

# INTEGRITY

## IN ACTION

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Assessment Report on the Implementation of Anti-Corruption  
Measures for the Justice System - Judiciary Subsystem



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## **Integrity in Action:**

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for the Justice System- Judiciary Subsystem

June 2023

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## Introduction

The Judiciary Subsystem within the Justice System comprises 27 authorities, including 26 courts and the Judicial Council.<sup>1</sup>

The Methodology for Assessing the Implementation of Anti-Corruption Measures was submitted to the authorities on 8 November 2022, with a deadline for self-assessment of the fulfilment of the given criteria by 31 December 2022. This process involved entering the number of points in the table next to each indicator and submitting the means of verification for each indicator to the Agency. Authorities were given the opportunity to conduct a self-assessment of the fulfilment of the criteria through a specially designed application, [www.integritet.me](http://www.integritet.me), which was utilised by the Basic Court in Kolašin.

All authorities participated in the self-assessment and submitted the required means of verification, which formed the basis for the preparation of 27 individual reports. These reports follow the structure of the Methodology and, in addition to detailing the points awarded or deducted and summarising key findings for each indicator, also include tailored recommendations for the implementation of anti-corruption measures for each authority.

The Agency submitted the individual reports to the authorities for review and potential comments on 9 May 2023. A total of 14 courts responded, providing additional comments and, in some cases, supplementary documentation. The individual reports include detailed explanations, along with any necessary score adjustments or revised recommendations.

At the subsystem level, an overview of the total points achieved under each category, criterion, and indicator was provided in relation to the maximum score possible. The performance was then calculated and expressed as a percentage to highlight the areas where anti-corruption measures have been implemented and those requiring improvement.

The tables present data on the percentage of fulfilment for each individual indicator at the subsystem level, while the accompanying narrative section analyses the results by indicator. The report concludes with key findings and recommendations.

The ranking of authorities within the judiciary subsystem was determined based on the scores obtained across four common categories,<sup>2</sup> with the performance of each authority presented in Table 1.

The findings and recommendations of this report should guide decision-makers at the judicial level in identifying systemic shortcomings and determining the necessary responses, whether through the adoption, amendment, or implementation of regulations, the establishment or enhancement of oversight mechanisms, or other measures aimed at strengthening the integrity of government bodies.

Based on the report's findings, the Agency will be able to monitor the progress of anti-corruption measures, assess their effectiveness and relevance, and evaluate whether the identified shortcomings within the subsystem have been addressed.

1 Although the Constitutional Court is an independent body responsible for upholding constitutionality and legality rather than a part of the judiciary, for the purposes of the Methodology, it is classified within the judiciary system and the courts subsystem. This classification aligns with the approach used in KAS reports on the adoption and implementation of integrity plans.

2 A detailed overview is provided in Annex No. 1.

Table 1. Performance in the implementation of anti-corruption measures for the Judiciary

| No. | Name of public authority        | Total score | Performance (%) |
|-----|---------------------------------|-------------|-----------------|
| 1   | Supreme Court                   | 54.50       | 77.30%          |
| 2   | Basic Court Bijelo Polje        | 50.50       | 71.63%          |
| 3   | High Misdemeanour Court         | 49.50       | 70.21 %         |
| 4   | Administrative Court            | 49.50       | 70.21 %         |
| 5   | Basic Court Podgorica           | 49.50       | 70.21 %         |
| 6   | Court of Appeals                | 49          | 69.50%          |
| 7   | Basic Court Rožaje              | 49          | 69.50%          |
| 8   | Judicial Council                | 48.50       | 68.79%          |
| 9   | Basic Court Kolašin             | 47          | 66.67%          |
| 10  | Misdemeanour Court Podgorica    | 46.50       | 65.96%          |
| 11  | Commercial Court                | 45          | 63.83%          |
| 12  | High Court Bijelo Polje         | 44.50       | 63.12%          |
| 13  | High Court Podgorica            | 43.50       | 61.70%          |
| 14  | Misdemeanour Court Bijelo Polje | 42.50       | 60.28%          |
| 15  | Basic Court Cetinje             | 41          | 58.16%          |
| 16  | Basic Court Herceg Novi         | 39.50       | 56.03%          |
| 18  | Basic Court Plav                | 39.50       | 56.03%          |
| 19  | Constitutional Court            | 39          | 55.32%          |
| 20  | Basic Court Pljevlja            | 38.50       | 54.61 %         |
| 21  | Misdemeanour Court Budva        | 36          | 51.05%          |
| 22  | Basic Court Danilovgrad         | 33.50       | 47.52%          |
| 23  | Basic Court Berane              | 32          | 45.39%          |
| 24  | Basic Court Ulcinj              | 32          | 45.39%          |
| 25  | Basic Court Bar                 | 29          | 41.13%          |
| 26  | Basic Court Nikšić              | 27.50       | 39.01 %         |
| 27  | Basic Court Kotor               | 24.50       | 34.75%          |

## Key findings for the Justice system – Judiciary subsystem

Based on the analysis of data obtained from individual reports, authorities within the Judiciary Subsystem of the Justice System achieved a performance rate of **59.15%**. The performance by category is presented in Table 2.

Table 2. Performance by category

| Category                                                                         | Maximum score   | Actual Score | Performance (%) |
|----------------------------------------------------------------------------------|-----------------|--------------|-----------------|
| 1. Putting in place the assumptions for implementing anti-corruption legislation | 810             | 582          | 71.85%          |
| 2. Strengthening the institutional anti-corruption framework                     | 715.50          | 431          | 60.24%          |
| 3. Strengthening ethical culture                                                 | 378             | 237          | 62.70%          |
| 4. Deductible scores                                                             | -648            | -124         | 19.14%          |
| <b>TOTAL</b>                                                                     | <b>1,903.50</b> | <b>1,126</b> | <b>59.15%</b>   |

The highest performance was recorded in the implementation of measures related to corruption risk management, as required by the Law on the Prevention of Corruption<sup>3</sup>.

<sup>3</sup> ..... Official Gazette of Montenegro 53/2014, 42/2 017 and 73/2023

All authorities have appointed an Integrity Manager and a person responsible for receiving and acting upon whistleblower reports, developed an Integrity Plan, prepared a report on its implementation, and published these documents on their websites.

The weakest performance was observed in indicators concerning the designation of a person responsible for ethics and integrity, the publication of information granted through access requests, and the updating and publication of the risk register.

The application of the Methodology contributed to improving the implementation of anti-corruption measures. During the period from 8 November to 31 December 2022, when the Methodology was submitted, a total of 18 authorities within the Judiciary Subsystem adopted 109 documents, including internal rules and decisions, along with 12 decisions on the designation of persons responsible for implementing specific measures. In total, 121 activities were carried out, aimed at preventing corruption and strengthening ethics and integrity.<sup>4</sup>

The Podgorica Misdemeanour Court implemented the highest number of internal rules and activities related to corruption prevention, ethics, and integrity during this period, with a total of 10 measures. It was followed by the Rožaje Basic Court (9), Podgorica Basic Court (9), the High Misdemeanour Court of Montenegro (9), the Bijelo Polje Misdemeanour Court (9), the Kolašin Basic Court (8), the Bijelo Polje Basic Court (8), the Judicial Council (8), the Administrative Court (8), and the Supreme Court of Montenegro (8).

## Results of the Application of Anti-Corruption Measures by Category

### Category 1: Putting in Place the Assumptions for Implementing Anti-Corruption Legislation

Within this category, the implementation of anti-corruption measures was assessed based on three criteria and eleven indicators, as outlined by two key systemic laws: the Law on the Prevention of Corruption and the Law on Management and Internal Controls in the Public Sector.<sup>5</sup>

A very high performance of 96.03% was achieved in the application of fundamental mechanisms outlined in the Law on the Prevention of Corruption, while the weakest performance, 47.14%, was recorded in the area of establishing supervision and control of work processes.

| Category - criteria                                                                               | Maximum score | Actual score | Performance (%) |
|---------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| 1. Putting in place the assumptions for implementing anti-corruption legislation                  | 810           | 582          | 71.85%          |
| 1.1. Establishing an internal corruption risk management mechanism                                | 378           | 363          | 96.03 %         |
| 1.2. Establishing a mechanism for monitoring and controlling work processes                       | 297           | 140          | 47.14%          |
| 1.3. Establishing mechanisms for detecting and reporting corruption through whistleblower reports | 135           | 79           | 58.52%          |

<sup>4</sup> A detailed overview is provided in Annex No. 2.

<sup>5</sup> Official Gazette of Montenegro 75/2018

### **Criterion 1.1: Establish an internal corruption risk management mechanism**

The highest level of performance in the application of anti-corruption measures was achieved in this criterion, with a compliance rate of 96.03%. Nearly all authorities have met the obligations set out in the Law on the Prevention of Corruption, including the appointment of an integrity manager, the development and implementation of an integrity plan, and the completion of a questionnaire assessing the efficiency and effectiveness of the integrity plan. An example of good practice is that authorities have assessed risks in specific areas related to the exercise of their jurisdiction, such as the management of court proceedings and decision-making within the legal framework, the reception and dispatch of documents, court security, and the provision of free legal aid. Furthermore, most authorities have identified adequate measures in these areas to address the identified residual risks and eliminate them.

Shortcomings observed:

There are still authorities that are not familiar with the Agency's user manual regarding entering an Integrity Plan into the application available on the Agency's website.<sup>6</sup>

When identifying residual corruption risks, most authorities do not analyse all sources of risk (normative, organisational, personnel) but focus mainly on those related to the normative framework. It was also observed that the measures planned to prevent corruption risks were not commensurate with the identified risk. For example, for the identified residual risk "unintelligible and unclear regulations," the measure "informing about new anti-corruption regulations and designating a person to receive and act on whistleblower reports" was determined, which does not directly address the core issue.

| Criterion – indicators                                                                                                                                                                                                                                                    | Maximum score | Actual score | Performance (%) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>1.1. Establishing an internal corruption risk management mechanism</b>                                                                                                                                                                                                 | <b>378</b>    | <b>363</b>   | <b>96.03%</b>   |
| <b>1.1.1.</b> Integrity Manager designated                                                                                                                                                                                                                                | 27            | 27           | 100%            |
| <b>1.1.2.</b> Integrity Plan developed in accordance with the Law on Prevention of Corruption and the Rules for the Development and Implementation of an Integrity Plan:<br><br>Integrity Plan developed- <b>1 point</b>                                                  | 27            | 27           | 100%            |
| *If the adopted Integrity Plan is entered into the web-based application of the Agency for Prevention of Corruption, the authority receives <b>an additional 1 point</b>                                                                                                  | 27            | 27           | 100%            |
| **If the adopted Integrity Plan is entered into the application in compliance with the user manual, the authority receives <b>an additional 1 point</b> .                                                                                                                 | 27            | 24           | 88.89%          |
| ***If the Integrity Plan has been updated at least once in the previous two years, the authority receives <b>an additional 1 point</b> .                                                                                                                                  | 27            | 27           | 100%            |
| <b>1.1.3.</b> The Integrity Plan, in addition to general risk areas, also contains specific risk areas.<br>a) one specific risk area- <b>1 point</b><br>b) two specific risk areas- <b>2 points</b><br>c) three or more specific risk areas- <b>3 points</b>              | 81            | 79           | 97.53%          |
| <b>1.1.4.</b> A report on the implementation of the Integrity Plan for the previous year has been prepared and submitted to the Agency by 15 April of the current year:<br>a) in printed form- <b>1 point</b><br>a) through the web-based application- <b>2 points</b>    | 81            | 75           | 92.59%          |
| <b>1.1.5.</b> A questionnaire for assessing the efficiency and effectiveness of the Integrity Plan over the past two years has been completed and submitted to the Agency:<br>a) in printed form- <b>1 point</b><br>b) through the web-based application- <b>2 points</b> | 81            | 77           | 95.06%          |

<sup>6</sup> <http://integritet.antikorupcija.me/wo/#/login>

### Indicator 1.1.1: Integrity Manager designated

This indicator was met by all authorities in the Judiciary subsystem, achieving full compliance with a **100% performance rate**. Based on this, it can be concluded that this measure from the Law on the Prevention of Corruption has been fully implemented within the aforementioned subsystem.

