



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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 three observer states (Israel, Morocco and Kazakhstan). 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. 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 and financial information**

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

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



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

[ 3 491 000 ]

Comments The abovementioned information on the number of inhabitants represents the estimation of Bosnia and Herzegovina Statistics Agency as of 30.06.2019. An estimate for 2020 will be available very late in 2021.



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## 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	7 400 847 000 [ ] NA [ ] NAP
Regional / federal entity level (total for all regions / federal entities)	7 400 847 000 [ ] NA [ ] NAP

Comments The figure (i.e.:7.400.847.000) represents the consolidated amount of public expenditure for all levels of government in Bosnia and Herzegovina. The source for this information is the statistical report of the Central Bank of Bosnia and Herzegovina.



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

[ 5 168 ]

Comments The abovementioned information on per capita GDP represents the estimation for 2019. An initial estimate of GDP for 2020 will be available in July 2021, according to the Bosnia and Herzegovina Statistics Agency.

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

[ 9 056 ]

[ ] NA

Comments [http://www.bhas.ba/data/Publikacije/Saopštenja/2021/LAB\\_05\\_2020\\_H2\\_0\\_BS.pdf](http://www.bhas.ba/data/Publikacije/Saopštenja/2021/LAB_05_2020_H2_0_BS.pdf)

## 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 the questions in this part

Sources:

### 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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to 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>	97 986 212 <input type="checkbox"/> NA <input type="checkbox"/> NAP	95 534 233 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	83 172 265 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81 177 143 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 762 874 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1 Investments in computerisation</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	362 511 <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	7 610 770 <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	62 885 <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	56 518 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Other (please specify)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	4 501 532 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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 reasons for the differences: The annual public budget allocated to the functioning of courts is different from actually implemented budget mainly because the courts could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. In addition, one of the highest courts could not implement the allocated budget for setting up the new department for organized crime and corruption cases, because the new department has not been established. Furthermore, the implemented annual public budget for training and investments in new court buildings declined considerably in 2020 compared to 2019, because the courts could not use all of the funds allocated for these purposes due to the reduction of the relevant activities in the context of the measures undertaken against the spread of COVID-19 pandemic. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

**007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in 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>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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### 008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
<b>for criminal cases</b>	( ) Yes, at the beginning of the procedure ( ) Yes, at a later stage ( X ) No
<b>for other than criminal cases</b>	( ) Yes, at the beginning of the procedure ( X ) Yes, at a later stage ( ) No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions?

### 008-1. Please briefly present the methodology of calculation of these court fees:

- The legislation on court taxes is adopted at all levels of the government (Bosnia and Herzegovina, entities, cantons and Brcko District). Majority of the aforementioned laws define court fees to initiate the proceedings by filling a lawsuit as a fixed amount. Their amount depends on the value of the claim that is determined by the plaintiff or the type of court proceedings (e.g. court fee to initiate a divorce proceeding); however, the court fee for claims exceeding relatively high amounts (e.g. more than 50.000 Euro) is a percentage of the contested claim. Some of the laws on court fees in Bosnia and Herzegovina prescribe as a basic principle that the court fee to submit a lawsuit is calculated as a percentage of the contested claim regardless of its amount. In addition, these laws also determine that a fee to start certain types of the civil proceedings is determined as a fixed amount (e.g. divorce proceedings, eviction lawsuit).

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

[ 100 ]  
[ ] NA  
[ ] NAP

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

[ 19 884 477 ]

[ ] NA

[ ] NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	8 020 365 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

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 reasons for the differences: The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers

employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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**012-2. Does legal aid include:**

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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**012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:**

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	29 698 213 [ ] NA [ ] NAP	28 427 318 [ ] NA [ ] NAP
13.1. Annual public budget allocated to training of public prosecution services	[ X ] NA [ ] NAP	12 077 [ ] NA [ ] 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, please indicate the main reasons for the differences: The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully.

Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not use all of the funds allocated for this purpose due to the reduction of the training activities in the context of the measures undertaken against the spread of COVID-19 pandemic.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
<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 <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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Supreme Court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>High Judicial Council</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Courts</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Inspection body</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" 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
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "Other Ministry" and/or "Inspection body" and/or "Other", please specify:

**014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation**

	Criteria used	Main criteria
<b>Previous years' budget costs</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Special needs assessment</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Number of judges/non judges' staff</b>	<input type="checkbox"/>	<input type="checkbox"/>

Number of incoming cases	[ ]	[ ]
Number of pending cases	[ ]	[ ]
Number of resolved cases	[ ]	[ ]
Other	[ ]	[ ]

[ ] NAP

Comments - If "Other", please specify

### 014-1. Who is entrusted with responsibilities related to the budget within a first instance 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
Court President and/or judge(s)	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Head of court administration and/or non-judges	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Mixed body (judge(s) and non-judge(s))	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Other	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: Other: Head of accounting department in the court is included in process of preparation of the court budget, arbitration and allocation of the court budget and its day to day management.

### A2. Please indicate the sources for answering the questions in this part

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 judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

Approved budget (in €)	Implemented budget (in €)
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<b>Total annual public budget allocated to the whole justice system in €</b>	220 116 324 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - 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, please indicate the main reasons for the differences: The annual approved public budget allocated to the whole justice system was reduced in 2020 compared to 2019, due to the following circumstances:

- Prison system: A smaller amount of funds was planned for the construction of new prison buildings in 2020 following the completion of the new maximum-security prison in 2019; - COVID-19 measures: In addition, some of the funds allocated in the 2020 budget for the justice system were transferred to finance the measures easing the economic and other problems caused by the COVID-19 pandemic.

### 015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

	Included
<b>Courts</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legal aid</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Public prosecution services</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

### 015-3. Other budgetary elements

	Included
<b>Prison system</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Probation services</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>High Prosecutorial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Constitutional court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Judicial management body</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

State advocacy	( X ) Yes ( ) No [ ] NAP
Enforcement services	( ) Yes ( ) No [ X ] NAP
Notariat	( ) Yes ( ) No [ X ] NAP
Forensic services	( X ) Yes ( ) No [ ] NAP
Judicial protection of juveniles	( ) Yes ( ) No [ X ] NAP
Functioning of the Ministry of Justice	( X ) Yes ( ) No [ ] NAP
Refugees and asylum seekers services	( ) Yes ( ) No [ X ] NAP
Immigration Service	( ) Yes ( ) No [ X ] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( X ) Yes ( ) No [ ] NAP
Other	( ) Yes ( ) No [ X ] NAP

If "Other", please specify:

### A3. Please indicate the sources for answering the questions in this part

Sources: .

## 1.2. Organisation and management of courts and public prosecution services

**015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.**

- Court president is responsible for the overall management of the court and court administration. The duties of the court president include:
- the management of the work of the court and representing of the court in dealings with other bodies and organizations,
- the responsibility for lawful, proper and timely conduct of activities and tasks in the court,

- the implementation of the measures aimed at improving the organization of court performance and ensuring the full use of time by the judges and all court employees,
- the determination of job assignment of judges and other court employees,
- the appointment of his/her substitute, the appointment of court department heads, and court panel heads, -the adoption of the annual work program of the court, which if necessary shall include a program for resolving cases from previous years and the Report on its implementation, in accordance with instructions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,
- the preparation of the budget proposal with the court secretary,
- ensuring of the timeliness of the court in case-management and undertaking of appropriate measures therefor,
- issuance of a book of rules on internal organization and systematization of posts in the court, other books of rules, internal regulations, orders and instructions necessary for the lawful and proper functioning of the Court,
- convening and chairing the collegium of the court president, expert collegium, general session, and collegium of court administration
- monitoring and control of the adjudication of the cases from previous years based upon the determined programme, cases with the statutory priority, detention cases and template cases, and undertaking all necessary measures for their efficient handling,
- initiation of occasional meetings with the president of the immediately higher court, members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, competent Ministries of Justice, the Judicial Commission, prosecutors, Bar Association, Social Work Centre and other bodies and organizations to discuss issues relevant to the achievement of independent, impartial, professional and lawful performance of the courts,
- evaluation of the performance of judges, Court Secretary, judicial associates, advisors and interns in accordance with the law,
- deciding on the absence from work of judges except in cases when the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is in charge of deciding such issues,
- the responsibility for the enforcement of criminal sanctions and supervision over the execution of detention
- dissemination of information on the work and operation of the court and appointment of a public relations officer in accordance with the law,
- appointment of permanent and temporary committees in the court if necessary,
- oversees affairs related to the court building and other material assets allocated to the court for use,
- monitoring and control over the financial operations of the court,
- performance of other duties and tasks as assigned, in accordance with law and other relevant regulations.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a term of four years (first instance courts) and six years (second instance courts and supreme level courts) and they may be re-appointed. The president is appointed from among judges of the relevant court; he or she must have proven management and leadership skills relevant to the operation of the court.

Ranking of candidates who have applied for the court president's position is carried out in the appointment procedure according to the following criteria: -Candidate competence; -Legal analysis skills; -The ability of the candidate to responsibly, independently and impartially hold the office for which he or she has applied, professional impartiality and standing as well as conduct outside the workplace; -Current work-related experience of a candidate; -Training and professional advanced training, the publication of academic papers, as well as other activities within the profession;

-Communication skills; -Managerial skills and experience and the ability to manage human resources. The performance of judges and court presidents is evaluated every year, in accordance with criteria set by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The performance of judges is evaluated by court presidents. The performance of court presidents is evaluated by the president of the immediately higher court. The performance of the presidents of the supreme level courts is evaluated by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The court secretary is responsible for the carrying out of the administrative, technical and financial affairs of the court in a proper and timely manner. The court secretary is responsible for his/her work to the court president.

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- Chief prosecutor is responsible for the overall management of the prosecution office. The duties of the chief prosecutor include:
- the management of the work of the prosecution office and representing the prosecution office in dealings with other institutions and organizations,
- the issuance of the instructions (i.e. general and specific) which the prosecutors must implement in their work,
- the adoption of the annual work program of the prosecution office, which if necessary shall include a program for resolving cases from previous years and the report on its implementation, in accordance with instructions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,
- the preparation of the budget proposal with the court secretary,
- ensuring of the timeliness of the prosecution office in case-management and undertaking of appropriate measures,
- issuance of a book of rules on internal organization and systematization of posts in the prosecution office, other books of rules, internal regulations, orders and instructions necessary for the lawful and proper functioning of the court,
- convening and chairing the collegium of the prosecution office,
- deciding on the absence from work of prosecutors except in cases when the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is in charge of deciding such issues,
- dissemination of information on the work and operation of the prosecution office,

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutor for a term of five years (first instance prosecution offices) and six years (prosecution offices at the level of supreme court) and they may be re-appointed. The chief prosecutor must have proven management and leadership skills relevant to the operation of the prosecution office.

