



Towards an Efficient Judiciary

TECHNICAL PAPER



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INTRODUCTION

The efficient functioning of any judiciary heavily relies on well-organized and competent personnel, particularly skilled, motivated, and dedicated judges and court staff committed to upholding the integrity of the judicial system. However, the current state of human resource management in Montenegro's judicial system (HRMS) leaves much to be desired, lacking the capacity to anticipate and plan for future human resource requirements and effectively address challenges. In this paper, we aim to shed light on the existing challenges and explore opportunities to enhance the efficiency and effectiveness of human resource management within the Montenegrin judicial system. The analysis takes into account the broader context of Montenegro's EU accession process and its commitment to aligning with international standards in the area of judicial efficiency. The latest EU Annual Report from 2022 emphasizes that the reform of Montenegro's judicial system must prioritize improving human resources and judicial infrastructure management to achieve greater overall efficiency.

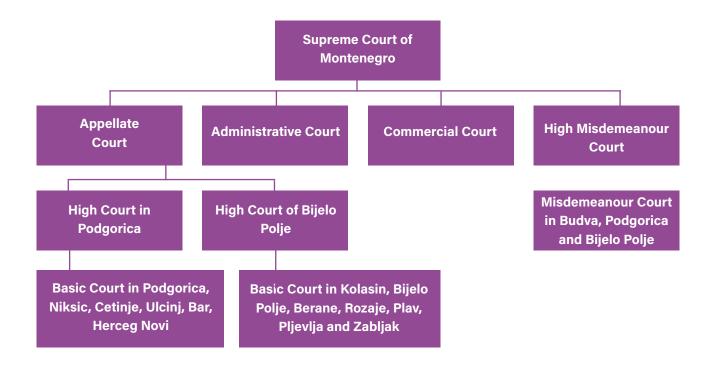
To address these challenges, the next stage of the judicial reform process should focus on optimizing the court network and considering the closure of small unviable courts. This strategic approach to human resource management can significantly contribute to building public trust in the judicial system and reinforcing the rule of law in Montenegro. To accomplish this, proactive HRM strategies must be implemented to cultivate a skilled and adaptable workforce capable of meeting the evolving demands of a modern and dynamic judicial system. By investing in and prioritizing HRM practices, Montenegro's judicial system can strengthen its ability to provide impartial and efficient justice, ultimately upholding the principles of the rule of law and reinforcing its commitment to EU accession and international standards. Ensuring a well-organized and competent personnel is not just a necessity; it is a fundamental step towards a more resilient and effective judicial system that serves the citizens of Montenegro with integrity and fairness.

The paper is structured into six thematic chapters. The first chapter presents the regulatory framework concerning Human Resource Management (HRM) in the judicial system. The second chapter focuses on evaluating the strategic HRM framework within Montenegro's judicial system, while the third chapter delves into the intricacies of political decision-making regarding the process of court network rationalization. Moving to the fourth chapter, it examines the challenges and potential in the sphere of judicial recruitment. The fifth chapter assesses the feasibility of introducing a new concept of 'court administration' in Montenegro. The sixth chapter is dedicated to exploring the integration of technology in human resource management (HRM) within Montenegro's judiciary. The paper concludes with a final section that offers both a conclusion and an overview of the policy recommendations proposed throughout the document.

1. REGULATORY FRAMEWORK ON HUMAN RESOURCE MANAGEMENT IN THE JUDICIARY

Montenegro's Constitution contains several guarantees that aim to ensure the efficient functioning of its judicial system. These guarantees are designed to protect the rights of citizens, promote the rule of law, and foster an independent and effective judiciary. Montenegro's Constitution establishes a clear separation of powers among the legislative, executive, and judicial branches of power, ensuring that the judiciary can function free from any type of political interference. Judicial function is permanent. A judge's mandate may terminate under specific circumstances, including by their own voluntary request, upon attaining the eligibility criteria for retirement pension, or following a conviction resulting in an unconditional imprisonment sentence. The judicial duty may also cease if a judge is found guilty of an offense that renders them unfit for the position, demonstrates unprofessional or negligent conduct in their judicial duties, or permanently loses the capacity to fulfill their judicial duties. It is imperative to note that a judge shall not be subjected to involuntary transfer or reassignment to another court, except when the Judicial Council makes such a decision in the context of court reorganization. However, the framework for achieving the principles of efficient functioning and human resources management of the judicial system is developed through laws and bylaws in the area of the organization of the judiciary and state administration service. These laws provide detailed regulations governing the operations of the judicial system, as well as the employment status of judges and personnel within the judiciary.

