

Monitoring of Judicial Reform

Citizens' view of the judicial system in Montenegro

March 2016

Telephone survey

The project "Monitoring of Judicial Reform" is implemented by Human Rights Action (HRA) and Centre for Monitoring and Research (CEMI). The project is funded by the EU through the Delegation of the European Union to Montenegro and the Embassy of the Kingdom of the Netherlands.



This document was created with the financial support of the European Union. The content of the document is the sole responsibility of the authors and can under no circumstances be regarded as reflecting the position of the European Union.

METHODOLOGY

Implementation:	Survey conducted in the period from 1 to 15 March 2016
Sampling frame:	The population of Montenegro 18+, Evaluation of the population based on 2011 census data and statistics on birth and death in the period 2011-2014
Sample size:	1018 respondents
Sample type:	Three-stage random representative stratified sample
	Stratification: Type of settlement (rural/urban), gender and age
	Unit of the first stage: Territory (municipalities divided according to the type of settlement), size proportional to the population
	Unit of the second stage: Households (chosen by randomly dialing a telephone number)
	Unit of the third stage: Respondents within a household (first birthday, combined with quotas according to gender and age group)
Type of survey:	One-time, CATI (telephone survey), the average length of survey is 15 minutes
Location of survey:	All municipalities in Montenegro, allocation by municipalities proportional to the population
Poststratification:	According to gender, age group, type of settlement
Error:	±3.07 % for occurrences with the incidence of 50%, the level of trust 95% (<i>margin of error</i>)

On the project and survey

- The aim of project "Monitoring of Judicial Reform" is to increase the participation of civil society in supporting the process of judicial reform, specifically the implementation of the Judicial Reform Strategy 2014-2018 and Action Plan for Judicial Reform 2014-2016, thus contributing to the progress of Montenegro in the EU accession process which applies to chapters 23 and 24.
- The project is carried out by NGOs Centre for Monitoring and Research (CeMI) and Human Rights Action (HRA), who is the project leader, and it will run until the end of September this year.
- The project is implemented with the support of the EU Delegation to Montenegro through the Instrument of Pre-Accession Assistance (IPA) 2013 and the Embassy of the Kingdom of the Netherlands through the "MATRA" program.
- Public opinion survey was conducted as an activity within the project during March 2016 on a sample of 1018 respondents - adult citizens of Montenegro.



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Key findings

Trust in institutions

- In March 2016, 52.6% of the population over 18 years of age had confidence in the justice system in Montenegro, 40.5% answered that they had no confidence in the judicial system, while 6.9% had no opinion on this matter. There has been an increase in the share of respondents who trust in judicial institutions in relation to 2013 (when 38.0% had trust in the judicial system), and 2014 (47.8%).
- Citizens mostly had contact with notaries (25.2%), courts (20.7%) and attorneys (19.1%). Least direct contact the respondents had with mediators (4.8%) and the Ombudsman (3.4%).
- Notaries enjoys the greatest trust among judicial institutions (44.8% of respondents mainly to fully trust notaries), with whom the citizens had most contact. Smallest number of respondents expressed confidence in mediators, with whom they had least contact. Only 27.8% mainly to fully trust in this institution, while 17% said they cannot assess the level of confidence in mediators, as there is not enough information.

Key findings

Judiciary

- Majority of respondents (57.4%) believe that judges do not decide independently, 30.4% believe that they are independent, while 12.2% have no opinion on the issue. Of those who believe that judges are subject to influence, majority stated that judges' decisions are influenced by the government (58.4%), influential individuals (41.9%) and political parties (34.7%).
- The vast majority of citizens (78.8%) believe that court proceedings are rather lengthy and that the courts are not efficient enough.
- Almost half the respondents (46.6%) believe that judges are appointed and promoted not in accordance with their professional competences (41.7% think otherwise, and 11.7% do not know). The main reasons cited by respondents with this view are by far political ties and kinship/friendship ties.

Key findings

State Prosecutor's Office

- 46% of respondents believe that the State Prosecutor's Office decides independently on whom to prosecute, while 40% think it is not independent, and 14% have no opinion. Of those who consider that the State Prosecutor's Office is not independent, majority (75.3%) believe its decisions to be influenced by the executive power.
- Half of the respondents believe that prosecutors still make rare public appearances and that they provide insufficient reasoning for their decisions (50.3%).
- A significant majority of respondents (68%) believe the State Prosecutor's Office to be slow, taking too long to initiate a procedure.
- Views on whether the prosecutors are appointed and promoted on the basis of their competence are divided: 42% of respondents believe that prosecutors are appointed and promoted not in accordance with their professional competences, while 41% of respondents believe the opposite, and 17% have no opinion.

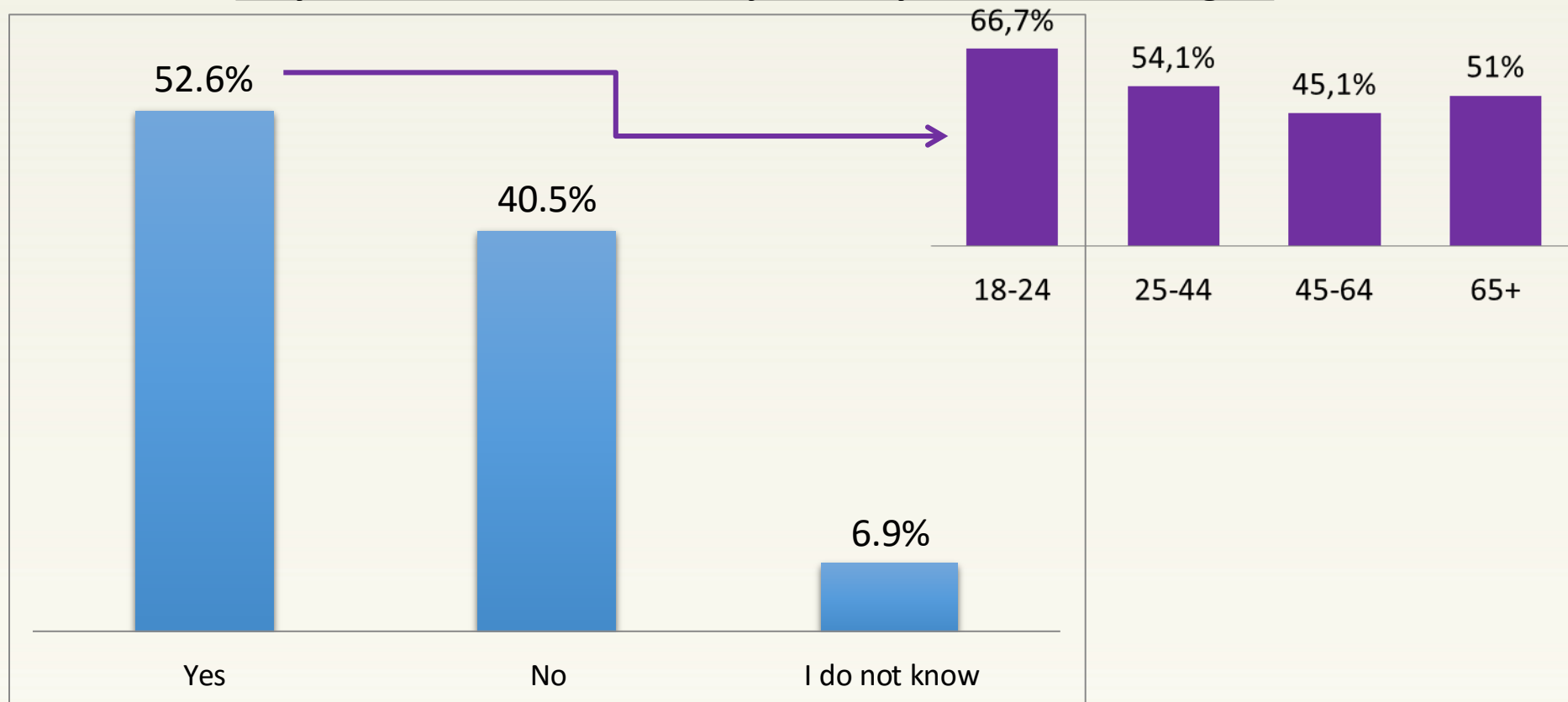
Key findings

Awareness about the work of judicial institutions

- Citizens receive information about the work of the judiciary and prosecutor's offices through the media (television, printed editions of daily newspapers, news portals and radio). Only one-eighth of Montenegrin citizens visit internet pages of the courts and prosecutors' offices to get acquainted with their work.
- Most citizens are not familiar with the fact that there is a Law on Free Legal Aid (53% believe that it does not exist or are not certain that it does). Since 2014 there has been no improvement in the awareness of citizens about it. It is therefore not surprising that the majority of them stated that they were not sufficiently informed about their rights under this Law – as many as 78.7% of respondents.

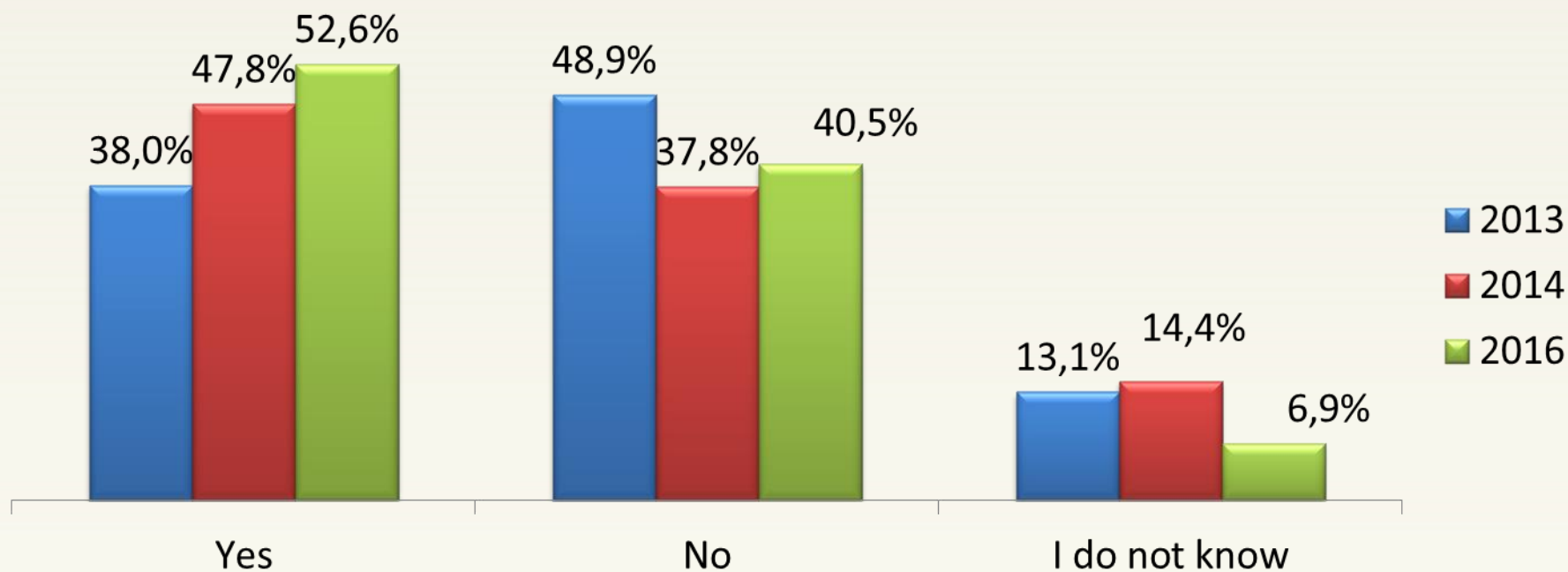
RESULTS

Do you have confidence in the judicial system of Montenegro?