Ranking of candidates who have applied for the chief prosecutor's position is carried out in the appointment procedure according to the following criteria: -Candidate competence; -Legal analysis skills; -The ability of the candidate to responsibly, independently and impartially hold the office for which he or she has applied, professional impartiality and standing as well as conduct outside the workplace; -Current work-related experience of a candidate; -Training and professional advanced training, the publication of academic papers, as well as other activities within the profession;

-Communication skills; -Managerial skills and experience and the ability to manage human resources.

The registrar of prosecution office is responsible for the carrying out of the administrative, technical and financial affairs of the prosecution office in a proper and timely manner. The prosecution office registrar is responsible to the chief prosecutor.

Max characters value : 10 000

## **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>
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<b>Representation in court</b>	<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
<b>Legal advice, ADR and other legal services</b>	<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

=

**016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.**

- The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings. Free legal aid is provided by the courts in criminal proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law (e.g. obligatory defense etc.) Also, the courts may make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). In addition, free legal aid centres have been established by the legislation adopted at all levels of government as a part of the respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and non-court proceedings or give legal advice to the citizens and compose legal documents for them. Citizens are entitled to free legal aid provided by the legal aid institutions if they fulfill financial and property criteria prescribed by the relevant legislation.

=

**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
- NAP

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.)?**

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>Legal aid granted for other costs</b>	<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 Information on legal aid**

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

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	24 850 [ ] NA [ ] NAP	7 801 [ ] NA [ ] NAP	17 049 [ ] NA [ ] NAP
<b>In criminal cases</b>	4 577 [ ] NA [ ] NAP	3 753 [ ] NA [ ] NAP	824 [ ] NA [ ] NAP
<b>In other than criminal cases</b>	20 273 [ ] NA [ ] NAP	4 048 [ ] NA [ ] NAP	16 225 [ ] NA [ ] NAP

Comments - Please specify when appropriate: Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of measures aimed at combating the spread of coronavirus.

**020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:**

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	15 [ ] NA [ ] NAP
<b>Actual average duration</b>	7 [ ] NA [ ] NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information:

=

**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
<b>Accused individuals</b>	( X ) Yes ( ) No
<b>Victims</b>	( X ) Yes ( ) No

Comments - If yes, please specify:

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

free selection of lawyer

<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

**023. If yes, please specify in the table:**

	<b>Annual income value (for one person), (in €)</b>	<b>Assets value (for one person), (in €)</b>
<b>Full legal aid to the applicant for criminal cases</b>	1 400 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Full legal aid to the applicant for other than criminal cases</b>	1 400 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid to the applicant 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 to the applicant for other than criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

**024. 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. Is the decision to grant or refuse legal aid taken by:**

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If no, please specify how legal costs are distributed:

**B1. Please indicate the sources for answering the questions in this part**

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. Court users and victims**

**2.2.1 Rights of the users and victims**

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> <a href="https://www.parlament.ba">https://www.parlament.ba</a> ; <a href="https://www.narodnaskupstinars.net">https://www.narodnaskupstinars.net</a>	<input type="checkbox"/>
Case-law of the higher court/s	<input checked="" type="checkbox"/> <a href="https://www.ustavisud.ba/en/home">https://www.ustavisud.ba/en/home</a> ; <a href="https://csd.pravosudje.ba">https://csd.pravosudje.ba</a>	<input type="checkbox"/>



Information about the judicial system (organisation of courts, court proceedings, etc)	( X ) <a href="https://vstv.pravosudje.ba/vstvfo/B/141">https://vstv.pravosudje.ba/vstvfo/B/141</a>	( )
Other documents (e.g. forms, downloadable forms, online registration forms)	( X ) <a href="https://pravosudje.ba/vstvfo/B/10001">https://pravosudje.ba/vstvfo/B/10001</a> ; <a href="https://mpr-centar.org/index.php/sr-rs/">https://mpr-centar.org/index.php/sr-rs/</a> ; <a href="http://www.vladatk.kim.ba/uprave-i-upravne-organizacije/samostalne-upravne-organizacije/kantonalni-zavod-za-pruzanje-pravne-pomoci">http://www.vladatk.kim.ba/uprave-i-upravne-organizacije/samostalne-upravne-organizacije/kantonalni-zavod-za-pruzanje-pravne-pomoci</a> ; <a href="http://www.kppbd.ba/about/?cid=2,2,1">http://www.kppbd.ba/about/?cid=2,2,1</a> ; <a href="https://zbpp.ks.gov.ba/">https://zbpp.ks.gov.ba/</a>	( )

Comment - Please specify what documents and information are included in "Other documents"

**029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?**

- ( ) Yes, always  
 ( X ) No  
 ( ) Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

**030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:**

	Information system
General for citizens	[ X ] Online information [ X ] Telephone [ ] Interactive chat [ X ] In-person (physical access on site) [ X ] Other [ ] No
Specific for victims of offences	[ X ] Online information [ X ] Telephone [ ] Interactive chat [ X ] In-person (physical access on site) [ X ] Other [ ] No
Specific for minors (child-friendly systems)	[ X ] Online information [ X ] Telephone [ ] Interactive chat [ X ] In-person (physical access on site) [ X ] Other [ ] No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. The information systems are available to citizens, victims of offences and witnesses.

**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>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of terrorism</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Minors (witnesses or victims)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ethnic minorities</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Persons with disabilities</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If "Other vulnerable person" and/or "Other specific arrangements", please specify:

**031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?**

- [ X ] Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- [ X ] Special room in court designated for child-friendly hearings
- [ X ] Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- [ ] Special ways to communicate and explain meaning of court decisions
- [ ] Interagency/multidisciplinary structure such as "Children's Houses"
- [ ] Other, please specify .....
- [ ] NAP

Comment

**031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?**

<b>Civil proceedings</b>	<b>Criminal proceedings</b>
--------------------------	-----------------------------

<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input checked="" type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment]14 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
<b>To be a witness</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). The age of majority in Bosnia and Herzegovina is set at 18.

**031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?**

	<b>Civil proceedings</b>	<b>Criminal proceedings</b>
<b>Parent/legal guardian</b>	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment

**031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)**

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

**031-3-1. What is the age threshold for the criminal liability of minors?**

**Criminal liability resulting in sentence without privation of liberty (for example, educational measures)**

[ 14 ]

[ ] NA

[ ] NAP

**Criminal liability resulting in sentence of privation of liberty**

[ 14 ]

[ ] NA

[ ] NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

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

( ) Yes, but only if offender is unknown

( ) Yes, but only if compensation could not be obtained from offender

(X) Yes, always

( ) No

Comment

**032-0. If yes, for what types of offences the compensation is allocated?**

(X) For all types of offences

( ) For some types of offences

[ ] NAP

Comment - Please specify:

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

(X) Yes

( ) No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

(X) For all types of offences

( ) For some types of offences

[ ] NAP

Comment - Please specify:

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

(X) Yes

( ) No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

(X) For all types of offences

( ) For some types of offences

NAP

Comment - Please specify:

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

Yes

No

Comments

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

Yes

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 victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify:

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - If yes, please specify:

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP

Comment - If necessary, please specify:

**037. 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>	4 891 <input type="checkbox"/> NA <input type="checkbox"/> NAP	434 <input type="checkbox"/> NA <input type="checkbox"/> NAP	435 696 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	406 <input type="checkbox"/> NA <input type="checkbox"/> NAP	239 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103 562 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Non-execution of court decisions</b>	331 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	4 601 [ ] NA [ ] NAP
<b>Wrongful arrest</b>	221 [ ] NA [ ] NAP	62 [ ] NA [ ] NAP	327 532 [ ] NA [ ] NAP
<b>Wrongful conviction</b>	370 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Other</b>	3 563 [ ] NA [ ] NAP	125 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Specific comments for 2020: Number of requests shown in the table refers to the requests received in 2020 and number of the condemnations refers to the total number of condemnations in 2020, regardless of the year of request.

There were significant variations between data for 2020 and 2018.

With regards to the data on non-execution of court decisions, the Constitutional Court of Bosnia and Herzegovina reported that during 2020 it rejected all individual applications alleging the non-execution of court decisions against public sector debtors (e.g. government, state-owned companies, local self-government units etc.). Having concluded that the non-execution of court decisions against public sector debtors was a systematic problem, in relation to the Article 6 of the European Convention the Human Rights, the Constitutional Court of Bosnia and Herzegovina introduced the previously mentioned policy. In addition, the Constitutional Court of Bosnia and Herzegovina requested the relevant authorities to take comprehensive corrective activities.

As for the decreased number of condemnations regarding excessive length of court proceedings in 2020, the Constitutional Court of Bosnia and Herzegovina reported that the decreased number of condemnations corresponds with its policy change and the new approach to reduce the number of decisions in individual cases and take several pilot decisions instructing the relevant authorities to undertake systemic efficient legislative and other measures to reduce the length of proceedings at the courts in Bosnia and Herzegovina. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2018 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders) stated that the numbers of requests and condemnations and the amount of compensation depend on the circumstances of individual cases.

## 2.2.2 Confidence and satisfaction of citizens with their justice system

**038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?**

	National level	Court level
<b>Surveys for judges</b>	[ ] Annual [ ] Other regular [ X ] Ad hoc	[ ] Annual [ ] Other regular [ X ] Ad hoc
<b>Surveys for court staff</b>	[ ] Annual [ ] Other regular [ ] Ad hoc	[ ] Annual [ ] Other regular [ ] Ad hoc
<b>Surveys for public prosecutors</b>	[ X ] Annual [ ] Other regular [ X ] Ad hoc	[ ] Annual [ ] Other regular [ ] Ad hoc
<b>Surveys for lawyers</b>	[ ] Annual [ ] Other regular [ X ] Ad hoc	[ ] Annual [ ] Other regular [ ] Ad hoc

<b>Surveys for other professionals</b>	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>Surveys for 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 type="checkbox"/> Ad hoc
<b>Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)</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>Surveys for 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>Surveys for minors</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>Surveys for the general public</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>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

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: Court users:

In 2019, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina conducted an initial survey on the satisfaction of court users within the project Building Efficient Justice in the Service of Citizens - IPA 2017, to measure the level of satisfaction of public opinion, ie existing and potential court users. received a formulated public opinion (citizens of Sarajevo, Mostar, Tuzla, and Banja Luka) on the work of the Municipal Courts in Sarajevo, Mostar, and Tuzla and the Basic Court in Banja Luka.

In August 2021, a final survey was conducted to measure the level of possible improvement over the initial survey, which arose as a result of certain project activities undertaken following the results of the initial survey.

The results of the final survey will be published by the end of 2021.

