

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Bosnia and Herzegovina

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



##### **001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 3509728 ]

Comments Population data, delivered in the previous cycles of the CEPEJ reports (2006-2014), are the official data of the BiH Statistics Agency, which were the result of the population estimates made by the Agency. The population census in Bosnia and Herzegovina was

conducted in the period 1 October 2013 – 15 October 2013, while the census results were published in 2016. According to the census results, there were 3,531,159 inhabitants living in Bosnia and Herzegovina in October 2013. The difference in population figures in 2016 compared to the data submitted earlier for the 2014 report is the result of the fact that the official data of the Statistics Agency for 2014 were based on estimates, while the 2016 data is the result of the census that was carried out in 2013 and subsequent adjustments.

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	5967952225 [ ] NA [ ] NAP
Regional / federal entity level (total for all regions / federal entities)	5482582842 [ ] NA [ ] NAP

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 4354 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 7982 ]

[ ] NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 1.95583 ]

Allow decimals : 5

[ ] NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: 1) Agency of statistics of BiH

2) Central Bank of Bosnia and Herzegovina: [http://statistics.cbbh.ba:4444/Panorama/novaview/SimpleLogin\\_bs.aspx](http://statistics.cbbh.ba:4444/Panorama/novaview/SimpleLogin_bs.aspx)

3)

[http://www.bhas.ba/index.php?option=com\\_publicacija&view=publicacija\\_pregled&ids=2&id=11&n=Nacionalni%20rauni&Itemid=0&lang=en](http://www.bhas.ba/index.php?option=com_publicacija&view=publicacija_pregled&ids=2&id=11&n=Nacionalni%20rauni&Itemid=0&lang=en)

GROSS DOMESTIC PRODUCT OF BOSNIA AND HERZEGOVINA 2005-2015 / ESA 2010

4) Agency of statistics of BiH

5) <http://www.cbbh.ba/?lang=en>



## 1.1.2. Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	86590466 <input type="checkbox"/> NA <input type="checkbox"/> NAP	85228228 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	72257399 <input type="checkbox"/> NA <input type="checkbox"/> NAP	70635394 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1452946 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	268624 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	8532458 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	108430 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Annual public budget allocated to training</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	77370 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Other (please specify)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	4153006 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: There is no continuity of planning funds for the construction of new court buildings. For this reason, the amount of funds spent for this purpose can vary significantly.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments:

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	<b>Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>for other than criminal cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

**008-1. Please briefly present the methodology of calculation of court taxes or fees:**

- In Bosnia and Herzegovina the legislation on court fees is adopted at 3 levels of government (BiH, entities, and cantons). In most laws court fees are defined as set sums. Their amount depends on the value of a claim which is determined by the litigant. Only a court fee for claims exceeding 50.000 Euro is set as a percentage of the contested claim.

The rest of the laws on court fees in Bosnia and Herzegovina prescribe that the court fee is always calculated as a percentage of the contested claim regardless of its amount.

**008-2. The amount of court fees to commence an action for 3000€ debt recovery:**

[ 100 ]  
 NA  
 NAP

Comments

**009. Annual income of court taxes or fees received by the State (in €)**

[ 23394965 ]  
 NA  
 NAP

Comments

**012. Annual approved public budget allocated to legal aid, in €.**

<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>

<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.1 for cases brought to court</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**012-1. Annual implemented public budget allocated to legal aid, in €.**

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	7469095 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12-1.1 for cases brought to court</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences:

**013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.**

	<b>Approved budget (in €)</b>	<b>Implemented budget (in €)</b>
<b>Total annual public budget allocated to the public prosecution services, in €</b>	25467215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25410669 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences:

**014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):**

	<b>Preparation of the total court budget</b>	<b>Adoption/approval of the total court budget</b>	<b>Management and allocation of the budget among the courts</b>	<b>Evaluation of the use of the budget at a national level courts</b>
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other ministry</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Parliament</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP
<b>Supreme Court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Courts</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Inspection body</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify:

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: The data prepared by the High Judicial Council of Bosnia and Herzegovina and the legislation on the court system of Bosnia and Herzegovina.

### 1.1.3. Budgetary data concerning the whole justice system

**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	204559416 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences:

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

	<b>Included</b>
<b>Court (see question 6)</b>	( X ) Yes ( ) No [ ] NAP
<b>Legal aid (see question 12)</b>	( X ) Yes ( ) No [ ] NAP
<b>Public prosecution services (see question 13)</b>	( X ) Yes ( ) No [ ] NAP

Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	<b>Included</b>
<b>Prison system</b>	( X ) Yes ( ) No [ ] NAP
<b>Probation services</b>	( ) Yes ( ) No [ X ] NAP
<b>Council of the judiciary</b>	( X ) Yes ( ) No [ ] NAP
<b>Constitutional court</b>	( X ) Yes ( ) No [ ] NAP
<b>Judicial management body</b>	( ) Yes ( ) No [ X ] NAP
<b>State advocacy</b>	( X ) Yes ( ) No [ ] NAP
<b>Enforcement services</b>	( ) Yes ( ) No [ X ] NAP
<b>Notariat</b>	( ) Yes ( ) No [ X ] NAP
<b>Forensic services</b>	( X ) Yes ( ) No [ ] NAP
<b>Judicial protection of juveniles</b>	( ) Yes ( ) No [ X ] NAP

<b>Functioning of the Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP
<b>Refugees and asylum seekers services</b>	( ) Yes ( ) No [ X ] NAP
<b>Immigration Service</b>	( ) Yes ( ) No [ X ] NAP
<b>Some police services (e.g. : transfer, investigation, prisoners' security)</b>	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( ) Yes ( X ) No [ ] NAP

Comments - If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: The data prepared by the High Judicial Council of Bosnia and Herzegovina and the legislation on the court system of Bosnia and Herzegovina.

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>Representation in court</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP
<b>Legal advice</b>	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

( X ) Yes

( ) No

Comments - If yes, please specify:



**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

Yes

No

Comments - If yes, please specify:

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

### 2.1.2. Quantitative information on legal aid

**020. (Modified question) Please indicate the number of cases for which legal aid has been granted:**

	Cases brought to court	Cases not brought to court / non-litigious cases
<b>TOTAL</b>	8694 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20314 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	3635 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1107 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	5059 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19207 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

**021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

**022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?**

Yes

No

Comments

**023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	1285 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Full legal aid for other than criminal cases</b>	1285 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid for criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Partial legal aid for other than criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: This amount is an estimate made on the basis of different financial criteria for granting free legal aid used by institutions of different levels of government to provide free legal aid in Bosnia and Herzegovina. These institutions also use different criteria for owning property for granting free legal aid cumulatively with the income criterion; however, these property criteria are not intended to be disclosed through monetary amounts.

**024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	( X ) Yes ( ) No
in other than criminal cases	( X ) Yes ( ) No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: The data prepared by the High Judicial Council of Bosnia and Herzegovina and the legislation on free legal aid system of Bosnia and Herzegovina.