The Law on Courts ("Official Gazette of Montenegro," No. 11/15 and 76/20) outlines the establishment, organization, and jurisdiction of courts in Montenegro. These include the network of three misdemeanour courts, the Higher Misdemeanour Court, 15 basic courts, two high courts, the Commercial Court of Montenegro, the Appellate Court of Montenegro, the Administrative Court of Montenegro, and the Supreme Court of Montenegro.



The responsibility for managing individual courts lies with the Presidents of the courts, as outlined in Article 30 of the Law on Courts. The court president holds the responsibility for overseeing court administration tasks. In larger courts, the court president may delegate certain administrative tasks to the deputy court president, unit presidents, judges, or court staff. The Law on Courts recognizes different types of court personnel including – secretary of the court, court registry manager, court advisers, court employees and trainees. The required number of court staff is determined through an act on internal organization and systematization that is issued by the court president, with the consent of the Government of Montenegro, following prior consultation with the Judicial Council and the Ministry of Justice, and in line with the law governing the rights and obligations of state officials and employees.

The Law on the Judicial Council and Judges ("Official Gazette of Montenegro," No. 11/15, 28/15 and 42/18) stipulates that the Judicial Council (JC) is a key body responsible for appointment, promotion and dismissal of judges in Montenegro. Additionally, the JC plays a vital role in the overall management of the judiciary. This includes providing opinions on draft legislation related to the judicial system, suggesting guidelines for determining the number of judges, court officials, and employees, maintaining records of judges, organizing training programs, and advancing the information system within the courts, among other duties. Financial, administrative, IT, analytical, and other tasks in accordance with the Law are performed by the Secretariat of the Judicial Council. The Secretariat's internal structure, the allocation of state officials and employees, and the definition of their responsibilities are governed by the act concerning internal organization and job classification. This act is issued by the Judicial Council, upon the recommendation of the Secretariat's Secretary, and with the input from the Ministry of Justice and relevant authorities, in accordance with the law that outlines the rights and obligations of state officials and employees.

The Law on Centre for Training in the Judiciary and State Prosecution Service ("Official Gazette of Montenegro," No. 58/15) regulates the activities of the Training Center as an independent institution responsible for organizing initial and in-service trainings and educational activities for judges, state prosecutors, judicial advisors, officials, and trainees in courts and state prosecution offices.

The Law on Civil Servants and Employees ("Official Gazette of Montenegro," No. 2/18, 34/19 i 8/21) regulates the categorization of job positions and titles of state officials and employees, process of employment and filling job positions, human resource management, rights, obligations, responsibilities, and protection of the rights of state officials and employees, as well as other matters of significance for the realization of their rights and obligations. A government body, as defined by this law, includes ministries and other administrative bodies, the office of the President of Montenegro, the Parliament of Montenegro, the Government of Montenegro, the Constitutional Court of Montenegro, courts, and the state prosecution offices. Therefore, this law applies to the rights and responsibilities of administrative personnel employed within the judicial system of Montenegro.

The Law on Salaries in the Public Sector ("Official Gazette of Montenegro," No. 16/16, 83/16, 21/17, 42/17, 12/18, 39/18) regulates the manner of determining and enforcing the rights to wages, salary compensation, and other earnings of employees in the public sector, including those employed in the courts in Montenegro. In accordance with this law, the President of the Supreme Court falls under 'Group A' of positions that ensure the highest coefficients for salary calculation, including the President of Montenegro, the Prime Minister, the President of the Parliament, and the President of the Constitutional Court. This law also includes coefficients for calculating salaries for all judges in all courts in Montenegro.

2. STRATEGIC HUMAN RESOURCE MANAGEMENT (HRM) FRAMEWORK IN THE MONTENEGRIN JUDICIAL SYSTEM

The Montenegrin judicial system is actively pursuing modernization and efficiency improvements as part of its policy initiatives. As the country has taken significant steps to align its legal and institutional framework with international standards, the judicial system is under pressure to perform more efficiently and transparently. Central to this transformation is the concept of strategic human resource management which, when effectively implemented, has the potential to transform the entire spectrum of judicial operations. However, despite the theoretical acknowledgment of its importance, there seems to be a lack of tangible results in Montenegro so far in this field.