RESULTS

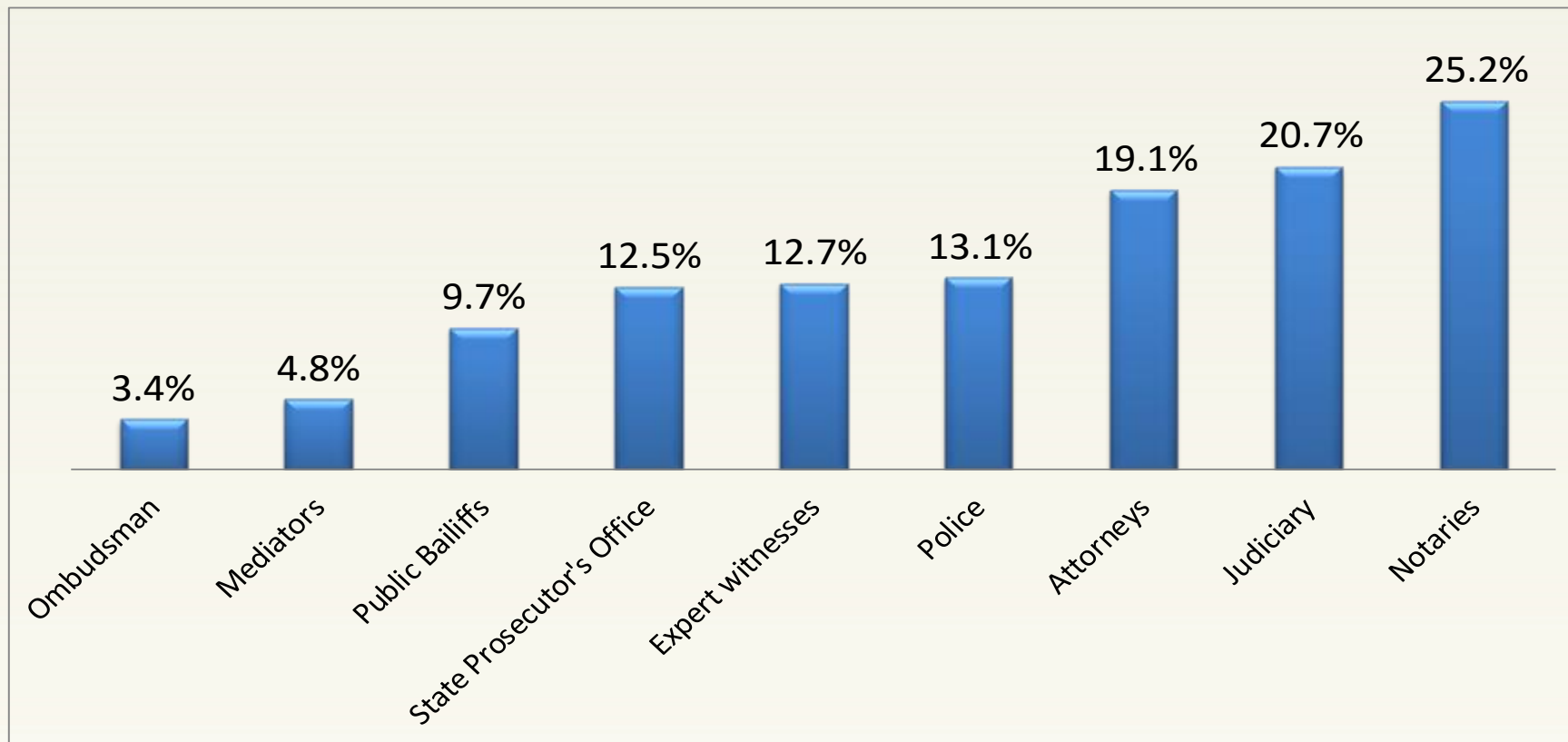
Do you have confidence in the judicial system of Montenegro?



CONTACT WITH INSTITUTIONS IN THE PAST TWO YEARS

RESULTS

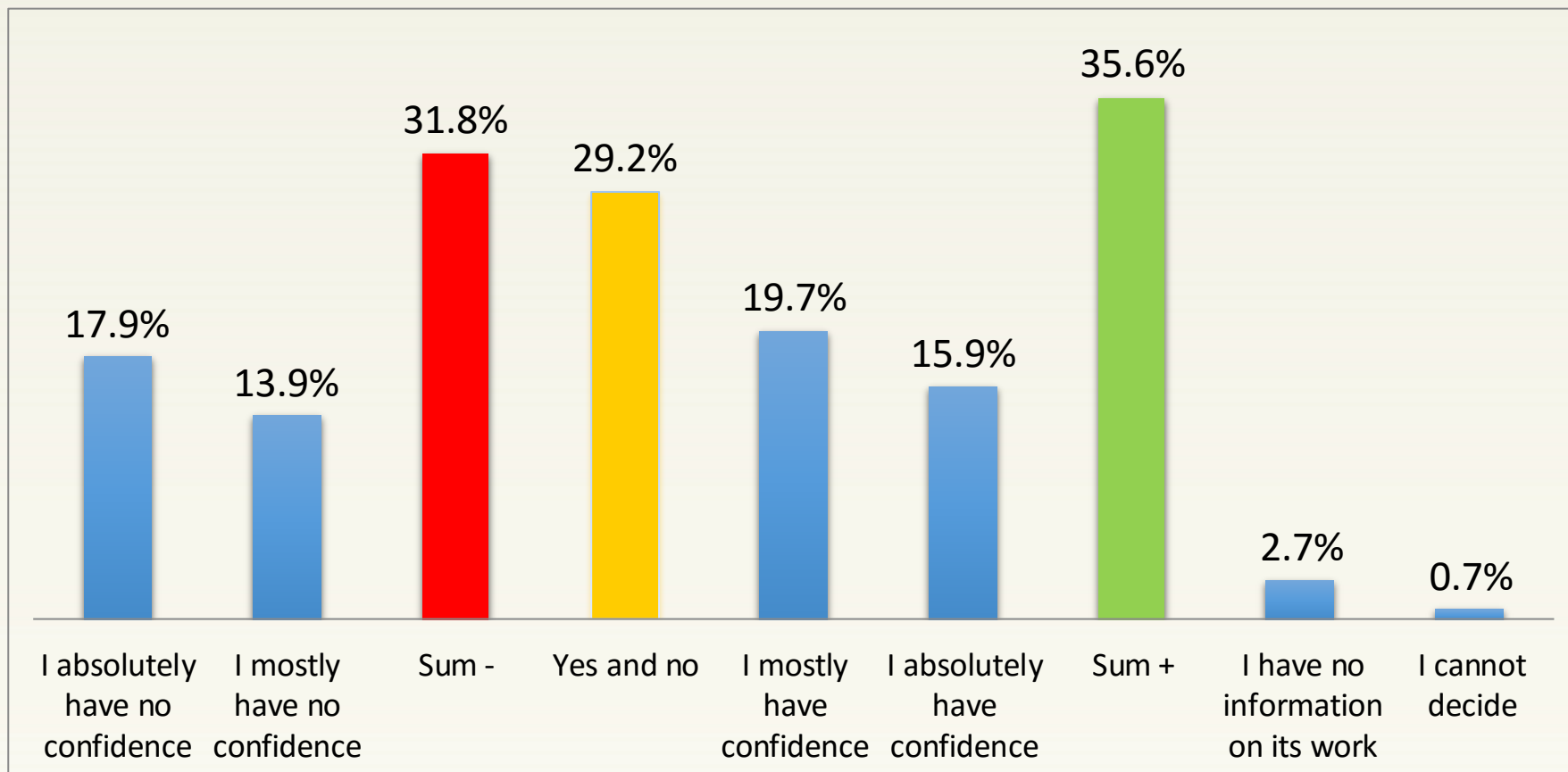
Contact with institutions in the past two years:



