

**Reinforcing the capacity of the judiciary to apply European human rights standards at the national level in Bosnia and Herzegovina**

***Project summary***

<b>Project title</b>	<b>Reinforcing the capacity of the judiciary to apply European human rights standards at the national level in Bosnia and Herzegovina</b>
<b>Country</b>	Bosnia and Herzegovina
<b>Budget</b>	Phase 1: 500 000 € Phase 2: 1 400 000 €
<b>Funding</b>	Norway/Voluntary contribution
<b>Duration</b>	Phase 1: 18 months (1 September 2012-28 February 2014) Phase 2: 36 months (1 March 2014 – 31 August 2017)
<b>Partners and beneficiaries</b>	High Judicial and Prosecutorial Council, Prosecutors' Offices, Constitutional Court of Bosnia and Herzegovina, Judges' and Prosecutors' Training Centres of the Federation of Bosnia and Herzegovina and Republica Srpska, Judicial Commission of Brčko District, Bar associations and individual lawyers, law faculties.
<b>Main objectives</b>	To foster harmonisation of judicial practice and co-operation between courts in Bosnia and Herzegovina and strengthen the effective application of the European Convention on Human Rights at the national level
<b>Outputs and Expected Results</b>	<ul style="list-style-type: none"> <li>- A permanent forum/working group of representatives of the judiciary of the State and Entities is set up and facilitated by the Council of Europe (CoE) to discuss the opportunities of dealing with the execution of judgments and harmonisation of case-law.</li> <li>- The ECHR and case-law are better applied in national judicial proceedings and the overall quality of national judgments starts improving; the CoE's European Programme for Human Rights Education for Legal Professionals (HELP) tools and training methodology are widely used by the beneficiaries.</li> <li>- "Horizontal" co-operation and information exchange between judges from the two Entities is enhanced</li> <li>- An informal coordinated network of free legal aid lawyers is created and co-operation among them is strengthened.</li> <li>- A network for co-operation between legal professionals and human rights departments at law faculties is established</li> <li>- Distance-learning training on human rights was introduced for the first time for judges and prosecutors of Bosnia and Herzegovina</li> </ul>
<b>Implemented and planned activities</b>	<ul style="list-style-type: none"> <li>- An expert opinion on the Draft Law on Courts of Bosnia and Herzegovina was delivered to the Ministry of Justice of BiH. Most of</li> </ul>

the recommendations were incorporated into the most recent version of the draft law, with adoption still pending.

- The system of assessment of judges' performance applied by the HJPC was evaluated by the CoE and recommendations were made towards its improvement. The HJPC started working on amendments to its regulations in order to address the recommendations.
- A dialogue between the Court of BiH, the Constitutional Court of BiH, Prosecutor General of BiH was established to facilitate the execution of the judgment of the European Court of Human Rights (ECtHR) "Maktouf and Damjanović v Bosnia and Herzegovina".
- Expert assessment of the case law database used by the Centre for Court Documentation of the HJPC of BiH was provided. The Report contained recommendations for the improvement of both substantial and technical nature.
- Three specialised panels to harmonise judicial practice within Bosnia and Herzegovina were established in 2014. The panels – on civil, criminal and administrative issues – operate under the auspices of the HJPC and are composed of representatives of judiciary from the Supreme courts of the Entities and the Appellate Court of the Brčko District, the Court of Bosnia and Herzegovina and representatives of HJPC. The panels held 20 meetings;
- An International forum "Dialogue of courts - a tool for the harmonisation of judicial practice" was held in Sarajevo, Bosnia and Herzegovina on 21-22 June 2016. It was the first event organized by the Council of Europe on the issue of harmonisation of judicial practice and search for possible solutions and working models. The Forum had over 50 participants representing the judiciaries from Albania, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Ukraine.
- 40 training activities for judges, prosecutors and lawyers were organised, including training on European Social Charter (ESC) The topics of the seminars for judges and prosecutors were chosen by judicial training centres from the two Entities. In case of lawyers, a specific focus of training was made on the admissibility criteria before the ECtHR and the Constitutional Court of Bosnia and Herzegovina.
- Seven HELP distance-learning courses were launched for judges and prosecutors and two new HELP on-line courses - on Transitional justice and on the protection of the right to property - were developed.
- The regional conference "The effective use of national remedies in domestic legal proceedings and the subsidiary role of the European Court of Human Rights" organised in Zagreb, Croatia on 12-13 March 2015. The conference was a platform to discuss the concept of national remedies as such and the principle of exhausting national legal remedies before seeking international protection. The emphasis of the conference was on the interaction between the various actors of the justice chain, such as the judges of the courts of different levels and constitutional, practicing lawyers and legal scholars.

	<ul style="list-style-type: none"><li>- A comprehensive training programme for law students and professors from 6 universities throughout Bosnia and Herzegovina which started in October – December 2014 was finalised with a moot court competition on ECHR organised for all 30 student participants in Strasbourg in March 2015. The judges at the moot court were judges of the ECtHR, current and former lawyers from the Registry of the ECtHR and lawyers and staff members of the CoE’s Directorate General of Human Rights and Rule of Law;</li><li>- Legal clinics were launched in 2016 within the two law faculties – of the University of Banja Luka and the University of Tuzla, with more than 20 3 and 4-year students participating in each.</li></ul>
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