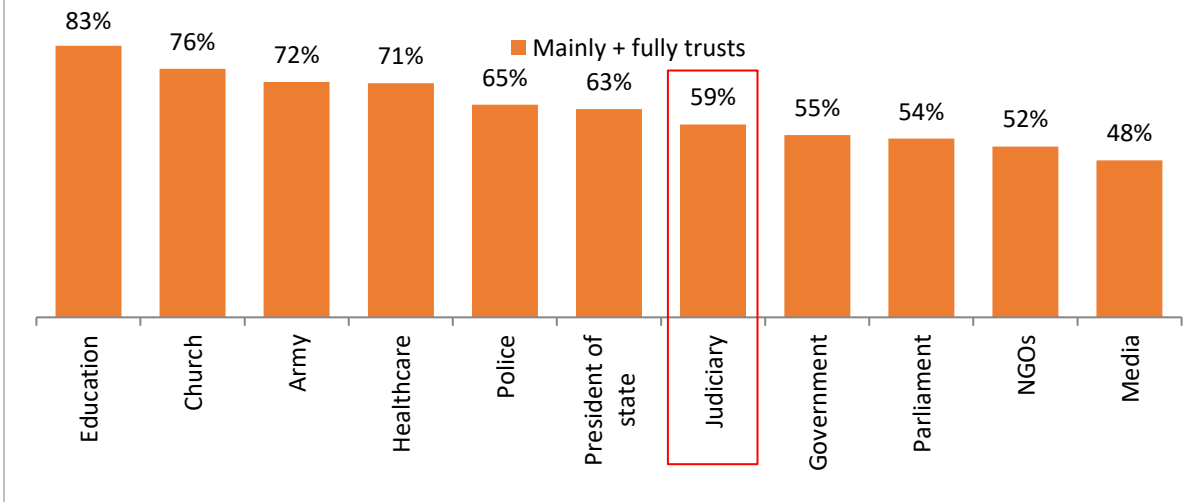
Participating in a court case has not proven to be a factor affecting the differences in the perception of the independence of courts, both among citizens and business sector representatives. Those with and without experience with a court case do not perceive the presence of corruption in the judiciary differently.

Figure 4.5.a: Independence of courts related to the experience of citizens/business sector representatives with court cases



Although corruption in the judiciary is perceived as widespread, approximately one out of ten citizens with experience with a court case report resorting to informal means in that court case. Namely, only ten percent of the general population of citizens has personal experience with corruption in the judiciary.

Figure 4.5.b: Confidence of citizens in the judiciary compared to other institutions

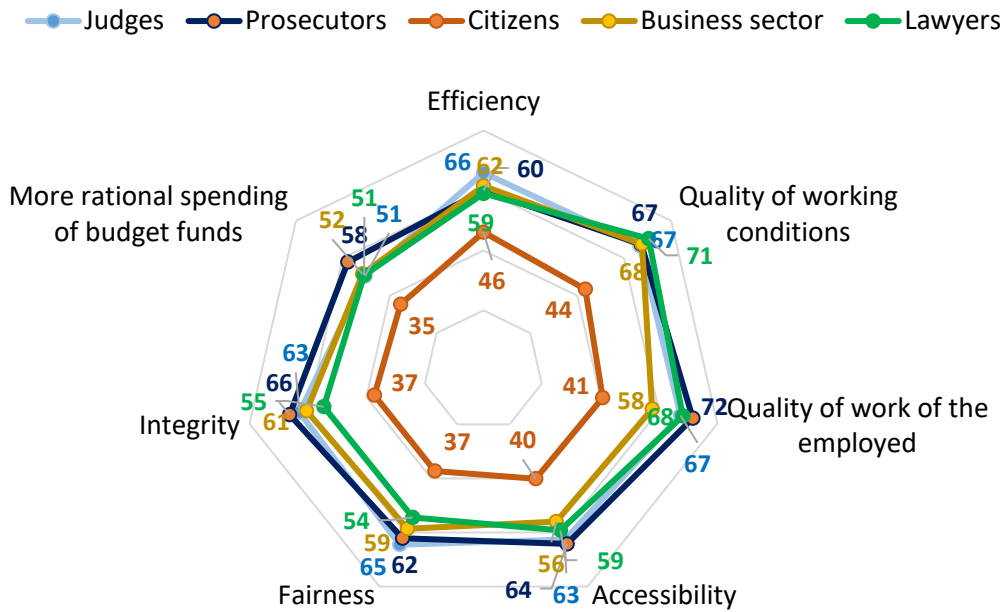


Six out of ten citizens have confidence in the judiciary, but the judicial system is still not among the most trusted institutions. In addition, a majority believes that the judiciary is not independent and that corruption is present (six out of ten users of judicial services). On the other hand, three out of ten lawyers believe that corruption is present, while almost all providers of judicial services believe that there is no corruption in the judiciary.

Perception of the judiciary reform effects

All three groups of legal experts, as well as business sector representatives, expect positive influence of the reforms on all observed aspects (efficiency, quality of working conditions, quality of staff performance, accessibility, fairness, integrity, more rational spending of budget money). As opposed to them, citizens' expectations are a lot lower (less than half of citizens expect improvement of the observed dimensions).

Figure 5.a: The perception of the judiciary reform effects - the percentage of expectations that the reform will improve the seven aspects of the judiciary



None of the polled legal experts specify one predominant topic that should be prioritized within the judicial reform. Judges and prosecutors mainly specify the financial status of providers of judicial services, while lawyers single out independence of the judiciary. Other most commonly specified points are the issues of expertise and quality, additional training of judicial staff, followed by the improvement of working conditions and legal regulations. It is quite striking that a considerable share of judges and prosecutors don't specify any topic as priority in the reform of the judiciary.

INTRODUCTION

A.1 Research background and objectives

In order to assist the Government in its efforts to implement the reform and modernization of the judiciary, the World Bank has conducted a survey on perception of the work of the judiciary over five basic dimensions - efficiency, quality, fairness, accessibility, and integrity (independence of the judiciary and presence of corruption). It also deals with comparison of perception of the work of the judiciary by various stakeholders (users of court services - general population and the business sector, providers of legal services - judges, prosecutors, and court administrative staff, as well as the lawyers as intermediaries between users and providers of legal services).

In addition to the insight into general perception, the aim of the research was to assess the influence of personal experience with a court case on perception of the judiciary on these five dimensions. To achieve this goal, the users of court services who had experience of a court case and those without such experience were included in the survey.

A.2 Methodology

A.2.1 Target groups

The survey was realized on five target groups: general population of the citizens, business sector (enterprises from private sector), judicial staff (judges, prosecutors, and court administrative staff), as well as the lawyers working in private practice.

a. General population of the citizens

a.1. *General population without experience of a court case.* Definition: members of the general population who did not participate in a court case in the period from the beginning of 2014 until the end of 2016 (i.e. until the moment of the survey realization).

a.2 *General population with experience of a court case.* Definition: members of the general population who were a party to court proceedings in which the first-instance judgment was rendered in the period between the beginning of 2014 and the end of 2016 (i.e. until the moment of the survey realization).

a.3 *General population with experience of court administrative services.* Definition: members of the general population who did some administrative task in the court during the past 12 months prior to participation in the survey (members of this target group did not participate in court proceedings, so the administrative task does not relate to a court case).

a.4 *General population with experience of the services of Notaries Public.* Definition: members of the general population who did some work with Notaries Public during the past 12 months prior to participation in the survey.

b. Business sector – enterprises from the private sector

b.1 *Enterprises without experience of a court case.* Definition: enterprises which did not participate in court proceedings in the period from the beginning of 2014 until the end of 2016 (i.e. until the moment of the survey realization). Respondent: the highest positioned manager that was available.

b.2 *Enterprises with experience of a court case.* Definition: enterprises which were a party to court proceedings in which the first-instance judgment was rendered in the period between the beginning of 2014 and the end of 2016 (i.e. until the moment of the survey realization). Respondent: The person who was the most familiar with the court case of the enterprise.

b.3 *Enterprises with experience of court administrative services.* Definition: enterprises which did some administrative task in the court during the past 12 months prior to participation in the survey (enterprises from this target group did not participate in court proceedings, so the administrative task does not relate to a court case). Respondent: person who is the most familiar with the last administrative task of the enterprise performed in the court.

b.4 *Enterprises with experience of the services of Notaries Public.* Definition: enterprises which did some work with Notaries Public during the past 12 months prior to participation in the survey.

c. Lawyers working in private practice. Definition: Lawyers who are registered with the Bar Association of Montenegro.

d. Employees in the judiciary. Definition: judges and public prosecutors who were in that position during the period of survey realization; court administrative staff who worked on authentication of documents and contracts, receipt and expedition of documents, administrative tasks related to archives, and administrative tasks in court registry office in the period of survey realization.

A.2.2 Type of sample and method of data collection

a. General population of the citizens

Sample universe: Citizens of Montenegro aged 18+ according to data from 2011 Census of Population.

Type of sample: Three stage random representative stratified sample; boosted sample of the citizens with experience of a court case - combined sample based on criteria of geographic distribution and quotas by type of case.

Stages: Units of the first stage – polling place territories; Units of the second stage - households; Unit of the third state –household member (respondent).

Strata: Geographic regions (North, Centre, and South), and type of settlement (urban and other).

Type and method of sample selection: Units of the first stage (polling place territories) selected with probability proportional to size (Lachirie selection method); Units of the second state (households) selected by simple random sampling (by method of systematic sample with random choice of the starting point and equal steps of choice of each unit); Unit of the third stage (household member - respondent) – simple random sampling (household members 18+ years); Boosted sample (citizens with experience of a court case) selected by quasi-random techniques which includes snowball selection, implemented in the survey with representative sample of the general population. The boosted sample was selected so that the distribution by region, age, education, and type of settlement complies with the distribution in the universe.

Method of data collection: Face to face in respondent's household. The interviews were conducted by trained interviewers with structured questionnaire and computer - CAPI (computer assisted personal interviewing, so that the respondent can see the proposed answers on the monitor).

Time of data collection: 22nd December, 2016 until 1st February, 2017.

Sample size:

MODUL	SAMPLE SIZE
total	1125 (basic sample 814 + boosted sample 311)
Without experience of a court case	788
With experience of a court case	337 (104 criminal cases, 117 misdemeanor cases and 116 civil cases)
With experience of court administrative services	98
With experience of Notaries Public services	116

b. Business sector – enterprises from the private sector

Sample universe: Central Registry of Business Entities.

Type of sample: Quota sample, boosted with enterprises with experience of a court case. Quotas defined on the basis of enterprise size and economic activity.

Strata: Geographical regions (North, Centre, South).

Strata allocation: Proportional to number of enterprises in stratum by criterion for definition of quotas.

Method of data collection: The interview with recruited respondent was conducted by face-to-face method (CAPI). The location of the interview was chosen by the respondent in order to guarantee the highest level of privacy and confidentiality.

Time of data collection: 17th January, 2017 until 22nd February, 2017.

Sample size:

MODUL	SAMPLE SIZE
TOTAL	266 (212 basic sample + 54 boosted sample)
Without experience of a court case	165
With experience of a court case	101 (51 commercial cases and 50 civil cases)
With experience of court administrative services	23
With experience of Notaries Public services	66

Size of the enterprises in the sample: 89% of the enterprises from the sample had up to 10 employees, 8% had between 10 and 50 employees, and 3% had more than 50 employees.

c. Lawyers working in private practice

Sample universe: Lawyers who are working in private practice and who are registered with the Bar Association of Montenegro.

Type of sample: One-stage random representative stratified sample.

Strata: Geographical regions (North, Centre, South).

Strata allocation: Proportional to number of lawyers registered with the Bar Association of Montenegro in stratum.

Selection method: Random selection from the list of lawyers who are registered with the Bar Association of Montenegro in stratum.

Method of data collection: The lawyers had a possibility to self-administer the questionnaire or to be interviewed by an interviewer. Only 10% of the lawyers opted for F-2-F interview while the others filled out the questionnaire by themselves.

Time of data collection: 04th February, 2017 until 10th February, 2017.

Sample size: 120.

d. Employees in the judiciary

d.1 Judges and public prosecutors

Sample universe: Judges and public prosecutors who occupied these positions at the time of survey. The survey targeted the whole cluster (population of judges and public prosecutors), not the sample.

Method of data collection: In order to ensure an absolute privacy and confidentiality of the obtained data, the method of self-administered questionnaire was applied. The respondents were given the questionnaire and an envelope, so after completion they would put the questionnaire in the envelope and seal it. ISM staff who visited courts and offices of judges and prosecutors at specified dates collected the envelopes.

Time of data collection: 05th December, 2016 until 05th January, 2017.

Number of completed questionnaires and response rate:

TARGET GROUP	NUMBER OF COMPLETED QUESTIONNAIRES	RESPONSE RATE
Judges	243	78%
Public prosecutors	95	77%

d.2 Court administrative staff employed in courts in the survey period

Sample universe: Court administrative staff who occupied their positions at the time of survey. The survey targeted the whole cluster, not the sample.

Method of data collection: In order to ensure absolute privacy and confidentiality of the obtained data, the method of self-administered questionnaire was applied. The respondents were given the questionnaire and an envelope, so after completion they would put the questionnaire in the envelope and seal it. ISM staff who visited courts and offices at specified dates collected the envelopes.

Time of data collection: 05th December, 2016 until 05th January, 2017.

Number of completed questionnaires: 112.

A.2.3 Weighting procedure

In order to adjust the structure of sample (which, due to non-response, can deviate from the structure of sample universe) to the structure of the defined sample universe, standard weighting procedures were applied by relevant variables for each defined cluster.

a. General population

Two weights were used in the weighting procedure of the general population sample. The representative sample of the general population was weighted by Rim weighting procedure on the basis of age, gender, education, geographical region, and type of settlement as weighting classes. Incidence of experience of a court case which was obtained by this weighted representative sample was then used as a margin for weighting of TOTAL sample of the general population of citizens (including representative sample of the general population with experience of a court case) together with previously mentioned variables.

b. Business sector

For weighting of sample of enterprises, Rim weighting procedure was used on the basis of geographical strata, main activity of the enterprise, and number of employees as weighting classes. Incidence of experience of a court case which was obtained by this weighted sample was then used as a margin for weighting of TOTAL sample of enterprises together with previously mentioned variables.

c. Lawyers

The sample of lawyers was weighted by Rim weighting procedure on the basis of number of lawyers in stratum.

d. Judges and prosecutors / prosecutors' deputies

Since the survey was not done on a sample of judges and public prosecutors, but on the TOTAL population of judges and prosecutors, correction of the bias of the structure of these two populations due to incomplete response rate was done by post-stratification by geographic regions, gender, and type of court.

A.2.4 Questionnaire

The data were collected by means of structured questionnaires. Questions in the questionnaire are based on experiences from similar surveys in other countries, and adapted to reflect the needs of the Montenegrin judiciary.

The questionnaires were constructed in a way to allow as much as possible the comparability of assessments among target groups (users and providers of court services and lawyers).

The questionnaire for users of court services consisted of four modules: 1. General perception of the judicial system and reforms of the judiciary (module which is answered by all users of court services) 2. Perception on the work of the judiciary based on personal experience with a court case (module which is answered only by users who have their own experience of a court case); 3. Perception of work of court administrative services based on experience with court administrative services (module which is answered only by users who have their own experience with court administrative services); 4. Perception of work of Notaries Public based on their own experience with these services (module which is answered only by users who have their own experience with Notaries Public).

At the moment of survey realization, the following administrative tasks could be completed in the court:

- Verification of documents, transcripts
- Verification of contracts on lease of movables
- Verification of signatures on manuscripts and documents, except documents intended for use abroad
- Oral and written information on the basis of data from the registry and files
- Verification of all proxies that are not related to real estate
- Transcript of all the above-mentioned documents
- Issuing certificates at the request of the parties that there are no criminal proceedings against them
- Receipt and forwarding of letters
- Records in form of an official note or brief statements, statements of parties, and statements of other interested persons about the change of address, place of residence, and date of receipt of the decision when the receipt or delivery note is not returned or when the date of delivery is not specified, etc.

The following administrative and legal tasks are conducted at Notaries Public:

- Purchase of real estate (apartment, house, land, and offices)
- Conclusion of agreements on the exchange of property
- Conclusion of agreements on liens (mortgages, fiduciary, easement right, etc.)
- Regulation of property relations
- Signing of the agreement on the disposal of assets of minors and persons who do not have legal capacity
- Preparation of wills, inheritance statements, contracts on lifelong support, and agreements on the allocation and ceding of property for life
- Purchase or sale of movable property and retaining property rights (car or equipment)
- Certification of transcripts and signatures
- Drafting of notarial documents on economic agreements
- Drafting of notarial documents on the establishment of companies and other legal entities, as well as confirmation of the decisions of management bodies of these entities
- Drafting of notarial documents on the transfer of company shares
- Drafting of notarial documents on company restructuring
- Transactions related to securities listed on the Stock Exchange

A.2.5 Assessment of dimensions

a. Court services

Efficiency

- Overall perception of efficiency (court services users, court services providers, and lawyers).
- Average duration of court proceedings before the first-instance judgment is rendered (users of court service with experience of a court case) / Estimated proportion of cases that lasted longer than they should have lasted for any reason (court services providers and lawyers).
- Average number of hearings (users of court services with experience of a court case).
- Percentage of cancelled hearings and inefficient hearings (hearings that did not contribute to progress and resolution of the case) and perceived reasons which led to such situation (users of court services with experience of a court case, court services providers, and lawyers).
- Percentage of judgments enforcement within the legal deadline (users of court services with experience of a court case) / Satisfaction with the procedure for enforcing court judgments (court services providers and lawyers).

Quality of services

- General perception of the quality of judicial services (users of court services, providers of court services, lawyers).
- Perception of overall quality of judicial work in their own court case (users of court services with experience of a court case) / Perception of general quality of the judicial institution in which providers of court services worked during the past 12 months (providers of court services).
- Quality of court decisions: Percentage of cases appealed and percentage of retrials (reported by users of court services with experience of a court case) / Percentage of appeals overturned for retrial (providers of court services and lawyers).
- Quality of laws and their implementation: Perceived quality of legislation (ambiguity of laws, objectivity, enforcement) (providers of court services and lawyers).

Accessibility

- Perception of accessibility of the judiciary to all members of the general population (regardless of age, economic status, education, disability, and ethnicity) from the aspect of costs, geographical distance, building layout, and access to information (users of court services, providers of court services, and lawyers).
- Experiences with accessibility in court cases reported by court users with experience of a court case (difficulties with court building layout, accessibility of information, and associated costs).

Fairness

- General perception of fairness of the judiciary (general population, business sector, judges, public prosecutors, and lawyers).
- Perception of fairness in cases reported by users of court services with experience of a court case (and connection with the judgment) (users of court services with experience of a court case).
- Perception of equality of treatment of all citizens (users of court services, providers of court services, lawyers).

Integrity

- Confidence in institutions (position of the judiciary within the main state institutions, media, and NGOs) (general population and business sector).
- Overall perception of independence of the justice system (users of court services, providers of court services, lawyers) / Institutions perceived to jeopardize independence of the judiciary (providers of court services and lawyers).
- Main factors which jeopardize the independence of the judicial system (providers of court services and lawyers).
- Perception of corruption in the judiciary (users of court services, providers of court services, and lawyers) / Experience with corruption in the judicial system (users of court services with experience of a court case, providers of court services, and lawyers).

b. Court administrative services and services of Notaries Public

(representatives of the general population and business sector with experience of court administrative services and providers of court administrative services)

Efficiency

- Complexity of activities needed to perform an administrative task in court (“from window to window” and “from door to door”).
- TOTAL time needed to perform an administrative task in court.
- General satisfaction with efficiency (court administrative services and services of Notaries Public).

Quality of service

- Perception of general quality of court administrative services and services of Notaries Public.
- Perception of the work and behavior of providers of court administrative services: knowledge, efficiency, pleasantness, proneness to corruption, indolence, and negligence.

Accessibility

- How easy / difficult is it to navigate the court building.
- Accessibility of information.
- Accessibility of staff in court administrative services (time spent waiting for their turn).
- Geographical distance of Notaries Public and their working hours.
- Economic accessibility of court administrative services and services of Notaries Public – cost and burden for the budget.

Integrity

- Personal experience with informal payments (asked and/or offered).
- Perceived general presence of corruption in court administrative services.

A.2.6 Data analyses

The data were analyzed and compared using standard statistical tests, depending on the type of data. Arithmetic means were compared using the appropriate models of variance analysis. Proportion parameters were estimated by 95% of confidence intervals (in this way, it was concluded whether they belonged to the same or different populations).

Note: Whenever there are differences between the data which are compared (either in estimation between target groups or different estimates within the same target group) it is verbally stated in the report, without specification of technical, statistical arguments (which can be very difficult for the reader to understand and which can hamper the reading of the report). In some cases, it can seem to the reader that differences in estimates exist although it is not mentioned in the interpretation of data. However, these differences only seem to exist, but do not by statistical comparisons standards (they are not statistically significant). In case of comparisons of average values (arithmetic means), it means that variation of estimates within groups which are compared is too big to allow us to derive a reliable conclusion that differences in average estimates really exist according to accepted statistical standards.

A.3 Structure of report

The report on survey results is organized in the following way:

The introductory section contains a general overview of perceptions of five dimensions of judicial work compared by target groups (Chapter 1).

More detailed data about perception of work of the judiciary through five dimensions are shown for each dimension in separate chapters (Chapters 2 - 6).

Perception of the work of court administrative services and services of Notaries Public is shown in a separate chapter (Chapter 7).

The last chapter (Chapter 8) deals with expectations from strategy of judiciary reform, the realization of which is underway.

KEY FINDINGS

General picture of the judiciary and perception of work of the judiciary through experiences of users with their court case

The general picture of the judiciary observed through five dimensions (efficiency, quality, fairness, accessibility, and integrity) is **considerably more positive in the eyes of judges and public prosecutors as providers of court services than in the eyes of users of these services and lawyers**. Nevertheless, a considerably lower percentage of **users of court services and lawyers** than providers of court services **also evaluate positively all dimensions of the judiciary, except integrity**.

The most striking difference between perception of users and lawyers on one hand and providers of court services on the other is recorded in **the area of integrity of the judiciary**. The biggest difference is recorded in the assessment of presence of corruption in the judiciary: only 1% of the judges and 2% of prosecutors think that there is corruption in the judiciary, while 60% of the general population and business sector representatives believe the same (more than 90% of the judges and prosecutors think that the judiciary is independent, as well as 44% of the citizens and 50% of business sector representatives). The lawyers evaluate independence of the judiciary the same as users, but a considerably lower percentage of the lawyers (29%) believe that corruption is present in the judiciary.

It is striking, however, that, **although a majority of the citizens believe that there is corruption in the judiciary, only one in ten citizens claim to have had direct experience with corruption**. One half of the citizens who believe that corruption is present in the judiciary state that their opinion is based on experience of other people with the judiciary, while four in ten citizens state that their opinion is based on information from media and other sources.

A majority of the users with experience of a court case evaluate positively the work of the judiciary in their own court case, but a considerable percentage of them also expressed dissatisfaction and evaluated negatively the work of the judiciary.

Around 60% of the users evaluate positively the efficiency of the court proceedings in which they participated. The main problem that the users of court services see in the efficiency is the long duration of the proceedings. According to users of court services and lawyers, a considerably higher percentage of cases lasted longer than they should have, than according to judges and prosecutors. While judges and prosecutors claim that during the past 12 months less than 20% of court cases in which they participated lasted longer than they should have, nearly one half of the users and lawyers believe that their case lasted longer than it should have.

It is striking, however, that data specified by users and providers of court services regarding the number of hearings which were not held and inefficient hearings are far more concordant. **Indices of efficiency (average percentage of hearings out of the total number of scheduled hearings which contributed to resolution of the case) derived from these data show rather big concordance between users and providers of court services:** according to the citizens, the index of efficiency is 67%, according to business sector representatives 69%, according to judges 70%, and public prosecutors 73%. According to lawyers, the index of efficiency is considerably lower. They state that, on average, just 50% of the total number of scheduled hearings contributed to progress in resolution of the case.

More than 60% of the users of court services evaluate positively the quality and circa 70% the fairness in their own court case. Although evaluation of quality and fairness of the trial is significantly affected by trial outcome, the outcome definitely isn't the crucial factor. This fact is confirmed by a considerable percentage of the users of court services (cca. 60%) who evaluate positively the quality of the trial although the judgment was not in their favor, as well as a considerable percentage of the users (cca. one third) who give negative scores despite the fact that the judgment was in their favor.

In case of fairness as well, nearly 60% of the users whose judgment was not in their favor evaluate positively the fairness in their court case, and among those whose judgment was in their favor, approximately one in five citizens think that their trial was not fair.

Satisfaction with quality of trial has a significant impact on the assessment of trial costs. **Burden of cost of the court proceedings is perceived as lower in case when satisfaction with the quality is higher, and the costs themselves are perceived as more reasonable.** Among the users of court services who believe that quality of the trial was low, 65% of the citizens and 79% of business sector representatives perceive the costs of trial as a big burden, while among the users of court services who evaluate the quality of trial as high, 42% of the citizens and circa one third of business sector representatives state that costs of their court case was a big burden for them.

Costs of the case are also seen as the biggest problem in accessibility of the judiciary. The great majority of the users evaluate positively the accessibility of information (cca. 70%) and ease of orientation in court building (cca. 80%), while only a half of court services users state that the cost of their case was an acceptable burden for their budget.

The factors that undermine the efficiency of court proceedings

As the main factors that undermine the efficiency of courts and prosecution, the providers of judicial services primarily identify an insufficient number of judges, prosecutors, and administrative staff, while prosecutors add poor infrastructure. The focus on understaffing as the reason for reduced general efficiency of these institutions matches the finding that a **large majority of judges and prosecutors believe that they are overloaded with cases:** 81% of judges and 75% prosecutors agree that they have worked on a larger number of cases than is optimal over the past 12 months.

On the other hand, as the reasons for **extended cases and cancelled and inefficient hearings, judges and prosecutors mainly identify obstruction by parties to the case and other participants in the proceedings (witnesses and court experts), disobeying court orders by other state bodies and, a lot less likely, court-influenced reasons.**

The factors that undermine the quality of work of the judiciary

As the reasons for reduced quality of work of the judiciary, judges and prosecutors specify **understaffing and insufficient number of advisors first of all**, then **unclear laws** that allow unclear interpretations, and **lack of options for additional training** of judges, prosecutors, and court administration officers. As for the working conditions, judges and prosecutors are **the least satisfied with premises, equipment, and safety in and out of work.**

The factors that undermine the fairness of the judiciary

It is quite striking that a considerable percentage of judges and prosecutors didn't answer the question about the reasons for incomplete fairness of the judiciary, which might imply sensitivity of this matter. Those who did answer **usually mentioned inadequate legal solutions and insufficient accessibility of the judiciary.** Lawyers, however, specify **the influence of politics on the judiciary.**

The attitudes of providers of judicial services regarding equal treatment of all citizens are generally opposite to the attitudes of the users of judicial services and lawyers. While a **high percentage of users of judicial services and lawyers believe that the judiciary does not treat all citizens equally, a very low percentage of providers of judicial services share this opinion.** According to the citizens, **unequal treatment is primarily based on different political affiliation** (this is the opinion of 63% of citizens) **and on economic status** (57% of citizens). A considerable percentage of citizens believe that unequal treatment exists on other bases too (ethnicity, education, disability, sexual orientation, age, gender, and place of residence). As the base for unequal treatment, **lawyers usually specify political affiliation, followed by economic status and education.**

As for the problems associated with legal regulations, judges, prosecutors, and lawyers mainly underline diverse law interpretations and court practices. It is quite striking that a majority of judges and prosecutors (61% and 56%, respectively) agree that laws are interpreted in different ways at least sometimes, if not often, while a large majority agrees that laws are mainly (if not entirely) precise, clear, and unambiguous.

A majority of judicial services users and lawyers believe that problems are also created by **non-implementation and selective implementation of laws**. However, this opinion is not shared by many judges and prosecutors.

The factors that undermine the integrity and independence of the judiciary

The providers of judicial services believe that sensationalist media reporting undermines the integrity of the judiciary most, while the users and lawyers recognize various aspects of functioning of the judiciary as threatening. Judges and prosecutors agree that some judiciary aspects contribute to the undermining of integrity, primarily **different judgments in similar court cases, too long cases, and too permissive penal policy for corruption**, but to a much smaller extent than the users of judicial services and lawyers do. On the other hand, a majority of users of judicial services, as well as lawyers, agree that sensationalist media reporting undermines the integrity of the judiciary, but they are a lot more likely to underline the role of factors that refer to the very operations of the judiciary. The discrepancies are especially striking regarding the presence of **corruption in the judiciary, influence of politics and politicians on the judiciary, selective initiation of cases, conflicts of interests, and judges' bias**. While a majority of citizens and lawyers believe that these factors undermine the integrity of the judiciary at least to some extent, a considerably lower percentage of judges and prosecutors share this opinion.

The perception of administrative court services and notary services

The users perceive efficiency, quality, accessibility, and integrity of administrative court services more positively than they perceive the judiciary in general. Although this aspect of court services is, again, **evaluated considerably more positively by those employed in administrative court services than by their users, the ratings are much more similar than in case of general perception of the judiciary.** The ratings given by business sector representatives are more positive than the ratings given by the general population of citizens, and they even match the ratings given by the employed.

The biggest discrepancy between the ratings given by providers and users of administrative services occurs with regard to the presence of corruption. **While the employed unanimously deny any presence of corruption, approximately one in four users believe that corruption is present, and a somewhat smaller share of them claim to have experienced it.**

Notary services are evaluated even more positively, particularly by the business sector representatives. A large majority of users with experience of notary service believe that **the introduction of these services has made conducting of legal and administrative tasks more efficient.**

The citizens have a unanimous opinion about value for money in cases of administrative court and notary services, while business sector representatives evaluate notary services more positively than administrative court services.

The citizens are most likely to believe that the introduction of public notaries hasn't affected the costs of administrative tasks, while **about half of business sector representatives believe that this service has reduced company costs for legal and administrative tasks.**

Expectations of the judiciary reform effects

The majority of providers of judicial services and lawyers are **optimistic regarding the reform effects** on the functioning of the judiciary. Users of judicial services are not united: while business sector representatives share the optimism of legal experts, **general population citizens seem less optimistic**. Expectations are the highest regarding **upgrading of quality of working conditions, and the lowest regarding more rational spending of budget money by the judiciary**.

1. GENERAL PERCEPTION OF WORK OF THE JUDICIARY THROUGH FIVE DIMENSIONS – efficiency, quality, accessibility, fairness, and integrity

1.1 General perception of providers of court services, users of court services, and lawyers

The general picture of the judicial system observed through five dimensions (efficiency, quality, fairness, accessibility, and integrity) in the eyes of the citizens and business sector (as users of court services), judges and public prosecutors (as providers of court services), and lawyers (as intermediaries), points to the following:

- General picture of the judicial system as perceived by the judges and public prosecutors is considerably more positive than that of the general population, business sector, and lawyers.
- Although in considerably lower percentage compared with judges and public prosecutors, a majority of the general population and business sector members evaluate positively all dimensions of the judiciary, with the exception of integrity.
- Perception of lawyers on the majority of dimensions is close to perception of users of court services, with the exception of presence of corruption, where perception of the lawyers is closer to perception of providers of court services.
- The biggest differences in perception of judges and public prosecutors on one hand and users of court services on the other are recorded in the assessment of corruption in the judicial system. This is also the only dimension where the assessment of lawyers is closer to the assessment of providers of court services than to the assessment of users of court services.

The picture of courts and public prosecution in the eyes of providers of court services is exceptionally positive. More than 90% of the judges and public prosecutors evaluate positively courts and offices of public prosecutors on almost all dimensions. The exception is the somewhat smaller percentage of positive assessments given by the judges regarding the efficiency, quality, and accessibility of public prosecution (75% of the judges evaluate positively the efficiency and quality of public prosecutors, and 81% their accessibility). (Figure 1.1).

A majority of the citizens and business sector representatives evaluate positively all dimensions of courts and prosecution, with the exception of integrity. However, in comparison with judges and prosecutors, the percentage of positive assessments of users of court services is considerably lower, mainly within the range from 55% to 65%. (Figure 1.1).

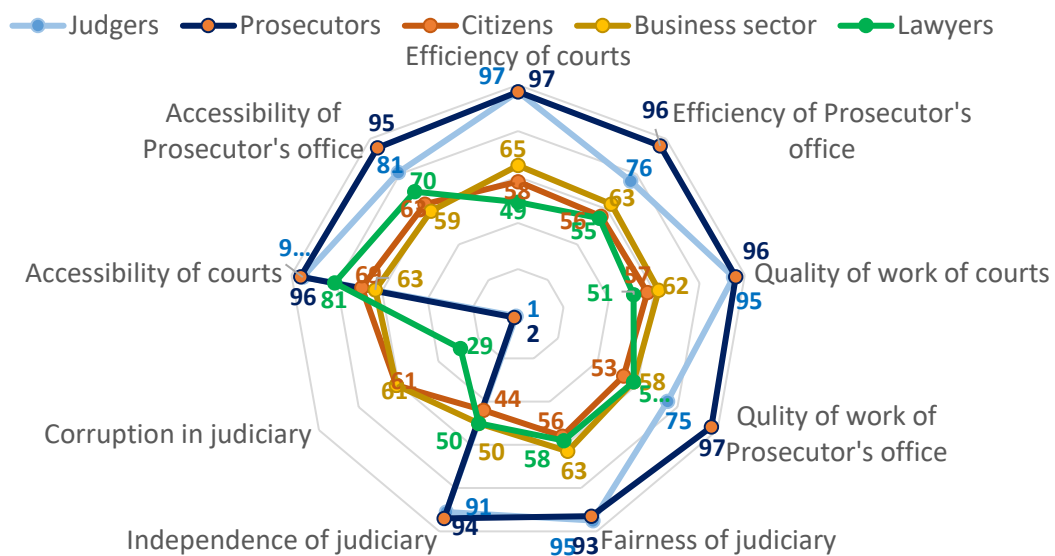
The general population of citizens evaluated most positively the accessibility of courts and prosecution (69% evaluate positively the accessibility of courts and 63% the accessibility of public prosecutors). **A somewhat smaller percentage of the citizens evaluated positively the efficiency and quality of courts and prosecutors and fairness of the judiciary** (percentages of positive scores on these dimensions range between 56% and 58%, with the exception of quality of the work of prosecution which is evaluated positively by 53% of the citizens). **Departing from the predominantly positive picture of the judiciary in the eyes of the citizens are the scores for presence of corruption and independence of the judicial system:** 61% of the general population of citizens believe that corruption is present in the judiciary, while less than a half (44%) believe that the judicial system is independent. (Figure 1.1).

Perception of business sector representatives vary less through dimensions than perception of the general population. Percentages of positive evaluations of all dimensions range around 60% (in the interval from 58% to 65%), with the exception of the evaluation of integrity. Similar to the general population of citizens, the picture of integrity departs from the predominantly positive picture of the judiciary: 61% of business sector representatives believe that corruption is present in the judiciary, while just half of them believe that the judiciary is independent.

When it comes to perception of integrity of the judiciary, the biggest differences are between perception of judges and prosecutors on one hand and of citizens and business sector on the other. Noticeably, the biggest difference is in the assessment of presence of corruption in the judiciary: only 1% of the judges and 2% of public prosecutors believe that corruption is present in the judicial system, while 61% of the citizens and representatives of business sector believe that it is. The second biggest difference relates to independence of the judiciary: more than 90% of judges and public prosecutors believe that the judiciary is independent, the same as 44% of the citizens and 50% of representatives of the business sector.

Perception of lawyers, with the exception of presence of corruption, is closer to perception of users of court services. The lawyers, same as the general population of citizens, evaluated most positively the accessibility of courts and prosecutors (81% and 70%, respectively). The only dimension on which perception of lawyers is closer to perception of judges and prosecutors than of court services users is the presence of corruption in the judiciary. Although a considerably higher percentage of lawyers than providers of court services think that corruption is present (29%), this percentage is considerably lower compared to that of users of court services who believe that corruption is present in the judicial system.

Figure 1.1: GENERAL PERCEPTION OF THE JUDICIARY - PERCENTAGE OF POSITIVE SCORES ON FIVE DIMENSIONS OF THE JUDICIARY Base: total population of five target groups

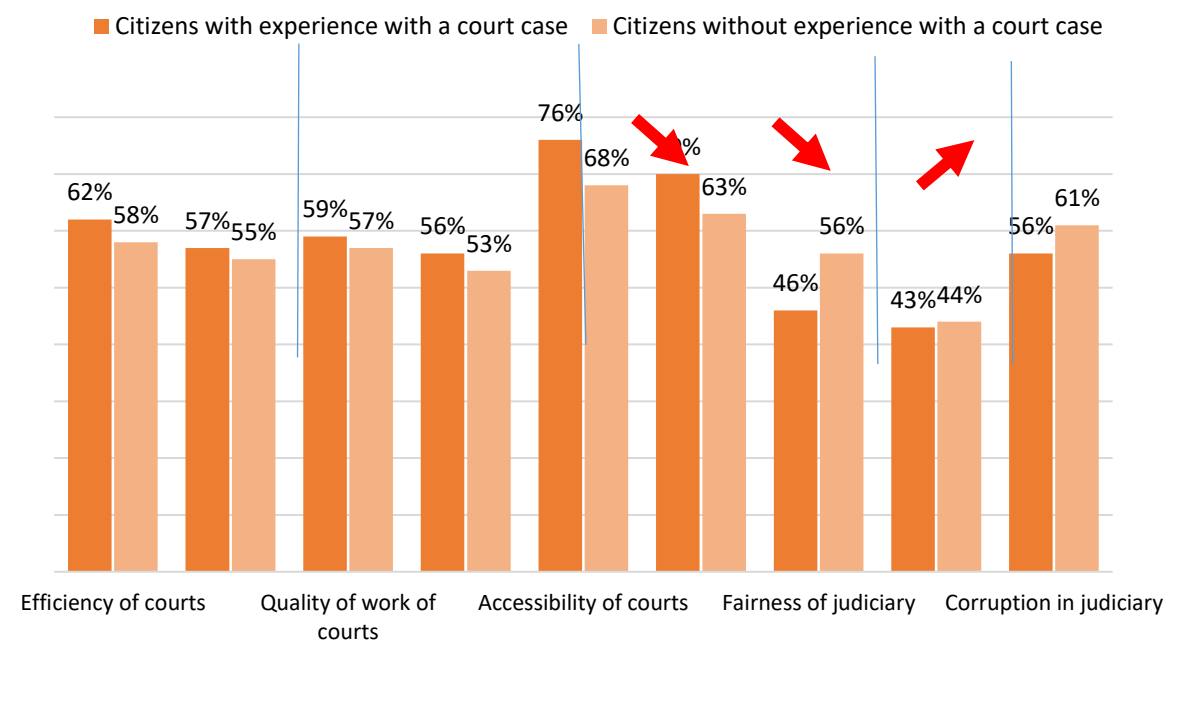


1.2 General perception of users of court services with and without experience of a court case

- Perceptions of the users of court services with and without experience of a court case coincide in terms of majority of dimensions, with the exception of fairness and accessibility of the judiciary.
- Users of court services with experience of a court case evaluate more negatively the fairness of the judiciary compared with the users without experience of a court case.
- In the case of the general population of citizens with and without experience of a court case, differences are recorded in perception of accessibility: the citizens who have experience of a court case evaluate more positively the accessibility of courts and offices of the public prosecutors.

(Figures 1.2 and 1.3).¹

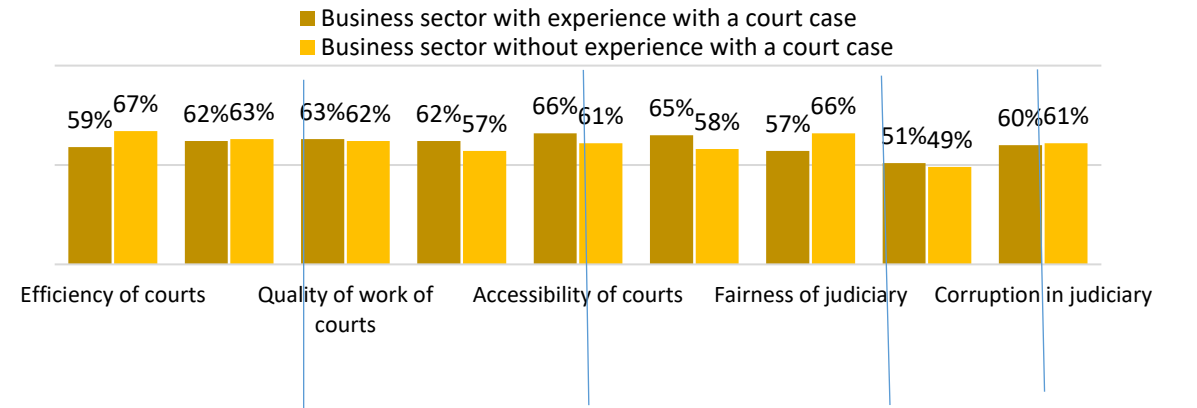
Figure 1.2: PERCENTAGE OF POSITIVE SCORES OF THE GENERAL POPULATION OF CITIZENS WITH AND WITHOUT EXPERIENCE OF A COURT CASE Base: Total population of the citizens with and without experience of a court case



¹ Although there seem to be differences in the percentages of positive evaluations of business sector representatives with and without experience with a court case regarding efficiency and accessibility of courts and offices of public prosecutors, these differences are not statistically significant (which means that variations of scores within these subgroups for the existing sample size is too big to allow reliable conclusion about the differences according to accepted statistical standards).

1. GENERAL PERCEPTION OF WORK OF THE JUDICIARY THROUGH FIVE DIMENSIONS

Figure 1.3: PERCENTAGE OF POSITIVE SCORES OF BUSINESS SECTOR REPRESENTATIVES WITH AND WITHOUT EXPERIENCE OF A COURT CASE Base: Total population of business sector representatives with and without experience of a court case



2. EFFICIENCY

2.1 Perception of efficiency of the judiciary

2.1.1 *General perception of efficiency of the judiciary*

- The general perception of efficiency of courts and public prosecution is considerably more positive in the eyes of judges and public prosecutors than in the eyes of users of judicial services and lawyers.
- A majority of users of court services evaluate positively the efficiency of courts and offices of public prosecutors. However, while perception of judges and public prosecutors is positive almost without exception, circa one third of the general population of citizens and circa one half of the lawyers have a negative opinion about the efficiency of the courts and public prosecutors.
- Business sector representatives evaluated more positively the efficiency of court in their own court case than in general, while the citizens evaluate somewhat more negatively the court efficiency in their own court case than its efficiency in general.

Almost the entire population of judges and public prosecutors, 97%, evaluate positively the efficiency of courts. Regarding the evaluation of efficiency of public prosecutors, judges and public prosecutors are somewhat less consentient: 96% of public prosecutors and 76% of judges evaluate positively the efficiency of public prosecution. (Figures 2.1.1.1 and 2.1.1.2).

On the other hand, positive scores of users of court services range from 56% to 65%, while only about one half of the lawyers give positive scores. (Figures 2.1.1.1 and 2.1.1.2).

Although the opinions of almost all judges and prosecutors about the efficiency of courts and prosecutors' offices are positive, a relatively small percentage of them evaluate the efficiency with the highest score (very positively). It is also striking that a higher percentage of the judges and prosecutors evaluate their sector with the highest score: 30% of judges and 18% of public prosecutors have a very positive opinion about the efficiency of the courts, while 7% of the judges and 36% of public prosecutors have a very positive opinion about the efficiency of public prosecutors. (Figures 2.1.1.1 and 2.1.1.2).

In contrast to judges and public prosecutors, a far smaller percentage of users of judicial services and lawyers evaluate the efficiency with the highest score. Nevertheless, when it comes to the highest scores, perceptions of users and providers of court services are considerably closer than in case of TOTAL positive impression (mainly positive + very positive). (Figures 2.1.1.1 and 2.1.1.2).

2. EFFICIENCY

Figure 2.1.1.1: GENERAL PERCEPTION OF COURT EFFICIENCY (What is your general opinion about the efficiency of courts in Montenegro during the past several years? Scale: Very positive, Mainly positive, Mainly negative, Very negative) Base: total population of five target groups

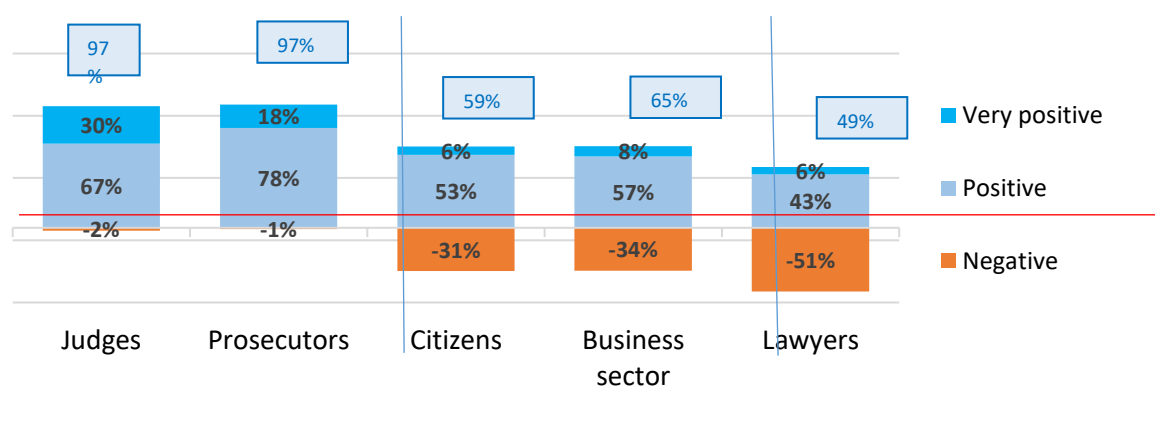
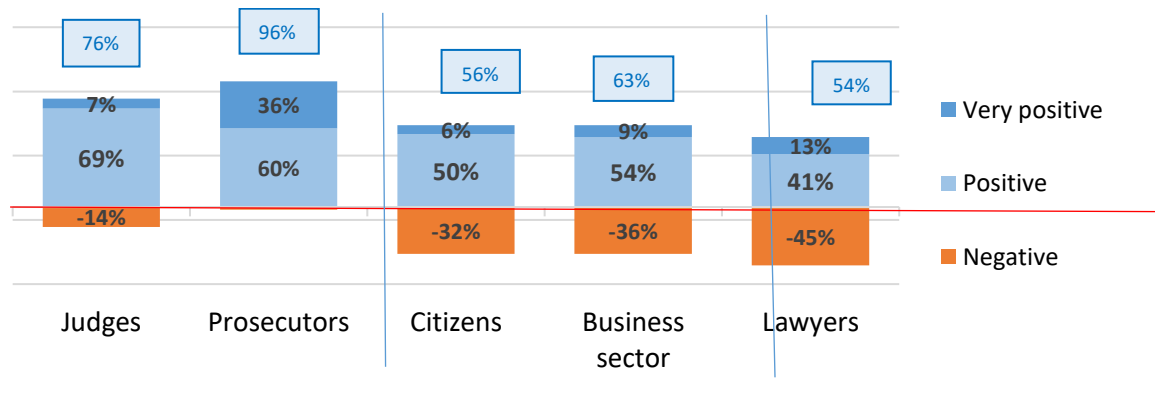


Figure 2.1.1.2: GENERAL PERCEPTION OF EFFICIENCY OF PUBLIC PROSECUTORS (What is your general opinion about the efficiency of public prosecutors in Montenegro during the past several years? Scale: Very positive, Mainly positive, Mainly negative, Very negative) Base: total population of five target groups



Regarding the perception of court efficiency in general, there are no differences between the citizens with experience of a court case and those without such experience. Difference in the percentage of citizens who evaluated positively the efficiency of courts and percentage of those who gave a negative score (net score) is equal in both cases (27% and 26% more citizens gave positive than negative scores for efficiency of courts in general). (Figure 2.1.1.3).

On the other hand, citizens with experience of a court case evaluated somewhat more negatively the efficiency of courts in their court case than general efficiency of the courts. In the case of general perception of court efficiency, among the citizens with experience of a court case, 26% more of them give positive scores than negative scores, and in case of their own court case, 20% more of them give positive scores than negative scores (net score). (Figure 2.1.1.3).

Unlike the citizens', when the relations of the percentages of positive and negative evaluations of the business sector representatives are observed, the perceptions of those with experience of a court case are somewhat more negative than perceptions of representatives without such experience. As for business sector representatives without experience of a court case, the difference

between positive and negative perception is 35% in favor of the positive, while only 18% more of those with this experience give positive assessment than negative (net score). (Figure 2.1.1.4).

On the other hand, business sector representatives evaluate court efficiency in their case more positively than they evaluate court efficiency in general. As for general perception of court efficiency, there are 18% more positive than negative scores, while this percentage is 30% for evaluation of their own court case (net score). (Figure 2.1.1.4).

Figure 2.1.1.3: CITIZENS: GENERAL PERCEPTION OF COURT EFFICIENCY BY THE CITIZENS WITH AND WITHOUT EXPERIENCE OF A COURT CASE AND PERCEPTION OF COURT EFFICIENCY IN THEIR OWN CASE (How would you evaluate the efficiency of courts in Montenegro over the past few years? All things considered how would you evaluate the efficiency of the court in this concrete case? Scale: Very positive, Mainly positive, Mainly negative, Very negative) Base: citizens with and without experience of a court case

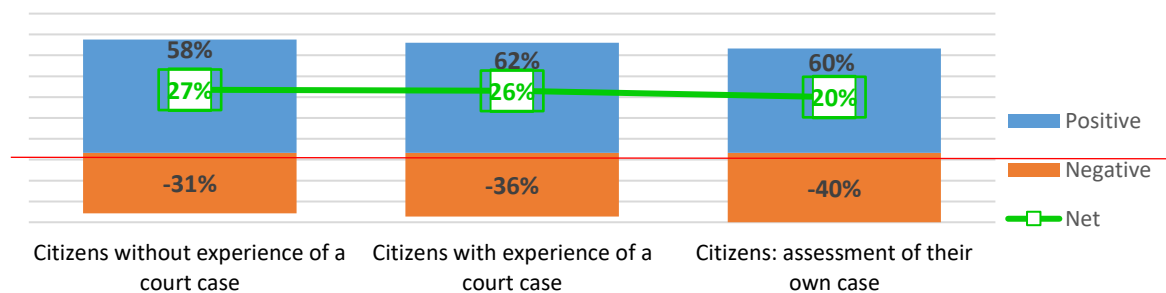
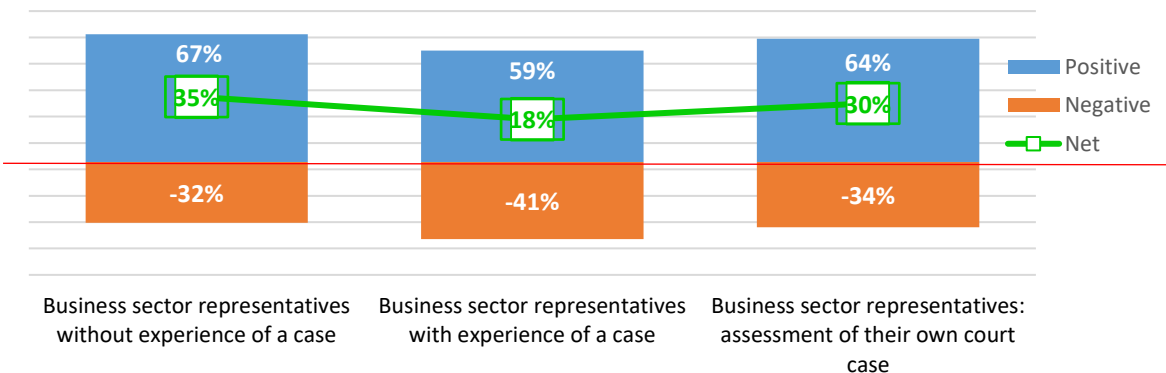


Figure 2.1.1.4 BUSINESS SECTOR: GENERAL PERCEPTION OF COURT EFFICIENCY BY BUSINESS SECTOR REPRESENTATIVES WITH AND WITHOUT EXPERIENCE OF A COURT CASE AND PERCEPTION OF COURT EFFICIENCY IN THEIR OWN CASE (How would you evaluate the efficiency of courts in Montenegro over the past few years? All things considered how would you evaluate the efficiency of the court in this concrete case? Scale: Very positive, Mainly positive, Mainly negative, Very negative) Base: business sector with and without experience of a court case



2.1.2 Perception of the efficiency of court processes

- A majority of court services users (six in ten) evaluate positively the general court efficiency in their court case.
- Users and lawyers assess duration of cases a lot more negatively than judges and prosecutors do: almost half of users and lawyers believe that their court case lasted longer than necessary,

while judges and prosecutors assess that only one fifth of their cases lasted longer than necessary.

- On the other hand, users of court services mainly agree with the assessment of judges and prosecutors in regard to some court efficiency aspects (the percentage of cancelled hearings and the percentage of hearings that haven't contributed to case resolution) and total assessment of the efficiency of hearings (the percentage of efficient hearings relative to the number of scheduled hearings), while lawyers give a lot more negative scores.
- According to information provided by judges, prosecutors, and users of court services, the percentage of efficient hearings in the total number of scheduled hearings was, on average, about 70%, and according to lawyers it was only 50%.
- Judges, prosecutors, and lawyers agree about the main reason for extended cases: all three groups consider obstruction by the parties to the proceedings to be the most common reason.
- Parties to the proceedings, as well as other participants (witnesses and court experts), are usually considered the main reasons for cancelled and inefficient hearings, but the majority of members of all three groups also mention the failing of other state institutions to act at the request of the court.
- As for the reasons for cancelled and inefficient hearings, the biggest difference between judges and prosecutors on one hand and lawyers on the other is in their perception of the role of the court: while lawyers are very likely to consider the court responsible, judges and prosecutors mainly disagree.