LEVEL OF CONFIDENCE IN THE WORK OF INSTITUTIONS

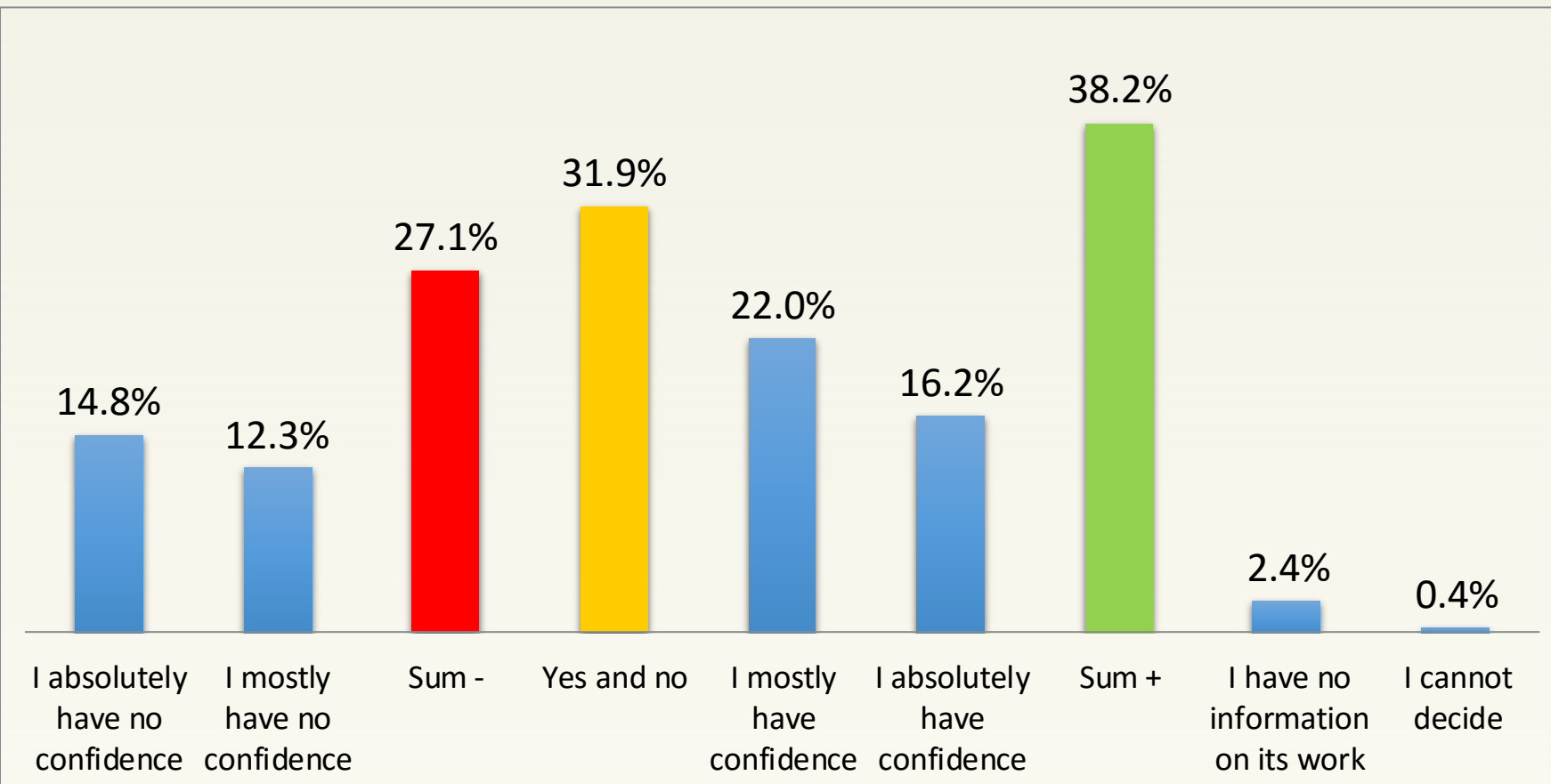
RESULTS

Judiciary



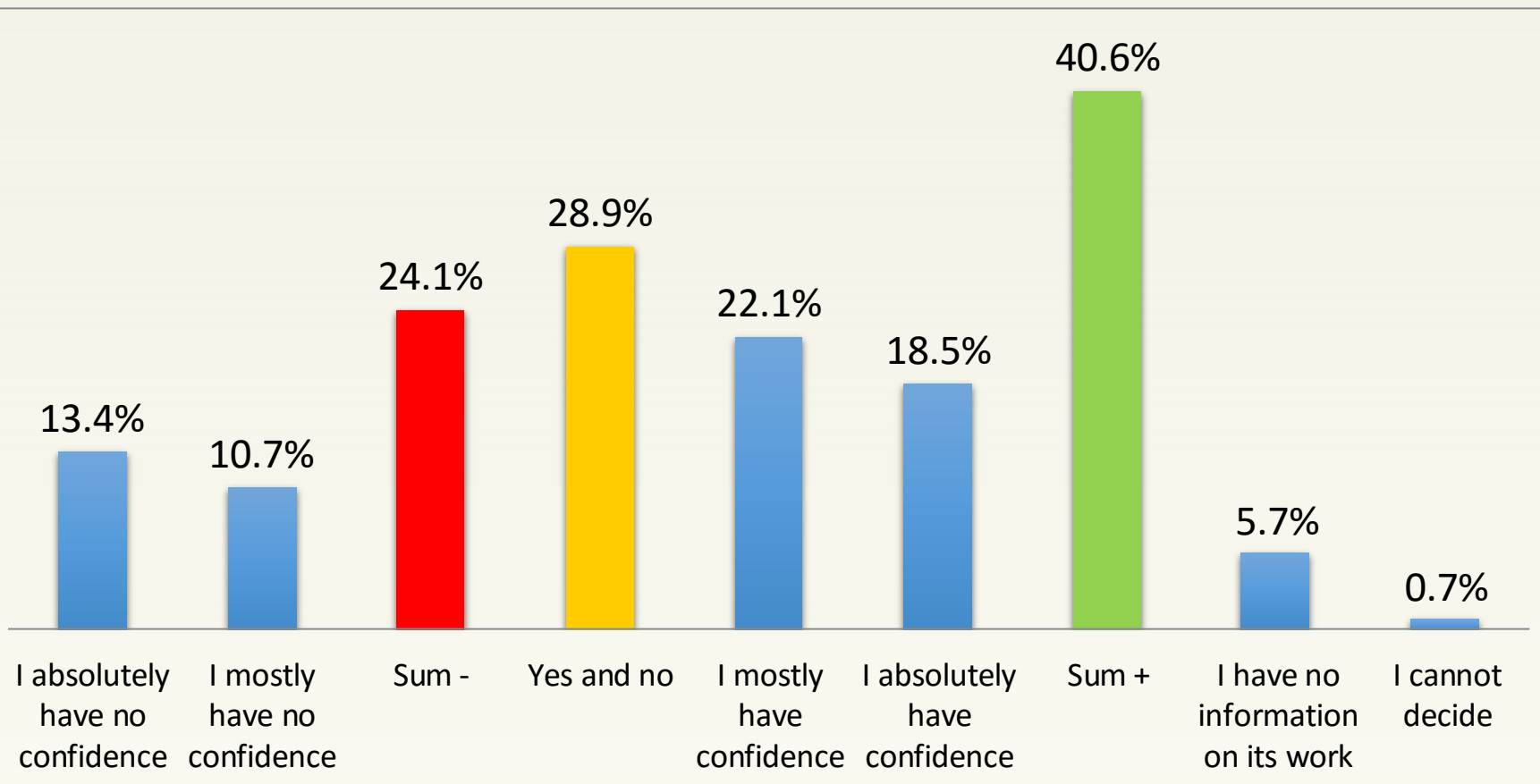
RESULTS

State Prosecutor's Office



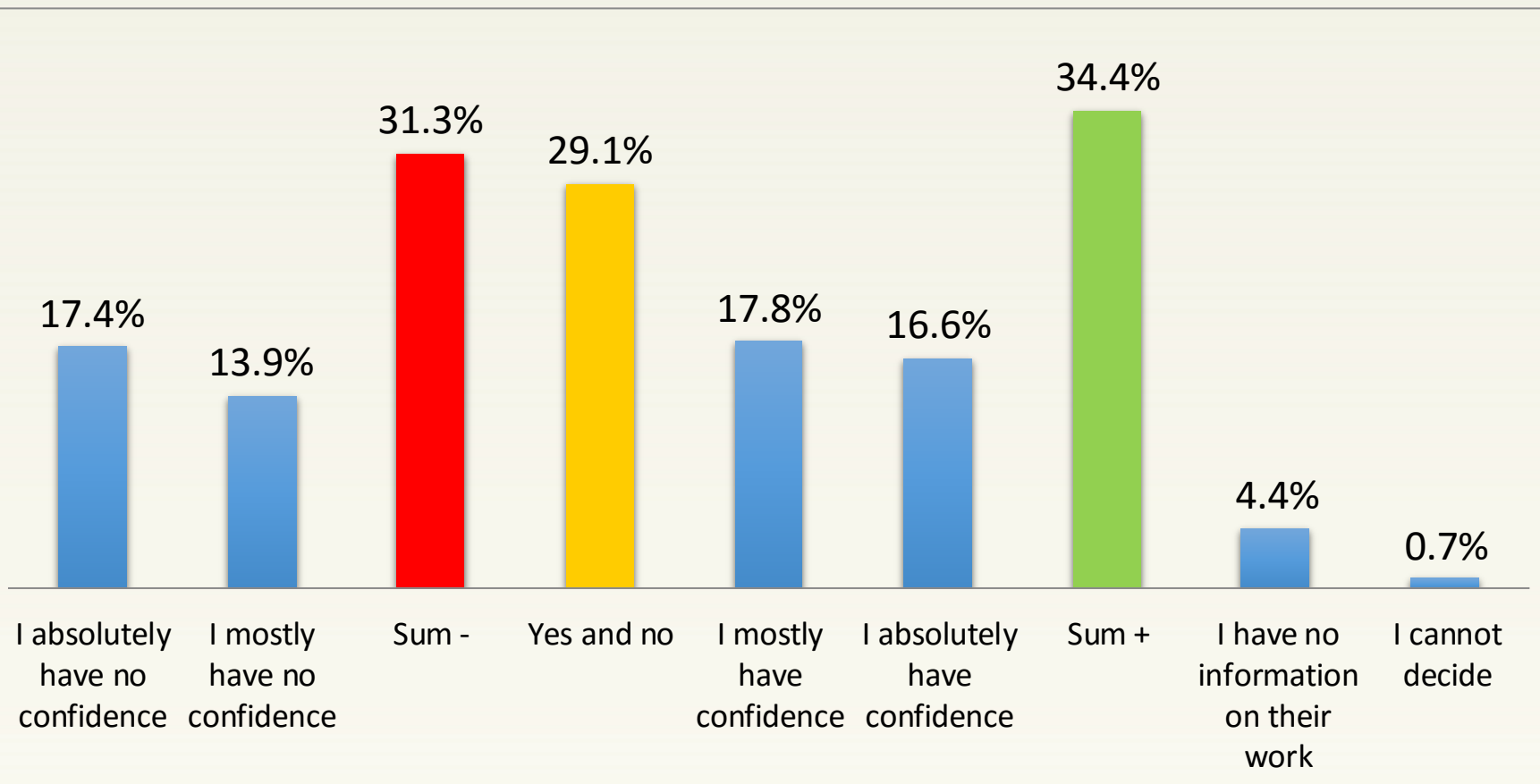
RESULTS

Special State Prosecutor's Office



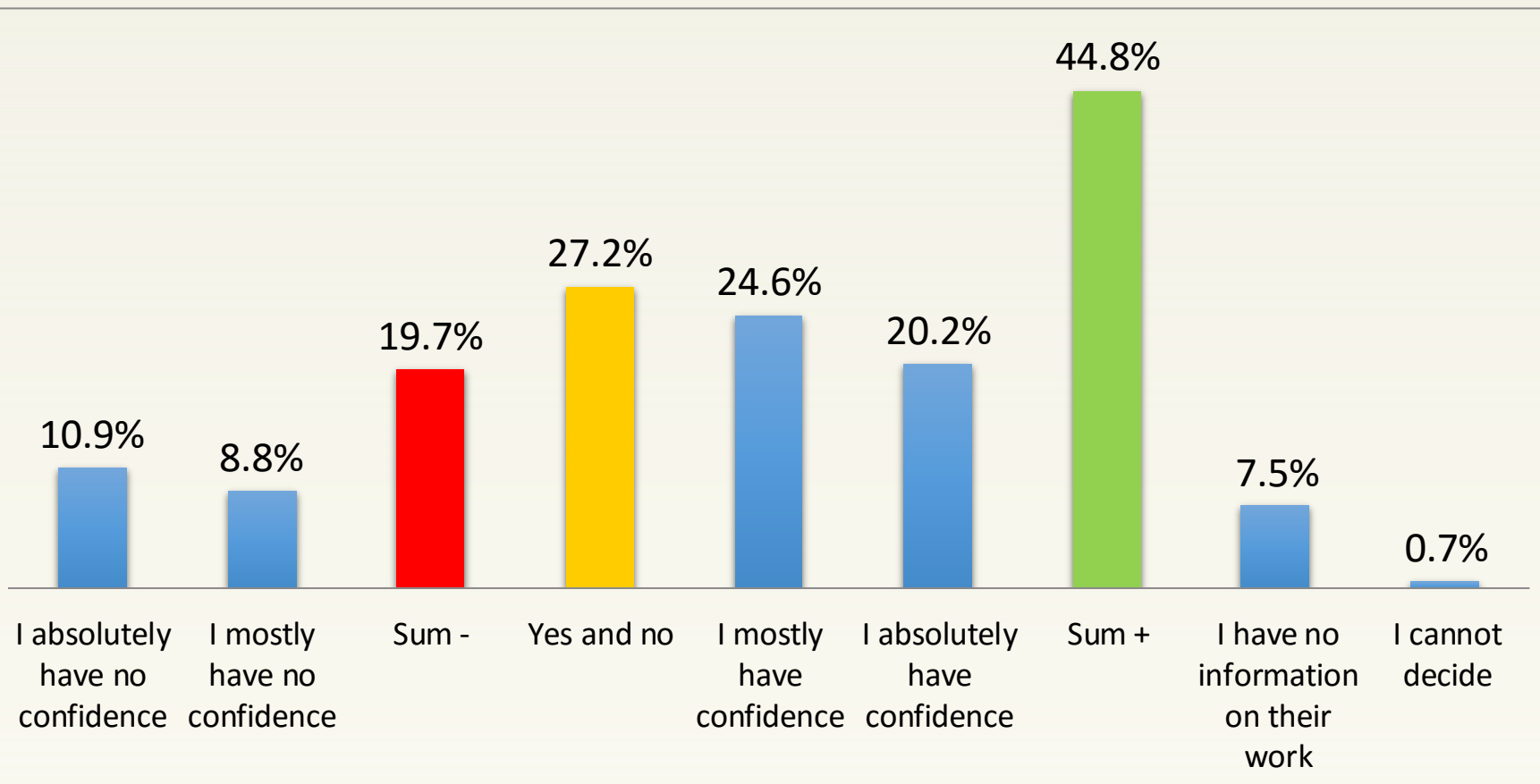
RESULTS

Attorneys



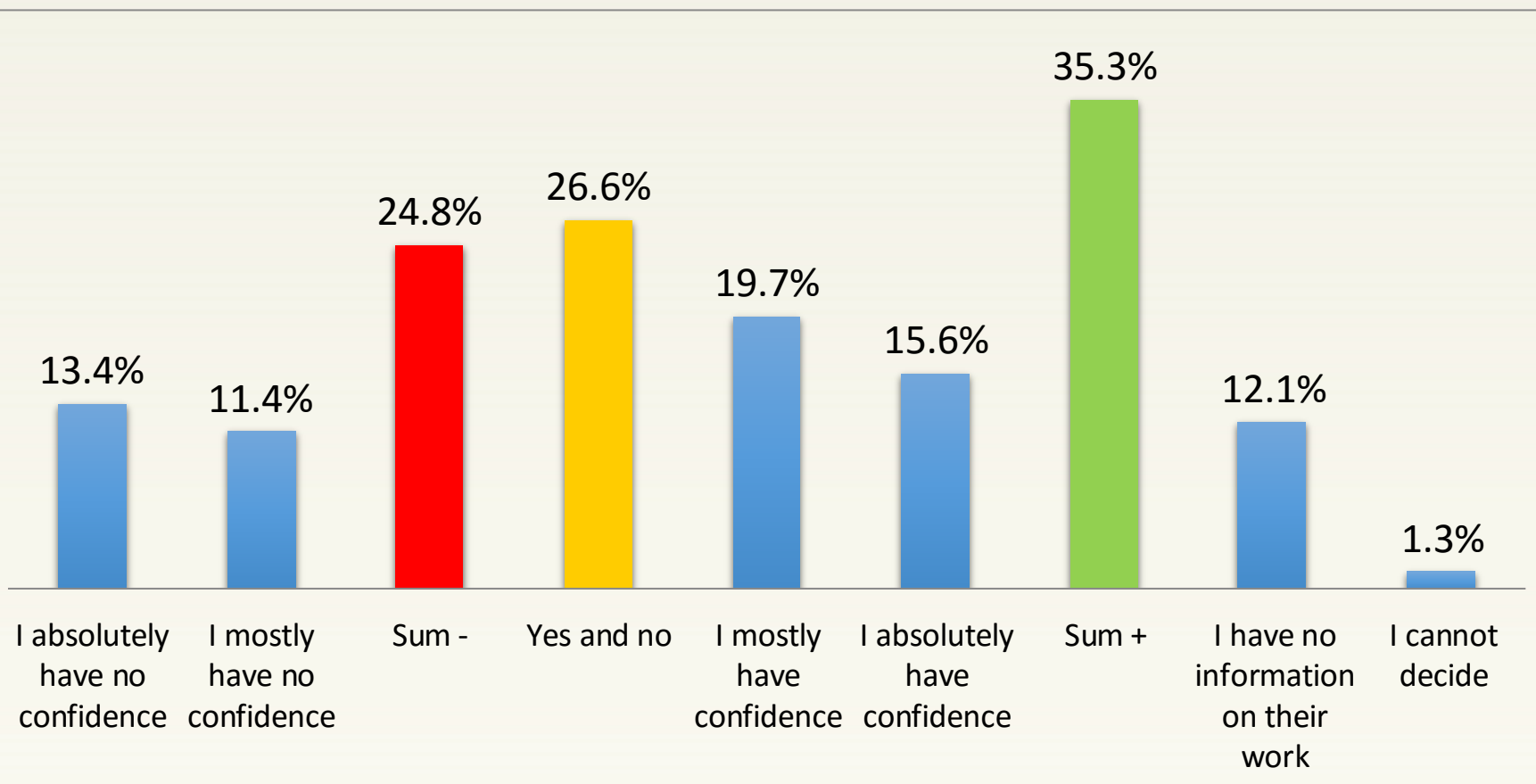
RESULTS

Notaries



RESULTS

Public Bailiffs

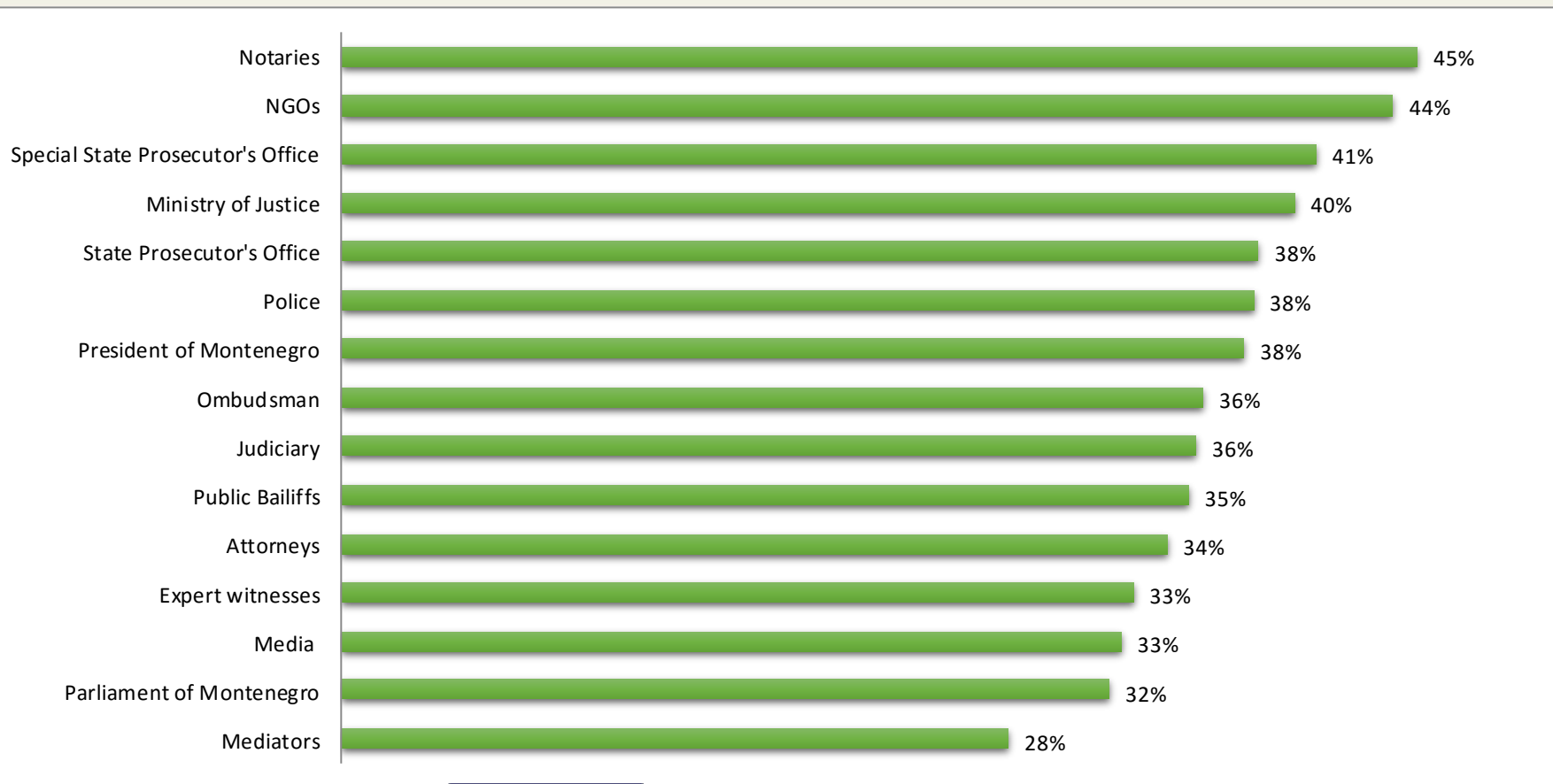


RESULTS

N0	Institution	N	Average rating	Std. Deviation
1	Notaries	934	3,37	1,258
2	President of Montenegro	979	3,36	1,499
3	NGOs	958	3,32	1,264
4	Special State Prosecutor's Office	952	3,23	1,289
5	Ombudsman	872	3,20	1,270
6	Public Bailiffs	882	3,15	1,295
7	Expert witnesses	915	3,13	1,255
8	State Prosecutor's Office	988	3,13	1,269
9	Police	973	3,10	1,340
10	Mediators	831	3,10	1,225
11	Ministry of Justice	981	3,07	1,367
12	Attorneys	966	3,02	1,331
13	Judiciary	983	3,02	1,322
14	Media	991	3,02	1,221
15	Parliament of Montenegro	980	2,85	1,371