Judicial Reform Strategy 2019-2022, as the key strategic document in the justice sector of Montenegro, rightfully concludes that 'strategic objectives of Montenegrin judiciary can only be achieved through better human resource management, which includes improving the judicial management and administration system. For the judiciary to be efficient, it is necessary to comprehensively organize work and manage judicial administration'. However, so far, there haven't been observable effects or results from the implementation of strategic human resource management in the Montenegrin judicial system. This observation is not a critique of the intentions or efforts invested by key stakeholders in the justice system, but rather an indication of the complexities and challenges inherent in translating strategy into actionable results, which is a common issue in Montenegrin institutions. Introducing strategic human resource management represents a major shift. It's likely that the justice system is still adjusting and in the early phases of introducing this change. In environments with bureaucratic tendencies or traditionally conservative institutions that are slow to modernize, seeing noticeable changes in strategic decisions can be a gradual process.

The lack of a proactive approach by the Ministry of Justice in establishing a new strategic approach in to human resource management in the judiciary is concerning. Following the adoption of the Strategy for Management and Development of Human Resources in Judicial Institutions 2016-2018, a new strategic framework in this area has not been established yet. The Ministry's attempt to incorporate this area into the general Judicial Reform Strategy 2019-2022 did not yield the expected results, primarily because it contained very broadly defined goals without clear specific actions that need to be undertaken to improve human resource management in the judiciary. The Ministry of Justice is currently working on drafting a new Judicial Reform Strategy 2023 - 2027. In this context, it's crucial to address human resource management in the judiciary adequately and pay special attention to this area of judicial reforms. A new Strategy for Human Resource Management (HRM) in the Judiciary should take a comprehensive approach, tackling current challenges while also anticipating future needs to ensure the long-term sustainability of HRM practices. The responsibility for its implementation should be entrusted to the Judicial Council of Montenegro.

The new Strategy should provide answers to certain complex questions of strategic importance for the further development of the Montenegrin judicial system. The HRM Strategy should be based on a comprehensive situation analysis on current and projected personnel needs of the judiciary, including deep assessment on how personnel needs would respond to the current and future challenges the judiciary is expected to face. Furthermore, the Strategy must assess the necessity for a distinct employment regulation for staff in judicial administration, especially considering they currently adhere to the regulations governing state service employees.

3. EFFICIENCY IN THE MONTENEGRIN JUDICIARY: POLITICAL DECISION-MAKING FOR AN OPTIMAL COURT NETWORK

Throughout the EU negotiation process, Montenegro has been tasked with meeting key interim benchmarks (IBMs) outlined in Chapter 23. Among these pivotal IBMs, the rationalization of the judicial network takes center stage. The requirement is explicit: "Montenegro continues to implement the organization of the judicial network. Montenegro finalises a new needs analysis establishing the basis for adopting the next steps of the organization which should lead to closing down all unviable small courts". The rationalization of the court network stands as a core objective of judicial reform, predicated on the premises that: (a) an excessive number of courts exists in relation to the country's dimensions and population, and (b) the current court framework is financially unsustainable, demanding substantial structural investments. Despite this, progress has been scant in this domain. Regrettably, tangible measures leading to the closing of unviable small courts remain unimplemented. It appears that political elites (Ministers of Justice), both in governments prior to and subsequent to the change of power in 2020, are approaching this issue with caution. They seem to be aware that in the process of rationalizing the court network, they will inevitably have to make certain unpopular political decisions that may not sit well with their electorate.