### Indicator 1.1.2: Integrity Plan developed

All authorities in the Judiciary subsystem have developed an Integrity Plan, entered it into the Agency's web application, and updated it at least once in the past two years, achieving a **100%** performance rate for this indicator. While the development of an Integrity Plan through the web-based application is not a legal obligation under the Law, it is prescribed by the Rules for the Development and Implementation of an Integrity Plan to assist authorities in conducting a high-quality corruption risk assessment and to enable the Agency to better monitor and analyse the developed Integrity Plans. It is therefore commendable that all authorities fully complied with this requirement.

A slightly lower performance rate (88.89%) was recorded in the application of the Agency's user instructions when entering the Integrity Plan into the system. The Basic Court of Bar, the Basic Court of Berane, and the Basic Court of Danilovgrad did not fully adhere to the Agency's user instructions during the entry process.

### Indicator 1.1.3: Specific risk areas in the Integrity Plan

The indicator relating to the content of the developed Integrity Plan also has a high implementation rate of 97.53%. Only two authorities assessed two specific areas in addition to the four general risk areas, while the remaining 25 assessed three or more specific areas in their Integrity Plans. The Integrity Plans of the Basic Court of Žabljak, the Basic Court of Rožaje, and the **Misdemeanour Court of Podgorica** contain the most specific areas.

Authorities generally identified the same or similar specific areas of risk, with the most common being the management of court proceedings and adjudication within the scope of legal jurisdiction, the reception and dispatch/delivery of documents, and court security. In addition to these, some authorities also assessed risks in the areas of public relations, free access to information, and free legal aid. It is positive that most authorities correctly identified residual risks in these areas.

For example, most authorities that assessed the area of receiving and sending/delivering documents recognised residual risks such as the untimely dispatch of court decisions and files, untimely and inaccurate entry of data into the PRIS, the publication of court decisions without prior anonymisation, and inadequate preservation of the court seal, register, and stamp.

As for measures to prevent these risks, some are defined in a way that allows for effective monitoring and directly addresses the identified risks, while others are formulated in an overly general manner. For instance, the measure "education of civil servants" is listed without specifying the area of training required, and the measure "improvement of existing spatial capacities" is included without clarifying whether it refers to rooms for storing documents or workspaces.

#### Indicator 1.1.4: Report on the implementation of the Integrity Plan prepared

A high-performance rate of 92.59% was also achieved in the preparation of reports on the implementation of the Integrity Plan. Two authorities prepared the report but did not submit it to the Agency within the deadline, while one authority failed to enter the report into the web-based application.

#### Indicator 1.1.5: Questionnaire for assessing the efficiency and effectiveness of Integrity Plans

In addition to being a legal obligation under Article 76 of the Law, the assessment of the efficiency and effectiveness of the Integrity Plan serves as an important tool for shaping future anti-corruption efforts, as it forms the basis for adopting a new Integrity Plan for the next two-year period. By responding to the questions prepared by the Agency, authorities evaluate the effectiveness of the measures outlined in their Integrity Plans in mitigating corruption risks. Given that the performance of this indicator stands at **95.06%**, it can be concluded that authorities, in terms of formal compliance, have recognised its significance.

### Criterion 1.2: Establish mechanisms for monitoring and controlling work processes

The aforementioned criterion evaluates the implementation of anti-corruption measures within the framework prescribed by the Law on Management and Internal Controls in the Public Sector, with a particular focus on internal audit, the development of a Risk Register, and the Book of Internal Procedures. Compared to the previous criterion, the implementation performance is significantly lower, standing at 47.14%.

Shortcomings observed:

All authorities in the Judiciary subsystem reported that internal audits are conducted by the Secretariat of the Judicial Council. However, no court submitted a report on the audits conducted, the recommendations issued, or a report on the implementation of those recommendations.

The Judicial Council provided the Agency with the Report of the Internal Audit Committee of the Secretariat of the Judicial Council for 2022, along with reports for two internal audits conducted within the Judiciary subsystem. However, the Secretariat of the Judicial Council did not submit a report on whether the given recommendations had been implemented.

| Criterion – indicators                                                                               | Maximum score | Actual score | Performance (%) |
|------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>1.2. Establishing a mechanism for monitoring and controlling work processes</b>                   | <b>297</b>    | <b>140</b>   | <b>47.14%</b>   |
| <b>1.2. 1.</b> Internal audit performed (audit report prepared) in the previous two years:           |               |              |                 |
| a) one- <b>1 point</b>                                                                               | 54            | 52           | 96.30%          |
| b) two or more- <b>2 points</b>                                                                      |               |              |                 |
| <b>1.2.2.</b> Percentage of internal audit recommendations implemented in the last reporting period: |               |              |                 |
| a) from 50% - 70% - <b>1 point</b>                                                                   | 81            | 0            | 0%              |
| b) from 70% - 90% - <b>2 points</b>                                                                  |               |              |                 |
| c) over 90% - <b>3 points</b>                                                                        |               |              |                 |

|                                                                                                                                                                   |    |    |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|--------|
| <b>1.2.3.</b> Risk Register developed in accordance with Article 14 of the Law on Management and Internal Controls in the Public Sector:                          | 27 | 27 | 100%   |
| Registry established- <b>1 point</b>                                                                                                                              |    |    |        |
| *If the register has been updated within the last year, the authority receives <b>an additional 1 point</b> .                                                     | 27 | 6  | 22.22% |
| **In case the valid Risk Register is published on the authority's website, the authority receives <b>an additional 1 point</b>                                    | 27 | 5  | 18.52% |
| <b>1.2.4.</b> A Book of Internal Procedures has been developed in accordance with Article 50 of the Law on Management and Internal Controls in the Public Sector: | 27 | 19 | 70.37% |
| Book of Procedures prepared- <b>1 point</b>                                                                                                                       |    |    |        |
| *If the Book of Procedures has been updated in the last year, the authority receives <b>an additional 1 point</b> .                                               | 27 | 18 | 66.67% |
| **In case the most up-to-date Book of Procedures is published on the authority's website, the authority receives <b>an additional 1 point</b> .                   | 27 | 13 | 48.15% |

#### **Indicator 1.2.1: Internal audit performed (audit report prepared) in the previous two years**

The Judicial Council submitted to the Agency the Report of the Internal Audit Department of the Secretariat to the Judicial Council for 2022, along with reports for 2021 and 2022 on two audits conducted—one concerning the collection and reporting of revenues from fines and fees, and the other related to the calculation and payment of salaries to judicial employees. As a result, the courts covered by the audit were awarded 2 points for indicator 1.2.1, leading to a high compliance performance of 96.30%. The report does not include the Constitutional Court of Montenegro, as it had entered into an agreement to entrust internal audit tasks to the Internal Audit Department of the Ministry of Finance. However, no audit was conducted under this agreement during the reporting period, which prevented the compliance performance in the judiciary from standing at 100%.

It is important to highlight that having an agreement for the execution of internal audit tasks by the internal audit unit of another entity is also a significant factor in ensuring compliance, in line with Article 49, point 2 of the Law on Management and Internal Control in the Public Sector.

#### **Indicator 1.2.2: Percentage of internal audit recommendations implemented over the last reporting period**

The authorities in this subsystem, including the Judicial Council, did not submit to the Agency a report on the implementation of recommendations from the two audits conducted by the Internal Audit Department of the Secretariat of the Judicial Council. Consequently, this is the only indicator within the aforementioned criterion for which no results were recorded.

#### **Indicator 1.2.3: Risk Register developed**

Although the fulfilment rate for this indicator is 100%, only **six authorities** independently developed a Risk Register in accordance with Article 14 of the Law on Management and Internal Controls in the Public Sector. These include the Basic Court of Rožaje, the Basic Court of Žabljak, the Misdemeanour Court of Podgorica, the High Misdemeanour Court of Montenegro, the Constitutional Court of Montenegro, and the Judicial Council. For the remaining 21 authorities, the Agency assigned points based on the Risk Register developed by the Secretariat of the Judicial Council on 28 April 2021 for the Judiciary as a spending unit of the Budget.

Five authorities published their Risk Register on their websites. However, the Judicial Council maintains that authorities should not publish their Risk Register, as it contains department-specific risks within the Secretariat, an overview of existing controls, and risk response measures, and that its publication could compromise their operations.

Such a position would be justified only if the document contained classified information or was formally designated as classified under the Law on Data Secrecy. However, this has not been established in the case of the Judicial Council.

#### **Indicator 1.2.4: Book of Procedures developed**

The fulfilment rate for this indicator is relatively high at **70.37%**, as 19 out of 27 authorities have created a Book of Procedures. A slightly lower number, **66.67%**, have updated their Book of Procedures, while less than half—**48.15%**—have published it on their website.

Some authorities stated that publishing the Book of Procedures was unnecessary, as the public is already familiar with their content through laws and by-laws, and individual procedures that are already available on the website. They argued that publishing the Book of Procedures would not significantly impact the transparency of their work.

However, transparency is not only about visibility but also about the easy accessibility of information for citizens. When procedures are published individually across multiple sections of a website, it can make access more difficult.

Organising procedures into a single Book of Procedures and ensuring that it is available on the authority's website within three clicks from the homepage would significantly improve accessibility and help citizens obtain the necessary information more efficiently.

#### **Criterion 1.3: Establish mechanisms to detect and report corruption**

The third criterion in the first category concerns the implementation of measures to establish an effective mechanism for handling whistleblower reports. Slightly more than half of the possible points were achieved in this criterion, with a performance rate of **58.52%**.

The designation of a person responsible for receiving and processing whistleblower reports is an indicator that was met by all authorities, achieving **100%** compliance. However, the implementation performance is significantly lower for the second indicator, which relates to the development of procedures governing how the designated person will act and the criteria for their selection.