2.1.2.1 General assessment of court process efficiency

Six in ten users of judicial services evaluate court efficiency positively in their court case. (Figure 2.1.2.1.1 and 2.1.2.1.2).

Observed by type of court case, **citizens assess court efficiency more positively in misdemeanor cases than in civil and criminal cases:** more than 70% of citizens who have taken part in misdemeanor cases evaluate court efficiency positively, and only about half in criminal and civil cases. When observing the ratio of positive and negative scores (net score), greater satisfaction of the parties to misdemeanor cases is even more obvious: in misdemeanor cases, the percentage of positive scores is 44% higher than the percentage of negative, while this difference is only 4% in criminal and civil cases. (Figure 2.1.2.1.1).

Business sector representatives assess court efficiency a lot more positively in commercial cases than in civil cases: more than 70% of business sector representatives who took part in commercial cases assess court efficiency positively, and 58% in civil cases. The ratio between positive and negative scores (net score), as in the case of citizens, underlines the advantage of commercial over civil cases even more: in commercial cases, 44% more business sector representatives give positive than negative grades, and only 17% in civil cases. (Figure 2.1.2.1.2).

Figure 2.1.2.1.1: CITIZENS WITH EXPERIENCE OF A COURT CASE: PERCEPTION OF COURT EFFICIENCY BY TYPE OF COURT CASE (All things considered how would you evaluate the efficiency of the court in this concrete case? Under efficiency we mean that the proceedings were concluded in reasonable time and with satisfactory quality. Scale: Very positively, Mainly positively, Mainly negatively, Very negatively) Base: citizens with experience of a court case

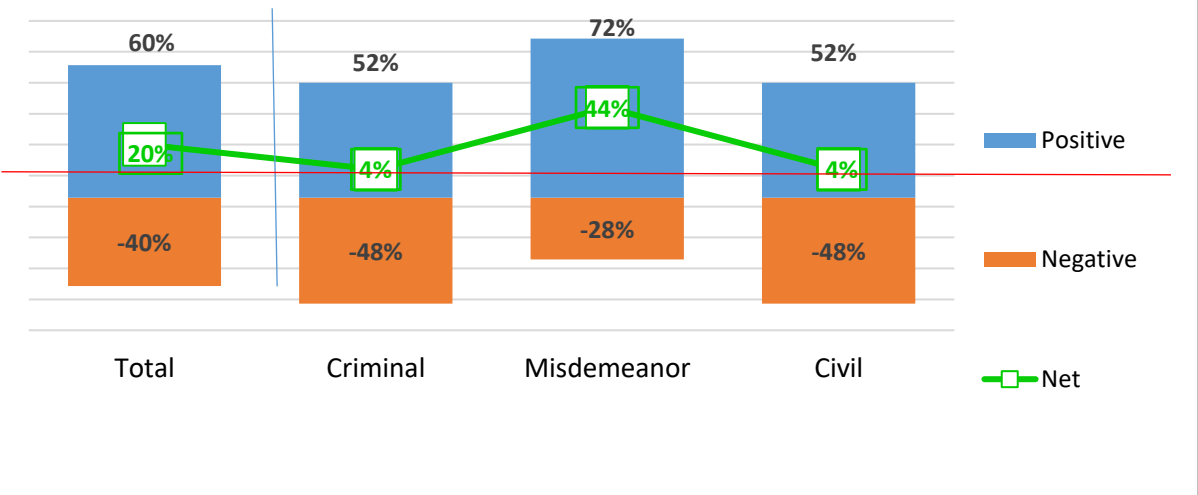
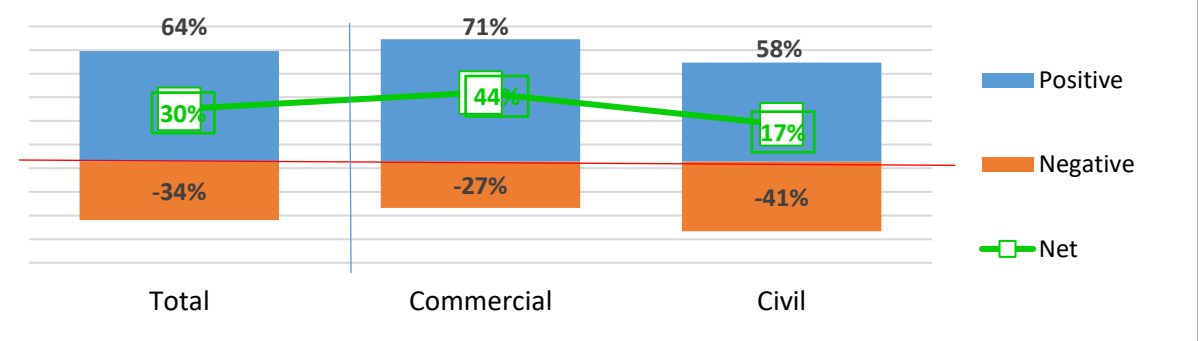


Figure 2.1.2.1.2: BUSINESS SECTOR REPRESENTATIVES WITH EXPERIENCE OF A COURT CASE: PERCEPTION OF COURT EFFICIENCY BY TYPE OF COURT CASE (All things considered how would you evaluate the efficiency of the court in this concrete case? Under efficiency we mean that the proceedings were concluded in reasonable time and with satisfactory quality. Scale: Very positively, Mainly positively, Mainly negatively, Very negatively) Base: business sector representatives with experience of a court case



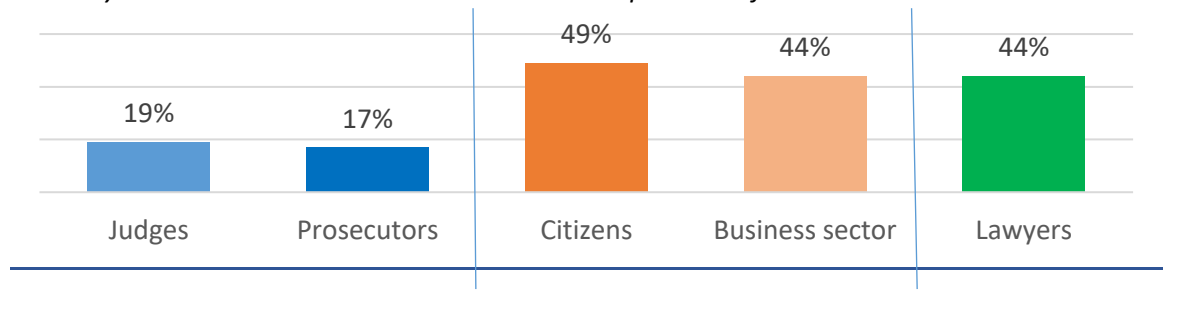
2.1.2.2 Duration of court proceedings

According to users of court services and lawyers, a considerably higher percentage of cases lasted longer than necessary than according to judges and prosecutors.

While judges and prosecutors assess that, over the past 12 months, less than 20% of court cases they have worked on lasted longer than necessary, almost half of citizens and 44% of business sector representatives do. Lawyers' opinion match the opinion of court users. (Figure 2.1.2.2.1).

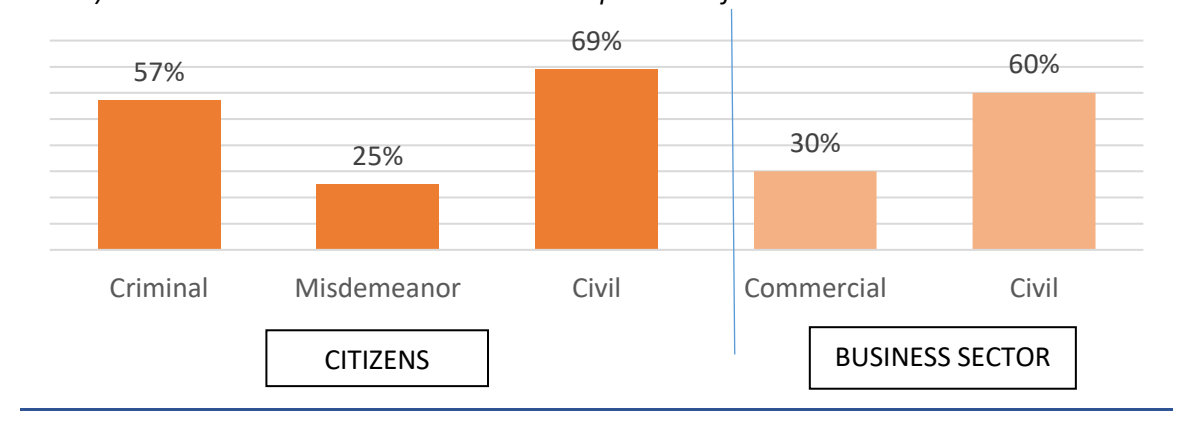
2. EFFICIENCY

Figure 2.1.2.2.1: AVERAGE PERCENTAGE OF CASES, OVER THE PAST 12 MONTHS, WHICH JUDGES AND PROSECUTORS ASSESS AS LONGER THAN NECESSARY AND THE PERCENTAGE OF CITIZENS AND BUSINESS SECTOR REPRESENTATIVES WHO ASSESS THAT THEIR COURT CASE LASTED LONGER THAN NECESSARY (Judges, prosecutors, and lawyers: Please estimate the percentage of your cases that you worked on during the past 12 months that lasted longer than they should have for any reason. Citizens and business sector: How would you evaluate the duration of this case? Given all the circumstances, do you think that the case lasted much longer than it should have lasted, somewhat longer, just right, somewhat shorter, much shorter) Base: total population of judges, prosecutors, and lawyers and citizens and business sector with experience of a court case



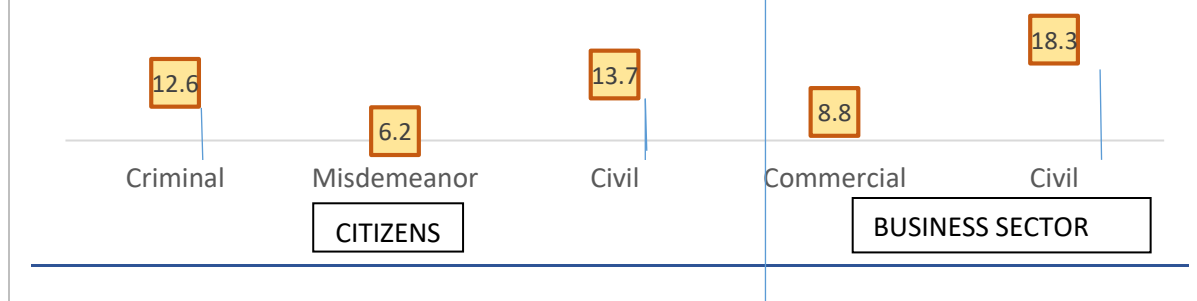
Citizens and business sector representatives who have participated in civil cases are the least satisfied with the duration of their case (69% and 60%, respectively, have assessed that their case lasted longer than necessary), then follow citizens who took part in criminal cases (57% have assessed that their case lasted longer than necessary), while the most satisfied are those who participated in misdemeanor cases (25% have assessed that their case lasted longer than necessary) and business sector representatives who participated in commercial cases (30% have assessed that their case lasted longer than necessary). (Figure 2.1.2.2.2).

Figure 2.1.2.2.2: PERCENTAGE OF CITIZENS AND BUSINESS SECTOR REPRESENTATIVES WHO ASSESS THAT THEIR COURT CASE LASTED LONGER THAN NECESSARY BY TYPE OF CASE (How would you evaluate the duration of this case? Given all the circumstances, do you think that the case lasted much longer than it should have lasted, somewhat longer, just right, somewhat shorter, much shorter) Base: citizens and business sector with experience of a court case



According to the information provided by citizens, **civil cases and criminal cases have lasted, on average, longer than misdemeanor cases** (civil cases lasted 14 months, criminal cases 13 months, and misdemeanor cases 6 months). According to business sector representatives, **civil cases have, on average, lasted longer than commercial cases** (civil cases lasted 18 months, and commercial cases 9 months). (Figure 2.1.2.2.3).

Figure 2.1.2.2.3: AVERAGE NUMBER OF MONTHS FROM FILING THE CASE TO THE FIRST-INSTANCE JUDGMENT, ACCORDING TO CITIZENS AND BUSINESS SECTOR REPRESENTATIVES IN THEIR CASE (When was the case filed – month and year; When was the first-instance judgment rendered – month and year) Base: citizens and business sector with experience of a court case who have provided information (citizens 99%, business sector 100%)



The range of court processes duration, however, is quite extensive for all types of case. According to citizens, criminal cases have lasted from 1 to 61 months, and misdemeanor and civil cases from 1 to 48 months²; according to business sector representatives, commercial cases have lasted from 1 to 29 months, and civil cases from 1 to 70 months.³

On the basis of information provided by citizens, more than half of criminal cases and civil cases, and more than 80% of misdemeanor cases, have lasted (to rendering the first-instance judgment) less than a year, but one in five civil cases and 16% of criminal cases lasted longer than 2 and even 3 years. (Table 2.1.2.2.1).

According to business sector representatives, more than 60% of cases lasted less than a year, but 28% of cases lasted more than 2 years (18% between 2 and 3 years, and 10% more than 3 years). (Table 2.1.2.2.1).

Table 2.1.2.2.1: PERCENTAGE OF CASES BY THEIR DURATION IN MONTHS, ON BASIS OF INFORMATION PROVIDED BY CITIZENS AND BUSINESS SECTOR REPRESENTATIVES IN THEIR CASE

	Citizens			Business	
	Criminal cases	Misdemeanor cases	Civil cases	Civil cases	Commercial cases
Up to 11 months	57%	85%	54%	62%	69%
12 do 23 months	28%	12%	26%	10%	25%
24 do 35 months	11%	1%	16%	18%	6%
36 and more months	5%	3%	4%	10%	/

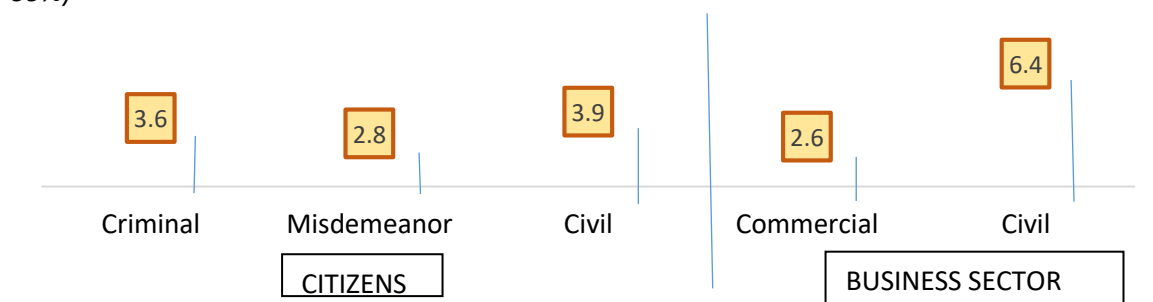
On the basis of information provided by citizens, the period from filing the case to the first appearance of the parties before the judge was, on average, between 3 and 4 months. (Figure 2.1.2.2.4).

² One civil case was reported to have lasted 133 months, but this extreme case stands out from the continuity of distribution of duration of all the other reported cases, so it may be considered an exception.

³ One civil case was reported to have lasted 114 months, but this extreme case stands out from the continuity of distribution of duration of all the other reported cases, so it may be considered an exception.

According to business sector representatives, the period before the first appearance before the judge, in civil cases, was more than 6 months; a lot longer than in commercial cases in which, on average, this period lasted between 2 and 3 months. (Figure 2.1.2.2.4).

Figure 2.1.2.2.4: AVERAGE NUMBER OF MONTHS FROM FILING THE CASE TO THE FIRST APPEARING BEFORE THE JUDGE, ACCORDING TO CITIZENS AND BUSINESS SECTOR REPRESENTATIVES, IN THEIR CASE (When was the case filed? – month and year; When was the first hearing scheduled when at least one of the parties appeared before a judge? – month and year) Base: citizens and business sector with experience of a court case who have provided information (citizens 99%, business sector 99%)



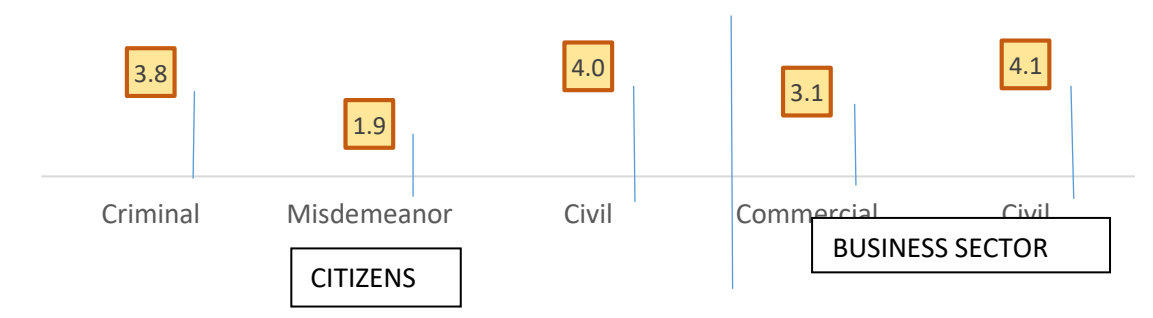
2.1.2.3 Efficiency of hearings

i. The number of the first-instance scheduled hearings

According to the information provided by citizens, **misdemeanor cases, on average, had a smaller number of scheduled hearings than criminal cases and civil cases** (2 and 4 hearings, respectively); and judging by the information provided by business sector representatives, **commercial cases had a smaller number of hearings than civil cases did** (3 and 4 hearings, respectively). (Figure 2.1.2.3.1).

Varying of the number of scheduled hearings, as well as of their duration, is rather extensive within all types of cases, while it is most extensive in civil cases. According to general population members, the range of the number of scheduled hearings in criminal cases was 1 to 15, in misdemeanor cases 1 to 12, and in civil cases 1 to 30. According to business sector representatives, the range of the number of scheduled hearings in commercial cases was 1 to 7, and in civil cases 1 to 10. (Figure 2.1.2.3.1).

Figure 2.1.2.3.1: AVERAGE NUMBER OF SCHEDULED HEARINGS, ACCORDING TO CITIZENS AND BUSINESS SECTOR REPRESENTATIVES IN THEIR COURT CASE (How many total hearings were scheduled in the first-instance court, including those that were scheduled but not held?) Base: citizens and business sector with experience of a court case who have provided information (citizens 96%, business sector 100%)

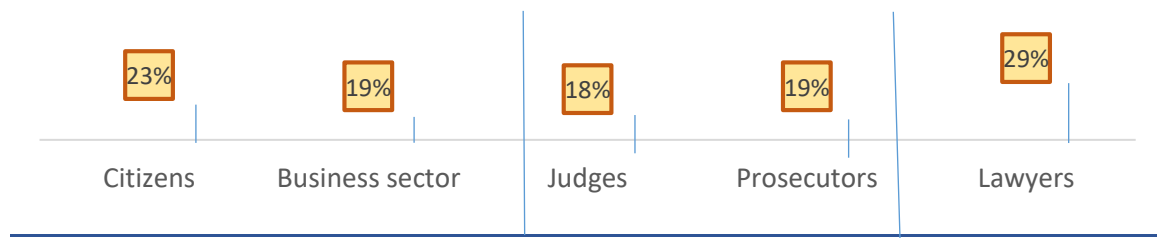


ii. The percentage of cancelled hearings

According to estimates of court users, and according to judges, prosecutors, and lawyers on the basis of cases they have worked on over the past 12 months, a considerable percentage of scheduled hearings was not held.

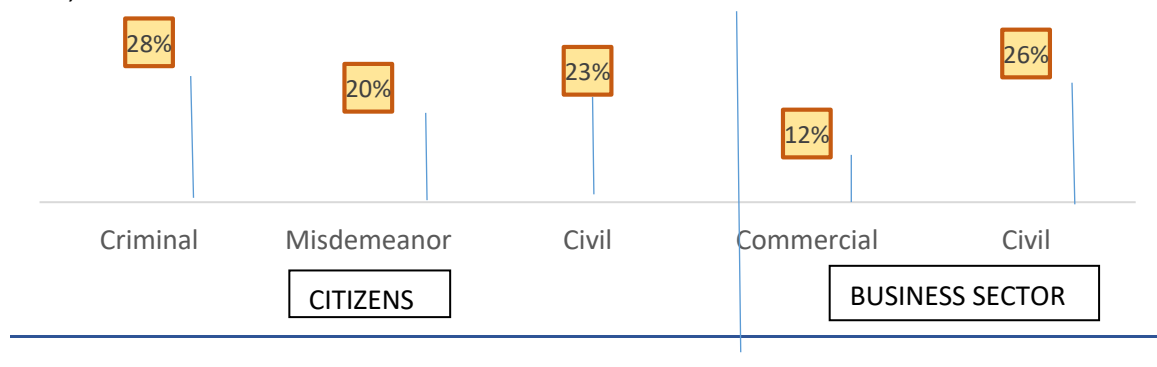
According to court users and providers, about one fifth of hearings, on average, have been cancelled, while the percentage is somewhat higher (29%), according to lawyers. (Figure 2.1.2.3.2).

Figure 2.1.2.3.2: AVERAGE PERCENTAGE OF CANCELLED HEARINGS, ACCORDING TO INFORMATION PROVIDED BY CITIZENS AND BUSINESS SECTOR REPRESENTATIVES (AVERAGE FOR ALL TYPES OF CASES) AND JUDGES, PROSECUTORS, AND LAWYERS (Users: How many of the scheduled hearings were not held that is, how many of them were cancelled? Judges, prosecutors, and lawyers: Please estimate the percentage of hearings scheduled for your cases during the past 12 months that were not held?) Base: total population of judges, prosecutors and lawyers and citizens and business sector with experience of a court case who have provided information (citizens 96%, business sector 100%, judges 84%, prosecutors 87%, lawyers 91%)



Observed by type of case, and on the basis of information provided by citizens, a somewhat higher percentage of hearings, on average, was cancelled in criminal cases (28%) than in misdemeanor cases (20%); and on the basis of information provided by business sector representatives, civil cases had a much higher percentage of cancelled hearings (26%) than commercial cases did (12%). (Figure 2.1.2.3.3).

Figure 2.1.2.3.3: AVERAGE PERCENTAGE OF CANCELLED HEARINGS, ACCORDING TO INFORMATION PROVIDED BY CITIZENS AND BUSINESS SECTOR REPRESENTATIVES, BY TYPE OF CASE (Users: How many of the scheduled hearings were not held that is, how many of them were cancelled?) Base: citizens and business sector with experience of a court case who have provided information (citizens, 96%, business sector 100%)

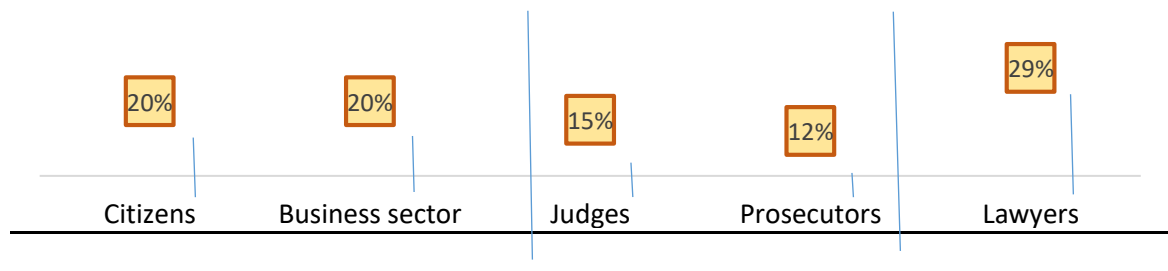


iii. The percentage of inefficient hearings (hearings that haven't contributed to resolution of cases)

A considerable share of held hearings was assessed as inefficient by parties to the proceedings and by judges, prosecutors, and lawyers who have worked on these cases over the past 12 months.

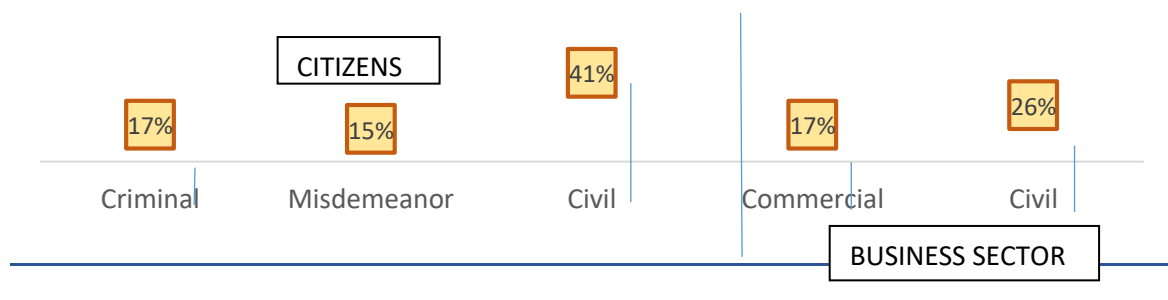
As for the percentage of inefficient hearings, as in cases of cancelled hearings, court services users and providers give matching assessments, while lawyers consider a bigger portion of hearings inefficient (close to a third of held hearings). (Figure 2.1.2.3.4).

Figure 2.1.2.3.4: AVERAGE PERCENTAGE OF HEARINGS (IN THE TOTAL OF HELD HEARINGS) THAT HAVEN'T CONTRIBUTED TO CASE RESOLUTION, ACCORDING TO INFORMATION PROVIDED BY CITIZENS AND BUSINESS SECTOR REPRESENTATIVES (AVERAGE FOR ALL TYPES OF CASES) AND JUDGES, PROSECUTORS, AND LAWYERS (Users: How many held hearings would you assess as NOT HAVING SIGNIFICANTLY contributed to progress in the resolution of the case? Judges, prosecutors, and lawyers: What percentage of all hearings in which you participated during the last 12 months DID NOT SIGNIFICANTLY contribute to progress in the resolution of court cases?) Base: total population of judges, prosecutors, and lawyers and citizens and business sector with experience of a court case who have provided information (citizens 96%, business sector 100%, judges 76%, prosecutors 80%, lawyers 83%)



Observed by type of case, the percentage of inefficient hearings is the highest, on average, in civil cases. According to the citizens who have participated in civil cases, more than 40% of the held hearings did not contribute to case resolution.

Figure 2.1.2.3.5: AVERAGE PERCENTAGE OF HEARINGS (IN THE TOTAL OF HELD HEARINGS) THAT HAVEN'T CONTRIBUTED TO CASE RESOLUTION, ACCORDING TO INFORMATION PROVIDED BY CITIZENS AND BUSINESS SECTOR REPRESENTATIVES BY TYPE OF CASE (How many held hearings would you assess as NOT HAVING SIGNIFICANTLY contributed to progress in the resolution of the case?) Base: citizens and business sector with experience of a court case who have provided information (citizens 96%, business sector 100%)

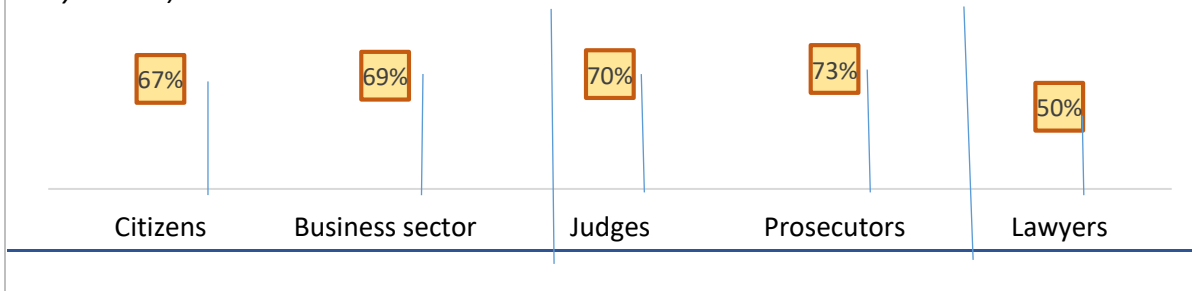


iv. Efficiency index

On the basis of information about the numbers of cancelled and inefficient hearings, the efficiency index is calculated and it shows the share of efficient hearings (hearings that have contributed to the case solution) in the total number of scheduled hearings.

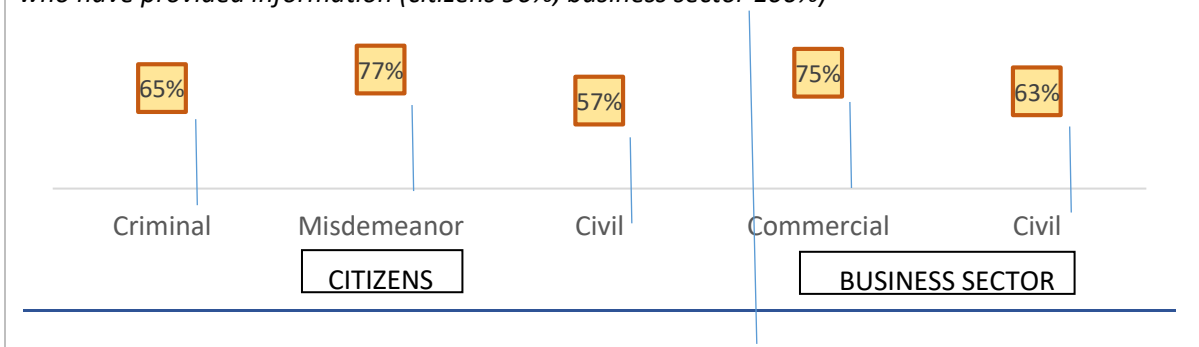
The efficiency indexes calculated on the basis of information provided by court users and providers are balanced, while the efficiency index based on lawyers' testimonials is lower. According to the information provided by court services users and providers, the average percentage of hearings that have contributed to case solution is about 70%, while it is only 50% according to lawyers. (Figure 2.1.2.3.6).

Figure 2.1.2.3.6: EFFICIENCY INDEX: THE AVERAGE PERCENTAGE OF HEARINGS (IN TOTAL NUMBER OF SCHEDULED HEARINGS) THAT HAVE CONTRIBUTED TO CASE RESOLUTION, ACCORDING TO INFORMATION GIVEN BY COURT USERS, JUDGES, PROSECUTORS, AND LAWYERS Base: citizens and business sector representatives with experience of a court case, judges, prosecutors, and lawyers who have provided information (citizens 96%, business sector 100%, judges 72%, prosecutors 76%, lawyers 79%)



Judging by the information provided by citizens, civil cases have a lower efficiency index than misdemeanor cases do, while criminal cases are in between. However, judging by the information provided by business sector representatives, there is no difference between efficiency indexes of commercial and civil cases.

Figure 2.1.2.3.7: EFFICIENCY INDEX: THE AVERAGE PERCENTAGE OF HEARINGS (IN TOTAL NUMBER OF SCHEDULED HEARINGS) THAT HAVE CONTRIBUTED TO CASE RESOLUTION, ACCORDING TO INFORMATION GIVEN BY COURT USERS, JUDGES, PROSECUTORS, AND LAWYERS Base: citizens and business sector representatives with experience of a court case, judges, prosecutors, and lawyers who have provided information (citizens 96%, business sector 100%)

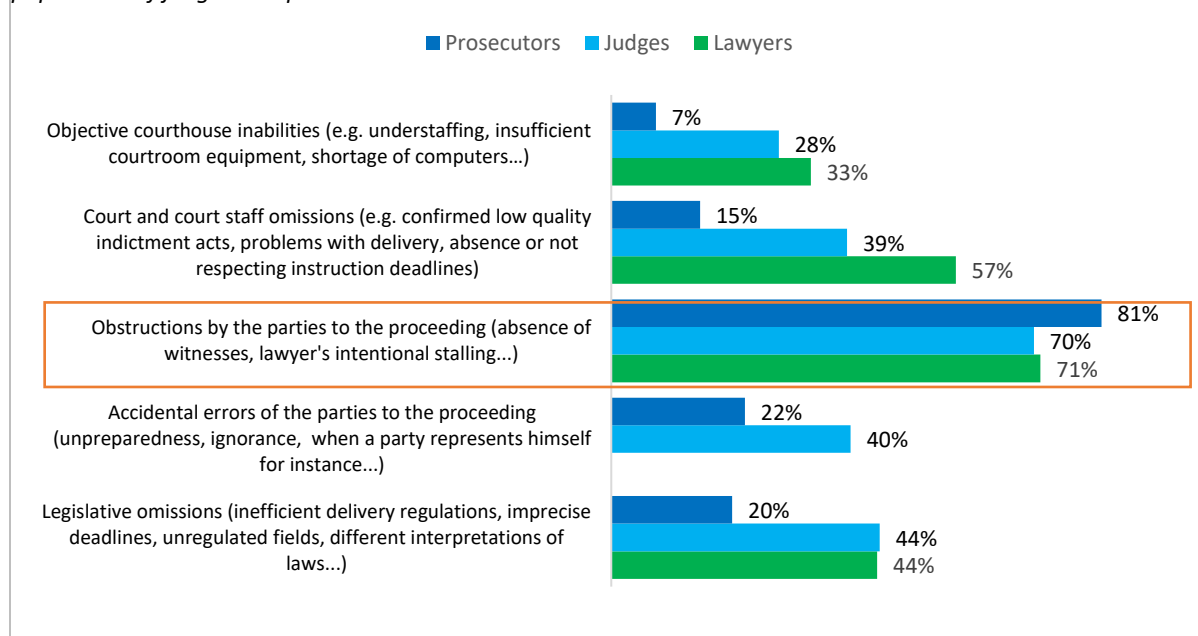


2.1.2.4 Perception of the reasons for extended duration of cases, cancelled and inefficient hearings

Judges, prosecutors, and lawyers agree about the main reason for the extended duration of cases. All three groups agree that the major reason is obstruction by the parties to the proceedings: 70% of judges and lawyers, and even 80% of prosecutors state that this type of obstruction has been occasional or frequent reasons for longer duration of cases. (Figure 2.1.2.4.1).

It is obvious, however, that, compared with judges and prosecutors, lawyers are more likely to mention omissions of the court and court staff (57% of lawyers, 39% of judges, and only 15% of prosecutors). (Figure 2.1.2.4.1).⁴

Figure 2.1.2.4.1: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO BELIEVE THAT THE GIVEN CIRCUMSTANCES HAVE BEEN OCCASIONAL OR FREQUENT REASONS FOR EXTENDED DURATION OF CASES THEY HAVE BEEN WORKING ON DURING THE PAST 12 MONTHS Base: Total population of judges and prosecutors⁵



Parties to the proceedings are usually perceived as one of the main reasons for cancelled and inefficient hearings, both by judges and prosecutors, and by lawyers (about 70% for cancelled hearings and about 60% for inefficient hearings). Prosecutors and lawyers are very likely to also mention other participants in the proceedings, first of all witnesses (81% of prosecutors and 71% of lawyers), and the majority of lawyers (67%) also mention court experts. (Figures 2.1.2.4.2 and 2.1.2.4.3).

Finally, a majority of judges, prosecutors, and lawyers mention the failing of other instances to act at the request of the court. (Figures 2.1.2.4.2 and 2.1.2.4.3).

Major differences between perceptions of judges and prosecutors on one side, and lawyers on the other, occur in regard to court-related reasons. While lawyers are very likely (over 60%) to identify

⁴ Lawyers did not assess accidental errors of parties to the proceedings (for instance when a party represents itself).

⁵ Between 18% and 21% of judges and between 14% and 18% of prosecutors gave no assessment of at least one of 5 cited reasons.

2. EFFICIENCY

court-related reasons for cancelled and inefficient hearings, judges and prosecutors are the least likely to. (Figures 2.1.2.4.2 and 2.1.2.4.3).

Figure 2.1.2.4.2: PERCENTAGES OF JUDGES, PROSECUTORS, AND LAWYERS WHO BELIEVE THAT THE GIVEN REASONS HAVE BEEN OCCASIONAL OR FREQUENT REASONS FOR CANCELLING SOME HEARINGS Base: Total population of judges, prosecutors, and lawyers⁶

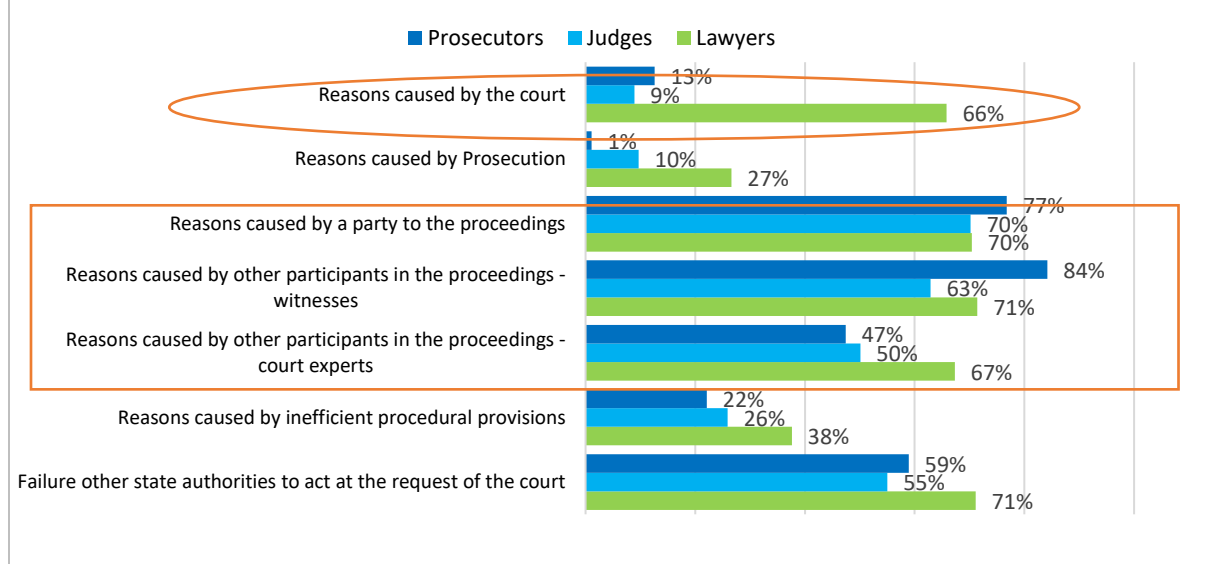
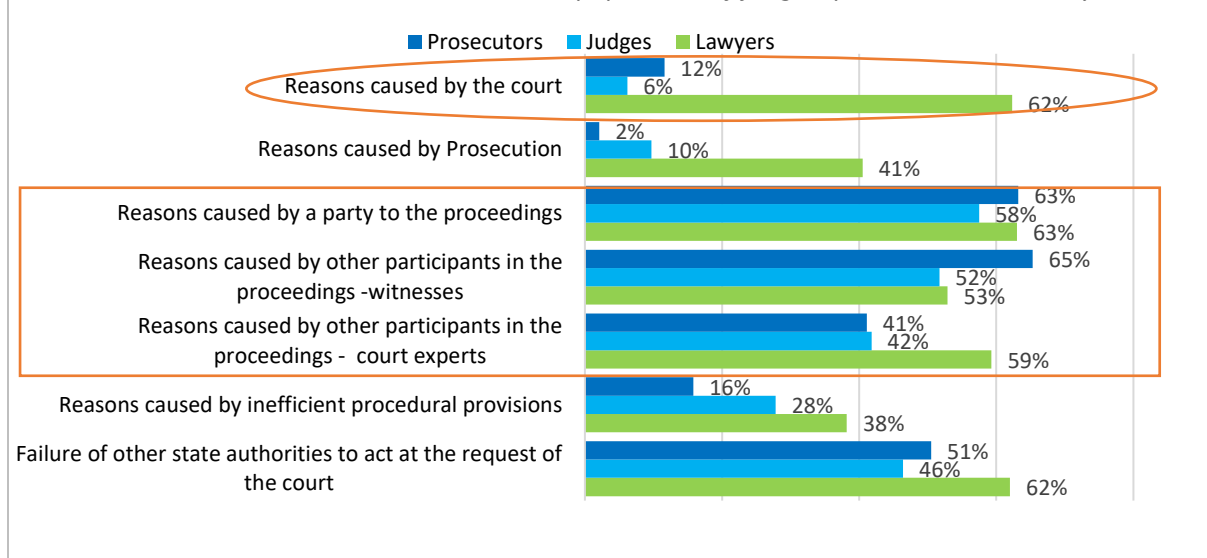


Figure 2.1.2.4.3: PERCENTAGES OF JUDGES, PROSECUTORS, AND LAWYERS WHO BELIEVE THAT THE GIVEN REASONS HAVE BEEN OCCASIONAL OR FREQUENT REASONS FOR SOME HELD HEARINGS NOT CONTRIBUTING TO CASE SOLUTION Base: Total population of judges, prosecutors, and lawyers⁷



⁶ Between 8% and 13% of prosecutors did not evaluate at least one of 7 given reasons; even 46% of judges did not evaluate the extent to which prosecution was responsible for cancelled hearings, and between 27% and 29% did not evaluate at least one of the other 6 given reasons; in case of lawyers, there are between 5% and 17% of non-responses.

⁷ Between 15% and 19% of prosecutors did not evaluate at least one of 7 given reasons; even 47% of judges did not evaluate the extent to which prosecution was responsible for cancelled hearings, and between 31% and 36% did not evaluate at least one of the other 6 given reasons; in case of lawyers, there are between 10% and 16% of non-responses.

2.1.2.5 Perception of the reasons for reduced general efficiency of the institution that judges and prosecutors have worked in over the past 12 months

As for the institutions that judges and prosecutors have worked in over the past 12 months, almost all judges and prosecutors evaluate their efficiency positively. However, **relative to the evaluation of efficiency of courts and prosecution in general, a considerably higher percentage of judges and prosecutors evaluate efficiency of their institutions with the highest grades**: 53% of judges give the highest grade to their institution, and 30% to courts in general; 63% of prosecutors give the highest grade to their institution, and 36% to prosecution in general.

Judges and prosecutors who don't give the highest grade for the efficiency of their institution (47% of judges and 37% of prosecutors) **consider lack of staff as the main reason, while prosecutors add poor infrastructure**. (Figures 2.1.2.5.1 and 2.1.2.5.2). Prosecutors are generally more likely than judges to perceive these reasons as significant for reduced efficiency of their institutions.

Figure 2.1.2.5.1: PERCENTAGE OF JUDGES WHO HAVE ASSESSED THE FOLLOWING REASONS AS VERY IMPORTANT FOR REDUCED EFFICIENCY OF THEIR COURTHOUSE IN THE PAST 12 MONTHS (Please evaluate to what extent the following circumstances were important reasons due to which efficiency of the courts' work during the past 12 months was not higher (scale: unimportant, partly important, very important) Base: 47% of judges who haven't given the highest grade for efficiency of their courthouse

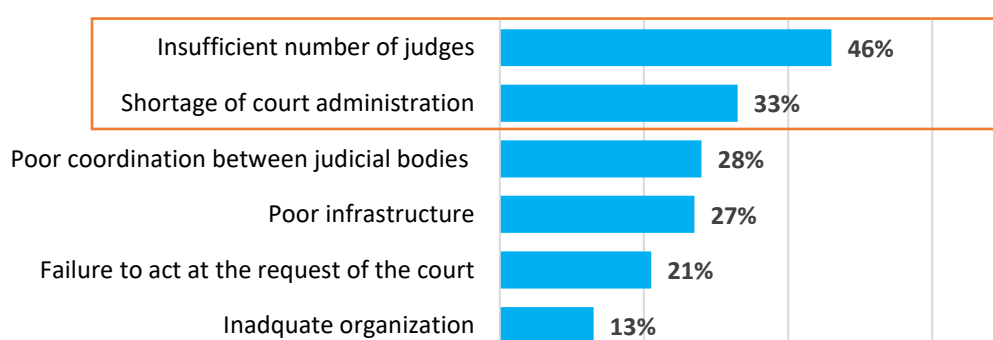
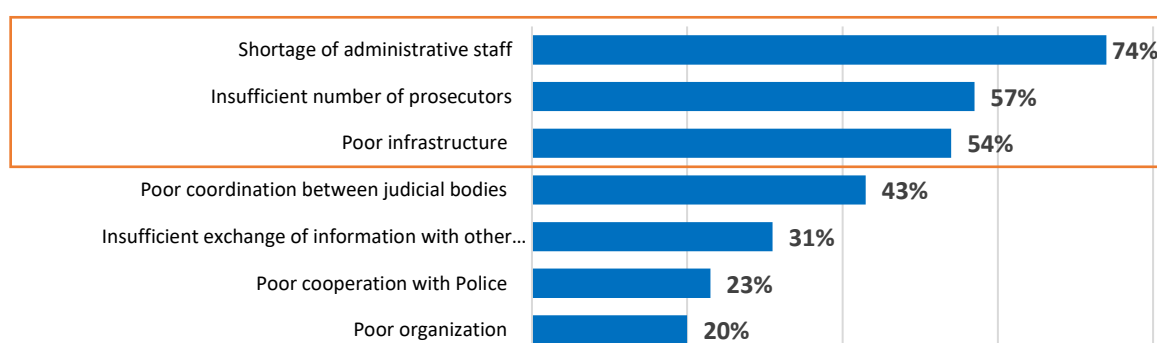


Figure 2.1.2.5.2: PERCENTAGE OF PROSECUTORS WHO HAVE ASSESSED THE FOLLOWING REASONS AS VERY IMPORTANT FOR REDUCED EFFICIENCY OF THEIR INSTITUTION IN THE PAST 12 MONTHS (Please evaluate to what extent the following circumstances were important reasons due to which efficiency of your institutions' work during the past 12 months was not higher) (scale: unimportant, partly important, very important) Base: 37% of prosecutors who haven't given the highest grade for efficiency of their Prosecutor's Office)

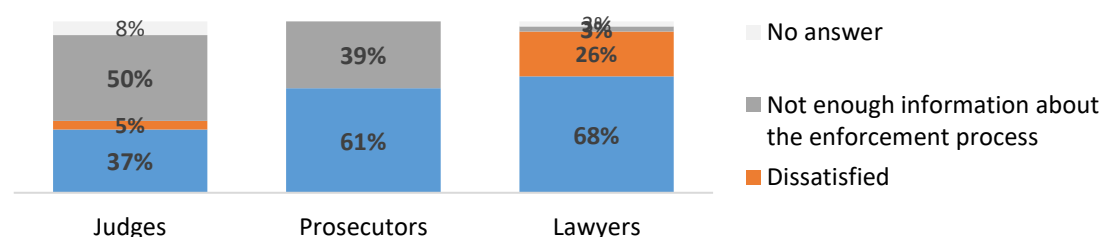


2.1.3 Perception of enforcement efficiency

- Half of judges, 4 in 10 prosecutors, and only 3% of lawyers, claim not to be informed about the judgment enforcement procedure in the cases they have been working on during the past 12 months.
- As for those who are informed about the enforcement procedure, all prosecutors, almost all judges, and a large majority of lawyers are satisfied with it.
- Half of prosecutors, almost a third of judges, and only 1% of lawyers, have no insight in the efficiency of bailiffs, but the majority of those who do have a positive opinion.
- According to court users in whose case the final judgment was brought and enforced during the survey fieldwork, about 10% of judgments were enforced after the legal deadline (but 11% of citizens and 21% of business sector representatives are not familiar with the legal enforcement deadline).

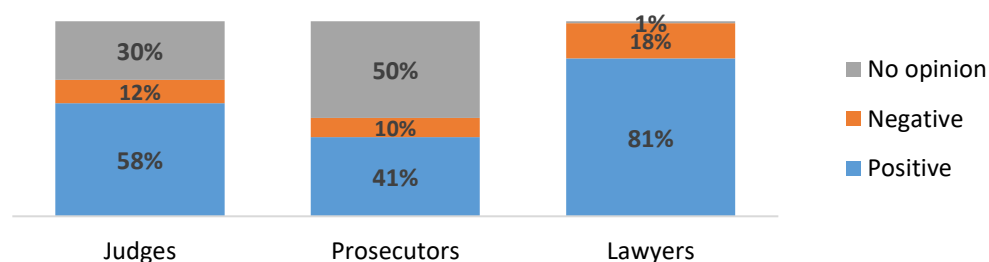
In the total population of judges and prosecutors, there are almost none dissatisfied with the enforcement process (only 5% of judges, and no prosecutors). However, a somewhat higher percentage of lawyers, 26%, are dissatisfied. It is noticeable, however, that quite a substantial percentage of judges (50%) and prosecutors (39%) stated that they don't have enough information about the enforcement process. (Figure 2.1.3.1).

Figure 2.1.3.1: LEVEL OF SATISFACTION OF JUDGES, PROSECUTORS, AND LAWYERS WITH THE PROCESS OF ENFORCING COURT JUDGMENT IN THE CASES THEY HAVE BEEN WORKING ON DURING THE PAST 12 MONTHS (How satisfied were you with the procedure for enforcing the court judgments in cases you worked on over the past 12 months?) Base: Total population of judges, prosecutors, and lawyers



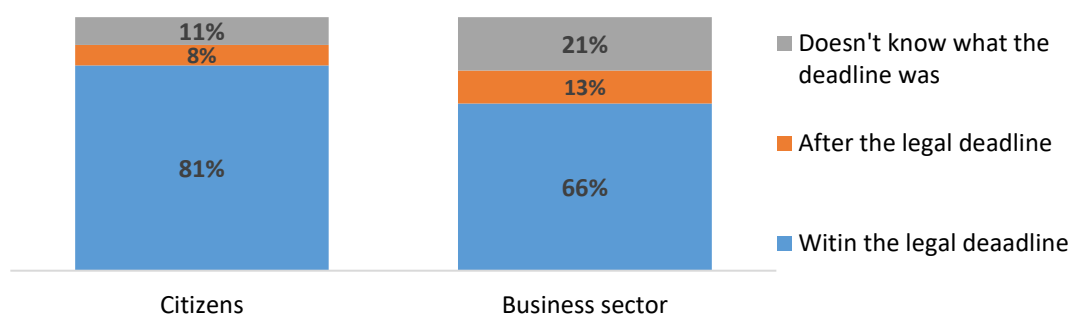
In the total population of judges, prosecutors, and lawyers, a small share has a negative opinion about the efficiency of bailiffs, but a substantial percentage of judges (30%) and prosecutors (50%) stated that they do not have an opinion about the efficiency of bailiffs. (Figure 2.1.3.2).

Figure 2.1.3.2: PERCEPTION OF JUDGES, PROSECUTORS, AND LAWYERS OF THE EFFICIENCY OF BAILIFFS OVER THE PAST FEW YEARS (What kind of impact do bailiffs have on the efficiency of the enforcement process?) Base: Total population of judges, prosecutors, and lawyers



As for the total population of citizens and business sector representatives in whose cases the final judgment was brought and enforced during the survey fieldwork, about 10% state that the judgment was enforced after the legal deadline. (Figure 2.1.3.3).

Figure 2.1.3.3: PERCENTAGE OF USERS (IN WHOSE CASE THE FINAL JUDGMENT WAS BROUGHT AND ENFORCED DURING THE SURVEY FIELDWORK) WHOSE JUDGMENT WAS ENFORCED BEFORE AND AFTER THE LEGAL DEADLINE (Within which deadline was the judgment in your case enforced?) Base: Citizens and business sector with experience of a court case, in whose cases the final judgment was brought and enforced during the survey fieldwork (citizens 78%, business sector 81%)

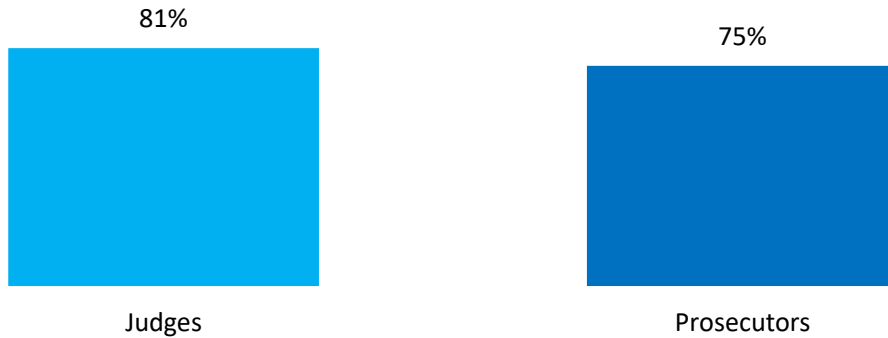


2.2. Perception of judges' and prosecutors' caseload

- A large majority of judges and prosecutors believe that the number of cases they have been working on over the past 12 months is greater than the number of cases that would be optimal under the same working conditions.
- A majority of judges and prosecutors believe that judges' and prosecutors' caseload in their courthouse, or Prosecutor's Office, is distributed evenly.
- Less than a third of judges and prosecutors believe that the system of random case assignment to judges (through judiciary information system) has contributed to the efficiency of judges' work, while, on the other hand, a large majority of prosecutors agree that the case assignment system has been efficient and has contributed to the quality of prosecutors' work.

More than 80% of judges and 75% of prosecutors believe that the number of cases they have been working on during the past 12 months is greater than the optimal number of cases given the conditions that they worked in and taking into account the average variation in seriousness of the cases during that period. (Figure 2.2.1). As it was mentioned already (Section 2.1.2.5), insufficient number of judges and prosecutors is the most common reason for reduced court and prosecution efficiency.

Figure 2.2.1: PERCENTAGE OF JUDGES AND PROSECUTORS WHO ASSESS THEIR CASELOAD AS BEYOND OPTIMUM (Please indicate the number of cases you worked on during the past 12 months? Please give us your closest estimate; What would be the optimal annual caseload that you would have during the period of one year, given the conditions that you worked in and taking into account the AVERAGE variation in seriousness of the cases during the past 2-3 years?) Base: Total population of judges and prosecutors



As optimal number of cases, both judges and prosecutors, on average, cite a considerably smaller number of cases than the actual number they have worked on. According to judges and prosecutors, judges have worked on 650 cases, on average, over the past 12 months, and prosecutors on 193 cases. As optimal number of cases, judges cite 332 cases, and prosecutors 120 cases. (Figure 2.2.2).