In 2020, with the expert support of the EU, the Ministry of Justice conducted an Analysis on the need for rationalization of the court network. The analysis underscores that the reorganization of the judicial network is an integral part of reform processes in EU countries, citing examples from several countries that have undergone court merger processes (such as Belgium, Romania, Croatia, Slovakia, France...). The expert analysis draws conclusions on Montenegro's current situation, which can essentially be summarized as follows:

- a. Montenegro offers the second-highest number of geographical judicial locations per 100,000 inhabitants (4.03), following Croatia (4.89). Hence, an initial observation of the experts is to reduce the number of locations for basic courts to a certain European average of 1.6 per 100,000 inhabitants.
- b. Taking into account the need for court specialization, the analysis concludes that in certain small courts in Montenegro (Zabljak, Plav, Kolasin), there still exists an improved but existing imbalance between workload and staff, the necessity for specialization, and a larger number of employees. This should be addressed and achieved through the merging of the smallest courts, aiming to optimize resources.
- c. Taking into consideration the geographical context and deeming a distance of 60 km acceptable, while factoring in the court's size relative to the number of staff and workload as additional dimensions, with a primary focus on the smallest courts (whose merging would incur lower costs and primarily impact human resource management), the following solutions may be prioritized (larger courts are indicated in bold):
 - Merging of Zabljak and Pljevlja basic courts (distance 60 km),
 - Merging of Plav and Berane basic courts (distance 40 km),
 - Merging of Kolasin and Berane basic courts (distance 42 km),
 - Merging of Kolasin and Bijelo Polje basic courts (distance 48 km),
 - Merging of Danilovgrad and Podgorica basic courts (distance 17 km).
- d. The Analysis concludes that the optimization of courts should be achieved through further improvement in court leadership by the presidents of the courts, enhanced accountability and court management, and workforce allocation based on numerical data.

4. CHALLENGES AND PROSPECTS IN RECRUITING JUDGES IN MONTENEGRO

Judicial appointments and dismissals adhere to the provisions outlined in the Law on Judicial Council and Judges, wherein the Judicial Council (JC) assumes the responsibility for overseeing these processes. The implementation of a nationwide recruitment system for judges was formalized in 2015 through the enactment of judicial 'organic laws,' a significant step aimed at aligning the national legal framework with European standards under Chapter 23 of the EU accession negotiations. During the initial phase of the EU accession process, Montenegro pledged to establish a solid record of recruiting judges based on a transparent, nationwide, and merit-based system. This commitment also involved ensuring that aspiring judges undergo mandatory initial training at the Judicial Training Centre before their nomination, a requirement set by the interim benchmark for Chapter 23. The adoption of new legislation fulfilled the prerequisites for introducing the revamped judicial recruitment system.

The selection procedure for judges follows a structured approach. Initiated by the publication of a vacancy notice (JC website, daily newspapers, and in the Official Gazette of Montenegro), the recruitment procedure involves a written test (weighted at 80 points) followed by a personal interview (weighted at 20 points) conducted by the commission established by the JC. The selection process encompasses an assessment of professional accomplishments, experience, performance in the bar exam, work history, and assignment types, as well as personal attributes like motivation, communication skills, decision-making aptitude, conflict resolution ability, and comprehension of the judge's societal role. Eligibility for candidates requires a clean criminal record, medical fitness, and Montenegrin citizenship. The ranking list of judge candidates is formulated based on written test or bar exam scores and interview evaluations, with preference granted to higher scores in these categories. The JC's decision on judge appointments aligns with the number of advertised judge vacancies and is derived from the ranking list forwarded by the commission. Subsequently, successful candidates engage in a year-and-a-half (18 months) training period comprising theoretical courses organized by the Centre for Training in Courts and State Prosecution Office, as well as practical mentorship within a court setting (Basic Court of Podgorica). This training period is remunerated at 70% of a basic court judge's monthly salary. Post-training, the JC evaluates candidates' performance based on recommendations from the Training Centre. A satisfactory rating results in permanent tenure for the candidate-judge. Appointments by the JC, accompanied by justifications, are published in the Official Gazette of Montenegro. If disputed, JC's decision on appointments can be subject to an administrative dispute process.

The Judicial Council plans judicial vacancies in accordance with the 'Plan of Vacant Judge Positions', which is adopted at the national level, at the latest by the end of the calendar year, for the upcoming two years and should be subject to adjustments (if necessary). The purpose of this plan is to anticipate which judicial positions will need to be filled through promotion or the selection of new judges or judicial candidates, who undergo initial training before commencing their work as judges. In the process of planning vacant judicial positions, Judicial Council should ensure that the number of judges in Montenegro remains within the framework of the Decision on the number of judges in courts, which was adopted in 2015. This decision has been adopted and revised several times by the Judicial Council based on the framework work standards determined by the Ministry of Justice, and it stipulates following number of judicial posts in the Montenegrin Courts (table 1).

