



FROM CHALLENGES TO SOLUTIONS

IMPROVING THE WORK OF THE CONSTITUTIONAL COURT OF MONTENEGRO

STUDY



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INTRODUCTION

The Constitutional Court of Montenegro plays a crucial role in safeguarding constitutionality, human rights, and the legal order of the state. Its competences include deciding on constitutional complaints, reviewing the constitutionality and legality of general legal acts, adjudicating electoral disputes, and other matters. Although the Court was reformed through the 2013 constitutional amendments with the aim of strengthening judicial independence, the past twelve years have not yielded substantial progress in enhancing its institutional autonomy and authority. Despite its significance, the Constitutional Court continues to face numerous challenges that affect its independence, efficiency, and the public's trust in its work.

During the period of the previous government, the Constitutional Court was recognized for its closed and passive stance toward important socio-political issues that required a more proactive approach. Nevertheless, during that time the Court operated regularly, without major disruptions. The first serious problems in its functioning became evident between 2020 and 2023, when political consensus within the Parliament on the appointment of new judges to vacant positions could not be reached. As a result, the Constitutional Court was left without a quorum for holding sessions for a period of six months - creating an unprecedented institutional deadlock that jeopardized Montenegro's EU accession negotiations.

Following the election of four new judges in 2023, the Constitutional Court returned to regular functioning; however, systemic problems continue to undermine its effectiveness. Prolonged operation in an incomplete composition generated a substantial backlog of cases which the Court is still struggling to address. An additional crisis emerged following the Parliament's decision at the end of 2024 to declare the termination of the mandate of one judge on the grounds that, according to the interpretation of the governing majority, she had met the statutory conditions for retirement. This decision triggered political tensions and months-long parliamentary blockade lasting nearly four months, further complicating the functioning and decision-making of the Constitutional Court.

This study examines the current challenges faced by the Constitutional Court of Montenegro, with a particular focus on its autonomy and operational effectiveness. Special attention is devoted to the political influence on the appointment and termination of judicial mandates, as well as to mechanisms that could improve the Court's performance. By analyzing data on the Court's case-load in the period 2016–2024, the study identifies shortcomings in the Court's existing practices across different types of proceedings. In addition to the functional analysis, the study provides concrete recommendations for improving the legal framework, including strengthening the autonomy of the Constitutional Court, reducing political influence in the judicial appointment process, enhancing the Court's efficiency, reinforcing its institutional capacity, and increasing its transparency.

1. THE ROLE AND INSTITUTIONAL SIGNIFICANCE OF THE CONSTITUTIONAL COURT OF MONTENEGRO – PRESUMED AND ACTUAL DIMENSIONS

The Constitutional Court of Montenegro represents the most important institution for the protection of constitutionality and legality, as well as human rights and fundamental freedoms. As the “guardian of the Constitution,” its primary mission is to ensure the consistent respect and application of constitutional norms, thereby guaranteeing legal certainty and the stable functioning of democratic institutions. This role is particularly pronounced in contemporary legal systems, where the need for protection against unconstitutional conduct, abuses of power, and violations of fundamental rights has become increasingly evident.

In addition, the Constitutional Court plays a key role in safeguarding the constitutional order, especially in the context of the challenges Montenegro faces in the process of European integration and the overall democratization of society. As the most advanced EU candidate country in accession negotiations, Montenegro must continuously demonstrate a high degree of commitment to the rule of law and the effective functioning of its core democratic institutions, among which the Constitutional Court holds a central position in ensuring the overall stability of the political system.

The Constitutional Court performs a particularly important function of oversight over the legislative, executive, and judicial branches, thereby ensuring a balance among the branches of government. In this way, the Court acts as a corrective mechanism, ensuring that decisions are made in accordance with the fundamental principles of the constitutional order. One of its key responsibilities is the protection of human rights and fundamental freedoms. The Constitution of Montenegro guarantees a broad spectrum of rights, further strengthened through international treaties and conventions by which Montenegro has committed itself to respecting international human-rights standards. The Constitutional Court is often the final instance for individuals who believe their rights have been violated, offering protection after all available legal remedies before the ordinary courts have been exhausted. The decisions of the Constitutional Court are final and binding, meaning that state institutions and courts must act in accordance with them.

A Constitutional Court established with such foundations of strong institutional authority should be the backbone of constitutional protection, human-rights guarantees, and democratic development in Montenegro. However, for a considerable period of time, the Constitutional Court has been unable to overcome the persistent influence of political interference, which continuously undermines its institutional strengthening and full autonomy of action. Decisions such as the one from December 2024 - whereby the Parliament assumed the competence of the Constitutional Court and declared the termination of a judge’s mandate - or the recurring inability to reach political agreement on judicial appointments, resulting in frequent operational blockages, have jeopardised the autonomy of the Constitutional Court and, regrettably, decreased its efficiency and timeliness in addressing key constitutional matters. Furthermore, the selection of Constitutional Court judges has often been guided by political considerations rather than exclusively professional criteria, which further erodes public trust in the Court’s impartiality. Additionally, insufficient transparency

in the Court's work and communication with citizens leaves room for speculation regarding political influence on its decisions, further compromising the integrity and authority of the institution.

In such circumstances, the Constitutional Court of Montenegro cannot fully assert itself as an independent guarantor of constitutionality and the protection of human rights, but instead often becomes the subject of political maneuvering and misuse. It is no coincidence that, for several consecutive years, political disputes in Montenegro have centered around who will hold greater influence over the work and functioning of the Constitutional Court and by what means. Political actors - both former and current - have used, and continue to use, all available mechanisms to exert influence over the Court's autonomy. They recognize the significance of the Constitutional Court's role within Montenegro's socio-political system and do not hesitate to undertake political actions that ultimately serve to weaken the institutional authority of this body. Unless the prevailing political culture and the attitude of key political actors toward the Constitutional Court change, the institution will continue to serve as an arena for attempts to assert political dominance over the legal and political system. In this struggle, neither the President nor the judges of the Constitutional Court may become participants. Their responses to attempts by political parties to influence them or the institution must be clear and publicly articulated. Only in this way can all judges of the Constitutional Court preserve their personal and professional integrity, as well as the institutional authority of the Court itself.

2. INSTITUTIONAL INDEPENDENCE OF THE CONSTITUTIONAL COURT OF MONTENEGRO

The institutional independence of the Constitutional Court of Montenegro represents a fundamental precondition for the effective protection of constitutionality, human rights, and legal certainty in the state. Although the Constitution and laws formally guarantee its autonomy, in practice the Court often faces political influences that affect its work and decision-making. This chapter of the study analyses the key aspects of the institutional independence of the Constitutional Court of Montenegro, with a focus on the legal framework and its competences, the process of appointment and termination of mandates of Constitutional Court judges, and the financial - i.e., budgetary - independence of the Court.

2.1 LEGAL FRAMEWORK AND EXERCISE OF CONSTITUTIONAL COURT'S COMPETENCES

The Constitutional Court was established by the Constitution of Montenegro as a *sui generis* institution, separate from the other branches of government, with a key role in safeguarding constitutionality, legality, the constitutional order, and fundamental human rights and freedoms. Article 11 of the Constitution of Montenegro provides that the Constitutional Court protects constitutionality and legality, thereby distinguishing this institution through its primary competence - namely, the protection and preservation of the fundamental principles upon which state authority is based. Article 149 of the Constitution of Montenegro defines the following nine competences of the Constitutional Court:

- deciding on the conformity of laws with the Constitution and with ratified and published international treaties;
- deciding on the conformity of other regulations and general acts with the Constitution and the law;
- deciding on constitutional complaints concerning violations of human rights and freedoms guaranteed by the Constitution, after the exhaustion of all effective legal remedies;
- deciding whether the President of Montenegro has violated the Constitution;
- deciding on conflicts of competences among courts and other state bodies, between state bodies and bodies of local self-government, and among bodies of local self-government;
- deciding on the prohibition of the work of a political party or non-governmental organisation;
- deciding on electoral disputes and disputes related to referenda that do not fall within the jurisdiction of other courts;
- deciding on the conformity with the Constitution of measures and actions taken by state authorities during a state of war or a state of emergency;
- performing other tasks established by the Constitution.

Although the formal competences of the Constitutional Court are clearly defined, practice shows that their implementation often encounters various challenges. One of the competences listed in

Article 149 concerns the Court's duty to monitor the state of constitutionality and legality. Pursuant to this constitutional provision, the Constitutional Court is obliged to inform the Parliament of Montenegro of any identified instances of unconstitutionality or unlawfulness. However, there is no publicly available information indicating that the Constitutional Court has, through the direct application of this constitutional provision, proactively alerted the Assembly of Montenegro to occurrences of unconstitutionality or unlawfulness.¹

When it comes to initiating proceedings for the review of constitutionality and legality, the Constitution of Montenegro adopts a relatively broad formulation, providing that any person may submit an initiative to institute proceedings for such review. With respect to the authorized proposers of initiatives for the review of constitutionality and legality, proceedings before the Constitutional Court may be initiated by a court, a state authority, a body of local self-government, and five Members of the Assembly. The Constitutional Court may also initiate proceedings *ex officio*.