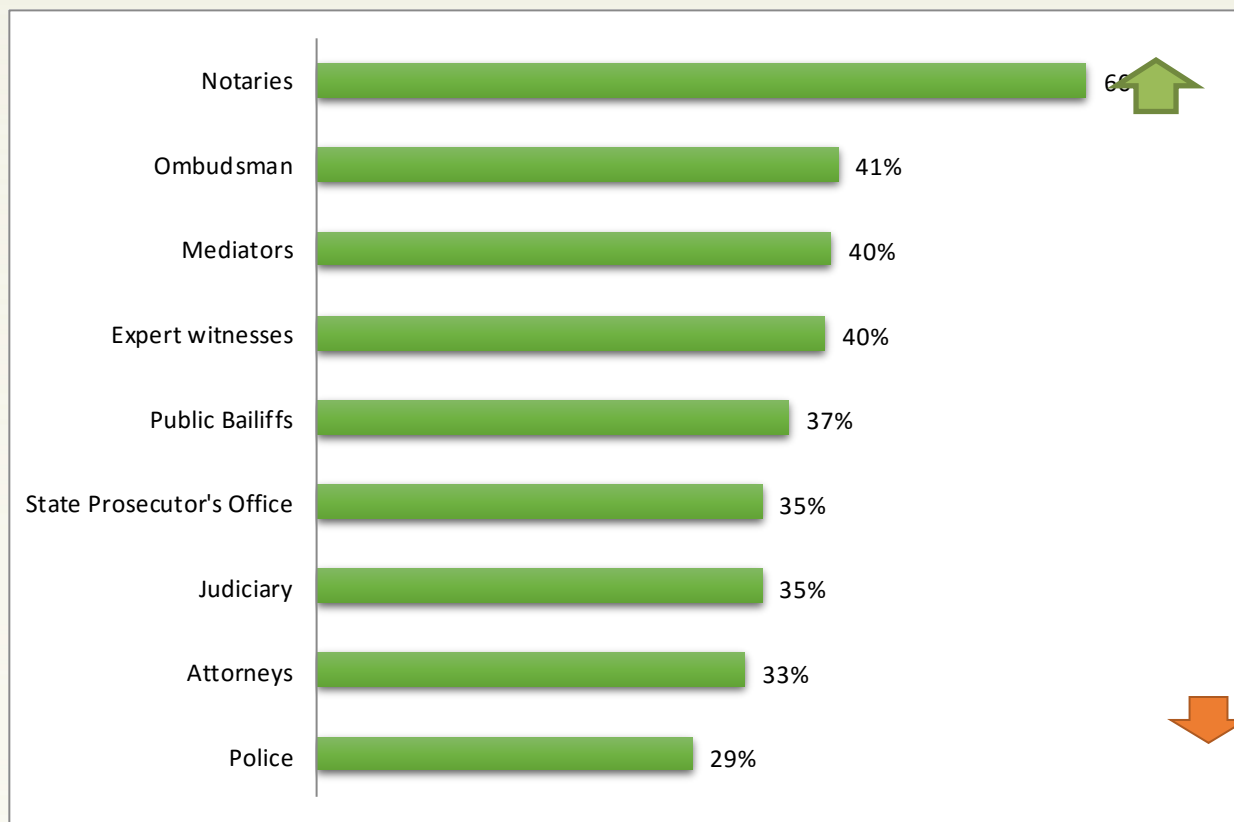
RESULTS

Total population that has confidence in the institutions



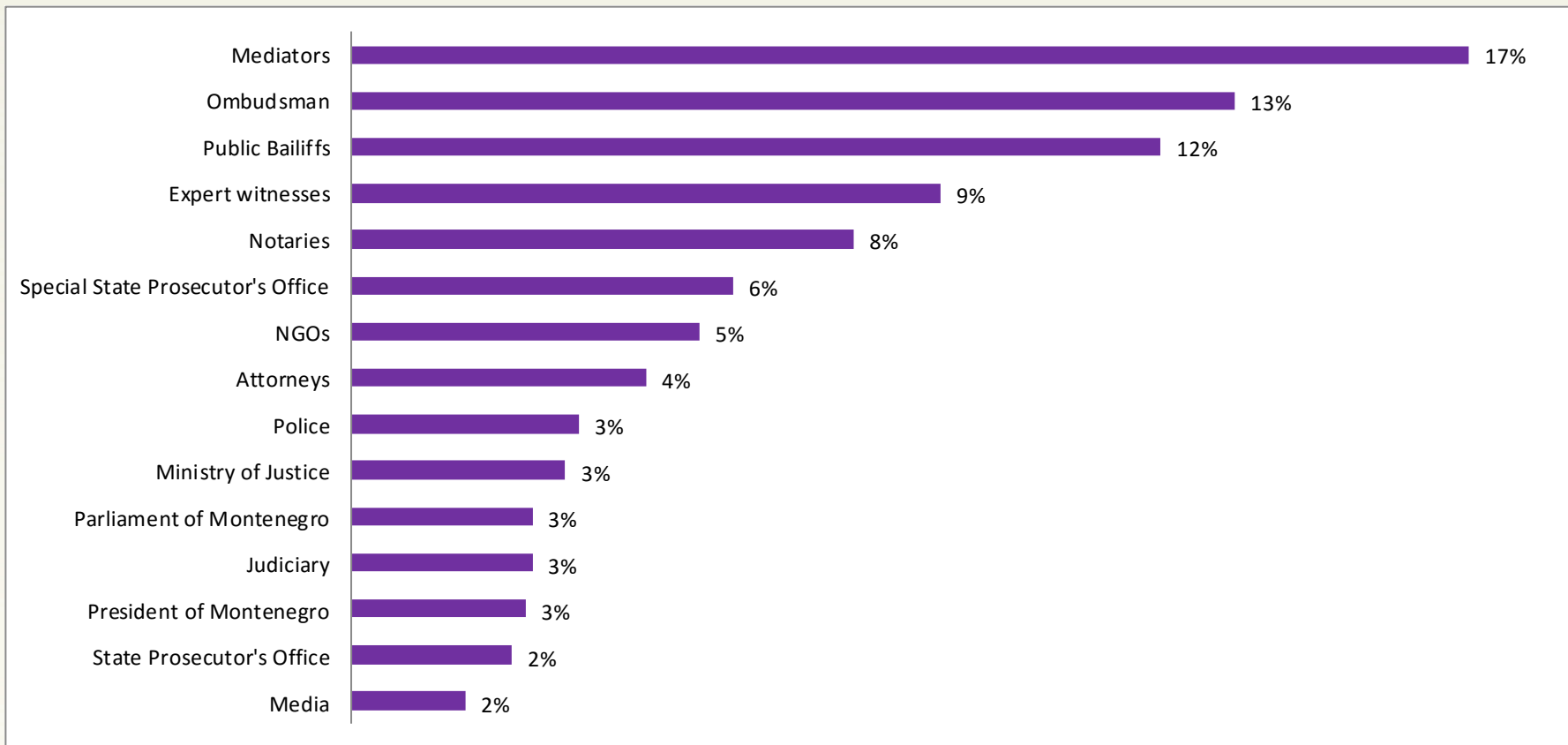
RESULTS

The population of those who have contact and have confidence in the institutions



RESULTS

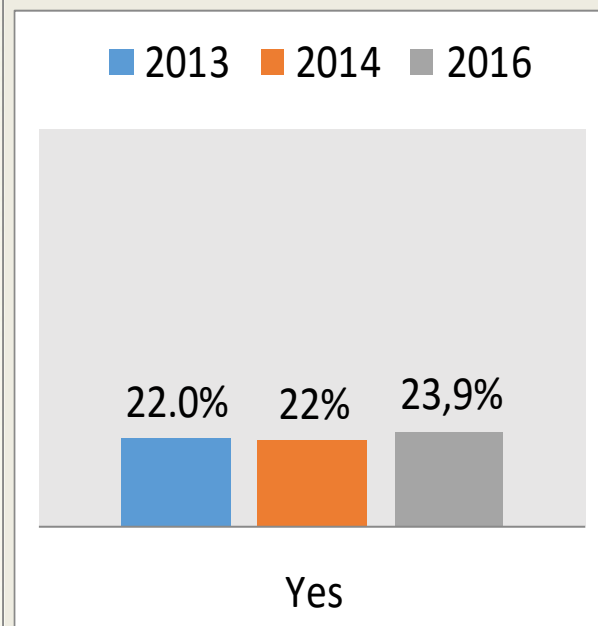
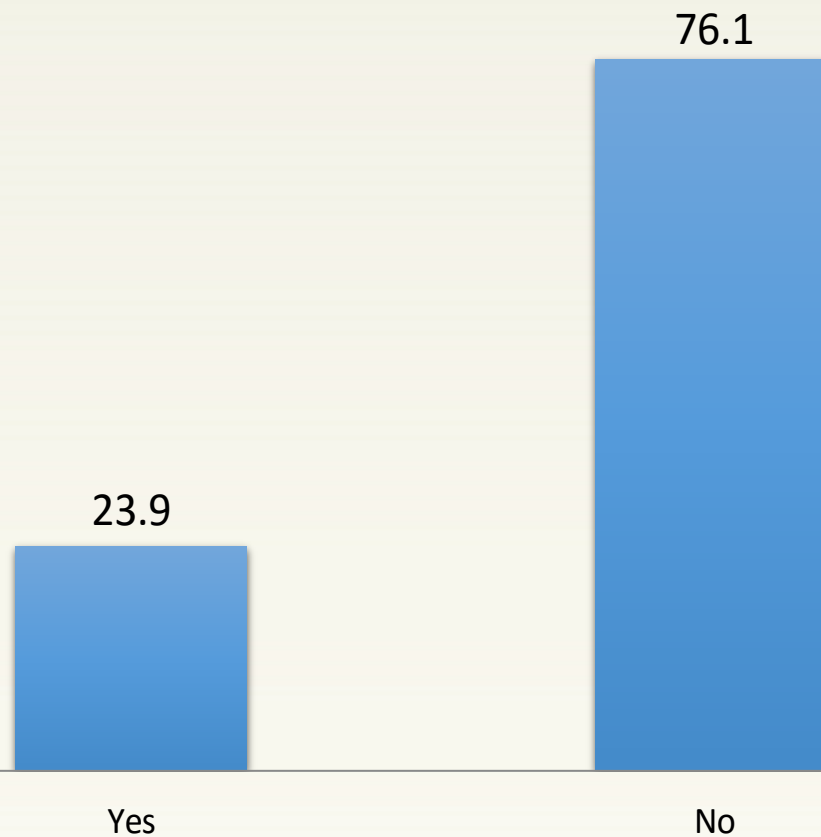
Total population that has no information about the work of the institution



EXPERIENCE AND VIEW OF COURT PROCEEDINGS

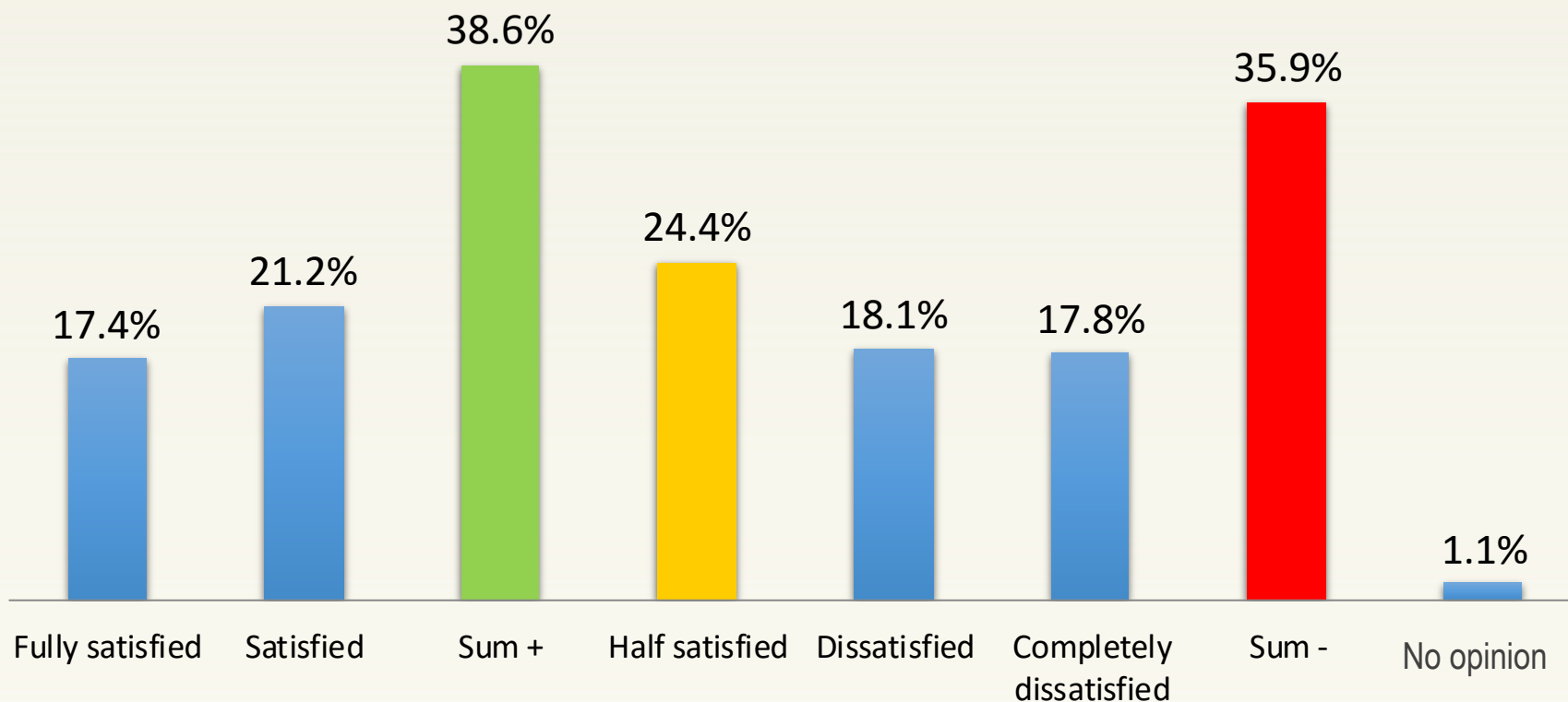
RESULTS

Have you ever been a party in court proceedings?



RESULTS

To what extent do you feel satisfied with the work of the court in that proceedings?



VIEWS ON JUDICIARY



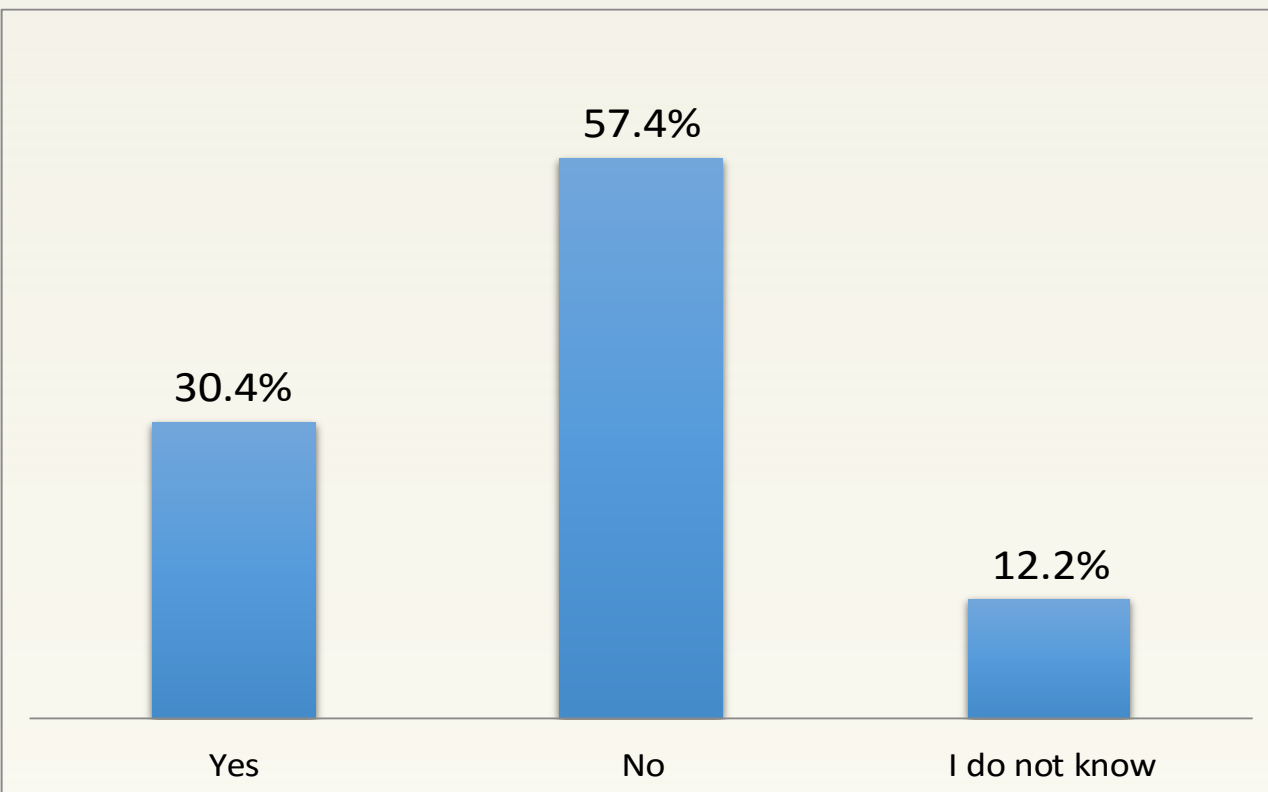
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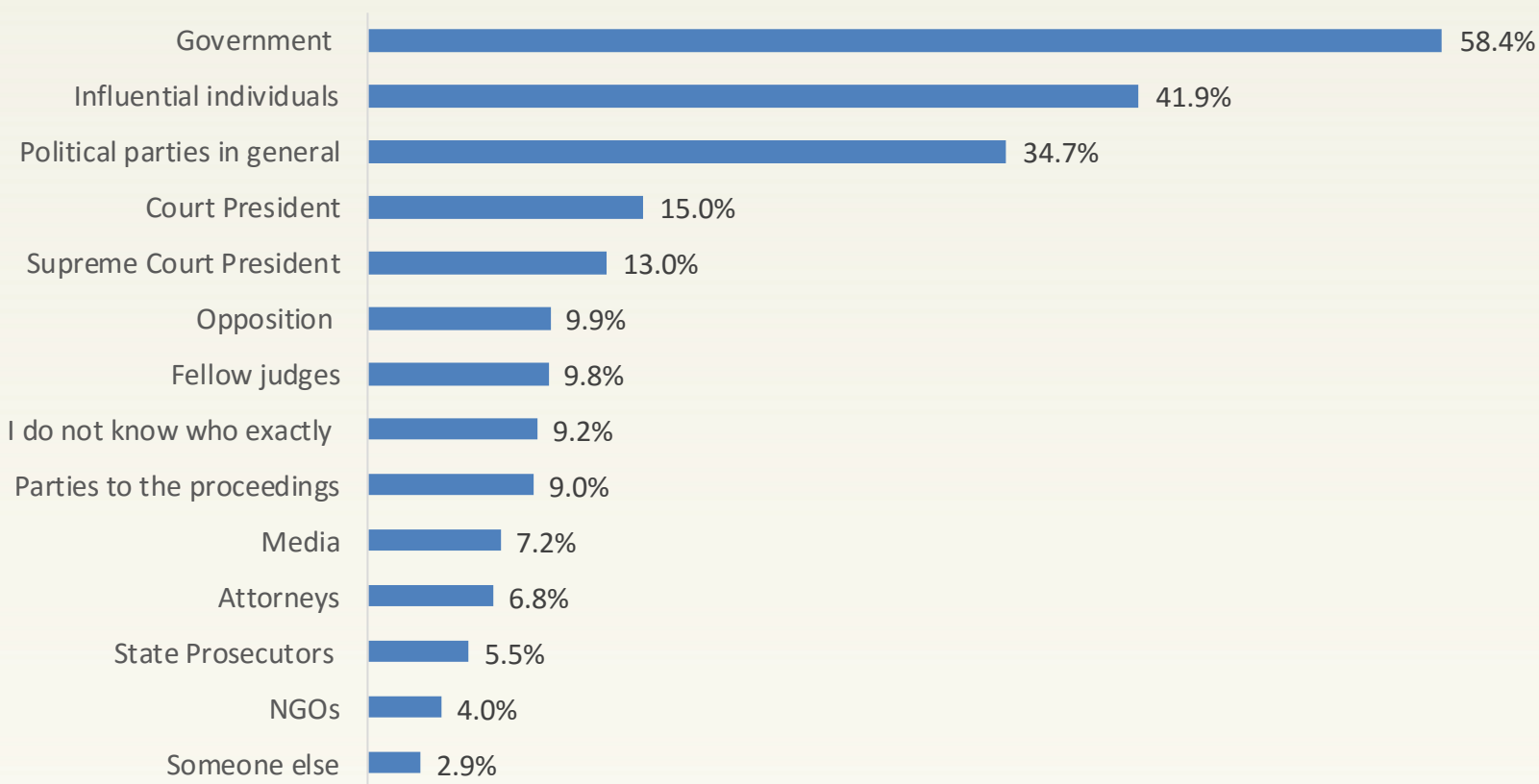
RESULTS

In your opinion, do judges in Montenegro make decisions independently of anyone's influence?