**2.2. Users of the courts and victims**

**2.2.1. Rights of the users and victims**

**028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	( X ) <a href="http://www.parlament.ba/">http://www.parlament.ba/</a> , <a href="http://narodnaskupstinars.net">narodnaskupstinars.net</a> , <a href="http://fbihvlada.gov.ba">fbihvlada.gov.ba</a> , <a href="http://www.bdcentral.net">www.bdcentral.net</a>	( )
case-law of the higher court/s	( X ) <a href="http://www.ustavisud.ba">www.ustavisud.ba</a> , <a href="http://www.sudbih.gov.ba">www.sudbih.gov.ba</a> , <a href="http://vsud-fbih.pravosudje.ba">http://vsud-fbih.pravosudje.ba</a> , <a href="http://vsud-rs.pravosudje.ba">http://vsud-rs.pravosudje.ba</a>	( )
other documents (e.g. downloadable forms, online registration)	( X ) <a href="https://www.pravosudje.ba/predm/faces/login.jsp">https://www.pravosudje.ba/predm/faces/login.jsp</a> ; <a href="http://www.mpr-centar.org">www.mpr-centar.org</a>	( )

Comments - Please specify what documents and information the addresses for “other documents” include: Other documents: downloadable forms for legal aid procedures, online access to court cases.

The websites of all courts contain practical information about their work (e.g. scheduling of court hearings).

**029. (Modified question) Is there an obligation to provide information to the parties concerning the**

**foreseeable timeframes of proceedings?**

- Yes, always
- No
- Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

**030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes
- No

Comments - If yes, please specify:

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	<b>Information mechanism</b>	<b>Special arrangements in hearings</b>	<b>Other specific arrangements</b>
<b>Victims of sexual violence/rape</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of terrorism</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Minors (witnesses or victims)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of domestic violence</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ethnic minorities</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Disabled persons</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Juvenile offenders</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify:

**031-1. Is it possible for minors to be a party to a judicial proceeding:**

- Yes
- No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

**032. Does your country allocate compensation for victims of crime?**

- Yes, please specify for which kind of offences: Criminal Offences, Minor Offences

( ) No

Comments

**032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?**

( X ) Yes

( ) No

Comments

**033. If yes, does this compensation come from:**

[ ] a public fund

[ X ] damages and interests to be paid by the person responsible

[ ] a private fund

Comments

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

( ) Yes

( X ) No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

( X ) Yes

( ) No

Comments - If yes, please specify:

**036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

( ) Yes

( X ) No

[ ] NAP

Comments - If necessary, please specify:

### 2.2.2. Confidence of citizens in their justice system

**037. (Modified question) Is there a system for compensating users in the following circumstances:**

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

<b>Total</b>	5240 [ ] NA [ ] NAP	1747 [ ] NA [ ] NAP	1226129 [ ] NA [ ] NAP
<b>Excessive length of proceedings</b>	1210 [ ] NA [ ] NAP	427 [ ] NA [ ] NAP	296572 [ ] NA [ ] NAP
<b>Non-execution of court decisions</b>	394 [ ] NA [ ] NAP	603 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Wrongful arrest</b>	196 [ ] NA [ ] NAP	80 [ ] NA [ ] NAP	910405 [ ] NA [ ] NAP
<b>Wrongful conviction</b>	318 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP	6574 [ ] NA [ ] NAP
<b>Other</b>	3122 [ ] NA [ ] NAP	629 [ ] NA [ ] NAP	12577 [ ] NA [ ] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): General remark: Number of requests shown in the table refers to the requests received in 2016 and number of the condemnations refers to the total number of condemnations in 2016, regardless of the date of submission of the request. Excessive length of proceedings/Non execution of court decisions: A person whose right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay. In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

Wrongful arrest and wrongful conviction: Terms under which person is entitled to compensation of damages for wrongful arrest and wrongful conviction are provided in criminal procedure codes. Compensation is awarded in civil proceedings, initiated against public authorities by the person entitled to compensation. The filing of a lawsuit is preceded by an attempt to reach a settlement through the competent Ministry of Justice. Under one of the jurisdictions in BIH there is a rule regulating criteria applicable in settlement procedure, that stipulates the amount per day for unjustified detentions. There is no specific and unified method to calculate the amount of the compensation in court proceedings and court decides in each case based on the circumstances of the case. Apart from the aforementioned regular proceedings, a person whose rights and freedoms protected by the Constitution and European convention are violated by wrongful arrest and wrongful conviction, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. In a decision granting an appeal, the Constitutional Court may award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court.

Total number of the requests for compensation on the ground of the wrongful arrest, shown in the table, includes 61 requests filed to the regular courts, 87 requests for the settlement and 48 appeals filed to the Constitutional Court. Total amount of the compensation awarded by the regular courts is 844070 €, total amount of 63011 € awarded through settlements and total amount of the compensation awarded by the Constitutional Court is 3323 €.

Total number of the requests for compensation on the ground of the wrongful conviction, shown in the table, includes 9 requests filed to the regular courts and 309 appeals filed to the Constitutional Court. Total amount of the compensation awarded by the regular courts is

6574 € Constitutional Court hasn't awarded any compensation on this ground in any of the cases dealt with in 2016. Other: Number shown in the table refers to the appeals submitted to the Constitutional Court regarding other aspects of the functioning of the courts and amounts of the compensation awarded to the parties whose rights to the access to the court has been violated.

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	National level	Court level
<b>1. (Satisfaction) surveys aimed at judges</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>2. (Satisfaction) surveys aimed at court staff</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>3. (Satisfaction) surveys aimed at public prosecutors</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>4. (Satisfaction) surveys aimed at lawyers</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>5. (Satisfaction) surveys aimed at the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
<b>7. (Satisfaction) surveys aimed at victims</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>8. Other not mentioned</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: The research measuring court users satisfaction in two major municipal courts was done on ad-hoc basis to obtain information on the attitude of the court users towards the mentioned courts and to identify positive change of attitude, if any, comparing with results from initial research that had been conducted in those courts in 2014 and 2015.

**040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)**

Yes

No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
<b>Court concerned</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Higher court</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Ministry of Justice</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Council of the Judiciary</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	Number of complaints	Compensations amount granted to users
<b>Court concerned</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Higher court</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Ministry of Justice</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Council of the Judiciary</b>	919 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	569 [ ] NA [ ] NAP	[ ] NA [ X ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The High Judicial and Prosecutorial Council (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within the HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors. ODC investigates complaints alleging misconduct of judges and prosecutors, and initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless upon a showing of a cause that an extension is justified. In these proceedings complainants are not entitled to compensation if their complaint is found to be sound. In 2016 ODC initiated 26 disciplinary proceedings against judges and 6 against prosecutors. The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public organ in Bosnia and Herzegovina. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent organs to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address.

In performing its competences the Ombudsman can not decide on compensation for determined human rights violations.

Out of the 569 complaints received by the Ombudsman in 2016, 144 were complaints about excessive length of proceedings, 58 about



ineffective execution of court decisions, 27 complaints against judges for violation of procedural laws and 340 complaints related to the violation of other rights related to court procedure. In 2016 the Ombudsman issued 18 recommendations to the courts.