Article 151 of the Constitution provides that the Constitutional Court decides by a majority vote of all judges. Decisions of the Constitutional Court are published and are binding and enforceable. The enforcement of decisions of the Constitutional Court, when necessary, is ensured by the Government. In accordance with the Constitution, the Constitutional Court decides on constitutional complaints in a panel composed of three judges. The panel may decide only unanimously and in its full composition. If unanimity cannot be reached within the panel, the constitutional complaint shall be decided by the Constitutional Court sitting as a full bench, by a majority vote of all judges. The Law on the Constitutional Court of Montenegro², adopted in 2015, further elaborates the constitutional provisions that establish the Court. The Law regulates the status of the Constitutional Court; the procedure for determining proposals for the election of judges of the Constitutional Court of Montenegro; the termination and dismissal of judges; the organization of the Court; the procedure before the Court; the legal effect of its decisions; and other matters relevant to the functioning of the Constitutional Court.

The Law explicitly proclaims the principles of institutional independence and autonomy of the Constitutional Court, which - both normatively and functionally - is an institution separate from the legislative, executive, and judicial branches of government. Article 2 of the Law on the Constitutional Court stipulates that the Constitutional Court decides independently and autonomously on matters within its competence as determined by the Constitution, and that no one may influence the Court in the exercise of its jurisdiction. This provision clearly defines the principle of the Court's institutional autonomy, ensuring its impartiality and protection from external influence or pressure. Independence in decision-making implies that the Court acts solely in accordance with the Constitution and the law, without interference from other state authorities, political actors, social groups, or individuals. Nevertheless, in practice, questions frequently arise concerning the actual degree of independence of the Constitutional Court - particularly in the context of the appointment and dismissal of judges, or the extent of the Court's financial autonomy vis-à-vis the executive branch - which may pose challenges to the full realization of its functional autonomy.

Article 3 of the Law on the Constitutional Court further elaborates the constitutional principle that the decisions of the Court are binding and enforceable by providing that everyone must respect

1 See more: <https://www.vijesti.me/vijesti/drustvo/749214/cdt-ustavni-sud-deset-godina-ignorise-ustav-i-zakon>

2 ("Official Gazette of Montenegro", No. 011/15 dated 12.03.2015, 055/19 dated 27.09.2019, 092/25 dated 07.08.2025)

the decisions of the Constitutional Court. The Law also stipulates that the positions (legal views) expressed in the Court's decisions on specific issues are binding on all state authorities, state administration bodies, bodies of local self-government, legal entities, and other subjects exercising public authority. This is particularly important vis-à-vis the Court's competence to decide on constitutional complaints after the exhaustion of all effective legal remedies. Accordingly, this provision of the Law must not be viewed in isolation from Article 77, which prescribes that when the Constitutional Court annuls an individual legal act and remands the case for reconsideration, the competent authority must immediately - and no later than 30 days from the receipt of the decision - take the case into consideration, with the obligation to respect the legal reasoning of the Constitutional Court expressed in that decision.

The application of this provision has attracted significant attention from the professional public, particularly in the context of analyzing the relationship between the Constitutional Court and the Supreme Court of Montenegro in proceedings initiated by constitutional complaints. The most recent example of renewed institutional tension between the Constitutional Court and the Supreme Court occurred in April 2025, when the Constitutional Court, through a public statement, informed the public that it had "established that the Supreme Court has no authority to dismiss actions for a fair trial on the grounds of abuse of rights," adding that the decisions of the Supreme Court had been annulled and remanded for reconsideration.³ This announcement prompted a strong reaction from the Supreme Court. In a public response, the President of the Supreme Court, Valentina Pavličić, expressed surprise at the manner in which the Constitutional Court had addressed the Supreme Court, stating that issuing unilateral statements and calling on the Supreme Court "to refrain from arbitrary conclusions in specific cases" departs from the expected standard of institutional restraint and legal soundness, thereby creating, in her words, "the impression of sensationalist communication." The President of the Supreme Court emphasized that the state of the rule of law in Montenegro depends on the relationship between the Constitutional Court and the Supreme Court, noting that while relations between these courts may be tense in modern democracies, they must, in essence, remain cooperative and oriented towards the best interest of citizens, especially considering that the Supreme Court, as the highest court in the country, is the only judicial body authorized to interpret and apply the law at the national level.⁴ In light of the often-uncoordinated institutional conduct and communication between the Constitutional Court and the Supreme Court of Montenegro, there is a clear need for a thorough reassessment of the mechanisms for implementing the decisions of the Constitutional Court, as well as for strengthening institutional coordination between the two courts. A lack of alignment and efficient cooperation may deepen the crisis in their institutional relations, which could negatively affect legal certainty and the overall stability of Montenegro's legal system. It is therefore important to develop clearer procedures and mechanisms for mutual communication and information exchange, to ensure that the decisions of the Constitutional Court are consistently and promptly implemented.

Transparency of the Constitutional Court represents a key element of its functioning, as it enables citizens to have insight into its work and reinforces public confidence in the institution. Article 4 of the Law on the Constitutional Court establishes the principle of publicity as one of the core principles governing the Court's operation. Publicity of work is ensured through several means: publish-

3 See more: <http://www.ustavnisud.me/ustavnisud/objava/blog/7/objava/193-ustavni-sud-crne-gore-utvr-dio-da-vrhovni-sud-nema-pravo-da-odbacuje-tuzbe-za-pravicno-suenje-zbog-zloupotrebe-prava>

4 See more: Supreme Court response: 'The level of rule of law depends on the dialogue between the Supreme and Constitutional Courts', available at: <https://sudovi.me/vrhs/sadrzaj/5jy8>

ing decisions of the Constitutional Court, publishing announcements of sessions on the Court's website, holding public hearings in proceedings before the Court, organizing press conferences, and other similar measures. The Law provides that the Constitutional Court may exclude the public only for the protection of national security interests, public order and morals in a democratic society, as well as for the protection of the interests of minors and the privacy of participants in the proceedings. Exclusion of the public does not apply to the parties to the proceedings and their authorized representatives. Judges are prohibited from publicly expressing their opinion on issues that are the subject of proceedings before the Constitutional Court.

The principle of publicity in the work of the Constitutional Court is further elaborated in the Rules of Procedure of the Constitutional Court, which, in Article 7, sets out additional forms of implementing this principle. The Rules of Procedure provide that, beyond the mechanisms prescribed by the Law, the publicity of the Court's work is ensured through: the presence of media representatives at sessions of the Constitutional Court and at public hearings, except where grounds exist for excluding the public; the publication of the Court's case law and other significant information on the Court's website; the publication of collections of important decisions and rulings of the Court; the publication of other materials regarding the activities of the Court and the development of constitutional adjudication in Montenegro; the issuance of press releases; the organization of press conferences; and other appropriate means. The Rules of Procedure also elaborate and introduce an additional basis for excluding the public, namely during sessions for deliberation and voting, as well as during professional meetings of judges. Furthermore, the Rules of Procedure prohibit the disclosure of information concerning the reporting judge or adviser to whom a case has been assigned, as well as information relating to decision-making in the case. It also prohibits providing information on the content of draft decisions or rulings of the Constitutional Court. The Rules stipulate that it is not permitted to disclose the content of adopted decisions or rulings in constitutional-complaint proceedings prior to their delivery to the parties to the proceedings or their publication in the Official Gazette of Montenegro.

Although notable improvements have been made regarding the overall transparency of the Constitutional Court's work, certain aspects of transparency were not at a satisfactory level in the previous period. For example, the OSCE/ODIHR election observation mission, in its report on the most recent Assembly elections (June 2023), noted that the Constitutional Court decided cases in closed sessions without the presence of the parties, adding that it did not deliver its decisions to the parties and that it published only limited information regarding the outcomes of electoral-complaint proceedings. To enhance transparency and accountability, OSCE/ODIHR recommended legislative amendments that would explicitly require the Constitutional Court to publish all complaints submitted in the context of electoral-dispute and referendum-related proceedings, as well as all corresponding decisions, on its website, and to ensure their timely delivery to the parties.⁵ Furthermore, despite the self-assessment by Court leadership concerning improved timeliness in line with the Court's Backlog Reduction Plan, this document has not been made public, making it impossible to confirm with certainty the extent of improved efficiency or the Court's genuine strategic commitment to resolving pending cases. The criteria governing the order of case resolution, as well as the methods used by the Court to determine priority cases, remain unknown. If the Plan has indeed been adopted, it should be made public and the broader community informed of how the Court intends to resolve longstanding cases, particularly those older than three years.

5 See more: https://www.osce.org/files/f/documents/4/9/560256_1.pdf

2.2 ELECTION OF JUDGES OF THE CONSTITUTIONAL COURT OF MONTENEGRO – HOW TO ACHIEVE A SUSTAINABLE SYSTEM?

The procedure for appointing judges is one of the key elements shaping the perception of independence and institutional authority of constitutional courts. When establishing such courts, it is essential to determine who may become a judge of the Constitutional Court and through what process. These questions consist of two components: the first relates to the eligibility criteria for appointments, and the second concerns the procedure by which judges are selected. The eligibility requirements for becoming a judge of the Constitutional Court play a crucial role in ensuring the quality, independence, and professional competence of the institution. Clearly defined criteria for the appointment of judges help secure the sustainable and high-quality functioning of the Court. Meeting the prescribed requirements ensures that Constitutional Court judges are capable, independent, and sufficiently qualified to resolve complex constitutional and legal issues that may have far-reaching consequences for the legal system and society as a whole. The second important component concerns the manner in which an individual becomes a judge, i.e. the procedural steps required for the appointment. The judicial appointment process is fundamentally important, as it guarantees transparency, fairness, and institutional independence, and ensures that judges are selected based on their expertise, integrity, and competence. In the following paragraphs, the study presents how the process of appointing judges of the Constitutional Court of Montenegro has been regulated through the constitutional arrangements of 2007 and 2013.