Shortcomings observed:

The procedures established by public authorities concerning the responsibilities of the designated person for receiving and handling whistleblower reports are largely standardised and do not provide a detailed framework. Only six authorities have incorporated specific criteria within their procedures outlining the qualifications that the designated person must meet.

| Criterion - Indicators                                                                                                                                                                                                       | Maximum score | Actual score | Performance (%) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>1.3. Establishing mechanisms for detecting and reporting corruption based on whistleblower reports</b>                                                                                                                    | <b>135</b>    | <b>79</b>    | <b>58.52%</b>   |
| <b>1.3.1.</b> A designated person to receive and act upon whistleblower reports of threats to the public interest indicative of corruption.                                                                                  | 27            | 27           | 100%            |
| <b>1.3.2.</b> A procedure has been developed for dealing with reports of threats to public interest that indicate the existence of corruption and which ensures the protection of persons who file reports- <b>2 points.</b> | 54            | 32           | 59.26%          |
| * If the established procedure outlines both the method and criteria for selecting the person responsible for receiving and handling whistleblower reports, the authority is awarded an <b>additional 2 points.</b>          | 54            | 20           | 37.04%          |

#### Indicator 1.3.1: Designation of persons to receive and act upon whistleblower reports

All authorities have designated a person to receive and handle whistleblower reports, achieving a **100%** compliance rate for this indicator. Through this measure, authorities have initiated the process of establishing mechanisms for detecting corruption based on whistleblower reports.

#### Indicator 1.3.2: Procedure for handling reports

Slightly more than half of the authorities (16, or 59.26%) have developed a procedure for handling reports of public interest violations indicating potential corruption, which also includes provisions for whistleblower protection. A significant number of authorities (14) adopted this procedure only after receiving the Methodology for Assessing the Application of Anti-Corruption Measures, between 8 November and 31 December 2022.<sup>7</sup>

#### Indicator 1.3.3: Method and criteria for selecting persons to receive and process applications

The weakest performance was recorded for this indicator, with a fulfilment rate of **37.04%**. Only six authorities have procedures in place that, in addition to outlining the process for handling reports, also define both the method and criteria for selecting the person responsible for receiving and processing whistleblower reports. Meanwhile, eight authorities have procedures in place that specify only the selection method but not the criteria that the designated person must meet.

The first and most crucial step in establishing an effective mechanism for handling reports of suspected corruption within authorities is appointing a person who possesses the necessary personal, ethical, and professional competencies to process such reports. This ensures that whistleblowers have confidence that their reports will be properly addressed. Therefore, it is essential not only to define the selection method but also to establish clear criteria that the designated person must meet.

## Category 2: Strengthening the Institutional Anticorruption Framework

In the category “*Strengthening the Institutional Framework for Preventing Corruption*,” the implementation of anti-corruption measures related to free access to information, human resource management, and ethical and professional conduct was assessed through a total of three criteria and 11 indicators.

<sup>7</sup> .....  
A detailed list of the number of authorities and the acts adopted during this period is provided in Annex 2.

High performance was achieved in implementing measures to improve human resource management (**71.30%**), while the weakest performance was recorded in enhancing mechanisms for ensuring the ethical and professional conduct of employees within authorities (**21.60%**).

| Category - criteria                                                                            | Maximum score | Actual score | Performance (%) |
|------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>2. Strengthening the institutional anticorruption framework</b>                             | <b>715.50</b> | <b>429</b>   | <b>59.96%</b>   |
| 2.1. Increase transparency of public authority's work                                          | 391.50        | 279.50       | 71.39%          |
| 2.2. Take measures to improve human resource management                                        | 162           | 116.50       | 71.91 %         |
| 2.3. Take measures to improve the internal mechanism ensuring ethical and professional conduct | 162           | 35           | 21.60%          |

### **Criterion 2.1: Increase transparency of public authority's work**

This criterion assessed the extent to which authorities made information about their work visible and accessible to the public, not only by complying with legal obligations but also through proactive publication. It also examined requests for free access to information and the responses provided.

Shortcomings observed:

A key shortcoming was the lack of a proactive approach in publishing information required under Article 12 of the *Law on Free Access to Information*.<sup>8</sup> While authorities are legally obligated to publish information to which access has been granted upon request, only four have done so. All others have only published decisions on access requests without making the actual information available.

A similar issue was noted regarding the obligation to publish all required information on the authority's website and ensure it is accessible within three clicks from the homepage. While most local authorities have published reports on their activities and guides to accessing information—both meeting the three-click requirement—failure to publish all information mandated by Article 12 meant they did not receive points for this criterion.

8 .....  
Official Gazette of Montenegro 44/2012 and 30/2017

| Criterion - Indicators                                                                                                                                                                                                                                    | Maximum score | Actual score  | Performance (%) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|-----------------|
| <b>2.1. Increase transparency of public authority's work</b>                                                                                                                                                                                              | <b>391.50</b> | <b>279.50</b> | <b>71.39%</b>   |
| <b>2.1.1. Valid integrity plan published on the authority's website- 1 point</b>                                                                                                                                                                          | 27            | 27            | 100%            |
| *In case the document is published in a way that it is accessible in three clicks or less from the homepage, <b>an additional 0.5 points are awarded.</b>                                                                                                 | 13.5          | 13.5          | 100%            |
| <b>2.1.2. Published report on the implementation of the Integrity Plan for the previous year on the authority's website- 1 point</b>                                                                                                                      | 27            | 27            | 100%            |
| *In case the document is published in a way that it is accessible in three clicks or less from the homepage, <b>an additional 0.5 points are awarded.</b>                                                                                                 | 13.5          | 13.5          | 100%            |
| <b>2.1.3. Published authority's Activity Report for the previous year- 1 point</b>                                                                                                                                                                        | 27            | 26            | 96.30%          |
| *In case the document is published in a way that it is accessible in three clicks or less from the homepage, <b>an additional 0.5 points are awarded.</b>                                                                                                 | 13.5          | 13            | 96.30%          |
| <b>2.1.4. The Guide for Free Access to Information published- 1 point</b>                                                                                                                                                                                 | 27            | 27            | 100%            |
| *If the document has been updated in the last year, <b>an additional 0.5 points are awarded</b>                                                                                                                                                           | 13.5          | 10            | 74.07%          |
| **If a valid guide is published in a way that it is accessible in three clicks or less from the homepage, <b>an additional 0.5 points are awarded</b>                                                                                                     | 13.5          | 13.5          | 100%            |
| <b>2.1.5. Full and updated information published, as stipulated by Article 12 of the Law on Free Access to Information:</b>                                                                                                                               | 27            | 25            | 92.59%          |
| a) list of civil servants and employees                                                                                                                                                                                                                   |               |               |                 |
| b) list of public officials with payroll information, including all income and benefits related to their public office                                                                                                                                    | 54            | 44            | 81.48%          |
| c) information to which access is granted upon request                                                                                                                                                                                                    | 27            | 4             | 14.81%          |
| * In case that all requested data is accessible in three or fewer clicks from the homepage or the authority's page on the central website, <b>an additional 0.5 points are awarded</b>                                                                    | 13.5          | 2             | 14.81%          |
| **In case certain datasets are also published on the Open Data Portal, <b>an additional 1 point is awarded.</b>                                                                                                                                           | 27            | 0             | 0%              |
| <b>2.1.6. Accepted and partially accepted requests for accessing information or notifications of the information already being in the public domain as a share of the total number of requests received over the previous two years:</b>                  |               |               |                 |
| a) 70 to 90% of all requests received accepted or partially accepted or the requesting party notified that the information was already in the public domain- 1 point                                                                                      | 54            | 28            | 51.85%          |
| b) Over 90% of all requests received accepted or partially accepted or the requesting party notified that the information was already in the public domain- 2 points                                                                                      |               |               |                 |
| *In the event that the authority promptly uses the information system for free access to information of the Agency for Personal Data Protection and Free Access to Information and submits evidence thereof, <b>an additional 0.5 points are awarded.</b> | 13.5          | 6             | 44.44%          |

#### Indicator 2.1.1: Integrity Plan published

This indicator achieved a **100%** fulfilment rate. All authorities have published a valid Integrity Plan on their websites, ensuring it is accessible within fewer than three clicks from the homepage.

#### Indicator 2.1.2: Report on the implementation of the Integrity Plan published

The authorities also achieved a 100% fulfilment rate in publishing the report on the implementation of the Integrity Plan on their websites, ensuring it is accessible within three clicks from the homepage.

### Indicator 2.1.3: Activity Report published

A performance rate of **96.30%** was achieved for publishing the Activity Report for the previous year, with the report accessible within three clicks from the homepage. The only exception was the Basic Court in Kotor, which did not publish its report for the previous year.

### Indicator 2.1.4: Guide for Free Access to Information published

**All authorities have published a guide** to access information on their websites, ensuring it is accessible within fewer than three clicks. However, **seven authorities have not updated their guides.**

It is unclear whether these guides were not updated because the types of information and data they contain remained unchanged—eliminating the need for revisions—or whether the authorities simply failed to update them.

Article 11 of the *Law on Free Access to Information* stipulates that authorities must update the guide at least once a year or within 30 days of any change in the type of information they hold or data relevant to access to information.

This provision may be confusing for authorities, as it simultaneously mandates an annual update while also requiring updates within 30 days of any relevant changes. This wording implies that an authority would be in violation of the law if it failed to update the guide annually, even if no changes in the information or data had occurred.

### Indicator 2.1.5: Publication of information in accordance with Article 12 of the Law on Free Access to Information

Within this indicator, the performance of authorities in publishing information required by Article 12 of the Law on Free Access to Information was assessed. The highest compliance was achieved in publishing the list of civil servants and state employees, with a fulfilment rate of **92.59%**. Slightly lower performance (**81.48%**) was recorded for publishing the list of public officials along with details of their salaries, other income, and benefits related to their public office. Some authorities published the list of public officials but omitted information on the income they receive in that capacity.

Regarding information to which access was granted upon request, only the Basic Court in Danilovgrad, the Basic Court in Pljevlja, the Basic Court in Podgorica, and the Supreme Court published the requested information. All other authorities only published decisions granting access to the requested information without making the information itself available. As a result, this indicator had the weakest fulfilment rate, at just 14.81%.

These courts were the only institutions awarded points for the sub-indicator measuring the availability of all requested information within three clicks from the homepage. Since other authorities did not publish the information to which access was granted, they did not receive points for the indicator requiring that all information specified in Article 12 of the *Law on Free Access to Information* be accessible within three clicks.

In some cases, the requested information is included in the decision granting access. However, there are instances where this is not the case, making it necessary to publish the requested information alongside the decision or provide a notice informing the requester where the information can be found (e.g., directing them to previously published court rulings they requested).

Additionally, although Article 12a of the Law on Free Access to Information requires authorities to publish information for reuse in an open format on the e-government sub-portal (in a machine-readable and open format), no authority has fulfilled this obligation.

#### **Indicator 2.1.6: Approved requests for accessing to information**

The primary goal of publishing information and data on government websites is to inform the public about the work of authorities. The indicators outlined in the Methodology measured both the proactivity of authorities in publishing information about their activities and their responsiveness to public requests for access to information when such details were not readily available.

The indicator assessing the share of approved and partially approved requests for access to information—along with notifications regarding published information—in relation to the total number of requests submitted over the past two years was achieved with a performance rate of 50%.