The Constitutional Court of Bosnia and Herzegovina has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in Bosnia and Herzegovina. This includes appeals regarding excessive length of court proceeding, non-enforcement of judicial decisions, and other aspects of the right to a fair trial, as well as other rights protected by the European Convention. Number of complaints received by the Constitutional Court in 2016 and amounts of compensation awarded are shown in the table under the question 37.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

#### 042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	67 [ ] NA [ ] NAP
42.2 First instance specialised courts (legal entities)	5 [ ] NA [ ] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	98 [ ] NA [ ] NAP

Comments

#### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	5 [ ] NA [ ] NAP
Commercial courts (excluded insolvency courts)	5 [ ] NA [ ] NAP
Insolvency courts	[ ] NA [ X ] NAP
Labour courts	[ ] NA [ X ] NAP
Family courts	[ ] NA [ X ] NAP
Rent and tenancies courts	[ ] NA [ X ] NAP

<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised 1st instance courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify:

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

Comments - If yes, please specify: The five new first instance courts of general jurisdiction will be established during 2017 and 2018. The legislative authorities have amended the legislation on court system increasing the number of courts in order to improve access to justice for citizens in certain areas of Bosnia and Herzegovina.

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	56 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a dismissal</b>	51 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a robbery</b>	51 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No, please give your definition for small claims: .....

**045-2. (New question) Please indicate the value in € of a small claim:**

[ 2500 ]

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: The legislation on court system of Bosnia and Herzegovina.

**3.2. Court staff****3.2.1. Judges and non-judge staff**

**046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	1014 [ ] NA [ ] NAP	370 [ ] NA [ ] NAP	644 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	677 [ ] NA [ ] NAP	252 [ ] NA [ ] NAP	425 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	218 [ ] NA [ ] NAP	72 [ ] NA [ ] NAP	146 [ ] NA [ ] NAP
<b>3. Number of supreme court professional judges</b>	119 [ ] NA [ ] NAP	46 [ ] NA [ ] NAP	73 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above:

**047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	78 [ ] NA [ ] NAP	42 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	58 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP

<b>2. Number of second instance (court of appeal) court presidents</b>	17 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP
<b>3. Number of supreme court presidents</b>	3 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

Comments As concerns the number of Supreme Court presidents (male/female), the data is correct. Differences in data are not the result of changes in the policy of appointing court presidents.

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):**

	Figure
<b>Gross figure</b>	91 [ ] NA [ ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

- ( ) Yes, please give specifications on the types of cases and an estimate in percentage. ....  
 ( X ) No

Comments In 2016, additional judges disposed of 62,396 cases, or 5% of the overall number of cases disposed by the courts in Bosnia and Herzegovina. Additional judges disposed of 60,028 or 96% of first-instance cases; of which 29,650 or 48% were enforcement cases, 12,227 or 20% civil cases, 7,023 or 11% non-litigious cases, 3,176 or 5% criminal cases, 3,621 or 6% minor offence cases and 1,155 or 2% administrative cases. Out of the total number of cases disposed of by additional judges in 2016, 1,956 or 3% were second-instance cases, and 1% other cases.

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

	Figure
<b>Gross figure</b>	171 [ ] NA [ ] NAP
<b>In full time equivalent</b>	[ ] NA [ X ] NAP

Comments Lay judges decide in court panels together with professional judges in old cases initiated according to previously applicable court procedures.

The number of jurors has decreased significantly since there are very few outstanding cases in the court system that were initiated according to previously applicable court procedures.

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
<b>in criminal law cases</b>	( )	( )	( X )
<b>- severe criminal cases</b>	( )	( )	( X )
<b>- misdemeanour and/or minor criminal cases</b>	( )	( )	( X )
<b>in family law cases</b>	( )	( X )	( )
<b>in civil cases</b>	( )	( X )	( )
<b>in labour law cases</b>	( )	( X )	( )
<b>in social law cases</b>	( )	( X )	( )
<b>in commercial law cases</b>	( )	( X )	( )
<b>in insolvency cases</b>	( )	( X )	( )
<b>other</b>	( )	( X )	( )

Comments - If "other", please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

( ) Yes

( X ) No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

[ ] Severe criminal cases

[ ] Misdemeanour cases

[ ] Other cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

[ ] NA

[ X ] NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year)**

(this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	3156 [ ] NA [ ] NAP	787 [ ] NA [ ] NAP	2369 [ ] NA [ ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	95 [ ] NA [ ] NAP	28 [ ] NA [ ] NAP	67 [ ] NA [ ] NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	1218 [ ] NA [ ] NAP	105 [ ] NA [ ] NAP	1113 [ ] NA [ ] NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	1510 [ ] NA [ ] NAP	482 [ ] NA [ ] NAP	1028 [ ] NA [ ] NAP
<b>4. Technical staff</b>	333 [ ] NA [ ] NAP	172 [ ] NA [ ] NAP	161 [ ] NA [ ] NAP
<b>5. Other non-judge staff</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "other non-judge staff", please specify: With regard to the number of Rechtspfleger (males) and the number of non-judge staff whose task is to assist the judge (males), the data is correct. Differences in data are not the result of changes in the policy of appointing court employees.

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services, which fall within their powers, to private**

## providers?

Yes

No

Comments

### 054-1. (New question) If yes, please specify which services have been outsourced:

IT services

Training of staff

Security

Archives

Cleaning

Other types of services (please specify): Mail delivery, Maintenance of the heating system

Comments Only a small number of courts (i. e. 11 courts) delegated ancillary services to private companies in 2016. Other types of delegated services include mail delivery and maintenance of the heating system in the court building.

## C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: The official report of the High Judicial of and Prosecutorial Council of Bosnia and Herzegovina.

## 3.3. Public prosecution

### 3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	381 <input type="checkbox"/> NA <input type="checkbox"/> NAP	187 <input type="checkbox"/> NA <input type="checkbox"/> NAP	194 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of prosecutors at first instance level</b>	297 <input type="checkbox"/> NA <input type="checkbox"/> NAP	143 <input type="checkbox"/> NA <input type="checkbox"/> NAP	154 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Number of prosecutors at supreme court level</b>	84 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above: The number of prosecutors at Supreme Court level was increased in 2015 in order to increase their capacity to investigate the most serious types of crime (i.e. organized crime and terrorism cases).

**056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	18 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	15 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	3 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above:

**057. Do other persons have similar duties to public prosecutors?**

( ) Yes, please specify their number (in full-time equivalent): .....

(X) No

Comments - If yes, please specify their title and functions:

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

( ) Yes

(X) No

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

(X) Yes

( ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	679 [ ] NA	182 [ ] NA	497 [ ] NA



## C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: The official report of the High Judicial of and Prosecutorial Council of Bosnia and Herzegovina.

### 3.4. Management of the court budget

#### 3.4.1. Court budget

##### 061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
<b>Management Board</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Court President</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Court administrative director</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Head of the court clerk office</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

##### 066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

##### 067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

##### 068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

**068-1. (New question) If yes, please specify the frequency of this evaluation:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: According to the law, the court presidents in the senior courts must appraise annually the work of the court presidents in the subordinated courts in accordance with the performance criteria adopted by the HJPC. The evaluation criteria include the collective referential quota of the court and the president's performance in terms of court management. Also, subordinated courts are obliged to inform the senior court about the implementation of their annual work plan.

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

**3.6.2. Performance and evaluation of courts**

**070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):-number of pending cases, - productivity of judges (referential quota), - the percentage of confirmed decisions per number of appeals.

Comments The category "other" refers to number of pending cases, productivity of judges (referential quota), the percentage of confirmed decisions per number of appeals.

**071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

civil law cases

criminal law cases

administrative law cases

Comments

**072. Do you have an evaluation process to monitor waiting time during court procedures?**

Yes

No

Comments - If yes, please specify:

**073. Do you have a system to evaluate regularly the activity (in terms of performance and output)**

**of each court?**

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

Yes

No

Comments

**074. Are there performance targets defined at the level of the court?**

Yes

No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):to reduce the number of pending cases

Comments The category "other" refers to reducing the number of pending cases.