The range of reported caseload, however, is extremely big, both among judges and among prosecutors.

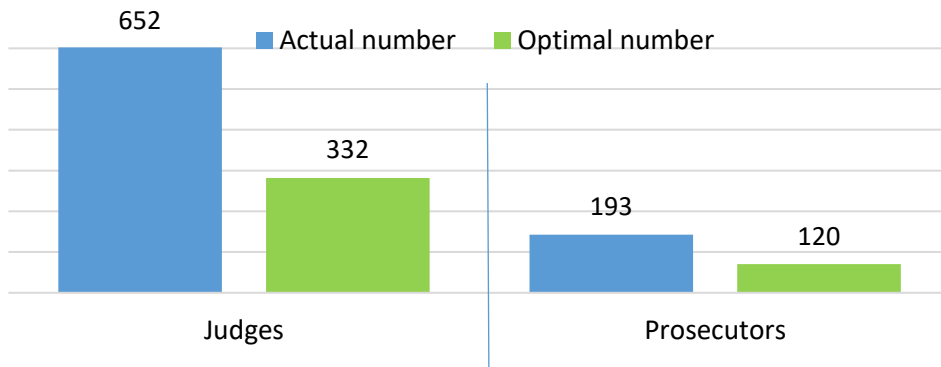
According to judges,⁸ 35% of judges have been working on 300 cases at most (3% up to 100 cases, 9% up to 200 cases, and 23% between 200 and 300 cases), 33% between 300 and 600 cases (13% between 300 and 400 cases, 12% between 400 and 500, and 8% between 500 and 600 cases), and 32% on more than 600 cases (20% between 600 and 1000 cases, 8% between 1000 and 2000 cases, and 4% more than 2000 cases).

According to prosecutors,⁹ 18% have been working on 100 cases at most, half had between 100 and 200 cases (20% between 100 and 150, and 30% between 150 and 200 cases), and 25% more than 200 cases (17% up to 300 and 8% more than 300 cases).

⁸ 96% of judges have given information about the number of cases they have been working on.

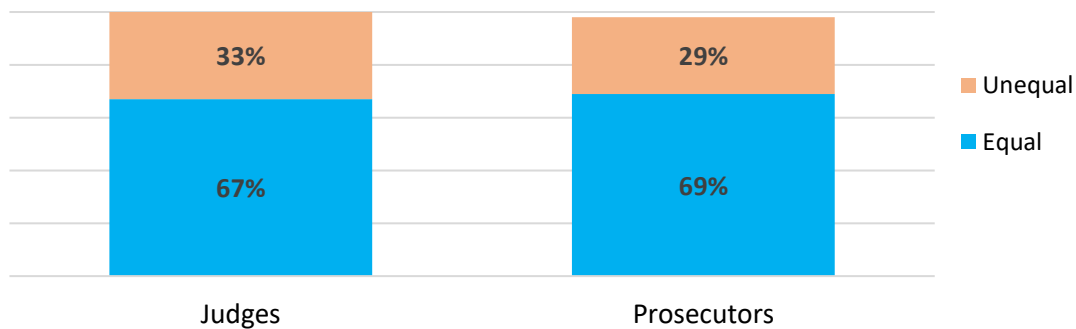
⁹ 92% of prosecutors have given information about the number of cases they have been working on.

Figure 2.2.2: AVERAGE NUMBER OF CASES THAT JUDGES AND PROSECUTORS HAVE BEEN WORKING ON OVER THE PAST 12 MONTHS AND AVERAGE OPTIMUM NUMBER OF CASES ANNUALLY UNDER THE SAME CONDITIONS THEY HAVE HAD (Please indicate the number of cases you worked on during the past 12 months? Please give us your closest estimate; What would be the optimal annual caseload that you would have during the period of one year, given the conditions that you worked in and taking into account the AVERAGE variation in seriousness of the cases during the past 2-3 years?) Base: Total population of judges and prosecutors



On the other hand, a **majority of judges and prosecutors (almost 70%) believe that judges’ caseload in the courthouse where they work, or prosecutors’ in their Prosecutor’s Office, is distributed evenly.** (Figure 2.2.3).

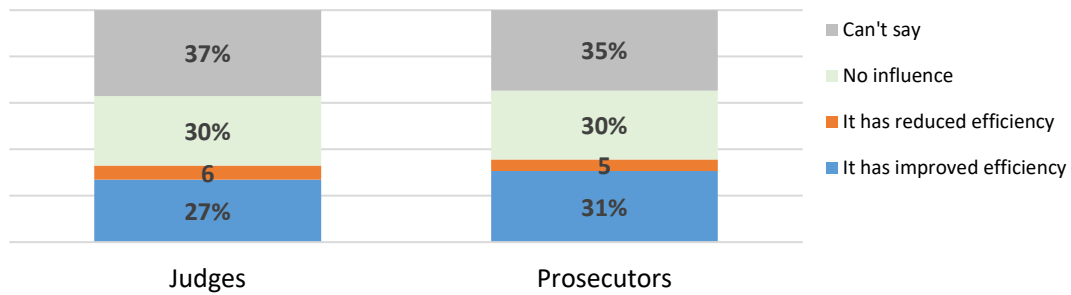
Figure 2.2.3: JUDGES AND PROSECUTORS – PERCEPTION OF THE EQUALITY OF CASELOAD IN THEIR COURTHOUSE AND PROSECUTOR’S OFFICE (Do you think that the caseload in your courthouse/ Prosecutors Office is equally assigned to judges /prosecutors?) Base: Total population of judges and prosecutors



Finally, less than a third of judges and prosecutors believe that the system of random case assignment to judges (through judiciary information system) affected the efficiency of judges’ work, and a similar percentage believe that the system had no effect. Quite interestingly, more than a third of judges and prosecutors can’t assess the system influence. (Figure 2.2.4).

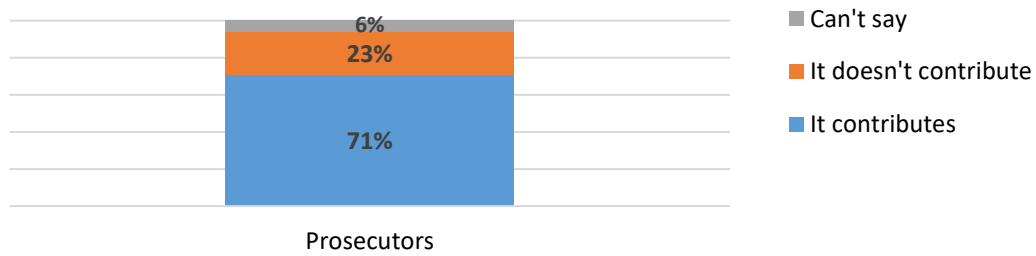
2. EFFICIENCY

2.2.4: JUDGES AND PROSECUTORS – PERCEPTION OF THE CASE ASSIGNMENT SYSTEM (*Do you think that the system of random case assignment to judges (through judiciary information system) affects the efficiency of judges' work?*) Base: Total population of judges and prosecutors



On the other hand, **about 70% of prosecutors believe that the case assignment system has been efficient and has improved the quality of prosecutors' work.** (Figure 2.2.5).

Figure 2.2.5: PROSECUTORS – PERCEPTION OF THE CASE ASSIGNMENT SYSTEM (*Do you think that the system of random case assignment to prosecutors affects the efficiency of prosecutors' work?*) Base: Total population of prosecutors



3. QUALITY

3.1 Perception of quality of the judiciary

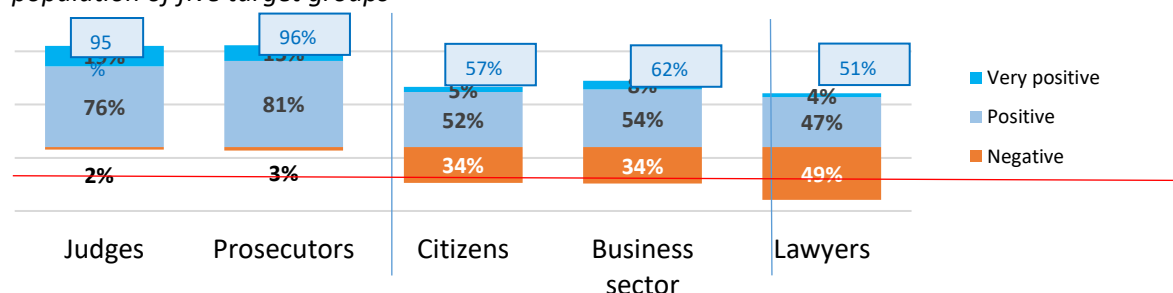
3.1.1 General perception of quality of the judiciary

- The perception of quality of work of courts in Montenegro is positive to a high extent, but providers of court services see it in a considerably more positive light than users of court services and lawyers.
- Almost all judges and public prosecutors expressed a positive opinion about the quality of performance of the courts, as well as approximately six in ten users of court services and one half of the lawyers.
- Assessment of quality of the work of prosecutors is close to assessment of work of the courts, with the exception of a somewhat smaller percentage of the judges who expressed a positive opinion about the work of public prosecutors.
- While between the citizens with experience of a court case and those without such experience there is no difference in perception of quality of work of the courts, when it comes to perception of prosecutors' work, a higher percentage of the citizens with experience of a court case evaluate their work more negatively in comparison with the citizens without such experience.

The great majority of judges and public prosecutors have a positive opinion about the quality of work of the courts during the past 12 months (95% positive scores in case of judges and 96% in case of public prosecutors). **Business sector representatives and citizens are also satisfied with work of the courts, but to a lesser extent than judges and prosecutors** (62% of positive scores in case of business sector representatives and 57% in case of the citizens). **Opinion of lawyers is closer to opinion of the users of court services than to opinion of providers of court services:** circa one half of the lawyers express satisfaction with the quality of work of Montenegrin courts.

Despite the fact that almost all providers of court services (judges and prosecutors) evaluate the work of courts positively, the share of those who have a very positive opinion (give the highest score for quality) is considerably smaller (19% of judges and 15% of prosecutors). (Figure 3.1.1.1).

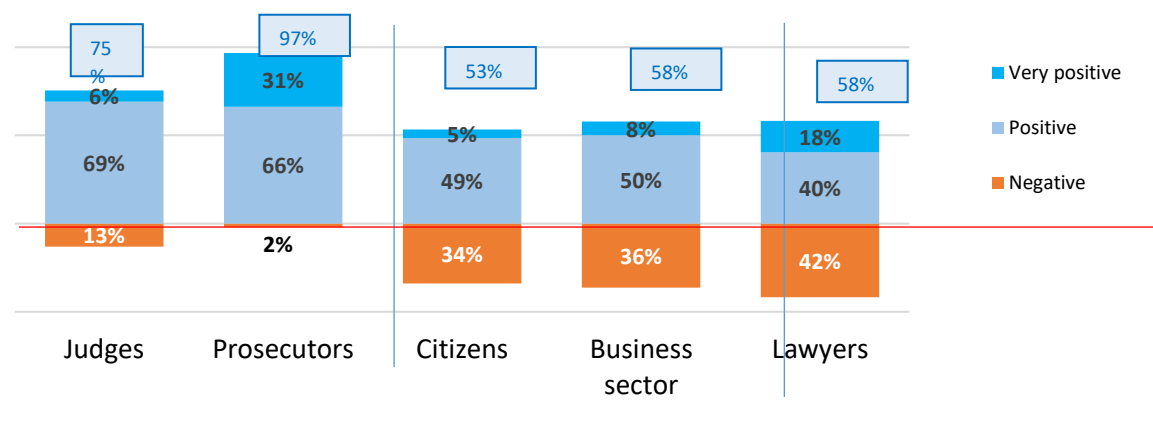
Figure 3.1.1.1: GENERAL PERCEPTION OF QUALITY OF WORK OF COURTS (What is your general impression of the quality of work of courts in Montenegro in the past few years?) Base: total population of five target groups



The great majority of public prosecutors evaluate positively the quality of work of public prosecutors and courts (97% of positive scores, of which 31% of the highest scores), **while a considerably smaller percentage of the judges express positive opinion about the quality of work of public prosecution** (75% of positive scores: 69% mainly positive, and only 6% very positive). **Users of**

court services and lawyers evaluate the quality of work of public prosecutors similarly as quality of work of the courts – somewhat more than a half of them give positive scores (citizens 53%, business sector 58%, lawyers 58%). (Figure 3.1.1.2).

Figure 3.1.1.2: GENERAL PERCEPTION OF QUALITY OF WORK OF PUBLIC PROSECUTION (What is your general impression of the quality of work of the prosecution in Montenegro in the past few years?) Base: total population of five target groups

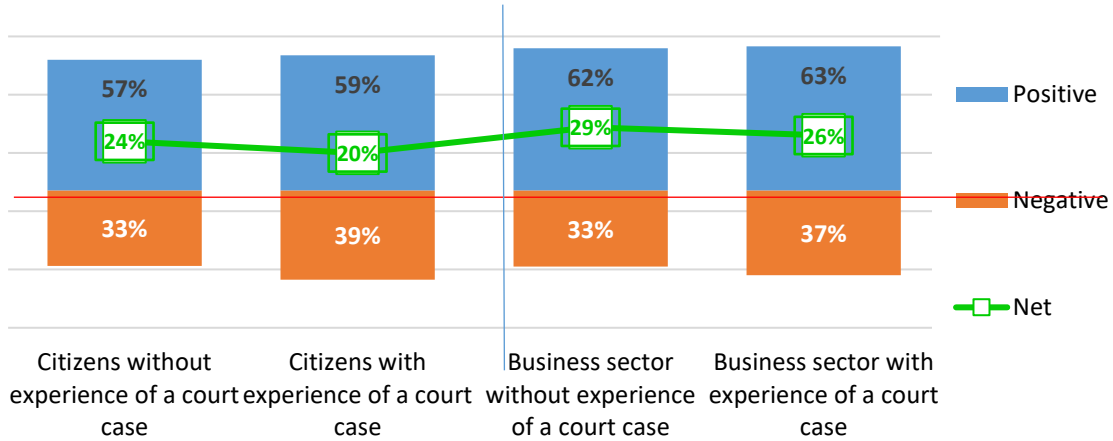


Providers of court services express the same degree of satisfaction with the quality of work of courts and prosecution in general and quality of work of the institutions in which they are employed. As mentioned before, 95% of the judges evaluate positively the quality of work of courts in general, while 93% are satisfied with the work of concrete institution in which they work. The situation is similar with public prosecutors – 97% of them express satisfaction with general work of public prosecution in Montenegro, and 99% are satisfied with the work of their institution.

On the other hand, a considerably higher percentage of judges and public prosecutors give the highest scores to institutions in which they work than to courts and prosecution in general: 55% of the judges and 67% of public prosecutors are very satisfied with the quality of work of the institutions in which they are employed, which is a considerably bigger share of those who give the highest score in comparison with evaluation of quality of work of these institutions in general.

Experience with participation in a court case doesn't seem to be a factor which influences the difference in perception of quality of court performance: difference in percentage of users with and without experience of a court case who evaluated positively the performance of courts and percentage of the citizens who evaluated it negatively (net score) is equal in both cases. (Figure 3.1.1.3).

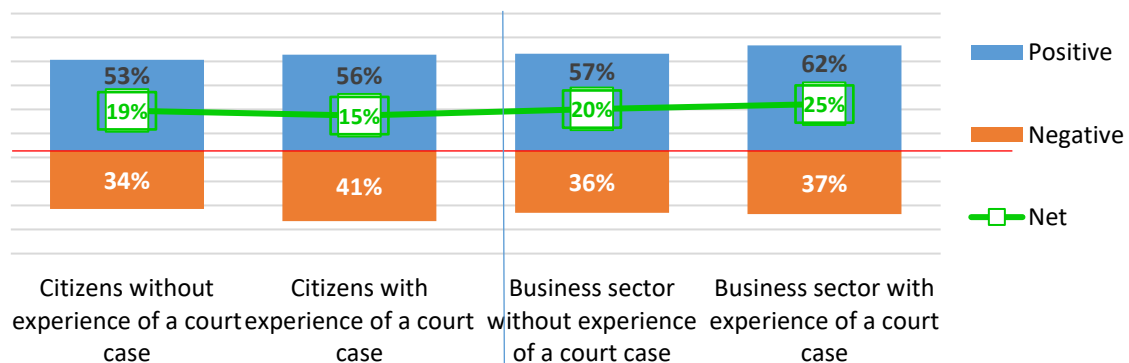
Figure 3.1.1.3: CITIZENS AND BUSINESS SECTOR: GENERAL PERCEPTION OF QUALITY OF COURT PERFORMANCE BY USERS WITH AND WITHOUT EXPERIENCE OF A COURT CASE (What is your general impression of the quality of work of courts in Montenegro in the past few years?) Base: citizens and business sector with and without experience of a court case



However, when it comes to assessment of quality of work of prosecution in Montenegro, a higher percentage of the citizens who had experience with a court case evaluate it negatively (41%), in comparison with the citizens who didn't have experience with a court case (34%). Nevertheless, both groups of citizens (with and without experience of a court case) evaluate positively in higher percentage than those who evaluate the work of prosecution negatively. (Figure 3.1.1.4).

When it comes to representatives of the business sector, experience with a court case has no influence on perception of quality of work of the prosecution. (Figure 3.1.1.4).

Figure 3.1.1.4: CITIZENS AND BUSINESS SECTOR: GENERAL PERCEPTION OF QUALITY OF WORK OF PROSECUTION IN MONTENEGRO BY USERS WITH AND WITHOUT EXPERIENCE OF A COURT CASE (What is your general impression of the quality of work of the prosecution in Montenegro in the past few years?) Base: citizens and business sector with and without experience of a court case



3.1.2 Perception of reasons due to which quality of the judiciary wasn't higher and satisfaction with working conditions

- The key reason which judges and prosecutors most frequently mention to justify why quality of work in their institution wasn't higher is insufficient number of councilors.
- Lawyers believe that the main reason for lower quality of work of the judiciary is unclear laws allowing for inconsistent interpretations.
- Judges and public prosecutors are mainly satisfied with different aspects of work in the institution in which they work: they are the most satisfied with work climate, cooperation with administrative sectors, and organization of work, and they are the least satisfied with premises and equipment and safety at work (at workplace and outside of it).

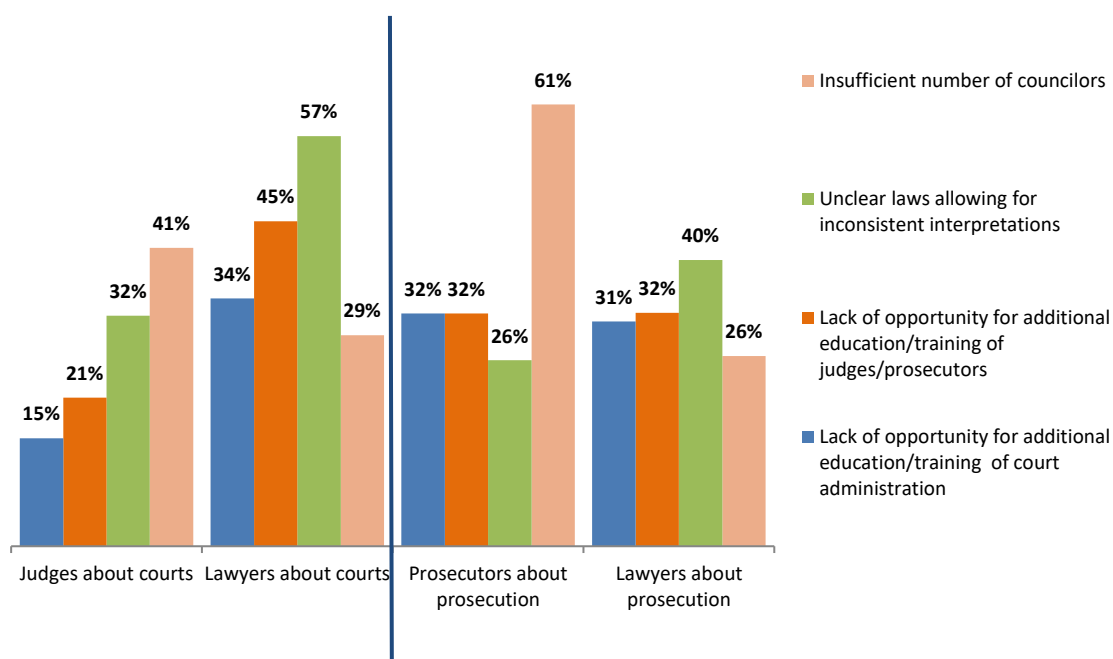
3.1.2.1 Perception of reasons due to which quality of work of courts and prosecution wasn't higher

Judges and public prosecutors who do not evaluate the work of the institution in which they work with the highest score (46% of judges and 33% of prosecutors) agree to a high extent about the reasons why the quality of their institution wasn't higher during the past 12 months. According to them, the key reason for such situation is insufficient number of councilors (41% of judges and a significantly higher percentage of prosecutors – 61%), followed by unclear laws allowing for inconsistent interpretations (32% of judges and 26% of prosecutors), as well as lack of opportunity for additional education (training, education) of judges/prosecutors and court administration (a higher percentage of prosecutors mention these reasons as very important). (Figure 3.1.2.1).

In comparison with judges and public prosecutors, a considerably smaller percentage of the lawyers evaluate positively the work of courts and prosecution: 51% evaluate positively the quality of work of courts and 58% evaluate positively the work of prosecution. Reasons why quality of work of these institutions isn't higher also differ – for lawyers, a very important reason which reduces the quality of court performance lies in unclear laws allowing for inconsistent interpretations (57%), lack of opportunity for additional education/training of judges (45%), but also inadequate professionalism and preparedness of legal representatives (42%). When it comes to work of public prosecutors, the lawyers primarily see as the most important reasons which reduce the quality of work of prosecutors poor cooperation with Police (42%), insufficient exchange of information with other institutions (40%), as well as unclear laws (40%). (Figure 3.1.2.1).

It can be concluded from the above that the lawyers point more frequently to factors which are not directly associated with the work of prosecution and internal organization, but cooperation with Police and other institutions, as well as vague legislation.

Figure 3.1.2.1: REASONS DUE TO WHICH THE QUALITY OF COURT SERVICES WAS NOT BETTER THAT WERE ASSESSED AS VERY IMPORTANT (please evaluate to what extent were the following circumstances important reasons due to which efficiency of the work of institution in which you have worked during the past 12 months was not higher? Please give one grade from 1 to 3 to each of the specified reasons, where 1 means that the given circumstances were unimportant, 2 means that they were partly important and 3 means that they were very important.) Base: judges, prosecutors and lawyers who do not evaluate the work of courts/prosecution with the highest score



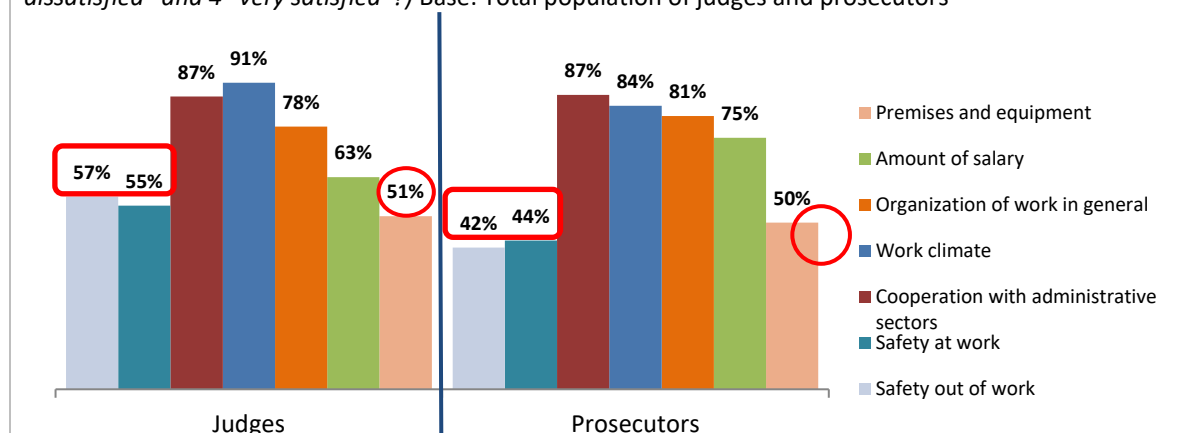
Judges also specify as a very important reason inadequate professionalism and preparedness of legal representatives (22%), while the prosecutors point out as very important factors Insufficient exchange of information with other institutions (29%) and poor cooperation with Police (26%).

3.1.2.2 Satisfaction with working conditions

Judges mainly express satisfaction with different aspects of work in institution where they work. The judges are the most satisfied with work climate (91%), cooperation with administrative sectors (87%), and organization of work (78%). Two thirds of them are satisfied with the amount of their salary. The judges are the least satisfied with premises and equipment (51% satisfied and as much as 45% dissatisfied), safety at work (55% satisfied, 38% dissatisfied), and safety out of work (57% satisfied, 42% dissatisfied). (Figure 3.1.2.2).

Similar to judges, the prosecutors are the most satisfied with work of administration (87%), work climate (84%), and work of prosecutorial administration (87%). In comparison with the judges, the prosecutors are more satisfied with the amount of their salary (75%), they are equally dissatisfied with premises and equipment (only a half of them are satisfied), and they are even more dissatisfied with safety at work and out of work (less than a half of them are satisfied, 42% and 44% respectively). (Figure 3.1.2.2).

Figure 3.1.2.2: PERCENTAGE OF JUDGES AND PROSECUTORS WHO ARE SATISFIED WITH VARIOUS ASPECTS OF WORK IN THEIR INSTITUTION (How satisfied are you with the following aspects of your job in the institution in which you worked in the past 12 months, on a scale of 1 to 4, where 1 represents "very dissatisfied" and 4 "very satisfied"?) Base: Total population of judges and prosecutors



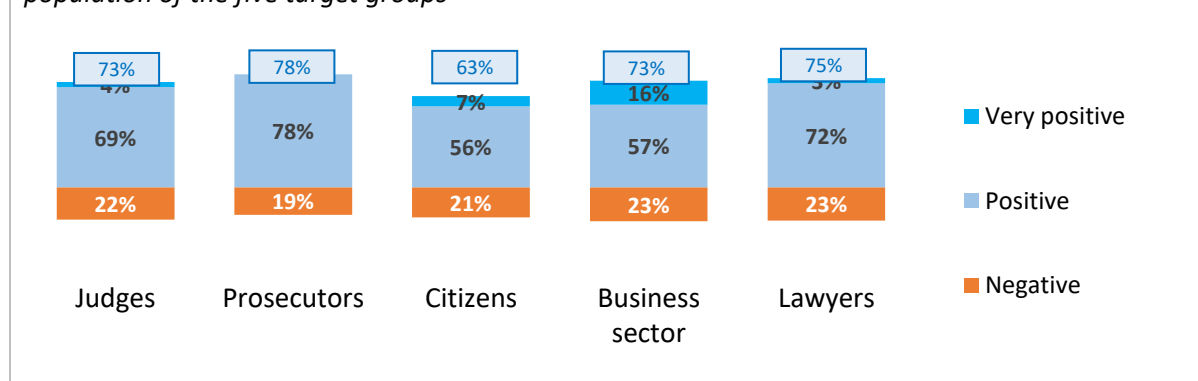
3.1.3 General perception of the quality of lawyers' work

- The quality of work of lawyers is evaluated positively by all participants in court processes.
- Between users with experience of a court case and without this experience, there is no difference in the perception of the quality of lawyers' work.

The evaluation of the quality of work of lawyers is generally positive and relatively even in different target groups. About three fourths of court service providers (judges 73% and prosecutors 78%) and business sector representatives (73%) evaluate the work of lawyers in Montenegro over the past few years positively, same as a somewhat lower percentage of citizens (63%). Lawyers themselves evaluate the quality of work of their own sector similarly as other target groups do (75% give positive grades).

On the other hand, the share of very positive scores is negligible, and just a bit bigger in case of business sector representatives who give 16% of very positive scores for the quality of lawyers' work. (Figure 3.1.3.1).

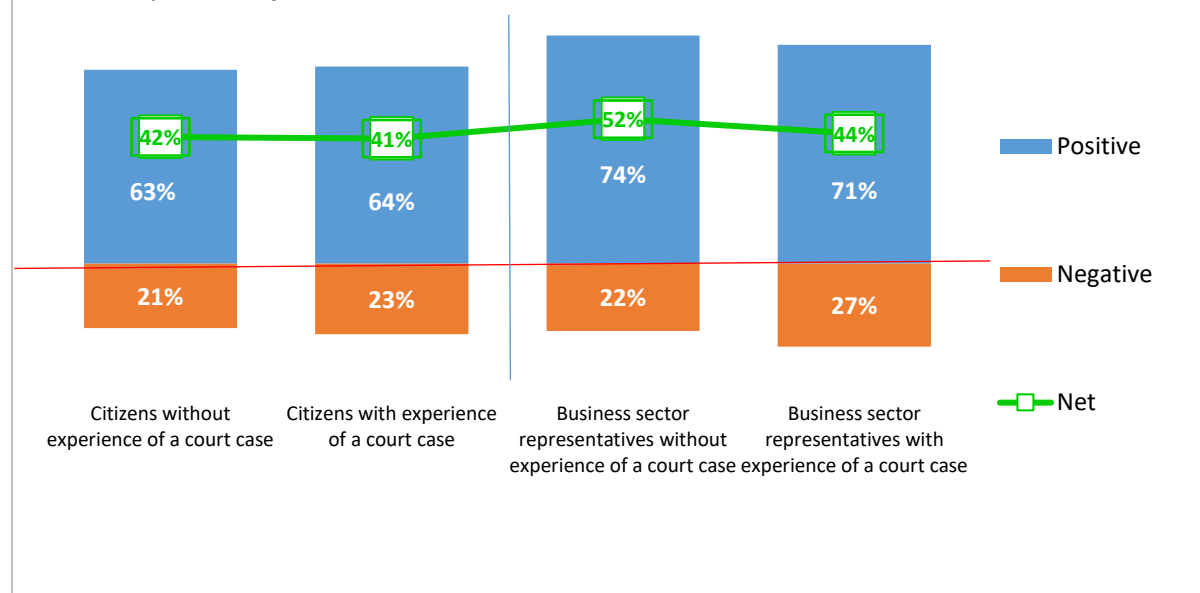
Figure 3.1.3.1: GENERAL PERCEPTION OF THE QUALITY OF WORK OF LAWYERS (What is your general impression of the quality of work of lawyers in Montenegro in the past few years?) Base: Total population of the five target groups



Same as in case of assessing the quality of work of judges and prosecutors, **the experience of a court case does not create differences in perception of the quality of lawyers' work.** The difference

between the percentages of users who give positive and those who give negative scores for the quality of lawyers' work (net score) are even between users with and without experience of a court case. (Figure 3.1.3.2).

Figure 3.1.3.2: CITIZENS AND BUSINESS SECTOR REPRESENTATIVES: GENERAL PERCEPTION OF THE QUALITY OF WORK OF LAWYERS BY USERS WITHOUT EXPERIENCE OF A COURT CASE AND WITH EXPERIENCE OF A COURT CASE (What is your general impression of the quality of work of lawyers in Montenegro in the past few years?) Base: Citizens and business sector representatives with and without experience of a court case



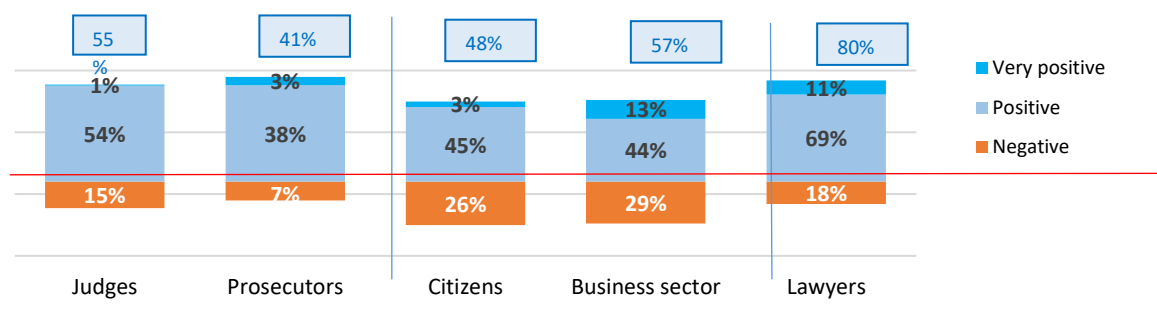
3.1.4 General perception of the quality of work of bailiffs and court experts

- Lawyers, compared with judges and prosecutors, evaluate the work of bailiffs a lot more positively.
- On the other hand, judges and prosecutors, compared with lawyers, evaluate the work of court experts a lot more positively.

As for the perception of the quality of work of bailiffs, **it is quite striking that more than half of prosecutors (52%) and almost a third of judges (30%) did not evaluate their work.**¹⁰ **Judges evaluate the quality of work of bailiffs more positively than prosecutors do (55% of judges and 41% of prosecutors give positive scores), while lawyers are most satisfied with the quality of work of court experts (80%).** Business sector representatives evaluate the work of bailiffs more positively than citizens do (57% and 48% of positive scores). (Figure 3.1.4.1).

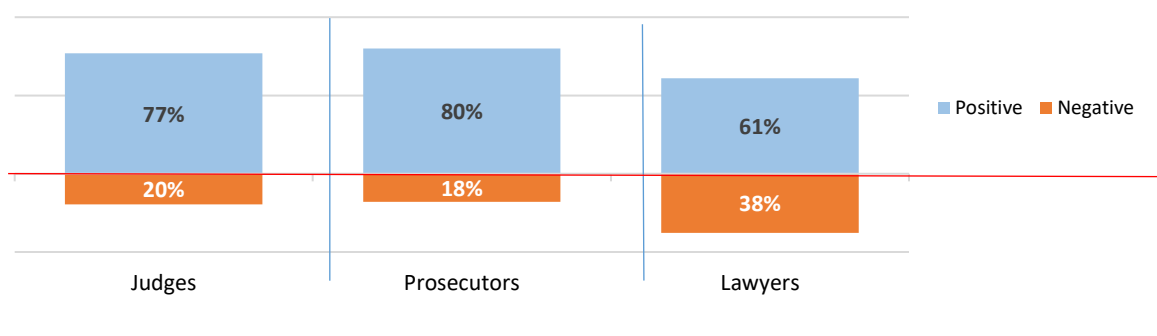
¹⁰ Non-response rate ("No opinion/Don't know"): lawyers 2%, business sector representatives 14%, citizens 25%, judges 30%, and prosecutors 52%.

Figure 3.1.4.1: GENERAL PERCEPTION OF THE QUALITY OF WORK OF BAILIFFS (What is your general impression of the quality of work of bailiffs in Montenegro in the past few years?) Base: Total population of the five target groups



Compared with the evaluation of the quality of work of bailiffs, the quality of work of court experts is evaluated a lot more positively by judges and prosecutors (77% and 80% of positive scores, respectively), and less positively by lawyers (61% of positive scores). (Figure 3.1.4.2).

Figure 3.1.4.2: GENERAL PERCEPTION OF THE QUALITY OF WORK OF COURT EXPERTS (What is your general impression of the quality of work of court experts in Montenegro in the past few years?) Base: Total population of judges, prosecutors, and lawyers



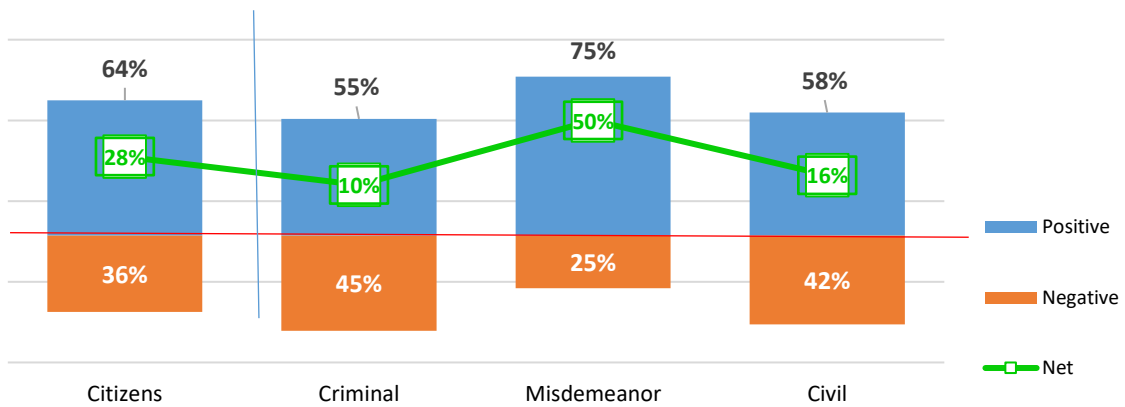
3.2 Evaluation of the quality of court services in the specific case

3.2.1 Evaluation of the quality of the judiciary in the specific case

- The majority of citizens and business sector representatives evaluate positively the quality of work of the judiciary in their specific case.
- Citizens evaluate the quality of work of the judiciary in their specific case more positively than the quality of the judiciary in general, while business sector representatives evaluate more negatively the work of the judiciary in their specific case than in general.
- Users with a favorable judgment are a lot more likely to evaluate the quality of the judiciary positively than users with an unfavorable judgment, but still, the majority of users with unfavorable judgment evaluate positively the quality of work of the judiciary in their specific case.

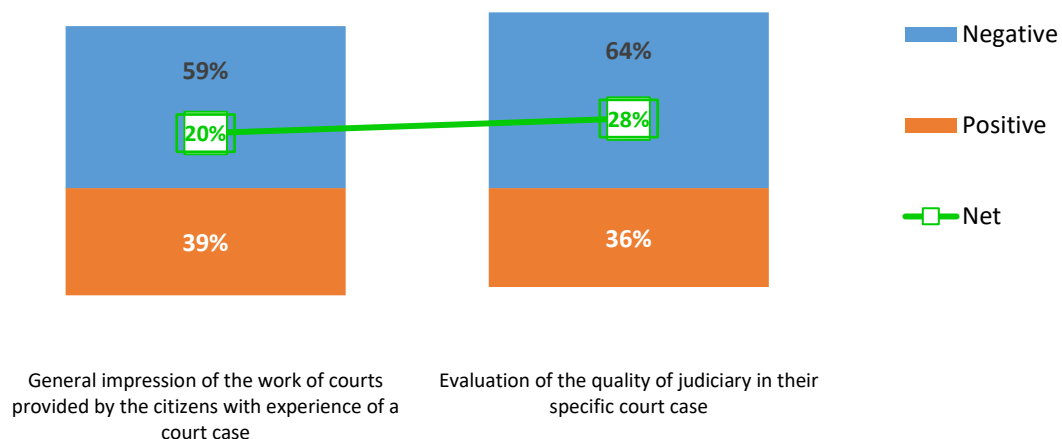
Almost two thirds of citizens with experience of a court case (64%) evaluate positively the quality of work of the judiciary in their specific case. The evaluation of quality is significantly better in misdemeanor cases (75%) than in civil (58%) and criminal cases (55%). (Figure 3.2.1.1).

Figure 3.2.1.1: CITIZENS: EVALUATION OF THE QUALITY OF WORK OF THE JUDICIARY IN THE SPECIFIC CASE (In your opinion what was the quality of judicial work IN THAT SPECIFIC CASE?) Base: Citizens with experience of a court case



Citizens with experience of a court case evaluate the quality of work of the judiciary in their specific case more positively than of the judiciary in general. (Figure 3.2.1.2).

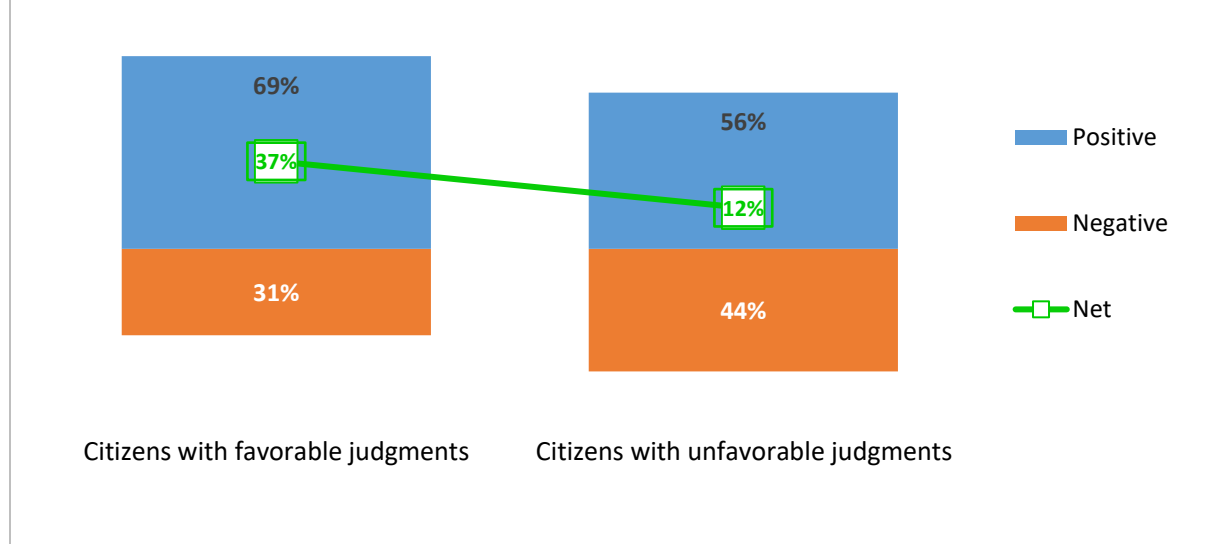
Figure 3.2.1.2: CITIZENS WITH EXPERIENCE OF A COURT CASE: GENERAL IMPRESSION OF THE QUALITY OF WORK OF THE JUDICIARY AND EVALUATION OF THE QUALITY OF WORK OF THE JUDICIARY IN THE SPECIFIC CASE (In your opinion what was the quality of judicial work IN THAT SPECIFIC CASE?) Base: Citizens with experience of a court case



The evaluation of quality is influenced significantly by the trial outcome. Citizens who have had a favorable judgment evaluate the quality of work of the judiciary in their concrete case a lot more positively: 37% more of citizens with favorable judgment give positive than negative scores, and 12%

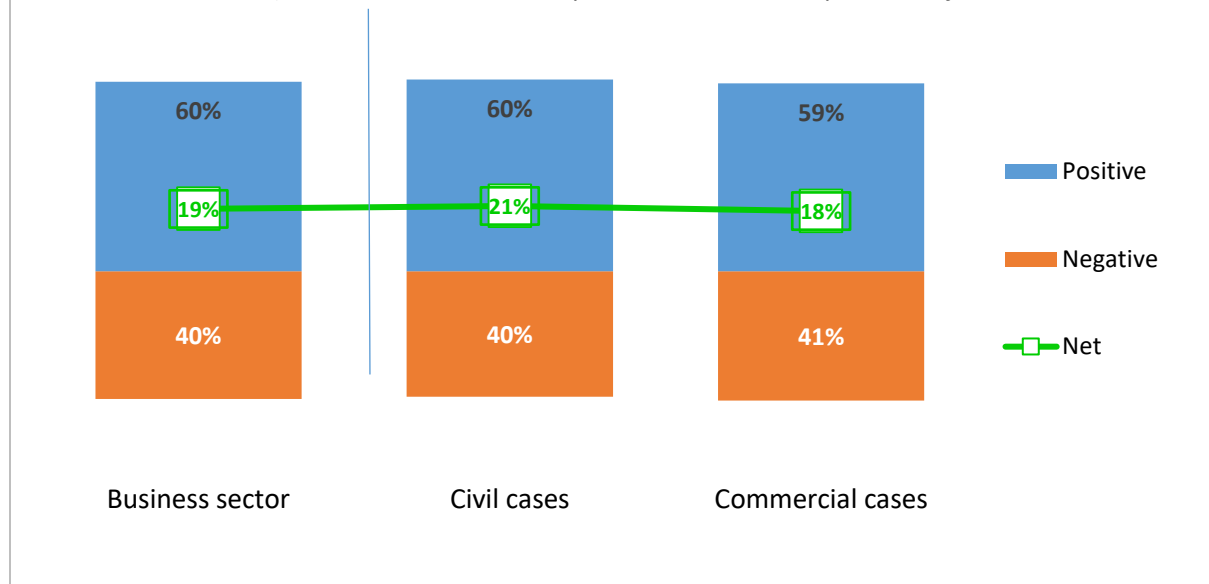
of citizens with unfavorable judgment (net score). **It is striking, however, that majority of citizens with unfavorable judgment still evaluate the quality of their trial positively (56%).** (Figure 3.2.1.3).

Figure 3.2.1.3: CITIZENS: THE EVALUATION OF THE QUALITY OF WORK OF THE JUDICIARY IN THE SPECIFIC CASE BY THE TYPE OF JUDGMENT (In your opinion what was the quality of judicial work IN THAT SPECIFIC CASE?) Base: Citizens with experience of a court case



The evaluation of the quality of the work of the judiciary in the specific case made by business sector representatives is also prevalingly positive – three fifths of business sector representatives (60%) give positive scores for civil and commercial cases. (Figure 3.2.1.4).

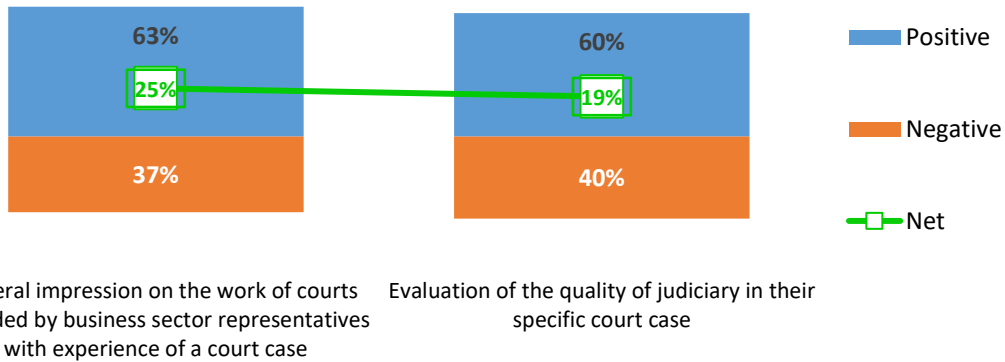
Figure 3.2.1.4: BUSINESS SECTOR REPRESENTATIVES: THE EVALUATION OF THE QUALITY OF WORK OF THE JUDICIARY IN THE SPECIFIC CASE (In your opinion what was the quality of judicial work IN THAT SPECIFIC CASE?) Base: Business sector representatives with experience of a court case



Unlike the general population of citizens who evaluate the quality of work of the judiciary in their specific case more positively than the quality of the judiciary in general, the perception of business sector representatives is equally positive in both cases. (Figure 3.2.1.5).

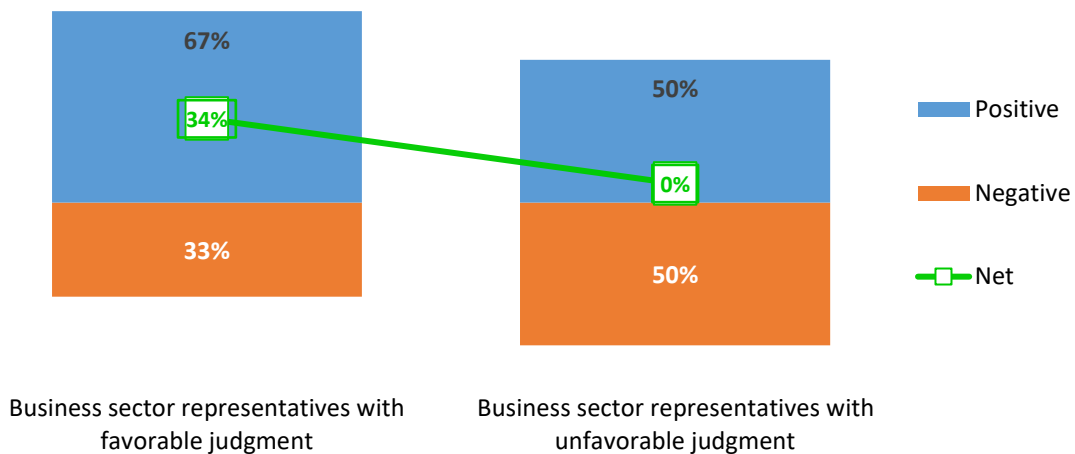
3. QUALITY

Figure 3.2.1.5: BUSINESS SECTOR REPRESENTATIVES WITH EXPERIENCE OF A COURT CASE: GENERAL IMPRESSION ON THE WORK OF THE JUDICIARY AND EVALUATION OF THE QUALITY OF WORK OF THE JUDICIARY IN THE SPECIFIC CASE (What is your general opinion about quality of work of courts in Montenegro over the past several years? / What is your general opinion about quality of work of courts in Montenegro in the SPECIFIC CASE?) Base: Business sector representatives with experience of a court case



Similar to general population citizens, business sector representatives with favorable judgment are also a lot more satisfied with the quality of work of the judiciary: in cases with the judgment in their favor, 34% more of them give positive than negative scores, while in cases with unfavorable judgments, equal percentages of them give positive and negative scores (net score). **It is striking, again, that half of those with unfavorable judgment still evaluate the quality of work of the judiciary positively.** (Figure 3.2.1.6).

Figure 3.2.1.6: BUSINESS SECTOR REPRESENTATIVES: EVALUATION OF THE QUALITY OF WORK OF THE JUDICIARY IN THE SPECIFIC CASE (What is your general opinion about quality of work of courts in Montenegro in the SPECIFIC CASE?) Base: Business sector representatives with experience of a court case



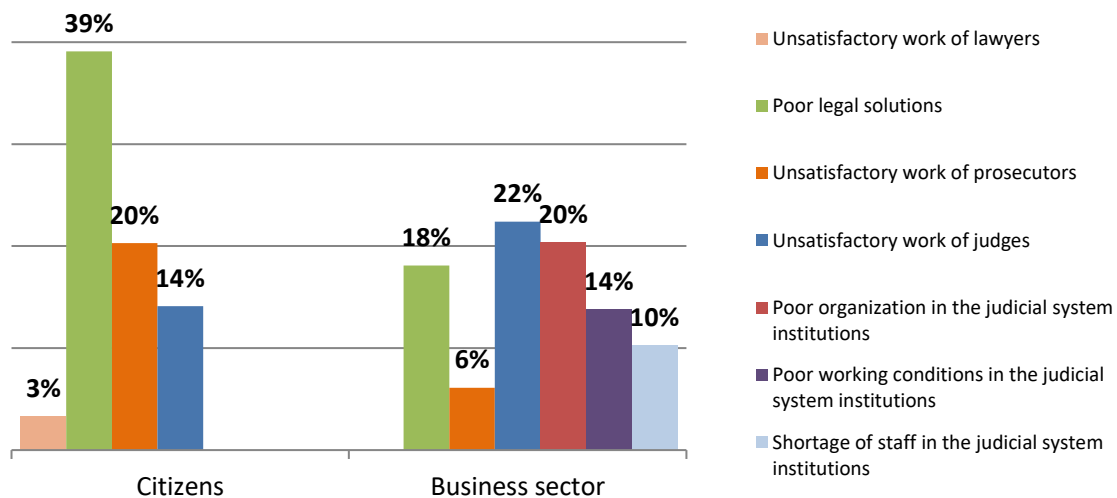
3.2.2 Perception of the reasons why the quality of court performance in the specific case wasn't higher

- Court services users have different opinions on the reasons why the quality of work of the judiciary was reduced in their specific case.
- Citizens usually point out poor legal solutions, and business sector representatives cite several reasons rather evenly – poor performance of judges, poor organization, poor legal solutions...

Poor legal solutions is the reason most frequently pointed out by the citizens for reduced quality of work of the judiciary (39%). Then follow **unsatisfactory work of prosecutors** (20%) and **unsatisfactory work of judges** (14%). Unsatisfactory work of lawyers is mentioned by only 3% of citizens. (Figure 3.2.2.1).

Business sector representatives cite several reasons: unsatisfactory work of judges (22%), poor legal solutions (18%), poor organization of the judiciary system institutions (20%). They also mention poor working conditions in the judiciary system institutions (14%), and shortage of staff (10%). (Figure 3.2.2.1).

Figure 3.2.2.1: MAJOR REASON WHY THE QUALITY OF JUDICIAL SERVICES WAS NOT HIGHER (Which of the following would you identify as the main reason explaining why you did not rate the quality of judicial work higher?) Base: Citizens and business sector representatives who don't evaluate the work of judiciary in THE SPECIFIC CASE with the highest score (citizens 77%, business sector 72%)



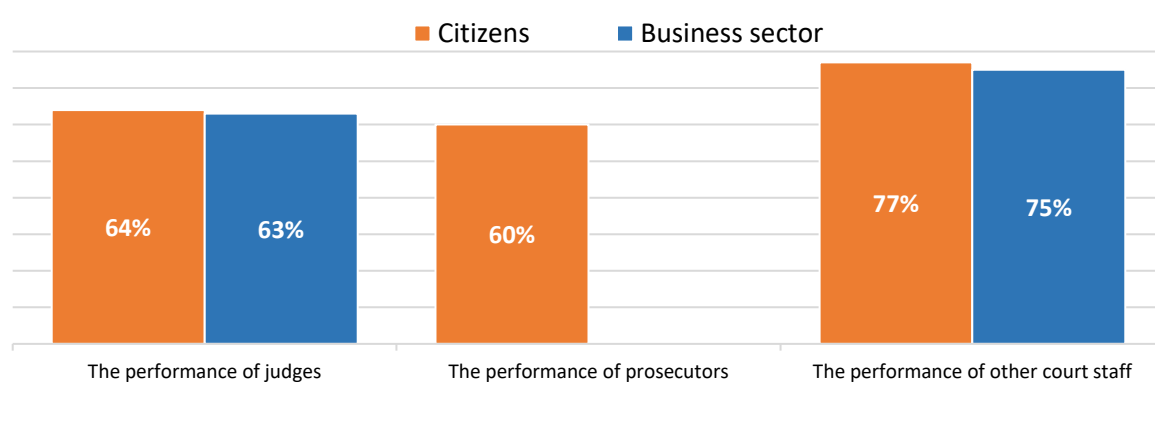
3.2.3 Level of satisfaction with the performance of judges, prosecutors, and other court staff in the specific case

- A majority of court services users were satisfied with the performance of the judges and prosecutors, and of other court staff.
- Users are more satisfied with the other court staff than with judges and prosecutors.
- The quality of work of judges and prosecutors was evaluated with the highest scores in misdemeanor cases.