In nine courts, the share of approved and partially approved requests, as well as notifications about published information, exceeded 90%, while in seven authorities, this share ranged between 70% and 90%.

Some authorities referred to publishing decisions on their websites but did not provide specific data on the number of requests received in the previous two years or the proportion of requests approved relative to the total submitted. Additionally, they did not submit an extract from the Information System for Free Access to Information of the Agency for Personal Data Protection and Free Access to Information, which would allow verification of the approval rate.

A performance rate of **44.44%** was recorded in the use of the Information System for Free Access to Information managed by the Agency for Personal Data Protection and Free Access to Information. The most reliable way to maintain records is through direct access to this system, and an official extract from the system serves as proof of compliance with the relevant indicators.

Some courts provided only a screenshot of a single page from the information system records as evidence of their use of the system and were awarded points accordingly.

#### **Criterion 2.2: Taking measures to improve human resource management**

The highest performance in the second category was achieved in the area of human resource management improvement, with a fulfilment rate of **71.30%**. This assessment examined whether internal acts provided detailed regulations on the engagement of individuals outside the employment relationship (such as occasional jobs and additional work) and whether authorities had identified risks related to workforce planning, personnel selection, and promotion in their integrity plans.

Shortcomings observed:

While the developed Integrity Plans include risks and measures related to workforce planning, employee evaluation, rewards, and sanctions, they are generally formulated in a standardised and sim-

ilar manner across all authorities. The Integrity Plan serves as a self-assessment tool and should reflect the specific needs and characteristics of each institution. For example, in some courts, reduced efficiency may stem from staff shortages, whereas in others, inefficiency may result from poor organisational structures—making additional hiring unnecessary. Corruption risks and corresponding preventive measures cannot be defined in a generic manner; rather, their identification must consider the specific circumstances and characteristics of the institution conducting the assessment.

| Criterion - indicators                                                                                                                                                                                                                                          | Maximum score | Actual score  | Performance (%) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|-----------------|
| <b>2.2. Taking measures to improve human resource management</b>                                                                                                                                                                                                | <b>162</b>    | <b>116.50</b> | <b>71.91%</b>   |
| <b>2.2.1</b> The authority has adopted an internal rule/procedure with criteria and standards that more closely regulate the management, conclusion, execution, supervision and reporting of service contracts and contracts for temporary and occasional work. | 54            | 29            | 53.70%          |
| <b>2.2.2</b> The authority has adopted an internal rule/procedure with criteria and standards that more closely regulate the management, conclusion, execution, monitoring and reporting of contracts for additional work within the authority.                 | 27            | 16            | 59.26%          |
| <b>2.2.3</b> The Integrity Plan includes risks and measures related to:                                                                                                                                                                                         | 27            | 25            | 92.59%          |
| a) planning recruitment                                                                                                                                                                                                                                         |               |               |                 |
| b) performance appraisal and monitoring                                                                                                                                                                                                                         | 27            | 23            | 85.19%          |
| c) rewards and sanctions                                                                                                                                                                                                                                        | 27            | 23.50         | 87.04%          |

#### **Indicator 2.2.1: Engagement of persons under contracts outside of employment**

A total of **53.70%** of authorities have adopted a rule that sets out criteria and standards for the management, conclusion, execution, supervision, and reporting of service contracts and contracts for temporary and occasional work. The majority of these internal acts were drafted after the submission of the Methodology (between 8 November and 31 December 2022).

Upon reviewing the adopted rules on engaging individuals under contracts outside of employment, it was noted that most acts specify that contracts will be concluded with individuals registered with the Employment Agency, which represents good practice. Additionally, it is stated that the selection is carried out by the court secretary based on the expressed needs. However, the rules do not regulate how the secretary should proceed in cases where multiple registered candidates meet the requirements for a given engagement. To ensure a transparent and fair selection process, authorities should consider amending the adopted rules in the coming period.

#### **Indicator 2.2.2: Conclusion of secondary employment contracts**

Slightly more than half of the authorities (59.26%) have developed an internal rule specifying detailed conditions for performing additional work. The majority of these internal acts were adopted after the submission of the Methodology (between 8 November and 31 December 2022).

#### **Indicator 2.2.3: Integrity Plan and Human Resources Management**

High performance was achieved in assessing whether the developed Integrity Plans include risks and measures related to employment planning (**92.50%**), performance appraisal and monitoring (85.19%), and rewards and sanctions (87.04%). However, no authority incorporated all three categories of risks and measures into a single Integrity Plan.

Risks and measures related to human resource management have been identified within the area of “Human Resources Policy, Ethical and Professional Conduct of Employees.” The identified risks primarily concern insufficient human resource capacity, the absence of objective performance evaluation and reward criteria, non-compliance with the code of ethics for judges and civil servants, and a lack of awareness among employees about reporting corruption. The most commonly proposed preventive measures include adopting a job classification rulebook, filling vacant positions, developing an annual personnel plan, establishing a methodology for employee evaluation, initiating disciplinary proceedings, and publicly displaying a list of awarded employees on notice boards.

In some Integrity Plans, risks and measures related to human resource management are also addressed within specific areas. For example, under “Managing the Judicial Process and Decision-Making Within Legal Jurisdiction,” risks related to judges’ unprofessional conduct are acknowledged, with planned measures such as initiating proceedings for violations of the Code of Ethics for Judges and launching disciplinary actions. Additionally, in the specific area of “Receiving and Dispatching/Delivering Documents,” one proposed measure includes rewarding employees for successfully completed work.

### ***Criterion 2.3: Taking measures to improve the internal mechanism of ensuring ethical and professional conduct***

The weakest performance in terms of measures fulfilled (**21.60%**) was recorded in authorities’ efforts to establish standards for ethical conduct and promote ethical and professional behaviour in areas governed by the Law on the Prohibition of Harassment at Work, the Law on the Prohibition of Discrimination, the Law on the Prohibition of Discrimination against Persons with Disabilities, and the Law on Gender Equality.

Shortcoming observed:

While the Integrity Plans of authorities include identified risks and certain measures related to areas regulated by the Law on the Prohibition of Discrimination and the Law on the Prohibition of Harassment at Work, these measures are largely generic and nearly identical across all Integrity Plans, lacking further elaboration or institution-specific considerations.

| Criterion - indicators                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Maximum score | Actual score | Performance (%) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>2.3. Taking measures to improve the internal mechanism of ensuring ethical and professional conduct</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>162</b>    | <b>35</b>    | <b>21.60%</b>   |
| <b>2.3.1.</b> A designated employee tasked, in addition to their ordinary job description, with matters concerning ethics, integrity and anticorruption, giving advice, etc. apart from the tasks the employee is required to perform under the Law on the Prevention of Corruption (such as integrity manager, members of the Integrity Plan drafting group, person responsible for receiving and acting on whistleblower reports, etc.)<br><br>a) in case of an additional task for the given officer- <b>1 point</b><br><br>a) in case of sole responsibility of an officer, or a special organizational unit established to deal with these issues- <b>2 points</b> | 54            | 9            | 16.67%          |
| <b>2.3.2.</b> The Integrity Plan includes the risks and measures concerning the matters governed by the following laws:<br><br>a) Law prohibiting mobbing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 27            | 13           | 48.15%          |
| b) Law prohibiting discrimination                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 27            | 15           | 55.56%          |
| c) Law prohibiting discrimination against persons with disabilities <sup>a</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 27            | 0            | 0%              |
| d) Gender equality law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 27            | 0            | 0%              |

#### **Indicator 2.3.1: Designated person tasked with matters concerning ethics, integrity and anti-corruption**

Only nine authorities (16.67%) have designated a person to handle ethics, integrity, and anti-corruption duties beyond those required under the Law on the Prevention of Corruption. Following the submission of the Methodology, during the self-assessment period, four courts appointed a person for ethics, integrity, and anti-corruption responsibilities.

#### **Indicator 2.3.2: Inclusion of areas regulated by special laws in the integrity Plan**

No Integrity Plan includes risks and measures related to areas regulated by the Law on Gender Equality and the Law on the Prohibition of Discrimination against Persons with Disabilities. However, half of the authorities have incorporated risks and measures related to areas covered by the Law on the Prohibition of Harassment at Work and the Law on the Prohibition of Discrimination in their Integrity Plans.

The identified risk of discrimination primarily relates to violations of whistleblower identity protection and rights, with the corresponding measure aimed at safeguarding whistleblowers from all forms of discrimination, restrictions, and denial of their rights. In other areas, authorities have not identified this type of risk.

Timely action on requests to initiate proceedings for protection against workplace harassment (mobbing) is a measure included in most Integrity Plans to address various risks, such as inadequate supervision and control over the work of judges and court employees, lack of awareness of regulations, and delays by mediators in handling mobbing-related proceedings.

Based on these findings, it appears that when developing their Integrity Plans, working groups did not conduct a thorough analysis of all internal and external factors that may contribute to corruption within the institution—particularly in relation to the areas governed by the four aforementioned laws, as required by the Rules for Developing and Implementing the Integrity Plan.

### Category 3: Strengthening ethical culture

In the category Strengthening the Institutional Framework for Preventing Corruption, the effectiveness of authorities was assessed based on three criteria and six indicators. The evaluation measured their success in raising awareness among employees and managers about anti-corruption efforts, ethics, and integrity, as well as in adopting internal rules on conflict of interest and the acceptance of gifts by employees and public officials.

The highest performance was recorded in the additional regulation of conflict of interest (76.54%), while the lowest was in participation in ethics and integrity training (41.67%).

| Category - criteria                                                         | Maximum score | Actual score | Performance (%) |
|-----------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>3. Strengthening ethical culture</b>                                     | <b>378</b>    | <b>237</b>   | <b>62.70%</b>   |
| 3.1. Raising awareness of managers and employees about ethics and integrity | 108           | 45           | 41.67%          |
| 3.2. Existence and application of conflict-of interest-rules                | 162           | 124          | 76.54%          |
| 3.3. Existence and application of rules on accepting gifts                  | 108           | 68           | 62.96%          |

#### Criterion 3.1: Raising awareness of managers and employees about ethics and integrity

The performance in attending various thematically diverse training sessions on ethics and integrity by employees and management staff (presidents of courts, judges, and members of the Judicial Council) was the weakest among the three criteria in this category. Employee participation in training reached **55.56%**, which is twice as high as the participation rate of management staff.