Both surveys targeted the general population, i.e. former, current and potential users of these courts. The methodology used was in line with the requirements laid out in the documentation provided by the High Judicial and Prosecutorial Council. Data collection included a combination of qualitative and quantitative research methods and instruments: desk analysis, face-to-face interviews (F2F), computer-assisted telephone interviewing (CATI), focus groups, and mystery shopping. The survey yielded data related to trust in the BiH judicial system, perception of critical segments of the judicial system, perception of corruption, satisfaction and experience of court users, which was used to gauge the level of satisfaction among the public and their opinions (citizens of Sarajevo, Mostar, Tuzla, and Banja) about the work of the Municipal Courts in Sarajevo, Mostar and Tuzla and the Basic Court in Banja Luka.

Link: <https://www.statistical.agency/images/portfolio/IPA%202017%20Project%20Building%20an%20Effective%20and%20Citizen-friendly%20Judiciary%20For%20the%20High%20Judicial%20and%20Prosecutorial%20Council%20of%20Bosnia%20and%20Herzegovina%20-%20SAMPLES.pdf>

Judicial Documentation Centre at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina:

Judges, prosecutors, court employees, lawyers and other legal professionals who all receive the monthly electronic newsletter, were surveyed about their satisfaction with services provided by the Judicial Documentation Centre through the web site [www.csd/pravosudje.ba](http://www.csd/pravosudje.ba). This survey was conducted during the period May-September 2021. The results are published [HERE](#) and are currently under consideration. The web site allows its users to access regularly updated electronic database with the selected domestic courts decisions, up-to date legislation, the latest case-law of the European Court for Human Rights and its weekly reports, bulletins of the national courts of highest instances, various training materials, legal publications etc.

Prosecution offices:

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina developed mechanism for polling of citizens on a local level into prosecution offices websites which are on [pravosudje.ba](http://pravosudje.ba) domain. The survey became active on 1st October 2020. The survey is

anonymous and examines 4 areas: availability of information on the work of the prosecutor's office, website of the prosecutor's office, treatment of users / visitors of the prosecutor's office, competence and quality of work of the prosecutor's office.

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

Yes, please specify: .....

No

Comment - If you have additional comments please specify:

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

Yes

No

Comments

**041. If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
<b>Court concerned</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Higher court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Ministry of Justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other external bodies (e.g. Ombudsman)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**041-1. If yes, please specify certain aspects of this procedure:**

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Higher court</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Ministry of Justice</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	722 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP



<b>Other external bodies (e.g. Ombudsman)</b>	368 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
---	--	--

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The Office of Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (ODC) received 722 complaints against judges and prosecutors. The Ombudsman received 368 complaints against courts in 2020; the structure of the complaints was as follows: 57 complaints alleging excessive length of proceedings, 39 complaints alleging ineffective enforcement of court decisions, 8 complaints against judges for violation of procedural laws, 8 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 256 complaints related to the violation of other rights related to court procedure. In 2018 the Ombudsman issued 30 recommendations to the courts.

ODC and the Ombudsman stated in their respective reports that Covid 19 restrictions reduced the number of complaints in 2020.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1 Number of courts

##### 042. Number of courts - legal entities.

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	81 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	74 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2 Total number of specialised courts - legal entities</b>	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

##### 043. Number of specialised courts – legal entities.

	First instance	Higher instances
<b>Total number of specialised courts - legal entities</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Commercial courts (excluded insolvency courts)</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Insolvency courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Labour courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Family courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify:

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	82 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	103 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

=

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

	Number of courts
A small claim	60 [ ] NA [ ] NAP
An employment dismissal	54 [ ] NA [ ] NAP
A robbery	54 [ ] NA [ ] NAP
An insolvency case	17 [ ] NA [ ] NAP

Comments

**045-1. Is your definition of a small claim the same as the one in the Explanatory note?**

Yes

No

Comments - If not, please give your definition of a small claim:

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

[ 2 500 ]

Comments

**C. Please indicate the sources for answering the questions in this part**

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 posts actually filled for all types of courts - general jurisdiction and specialised courts)**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1 024 [ ] NA [ ] NAP	365 [ ] NA [ ] NAP	659 [ ] NA [ ] NAP
1. Number of first instance professional judges	673 [ ] NA [ ] NAP	250 [ ] NA [ ] NAP	423 [ ] NA [ ] NAP

<b>2. Number of second instance (court of appeal) professional judges</b>	232 [ ] NA [ ] NAP	70 [ ] NA [ ] NAP	162 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	119 [ ] NA [ ] NAP	45 [ ] NA [ ] NAP	74 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

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**046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?**

Yes

No

Comments

**046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: .....

Without reason

Comments

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>1. At first instance level (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. At second instance (court of appeal) level (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. At Supreme Court level (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments According to the information obtained from the courts only one judge was working part-time in 2020. (20 working hours per week) - i.e. a female judge at first instance level court.

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?**

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

**046-2. Number of judges (FTE) by case type:**

	Total	Civil and/or commercial	Criminal	Administrative	Other
<b>Total number of judges</b>	1 024 <input type="checkbox"/> NA <input type="checkbox"/> NAP	655 <input type="checkbox"/> NA <input type="checkbox"/> NAP	302 <input type="checkbox"/> NA <input type="checkbox"/> NAP	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>First instance</b>	673 <input type="checkbox"/> NA <input type="checkbox"/> NAP	478 <input type="checkbox"/> NA <input type="checkbox"/> NAP	194 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Second instance</b>	232 <input type="checkbox"/> NA <input type="checkbox"/> NAP	143 <input type="checkbox"/> NA <input type="checkbox"/> NAP	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Supreme court</b>	119 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

If "Other", please explain which types of cases:

=

**047. Number of court presidents (professional judges).**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	76 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of first instance court presidents</b>	57 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of Supreme Court presidents</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**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
Gross figure	76 [ ] NA [ ] NAP
In full-time equivalent	[ ] NA [X] NAP

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

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

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

Comments In 2020, reserve judges resolved around 4% of the overall number of cases disposed by the courts in Bosnia and Herzegovina.

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

	Figure
Gross figure	182 [ ] NA [ ] NAP
In full time equivalent	[ ] NA [X] NAP

Comments

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

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	( )	( )	( X )
Criminal cases (misdemeanour and/or minor)	( )	( )	( X )
Family law cases	( )	( X )	( )
Labour law cases	( )	( X )	( )
Social law cases	( )	( X )	( )

<b>Commercial law cases</b>	( )	( X )	( )
<b>Insolvency cases</b>	( )	( X )	( )
<b>Other civil cases</b>	( )	( X )	( )

[ ] NAP

Comments - If "Other civil cases", please specify:

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

( ) Yes

( X ) No

Comments

**050-1. If yes, for which type(s) of case(s)?**

[ ] Criminal cases

[ ] Other than criminal 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 (if possible 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 posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	3 384 [ ] NA [ ] NAP	860 [ ] NA [ ] NAP	2 524 [ ] 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>	90 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP	70 [ ] NA [ ] NAP
<b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)</b>	1 299 [ ] NA [ ] NAP	121 [ ] NA [ ] NAP	1 178 [ ] 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>	1 643 [ ] NA [ ] NAP	532 [ ] NA [ ] NAP	1 111 [ ] NA [ ] NAP
<b>4. Technical staff</b>	352 [ ] NA [ ] NAP	187 [ ] NA [ ] NAP	165 [ ] 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: Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).

Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial assistant, witness support officer etc.

Category 3. Staff in charge of different administrative tasks and of the management of the courts includes positions such as: court administrator, secretary to court president, human resource management officer, court registry staff, ICT staff, financial and budgetary officer, land registry and business registry staff, bailiff etc.

Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

**052-1. Number of non-judge staff by instance (if possible, 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 posts actually filled).**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	3 384 [ ] NA [ ] NAP	860 [ ] NA [ ] NAP	2 524 [ ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	2 573 [ ] NA [ ] NAP	662 [ ] NA [ ] NAP	1 911 [ ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	513 [ ] NA [ ] NAP	113 [ ] NA [ ] NAP	400 [ ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	298 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP	213 [ ] NA [ ] NAP

Comments

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**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having**



**autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties: Other cases not mentioned: small claims cases.

#### **054. Have the courts outsourced certain services under their responsibilities to external providers?**

- Yes
- No

Comments

##### **054-1. If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): Court building maintenance (heating system etc.)..

Comments Small number of the courts (i. e. 20 courts) delegated ancillary services to private companies in 2020.

#### **C1. Please indicate the sources for answering the questions in this part**

Sources: Q053: The relevant legislation on the court system in Bosnia and Herzegovina.  
Q054: The information obtained from courts by the High Judicial of 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 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>	358 [ ] NA [ ] NAP	173 [ ] NA [ ] NAP	185 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	279 [ ] NA [ ] NAP	133 [ ] NA [ ] NAP	146 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	79 [ ] NA [ ] NAP	40 [ ] NA [ ] NAP	39 [ ] NA [ ] NAP

Comments - Please indicate any useful comment for interpreting the data above: The numbers provided in the table above do not include information on the number of chief prosecutors.

18 chief prosecutors were appointed on 31st December 2020.

The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020).



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**055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?**

Yes

No

Comments

**055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: .....

Without reason

Comments

**055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

<b>1. At first instance level (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. At second instance (court of appeal) level (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. At Supreme Court level (%)</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments According to the information obtained from the prosecution offices only one prosecutor was working part-time in 2020.(20 working hours per week) - i.e. a female prosecutor at the first instance level prosecution office.

**055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?**

- ( ) Less than 50%
- ( ) 50 - 60%
- ( ) 60 - 80%
- ( ) More than 80%
- [ ] NA
- [X] NAP

Comments

**056. Number of heads of prosecution offices.**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	18 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	16 [ ] NA [ ] NAP	10 [ ] 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>	2 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above:

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

- ( ) Yes
- (X) No

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

**057-1. Please specify their number (in full-time equivalent):**

- [ 0 ]
- [ ] NA

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

Yes

No

NAP

Comments

**059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Sexual violence</b>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	717 <input type="checkbox"/> NA	212 <input type="checkbox"/> NA	505 <input type="checkbox"/> NA

Comments Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

**C2. Please indicate the sources for answering the questions in this part**

Sources:

### 3.4. Gender equality

### 3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

Comments - If the situation changed since the reference year or you have additional comments, please specify:

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Yes / No

<p><b>Court president</b></p>	<p>( X ) Yes If “yes”, please specify:[Comment]The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors.</p> <p>( ) No</p>
<p><b>Head of prosecution services</b></p>	<p>( X ) Yes If “yes”, please specify:[Comment]The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors.</p> <p>( ) No</p>

Comments

### 3.4.2 At national level

**061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?**

( X ) Yes

( ) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? In October 2020, the HJPC adopted the Strategy on Improving Gender Equality in the Judiciary of BiH, based on which all judicial institutions will prepare their implementation plans.

The Strategy was created within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 2, financed by the Government of Sweden, in cooperation with the Swedish National Courts Administration, as the coordinator of gender mainstreaming activities in the courts of Sweden and HJPC's long-term partner.

