



Summary report on questionnaire responses

- Center for training in the judiciary and the state prosecutor's office (hereinafter: the Center), as one of the partners in the project "Capacity building of the faculty of law" (CABUFAL), conducted a study on how much Montenegrin judges, state prosecutors and attorneys are familiar with EU law and how much it is present in their work at the moment.
- Therefore, the Center for the training in the judiciary and the state prosecutor's office prepared the questionnaire for the judges, state prosecutors and attorneys which Judicial Council passed to all Montenegrin courts, to all state prosecutors and through Bar Associations to all attorneys in Montenegro.
- The questionnaire was filled and returned by 110 judges (out of 317), 56 state prosecutors (out of 119) and 6 attorneys.
- Analysis of the submitted responses to the **first question**, how judges assess their knowledge in the field of EU law, shows that the 33 judges assessed as unsatisfactory (one attorney, 10 state prosecutors), 52 judges as satisfactory (3 attorneys, 25 state prosecutors), 20 judges as well (2 attorneys, 19 state prosecutors), four judge as very good (one state prosecutor), while only one judges assessed as excellent (one state prosecutor).
- Furthermore, regarding question **number two**, the judges agree in the opinion that continuous training is required in this area, where 12 stated that the training should be carried out once a year, 21 that the training should be implemented twice a year (one attorney), while 17 considers that the training should be conducted three times a year. The majority of judges, 60 of them, believe that the training is necessary to be carried out 4 or more times a year (attorneys and state prosecutors share the same opinion).
- Attorneys said that the training should be implemented as often as possible, at all levels, starting with local government bodies, employees of courts and public prosecutor's offices, lawyers, and representatives of the state administration. They propose that training should be conducted from the initial to the expert level.
- As for the question **number 3**, which refers to the number of training that judges attended in the field of EU law, organized by the Center for the training of the judiciary and the public prosecutors, 53 judges said they did not attend any training (15 state prosecutors), 17 judges and 14 state prosecutors that have attended one training, while 40 judges and 9 state prosecutors stated that they been in training organized by the Center more than once (on several occasions). As a reason for not attending training, 4



judges stated that they could not because workload, ten judges said they were not invited (all attorneys said that they were not invited), while rest of the respondents did not give the answer (same thing is with state prosecutors).

- Regarding question **number 4**, on the number of training that judges attended in the field of EU law, and that is not organized by the Training Center, 55 judges stated that they not attended such training, 15 of them was able to attend such training (8 state prosecutors once, 1 twice, 4 several times) while 40 judges could not declare - they did not give an answer (same thing is with state prosecutors).
- One attorney said that he attend such training at the University, while the two lawyers declared that they had the opportunity to attend this kind of training (organized by OSCE - Organization for Security and Co-operation in Europe, CEDEM and the Helsinki Committee).
- From all submitted responses, it appears that the judges agree in opinion in relation to question **number 5** and believe that the training carried out by the Training Center contributes to improving (significantly) their knowledge in the field of EU law.
- **Question number 6** - Satisfaction with training events organized by the Center, the judges who attended training (grades gave 75 judges), assessed as follows:
 - Topicality: 1 one judge, 2 two judges (1 state prosecutor), 3 – 14 judges (6 state prosecutors), 4 – 18 judges (24 state prosecutors), 5- 40 judges (22 state prosecutors)
 - Diversity of topics: 1 one judge, 2 two judges (3 state prosecutors), 3 – 17 judges (3 state prosecutors), 4 -27 judges (26 state prosecutors), 5 – 28 judges (21 state prosecutors)
 - Methodology of work: 1 -0, 2 - 8 judges (1 state prosecutors), 3 -13 judges (8 state prosecutors), 4 – 18 judges (32 state prosecutors), 5 – 36 judges (12 state prosecutors)
 - Quality of lectures: 1 one judge, 2- 4 judges (1 state prosecutor), 3 – 5 judges (8 state prosecutors), 4 – 23 judges (19 state prosecutors), 5 – 42 judges (25 state prosecutors)
 - Organization of training: 1 one judge, 2 one judge (1. state prosecutor), 3 – 8 judges (5 state prosecutors), 4- 21 judges (19 state prosecutors), 5 – 44 judges (28 state prosecutors)
- From all submitted responses to questions 5 and 6, which are related to the assessment of satisfaction with quality of training conducted by the Center, it appears that the attorneys were not able to declare, considering that they did not attend the training that the Center organized.
- **Question number 7** - Regarding topics in the field of EU law, for which they are particularly interested, the **judges** said: criminal law (detention, international legal mutual assistance in criminal matters), freedom of expression and its limits, prohibition of



discrimination and mobbing, prohibition of torture and inhuman or degrading treatment or punishment, the right to trial within a reasonable time, violation of personality rights and compensation for damages in civil proceedings.

- **Attorneys** are particularly interested in: field of cross-border trade, labor law, intellectual property, environmental protection, copyright and bankruptcy law, criminal law in the area of international cooperation and enforcement of judicial decisions, practise of the Court of Justice of the EU, peaceful settlement of disputes.
- **State prosecutors** stated that they are especially interested in criminal law and practice of the Court of Justice of the EU and the European Court of Human Rights (Article 5, 6 and 7 of the ECHR (right to liberty and security, right to a fair trial, no punishment without law), criminal law and criminal procedure law of EU, human rights, copyright rights, rights of a child, the confidentiality of information, police and judicial cooperation in the EU, pre-trial detention, plea bargain, the prohibition of torture and the prohibition of discrimination, the Court of Justice of the EU (decisions, jurisdiction and procedure), the right to citizenship in the EU, freedom and security.
- **Question number 8** - As for the suggestions and recommendations relating to the organization of future activities on the subject topic, analysis of the submitted questionnaires shows that most of the suggestions refers to the need for more frequent training, which will involve all judges in Montenegro. This refers to all respondents.
- They find that training should last longer and enable more interaction among the participants, as well as the exchange of experiences. Teachers should be judges or a persons with experience in the field of international law and practice of the European Court of Human Rights. Most of the submitted responses emphasizes the need to delivery of relevant literature to judges, with the translated judgments of the European Court of Human Rights and practical examples from case law. The literature should be available to the judges who attended the training, and to all other judges of a particular court.
- Attorneys and state prosecutors agree in opinion that the teachers in this area should be practitioners who deal with EU law (lawyers, judges and prosecutors) as well as experts in political and legal theory (university professors). In terms of trainings agreed that the training should be implemented in cycles, lasting 1-3 days, not more than five hours a day. When it comes to methodology they proposed processing as many practical examples, exchange of experiences through discussion, distribute appropriate literature and visits to EU institutions. One attorney pointed out that it would be useful experience of Croatia and Slovenia.