Shortcomings observed:

Although senior managers and executives are expected to lead by example in demonstrating a commitment to integrity values, their training participation rate stands at just **27.78%**.

| Criterion - Indicators                                                                                                                                                                                                                                                                                                                                                                  | Maximum score | Actual score | Performance (%) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>3.1 Raising awareness of managers and employees about ethics and integrity</b>                                                                                                                                                                                                                                                                                                       | <b>108</b>    | <b>45</b>    | <b>41 , 67%</b> |
| <b>3.1.1.</b> Number of various thematic training courses related to the areas of anticorruption, ethics and integrity that employees (court and prosecutorial interns, advisors and other categories) attended in the previous two years:<br><br>a) up to 2 trainings - <b>1 point</b><br><br>b) more than 2 trainings- <b>2 points</b>                                                | 54            | 30           | 55.56%          |
| <b>3.1.2.</b> Number of various thematic training courses related to the areas of anticorruption, ethics and integrity that managers (presidents of courts, judges, prosecutors, deputy prosecutors, members of the Judicial or Prosecutorial Council) attended in the previous two years:<br><br>a) up to 2 trainings- <b>1 point</b><br><br>b) more than 2 trainings- <b>2 points</b> | 54            | 15           | 27.78%          |

### Indicator 3.1.1: Ethics training attended by employees

Based on the submitted evidence of training attendance, it can be concluded that employees primarily participated in training related to Integrity Plans. A positive practice was observed in 10 courts, where Integrity Managers attended the Education Programme for Acquiring Key Skills for Integrity Managers, organised by the Human Resources Administration in cooperation with the Agency. These authorities were awarded two points, contributing to an increase in the total score for this indicator. The achieved performance stands at 55.56%, as 15 out of 27 authorities provided evidence of employee participation in ethics and integrity training.

### Indicator 3.1.2: Ethics training attended by managers

The performance in training attendance by managers, including court presidents, judges, and members of the Judicial Council, was twice as low, reaching only 27.78%. It was observed that judges attended most of the training sessions, while court presidents participated less frequently.

A positive aspect is that the training attended by management staff covered a diverse range of topics related to ethics and integrity, such as ethical and disciplinary responsibility of judges, corruption offences, challenges in organised crime and corruption encountered in efforts to preserve judicial integrity and independence, the connection between public relations and ethics in the judiciary, ethics and responsibility in the judiciary, and international and European standards of professional ethics for judges, including comparative experiences and a review of the practice of the European Court of Human Rights.

### Criterion 3.2: Existence and application of conflict-of-interest rules

The high fulfilment rate of this criterion, at **76.54%**, indicates that judicial authorities have made efforts to further regulate conflict of interest by adopting internal acts. **Around half of the courts (14 in total) adopted an internal rule for identifying and addressing conflicts of interest after the submission of the Methodology, between 8 November and 31 December 2022.** A review of the official records of the Agency found that only one authority had proceedings initiated for failing to submit the required annual report on income and assets for 2021 (by 31 March 2022) or a report upon assuming office in 2022.

Shortcomings observed:

The content of the adopted internal acts largely consists of direct reproductions of legal provisions, without further elaboration to align them with the specific responsibilities, work environment of the courts, or the roles of court employees.

| Criterion - indicators                                                                                                                                                                                                                                                                                               | Maximum score | Actual score | Performance (%) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>3.2. Existence and application of conflict-of-interest rules</b>                                                                                                                                                                                                                                                  | <b>162</b>    | <b>124</b>   | <b>76 , 54%</b> |
| <b>3.2.1.</b> Existence of internal rules defining conflicts of interest.<br>Created internal rule- <b>1 point</b>                                                                                                                                                                                                   | 27            | 16           | 59 , 26%        |
| *In case the internal rule also contains a definition of an affiliated person, the authority receives <b>an additional 1 point</b> .                                                                                                                                                                                 | 27            | 15           | 55 , 56%        |
| **In the event that the internal rule also contains provisions for employees to perform other tasks (permitted/prohibited tasks, reporting procedure, etc.) or if a separate internal rule defines this, the authority receives an <b>additional 1 point</b> .                                                       | 27            | 15           | 55 , 56%        |
| <b>3.2.2.</b> All officials employed within the authority who are subject to the income and asset declaration requirement have regularly submitted their annual declarations to the Agency for the Prevention of Corruption in a timely manner or upon assuming office, starting from January 1 of the current year. | 81            | 78           | 96.30%          |

### **Indicator 3.2.1: Existence of internal rules defining conflicts of interest, affiliated persons, performance of other tasks**

More than half of the authorities (**59.26%**) have developed an internal rule defining conflict of interest, affiliated person, and the performance of other duties for employees. A review of these internal acts revealed that most contain provisions on conflict of interest copied directly from the Law on the Prevention of Corruption and the Law on Civil Servants and State Employees<sup>9</sup>, without adaptation to the specific jurisdiction and working environment of the courts. Additionally, they do not elaborate on procedures for managing conflicts of interest, such as the submission of notifications or review deadlines.

The High Misdemeanour Court of Montenegro has developed an internal rule on conflict of interest, but it applies only to public officials.

### **Indicator 3.2.2: Submission of Income and Assets Declarations to the Agency**

A review of the Agency's official records revealed that only the Basic Court of Herceg Novi had proceedings initiated for failing to submit the regular annual Income and Assets Declaration for 2021 (by 31 March 2022) or the declaration upon assuming office during 2022. As a result, the implementation performance of this indicator is very high, reaching **96.30%**.

### **Criterion 3.3: Existence and application of rules on accepting gifts**

In this criterion, a performance rate of 70.37% was achieved in developing an internal act regulating the receipt of gifts and the handling of gifts received by employees, while a slightly lower performance of 51.85% was recorded in the additional regulation of procedures for public officials receiving gifts.

Around half of the courts (13 in total) adopted an internal rule on the content and method of keeping records of gifts received by employees and public officials after the submission of the Methodology, between 8 November and 31 December 2022.

Shortcomings observed:

The internal acts drafted in most cases include provisions from the Law on the Prevention of Corruption on receiving gifts but lack further elaboration on the procedure and disposal of gifts received by employees. Although the law prescribes the obligation to maintain records of gifts received by public officials and submit extracts from these records to the Agency, some authorities still fail to comply with this requirement.

When evaluating the record-keeping of received gifts, points were awarded to authorities that, during the application period of the Methodology, reported to the Agency whether any gifts had been received by employees or public officials in the previous year.

| Criterion - indicators                                                                                                                                                             | Maximum score | Actual score | Performance (%) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>3.3 Existence and application of rules on accepting gifts</b>                                                                                                                   | <b>108</b>    | <b>68</b>    | <b>62.96%</b>   |
| <b>3.3.1</b> Internal rules governing the receipt of gifts and actions to be taken when receiving gifts applied to all staff in the public authority are in place – <b>1 point</b> | 27            | 19           | 70.37%          |
| *If records of received gifts are kept for all employees, the authority receives <b>an additional 1 point</b> .                                                                    | 27            | 16           | 59.26%          |
| <b>3.3.2</b> Internal rules governing the handling of gifts received by public officials are in place – <b>1 point</b>                                                             | 27            | 14           | 51.85%          |
| *If a record of received gifts for public officials is maintained, the authority receives <b>an additional 1 point</b>                                                             | 27            | 19           | 70.37%          |

### Indicator 3.3.1 Management of gifts received by employees

A performance rate of **70.37%** was achieved in the adoption of an internal act regulating the handling of gifts received by employees. It was observed that the drafted acts largely replicate provisions from the Law on the Prevention of Corruption without further elaboration on key aspects, such as the definition of an occasional gift, situations in which such gifts may be received, the procedure for accepting them, the method of disposal, and the designation of a person responsible for record-keeping. Most internal acts include a gift reporting form as an integral part. No authority submitted an extract from the records of gifts received by employees to the Agency. However, for the purposes of applying the Methodology, they provided notifications stating that no gifts had been received by employees.

### Indicator 3.3.2 Management of gifts received by public officials

A slightly weaker performance of 51.85% was recorded in the adoption of an internal act regulating the handling of gifts received by public officials, providing more detailed guidance than the provisions contained in the law. Similar to the internal act for employees, these acts primarily reproduce legal provisions without further elaboration on key aspects, such as the circumstances under which occasional gifts may be accepted or what qualifies as an occasional gift. Some authorities specified within the internal act itself the person responsible for maintaining records of received gifts, while others stated that record-keeping would be handled by the court secretary or that gifts should be reported to the court president.

More than half of the authorities (70.37%) submitted a notification to the Agency confirming that no gifts had been received by public officials during the period of application of the Methodology.

## Category 4: Indicators Used for Deductible Scores

This category is structured differently from the previous three, as it does not contain criteria but rather 10 indicators, the fulfilment of which results in point deductions for authorities. It serves as a corrective measure to the points awarded in the previous three categories, given that compliance with these indicators can be verified through records and reports from other supervisory institutions.

The fulfillment of indicators in this category highlights areas where measures from the previous three categories are either not being applied or are ineffective in practice.

The assessment was based on records maintained by the Agency, publicly available reports from the State Audit Institution (SAI), and evidence submitted by authorities.

Most authorities provided certificates stating that they had not encountered any situations that would have triggered the fulfilment of the indicators.

In total, authorities were deducted 19.14% of the maximum possible deductible points.

Shortcomings observed:

The most significant point deductions were due to the qualified and adverse opinion of the State Audit Institution on the operations of the Judiciary as a spending unit for 2019 (97.53%), followed by legally concluded court cases ruled against authorities (40.74%).

Authorities that submitted evidence demonstrating they had acted upon received recommendations were able to reduce the number of negative points deducted.

| Category 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Maximum score | Actual score | Performance (%) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-----------------|
| <b>Indicators whose fulfilment leads to points being deducted from an authority</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>- 648</b>  | <b>-124</b>  | <b>19.14%</b>   |
| <b>4.1.</b> Final court rulings against the authorities received before 1 January of the current year.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | -81           | -33          | 40.74%          |
| <b>4.2</b> Since 1 January of the current year, the Agency for Personal Data Protection and Free Access to Information has identified irregularities through inspection supervision (related to the creation and updating of the Guides for Accessing Information, proactive publication of information, and submission of acts and data for the Free Access to Information electronic system).                                                                                                                                                             | -54           | 0            | 0%              |
| <b>4.3</b> Complaints have been filed against the authorities with the Agency for Personal Data Protection and Free Access to Information since 1 January of this year due to "administrative silence".<br><br>* If the authority has responded to the request in the meantime, a reduction in the points deducted may be possible.                                                                                                                                                                                                                         | -54           | -3           | 5.56%           |
| <b>4.4</b> Since 1 January of the current year, the Administrative Court has passed rulings against authorities on the count of "administrative silence" <i>in cases where a public law authority has failed to issue an administrative act, decide on a party's appeal, or undertake administrative activity, i.e. respond to a party's objection.</i>                                                                                                                                                                                                     | -81           | 0            | 0%              |
| <b>4.5</b> Opinion of the State Audit Institution on financial performance and regulatory compliance in case the authority has been subject to an audit by SAI in the previous five years:<br><br>a) Qualified opinion: <b>- 2 points</b><br><br>b) Adverse opinion or disclaimer of opinion and/or adverse findings in the performance audit report: <b>- 3 points</b><br><br>* If evidence is provided that the authority has implemented the recommendations, a reduction of negative points is possible, depending on the percentage of implementation. | -81           | -79          | 97.53%          |
| <b>4.6</b> Opinions of the Agency for the Prevention of Corruption, which established harm to public interest indicative of corruption, issued in the previous two years.                                                                                                                                                                                                                                                                                                                                                                                   | -81           | -3           | 3.70%           |
| <b>4.7</b> In the past 3 years, there have been cases in which the statute of limitations for initiating and conducting disciplinary proceedings (against employees) has expired.                                                                                                                                                                                                                                                                                                                                                                           | -54           | -2           | 3.70%           |
| <b>4.8.</b> In the past three years, there have been cases in which the Ethics Commission found violations of the Code of Ethics for Judges/State Prosecutors.                                                                                                                                                                                                                                                                                                                                                                                              | -54           | -2           | 3.70%           |
| <b>4.9.</b> In the past three years, there have been cases in which the Disciplinary Council and/or the Judicial or Prosecutorial Council determined the disciplinary liability of a judge/state prosecutor and imposed a sanction.                                                                                                                                                                                                                                                                                                                         | -54           | 0            | 0%              |
| <b>4.10.</b> In the previous year, irregularities were identified by the judicial inspection of the Ministry of Justice.<br><br><i>If there is evidence that the authority has since addressed the identified irregularities, a reduction in the deducted points is possible.</i>                                                                                                                                                                                                                                                                           | -54           | -2           | 3.70%           |

#### **Indicator 4.1: Legal proceedings**

A total of 33 points were deducted under this indicator, as 11 authorities submitted evidence of final and binding proceedings against them. The submitted documentation indicates that most of these cases involved claims for underpaid wages arising from labour disputes.