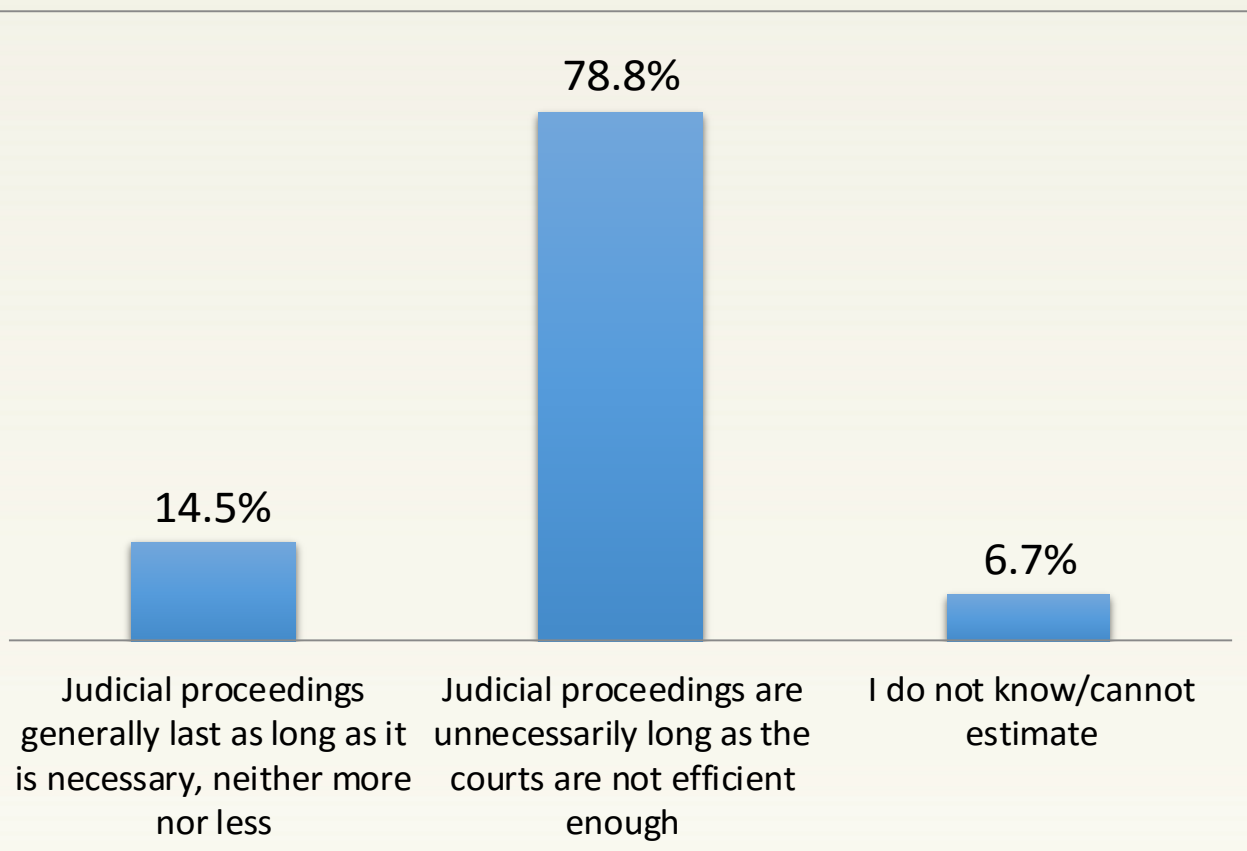
RESULTS

Who influences the work of judges?



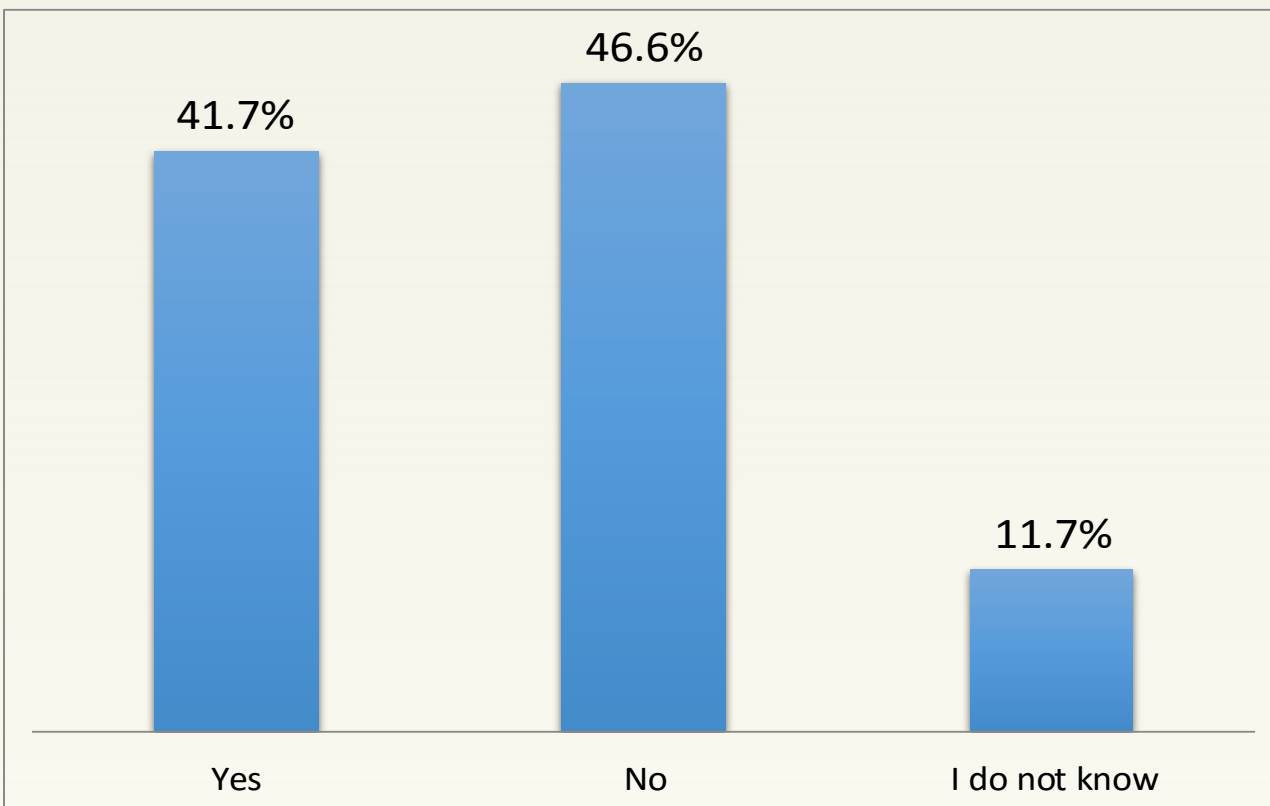
RESULTS

Which position is closest to your own?



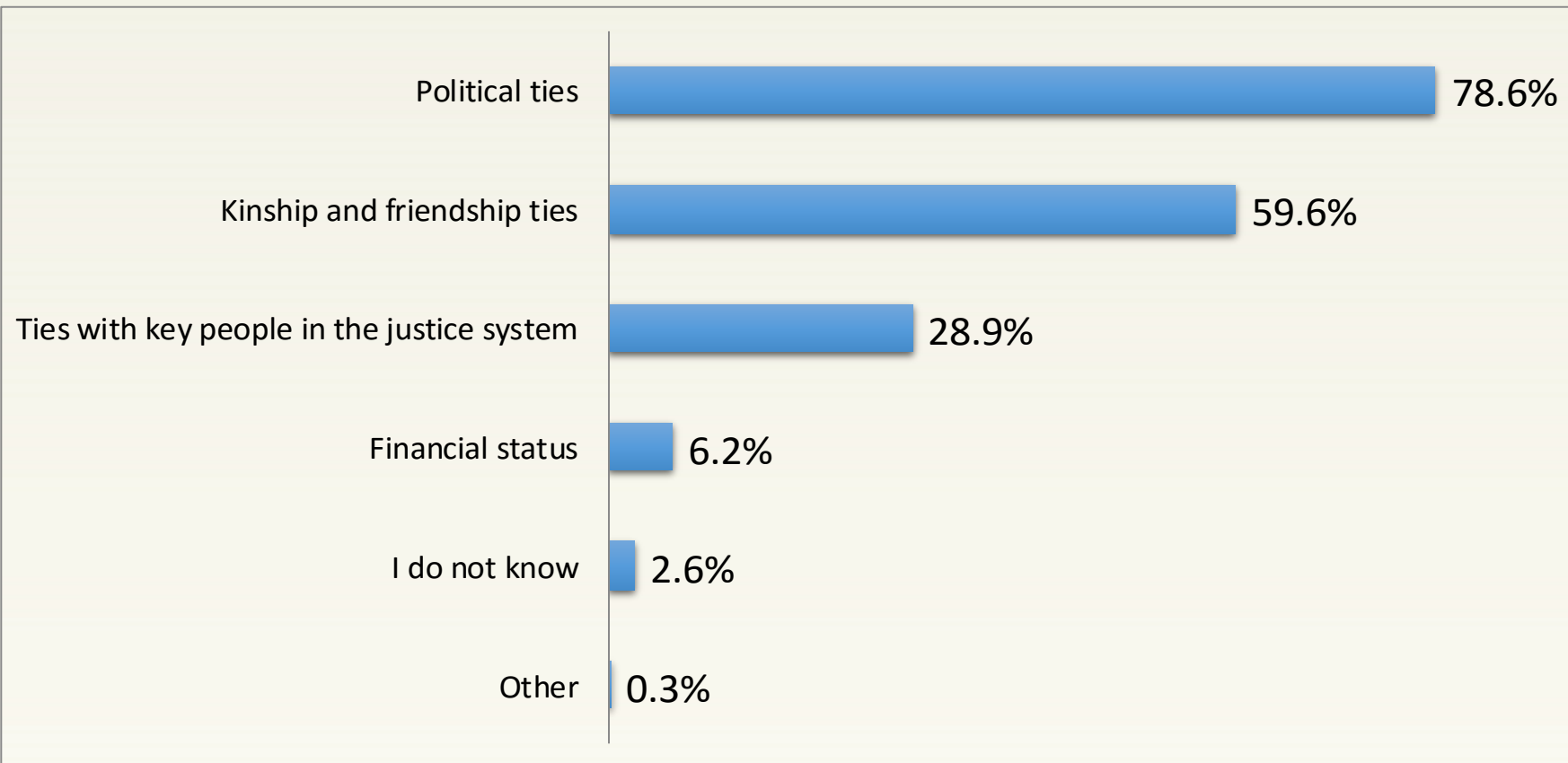
RESULTS

In your opinion, are judges in Montenegro appointed and promoted on the basis of their professional competencies?