Table 1: Number of projected judicial and filled judicial positions in all courts in Montenegro

Court	Projected number of Judges	Actual number of judges working in the Courts
Supreme Court of Montenegro	19	16
Appellate Court of Montenegro	13	10
Administrative Court of Monte- negro	16	14
Commercial Court of Montenegro	19	14
High Court in Bijelo Polje	17	17
High Court in Podgorica	42	34
Basic Court in Bar	11	6
Basic Court in Berane	10	6
Basic Court in Bijelo Polje	12	10
Basic Court in Danilovgrad	4	2
Basic Court in Zabljak	2	1
Basic Court in Kolasin	3	2
Basic Court in Kotor	16	13
Basic Court in Niksic	16	9
Basic Court in Plav	3	2
Basic Court in Pljevlja	6	4
Basic Court in Podgorica	38	36
Basic Court in Rozaje	5	2
Basic Court in Ulcinj	6	5
Basic Court in Herceg Novi	6	4
Basic Court in Cetinje	5	5
Misdemeanour Court in Bijelo Polje	11	11
Misdemeanour Court in Podgorica	27	27
Misdemeanour Court in Budva	12	11
High Misdemeanour Court	7	4
TOTAL	326	265

The stipulated number of judges, as outlined in the Decision, has scarcely been realized to its full extent. Particularly evident in the past two years, there has been a notable decline in the number of judges within Montenegro's judicial institutions. Certain courts are functioning with notably reduced capacities, and it appears that the Judicial Council is encountering challenges in filling vacant judge positions through planning within an appropriate timeframe. In the table below, data on official projected number of judges and actual number of judges from the Annual Report of the Judicial Council for 2022 are presented. The information published in the Analysis on implementation of the Law on the Right to a Trial within a Reasonable Time

(Human Rights Action, 2023) raises concerns about the planning and filling of vacant judge positions in almost all courts. Human Rights Action's analysis underlines that out of 21 courts of general jurisdiction (Supreme Court, Appellate Court, Administrative Court, Commercial Court, two High Courts and 15 basic courts) - only 2 operate at full capacity, while the remaining 19 courts do not. The shortage of judges in these courts ranges from 1 to 5, and the occupancy rate of the judicial personnel varies from 40% (e.g. in the Basic Court Rozaje) to 93.7% (e.g. in the Basic Court Kotor). In 2022, out of 269 projected judicial positions in 21 courts of general jurisdiction, 212 positions are filled.

Nevertheless, it is essential to keep in mind that Montenegro still ranks among the top in Europe in terms of the number of judges relative to its population and significantly deviates from the European average. Montenegro still holds the second position in Europe for its number of judges per population, closely trailing Monaco. On average, Council of Europe member states have approximately 22.2 judges per 100,000 inhabitants. In contrast, Montenegro's figure was reported as 49.8 judges per 100,000 inhabitants in an assessment report by the European Commission for the Efficiency of Justice based on 2020 data for the 2022 evaluation cycle, although this number has since shown a decline in recent period.² Nonetheless, the reduction in the number of judges will have a detrimental impact on the workload and efficiency of the courts. It appears that the Judicial Council is not taking proactive measures to effectively plan for filling vacant judge positions. Recent information indicates that there are 35 vacant judge positions in basic courts, and the Judicial Council has not taken proactive steps to promptly address these vacancies.³ Only in the course of 2021 and 2022, the Judicial Council terminated the judicial function for 70 judges. It appears that the council has not put forth any mitigation measures to prevent the negative consequences resulting from the departure of nearly a quarter of the total projected number of judges.

¹ See more: https://www.hraction.org/wp-content/uploads/2023/07/HRA_Analiza-primjene-Zakona-o-zastiti-prava-na-sudjenje-urazumnom-roku.pdf

² See more: https://rm.coe.int/cepej-report-2020-22-e-web/1680a86279

³ See more: https://www.hraction.org/2023/08/02/sudski-savjet-ne-rjesava-problem-upraznjenih-mjesta-u-sudovima-gradani-trpe/

5. ASSESSING READINESS FOR INTRODUCING A NEW CONCEPT IN THE COURT ADMINISTRATION OF MONTENEGRO

The landscape of justice systems across the globe is undergoing a profound transformation due to technological advancements, shifting societal needs, and the pursuit of enhanced efficiency and equity. In this evolving context, the role of judicial administrators gains paramount importance as they endeavor to optimize court procedures. This involves ensuring a fair distribution of cases, overseeing the allocation of judges and support staff, and fostering seamless communication across various judicial units. According to the data provided in the Annual Report of the Judicial Council for the year 2022, there are currently 1393 employees working in the courts of Montenegro. Among them, 265 are judges, 195 are judicial advisors, while the remaining 933 employees constitute the administrative staff within the courts.