#### **Indicator 4.2. Supervision by the Agency for Personal Data Protection and Free Access to Information over proactive disclosure of information**

No authority has submitted evidence that, in the previous year, irregularities were identified through an inspection by the Agency for Personal Data Protection and Free Access to Information regarding the creation and updating of guides for access to information, proactive publication of information, or the submission of acts and data for maintaining the information access system.

#### **Indicator 4.3 Complaints filed against the Agency due to “administration silence”**

The Basic Court in Podgorica and the High Court in Podgorica submitted information indicating that complaints had been filed against them with the Agency for Personal Data Protection and Free Access to Information. The High Court in Podgorica provided evidence that it had issued a decision on the request for free access to information, which led to a reduction in the deducted points. As a result, the total number of points deducted from the authorities was three.

#### **Indicator 4.4 Judgments issued by the Administrative Court on the grounds of “administrative silence”**

No authority has provided evidence that, in the previous year, the Administrative Court issued rulings due to “administrative silence” in cases where the authority failed to issue an administrative act, failed to decide on a party’s appeal, or failed to undertake an administrative action in response to a party’s objection.

#### **Indicator 4.5 Opinions given by the State Audit Institution (SAI)**

On 8 September 2020, the State Audit Institution (SAI) issued a report on the financial audit and compliance audit of the spending unit Judiciary for 2019. This audit covered 25 courts and the Judicial Council. The report gave a qualified opinion on the annual financial report and an adverse opinion on the compliance audit of the spending unit Judiciary.

Some authorities stated that not all recommendations in the report applied to them, and that they had already implemented those relevant to them.

However, upon reviewing the Judicial Council’s letter dated 19 October 2020, it was determined that this letter was sent to all court presidents, notifying them of the SAI audit and listing 20 specific recommendations that all courts were required to act upon, along with a deadline for their implementation.

On 28 February 2022, the Judicial Council informed the SAI that, out of 32 total recommendations, about half had been implemented or partially implemented.

Since the SAI report applies to the spending unit Judiciary—which includes all courts (except the Constitutional Court) and the Judicial Council—and given that the recommendations were

officially communicated to all courts, and that the **SAI did not prepare a report on the fulfilment of the given recommendations**, **three** points were deducted from all courts and the Judicial Council for this indicator, resulting in a total deduction of **78** points. Additionally, one point was deducted from the Constitutional Court due to a qualified opinion on the compliance audit for 2021, as some recommendations were only partially fulfilled. This brought the total deductions for this indicator to **79** points, making it the highest deduction among all indicators in this section.

#### **Indicator 4.6 Opinions of the Agency for the Prevention of Corruption on the threat to public interest**

According to the records of the Agency for the Prevention of Corruption, in the past two years, a threat to the public interest indicative of corruption was identified within the Judicial Council. As a result, this authority was deducted three points on this basis.

#### **Indicator 4.7 Obsolescence of disciplinary procedures**

Only one authority, the Basic Court in Podgorica, provided evidence of the statute of limitations for disciplinary proceedings. According to the court, the statute of limitations occurred before the Constitutional Court and the Appeals Commission, rather than in court proceedings. However, a review of the documentation submitted to the Agency revealed that, in the first case, the Administrative Court merely acknowledged that the statute of limitations had already occurred before the first-instance authority. In the second case, the statute of limitations had indeed expired, as four years had passed since the initiation of the proceedings, but it was not possible to determine from the file whether this was due to delays by the Appeals Commission.

#### **Indicator 4.8 Violation of the Code of Ethics for Judges/State Prosecutors found**

Only the High Court in Bijelo Polje provided evidence of a violation of the Code of Ethics for Judges, as determined by the Judicial Code of Ethics Commission. Other authorities stated that no violations of the Code of Ethics for Judges had occurred in the previous three years.

#### **Indicator 4.9. Judge's disciplinary responsibility established**

No authority has provided evidence that, in the previous three years, the Disciplinary Council and/or the Judicial Council established the responsibility of a judge and imposed a sanction. As a result, no points were deducted on this basis.

#### **Indicator 4.10 Irregularities identified by the judicial inspection of the Ministry of Justice**

The Basic Court in Kotor submitted evidence of an irregularity identified by the judicial inspector of the Ministry of Justice. Most other authorities stated that no irregularities had been established on this basis.

## Conclusions and recommendations

In the process of implementing the Methodology for the Justice System, Judiciary Subsystem, the Agency prepared 27 individual reports. Each report provides an overview of the situation at the level of each authority regarding the implementation of anti-corruption measures and, based on the findings, includes recommendations that each authority should implement in the coming period. A total of **347 recommendations** were issued.

The sector report focuses on recommendations whose implementation should lead to systemic solutions to the identified irregularities.

Considering that the authorities were applying the Methodology for the first time, the **short implementation period, varying levels of understanding** of the set indicators, and difficulties in assessing **certain evidence that was not entirely clear**, an analysis of the data obtained across all categories, criteria, and indicators led to the following conclusions:

### Category 1: Putting in Place the Assumptions for Implementing Anti-Corruption Legislation

The best performance in the application of anti-corruption measures was achieved in establishing internal mechanisms for managing corruption risks. All authorities in the Judiciary Subsystem fulfilled the formal obligations under the Law on the Prevention of Corruption concerning the appointment of Integrity Managers, the development and implementation of an Integrity Plan, and the completion of a questionnaire to assess the efficiency and effectiveness of the Integrity Plan.

Regarding the content of the developed Integrity Plans, it was observed that residual risks were identified without a detailed analysis of all sources of risk—normative, organisational, and personnel. Additionally, the measures designed to prevent these risks were not adequately aligned with the identified risks, leaving room for improvement in this area.

Based on the internal audit reports submitted to the Agency, it can be concluded that internal audit is structured so that the Internal Audit Department of the Judicial Council conducts audits for the Judiciary Subsystem, except for the Constitutional Court. However, the quality of the audits is questionable, as the department employs only three auditors responsible for auditing 25 courts and the Judicial Council.

A similar issue exists with the Risk Register developed by the Judicial Council for the spending unit Judiciary and distributed to all courts. Although the law does not provide for a single risk register covering multiple authorities, the Agency accepted this register. However, risk assessment should reflect the specific events, circumstances, and challenges unique to each individual court. If the Judicial Council continues to develop a centralised Risk Register, it should also establish a specialised methodology, such as questionnaires or focus groups, to systematically and comprehensively collect and analyse data from courts for the purpose of maintaining a unified Risk Register for the Judiciary.

All authorities fulfilled their legal obligation to designate a person to receive and act upon whistleblower reports. However, fewer than one-third took an additional step by drafting internal acts on handling reports and establishing methods and criteria for selecting the designated person.

### **Recommendations:**

- When developing an Integrity Plan and identifying residual corruption risks, it is necessary to analyse all sources of risk (normative, organisational, personnel) and then define one or more measures that will contribute to their reduction or elimination.
- When developing an Integrity Plan, it is necessary to individually assess the intensity of each residual risk or group of related risks and, based on this assessment, define appropriate measures, deadlines, and responsible persons for their implementation.
- In accordance with Article 49 of the Law on Management and Internal Controls in the Public Sector, an agreement on the implementation of internal audit must be concluded between the Judicial Council and other courts, and the responsible ministry must be informed accordingly.
- The responsible ministry should analyse the effectiveness of the internal audit implementation model by the Internal Audit Department of the Judicial Council, taking into account the number of courts and the number of internal auditors in the Department, with special attention to the quality of audits performed, the number of audits conducted annually, and the organisation and methodology of internal audits.
- The Judicial Council should conduct an analysis of the application of the unified Risk Register for the spending unit Judiciary, considering Article 14 of the Law on Management and Internal Controls in the Public Sector and the requirement that risk assessment reflect the events, circumstances, and specificities of each individual court that may affect the exercise of their jurisdiction. If, based on past practice, it is determined that developing a unified Risk Register for the spending unit Judiciary is a more efficient approach, the Judicial Council should inform the competent ministry and, in cooperation with it, develop a methodology (e.g., questionnaires, focus groups) to systematically and comprehensively collect and analyse data from courts for the purpose of establishing a unified Risk Register for the Judiciary.

## **Category 2: Strengthening the Institutional Anticorruption Framework**

High performance has been achieved by the authorities in implementing measures to improve the availability of work-related information, such as publishing the Integrity Plan, work reports, and guides for access to information. However, the regular updating of these documents has not yet been ensured.

Regarding the proactive publication of information required by Article 12 of the Law on Free Access to Information, it was observed that there is a misunderstanding about publishing information to which access has been granted upon request. Most authorities published only the decisions on requests, assuming this fulfilled their legal obligation.

In some cases, the requested information is included in the decision, but there are situations where it is necessary to publish the requested information alongside the decision or to provide a notice informing the requester where the information can be accessed (e.g., where previously published judgments requested by the party can be viewed).

The practice of using the information system for free access to information of the Agency for Personal Data Protection and Free Access to Information has not yet been established. Additionally, no authority has published data on the Open Data Portal, despite this being a legal requirement.

The area of human resource management has been addressed through risk assessment and the implementation of measures related to employment planning and performance monitoring. However, only a smaller number of authorities have recognised the need to regulate the engagement of individuals under contracts outside of employment.

Authorities have not demonstrated a willingness to establish internal mechanisms for ethical and professional conduct, either by designating a person responsible for ethics and integrity or by assessing risks in their Integrity Plan related to protection against discrimination in various areas.

### **Recommendations:**

- Authorities should ensure the proactive publication and regular updating of information of public importance.
- Data on submissions, acts, and measures taken should be regularly submitted to the Agency for Personal Data Protection and Free Access to Information within 10 days from their submission, preparation, or implementation, in accordance with Articles 41 and 42 of the Law on Free Access to Information, while records of requests for free access to information should be maintained through the information system.
- Cooperation should be established between the Judicial Council and the Agency for Personal Data Protection and Free Access to Information to develop a uniform practice across the Judiciary regarding the publication of information to which access has been granted upon request. This includes clarifying whether, when decisions do not contain the requested information, it is sufficient to inform the applicant where the information is located or whether the information itself must be published.
- When updating the Integrity Plan, authorities should take into account the shortcomings identified in this report and assess the risks of corruption and other irregularities in these areas.
- The identified shortcomings and recommendations from this report should be considered when analysing the situation and defining risk areas in the development of strategic documents for the Judiciary.