The level of satisfaction with the work of judges, prosecutors, and other court staff matches the positive general impression about the quality of work of the judiciary in the specific case – the majority of citizens and business sector representatives are satisfied with their performance.

Both citizens and business sector representatives are more satisfied with the performance of other court staff (77% of citizens and 75% of business sector representatives give positive scores) than of judges and prosecutors¹¹ (six in ten users are satisfied with the performance of judges and prosecutors).¹² (Figure 3.2.3.1).

Figure 3.2.3.1: CITIZENS AND BUSINESS SECTOR REPRESENTATIVES: THE PERCENTAGE OF POSITIVE EVALUATIONS OF THE PERFORMANCE OF JUDGES, PROSECUTORS, AND OTHER COURT STAFF IN THE SPECIFIC CASE (*How satisfied were you with the work of the judge in the first-instance court? How satisfied were you with the work of prosecutor? How satisfied were you with the work of the other court staff?*) Base: Citizens and business sector representatives with experience of a court case



3.2.4 Perception of behavior and integrity of judges in the specific case

- A large majority of citizens and business sector representatives with experience of a court case evaluate positively the behavior and professionalism of the judge during their court proceedings.
- Judges are evaluated most positively in regard to kindness and politeness.
- About two thirds of business sector representatives, and somewhat more of citizens, perceive judges as efficient, not corrupt, and trustworthy.
- Citizens are somewhat less likely to consider judges impartial, fair, and objective.

As for judges' behavior, general population citizens, similar to business sector representatives, are most satisfied with kindness and politeness of judges (84% of citizens and 78% of business sector representatives agree that the judge was polite and kind). **A large majority of citizens agree that the judge was not corrupt¹³ (75%), that he or she was efficient (75%), and trustworthy (73%), while business sector representatives are somewhat less likely to share this opinion** (65% of them believe that judge was not corrupt, 66% that judge was efficient, and 68% trustworthy). **Compared with other aspects of behavior of judges, citizens are somewhat less likely to evaluate judges' fairness and**

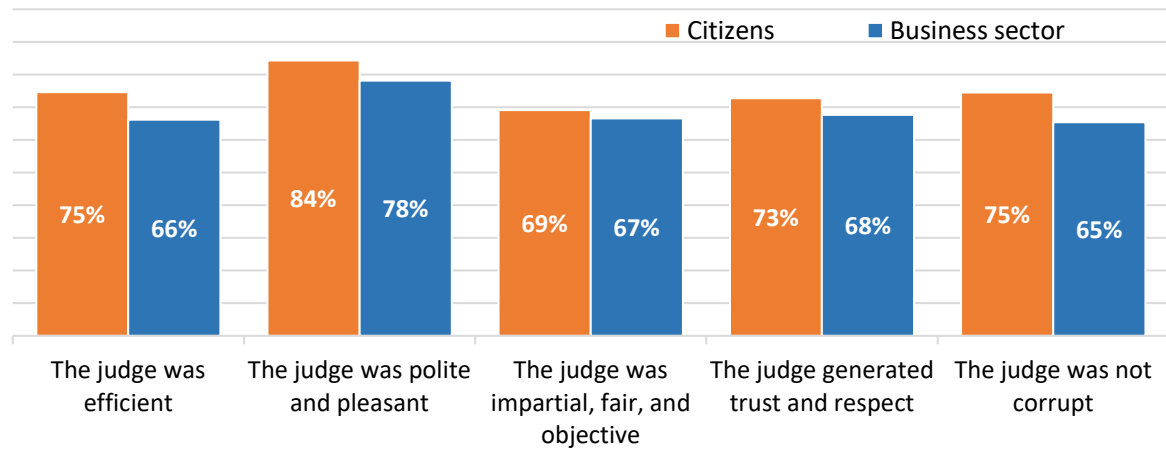
¹¹ Business sector representatives didn't evaluate the work of prosecutors, but only judges'.

¹² About one fourth of citizens (23%), and business sector representatives (28%) didn't evaluate the work of judges.

¹³ 12% of citizens did not share their attitude towards the corruptness of judges in their specific case. The percentage of business sector representatives is somewhat lower (8%).

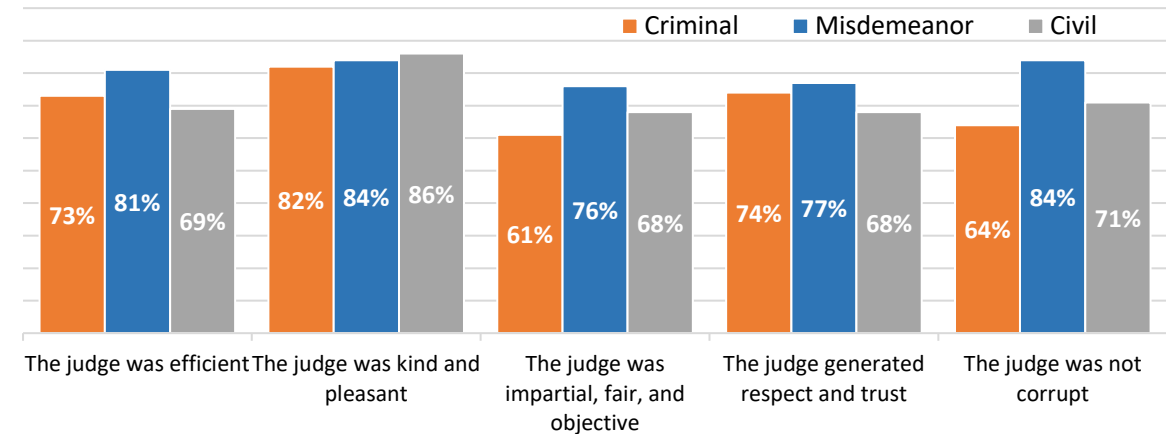
objectiveness positively, but even in this aspect large majority, 69%, give positive scores. (Figure 3.2.4.1).

Figure 3.2.4.1: CITIZENS AND BUSINESS SECTOR REPRESENTATIVES: THE PERCENTAGE OF POSITIVE EVALUATION OF JUDGES' WORK DURING THE PROCEEDINGS (To what extent do you agree with the following statements on a scale of 1 to 4, where 1 means 'fully disagree' and 4 means 'fully agree') Base: Citizens and business sector representatives with experience of a court case



When observed by type of case, citizens with experience of a misdemeanor case give a lot more positive scores for the work of judges in regard to efficiency, impartiality, fairness, and objectiveness, but also integrity. Even 81% of citizens with experience of a misdemeanor case positive evaluate the efficiency of judges positively (compared with 69% of citizens with experience of a civil case); impartiality, fairness, and objectiveness are evaluated positively by 76% of citizens with experience of a misdemeanor case (compared with 61% of citizens with experience of a criminal case); that the judge was not corrupt is the opinion of 84% of citizens with experience of a misdemeanor case (compared with 71% of citizens with experience of a civil case, and 64% of citizens with experience of a criminal case). (Figure 3.2.4.2).

Figure 3.2.4.2: CITIZENS: THE PERCENTAGE OF POSITIVE EVALUATION OF JUDGES' WORK DURING THE PROCEEDINGS (To what extent do you agree with the following statements on a scale of 1 to 4, where 1 means 'fully disagree' and 4 means 'fully agree') Base: Citizens with experience of a court case

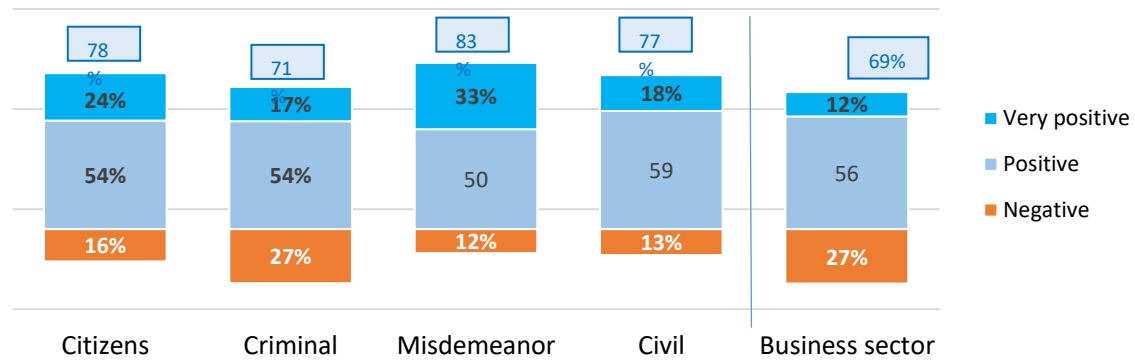


3.2.5 Satisfaction with infrastructure

- Three fourths of citizens and two third of business sector representatives are satisfied with the currently available infrastructure in the judiciary.

Citizens are more satisfied with the current premises, technical equipment (computers, cameras...) and other elements of infrastructure in the judiciary (78%) than business sector representatives are (69%). While business sector representatives don't give different scores for infrastructure depending on the type of case they have experience with, these differences are obvious in citizens' evaluation – citizens with experience of a criminal case give a much lower scores. (Figure 3.2.5.1).

Figure 3.2.5.1: CITIZENS AND BUSINESS SECTOR REPRESENTATIVES: THE SATISFACTION WITH INFRASTRUCTURE IN THE JUDICIARY (How satisfied were you with the facilities, technical equipment (computers, cameras...) and other infrastructure elements in the judiciary?) Base: Citizens and business sector representatives with experience of a court case



4. ACCESSIBILITY

4.1 General perception of accessibility of the judiciary

- Accessibility of the judicial system is evaluated positively both by users and providers of judicial services and lawyers.
- The picture of the accessibility of the judiciary is considerably more positive in the eyes of providers of court services than of users of these services, while perception of lawyers stands between these two groups.
- Judges' perception of the accessibility of prosecution is somewhat more negative than prosecutors' perception of the accessibility of courts.
- A higher percentage of lawyers evaluate positively the accessibility of courts than the accessibility of prosecution.
- The picture is similar when it comes to evaluation of accessibility of lawyers: picture is the most positive in the eyes of lawyers, the least positive in the eyes of users of judicial services, while perception of judges and prosecutors is somewhere between these two groups.

Judges and public prosecutors almost without exception evaluate positively accessibility of courts and public prosecution. As much as 95% of judges and public prosecutor evaluate positively the accessibility of courts. An equally high percentage of prosecutors evaluate positively the accessibility of public prosecution, while a somewhat lesser percentage of judges evaluate positively the accessibility of public prosecution, 81%. (Figures 4.1.1.1 and 4.1.1.2).

A majority of the citizens and business sector representatives positively evaluate the accessibility of both courts and public prosecution, but in a considerably smaller percentage than judges and prosecutors: accessibility of courts is positively assessed by 68% of the citizens and 63% of representatives of the business sector, while accessibility of prosecution is evaluated positively by 63% of the citizens and 59% of representatives of the business sector. (Figures 4.1.1.1 and 4.1.1.2).

Evaluation of lawyers stands between the scores given by providers and users of judicial services: 81% of lawyers positively evaluate the accessibility of courts, and 70% the accessibility of prosecution. (Figures 4.1.1.1 and 4.1.1.2).

Accessibility of lawyers is evaluated the most positively by lawyers (91% evaluate it positively), and in a considerably smaller percentage by users (cca. 65% evaluate the accessibility of lawyers positively), while the scores given by providers of judicial services stand between these two groups (cca. 80% evaluate it positively). (Figure 4.1.1.3).

4. ACCESSIBILITY

Figure 4.1.1.1: GENERAL PERCEPTION OF ACCESSIBILITY OF COURTS (What is your general opinion about the accessibility of courts in Montenegro in the past several years?) Base: Total population of five target groups

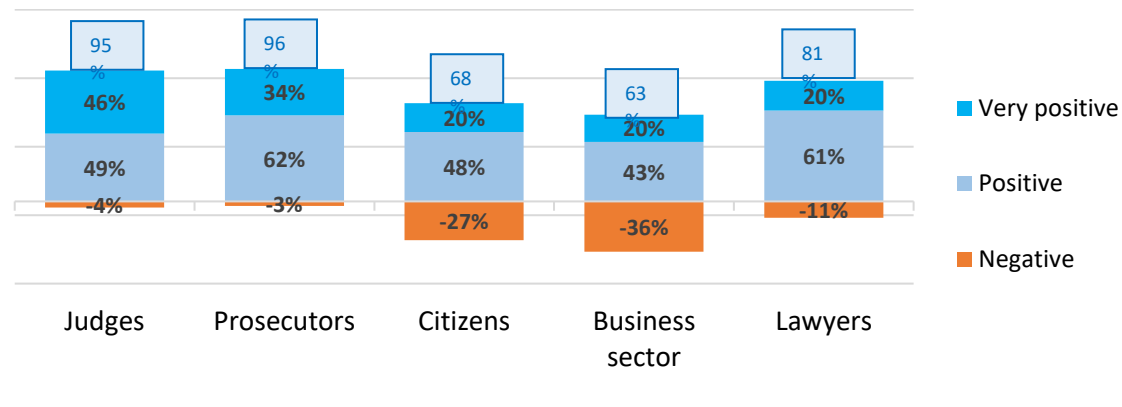


Figure 4.1.1.2: GENERAL PERCEPTION OF ACCESSIBILITY OF PROSECUTION (What is your general opinion about the accessibility of prosecution in Montenegro in the past several years?) Base: Total population of five target groups

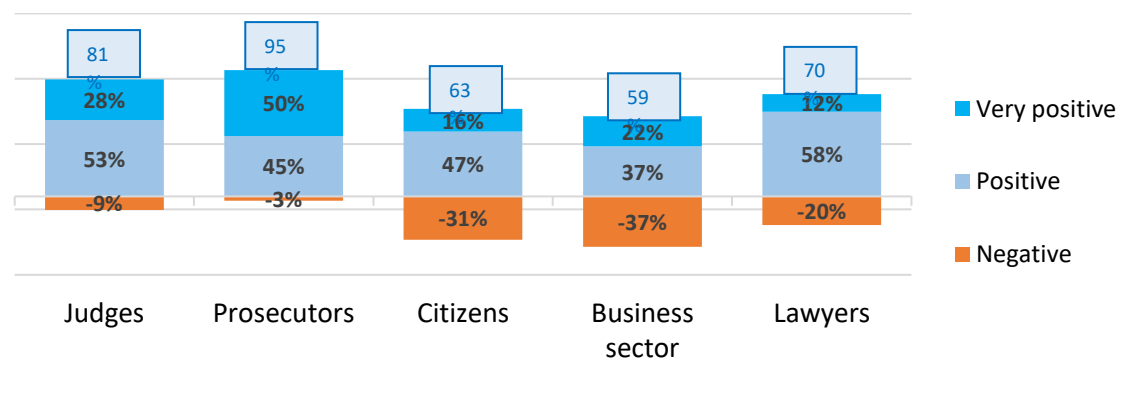
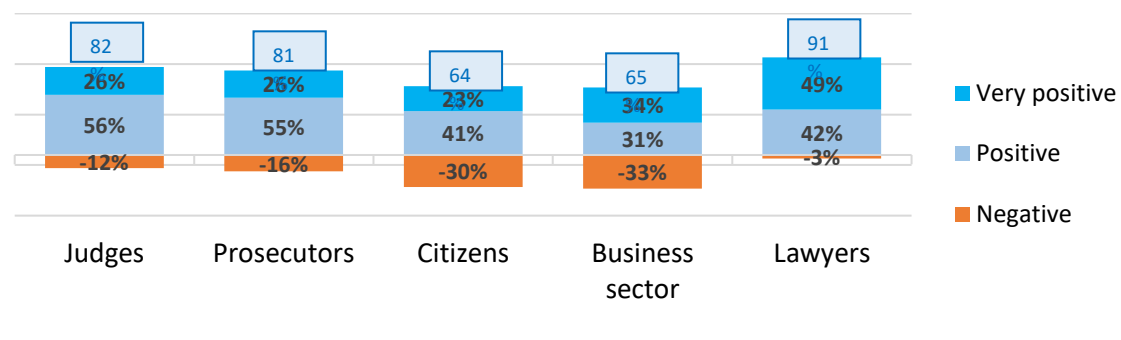


Figure 4.1.1.3: GENERAL PERCEPTION OF ACCESSIBILITY OF LAWYERS (What is your general opinion about the accessibility of lawyers in Montenegro in the past several years?) Base: Total population of five target groups



The general perception of accessibility of courts and prosecution by citizens with experience of a court case is somewhat more positive than perception by citizens without such experience. Representatives of the business sector with experience of a court case evaluate somewhat more

4. ACCESSIBILITY

positively the accessibility of public prosecution, but not the accessibility of courts. (Figures 4.1.1.4 and 4.1.1.5).

Figure 4.1.1.4.: CITIZENS AND BUSINESS SECTOR: GENERAL PERCEPTION OF ACCESSIBILITY OF COURTS BY USERS WITH AND WITHOUT EXPERIENCE OF A COURT CASE (What is your general opinion about the accessibility of courts in Montenegro in the past several years?) Base: citizens and business sector with and without experience of a court case

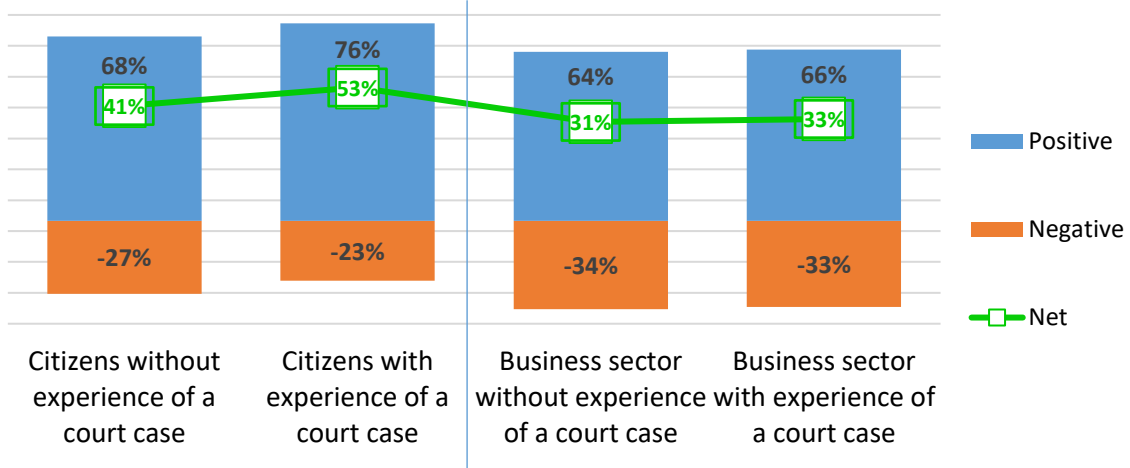
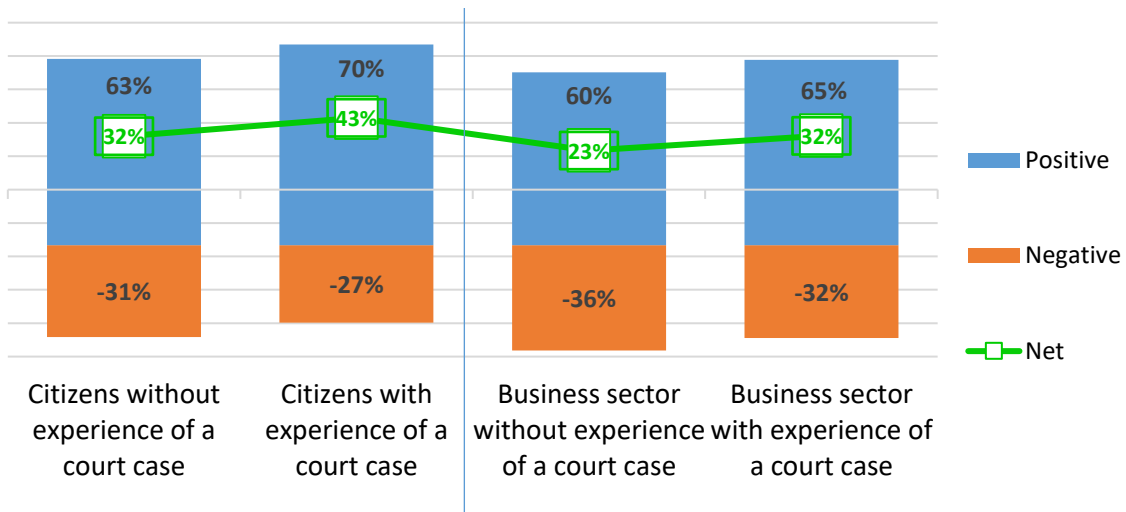
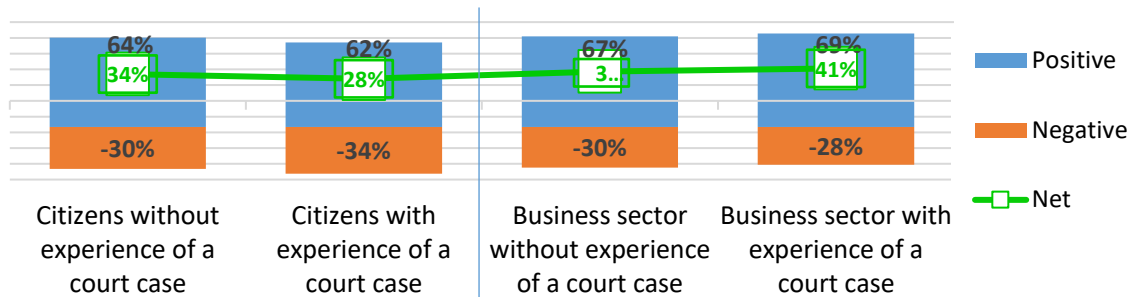


Figure 4.1.1.5.: CITIZENS AND BUSINESS SECTOR: GENERAL PERCEPTION OF ACCESSIBILITY OF PROSECUTION BY USERS WITH AND WITHOUT EXPERIENCE OF A COURT CASE (What is your general opinion about the accessibility of Prosecution in Montenegro in the past several years?) Base: citizens and business sector with and without experience of a court case.



The citizens with experience of a court case evaluate somewhat more negatively the accessibility of lawyers than the citizens without that experience (in case of the citizens without experience, 34% more of them give positive than negative scores, while in case of the citizens with experience of a court case this difference is 28%). In case of the business sector, there is no difference in perception of accessibility of lawyers between those with experience of a court case and those without. (Figure 4.1.1.6).

Figure 4.1.1.6: CITIZENS AND BUSINESS SECTOR: GENERAL PERCEPTION OF ACCESSIBILITY OF LAWYERS BY USERS WITH AND WITHOUT EXPERIENCE OF A COURT CASE (What is your general opinion about the accessibility of LAWYERS in Montenegro in the past several years?) Base: citizens and business sector with and without experience of a court case



4.2 Perception of accessibility of the judiciary in terms of accessibility of information, geographic accessibility of the court, navigation in court building, and financial accessibility

4.2.1 General perception of accessibility of the judiciary regarding the defined aspects

- Judges and prosecutors evaluate considerably more positively the accessibility of all aspects of the judiciary than users of judicial services and lawyers do, with the exception of accessibility of costs connected with the services of lawyers.
- Users of judicial services are the least satisfied with accessibility of the judiciary in terms of costs, both lawyer-related and court-related.
- The biggest difference between the citizens on one hand and judges and prosecutors on the other relates to the evaluation of accessibility of court-related costs – a considerably higher percentage of judges and prosecutors evaluate this aspect of the judiciary as accessible than general population citizens.

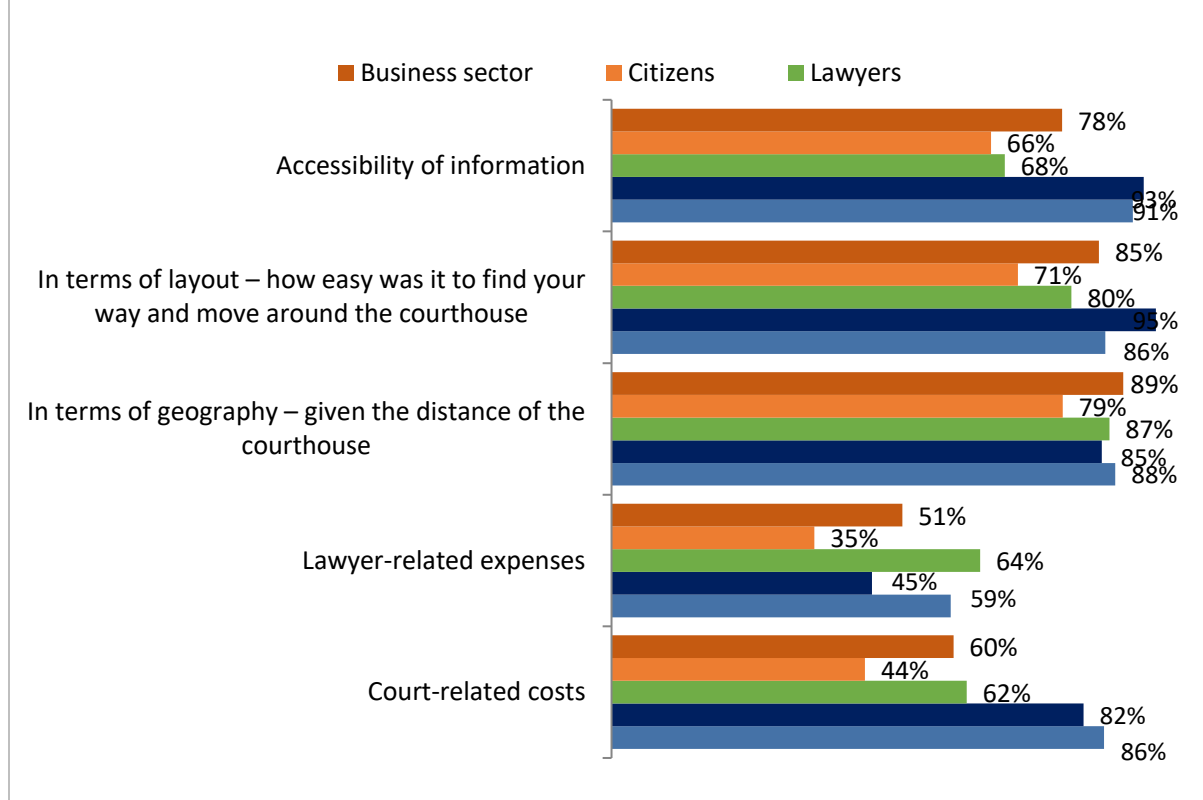
Users of judicial services evaluate most positively the accessibility in terms of the distance of the courthouse (79% of the citizens and 89% of business sector representatives evaluate that the courthouse is accessible). **A majority of users of court services are also satisfied with accessibility of information** (66% of the citizens and 78% of business sector representatives give positive scores) **as well as with the layout of the courthouse** (71% of the citizens and 85% of business sector representatives give positive scores). (Figure 4.1.2.1).

Users of court services are the least satisfied with accessibility of the judiciary in terms of financial costs. In this respect, the citizens are considerably less satisfied than representatives of the business sector. Just somewhat above one third of the citizens (35%) and circa one half of the business sector representatives positively evaluate the accessibility of lawyer-related costs; less than a half of the citizens (44%) and 60% of business sector representatives evaluated positively the accessibility of court-related costs. (Figure 4.1.2.1).

Providers of judicial services, particularly the prosecutors, evaluate lawyer-related services as the least accessible (45% of prosecutors and 59% of judges give positive scores), **but more than 80%**

positively evaluate the accessibility of court-related costs (82% of prosecutors and 86% of judges). (Figure 4.1.2.1).

Figure 4.2.1.1.: PERCENTAGE OF THE CITIZENS, BUSINESS SECTOR REPRESENTATIVES, JUDGES, PROSECUTORS, AND LAWYERS WHO THINK THAT THE JUDICIAL SYSTEM IS ACCESSIBLE OR VERY ACCESSIBLE IN TERMS OF THE DEFINED ASPECTS (*Users: To what extent is the judicial system accessible to you personally /to your company in terms of...; Judges, prosecutors and lawyers: To what extent is the judicial system accessible to the citizens in terms of.....?*). Base: Total target population of citizens, business sector, lawyers, judges, and public prosecutors



4.2.2 Effect of experience of a court case on general perception of accessibility of different aspects of the judiciary

Citizens with experience of a court case, compared with the citizens without that experience, evaluate somewhat more positively all aspects of accessibility of the judicial system. (Figure 4.2.2.1).

Business sector representatives with experience, compared to those without, evaluate more positively the accessibility of the judicial system in terms of costs, but they evaluate it somewhat more negatively in terms of accessibility of information. (Figure 4.2.2.2).

Figure 4.2.2.1.: PERCENTAGE OF THE CITIZENS WITH AND WITHOUT EXPERIENCE OF A COURT CASE WHO THINK THAT THE JUDICIAL SYSTEM IS NOT ACCESSIBLE IN TERMS OF THE DEFINED ASPECTS (To what extent is the judicial system accessible to you personally? Scale: 1. Very inaccessible 2. Mostly inaccessible 3. Mostly accessible, 4. Very accessible) Base: Citizens with experience and citizens without experience of a court case

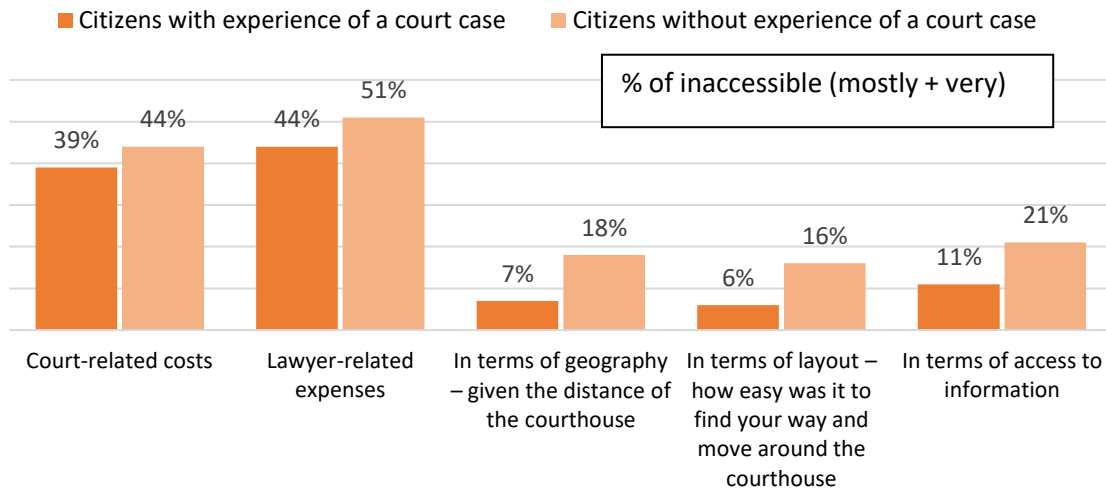
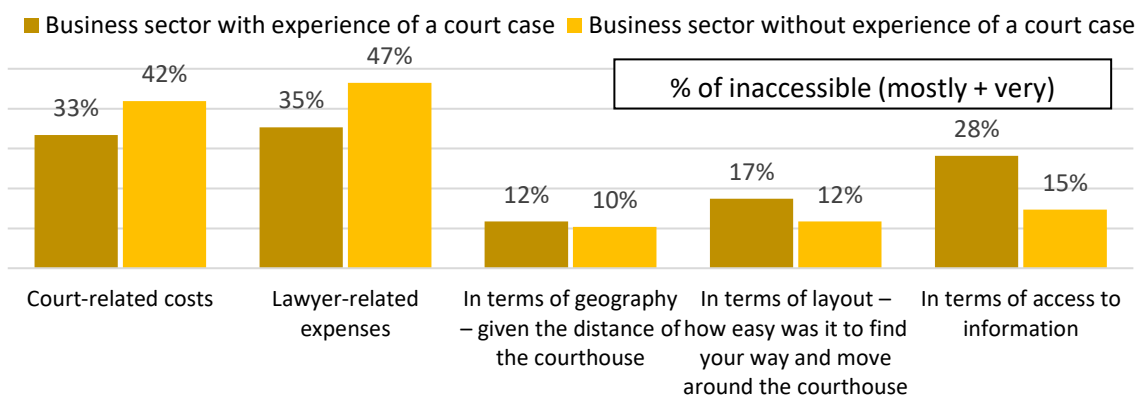


Figure 4.2.2.2.: PERCENTAGE OF REPRESENTATIVES OF BUSINESS SECTOR WITH AND WITHOUT EXPERIENCE OF A COURT CASE WHO THINK THAT THE JUDICIAL SYSTEM IS NOT ACCESSIBLE IN TERMS OF THE DEFINED ASPECTS (To what extent is the judicial system accessible to your company? Scale: 1. Very inaccessible 2. Mostly inaccessible 3. Mostly accessible, 4. Very accessible) Base: Business sector with experience and without experience of a court case



4.3 Perception of accessibility of the judiciary in own court case

4.3.1 Perception accessibility of information

- The majority of users of court services think that they easily obtained information relating to their court case.

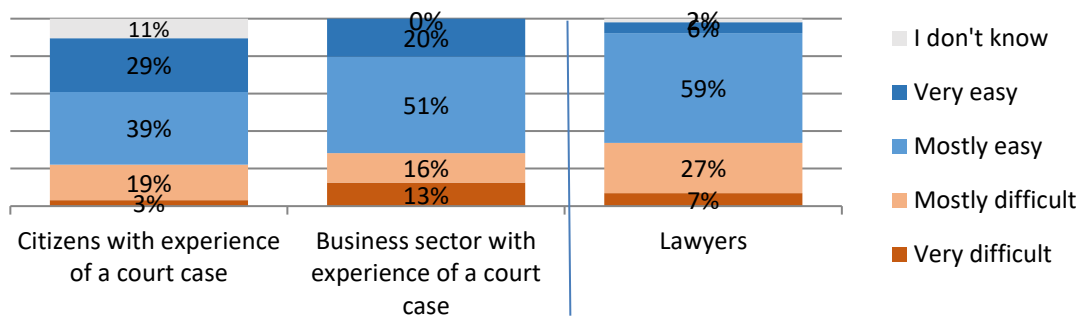
- One in five citizens, a somewhat higher percentage of business sector representatives, and approximately one third of the lawyers, state that they had difficulties in obtaining the necessary information.
- Judges and prosecutors state that the main source of information about the courts and Prosecutor’s Offices where they work are websites, while the users of court services state that they used this source of information to the smallest extent.
- The most important sources of information about their case for the users of court services are lawyers and court employees.
- A majority of users of court services are satisfied with the source of information which they used.

4.3.1.1 Ease of obtaining information

The majority of the citizens (68%) and business sector representatives (71%) evaluate that it was easy for them and their lawyer to obtain specific information pertaining to their court case. Approximately one in five citizens, a somewhat higher percentage of representatives of business sector, and circa one third of the lawyers, claim that it was difficult to obtain the needed information. (Figure: 4.3.1.1).

Evaluation of lawyers mainly coincides with evaluation of users: 65% of them think that it is mostly or very easy to obtain the necessary information about functioning of the judiciary. (Figure 4.3.1.1).

Figure 4.3.1.1: EVALUATION OF THE EASE OF OBTAINING INFORMATION BY LAWYERS, GENERAL POPULATION, AND BUSINESS SECTOR IN THEIR OWN COURT CASE. (Citizens with experience of a court case, business sector with experience of a court case: How easy or difficult was it for you or your lawyer to access information regarding your court case? Lawyers: how easy or difficult was it for ALL citizens, notwithstanding their age, education level, financial status, nationality, or disability to access the information they needed about the functioning of the judicial system (e.g., how to file a case, etc.)) Base: Total target population of citizens and business sector with experience of a court case



4.3.1.2 Sources of information

Judges and prosecutors specify that their main source of information about the court/prosecutor’ office in which they work are the websites of court and prosecutor’s office (77% of judges and 71% of prosecutors). More than 70% of the judges, and only one third of prosecutors, mention bulletin boards. A higher percentage of judges than prosecutors specify brochures and leaflets (almost one in

four judges and only 4% of prosecutors). Just 10% of the judges and prosecutors mention free info phone. (Figure 4.3.1.2.1).

Accessible sources of information which considerably higher percentage of lawyers specify are sources of information in courts and prosecutor’s offices. The highest percentage of the lawyers also specify as source of information about the courts and prosecution the websites of these institutions, but a considerably higher percentage of them mention websites of the courts (78%) than websites of the prosecution (44%). Besides websites of the courts, the lawyers mention in the same percentage the registry desk and the lawyers. (Figure 4. 3.1.2.2).

It is striking however, that **the smallest percentage of the users mention the Internet as their source of information about their case. Citizens most frequently mention lawyers as their main source of information about their court case (48%), while one in four citizens specify court staff.** (Figure 4. 3.1.2.3).

Business sector representatives most frequently specify lawyers (34%), court staff (38%), and registry office (31%). (Figure 4. 3.1.2.3).

The majority of users of court services are satisfied with sources of information which they used.

Figure 4.3.1.2.1: JUDGES AND PUBLIC PROSECUTORS – MOST FREQUENTLY MENTIONED WAYS IN WHICH THE CITIZENS CAN OBTAIN INFORMATION REGARDING THEIR RIGHTS IN COURTS AND OFFICES OF PUBLIC PROSECUTORS (Judges: As for the court that you are working in, how can citizens collect information about their rights? Prosecutors: As for the prosecutor’s office that you are working in, how can citizens collect information about their rights?) Base: Total; target population of judges and prosecutors

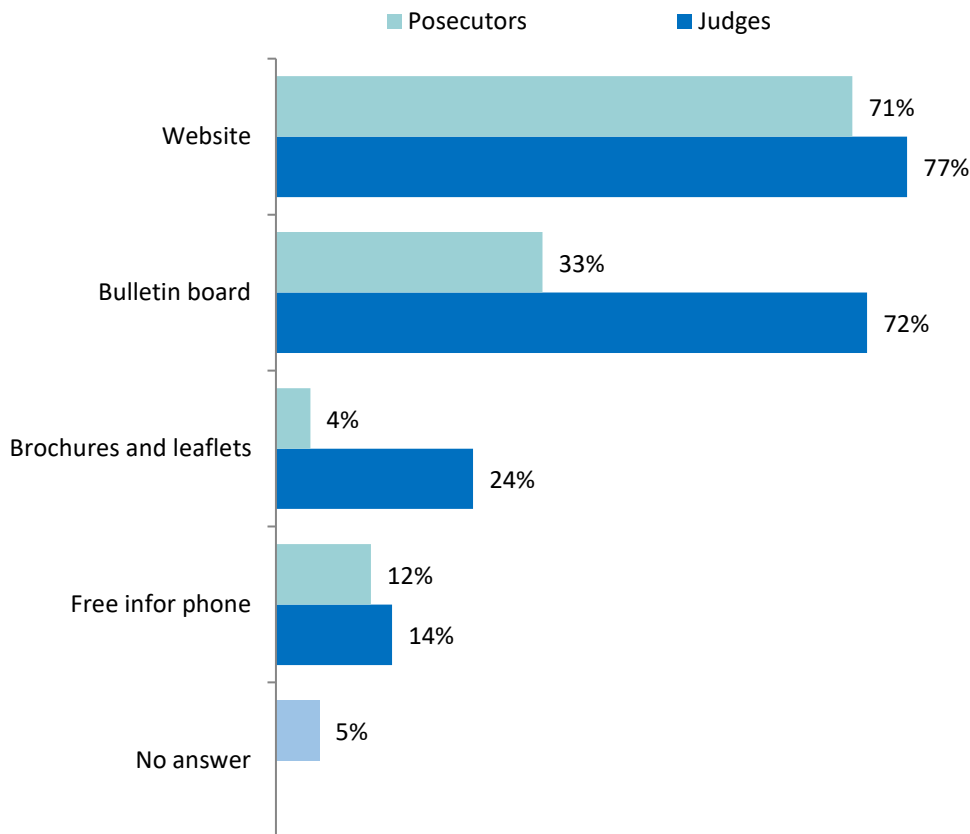


Figure:4.3.1.2.2: MOST FREQUENTLY MENTIONED SOURCES OF INFORMATION WHICH, ACCORDING TO LAWYERS, ARE ACCESSIBLE TO CITIZENS IN ORDER TO OBTAIN THE NEEDED INFORMATION ABOUT THEIR LEGAL RIGHTS AND FUNCTIONING OF JUDICIAL SYSTEM (Question: Which sources were accessible to the citizens in order to obtain the needed information about their legal rights and functioning of the judiciary?) Base: total target population (lawyers)

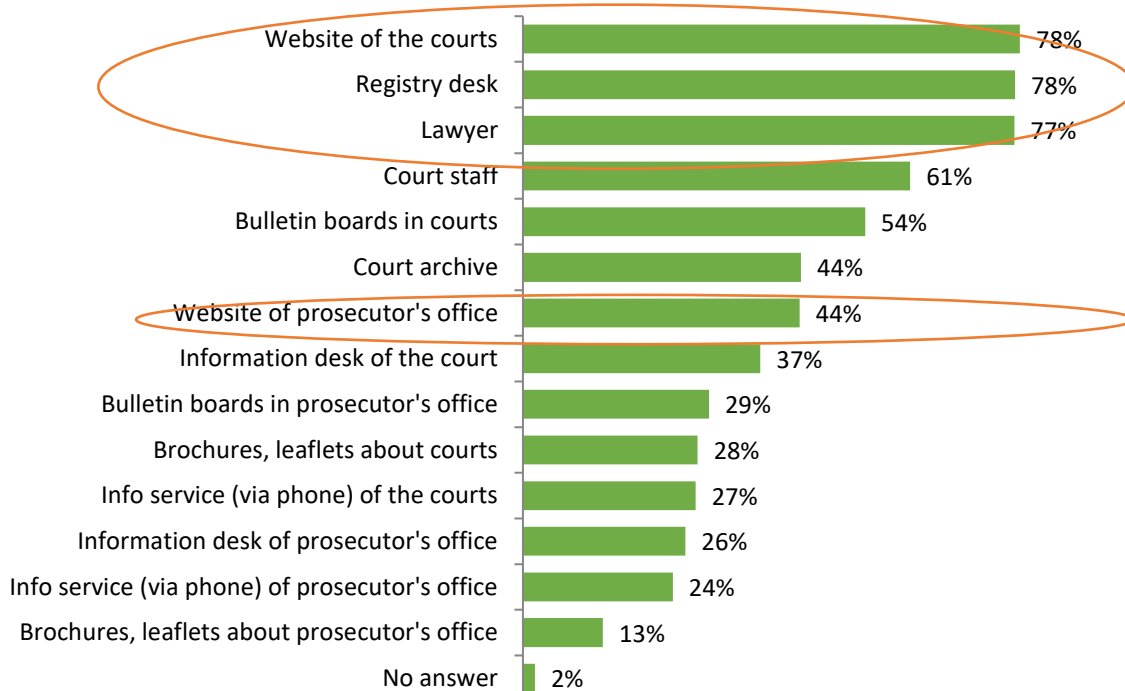
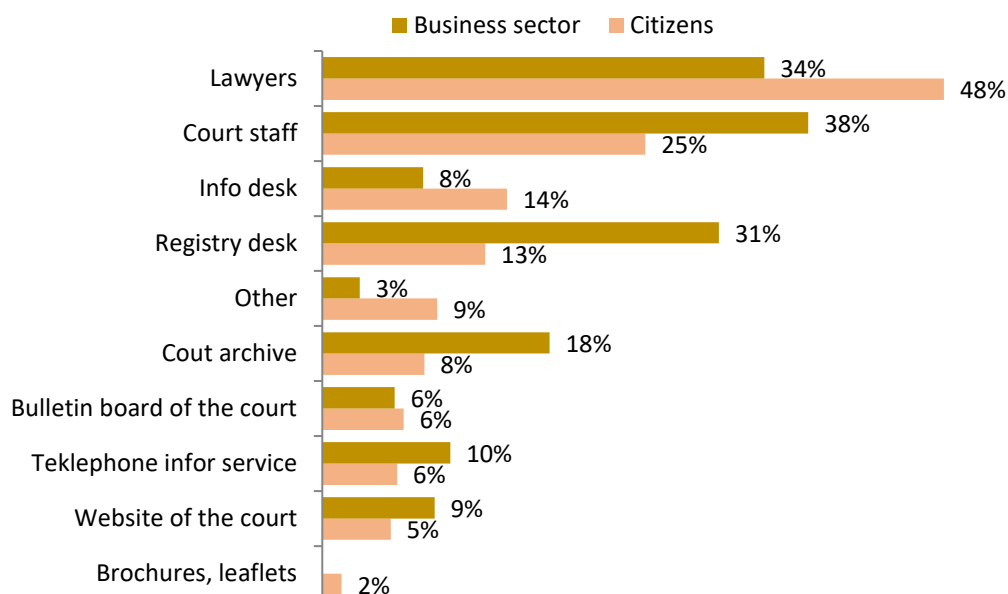


Figure: 4.3.1.2.3: MOST FREQUENTLY MENTIONED SOURCES OF INFORMATION IN THE COURT WHICH CITIZENS AND BUSINESS SECTOR USED IN THEIR CASE (Question: Which sources of information did you use to find out what you should do in this concrete case?) Base: citizens and business sector with experience of a court case



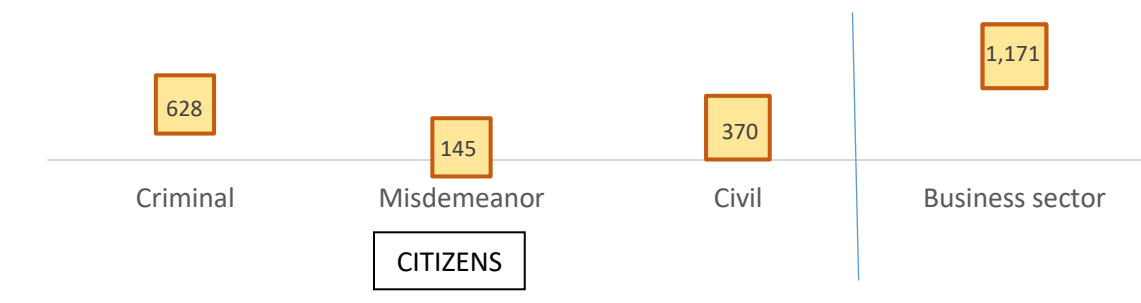
4.3.2 Perception of financial accessibility (cost-effectiveness)

- According to users of judicial services, the prosecution is the least accessible in terms of costs of court processes.
- Circa one half of the users think that the cost of their court case was too big compared to the quality of the court process.
- Evaluation of the amount of costs for the budget greatly depends on the evaluation of quality of the court process – more positive evaluation of quality is followed by perception of smaller cost and smaller burden for the budget.

Users of judicial services believe that the judiciary is the least accessible in terms of court-related costs. As mentioned above (section 4.2.2), approximately four in ten citizens and around one third of business sector representatives think that the judiciary is inaccessible in terms of court-related costs and lawyer-related costs.

On average, according to users of court services, the expenses of the business sector are considerably higher than the expenses of the citizens. On average the cost of the business sector was 1171 Euros. According to data obtained from the citizens, the biggest average cost was the cost that the citizens had in criminal cases (on average 628 Euros), then in civil cases (on average 370 Euros), and the smallest cost was in misdemeanor cases (on average 145 Euros). (Figure 4.3.2.1).

Figure 4.3.2.1: AVERAGE COSTS OF CONCRETE COURT CASE IN EUROS BASED ON DATA OBTAINED FROM THE CITIZENS AND BUSINESS SECTOR (How much did the case cost you altogether? Total costs imply all court costs and taxes, the lawyer's fee and travel costs (but does not include fines) Base: citizens and business sector with experience of a court case



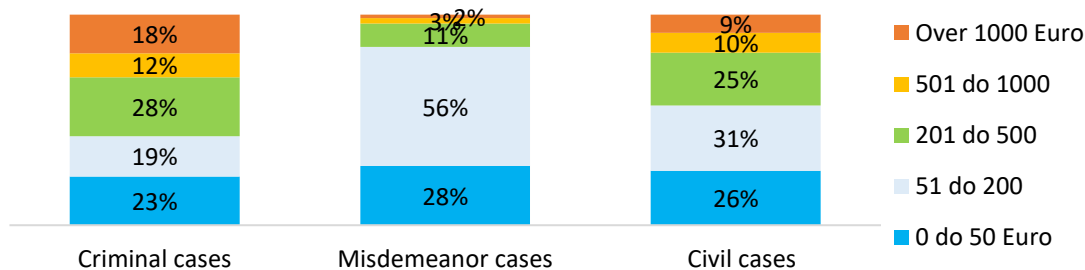
Range of specified costs in all cases is large, and it spans from zero to several thousand Euros. (Table 4.3.2.1. and Figure 4.3.2.1a).

Table 4.3.2.1: MINIMAL AND MAXIMAL COSTS AND MEDIAN (VALUE WHICH SEPARATES THE UPPER AND BOTTOM 50%) IN EUROS ACCORDING TO DATA OBTAINED FROM THE CITIZENS AND REPRESENTATIVES OF BUSINESS SECTOR IN THEIR COURT CASE

	CITIZENS			BUSINESS SECTOR
	Criminal	Misdemeanor	Civil	
Minimum	0	0	0	0
Maximum	5000	1550	6000	10.000
Median ¹⁴	270	78	222	420

¹⁴ Value separating the higher half from the lower half.

Figure 4.3.2.1.a: DISTRIBUTION OF COSTS IN DIFFERENT TYPES OF COURT CASES BASED ON DATA REPORTED BY CITIZENS (How much did the case cost you altogether? Total costs imply all court costs and taxes, the lawyer's fee and travel costs (but does not include fines) Base: citizens with experience of a court case



According to data obtained from the citizens, distribution of costs varies depending on the type of court case, but in all types of cases, the biggest share in total costs are lawyer-related costs. In criminal cases, more than 70% of costs on average are the lawyer-related costs, while less than one fifth of overall costs are the court-related costs; in misdemeanor cases, less than a half of costs are the costs of lawyers' services, and somewhat more than one fifth are court-related costs; in civil cases, more than one half of the entire costs are lawyer-related costs, while one third of costs are court-related costs.

On the other hand, according to data disclosed by representatives of the business sector, a somewhat bigger share of costs (cca. 40%) are court-related costs, while one third of the costs relate to fees of the lawyers.

Circa one half of the court users think that the cost which they had for their court case was too big compared to quality of the court process. The exception is the citizens in misdemeanor cases, where less than a half (41%) think that the cost was excessive. (Figure 4.3.2.2).

A considerable percentage of the citizens and of business sector representatives evaluate that cost of their court process was a big burden to their budget: slightly over one half of the citizens in criminal and civil cases, and slightly less in misdemeanor cases and cases of business sector. (Figure 4.3.2.3).

Figure 4.3.2.2: PERCEPTION OF TOTAL COSTS IN CONCRETE COURT CASE (Citizens: Do you think the total costs were small, "reasonable" or excessive given the quality of court services you were provided? Business sector: Do you think the total costs of your company were small, "reasonable" or excessive given the quality of court services you were provided?) Base: Citizens and business sector with experience of a court case

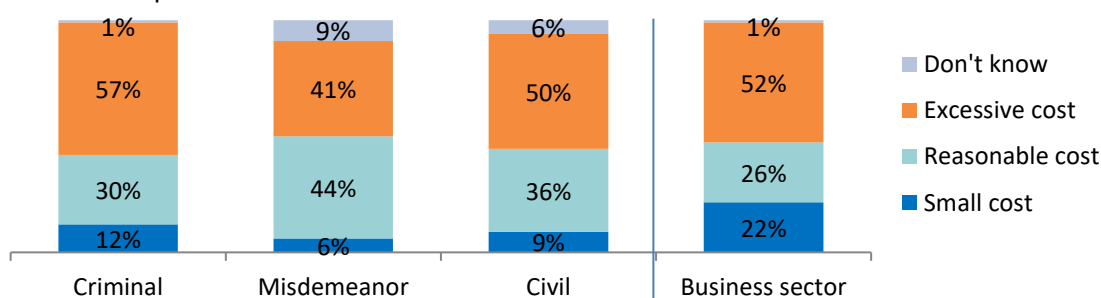
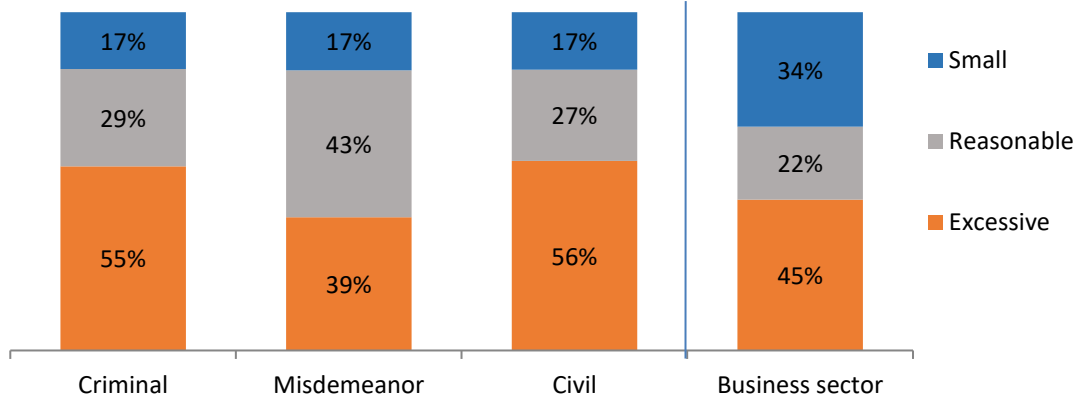


Figure 4.3.2.3.: EVALUATION OF HOW BURDENSOME THE COST OF COURT PROCESS WAS FOR BUDGET OF THE USERS OF COURT SERVICES IN CONCRETE CASE (Citizens: How much of a burden for your budget were these TOTAL costs? Business sector: How much of a burden for business operation of your company were these TOTAL costs?) Base: Citizens and business sector with experience of a court case



It is striking, however, that burden of cost of the court process is perceived as smaller and these costs are evaluated as more reasonable depending on satisfaction with the quality of a court case.

