

LAW ON JUDICIARY TRAINING

I. GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall specify the manner and forms of training of judges and state prosecutors (hereinafter: judiciary officials), as well as persons preparing themselves for the performance of a judiciary office, the composition and responsibilities of special bodies, the funding, the records keeping and other issues relevant to judiciary training.

Training

Article 2

Training in the judiciary authorities (hereinafter: the training) shall mean the organized adoption and improvement of theoretical and practical knowledge and skills through the programs that ensure active engagement of judiciary officials during the training.

Training Objective

Article 3

The objective of the training is to acquire, maintain and improve knowledge, capacities and skills of judiciary officials, in order to facilitate autonomous, independent, unbiased, professional and efficient performance of their office in accordance with ethical standards of the profession.

Right and Obligation to Undergo Training

Article 4

Judiciary officials have a right and obligation to undergo further professional training.

Center

Article 5

Judiciary training shall be conducted within the Center for Judiciary Training (hereinafter: the Center).

The Center shall be organized as a special organizational unit of the Supreme Court of the Republic of Montenegro (hereinafter: the Supreme Court).

Executive Director

Article 6

The Center shall be managed by the executive director.

The executive director shall be appointed by the president of the Supreme Court, against the opinion of the Supreme State Prosecutor, following the procedure stipulated for the employment of civil servants and state employees.

Types of Training

Article 7

The training shall be organized as initial training and in-service training.

Initial training shall be organized for expert associates in the judiciary (courts and prosecutor offices), as well as for graduated lawyers who meet general requirements for the work in state authorities and have passed the bar examination, with the aim to prepare them for the performance of the judiciary office.

In-service training shall be organized for judiciary officials, with the aim to maintain and improve their knowledge, capacities and skills towards the efficient performance of the judiciary office.

Types and Contents of Training Programs

Article 8

Training in the judiciary authorities shall be organized on the basis of an annual program and special programs of training.

The annual training program must indicate areas of law in which training is to be organized, implementation time schedule, structure and number of participants, professional structure of trainers, financial requirements and the manner of program evaluation.

Special training programs shall elaborate the annual training program for individual areas of law.

Special Programs

Article 9

The training shall be organized on the basis of special programs for:

- 1) the persons referred to in Article 7, paragraph 2 above;
- 2) judiciary officials who perform their office for less than 3 years;
- 3) judiciary officials who perform their office for more than 3 years;
- 4) heads of judiciary bodies.

Judiciary officials who move from an area or get specialized in a particular area of law must undergo further professional training through special training programs.

Publicity

Article 10

Training programs shall be public and shall be published on the websites of the Center and judiciary authorities, as well as in other appropriate ways.

Funding Sources

Article 11

Funding for the training shall be provided as a separate item within the budget of the Supreme Court, as well as from the donations, grants and other sources.

II. COMPOSITION AND RESPONSIBILITIES OF SPECIAL BODIES

Special Bodies

Article 12

Special bodies shall be formed for the organization and conduct of training in the judiciary: Coordination Board, program committees and Examination Commission.

Responsibilities of the Coordination Board

Article 13

The Coordination Board shall:

- 1) approve annual training program and the plan of its implementation within the allocated amount of funds;

- 2) appoint program committees for the implementation of special training programs, elect members of those committees and determine the number of participants in the training;
- 3) monitor the program evaluation;
- 4) determine the list of long-term and short-term trainers;
- 5) elect members of Examination Commission;
- 6) issue its rules of procedure;
- 7) carry out other duties relevant to the training.

Composition of the Coordination Board

Article 14

The Coordination Board shall have seven members:

- 1) two from the ranks of judges of the Supreme Court;
- 2) one from the ranks of Deputy Supreme State Prosecutors;
- 3) one representative of the Judicial Council;
- 4) one representative of the Prosecutorial Council;
- 5) one representative of the Ministry of Justice;
- 6) one representative of the Law School of Podgorica.