**076. Who is responsible for setting the targets for the courts?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify): .....

Comments

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

Yes

No

**078. If yes, please select the main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify):the percentage of confirmed decisions per number of appeals and number of appealable court decisions

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

**3.6.3. Court activity and administration**



**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes (please indicate the name and the address of this institution):The High Judicial and Prosecutorial Council of Bosnia and Herzegovina, <https://vstv.pravosudje.ba/>

No

**080-1. Does this institution publish statistics on the functioning of each court:**

- Yes, on internet
- No, only internally (in an intranet website)
- No

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments

**081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

Yes

No

Comments - If yes, please specify:

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

### **3.6.4. Performance and evaluation of judges**

**083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

Yes

No

Comments

**083-1. Who is responsible for setting the targets for each judge?**

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify): .....

Comments

**New node**



**4.Fair trial**

**4.1.Principles**

**4.1.1.Principles of fair trial**



**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

- NA
- NAP

Comments

**085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

- Yes, number of successful challenges in a year 141
- No

Comments - Please could you briefly specify:

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

	Monitoring system
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations: There were no judgments of ECHR against BIH in 2016. 4 friendly settlements were reached and 3 unilateral declarations have been made acknowledging the violation of article 6 ECHR regarding length of proceedings and lack of execution of court decisions.

## **D1. Please indicate the sources for answering questions in this chapter.**

Sources:

Legislation on the judicial system in Bosnia and Herzegovina.

The data of the Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights.

## **4.2. Timeframe of proceedings**

### **4.2.1. General information**

#### **087. Are there specific procedures for urgent matters as regards:**

civil cases

criminal cases

administrative cases

There is no specific procedure

Comments - If yes, please specify:

#### **088. Are there simplified procedures for:**

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

#### **088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

#### **089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

Yes

Comments - If yes, please specify:

**4.2.2. Case flow management – first instance****091. (Modified question) First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	2120159 [ ] NA [ ] NAP	997208 [ ] NA [ ] NAP	1011511 [ ] NA [ ] NAP	2105856 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	272584 [ ] NA [ ] NAP	138679 [ ] NA [ ] NAP	159882 [ ] NA [ ] NAP	251381 [ ] NA [ ] NAP	113958 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	1838124 [ ] NA [ ] NAP	851171 [ ] NA [ ] NAP	842914 [ ] NA [ ] NAP	1846381 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	1768820 [ ] NA [ ] NAP	348605 [ ] NA [ ] NAP	362720 [ ] NA [ ] NAP	1754705 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	69304 [ ] NA [ ] NAP	502566 [ ] NA [ ] NAP	480194 [ ] NA [ ] NAP	91676 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	67415 [ ] NA [ ] NAP	442399 [ ] NA [ ] NAP	420136 [ ] NA [ ] NAP	89678 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	1666 [ ] NA [ ] NAP	59362 [ ] NA [ ] NAP	59320 [ ] NA [ ] NAP	1708 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	223 [ ] NA [ ] NAP	805 [ ] NA [ ] NAP	738 [ ] NA [ ] NAP	290 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP



<b>3. Administrative law cases</b>	9451 [ ] NA [ ] NAP	7358 [ ] NA [ ] NAP	8715 [ ] NA [ ] NAP	8094 [ ] NA [ ] NAP	1483 [ ] NA [ ] NAP
<b>4. Other cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments There are significant discrepancies in the case flow data for a number of case categories compared to the previous reporting cycle. These differences in the case flow data are caused by various trends in the work of courts in 2015 and 2016.

More specifically, the courts received much more new land registry cases in 2015 and 2016 compared to 2014. The increase in the number of new cases is a consequence of the project of harmonization of the non-judicial and court register of real estate rights. This process has led to a temporary increase in the number of unresolved land registry cases in the courts.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. The most important case categories among civil and commercial non-litigious cases are: uncontested payment orders, non-litigious enforcement cases, inheritance proceedings, non-contentious proceedings related to personal and family matters (e.g. establishing that a person does not have legal competence, stripping of parental rights), non-contentious proceedings for settling relationships between co-owners of the real estate including dissolution of co-ownership, settlement of boundary lines, voluntary sales.

**093. Please indicate the case categories included in the category "other cases":**

. No cases categories are included in the category “other cases”.

**094. (Modified question) First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	142495 [ ] NA [ ] NAP	149620 [ ] NA [ ] NAP	160153 [ ] NA [ ] NAP	131962 [ ] NA [ ] NAP	51102 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	19531 [ ] NA [ ] NAP	54215 [ ] NA [ ] NAP	55019 [ ] NA [ ] NAP	18727 [ ] NA [ ] NAP	2870 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	122964 [ ] NA [ ] NAP	95405 [ ] NA [ ] NAP	105134 [ ] NA [ ] NAP	113235 [ ] NA [ ] NAP	48232 [ ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": There are significant discrepancies in the case flow data for a number of case categories compared to the previous reporting cycle. These differences in the case flow data are caused by various trends in the work of courts in 2015 and 2016.

## 4.2.3. Case flow management – second instance



097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	50052 [ ] NA [ ] NAP	41914 [ ] NA [ ] NAP	39596 [ ] NA [ ] NAP	52370 [ ] NA [ ] NAP	15556 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	43039 [ ] NA [ ] NAP	37415 [ ] NA [ ] NAP	35519 [ ] NA [ ] NAP	44935 [ ] NA [ ] NAP	13789 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

<b>3. Administrative law cases</b>	7013 [ ] NA [ ] NAP	4499 [ ] NA [ ] NAP	4077 [ ] NA [ ] NAP	7435 [ ] NA [ ] NAP	1767 [ ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments There are significant discrepancies in the case flow data for a number of case categories compared to the previous reporting cycle. These differences in the case flow data are caused by various trends in the work of courts in 2015 and 2016. The largest second instance courts failed to achieve a resolution rate of 100% in 2015 and 2016 for civil and commercial litigious cases. These courts argue that they need more judges to reduce the number of unresolved civil and commercial cases. Several courts that have jurisdiction in second instance administrative cases failed to achieve a disposition rate of 100% in 2016 for administrative cases in the context of an increase in the number of new cases. At the end of 2017, the High Judicial Council decided to increase the number of judges in the two largest courts in charge of second instance cases.

#### 098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	2654 [ ] NA [ ] NAP	14573 [ ] NA [ ] NAP	14211 [ ] NA [ ] NAP	3016 [ ] NA [ ] NAP	270 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	2207 [ ] NA [ ] NAP	10157 [ ] NA [ ] NAP	9955 [ ] NA [ ] NAP	2409 [ ] NA [ ] NAP	269 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	447 [ ] NA [ ] NAP	4416 [ ] NA [ ] NAP	4256 [ ] NA [ ] NAP	607 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments There are significant discrepancies in the case flow data for a number of case categories compared to the previous reporting cycle. These differences in the case flow data are caused by various trends in the work of courts in 2015 and 2016. The largest second instance courts failed to achieve a disposition rate of 100% in 2015 and 2016 for severe criminal cases. These courts argue that they need more judges to reduce the number of unresolved severe criminal cases. At the end of 2017, the High Judicial Council decided to increase the number of judges in the two largest courts in charge of second instance cases. The reduction in the number of unresolved second-instance misdemeanor criminal cases occurred in the circumstances of a significant reduction in the number of new cases in 2016.