Among the citizens who evaluate the quality of the court process as low, 65% perceive the costs of the court process as a big burden and 72% feel that the costs were excessive, while among those who evaluate the quality of the court process as high, 42% evaluate the costs as a big burden, and 36% think that the costs were excessive. (Figures 4.3.2.4 and 4.3.2.5).

Figure 4.3.2.4: CITIZENS - EVALUATION OF HOW BURDENSOME THE COST OF COURT PROCESS WAS FOR BUDGET OF THE CITIZENS DEPENDING ON QUALITY OF THE COURT SERVICES (How much of a burden for your budget were these TOTAL costs? / In your opinion what was the quality of judicial work in that specific case?) Base: Citizens with experience of a court case

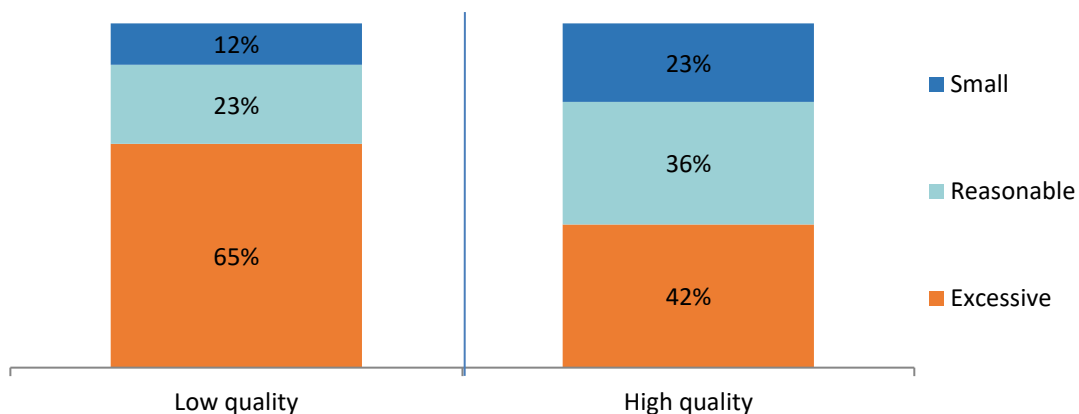
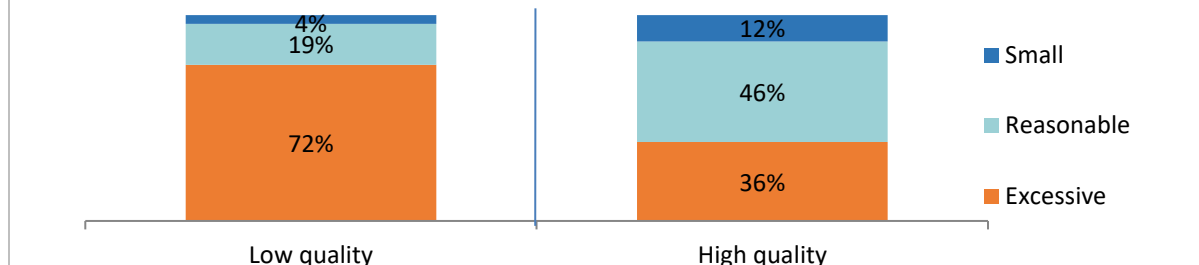


Figure 4.3.2.5: CITIZENS - EVALUATION OF THE AMOUNT OF COST OF THE COURT PROCESS DEPENDING ON QUALITY OF COURT SERVICES (Do you think TOTAL costs of this case were small, “reasonable” or excessive given the quality of court services you were provided? / In your opinion what was the quality of judicial work in that specific case?) Base: Citizens with experience of a court case



Among the business sector representatives who evaluate the quality of the court process as low, 79% perceive the costs of the court process as a big burden and 64% feel that the costs were excessive, while among those who evaluate the quality of the court process as high, 32% evaluate the costs as a big burden and 34% think that the costs were excessive. (Figures 4.3.2.4a and 4.3.2.5a).

Figure 4.3.2.4a: BUSINESS SECTOR - EVALUATION OF HOW BURDENSOME THE COST OF COURT PROCESS WAS FOR BUDGET OF THE COMPANY DEPENDING ON QUALITY OF THE COURT SERVICES (How much of a burden for your budget were these TOTAL costs? / In your opinion what was the quality of judicial work in that specific case?) Base: Business sector with experience of a court case

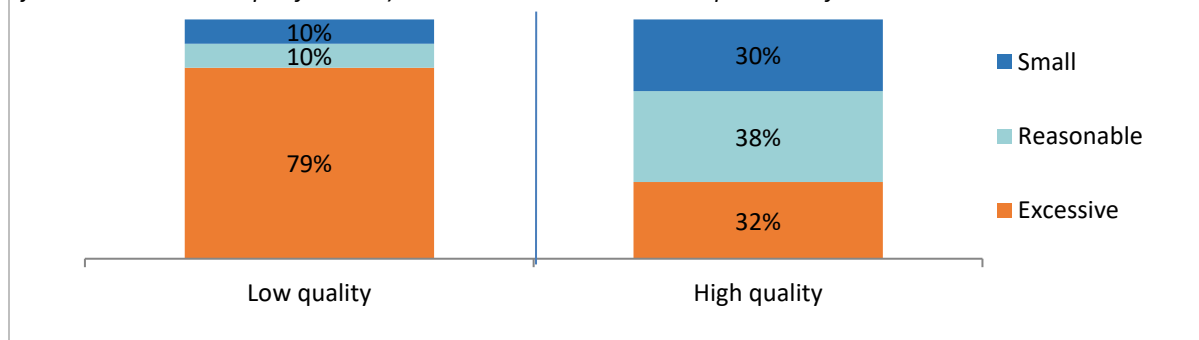
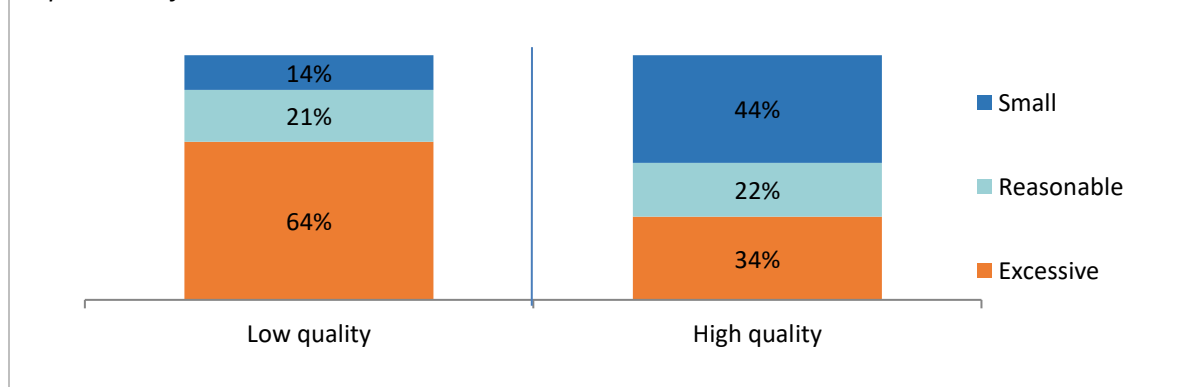


Figure 4.3.2.5a: BUSINESS SECTOR - EVALUATION OF THE AMOUNT OF COST OF THE COURT PROCESS DEPENDING ON QUALITY OF COURT SERVICES (Do you think TOTAL costs of this case were small, “reasonable” or excessive given the quality of court services you were provided? / In your opinion what was the quality of judicial work in that specific case?) Base: Business sector with experience of a court case



4.3.2.1 Perception of free legal assistance

A majority of the judges and prosecutors think that free legal assistance is organized adequately (68% of the judges and 59% of prosecutors). It is striking, however, that a **high percentage of both judges and prosecutors claim to be unable to evaluate this because of lack of information** (18% of judges and 31% of prosecutors). (Figures 4.3.2.6 and 4.3.2.7).

Free legal assistance is perceived as accessible by a majority of judges and public prosecutors (64% of judges and 53% of prosecutors). It is also obvious here that a **considerable percentage of the judges and prosecutors claim to be unable to evaluate the accessibility of legal assistance because of lack of information** (21% of judges and 33% of prosecutors). (Figures 4.2.4.9 and 4.2.4.10).

Figure 4.3.2.6: EVALUATION OF ORGANIZATION OF FREE LEGAL ASSISTANCE BY JUDGES AND PROSECUTORS (Do you think that free legal help is organized adequately?) Base: Total target population of judges and prosecutors

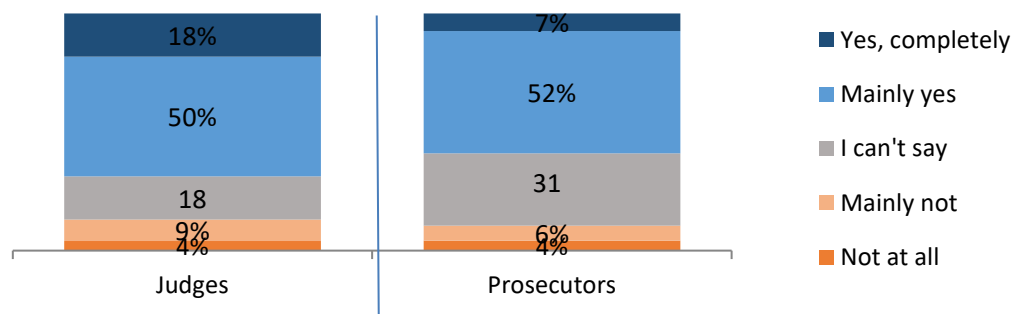
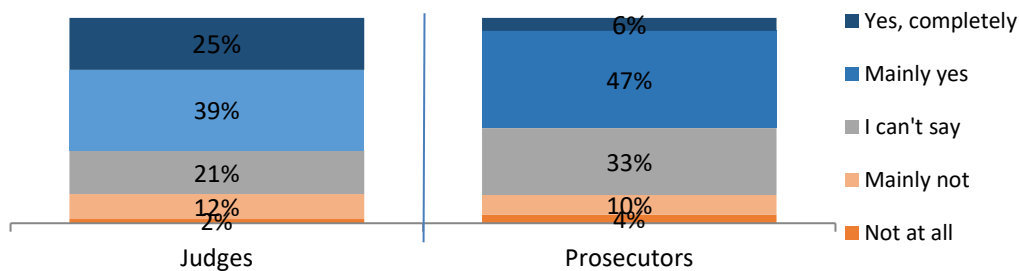


Figure 4.3.2.7: EVALUATION OF ACCESSIBILITY OF FREE LEGAL ASSISTANCE BY JUDGES AND PROSECUTORS (Do you think that free legal help is available to the necessary extent?) Base: Total target population of judges and prosecutors

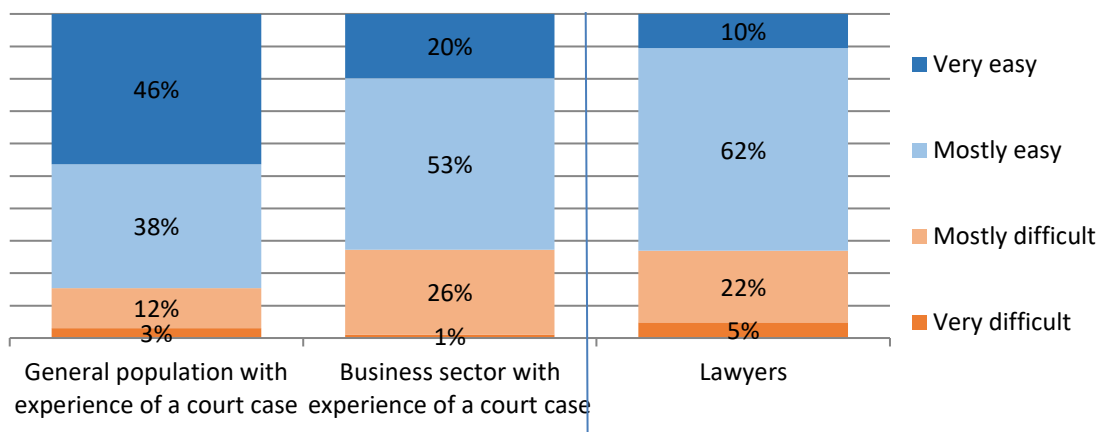


4.3.3 Orientation in court building

The majority of users of court services state that it was easy to find their way in the court building (84% of the citizens and 73% of business sector representatives. (Figure 4.3.3.1).

On the other hand, the **majority of lawyers, 72%, state that orientation in the court building is equally easy for ALL citizens, notwithstanding their age, education level, financial status, nationality, or disability.** (Figure 4.3.3.1).

Figure 4.3.3.1: EVALUATION OF EASE OF ORIENTATION IN THE COURT BUILDING BY GENERAL POPULATION, BUSINESS SECTOR, AND LAWYERS BASED ON EXPERIENCE WITH A COURT CASE (General population, business sector: From experience with this case, how easy was it to find your way to and move around the courthouse? Lawyers: how easy or difficult was it for ALL citizens, notwithstanding their age, education level, financial status, nationality, or disability to find their way around the court buildings?) Base: Citizens and business sector with experience of a court case and lawyers

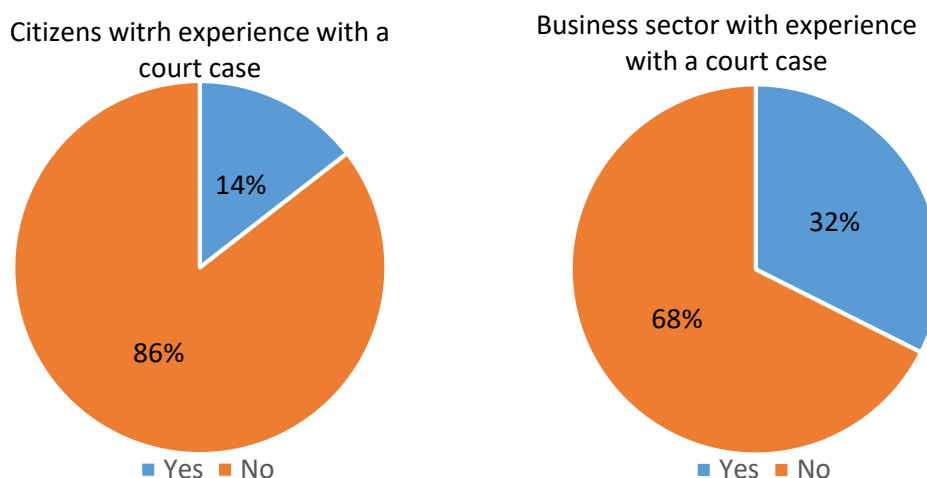


4.4. Mediation, plea agreement, and deferred prosecution

4.4.1 Mediation process (mediation)

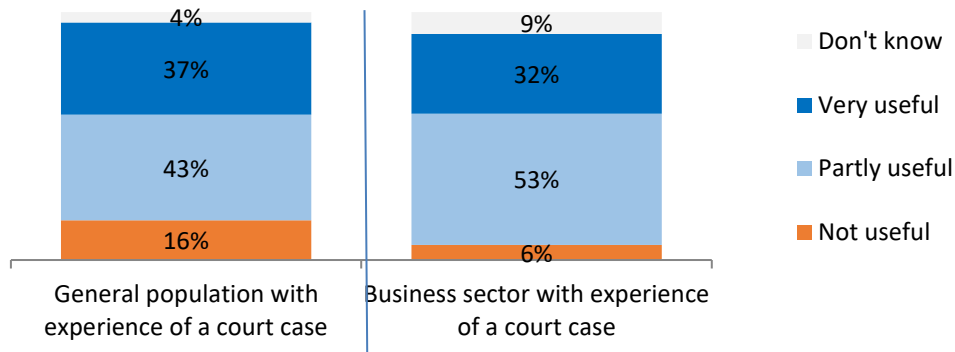
A great majority of the users of court services with experience of a court case do not know the meaning of mediation: 86% of the citizens and 68% of business sector representatives. (Figure 4.4.1.1).

Figure 4.4.1.1: AWARENESS OF THE CITIZENS AND BUSINESS SECTOR WITH EXPERIENCE OF A COURT CASE OF MEDIATION PROCESS (Do you know what a mediation process is in resolution of disputes?) Base: Citizens and business sector with experience of a court case



A great majority of the users of court services who are familiar with mediation process think that this process is useful for participants in the process and that it can help resolve the dispute at least to some extent. (Figure 4.3.1.3).

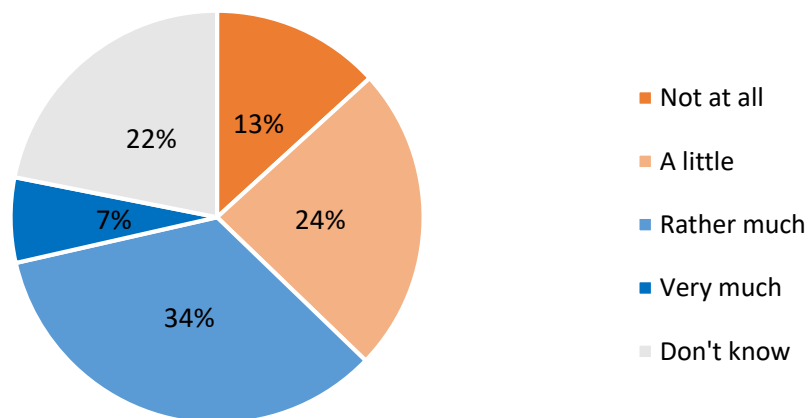
Figure 4.4.1.2: EVALUATION OF USEFULNESS OF MEDIATION PROCESS IN RESOLVING THE DISPUTES BY GENERAL POPULATION AND BUSINESS SECTOR WITH EXPERIENCE OF A COURT CASE (In your opinion, how useful is a mediation process to parties to court proceedings, i.e. can it help settle a dispute in case of legal entities?) Base: General population and business sector with experience of a court case who know what mediation process is (14% of citizens and 32% of business sector representatives with experience of a court case)



4.4.2 Plea agreement and deferred prosecution

Citizens with experience of a court case are divided on the extent to which plea agreement and deferred prosecution can contribute to justice: 37% of the citizens think that they cannot at all contribute to justice or they can just a little, while 41% of the citizens think that they can contribute to justice rather much or even very much. (Figure 4.4.2.1).

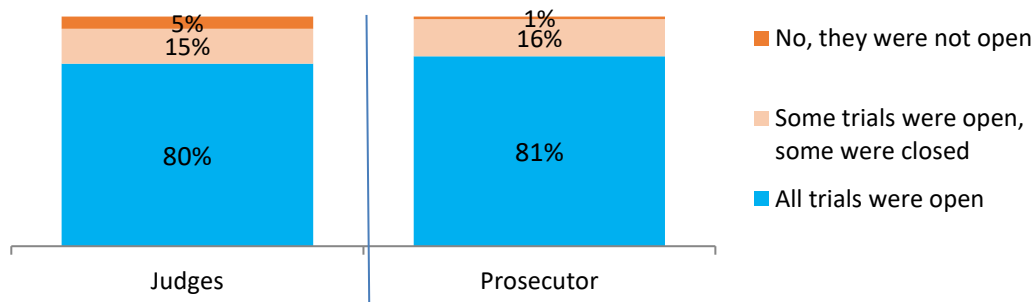
Figure 4.4.2.1.: OPINION OF GENERAL POPULATION OF CITIZENS WITH EXPERIENCE OF A COURT CASE ABOUT THE EXTENT TO WHICH PLEA AGREEMENT AND DEFERRED PROSECUTION AS INSTRUMENTS FOR RESOLVING THE DISPUTES CAN CONTRIBUTE TO JUSTICE (In your opinion, to what extent do the plea bargain and deferred prosecution agreement as instruments for resolution of disputes contribute to justice?) Base: General population citizens with experience of a court case



4.5. Were the trials open to the citizens?

A majority of both judges and prosecutors state that all trials, except for the exclusions stipulated by the law, were open for the citizens: 81% of prosecutors and 80% of the judges. A very small percentage of the judges and prosecutors state that their trials were not open for the citizens – 1% of prosecutors and 5% of the judges. A similar percentage of both populations, 16% of prosecutors and 15% of judges, state that some trials were open for the citizens while some were not.

Figure 4.5.1: WERE THE TRIALS OPEN OR CLOSED FOR THE CITIZENS – ACCORDING TO JUDGES AND PROSECUTORS (Have your trials been open for the citizens, except for the exclusions stipulated by the law?) Base: total population of judges and prosecutors



Judges and prosecutors who stated that at least some of their trials were not open for the citizens specify as the reasons for that legal grounds, the nature of the dispute, and, to a somewhat lesser extent, lack of space. One half of the judges and one in five prosecutors mention legal grounds, circa one third of them mention nature of dispute, and one in ten judges, and approximately one in five public prosecutor mention lack of space.

5. FAIRNESS

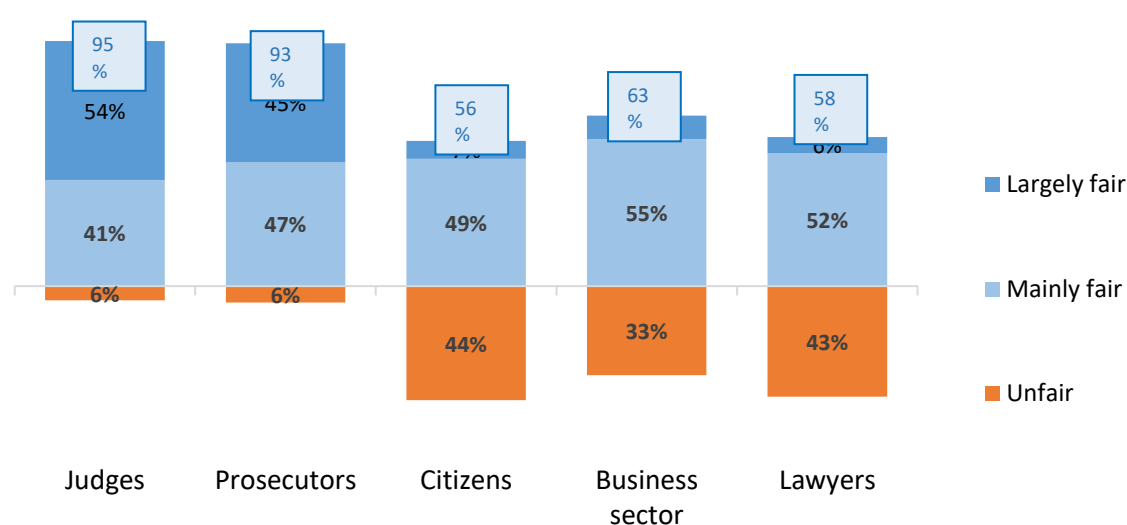
5.1 Perception of fairness of the judiciary

5.1.1 General perception of fairness of the judiciary

- There is a striking difference in the assessment of fairness of the judiciary between the users of court services and lawyers on one hand and providers of these services on the other: judges and prosecutors evaluate the fairness of the judiciary significantly more positively than the general population, business sector, and lawyers do.
- General perception of fairness of the judiciary is significantly less positive among users of court services with experience of a court case compared with those who do not have such experience.
- On the other hand, users of court services with experience of a court case evaluate considerably more positively the fairness in their concrete case compared to their general perception of fairness of the judiciary.
- Assessment of fairness in both groups of users of court services is closely connected with the outcome of the trial, so concrete trials are assessed as fair by a considerably higher percentage of the users whose judgment was in their favor compared to those whose judgment was against them.
- Decision about filing an appeal, besides the outcome of the trial, is considerably affected by perception of fairness of the trial: among participants in court processes whose judgment was against them, a considerably higher percentage of appeals was filed by the citizens who thought that their trial was not fair.

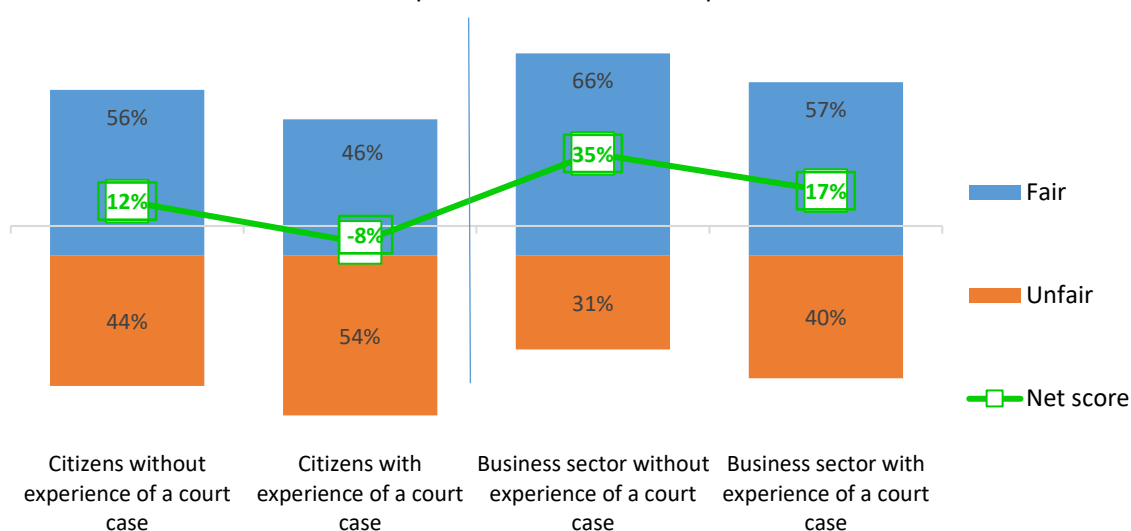
Compared to users of judicial services and lawyers, judges and prosecutors assess the fairness of the judiciary considerably more positively. While 56% of the general population, 58% of lawyers, and 63% of business sector representatives evaluate the judiciary as fair, the same opinion is shared by 95% of judges and 93% of prosecutors. (Figure 5.1.1.1).

Figure 5.1.1.1: GENERAL PERCEPTION OF FAIRNESS OF THE JUDICIARY (How fair is the judicial system in Montenegro, i.e. treating equally all participants in the proceedings?) Base: Total population of five target groups



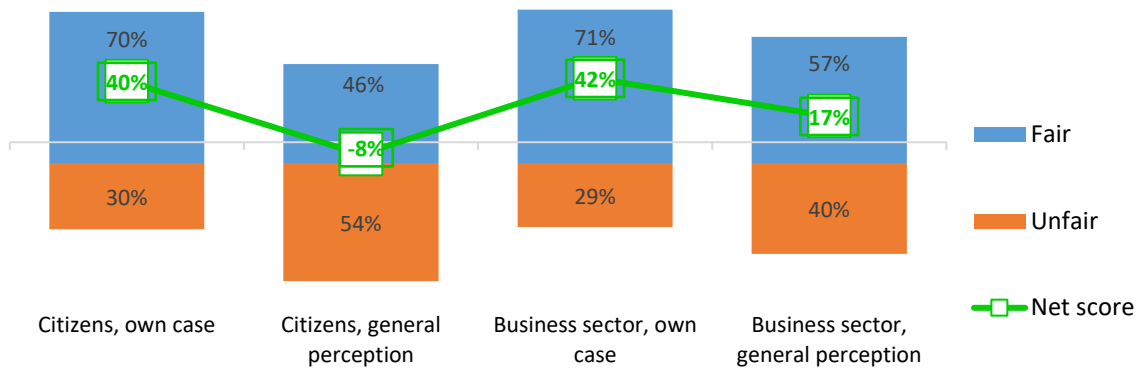
In both groups of users of court services, we recorded **negative impact of participation in a court case on general perception of fairness of the judiciary**. In the general population of citizens without experience of a court case, a higher percentage of the citizens give positive than negative score for fairness of the judiciary (12% more of them assessed fairness of the judiciary with positive than with negative score – net score), while in case of the general population with experience of a court case, a higher percentage of them give negative than positive score (8% more of them assesses negatively the fairness of the judiciary compared to those who gave a positive score – net score). **In case of business sector representatives, a higher percentage of both those with and without experience of a court case give positive than negative score, but the difference in favor of positive scores is considerably bigger in case of business sector representatives without experience of a court case:** 35% more representatives of business sector without experience of a court case evaluate positively the fairness of the judiciary compared to those who assess it negatively, while only 17% more members of the business sector with experience of a court case positively evaluate the fairness of the judiciary compared to those whose assessment is negative (net score).

Figure 5.1.1.2: CITIZENS AND BUSINESS SECTOR: GENERAL PERCEPTION OF FAIRNESS OF COURTS BY USERS OF COURT SERVICES WITH AND WITHOUT EXPERIENCE OF A COURT CASE (*How fair is the judicial system in Montenegro, i.e. treating equally all participants in the proceedings?*) Base: citizens and business sector with experience and without experience of a court case



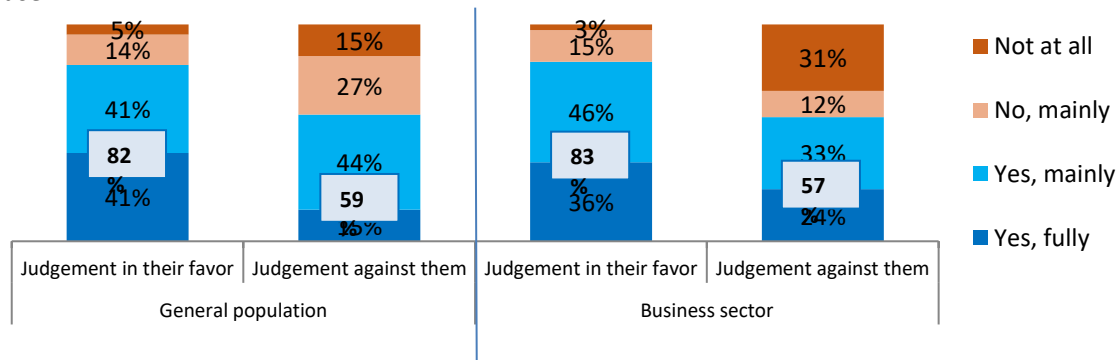
On the other hand, it is striking that **users of court services with experience of a court case**, both the general population of citizens and business sector, evaluate considerably more positively **the fairness of their own trial compared to their perception of the judiciary in general**. (Figure 5.1.1.3).

Figure 5.1.1.3: USERS OF COURT SERVICES WITH EXPERIENCE OF A COURT CASE - PERCEPTION OF FAIRNESS OF THEIR OWN COURT CASE COMPARED TO PERCEPTION OF FAIRNESS OF THE JUDICIARY IN GENERAL (Notwithstanding the outcome of the court proceedings, what do you think of the first-instance proceedings themselves? Did you have a fair trial? Scale from 1 to 4: 1. Yes, fully, 2. Yes, mainly, 3. No, mainly, 4. Not at all) Base: General population and business sector with experience of a court case



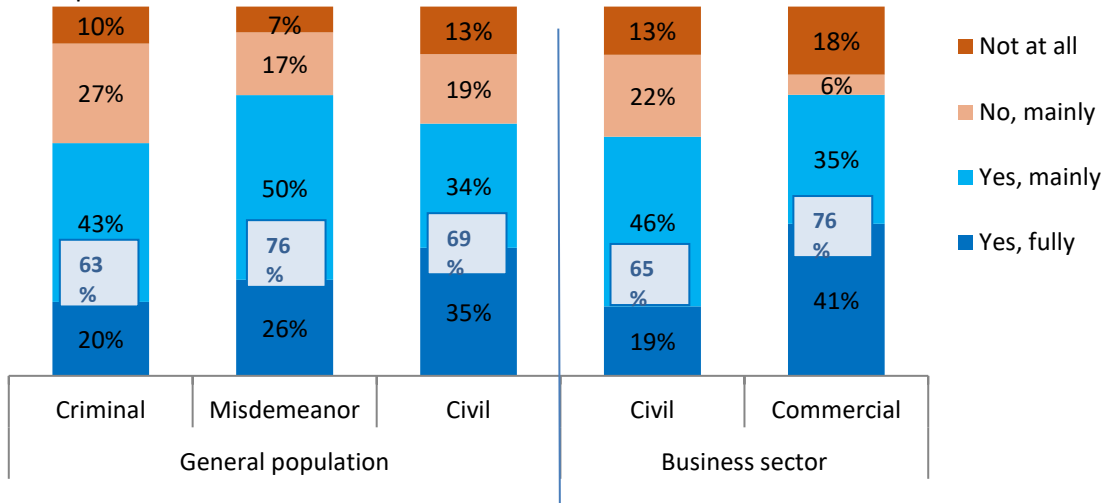
Evaluation of fairness of trial in concrete cases is associated with outcome of the trial, both in case of the general population of citizens and business sector. A considerably higher percentage of participants in a court case think that the trial was fair if the judgment was in their favor than in case when the judgment was against them: 82% of the citizens and 83% of business sector representatives whose judgment was in their favor evaluate the trial as fair, as well as 59% of the citizens and 57% of business sector representatives whose judgment was against them. (Figure 5.1.1.4).

Figure 5.1.1.4: PERCEPTION OF FAIRNESS IN CONCRETE COURT CASE DEPENDING ON JUDGMENT (Notwithstanding the outcome of the court proceedings, what do you think of the first-instance proceedings themselves? Did you have a fair trial? Scale from 1 to 4: 1. Yes, fully, 2. Yes, mainly, 3. No, mainly, 4. Not at all) Base: General population and business sector with experience of a court case



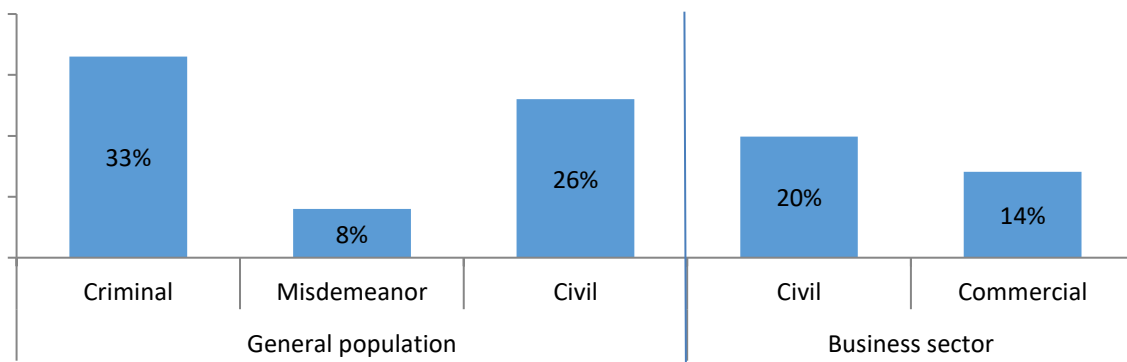
Regarding the type of a court case, there are no significant differences in the assessment of fairness. Citizens who participated in criminal, misdemeanor, and civil cases evaluate the fairness similarly, as well as the representatives of the business sector who participated in civil and commercial cases. (Figure 5.1.1.5).

Figure 5.1.1.5: PERCEPTION OF FAIRNESS OF THE JUDICIARY IN CONCRETE COURT CASE DEPENDING ON THE TYPE OF THE CASE (*Notwithstanding the outcome of the court proceedings, what do you think of the first-instance proceedings themselves? Did you have a fair trial?* Scale from 1 to 4: 1. Yes, fully, 2. Yes, mainly, 3. No, mainly, 4. Not at all) Base: General population and business sector with experience of a court case



Approximately one fifth of members of the general population of citizens and legal entities state that they filed an appeal against the judgment. A somewhat lower percentage of filed appeals was registered among the citizens who participated in misdemeanor cases compared to those who participated in criminal or civil cases. In case of the business sector, there were no differences depending on the type of case. (Figure 5.1.1.6).

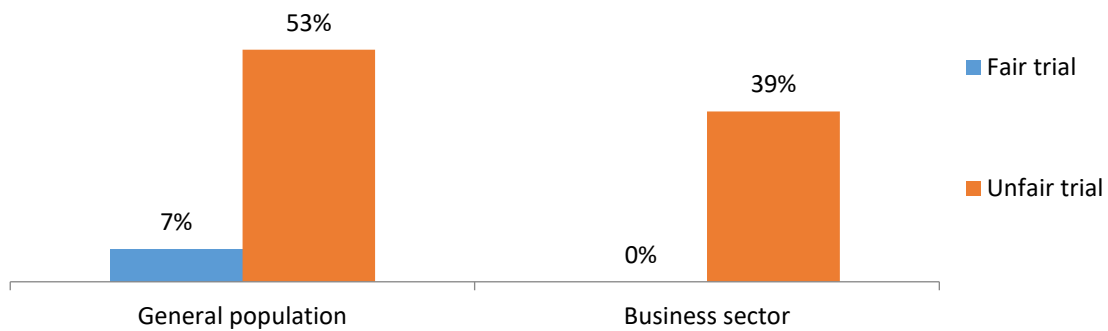
Figure 5.1.1.6: PERCENTAGE OF FILED APPEALS IN CONCRETE COURT CASE (*Did you file an appeal against the judgment?*) Base: General population AND business sector with experience of a court case



In addition to outcome of the trial, the decision of filing an appeal is considerably affected by perception of fairness of the trial. Within the corpus of participants in a court case whose judgment was not in their favor, a considerably higher percentage of the appeals were filed by those who evaluated their trial as unfair.

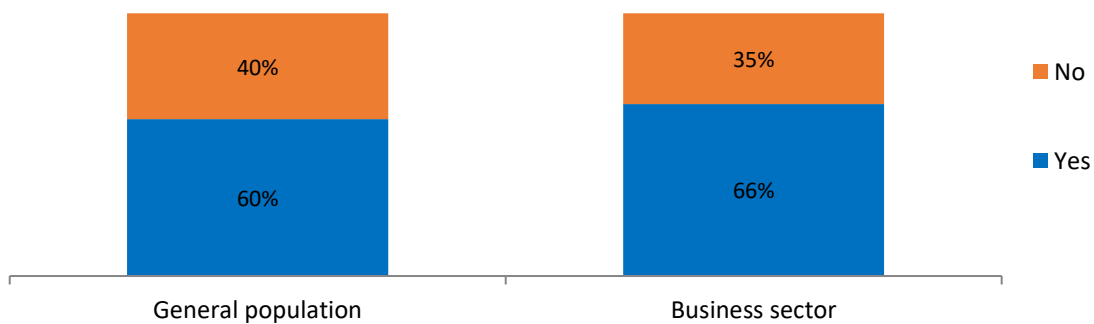
Among the citizens whose judgment was not in their favor, 7% of those who assessed the judgment as fair filed an appeal, as well as circa one half of the citizens who assessed the judgment as unfair. This difference is even more visible within the business sector: among business entities whose judgment was against them, those which evaluated the trial as fair did not file a single appeal, while 39% of the business entities which evaluated the trial as unfair filed an appeal. (Figure 5.1.1.7).

Figure 5.1.1.7: PERCENTAGE OF FILED APPEALS AMONG PARTICIPANTS IN A COURT CASE WHOSE JUDGMENT WAS AGAINST THEM DEPENDING ON ASSESSMENT OF FAIRNESS OF THE TRIAL Base: General population and business sector with experience of a court case whose judgment was against them (Citizens: 50% of population with experience of a court case; Business sector: 44% of population with experience of a court case)



The appellate system is trusted by 60% of the general population and two thirds of the business sector. (Figure 5.1.1.8).

Figure 5.1.1.8: TRUST IN APPELLATE SYSTEM (Do you trust the appellate system?) Base: General population and business sector with experience of a court case



5.1.2 Perception of reasons which reduce the fairness of the judiciary

- Approximately one half of the judges and as much as 77% of prosecutors did not express their opinion about the reasons which reduce the fairness of the trial.
- Among legal experts – providers of court services and lawyers – there are opposite opinions regarding the reasons which reduce the fairness of the judiciary. The differences are

particularly visible when it comes to reasons which affect the integrity of the judicial system, while the highest degree of agreement was recorded in case of insufficient accessibility of the judiciary to the citizens.

All three groups of legal experts have a rather different perception of reasons for insufficient fairness of the judiciary.

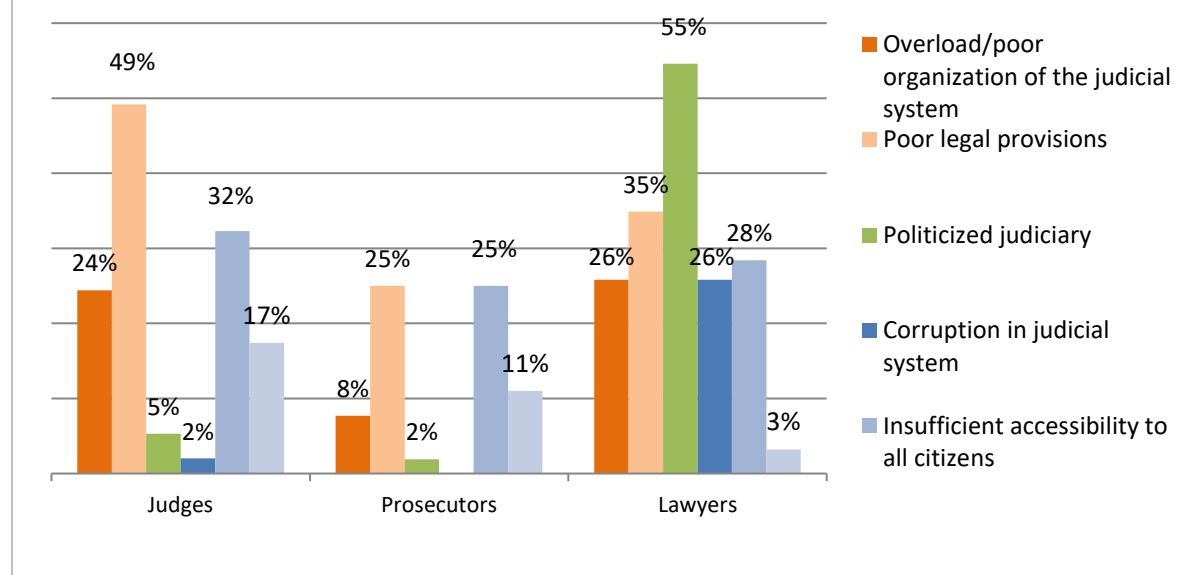
The biggest differences exist when it comes to reasons which relate to integrity of the judicial system: 55% of the lawyers think that the judicial system is not completely fair because it is politicized, while the same reason is mentioned by only 5% of the judges and 2% of the prosecutors; corruption as a reason is mentioned by 26% of lawyers and only 2% of the judges.

The biggest agreement was recorded in case of insufficient accessibility of the judiciary to the citizens. This reason for partial fairness of the judicial system is mentioned by 32% of the judges, 25% of prosecutors, and 28% of the lawyers.

Poor legal solutions as the reason for partial fairness of the judiciary is mentioned by one half of the judges, one fourth of prosecutors, and 35% of the lawyers. Excessive workload and poor organization as the reasons for inadequate fairness of the judiciary are mentioned by 24% of the judges, 8% of prosecutors, and 26% of lawyers. (Figure 5.1.2.1).

Interestingly, among judges and prosecutors, the survey registers high percentage of nonresponse to this question: **one half of the judges and even 77% of prosecutors did not answer this question.**

Figure 5.1.2.1: PERCEPTION OF REASONS FOR INADEQUATE FAIRNESS OF THE JUDICIARY; Multiple responses; Most frequently mentioned reasons (What is the chief reason why you did not grade fairness of the judicial system better? And the second most important reason?) Base: Judges, prosecutors, and lawyers who did not rate the fairness with the highest score (46% of judges, 55% of prosecutors, 94% of lawyers)



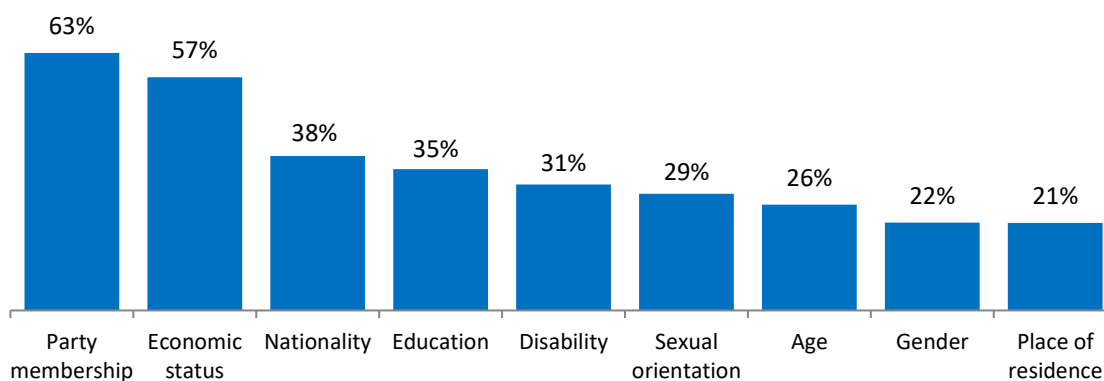
5.1.3 How equally does the judicial system treat all citizens

- Citizens and lawyers on one hand and providers of court services on the other perceive differently the equality of treatment of all citizens by the judiciary: while the citizens and lawyers predominantly think that the judicial system does not treat all citizens equally, this opinion is expressed by a significantly smaller percentage of judges and prosecutors.
- Opinions of the citizens and lawyers on the one hand and providers of court services on the other particularly differ when it comes to unequal treatment of the citizens depending on membership in political parties or economic status.
- Attitudes of the business sector are close to those of citizens and lawyers: a significant percentage of business sector representatives perceive unequal treatment of the business sector by the judiciary, primarily depending on ownership structure and size of the enterprise.

According to the general population, **unequal treatment of the citizens is primarily based on different political party membership**: as much as 63% of the citizens think that membership in political parties has an effect on treatment by the court.

A majority of the citizens, 57%, think that differences in the treatment exist also depending on different economic status. A somewhat smaller percentage of them believe that nationality affects treatment by the court, 38%, degree of education, 35%, disability, 30%, and sexual orientation, 30%. Age of the citizens as a reason for different treatment by the court is mentioned by 26% of members of the general population, gender-related differences are mentioned by 22%, while 21% believe that place of residence is a factor as well. (Figure 5.1.3.1).

Figure 5.1.3.1: PERCENTAGE OF GENERAL POPULATION WHO THINK THAT JUDICIAL SYSTEM DOESN'T TREAT ALL CITIZENS EQUALLY DEPENDING ON LISTED CHARACTERISTICS (In your opinion, does the judicial system in Montenegro treat all citizens equally notwithstanding their ...) Base: General population, total target population of citizens

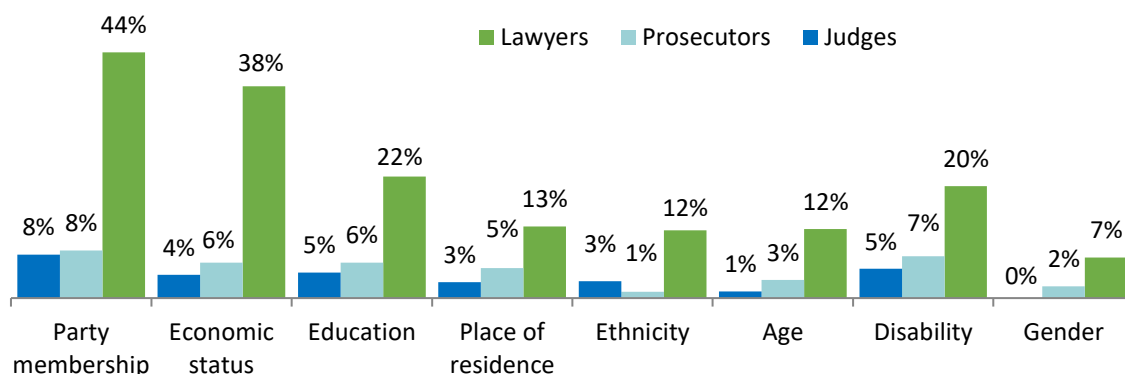


On the other hand, compared to the citizens, a considerably smaller percentage of **judges and prosecutors think that different categories of population are treated differently**. Among the observed characteristics, party membership is in the first place since 8% of prosecutors and 8% of judges mention it as grounds for unequal treatment, 6% of prosecutors and 5% of the judges mention different level of education, while 6% of prosecutors and 4% of judges mention different economic status as grounds for unequal treatment. (Figure 5.1.3.2).

Attitudes of lawyers regarding inequality of treatment of the citizens by courts are considerably closer to attitudes of the general population than attitudes of providers of court services. The

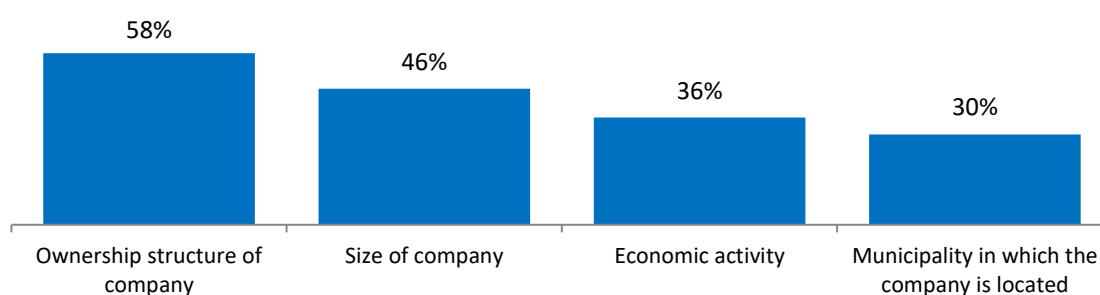
lawyers believe that the main reason for unequal treatment of the citizens is membership in political party (44%) and economic status (38%). (Figure 5.1.3.2).

Figure 5.1.3.2: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO THINK THAT THE JUDICIAL SYSTEM DOES NOT TREAT ALL CITIZENS EQUALLY DEPENDING ON SPECIFIED CHARACTERISTICS (In your opinion, does the judicial system in Montenegro treat all citizens equally notwithstanding their) Base: Judges, prosecutors, and lawyers, total target population



Similar to attitudes of the citizens, **members of the business sector also think that all legal entities are not treated equally. According to 58% of business sector representatives, treatment of economic subjects depends on ownership structure of the enterprise, 46% think that the treatment depends on size of enterprise, 36% believe that it depends on type of economic activity, while 30% specify geographic location, that is, municipality in which the business is located.**

Figure 5.1.3.3: PERCENTAGE OF BUSINESS SECTOR REPRESENTATIVES WHO THINK THAT THE JUDICIAL SYSTEM DOES NOT TREAT ALL COMPANIES EQUALLY DEPENDING ON SPECIFIED CHARACTERISTICS (In your opinion, does the judicial system in Montenegro treat all citizens equally notwithstanding their ...) Base: Business sector representatives, total target population



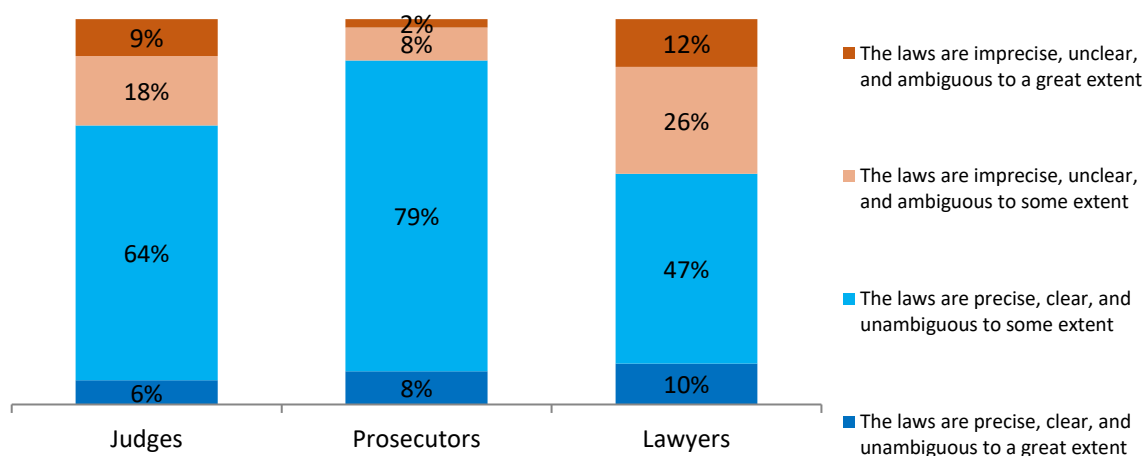
5.1.4 Relevant laws and their implementation

- The majority of providers of court services think that the laws are precise, clear, and unambiguous at least to some extent, if not to a great extent, while opinions of the lawyers regarding this issue are divided.

- A considerable percentage of the general population of citizens and business sector agree that the laws are not implemented equally to all.
- Legal experts think that the problems in the implementation of laws are **inconsistent interpretation of laws** and **inconsistent jurisprudence**.
- A considerably higher percentage of the lawyers than providers of court services point out the problems in the implementation of laws.