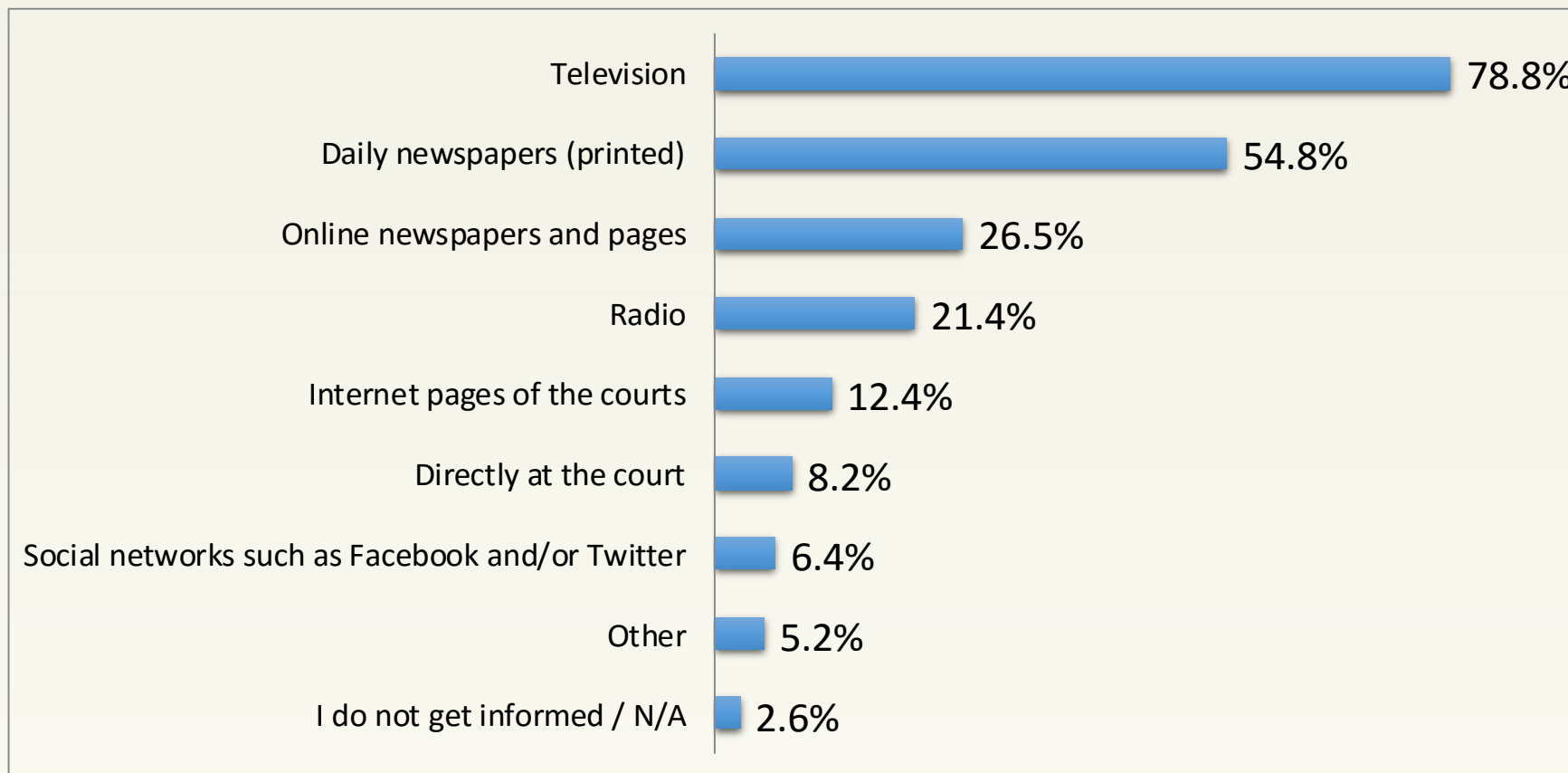
RESULTS

What does the promotion of judges depend on?



RESULTS

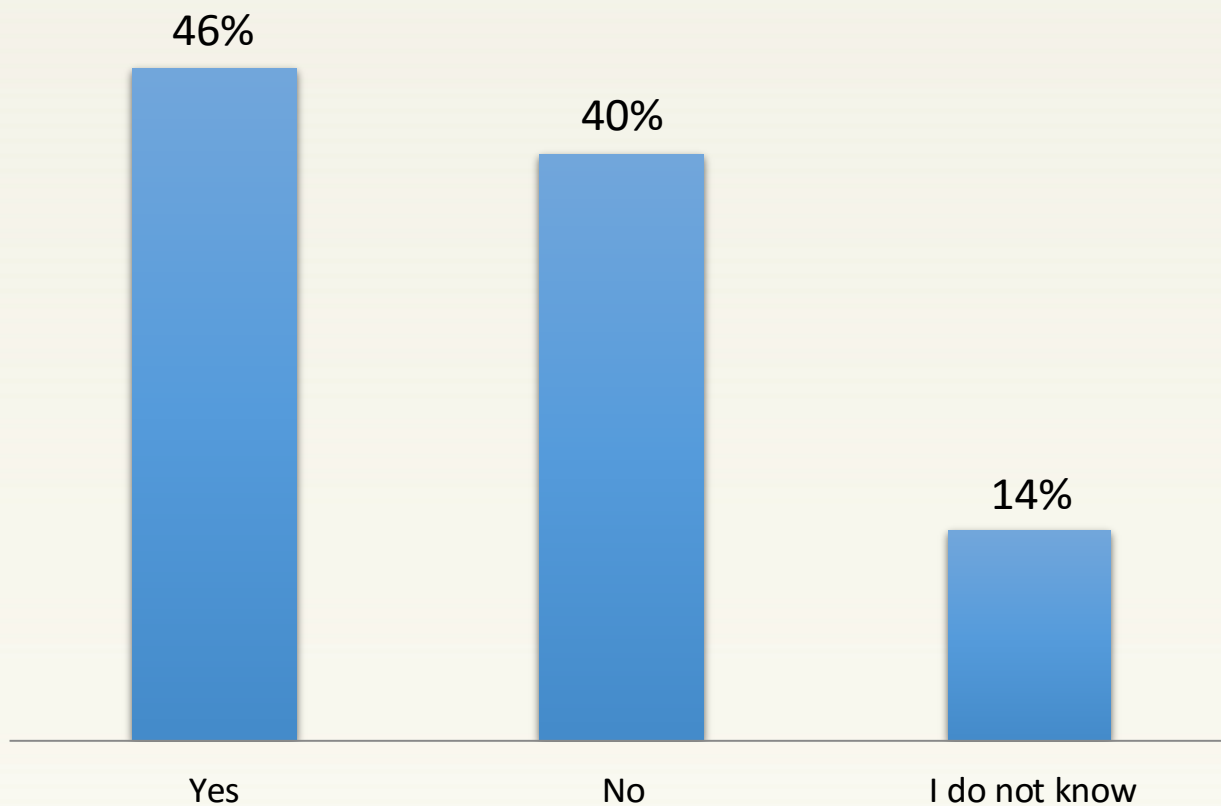
How do you get information about the work of the courts?



VIEWS ON THE STATE PROSECUTOR'S OFFICE

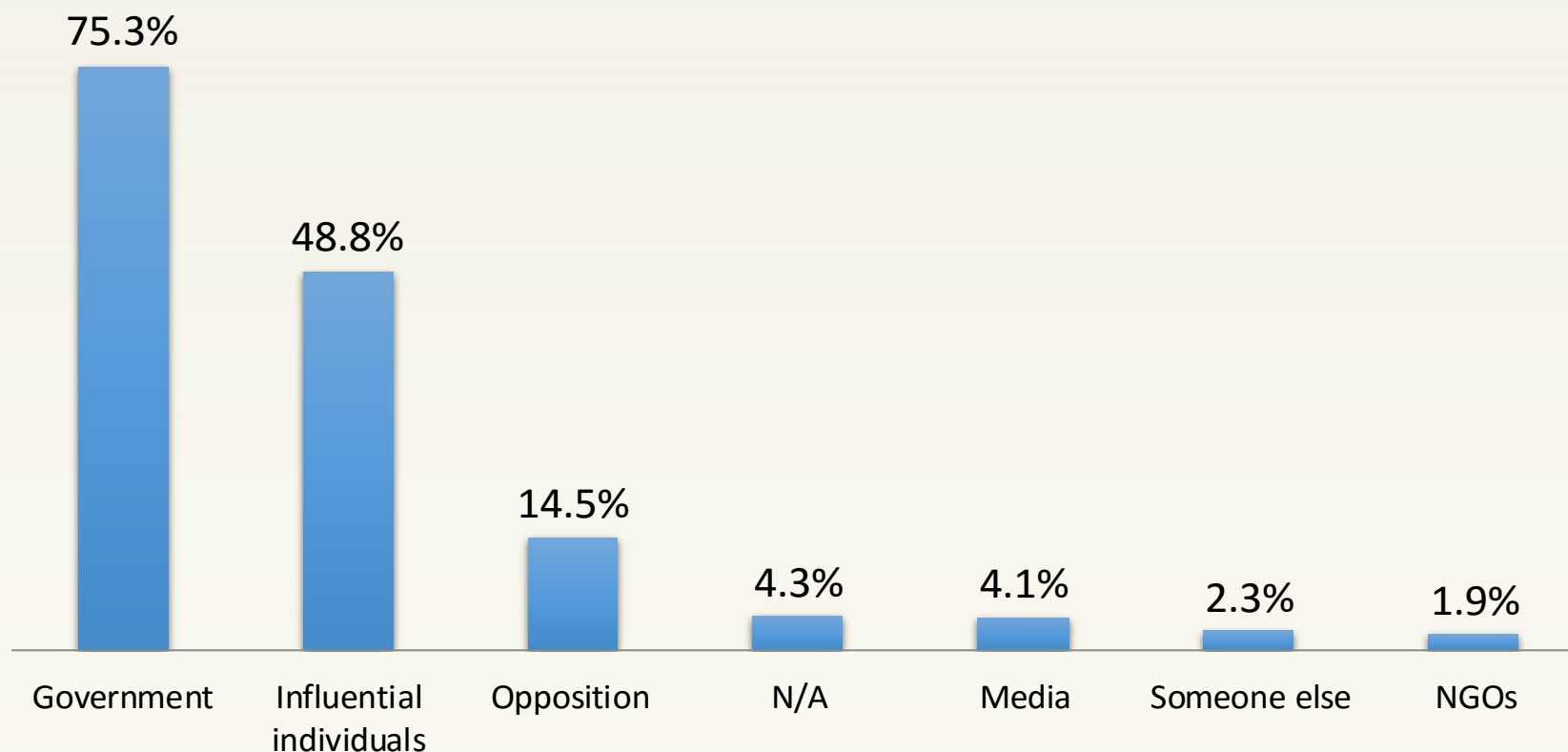
RESULTS

In your opinion, does the State Prosecutor's Office decide independently on whom to prosecute?



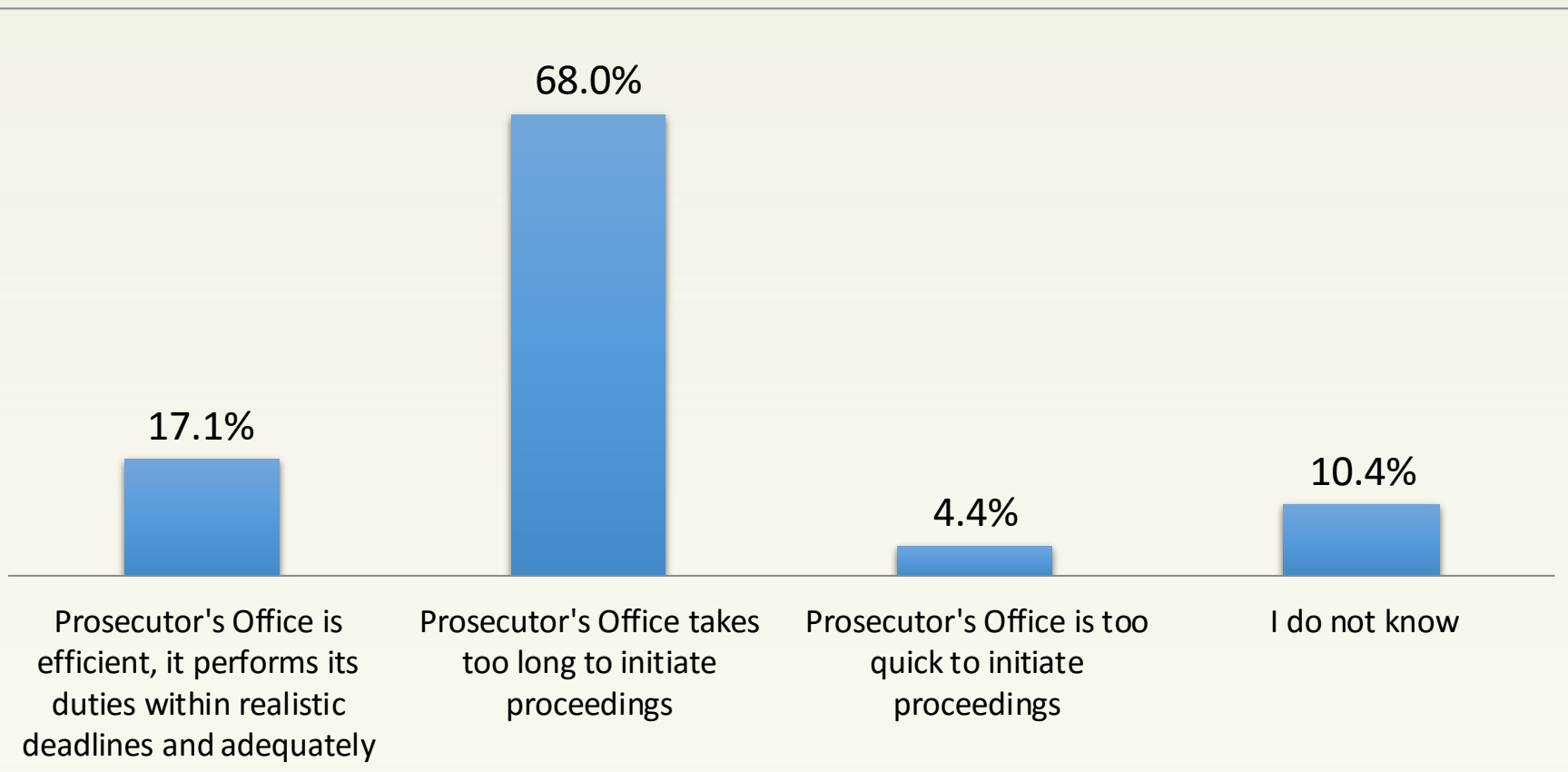
RESULTS

Who influences the decisions of the State Prosecutor's Office?