In cooperation with judicial institutions and Swedish experts, the HJPC has commenced the realization of activities, with the purpose of implementing the Strategy in the judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In accordance with the recommendations of HJPC all courts and prosecutors' offices have appointed one or two of its employees as counselors for the prevention of sexual and gender-based harassment.

**061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:**

	Yes, please specify	No
The recruitment of judges	( )	( X )
The promotion of judges	( )	( X )
The recruitment of prosecutors	( )	( X )
The promotion of prosecutors	( )	( X )
The recruitment of non-judge staff	( )	( X )
The promotion of non-judge staff	( )	( X )

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments:

**061-6-1. Please specify the text which set up this person/institution :**

(title, date, nature of the text)

[ X ] NAP

**061-6-2. Please specify the status of this person/institution:**

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

[ X ] NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. to block a decision or allow an appeal)

### 3.4.3 At court/public prosecution services level

**061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:**

	Yes	No
in courts (judges)	( )	( X )
in public prosecution services (prosecutors)	( )	( X )
for courts' non-judge staff	( )	( X )

Comments - Please specify the details of this person/institution, in particular its titles and function:

**061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:**

	Yes	No
Assignment to different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the workspace	( )	( X )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

**061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:**

have been already implemented (please specify) :



are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

### 061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify: .....
- Appointment to the position of court president, please specify: .....
- Appointment to the position of head of prosecution services, please specify: .....
- Promotion procedures and access to the functions of responsibility, please specify: .....
- Other studies, please specify: .....

NAP

Comments - Please specify also the reference documents.

## 3.5 Use of information technologies in courts

### 3.5.1 General policies in Information Technology in judicial systems

#### 062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies regarding the information technology policy: The HJPC initiates, coordinates and supervises the use of information technology by courts and prosecutors' offices in order to achieve and maintain uniformity in this area between and among courts and prosecutors' offices

throughout the country. The Case Management System (CMS) represents the core of the judicial information system. The HJPC has created the permanent Working Group for Strategic Planning and Development of CMS. It is comprised of: -3 members of the HJPC; - 6 judges and 4 prosecutors from different courts and prosecutors' offices; -5 non-judge staff/non-prosecutor staff from different courts and prosecutors' offices; -Representatives of the HJPC Secretariat.

**065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?**

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies regarding the information technology policy: The HJPC initiates, coordinates and supervises the use of information technology by courts and prosecutors' offices in order to achieve and maintain uniformity in this area between and among courts and prosecutors' offices throughout the country. The Case Management System (CMS) represents the core of the judicial information system.

The HJPC has created the permanent Working Group for Strategic Planning and Development of CMS. It is comprised of: -3 members of the HJPC; - 6 judges and 4 prosecutors from different courts and prosecutors' offices; -5 non-judge staff/non-prosecutor staff from different courts and prosecutors' offices; -Representatives of the HJPC Secretariat.

**065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?**

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - please also describe in case of "other alternatives"

**065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?**

- Yes
- No

**065-4-1. If yes, have you measured the impact on (multiple answers possible):**

- Business processes
- Workload

- Human resources
- Costs
- Other, please specify .....

Comments (please specify examples of the impact) The Business Intelligence System for Reporting and Decision Making Support has been implemented in the HJPC and all courts and prosecutors' offices. The System is intended for reporting and analysis of data in judicial institutions; it transforms raw data produced daily by the judiciary into practical inputs essential for fact-based decision making and effective operating of courts and prosecutors' offices.

### 3.5.2 Security of courts information system and personal data protection

#### 065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- Yes
- No

Comments (please specify in particular if national frameworks of information security exist): The risk assessment of the judicial information system was conducted by an audit company from Bosnia and Herzegovina. It was concluded in the risk assessment report that the judicial information system should be subject to regular audit controls; the HJPC accepted the recommendations included in the risk assessment report. Accordingly, as an initial step in the process that was approved by the HJPC, the functioning of existing controls within the judicial information system was audited by an audit company in 5 judicial institutions; the resulting report was approved by the HJPC.

#### 065-6. Is the protection of personal data managed by courts ensured at legislative level?

- Yes
- No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

### 3.5.3 Centralised databases for decision support

#### 062-4. Is there a centralised national database of court decisions (case-law, etc.)?

- Yes
- Non

Comments

##### 062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Criminal</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Administrative</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - if it exists in other matters please specify Central database of court decisions is available at the web site [www.pravosudje.ba/csd](http://www.pravosudje.ba/csd). Currently, database contains 13 783 decisions. Decisions are selected by highest courts of Bosnia and Herzegovina in three relevant areas (civil, criminal and administrative), and they are searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with the decision of lower instance courts brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users used to pay 50 Euro annual fee for access the database. According to the decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina from September 2020, and the decision of the Council of Ministers of Bosnia and Herzegovina from January 2021, this database is free of charge for all users as of 5th March 2021. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. Alignment of decisions in database with with the European Court for Human Rights case law is not made possible, but detailed reports on ECHR case law are available through the aforementioned web site [www.pravosudje.ba/csd](http://www.pravosudje.ba/csd). All aspects of the database are subject of constant improvement thanks to the support the European Union has provided trough assistance project within IPA 2017 mechanism (information from European highest courts and ECtHR Network). Through the same project, HJPC initiated development of the database with court stances in cooperation with the highest courts in Bosnia and Herzegovina (i.e. E-sentence). This database will enable highest courts to record their case law in line with the pre-defined descriptors (legal terms). Besides, this database should enable identification of diverse case law between highest court, and move forward the process of harmonization of the case law at the state level (i.e. Case law harmonization panels).

### 062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

#### 062-6-1. If yes, please specify the following information:

Linkage with other European records of the same nature

Content directly available through computerised means for judges and/or prosecutors

Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

### 3.5.4 Writing assistance tools

#### 062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

Yes

No

**062-7-1. If yes, please specify the following information:**

	<b>Availability rate</b>
<b>Civil and/or commercial</b>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<b>Criminal</b>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<b>Administrative</b>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

**062-8. Are there voice recording tools?**

Yes

No

Comments

**062-8-1. If yes, please specify:**

	<b>Availability of simple dictation tools</b>	<b>Availability of multiple speakers recording tools</b>	<b>Voice recognition feature</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

**062-9. Is there an intranet site within the judicial system for distribution of news/novelities?**

**Availability rate:**

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

**3.5.5 Technologies used for administration of the courts and case management**

**063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)**

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
<b>Land registry</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Business registry</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comment – if it exists in other matters please specify:

## Budgetary and financial monitoring

### 063-6. Budgetary and financial management systems of courts

	<b>Tool deployment rate</b>	<b>Data consolidated at national level</b>	<b>System communicating with other ministries (financial among others)</b>
<b>Budgetary and financial management of courts</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" 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
<b>Justice expenses management</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" 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
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

## Other tools of courts management

### 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments The Business Intelligence System for Reporting and Decision Making Support has been implemented as a part of the judicial information system in the HJPC and all courts and prosecutors' offices. The System is intended for reporting and analysis of data in judicial institutions; it transforms raw data produced daily by the judiciary into practical inputs essential for fact-based decision making and effective operating of courts and prosecutors' offices. The System includes the reports on performance of judges and prosecutors which are used to calculate their results in terms of annual quota, case flow (number of allocated, resolved and pending cases), length of proceedings (resolved and pending cases).



**063-7-1. If yes, please specify the following information:**

	<b>Tools deployment rate</b>	<b>Data used for monitoring at national level</b>	<b>Data used for monitoring at court local level</b>	<b>Tool integrated in the CMS</b>
<b>For judges</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**3.5.6 Technologies used for communication between courts, professionals and/or court users**

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

Yes

No

Comments

**064-2-1. If yes, please specify the following information:**

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - if it exist in other matters please specify

**064-3. Is it possible to request legal aid by electronic means?**

Yes

No

Comments

**064-3-1. If yes, please specify the following information:**

	<b>Requesting legal aid electronically</b>
<b>Availability rate</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

Yes

( X ) No

Comments

**064-4-1. If yes, please specify the following information:**

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[ ]	[ ]	[ ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ ] Other	[ ]
Criminal	[ ]	[ ]	[ ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ ] Other	[ ]
Administrative	[ ]	[ ]	[ ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ ] Other	[ ]

Comments

**Use of information technologies for improving the quality of the communication between courts and professionals**

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

Comments

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
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<b>Enforcement agents (as defined in Q169 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Notaries (as defined in Q192 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
<b>Judicial police services</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

**064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?**

Yes

No

Comments – Please describe the system that exists. Civil and/or commercial cases: Many of the first instance courts receive cases through the System for electronic filing of enforcement and small claims cases which are initiated by the utility companies. Cases may be transferred from the System for electronic filing of enforcement and small claims cases to the general case management system in courts if certain procedural requirements have been met.

### Use of information technologies between courts, professionals and users in the framework of judicial proceedings

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)**

Yes

No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example,**

the use of this device to reduce the number of detainees' transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))**

( X ) Yes

( ) No

Comments

**064-11-1. If yes, please specify the following information:**

	Tool deployment rate	Type of recording	Specific legislative framework
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <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

<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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## 064-12. Is electronic evidence admissible?

	<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

## 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 at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify: In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The heads of higher courts and prosecutors' offices evaluate yearly lower instance court presidents and chief prosecutors based on the statistical data and the indicators related to the management of the work of the court and the prosecutor's office.

Furthermore, there is a normative framework that consists of the various law provisions, regulations, and guidelines. The framework outlines systematic processes in the entire judicial system of Bosnia and Herzegovina as well as in the prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

	Yes / No
within the courts	( X ) Yes ( ) No
within the public prosecution services	( X ) Yes ( ) No

Comments

**3.6.2 Performance and quality objectives at court level/public prosecution services**

**077. Concerning court activities, have you defined performance and quality indicators?**

( X ) Yes

( ) No

Comments

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

- [ X ] number of incoming cases
- [ X ] length of proceedings (timeframes)
- [ X ] number of resolved cases
- [ X ] number of pending cases
- [ X ] backlogs
- [ X ] productivity of judges and court staff
- [ ] satisfaction of court staff
- [ ] satisfaction of users (regarding the services delivered by the courts)
- [ ] costs of the judicial procedures
- [ X ] number of appeals
- [ X ] appeal ratio
- [ X ] clearance rate
- [ X ] disposition time
- [ ] other (please specify): .....

Comments



**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

Yes

No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of prosecutors and prosecution staff

satisfaction of prosecution staff

satisfaction of users (regarding the services delivered by the public prosecutors)

costs of the judicial procedures

clearance rate

disposition time

percentage of convictions and acquittals

other (please specify): .....

Comments

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

Yes

No

Comments

**073-0. 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 resources within this court?**

Yes

No

Comments

**073-2. If yes, which courses of action are taken?**

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

- Yes
- No

Comments

**073-4. If yes, please specify the frequency:**

- Annual
- Less frequent
- More frequent

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

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

- Yes
- No

Comments

**073-6. If yes, which courses of action are taken?**

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify): .....