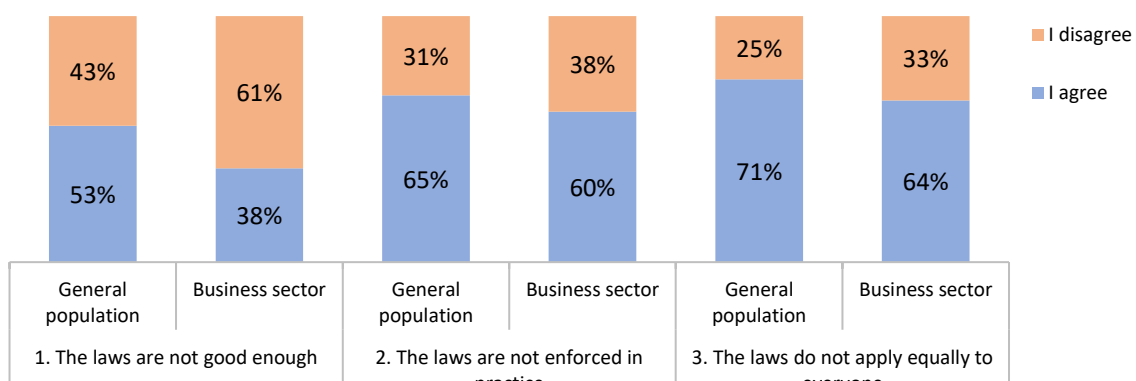
Although opinions of judges and prosecutors regarding precision and clarity of laws are considerably more positive than opinions of the lawyers, an exceptionally small percentage in all three groups believe that the laws were precise, clear, and unambiguous to a high extent (6% of judges, 8% of prosecutors, and 10% of lawyers). It seems that prosecutors are defending clarity and precision of laws most of all: 87% of prosecutors think that the laws are precise, clear, and unambiguous to some extent or even to a great extent, while 70% of judges, and somewhat above one half of the lawyers, 57%, share this opinion. Great imprecision and vagueness of the laws are pointed out by 12% of lawyers, 9% of judges, and only 2% of prosecutors.

Figure 5.1.4.1: PERCEPTION OF PRECISION AND CLARITY OF LAWS - JUDGES, PROSECUTORS, AND LAWYERS (In your opinion, to what extent were the Montenegrin laws in the past 12 months precise, clear and unambiguous in terms of form?) Base: Judges, prosecutors, and lawyers, total target population



The general population and business sector object most of all to selective enforcement of laws and non-enforcement of laws in practice. Namely, 71% of the general population and 64% of business sector agree that the laws are enforced selectively. Besides that, 65% of the citizens and 60% of business sector representatives think that the laws are not implemented in practice. Regarding quality of laws, there is a noticeable difference in attitudes of the general population and business sector: 43% of members of the general population perceive the laws as good enough, this opinion is shared by 61% of economic subjects as well. (Figure 5.1.4.2).

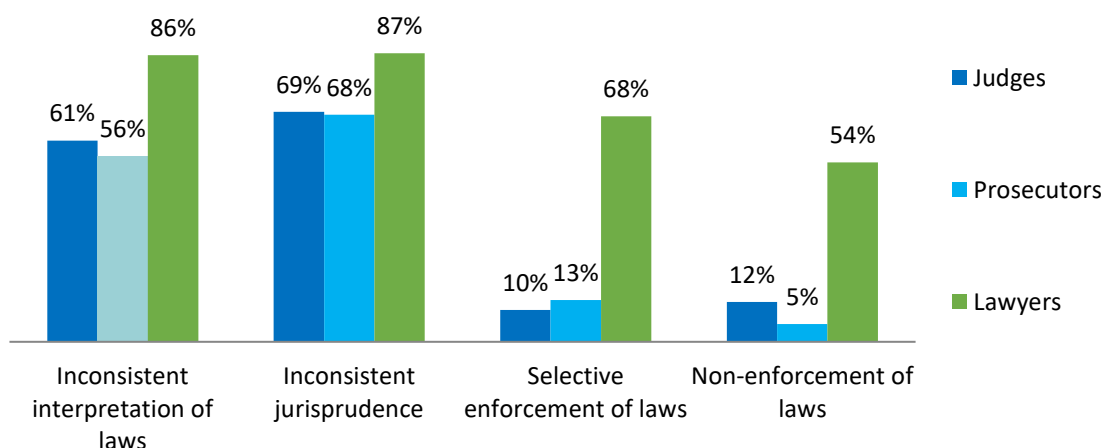
Figure 5.1.4.2: PERCEPTION OF LAWS (I will now read out a number of statements on the judicial system. Please rate your agreement with each statement on a scale of 1 to 4 where 1 = fully disagree, 2 = mainly disagree, 3= mainly agree and 4 = fully agree.) Base: General population and business sector



When it comes to problems associated with enforcement of laws, **the highest degree of agreement exists in terms of selective enforcement of laws**: 86% of lawyers, 61% of judges, and 56% of prosecutors state that, during the past 12 months, they occasionally or frequently faced this obstacle in enforcement of laws. Besides that, inconsistent interpretation of laws is a problem in their implementation for 87% of lawyers, 69% of judges, and 68% of prosecutors. (Figure 5.1.4.3).

However, when it comes to selective enforcement of laws, the opinions of legal experts differ significantly: while 68% of lawyers think that selective enforcement of laws occurs occasionally or frequently, this opinion is shared by 10% of judges and 13% of prosecutors. The situation is similar in case of non-implementation of laws: more than one half of the lawyers think that this problem exists, but only 12% of judges and 5% of prosecutors. (Figure 5.1.4.3).

Figure 5.1.4.3: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO THINK THAT THE MENTIONED PROBLEMS OCCUR OCCASIONALLY OR FREQUENTLY IN ENFORCEMENT OF LAWS (How often did the following problems occur in the enforcement of laws? Scale: 1=Never, 2=Rarely, 3=Occasionally, 4=Frequently) Base: Judges, prosecutors, and lawyers, total target population



5.2 Gender equality

A great majority of the judges and prosecutors think that, in their profession, women and men stand equal chances for promotion and that their income is the same. This opinion is shared by a somewhat smaller percentage of women than men.

The biggest difference between male and female judges is in the amount of income. Namely, 94% of men and 82% of women think that there is no difference between the income of male and female judges. It is also noticeable that a smaller percentage of prosecutors than judges think that men and women in their profession stand equal chances for promotion (82% male prosecutors and 77% of female prosecutors share this opinion, the same as 89% of male judges and 84% of female judges). (Figures 5.2.1 and 5.2.2).

Compared to judges and prosecutors, a considerably smaller percentage of the lawyers think that men and women in their profession stand equal chances for promotion and equal income. Namely, 65% of male lawyers and 58% of female lawyers think that both male and female lawyers stand equal chances for promotion, while 68% of male lawyers and 57% of female lawyers think that they have equal income. (Figures 5.2.1 and 5.2.2).

Finally, a great majority of judges and prosecutors (more than 90%), and somewhat lower percentage of lawyers (more than 80%), both male and female, state that they are not aware of any case of sexual harassment of employees within their profession. (Figures 5.2.3). An exceptionally small percentage of respondents mention such case (only 2% of male judges and 2% of male lawyers). A somewhat higher percentage of them state that they are not sure whether there were such cases or not: (4% of male judges, 10% of female judges, 8% of male prosecutors, 5% of female prosecutors, 16% of male lawyers, and 19% of female lawyers).

Figure 5.2.1: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO THINK THAT MEN AND WOMEN STAND EQUAL CHANCES FOR PROMOTION (*Do you think that men and women of your profession stand equal chances for promotion?*) Base: Total population of judges, prosecutors, and lawyers

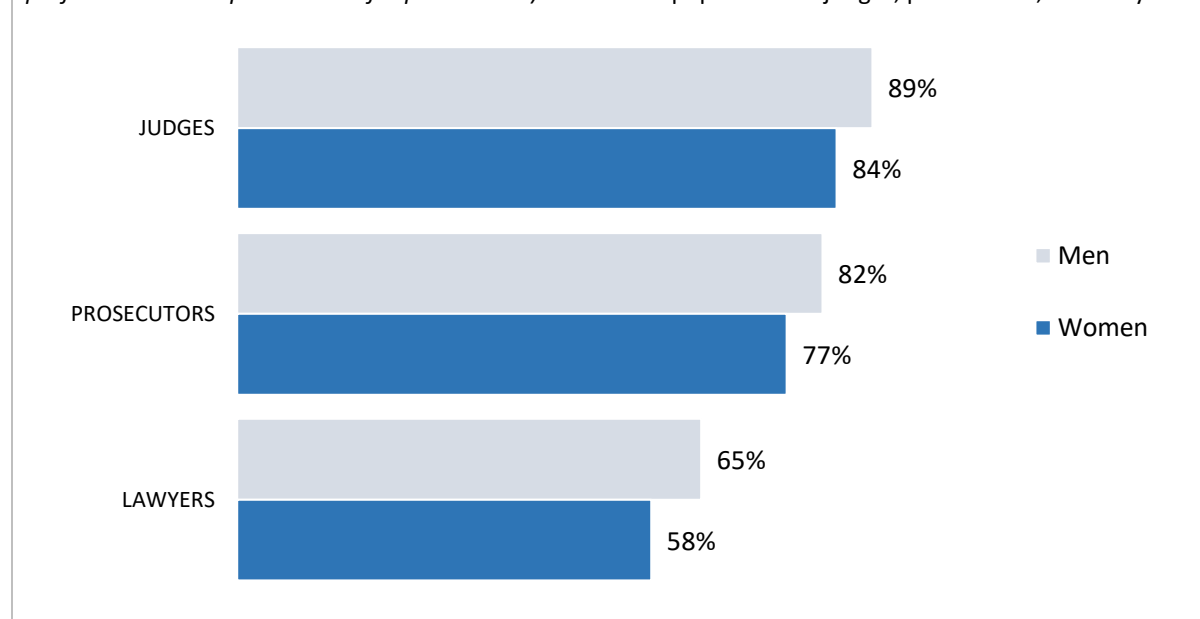


Figure 5.2.2: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO THINK THAT MEN AND WOMEN HAVE EQUAL INCOME (Thinking about total employee revenues in your profession, revenues that also include other incomes (travels/daily allowance, bonuses etc.), would you say that there is a gender gap or that men and women are equal here?) Base: Total population of judges, prosecutors, and lawyers

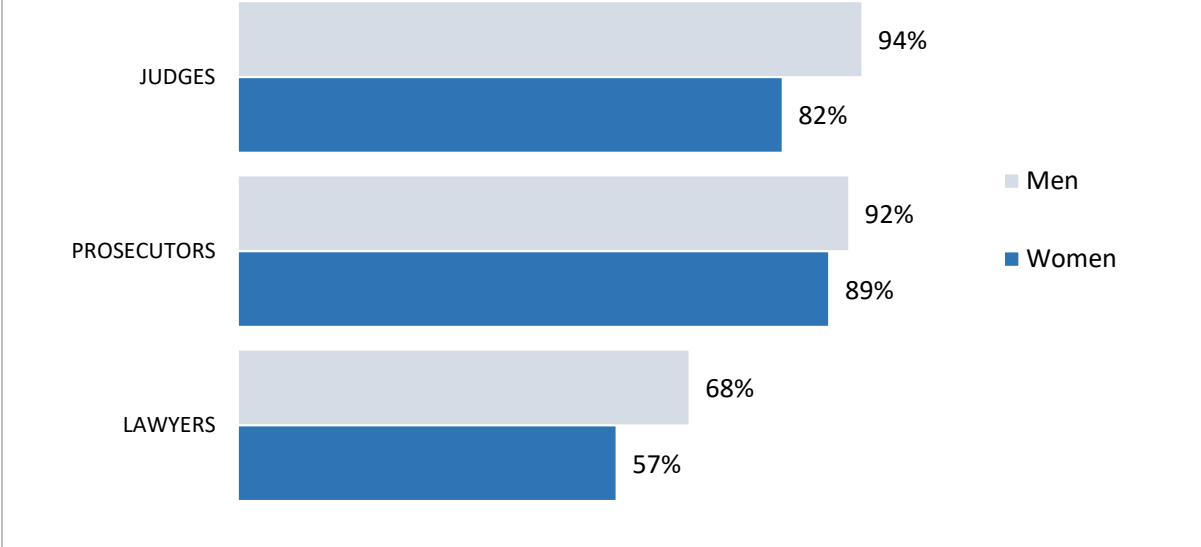
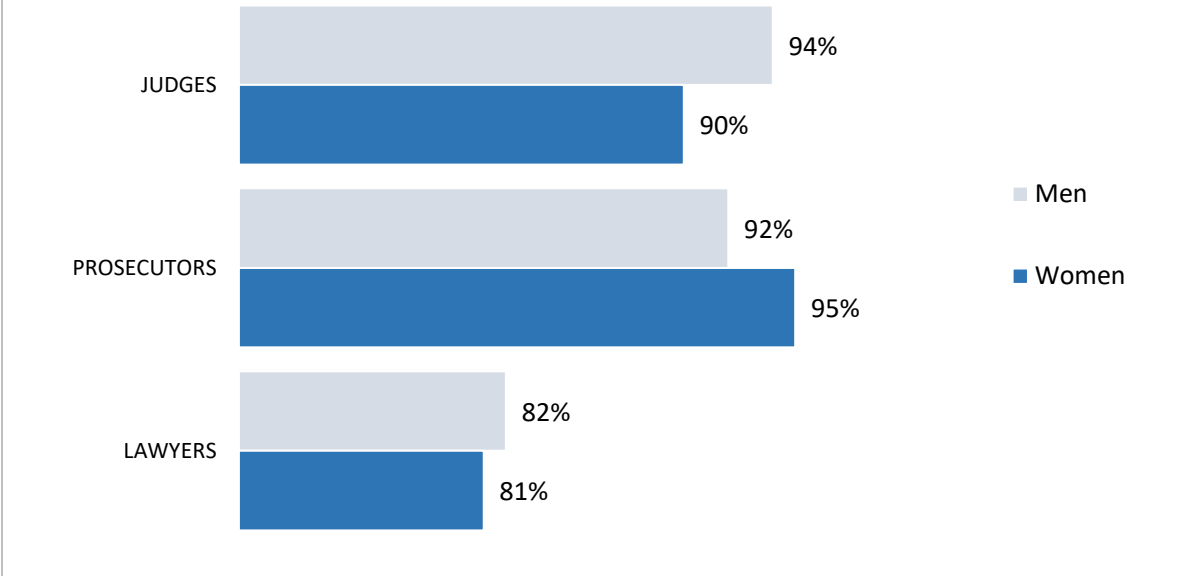


Figure 5.2.3: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO ARE NOT AWARE OF ANY CASE OF SEXUAL HARASSMENT (Judges and prosecutors: Has there been any cases of sexual harassment of employees in the institution you are working in? Lawyers: As far as you know, has any case of sexual harassment within your profession ever been mentioned in Bar Association?) Base: Population of judges, prosecutors, and lawyers



6. INTEGRITY

6.1 General perception of integrity of the judiciary

As mentioned before, the biggest difference in attitudes of judges and prosecutors on one hand and citizens and business sector representatives on the other is recorded in perception of integrity of the judiciary.

- Six in ten citizens trust the judicial system, although the judiciary is not in the group of institutions which are trusted the most.
- Despite such confidence, a majority of the citizens think that the judiciary is not independent and that corruption is widespread in the judicial system.
- A majority of the citizens formed their attitude about the presence of corruption in the judiciary based on their experience or the experience of other people around them and the media, while one in ten citizens state that they had experience with corruption in the judiciary.
- On the other hand, a great majority of the judges and prosecutors think that the judicial system is independent and that there is no corruption in this area.
- Lawyers are closer to citizens than judges and prosecutors regarding the independence of courts; and regarding corruption, they are between these two groups of attitudes.

6.1.1 Confidence in the judiciary

The citizens of Montenegro have the strongest confidence in the educational system (83%), the Church (76%), the Army (72%), and the healthcare system (71%), and the weakest in the media (48%) and NGOs (52%). The judiciary is positioned in the lower part of the list of 11 tested institutions, at place 7. **The judiciary is trusted by 59% of citizens** (46% mainly trust, and one in eight citizens, 13%, trust the judiciary fully). There is no difference between the citizens with and without experience of a court case in this aspect. (Figures 6.1.1.1 and 6.1.1.2).

Figure 6.1.1.1: PERCENTAGE OF CITIZENS WHO TRUST THE GIVEN INSTITUTIONS (*How much do you trust the following sectors and institutions?*) Base: Total population of citizens

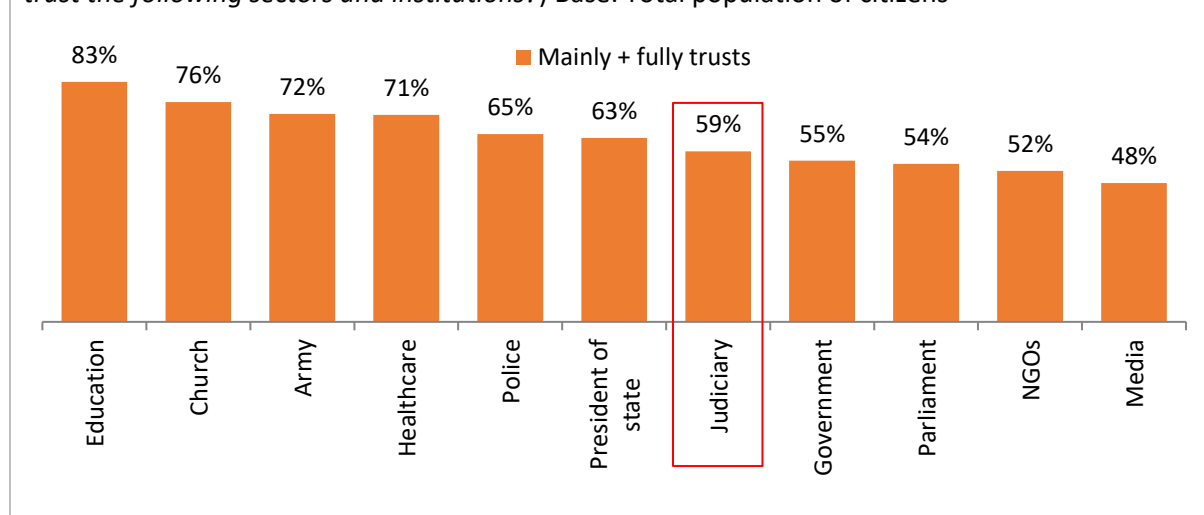


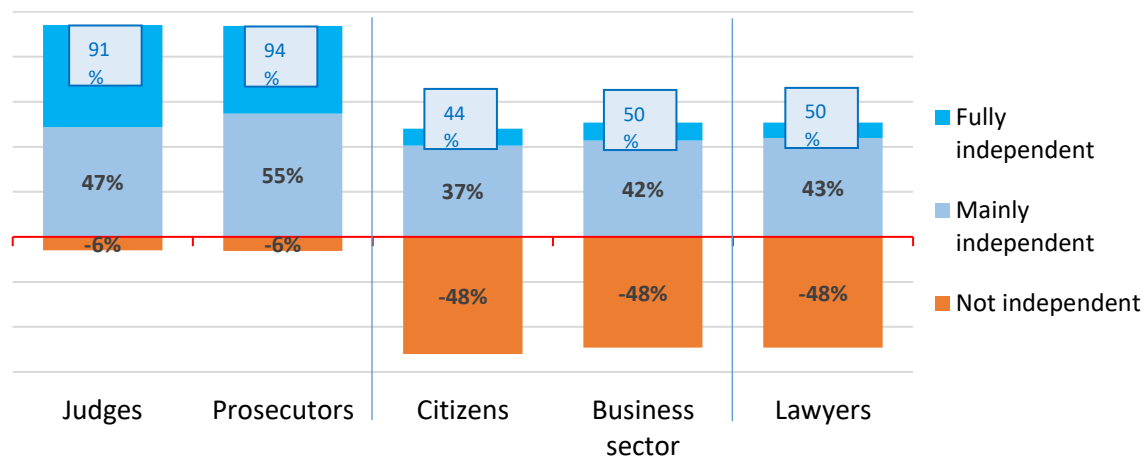
Figure 6.1.1.2: PERCENTAGE OF CITIZENS WHO TRUST THE JUDICIARY DEPENDING ON WHETHER THEY HAVE OR HAVEN'T HAD EXPERIENCE OF A COURT CASE (How much do you trust the following sectors and institutions?) Base: Total population of citizens



6.1.2 Independence of the judiciary

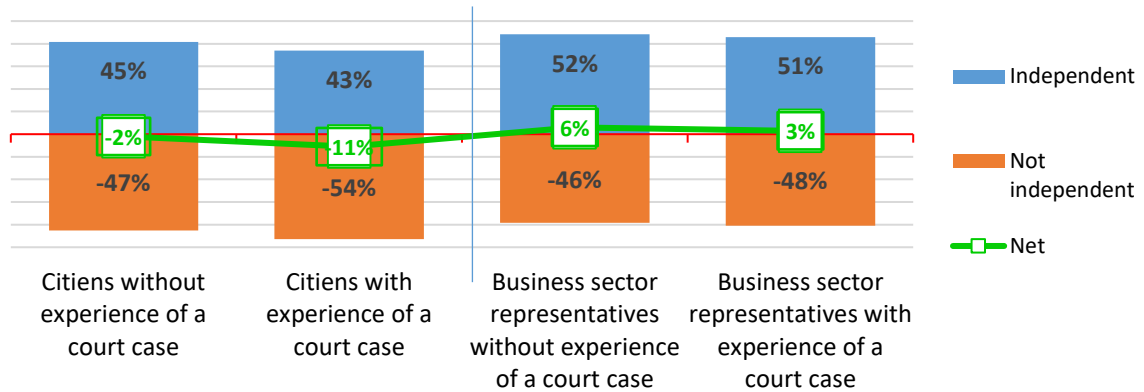
More than 90% of judges and prosecutors consider the judiciary independent, but not all of them believe that it is fully independent (44% of judges and 39% prosecutors). On the other hand, somewhat less than half of citizens believe this (44%), and half of business sector representatives and lawyers. (Figure 6.1.2.1).

Figure 6.1.2.1: PERCEPTION OF THE INDEPENDENCE OF THE JUDICIARY (To what extent is the judicial system in Montenegro truly independent from the executive authorities (politics)? Please rate its independence on a scale of 1 to 4, where 1 is "not independent" and 4 is "fully independent".) Base: Total population of the five target groups



The percentages of citizens and business sector representatives who believe that the judiciary is independent are equal, irrespective of them having experience of a court case or not. (Figure 6.1.2.2).

Figure 6.1.2.2: PERCENTAGE OF CITIZENS WHO BELIEVE THAT THE JUDICIARY IS INDEPENDENT, DEPENDING ON THEIR EXPERIENCE OF A COURT CASE (To what extent is the judicial system in Montenegro truly independent from the executive authorities (politics)?) Base: The citizens with and without experience of a court case, business sector representatives with and without experience of a court case

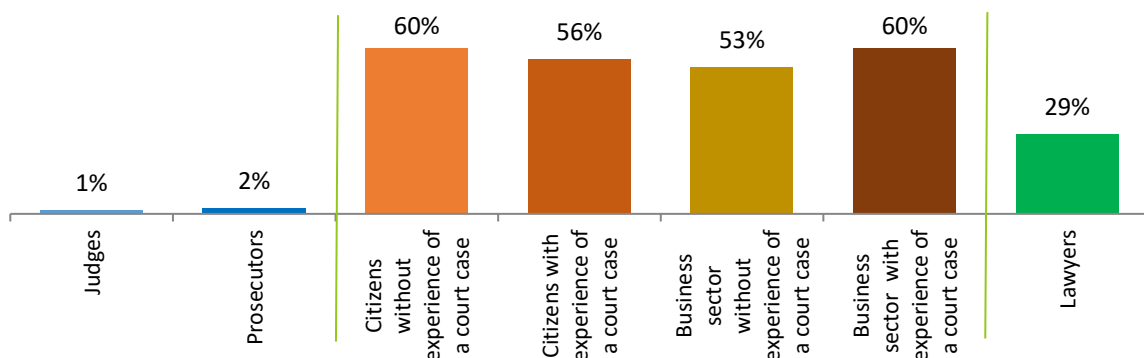


6.1.3 Perception of corruption in the judiciary

It has been mentioned already that, **while almost all providers of court services state that there is no corruption in the judiciary, more than 60% of users and 29% of lawyers believe that corruption is present.** (Figure 6.1.3.1).

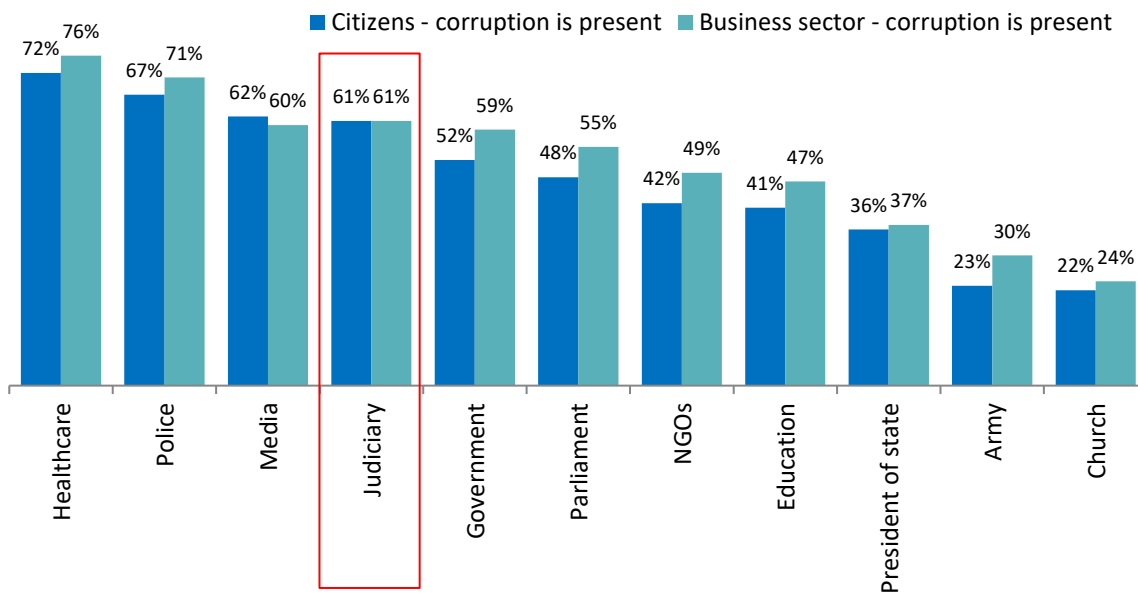
Between users with experience of a court case and those without, are there no differences regarding the perception of the presence of corruption in the judiciary. (Figure 6.1.3.1).

Figure 6.1.3.1: PERCENTAGE OF JUDGES, PROSECUTORS, CITIZENS, BUSINESS SECTOR REPRESENTATIVES, AND LAWYERS WHO BELIEVE THAT CORRUPTION IN PRESENT IS THE JUDICIARY IN MONTENEGRO (How present is corruption in judiciary in Montenegro?) Base: total population of judges, prosecutors, citizens, business sector representatives, and lawyers



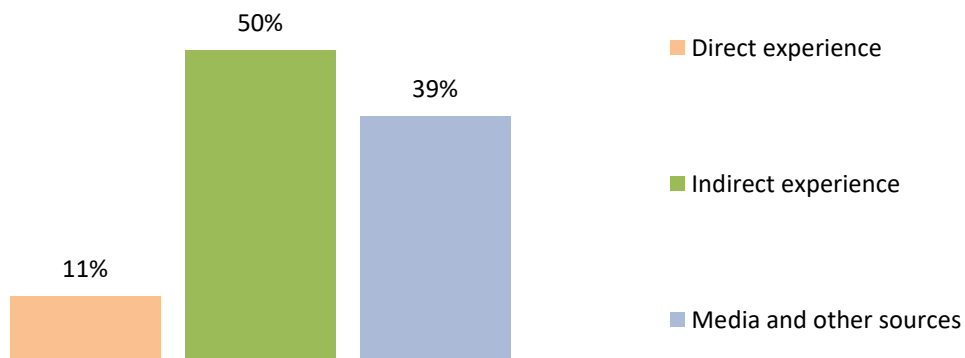
Citizens and business sector representatives agree that corruption is more present only in healthcare (72% citizens and 76% of business sector representatives believe that corruption is present in healthcare) and **the Police** (67% citizens and 71% of business sector representatives) **than in the judiciary.** Citizens and business sector representatives are least likely to identify corruption in the Church (22% and 24%, respectively) and the Army (23%, 30%). (Figure 6.1.3.2).

Figure 6.1.3.2: PERCENTAGE OF CITIZENS AND BUSINESS SECTOR REPRESENTATIVES WHO BELIEVE THAT CORRUPTION IS PRESENT (How present is corruption in the following sectors and institutions in Montenegro?) Base: total population of citizens and of business sector representatives



The percentage of lawyers who perceive corruption as individual (40%) is similar to the percentage of lawyers who perceive it both as individual and systemic (41%), while a lower percentage perceive corruption as systemic only (19%). (Figure 6.1.3.3).

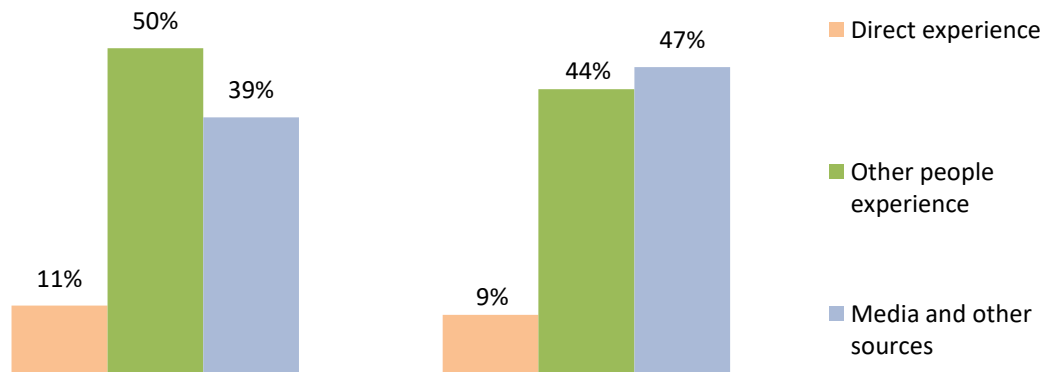
Figure 6.1.3.3: PERCEPTION OF LAWYERS OF THE NATURE OF CORRUPTION (Is corruption systemic or individual?) Base: Lawyers who believe that corruption is present in the judiciary



Half of citizens (50%) and a somewhat lower percentage of business sector representatives (44%) who believe that corruption is present in the judiciary say that their opinion is based on the experiences of others. In addition, a considerable percentage have formed their attitude on the basis of information from the media and other sources (39% citizens and 47% of business sector representatives). Approximately one in ten citizens and business sector representatives who believe

that corruption is present in the judiciary have formed this opinion based on their own experience with corruption in the judiciary (11% citizens and 9% of business sector representatives). (Figure 6.1.3.4).

Figure 6.1.3.4: PERCENTAGE OF CITIZENS AND BUSINESS SECTOR REPRESENTATIVES WHO HAVE FORMED THEIR OPINION ABOUT THE PRESENCE OF CORRUPTION ON THE BASIS OF THEIR OWN EXPERIENCE, INDIRECT EXPERIENCE, OR MEDIA REPORTS (What do you base your opinion about corruption in the judiciary on?) Base: citizens and business sector representatives who state that corruption is present in the judiciary



6.2 Experience with corruption in the judiciary

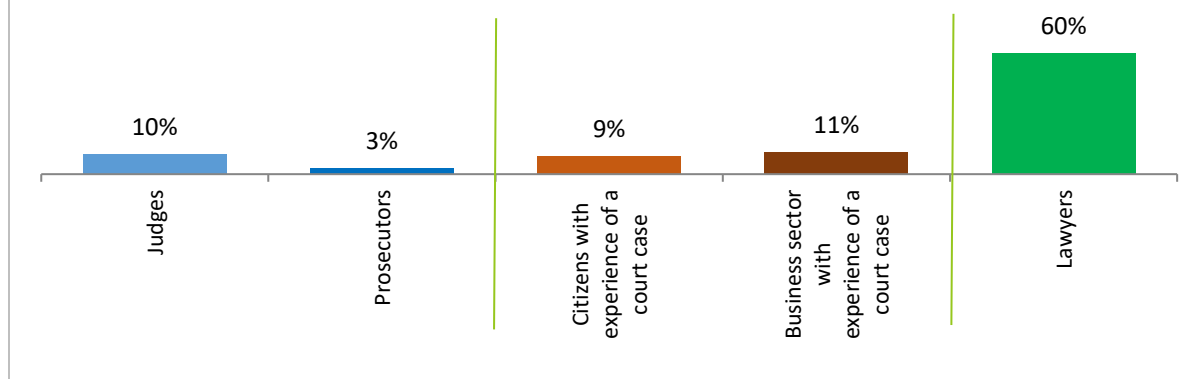
- Although the opinion that corruption is present in the judiciary is widely spread, only about 10% of citizens and business sector representatives with experience of a court case report being suggested to resort to some informal means in order to improve their position in the proceedings.
- One in ten judges and only 3% of prosecutors state that someone has tried to influence their work.
- On the other hand, a majority of lawyers report being suggested to influence the course of a proceedings in some informal way over the past 12 months.
- Only 5% of citizens admit resorting to informal means.
- The most commonly used informal way is pulling strings.

6.2.1 Experiences of attempts to influence proceedings

Many citizens believe that corruption is present in the judiciary, although only one in ten reports being faced with it directly.

As for those with experience of a court case, **approximately one in ten citizens (9%) and business sector representatives (11%) report being suggested that using some informal course would increase their chances in the proceedings. A similar percentage of judges (10%), and only 3% of prosecutors,** report that someone tried to influence their work in some informal way. On the other hand, a **majority of lawyers (60%)** claim that they have been asked to influence the course of proceedings in some informal way over the past 12 months. (Figure 6.2.1.1).

Figure 6.2.1.1: PERCENTAGE OF PROVIDERS OF COURT SERVICES, USERS OF SERVICES, AND LAWYERS WHO REPORT TO HAVE BEEN SUGGESTED TO USE INFORMAL MEANS (Judges and prosecutors: Did you ever find yourself in a situation in which someone tried to use some informal means (make an additional payment, give you a gift, pull strings) to influence your work? Citizens and business sector representatives: Have you ever found yourself in circumstances in which you resorted to informal means (made an additional payment, offered a gift, pulled strings...) to have your case adjudicated more efficiently? Lawyers: In the past 12 months, how many times did you find yourself in a situation to be suggested to use some informal means and influence the course of the case?) Base: total population of judges, prosecutors, and lawyers and population of citizens and of business sector representatives with experience of a court case



Only 5% of citizens and just 1% of business sector representatives with experience of a court case report using some informal means to make their case more efficient. The citizens who reports using informal means mainly mention pulling strings.

According to 10% of judges who claim that someone tried to influence their work in some informal way, these were mainly parties to the proceedings, and less likely politicians, friends, relatives, or acquaintances of judges, as well as lawyers and other court staff. According to judges, these interventions were only verbal appeals or, in some cases, just showing interest in the proceedings, while gifts and political influences were rarely used.

Lawyers agree with judges that the citizens included in the proceedings are the most common initiators of the use of informal means in court proceedings. One in three lawyers claim to have been asked to influence the judge in some informal way (34%). On the other hand, very few lawyers report having been asked by judges (4%) or prosecutors (less than 1%) to work in favor of lawyer's client for a compensation.

6.3 Factors that influence the integrity of the judiciary

6.3.1 Perception of factors that influence the integrity of the judiciary

- In the opinion of judges and prosecutors, the media are the main factor that undermines the integrity of the judiciary.
- However, a considerable percentage of judges and prosecutors agree that some aspects of functioning of the judiciary also undermine its integrity, primarily different judgments that courts make in similar cases, too long duration of cases, and mild penal policy against corruption.

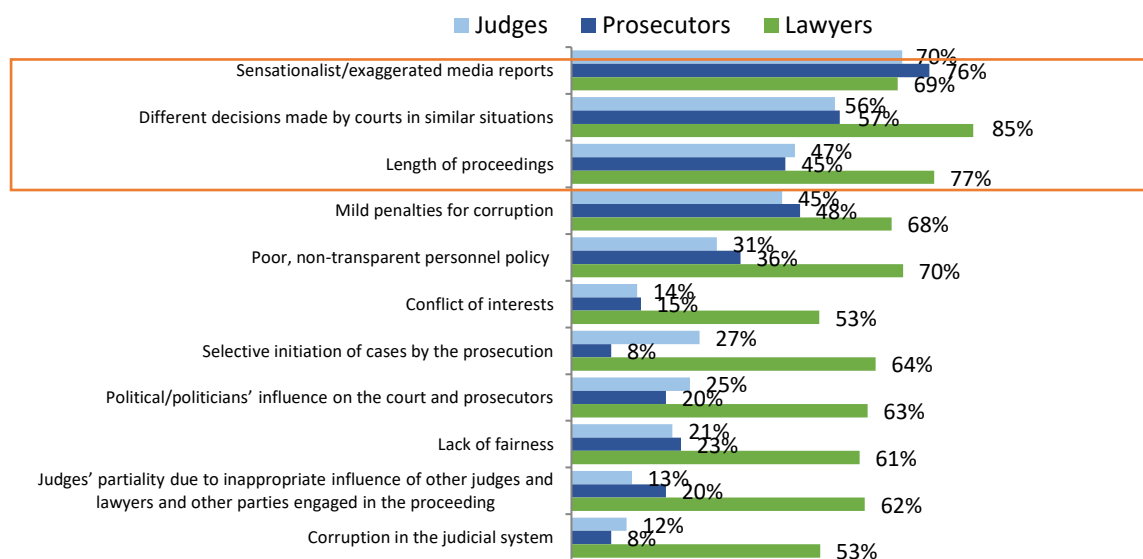
- According to lawyers, a significantly bigger number of factors is responsible for undermining the integrity of the judiciary, and they rather refer to the judiciary and not to media reports.
- The opinions of users of court services are a lot closer to those of lawyers than of the providers of court services.
- In the opinion of judges and prosecutors, independence of the judiciary is endangered by the media most, and then by the NGOs and politicians.
- Compared with judges and prosecutors, lawyers believe that a considerably larger number of institutions harm the independence of the judiciary, primarily powerful individuals, politicians, organized crime, but also some ministries and the Government of Montenegro.

Judges and prosecutors believe that sensationalist/exaggerated media reports about the work of the judiciary is the factor that undermines the integrity of the judiciary most. This is the opinion of 76% of judges and 70% of prosecutors. (Figure 6.3.1.1).

However, a **considerable percentage of judges and prosecutors also mention some aspects of the judiciary operations: different decisions made by courts in similar situations** (56% of judges and 57% of prosecutors), **length of proceedings** (47% of judges and 45% of prosecutors) and **mild penalties for corruption** (45% of judges and 48% of prosecutors). (Figure 6.3.1.1).

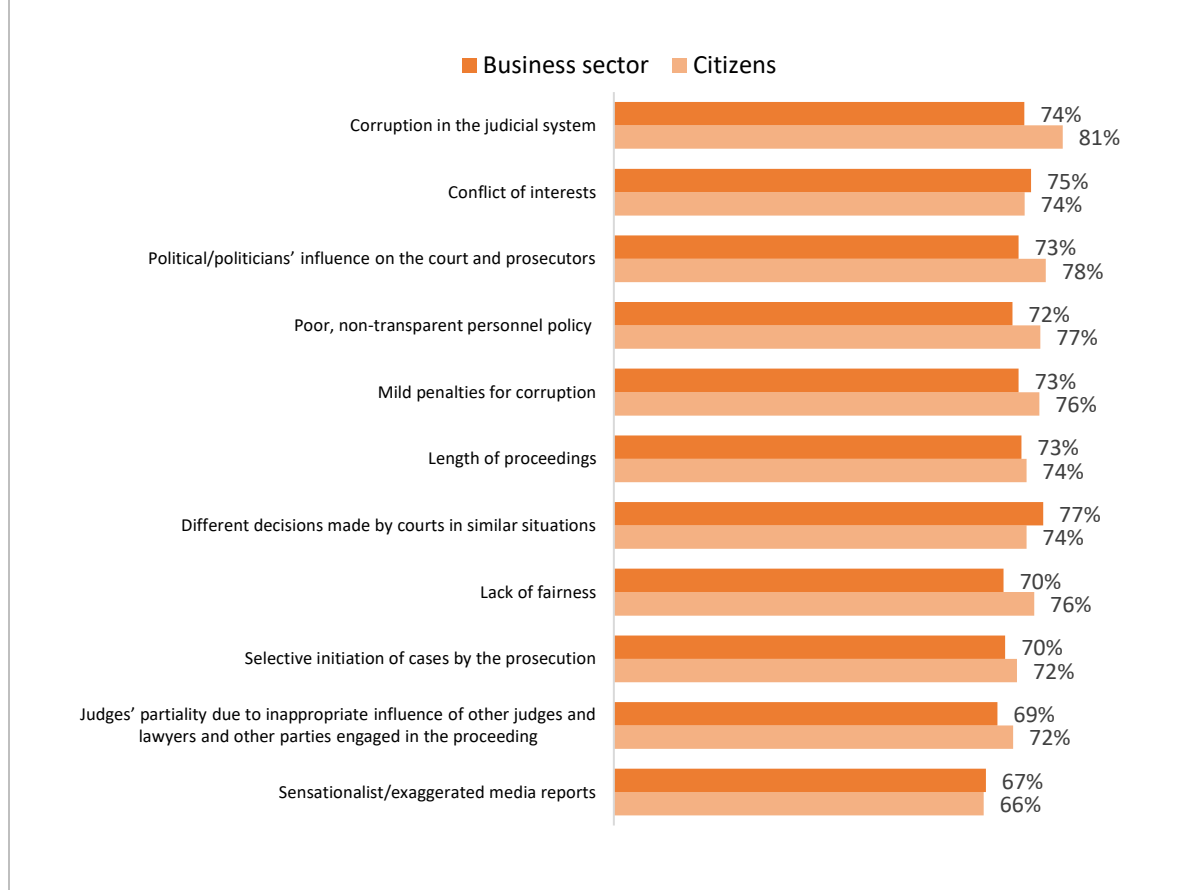
According to **lawyers, a significantly bigger number of factors are responsible for undermining the integrity of the judiciary.** More than half of lawyers agree that all the listed factors undermine the integrity of the judiciary. Also, a **high percentage of lawyers (69%) believe that media reports undermine the integrity of the judiciary, but they blame other factors even more.** Similar to judges and prosecutors, lawyers underline **different decisions made by courts in similar situations** (85%) and **length of proceedings** (77%), but also **non-transparent HR policy** (70%), **mild penalties for corruption** (68%), **selective initiation of cases by the prosecution** (64%), **political/politicians' influence on the court** (63%), **partiality of judges** (61%)... (Figure 6.3.1.1).

Figure 6.3.1.1: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO BELIEVE THAT THE LISTED FACTORS UNDERMINE THE INTEGRITY OF THE JUDICIARY (*To what extent do the following factors undermine the integrity of the judicial system in Montenegro?*) Base: total population of judges, prosecutors, and lawyers



Compared with the providers of court services, similar to lawyers, users of court services identify a considerably bigger number of factors that undermine the trust of citizens and business sector representatives in the judiciary. Although the majority agree that media reports do reduce citizens' trust, they find even more reasons in the very functioning of the judiciary. (Figure 6.3.1.2).

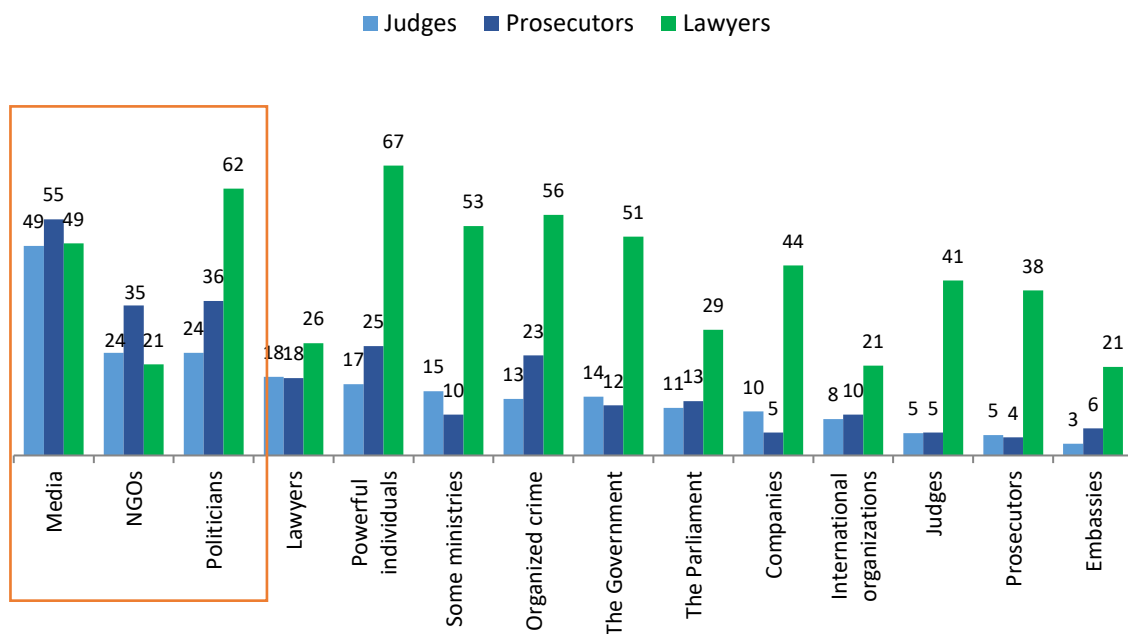
Figure 6.3.1.2: PERCENTAGE OF CITIZENS AND BUSINESS SECTOR REPRESENTATIVES WHO BELIEVE THAT THE GIVEN FACTORS REDUCE TRUST IN THE JUDICIARY (To what extent did the following factors undermine the trust of citizens/ business sector representatives in the judicial system in Montenegro) Base: Total population of citizens and of business sector representatives



In the opinion of judges and prosecutors, independence of the judiciary is harmed by the media most (49% of judges, 55% of prosecutors believe that the media harm the judiciary), politicians (24%, 36%), and NGOs (24%, 35%). Compared with judges and prosecutors, lawyers believe that a considerably bigger number of institutions harm the independence of the judiciary, primarily powerful individuals (67%), politicians (62%), organized crime (56%), but also some ministries (53%) and the Government of Montenegro (51%).

It is interesting that a considerable percentage of lawyers blame judges (41%) and prosecutors (38%), while judges and prosecutors are somewhat less likely (18%) to consider lawyers responsible. (Figure 6.3.1.3).

Figure 6.3.1.3: PERCENTAGE OF JUDGES, PROSECUTORS AND LAWYERS WHO BELIEVE THAT THE GIVEN INSTITUTION/GROUP UNDERMINES THE INDEPENDENCE OF THE JUDICIARY (To what extent do the following factors undermine the integrity of the judicial system in Montenegro?) Base: total population of judges, prosecutors, and lawyers



6.3.2 Perception of the media and NGO sector influence on the judiciary

- A large majority of judges and prosecutors believe that the image of courts and prosecution created by the media is worse than their actual image.
- Lawyers and citizens don't have a unanimous opinion, but while lawyers are most likely to think that the image created by the media is worse than the actual, citizens are most likely to consider this image real.

Large majority of judges and prosecutors believe that the image of courts and prosecution created by the media is worse than in actuality. It is obvious, however, that judges are somewhat more likely than prosecutors to think that the image of courts in the media is worse than their actual image (87% of judges and 74% of prosecutors), **while prosecutors are more likely than judges to think that the image of Prosecutor's Offices in the media is worse than their actual image** (68% of judges and 83% of prosecutors believe so). (Figures 6.3.2.1 and 6.3.2.2).

Lawyers don't have a unanimous opinion, but they are also most likely to consider this media image worse than the actual image (43% in case of courts and 37% in case of Prosecutor's Office). (Figures 6.3.2.1 and 6.3.2.2).

The citizens have different opinions also, but **they are most likely to believe that this image is objective** (somewhat more than 40% believe that the image of courts is objective). (Figures 6.3.2.1 and 6.3.2.2).

6. INTEGRITY

Figure 6.3.2.1: IMAGE OF COURTS IN THE MEDIA PERCEIVED BY THE FIVE TARGET GROUPS (What image of the courts in Montenegro do the media create in general?) Base: total population of judges, prosecutors, citizens, and lawyers

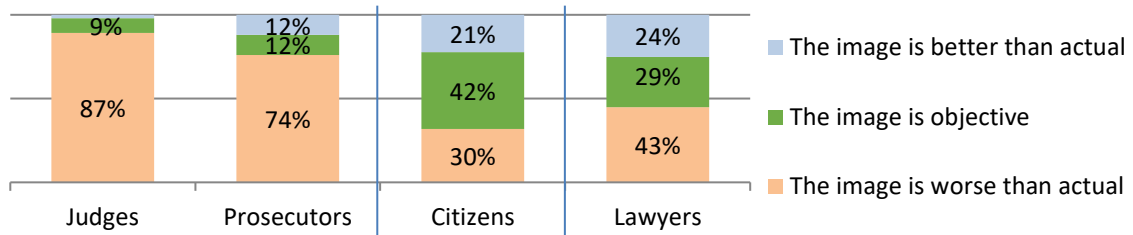
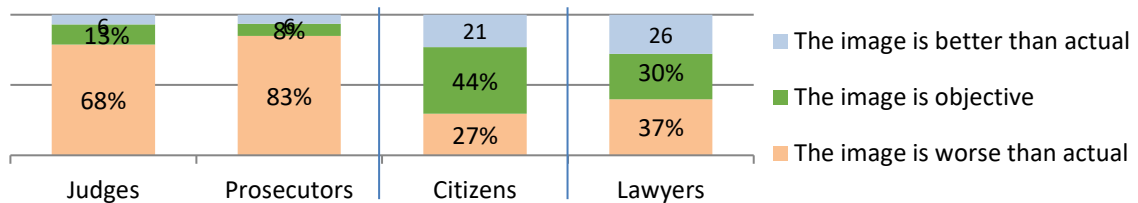


Figure 6.3.2.2: IMAGE OF THE PROSECUTION IN THE MEDIA PERCEIVED BY THE FIVE TARGET GROUPS (What image of the prosecution in Montenegro do the media create in general?) Base: total population of judges, prosecutors, citizens, and lawyers



The majority of judges and prosecutors believe that the media, as an external control mechanism, have a negative influence on the integrity of courts and of Prosecutor’s Offices. The influence of NGOs is perceived somewhat more positively, but still almost half consider this influence negative.

Lawyers’ are of the opinion that media contributes to the integrity of both courts and prosecutor’s Offices, and the influence of NGOs as a control mechanism is perceived positively by a somewhat higher percentage. (Figures 6.3.2.3 and 6.3.2.4).