### **Category 3: Strengthening Ethical Culture**

Attendance at training courses on ethics, integrity, and the fight against corruption has been implemented by half of the authorities, while the participation of management staff in raising awareness and education on this topic is twice as low.

Authorities have adopted internal acts that further regulate conflicts of interest, the concept of affiliated person, and the receipt of gifts. However, most have merely reiterated the provisions of the Law on the Prevention of Corruption without elaborating on procedures for handling suspected conflicts of interest, the process for receiving gifts, or the methods for their disposal.

A positive aspect at the Judiciary level is that the Code of Ethics Commission monitors the implementation of the Code of Ethics for Judges and prepares annual reports.

The submission of Asset and Income Declarations by judges and court presidents appears to have become regular and timely, with only one court initiating proceedings due to the untimely submission of such declarations.

#### **Recommendations:**

- Authorities should identify the training needs of employees and managers, including professional development, ethics and integrity, and the fight against corruption, and ensure their participation in relevant training programmes.
- The Commission for the Code of Ethics of Judges should enhance its analysis of the application of the Code of Ethics by including, in addition to statistical data on submitted and upheld initiatives, an explanation of the reasons why they were deemed justified. This would allow for the elimination of identified irregularities through recommendations in strategic documents.
- Authorities should adopt or amend internal acts on the management of gifts by clearly defining what constitutes an appropriate gift, the circumstances in which such gifts may be accepted, and the procedure for their disposal.
- Authorities should adopt or revise internal acts on conflict-of-interest management, further adapting them to the nature and specifics of their work. These acts should also establish clear procedures for handling conflicts of interest among employees, including identifying responsible advisors, specifying where requests for opinions should be submitted, and defining review deadlines.

#### **Category 4: Indicators Used for Deductible Scores**

In the category where fulfilment leads to the deduction of points, the assessment of indicators was based not only on records kept by the Agency and publicly available SAI reports but also on evidence provided by authorities.

The highest number of points was deducted due to the qualified and adverse audit opinions issued by the State Audit Institution on the operations of the spending unit Judiciary for 2019, followed by legally concluded court cases ruled against authorities, most of which involved monetary claims from labour disputes. Additionally, there were cases where complaints were filed with the Agency for Personal Data Protection and Free Access to Information due to administrative silence.

#### **Recommendations:**

- At the level of authorities, an analysis of final judgments (including labour disputes, administrative disputes, and compensation claims) should be conducted to identify underlying causes and implement appropriate measures.
- At the system level, an analysis of final judgments against courts in labour and administrative disputes should be carried out to determine whether systemic issues exist, such as outdated legal provisions or excessive discretionary powers of decision-makers, which may require resolution through amendments to applicable regulations.

- In cases of delays in processing requests for free access to information, it is necessary to identify the causes—whether they stem from a lack of staff handling requests, inadequate work organisation, or other factors—and assess whether systemic solutions are needed, such as revisions to the personnel plan, professional development programmes, changes to job classifications, and adjustments to the responsibilities of employees handling such requests across all courts.
- Effective coordination should be established between the Judicial Council and other courts regarding the implementation and timely reporting of actions taken based on the recommendations in the SAI Report. Given that the SAI Report applies to the spending unit Judiciary, that the Judicial Council issued a letter with recommendations to all courts in October 2020, that the deadline for implementing these recommendations was six months, and that a report on implementation was sent to the SAI in February 2022, maintaining structured coordination is essential.
- To prevent disciplinary proceedings initiated due to the actions of other bodies from becoming time-barred, it is necessary to identify the reasons for prolonged proceedings before the Appeals Commission or the Administrative Court. If delays in such proceedings have led to the expiration of time limits, the responsibility of the relevant bodies should be determined.

## Annex 1. Achieved Scores for Each Authority by Category and Criterion

| Criterion/ Category             | 1.1 | 1.2 | 1.3 | 1. | 2.1  | 2.2 | 2.3 | 2.   | 3.1 | 3.2 | 3.3 | 3. | 4.  | Score | Percentage (%) |
|---------------------------------|-----|-----|-----|----|------|-----|-----|------|-----|-----|-----|----|-----|-------|----------------|
| Supreme Court                   | 14  | 5   | 4   | 23 | 12.5 | 6   | 3   | 21.5 | 4   | 6   | 3   | 13 | -3  | 54.50 | 77.30%         |
| Basic Court Bijelo Polje        | 14  | 6   | 4   | 24 | 11.5 | 5   | 0   | 16.5 | 3   | 6   | 4   | 13 | -3  | 50.50 | 71.63%         |
| High Misdemeanour Court         | 14  | 8   | 4   | 26 | 11.5 | 6   | 0   | 17.5 | 1   | 4   | 4   | 9  | -3  | 49.50 | 70.21%         |
| Administrative Court            | 13  | 5   | 4   | 22 | 11.5 | 6   | 3   | 20.5 | 3   | 6   | 4   | 13 | -6  | 49.50 | 70.21%         |
| Basic Court Podgorica           | 14  | 5   | 5   | 24 | 12.5 | 6   | 3   | 21.5 | 4   | 6   | 4   | 14 | -10 | 49.50 | 70.21%         |
| Court of Appeals                | 14  | 5   | 5   | 24 | 10   | 6   | 2   | 18   | 3   | 6   | 4   | 13 | -6  | 49    | 69.50%         |
| Basic Court Rožaje              | 14  | 8   | 5   | 27 | 9    | 5   | 1   | 15   | 1   | 6   | 3   | 10 | -3  | 49    | 69.50%         |
| Judicial Council                | 13  | 7   | 5   | 25 | 12   | 5.5 | 2   | 19.5 | 2   | 6   | 2   | 10 | -6  | 48.50 | 68.79%         |
| Basic Court Kolašin             | 14  | 5   | 5   | 24 | 9    | 6   | 1   | 16   | 0   | 6   | 4   | 10 | -3  | 47    | 66.67%         |
| Podgorica Misdemeanour Court    | 14  | 8   | 1   | 23 | 9.5  | 5   | 1   | 15.5 | 3   | 6   | 2   | 11 | -3  | 46.50 | 65.90%         |
| Commercial Court                | 14  | 3   | 4   | 21 | 9    | 6   | 2   | 17   | 0   | 6   | 4   | 10 | -3  | 45    | 63.83%         |
| High Court Bijelo Polje         | 14  | 6   | 4   | 24 | 10.5 | 5   | 2   | 17.5 | 1   | 6   | 4   | 11 | -8  | 44.50 | 63.12%         |
| High Court Podgorica            | 14  | 5   | 1   | 20 | 9.5  | 6   | 1   | 16.5 | 4   | 6   | 4   | 14 | -7  | 43.50 | 61.70%         |
| Misdemeanour Court Bijelo Polje | 14  | 6   | 4   | 24 | 10.5 | 5   | 0   | 15.5 | 1   | 6   | 2   | 9  | -6  | 42.50 | 60.28%         |
| Basic Court Cetinje             | 14  | 6   | 4   | 24 | 7    | 3   | 2   | 12   | 1   | 6   | 1   | 8  | -3  | 41    | 58.16%         |
| Basic Court Herceg Novi         | 14  | 6   | 1   | 21 | 11.5 | 3   | 2   | 16.5 | 4   | 0   | 1   | 5  | -3  | 39.50 | 56.03%         |
| Basic Court Plav                | 14  | 6   | 3   | 23 | 11.5 | 2   | 1   | 14.5 | 2   | 3   | 3   | 8  | -6  | 39.50 | 56.03%         |
| Constitutional Court            | 14  | 6   | 1   | 21 | 11   | 3   | 1   | 15   | 0   | 3   | 4   | 7  | -4  | 39    | 55.32%         |
| Basic Court Pljevlja            | 14  | 3   | 1   | 18 | 13.5 | 3   | 1   | 17.5 | 1   | 3   | 2   | 6  | -3  | 38.50 | 54.61%         |
| Budva Misdemeanour Court        | 13  | 5   | 3   | 21 | 11   | 2   | 0   | 13   | 1   | 3   | 1   | 5  | -3  | 36    | 51.05%         |
| Basic Court Danilovgrad         | 10  | 3   | 1   | 14 | 12.5 | 3   | 3   | 18.5 | 1   | 3   | 0   | 4  | -3  | 33.50 | 47.52%         |
| Basic Court Berane              | 13  | 3   | 1   | 17 | 8    | 3   | 1   | 12   | 1   | 3   | 2   | 6  | -3  | 32    | 45.39%         |
| Basic Court Ulcinj              | 14  | 3   | 1   | 18 | 9    | 3   | 1   | 13   | 1   | 3   | 0   | 4  | -3  | 32    | 45.39%         |
| Basic Court Bar                 | 13  | 3   | 1   | 17 | 10   | 1   | 0   | 11   | 2   | 3   | 2   | 7  | -6  | 29    | 41.13%         |
| Basic Court Nikšić              | 14  | 3   | 1   | 18 | 8.5  | 3   | 1   | 11.5 | 0   | 3   | 1   | 4  | -6  | 27.50 | 39.01%         |
| Basic Court Kotor               | 14  | 3   | 1   | 18 | 5.5  | 3   | 1   | 9.5  | 0   | 3   | 2   | 5  | -8  | 24.50 | 34.75%         |

## Annex 2. Effects of Applying the Methodology

The Methodology was submitted to the authorities on 8 November 2022, with a deadline of 31 December 2022 for conducting a self-assessment and submitting verification materials for the fulfillment of the set indicators. A review of the submitted documents revealed that certain documents were developed during this period. A total of **18** courts adopted **109** documents, published them, established the necessary practices, and issued **12** decisions on the designation of persons responsible for implementing specific measures. In total, **121** activities related to corruption prevention, ethics, and integrity were carried out.

### 1. Basic Court Kolašin

- ✓ Created and published the Book of Internal Procedures.
- ✓ Appointed a person to receive and act on whistleblower reports of threats to the public interest indicating the existence of corruption.
- ✓ Developed Rules for Handling Reports of Threats to the Public Interest Indicating the Existence of Corruption and Ensuring the Protection of Whistleblowers.
- ✓ Adopted an internal rule on temporary and casual jobs and work contracts.
- ✓ Adopted an internal rule on detailed conditions for engaging persons in the Basic Court in Kolašin under additional work contracts.
- ✓ Adopted internal rules on defining and preventing conflicts of interest for public officials and civil servants in the performance of their duties at the Basic Court in Kolašin.
- ✓ Adopted an internal rule on the content and manner of keeping records of gifts received by judges, civil servants, and employees.
- ✓ Adopted a regulation on the manner of disposing of gifts received by public officials.