The Constitution of Montenegro adopted in 2007 prescribed that the Constitutional Court consists of seven judges appointed for a term of nine years, with the possibility of reappointment. As for the eligibility criteria, the 2007 Constitution specified that a person may be appointed as a judge of the Constitutional Court if he or she is a distinguished legal expert with at least 15 years of professional experience. With respect to the appointment procedure, the 2007 Constitution provided that judges of the Constitutional Court were elected by the Assembly, upon the proposal of the President of Montenegro, by a majority vote of all Members of the Assembly. The fundamental principles of judicial appointment defined in the 2007 Constitution exhibited clear shortcomings, primarily reflected in the direct political influence embedded in the appointment process. This was recognized by the Venice Commission, which, in its 2012 opinion, reiterated that a system in which all judges are elected by the Assembly upon the proposal of the President “does not ensure a balanced composition of the Court,” adding that the election of all judges by the Assembly should require at least a qualified majority.⁶

Constitutional reforms were undertaken in 2013 under strong influence from the European Union (EU), which made the reduction of political influence in the appointment procedures for key judicial institutions - including judges of the Constitutional Court - one of the essential conditions for opening Montenegro’s accession negotiations with the EU in Chapters 23 and 24. The 2013 constitutional amendments, developed through a consultative process with the Venice Commission and the European Commission, introduced formal guarantees aimed at reducing political influence over the appointment of judges of the Constitutional Court. These guarantees remain in force today and, in terms of alignment with international and European standards, represent a significant improvement compared to the initial 2007 constitutional framework. The 2013 amendments provide that judges of the Constitutional Court are elected and dismissed by the Assembly,

6 See more: [https://www.coe.int/en/web/venice-commission/-/CDL-AD\(2012\)024-e](https://www.coe.int/en/web/venice-commission/-/CDL-AD(2012)024-e)

whereby two judges are elected on the proposal of the President of Montenegro and five judges on the proposal of the competent working body of the Assembly, following a public call conducted by the proposers. The amendments also introduced a new model of judicial tenure for judges of the Constitutional Court of Montenegro. In line with recommendations of the Venice Commission, judges are appointed for a single 12-year term, which cannot be renewed. Upon the recommendation of the Venice Commission, the amendments further provided that the judges elect the President of the Constitutional Court from among themselves, for a term of three years. However, the key changes concerned the introduction of qualified majorities in the procedure for the appointment of Constitutional Court judges, aimed at fulfilling the Venice Commission's recommendation to limit direct political influence in the selection process. Instead of judges being elected by a majority vote of all Members of the Assembly, the amended constitutional provisions require that judges be elected by a qualified two-thirds majority (54 Members) in the first round of voting. As an unblocking mechanism, the amendments introduce the possibility of electing candidates in a second round by a three-fifths majority (49 Members) of the total number of Members of the Parliament of Montenegro. The intention behind these provisions was to ensure, through broad political agreement between the government and the opposition, the widest possible political legitimacy around the most qualified candidates for the Constitutional Court.

Shortly after the adoption of the amendments, in late December 2013, the Assembly of Montenegro elected seven new judges of the Constitutional Court by a qualified two-thirds majority, following an agreement between the government and the opposition.⁷ Despite the guarantees aimed at reducing political influence on the appointment of Constitutional Court judges introduced by the 2013 constitutional amendments, the Court operated between 2014 and 2020 under the dominant influence of the former ruling majority. During this period, the functioning of the Court was not at the center of public attention. The Court was widely perceived as closed and passive in relation to important socio-political issues that required a more proactive approach. Nonetheless, during this time, the Court operated regularly, without major disruptions to its work.

Difficulties in the functioning of the Constitutional Court re-emerged due to the inability of Parliament to reach political agreement on the appointment of new judges. Between 2020 and 2022, three judges of the Constitutional Court retired, followed by several unsuccessful public calls for the selection of new judges. It soon became evident that significant political calculations were shaping the appointment process. During this period alone, the Constitutional Committee of the Assembly issued four unsuccessful public calls for the election of judges of the Constitutional Court. Notably, both ruling and opposition parties resorted to various strategies to delay the selection process. During the first public call announced after the change of government in 2020, the first interviews with candidates were held more than nine months after the deadline for applications. Representatives of the ruling parties on at least one occasion refused to vote for any candidate, while opposition MPs contributed to delays by boycotting the work of the Assembly and its committees, including votes on candidates for the Constitutional Court.⁸

7 Miodrag Iličković, Milorad Gogić, Dragoljub Drašković, Mevlida Muratović, Hamdija Šarkinović (at the proposal of the Constitutional Committee) and Desanka Lopičić and Budimir Šćepanović (at the proposal of the President of Montenegro Filip Vujanović) were elected as judges of the Constitutional Court.

8 See more: <https://www.hraction.org/2022/09/19/hitno-izabrati-sudije-ustavnog-suda-blokada-onemogucava-zastitu-izbornih-prava-i-drugih-ljudskih-prava/>

It is particularly striking that Members of the Parliament were aware that, by September 2022, the Constitutional Court would face a complete institutional blockade, as the Court was operating with only four judges, and failure to elect at least one judge in July would lead to the loss of quorum once another judge retired. Nevertheless, at the end of July 2022, MPs voted on candidates from three separate public calls on the same day, and none of the 16 candidates received the required seven votes in the Constitutional Committee. As a result, the Constitutional Court lost its decision-making quorum in September 2022, triggering a total institutional paralysis. The absence of a quorum during the autumn of 2022 led to delays in the proclamation of election results for several municipalities where local elections were held in October of that year, including the Capital City Podgorica, where election results were proclaimed almost six months after the elections. In February 2023, the Assembly of Montenegro elected three judges of the Constitutional Court, thereby restoring the Court's ability to operate.

This unprecedented situation confirmed that political parties continue to hold the Constitutional Court as a hostage to their own partisan interests and calculations. It is therefore essential, in the period ahead, to identify sustainable mechanisms that will ensure that the Parliament conducts the procedure for appointing Constitutional Court judges with particular diligence. One possible proposal, which could influence political parties' awareness of the importance of ensuring the regular functioning of the Constitutional Court, is to introduce a constitutional obligation requiring the Assembly to elect judges of the Constitutional Court within specific deadlines. In the event of failure to elect judges within the prescribed timeframe - mirroring the solution contained in Article 92 of the Constitution of Montenegro - it could be provided that the Assembly shall be dissolved if, following the termination of the mandate of a Constitutional Court judge, it does not elect a new judge within the designated period.

At present, proceedings to fill four judicial vacancies at the Constitutional Court are ongoing. In the procedure before the Parliament, where in mid-October the Assembly's Constitutional Committee considered the election of two candidates nominated by the Committee and one candidate nominated by the President of Montenegro, none of the candidates received the required two-thirds majority in the first round of voting. In the procedure conducted by the President of Montenegro to fill the position that will become vacant in December 2025, a list of seven candidates meeting the eligibility criteria was established in late August. The President of Montenegro has not yet submitted a nomination to the Parliament. If no judges are elected by the end of December 2025, the Constitutional Court may once again face institutional paralysis, as the expiration of one judge's mandate would reduce the Court - just as in September 2022 - to only three judges, an insufficient number to hold sessions or adopt decisions.

2.3 TERMINATION OF JUDGES' MANDATES AND POLITICAL INFLUENCE ON THE CONSTITUTIONAL COURT OF MONTENEGRO - THE "ĐURANOVIĆ" CASE

In addition to the negative political influence on the process of appointing judges of the Constitutional Court - which caused the institutional blockade of the Court in 2022 - and in light of the overall concerning trends regarding the resolution of the Court's backlog of cases, the issue of the termination of judicial mandates due to alleged fulfilment of retirement conditions suddenly became the focus of domestic and international attention at the end of last year. After nearly five months without holding a single session (July–December 2024), the Constitutional Committee of

the Assembly of Montenegro decided, at its session of 13 December 2024, to consider whether three judges of the Constitutional Court had met the statutory conditions for acquiring the right to old-age retirement. This unexpected move by the newly elected Chair of the Constitutional Committee came as a surprise to many, given that it was widely expected that, following the appointment of its new Chair, the Constitutional Committee would immediately initiate the procedure for filling the vacant judicial position created by the retirement of one Constitutional Court judge earlier in 2024.

Only a few days after assuming the position of Chair of the Constitutional Committee, MP Božović (ZBCG) scheduled a session for 13 December 2024, at which the Committee, through the adoption of a conclusion, was to declare the termination of office of three Constitutional Court judges on the grounds that they had fulfilled the conditions for old-age retirement under the Law on Pension and Disability Insurance, based on a purported “notification from the President of the Constitutional Court.” After clear signs of unpreparedness and lack of coordination among members of the Constitutional Committee belonging to the ruling majority to adopt the proposed conclusion, the session was interrupted. Some representatives of the ruling majority even pointed out during the session that the meeting had been convened without adequate preparation and legal clarity. The session resumed on 17 December 2024 and concluded amid heightened political tensions with the adoption of a conclusion containing the following wording:

„At today’s 11th session, the Constitutional Committee, based on the Notification of the President of the Constitutional Court of Montenegro, Ref. No. Su.br. 962/24-1 of 11 December 2024, and applying Article 17, paragraph 2 of the Law on Amendments and Supplements to the Law on Pension and Disability Insurance (“Official Gazette of Montenegro” No. 125/23 of 31 December 2023), concluded that Judge Dragana Đuranović has fulfilled the requirements for old-age retirement.

Furthermore, the Constitutional Committee decided to announce a Public Call for the election of two judges of the Constitutional Court of Montenegro. The Public Call will be published in the daily newspaper Dan on 23 December 2024.