#### 4.2.4. Case flow management – Supreme Court

#### 099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))

<b>Total of other than criminal law cases (1+2+3+4)</b>	6355 [ ] NA [ ] NAP	5330 [ ] NA [ ] NAP	5816 [ ] NA [ ] NAP	5869 [ ] NA [ ] NAP	933 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	6355 [ ] NA [ ] NAP	5330 [ ] NA [ ] NAP	5816 [ ] NA [ ] NAP	5869 [ ] NA [ ] NAP	933 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments There are significant discrepancies in the case flow data compared to the previous reporting cycle. These differences in the case flow data are caused by various trends in the work of courts in 2015 and 2016. The increase in the number of pending on 1 January 2016 civil and commercial litigious cases is due to the fact that one of the highest instance courts failed to achieve a resolution rate of 100% in 2015 for civil and commercial litigious cases. This court argued that it needed more judges to reduce the number of pending cases. At the end of 2017, the High Judicial Council decided to increase the number of judges in this court.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( X ) Yes, please indicate the number of cases closed by this procedure:1865

( ) No

Comments There are significant discrepancies in the case flow data compared to the previous reporting cycle. These differences in the case flow data are caused by various trends in the work of courts in 2015 and 2016.

#### 100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
<b>Total of criminal law cases (1+2)</b>	632 [ ] NA [ ] NAP	4406 [ ] NA [ ] NAP	4331 [ ] NA [ ] NAP	707 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	629 [ ] NA [ ] NAP	4387 [ ] NA [ ] NAP	4309 [ ] NA [ ] NAP	707 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	3 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments The new law on misdemeanor cases introduced a new legal remedy, according to which the highest courts may decide in misdemeanor cases. The increase in the number of pending severe criminal cases is due to the fact that one of the highest instance courts failed to achieve a resolution rate of 100% in 2015 for criminal cases. This court argued that it needed more judges to reduce the number of pending cases. At the end of 2017, the High Judicial Council decided to increase the number of judges in this court.

#### 4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	2434 [ ] NA [ ] NAP	5647 [ ] NA [ ] NAP	5430 [ ] NA [ ] NAP	2651 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	693 [ ] NA [ ] NAP	410 [ ] NA [ ] NAP	547 [ ] NA [ ] NAP	556 [ ] NA [ ] NAP
<b>Insolvency</b>	762 [ ] NA [ ] NAP	601 [ ] NA [ ] NAP	594 [ ] NA [ ] NAP	769 [ ] NA [ ] NAP
<b>Robbery case</b>	159 [ ] NA [ ] NAP	217 [ ] NA [ ] NAP	205 [ ] NA [ ] NAP	171 [ ] NA [ ] NAP
<b>Intentional homicide</b>	109 [ ] NA [ ] NAP	97 [ ] NA [ ] NAP	111 [ ] NA [ ] NAP	95 [ ] NA [ ] NAP

<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	0 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>Cases relating to the right of entry and stay for aliens</b>	0 [ ] NA [ ] NAP	57 [ ] NA [ ] NAP	43 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP

Comments There are no specific explanations in respect of the observed variations. The latter should be qualified in the light of the small figures. The data on the number of cases are taken from the case management system.

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. The system of remedies relating to:

- asylum seekers (Refugee status under the Geneva Convention of 1951):  
In accordance with the Law on Asylum, in asylum procedures the competent body for examining the asylum application and conducting the procedure is the Asylum Sector of the Ministry of Security of BiH and its decision is the final administrative decision, which can be challenged through an administrative dispute by filing a complaint with the Administrative Division of the Court of BiH.
- the right of entry and stay of aliens:  
In the proceedings related to movement and stay of aliens, which are stipulated by the Law on Aliens, two-instance nature of the administrative proceedings is provided for in such a way that the first instance decisions are issued by the Foreigners Affairs Office, which are appealable to the second instance authority, that is the Ministry of Security of BiH. Decisions of the Ministry of Security of Bosnia and Herzegovina are the final administrative decisions, which can be challenged through an administrative dispute by filing a complaint with the Administrative Division of the Court of BiH.

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	5 [ ] NA [ ] NAP	165 [ ] NA [ ] NAP	168 [ ] NA [ ] NAP	336 [ ] NA [ ] NAP	166 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Employment dismissal case</b>	58 [ ] NA [ ] NAP	438 [ ] NA [ ] NAP	409 [ ] NA [ ] NAP	501 [ ] NA [ ] NAP	434 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>Insolvency</b>	16 [ ] NA [ ] NAP	461 [ ] NA [ ] NAP	56 [ ] NA [ ] NAP	71 [ ] NA [ ] NAP	403 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP

<b>Robbery case</b>	43 [ ] NA [ ] NAP	300 [ ] NA [ ] NAP	216 [ ] NA [ ] NAP	93 [ ] NA [ ] NAP	276 [ ] NA [ ] NAP	18 [ ] NA [ ] NAP
<b>Intentional homicide</b>	64 [ ] NA [ ] NAP	222 [ ] NA [ ] NAP	184 [ ] NA [ ] NAP	53 [ ] NA [ ] NAP	208 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP

Comments No specific explanations could be provided in respect of the following variations: “Litigious divorce cases”: the average length in 2nd instance slightly increased; “Employment dismissal cases” – the average length in 3rd instance increased; “Insolvency cases” – the average length in 3rd instance slightly increased. The calculations are based on the data taken from the case management system.

Intentional homicide and Robbery cases: In the 2016 reporting cycle the methodology for data processing has been amended for court cases of intentional murder and robbery regarding: Percentage of decisions subject to appeal, Average length in 2nd instance (in days), Average length in 3rd instance (in days), Average total length of the total procedure (in days), Average total length of the total procedure (in days).

Firstly, data on cases were excluded in which in 2016 an appeal was received against a court decision that does not fall within the category of a court judgment (e. g. an appeal against a decision on detention or an appeal against a court decision regarding other procedural issues).

Secondly, in this reporting cycle the calculation of the average duration of proceedings in cases does not include the second instance court decisions rendered in 2016 against the court decisions regarding detention or another procedural issues.

### 103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. Laws regulating family relations govern how courts conduct the divorce proceedings, i.e. first instance courts adjudicate divorce cases. Divorce proceedings are started in one of the following manners: spouse files a law suit requesting divorce; or spouses file joint request for the marriage to be divorced. Prior to taking one of the above legal actions, the couple with underage children must try to reconcile through the legally prescribed procedure which is handled by the municipal social workers. Court decision by which a marriage is divorced, in principle, may be appealed only on the ground of grave procedural mistakes. There is no mandatory timeframe for the divorce case to be decided on.

### 104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.

. Average length in different instances of court procedure:

The average length of court procedure for the five case categories is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.

Average total length of the total procedure:

The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second instance employment dismissal case is resolved in 120 days from its lodging with the second instance court, and third instance employment dismissal case was resolved in 120 days. The average length of the total procedure employment dismissal cases is calculated as follows:  $100+120+120/3=113,3$  days.)