Court	Judicial advisors	Administrative/support staff
Supreme Court of Montenegro	14	21
Appellate Court of Montenegro	10	24
Administrative Court of Montenegro	13	25
Commercial Court of Montenegro	10	64
High Court in Bijelo Polje	11	39
High Court in Podgorica	35	76
Basic Court in Bar	6	45
Basic Court in Berane	5	39
Basic Court in Bijelo Polje	7	44
Basic Court in Danilovgrad	2	15
Basic Court in Zabljak	1	8
Basic Court in Kolasin	1	11
Basic Court in Kotor	8	42
Basic Court in Niksic	8	50
Basic Court in Plav	1	13
Basic Court in Pljevlja	3	23
Basic Court in Podgorica	25	115
Basic Court in Rozaje	2	16
Basic Court in Ulcinj	3	19
Basic Court in Herceg Novi	3	28
Basic Court in Cetinje	3	18
Misdemeanour Court in Bijelo Polje	4	39
Misdemeanour Court in Podgorica	13	108
Misdemeanour Court in Budva	5	39
High Misdemeanour Court	2	12
TOTAL	195	933

ENHANCING HUMAN RESOURCES MANAGEMENT IN THE MONTENEGRIN COURT SYSTEM:

When assessing the introduction of a new model of judicial administration in Montenegro, a pivotal consideration lies in scrutinizing the regulatory framework that governs the judiciary. Notably, Montenegro lacks a distinct law dedicated to establishing and regulating the 'judicial administration' system. The legislative framework applicable to state administration employees is extended to personnel working within the courts. Regrettably, the current state of judicial administration in Montenegro falls short of affording this category of professionals the specific rights and responsibilities commensurate with their level of duties and responsibilities. In this context, a comprehensive evaluation of judicial administration in Montenegro is imperative, with a focus on refining the rights and duties of judicial administrators to align with the magnitude of their roles. By enhancing their position, Montenegro can effectively modernize its judicial administration and foster a more effective and equitable justice system.

6. INTEGRATION OF TECHNOLOGY IN HUMAN RESOURCE MANAGEMENT (HRM) IN THE JUDICIAL SYSTEM OF MONTENEGRO

Technological advancements have brought about revolutionary changes across various sectors of society, and this impact extends to the management of human resources within the judicial system. The incorporation of technology into Human Resource Management (HRM) is fundamentally altering the operational landscape of judicial institutions. It encompasses functions ranging from recruitment and training to performance evaluation and administrative procedures. In the context of Montenegro's path toward EU accession, specific interim benchmarks related to judicial system management have been outlined. These benchmarks encompass the development of a robust statistical capacity, aligned with the guidelines of the European Commission for the Efficiency of Justice (CEPEJ), which empowers Montenegro to monitor judge and court workloads and performance using the Judicial Information System (PRIS).

This system facilitates the measurement of critical parameters such as average case duration, clearance rates, pending case volumes, recovery rates, as well as the duration and costs of enforcement proceedings. Montenegro is expected not only to collect this data but also to conduct comprehensive analyses to identify backlog issues, instances of decision preparation delays, procedural bottlenecks, and the human and financial resources dedicated to resolving specific case types. Most importantly, Montenegro is expected to actively utilize this data as a managerial tool, taking timely and effective actions wherever necessary to optimize judicial proceedings and resource allocation.