Figure 6.3.2.3: PERCEPTION OF THE MEDIA INFLUENCE ON THE INTEGRITY OF COURTS AND PROSECUTOR’S OFFICE (What influence have the media had on the integrity of the courts as a mechanism of external control? What influence have the media had on the integrity of the prosecution as a mechanism of external control?) Base: Total population of judges, prosecutors, and lawyers

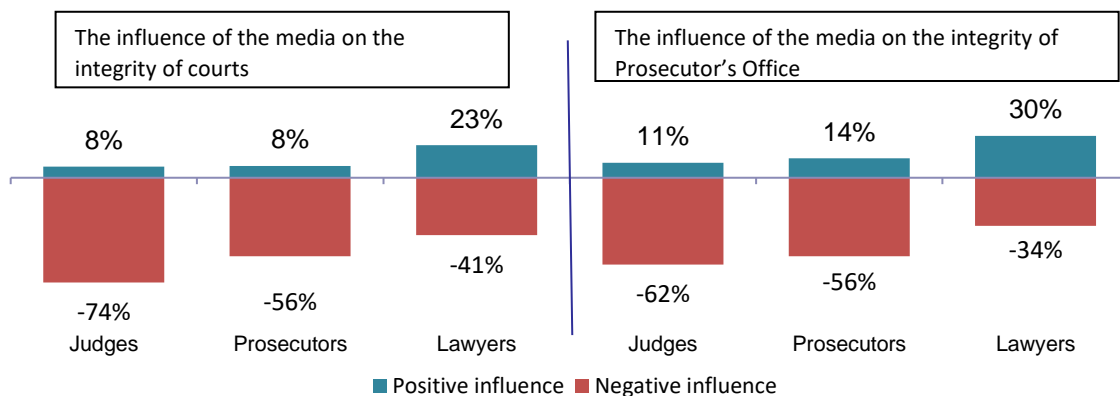
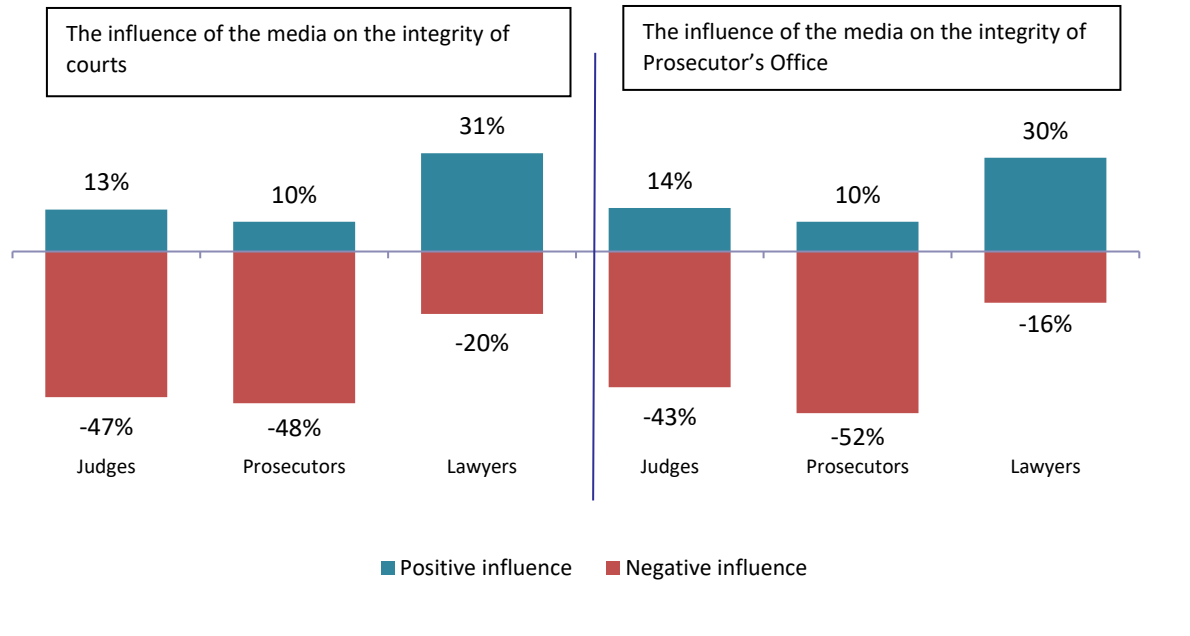


Figure 6.3.2.4: PERCEPTION OF NGO INFLUENCE ON THE INTEGRITY OF COURTS AND PROSECUTOR'S OFFICE (What influence have NGOs had on the integrity of the courts as a mechanism of external control? What influence have NGOs had on the integrity of the prosecution as a mechanism of external control?) Base: total population of judges, prosecutors, and lawyers



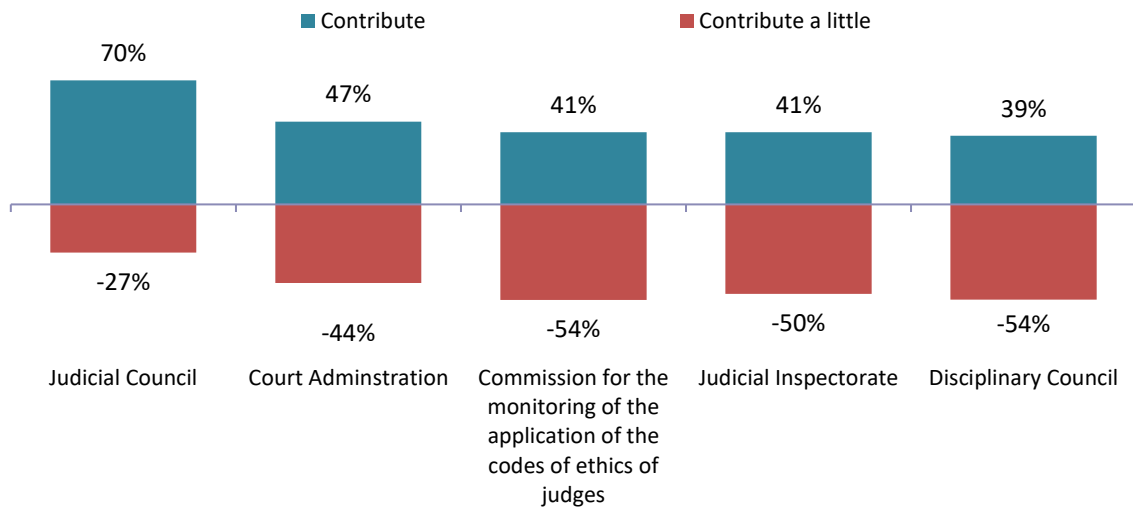
6.3.3 Judicial control bodies

- The majority of judges believe that the Judicial Council contributes to better integrity of judges, while the opinions about the contribution of other bodies are not unanimous.
- The majority of prosecutors believe that the Prosecution Council contributes to better integrity of prosecutors, while a lower percentage believe that other control bodies do; and the majority believes that the Parliament doesn't contribute at all.
- A considerably lower percentage of lawyers (approximately one in five) believe that judicial control contributes to better integrity of courts and of Prosecutor's Offices.
- As for professional associations, all three groups (judges, prosecutors, and lawyers) agree that the integrity of their profession is most contributed to by their professional association, but prosecutors perceive the contribution of their association considerably more positively than judges and lawyers evaluate the contribution of their associations.

Judges believe that the Judicial Council contributed to the integrity of judges most (70%). About half of judges believe that the Court Administration contributes to the integrity of judges (47%). As for other control bodies, judges are more likely to believe that they contribute a little or not at all (about 50%) than that they do contribute to the integrity of judges (about 40%). (Figure 6.3.3.1).

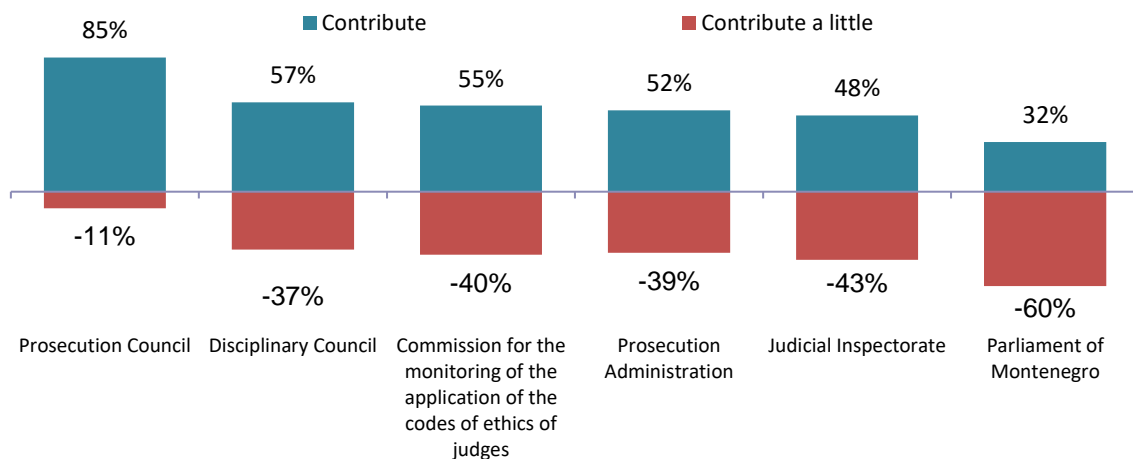
6. INTEGRITY

Figure 6.3.3.1: PERCENTAGE OF JUDGES WHO BELIEVE THAT CONTROL BODIES CONTRIBUTE TO BETTER INTEGRITY OF JUDGES (*To what extent do the following means of control help integrity of judges?*) Base: Total population of judges



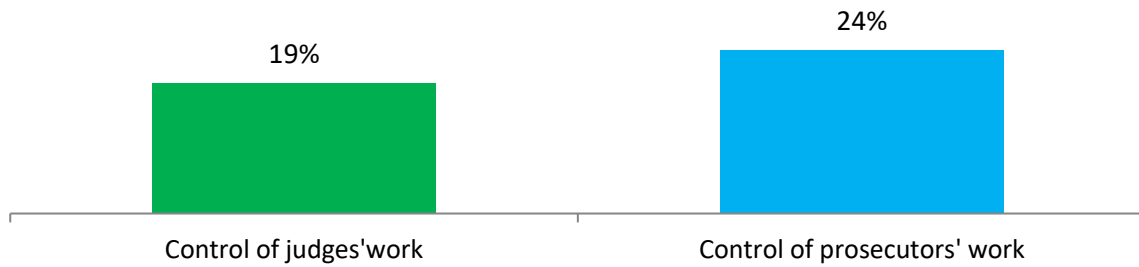
The Prosecution Council is thought, by a majority of prosecutors (85%), to be contributing to the integrity of prosecutors. About half of prosecutors believe that the Disciplinary Commission (57%), Commission for the monitoring of the application of the codes of ethics of judges (55%), Prosecution Administration (52%), and Judicial Inspectorate (48%) also contribute; while prosecutors are a lot more likely to believe that the Parliament of Montenegro does not contribute (60%) to the integrity of Prosecutor’s Offices than that it does (32%). (Figure 6.3.3.2).

Figure 6.3.3.2: PERCENTAGE OF PROSECUTORS WHO BELIEVE THAT CONTROL BODIES CONTRIBUTE TO BETTER INTEGRITY OF PROSECUTORS (*To what extent do the following means of control help integrity of prosecutors?*) Base: total population of prosecutors



Unlike judges and prosecutors, approximately one in five lawyers believe that control of work of judges and prosecutors contributes to their integrity (19% of judges, 24% of prosecutors). (Figure 6.3.3.3).

Figure 6.3.3.3: PERCENTAGE OF LAWYERS WHO BELIEVE THAT CONTROL OF JUDGES and PROSECUTORS CONTRIBUTE TO THEIR INTEGRITY (To what extent does the control of judges' work contribute to the integrity of judges? To what extent does the control of prosecutors' work contribute to the integrity of prosecutors?) Base: total population of lawyers



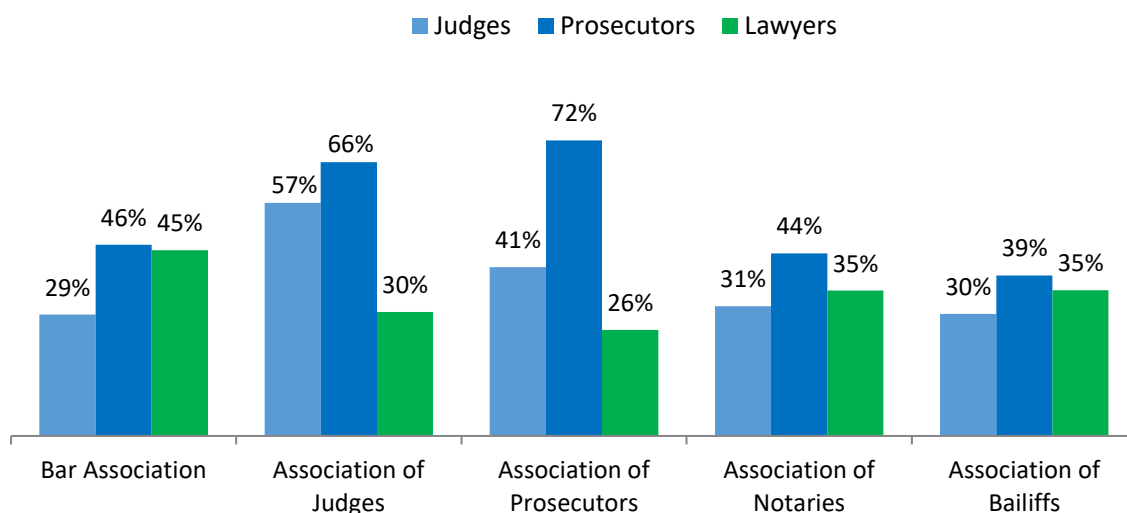
A majority of judges and prosecutors share positive opinion about the contribution of the Association of Judges to the integrity of judges, but it is interesting that the contribution of the Association of Judges is evaluated positively by a higher percentage of prosecutors than of judges (57% of judges and 66% of prosecutors).

A majority of prosecutors (72%) believe that the Association of Prosecutors contributes to the integrity of their profession, and this percentage is a lot higher than the percentage of judges who evaluate their association positively.

Lawyers are a lot less likely (45%) to evaluate positively the contribution of the Bar Association to the integrity of their profession than judges and prosecutors evaluate their associations.

Finally, between a third and half of judges, prosecutors, and lawyers believe that the Association of Notaries and the Association of Bailiffs contribute to the integrity of these professions. (Figure 6.3.3.4).

Figure 6.3.3.4: PERCENTAGE OF JUDGES, PROSECUTORS, AND LAWYERS WHO BELIEVE THAT THE GIVEN ASSOCIATION CONTRIBUTES TO STRENGTHENING THE INTEGRITY OF PROFESSION THEY REPRESENT (To what extent do professional associations (Bar Association, Association of Judges, Association of Prosecutors, Association of Notaries, Association of Bailiffs) help strengthen the integrity of the profession they represent?) Base: total population of judges, prosecutors, and lawyers



7. ADMINISTRATIVE COURT SERVICES AND NOTARY SERVICES

7.1 Perception of administrative court services and notary services on the dimensions of efficiency, quality, accessibility, and integrity (presence of corruption)

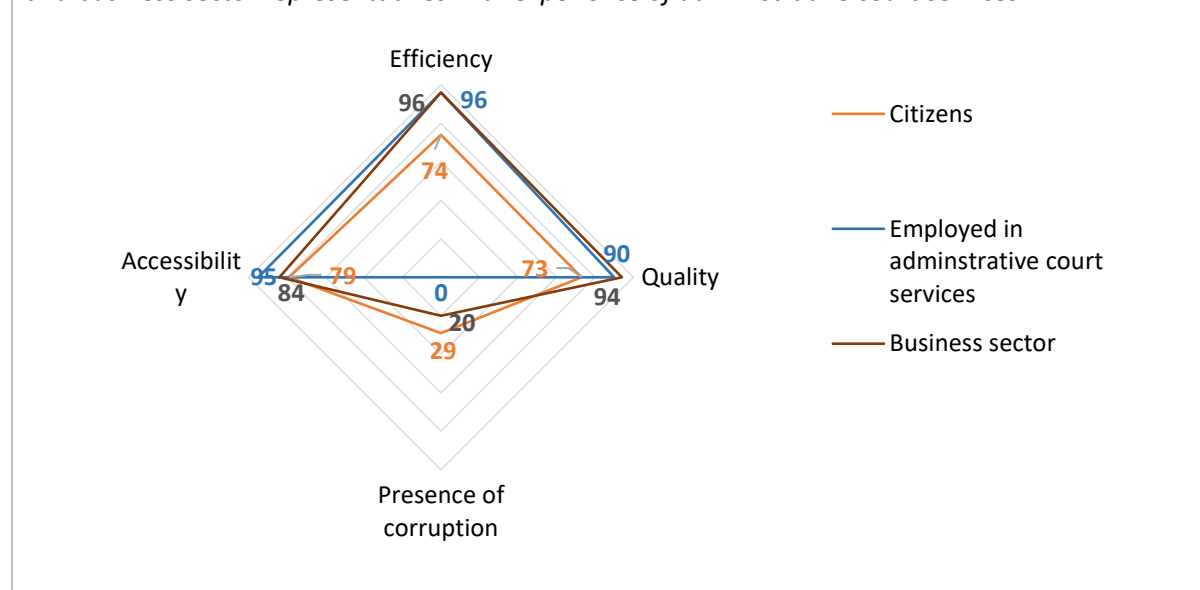
7.1.1 Perception of administrative court services by the users of services with experience and administrative court services providers on the dimensions of efficiency, quality, accessibility, and integrity (presence of corruption)

- The majority of users of administrative court services evaluate efficiency, quality, and accessibility of these services positively.
- The image of administrative court services is generally more positive in the eyes of the providers than users of these services, but the scores given by business sector representatives for the efficiency and quality of administrative services are closer to those given by the providers of these services than by the citizens.
- The most striking difference between the employed in administrative court services on one side, and citizens and of business sector representatives on the other, refers to the presence of corruption.

The employed in administrative court services, almost unanimously, evaluate all four dimensions of these services positively. The evaluation of efficiency, quality, and integrity provided by business sector representatives is similar to the evaluation provided by the employed. The percentage of citizens who evaluate these dimensions positively is lower, but still over 70%. (Figure 7.1.1).

The most striking point of difference refers to the presence of corruption: while the employed entirely deny the presence of corruption in administrative court services, approximately one in four to five users believes that corruption is present. (Figure 7.1.1).

Figure 7.1.1: PERCEPTION OF ADMINISTRATIVE COURT SERVICES ON 4 DIMENSIONS – THE PERCENTAGE OF POSITIVE SCORES Base: the employed in administrative court services and citizens and business sector representatives with experience of administrative court services



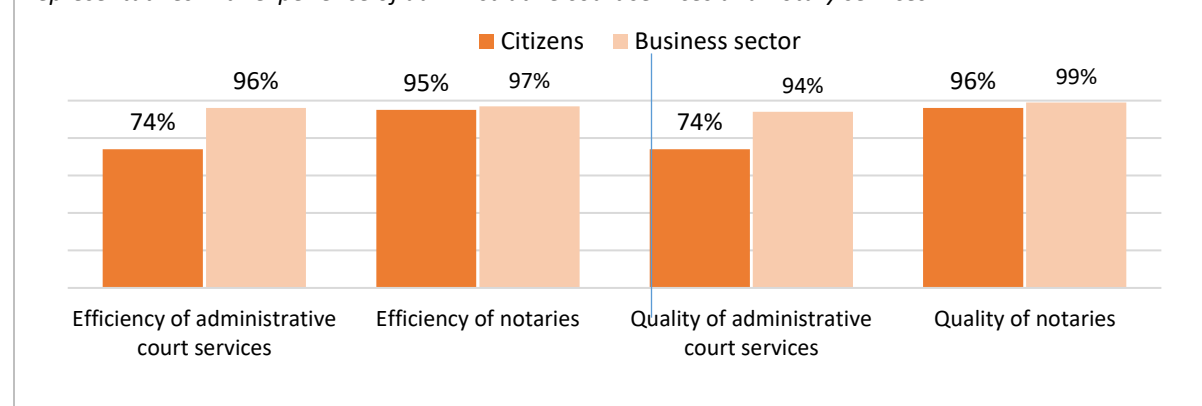
7.1.2 Perception of administrative court services and notary services by the users with experience of these services¹⁵ on the dimensions of efficiency, quality, and economic accessibility

- Business sector representatives with experience of administrative court services, same as those with experience of notary services, almost unanimously evaluate the efficiency and quality of both services positively.
- Citizens with experience of notary services evaluate efficiency and quality of notary services more positively than the citizens with experience of administrative court services evaluate efficiency and quality of these services.
- The citizens who used administrative court services and citizens who used notary services evaluate value for money equally, while business sector representatives who used notary services evaluate the costs more positively than those who used court services.

Business sector representatives almost unanimously evaluate the efficiency and quality of both administrative court services and notary services positively. (Figure 7.1.2).

The majority of citizens, more than 70%, evaluate efficiency and quality of administrative court services positively, but an even considerably higher percentage (more than 90%) evaluate notary services positively. (Figure 7.1.2).

Figure 7.1.2: PERCEPTION OF EFFICIENCY AND QUALITY OF ADMINISTRATIVE COURT SERVICES AND NOTARY SERVICES – THE PERCENTAGE OF USERS WITH EXPERIENCE WHO GIVE POSITIVE SCORES (To what extent were you satisfied with the efficiency of work of administrative service? How satisfied were you with the speed/ efficiency of the public notary on this task?) Base: citizens and business sector representatives with experience of administrative court services and notary services

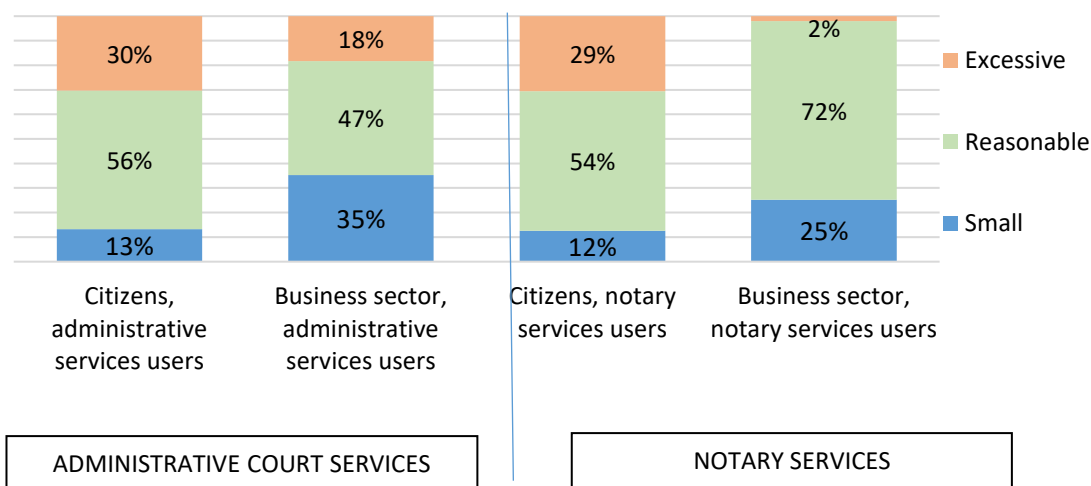


¹⁵ Great majority of the users of the administrative court services reported that the last service they used in the last 12 months was the service of certification of documents and contracts, 70% of the citizens, and 74% of business sector representatives; administrative tasks at court registry desk was mentioned by 16% of citizens and 25% of business sector representatives.

Users of notary services among the general population of citizens reported most often that the last service they used in the last 12 months was certification of transcripts and signatures, 47%, notary act related to purchase of immovable, 17%, and conclusion of security rights (mortgage, fiduciary, the right of servitude, etc.) 13%. Representatives of business sector most often mentioned notarial act on commercial contract, 42%, certification of transcripts and signatures, 22%, and acts on establishment of companies and other legal entities and confirming decisions of the managing bodies of these entities, 11%.

As for value for money, citizens evaluate court services and notary services equally, while business sector representatives who used notary services evaluate value for money more positively than those who used court services. (Figure 7.1.3).

Figure 7.1.3: PERCEPTION OF TOTAL COSTS OF A SPECIFIC ADMINISTRATIVE TASK IN COURT AND AT NOTARY'S, BY THE USERS OF ADMINISTRATIVE COURT SERVICES AND USERS OF NOTARY SERVICES (Do you think the cost of this administrative task was small, "reasonable" or excessive given the quality of court/notary services you were provided?) Base: citizens and business sector representatives with experience of administrative court services and citizens and business sector representatives with experience of notary services



7.2 Perception of the efficiency of administrative court services and notary services

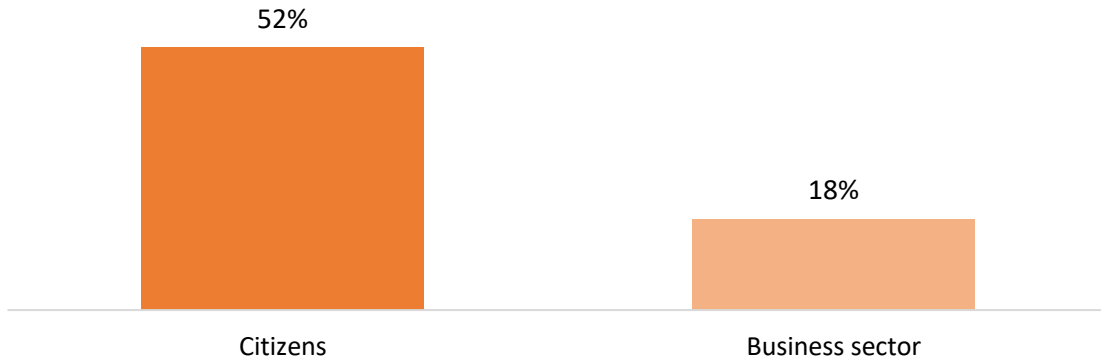
7.2.1 Perception of the efficiency of administrative court services

- Although the large majority of users evaluate the efficiency of administrative court services positively, somewhat more than half of citizens and almost one in five business sector representatives still believe that their tasks might consume less time.
- About half of citizens and one in five business sector representatives report being forced to visit the courthouse more than 3 times, and about half of all users report being forced to "walk" from one door to another in the courthouse, even if they completed major portion of their task in one place.
- The employed in administrative court services agree that, on average, 95% of cases are completed within the legal deadline, but they also believe that the change of working conditions may upgrade efficiency.
- The working conditions that the employed believe may upgrade efficiency refer primarily to the financial conditions (bigger salaries and additional financial stimulation), while users believe that efficiency would be upgraded with larger number of windows, staff, and their more extensive commitment.

Although a majority of citizens (74%), and especially high percentage of business sector representatives (96%), evaluate the efficiency of administrative court services in their case positively, somewhat more than half of citizens, 52%, and 18% of business sector representatives,

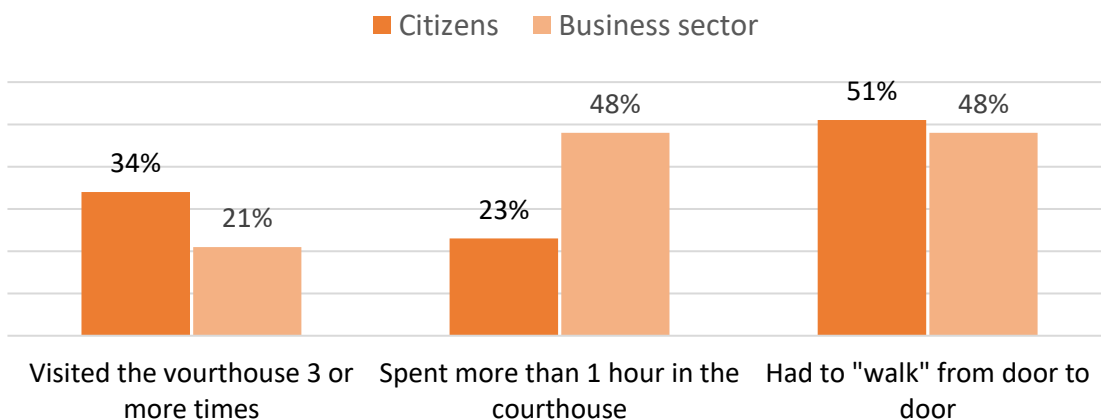
still believe that they could have done their job more quickly. (Figure 7.2.1.1). The citizens who report that their task lasted longer than necessary believe that the main reasons were shortage of windows or staff (53%) and their insufficient commitment (41%).

Figure 7.2.1.1: PERCENTAGE OF USERS OF ADMINISTRATIVE COURT SERVICES WHO BELIEVE THAT THEIR ADMINISTRATIVE TASK COULD TAKE LESS TIME (Do you think that this administrative task could have been completed in less time given its complexity?) Base: citizens and business sector representatives with experience of administrative court services



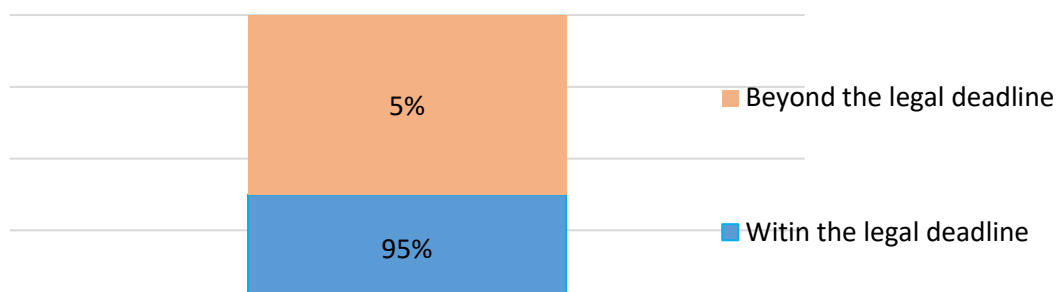
About a third of citizens, and one in five business sector representatives, report visiting the courthouse three or more times because of their administrative task; one in five citizens and about half of business sector representatives report spending more than one hour in the courthouse. About half of users had to “walk” from door to door in order to complete a task, although a major portion was completed in one place. (Figure 7.2.1.2).

Figure 7.2.1.2: PERCENTAGE OF USERS OF ADMINISTRATIVE COURT SERVICES WHO REPORT VISITING THE COURTHOUSE THREE OR MORE TIMES, SPENDING IN THE COURTHOUSE MORE THAN 1 HOUR IN ORDER TO COMPLETE THEIR TASK, HAVING TO „WALK FROM DOOR TO DOOR” (How many times did you have to go to the courthouse to complete the task? How much time in total did you spend completing this task?) Base: citizens and business sector representatives with experience of administrative court services



However, the employed in administrative court services report that, on average, 95% of cases have been completed within the legal deadline in the past 12 months. (Figures 7.2.1.3).

Figure 7.2.1.3: AVERAGE PERCENTAGE OF CASES COMPLETED WITHIN THE LEGAL DEADLINE ACCORDING TO THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES (*Can you approximately estimate the timeframe within which your sector completed cases during the past 12 months. i.e. the percentage of cases completed within the legal deadline and the percentage completed beyond the expiry of the legal deadline?*) Base: employed in administrative court services



At the same time, the employed believe that a change of working conditions may shorten the time needed to complete tasks (only 4% believe that time can't be shorter). **Financial conditions are what the employed usually mention: 57% mention bigger salary, and 44% additional financial stimulation.** Somewhat less than a third talk about better technical equipment and better knowledge of clients, and one in five better staff expertise and larger number of windows. The lowest percentage, only 8%, mention more extensive commitment of the employed. (Figure 7.2.1.4).

Figure 7.2.1.4: THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES: THE CONDITIONS THAT WOULD CONTRIBUTE TO SHORTER COMPLETION OF CASES (*In your opinion, what would help cut down the time of completion of the tasks that your sector works on?*) Base: the employed in administrative court services

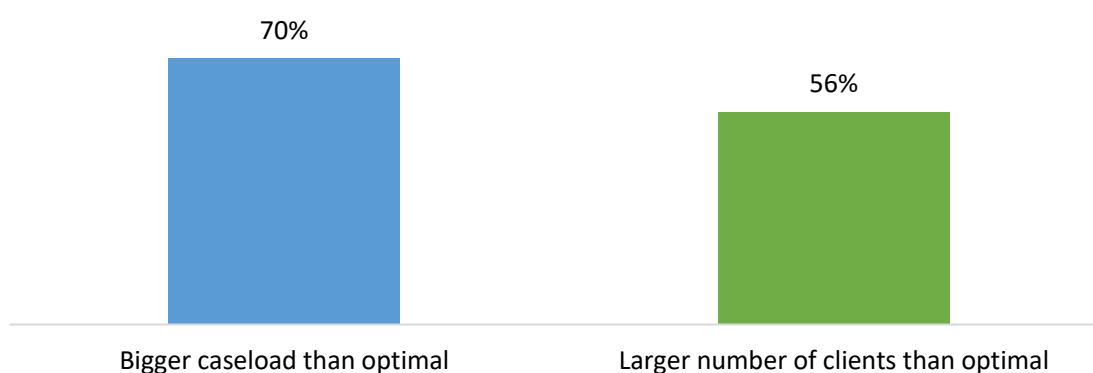


7.2.2 Workload and quality of working conditions of the employed in administrative court services

- A majority of the employed in administrative court services perceive their workload as more extensive than optimum.
- The large majority of the employed are satisfied with the majority of working conditions (collaboration with other sectors, atmosphere and work organization), but half of them are satisfied with premises and equipment, and one in six with income.
- Almost half of the employed claim not to have attended any organized training associated with their work, and somewhat more than half believe that additional training would help them do their job.
- Almost all employees use a computer at work and perceive themselves as sufficiently trained for it.
- One in five employees say that their sector provides continuous computer skills training.

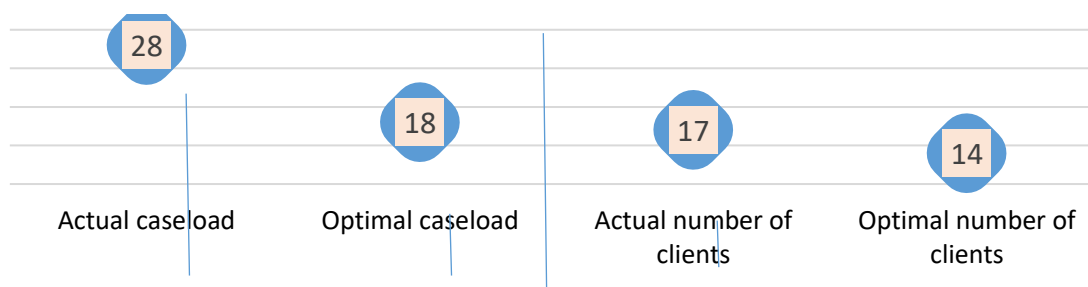
A majority of the employed in administrative court services perceive their own workload as bigger than optimal: more than 70% of the employed agree that they've had bigger workload a day than optimal in the past 12 months, and somewhat more than 50% that they've had larger number of clients a day than optimal. (Figure 7.2.2.1).

Figure 7.2.2.1: PERCENTAGE OF THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES WHO STATE THAT THEY HAVE HAD BIGGER CASELOAD AND THE NUMBER OF CLIENTS A DAY THAN OPTIMAL OVER THE PAST 12 MONTHS (How many cases have you handled on average on a daily basis during the last 12 months? What would have been the optimal daily caseload, given the conditions you worked in during the past 12 months and taking into account average variations in seriousness? On average with how many clients did you have contact on daily basis? What would have been the optimal daily number of clients, in your opinion, given the conditions you worked in during the past 12 months?) Base: the employed in administrative court services who reported the data (actual and optimal caseload, 63%, actual and optimal number of clients, 78%)



The employed in administrative court services state that, on average, they have had 28 cases a day over the past 12 months, while they believe that the optimal number would be 18. They also agree that they have had larger number of clients a day than optimal, but this difference is a lot smaller: 17 and 14 clients, respectively. (Figure 7.2.2.2).

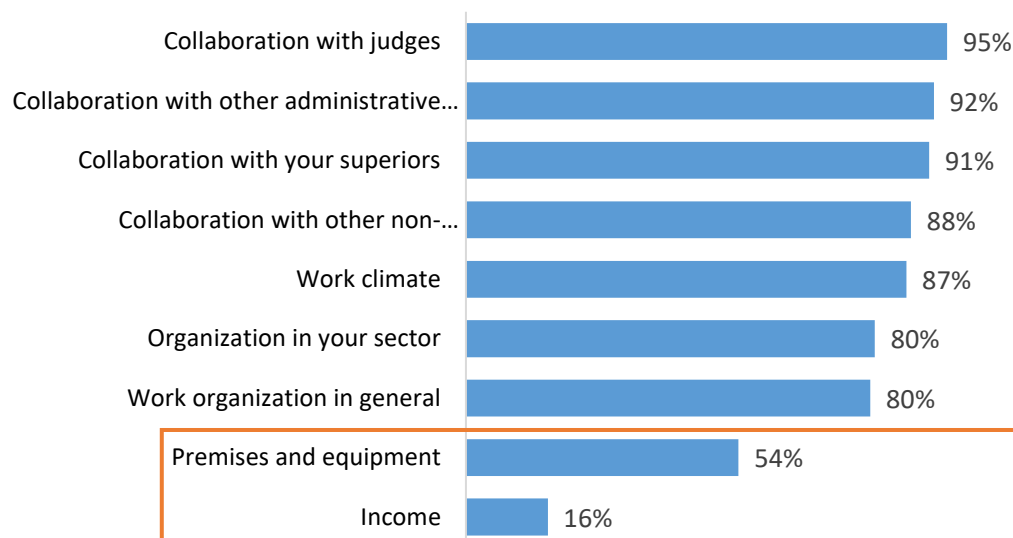
Figure 7.2.2.2: AVERAGE ACTUAL AND OPTIMAL NUMBER OF CASES A DAY AND THE AVERAGE ACTUAL AND OPTIMAL NUMBER OF CLIENTS A DAY, IN THE OPINION OF THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES (How many cases have you handled on average on a daily basis during the last 12 months? What would have been the optimal daily caseload, given the conditions you worked in during the past 12 months and taking into account average variations in seriousness? On average with how many clients did you have contact on daily basis? What would have been the optimal daily number of clients, in your opinion, given the conditions you worked in during the past 12 months?) Base: the employed in administrative court services who reported the data (actual and optimal caseload, 63%, actual and optimal number of clients, 78%)



A large majority of the employed are satisfied with the majority of working conditions, but they are somewhat less satisfied with the premises and equipment, and especially with income.

The employed are most satisfied with their collaboration with judges, other sectors, and their superiors (more than 90%), and somewhat less with work organization (80%). A considerably lower percentage, **only somewhat more than half, are satisfied with the premises and equipment. The employed are **least satisfied by far with their income: only 16% are satisfied with it.****

Figure 7.2.2.3: PERCENTAGE OF THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES WHO ARE SATISFIED WITH THE GIVEN ASPECTS OF THE WORKING CONDITIONS (SATISFIED + VERY SATISFIED) (Please rate your satisfaction with the following aspects of your job in the institution in which you have worked for the past 12 months?) Base: the employed in administrative court services



Almost half of the employed, 47%, say that they haven't had any organized training for their job. As for those who say that they have had some training (53%), 16% had at least one training session in the past 12 months (or 8% of the total population). **As for those who have been trained (53%), almost all of them (95%) believe that the training was sufficient for gaining the knowledge they need for their work. However, 52% of the employed believe that education would help them do a better job.**

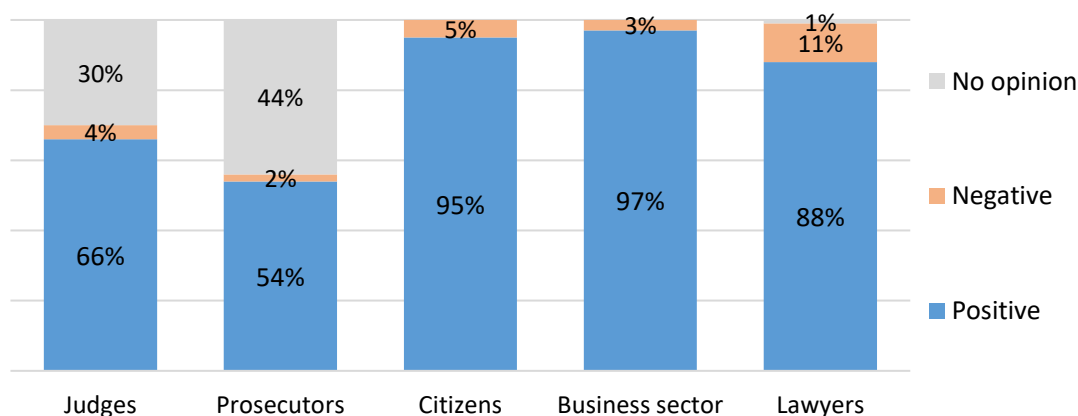
Almost all employees, 97%, report using a computer at work and almost all (98%) consider themselves skilled enough for their job. Only 23% report having continuous education about computers available in their sector.

7.2.3 Perception of the efficiency of notary services

- Users with experience of these services and lawyers evaluate the quality of notaries' services considerably more positively than judges and prosecutors do, many of whom don't even have an opinion about it.
- The large majority of users with experience of notary services believe that introduction of these services has made completion of legal and administrative tasks more efficient.

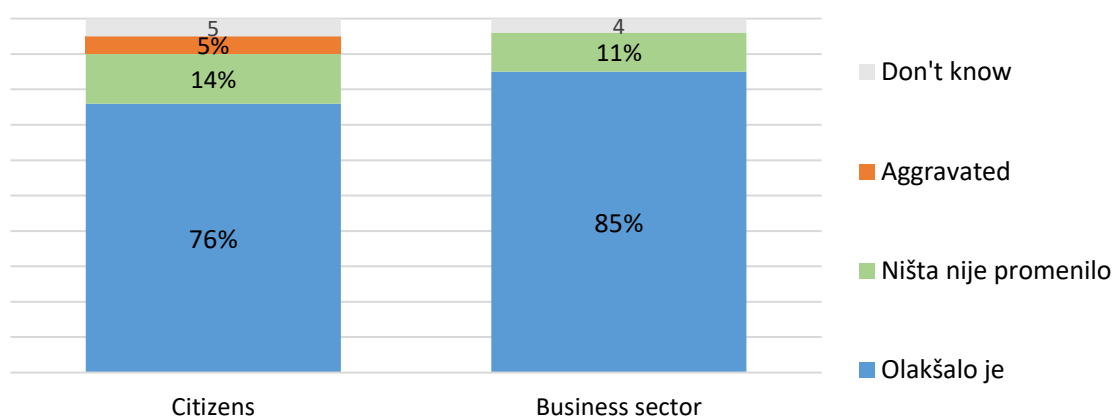
While users of notary services share almost unanimous positive perception of the quality of these services, a considerably lower percentage of judges (66%) and prosecutors (54%) have a positive impression. It is striking, though, that a very low percentage of judges and prosecutors give negative scores, and that almost a third of judges and four in ten prosecutors have no opinion about this issue. (Figure 7.2.3.1).

Figure 7.2.3.1: THE PERCEPTION OF THE EFFICIENCY OF NOTARY SERVICES BY JUDGES, PROSECUTORS, LAWYERS and USERS WITH EXPERIENCE OF NOTARY SERVICES (Users: How satisfied were you with the speed/ efficiency of the public notary on this task? Judges, prosecutors and lawyers: What is your general impression of the efficiency of notaries?) Base: total population of judges, prosecutors, and lawyers and citizens and business sector representatives with experience of notary services



Large majority of users believe that introducing notaries has facilitated legal and administrative tasks and made them faster and more efficient: 76% citizens and 85% of business sector representatives. (Figure 7.2.3.2).

Figure 7.2.3.2: USERS WITH EXPERIENCE OF NOTARY SERVICES: THE PERCEPTION OF THE CONTRIBUTION OF THIS SERVICE TO MORE EFFICIENT CONDUCTING OF LEGAL AND ADMINISTRATIVE TASKS FOR THE CITIZENS AND COMPANIES IN MONTENEGRO (All things considered, do you think that introducing a public notary has facilitated performing of legal/ administrative tasks for the citizens/ companies of Montenegro - making it faster and more efficient?) Base: citizens and business sector representatives with experience of notary services



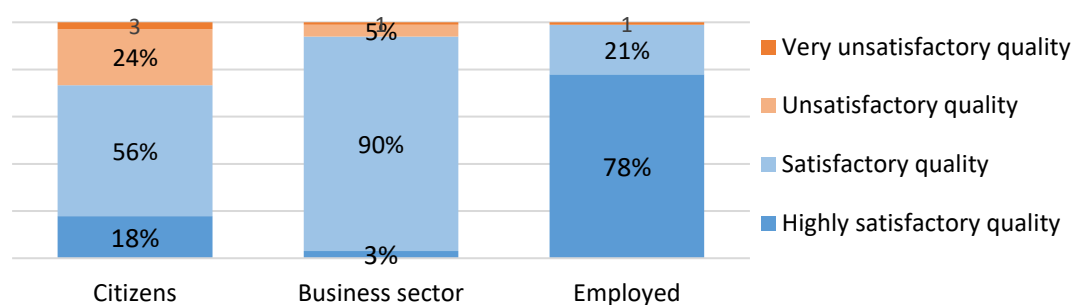
7.3 Perception of quality of administrative court services and notary services

7.3.1 Perception of quality of administrative court services

- A large majority of users evaluate the quality of administrative court services in their specific case positively.
- Compared with users, the employed are considerably more satisfied with the quality of services they provide: the large majority evaluate the quality with the highest grade (highly satisfactory), while a majority of users evaluate quality as satisfactory.
- The employed who don't evaluate quality with the highest grade (one in five) are mainly led by low motivation of staff due to poor working conditions.
- The users evaluate the presented knowledge, efficiency, and politeness of staff positively, but some were faced with indifference, sloppiness, and even proneness to corruption.

The large majority of users were satisfied with the quality of administrative services in their case: 74% citizens and 93% of business sector representatives evaluate the quality of services as high. **Compared with users, the employed are more satisfied with the quality of services provided by their sector:** almost 80% of the employed evaluate the quality of services provided by their sector with the highest score, while the highest score for their specific case is given by 18% of citizens and only 3% of business sector representatives. (Figure 7.2.3.1).

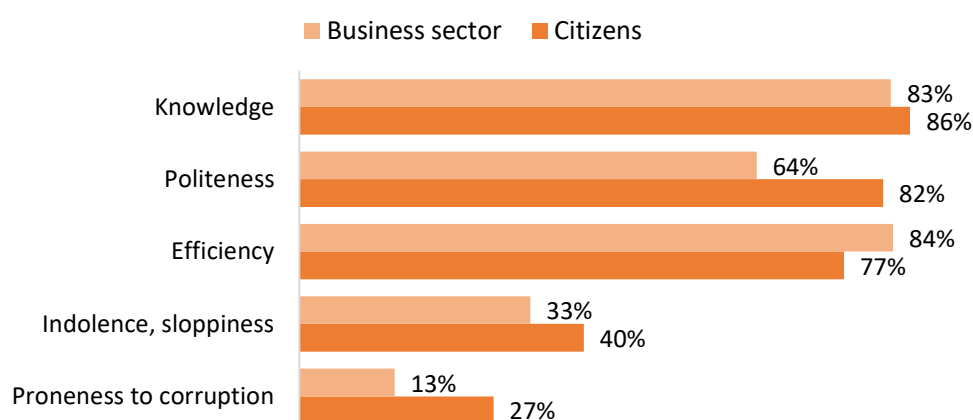
Figure 7.2.3.1: PERCEPTION OF QUALITY OF ADMINISTRATIVE COURT SERVICES BY THE USERS (IN THEIR SPECIFIC CASE) AND BY THE EMPLOYED IN THE SECTOR FOR THE PAST 12 MONTHS (How satisfied were you with the quality of administrative court service in your case? Staff: In your opinion, what was the quality of service which your sector (organizational unit) rendered to the citizens in the institution where you worked during the past 12 months?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services



The employed who don't evaluate quality with the highest grade are mainly led by low motivation of staff due to poor working conditions (38%) and inadequate staff expertise (29%), while only 4% mention imprecise and inadequate legal solutions. However, a considerable percentage of the employed who don't give the highest grade didn't share their opinion about this issue.

A majority of users evaluate professionalism and conduct of the employed they communicated with regarding their administrative task positively: they perceive the employed as professional, efficient, and polite. However, a considerable percentage was faced with indifferent and sloppy employees (between 30% and 40%), and a somewhat lower percentage with corrupt employees (27% of citizens and 13% of business sector representatives). (Figure 7.2.3.2).

Figure 7.2.3.2: PERCENTAGE OF USERS OF ADMINISTRATIVE SERVICES WHO EVALUATED THE FOLLOWING CHARACTERISTICS AS PROMINENT (PROMINENT+VERY PROMINENT) AMONG THE EMPLOYED THAT THEY COMMUNICATED WITH (Users: To what extent were the following features pronounced among the staff that you interacted with?) Base: citizens and business sector representatives with experience of administrative court services

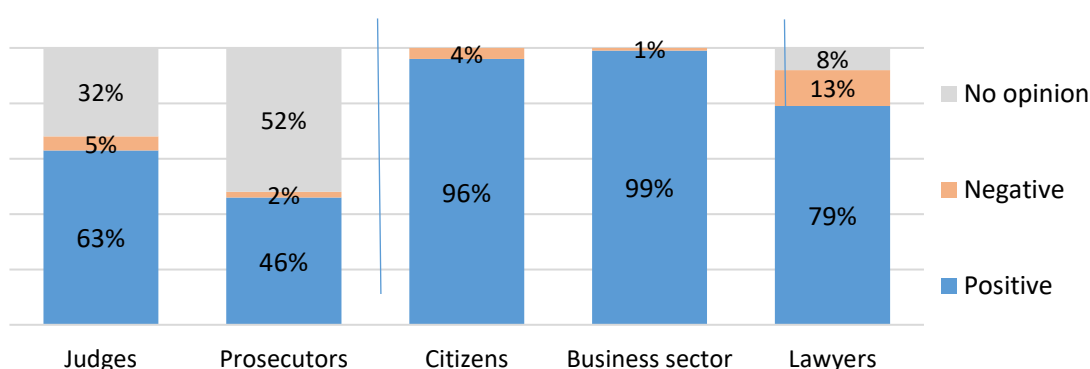


7.3.2 Perception of the quality of notary services

- Users with experience of these services and lawyers evaluate the quality of notaries' services considerably more positively than judges and prosecutors do, many of whom don't even have an opinion about it.

Similar to their perception of efficiency, users of notary services almost unanimously share a positive perception of the quality of these services. On the other hand, a considerably lower percentage of judges (63%) and prosecutors (46%) have a positive impression about the quality of notary services. Similar to the perception of efficiency, it is quite striking that a very low percentage of judges and prosecutors evaluate the quality of notary services negatively, and that almost a third of judges and about half of prosecutors have no opinion about this. (Figure 7.3.2.1).

Figure 7.3.2.1: THE PERCEPTION OF NOTARY SERVICES QUALITY BY JUDGES, PROSECUTORS, LAWYERS and USERS WITH EXPERIENCE OF NOTARY SERVICES (Users: How satisfied were you with the quality of notary's work on that job? Judges, prosecutors and lawyers: What is your general impression of the quality of work of public notaries in Montenegro?) Base: total population of judges, prosecutors, and lawyers and citizens and business sector representatives with experience of notary services



7.4 Perception of accessibility of administrative court services and services of notaries

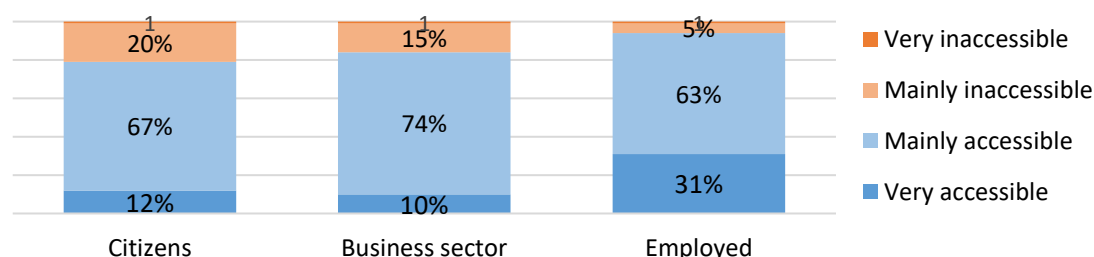
7.4.1 Perception of accessibility of administrative court services

- The large majority of users of administrative court services evaluate the accessibility of these services to citizens and companies positively.
- The employed in administrative court services are even more likely than users to perceive accessibility of these services to citizens positively.
- The large majority of citizens and business sector representatives are satisfied with the behavior of the employed, the working hours of courts, the ease of accessing relevant offices/service counters and staff, while lower percentage of citizens are satisfied with the time spent waiting to be served.
- A majority of users are satisfied with the ease of accessing information and contents associated with their administrative task.

- The costs of the specific administrative service are usually perceived as reasonable for the obtained quality; less than third of citizens and approximately one in five business sector representatives perceive these costs as excessive, given the obtained quality.
- As for the accessibility of administrative court services cost-wise (economic accessibility), the employed in administrative court services and the citizens give relatively similar scores: almost 70% of the employed consider these services financially accessible to citizens, and about 20% of citizens perceive their administrative costs as excessive for their budget.

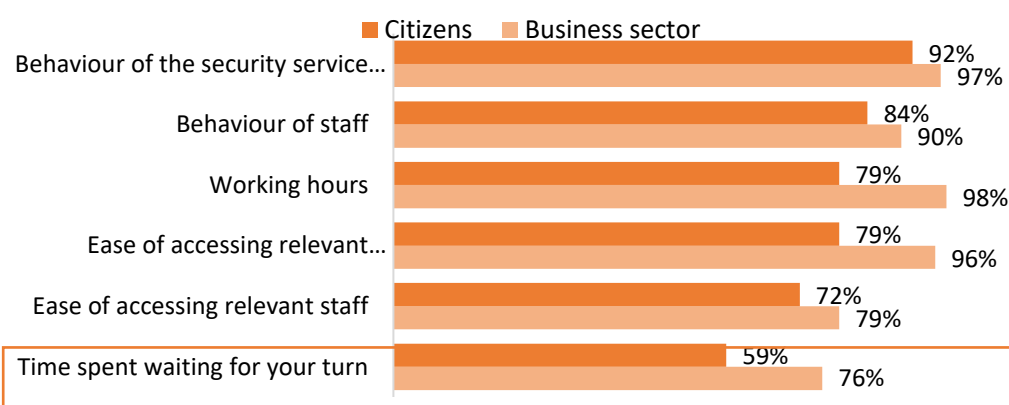
Although the large majority of users (about 80%), and an even higher percentage of providers of these services (more than 90%), evaluate positively the accessibility of administrative court services, **approximately one in ten users and about third of providers of these services consider these services fully accessible to citizens.** (Figure 7.4.1.1).

Figure 7.4.1.1: GENERAL PERCEPTION OF ACCESSIBILITY OF ADMINISTRATIVE COURT SERVICES BY USERS AND PROVIDERS OF THESE SERVICES (Users: To what extent are administrative court services accessible to citizens/ private companies in Montenegro? Employed: In your opinion, to what extent are administrative court services accessible to all citizens, notwithstanding their age, education, financial status, nationality, disability ...?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services



A large majority of users of administrative court services are satisfied with the behavior of the staff, working hours, and the ease of accessing relevant offices/service counters and staff. A somewhat lower percentage of citizens, but still the majority (59%), are satisfied with the time spent waiting for their turn. (Figure 7.4.1.2).

Figure 7.4.1.2 PERCENTAGE OF USERS WHO WERE SATISFIED WITH THE GIVEN ASPECTS OF COURT PERFORMANCE IN THEIR ADMINISTRATIVE TASK (How satisfied were you with the following aspects?) Base: citizens and business sector representatives with experience of administrative court services



A large majority of users found their way in the courthouse easily and also obtained information about their administrative task easily. One in six citizens, approximately, found it hard to move through the courthouse, and one in five to obtain the needed information. **Business sector representatives have a similar opinion to the employed**, who believe, almost unanimously, that finding one’s way in the courthouse and accessing information was easy for all citizens, notwithstanding their age, education, financial status, nationality, and disability.