The Constitutional Committee concluded that the Notification of the President of the Constitutional Court of Montenegro, Ref. No. Su.br. 962/24-1 of 11 December 2024, be delivered to the President of Montenegro for informational purposes. “⁹

Shortly after the conclusion of the session of the Constitutional Committee, the President of the Assembly, Andrija Mandić, read aloud the conclusions adopted by the Committee, thereby declaring the termination of office of Constitutional Court Judge Dragana Đuranović. A few days after the termination of Judge Đuranović’s mandate was announced, on 23 December 2024, the Parliament published a public call for the election of two judges of the Constitutional Court, intended to fill the vacancies arising from the termination of office of Judge Gogić - whose mandate had been declared terminated earlier in 2024 - and Judge Đuranović, whose mandate was terminated through the disputed procedure conducted before the Assembly Committee.¹⁰

9 See more: <https://www.skupstina.me/me/clanci/odrzana-11-sjednica-ustavnog-odbora-2>

10 <https://www.skupstina.me/me/clanci/ustavni-odbor-javni-poziv-za-izbor-dvoje-sudija-ustavnog-suda>

The actions of the ruling-majority MPs triggered significant political tensions, resulting in months-long deadlock in the work of the Parliament. The opposition blocked the holding of an Assembly session in the second half of January of the current year, a session whose agenda included debate and adoption of the 2025 state budget. The budget was adopted only after the President of the Assembly issued a decision suspending opposition MPs from participating in the work of the Assembly for 15 days, enabling the ruling majority to proceed with the vote. A breakthrough in resolving the political crisis created by this parliamentary decision occurred through the mediation of the EU Ambassador to Montenegro, Olof B. Skoog, who succeeded in securing the support of the largest governing party (PES), as well as opposition parties (DPS, the European Alliance, and HGI), for the signing of a political agreement. Under this agreement, the participating political actors committed themselves to jointly submitting a request for an opinion from the Venice Commission. The political actors committed themselves, in mid-March 2025, to take all necessary steps to fully implement the forthcoming opinion of the Venice Commission at the earliest possible moment, and no later than 15 days following its delivery, as well as to suspend the ongoing procedure for the election of one judge of the Constitutional Court under the public call previously announced by the Constitutional Committee in December. The request for an opinion from the Venice Commission was submitted by the leader of PES and Prime Minister, Milojko Spajić. The text of the request was drafted jointly by one representative of the ruling majority and one representative of the opposition, as stipulated in the political agreement. Experts of the Venice Commission carried out a visit to Montenegro at the end of April, and the Commission's opinion was adopted at its next plenary session, held in mid-June 2025.

In this part of the study, it is essential to highlight several important elements related to this case. By usurping the competences of the Constitutional Court, Parliament gravely violated the principle of separation of powers, directly assuming the competencies vested exclusively in the Constitutional Court. The unilateral conclusion adopted by the Constitutional Committee - whereby this Assembly body entered into the merits of determining which legal act should apply in cases concerning the termination of office of Constitutional Court judges due to the fulfilment of retirement conditions - constitutes a clear example of direct constitutional violation and political interference in the work of the Constitutional Court, thereby seriously endangering the constitutional order and the rule of law in Montenegro. Namely, according to our assessment, the Constitutional Committee, as the competent working body of the Assembly responsible for conducting the public-call procedure and proposing candidates for judges of the Constitutional Court of Montenegro, does not possess the competence to determine whether the statutory conditions for the termination of judicial office due to old-age retirement have been fulfilled.

In addition to undermining the autonomy of the Constitutional Court, by adopting the conclusion declaring that Judge Đuranović had met the statutory conditions for retirement, the Constitutional Committee disregarded the procedure prescribed by Article 154 paragraph 3 of the Constitution of Montenegro, as well as Article 7 paragraph 2 of the Law on the Constitutional Court of Montenegro. These provisions stipulate that it is the Constitutional Court which, at a session, determines whether the conditions for termination of office of its judges due to fulfilment of retirement requirements have been met, and informs the Assembly or the President of Montenegro six months prior to the occurrence of such conditions. In assessing whether Judge Đuranović met the retirement conditions, the Constitutional Court, at its session held on 27 June 2024, decided that the conditions for termination of her office had not been met pursuant to the Law on Pension and Disability Insurance. The Court consistently maintained the interpretation that the Labor Law applies to judges of the Constitutional Court when assessing retirement eligibility, which has been

the uniform approach in all previous cases.¹¹

By conducting an unconstitutional procedure, the Assembly of Montenegro effectively removed from the Constitutional Court a judge whose mandate, pursuant to the Labor Law, was due to expire in December 2025. In doing so, the actors involved in the process of reconfiguring the composition of the Constitutional Court achieved a key objective within a broader cycle of institutional change. According to information obtained during the preparation of this study, the termination of Judge Đuranović's judicial office altered the internal balance of power within the Constitutional Court, as she clearly belonged to the majority bloc of judges formed prior to the "deliberately induced crisis." At the same time, the actions of the Chair of the Constitutional Committee of the Assembly of Montenegro can be viewed as part of a broader political context in which the institutional status of several judges was being intensively reconsidered. In this regard, it has increasingly been suggested that the aim of this "operation" was to create conditions for filling a larger number of judicial positions, thereby opening space for redefining the composition of the Constitutional Court in line with the political interests of the parliamentary majority. It appears that the initial plan was to remove from the decision-making process of the Constitutional Court the two judges elected on the proposal of the former President during the period of DPS governance (Lopičić and Šćepanović), as well as Judge Đuranović, who had stated during her interview for the position of Constitutional Court judge that she possessed a DPS membership card (which did not prevent her from being supported by 75 out of 81 MPs during the 2023 vote in the Parliament). Ultimately, through a compromise solution, only Judge Đuranović was removed - her being the only one among the three in question who had been elected from the "quota" of judges who, under the Constitution, are appointed on the proposal of the Constitutional Committee. As for Judge Šćepanović, a few days later the President of Montenegro, on the basis of information adopted at a session of the Constitutional Court and following the procedure defined by the Constitution, published a public call for the election of his successor, given that his mandate will, in accordance with the Labor Law, expire at the end of May 2025.

2.3.1 OPINION OF THE VENICE COMMISSION

In the opinion of the Venice Commission¹², adopted at the plenary session of this Council of Europe body in mid-June 2025, it is stated at the outset that it is not within the mandate of the Commission to interpret national constitutional provisions, as such interpretation falls exclusively within the competence of the Constitutional Court itself. Accordingly, the Commission assessed the retirement and termination of mandates of the judges of the Constitutional Court of Montenegro in light of European and international standards and through a comparative analysis of the legislation and practice of other states.

11 Announcement from the session of the Constitutional Court of 27.06.2024: "The Constitutional Court of Montenegro decided by a majority vote (2:4) that the conditions for notifying the proposer about the fulfillment of the conditions for acquiring the old-age pension of judges of the Constitutional Court were not met, due to the majority position on the application of the Labor Law, and not the Law on Pension and Disability Insurance", available at: [https://www.ustavnisud.me/ustavnisud/skladiste/blog_2/objava_209/fajlovi/Saop%C5%A1tenje%20sa%20XV%20sjednice%20USCG\(2\).pdf](https://www.ustavnisud.me/ustavnisud/skladiste/blog_2/objava_209/fajlovi/Saop%C5%A1tenje%20sa%20XV%20sjednice%20USCG(2).pdf)

12 See more: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2025\)029-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2025)029-e)

In its opinion, the Venice Commission takes the position that security of tenure of Constitutional Court judges constitutes an essential guarantee of their independence. Irreplaceableness (the impossibility of being removed arbitrarily) exists to protect Constitutional Court judges from the influence of the current political majority. According to the Commission's observations, it would be unacceptable for each new government to be able to replace existing judges with those of its own choosing. Concerning the issue at the core of this Opinion, the Commission emphasizes that the retirement age for judges must be clearly established in legislation, adding that any doubt or ambiguity must be avoided, and that the authority deciding on retirement must not have discretionary power (that is, the ability to decide arbitrarily). The Commission concludes that "the absence of clear provisions could be used as a means of exerting pressure on a judge."

With respect to the strict application of constitutional provisions, the Commission stresses that the decision of the Constitutional Court itself on whether grounds exist for the premature termination of a judge's mandate is an important element that ensures the organizational autonomy and independence of the Court, as it prevents any improper external interference. The exercise of this competence by the Court is particularly important in cases where the existence of grounds for premature termination of office is not obvious and may be open to differing interpretations. The Venice Commission further emphasizes that preserving the functioning of democratic institutions represents a paramount state interest: both political and institutional blockages, whether by the Assembly or by the Constitutional Court itself, must be prevented in the process of appointing judges and ensuring the continuity of the Court's composition.

Emphasizing the importance of Article 154 of the Constitution of Montenegro, the Venice Commission notes that the Constitutional Court is required, in proceedings concerning the premature termination of a judge's mandate due to the fulfilment of retirement conditions, to undertake two actions: first, to determine at its session that the conditions for retirement have been met; and second, to notify the nominating authority that proposed that judge of the fulfilment of these conditions six months before they materialize. In doing so, the Venice Commission indirectly indicated that, in the case of Judge Đuranović, the constitutionally prescribed procedure - requiring the Constitutional Court to determine at its session whether the judge in question fulfils the conditions for retirement - was not respected, which, according to the Commission, is "an important element ensuring the organizational autonomy and independence of the Constitutional Court."