Election of Members of the Coordination Board

Article 15

Members of the Coordination Board shall be elected:

- 1) from the ranks of judges of the Supreme Court – by the General Session of the Supreme Court;
- 2) from the ranks of Deputy Supreme State Prosecutors – by the General Session of the Supreme State Prosecutor;
- 3) from the ranks of members of the Judicial Council – by the Judicial Council;
- 4) from the ranks of members of the Prosecutorial Council – by the Prosecutorial Council;
- 5) from the ranks of representatives of the Ministry of Justice – by the Minister of Justice;
- 6) from the ranks of professors of the Law School – by the Faculty Council of the Law School.

President of the Supreme Court shall issue an order on the constitution of the Coordination Board.

The order referred to in paragraph 2 above shall be published in the "Official Gazette of the Republic of Montenegro".

Rules of Procedure

Article 16

The manner of work and decision-making, as well as other issues relevant to the work of the Coordination Board, shall be governed by its Rules of Procedure.

Incompatibility

Article 17

Members of the Coordination Board may not be members of program committees and Examination Commission.

Term of Office

Article 18

Members of the Coordination Board shall be elected for the period of four years and may be re-elected.

Chairman and deputy chairman of the Coordination Board shall be elected for the period of four years, by majority vote of members of the Coordination Board, and may be re-elected.

Termination of Membership in the Coordination Board

Article 19

Membership in the Coordination Board shall terminate before the expiry of the term for which a member has been elected upon request of the member or upon the cease of his/her office or employment or other grounds for his/her membership in the Board.

Termination of membership shall be stated by the president of the Supreme Court.

Manner of Adopting Annual Training Program

Article 20

Annual training program and the plan of its implementation shall be adopted by the Coordination Board, by not later than November 1 of the current year for the next year, after obtaining the opinion of the Judicial Council and Prosecutorial Council.

Program Committee

Article 21

A program committee shall have three members.

Members of the program committee shall be appointed by the Coordination Board from the ranks of experts in the area which is the subject matter of a special training program.

Responsibilities of the Program Committee

Article 22

The program committee shall:

- 1) elaborate and carry out special training program and specify its implementation plan;
- 2) determine the structure of participants;
- 3) determine and hire trainers from the list of trainers;
- 4) submit report on the implementation of a special training program to the Coordination Board, the Judicial Council, the Prosecutorial Council and the Ministry of Justice;
- 5) keep records of the implementation of special training programs;
- 6) carry out other duties in accordance with this Law.

Examination Commission

Article 23

Examination Commission shall have three members.

Members of the Examination Commission shall be appointed by the Coordination Board from the ranks of experts in individual areas which are covered by initial training program.

Responsibilities of the Examination Commission

Article 24

Examination Commission shall organize the entrance and final examinations for the initial training in accordance with this Law.

Accountability

Article 25

The Coordination Board shall report to the Judicial Council and the Prosecutorial Council, while the program committees and the Examination Board shall report to the Coordination Board.

Trainers

Article 26

Trainers for judiciary training shall be appointed from among judges, prosecutors, professors, and domestic and foreign experts distinguished in particular areas of law.

Administrative-Technical and Other Duties

Article 27

Administrative-technical and other duties as required by the Coordination Board, program committees and Examination Commission shall be performed by the Center.

The Center shall issue certificates and shall design their content and form.

III. TYPES OF TRAINING

Initial Training

Article 28

The Coordination Board shall determine the number of participants to attend initial training for a year on the basis of the annual training program for the year, actual needs and vacancies among holders of judiciary office.

Announcement

Article 29

The Center shall, upon proposal of the Coordination Board, publish an announcement for initial training.

The announcement referred to in paragraph 1 above shall be published in the first half of November of the current year for the next year in at least one of print media that are in circulation in Montenegro.

Entrance Examination

Article 30

Persons who meet the requirements referred to in Article 7 (2) above may apply under the announcement for initial training.

The persons referred to in paragraph 1 above shall take entrance examination before the Examination Commission consisting of written and oral part.

Number and Selection of Persons to Attend Initial Training

Article 31

The number of persons to attend initial education shall be determined in the annual training program.