## 4.2.6. Case flow management – public prosecution

### 105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify): Other significant powers - Withdrawal of the indictment :

Comments Other significant powers - Withdrawal of the indictment

### 106. (Modified question) Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

### 107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	67889 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11098 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13752 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
<b>Total</b>	1171 <input type="checkbox"/> NA <input type="checkbox"/> NAP



<b>Before the court case</b>	181 [ ] NA [ ] NAP
<b>During the court case</b>	990 [ ] NA [ ] NAP

Comments The suspect or the accused and the defence attorney may negotiate with the prosecutor on the conditions of admitting guilt for the criminal offence with which the suspect or the accused is charged. An agreement on the admission of guilt is made in writing. The plea bargaining may take place before or after the indictment is submitted to the court. Depending on when the agreement is concluded, the agreement on the admission of guilt will be delivered to the court with the indictment or during the court case. Due to the improvement in the case management system, it is possible to prepare data for this reporting cycle on the guilty plea procedures: before the court case and during the court case.

### 108. Total cases which were discontinued by the public prosecutor:

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	11098 [ ] NA [ ] NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	[ X ] NA [ ] NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	[ X ] NA [ ] NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	[ X ] NA [ ] NAP

Comments

### 109. Do the figures include traffic offence cases?

( ) Yes

( X ) No

Comments

### D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: The data of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1. Recruitment and promotion of judges



**110. (Modified question) How are judges recruited?**

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

**110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?**

- Yes
- No

Comments - If yes, please specify:

**111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

**112. Is the same authority (Q111) competent for the promotion of judges?**

- Yes
- No

Comments

**112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

- Yes
- No

Comments - If yes, please specify:

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

- Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**

**115. What is the status of prosecution services?**

statutory independent

under the authority of the Minister of justice or another central authority

other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.**

Yes

No

Comments - If yes, please specify:

**116. How are public prosecutors recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of**

**their career recruited by:**

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

Comments - If yes, please specify:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

- Yes
- No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

Comments - If yes, please specify:

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

Yes

No

Comments

### **5.1.3.Mandate and retirement of judges and prosecutors**

**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**121-1. Can a judge be transferred (to another court) without his/her consent:**

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards): .....

No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

NAP

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

( X ) No

Comments There is no fixed mandate for judges since they are appointed for an undetermined period until the retirement age.

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

( ) Yes, what is the length of the mandate (in years)? .....

( X ) No, what is the length of the mandate (in years)? .....

Comments There is no fixed mandate for prosecutors since they are appointed for an undetermined period until the retirement age.

**5.2. Training**

**5.2.1. Training of judges**

**127. Types of different trainings offered to judges**

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments Since the last evaluation cycle, an obligatory in-service training for the judges who work on the juvenile cases has been introduced.

**128. Frequency of the in-service training of judges:**

	Frequency of the judges training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

<b>In-service training for the use of computer facilities in courts</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
---	--

Comments - Please indicate any information on the periodicity of the continuous training of judges: The initial training for newly appointed judges is compulsory minimum 8 days per year in the first year after appointment, while other judges must undergo minimum three (3) days of training per year. There is also specialised training for judges who work on juvenile cases. They cannot work on such cases without certification by the judicial and prosecutorial training centres. Training centres offer 300 training events, and judges can choose seminars of their interest with the consent of the court president.

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Since the last evaluation cycle, an obligatory in-service training for the prosecutors who work on the juvenile cases has been introduced.

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions in office (e.g. Head of prosecution office, manager)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

<b>In-service training for the use of computer facilities in office</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
---	--

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: The initial training for newly appointed prosecutors is compulsory minimum 8 days per year in the first year after appointment, while other prosecutors must undergo minimum three (3) days of training per year. There is also specialised training for prosecutors who work on juvenile cases. They can not work on such cases without certification by the judicial and prosecutorial training centres. Training centres offer 300 training events, and prosecutors can choose seminars of their interest with the consent of the court president. In addition, the specialised training is offered in areas of organised crime and corruption, money laundering etc. but prosecutors can deal with this type of cases without passing this specialised training.

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments There are two training institutions for judges and prosecutors in respective jurisdictions in Bosnia and Herzegovina. The competencies of each of these training institutions include delivering training for both judges and prosecutors.

### 131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	550878 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Since formation of the entity judicial and prosecutorial centres (2003), training is organised in accordance with annual training program, determined and adopted by training centres and their executive boards and approved by HJPC. Both programs are available on line. According to the Initial training program for newly appointed judges and prosecutors, adopted by HJPC in December 2013, all new appointees are supposed to attend minimum 8 days training in the JPTC's throughout the first year after appointment. The program also provides for in-service training in the judicial institutions, depending on the workflow and gravity of the cases. In addition, the court/prosecutor office management is supposed to organize orientation, extra time and mentors for trainees to prepare the hearings, investigation, on-duty activities etc.,. This program is undergoing changes that will be implemented in 2018 and onwards.



As for the ECHR, training is regular part of the programs and from 2018. will be compulsory part of Initial training for both judges and prosecutor. HJPC recommended that presentation of ECtHR case law is integral part of all training courses, where appropriate

### 5.3.Practice of the profession

#### 5.3.1.Salaries and benefits of judges and prosecutors



#### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	23996 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15255 <input type="checkbox"/> NA <input type="checkbox"/> NAP	46931 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29837 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	41830 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26026 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81813 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50903 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	23996 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15255 <input type="checkbox"/> NA <input type="checkbox"/> NAP	46931 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29837 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	41830 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26026 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81813 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50903 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

#### 134. If “other financial benefit”, please specify:

**135. Can judges combine their work with any of the following other functions/activities?**

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

**137. Can public prosecutors combine their work with any of the following other functions/activities?**

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

**139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?**

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

**5.4. Disciplinary procedures**

**5.4.1. Authorities responsible for disciplinary procedures and sanctions**

**140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify): .....

Other (please specify): .....

This is not possible

Comments

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General / State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify): .....

Other (please specify): .....

This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple options possible)**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

**5.4.2. Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>4. Other</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
-----------------	------------------------	------------------------

Comments - If “other”, please specify: The number of disciplinary proceedings against judges includes two proceedings against court presidents and two proceedings against legal associates with adjudicating authority. At the same time, the number of disciplinary proceedings against prosecutors includes two proceedings against chief prosecutors. A number of procedures have been initiated against judges and prosecutors for violations of professional ethics and breach of official duties. As per the CEPEJ instructions, the statistics are listed in line with the “main reason” for initiating proceedings. The number of disciplinary proceedings against judges and prosecutors (32) is significantly higher than in 2014 (18). In 2016, we received an unusually high number of founded complaints which has affected the number of disciplinary proceedings initiated.

#### 145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
<b>Total number (total 1 to 9)</b>	23 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP
<b>1. Reprimand</b>	12 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Fine</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>5. Temporary reduction of salary</b>	6 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>8. Resignation</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>9. Other</b>	4 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Under “Other” measures, we have written warnings that are not made public which were pronounced against three judges. This is a non-public measure. One judge was ordered to participate in rehabilitation courses, counselling and professional training courses. “Other” measures for prosecutors represent dismissal from office. The number of measures pronounced (28) is fewer than the number of procedures initiated (32). Generally speaking, some six months are required (sometimes more) for the disciplinary bodies to complete disciplinary proceedings if the cases end up before the High Judicial and Prosecutorial Council of Bosnia

and Herzegovina in the third instance. Accordingly, certain disciplinary procedures initiated in 2015 were completed in 2016, while certain procedures initiated in 2016 were completed in 2017. As explained in the previous response (Q144), the number of procedures initiated is higher than in 2014. Accordingly, the number of measures pronounced, which is in correlation with the number of procedures initiated, is also higher in 2016. Even though no measures involving suspensions, representing a special disciplinary measure, were pronounced, we need to state that one judge and three prosecutors were suspended from office since criminal and/or disciplinary proceedings were initiated against them.