The Venice Commission recommended that the retirement age for judges of the Constitutional Court be clearly regulated by law, as the imprecision of existing provisions has led to the current disagreements and legal uncertainty. In addition to adopting a clear legal framework regarding the retirement age of Constitutional Court judges - so as to avoid any ambiguity, the Commission proposed considering the introduction of a simplified, automatic mechanism for notifying judges of the Constitutional Court about the fulfilment of retirement conditions. In its opinion, the Venice Commission recalls its previous recommendation that a provision should be adopted allowing a judge of the Constitutional Court to continue performing judicial duties until a newly appointed judge assumes office, in order to avoid situations in which judicial positions remain vacant because new judges have not yet been elected. Finally, the Opinion recommends expanding the rules on recusal of judges of the Constitutional Court in cases of conflict of interest, with full respect for procedural guarantees and while preserving the functional capacity of the Court.

2.3.2 DRAFT AMENDMENTS TO THE LAW ON THE CONSTITUTIONAL COURT

Based on the recommendations of the Venice Commission, the Ministry of Justice, with several months of delay, initiated the process of preparing a draft law amending the Law on the Constitutional Court in September 2025. In October, the Ministry completed the preparation of the draft and informed the public through an official statement¹³. The statement noted that the Ministry of Justice, in accordance with the recommendations of the Venice Commission, had prepared the Draft Law on Amendments to the Law on the Constitutional Court, in which “all four recommendations of the Venice Commission have been fully incorporated.” The Ministry explained that the draft amendments propose the following solutions:

- clearly defining the retirement age for judges of the Constitutional Court;
- introducing a simplified mechanism for notifying judges of the fulfilment of retirement conditions;
- enabling a judge to continue performing judicial duties until a newly elected judge assumes office, in order to avoid institutional blockages;
- considering the expansion of rules on the recusal of judges in cases of conflict of interest, with full respect for procedural guarantees and without hindering the functioning of the Court.

The Ministry also stated that work would soon begin on the preparation of an entirely new Law on the Constitutional Court. It is noteworthy that, according to the Ministry’s announcement, MP Darko Dragović (PES) participated in the work of the drafting group, while the statement did not specify whether opposition representatives took part in preparing the draft - despite this being part of the political agreement between the government and the opposition prior to submitting the request for the Venice Commission’s Opinion. It is expected that the Parliament will consider the proposed legislative amendments in the shortest possible timeframe.

2.4 BUDGETARY (IN)DEPENDENCE OF THE CONSTITUTIONAL COURT OF MONTENEGRO

Regarding the basic principles governing the work of the Constitutional Court, Article 5 of the Law on the Constitutional Court provides that the funds for the work of the Constitutional Court are secured from the budget of Montenegro and that the Court independently manages these funds. Principles of financial management defined in this manner are of fundamental importance for ensuring the full financial autonomy of the Constitutional Court, which is essential for its functionality and independence. Financial autonomy enables the Constitutional Court to operate without external political or institutional influence, as it independently decides how to allocate the funds necessary for its regular functioning. At a theoretical level, adherence to the principle of financial autonomy reduces the risk of potential political pressure on the Court, preventing the executive or legislative branches from using control over budgetary resources as a tool for exerting improper influence over the Court’s work.

However, in practice, the implementation of the principle of financial autonomy faces numerous obstacles and challenges. These challenges are particularly evident in relation to the role of the

13 See more: <https://www.gov.me/clanak/nacrt-izmjena-i-dopuna-zakona-o-ustavnom-sudu>

Constitutional Court in the budget-planning process. The Constitutional Court has never actively participated in the formation of its own budget. Like most judicial institutions, it has consistently been compelled to operate within financial limits defined by the executive branch (the Ministry of Finance). According to one former judge of the Constitutional Court, the process of determining the financial resources for the Court's work was far from transparent, as key budgetary decisions were often made by "narrow political cabinets and structures," rather than by the Court itself based on its own needs. When disagreements or misunderstandings arose regarding the amount or allocation of funds for the Constitutional Court, judges had no effective mechanism to defend the institutional independence of their Court, nor did they make use of institutional channels, such as direct advocacy of the Court's needs before the Assembly of Montenegro. Moreover, the former judge stated that financial autonomy could never be fully realized because it was, in a way, compromised by the fact that some former, as well as certain current judges of the Constitutional Court, were more concerned with "resolving their personal issues, such as loans or housing matters," than with advocating for the financial needs of the institution.¹⁴ Such an approach not only undermined the financial autonomy of the Constitutional Court, but also led to serious concerns regarding the individual independence of its judges, thereby damaging the image and authority of this institution.

Tabel: Budget of the Constitutional Court of Montenegro (2016–2025)

Year	Budget (EUR in mil.)
2016.	1,18
2017.	1,09
2018.	1,13
2019.	1,12
2020.	1,22
2021.	0,90
2022.	0,90
2023.	1,30
2024.	1,29
2025.	1,36

The total budget of the Constitutional Court of Montenegro for 2025 amounts to €1.36 million. The largest portion of the budget - 83.77% - is allocated to the salaries of judges and staff (€1.12 million). An additional item labelled "other personal income," which includes severance pay, jubilee awards, and similar allowances, accounts for another 4.04% of the budget. Consequently, the total amount for personal compensation and allowances reaches nearly 88%, indicating a strong personnel-oriented focus of the budget. However, items related to the functional and developmental capacities of the institution - such as IT support expenditures, represent only a very

¹⁴ According to available information, out of the seven judges of the Constitutional Court elected in 2013, as many as five received apartments or favorable loans from the Government of Montenegro. See more: <https://www.vijesti.me/vijesti/politika/381595/vlada-stanovima-podmirila-sudije-ustavnog-suda>

small portion of the total budget. From this, it can be concluded that the Constitutional Court, in the budget planning process, does not devote sufficient attention to investments in digitalization, training, logistics, and institutional development, which are key factors for enhancing the efficiency of its work.

While it is understandable that salaries constitute the backbone of expenditures for any judicial institution, the high concentration of the budget on personnel costs, coupled with relatively low allocations for operational and infrastructural needs, points to a structural imbalance in the Constitutional Court's budget planning. To improve the overall budget of the Constitutional Court, discussions should be initiated with representatives of the executive and legislative branches regarding the introduction of a new budget concept for the Court, whereby the institution would be guaranteed a fixed percentage of the overall judiciary and state prosecution budget, for example. To enhance the functional capacity of the Constitutional Court, it is recommended to plan for a significantly higher allocation of funds for IT development, professional training, and legal analytics, and to consider the possibility of program-based budgeting that would more clearly link budgetary items to the Court's functional objectives. Such an approach would enable the Constitutional Court not only to maintain its core capacity but also to actively strengthen its institutional role and visibility.

Strengthening the capacities of the Constitutional Court is one of the key institutional priorities for the Court in the coming period. The Constitutional Court currently employs 32 individuals out of a total of 55 established positions (59% of the Court's total capacity). Therefore, 23 positions within the Constitutional Court remain vacant. The shortage of staff is particularly evident in the Department for Normative Review of Constitutionality, which employs only three constitutional advisors, while the Department for Constitutional Appeals has a head and 10 constitutional advisors.¹⁵ In the coming period, the Constitutional Court must initiate an institutional dialogue with the executive branch regarding the need to strengthen administrative capacities and to create a greater degree of autonomy in relation to the executive authority concerning the hiring of its own personnel. Under current regulations, employees of the Constitutional Court undergo hiring procedures defined by the Law on Civil Servants and Employees. In this regard, it is advisable that the Constitutional Court be granted a privileged position in terms of employing its own staff, modeled on the status enjoyed by the Parliament of Montenegro under the same law. For example, the Parliament is exempt from the obligation to obtain confirmation from the Ministry of Finance regarding secured financial resources before deciding to initiate a recruitment procedure. Similarly, with respect to publishing internal and public job announcements, the Constitutional Court should have the ability to publish them independently, rather than through the administrative body responsible for human resources management, as is currently stipulated by law - since the current system directly undermines the Court's operational autonomy. The same principle should apply to the procedures for compiling the list of candidates who meet the job requirements, the formation of the commission that evaluates the candidates' qualifications, the establishment of the final candidate list, and the decision-making process for selecting candidates.

15 See more: [https://www.ustavnisud.me/ustavnisud/skladiste/blog_2/objava_155/fajlovi/SLU%C5%BD-BA%20USTAVNOG%20SUDA\(3\).pdf](https://www.ustavnisud.me/ustavnisud/skladiste/blog_2/objava_155/fajlovi/SLU%C5%BD-BA%20USTAVNOG%20SUDA(3).pdf)

3. CHALLENGES TO THE EFFICIENCY OF THE CONSTITUTIONAL COURT OF MONTENEGRO: INSTITUTIONAL STABILITY AND PROTECTION OF CONSTITUTIONALITY

The Constitutional Court of Montenegro plays a key role in preserving the rule of law and the constitutional order through the review of the constitutionality of laws and the protection of fundamental human rights. However, in recent years, its efficiency has faced a range of structural and staffing challenges, which directly affect legal certainty and citizens' trust in the institution. One of the greatest challenges is the question of institutional stability – the Constitutional Court of Montenegro has repeatedly experienced operational blockages due to a lack of judges. Such situations have prevented the Court from deciding on a large number of cases, including those concerning constitutional complaints. The significant backlog, particularly in constitutional complaints related to the protection of fundamental human rights, highlights the need to improve the organizational capacities of the Court. Overall, enhancing the efficiency of the Constitutional Court of Montenegro requires ensuring a full complement of judges, guaranteeing independence from political influence, continuously improving internal organization, and strengthening public perception of the Court as a neutral guardian of the constitutional order. For the purposes of this report, CeMI analyzed the overall efficiency trends of the Constitutional Court from 2016 to 2024, focusing on the annual case resolution dynamics, trends in addressing backlogs, and procedures in constitutional complaints, with particular attention to the most common violations of Convention rights in the Court's practice.