Comments

=

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

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court



- External audit body
- Other (please specify): .....

Comments Other: Hierarchical superior court president.

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify): .....

Comments Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public prosecutor.

**3.6.3 Measuring courts' / public prosecution services activity**

**070. Do you regularly monitor court activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

**070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases

- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

- civil law cases
- criminal law cases
- administrative law cases

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( X )	( )
<b>within the public prosecution services</b>	( X )	( )

Comments

**3.6.4 Information regarding courts /public prosecution services activity**

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

- ( X ) Yes (please indicate the name and the address of this institution): .....
- ( ) No

Comments

**080-1. Are the statistics on the functioning of each court published?**

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

Comments

=

**080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?**

Yes (please indicate the name and the address of this institution): .....

No

Comments

**080-3. Are the statistics on the functioning of each public prosecution service published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases 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. If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

=

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors 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):

**081-4. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments

**081-5. If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

**3.6.5 Courts administration**

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding 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. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

**3.6.6 Performance and evaluation of judges and public prosecutors**

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

Yes

No

Comments

**083-1. Who is responsible for setting the individual 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): .....
- NAP

Comments

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

- Yes
- No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

- Annual
- Less frequent
- More frequent

=

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

- Yes
- No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify): .....
- NAP

Comments Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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

- Yes
- No

Comments The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

**120-1. If yes, please specify the frequency of this assessment:**

- Annual  
 Less frequent  
 More frequent

Comments

**C4. Please indicate the sources for answering the questions in this part**

Sources:

---

**4.Fair trial**

**4.1.Principles**

**4.1.1Principles 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 is represented by a lawyer)?**

- [            ]  
 NA  
 NAP

Comments - Please add methodology for calculation used.

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

- Yes  
 No

Comments - Please could you briefly specify:

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

- [ 99 ]  
 NA

Comments 99% challenges submitted by the parties in proceedings during 2020 were resolved in the same year.

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

- For civil procedures (non-enforcement)  
 For civil procedures (timeframe)



For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

### **086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?**

Yes

No

NAP

Comments

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

Sources: The legislation on the judicial system of Bosnia and Herzegovina.

The information submitted by 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 regarding:**

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

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. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the 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)?**

( X ) Yes

( ) No

Comments - If yes, please specify:

#### 4.2.2 Case flow management – first instance

**091. 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	2 065 549 [ ] NA [ ] NAP	911 020 [ ] NA [ ] NAP	903 100 [ ] NA [ ] NAP	2 073 469 [ ] NA [ ] NAP	1 586 342 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	173 829 [ ] NA [ ] NAP	94 672 [ ] NA [ ] NAP	97 608 [ ] NA [ ] NAP	170 893 [ ] NA [ ] NAP	72 431 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	1 883 575 [ ] NA [ ] NAP	809 000 [ ] NA [ ] NAP	798 324 [ ] NA [ ] NAP	1 894 251 [ ] NA [ ] NAP	1 512 700 [ ] 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>	1 834 105 [ ] NA [ ] NAP	288 443 [ ] NA [ ] NAP	299 251 [ ] NA [ ] NAP	1 823 297 [ ] NA [ ] NAP	1 494 717 [ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	49 470 [ ] NA [ ] NAP	520 557 [ ] NA [ ] NAP	499 073 [ ] NA [ ] NAP	70 954 [ ] NA [ ] NAP	17 983 [ ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	47 105 [ ] NA [ ] NAP	461 217 [ ] NA [ ] NAP	439 443 [ ] NA [ ] NAP	68 879 [ ] NA [ ] NAP	17 842 [ ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	1 915 [ ] NA [ ] NAP	58 623 [ ] NA [ ] NAP	58 886 [ ] NA [ ] NAP	1 652 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

<b>2.2.3. Other registry cases</b>	450 <input type="checkbox"/> NA <input type="checkbox"/> NAP	717 <input type="checkbox"/> NA <input type="checkbox"/> NAP	744 <input type="checkbox"/> NA <input type="checkbox"/> NAP	423 <input type="checkbox"/> NA <input type="checkbox"/> NAP	141 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative law cases</b>	8 145 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 348 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 168 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 325 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 211 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments In 2020, Covid- 19 restrictions affected particularly the functioning of courts dealing with first instance cases, namely the numbers of incoming and resolved cases were reduced for all case types within the category of “other than criminal” first instance cases. However, the courts generally managed to achieve the clearance rate over 100% for the following case types within the first instance cases: commercial and civil litigious cases, general non-litigious cases, non-litigious business registry cases, and other registry cases. Nevertheless, the total number of pending “other than criminal” first instance cases increased due mostly because of the courts did not achieve the 100% clearance rate for the non-litigious land registry cases. Several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in 2020 within the project aiming to achieve harmonization between land register and cadastre data. Non-judge court staff deal with a substantial part of the caseload in terms of registry cases and land registry matters. Majority of the pending civil and commercial litigious cases and general non-litigious cases older than 2 years were cases related to the unpaid utility bills divided into two groups: the litigious small claims cases and the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Bulk of the pending administrative law cases older than 2 years are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. An additional information on the inconsistency for general non-litigious pending cases between end of 2019 and beginning 2020: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed three courts to correct technical mistakes made in the case management system about the registration of non-litigious enforcement cases the public broadcasting companies had initiated with the courts previously for unpaid television subscription; by implementing the instructions the courts increased the number of pending cases.

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

. Themostimportantcasecategoriesamongcivilandcommercialnon-litigiouscasesare:uncontestedpaymentorders,non-litigiousenforcementcases,inheritanceproceedings,non-contentiousproceedingsrelatedtopersonalandfamilymatters(e.g.establishingthatapersondoesnothavelegalcompetence,strippingofparentalrights),non-contentiousproceedingsforsettlingrelationshipsbetweenco-ownersoftherealestateincludingdissolutionofco-ownership,settlementofboundarylines,voluntarysales.Themajorityofnon-litigiouscaseswereenforcementproceedingsthestate-ownedutilitycompaniesinitiatedbecauseofunpaidbillsforutilityservices.(e.g.heating,water,electricity,garbagecollection,televisionsubscriptionetc.).

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

. Nocasesareincludedinthecategory“othercases”.

#### 094. 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+3)</b>	132 109 [ ] NA [ ] NAP	172 297 [ ] NA [ ] NAP	163 226 [ ] NA [ ] NAP	141 180 [ ] NA [ ] NAP	38 531 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	7 539 [ ] NA [ ] NAP	8 042 [ ] NA [ ] NAP	7 891 [ ] NA [ ] NAP	7 690 [ ] NA [ ] NAP	1 291 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	33 213 [ ] NA [ ] NAP	55 555 [ ] NA [ ] NAP	44 014 [ ] NA [ ] NAP	44 754 [ ] NA [ ] NAP	47 [ ] NA [ ] NAP
<b>3. Other criminal cases</b>	91 357 [ ] NA [ ] NAP	108 700 [ ] NA [ ] NAP	111 321 [ ] NA [ ] NAP	88 736 [ ] NA [ ] NAP	37 193 [ ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify Specific comments for 2020:

There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors’ offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.

#### 4.2.3 Case flow management – second instance

#### 097. 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	46 519 [ ] NA [ ] NAP	28 472 [ ] NA [ ] NAP	34 939 [ ] NA [ ] NAP	40 052 [ ] NA [ ] NAP	15 327 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	39 897 [ ] NA [ ] NAP	22 523 [ ] NA [ ] NAP	29 317 [ ] NA [ ] NAP	33 103 [ ] NA [ ] NAP	14 485 [ ] NA [ ] NAP

<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	6 622 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 949 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 622 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 949 <input type="checkbox"/> NA <input type="checkbox"/> NAP	842 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “Other cases” please specify There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission’s decisions in relation to the 2020 local elections. The courts maintained the trend from 2019 to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

#### **098. 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+3)</b>	2 359 [ ] NA [ ] NAP	11 999 [ ] NA [ ] NAP	12 374 [ ] NA [ ] NAP	1 984 [ ] NA [ ] NAP	189 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	1 554 [ ] NA [ ] NAP	2 744 [ ] NA [ ] NAP	3 131 [ ] NA [ ] NAP	1 167 [ ] NA [ ] NAP	117 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	311 [ ] NA [ ] NAP	3 257 [ ] NA [ ] NAP	3 208 [ ] NA [ ] NAP	360 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Other cases</b>	494 [ ] NA [ ] NAP	5 998 [ ] NA [ ] NAP	6 035 [ ] NA [ ] NAP	457 [ ] NA [ ] NAP	72 [ ] 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". If "Other cases", please specify. Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2020 mostly due to the measures implemented against the spread of Covid-19 virus. However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

Note regarding 2019 data: During the analysis of data for 2020, a technical error was discovered in the Business Intelligence System. In 2019, the error caused that certain number of incoming and pending criminal cases could not be identified as severe criminal cases; instead, the Business Intelligence System included incorrectly those cases in the other cases category. The correct data for 2019 have been prepared in order to replace the previously included data for that year.

#### 4.2.4 Case flow management – Supreme Court

##### **099. 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	2 477 [ ] NA [ ] NAP	4 595 [ ] NA [ ] NAP	4 813 [ ] NA [ ] NAP	2 259 [ ] NA [ ] NAP	176 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	2 477 [ ] NA [ ] NAP	4 595 [ ] NA [ ] NAP	4 813 [ ] NA [ ] NAP	2 259 [ ] NA [ ] NAP	176 [ ] 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 - If "Other cases", please specify In 2020, the work of the highest instance courts was affected by the Covid-19 restrictions. Overall, these courts managed to maintain the 100% clearance rate in civil and administrative cases.

**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: 1845

( ) No

Comments

**100. 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+3)</b>	696 [ ] NA [ ] NAP	4 172 [ ] NA [ ] NAP	4 013 [ ] NA [ ] NAP	855 [ ] NA [ ] NAP	148 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	305 [ ] NA [ ] NAP	461 [ ] NA [ ] NAP	389 [ ] NA [ ] NAP	377 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	1 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Other criminal cases</b>	390 [ ] NA [ ] NAP	3 708 [ ] NA [ ] NAP	3 620 [ ] NA [ ] NAP	478 [ ] NA [ ] NAP	147 [ ] NA [ ] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify In 2020, the work of the highest instance courts with regards to the criminal law cases was more affected by the Covid-19 restrictions compared to civil and administrative cases. Consequently, these courts did not manage to maintain the 100% clearance rate in civil and administrative cases in the reporting year.