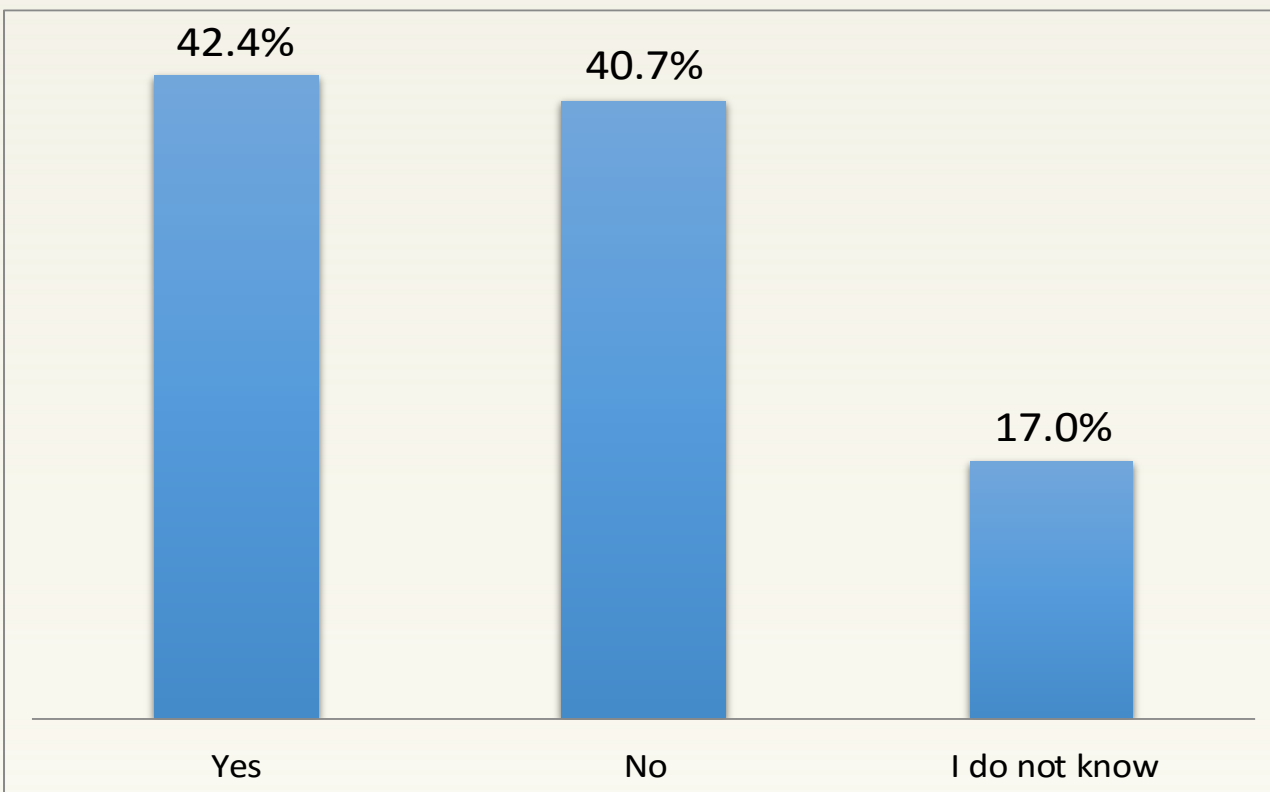
RESULTS

Which position is closest to your own?



RESULTS

In your opinion, are prosecutors in Montenegro appointed and promoted on the basis of their professional competencies?



FREE LEGAL AID

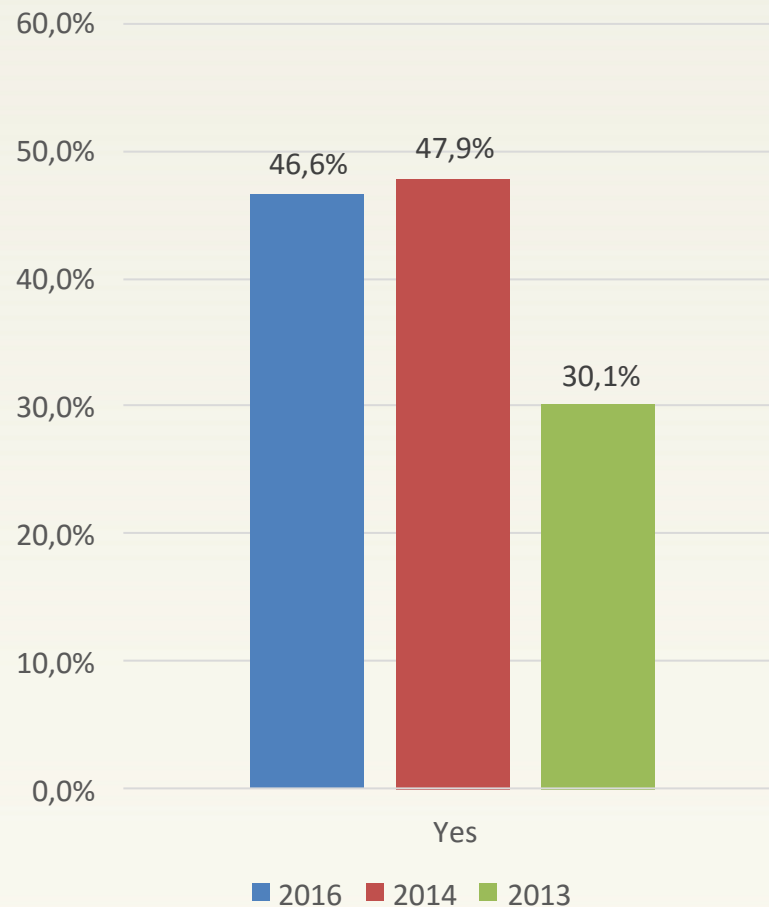
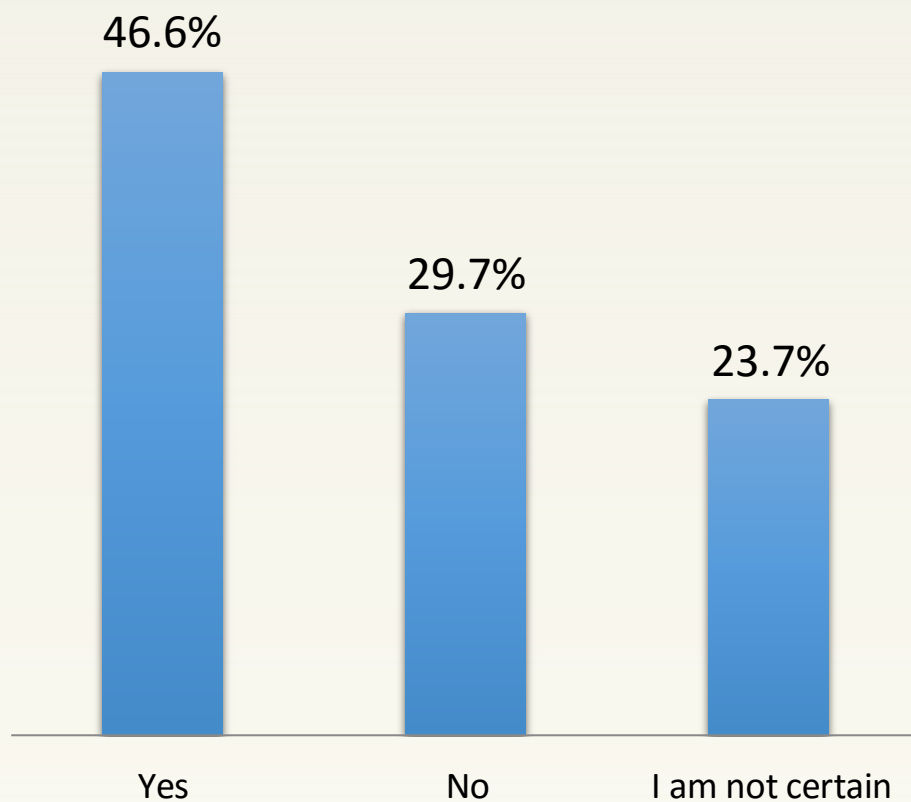


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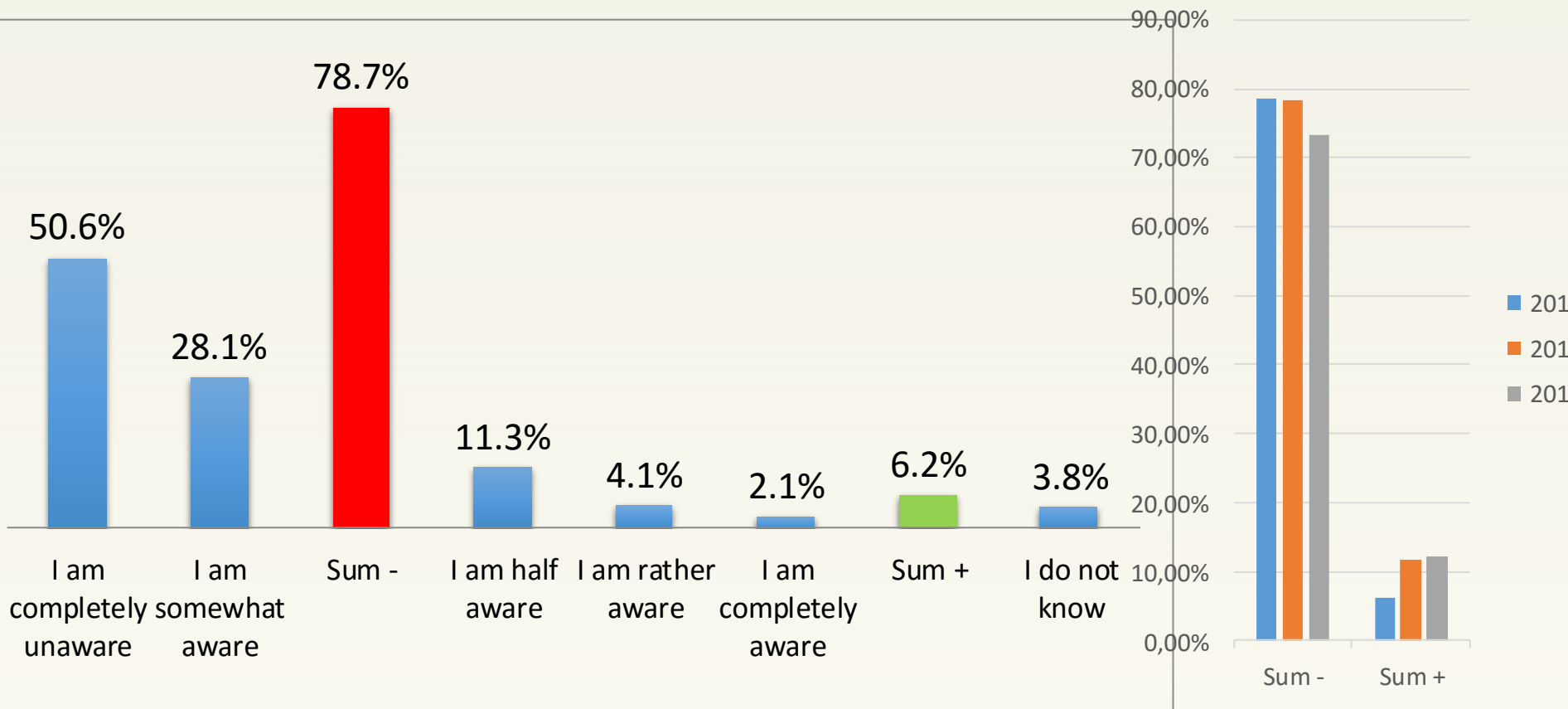
RESULTS

Is there a Law on Free Legal Aid in Montenegro?



RESULTS

To what extent are you aware of the rights that you are entitled to under this Law?



**Thank you for
your attention**