**E3. Please indicate the sources for answering questions 144 and 145:**

Sources: The statistical data of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

**6.Lawyers**

**6.1.Profession of lawyer**

**6.1.1.Status of the profession of lawyers**



**146. Total number of lawyers practising in your country:**

- [ 1600 ]
- [ ] NA
- [ ] NAP

Comments

**147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

- Yes ( )
- No ( X )

Comments

**148. Number of legal advisors who cannot represent their clients in court:**

- [ ]
- [ ] NA
- [ X ] NAP

Comments

**149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

<b>Dismissal cases</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Criminal cases - Defendant</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Criminal cases - Victim</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Administrative cases</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>There is no monopoly</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**

	<b>First instance</b>	<b>Second instance</b>	<b>Highest instance court (Supreme Court)</b>
<b>Civil society organisation</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Family member</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Self-representation</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Trade union</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Other</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent

Other law activities (please specify): All other legal services that are not in contradiction with the law on the lawyer's activity and the ethical code of the lawyer's profession.

Comments The category "other" refers to all other legal services that are not in contradiction with the law on the lawyer's activity and the ethical code of the lawyer's profession.

### **149-2. What are the statuses for exercising the legal profession in court?**

Self-employed lawyer

Staff lawyer

In-house lawyer

Comments

### **150. Is the lawyer profession organised through:**

a national bar association

a regional bar association

a local bar association

Comments

### **151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

### **152. Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

Comments

### **153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify:

### **F1. Please indicate the sources for answering questions 146 and 148:**

Sources: The Bar Associations.

## **6.1.2. Practicing the profession**

### **154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the**



**foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

### 6.1.3. Quality standards and disciplinary procedures

**157. Have quality standards been determined for lawyers?**

Yes

No

Comments - If yes, what are the quality criteria used?

**158. If yes, who is responsible for formulating these quality standards:**

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

the judge

the Ministry of Justice

a professional authority

other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	2 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	[ X ] NA [ ] NAP
<b>2. Professional inadequacy</b>	[ X ] NA [ ] NAP
<b>3. Criminal offence</b>	[ X ] NA [ ] NAP
<b>4. Other</b>	[ X ] NA [ ] NAP

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	0 [ ] NA [ ] NAP
<b>1. Reprimand</b>	0 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP
<b>5. Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The procedure has not been completed by the end of 2016 in 2 disciplinary cases mentioned in the reply to question 160.

**7. Alternative dispute resolutions**

**7.1. Mediation**

## 7.1.1.Details on mediation procedures and other ADR



**163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.**

Yes

No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation procedures?**

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

**164. Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family law cases (ex. divorce)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Employment dismissals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**165. Is there a possibility to receive legal aid for judicial mediation procedures?**

Yes

No

Comments - If yes, please specify:

**166. Number of accredited or registered mediators who practice judicial mediation:**

[ 162 ]

NA

NAP

Comments

**167. Number of judicial mediation procedures.**

Number of judicial mediation procedures
---

<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	1887 [ ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	1877 [ ] NA [ ] NAP
<b>2. Family cases</b>	0 [ ] NA [ ] NAP
<b>3. Administrative cases</b>	0 [ ] NA [ ] NAP
<b>4. Employment dismissal cases</b>	0 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	10 [ ] NA [ ] NAP

Comments - Please indicate the source: 1 877 civil cases were settled through mediation procedures by the Association of Mediators of Bosnia and Herzegovina.

The Association of Mediators of Bosnia and Herzegovina pointed out in its report that the number of mediation procedures has increased because it has established better cooperation with some utility companies.

10 criminal cases against juveniles were resolved through mediation procedures conducted by the social welfare centre according to the data from the case management system of the High Judicial Council of Bosnia and Herzegovina.

### 168. Does the legal system provide for the following alternative dispute resolutions (ADR):

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify): obligatory pre-trial procedure for settling labor disputes, the procedure is handled by the specialized public agency.

Comments The category "other" refers to obligatory pre-trial procedure for settling labor disputes. The procedure is handled by the specialized public agency.

### G1. Please indicate the source for answering question 166:

Source: The Association of Mediators of Bosnia and Herzegovina.

## 8.Enforcement of court decisions

### 8.1.Execution of decisions in civil matters

#### 8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?



Yes

No

Comments

### 170. Number of enforcement agents

[ 158 ]

NA

NAP

Comments Compared to the previous reporting period, the number of enforcement agents increased in several courts with the largest number of cases

### 171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

### 171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

### 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
<b>Seizure of movable tangible properties</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments Other: enforcement of various types of court decisions including the enforcement of the court decision for surrender of the child and after the divorce procedure.

### **171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immovable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments Other: any other activities ordered by the court.

### **172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes
- No

Comments

### **172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- Yes

No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

a national body

a regional body

a local body

NAP

Comments

**174. Are enforcement fees easily established and transparent for the court users?**

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering question 170**

Source: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

### 8.1.2. Efficiency of enforcement services

**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body

the judge

- the Ministry of Justice
- the public prosecutor
- other (please specify): .....

Comments

**179. Have quality standards been determined for enforcement agents?**

- Yes
- No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

- a professional body
- the judge
- the Ministry of Justice
- other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

- Yes
- No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- Yes
- No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify): .....

Comments



**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

Yes

No

Comments - If yes, please specify: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is continuously implementing projects focused on justice sector reform. These projects are focused on various aspects for efficiency of courts, also addressing issues concerning backlogs, productivity, timeliness, enforcement procedure reform , automated processing of so called “utility cases” – that represent the biggest group of unresolved cases, business process reengineering within courts, improving the management of courts and building and furnishing judicial institution buildings.

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify): .....

Comments In courts that are responsible for a larger area, it takes 6-10 days to submit a decision on execution to the parties. In other courts it takes 1-5 days for the delivery of the decision.

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. For criminal offence	0 [ ] NA [ ] NAP
4. Other	0 [ ] NA [ ] NAP

Comments - If "other", please specify:

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	2 [ ] NA [ ] NAP
1. Reprimand	0 [ ] NA [ ] NAP
2. Suspension	2 [ ] NA [ ] NAP
3. Withdrawal from cases	0 [ ] NA [ ] NAP
4. Fine	0 [ ] NA [ ] NAP
5. Other	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

### H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Q 186: This is an estimate based on the consultations with experienced bailiffs from the biggest courts.  
Q187 and Q188: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina collected the data from courts.

## 8.2. Execution of decisions in criminal matters

### 8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

Judge

Public prosecutor

Prison and Probation Services

Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

**190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

Yes

No

Comments

**191. If yes, what is the recovery rate?**

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

**9. Notaries**

**9.1. Profession of notary**

**9.1.1. Number and status of notaries**

**192. Number and type of notaries in your country. If you do not have notaries skip to question 197.**

	Number of notaries
<b>TOTAL</b>	170 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals (without control from public authorities)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Private professionals under the authority (control) of public authorities</b>	170 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Public agents</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify the status:

**192-1. What are the access conditions to the profession of notary:**

diploma

payment of a fee (e.g. purchasing office)

co-opting of peers

other

Comments

**192-2. (Modified question) What is the duration of appointment of a notary?**

Limited duration, please indicate it in years: .....