**4.2.5 Case flow management and timeframes – specific cases**



**101. Number of specific litigious cases 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	Pending for more than 2 years
<b>Litigious divorce cases</b>	1 736 [ ] NA [ ] NAP	2 883 [ ] NA [ ] NAP	2 897 [ ] NA [ ] NAP	1 722 [ ] NA [ ] NAP	30 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	383 [ ] NA [ ] NAP	393 [ ] NA [ ] NAP	269 [ ] NA [ ] NAP	507 [ ] NA [ ] NAP	63 [ ] NA [ ] NAP
<b>Insolvency</b>	831 [ ] NA [ ] NAP	448 [ ] NA [ ] NAP	500 [ ] NA [ ] NAP	779 [ ] NA [ ] NAP	302 [ ] NA [ ] NAP
<b>Robbery case</b>	155 [ ] NA [ ] NAP	140 [ ] NA [ ] NAP	146 [ ] NA [ ] NAP	149 [ ] NA [ ] NAP	50 [ ] NA [ ] NAP



<b>Intentional homicide</b>	83 [ ] NA [ ] NAP	91 [ ] NA [ ] NAP	75 [ ] NA [ ] NAP	99 [ ] NA [ ] NAP	31 [ ] NA [ ] NAP
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Comments In 2020, Covid-19 restrictions regarding the functioning of the courts affected significantly their work in terms of the first instance cases.

It is important to note that significant number of criminal cases (Robbery and Intentional homicide), which were pending on 31 December 2020 for more than 2 years, had been classified as unresolvable for time being due to the procedural obstacles (e.g. although a warrant has been issued accused persons remain on the run).



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## 101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec ref. year</b>	<b>Pending for more than 2 years</b>
<b>Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	269 [ ] NA [ ] NAP	179 [ ] NA [ ] NAP	313 [ ] NA [ ] NAP	135 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>Non-court procedures relating to the right of entry and stay for aliens</b>	1 674 [ ] NA [ ] NAP	13 291 [ ] NA [ ] NAP	12 050 [ ] NA [ ] NAP	2 915 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	10 [ ] NA [ ] NAP	55 [ ] NA [ ] NAP	53 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Court cases relating to the right of entry and stay for aliens</b>	6 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments Comment on data regarding the court cases:

The number of asylum-seeker court cases has increased compared to data submitted for 2018 due to an increase in the number of migrants in the so called Bosnia and Herzegovina-Balkan Route.

Comment on the statistics for non-court procedures relating to asylum seekers: The statistics include data on first instance cases. The decisions of the relevant ministry are final and they cannot be appealed in the non-court procedure. However, such decisions may be challenged within the administrative jurisdiction of the relevant court. Comment on the statistics for non-court procedures relating to the right of entry and stay for aliens: The statistics include compiled data on first instance cases (final and non-final) and second instance cases.

## 101-1. Could you briefly describe the system in your country dealing with legal 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.

## 101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
<b>Child sexual abuse</b>	59 [ ] NA [ ] NAP	70 [ ] NA [ ] NAP	61 [ ] NA [ ] NAP	68 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>Child pornography</b>	14 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP	17 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system:

## 102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100 21 [ ] NA [ ] NAP	529 [ ] NA [ ] NAP	591 [ ] NA [ ] NAP	242 [ ] NA [ ] NAP	534 [ ] NA [ ] NAP	_____ Max numeric value allowed : 100 30 [ ] NA [ ] NAP
<b>Litigious divorce cases</b>	_____ Max numeric value allowed : 100 7 [ ] NA [ ] NAP	209 [ ] NA [ ] NAP	197 [ ] NA [ ] NAP	103 [ ] NA [ ] NAP	208 [ ] NA [ ] NAP	_____ Max numeric value allowed : 100 0 [ ] NA [ ] NAP

<b>Employment dismissal cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>53</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>382</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>743</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>386</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>495</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>17</p> <p>[ ] NA</p> <p>[ ] NAP</p>
<b>Insolvency cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>13</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>584</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>97</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>41</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>511</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>30</p> <p>[ ] NA</p> <p>[ ] NAP</p>
<b>Robbery cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>42</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>265</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>231</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>157</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>252</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>22</p> <p>[ ] NA</p> <p>[ ] NAP</p>
<b>Intentional homicide cases</b>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>73</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>222</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>202</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>137</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>211</p> <p>[ ] NA</p> <p>[ ] NAP</p>	<p>_____</p> <p>Max numeric value allowed : 100</p> <p>17</p> <p>[ ] NA</p> <p>[ ] NAP</p>

Comments Civil and commercial litigious cases:

When it comes to the statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are the first instance litigious small claims cases related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):

There is no particular explanation of the variations for other cases between 2018 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types.

**103. Where appropriate, please indicate the specific procedure regarding 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 six case categories of question 102? Please give a description of the calculation method.**

. Description of calculation method: The average length of court procedure 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):**

[ X ] to conduct or supervise police investigation

[ X ] to conduct investigations

[ X ] when necessary, to request investigation measures from the judge

[ X ] to charge

[ X ] to present the case in court

[ X ] to propose a sentence to the judge

[ X ] to appeal

[ ] to supervise the enforcement procedure

[ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

[ X ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

[ X ] other significant powers (please specify): The Prosecutor may withdraw the indictment without prior approval of the court before its confirmation, and after the confirmation and before the commencement of the main trial, only with the approval of the preliminary hearing judge who confirmed the indictment.

Comments Prosecutors may end the criminal cases against juveniles by imposing certain types of criminal sanctions - i.e. cases in which prosecutors impose educational measures against minor defendants without bringing them to court.

### **106. Does the public prosecutor also have a role in:**

[ X ] civil cases

[ ] administrative cases

[ X ] insolvency cases

Comments - If yes, please specify:

### **107. Public prosecutors: Total number of 1st instance criminal cases.**

Number of cases
-----------------

<b>1.Pending cases on 1 Jan. ref. year</b>	139 992 [ ] NA [ ] NAP
<b>2.Incoming/received cases</b>	42 289 [ ] NA [ ] NAP
<b>3.Processed cases (3.1+3.2+3.3+3.4)</b>	34 748 [ ] NA [ ] NAP
<b>3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)</b>	18 691 [ ] NA [ ] NAP
<b>3.1.1 Discontinued by the public prosecutor because the offender could not be identified</b>	[ X ] NA [ ] NAP
<b>3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	[ X ] NA [ ] NAP
<b>3.1.3 Discontinued by the public prosecutor for reasons of opportunity</b>	[ X ] NA [ ] NAP
<b>3.1.4 Discontinued for other reasons</b>	[ X ] NA [ ] NAP
<b>3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor</b>	32 [ ] NA [ ] NAP
<b>3.3.Cases closed by the public prosecutor for other reasons</b>	6 343 [ ] NA [ ] NAP
<b>3.4.Cases brought to court</b>	9 682 [ ] NA [ ] NAP
<b>4.Pending cases on 31 Dec. ref. year</b>	147 533 [ ] NA [ ] NAP

Comments The statistics on the first instance cases at the prosecution offices are presented per case files. Prosecution offices' subject matter jurisdiction does not include minor offence/misdemeanor cases or civil cases.

1. "Pending cases on 1 January 2020" are all cases pending on 1 January 2020; i.e. cases against known minor and adult perpetrators, cases with criminal acts for which their perpetrators could not be identified by police when the case was filed (e.g. a burglary case in which police could not identify an offender), cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act (e.g. a case in which a non-governmental organization submits to a prosecutor an information on alleged financial irregularities/mismanagement in a local public utility company, a prosecutor needs to establish in this case if the alleged mismanagement constitutes a minor offence/criminal act etc.).

2. "Incoming/Received cases in 2020" include all new cases submitted in the reporting year to the prosecution offices by the law enforcement agencies and other bodies as well as victims within the reference year; i.e. cases against known minor and adult perpetrators, cases with criminal acts for which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act.

3. "Processed cases" include all cases that were closed or brought to court in 2020:

3.1. Discontinued criminal cases are cases received and processed by the prosecution office, which have not been brought before the court and for which no sanction or any other measure has been taken, i.e. discontinued prosecution cases against known minor and adult perpetrators, cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. 3.2. Cases "Concluded by a penalty or

a measure imposed or negotiated by the public prosecutor” - i.e. cases in which prosecutors imposed educational measures against minor defendants without bringing them to court.

3.3. “Cases closed by the public prosecutor for other reasons” - i.e. cases against known minor and adult perpetrators, cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act.

3.4. “Cases brought to court” - i.e. cases brought to court by prosecutors against minor and adult defendants including cases with guilty pleas submitted by prosecution offices to courts.

4. "Pending cases on 31 December 2020" are all cases which have not been completed at the end of 2020 (i.e. cases against known minor and adult perpetrators, cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act). It is important to note that around 88% of pending cases on 31 December 2020 were cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. Additionally, around 12% of pending cases were cases against known minor and adult perpetrators; these cases are considered to be more important for the society and the criminal justice system compared to the other group of cases (cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act).

Discrepancies in data between 2018 and 2020 reporting cycles are caused by the Covid- 19 restrictions regarding the functioning of the prosecution offices and courts (i.e. Incoming/received cases, Cases brought to court) and the new methodology in data analysis (i.e. Discontinued cases during the reference year, Concluded by a penalty or a measure imposed or negotiated by the public prosecutor). The new methodology was used following the additional analysis of the modified Q107 which now requires the preparation of more comprehensive data on the functioning of prosecution offices. In the current reporting cycle (i.e. data for 2020) data on discontinued cases during the reference year include: cases against known minor and adult perpetrators, cases involving criminal acts in which their perpetrators could not be identified by police when the case was filed, and cases in which a prosecutor needs to preliminarily establish if an illegal behavior constitutes a criminal act. In the previous reporting cycle (i.e. data for 2018) data on discontinued cases during the reference year included only cases against known minor and adult perpetrators cases. In addition, when it comes to data on cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor, they include in the current cycle (i.e. data for 2020) only cases in which prosecutors imposed educational measures against minor defendants without bringing them to court. In the previous reporting cycle (i.e. data for 2018) data on cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor included all cases in which courts pronounced the convictions in 2018 as well as data on cases in which prosecutors imposed educational measures against minor defendants without bringing them to court. Therefore, in order to ensure consistency of data it is necessary to update the relevant statistics for the previous reporting cycles.

**107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?**

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
<b>Total number of guilty plea procedures</b>	953 [ ] NA [ ] NAP	953 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Before the main trial</b>	218 [ ] NA [ ] NAP	218 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>During the main trial</b>	735 [ ] NA [ ] NAP	735 [ ] NA [ ] NAP	[ ] NA [ X ] NAP

Comments In 2020, Covid-19 restrictions regarding the functioning of prosecution offices and courts affected significantly their work. The number of incoming cases was reduced in the reporting year compared to 2020, consequently the number of resolved cases, including the guilty plea procedures, was reduced in prosecution offices and courts.

**109. Do the figures provided in Q107 include traffic offence cases?**

( ) Yes

( X ) No

Comments

## D2. Please indicate the sources for answering the questions in this part

Sources: The data from the case management system prepared by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the criminal procedure codes in Bosnia and Herzegovina.

## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1 Recruitment and promotion of judges

#### 110. 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

#### 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/authorities made up of judges and non-judges
- Other

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

#### 111-1. How many members compose this authority?

	Total	Male	Female
<b>Members</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

#### 111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

( ) Yes

No

Comments – please specify which body is competent to decide on appeal?

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

Yes

No

Comments

### **113. What is the procedure for the promotion of judges? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for 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 replies possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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”):  
The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to different positions in judiciary. Judges who want to be promoted have to apply for vacant positions. Their competencies are evaluated in competition procedure based on performance evaluation and interview. Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The rest of the above mentioned criteria for candidate ranking are checked in an interview.

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

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

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)



Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.).Furthermore, if "mixed model" or "other", please specify.

**115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

Yes

No

Comments - If yes, please specify:

**115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions: Please see the details in the general comments section(Q115-1).

**115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If "Other", please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If "Other", please specify:

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

**115-6. What is the frequency of this type of instructions:**

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

**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
- Other

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. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	15	6	9
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members? The High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

**117-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

**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 the promotion of prosecutors? (multiple answers possible)**

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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"): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions in judiciary. Prosecutors who want to be promoted have to apply for vacant positions. Their competencies are evaluated in competition procedure based on performance evaluation and interview. Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Other criteria for candidate ranking are checked in an interview.

**5.1.3Mandate 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: .....

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

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: .....

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)?**

[            ]

NA

NAP

Comments

**125-1. Is it renewable?**

Yes

No

NAP

Comments

**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)?**

[            ]

NA

NAP

Comments

### 126-1. Is it renewable?

Yes

No

NAP

Comments

### E1. Please indicate the sources for answering the questions in this part

Sources:

## 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 a court)</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 judicial functions (e.g. judge for economic or administrative issues)</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 of the court (e.g. court president)</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 courts</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 on ethics</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 on child-friendly justice</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

Comments

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

	Frequency of the judges 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 judicial functions (e.g. judge for economic or administrative issues)</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 of the court (e.g. court president)</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 courts</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 on ethics</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 on child-friendly justice</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:

## 5.2.2 Training of prosecutors

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

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<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 in 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 (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
<b>In-service training on ethics</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 on child-friendly justice</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

Comments

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

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

### 5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Institution(s) for prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Institution(s) for both judges and prosecutors</b>	540 244 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2020 were:

The Judicial and Prosecutorial Training Centre of Republika Srpska - 227320. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 312924; the Parliament of the Federation of Bosnia and Herzegovina cut the funds allocated to the training center for 2020 within the general budget rebalancing procedure amid the implementation of the measures fighting the coronavirus crisis.

### 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?

. The newly appointed judicial office holders must complete specially designed training courses delivered by the judicial and prosecutorial training centres within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar exam and have a certain number of years of practical experience after having passed the bar exam.

## 5.2.4 Number of trainings

### 131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
<b>Total</b>	246 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81 <input type="checkbox"/> NA <input type="checkbox"/> NAP	153 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. For judges</b>	216 <input type="checkbox"/> NA <input type="checkbox"/> NAP	121 <input type="checkbox"/> NA <input type="checkbox"/> NAP	143 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. For prosecutors</b>	167 <input type="checkbox"/> NA <input type="checkbox"/> NAP	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	82 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. For other non-judge staff</b>	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. For other non-prosecutor staff</b>	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Training for other professionals</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 – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice.



Number of delivered in-person training courses plummeted in 2020 as a result of the measures taken against the spread of coronavirus. Number of on-line training courses increased considerably in 2020 as a result of the measures taken against the spread of coronavirus.

### 131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
<b>Total</b>	1 394 [ ] NA [ ] NAP	2 444 [ ] NA [ ] NAP
<b>Judges</b>	644 [ ] NA [ ] NAP	1 606 [ ] NA [ ] NAP
<b>Prosecutors</b>	257 [ ] NA [ ] NAP	680 [ ] NA [ ] NAP
<b>Non-judge staff</b>	198 [ ] NA [ ] NAP	89 [ ] NA [ ] NAP
<b>Non-prosecutor staff</b>	159 [ ] NA [ ] NAP	69 [ ] NA [ ] NAP
<b>Other professionals</b>	136 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

## 5.3.Practice of the profession

### 5.3.1Salaries 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
<b>First instance professional judge at the beginning of his/her career</b>	25 383 [ ] NA [ ] NAP	16 268 [ ] NA [ ] NAP	49 645 [ ] NA [ ] NAP	31 817 [ ] NA [ ] NAP
<b>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)</b>	44 404 [ ] NA [ ] NAP	27 669 [ ] NA [ ] NAP	86 847 [ ] NA [ ] NAP	54 116 [ ] NA [ ] NAP
<b>Public prosecutor at the beginning of his/her career</b>	25 383 [ ] NA [ ] NAP	16 268 [ ] NA [ ] NAP	49 645 [ ] NA [ ] NAP	31 817 [ ] NA [ ] NAP

<b>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).</b>	44 404 [ ] NA [ ] NAP	27 669 [ ] NA [ ] NAP	86 847 [ ] NA [ ] NAP	54 116 [ ] NA [ ] NAP
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Comments Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors.

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

	Judges	Public prosecutors
<b>Reduced taxation</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Special pension</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Housing</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other financial benefit</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

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

[ X ] NAP

=

### 135. Can judges combine their work with any of the following 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>	( X ) Yes ( ) No	( X ) Yes ( ) No

<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 functions/activities?

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

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

### 5.3.2 Body/institution of ethics

### 138. Is there in your country an institution / body giving opinions on ethical questions of the

**conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

Yes

No

Comments

**138-1. If yes, who are the members of this institution/body?**

Only judges

Judges and other legal professionals

Other, please specify: .....

Comments

**138-2. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The Committee usually meets once per month.

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

Yes

No

Comments

**138-4. If yes, who are the members of this institution/body?**

Only prosecutors

Prosecutors and other legal professionals

Other, please specify: .....

Comments

**138-5. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The Committee usually meets once per month.

## **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 replies possible)?**

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- 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 replies possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

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

- Court
- Higher Court / Supreme Court
- High 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 replies possible)

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

Comments

### 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>	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <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 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Some cases against judges and prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court/prosecutor's office.

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Position downgrade</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>8. Resignation</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>10. Dismissal</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> 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. “Other” measure - written warning which shall not be made public - was imposed against 4 judges; this is a non-public measure.

Although there were no suspensions imposed in 2020 as a disciplinary sanction, it should be noted that 2 judges were temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. In addition, 2 judges remain suspended as a result of criminal proceedings initiated before 2020.

**E3. Please indicate the sources for answering the questions in this part**

Sources: The report of the Office of Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	1 846 <input type="checkbox"/> NA	1 250 <input type="checkbox"/> NA	596 <input type="checkbox"/> NA

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

NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( X ) Yes in some cases ( ) No <input type="checkbox"/> NAP
Dismissal cases	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( ) Yes in some cases ( X ) No <input type="checkbox"/> NAP	( ) Yes always ( X ) Yes in some cases ( ) No <input type="checkbox"/> NAP
Criminal cases – Defendant	( ) Yes always ( X ) Yes in some cases ( ) No <input type="checkbox"/> NAP	( ) Yes always ( X ) Yes in some cases ( ) No <input type="checkbox"/> NAP	( ) Yes always ( X ) Yes in some cases ( ) No <input type="checkbox"/> NAP



<b>Criminal cases – Victim</b>	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP
<b>Administrative cases</b>	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( ) Yes in some cases ( X ) No [ ] NAP	( ) Yes always ( X ) Yes in some cases ( ) No [ ] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights:

**149-0. If other than lawyers may represent a client in court, please specify who:**

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

Comments - If "other", please specify. In addition, for the categories selected please specify 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
- [ X ] Arbitration / mediation
- [ X ] Proxy / representation
- [ X ] Property manager
- [ X ] Real estate agent
- [ X ] Other law activities (please specify): Any other activity that is not in contravention with the Law on the Legal Profession.

Comments

**149-2. What are the statuses for exercising the profession of lawyer?**

- [ X ] Self-employed lawyer
- [ X ] Staff lawyer
- [ X ] 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 - Please indicate if there are other specific requirements as regards diplomas or university degrees:

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

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 the questions in this part**

Sources: The legislation on the profession of lawyer.

In addition, the relevant bar associations provided the information on the number of lawyers practicing in Bosnia and Herzegovina.

**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 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?

- a judge
- 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>	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Criminal offence	0 [ ] NA [ ] NAP
4. Other	0 [ ] 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. One of the bar chambers in Bosnia and Herzegovina informed that the disciplinary proceedings that had been instituted against 9 lawyers in 2020 were pending at the end of the year.

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1. Court related mediation

#### 7.1.1 Details on court related mediation

#### 163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

#### 163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

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

**163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?**

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

**164. Please specify, by type of cases, who provides court-related mediation services:**

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Family cases</b>	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Administrative cases</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>Labour cases including employment dismissals</b>	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Criminal cases</b>	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Consumer cases</b>	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP

Comments

**165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?**

Yes

No

[ ] NAP

Comments - If yes, please specify (only one or both options)::

=

**166. Number of accredited or registered mediators for court-related mediation:**

	Total	Males	Females
<b>Number of mediators</b>	190 [ ] NA [ ] NAP	86 [ ] NA [ ] NAP	104 [ ] NA [ ] NAP

**167. Number of court-related mediations:**

	<b>Number of cases for which the parties agreed to start mediation</b>	<b>Number of finished court-related mediations</b>	<b>Number of cases in which there is a settlement agreement</b>
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	531 [ ] NA [ ] NAP	496 [ ] NA [ ] NAP	458 [ ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	510 [ ] NA [ ] NAP	477 [ ] NA [ ] NAP	439 [ ] NA [ ] NAP
<b>2. Family cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Administrative cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Labour cases including employment dismissal cases</b>	21 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Consumer cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - Please indicate the source: The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. According to the Association the number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

=

**168. Do the following alternative dispute resolution (ADR) methods exist in your country?**

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): .....

Comments Other: ADR procedures handled by the various public agencies: The Consumer Ombudsman, The Public Agency for Labour cases etc.

**G1. Please indicate the sources for answering the questions in this part**

Source:
---------

## 8. Enforcement of court decisions

### 8.1. Execution of decisions in civil matters

#### 8.1.1 Number of enforcement agents, status and mandate

##### 169. Number and type of enforcement agents in your country.

	Total	Male	Female
<b>Total (1+2+3+4)</b>	174 [ ] NA [ X ] NAP	143 [ ] NA [ X ] NAP	31 [ ] NA [ X ] NAP
<b>1. Private professionals under the authority (control) of public authorities</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	174 [ ] NA [ ] NAP	143 [ ] NA [ ] NAP	31 [ ] NA [ ] NAP
<b>3. Judges</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If other, please specify their status and competences:

##### 170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

##### 171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the age of retirement: 65
- No, please specify the duration of the appointment: .....