The selection of persons to attend initial education shall be made on the basis of the results achieved in the initial training entrance examination.

Final Examination

Article 32

The candidates who have attended initial training shall take a final examination before the Examination Commission.

The candidates who pass the final examination shall receive a certificate of passing the examination.

Contents and Manner of Taking Examinations

Article 33

The program committee for initial training shall, with prior consent of the Coordination Board, determine the contents and manner of taking entrance and final examinations and candidate evaluation.

List of Candidates

Article 34

List of candidates who have passed the final examination, ranked according to the results achieved, shall be submitted to the Judicial Council and Prosecutorial Council and shall be given due consideration when proposing candidates for the election or appointment of judiciary officials.

In-service Training

Article 35

In-service training shall mean further professional training and professional development of judiciary officials through special programs in accordance with this Law.

Training Program for Judiciary Officials Who Are in That Office for Less than Three Years

Article 36

The training program for judiciary officials who are in that office for less than three years shall include:

- 1) organization and functioning of the judiciary system;
- 2) internal organization;
- 3) status, rights, obligations and responsibility of judiciary officials;
- 4) code of ethics;
- 5) application of laws and other regulations;
- 6) introduction to most significant areas of international law, international standards and recommendations, including the European Union law and the issue of human rights;
- 7) professional skills;
- 8) other areas relevant to their work.

Training Program for Judiciary Officials Who Are in That Office for More than Three Years

Article 37

The training program for judiciary officials who are in that office for more than three years shall include:

- 1) position, rights and obligations of judiciary officials;
- 2) application of laws and other regulations;
- 3) new legislation;
- 4) professional skills;
- 5) code of ethics;
- 6) introduction to most significant areas of international law, international standards and recommendations, including the European Union law and the issue of human rights;
- 7) increased efficiency in case resolution;
- 8) alternative ways of case resolution;
- 9) other areas relevant to their work.

Training Program for Heads of Judiciary Bodies

Article 38

The training program for heads of judiciary bodies shall include:

- 1) organization and internal operation of judiciary bodies;
- 2) case management;
- 3) case backlog management problem;
- 4) alternative ways of case resolution;
- 5) code of ethics;
- 6) public relations and access to information;
- 7) rights, obligations and responsibilities of civil servants and state employees;
- 8) financial and material operations;
- 9) lawful case disposal;
- 10) other areas relevant to their work.

Obligatory Training

Article 39

Obligatory training, through special programs, shall be organized for judiciary officials in the case of promotion, change of area of responsibility or office and specialization, introduction of new procedures, as well as in other cases.

Common Training Programs

Article 40

Common training programs shall be organized for judiciary officials and members of other state authorities when it is necessary to organize training regarding coordinated action of a number of authorities in a particular area.

Remuneration

Article 41

Trainers, members of the Coordination Board, program committees and Evaluation Commission shall be entitled to remuneration for their work in an amount specified in the order for their formation and/or appointment.

Types and Contents of Records

Article 42

The Center shall keep records of:

- 1) completed training programs;
- 2) structure and number of participants in training programs;
- 3) issued certificates;
- 4) long-term and short-term trainers, and their engagement;
- 5) structure and number of judiciary officials that have not participated in training;
- 6) other data related to training.

The data referred to in paragraph 1, points 2 and 5 above shall be submitted to the Judicial Council and Prosecutorial Council.

The form, contents and manner of keeping records referred to in paragraph 1 above shall be specified by the Center, against previously obtained opinion of the Coordination Board.

Report

Article 43

The Center shall submit to the Judicial Council and Prosecutorial Council annual report as well as individual reports upon their request.

The annual report shall be submitted by not later than October 1 of the current year and shall include information about the completed training programs, structure and number of participants and other data that is kept in the records and is relevant to the training.

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 44

The Coordination Board shall be formed not later than 60 days after the effective date of this Law.

Article 45

This Law shall become effective on the eighth day upon its publication in the "Official Gazette of the Republic of Montenegro" and shall be applied starting from January 1, 2007.