3.1 OVERALL TRENDS IN CASE RESOLUTION AT THE CONSTITUTIONAL COURT OF MONTENEGRO

The current composition of the Constitutional Court, under new leadership in mid-2024, faced a significant backlog issue that had burdened the Court's operations for an extended period. At the end of 2023, the Court had a total of 2,501 pending cases, of which 2,181 (87%) were constitutional complaints, and 320 cases pertained to abstract review of constitutionality.¹⁶ This backlog was an alarming indicator, prompting the Court to intensify efforts to resolve pending cases, especially considering that by the end of 2023 there were over 600 cases older than three years, including some normative review procedures dating back to 2016 and 2017.

To assess overall trends in case resolution at the Constitutional Court, this study analyzed aspects related to the inflow of cases and the yearly resolution dynamics for the period 2016–2024. Regarding case inflow, in the first two years analyzed (2016–2017), the Court experienced a stable inflow of around 1,000 cases per year. During 2018–2019, there was a sudden increase in the

¹⁶ Procedures for assessing the compliance of laws with the Constitution and ratified and published international treaties; procedures for assessing the compliance of other regulations and general acts with the Constitution and law, and procedures for deciding on conflicts of jurisdiction.

number of incoming cases, averaging over 2,200 cases per year. According to the Court's explanations, one reason for this surge was the large number of constitutional complaints concerning the right to allowances for families with three or more children, which were granted under the Law on Social and Child Protection.¹⁷ Subsequently, during 2020–2024, the inflow of cases stabilized at approximately 1,500 cases per year.

When it comes to trends related to unresolved cases, although in certain years there is a decrease in unresolved cases overall, the number of unresolved cases in the Constitutional Court of Montenegro in the period 2016–2024 increased by 704 cases, which is a reason for concern. The largest increase in the number of unresolved cases was recorded in the period between 2018 and 2020, particularly due to a significant number of incoming cases as well as slower resolution dynamics. It is important to note that the number of cases resolved in the Constitutional Court ranges from around 1,200 to 1,650 per year. The Constitutional Court resolved the most cases during 2022, when a total of 1,651 cases were resolved. Overall, since 2020, there has been an increase in the efficiency of the Constitutional Court, because the number of resolved cases exceeds the number of received cases almost every year. According to statistical data, the Constitutional Court had the highest number of cases in progress in 2021. According to statistical data on the work of the Constitutional Court for 2021, the Court had a record 4,861 cases in progress that year.¹⁸

Table 1: Dynamics of resolving cases of the Constitutional Court in the period 2016-2024

Year	Number of pending cases at the beginning of the reporting period	Number of cases received	Number of resolved cases	Number of unresolved cases at the end of the reporting period
2016.	1606	988	1163	1431
2017.	1431	1039	1066	1404
2018.	1404	2291	1203	2492
2019.	2492	2231	1297	3426
2020.	3426	1456	1324	3558
2021.	3558	1344	1498	3363
2022.	3363	1107	1651	2886
2023.	2886	1256	1641	2501
2024.	2501	1381	1572	2310

When it comes to the rate of case resolution in relation to incoming cases, the Constitutional Court has, over the last nine years, mostly had a positive statistical indicator of resolved cases compared to received cases (see Table 2). However, it should be noted that in the period 2018–2020,

17 See more: Report on the work of the Constitutional Court for 2018: http://www.ustavnisud.me/ustavnisud/skladiste/blog_2/objava_92/fajlovi/Izvje%C5%A1taj%20o%20radu%20Ustavno%20suda%20Crne%20Gore%20u%202018%20godini.pdf

18 See more: http://www.ustavnisud.me/ustavnisud/skladiste/blog_2/objava_193/fajlovi/Statisti%C4%8D-ki%20podaci%20o%20radu%20Ustavnog%20suda%20za%202021%20godinu.pdf

the Court faced negative trends in case resolution due to the sudden influx of a larger number of cases. During 2018, there was an increase of 120% in incoming cases compared to 2017. These cases burdened the functioning of the Constitutional Court and produced consequences that the Court still faces today in terms of efficiency. The Constitutional Court ended 2024 with 2,310 unresolved cases, of which 1,941 were cases based on submitted constitutional complaints, 368 cases from the domain of abstract constitutional review, and one case related to electoral dispute adjudication.

Table 2: Percentage of resolved cases relation to received cases

Year	% resolved in relation to received cases
2016.	117,7%
2017.	102,6%
2018.	52,5%
2019.	58,1%
2020.	91,0%
2021.	111,5%
2022.	149,1%
2023.	130,6%
2024.	113,9%

In this regard, the Constitutional Court has, in recent months, intensified its efforts to reduce its backlog of cases. In the information submitted by the President of the Constitutional Court to the Prime Minister concerning the duration of proceedings before the Court in constitutional-complaint cases, it is stated that, in accordance with the conclusion of 27 June 2024 on resolving cases older than three years, the Constitutional Court issued decisions in almost 100% of such cases within a period of less than nine months. Accordingly, based on the official information shared by the Constitutional Court with the Government of Montenegro, the Court has succeeded in reducing its backlog to cases submitted in years 2022, 2023, and 2024.¹⁹ Nevertheless, certain data remain a cause for concern, particularly regarding the total number of pending constitutional-complaint cases (1,941) and cases within the jurisdiction of abstract constitutional review (368).

3.2 TRENDS IN RESOLVING CONSTITUTIONAL APPEALS IN THE PRACTICE OF THE CONSTITUTIONAL COURT OF MONTENEGRO

Proceedings in constitutional-complaint cases represent one of the most important competences of the Constitutional Court of Montenegro. Monitoring and analyzing trends in the resolution of constitutional complaints before the Constitutional Court is crucial for assessing the efficiency, accessibility, and effectiveness of this highest guarantor of constitutionality and human rights in

¹⁹ See more: <http://www.ustavnisud.me/ustavnisud/objava/blog/7/objava/187-informacija-vladi-crne-go-re-o-duzini-trajanja-postupaka-pred-ustavnim-sudom-po-ustavnim-zalbama>

the state. The constitutional complaint constitutes the final domestic remedy for the protection of fundamental rights and freedoms, and its effectiveness largely determines the overall quality of legal protection. An increase in the number of submitted complaints, the duration of proceedings, and the ratio between incoming and resolved cases reveal the Court's actual capacities to respond to citizens' needs. Inefficiency in this area may produce serious consequences both for individuals who are denied justice and for the state's international reputation, particularly in the context of compliance with the standards of the European Convention on Human Rights.

Under the Constitution of Montenegro, the Constitutional Court is entrusted with providing direct constitutional-judicial protection of human rights and freedoms through the mechanism of the constitutional complaint, which may be lodged following the exhaustion of all effective legal remedies. The importance of the constitutional complaint significantly increased after the European Court of Human Rights recognized it as an "effective remedy" in its judgment in *Siništaj and Others v. Montenegro* of 20 March 2015.

The procedure for deciding constitutional complaints is regulated by the Law on the Constitutional Court, which provides that a constitutional complaint may be submitted by any natural or legal person, organization, settlement, group of individuals, or other forms of association without legal personality, if they consider that a human right or freedom guaranteed by the Constitution has been violated by an individual act, action, or omission of a state authority, state administration body, local self-government or local administration body, legal entity, or another subject vested with public powers. A constitutional complaint may be submitted only after the exhaustion of other legal remedies available under the law. In the period from 2016 to 2024, more than 12,000 constitutional complaints were submitted to the Constitutional Court of Montenegro. According to available data, at the end of 2024 the Constitutional Court had a total of 1,941 unresolved constitutional complaints. Although this figure remains a cause for concern, it nevertheless represents significant progress compared with 2021, when the Court, at one point, had over 4,500 active constitutional-complaint cases.

Table 3: Received and resolved constitutional appeals in the period 2016-2024

Year	Number of constitutional appeals received	Number of constitutional appeals resolved	Total number of unresolved constitutional appeals at the end of the year
2016.	875	1055	1269
2017.	941	949	1261
2018.	2161	1068	2354
2019.	2154	1197	3311
2020.	1329	1264	3376
2021.	1220	1433	3122
2022.	1004	1613	2513
2023.	1161	1549	2181
2024.	1269	1509	1941

When analysing the number of identified violations in the context of resolving constitutional complaints, this indicator represents a key measure of the quality of human rights protection provided by the Constitutional Court. The number of constitutional complaints that result in a finding of a violation reflects not only the frequency of infringements of fundamental rights and freedoms, but also the extent to which the constitutional complaint functions as an effective corrective mechanism in practice. An analysis of the Constitutional Court's statistical reports for the period between 2016 and 2024 indicates that the Court upheld constitutional complaints and established a violation of one of the Convention rights in a total of 1,005 cases.