In the realm of justice management, it's crucial to integrate several aspects with the judicial information system. For instance, evaluating the performance of judges, court advisors, and administrative staff relies on accurate statistical data. Moreover, determining the appropriate number of judges for each court should hinge on their effectiveness and efficiency in carrying out their responsibilities. However, when considering the utilization of the Judicial Information System for strategic workforce planning in Montenegro's judicial system, we're at an early stage. Progress has not been made yet in developing a new information system that could facilitate this process in a more structured manner. According to the findings of the EU Annual Report for 2022, the key strategic document in this area - Justice ICT Development Program 2021-2023, has not been put into practice. The EU report concludes, that 'the implementation of the ICT strategy and the 2021-2023 justice development programme are pending," underscoring the absence of sufficient ICT infrastructure and equipment in the judiciary.

7. Conclusion and recommendations

The enhancement of human resources management in the Montenegrin court system is a pivotal step towards achieving a more efficient and effective judiciary. The analysis has highlighted several key areas that require focused attention and strategic reforms. By implementing a comprehensive approach that includes rationalizing the court network, optimizing staffing levels, embracing technology, and aligning HR practices with European standards, Montenegro can create a more streamlined, accountable, and capable judicial system.

The challenges ahead are substantial, including the need for comprehensive legislative changes, political commitment, and adequate resources. However, the potential benefits are equally significant – a judiciary that delivers timely, fair, and high-quality justice to its citizens. The synergy between HR management reforms, modern technology integration, and strategic planning will pave the way for a judicial system that not only meets European standards but also plays a vital role in Montenegro's EU accession process. As Montenegro moves forward on its path towards EU integration, the transformation of its court system's HR management practices will serve as a cornerstone in building a more transparent, efficient, and just society for its citizens.

Policy recommendations for the Ministry of Justice:

- Recommendation MoJ 1: Instead of subsuming HRM under the umbrella of a general Judicial Reform Strategy, a dedicated Strategy for Human Resource Management in the Judiciary 2024-2025 should be created. The strategy should span a two-year period, ensuring agility, adaptability, and timely revisions based on on-ground feedback. Recognizing the significance of HRM in judicial reforms and the limitations of its current approach, this recommendation seeks to guide the Ministry of Justice in shaping its new policy direction on HRM in judiciary.
- Recommendation MoJ 2: The 2020 Analysis on the need for rationalization of the court network, adopted by the Ministry of Justice in October 2020, must lay the groundwork for executing specific measures in the court rationalization process in Montenegro. The Ministry of Justice should promptly initiate the implementation of the activities outlined in this document. This step holds immense significance for Montenegro in meeting a crucial interim benchmark in Chapter 23 and embarking on the modernization and optimization of the judicial system's operations. The political decisions related to the 'priority options' for the closure of unsustainable courts and their merger with larger neighbouring courts, as recommended by this analysis, must be promptly executed, devoid of further delays and political considerations.
- Recommendation MoJ 3: The Ministry of Justice should initiate the preparation of a new strategic document for the development of the judicial information system and ensure its full implementation in the upcoming period. Concrete actions are necessary to replace PRIS with a new IT system in the judiciary, which will ensure full data confidentiality and systematic analysis for the purpose of managing human and financial resources in the judicial system. The integration of technology in human resource management and financial management is not only a response to contemporary demands but also an investment in the future of the judicial system in Montenegro.

Policy recommendations for the Judicial Council of Montenegro:

• Recommendation JC 1: The Judicial Council must promptly conduct a comprehensive analysis to determine the necessity for adopting a new decision on the number of judges in the courts of Montenegro. This decision should be founded on sustainable human resource planning, encompassing based on criteria such as caseload, complexity of cases, workload of courts, efficiency targets, and the need to ensure timely and fair justice delivery. Additionally, factors like population size of local communities, geographical distribution, specialized court requirements, and the overall legal framework should also be duly considered. The aim of the Council's new approach to planning of judicial positions is to allocate resources effectively, optimize court operations, and maintain the quality of justice services. The Judicial Council's capacity for modern judicial post planning should be enhanced, drawing insights from the best practices observed among EU member states.

Policy recommendation to the Government and the Parliament of Montenegro:

• Recommendation: Considering that judicial administration entails a set of distinct responsibilities that are pivotal for the efficient functioning of the judicial system, Montenegro should seriously consider introducing a separate law - the Law on Judicial Administration to more comprehensively regulate the rights and responsibilities of judicial personnel at all levels. It would also involve provisions for the management and coordination of various administrative tasks within the courts, from case assignment to resource allocation, personnel supervision, and infrastructure maintenance.