Unlimited duration

Comments

**194. Do notaries have duties (multiple options possible):**

within the framework of civil procedure

in the field of legal advice

to certify the authenticity of legal deeds and certificates

in the field of mediation

other (please specify): .....

Comments

**194-1. Do notaries have the monopoly when exercising their profession:**

in civil procedure

in the field of legal advice

to authenticate deeds/certificates

in the field of mediation

other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

Real estate transaction

Settlement of estates

Legality control of gambling activities

Authentication of documents

Translations

Signatures

Other

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

Yes

No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify): .....

Comments

**196-1. Is there a system of general continuous training mandatory for all notaries?**

Yes

No

Comments

**11. Please indicate the sources for answering question 192:**

Sources: The official data of the notary chambers in Bosnia and Herzegovina.

---

**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1. Status of court interpreters**

**197. Is the title of court interpreters protected?**

Yes

No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments

**199. Number of accredited or registered court interpreters:**

[ 1343 ]

NA

NAP

Comments The relevant ministries of Justice have confirmed that the number of appointed court interpreters has been increased during 2015 and 2016.

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

Comments - If yes, please specify:

**201. Are the courts responsible for selecting court interpreters?**

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering question 199**

Sources: The relevant ministries of justice.

**11. Judicial experts**

**11.1. Profession of judicial expert**

**11.1.1. Status of judicial experts**



**202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify): .....

Comments

**202-1. Are there lists or databases of technical experts registered?**

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

**203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

### 203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

### 203-2. If yes, does this training concern:

the proceeding

the profession of expert

other

Comments

### 204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

### 204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

### 205. Number of accredited or registered judicial / technical experts:

[ 2416 ]

NA

NAP

Comments The relevant ministries confirmed that there has been an increase in the number of appointments of certified judicial experts in 2015 and 2016.

### 205-1. Who sets the expert remuneration?

- In a verdict or other decision concluding criminal proceedings a conclusion shall be made as to the amount and who will cover the costs of the proceedings.

**206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

**207. Are the courts responsible for selecting judicial experts?**

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts .....

Comments

**207-1. Does the judge control the progress of investigations?**

Yes

No

Comments

**K1. Please indicate the sources for answering question 205**

Sources: The relevant ministries of justice.

**12.Reforms in judiciary**

**12.1.Foreseen reforms**

**12.1.1.Reforms**

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans The Justice Sector Reform Strategy for 2014 - 2018 (JSRS) has been adopted with the objective to create a joint reform framework for the judicial institutions in the BiH justice sector. The JSRS: contains harmonized priorities for the development of the judicial sector; recognizes the need for further strengthening the independence, accountability, efficiency, professionalism and coordination of the judicial system that ensures the rule of law; JSRS covers 5 strategic areas: Judicial system, Execution of criminal sanctions, Access to justice, Support to economic sector growth and coordinated, well-managed and accountable sector.

Long-term priorities are: further strengthen independence and harmonization, efficiency and effectiveness, accountability and professionalism, transparency of the judicial system.



Following the request of Bosnia and Herzegovina for the membership in European Union, submitted in February 2016, the European Commission initiated the process of Peer Review missions. This process is an analysis of a particular sector in a candidate country for EU membership and it results in reports with recommendations. Peer Review in the High Judicial and Prosecutorial Council of Bosnia and Herzegovina was carried out in six areas of particular relevance for the judicial reform in BiH: the HJPC Rules of Procedure, Procedures and Criteria for Appointment of Judges and Prosecutors, Disciplinary Proceedings, Appraisal of Judges and Prosecutors, Declaration of Financial Assets for Judges and Prosecutors, and Initial and Continuing Legal Education for Judges and Prosecutors. Also comprehensive Peer Review mission regarding organised crime and corruption has been implemented in several different institutions, including HJPC. An Action Plan has been adopted to implement the EU experts' recommendations resulting from the Peer Review missions.

HJPC is continuously implementing a number of donor funded projects focused on justice sector reform and improvement of efficiency and quality of judicial system. HJPC also continues to implement IPA projects mainly focused on the IT technology in the judiciary, particularly on developing and implementing the case management system.

2. Budget There are no major reforms planned in this area.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) The drafting of the new state level legislation (Law on Courts of BiH) is ongoing; the legislative debate is focused on the establishment of the Appellate/Higher Court of BiH and redefining, in clear terms, criminal jurisdiction of state level judicial institutions.

Debate on the improvement in processing and case management of commercial cases in courts in one of jurisdictions in BiH (i.e. the Federation of BiH) is ongoing.

3.1. Access to justice and legal aid Number of legal aid institutions has been increased by adopting and implementing the legal aid legislation in several jurisdictions.

4. High Judicial Council The revision of the Law on High Judicial and Prosecutorial Council is being discussed within Structural Dialog on Justice. Process of revising of the HJPC Law is focused on the improvement of the appointment and disciplinary procedure regarding judges and prosecutors, and straightening judicial integrity. In this process Peer Review recommendations are of particular importance. The Peer Review missions were conducted in six areas relevant for the improvement of the HJPCs work and the functioning of the judiciary in general. Implementation of a number of these recommendations requires amendments of the HJPC Law. Furthermore, intense activities are ongoing in order to implement the Peer Review recommendations within the relevant legislative framework.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. The Peer Review mission on Initial and Continuing Legal Education for Judges and Prosecutors has been conducted in HJPC in 2017. Activities to develop a comprehensive action plan for the implementation of Peer Review recommendations are ongoing. HJPC BiH is also considering improvement of the initial training of newly appointed judges and prosecutors by introducing mentorship as well as obligatory training on specific topics, i.e. ethic and integrity, application of the ECHR, various judicial and prosecutorial skills, etc. This initiative is in line with the Peer Review recommendations.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Criminal codes in BiH have been subject of continuous improvement through amendments or by passing a new laws (such as new Criminal Code in Republica Srpska).

7. Enforcement of court decisions There are no major reforms planned in this area.

8. Mediation and other ADR Within its projects, the HJPC BiH continuously implements activities aimed at the promotion of ADR methods. Settlement of civil cases within court procedure has been promoted successfully with the citizens, whereas the promotion of mediation throughout the years has produced few results. A feasibility study has been prepared with a view to increase the number of court cases resolved within the mediation procedures.

9. Fight against crime The Peer Review mission on organized crime and corruption has been conducted in 2017. Recommendations of this mission are under preparation. Special departments for combating organized crime and corruption in judicial institutions on entity level are either established or in the process of being established. Capacities for enforcing laws on confiscation of illegally acquired property gains are strengthened and improvement of the relevant legal framework is envisaged for 2018.

9.1. Prison system There are no major reforms planned in this area.

9.2 Child friendly justice The draft legislation on the Registry of perpetrators of criminal offenses against sexual integrity of children

is ongoing in one of the entities in Bosnia and Herzegovina (i. e . Republika Srpska).

9.3. Violence against partners There are no major reforms planned in this area.

10. New information and communication technologies The development and implementation of Prosecutorial Investigation Management and Analytics Support (PIMAS) System for Organised Crime and Corruption Cases.

11. Other There are no major reforms planned in this area.