Table 4: Decisions on the adoption of a constitutional complaint in which a violation of convention rights was established

Year	Number of decisions in which violations of convention rights were found
2016.	34
2017.	83
2018.	76
2019.	88
2020.	86
2021.	133
2022.	124
2023.	178
2024.	203
Total	1005

According to the available data, the Constitutional Court of Montenegro established a violation of the right to a fair trial - guaranteed by Article 6 of the European Convention and Article 32 of the Constitution of Montenegro - in as many as 748 cases, representing 74% of all upheld constitutional complaints concerning violations of Convention rights. This figure unequivocally demonstrates that the right to a fair trial is under significant and systemic pressure, and that the institutions of the ordinary judiciary do not provide consistent and adequate protection of this right. However, it should also be emphasised that the Constitutional Court itself is not immune to breaches of fundamental rights, and that the efficiency and quality of its work are equally important as the substance of its decisions. Thus, although the number of upheld complaints may reflect the Court's "protective role," it must not obscure the fact that the Court itself must serve as a model in respecting human rights, including the right to a trial within a reasonable time.

The previous decade was, without exaggeration, marked by exceptionally slow proceedings in resolving constitutional complaints before the Constitutional Court of Montenegro. As a consequence of numerous factors that led to indefinite delays in the resolution of many complaints, the European Court of Human Rights delivered a judgment in *Siništaj v. Montenegro* (no. 31529/15)²⁰

20 Application No. 31529/15

in September 2021, in which, for the first time, it found a violation of Article 6 § 1 (right to a fair trial) of the European Convention due to the excessive length of proceedings before the Constitutional Court of Montenegro. In the case at hand, the proceedings before the Constitutional Court lasted more than four years. In its judgment, the European Court of Human Rights emphasised that the issues raised before the Constitutional Court were not exceptionally complex, nor did the potential impact of its decision extend beyond the individual case in a manner that could justify such delays - particularly considering that the ordinary courts required less than three years and one month to conduct the entire criminal proceedings involving seventeen defendants across three levels of jurisdiction.²¹

In accordance with the judgment in *Siništaj v. Montenegro*, the Government of Montenegro was obliged to prepare an Action Plan and submit it to the Committee of Ministers of the Council of Europe. In the latest revised version of the Action Plan, the Government Agent of Montenegro before the European Court of Human Rights presented the measures undertaken at the national level to implement the judgment. In addition to individual measures, which included the payment of just satisfaction within the deadline set by the judgment, Montenegro has implemented or is implementing several general measures aimed at providing a systemic response to the shortcomings identified in the case. This Action Plan reports a positive trend regarding the average duration of proceedings before the Constitutional Court: while in 2021 the average duration was 2 years and 5 months, by 2024 this had been reduced to 1 year and 11 months, indicating a clear improvement in the efficiency of the Court's work.²²

Finally, it should be emphasised that, in 2019, the Constitutional Court of Montenegro annulled Article 39 of the Law on the Constitutional Court, which had required the Court to decide every case within 18 months from the initiation of proceedings.²³ Notably, acting within its constitutionally defined competences, the Constitutional Court initiated the constitutionality review of this provision *ex officio* and determined that it was incompatible with the Constitution. Without entering into an assessment of the justification for this initiative - particularly the motives for removing a provision intended to protect citizens of Montenegro from judicial passivity and undue delays - it may be concluded, based on the findings of this analysis, that the Constitutional Court resorted to this decision in order to safeguard its institutional functioning in light of the increased influx of constitutional complaints during 2018 and 2019, coupled with the Court's practical inability to comply with the statutory deadlines. Nevertheless, this should not necessarily have led to the provision being declared unconstitutional, especially considering that, according to the Constitutional Court - which, in this case, acted *in its own cause* - the 18-month deadline "cannot be regarded as a reasonable time limit in constitutional-court proceedings." In order to enhance the effectiveness of legal protection and ensure respect for the right to a trial within a reasonable time before the Constitutional Court, it is recommended that the forthcoming amendments to the Law on the Constitutional Court once again prescribe a maximum

21 In mid-October last year, the European Court of Human Rights made another decision in the case *Alić and others v. Montenegro* (petition no. 38274/23), in which it pointed out the excessive length of the proceedings before the Constitutional Court of Montenegro, which also lasted over four years. In both verdicts, the European Court pointed out that the time it took the Constitutional Court to decide on the specific case was excessive and did not meet the requirement of a reasonable deadline.

22 See more: Communication from Montenegro concerning the case of *Siništaj v. Montenegro* (Application No. 31529/15) <https://rm.coe.int/0900001680b1ef11>

23 Decision U – I no. 2/19, from July 18, 2019

deadline within which the Court must decide in all types of proceedings before it, including both constitutional-complaint proceedings and proceedings within the framework of normative review.

3.3 TRENDS IN THE CONSTITUTIONAL COURT'S PRACTICE CONCERNING NORMATIVE REVIEW OF CONSTITUTIONALITY

One of the fundamental competences of the Constitutional Court is the review of the constitutionality and legality of general legal acts, commonly referred to as abstract or normative constitutional review. This function of the Constitutional Court plays an exceptionally important role in preserving the hierarchy of legal norms within Montenegro's legal system, ensuring the stability of the overall legal order, and safeguarding the constitutional principles defined by the Constitution. Unlike concrete review, which is initiated through a constitutional complaint in connection with an individual case, abstract review enables the Constitutional Court to examine, preventively or subsequently, the compatibility of laws and other regulations with the Constitution. Pursuant to the Constitution of Montenegro, the Constitutional Court is competent to decide on the conformity of laws with the Constitution and with ratified and published international treaties, as well as on the conformity of other regulations and general acts with the Constitution and the law.

Between 2016 and 2024, a total of 846 initiatives were submitted to the Constitutional Court of Montenegro in proceedings for the assessment of the conformity of laws with the Constitution and ratified and published international treaties, as well as in proceedings for the assessment of the conformity of other regulations and general acts with the Constitution and the law.

Table 5: Submitted initiatives for the assessment of constitutionality and legality in the period 2016-2024

Year	Procedures for assessing the compliance of laws with the Constitution and ratified and published international treaties	Procedures for assessing the compliance of other regulations and general acts with the Constitution and law	Total submitted
2016.	40	55	95
2017.	45	65	110
2018.	35	73	108
2019.	29	46	75
2020.	46	69	115
2021.	48	71	119
2022.	33	41	74
2023.	17	43	60
2024.	35	55	90
Total	328	518	846

Table 6: Resolved initiatives for the assessment of constitutionality and legality in the period 2016-2024

Year	Resolved procedures for assessing the compliance of laws with the Constitution and ratified and published international treaties	Resolved procedures for assessing the compliance of other regulations and general acts with the Constitution and law	Total resolved
2016.	41	66	107
2017.	45	65	110
2018.	39	64	103
2019.	26	80	106
2020.	13	38	51
2021.	16	39	55
2022.	8	27	35
2023.	9	18	27
2024.	12	28	40
Total	209	425	634

According to the statistical report submitted by the Constitutional Court to CeMI during the preparation of this study, the Court concluded 2024 with a total of 368 unresolved initiatives for the review of constitutionality and legality. Of these, 175 initiatives concerned proceedings for assessing the conformity of laws with the Constitution and ratified and published international treaties, while 193 initiatives related to proceedings for assessing the conformity of other regulations and general acts with the Constitution and the law. It is particularly important to highlight that, based on the available data, the Constitutional Court currently has 40 pending initiatives for the review of constitutionality and legality that are more than five years old. The following table presents the unresolved cases in these proceedings, categorised by the year in which the initiatives were submitted.

Table 7: Dynamics of decision-making by the Constitutional Court in electoral appeal proceedings in the period 2016-2024

Year	Procedures
2016.	15
2017.	6
2018.	16
2019.	0
2020.	4
2021.	3
2022.	27
2023.	31
2024.	21
Total	123

3.4 TRENDS IN THE CONSTITUTIONAL COURT'S DECISION-MAKING IN ELECTORAL DISPUTES

Decision-making in electoral disputes represents one of the most delicate and sensitive competences of the Constitutional Court, as it directly affects the legitimacy of electoral processes and the overall public trust in elections. Pursuant to Article 149 of the Constitution, the Constitutional Court of Montenegro is authorized to decide on electoral disputes and disputes related to referenda that do not fall within the jurisdiction of other courts. It should be emphasized that, in exercising this competence, the Constitutional Court effectively serves as the highest instance for the protection of the rights of citizens as holders of sovereignty, and as a guarantor that no authority may be established or recognized if it does not derive from their freely expressed will in democratic elections - one of the fundamental principles defined in the Basic Provisions of the Constitution of Montenegro. Thus, the Constitutional Court appears as the ultimate guarantor of the electoral will of the citizens and as an arbiter in situations that may produce serious political consequences. Furthermore, in applying this competence, the Constitutional Court ensures the consistent application of electoral legislation in accordance with the Constitution and international standards, thereby safeguarding the electoral rights of citizens (both the right to vote and the right to stand for election), as well as the principles of general, free, and fair elections. In doing so, the Constitutional Court functions not only as a corrective mechanism for potential irregularities, but also as a guardian of the integrity of the electoral system.

Table 8: Unresolved initiatives for the assessment of constitutionality and legality 2016-2024

Year	Unresolved procedures for assessing the compliance of laws with the Constitution and ratified and published international treaties	Unresolved procedures for assessing the compliance of other regulations and general acts with the Constitution and law	Total draw at the end of 2024
2016.	0	2	2
2017.	2	3	5
2018.	6	1	7
2019.	16	10	26
2020.	27	26	53
2021.	40	37	77
2022.	27	36	63
2023.	26	35	61
2024.	31	43	74
Total unresolved	175	193	368

Between 2016 and 2024, the Constitutional Court acted in total of 123 proceedings concerning electoral disputes. It is noteworthy that in recent years there has been significant political pressure on the Court's decision-making in this area, given that 79 electoral complaints - representing 64% of all received - were submitted during the period 2022–2024. According to the available data, the Constitutional Court concluded 2024 with one unresolved case within this jurisdiction. It is evident that this outstanding case concerns an electoral complaint regarding the outcome of the local elections in Kotor. Due to the Court's failure to act in this matter, the final election results for Kotor, where elections were held on 29 September 2024, have still not been proclaimed. Consequently, in early March 2025, the previous convocation of the Municipal Assembly of Kotor once again elected the former mayor, Vladimir Jokić (Democrats) - whose mandate had expired on 30 October 2024 - as President of the Municipality of Kotor, at a session of the local parliament convened under an expedited procedure. Following the holding of this session by a Municipal Assembly whose mandate had expired, the Ministry of Public Administration expressed serious concern, warning that the adoption of such decisions constitutes "a direct undermining of the democratic order and the principle of lawful functioning of local self-government."