### 2. Basic Court Bijelo Polje

- ✓ Created the Book of Internal Procedures.
- ✓ Adopted rules for handling reports, maintaining records of corruption reports in the Basic Court in Bijelo Polje, and protecting the identity of the person who filed the report.
- ✓ Established an internal procedure for concluding service contracts.
- ✓ Established an internal procedure for concluding contracts for temporary and occasional work in the Basic Court in Bijelo Polje.
- ✓ Established an internal procedure on detailed conditions for performing additional work at the Basic Court in Bijelo Polje.
- ✓ Established an internal procedure for recognising and acting in the event of a conflict of interest in the Basic Court in Bijelo Polje.
- ✓ Established an internal procedure on the content and method of keeping records of gifts in the Basic Court in Bijelo Polje.
- ✓ Adopted an internal instruction on keeping records of gifts received by public officials.

### **3. Basic Court Herceg Novi**

- ✓ Created and published the Book of Internal Procedures.
- ✓ Issued a decision on appointing a person to receive and act on whistleblower reports.
- ✓ Adopted internal instructions on the method and content of keeping records of gifts.

### **4. Basic Court Rožaje**

- ✓ Created and published the Risk Register.
- ✓ Created and published the Book of Internal Procedures.
- ✓ Appointed a person to receive and act on whistleblower reports.
- ✓ Developed an Internal Rule on handling whistleblower reports on threats to the public interest indicating corruption, whistleblower protection, and record keeping.
- ✓ Adopted an Internal Rule on concluding contracts for temporary and occasional work.
- ✓ Adopted an Internal Rule on concluding service contracts.
- ✓ Adopted an Internal Rule on detailed conditions for performing additional work.
- ✓ Adopted an Internal Rule for recognizing and handling conflicts of interest.
- ✓ Adopted an Internal Rule on the content and method of keeping records of gifts.

### **5. Basic Court Žabljak**

- ✓ Created and published the Risk Register.
- ✓ Created and published the Book of Internal Procedures.
- ✓ Developed an Internal Rule on Actions Following Whistleblower Reports on Threats to the Public Interest Indicating Corruption, Whistleblower Protection, and Record Keeping.
- ✓ Adopted an Internal Rule on concluding contracts for temporary and occasional work.
- ✓ Adopted an Internal Rule on concluding service contracts.
- ✓ Adopted an Internal Rule on detailed conditions for performing additional work.

### **6. Basic Court Cetinje**

- ✓ Created and published the Book of Internal Procedures.
- ✓ Adopted rules for handling reports, keeping records of corruption reports in the Basic Court in Cetinje, and protecting the identity of the person who filed the report.
- ✓ Established an internal procedure on detailed conditions for performing additional work at the Basic Court in Cetinje.
- ✓ Adopted an internal instruction on keeping records of gifts received by public officials.
- ✓ Established an internal procedure for recognising and acting in the event of a conflict of interest in the Basic Court in Cetinje.

## **7. Basic Court Podgorica**

- ✓ Created and published the Book of Internal Procedures.
- ✓ Developed an Internal Procedure for handling reports, recording corruption reports in the Basic Court in Podgorica, and protecting the identity of the person who filed the report.
- ✓ Adopted an Internal Rule on concluding contracts for temporary and occasional work.
- ✓ Adopted an Internal Rule on concluding service contracts.
- ✓ Adopted an Internal Rule on detailed conditions for performing additional work.
- ✓ Appointed a person to perform tasks related to monitoring the Code of Ethics.
- ✓ Developed an Internal Procedure for recognising and dealing with conflicts of interest in the Basic Court in Podgorica.
- ✓ Adopted Internal Instructions on the handling, disposal, and keeping records of gifts received by employees.
- ✓ Adopted Internal Instructions on the handling, disposal, and keeping records of gifts received by public officials.

## **8. High Court Bijelo Polje**

- ✓ Created and published the Book of Internal Procedures.
- ✓ Developed the Rule for handling reports, recording corruption reports in the High Court in Bijelo Polje, and protecting the identity of the person who filed the report.
- ✓ Established an Internal Procedure for concluding contracts for temporary and occasional work at the High Court in Bijelo Polje.
- ✓ Established an Internal Procedure on detailed conditions for performing additional work at the High Court in Bijelo Polje.
- ✓ Established an Internal Procedure for recognising and acting in the event of reporting a conflict of interest at the High Court in Bijelo Polje.
- ✓ Established an Internal Procedure on the content and method of keeping records of gifts in the High Court in Bijelo Polje, as well as Internal Instructions on keeping records of gifts received by public officials.

## **9. High Court Podgorica**

- ✓ Developed an Internal Procedure for concluding contracts for temporary and occasional jobs at the High Court in Podgorica.
- ✓ Established an Internal Procedure for concluding a service contract.
- ✓ Established an Internal Procedure on detailed conditions for performing additional work at the High Court in Podgorica.
- ✓ Established an Internal Procedure for recognising and acting in the event of reporting a conflict of interest at the High Court in Podgorica.

- ✓ Established an Internal Procedure on the content and method of keeping records of gifts at the High Court in Podgorica.
- ✓ Adopted an Internal Instruction on keeping records of gifts received by public officials.

#### **10. High Misdemeanour Court**

- ✓ Developed a Risk Register.
- ✓ Created the Book of Procedures of the High Misdemeanour Court.
- ✓ Developed an Internal Procedure for Acting Upon Reports, Recording Corruption Reports in the High Misdemeanour Court, and Protecting the Identity of the Person Filing the Report.
- ✓ Adopted an Internal Rule on temporary and casual jobs.
- ✓ Established an Internal Procedure for concluding a service contract.
- ✓ Adopted an Internal Rule on detailed conditions for performing additional work.
- ✓ Adopted Internal Rules defining conflicts of interest.
- ✓ Adopted Internal Instructions on the content and method of keeping records of gifts received by civil servants and employees in the High Misdemeanour Court.
- ✓ Adopted Internal Instructions on the content and method of keeping records of gifts received by public officials (judges) in the High Misdemeanour Court of Montenegro.

#### **11. Misdemeanour Court in Bijelo Polje**

- ✓ Created the Book of Internal Procedures.
- ✓ Appointed a person to receive and act upon whistleblower reports at the Misdemeanour Court in Bijelo Polje.
- ✓ Developed a Procedure on the detailed manner of handling whistleblower reports of threats to the public interest indicating the existence of corruption.
- ✓ Established an Internal Procedure on methods and criteria for selecting persons to receive and act upon whistleblower reports.
- ✓ Established an Internal Procedure on criteria and standards for the detailed regulation, management, conclusion, execution, supervision, and reporting of service contracts and contracts for temporary and occasional work.
- ✓ Established an Internal Procedure on criteria and benchmarks for the detailed regulation, management, conclusion, execution, monitoring, and reporting of contracts for additional work.
- ✓ Adopted Internal Rules defining conflicts of interest.
- ✓ Adopted an Internal Rule defining the concept of a related party.
- ✓ Adopted an Internal Rule for employees on performing other tasks

## **12. Budva Misdemeanour Court**

- ✓ Developed Instructions on handling whistleblower reports of threats to the public interest indicating the existence of corruption.

## **13. Misdemeanour Court Podgorica**

- ✓ Created the Book of Internal Procedures.
- ✓ Developed a Risk Register.
- ✓ Appointed a person to receive and act upon whistleblower reports at the Misdemeanour Court in Podgorica.
- ✓ Established an Internal Procedure for concluding contracts for temporary and occasional work in the Misdemeanour Court in Podgorica.
- ✓ Developed a Procedure for concluding a service contract.
- ✓ Established an Internal Procedure on detailed conditions for performing additional work at the Misdemeanour Court in Podgorica.
- ✓ Designated a person to perform tasks related to ethics, integrity, and the fight against corruption, separate from the tasks required under the Law on the Prevention of Corruption.
- ✓ Developed an Internal Procedure for recognising and dealing with conflicts of interest in the Misdemeanour Court in Podgorica.
- ✓ Established an Internal Procedure on the content and method of keeping records of gifts in the Misdemeanour Court in Podgorica.
- ✓ Adopted Internal Instructions on the content and method of keeping records of gifts received by public officials (judges) in the Misdemeanour Court in Podgorica.

## **14. Court of Appeals**

- ✓ Appointed person to perform tasks related to monitoring the Code of Ethics.

## **15. Commercial Court**

- ✓ Developed the Rules for handling reports, recording corruption reports in the Commercial Court of Montenegro, and protecting the identity of the person who filed the report.
- ✓ Established an Internal Procedure for concluding contracts for temporary and occasional work at the Commercial Court of Montenegro.
- ✓ Established an Internal Procedure for concluding a service contract.
- ✓ Established an Internal Procedure on detailed conditions for performing additional work.
- ✓ Established an Internal Procedure for recognising and acting in the event of reporting a conflict of interest at the Commercial Court of Montenegro.
- ✓ Established an Internal Procedure on the content and method of keeping records of gifts received by employees.
- ✓ Adopted an Internal Instruction on keeping records of gifts received by public officials.

## **16. Judicial Council of Montenegro**

- ✓ Created the Book of Internal Procedures (Book of Rules).
- ✓ Adopted Internal Instructions on handling whistleblower reports concerning threats to the public interest indicating corruption, whistleblower protection, and record keeping.
- ✓ Established an Internal Rule on concluding contracts for temporary and occasional work.
- ✓ Established an Internal Rule on concluding service contracts.
- ✓ Established an Internal Rule on detailed conditions for performing additional work.
- ✓ Appointed a person to perform tasks related to monitoring the Code of Ethics.
- ✓ Developed an Internal Rule for recognising and acting in the event of a conflict of interest.
- ✓ Adopted Internal Instructions on the content and method of keeping records of gifts.

## **17. Administrative Court**

- ✓ Created the Book of Procedures of the Administrative Court of Montenegro.
- ✓ Developed an Internal Procedure for concluding contracts for temporary and occasional work.
- ✓ Established an Internal Procedure for concluding a service contract.
- ✓ Established an Internal Procedure on detailed conditions for performing additional work at the Administrative Court of Montenegro.
- ✓ Appointed a person to perform tasks related to monitoring the Code of Ethics.
- ✓ Developed an Internal Procedure for recognising and dealing with conflicts of interest.
- ✓ Established an Internal Procedure on the content and method of keeping records of gifts received by employees.
- ✓ Adopted an Internal Instruction on keeping records of gifts received by public officials.

## **18. Supreme Court**

- ✓ Created a Book of Procedures.
- ✓ Appointed a person to receive and act upon whistleblower reports.
- ✓ Developed the Rule for handling reports, recording corruption reports in the Supreme Court of Montenegro, and protecting the identity of the person who filed the report.
- ✓ Developed the Procedure for concluding contracts for temporary and occasional work.
- ✓ Established an Internal Procedure for concluding a service contract.
- ✓ Established an Internal Procedure on detailed conditions for performing additional work at the Supreme Court of Montenegro.
- ✓ Appointed a person to perform tasks related to ethics, integrity, and the fight against corruption.
- ✓ Developed an Internal Procedure for recognising and dealing with conflicts of interest in the Supreme Court of Montenegro.