Figure 7.4.1.3: PERCEPTION OF ACCESSIBILITY OF ADMINISTRATIVE SERVICES IN TERMS OF FINDING ONE’S WAY IN THE COURTHOUSE (Users: how easy was it to find your way and move around the courthouse? Employed: In your opinion, how easy or difficult was it for ALL citizens, notwithstanding their age, education level, financial status, nationality, or disability to find their way around the court buildings where you work?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services

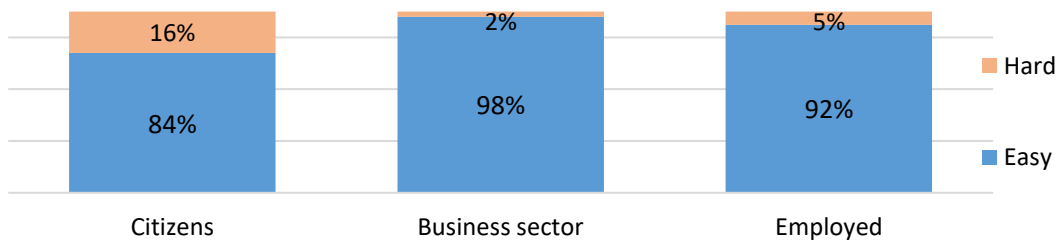
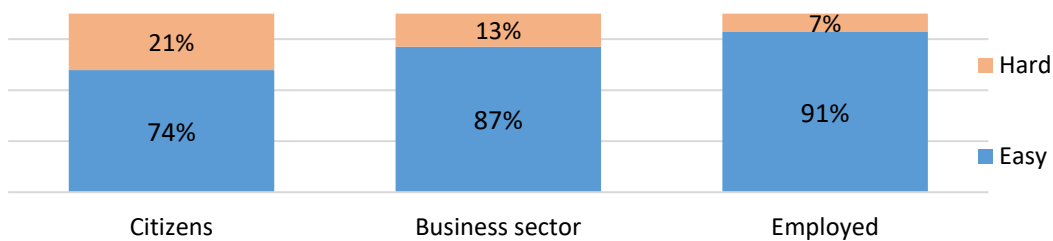


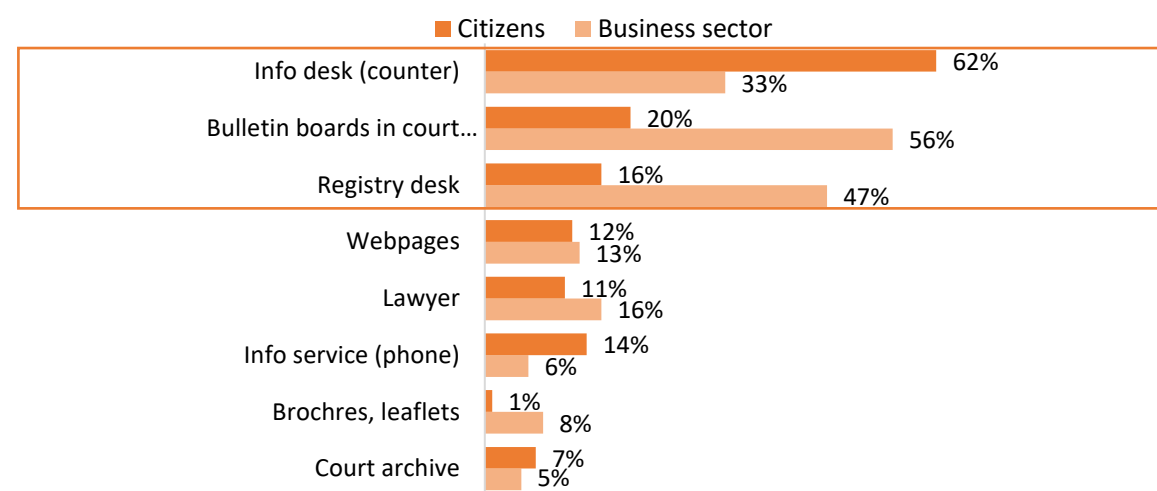
Figure 7.4.1.4: PERCEPTION OF ACCESSIBILITY OF ADMINISTRATIVE SERVICES IN TERMS OF OBTAINING INFORMATION ABOUT THEIR ADMINISTRATIVE TASK (Users: How easy or difficult was it for you to access information regarding your administrative task: about where you should go, what needs to be done, and which document you needed? Employed: How easy or difficult is it for ALL citizens, notwithstanding their age, education level, financial status, nationality, or disability to access information regarding the administrative task they came to complete in court?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services



As their source of information, citizens usually mention the information desk (62%), and business sector representatives bulletin boards in the court building and registry desk (about 50%). Only one in ten users reported using the court website. (Figure 7.4.1.5).

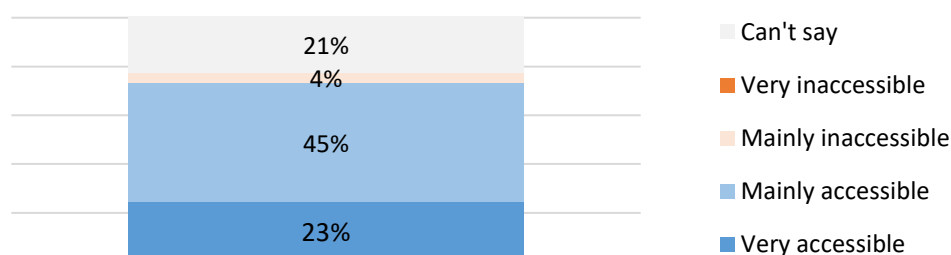
The large majority of users (more than 80%) were satisfied with their sources of information. And the large majority of the employed (90%) believe that the available sources of information help citizens prepare the needed documents, and thus facilitate operating of the administrative sector.

Figure 7.4.1.5: MOST COMMON SOURCES OF INFORMATION USED FOR THEIR ADMINISTRATIVE TASK, ACCORDING TO USERS OF ADMINISTRATIVE COURT SERVICES (Which source of information did you use to find out what you needed to do in this specific case?) Base: citizens and business sector representatives with experience of administrative court services



As for economic accessibility of administrative court services to citizens (the costs citizens are to pay), providers and users of administrative services have relatively similar perception: almost 70% of the employed consider these services at least mainly accessible to citizens cost-wise, and about 20% of citizens evaluate the costs as excessive for their budget. Interestingly, though, one in five employees couldn't access the accessibility of these services to citizens cost-wise. (Figures 7.4.1.6 and 7.4.1.8).

Figure 7.4.1.6: PERCEPTION OF ECONOMIC ACCESSIBILITY OF ADMINISTRATIVE COURT SERVICES BY THE PROVIDERS OF THESE SERVICES (How accessible are the judicial administrative services to the public, in terms of finances – given the administrative costs?) Base: The employed in administrative court services



Users usually evaluate their costs as reasonable for the obtained quality (56% of citizens and 47% of business sector representatives). Less than third of citizens and almost one in five business sector representatives assess these costs as excessive, and about third of business sector representatives and approximately one in ten citizens perceive the costs as small. (Figure 7.4.1.7).

As we have already mentioned, **one in five citizens assess the costs of administrative task as big for their budget**, about a third state that it is medium-sized, and about half that it is small or insignificant. **A large majority of business sector representatives (76%) see the costs as small or insignificant for**

their company operations, about a fourth as medium, and none as too excessive for the company (Figure 7.4.1.8).

Figure 7.4.1.7: PERCEPTION OF TOTAL COSTS OF THE SPECIFIC ADMINISTRATIVE TASK BY THE USERS ADMINISTRATIVE COURT SERVICES (How would you assess your total cost for this job? Do you consider the price low, reasonable, or too high for the quality of the rendered service?) Base: citizens and business sector representatives with experience of administrative court services

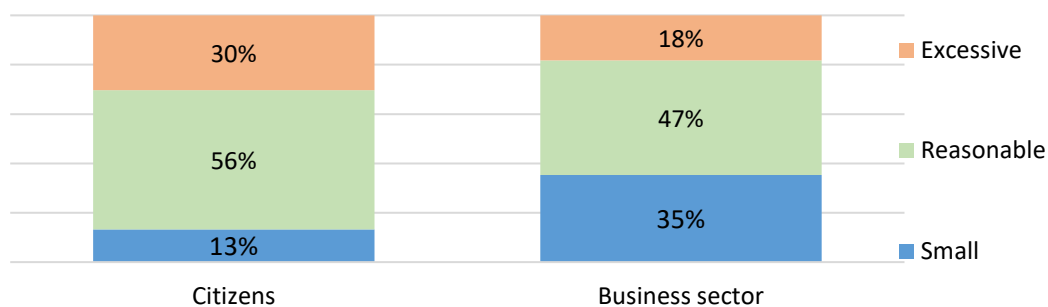
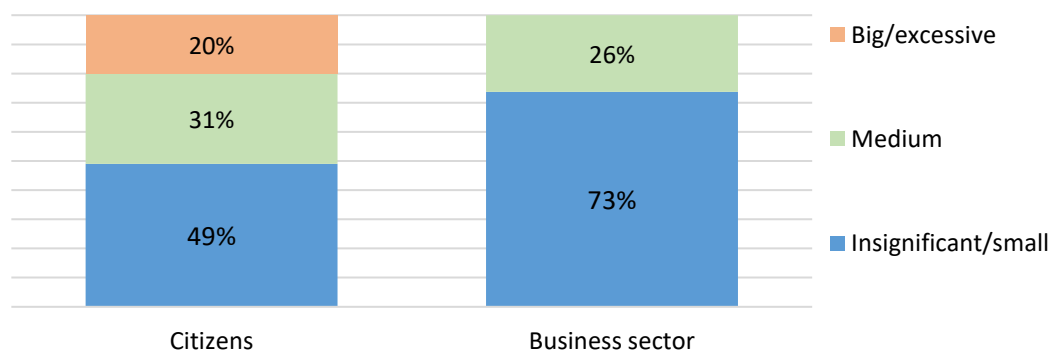


Figure 7.4.1.8: THE PERCEPTION OF THE BUDGET LOAD OF THE SPECIFIC ADMINISTRATIVE TASK BY THE USERS ADMINISTRATIVE COURT SERVICES (How much of a load was this cost for your budget / company operations?) Base: citizens and business sector representatives with experience of administrative court services



7.4.2 Perception of accessibility of notary services

- Almost all users with experience of notary services are satisfied with the accessibility of notaries in terms of geographic position and working hours.
- As for the value for money of notary services, general population citizens give scores similar to citizens with experience of administrative court services, while business sector representatives give higher scores to notary services than to administrative court services.
- Citizens are most likely to state that the introduction of notaries did not affect the costs of administrative tasks (four in ten), while about half of business sector representatives believe that the introduction of this service has reduced legal and administrative company costs.

The large majority of citizens and business sector representatives (more than 90%) are satisfied with the geographic position of notaries and with their working hours. (Figures 7.4.2.1 and 7.4.2.2).

Figure 7.4.2.1: PERCEPTION OF ACCESSIBILITY OF NOTARIES IN TERMS OF GEOGRAPHIC POSITION (How satisfied were you with the geographic location of the public notary – how far did you have to go to reach the public notary?) Base: citizens and business sector representatives with experience of notary services

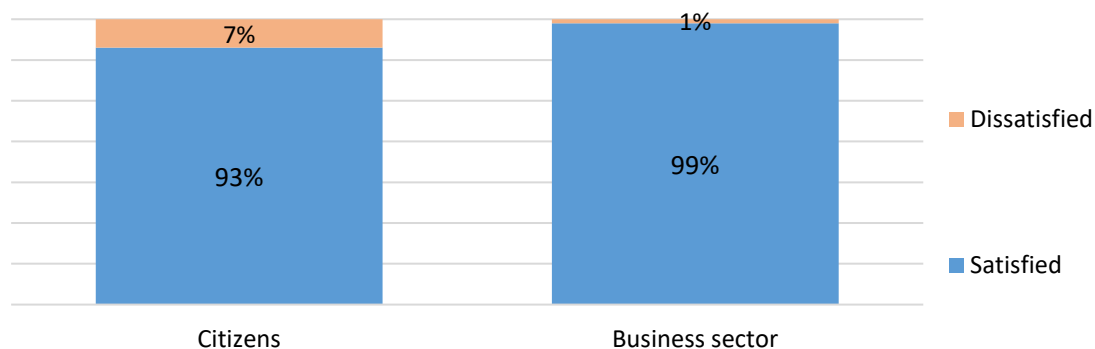
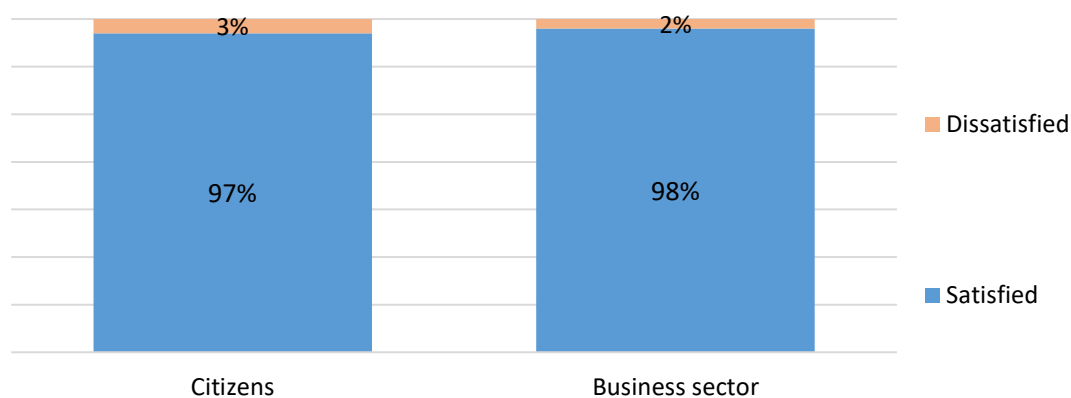


Figure 7.4.2.2: WORKING HOURS OF NOTARIES (How satisfied were you with the working hours of the public notary?) Base: citizens and business sector representatives with experience of notary services



As for the value for money of notary services, general population citizens give similar scores to citizens with experience of administrative court services. More than half evaluate the price as reasonable, somewhat less than third as big, and approximately one in ten as small.

Business sector representatives give higher scores to notary services than to administrative court services. A large majority, 72%, perceive the cost as reasonable, and only 2% as big, while in case of administrative court services, less than half (47%) consider the costs reasonable, and one in five considers them too big.

Figure 7.4.2.3: PERCEPTION OF TOTAL COSTS OF THE GIVEN TASK (How would you assess your total cost for this job? Do you consider the price low, reasonable or too high for the quality of the rendered service?) Base: citizens and business sector representatives with experience of notary services

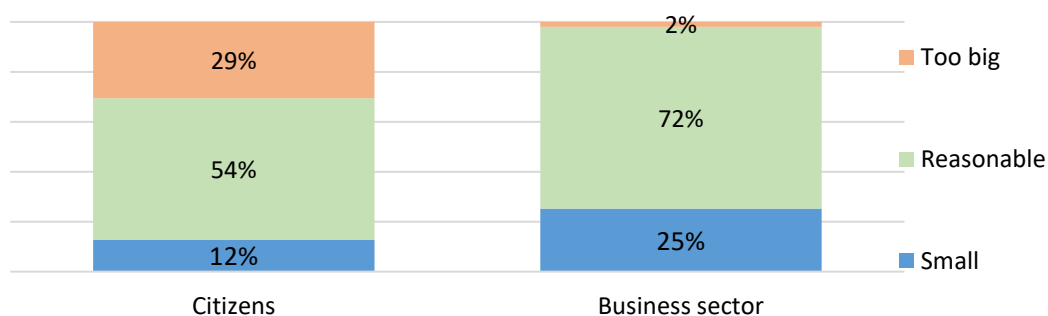


Figure 7.4.2.4: PERCEPTION OF THE BUDGET LOAD OF THE NOTARY SERVICE COST (How much of a load was this cost for your budget / company operations?) Base: citizens and business sector representatives with experience of notary services

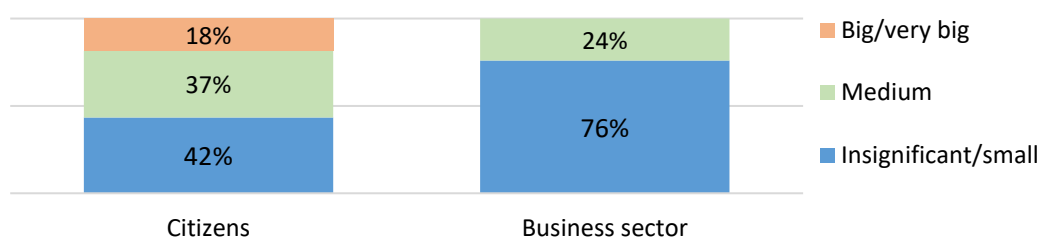
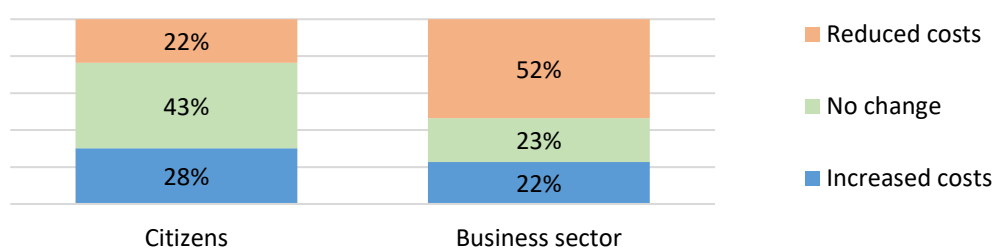


Figure 7.4.2.5: PERCEPTION OF THE EFFECTS OF INTRODUCING NOTARIES ON THE COSTS OF LEGAL AND ADMINISTRATIVE TASKS (Do you think that introducing a public notary has influenced the costs of these tasks?) Base: citizens and business sector representatives with experience of notary services



7.5 Perception of integrity of the employed in administrative court services

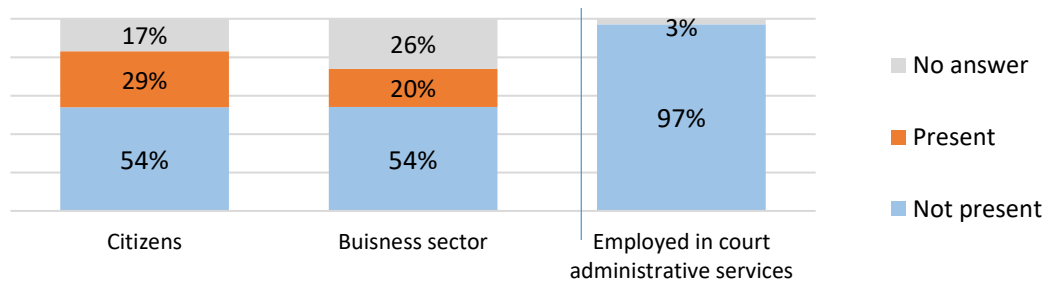
7.5.1 Perception of the presence of corruption in administrative court services

- The difference between the perception of administrative court services by users and by providers of these services is most visible in regard to corruption.

- It is obvious, however, that a considerably lower percentage of users with experience of administrative court services believe that corruption is present in these services than users with experience of a court case (about 60% of them believe that corruption is present in the judiciary).
- While almost all employed in administrative court services agree that there is no corruption in these services, approximately one in four or five users of these services believe that corruption is present.
- One in five citizens with experience of administrative court services report being suggested to resort to informal means in order to complete the required administrative task more quickly; the same portion used this possibility, while only 5% were suggested but didn't accept it.
- A somewhat higher percentage of users claim to know someone who has resorted to informal means, while only 2% of the employed know someone.

None of the employed in administrative court services admit that corruption is present in these services: 97% state that there is no corruption, and 3% refuse to answer. On the other hand, somewhat more than half of users of these services believe that corruption is not present, and approximately one in four or five that it is. (Figure 7.5.1.1).¹⁶

Figure 7.5.1.1: PERCEPTION OF THE PRESENCE OF CORRUPTION IN ADMINISTRATIVE COURT SERVICES (To what extent is corruption present in the court administrative services?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services



One in five citizens with experience of these services claim to have been suggested to resort to informal means in order to speed their administrative task up, while this is rarely mentioned by business sector representatives and the employed (5%). It is striking that the same percentage of citizens have accepted this, but that the employed deny accepting any informal means. (Figures 7.5.1.2 and 7.5.1.3).¹⁷

A large majority of citizens who reported resorting to informal mean mention “pulling strings” (83%), somewhat less than third (29%) gave a present, and approximately one in five used “services for a service.”

¹⁶ It is obvious that a considerably lower percentage of users with experience of administrative court services believe that corruption is present in these services than the percentage of users with experience of a court case (60%). (Section 6.1.3).

¹⁷ A higher percentage of citizens with experience of administrative court services state to have used informal means than the percentage of citizens who have resorted to informal means in their court case (5%). (Section 6.2.2).

Figure 7.5.1.2.: USERS AND PROVIDERS OF ADMINISTRATIVE SERVICES – THE EXPERIENCES WITH SUGGESTING USAGE OF INFORMAL MEANS AIMED AT MORE EFFICIENT COMPLETING OF AN ADMINISTRATIVE COURT TASK (Users: Did anyone (lawyer, court employee) suggest that your administrative task would be completed more quickly if you resorted to informal means (made an additional payment, offered a gift, pulled strings...)? Employed: In the past 12 months, have you found yourself in a situation in which a client tried to resort to informal means to affect your work?) Base: citizens and business sector representatives with the experience of administrative court services and the employed in administrative court services

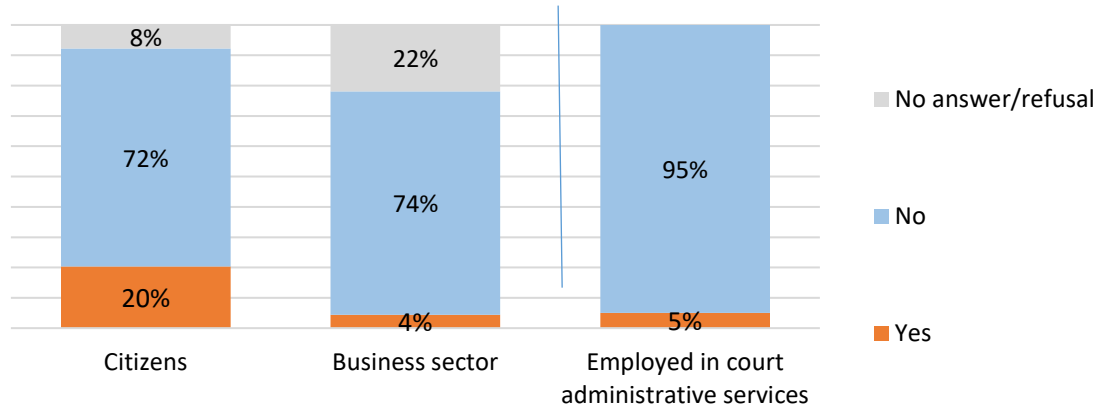
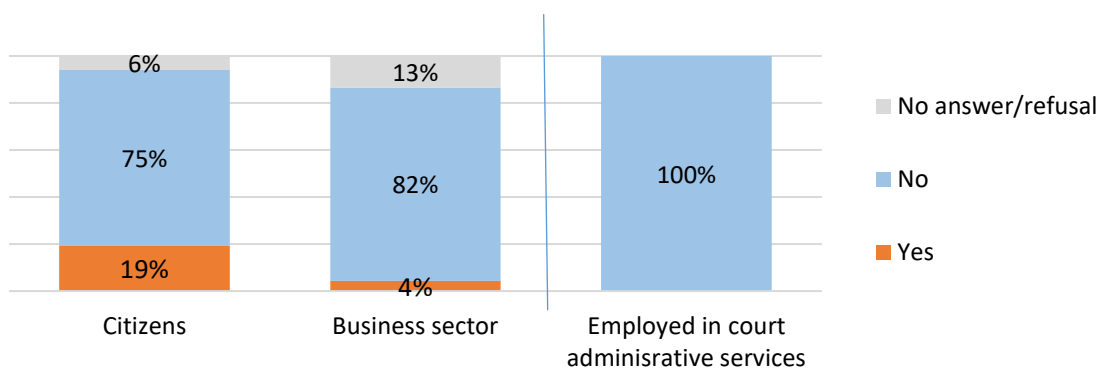
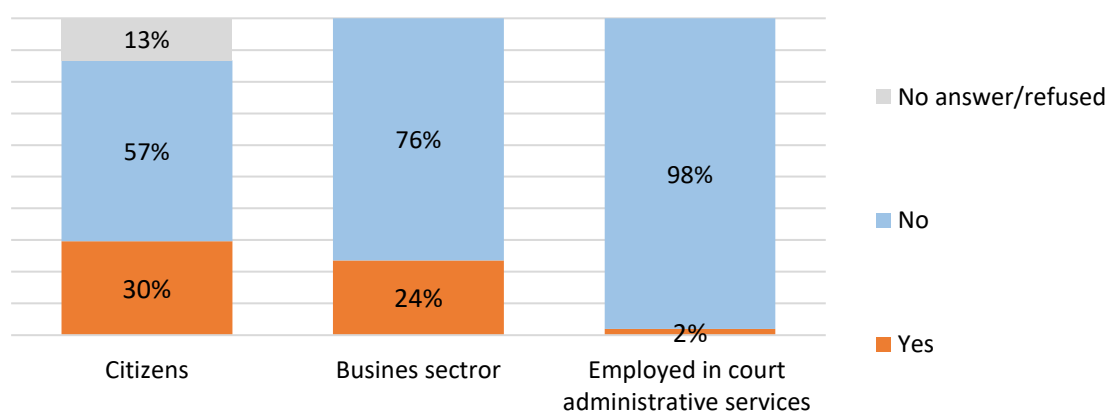


Figure 7.5.1.3.: USERS AND PROVIDERS OF ADMINISTRATIVE SERVICES – ACCEPTING OF INFORMAL MEANS AIMED AT MORE EFFICIENT COMPLETING OF AN ADMINISTRATIVE COURT TASK (Users: Have you ever found yourself in circumstances in which you resorted to informal means (made an additional payment, offered a gift, pulled strings...) to have your administrative task completed more efficiently? Employed: In the past 12 months, did you find yourself in a situation in which you accepted some form of compensation for your work from a client?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services



A somewhat higher percentage of users know people who have resorted to informal means in order to speed up completion of an administrative task: almost a third of citizens and one in four business sector representatives. (Figure 7.5.1.4).

Figure 7.5.1.4: USERS AND PROVIDERS OF ADMINISTRATIVE SERVICES – REPORTING ABOUT OTHER PEOPLE WHO HAVE USED, OR ACCEPTED, INFORMAL COMPENSATION FOR MORE EFFICIENT COMPLETING OF AN ADMINISTRATIVE COURT TASK (Users: Do you have anyone in your close milieu who used some informal means such as pulling strings, additional payment, gifts or connections in order to speed up the completion of their administrative task in the court? Employed: Do you know anyone at work who agreed to receive compensation for a task s/he completed in the past 12 months?) Base: citizens and business sector representatives with experience of administrative court services and the employed in administrative court services

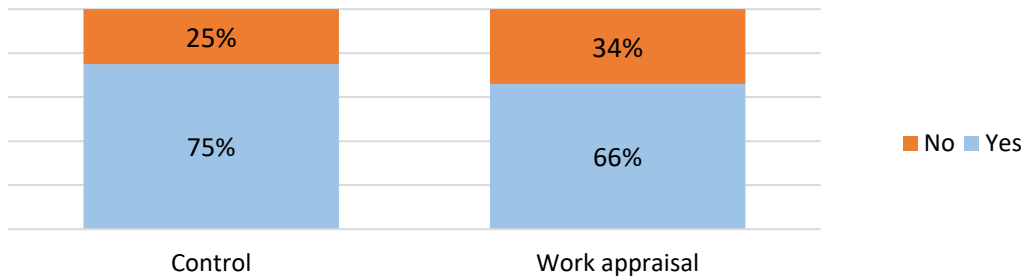


7.5.2 Control and evaluation of work of the employed in administrative court services

- A majority of the employed agree that control is present within the administrative court services and that the performance of the employed is evaluated, but one in four believe that there is no control, and about a third that performance is not evaluated.
- Four in ten of the employed know a colleague who has been held disciplinarily liable for not doing his/her job well, and one in five have heard of such a case in the past 12 months.

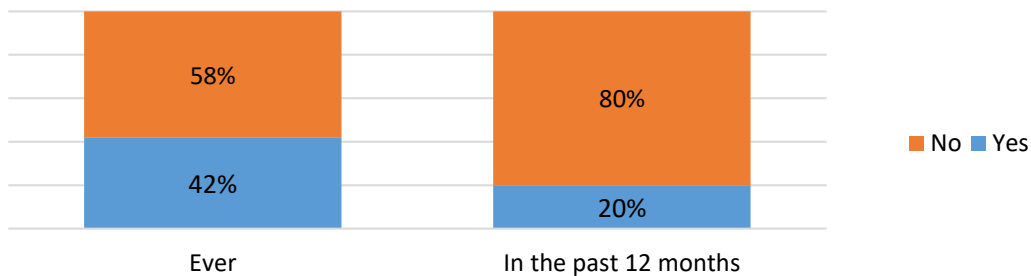
The employed in administrative court services are not unanimous regarding the presence of control and work appraisal of the employed in these services. A majority of the employed agree that control does exist in the administrative court services (75%) and that work is appraised (66%), but one in four believe that there is no control, and about a third that work is not appraised. (Figure 7.5.2.1).

Figure 7.5.2.1: THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES - AWARENESS OF THE PRESENCE OF CONTROL AND THEIR WORK APPRAISAL (Was there any form of internal control within the court administrative service in in the past 12 months? / Is your work appraised?) Base: the employed in administrative court services



A considerable portion of the employed, four in ten, know a colleague who has been held disciplinarily liable for not doing his/her job well, and one in five have heard of such a case in the past 12 months. (Figure 7.5.2.2).

Figure 7.5.2.2: PERCENTAGE OF THE EMPLOYED IN ADMINISTRATIVE COURT SERVICES WHO HAVE HEARD OF A COLLEAGUE WHO HAS BEEN HELD DISCIPLINARILY LIABLE FOR NOT DOING HIS/HER JOB WELL (Do you know of anyone at work who was held disciplinarily liable for not doing his/her job well in the past 12 months/ ever?) Base: the employed in administrative court services



8. PERCEPTION OF THE JUDICIARY REFORM EFFECTS

8.1 Perception of the judiciary reform effects by the providers of court services, users of court services, and lawyers

8.1.1 General perception of the judiciary reform effects by the providers and users of court services and lawyers

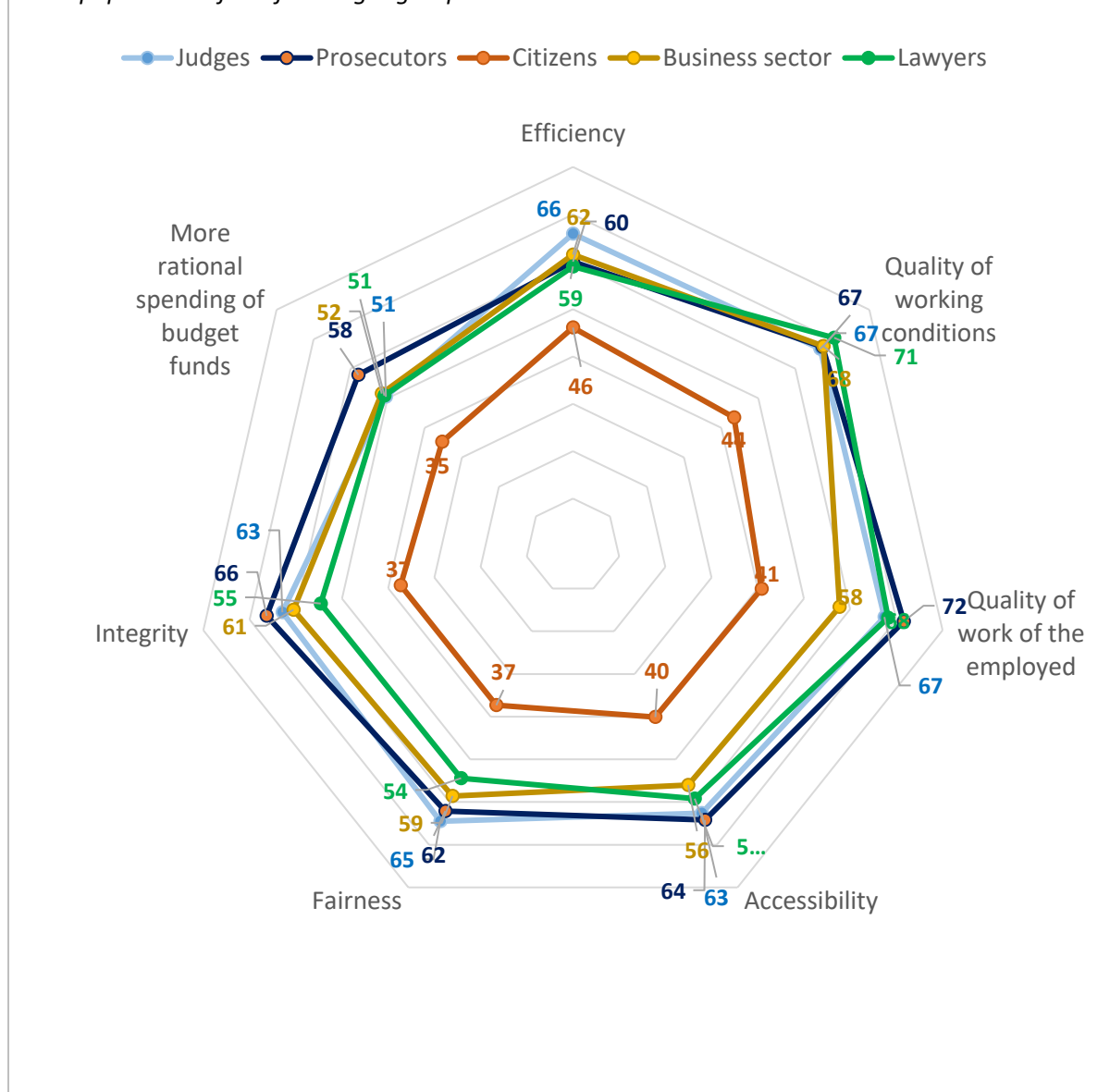
- The majority of providers of court services and lawyers are optimistic regarding the effects of the judiciary reform on the operations of the judiciary.
- Users of court services don't have a uniform opinion: while business sector representatives share the optimism of legal experts, the citizens are less optimistic.
- Most is expected regarding upgrading of working conditions, and least regarding more rational spending of budget funds by the judiciary.

All three groups of legal experts, just as business sector representatives, expect positive influence of the reforms on all 7 observed aspects (efficiency, the quality of working conditions, the quality of work of the employed, accessibility, fairness, integrity, more rational spending of budget funds). As opposed to them, **expectations of the general population of citizens regarding upgrading of these aspects of judiciary are significantly lower** (less than 50% of citizens expect improvement of the observed aspects). (Figure 8.1.1.1).

The highest expectations are associated with working conditions in general: about 2/3 of court services providers, business sector representatives, and lawyers expect the reforms to give positive results and bring positive changes of the working conditions, while these expectations are shared by 44% of citizens. (Figure 8.1.1.1).

Expectations are the slightest regarding more rational spending of budget funds: positive changes in this area are expected by about half of legal experts and business sector representatives, while the same is expected by 35% of citizens. (Figure 8.1.1.1).

Figure 8.1.1.1: PERCEPTION OF THE JUDICIARY REFORM EFFECTS - THE PERCENTAGE OF EXPECTATIONS THAT THE REFORM WILL IMPROVE THE SEVEN ASPECTS OF THE JUDICIARY Base: total population of the five target groups



8.1.2 Major judiciary reform issues

- The targeted legal experts don't agree about one priority issue within the judiciary reform
- Judges and prosecutors usually mention the financial status of court services providers, and lawyers mention the independence of the judiciary.
- Other commonly specified issues are expertise and quality, additional training of the legal staff, upgrading of working conditions, and legal regulations.
- It is quite striking that a considerable percentage of judges and prosecutors could not (or didn't want to) specify any issue as the priority of the judiciary reform.

Judges and prosecutors usually specify financial status as the priority (17% of judges and 19% of prosecutors), **and lawyers specify independence of the judiciary** (20%). Independence is also mentioned by 7% of judges and 11% of prosecutors. (Figures 8.1.2.1, 8.1.2.2, and 8.1.2.3).

The next issue mentioned by all three groups (judges, prosecutors, and lawyers) **is the issue of expertise and quality, or additional training of staff.** (Figures 8.1.2.1, 8.1.2.2, and 8.1.2.3).

Judges and prosecutors also mention working conditions, lawyers mention levelling of legal practice, and all three groups also mention upgrading of legal regulations. (Figures 8.1.2.1, 8.1.2.2, and 8.1.2.3).

It is quite striking that a considerable percentage of judges and prosecutors (42% and 47%, respectively) could not (or didn't want to) specify any issue as the priority of the judiciary reform. (Figures 8.1.2.1, 8.1.2.2, and 8.1.2.3).

Figure 8.1.2.1: JUDGES – THE MOST IMPORTANT JUDICIARY REFORM ISSUE (What do you think is the most significant issue of the reform of the judiciary in the upcoming period?) Multiple responses, open-ended Base: Total population of judges



Figure 8.1.2.2: PROSECUTORS - THE MOST IMPORTANT JUDICIARY REFORM ISSUE (What do you think is the most significant issue of the reform of the judiciary in the upcoming period?) Multiple responses, open-ended; Base: Total population of prosecutors

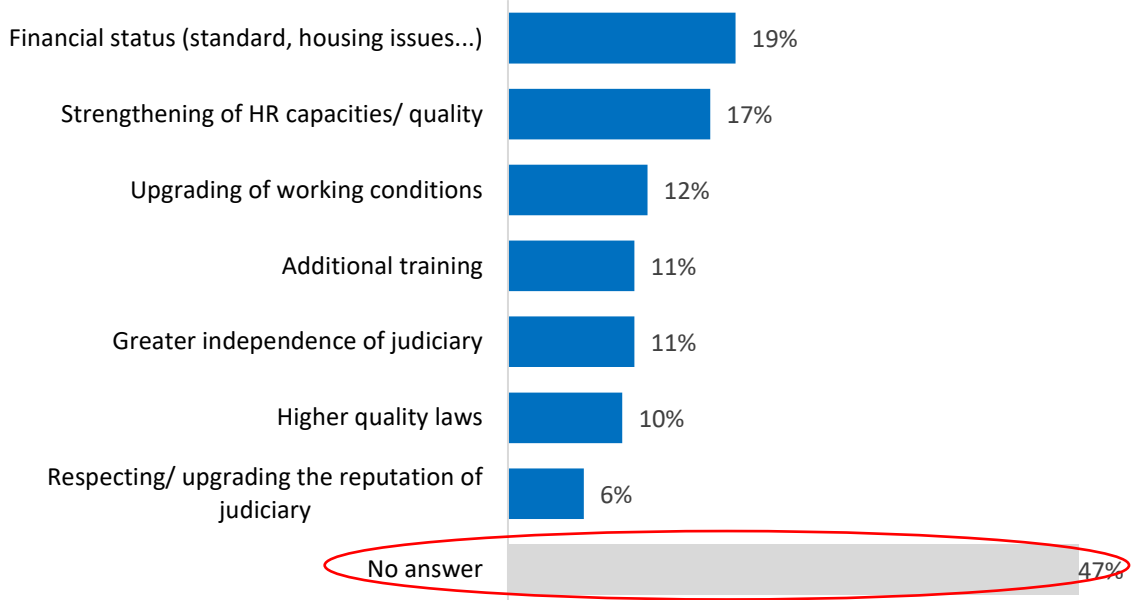
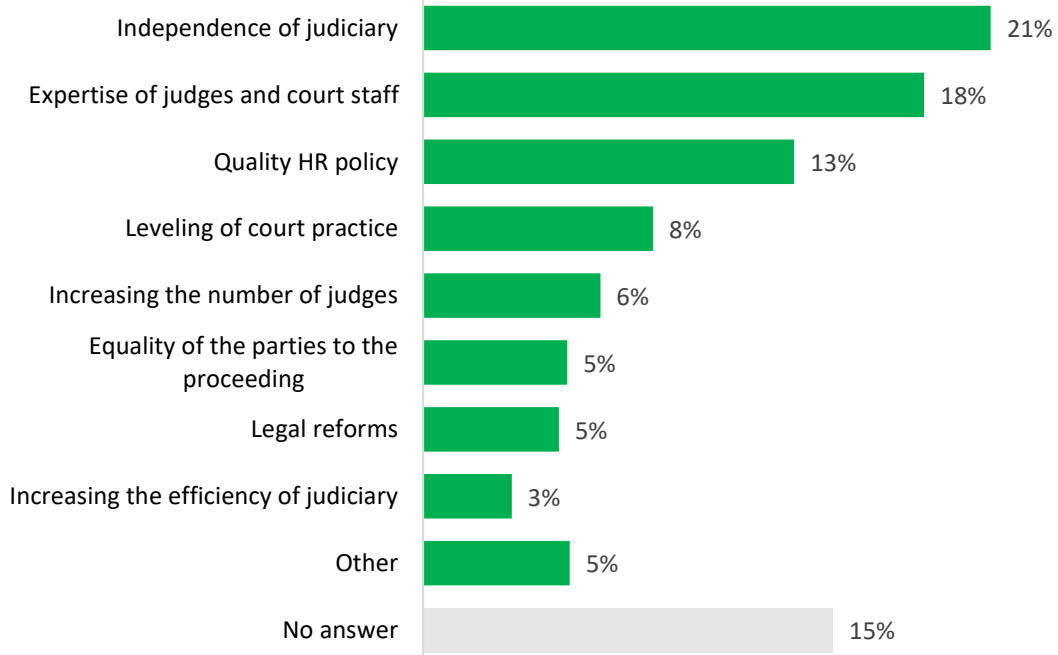


Figure 8.1.2.3: LAWYERS - THE MOST IMPORTANT JUDICIARY REFORM ISSUE (What do you think is the most significant issue of the reform of the judiciary in the upcoming period?) Multiple responses, open-ended; Base: Total population of lawyers



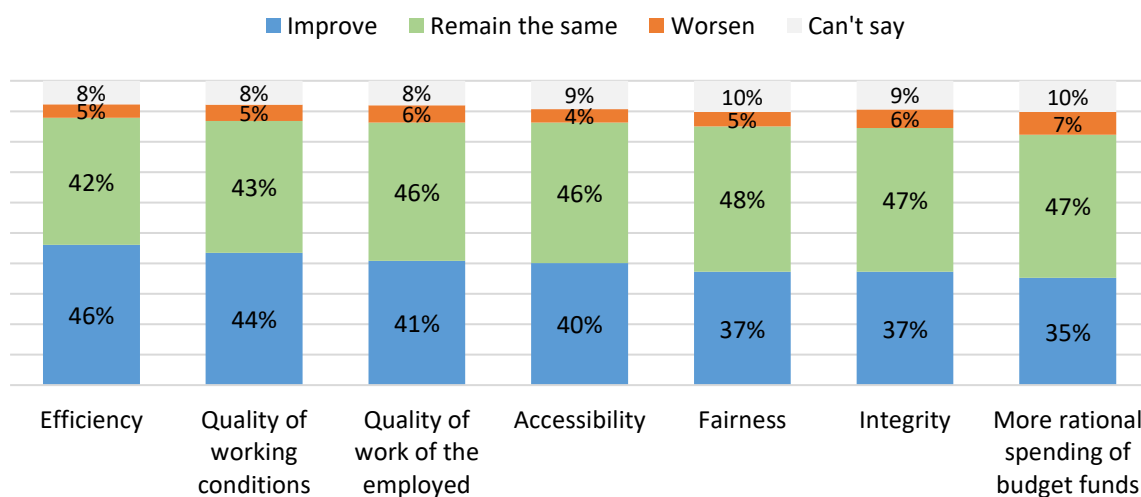
8.2. Perception of the judiciary reforms by target groups

- The majority of court services providers, lawyers, and business sector representatives are optimistic regarding the judiciary reform effects.
- General population citizens are not as optimistic, but they are evenly divided between those who do and those who don't expect improvement, while a low percentage expect the reform to downgrade the situation in the judiciary.
- The percentages of those who believe that the reform will worsen the situation are also very low in all the other target groups.
- Positive expectations vary relatively mildly through the dimensions, but the quality of working conditions and the quality of the work of the employed stand out as associated with the highest expectations, while the least is expected on the dimension of more rational spending of the budget money by the judiciary.

As for the judiciary reform effects, **general population citizens are the least optimistic**. It is striking, however, that **they are evenly divided between those who do and those who don't expect improvement, while a low percentage expect the reform to downgrade the situation in the judiciary**. (Figure 8.2.1).

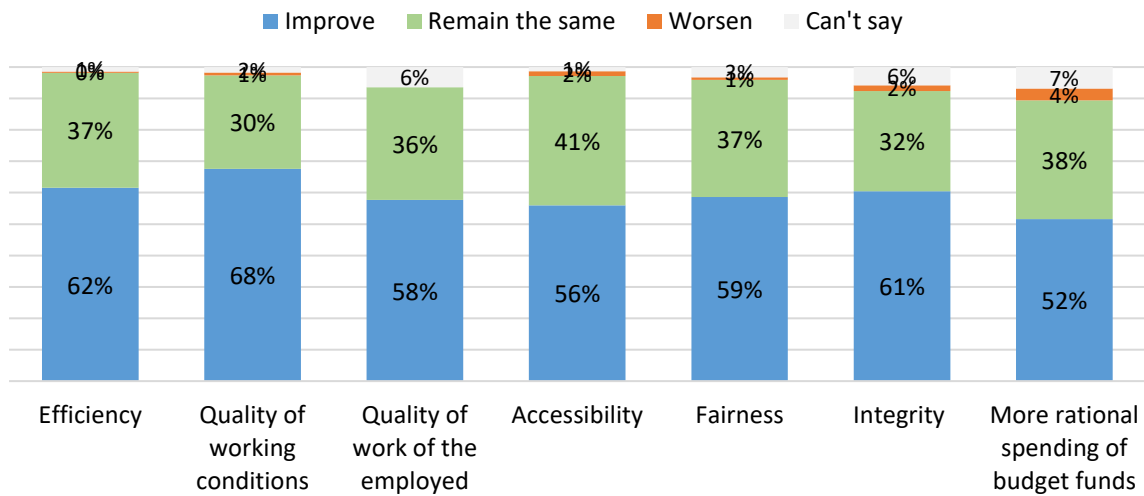
Citizens are **most optimistic regarding improvement of efficiency and quality of working conditions**, and **least optimistic regarding upgrading of fairness, integrity, and more rational spending of budget money by the judiciary**. (Figure 8.2.1).

Figure 8.2.1: PERCEPTION OF THE JUDICIARY REFORM EFFECTS – GENERAL POPULATION OF CITIZENS (To what extent will the judicial system reform improve the following dimensions of the judicial system?) Base: total population of citizens



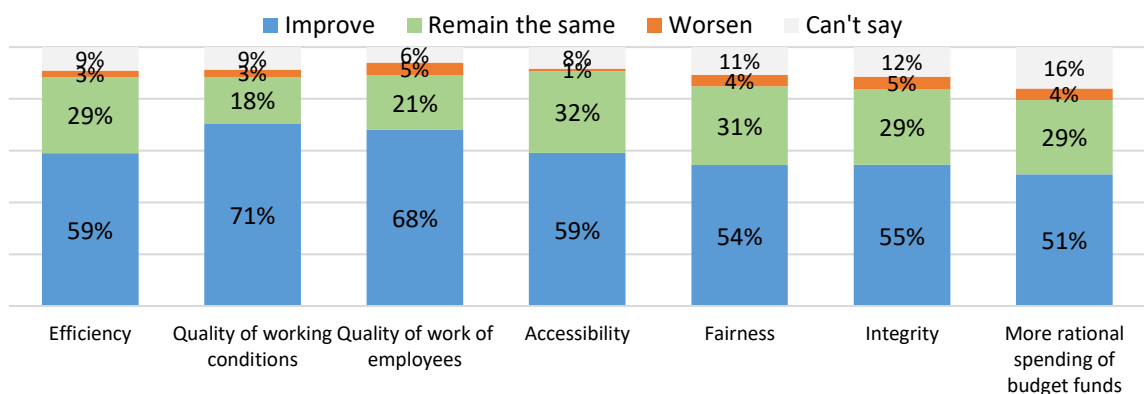
Compared with the general population of citizens, **business sector representatives are more optimistic regarding the reform effects**. More than half of them expect improvement on all dimensions. Similar to the citizens, **business sector representatives who don't expect improvement actually believe that things won't change, while a low percentage of them believe that the situation will get worse**.

Figure 8.2.2: PERCEPTION OF THE JUDICIARY REFORM EFFECTS - BUSINESS SECTOR (To what extent will the judicial system reform improve the following dimensions of the judicial system?) Base: total population of business sector representatives



Also, a majority of lawyers expect improvement on all dimensions. A very slight percentage of lawyers believe that things will get worse. Lawyers have the highest expectations regarding the improvement of working conditions and staff's performance. (Figure 8.2.3).

Figure 8.2.3: PERCEPTION OF THE JUDICIARY REFORM EFFECTS - LAWYERS (To what extent will the judicial system reform improve the following dimensions of the judicial system?) Base: total population of lawyers



Judges and prosecutors expect the most from the judiciary reform. They expect the least on the dimension of more rational spending of budget funds by the judiciary. (Figures 8.2.4 and 8.2.5).

The only significant percentage of those who believe that the reform will worsen the situation is the percentage of prosecutors (11%). (Figure 8.2.5).

Figure 8.2.4: PERCEPTION OF THE JUDICIARY REFORM EFFECTS - JUDGES (To what extent will the judicial system reform improve the following dimensions of the judicial system?) Base: total population of judges

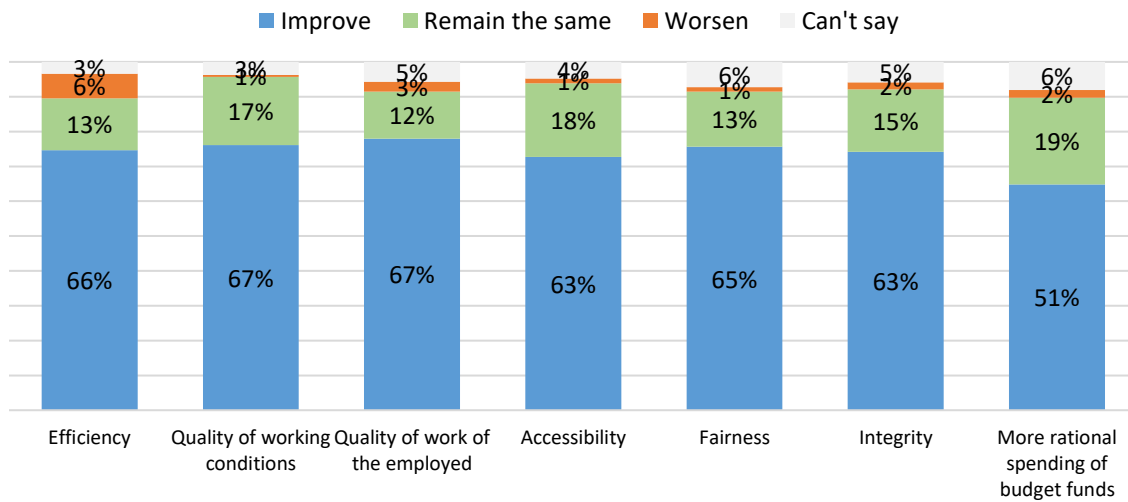
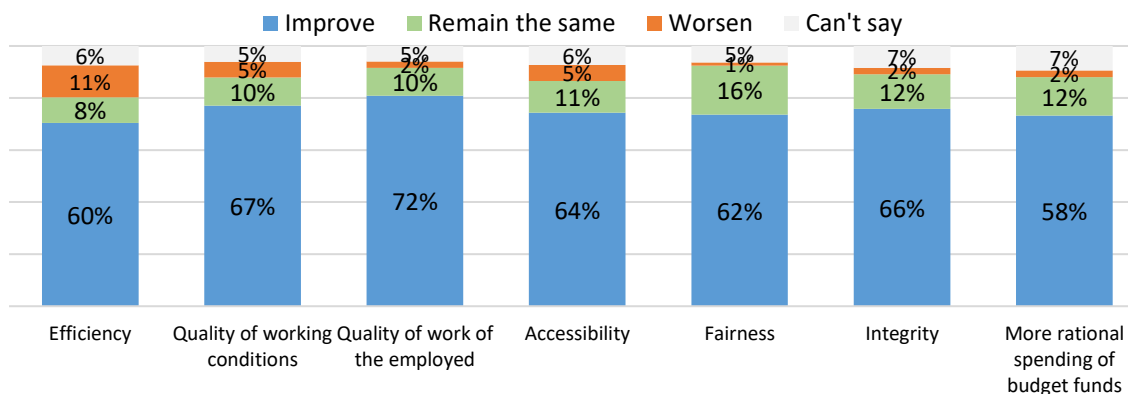


Figure 8.2.5: PERCEPTION OF THE JUDICIARY REFORM EFFECTS - PROSECUTORS (To what extent will the judicial system reform improve the following dimensions of the judicial system?) Base: total population of prosecutors



8.3 PERCEPTION OF THE JUDICIARY REFORM EFFECTS IN THE COURT ADMINISTRATIVE SERVICES SECTOR

- Providers of administrative court services are mainly optimistic regarding the judiciary reform effects on their sector.
- A majority expect the reform to bring improvement, a lower percentage believe that nothing will change, and only a very low percentage that things will get worse in this sector.
- Major improvement is expected regarding the working conditions, the area that the employed are least satisfied about (six in ten of them expect improvement).
- Expectations are the slightest regarding reduction of corruption, which the employed don't consider characteristic for their sector anyhow (somewhat less than half still expect improvement).

Figure 8.3.2: PERCEPTION OF THE JUDICIARY REFORM EFFECTS ON THE ADMINISTRATIVE COURT SERVICES - EXPECTATIONS OF THE PROVIDERS OF COURT ADMINISTRATIVE SERVICES (To what extent will the judicial system reform improve the administrative services of the judicial system?)
 Base: total population of the employed in the administrative court services