4. CONCLUDING CONSIDERATIONS AND RECOMMENDATIONS

The Constitution of Montenegro and the relevant legislation proclaim the independence of the Constitutional Court as one of the pillars of the constitutional order. However, practice demonstrates that the processes of selecting and dismissing judges remain heavily influenced by political considerations, particularly through the decisive role of the Assembly of Montenegro and its competent Constitutional Committee. Such circumstances undermine the perception of the Constitutional Court's autonomy and, regrettably, have often amounted to political bargaining over the distribution of judicial positions, thereby compromising the Court's independence as well as public trust and the presumed authority of this institution.

In previous years, the Court's functioning with an incomplete composition, as well as the frequent obstruction of its work and decision-making, resulted in the Court being unable to exercise key elements of its jurisdiction. Particularly concerning is the recent case involving the termination of office of Constitutional Court judge Dragana Đuranović, in which the actions and decisions of the Assembly's Constitutional Committee exceeded the limits of institutional competence, further disrupting the balance between the legislative and constitutional-judicial branches. This situation calls for a thorough reconsideration of the constitutional and legal mechanisms intended to safeguard the autonomy of the Constitutional Court.

The Opinion of the Venice Commission, adopted in June 2025, provides detailed recommendations in this regard. The Ministry of Justice has initiated the preparation of draft amendments to the Law on the Constitutional Court that address the four elements set out in the Venice Commission's recommendations: clearly defining the age limit for the termination of office of Constitutional Court judges; introducing a simplified mechanism for notifying the fulfilment of retirement conditions; enabling a judge to continue performing judicial duties until the newly appointed judge assumes office, in order to prevent institutional blockages; and considering the expansion of recusal provisions in cases of conflicts of interest, with full respect for procedural guarantees and the unhindered functioning of the Court. These recommendations will soon be addressed by the Parliament of Montenegro, after which, according to information from the Ministry of Justice, work will begin on drafting a completely new Law on the Constitutional Court.

During the period from 2022 to 2023, the Constitutional Court of Montenegro faced an unprecedented months-long paralysis of its work due to the absence of a quorum, which rendered it unable to adjudicate any cases, including those of particular public importance, such as urgent constitutional appeals and electoral disputes. This institutional blockage exposed a serious vulnerability within the system, in which political disagreements and the inability to reach consensus on judicial appointments can lead to a complete standstill in the functioning of the highest body for the protection of constitutionality. Of particular concern is the fact that political actions - often driven by party interests - were prioritized over the need to preserve the functionality of the Constitutional Court, thereby directly undermining citizens' right to constitutional and legal protection. It remains to be seen what the outcome will be of the ongoing procedures to fill the vacant positions on the Constitutional Court. There is a serious risk that, should the Parliament fail to elect

the required judges, the Constitutional Court may again face institutional blockade at the end of December 2025, operating with only three out of its full complement of seven judges.

The Constitutional Court faces a significant backlog in case resolution, particularly in the area of constitutional appeals. In recent months, there has been notable progress in addressing this backlog, as the President of the Constitutional Court recently informed the Prime Minister of Montenegro. The Constitutional Court concluded 2024 with 1,941 unresolved constitutional appeals. Although this figure remains a cause for concern, it nonetheless represents substantial improvement compared to 2021, when the Court had, at one point, more than 4,500 active constitutional appeals. However, it is important to underline the specific risk of a new wave of mass constitutional appeals, similar to that seen in 2018 and 2019. Such a scenario would undoubtedly impose additional strain on the Court and could jeopardize its ability to adjudicate efficiently and in a timely manner. Should such overburdening occur, there is a real risk that the European Court of Human Rights might reconsider the effectiveness of the constitutional appeal in Montenegro, which could have serious consequences for the credibility of the country's legal system as a whole. For this reason, it is essential in the coming period to improve both the normative and organizational aspects of the Court's functioning, with a clear focus on preventing further backlog and ensuring timely action in priority cases, so that full procedural timeliness can be achieved within the next 24 months.

Although the budget of the Constitutional Court has increased in recent years, the institution remains part of the general administrative framework of the public administration system, meaning it continues to depend on the Ministry of Finance and the Human Resources Administration with respect to budgetary planning and staffing. This position limits the Court's actual institutional autonomy, particularly its ability to independently select and employ professional staff, which is essential for the effective and independent functioning of the institution. Such constraints call into question the capacity of the Constitutional Court to operate fully as an independent and autonomous constitutional authority. Therefore, it is necessary, without delay, to initiate dialogue with the executive and legislative branches with a view to establishing the fundamental conditions for the development of full functional autonomy of the Constitutional Court.

4.1 RECOMMENDATIONS

- Montenegro opened its EU accession negotiations by adopting constitutional amendments that established a new framework and procedure for appointing judges of the Constitutional Court. Given that it is evident that constitutional reforms in this area will not be undertaken prior to Montenegro's accession to the EU, and bearing in mind the recognized weaknesses in the current system of appointing judges of the Constitutional Court, it is necessary to initiate a public debate on a possible reform of the appointment procedure. The objective would be to reduce political influence and enhance the transparency of the process itself. Such a debate should include discussion on defining professional qualifications for candidates, mechanisms for verifying their integrity and experience, as well as strengthening the participatory role of the executive branch, the President of the State, and the broader legal community in the nomination and appointment process.
- Regarding the forthcoming revision of the Law on the Constitutional Court, expected in 2025, it is necessary to consider reinstating a provision that prescribes a maximum time limit for de-

ciding all types of cases before the Constitutional Court, including constitutional appeals and proceedings within the framework of abstract constitutional review. Based on existing practice, and taking into account available human and technical resources for handling various initiatives, it would be necessary to consider prescribing maximum deadlines within which the Constitutional Court must decide - for example, 18 months for submitted constitutional appeals and 12 months for submitted initiatives for the review of constitutionality and legality, and in urgent cases, such as electoral complaints, deadlines ranging from 24 to no more than 48 hours. Such time limits, particularly for constitutional appeals, would improve predictability and the effectiveness of legal protection before the Constitutional Court, preventing unnecessary delays that undermine the right to a fair procedure before the Court.

- The Constitutional Court should, more frequently and on its own initiative, initiate constitutional reviews of laws and regulations that have a broader societal impact. This is particularly relevant for acts that potentially violate human rights or introduce systemic discrimination. Furthermore, the Constitutional Court should demonstrate greater initiative in exercising the competence prescribed in Article 149 of the Constitution, according to which the Court monitors the state of constitutionality and legality and informs the Assembly of identified instances of unconstitutionality or illegality.
- Establishing institutional dialogue and coordination with the Supreme Court should be treated as one of the Constitutional Court's key priorities. There is a need for a thorough re-examination of the mechanisms for enforcing decisions of the Constitutional Court, as well as for strengthening institutional coordination between the Constitutional Court and the Supreme Court through the establishment of a formal framework for communication and exchange of views, in order to avoid legal inconsistencies and ensure consistent interpretation of constitutional and statutory norms in judicial practice.
- The Constitutional Court must have sufficient professional staff to effectively perform its constitutional functions. It is necessary to enable the Court to independently manage the processes of budgetary planning and recruitment of its personnel, free from administrative restrictions of the public administration system. Serious consideration should be given to amending the Law on Civil Servants and State Employees to grant the Constitutional Court a privileged status in relation to hiring its own staff, similar to the status currently afforded to the Assembly of Montenegro.
- Given that the budget of the Constitutional Court is predominantly directed toward covering salaries of employees, it is necessary to provide additional financial resources for the technical and digital modernization of the Court's operations. In addition to state support, consideration should be given to international assistance programs, such as EU pre-accession funds, which could serve as a basis for supporting the digitalization and modernization of the Court's work.
- In terms of transparency, the Court should regularly publish its decisions with concise reasoning, maintain open communication with citizens, and strengthen the digital accessibility of its activities, including through the modernization of its website and the public database of decisions. In line with OSCE/ODIHR recommendations, and to improve transparency and accountability, legislative amendments should establish an explicit obligation for the Constitutional Court to publish all electoral complaints and related decisions on its website and to

deliver them to the parties in a timely manner.

- To enhance transparency, accountability, and public trust in the Constitutional Court, it is recommended to establish a permanent mechanism for independent monitoring, involving actors outside the institution itself - representatives of civil society, the legal profession, academia, and independent media. Such a mechanism would allow for an objective and multidimensional evaluation of the Court's work, particularly regarding: transparency; efficiency in resolving cases (especially constitutional appeals); handling of sensitive matters (electoral disputes, minority rights, etc.); and analysis of the perceived independence and integrity of decision-making. The monitoring mechanism would operate within an informal platform or on an ad hoc basis, following a defined methodology with clear indicators. Through this mechanism, an annual report containing findings and recommendations for institutional development and improvement of the Constitutional Court's work would be published.

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