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

#### 8.1.2 Activities/scope of competence

##### 171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Civil status	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Motor vehicle	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Movable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bank account	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other enforcement proceedings underway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify: Other:

The main source of the information for the enforcement agent on the debtor is the motion for enforcement submitted by the judgement creditor at the beginning of the enforcement procedure. In addition, the enforcement agent can gather further information on the debtor by observing the facts on the relevant location and interviewing the parties to the enforcement of proceedings and other persons.

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

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP



<b>Seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Preventive seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <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, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of aircrafts</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Sale of shares</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <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 in the context of divorce proceedings.

### 171-3. Apart from 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 or public auctions of moveable or immoveable property
- Custody 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 These other activities are not usually undertaken by the bailiff outside the enforcement procedure.

### 8.1.3 Training and ICT

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

Yes

No

Comments

**172-2. Do you have an e-learning training system established for enforcement agents?**

Yes

No

Comments - If yes, please specify:

**172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

Yes

No

Comments - If yes, please specify:

**172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

Yes

No

Comments

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

Yes

No

Comments - Please explain:

### **8.1.4 Fees**

**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

Comments

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments

**175-2. Who has to pay these fees if the enforcement proceedings are successful?**

The debtor

The creditor

Other – please specify .....

Comments

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

Yes

No

Comments

**H0. Please indicate the sources for answering the questions in this part**

Source: The legislation on the enforcement proceedings in Bosnia and Herzegovina.

**8.1.5 Organisation of profession and 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?**

professional body

judge

Ministry of Justice

public prosecutor

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
- unethical behaviour of enforcement agent
- other (please specify): .....

Comments

**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. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or 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): .....
- NA

Comments In courts with a larger area of territorial jurisdiction, it takes between 6-10 days to serve a court decision on execution to the parties in the proceedings. In other courts the above-mentioned decisions get served normally between 1-5 days.

**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)	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. For breach of professional ethics	0 [ ] NA [ ] NAP
2. For professional inadequacy	4 [ ] NA [ ] NAP
3. For criminal offence	1 [ ] 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)	4 [ ] NA [ ] NAP
1. Reprimand	4 [ ] NA [ ] NAP
2. Suspension	0 [ ] 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 the questions in this part

Source: Q186: This is an estimate based on the consultations with experienced bailiffs from the biggest courts in Bosnia and Herzegovina.

Q187 and Q188: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina collected the data from the relevant courts in Bosnia and Herzegovina.

## 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 replies possible)**

- Judge  
 Public prosecutor  
 Prison and Probation Services  
 Enforcement agent  
 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, status and mandate of notaries**

**192. Number and status of notaries in your country.**

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	153 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	67 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	86 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>1. Private professionals (without control from public authorities)</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>2. Holders of public offices appointed by the State</b>	153 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	67 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	86 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Civil servants (paid by the State)</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>4. Other</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

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is

mainly engaged in the appointment procedure:

**192-1. What are the access conditions to the profession of notary (multiple replies possible):**

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify): Clean criminal record, citizenship of Bosnia and Herzegovina.

Comments Other: Clean criminal record, citizenship of Bosnia and Herzegovina.

**192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

yes, please indicate the age of retirement: In different jurisdictions within Bosnia and Herzegovina a notary may perform his/her service until she/he is 70 or 68 years of age.

no, please specify the duration of the appointment: .....

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

**9.1.2 Activities/scope of competences**

**194. What kind of activities do notaries perform (multiple options possible):**

	<b>Please select one option</b>
<b>Authentication</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Certification of signatures</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP



<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

**194-2. In which areas of law do notaries perform their activities (multiple options possible)?**

Real estate transaction

Family law

Succession law

- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

### **9.1.3 ICT, organisation of the profession and training**

#### **194-3. Do notaries use specialised ICT systems in their activity?**

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

#### **194-4. Which computerised registries can notaries consult?**

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify) .....
- None

Comments

#### **194-5. Are there registries/ registry infrastructures run by the notaries?**

- Yes
- No

Comments - If yes, please specify:

#### **194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?**

	Directly modifying	Indirectly modifying by submitting an online request
<b>Land registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Civil status/ Population registry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

<b>Succession / Family law registry</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Any other registry (please specify)</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>None</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments

**194-7. What ICT tools are used by notaries in their relations with clients?**

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify .....
- None

Comments

**194-8. Who is responsible to run the digital archives?**

- Notariat / Professional body
- Other public authority
- Another entity (please specify) .....

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 (multiple options possible)?**

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): .....

Comments

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

- Yes

No

Comments

## 196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: European law and the inheritance law of other states were discussed, among other topics, within the relevant training seminars organized by one of the notary chambers in Bosnia and Herzegovina in 2020.

## 11. Please indicate the sources for answering the questions in this part

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 registered court interpreters:

[ 1 687 ]

[ ] NA

[ ] NAP

Comments

### 200. Are there binding provisions regarding the quality of court interpretation within judicial

**proceedings?**

( X ) Yes

( ) No

Comments - If yes, please specify (e.g. having passed a specific exam):

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

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

[ X ] 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 the questions in this part**

Sources: The relevant ministries of justice provided the information for answering the questions about the court interpreters.

---

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1Status of judicial experts**



**202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):**

[ ] Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

[ X ] Experts appointed by the court or other authority independent of the parties

[ ] Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case.

**202-1. Are there lists or any other form of official registration for judicial experts?**

( X ) Yes

( ) No

Comments

**202-1-1. If yes, at which level is the list established (multiple replies possible):**

[ ] national

[ X ] administrative district or federal entity

[ ] judicial district

[ ] other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an

oath? How are his/her skills evaluated? By whom?):

**202-1-2. Are these lists publicly available?**

- Yes, available on the internet
- Yes
- No

Comments

**202-2. Which authority is competent for the registration of judicial experts?**

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria:

**202-3. Is the registration of judicial experts limited in time?**

- Yes, for how longThe expert witness is appointed for 6 years. He or she can request the renewal of the appointment.
- No

Comments

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

- Yes
- No

Comment - If yes, please specify in which cases:

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

- Yes
- No

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

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

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

Comments

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

- judicial proceedings

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 task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?**

Yes

No

Comments - If yes, please specify:

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
Number of experts	2 597 <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

Comments

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

	Number of cases
Total (1+2+3+4)	13 244 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	9 427 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	705 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	3 112 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**205-1. Who defines the amount of the expert remuneration?**

In civil/administrative cases	In criminal cases
-------------------------------	-------------------

Defined by law/by-law or a special regulation	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Defined by the court/judge	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Freely agreed between expert and the parties	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
Other	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - If other, please specify:

## 206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	( X )	( )
Quality of expertise	( X )	( )
Other	( )	( X )

[ ] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

## 207-1. Does the judge or another body control the progress of the expertise?

( X ) Yes

( ) No

If yes, please specify:

## 207-2. Are judicial experts' associations involved in:

[ ] Selection processes

[ ] Initial or continuous training

[ ] Disciplinary procedures

[ X ] NAP

Comments

## K1. Please indicate the sources for answering the questions in this part

Sources: Q205: The relevant ministries of justice provided the information on the number of accredited judicial experts.



## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:**

#### **208-1. (Comprehensive) reform plans**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Yes (planned) - Strategy for the Reform of Justice Sector in BiH for the period 2021 – 2027 (Strategy is currently being drafted)

Yes (adopted) - Reform Programme of HJPC for the period 2021 – 2023 (document has been adopted by HJPC in May 2021, Implementation Plan is currently being drafted). It takes into account European Commission's requirements, presented within European Commission's Opinion as well as Analytical Report and the Expert's Report on Rule of Law issues in Bosnia and Herzegovina (<https://vstv.pravosudje.ba/>, Activities, European Integration).

Yes (implemented during year of reference +1) - In November 2018 HJPC has adopted the Action Plan for implementing EU Peer Review recommendations and in October 2020 Report on the implementation of this Action Plan. Activities, that still have not been implemented, were included in to Reform Programme of HJPC for the period 2021 – 2023. (<https://vstv.pravosudje.ba/>, Activities, European Integration).

#### **208-2. Budget**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

**208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees,**

## renovations and construction of new buildings)

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: In 2021, the legislation was adopted on the procedure for submitting complaints to the court presidents by the parties in the proceedings who allege that the court has been in breach of reasonable length of judicial proceedings.

## 208-4. Access to justice and legal aid

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: The new legislation on notaries was adopted in 2021. The amendments to the legislation on lawyers have been in the drafting procedure.

## 208-5. High Judicial Council

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: Drafting procedure of the revised Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina is ongoing. The goal of this process is to make comprehensive improvements regarding organization and functioning of the HJPC, appointment and disciplinary procedure for judges and prosecutors, system of the appraisal of judges and prosecutors, and straightening of judicial integrity. In parallel, legislative procedure has been launched in order to amend the existing Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina improving those issues that needs to be addressed in shorter term (mainly issues of judicial integrity such as asset declaration for judges and prosecutors and disciplinary matters).

## 208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: The new legislation on notaries was adopted in 2021. The amendments to the legislation on lawyers has been under in the drafting procedure.

## 208-7. Gender balance

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Strategy on Improving Gender Equality in the Judiciary of BiH, based on which all judicial institutions will prepare their implementation plans.

The Strategy was created within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 2, financed by the Government of Sweden, in cooperation with the Swedish National Courts Administration, as the coordinator of gender mainstreaming activities in the courts of Sweden and HJPC's long-term partner.

In cooperation with judicial institutions and Swedish experts, the HJPC has commenced the realization of activities, with the purpose of implementing the Strategy in the judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regular monitor their realization by judicial institutions.

The Strategy is available here: [https://vstv.pravosudje.ba/vstv/faces/vijesti.jsp?id=95500&vijesti\\_jezik=E](https://vstv.pravosudje.ba/vstv/faces/vijesti.jsp?id=95500&vijesti_jezik=E)

## **208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: The legislation on criminal procedure was amended in 2021.

## **208-9. Enforcement of court decisions and in particular regarding decisions against public authorities**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: The consultation process has been initiated by the relevant justice ministries and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in order to decide on the reforms of enforcement procedure.

## **208-10. Mediation and other Alternative Dispute Resolution**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: In 2021, the new legislation was adopted on peaceful resolution of collective labor agreements.

### **208-11. Fight against crime**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted an action plan with regulatory measures aimed to increase the prosecution offices' and courts' procedural efficiency in high level corruption and organized crime cases.

### **208-12. Prison system**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: In 2020, the construction of the maximum security prison for the defendants convicted to long term prison sentences was completed and it was put into function.

### **208-13. Child friendly justice**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

### **208-14. Domestic violence**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

### **208-15. New information and communication technologies**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No

NA

Comments - If yes, please specify: Preparatory activities for the development of the strategy are ongoing at the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

## 208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: