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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans “DASHBOARD Western Balkans”

Data collection: 2023

Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - Bosnia and Herzegovina

Executive Summary - Bosnia and Herzegovina in 2023

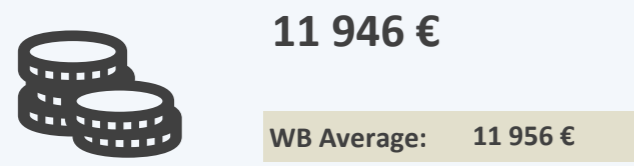
Population in 2023



GDP per capita in 2023



Average annual salary in 2023



Organisation of Judiciary

The judiciary in Bosnia and Herzegovina consists of 55 first instance courts handling general jurisdiction cases and 17 second instance courts, all divided between the Federation of BiH and Republika Srpska. Three highest instance courts oversee criminal, administrative, and appellate cases at entity and state levels, with 7 specialized commercial courts in Republika Srpska.

Budget

In 2023, Bosnia and Herzegovina spent € 174 999 339 as implemented judicial system budget, i.e. 51 € per inhabitant, which is higher than the WB average (45,2 €). In 2023, 73,7% was spent on all courts, 21,3 % on prosecution services, 5 % on legal aid.

The budget per capita spent for courts was higher than the WB average, whereas the budget spent for prosecutor services was slightly below the WB average. The budget for legal aid was above the WB average (€ 2,5 per inhabitant vs € 1). Since 2022, Bosnia and Herzegovina increased the budget spent on Judicial System from 43,6 € per inhabitant in 2022 to 51 € in 2023. In 2023, Bosnia and Herzegovina spent 18,8 % more on courts, 14,1% more on prosecution services, and 4,3 % more for legal aid compared to 2022.

The amount of budget coming from external donors is difficult to calculate because funds are often allocated to projects that usually last longer than one year and involve not only the justice system but also other areas.

Furthermore, it is difficult to identify how much is directly or indirectly allocated to courts, prosecutor offices and legal aid. However, Bosnia and Herzegovina was able to estimate the ratio between external donors' funding and the budget of courts. Indeed, the external donors' funding allocated to courts was around 2% in proportion to courts' budget, prosecutor services was around 3%, and legal aid around 5%.

Legal Aid

In 2023, Bosnia and Herzegovina allocated € 8 755 034 to the total budget for legal aid, representing a 10,4% increase compared to 2019. However, the number of cases receiving legal aid decreased by 13% over the same period. This equates to 0,75 recipients per 100 inhabitants, surpassing the WB median of 0,28.

The average expenditure per legal aid case was € 351.90, while the amount granted per recipient was € 342.20.

Efficiency**

In 2023, in Bosnia and Herzegovina, the Clearance Rate (CR) was above 100% for the Civil and commercial litigious cases as well as for the Administrative cases in the two instances, while for the Severe and Misdemeanour and/or minor criminal cases CR was 99 % in the first instance and 96 % in the second instance cases. Still, CR for all type of cases remain above WB Average in 2023.

The Disposition Time (DT) hasn't change a lot from 2022. Highest DT remains in the first instance Civil and commercial litigious cases and it was approximately 538 days in 2023 days which is an increase of 3,7% over the 2022-2023 period (WB Average 424 days). This persists mostly due to a backlog of civil and commercial litigious cases that includes significant number of small claims disputes related to unpaid utility bills. In 2023, the incoming civil and commercial litigious cases were 2,64 per 100 inhabitants while the WB Average was 2,51. This type of cases decreased by -22,7% between 2022 and 2023.

The Disposition Time for administrative cases in the first instance was approximately 311 days in 2023. This has decreased by -20,2% compared to 2022 and it was below the WB Average (868 days).

Criminal justice retained lowest DT in both instances, with the lowest DT for the second instance Severe and Misdemeanour and/or minor criminal cases of 91 days which is significantly below WB average.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.

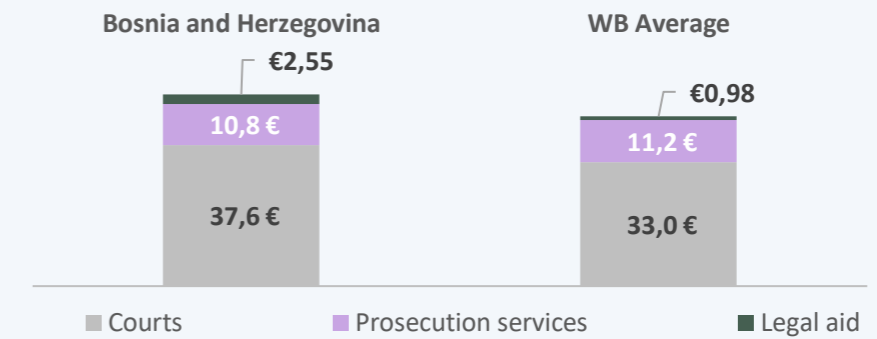
Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

ADR (Alternative dispute resolution)

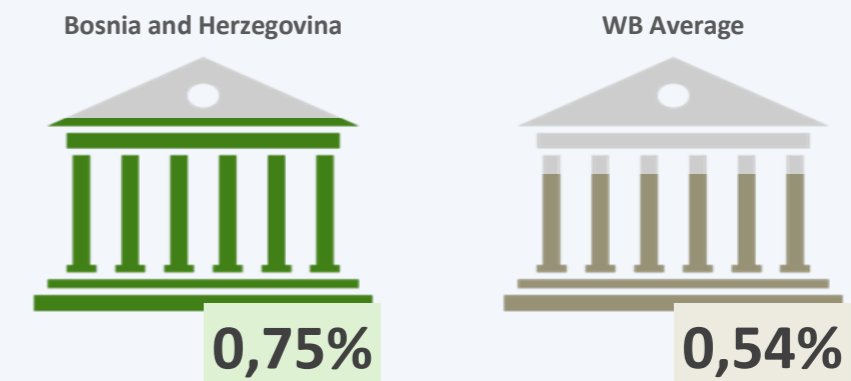
In general, ADR and mediation in particular are not well developed in the Western Balkans region. In Bosnia and Herzegovina, **the civil and criminal procedure codes foresee non-mandatory court-related mediation procedures, for which legal aid could be granted.** In 2023, there was a further drop in the number of cases for which the parties agreed to start mediation (148). Out of 136 finished court-related mediations, a settlement agreement was reached in 120 cases (88,24 %).

Budget of the Judicial System

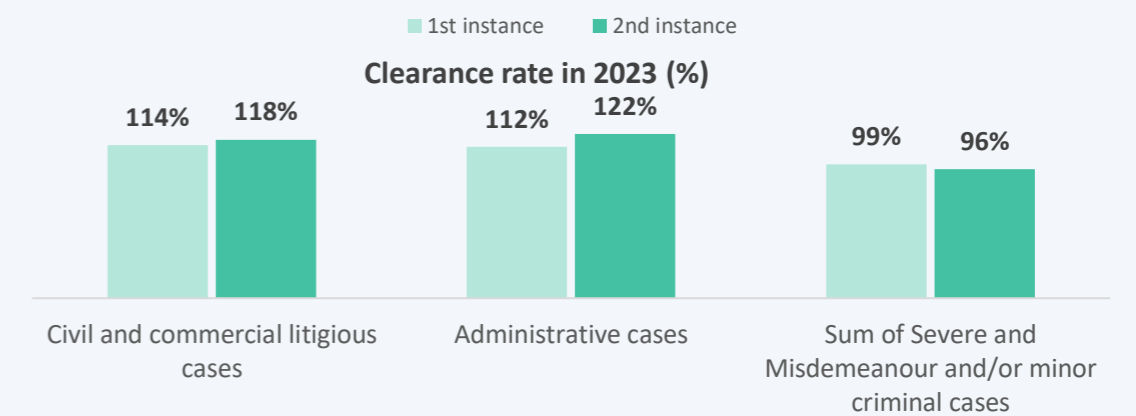
Implemented Judicial System Budget per inhabitant in 2023



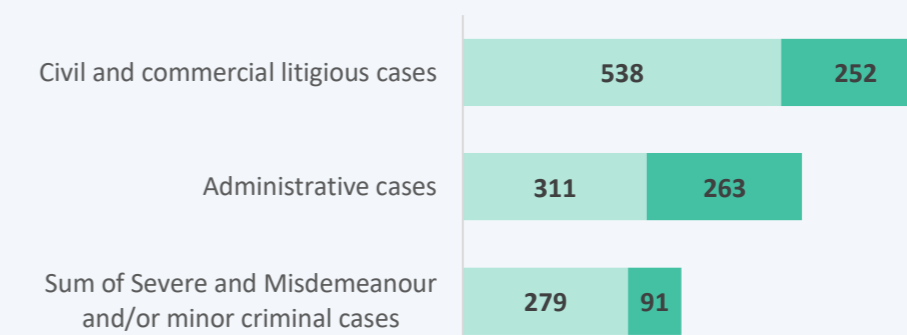
Implemented Judicial System Budget as % of GDP in 2023



Efficiency

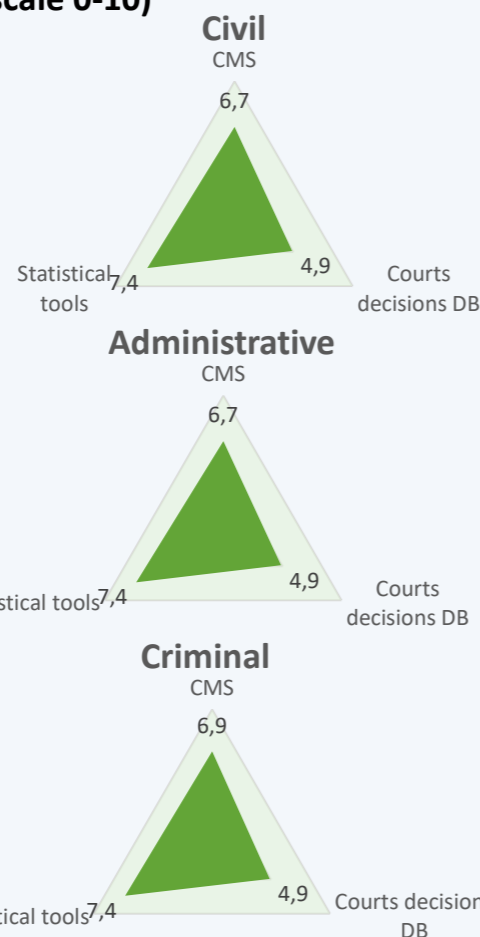


Disposition time in 2023 (days)



ICT indices (scale 0-10)

The three ICT indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included.



■ Bosnia and Herzegovina's score out of 10

ICT Tools

In Bosnia and Herzegovina, the CMS (courts) and TCMS (prosecutor's offices) systems exist in three versions: CMS/TCMS v1, developed over 10 years ago and widely used for most functionalities; CMS/TCMS v2, developed 5-10 years ago for fewer functionalities; and CMS/TCMS v3, developed in the last 2 years, tested in 7 pilot institutions, with full implementation planned for 2024. The CMS integrates with the Agency for Identification Documents, Registers, and Data Exchange, enabling automatic data retrieval for new cases. Civil and administrative case files can be accessed online by parties and lawyers using a uniform access code. The statistical tools are highly developed, with a deployment rate of 95-100%, integrated with CMS, and featuring business intelligence software for real-time data access.

Training

Bosnia and Herzegovina had the **lowest budget per 100 inhabitants allocated to training** in the region: 0,24 € per inhabitant, whereas the WB average was 0,61 €. However, unlike the other beneficiaries, the donors' budget is not included in the training budget of Bosnia and Herzegovina. In 2023, the average number of participants per training course was higher than the WB average (29,3 participants per training vs 22,1 WB average). The minimum number of compulsory trainings per year for judges and prosecutors is 3 days. The newly appointed prosecutors and judges must undergo an initial training program that consisted of 11 different trainings; typically, the program lasts for 15 days. In 2023, 97,4 % of judges and 94,5 % of prosecutors participated in at least one training. Also, judges and prosecutors participated on average to 4,0 and 5,5 trainings, respectively, which is above WB average.

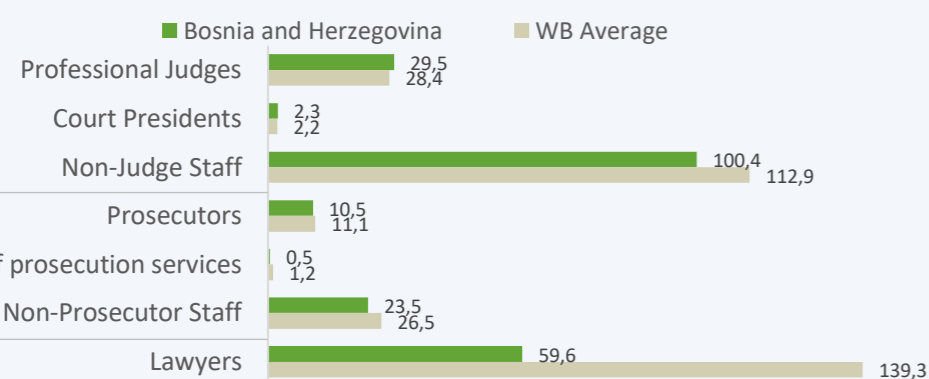
The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has mandated compulsory in-service online training on ethics, prevention of corruption, and conflicts of interest for all judges and prosecutors. Additionally, the HJPC BiH introduced mandatory managerial training for newly appointed court presidents and chief prosecutors. This training covers key topics such as developing leadership and management skills, the proactive role of court presidents, and modern public relations. Furthermore, all chief prosecutors and court presidents are required to attend training focused on their role in preserving judicial integrity.

ECHR

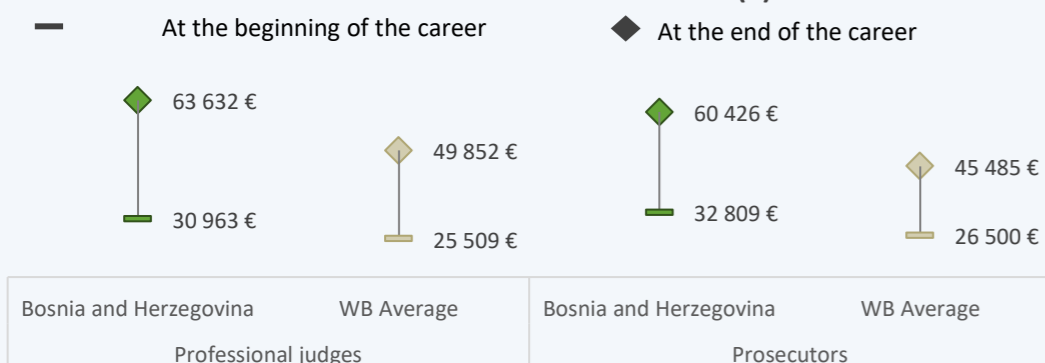
In 2022, the **applications allocated to a judicial formation of the European Court on Human Rights for Bosnia and Herzegovina were 248** (159 less than the previous year). The judgements by the ECHR finding at least one violation for Bosnia and Herzegovina were 2, whereas they were 10 in 2022.

Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2023



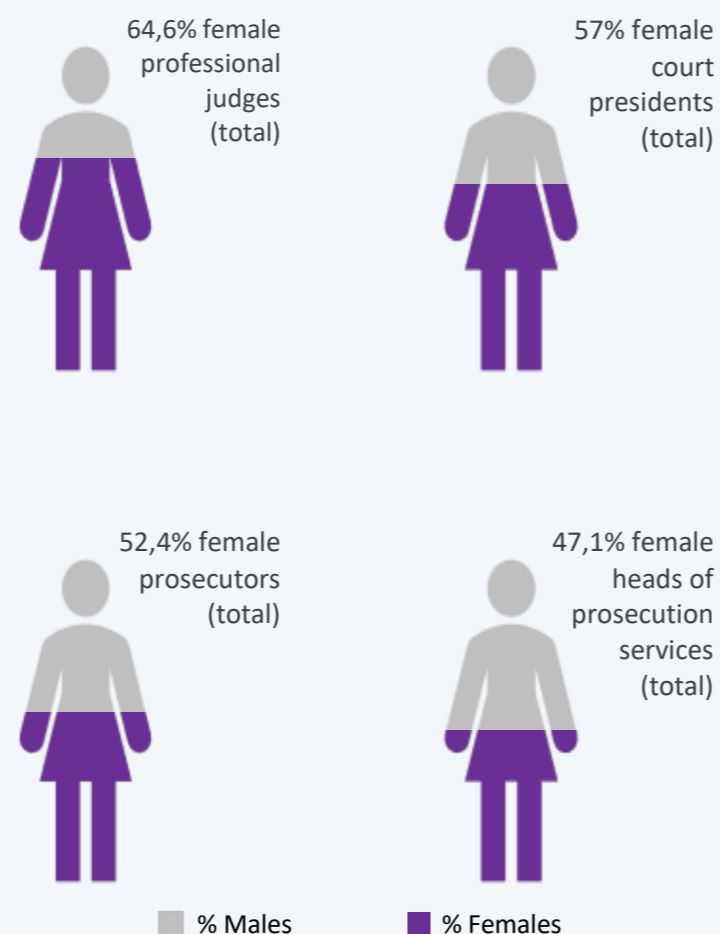
Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Kosovo* is not included in the calculation of summary statistics

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Gender Balance



Professionals and gender

Western Balkans countries traditionally have a very high number of professionals per 100 000 inhabitants. In 2023, Bosnia and Herzegovina had **29,5 professional judges per 100.000 inhabitants, slightly higher than the WB average** (28,4) and compared to 2019, the number of judges increased by 2,1 %. There were 10,5 prosecutors per 100000 inhabitants, which is slightly below WB average of 11,1 and 1,2 % less compared to 2019.

Compared to the national average salary, judges and prosecutors received a higher salary (both at the beginning and at the end of their career) than the WB average, both in absolute value and relative to the national average salary.

Regarding the **gender balance**, a prevalence of female professional judges and prosecutors could be noticed in all instances of Bosnia and Herzegovina's courts and prosecution services. The only exception was the prosecutors at the Supreme Court level, for which the percentage of females was slightly less than 50% but still above the WB Average of 48,8% and Heads of Prosecutor Offices.

The percentages of Bosnia and Herzegovina's female professionals were above the regional average for most of the categories

Judicial organisation in Bosnia and Herzegovina in 2023 (Indicator 2.0)

The judicial system in Bosnia and Herzegovina is organized through the complex network of municipal courts in Federation of BiH and basic courts in Republika Srpska as first instance courts, and cantonal courts in Federation of BiH and district courts in Republika Srpska as dominantly second instance courts.

In addition, Brčko District BiH as special administrative unit has two courts: Basic and Appellate court of Brčko District.

At the state level there is also Court of BiH, competent for cases initiated by Prosecutor office of BiH and in other cases as stipulated in the law.

The prosecutorial system in BiH is organized at multiple levels, including the state level, the Federation of Bosnia and Herzegovina, Republika Srpska, and the Brčko District of Bosnia and Herzegovina.

Prosecutor Office of Bosnia and Herzegovina is authorized to prosecute cases only before Court of BiH.

In Federation of BiH there are Federal Prosecutor's Office and ten cantonal prosecutor's offices prosecuting cases before the courts in the Federation of Bosnia and Herzegovina.

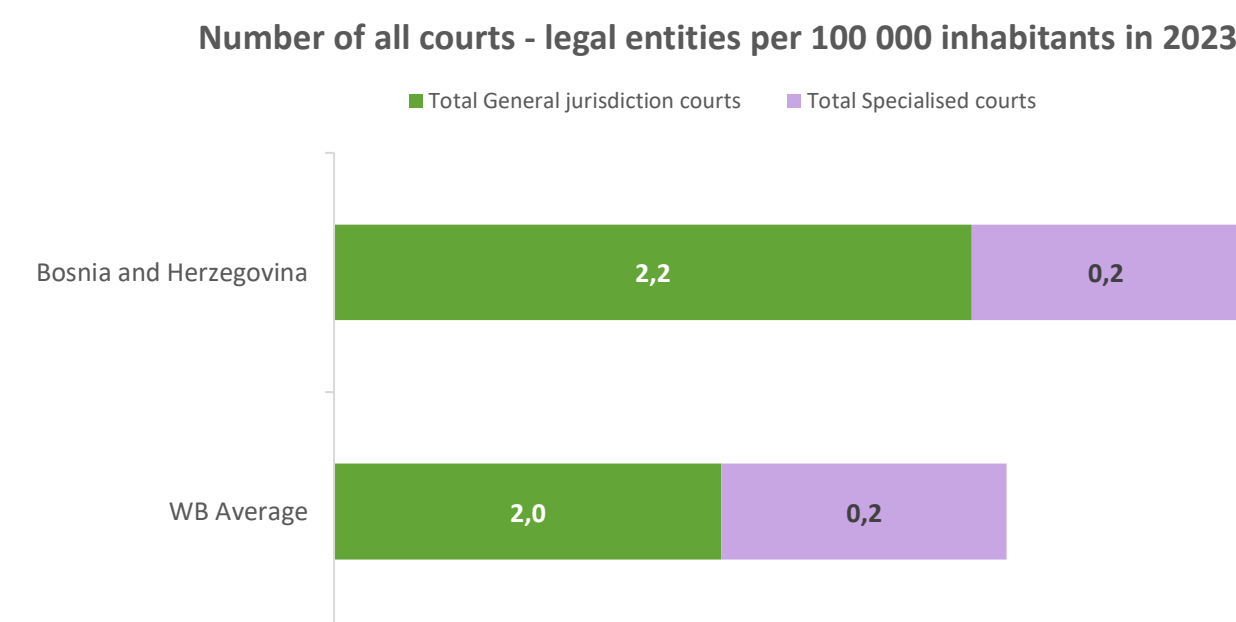
The Republic Public Prosecutor Office of Republika Srpska and district prosecutor's offices prosecute cases before courts in Republika Srpska. There is also the Prosecutor office of the Brčko District.

Additionally, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, as an independent body, is tasked with ensuring independent, impartial, and professional judiciary throughout the country, consisting of 15 members.

There are three constitutional courts: the Constitutional Court of Bosnia and Herzegovina, the Constitutional Court of the Federation of Bosnia and Herzegovina, and the Constitutional Court of Republika Srpska.

• Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		82	2,4	2,3
General jurisdiction	Total General jurisdiction courts (1)	75	2,2	2,0
	1st instance	55	1,6	1,6
	2nd instance	17	0,5	0,4
	Highest instance	3	0,1	0,1
Specialised courts	Total Specialised courts (2)	7	0,2	0,2
	1st instance	6	0,2	0,2
	Higher instance	1	0,0	0,0



Courts and court branches are established and dissolved by law. The law regulates the organization, jurisdiction and operation of courts.

1.1 First instance courts of general jurisdiction - legal entities: all courts that are included in this category have jurisdiction only over the first instance cases (i.e. criminal cases for which less than 10 years of imprisonment is prescribed, minor offence matters, civil and enforcement matters, commercial matters, non contentious matters etc.).

1.2 Second instance courts of general jurisdiction - legal entities: Only one court from this category has exclusive second instance subject matter jurisdiction. The rest of the courts (i.e. 16 courts) included in this category have prevailing second instance subject matter jurisdiction, namely they decide on appeals against all decisions of the aforementioned first instance courts; in addition, they have first instance jurisdiction in administrative cases and these courts also have mixed competencies in the criminal matters - firstly, they have first instance jurisdiction in criminal cases for which more than 10 years of imprisonment is prescribed; secondly, they decide on appeals against the decisions of first instance courts in criminal cases and minor offence cases. Due to the mixed competencies of the above mentioned group of courts (i.e. 16 courts), they were placed in the category of the first instance courts of general jurisdiction in the previous reporting cycles (i.e. since 2020), together with the courts which have exclusive first instance subject matter jurisdiction. 1.3 Highest instance courts of general jurisdiction - legal entities:

There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Firstly, at entity level, there are two courts: the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court; both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.

Secondly, the Court of Bosnia and Herzegovina is established at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

• Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	6	1
Commercial courts (excluded insolvency courts)	6	1
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	NAP	NAP
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	NAP

• Number of courts - geographic locations

Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number	103	3,0	2,1
1st instance courts	82	2,4	1,8

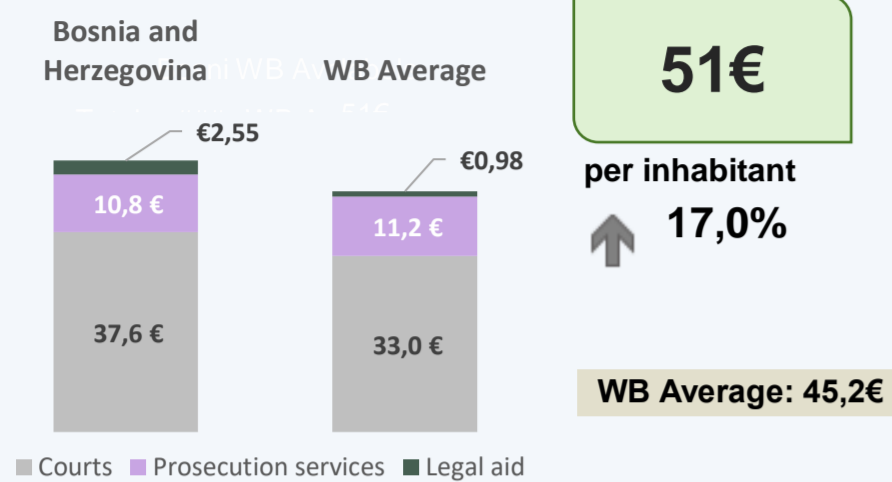
The relevant laws regulate the organization, jurisdiction and operation of courts. Courts and court branches are established and dissolved by law. Courts conduct their activities at their seats. Courts may conduct their activities outside their seats in: court branches and by holding court days. Court president decides on holding court days.

There were 21 additional geographical locations in 2023 outside the geographical locations of the respective courts' seats at which the first instance courts of general jurisdictions were conducting their activities such as holding hearings and other activities. The vast majority of the additional geographical locations were classified as court branches, whereas court days were scheduled in only 2 geographical locations.

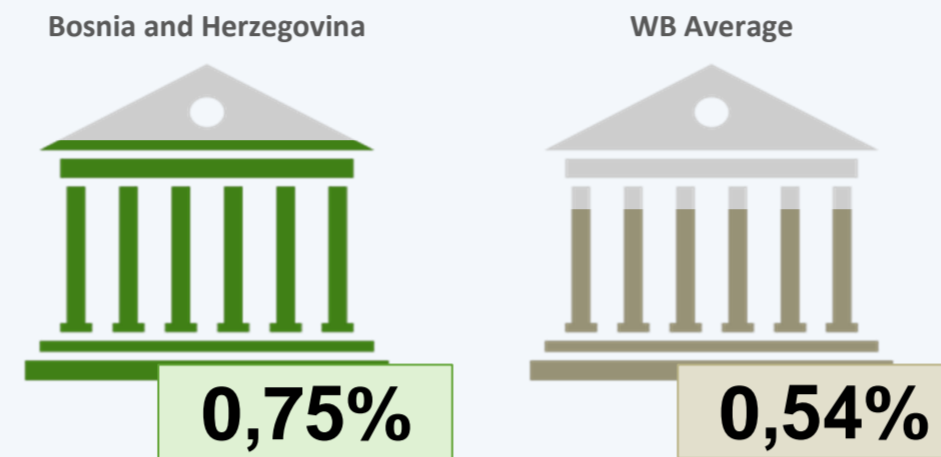
Kosovo is not included in the calculation of summary statistics

Budget of the judicial system in Bosnia and Herzegovina in 2023 (Indicator 1)

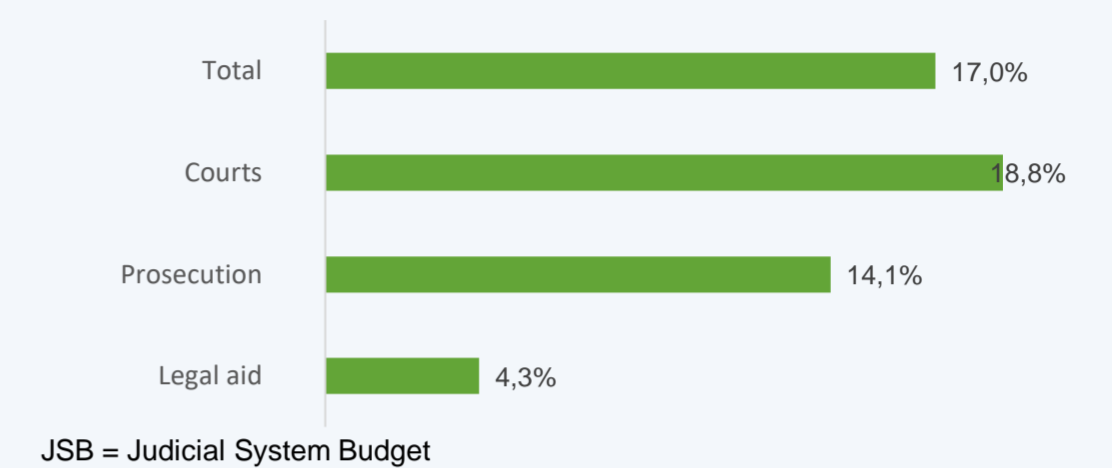
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2023, the implemented JSB for Bosnia and Herzegovina was € 51 per inhabitant (+17,0% compared to 2022). It was higher than the WB Average of € 45,2. The expenditure on JSB represented 0,75% of the GDP of Bosnia and Herzegovina (the WB Average was 0,54%).

Budget allocated to the judicial system (courts, prosecution services and legal aid)

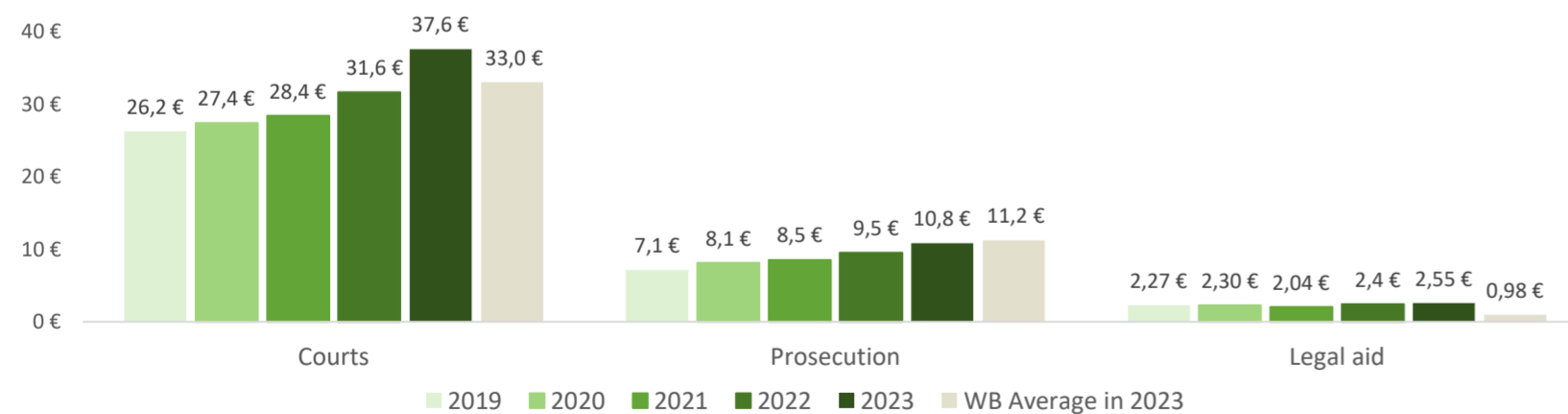
In 2023, Bosnia and Herzegovina spent € 174 999 339 on the implemented judicial system budget. This means that Bosnia and Herzegovina spent € 51 per inhabitant, which is more than the WB Average of € 45,2. 73,7% was spent for courts, 21,3% for prosecution services, 5% for legal aid.

Compared to 2022, Bosnia and Herzegovina has spent, per inhabitant, 32,4% more for courts, 26,9% more for prosecution services, and 25,3% more for legal aid.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	WB Average in 2023	% Variation between 2019 - 2023	% Variation between 2022 - 2023	As % of GDP	WB Average in 2023	Variation (in ppt) 2019 -2023	Variation (in ppt) 2022 - 2023
Total	NA	174 999 339 €	51,0 €	45,2 €	43,0%	17,0%	0,75%	0,54%	0,06	-0,010
Courts	142 279 499 €	129 037 449 €	37,6 €	33,0 €	43,3%	18,8%	0,55%	0,39%	0,05	0,002
Prosecution	39 825 503 €	37 206 856 €	10,8 €	11,2 €	51,7%	14,1%	0,16%	0,13%	0,02	-0,006
Legal aid	NA	8 755 034 €	2,55 €	0,98 €	12,4%	4,3%	0,038%	0,01%	-0,006	-0,005

PPT = Percentage points

Evolution of the implemented judicial system budget per inhabitant between 2019 and 2023 (€)



Data on the approved budget are classified according to the economic classification adopted by the ministries of finance. The data regarding the approved budget is classified in a way that allows obtaining data only on the following elements that relate to question:

- TOTAL - Annual budget allocated to the functioning of all courts, and
- Annual public budget allocated to (gross) salaries.

The classification used for budget approval does not allow to obtain data on other elements referred to in question.

The reports on execution budgets make it possible to distinguish budget figures for all the elements in the table. The amounts of all items are calculated using the budget execution reports as the best possible estimation.

Annual public budget allocated to investments in new (court) buildings: In 2023, a large investment in court buildings in the area of the Posavina Canton was realized. Since no investments in new buildings were recorded in other courts in Bosnia and Herzegovina, there was a significant increase in the allocated budget for this purpose compared to 2022.

Other: The budget allocated for other purposes includes funds allocated for employee benefits such as sick leave, maternity leave and various other benefits. Also, the budget allocated for other purposes includes provisions for deposits. Provisions for retained bails and deposits are reported as long-term provisions for costs that will occur with great certainty in the coming years on the basis of retained bails and deposits. All of these costs can vary significantly from year to year.

As regards investment in new buildings, the amount of funds allocated for the construction of new court buildings fluctuates from year to year, because it directly depends on the amount of funds donated for this purpose.

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.

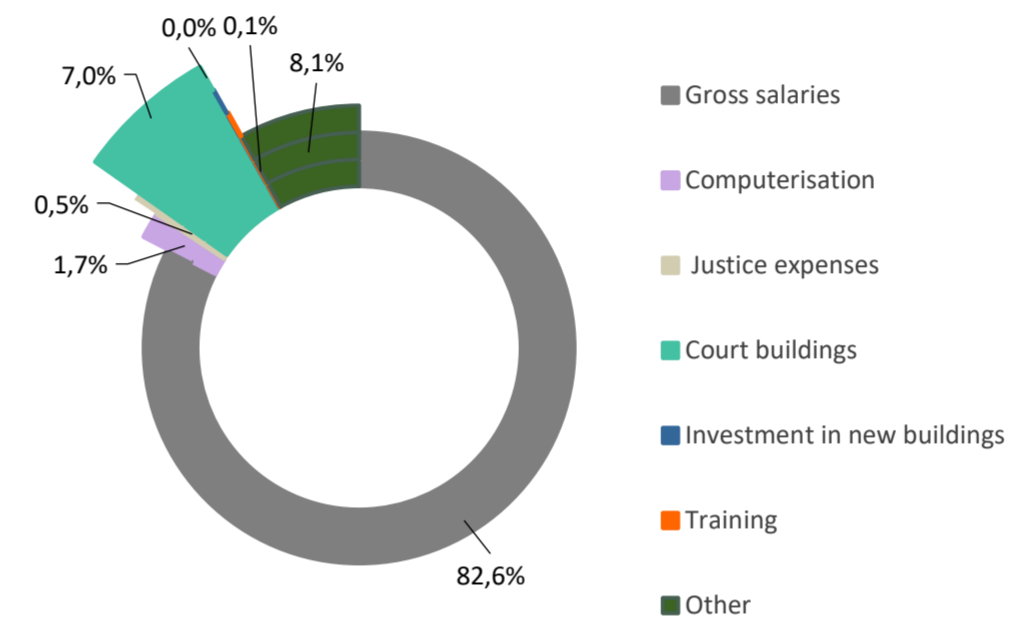
Budget allocated to the functioning of the courts - Categories

In 2023, Bosnia and Herzegovina spent € 129 037 449 on the implemented budget for courts. 82,6% was spent for gross salaries, 1,7% for computerisation, 0,5% for justice expenses, 7% for court buildings, 0% for investment in new buildings, 8,1% for other.

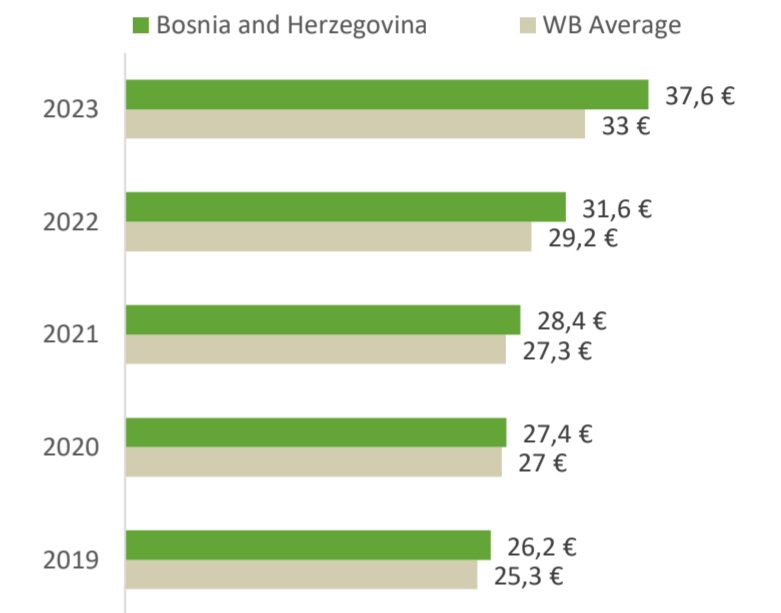
Between 2022 and 2023, the implemented budget for courts has increased by 18,2%.

	2023		% Variation between 2019 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	142 279 499 €	129 037 449 €	46,2%	40,7%	19,8%	18,2%
1. Gross salaries	111 161 657 €	106 563 914 €	36,0%	38,5%	15,5%	14,2%
2. Computerisation (2.1 + 2.2)	NA	2 196 253 €	NA	24,7%	NA	14,2%
2.1 Investment in computerisation	NA	NA			NA	NA
2.2 Maintenance of the IT equipment of courts	NA	NA			NA	NA
3. Justice expenses	NA	616 128 €	NA	74,3%	NA	19,9%
4. Court buildings	NA	9 091 015 €	NA	8,9%	NA	2,6%
5. Investment in new buildings	NA	52 706 €	NA	-43,3%	NA	362,9%
6. Training	NA	116 577 €	NA	27,5%	NA	19,1%
7. Other	NA	10 400 856 €	NA	155,1%	NA	133,4%

Distribution of the Implemented budget allocated to the courts in 2023 (%)



Implemented budget allocated to the courts per inhabitant between 2019 and 2023 (€)

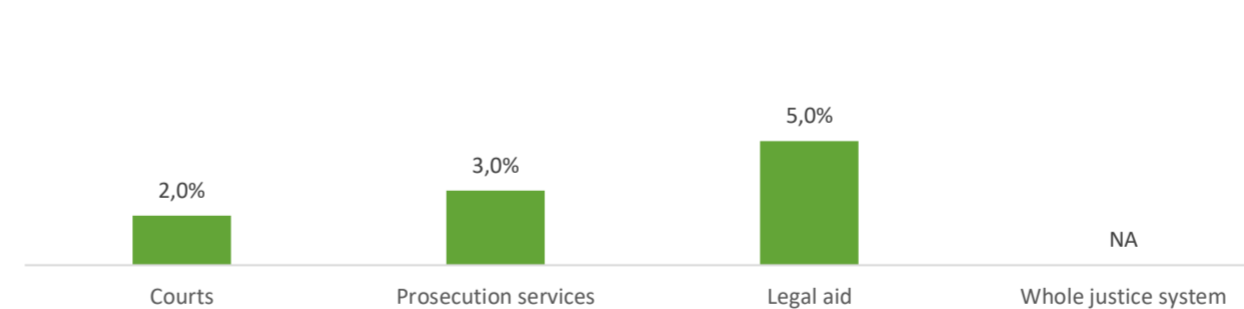


Budget received from external donors

The percentages represent an estimate of the ratio between external donations and respective budget. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget.

	Absolute value	Calculated as %
Courts	NA	2,0%
Prosecution services	NA	3,0%
Legal aid	NA	5,0%
Whole justice system	NA	NA

Ratio of the external donors' funds and budget in 2023 (%)



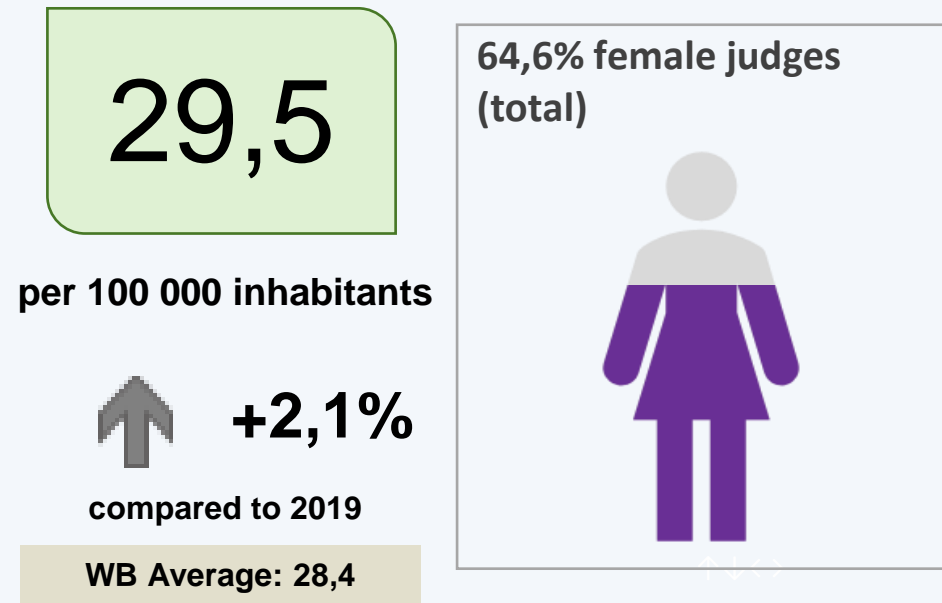
Looking at these figures, the highest ratio between external donations and budget of Bosnia and Herzegovina is for legal aid (5%).

Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are: the European Commission, USAID, Sweden, Norway, and Switzerland.

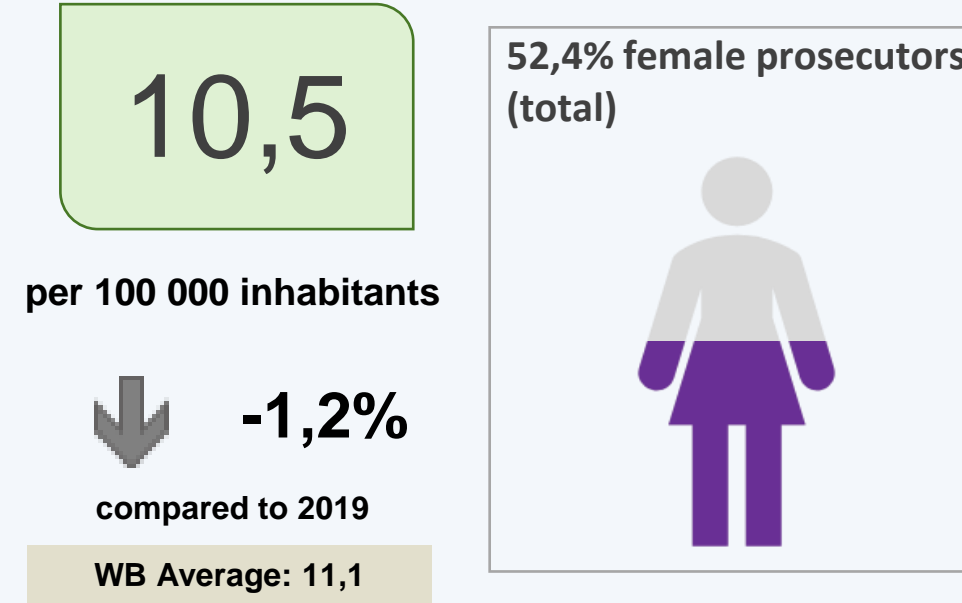
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Professionals and Gender Balance in judiciary in Bosnia and Herzegovina in 2023 (Indicators 2 and 12)

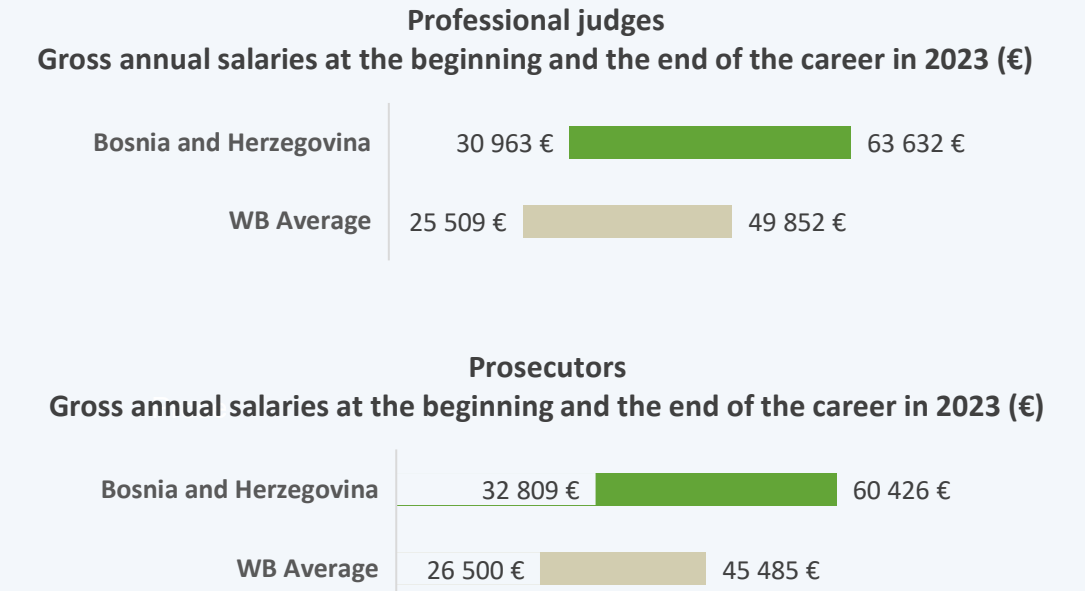
Professional Judges



Prosecutors



Salaries of judges and prosecutors



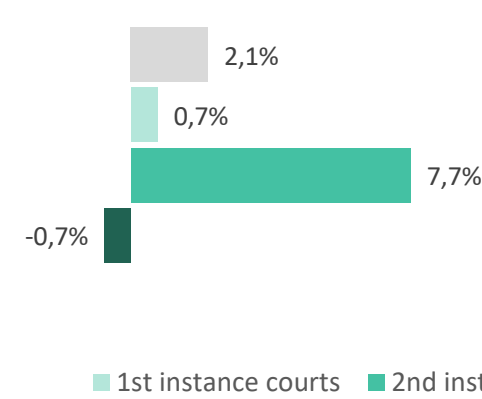
In 2023, Bosnia and Herzegovina had 29,5 professional judges per 100 000 (close to the WB Average of 28,4); whereas prosecutors were 10,5 per 100 000 inhabitants, which is lower than the WB Average (11,1). More than half of professional judges and prosecutors were women (WB Average was 63,3% and 52,4%, respectively).

Professional Judges

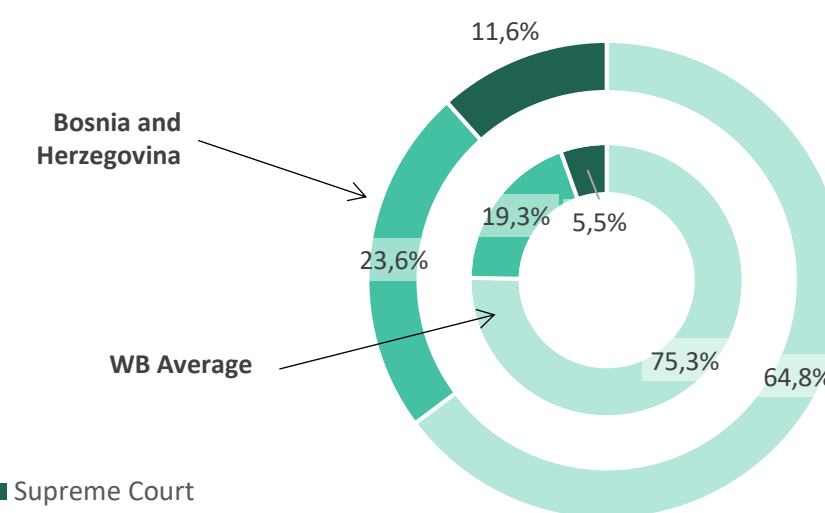
	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	1 014	100,0%	29,5	28,4
1st instance courts	657	64,8%	19,1	21,4
2nd instance courts	239	23,6%	7,0	5,5
Supreme Court	118	11,6%	3,4	1,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.

% Variation of no. of professional judges per 100 000 inh. 2019 - 2023



Distribution of professional judges by instance in 2023 (%)



In 2023, the absolute number of professional judges in Bosnia and Herzegovina was 1 014 (i.e. 29,5 per 100 000 inhabitants, which was close to the WB Average of 28,4).

Compared to 2019, the total number of professional judges per 100 000 inhabitants increased by 2,1%.

The figures show a difference of 10,5 percentage points between the percentage of judges in the first instance (64,79%) and the WB Average (75,3%)

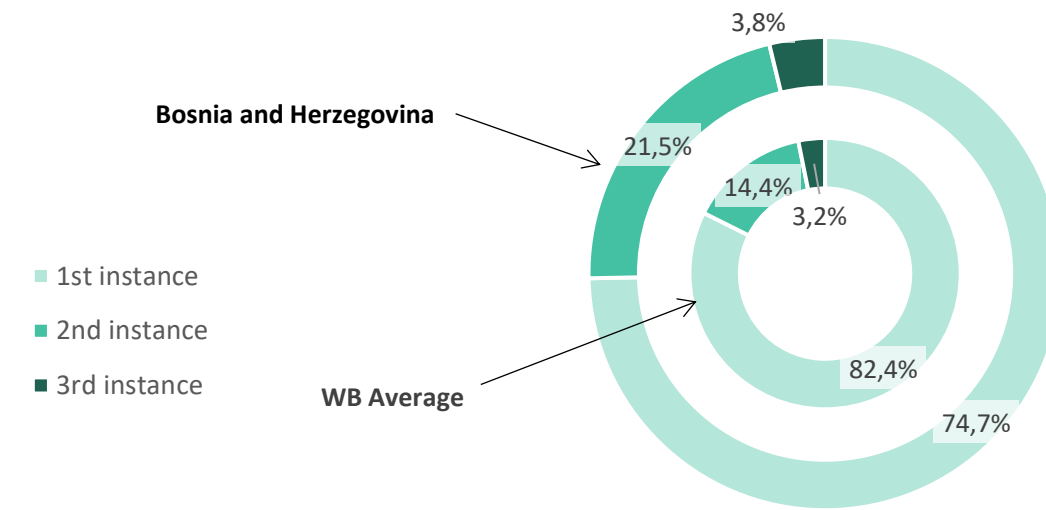
The number of court presidents is included in the number of judges.

• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	79	100,0%	2,3	2,2
1st instance courts	59	74,7%	1,7	1,8
2nd instance courts	17	21,5%	0,5	0,3
Supreme Court	3	3,8%	0,1	0,1

The absolute number of court presidents in Bosnia and Herzegovina in 2023 was 79 (i.e. 2,3 per 100 000 inhabitants, which was slightly above the WB Average of 2,2).

Distribution of court presidents by instance in 2023 (%)



• Non-judge staff

The absolute total number of non-judge staff in Bosnia and Herzegovina was 3 449, which increased by 2,4% between 2019 and 2023. The number of non-judge staff per 100 000 inhabitants was 100,4, which was below WB Average of 112,9.

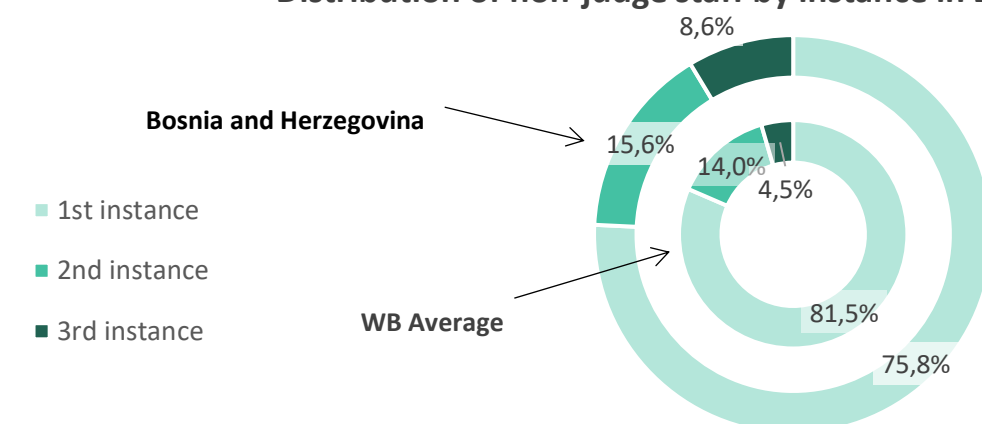
	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	3 449	100,0%	100,4	112,9
1st instance courts	2 613	76%	76,1	92,0
2nd instance courts	538	16%	15,7	15,8
Supreme Court	298	9%	8,7	5,1

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

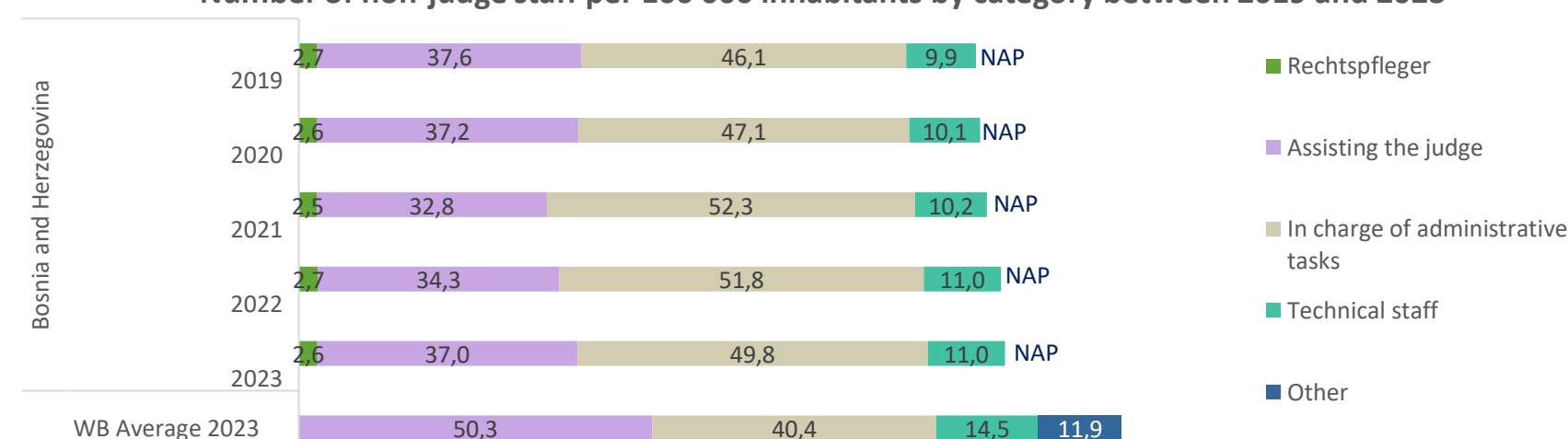
The highest number of non-judge staff were in charge of administrative tasks and represented 49,6% of the total.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	3 449	100,0%	100,4	112,9
Rechtspfleger	91	2,6%	2,6	-
Assisting the judge	1 270	36,8%	37,0	50,3
In charge of administrative tasks	1 711	49,6%	49,8	40,4
Technical staff	377	10,9%	11,0	14,5
Other	NAP	NAP	NAP	11,9

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2023



The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints 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 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. appointment procedure, disciplinary procedure etc.).

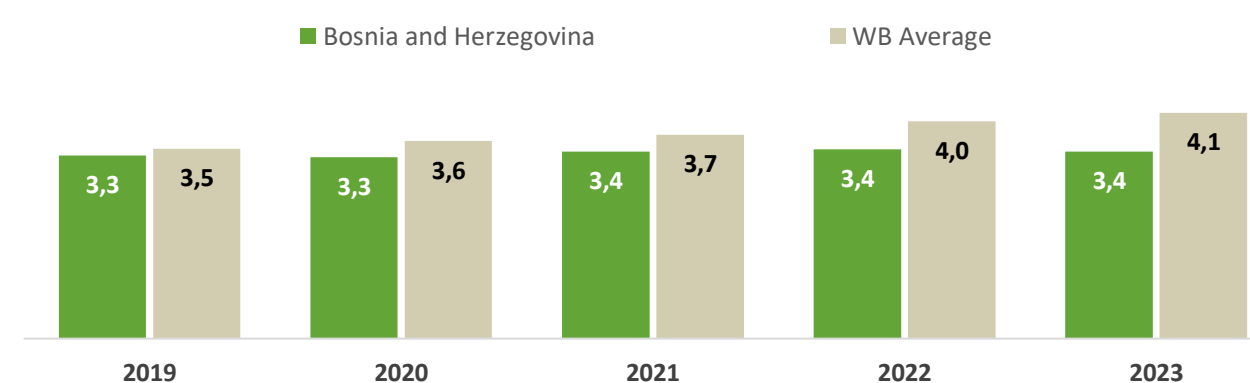
• Ratio between non-judge staff and professional judges

In Bosnia and Herzegovina, the ratio of non-judge staff per professional judge was 3,4 in 2023, whereas the WB Average was 4,1. This slightly increased since 2019, when the ration of non-judge staff per professional judge was 3,3 and WB average was 3,5.

	Ratio in 2023		% Variation between 2019 and 2023
	Bosnia and Herzegovina	WB Average	
Total	3,4	4,1	2,1%
1st instance courts	4,0	4,4	3,1%
2nd instance courts	2,3	3,2	-0,4%
Supreme Court	2,5	4,2	3,9%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2019 and 2023



• Prosecutors

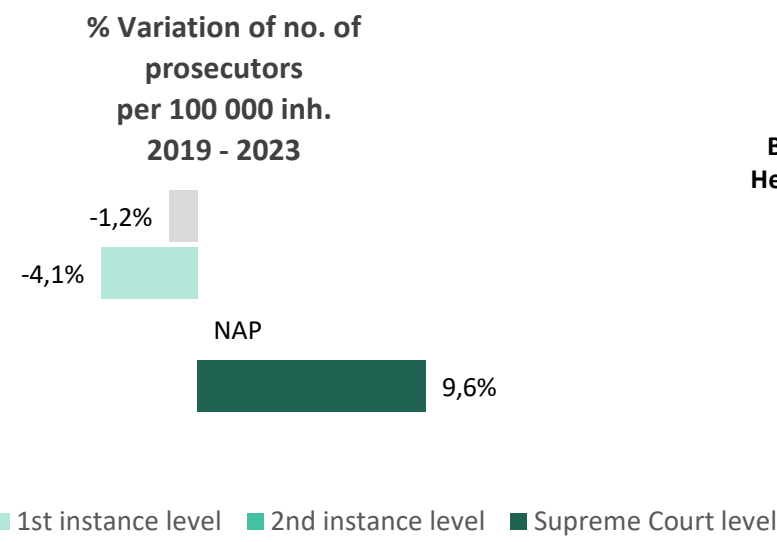
	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	361	100,0%	10,5	11,1
1st instance level	277	76,7%	8,1	8,8
2nd instance level	NAP	NAP	NAP	1,8
Supreme Court level	84	23,3%	2,4	0,9

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

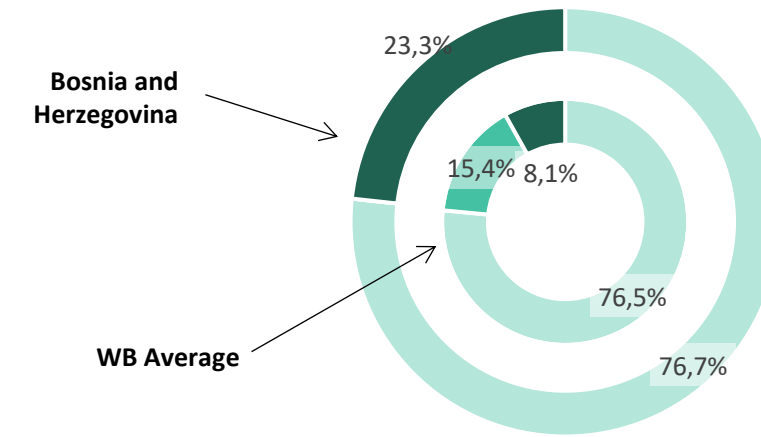
In 2023, the absolute number of prosecutors in Bosnia and Herzegovina was 361 (i.e. 10,5 per 100 000 inhabitants, which was lower than the WB Average of 11,1).

The total number of prosecutors per 100 000 inhabitants decreased by -1,2% between 2019 and 2023.

There are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office of BiH before the Court of Bosnia and Herzegovina; the Federal Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Republic Public Prosecutor's Office before the Republika Srpska Supreme Court.



Distribution of prosecutors by instance in 2023 (%)

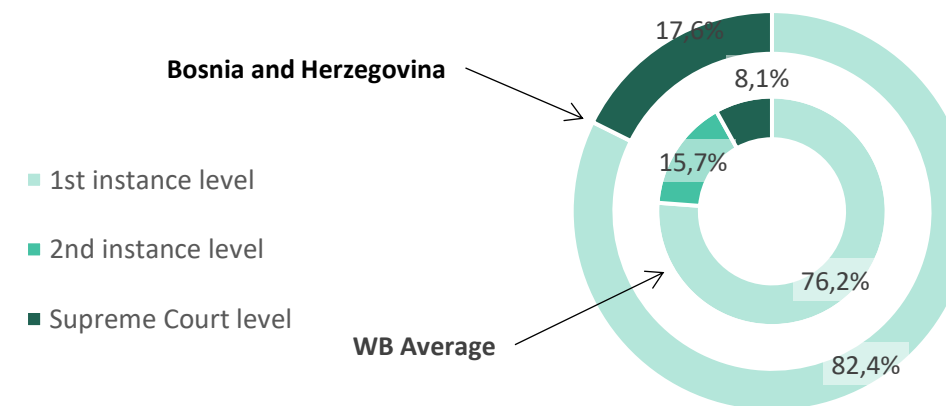


• Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	17	100,0%	0,5	1,2
1st instance level	14	82,4%	0,4	0,9
2nd instance level	NAP	NAP	NAP	0,2
Supreme Court level	3	17,6%	0,09	0,10

In 2023, the absolute number of heads of prosecution services in Bosnia and Herzegovina was 17 (i.e. 0,5 per 100 000 inhabitants, which was remarkably lower than the WB Average of 1,2).

Distribution of heads of prosecution services by instance in 2023 (%)



• Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2019 - 2023
	Bosnia and Herzegovina	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina
Total	806	23,5	26,5	2,2	2,4	14,4%

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

In 2023, the total number of non-prosecutor staff in Bosnia and Herzegovina was 806. Their number increased by 11% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 23,5, which was below the WB Average of 26,5.

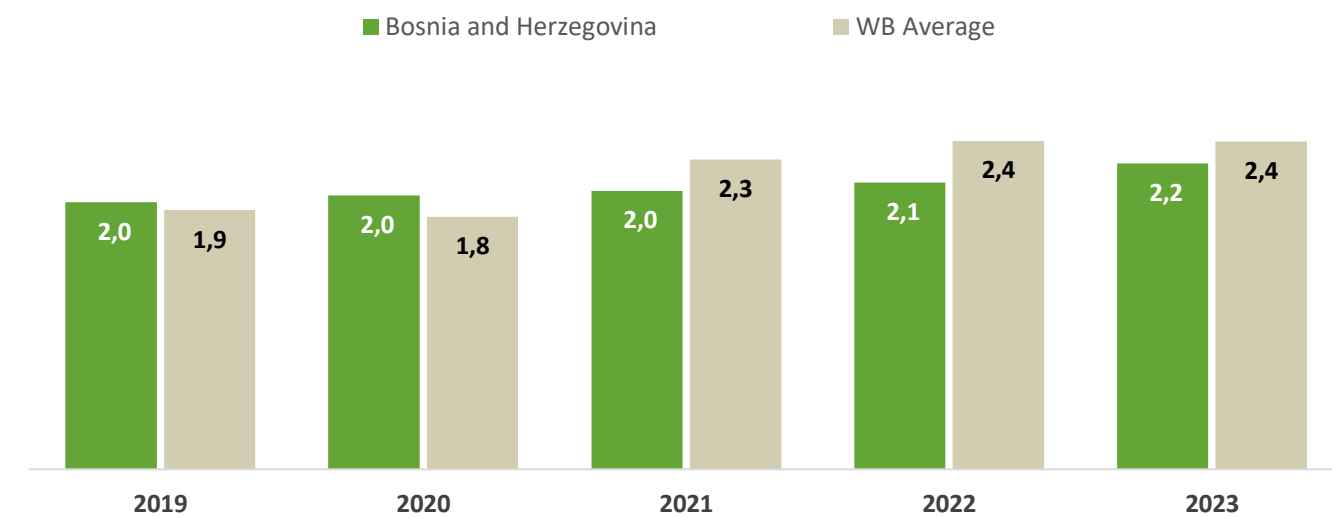
The ratio of non-prosecutor staff per prosecutor was 2,2 (lower than the WB Average of 2,4).

The number of staff includes all categories of employees in prosecutors' offices except prosecutors. Employees who assist prosecutors in the work on cases, employees who perform all other tasks necessary for the functioning of the prosecutor's office and employees who perform the necessary technical tasks.

The categories of employees who are included in our response are the following:

- Administrative, accounting and legal affairs
- Typists, prosecutorial assistant
- ICT staff
- Investigators in prosecutors' offices
- Public Relations officers
- Expert for Witness support/protection of minors
- Support to prosecutors in case work (example – trainees)
- Expert associates/advisors - support to prosecutors in the work on cases (example – Economic expert)
- Supporting Technical staff (example – driver)

Ratio between non-prosecutor staff and prosecutors between 2019 and 2023



• Lawyers

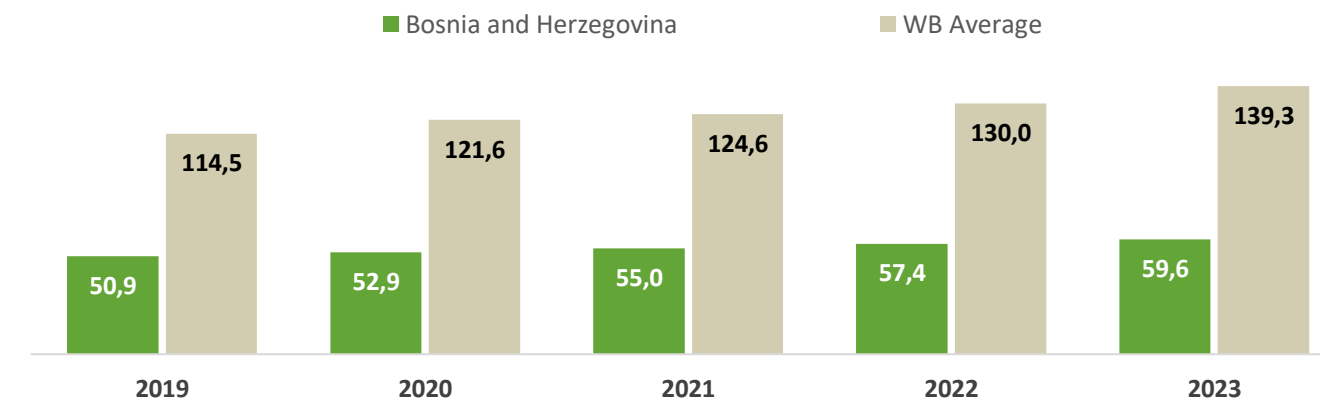
	Number of lawyers in 2023			% Variation 2019 - 2023
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	Bosnia and Herzegovina
Total	2 047	59,6	139,3	17,1%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 59,6 per 100 000 inhabitants, which was remarkably lower than the WB Average (139,3).

The number of lawyers per 100 000 inhabitants increased by 17,1% between 2019 and 2023.

Number of lawyers per 100 000 inhabitants between 2019 and 2023



Bar associations from Bosnia and Herzegovina submitted data on the number of lawyers registered in their official registers at the end of the reporting year. Only lawyers enrolled in the public registry of lawyers have the right to represent and defend all physical and legal persons before courts, administrative authorities and all other institutions in the state.

Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Bosnia and Herzegovina was 2,6, which was more than the WB Average (2,2).

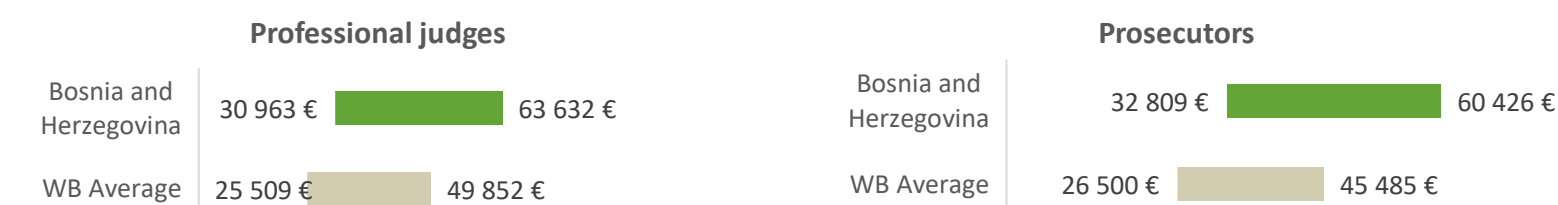
At the end of career, judges were paid more than at the beginning of career by 105,5%, which was more than variation noted for the WB Average (92,7%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Bosnia and Herzegovina was 2,7, which was more than the WB Average (2,2).

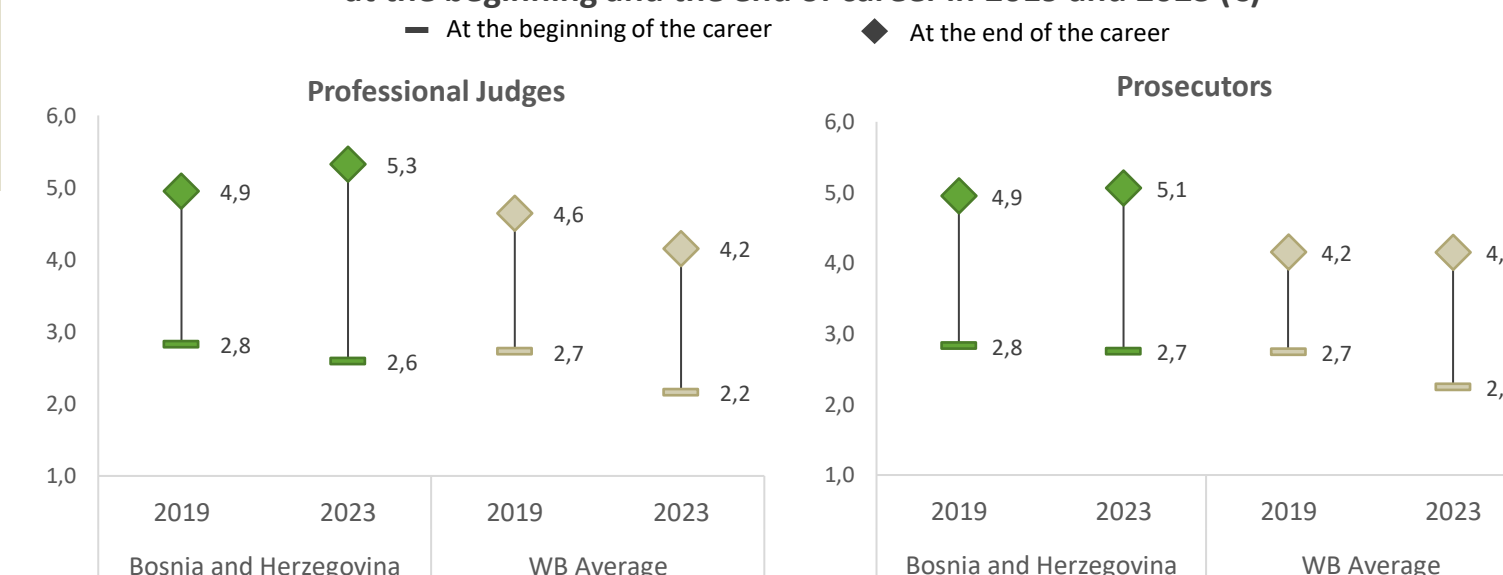
At the end of career, prosecutors were paid more than at the beginning of career by 84,2%, which was more than the variation noted for the WB Average (70,2%).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2023	Net annual salary in €	Bosnia and Herzegovina	WB Average ratio
Professional judge	At the beginning of his/her career	30 963	▲ 25,5%	20 679	2,6	2,2
	Of the Supreme Court or the Highest Appellate Court	63 632	▬ 0,0%	39 843	5,3	4,2
Public prosecutor	At the beginning of his/her career	32 809	▲ 33,0%	20 605	2,7	2,2
	Of the Supreme Court or the Highest Appellate Court	60 426	▲ 39,9%	37 536	5,1	3,8

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2019 and 2023 (€)



For reference only: the 2022 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- professional judges' salary at the beginning of career: 1,9

- prosecutors' salary at the beginning of career: 1,7

- professional judges' salary at the end of career: 4,3

- prosecutors' salary at the end of career: 3,3

According to the authorities, the work experience affects the amount of net and gross salaries. The following assumptions were used for the 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.

The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in one of the jurisdictions in Bosnia and Herzegovina (i.e. the Brcko District of Bosnia and Herzegovina), where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✗	✗	✗	✗
Prosecutors	✗	✗	✗	✗	

Gender Balance

	% Female in 2023		Variation of the % females between 2019 - 2023 (in ppt)	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	
Professional Judges	64,6%	63,3%	▲	0,4
Court Presidents	57,0%	49,1%	▲	
Non-Judge Staff	75,7%	71,5%	▲	0,0
Prosecutors	52,4%	52,4%	▲	1,0
Heads of Prosecution Services	47,1%	39,7%	▲	
Non-Prosecutor Staff	73,3%	69,3%	▲	2,4
Lawyers	32,8%	38,3%	▲	1,1

PPT= Percentage points

For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

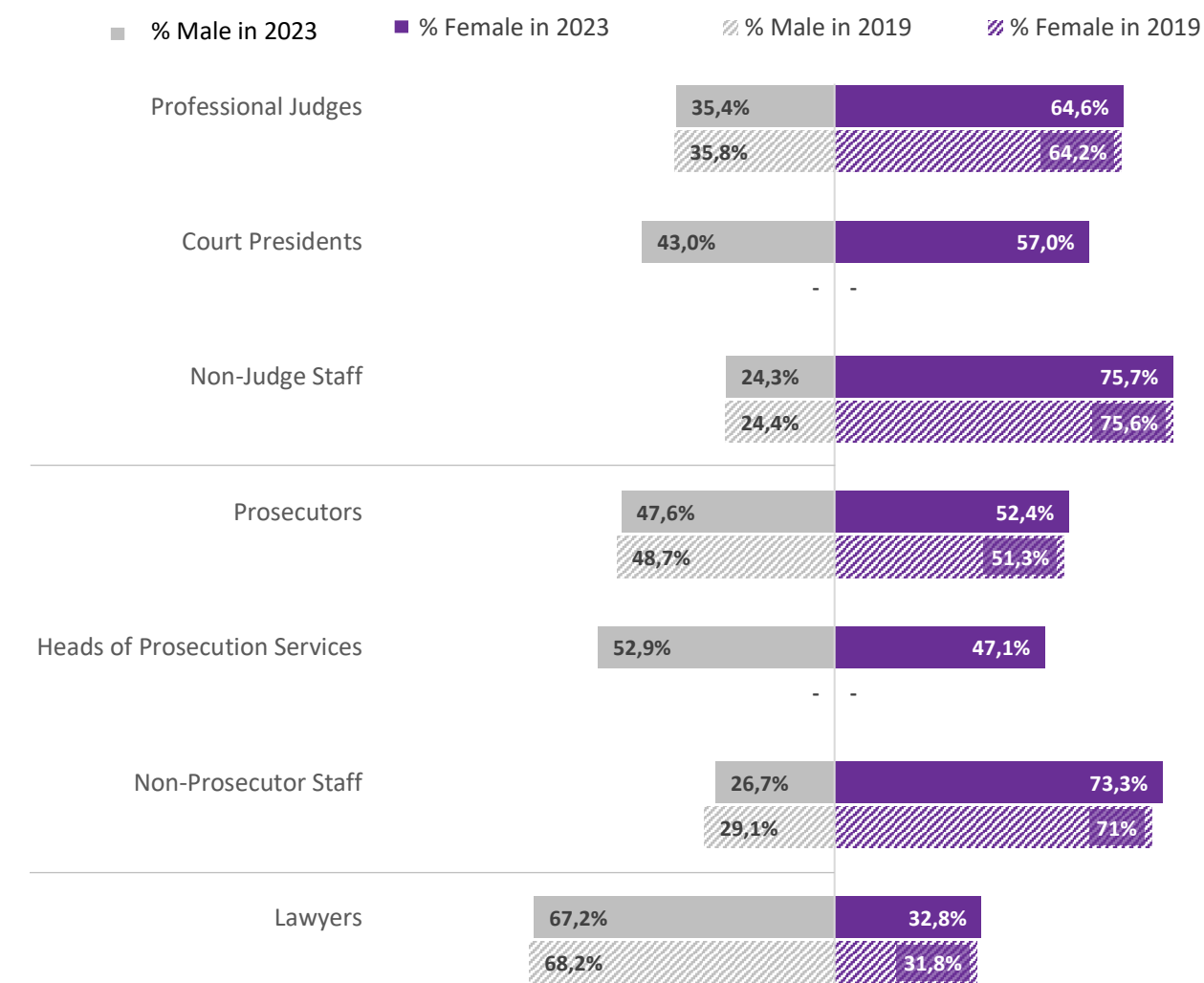
In 2023, the percentage of female professional judges was 64,6%, which was higher than WB Average (63,3%). With a presence of 57%, the number of female court presidents in Bosnia and Herzegovina was higher than the WB Average of 49,1%. Moreover, the percentage of female non-judge staff was 75,7%.

Also, the percentage of female prosecutors was 52,4% (which coincides with WB Average). The number of female heads of prosecution services (47,1%) was higher than the WB Average (39,7%). Moreover, the percentage of female non-prosecutor staff was 73,3%.

Finally, the percentage of female lawyers was 32,8%, which was lower than WB Average (38,3%).

The heads of prosecution services and lawyers were the only categories with less than 50% of female presence.

Gender Balance in Bosnia and Herzegovina in 2019 and 2023



For judges, a diminution of the percentage of female judges from 2022 can be observed at 2nd instance and Supreme court level, while at 1st instance this percentage increased.

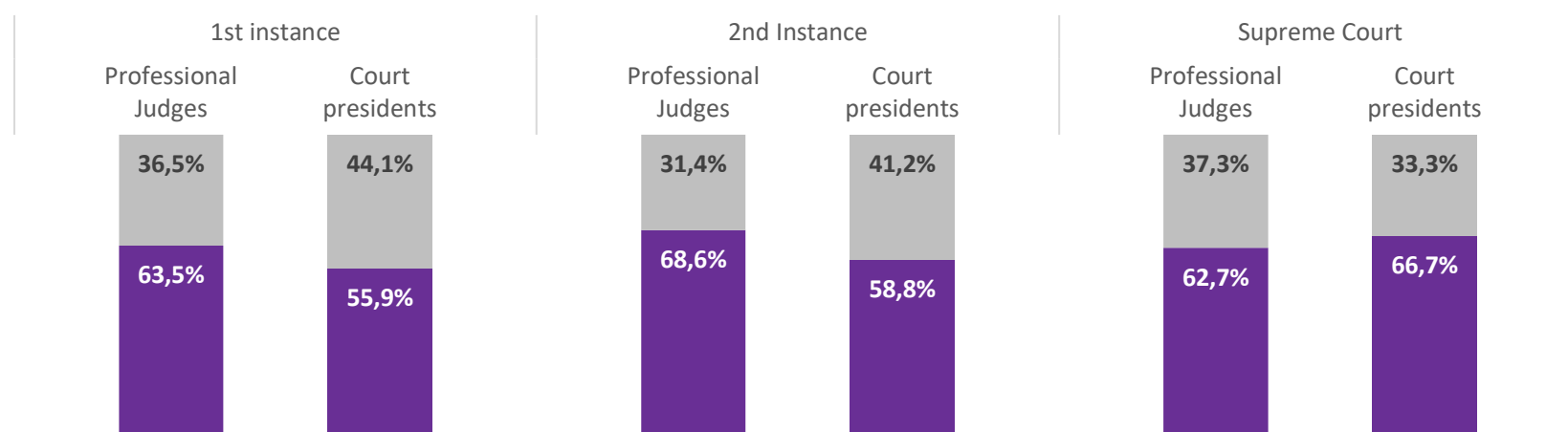
As for female prosecutors, percentages at both level slightly increased.

	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average
1st instance	63,5%	63,5%	55,9%	48,4%	53,4%	53,1%	50,0%	43,9%
2nd instance	68,6%	64,2%	58,8%	48,1%	NAP	47,0%	NAP	25,0%
Supreme Court	62,7%	61,3%	66,7%	73,3%	48,8%	48,2%	33,3%	30,7%

Gender Balance by instance in 2023

■ % Females ■ % Males

Professional Judges and Court Presidents



Prosecutors and Heads of Prosecution Services



Gender Equality Policies

	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✓			
Heads of Prosecution Services			✓			
Judges	✓	✗		✓	✗	✗
Prosecutors	✓	✗		✓	✗	✗
Non-judge staff	✗	✗		✗	✗	✗
Lawyers	✗			✗		
Notaries	✗			✗		
Enforcement agents	✗			✗		

In Bosnia and Herzegovina there is an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

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

The Strategy is available at: <https://pravosudje.ba/vstvfo/E/141/article/95500>

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 BiH long-term partner.

In 2021, the HJPC has carried out the piloting phase of implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH, in order to create good practices, which will be applied to other judicial institutions.

The piloting phase of implementation of the Strategy was carried out in four judicial institutions in the period March – October 2021.

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

The HJPC provides support to judicial institutions in the process of preparation of their implementation plans and regularly monitors their realization by judicial institutions.

In 2022, the HJPC has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.

The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the ambassadors from pilot judicial institutions.

In addition, the HJPC has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.

As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor their realization.

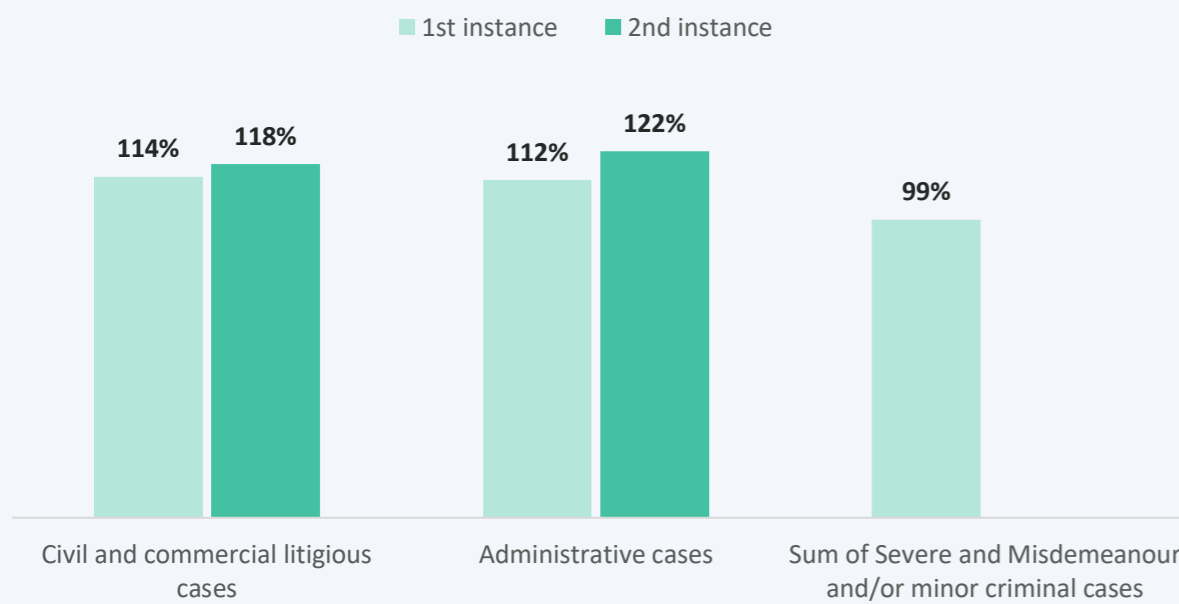
In BiH there is a general Gender Equality Agency which is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters, including the respect of gender equality.

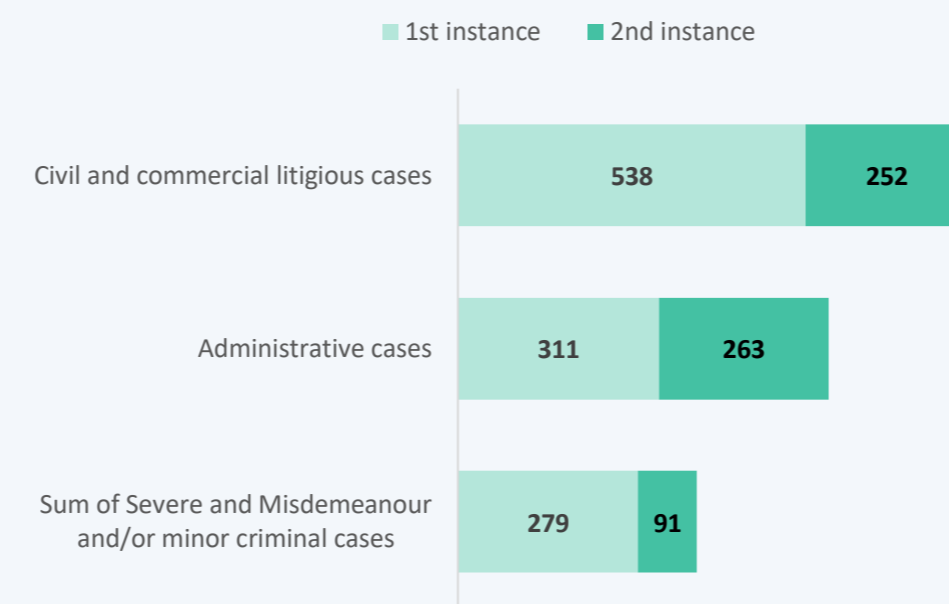
Kosovo is not included in the calculation of summary statistics

Efficiency in Bosnia and Herzegovina in 2023 (Indicators 3.1 and 3.2)

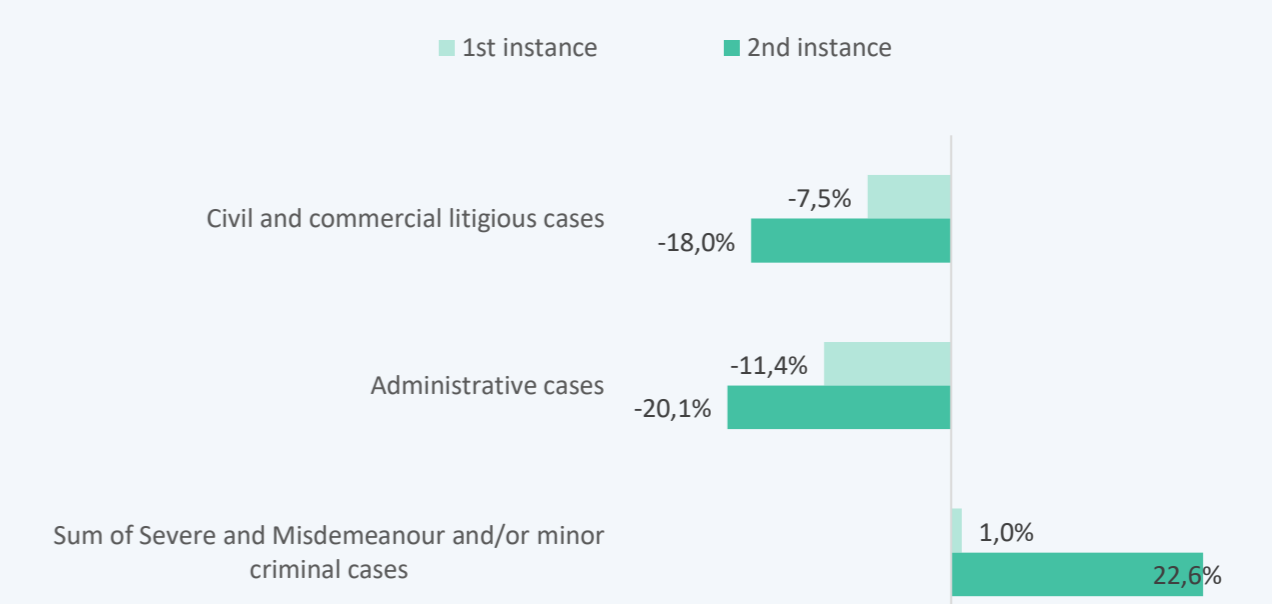
Clearance Rate in 2023



Disposition Time in 2023 (in days)



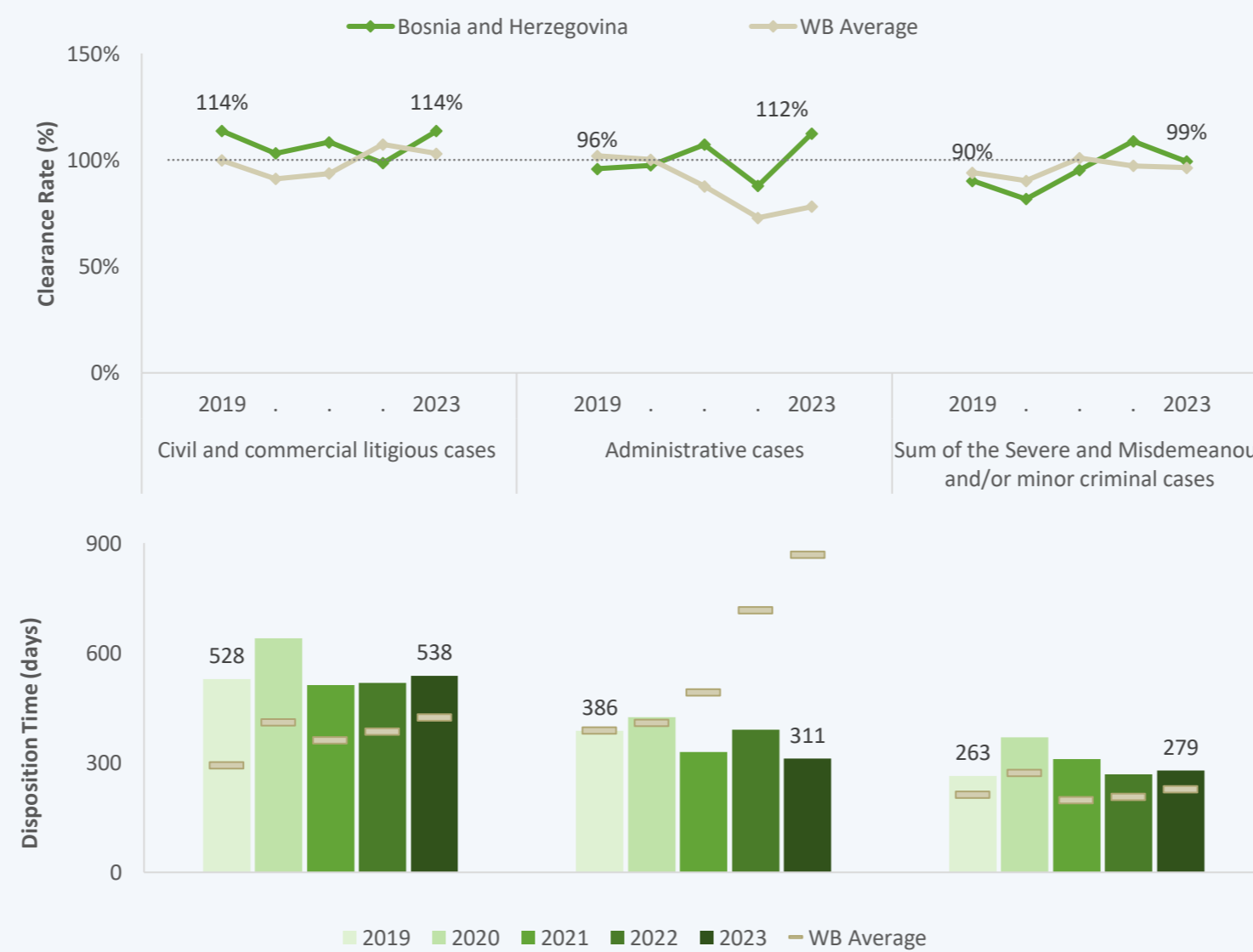
% Variation of pending cases at the end of year between 2022 and 2023



In 2023, the highest Clearance rate (CR) for Bosnia and Herzegovina was calculated for the second instance Administrative cases, with a CR of 122%. However, it seems that Bosnia and Herzegovina was not able to deal as efficiently with the second instance sum of the Severe and Misdemeanour and/or minor criminal cases (CR of 96%). With a Disposition Time of approximately 91 days, the second instance sum of the Severe and Misdemeanour and/or minor criminal cases were resolved faster than any other type of cases. Compared to 2022, the pending cases at the end of year increased for the second instance sum of the Severe and Misdemeanour and/or minor criminal cases (22,6%), whereas they decreased for the second instance Administrative cases by -20,1%.

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2019 to 2023

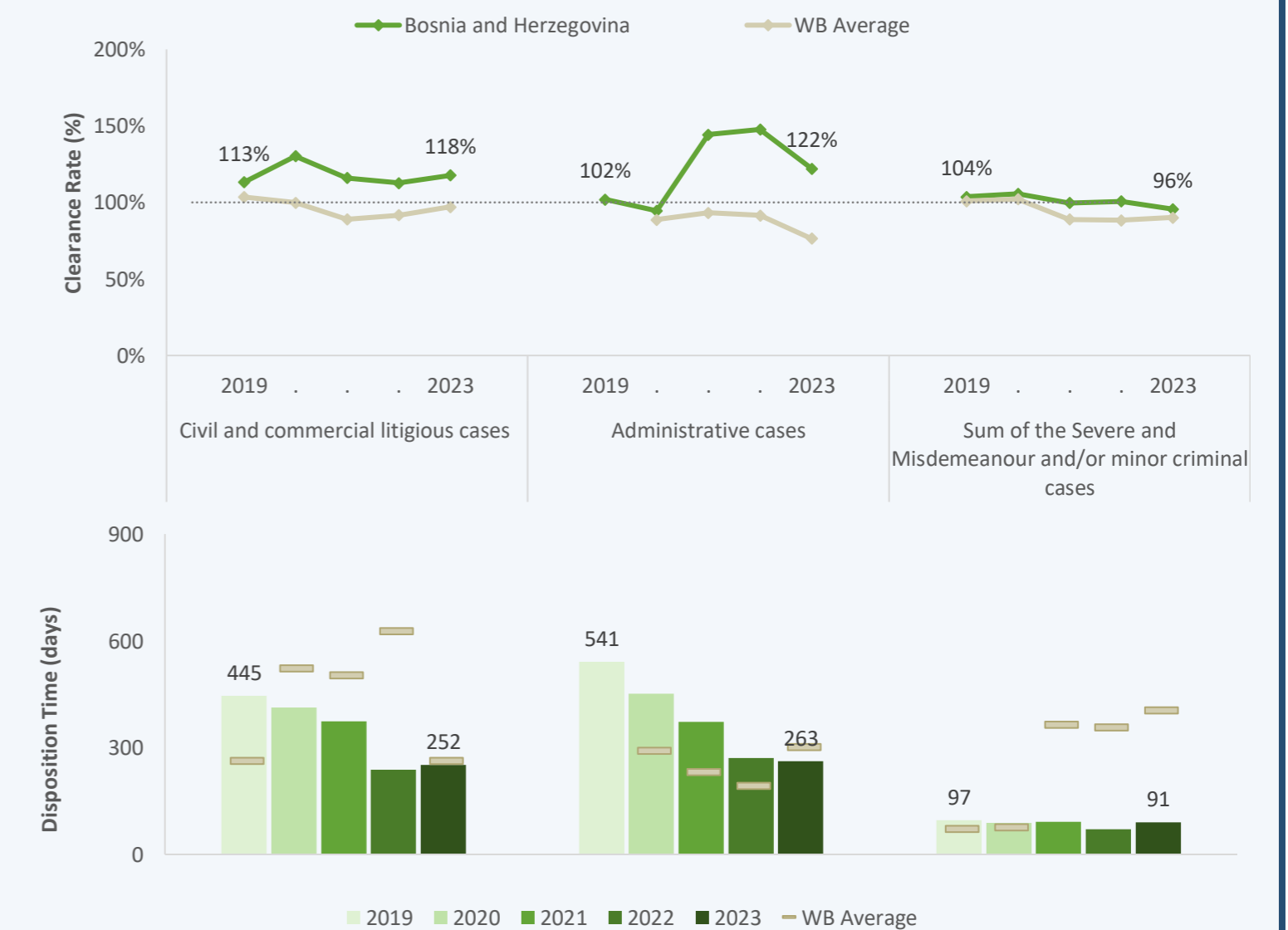


In 2023, in Bosnia and Herzegovina, the Clearance Rate (CR) was above 100% for the Civil and commercial litigious cases as well as for the Administrative cases in the two instances, while for the Severe and Misdemeanour and/or minor criminal cases CR was 99 % in the first instance and 96 % in the second instance cases. Still, CR for all type of cases remain above WB Average in 2023.

The Disposition Time (DT) hasn't change a lot from 2022. Highest DT remains in the first instance Civil and commercial litigious cases, which persists mostly due to a backlog of civil and commercial litigious cases, that includes significant number of small claims disputes related to unpaid utility bills. Criminal justice retained lowest DT in both instances, with the lowest DT for the second instance Severe and Misdemeanour and/or minor criminal cases of 91 days which is significantly below WB average.

Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2019 to 2023



NB: For the second instance Administrative cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average). Also, as per methodological note, the 2019 WB Medians for these type of cases are not available.

• First instance cases - Other than criminal law cases

1st instance cases in 2023 (absolute values)	Bosnia and Herzegovina (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	1 148 472	1 180 065	1 980 831	1 445 019	2,1%	-2,7%	-1,6%	-2,3%
1 Civil and commercial litigious cases	90 603	102 895	151 526	63 654	-22,7%	-10,8%	-7,5%	4,1%
2 Non-litigious cases**	1 049 638	1 067 923	1 821 435	1 380 144	5,2%	-1,9%	-1,0%	-2,6%
3 Administrative cases	8 231	9 247	7 870	1 221	-13,2%	10,9%	-11,4%	-27,7%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

The second instance courts of general jurisdiction have subject matter over the first instance administrative law cases. Therefore, the statistics incorporated in the table include data on the caseload of second instance courts regarding the first instance administrative law cases.

There has been a significant decrease in the influx of first instance civil and commercial litigious cases over recent years. This trend continued in 2023. In comparison to 2022, the number of pending cases at the end of 2023 that were more than two years old did not change significantly. It is important to note that the majority of the pending civil and commercial litigious cases older than two years are litigious small claims cases related to the unpaid utility bills.

The total number of new non-litigious cases brought before both courts was smaller, which confirms the downward trend in recent years. According to the authorities, the majority of general civil non-litigious cases are enforcement proceedings that the state-owned utility companies initiate to recover unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.)

As in the previous years, several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in the reference year 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. In addition, 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, i.e. the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

The overwhelming majority of the first administrative law cases are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Several of those courts saw a decrease in the number of incoming administrative cases during 2023. In addition, courts with jurisdiction over first instance administrative cases managed to have clearance rate above 100% in 2023, reducing the number of pending cases at the end of the year.

1st instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average
Total of other than criminal law cases (1+2+3+4)	33,4	> 12,0	34,4	> 11,8	57,7	> 15,4	42,08	> 11,31
1 Civil and commercial litigious cases	2,6	> 2,5	3,0	> 2,7	4,4	> 3,0	1,85	> 1,07
2 Non-litigious cases**	30,6	> 8,1	31,1	> 8,2	53,0	> 11,0	40,19	> 10,09
3 Administrative cases	0,2	< 1,0	0,3	< 0,5	0,2	< 1,5	0,04	< 0,15
4 Other cases	NAP	0,7	NAP	0,7	NAP	0,0	NAP	-

For reference only: the 2022 EU Median was as follows:

- Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;

- incoming first instance Administrative cases per 100 inhabitants: 0,3.

Key: > Higher than the WB Average
= Equal to the WB Average
< Lower than the WB Average

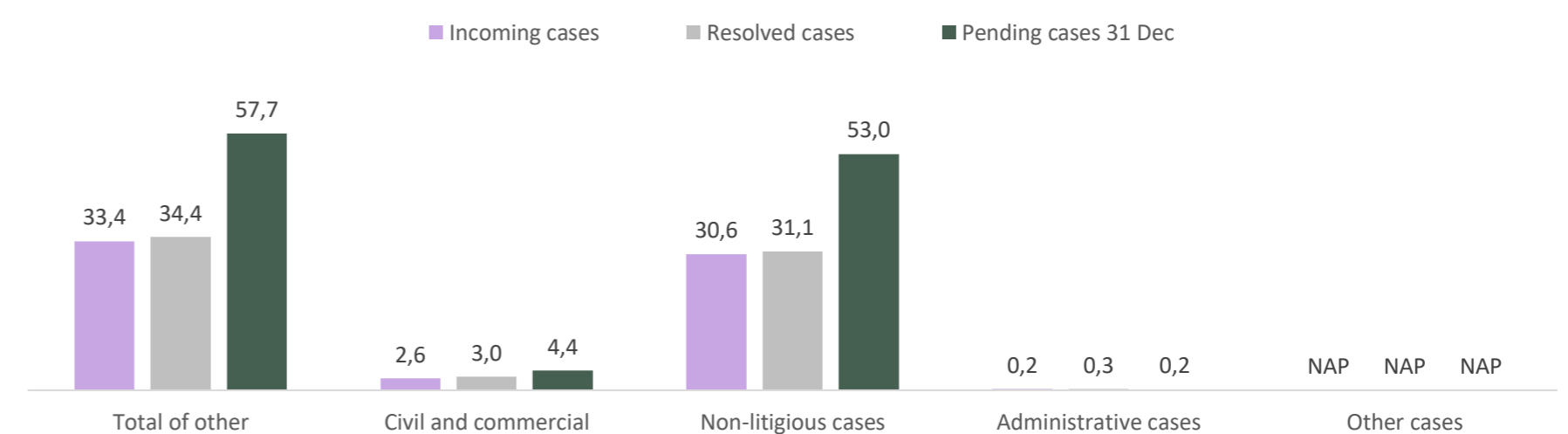
In 2023, the incoming civil and commercial litigious cases were 90 603 (2,64 per 100 inhabitants vs the WB Average of 2,51). They decreased by -22,7% between 2022 and 2023. The resolved cases were 102 895 (3 per 100 inhabitants) and they decreased by -10,8%, compared to the previous year. In 2023, the number of resolved cases was higher than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 114% (above the WB Average of 103%). This increased by 15,1 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 538 days in 2023 (above the WB Average of 424 days). This increased by 3,7% over the 2022-2023 period.

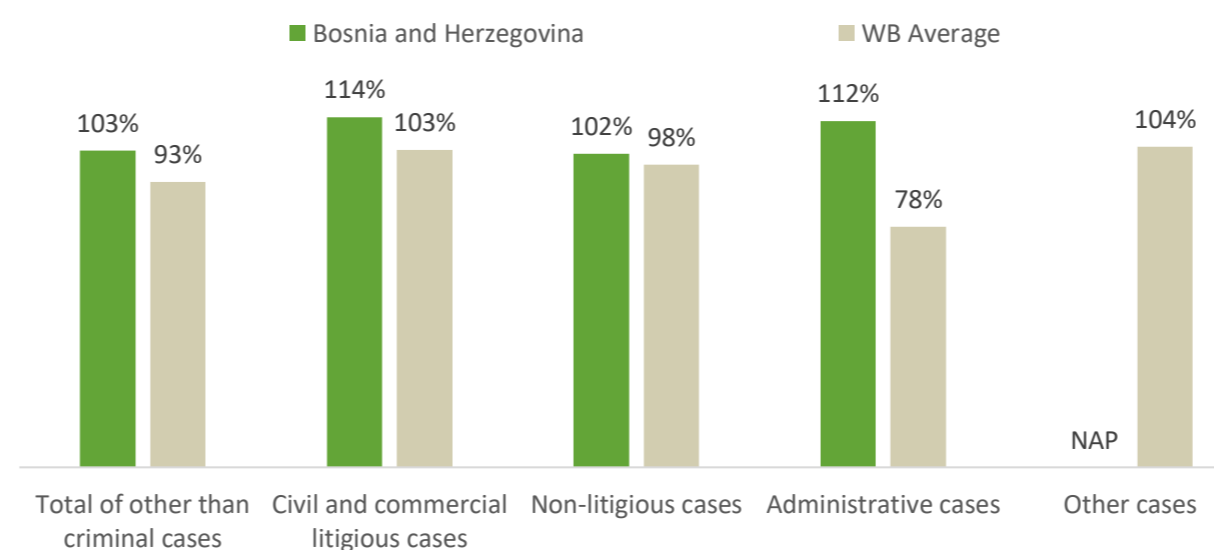
The incoming administrative cases were 8 231 in 2023 (ie 0,24 per 100 inhabitants vs the WB Average of 1). They decreased by -13,2% compared to the previous year. In 2023, the resolved cases were 9 247 (0,27 per 100 inhabitants, below of the WB Average of 0,52). Between 2022 and 2023, the number of resolved administrative increased by 10,9%. The number of incoming cases was thus lower than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were less than in 2022 and the Clearance rate for this type of cases was 112%, which is above the WB Average (78%). The CR increased by 24,4 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 311 days in 2023. This has decreased by -20,2% compared to 2022 and it was below the WB Average (868 days).

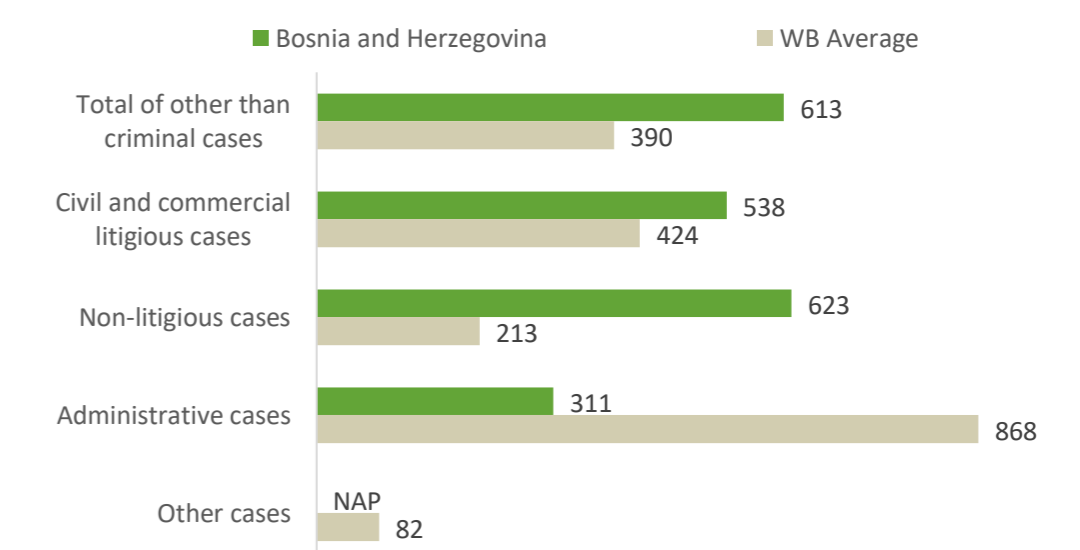
First instance Other than criminal cases per 100 inhabitants in 2023



Clearance Rate for first instance Other than criminal cases in 2023 (%)



Disposition Time for first instance Other than criminal cases in 2023 (in days)



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	103%	93%	613	390	-5,1	1,1%
1 Civil and commercial litigious cases	114%	103%	538	424	15,1	3,7%
2 Non-litigious cases**	102%	98%	623	213	-7,4	0,9%
3 Administrative cases	112%	78%	311	868	24,4	-20,2%
4 Other cases	NAP	104%	NAP	82	NAP	NAP

PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 100,5%;

- Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:

- Clearance rate: 98,8%;

- Disposition time: 288 days.

• First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)	Bosnia and Herzegovina (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	198 234	200 572	134 967	29 913	0,9%	0,1%	-1,4%	0,7%
Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)	67 264	66 793	51 014	1 471	6,6%	-2,7%	1,0%	1,7%
1 Severe criminal cases	8 880	9 030	7 666	1 399	-0,6%	1,7%	-1,9%	3,3%
2 Misdemeanour and / or minor criminal cases	58 384	57 763	43 348	72	7,8%	-3,4%	1,5%	-21,7%
3 Other cases	130 970	133 779	83 953	28 442	-1,8%	1,6%	-2,8%	0,6%

In 2023, the incoming total criminal cases were 198 234 (5,77 per 100 inhabitants vs the WB Average of 7,05). They increased by 0,9% between 2022 and 2023. The resolved cases were 200 572 (5,84 per 100 inhabitants). Between 2022 and 2023, they increased by 0,1%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 101% (above the WB Average of 96,5%). This decreased by -0,8 percentage points compared to 2022.

The statistics for severe criminal cases and other cases for this question now include data for criminal cases from the first instance jurisdiction of second instance courts. Regardless of the above change, the general trends for criminal cases in 2023 remain similar to the tendencies from the previous reporting cycles. As regards misdemeanor cases, the number of pending first-instance misdemeanor cases increased by 1% during 2023, unlike the previous reporting year (i.e. 2022) during which the number of pending cases decreased by 12%. The number of incoming cases in 2023 was higher by 7% compared to 2022. The most significant increase in the influx of cases occurred in several courts in major towns, due to the increased number of requests for misdemeanor proceedings from various administrative authorities and police (i.e. traffic violations). Furthermore, the courts resolved more cases in 2023 than in the previous year. However, the courts failed to achieve 100% clearance rate in 2023 (i.e. 99%).

The Disposition Time for total criminal cases was approximately 246 days in 2023 (above the WB Average of 197 days). This decreased by -1,6% compared to 2022.

Severe criminal offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: punishments, suspended sentence, security measures and educational measures. Examples of serious criminal offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.

Statistics on severe criminal offences include data on the cases in which the main part of the proceedings has started following the confirmation of indictment by court.

Minor offence or misdemeanor cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed because of being found responsible for a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences: traffic offences, violations of public order, begging etc.

Statistics on misdemeanor offences include data on the cases in which the main part of the misdemeanor proceedings has started.

Statistics on other cases include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.)

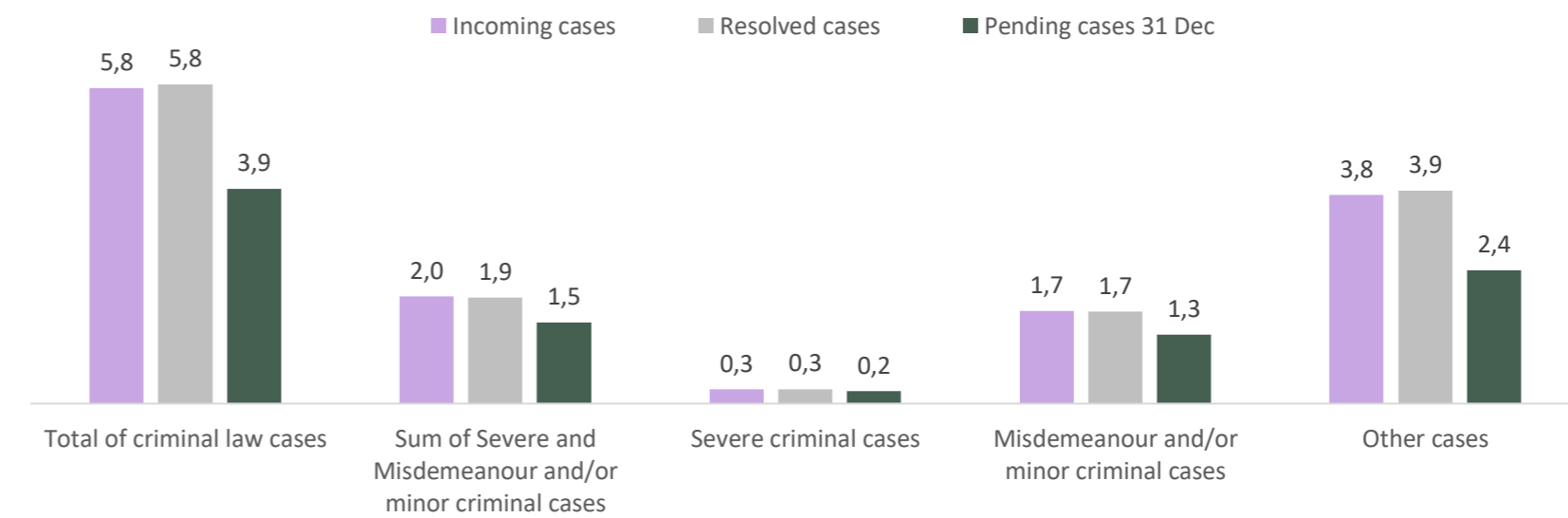
statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and to the enforcement of pronounced penalties.

1st instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average
Total of criminal law cases (1+2+3)	5,8	< 7,1	5,8	< 6,9	3,9	> 3,8	0,87	> 0,36
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	2,0	< 3,9	1,9	< 3,8	1,5	< 2,6	0,04	< 0,08
1 Severe criminal cases	0,3	< 0,5	0,3	< 0,5	0,2	< 0,3	0,04	< 0,05
2 Misdemeanour and / or minor criminal cases	1,7	< 3,5	1,7	< 3,4	1,3	< 2,3	0,002	< 0,04
3 Other cases	3,8	< 3,9	3,9	> 3,8	2,4	> 1,5	0,83	> 0,28

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,7.

Key: > Higher than the WB Average
= Equal to the WB Average
< Lower than the WB Average

First instance Criminal law cases per 100 inhabitants in 2023

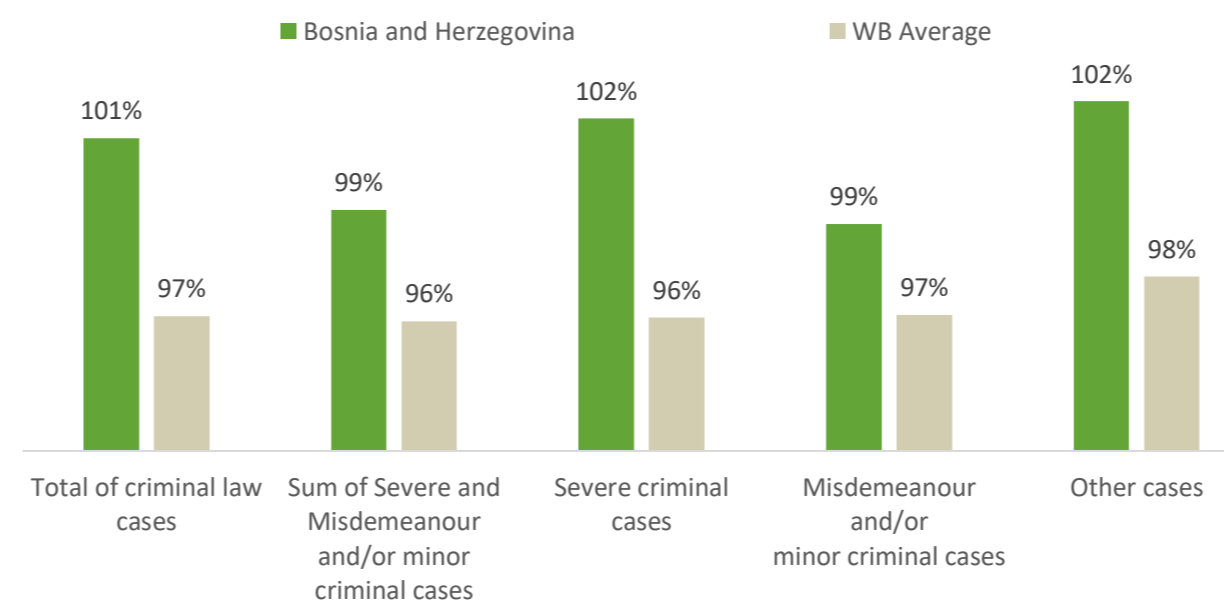


1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	101%	97%	246	197	-0,8	-1,6%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	99%	96%	279	226	-9,5	3,8%
1 Severe criminal cases	102%	96%	310	238	2,3	-3,5%
2 Misdemeanour and / or minor criminal cases	99%	97%	274	232	-11,4	5,1%
3 Other cases	102%	98%	229	171	3,5	-4,4%

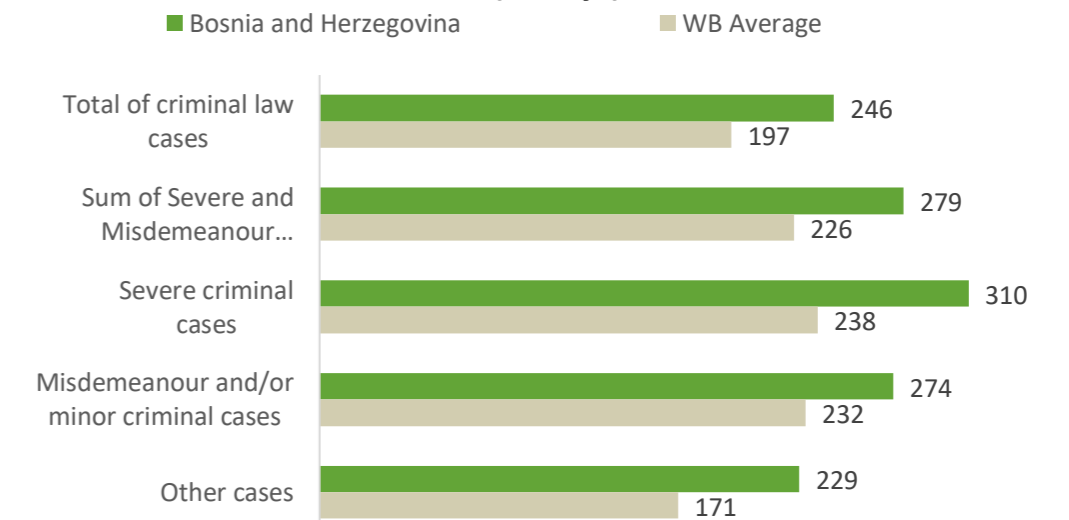
PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 100%;
- Disposition time: 136 days.

Clearance Rate for first instance Criminal Law cases in 2023 (%)



Disposition Time for first instance Criminal Law cases in 2023 (in days)



• Second instance cases - Other than criminal law cases

2nd instance cases in 2023 (absolute values)	Bosnia and Herzegovina (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)	28 479	33 686	23 351	5 134	-23,5%	-22,0%	-18,2%	-35,3%
1 Civil and commercial litigious cases	25 092	29 551	20 377	5 134	-25,9%	-22,6%	-18,0%	-34,7%
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	3 387	4 135	2 974	0	-0,2%	-17,5%	-20,1%	100,0%
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

Civil (and commercial) litigious cases: The number of incoming second instance civil commercial litigious cases declined in 2023, following a massive one-time increase in the influx of cases in one of the courts in 2022. The influx of this category of court cases in 2023 is in balance with the influx of cases in 2021. In addition, there has been a significant decrease in the number of second instance civil commercial litigious cases over recent years. This trend continued in 2023. It is particularly facilitated by the continuous reduction of backlog in several of the largest courts that have jurisdiction over second instance civil commercial litigious cases.

Administrative cases: The number of incoming second-instance administrative law cases remained stable in 2023 compared to the influx of cases in 2022 and 2021. In 2023, the courts continued to reduce the number of second-instance administrative law cases in 2023, which is in line with historical trends for this category of court cases.

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 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. This trend continued in 2022. However, one of the second-instance courts received a large number of simple cases, which were resolved during the same year, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction. Furthermore, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2022. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. When it comes to administrative court cases, the number of pending cases has been further reduced in 2022, confirming indicators from 2021.

2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average
Total of other than criminal law cases (1+2+3+4)	0,83	1,49	0,98	1,17	0,68	1,09	0,15	0,41
1 Civil and commercial litigious cases	0,73	1,34	0,86	1,05	0,59	1,01	0,15	0,40
2 Non-litigious cases**	NAP	0,06	NAP	0,06	NAP	0,07	NAP	0,03
3 Administrative cases	0,10	0,14	0,12	0,10	0,09	0,28	0,00	0,20
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2022 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;

- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

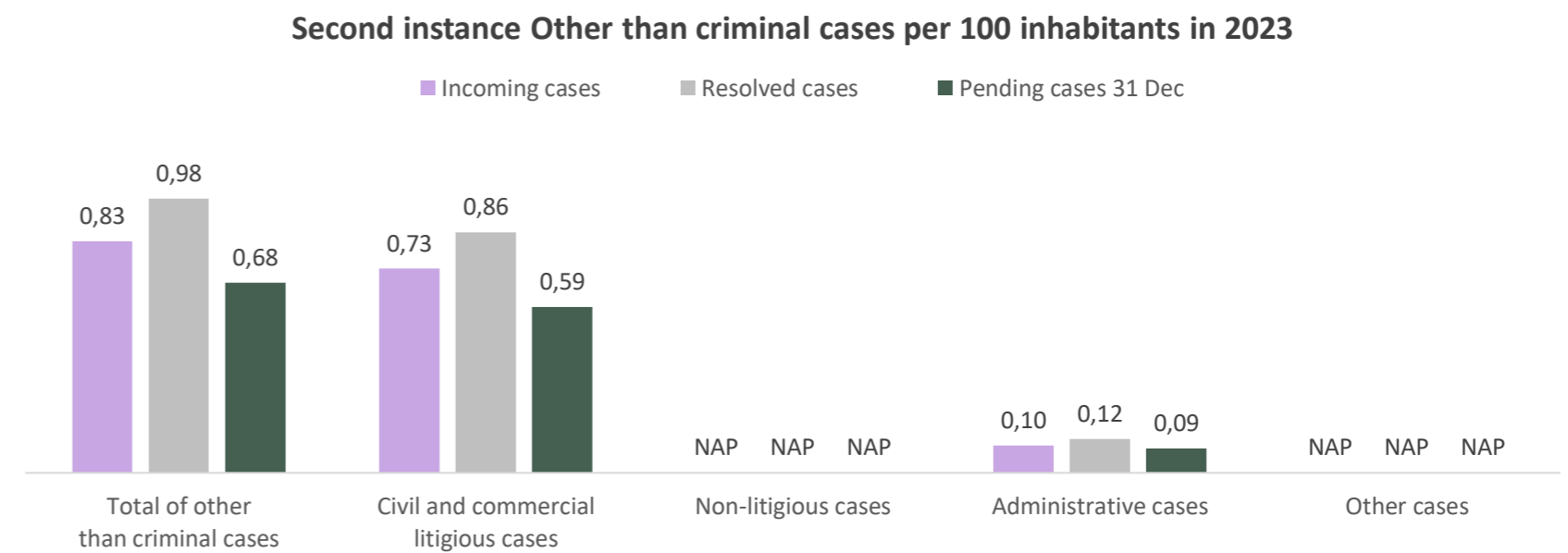
Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

In 2023, the incoming civil and commercial litigious cases were 25 092 (0,73 per 100 inhabitants vs the WB Average of 1,34). They decreased by -25,9% between 2022 and 2023. The resolved cases were 29 551 (0,86 per 100 inhabitants). Between 2022 and 2023, they decreased by -22,6%. The number of resolved cases was thus higher than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were less than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 118% (above the WB Average of 97%). This increased by 5 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 252 days in 2023 (below the WB Average of 263 days). This increased by 5,9% over the 2022-2023 period.

The incoming administrative cases were 3 387 in 2023 (ie 0,1 per 100 inhabitants vs the WB Average of 0,14). They decreased by -0,2% compared to the previous year. The resolved cases were 4 135 (0,12 per 100 inhabitants, above of the WB Average of 0,1). Between 2022 and 2023, the number of resolved administrative decreased by -17,5%. The number of incoming cases was thus lower than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were less than in 2022 and the Clearance rate for this type of cases was 122% (above the WB Average (76%). The CR decreased by -25,6 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 263 days in 2023. This has decreased by -3,1% compared to 2022 and it was below the WB Average (1548 days).



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	118%	96%	253	263	2,3	4,8%
1 Civil and commercial litigious cases	118%	97%	252	263	5,0	5,9%
2 Non-litigious cases**	NAP	92%	NAP	1 294	NAP	NAP
3 Administrative cases	122%	76%	263	1 548	-25,6	-3,1%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

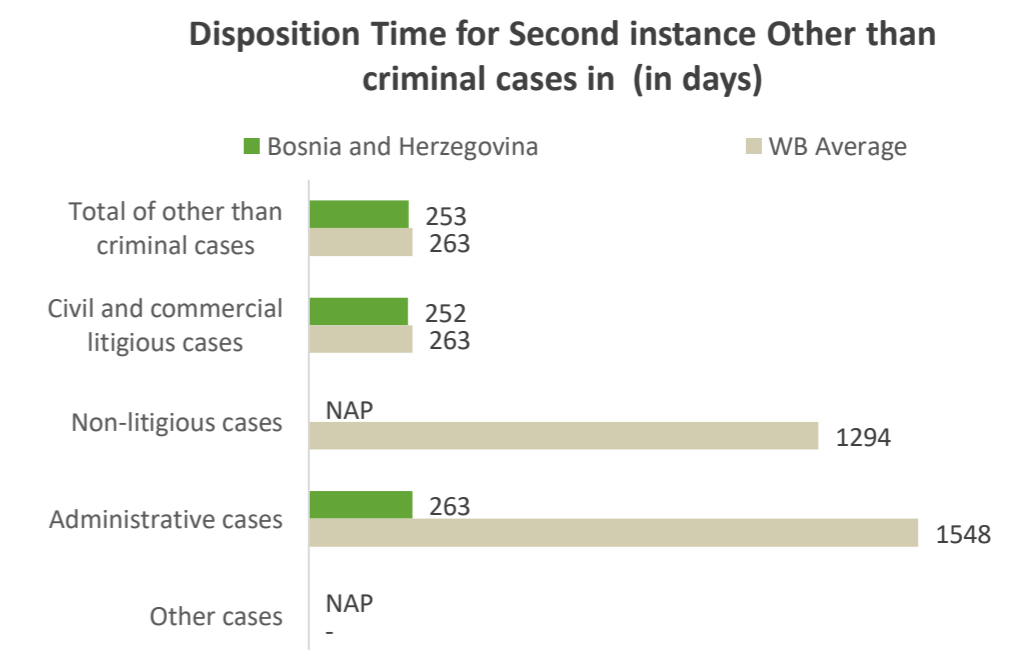
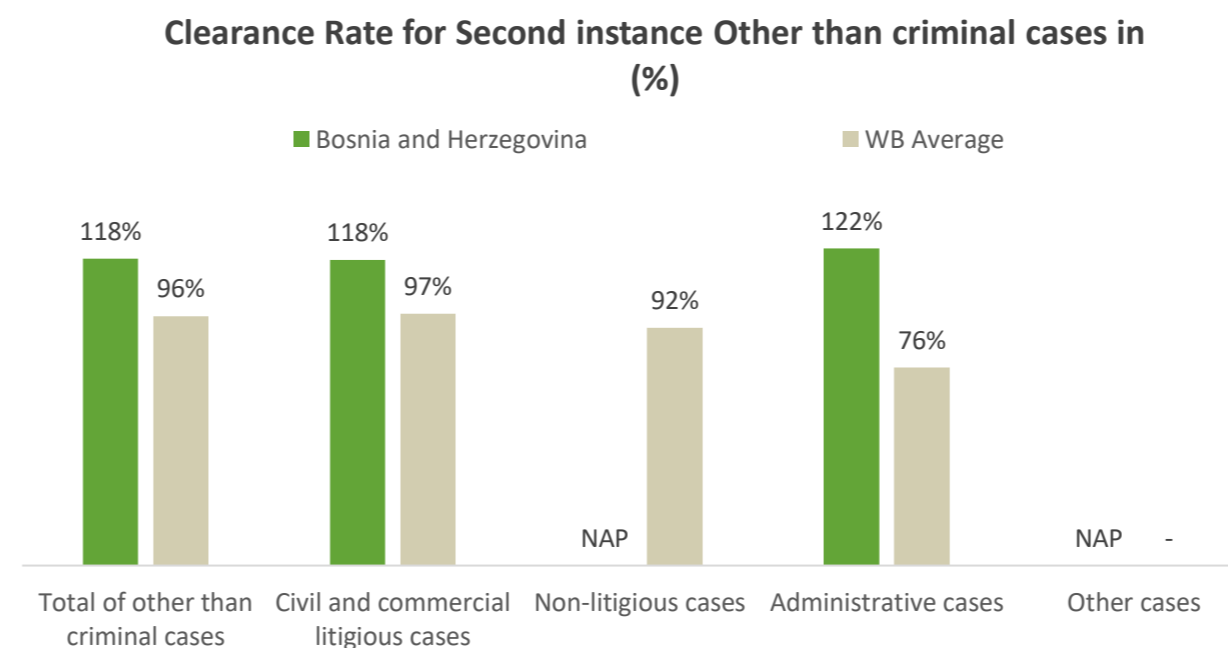
- Clearance rate: 97,1%;

- Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:

- Clearance rate: 102,6%;

- Disposition time: 277 days.



• Second instance cases - Criminal law cases

2nd instance cases in 2023 (absolute values)	Bosnia and Herzegovina (2023)				% Variation between 2022 and 2023			
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)	7 647	7 367	1 497	2	3,3%	-1,1%	23,0%	100,0%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	5 879	5 621	1 398	2	0,6%	-4,3%	22,6%	100,0%
1 Severe criminal cases	2 885	2 668	1 050	2	8,5%	0,2%	26,1%	100,0%
2 Misdemeanour and / or minor criminal cases	2 994	2 953	348	0	-6,0%	-8,3%	13,4%	NA
3 Other cases	1 768	1 746	99	0	13,4%	11,3%	28,6%	NA

In 2023, the incoming total criminal cases were 7 647 (0,22 per 100 inhabitants vs the WB Average of 0,46), and they increased by 3,3%, compared to the previous year. The resolved cases were 7 367 (0,21 per 100 inhabitants). Between 2022 and 2023, they decreased by -1,1%. In 2023, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 96% (above the WB Average of 93%). This decreased by -4,3 percentage points compared to 2022.

Criminal cases:

As of 2022, i.e. the Evaluation of the judicial systems 2024 (data 2022), the statistics for severe criminal cases and other cases for this question include only data for criminal cases from the second instance jurisdiction of relevant courts, whereas the statistics on cases generating from their first instance jurisdiction are included in the data for the first instance courts: number of criminal law cases. This change may lead to some inconsistencies between data for 2023 and the previous reporting cycle. Regardless of the above change, the general trends for criminal cases for this question remain similar to the tendencies from the previous reporting cycles.

Misdemeanor cases:

The number of pending second-instance misdemeanor cases rose during 2023 by 13%, unlike the previous reporting year (i.e. 2022) during which the number of pending cases decreased by 10%. However, it is important to note that this modification was not significant in absolute terms. The number of incoming and resolved cases remained stable in the reporting year compared to 2022.

The Disposition Time for total criminal cases was approximately 74 days in 2023 (below the WB Average of 252 days). This increased by 24,4% over the 2022-2023 period.

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 (i.e. incoming, resolved, pending, pending older than two years) include only second instance cases within the jurisdiction of the second instance courts, whereas the first instance cases within their jurisdiction are included in the statistics on First instance courts: number of criminal law cases. In addition, the statistics included under the Second instance courts (appeal): Number of criminal law cases, do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts (Highest instance courts - Supreme Court: Number of criminal law cases). 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. The courts of appeal have jurisdiction only to deal with the second-instance misdemeanor cases. Severe criminal offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.

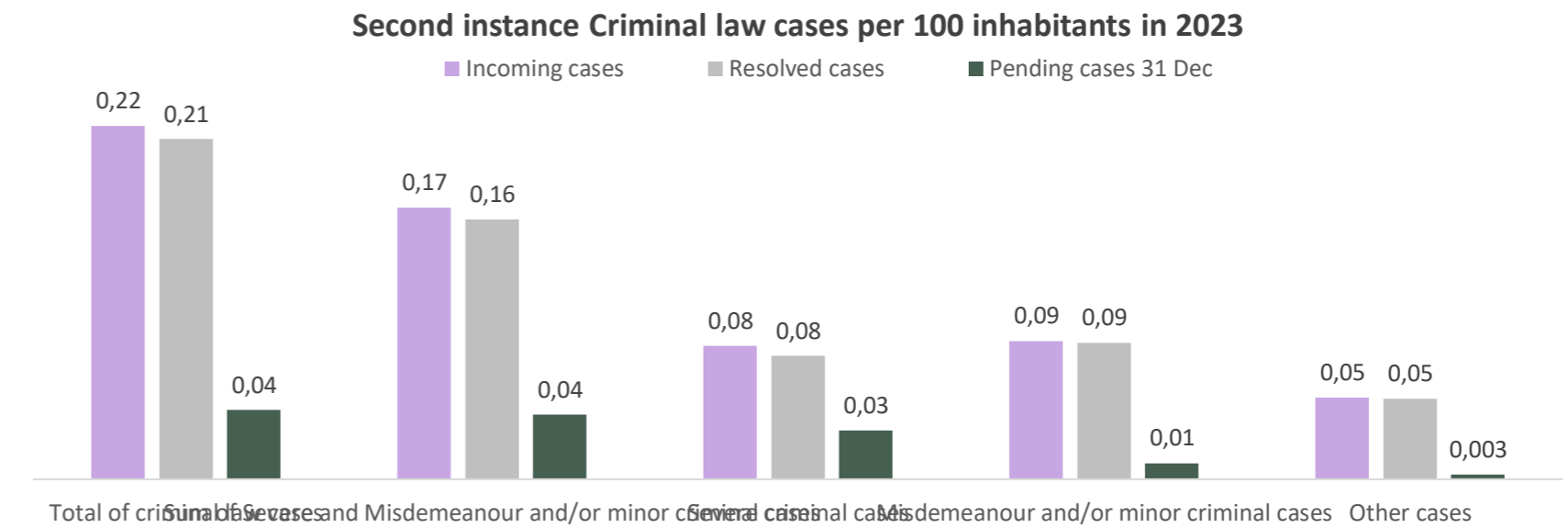
Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences are: traffic offences, violations of public order, begging etc.

Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanor proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanor proceedings.

2nd instance cases in 2023 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average
Total of criminal law cases (1+2+3)	0,22	< 0,46	0,21	< 0,44	0,04	< 0,17	0,00006	< 0,07
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	0,17	< 0,42	0,16	< 0,40	0,04	< 0,16	0,00006	< 0,05
1 Severe criminal cases	0,08	< 0,20	0,08	< 0,19	0,03	< 0,10	0,00006	< 0,04
2 Misdemeanour and / or minor criminal cases	0,09	< 0,21	0,09	< 0,21	0,01	< 0,06	0,00	< 0,00
3 Other cases	0,05	< 0,07	0,05	< 0,07	0,003	< 0,03	0,00	< 0,02

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 0,1.

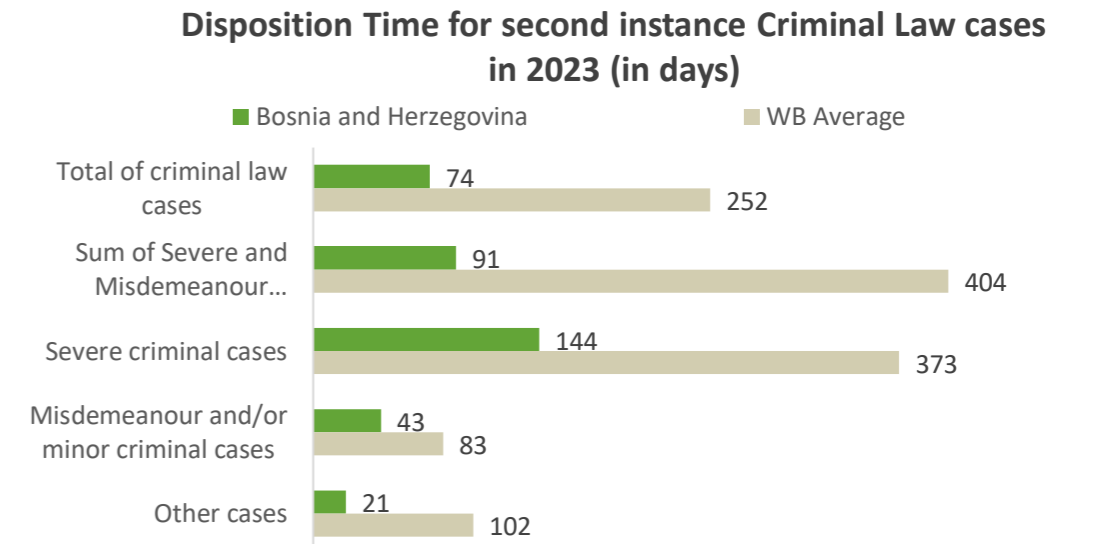
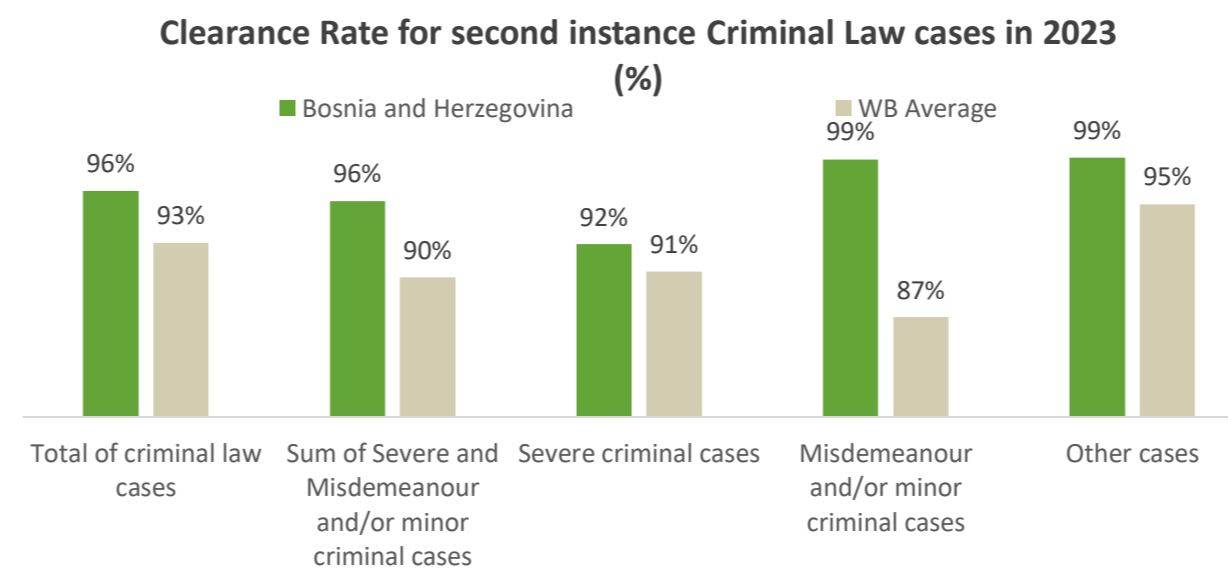
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= Equal to the WB Average
< Lower than the WB Average



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	96%	93%	74	252	-4,3	24,4%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	96%	90%	91	404	-5,1	28,3%
1 Severe criminal cases	92%	91%	144	373	-7,7	25,8%
2 Misdemeanour and / or minor criminal cases	99%	87%	43	83	-2,5	23,6%
3 Other cases	99%	95%	21	102	-1,6	15,2%

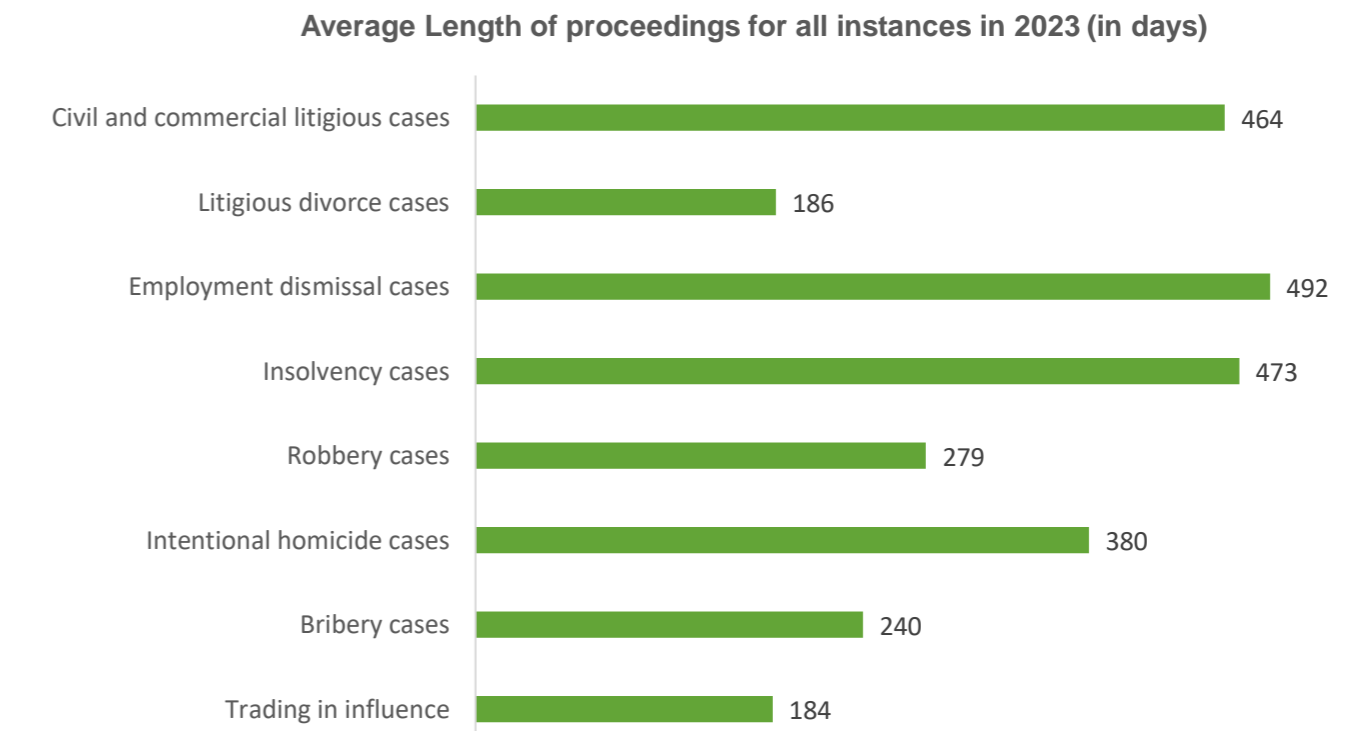
For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 99%;
- Disposition time: 135 days.

NB: For the second instance Misdemeanour and / or minor criminal cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average).



• Specific category cases

	Bosnia and Herzegovina (2023)						% Variation between 2022 and 2023					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	21%	488	423	130	464	27%	2,0	-17%	4%	-13%	-14%	-1%
Litigious divorce cases	8%	188	161	111	186	0%	0,0	-4%	-35%	79%	-7%	0%
Employment dismissal cases	59%	494	627	132	492	12%	-10,0	8%	-30%	15%	-16%	-1%
Insolvency cases	15%	538	75	35	473	33%	3,0	3%	-24%	218%	-1%	0%
Robbery cases	46%	333	167	251	279	23%	0,0	6%	-9%	NA	1%	-2%
Intentional homicide cases	48%	432	272	0	380	18%	-4,0	-16%	5%	-100%	-8%	-2%
Bribery cases	67%	353	68	0	240	12%	29,0	5%	-38%	NA	-13%	2%
Trading in influence	67%	231	99	0	184	13%	-21,0	-25%	-48%	NA	-29%	4%



The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

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.)

In 2023, an average duration of proceedings continued to get reduced for the resolved first and third instance civil and commercial litigious cases, which is consistent with the decrease in the number of pending cases for both case categories during the reporting year. Unlike 2022, the average duration of second-instance civil and commercial cases rose slightly in 2023. This occurred mostly because the courts with the biggest number of pending cases resolved certain number of very old cases during the reporting year. It is important to note that the backlog of old first instance litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.

As in previous years, as far as other types of court cases are concerned under the data regarding "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", (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other 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). When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply regarding 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, do not include the court cases in which Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

• Quality standards and performance indicators in the judicial system

In Bosnia and Herzegovina there are quality standards determined for the judicial system at national level. Also, both courts and public prosecution services have specialised personnel entrusted with implementation of these national level quality standards.

In 2022, 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, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. 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.

• Regular monitoring of courts and prosecution offices' activities

In Bosnia and Herzegovina, exists a system to annually evaluate court performance based on the monitored indicators listed below. This evaluation of the court activities is not used for the allocation of resources within the courts.

Moreover, there is a system to annually evaluate public prosecution services' performance based on the monitored indicators listed below.

	Regular assessment	
	Courts	Prosecution offices
Number of incoming cases	✓	✓
Length of proceedings (timeframes)	✓	✓
Number of resolved cases	✓	✓
Number of pending cases	✓	✓
Backlogs	✓	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✓	✓
Satisfaction of court / prosecution staff	✗	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✗	✗
Costs of the judicial procedures	✗	✗
Number of appeals	✓	
Appeal ratio	✓	
Clearance rate	✓	✓
Disposition time	✓	✓
Percentage of convictions and acquittals		✓
Other	✗	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	Yes

Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the Case Management System.

Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

In 2022, 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, introducing minor changes to the scoring system included in the previously valid appraisal criteria that had been adopted in 2020. A judge in Bosnia and Herzegovina is evaluated by the court president yearly according to 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 sub-criteria:

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.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of court presidents in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota of the court, and the organization and management of the work of the court (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of chief prosecutors in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota and collective quality of decisions of the prosecutor's office, and the organization and management of the work of the prosecutor's office (e.g. realization of the annual work plan, realization of the backlog reduction plan).

• **Quantitative targets for each judge and prosecutor**

Existence of quantitative targets for:	Judges	Prosecutors
The responsibility for setting up quantitative targets for judges lies on:		
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:	✗	✗
The responsibility for setting up quantitative targets for public prosecutors lies on:		
Executive power (for example the Ministry of Justice)	✗	✗
Prosecutor General /State public prosecutor	✗	✗
Public prosecutorial Council	✓	✓
Head of the organisational unit or hierarchical superior public prosecutor	✗	✗
Other	✗	✗

	Consequences for not meeting the targets	For judges	For public prosecutors
Without disciplinary procedure	Warning by court's president/ head of prosecution	✗	✗
	Temporary salary reduction	✗	✗
	Reflected in the individual assessment	✓	✓
	Other	✗	✗
With disciplinary procedure	Warning by court's president/ head of prosecution	✗	✗
	Temporary salary reduction	✗	✗
	Reflected in the individual assessment	✓	✓
	Other	✗	✗
No consequences		✗	✗

The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopts the criteria for the annual performance evaluation of judges: Quantity of work (i.e. annual quota) – up to 40 points, Percentage of realization of individual case resolution plan - up to 20 points, Statistical quality of decisions (i.e. reversal rate) – up to 40 points. As mentioned above, one of the criteria is the annual quota, i.e. the number of cases that a judge should resolve over the course of a year. A judge may receive a maximum of 40 points under this criterion if they exceed the annual quota. However, if a judge fails to reach the best possible result than a certain number of points are awarded in the annual performance procedure as follows:

- a) up to 50% of the achieved quota: 0 points; b) 51–60% of the achieved quota: 10 points;
- c) 61–70% of the achieved quota: 15 points;
- d) 71–80% of the achieved quota: 20 points;
- e) 81–90% of the achieved quota: 30 points;
- f) 91–100% of the achieved quota: 35 points;
- g) over 100% of the achieved quota 40 points.

It is not in itself a disciplinary offense if the judge or prosecutor resolves a smaller number of cases than the intended target. However, a poor work result results in a judge or prosecutor receiving a poor grade, which may indicate that a judge or prosecutor is negligently performing his or her duties. The Disciplinary Prosecutor's Office in HJPC BiH examines the circumstances due to which the target was not achieved in individual cases.

The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopts the criteria for the annual performance evaluation of prosecutors: Quantity of work (i.e. annual quota) – up to 40 points, Percentage of realization of individual case resolution plan - up to 20 points, Statistical quality of decisions (i.e. conviction rate) – up to 40 points. As mentioned above, one of the criteria is the annual quota, i.e. the number of cases that a prosecutor should resolve over the course of a year. A prosecutor may receive a maximum of 40 points under this criterion if they exceed the annual quota. However, if a prosecutor fails to reach the best possible result than a certain number of points are awarded in the annual performance procedure as follows:

- a) up to 50% of the achieved quota: 0 points; b) 51–60% of the achieved quota: 10 points;
- c) 61–70% of the achieved quota: 15 points;
- d) 71–80% of the achieved quota: 20 points;
- e) 81–90% of the achieved quota: 30 points;
- f) 91–100% of the achieved quota: 35 points;
- g) over 100% of the achieved quota 40 points.

It is not in itself a disciplinary offense if the judge or prosecutor resolves a smaller number of cases than the intended target. However, a poor work result results in a judge or prosecutor receiving a poor grade, which may indicate that a judge or prosecutor is negligently performing his or her duties. The Disciplinary Prosecutor's Office in HJPC BiH examines the circumstances due to which the target was not achieved in individual cases.

• System of individual evaluation of the judges and public prosecutors' work

	Judges	Prosecutors
Existence of a system of individual evaluation	✓	✓
Quantitative work	✓	✓
Qualitative work	✓	✓

Responsibility for setting up the criteria qualitative targets for judges	
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	✗

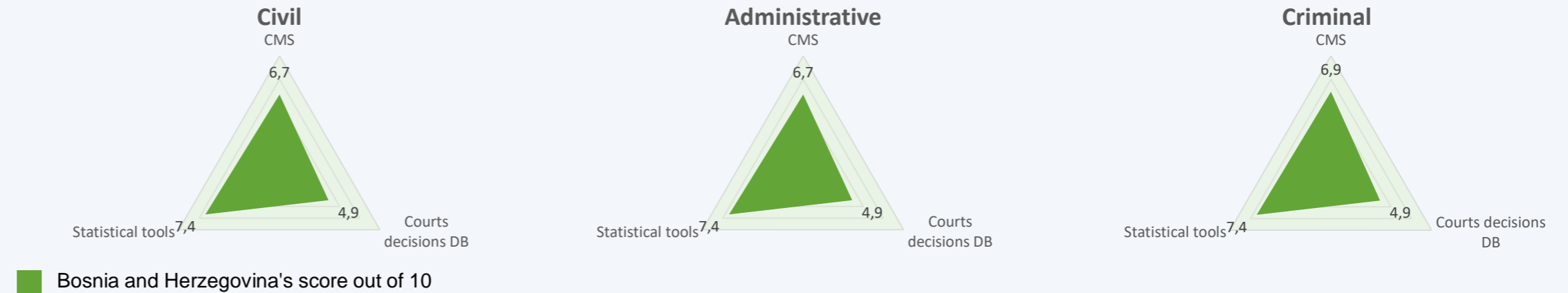
Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✓
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

Frequency of this assessment	For judges	For public prosecutors
Annual	✓	✓
Less frequent	✗	✗
More frequent	✗	✗

Kosovo is not included in the calculation of summary statistics

Information and communication technology tools in Bosnia and Herzegovina in 2023 (Indicator 3.3)

The three ICT indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are included.



In Bosnia and Herzegovina, the overall maximum score among the three ICT indexes is achieved by the Statistical tools index (7,4); while overall lowest score was calculated for the Courts decisions DB index (4,9). All the three matters reached the same score.

In Bosnia and Herzegovina, there exists an overall Information and Communication Technology (ICT) strategy in the judicial system and there are plans for a significant change in the present IT system in the judiciary in 2023.

Currently, there are three versions of the CMS (courts) and TCMS (prosecutor's offices) in use:

1. CMS/TCMS v1: Developed over 10 years ago, this version is used across all judiciary institutions for the majority of functionalities.
2. CMS/TCMS v2: Developed between 5 and 10 years ago, this version is used in all judiciary institutions but for fewer functionalities.
3. CMS/TCMS v3: Developed within the last 2 years, this version is based on new web technology. It has been tested in 7 pilot judiciary institutions from September to December 2023, as planned. Full-scale implementation is scheduled for 2024.

Electronic case management system index

The CMS is developed and used in all courts (95-100% for all matters) and the data is stored on centralised and/or interoperable CMS databases.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✗	NAP	✗	✓	✓	✓	✗	✓
Administrative	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✗	NAP	✗	✓	✓	✓	✗	✓
Criminal	95-100 %	95-100 %	✓	✓	✓	✗	✓	✓	✗	✓	✗	✓	✓	✓	✗	✓

The Case Management System (CMS) in Bosnia and Herzegovina integrates with the Agency for Identification Documents, Registers, and Data Exchange, enabling automatic retrieval of personal data for new cases from the agency's database, provided the Unique Master Citizen Number is available. This ensures seamless data entry from the official citizen register into the CMS.

Parties in civil and administrative matters can electronically access court case files via an Online Case Access Module on the High Judicial and Prosecutorial Council's website. The Council issues a uniform access code upon request, as outlined in the Rulebook on the Case Management System in Courts. Lawyers can also access case information using an official mobile app. If parties have multiple cases, they need separate access codes for each but can create a user account to manage all their cases in one place. This feature is also available to lawyers for cases they represent.

• Database of court decisions index

The deployment rate of the database of court decision is 1-25%. The court decisions are published online (ie. on a public website) and the functionalities of the database include "manual anonymisation" of court decision as well as "free public online access" for all matters and "advanced search engine" for all matters.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	1-25 %	Published online (public website)	1-25 %	Published online (public website)	1-25 %	Published online (public website)	✗	✓	✓	✓	✗	✓	✗	✓	✓	✗	✓
Administrative	1-25 %	Published online (public website)	1-25 %	Published online (public website)	1-25 %	Published online (public website)	✗	✓	✓	✓	✗	✓	✗	✓	✓	✗	✓
Criminal	1-25 %	Published online (public website)	1-25 %	Published online (public website)	1-25 %	Published online (public website)	✗	✓	✓	✓	✗	✓	✗	✓	✓	✗	✓

The database of court decisions includes links connecting final rulings with the decisions of lower instance courts that were appealed by the parties. This ensures that the database maintains comprehensive links between the final decision and all relevant lower court decisions in the same case.

• Statistical tools index

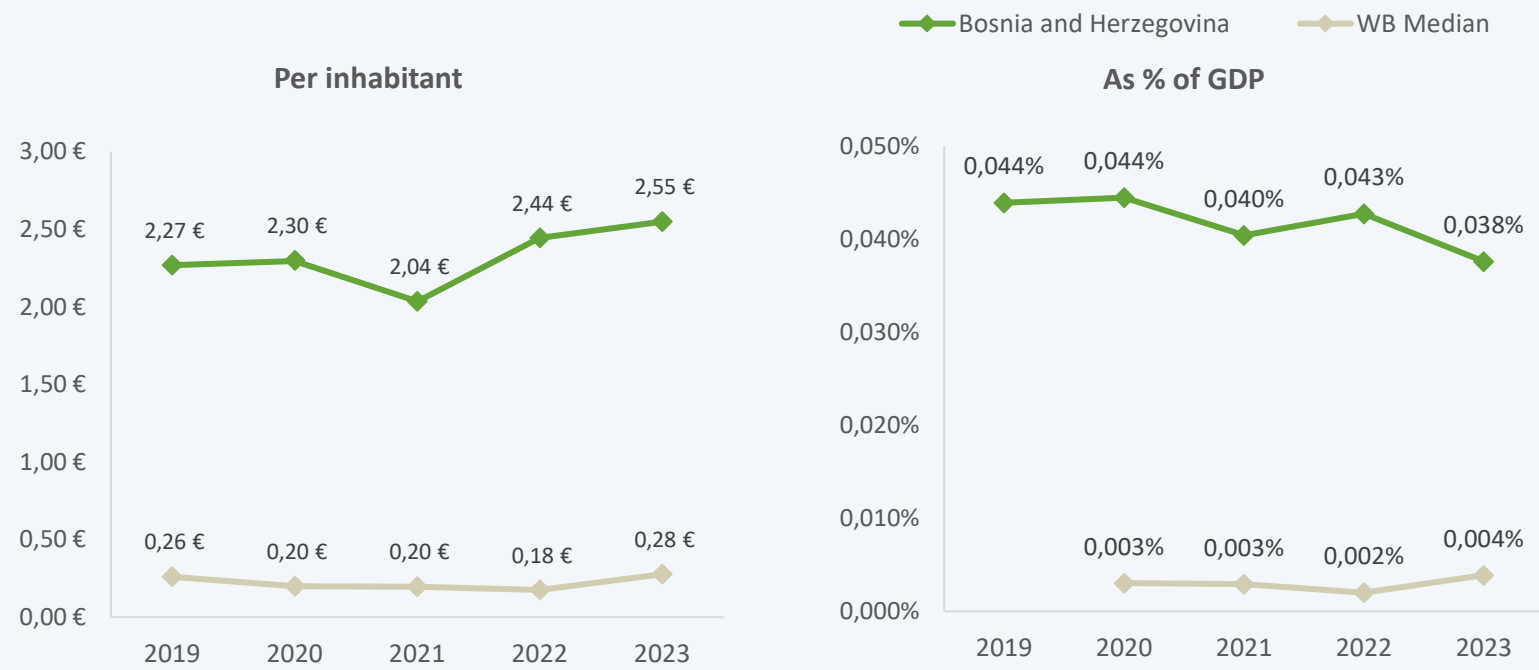
The statistical tools are developed in all courts, with a deployment rate of 95-100% across all matters. Integrated with the CMS, these tools feature business intelligence software that allows real-time data access. They provide various types of data and indicators for statistical analysis, with the exception of case weights.

	Deployment rate	Functionalities									Data available for statistical analysis								
		Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved,	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✓	✓	✓	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✓	✓	
Administrative	95-100 %	✓	✓	✓	✓	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✓	✓	
Criminal	95-100 %	✓	✓	✓	✓	✓	✗	✓	✗	✗	✓	✓	✓	✓	✗	✓	✓	✓	

Kosovo is not included in the calculation of summary statistics

Legal Aid in Bosnia and Herzegovina in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2023



Number of cases for which LA has been granted in 2023



0,72

per 100 inhabitants

WB Median: 0,19

WB Median: 0,19

In 2023, the implemented budget for legal aid spent by Bosnia and Herzegovina was € 8 755 034 (5,0% of the judicial system budget). This means that an amount of € 2,55 was spent per inhabitant (above the WB Median of € 0,28). The budget for legal aid was equal to 0,038% of the GDP, whereas the WB Median was 0,004%.

• Organisation of the legal aid system

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 centers 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.

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

Legal aid is exercised in different types of court proceedings as a right to:

- general information on rights and obligations,
- legal advice and assistance in filling out forms,
- legal assistance in compiling all types of correspondence,
- representation in court,
- making an appeal and
- legal assistance in the procedures of peaceful settlement of the dispute (e.g. mediation).

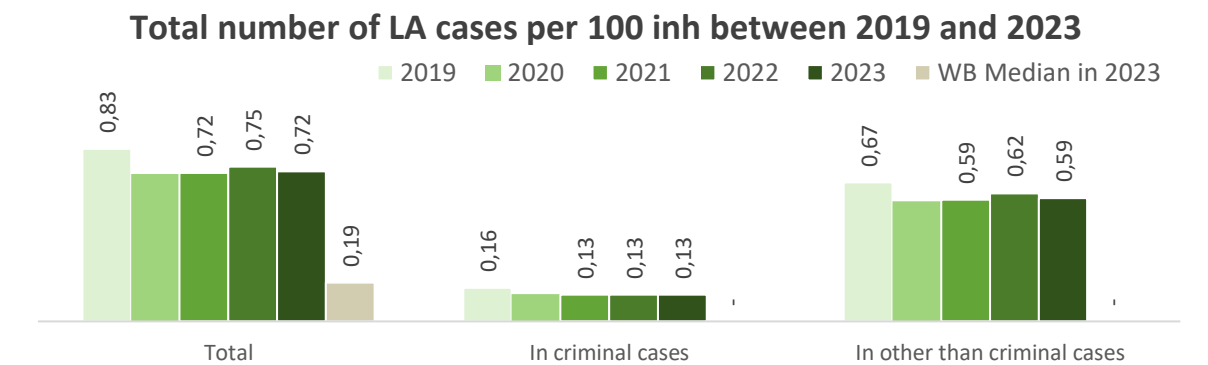
• **Implemented budget for legal aid and number of cases for which legal aid has been granted**

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Bosnia and Herzegovina	WB Median	Bosnia and Herzegovina	WB Median	Bosnia and Herzegovina	WB Median
Total (1+2)	8 755 034 €	10,4%	NA	NA	2,55 €	0,28 €	0,038%	0,004%	5,00%	1,0%
In criminal cases (1)	NA	NA	NA	NA						
In other than criminal cases (2)	NA	NA	NA	NA						

In 2023, Bosnia and Herzegovina spent € 8 755 034 on the total implemented budget for legal aid, which was 10,4% more compared to 2019. This means that it spent a more than double amount per inhabitant compared to the WB Median (€ 2,55 and € 0,28, respectively).

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.

	Number of cases for which legal aid has been granted				Amount of LA granted per case (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2019 - 2023					
Total (1+2)	24 882	0,72	-13,0%	8 115	16 767	351,9 €	NA	NA
In criminal cases (1)	4 450	0,13	-20,0%	4 092	358	NA	NA	NA
In other than criminal cases (2)	20 432	0,59	-11,3%	4 023	16 409	NA	NA	NA



In 2023, the number of cases for which legal aid was granted was 24 882, which was -13% less compared to 2019. The number of criminal cases were 4 450, and the other than criminal cases were 20 432. The total cases brought to court were 8 115, while the total cases not brought to court were 16 767. On average, the amount granted per legal aid case was 351,9€.

Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

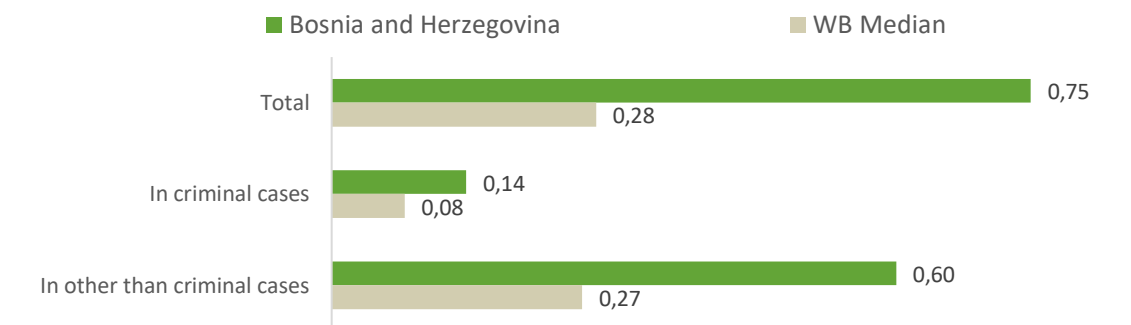
Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given through legal advice only by the government founded free legal aid institutions.

Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. 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. Also, the courts make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). Employees of institutions providing free legal aid represent the party in various types of court proceedings, compose legal documents and give legal advice to a person who meets financial and property criteria. The data refer to the number of cases in which courts and institutions of free legal aid provided legal assistance in the described ways. It is important to that the number of persons who received free legal aid may be higher than the number of cases in which free legal aid was provided.

• Number of recipients of legal aid

	Number of recipients of legal aid					Amount of LA granted per recipient (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	WB Median					
Total (1+2)	25 587	0,75	0,28	8 777	16 810	342,2 €	NA	NA
In criminal cases (1)	4 930	0,14	0,08	4 572	358	NA	NA	NA
In other than criminal cases (2)	20 657	0,60	0,27	4 205	16 452	NA	NA	NA

Number of recipients of legal aid per 100 inhabitants in 2023



In 2023, the number of recipients legal aid was granted was 25 587. This means that there were 0,75 recipients per 100 inhabitants which was above the WB Median. The number of criminal cases were 4 930, and the other than criminal cases were 20 657. The total cases brought to court were 8 777, while the total cases not brought to court were 16 810. On average, the amount granted per recipient of legal aid case € 342,2.

In the relevant reports for 2023, as in 2022, there was a slightly higher number of beneficiaries of free legal aid than the number of cases in which free legal aid was provided. The institutions for the provision of free legal aid explained that this difference was recorded because certain number of individual users were registered two or more times during the same year as recipients of different legal services.

Kosovo is not included in the calculation of summary statistics

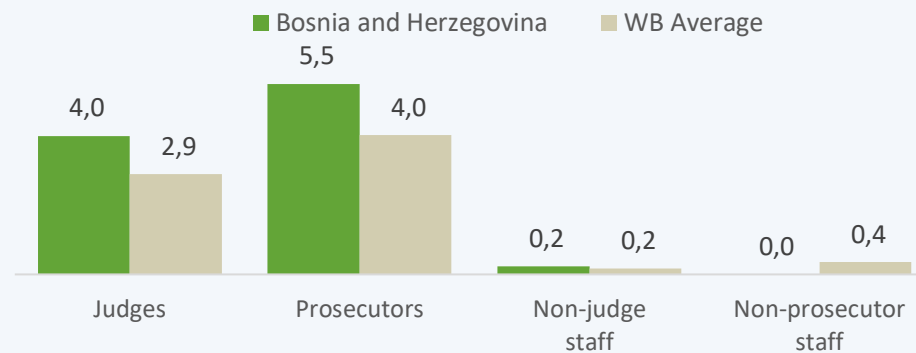
Training of judges and prosecutors in Bosnia and Herzegovina in 2023 (Indicator 7)

Total budget for training per inhabitant



Average number of live training participations per professional

Please see the definition of the indicator on page 2.



Average number of participants per delivered training



The total budget for training of judges and prosecutors in Bosnia and Herzegovina was € 0,24 per inhabitant, lower than the WB Average of € 0,83 per inhabitant.

In 2023, 6 890 participants (of which 4 080 judges, 1 998 prosecutors and 812 non-judge staff) were trained in 235 live trainings (in-person, hybrid or video conferences).

There were 246 participants in internet-based trainings. This shows that the participation on live trainings is higher than the participation in internet-based trainings.

In Bosnia and Herzegovina, each judge participated, on average, to 4 live trainings in 2023, which was higher than the WB Average (2,9) while each prosecutor participated, on average, to 5,5 live trainings, more than the WB Average (4).

Regarding the internet-based trainings (not-live), 1 training in total was provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 4 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was 246 and 246, respectively.

In Bosnia and Herzegovina, both judges and prosecutors are required to attend a minimum of 3 days of in-service compulsory training.

Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable)

	Budget of the training institution(s) (1)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Absolute Number	Total (1)+(2)					% Variation 2019 - 2023	% Variation 2022 - 2023	WB Average per inhabitant
					Evolution of training budget per inhabitant							
					2019	2020	2021	2022	2023			
Total	680 237 €	5,1%	128 542 €	808 779 €	NA	0,17 €	0,19 €	0,22 €	0,24 €	NA	5,9%	0,83 €
Judges	NAP	NAP	116 577 €	116 577 €								
Prosecutors	NAP	NAP	11 965 €	11 965 €								
One single institution for both judges and prosecutors	680 237 €	5,1%		680 237 €								

Bosnia and Herzegovina spent in total € 808 779 for training for judges and prosecutors in 2023, which is € 0,24 per inhabitant (below the WB average of € 0,66 per inhabitant).

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. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

In addition to the budget funds (i.e. € 680 237), the training institutions spent grants worth € 34 485 provided within the specific projects by the external donors in 2023. Besides, many of training courses delivered in the training institutions are prepared by domestic and/or foreign experts who are financed by external donors. External donor funds used for this purpose are not included in the data on the budget of training institutions or in the data on funds directly donated to these institutions, because training institutions do not have this data.

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2023)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					Bosnia and Herzegovina	WB Average	Bosnia and Herzegovina	WB Average
Total	252	235	358	6 890	1,5 =	1,5	29,3 >	22,1
Judges	134	136	217	4 080	1,6 >	1,5	30,0 >	13,2
Prosecutors	94	82	122	1 998	1,5 =	1,5	24,4 >	11,3
Non-judge staff	24	17	19	812	1,1 <	1,6	47,8 <	72,5
Non-prosecutor staff	0	0	0	0	0,0 <	1,2	0,0 <	149,8

CEPEJ distinguishes these types of trainings:
 "A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
 "Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

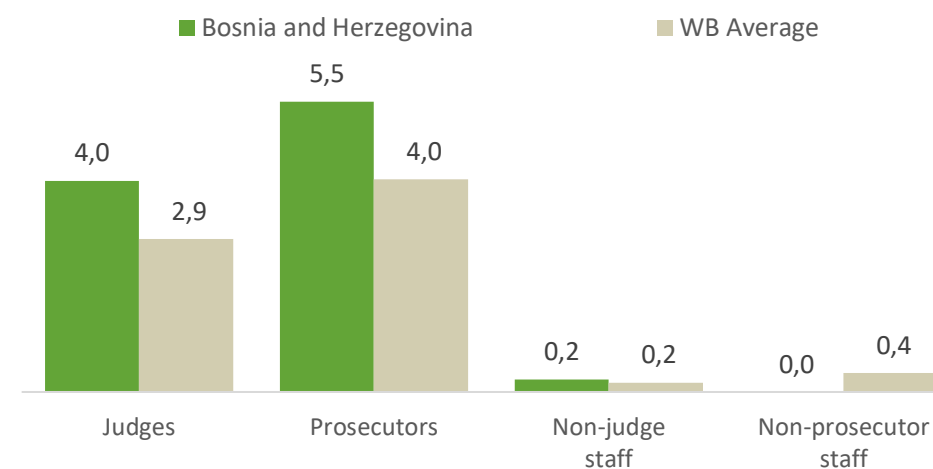
In 2023, the average duration of trainings for judges in Bosnia and Herzegovina was 1,6 days (slightly above the WB Average of 1,5). During the same period, the average duration of training for prosecutors was 1,5 days, which was same as the WB Average of 1,5 days.

Non-judicial staff are professional associates in courts and prosecutor's offices who attend the initial training and other seminars provided by the judicial training centers.

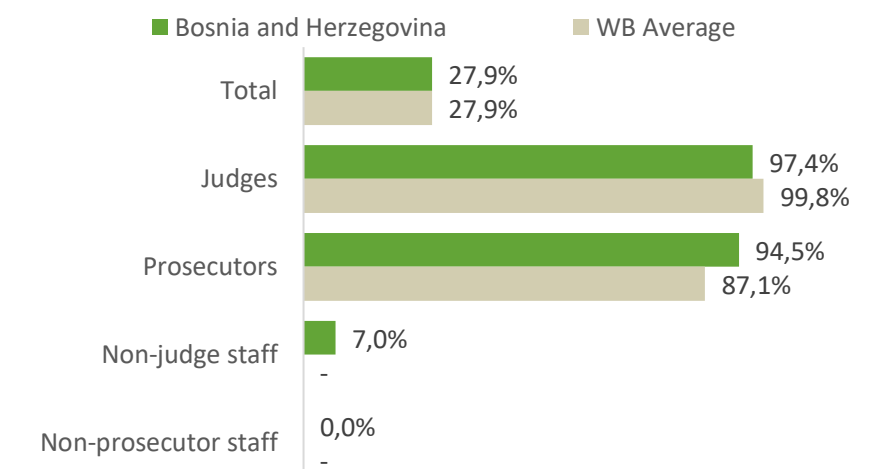
Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	Bosnia and Herzegovina	WB Average	Number	% of total professionals by category	
				Bosnia and Herzegovina	WB Average
Total	1,2 >	1,0	1 569	27,9% =	27,9%
Judges	4,0 >	2,9	988	97,4% <	99,8%
Prosecutors	5,5 >	4,0	341	94,5% >	87,1%
Non-judge staff	0,2 <	0,2	240	7,0%	-
Non-prosecutor staff	0,0 <	0,4	0	0,0%	-

Average number of live training participations per professional in 2023



Percentage of professionals attending at least one training in 2023



Average number of live training participations per professional

This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the WB Average for judges is 2,9. This means that, on average, each judge in the region participated to 2,9 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

Looking at the average participations on live trainings, the highest average was for prosecutors (5,5 live training participations per prosecutor). Hence, compared to the other professionals, Bosnia and Herzegovina gave priority to the trainings for prosecutors, like the rest of the region (the WB Average number of participations per prosecutor on live trainings was 4).

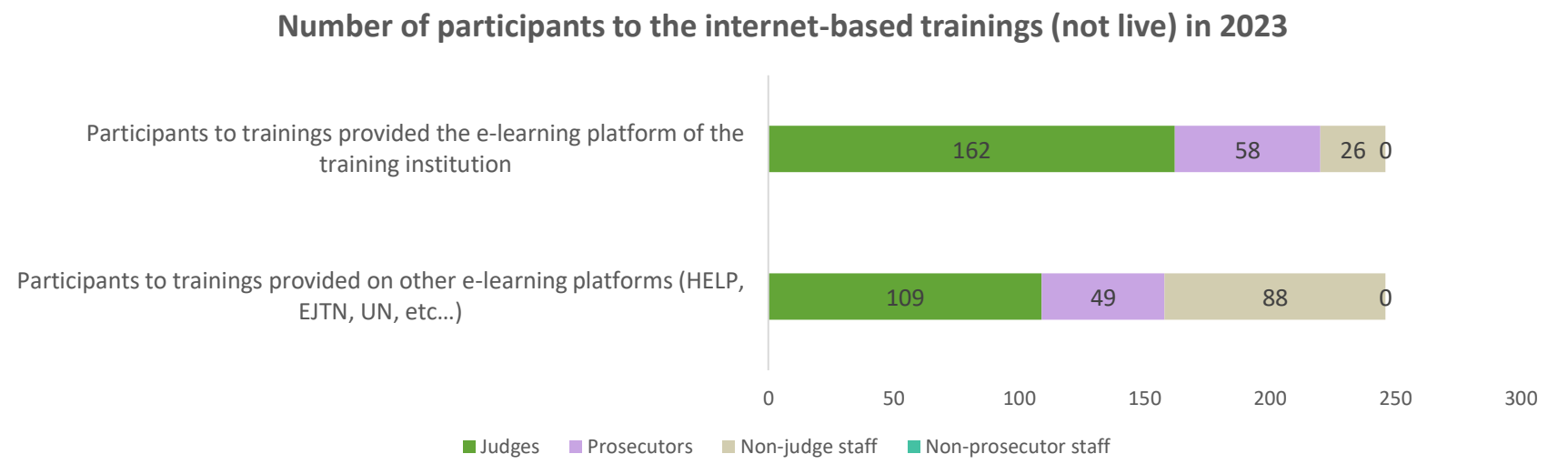
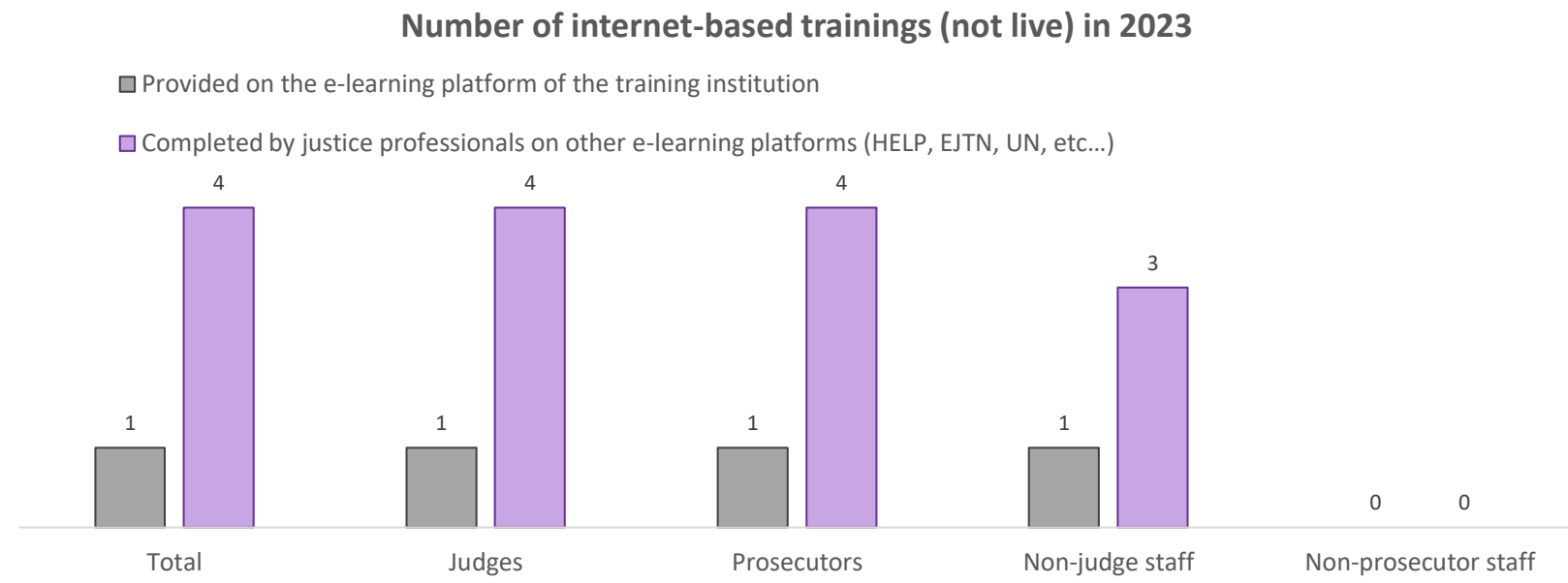
In 2023 the highest priority for live training was given to the training of Prosecutors (5,5 participations on trainings per prosecutor). At the same time, the percentage of prosecutors attending at least one training was 94,5 %.

Court presidents and chief prosecutors are counted in the number of judges and prosecutors calculated in the data regarding Number of professional judges sitting in courts on 31 December 2022 and Number of prosecutors on 31 December 2022, and in Number of unique participants of the trainings during the reference year. The number of professional judges sitting in courts on an occasional basis on 31 December 2022 is not included in the data provided for the Number of unique participants in the trainings during the reference year. The number of professional judges sitting in courts on 31 December 2022 (i.e. 1000) was higher than the number of unique participants of the trainings registered during 2022 (i.e. 1008), as some judges, who attended the trainings, left the judiciary before the end of the reporting year due to resignation, retirement, death etc.

The number of professional judges sitting in courts on an occasional basis (i.e. 38 reserve judges on 31 December 2023), is not included in the data provided for the Number of professional judges sitting in courts and the Number of unique participants in the trainings during the reference year.

• Number of in-service internet-based trainings and participants

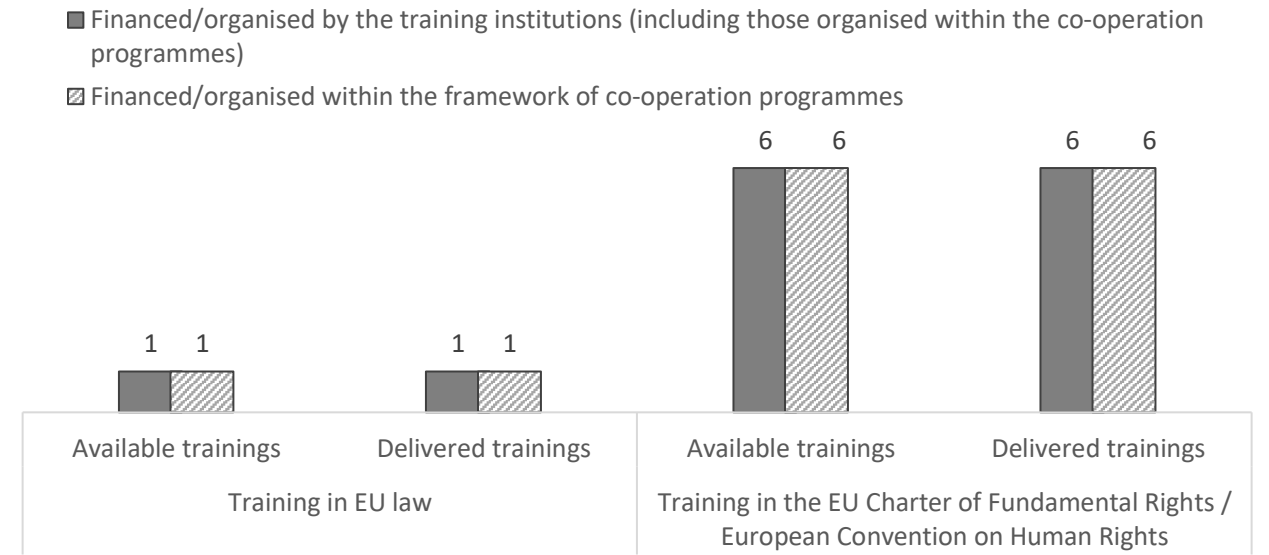
	Number of internet-based trainings (not live) in 2023			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	1	246	4	246
Judges	1	162	4	109
Prosecutors	1	58	4	49
Non-judge staff	1	26	3	88
Non-prosecutor staff	0	0	0	0



• Number of EU law training courses and participants

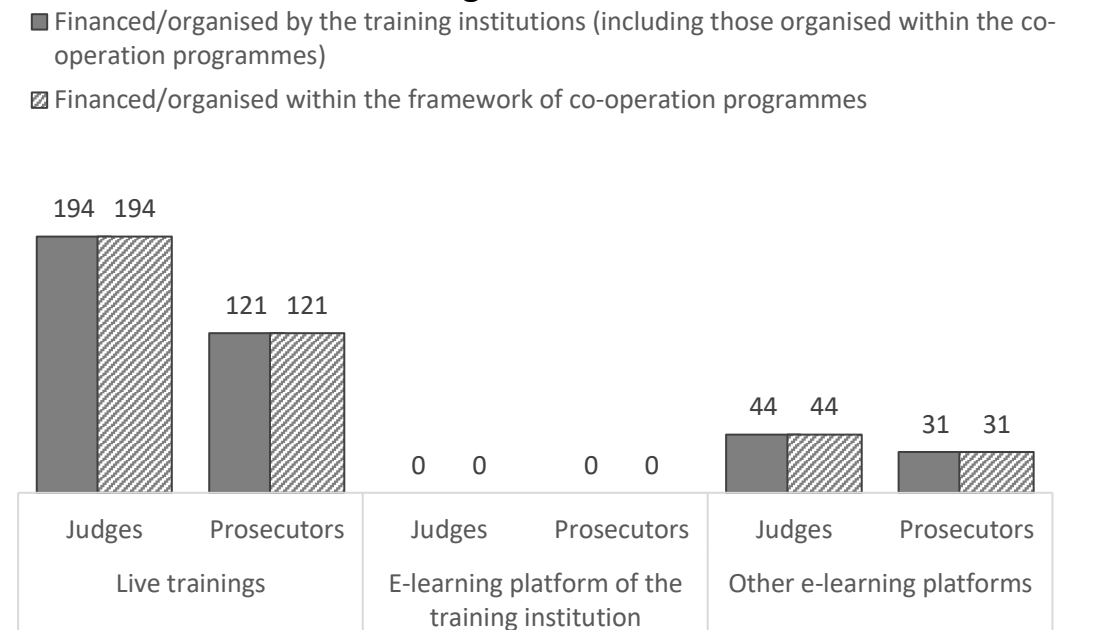
	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2023)				
Number of available live trainings	1	1	6	6
Number of delivered live trainings	1	1	6	6
Number of delivered live training in days	1	1	8	8
Internet-based trainings(2023)				
Provided on the e-learning platform of the training institution (not live)	0	0	0	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	-	0	-	2

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	194	121	132	88	0	0	44	31
Within the framework of co-operation programmes	194	121	132	88	0	0	44	31

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



In 2023, the number of participants was increased in distance learning trainings on gender equality matters organized by AIRE Center (Advice on Individual Rights in Europe). In the reporting year, the number of attendees was also increased in HELP online trainings related to "Introduction to the European Convention", including significant increase in the participation of the newly appointed judges.

Participation shall be understood as one attendance of a person to a training.

• Type and frequency of trainings

	Judges		Prosecutors	
	Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
Initial training	Compulsory		Compulsory	
In-service training				
General	Compulsory	Regularly	Compulsory	Regularly
Specialised judicial functions	Compulsory	Regularly	Compulsory	Regularly
Management functions of the court	Compulsory	Regularly	Compulsory	Regularly
Use of computer facilities in courts	Optional	Regularly	Optional	Regularly
On ethics	Compulsory	Regularly	Compulsory	Regularly
On child-friendly justice	Compulsory	Regularly	Compulsory	Regularly
On gender equality	Optional	Regularly	Optional	Regularly
On prevention of corruption	Optional	Regularly	Optional	Regularly
On conflicts of interest	Compulsory	Regularly	Compulsory	Regularly
Other	Optional	Regularly	Optional	Regularly

The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

This program lasts 4 days and covers 7 topics.

As for general in-service training, the minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors. It includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents and 3) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.

In Bosnia and Herzegovina, sanctions are foreseen if judges and prosecutors do not attend the compulsory training sessions.

The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56, item 20) defines the list of disciplinary offences for judges which includes the following "Failure to fulfill any mandatory training obligations or any other obligations imposed by law."

Historically, none of the judges has been found liable for this offence.

The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57, item 20) defines the list of disciplinary offences for prosecutors which includes the following "Failure to fulfill any mandatory training obligations or any other obligations imposed by law."

Historically, none of the prosecutors has been found liable for this offence.

Prosecution offices have prosecutors specially trained in domestic violence and, also, specifically trained in dealing with cases when minor victims are involved.

The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases

• Minimum number of compulsory trainings

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	11	NAP	NAP	3
Prosecutors	11	NAP	NAP	3

IN-SERVICE TRAINING:


The minimum requirement for prosecutors and judges is to attend trainings at the judicial training center for at least 3 days during one year. There is no minimum requirement for prosecutors and judges to attend a certain number of trainings over the course of one year. The judicial office holders may choose between training topics related to the issues they most frequently work on.

INITIAL COMPULSORY TRAINING

The newly appointed prosecutors and judges must undergo an initial training program that is consisted of 11 different trainings; typically, the program lasts for 15 days. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination. The program includes topics focused on development of relevant skills, ethics, human rights protection etc. Besides, newly appointed prosecutors receive on the job support and guidance from more experienced prosecutors (i.e. consultative prosecutors). Mentorship system for newly appointed judges is under the development.

• **Quality of judicial training**

Bosnia and Herzegovina identifies (collects information about) future in-service training needs via:

Target audience itself		Relevant judicial institutions	
Previous participants in trainings		Ministry of Justice	
Trainers		Other (The High Judicial and Prosecutorial Council)	
Courts/prosecutor's offices			

Future in-service training needs are assessed annually.

The Centres for Education of Judges and Prosecutors have partially amended the information for 2023 compared to 2022. These institutions have indicated that the information are different due to changes in their methodology for the current reporting year.

The analysis and creation of training programmes is done once a year.

There are two types of evaluation questionnaires:

1. For heads of courts and prosecutor's offices, asking for their proposals of topics they find relevant for their respective institutions,
2. For all judges and prosecutors, their opinion and their proposals of topics which should be included in the annual programme,

Also, in this regard, the judicial training institutions cooperate with the Standing Committee for Training of the High Judicial and Prosecutorial Council through the analysis of relevant case-law.

In Bosnia and Herzegovina, in-service trainings (seminars, workshops, round tables) are evaluated immediately after the training is delivered by using a combination of Kirkpatrick and other training evaluation models.

The result of the training evaluation process is used:

To prepare a training evaluation report with recommendations		To suppress a training course	
To improve the training course which, according to the report, needed improvements		To introduce a new course	
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated		Other	

For all judicial office holders and non-judicial staff (all topics except the ethics) only post-training satisfaction questionnaires are used.

The questionnaires are anonymous and contain three parts:

1. The first part: satisfaction with technical realization, satisfaction with the trainer and topic,
2. The second part is evaluation of the trainer - methodology, communication, knowledge sharing,
3. The third part are comments related to improvement of training, personal impressions and proposals of new topics.

The training grades range from 1 to 5 (5 being the highest grade).

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in Bosnia and Herzegovina in 2023 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



Mediators

5,9

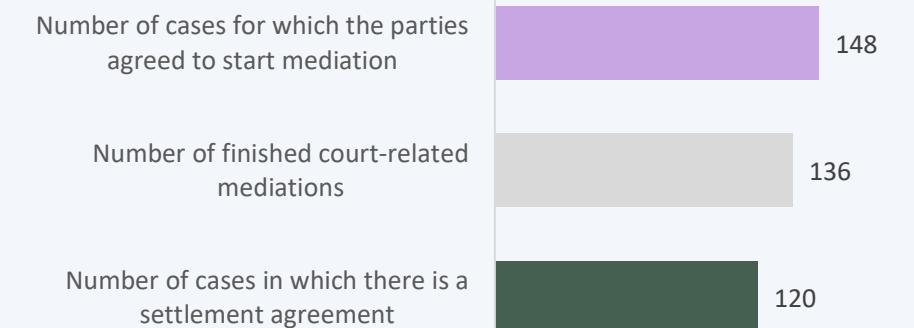
per 100 000 inhabitants

WB Average: 17,8

54,5% female mediators



Total number of court-related mediations



In Bosnia and Herzegovina, court related mediation procedures are available and legal aid for court-related mediation or related mediation provided free of charge could be granted. The judicial system does not provide for mandatory mediation. Also, there are no mandatory informative sessions with a mediator. In 2023, the number of mediators was 5,9 per 100 000 inhabitants, which was below the WB Average (17,8 per 100 000 inhabitants). The majority of the mediators were women (54,5%). There were in total 148 cases for which the parties agreed to start mediation and 120 mediation procedures which ended with a settlement agreement.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In less complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

• Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.

• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

The Law on mediation procedure determines the requirements for conducting the mediation as follows.

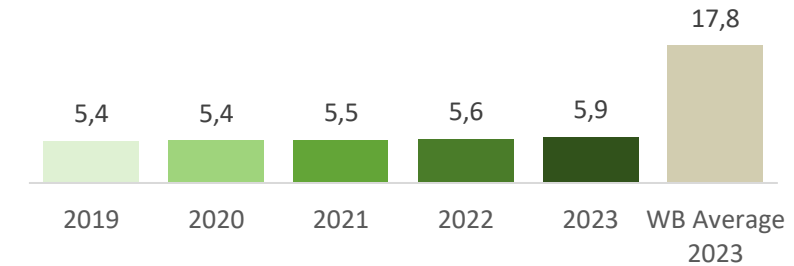
The mediator may be a person meeting general requirements for employment.

In addition, the mediator must meet the following requirements:

- a university degree,
- completed training in mediation according to the program of the Association of mediators or according to another training programs recognized by the association,
- entry into the registry of mediators held by the association.

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2023
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
202	5,9	17,8	6,9%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2023



For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

In 2023, the total number of mediators in Bosnia and Herzegovina was 202, which is 6,9% more than in 2019. The number of mediators per 100 000 inhabitants was 5,9, which is less than the WB Average of 17,8.

The Law on mediation procedure governs the mediation procedure on the territory of Bosnia and Herzegovina. The mediation tasks are by a separate law transferred to the association of mediators by the procedure set forth in that law. Parties to an individual procedure jointly select a mediator from the list of mediators established by the association of mediators.

The Law on mediation procedure determines the requirements for conducting the mediation as follows.

The mediator may be a person meeting general requirements for employment.

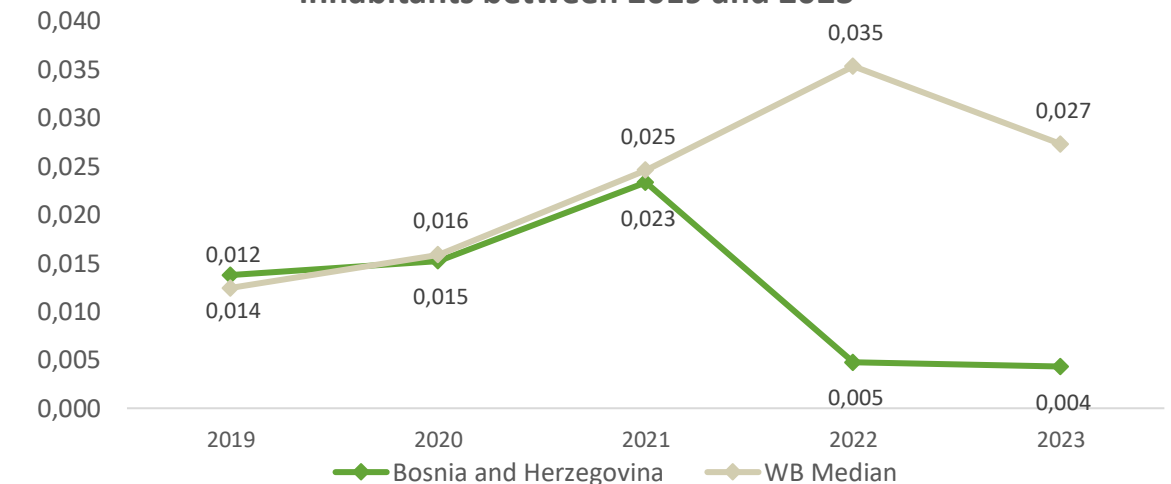
In addition, the mediator must meet the following requirements:

- a university degree,
- completed training in mediation according to the program of the association or according to another training programs recognized by the association,
- entry into the registry of mediators held by the association.

The mediator will submit proof of payment of the registration fee to the Association of Mediators. The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	148	136	120				
1. Civil and commercial cases	136	124	108	✓	✓	✗	✗
2. Family cases	0	0	0	✓	✓	✗	✗
3. Administrative cases	5	5	5	✗	✗	✗	✗
4. Labour cases incl. employment dismissals	7	7	7	✓	✓	✗	✗
5. Criminal cases	0	0	0	✓	✓	✗	✗
6. Consumer cases	0	0	0	✓	✓	✗	✗
7. Other cases	0	0	0				

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2023



Court related mediations are provided by private mediators and public authorities (other than the court). In 2023, mediation was most used for Civil and commercial cases and Labour cases (including employment dismissals) (parties agreed to start mediation in 136 and 7 cases, respectively).

In Bosnia and Herzegovina, it is possible to receive legal aid for court-related mediation or receive these services free of charge.

The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2023 compared to 2022.

This difference is not large in terms of percentage, thus it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.

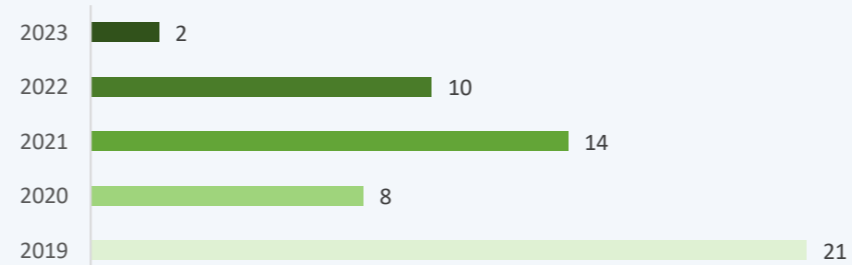
Kosovo is not included in the calculation of summary statistics

European Convention on Human Rights in Bosnia and Herzegovina in 2023 (Indicator 10)

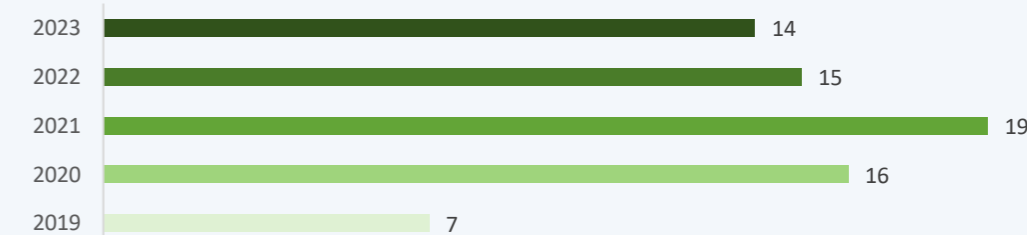
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Judgements finding at least one violation**



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***



ECHR

Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHR's decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR.

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional safe-guard for the rights and freedoms protected by the Constitution of BiH and European Convention (including rights provided in article 6), derives from appellate jurisdiction of the Constitutional Court of BiH. Based on Article VI of the Constitution, Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. Under terms provided by its Rules, the Constitutional Court may decide on the appeal even when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. Appellants, who believe that the judgment or other decision of any court is in violation of their rights, shall have the right to file an appeal after all legal remedies have been exhausted while the Court shall also consider the effectiveness of possible legal remedies. If the Constitutional Court finds an appeal well-founded, it may decide on the merits or it may quash the challenged decision and refer the case back to the court that adopted the judgment for renewed proceedings. The court whose decision has been quashed is obligated to take another decision in expedient proceedings and, in doing so, it shall be bound by the legal opinion of the Constitutional Court concerning the violation of the appellant's rights and the fundamental freedoms guaranteed under the Constitution. If the Constitutional Court finds that violation of human rights is caused by systematic flaws in functioning or organization of the public authorities or by inadequate regulations, it may, in a decision granting an appeal, instruct competent institutions to implement measures aiming to eliminate causes that led to such violation.

As for the violations of human rights from Article 6 of the European Convention due to the domestic judgements not being enforced, it is important to emphasise that besides the above monitoring system, after the European Court for Human Rights rendered a decision in the case of Kunic and Others vs. BiH, application no. 68955/12 and 15 others (judgement of 14 November 2017) in which it was determined that failure to enforce domestic judgements is a systemic problem, a number of activities were taken to remove those violations and prevent future ones on the same grounds. The Government of the Federation of BiH and governments of the Zenica Doboje, Central Bosnia, Herzegovina-Neretva, Una-Sana cantons and Canton Sarajevo adopted the action plans defining the number of non-enforced domestic judgements that were rendered against them, determined the overall debt from those judgements and adopted the payment plan to the creditors. Within the Action Plan on the enforcement of the judgements from the group of cases Kunic and Others, an office of representatives has been informing the Department for the Execution of Judgments of the European Court about their enforcement on a regular basis. In order to prevent the European Court in rendering judgements based on Article 6 of the European Convention for excessive time of the court proceedings, domestic laws on reasonable trial time have been passed. The Law on Protection of the Right to Trial Within Reasonable Time before the Court of BiH was adopted in June 2022. It was published in the Official Gazette of BiH no: 40/22 of 21 June 2022 and became effective on the eighth day of the publication in the Official Gazette of BiH. The Law on Protection of the Right to Trial Within Reasonable Time of Republika Srpska was adopted in 2020. It was published in the Official Gazette of the Republika Srpska, no. 99/20 of 13 October 2020 and became effective on 1 January 2023. The Law on Trial Within Reasonable Time of the Brcko District was adopted in 2021. It was published in the Official Gazette of the Brcko District, no. 2/21 of 26 February 2021. In 2021, the House of Representatives of the Federation of BiH adopted the draft Law on Trial Within Reasonable Time of the Federation of BiH. It is expected that the House of Peoples will adopt it. The Council of Europe and the FBiH Ministry of Justice organised a discussion in Sarajevo with the ministers and representatives of cantonal justice ministries about the topic of introducing a legal remedy against excessive length of the court proceedings in the Federation of BiH. The contested provisions, as well as the recommendations for the improvement of the Law on the Protection of the Right to a Trial Within a Reasonable Time in the FBiH were discussed at the meeting and they were highlighted in the Analysis of the Legal Framework that regulates the protection of trial within reasonable time. The document is available at the web site: <https://rm.coe.int/analiza-pravnog-okvira-kojim-se-regulise-zastita-prava-na-su-enje-u-ra/1680a3f58d> This activity is organised within the Initiative for Legal Certainty and Efficient Judiciary in Bosnia and Herzegovina– Phase III project.

Possibility to review/reopen a case after a decision on violation of human rights by the ECHR

For civil cases	For criminal cases	For administrative cases
✓	✓	✓

If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the

In 2023, the applications allocated to a judicial formation** for Bosnia and Herzegovina were 248 (-159 less than the previous year). The judgements by the ECHR finding at least one violation for Bosnia and Herzegovina were 2; whereas they were 10 in 2022.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 14 in 2023; whereas they were 15 in 2022.

		2019	2020	2021	2022	2023
Applications allocated to a judicial formation of the Court**		1 784	870	784	407	248
Judgements finding at least one violation**		21	8	14	10	2
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	3	1	2	1	0
	Length of proceedings	2	1	4	2	0
	Non-enforcement	13	4	9	3	1

	2019	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	7	16	19	15	14

*** Source: Department for the Execution of Judgments of the ECHR

** Source: ECHR

(1) Figures in this line may include conditional violations.

Kosovo is not included in the calculation of summary statistics

Reforms in Bosnia and Herzegovina in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
(Comprehensive) reform plans	✓	✓	✗	Under the coordination of the Ministry of Justice of Bosnia and Herzegovina, the development of the Strategy for reform of the justice sector in Bosnia and Herzegovina is underway. The Strategy is envisaged as a comprehensive document with objectives aimed at improving the judicial sector in Bosnia and Herzegovina. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted its new Reform Program covering period 2024-2026.
Budget	✓	✓	✗	The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is implementing activities aimed to improving the court funding system. Pursuant to Article 17 of the Law on High Judicial and Prosecutorial Council of BiH, the HJPC BiH participates in the drafting of annual budgets for the courts and prosecutor's offices, whereby it assesses the adequacy of the budget, collects and analyses reports and relevant budget and revenue data for courts and prosecutor's offices, advises courts and prosecutor's offices on appropriate and effective budget, administration and management techniques and procedures in this regard, and advocates for adequate and continuous funding of courts and prosecutor's offices in Bosnia and Herzegovina. In order to improve the capital investments planning in the courts, the HJPC BiH has created an Instruction for the creation of Court building maintenance program. The Instruction clarifies to the courts the type, scope and dynamics of ongoing and investment building maintenance activities, as well as the way of creating a building maintenance program, all with the aim of proper and timely planning of capital investments as well as preventing the occurrence of major damage in buildings.
Courts and public prosecution services	✓	✓	✓	Debate on the reform of state level judiciary and drafting of the new Law on Courts of Bosnia and Herzegovina is still ongoing; the legislative debate focuses on the establishment of the Appellate/Higher Court of Bosnia and Herzegovina and redefining, in clear terms, criminal jurisdiction of state level judicial institutions. There are no other plans to reform regulation on the competencies and organization of court system and prosecutor's offices. In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina implemented the reorganization of business processes in the target courts and start the process of dissemination to all courts. The primary aim of the reorganization of business processes is to improve the internal organization of courts through the delegation of administrative tasks from judges to non-judicial staff, in order to achieve the full effect of the work of non-judicial staff, which ultimately results in more efficient, effective and better resolution of cases. With the aim of achieving efficient changes in the organization of work in the courts, a work methodology has been established. Thanks to the implementation of an innovative way of working, significant improvements have been achieved in other regulations and bylaws, with the aim of creating conditions for the sustainability and improvement of the innovative work model. In this sense, job descriptions were defined and a proposal was adopted for the systematization of a new staff category "drafting lawyer for providing assistance to judges". A new category of staff, from the perspective of expertise, will provide judges with the necessary professional assistance. From an efficiency standpoint, they will work together with a court assistant and an trainees, forming a triage system. The aim of this system is to prepare cases for trial. The judicial triage system enables optimal resource utilization, prioritizing actions based on urgency and relevance.
Access to justice and legal aid	✗	✗	✗	-
High Judicial Council and High Prosecutorial Council	✓	✓	✓	The preparation of the new comprehensive Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is underway, with the aim of improving the organization and functioning of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the appointment of judges and prosecutors and disciplinary proceedings, the system of assessment of judges and prosecutors. The Ministry of Justice of Bosnia and Herzegovina coordinates the process of drafting the law. In parallel, in 2023, the amendments to the existing Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina were adopted in order to ensure that urgent improvements of the Law are passed to reform judicial integrity matters, such as asset declaration for judges and prosecutors and disciplinary proceedings.

Reforms in Bosnia and Herzegovina in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Legal professionals	✔	✔	✔	<p>The preparation of the new comprehensive Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is underway, with the aim of improving the appointment of judges and prosecutors and disciplinary proceedings, the appraisal procedure for judges and prosecutors. In parallel, in 2023, the amendments to the existing Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina were adopted in order to ensure urgent improvements of the Law in terms of judicial integrity matters, such as asset declaration for judges and prosecutors and disciplinary matters.</p> <p>In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina plans to adopt new criteria for evaluating the work of judicial office holders that will increase the importance of the quality of decisions and other qualitative indicators in the assessment procedure.</p> <p>Finally, legislation has been amended and relevant registries were adjusted to make the work of notaries on inheritance cases more efficient.</p>
Gender equality	✘	✘	✔	<p>In 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.</p> <p>The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the representatives of pilot judicial institutions.</p> <p>In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.</p> <p>As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor their realization.</p> <p>The Strategy is available here: https://pravosudje.ba/vstvfo/E/141/article/95500</p>
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✔	✘	✘	<p>Debates are underway between the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Ministries of Justice at all levels of the government on the reform of the procedure for the enforcement of court decisions in civil cases, the appeal procedure in civil proceedings and the strategy for alternative dispute resolution.</p>
Mediation and other ADR	✔	✘	✘	<p>Debates are underway between the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Ministries of Justice at all levels of the government on the reform of the procedure for the enforcement of court decisions in civil cases, the appeal procedure in civil proceedings and the strategy for alternative dispute resolution.</p>
Fight against corruption and accountability mechanisms	✘	✔	✔	<p>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.</p>
Domestic violence	✔	✘	✘	<p>New legislation on protection from domestic violence is being prepared in order to improve the prevention of domestic violence and protection against domestic violence, including court proceedings.</p>
New information and communication technologies	✔	✘	✔	<p>The new version of the Case Management System (i.e. CMS version 3) was developed in 2022 and tested and finalized in 2023. Pilot implementation of the CMS version 3 was conducted in seven pilot judiciary institutions. The deployment of the CMS version 3 is planned to take place in 2024. The CMS version 3 is a web application developed using the up-to-date technologies, respecting the standards and best practices of software development. It will contain all the functionalities that exists in current version that is in use, as well as some new functionalities. Security and functioning of the CMS will be significantly improved. In addition, the new version of the SOKOP-mal version 2 (i.e. The system that serves for electronically filing and processing utility claims at the first instance courts.) was implemented in all first instance courts in 2023. The SOKOP-mal version 2 improved communication between users and servers, as well as security of the application and data. Page layout was changed and improved, and integration of additional application into SOKOP-mal v2 was enabled.</p>

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII:

Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II

“Dashboard Western Balkans II”

Data collection: 2023

Part 2 (B) - Beneficiary Profile – Bosnia and Herzegovina

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Dashboard Western Balkans, and relevant GRECO reports.

Selection and recruitment of judges and prosecutors

Procedure of recruitment of judges and prosecutors

Recruitment, career and dismissal of judges and prosecutors are regulated by the same provisions of the Law on the High Judicial and Prosecutorial Council (Law on the HJPC), the Rules of Procedure of the HJPC and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina.

All judges in BiH (incl. reserve judges and lay judges) are appointed (and dismissed) by the High Judicial and Prosecutorial Council (HJPC), with the exception of judges in the Constitutional Courts of FBiH and RS. The HJPC has a right to appoint some and reject some among the selected (proposed) candidates as well as to appoint candidates that were not selected (proposed) by the competent authority (HJPC's nomination sub-council). In case that the HJPC does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the HJPC may, based on an elaborated proposal by any HJPC's member, appoint one of the candidates who achieved the appropriate results required for appointment.

Judges and prosecutors are recruited in a process which includes both a competitive exam as well as a requirement to demonstrate certain legal experience. Basic requirement for appointment at a first instance court as well as at a district/cantonal prosecutor's office include passing the bar examination and having a minimum of three years' legal experience. Additional conditions of working experience are required for appointment to higher positions within the judiciary/prosecution service.

Appointment to any position of judge/court president as well as any position of prosecutor/chief prosecutor in BiH requires the publication of a vacancy announcement in three daily newspapers and on the website of the HJPC. A public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates (see below). Entry criteria are announced as part of the public call and include: a) basic law studies; b) judicial exam/bar exam; c) years of work experience; d) relevance of previous work experience; and e) entry test.

The list of pre-selected candidates is published on the internet, but is available only to the candidates who participate in the competition. The non-pre-selected candidates may appeal to the Court of BiH.

The selection process is carried out by sub-councils of the HJPC or sub-committees appointed by the Entities' sub-councils. The relevant sub-council shall carry out the final ranking of candidates and submit a proposal to the HJPC for appointment. Several measures are taken to increase the level of transparency of the interview conducted, such as audio or video recording is made, a standardised questionnaire is used for all candidates and a standardised system of awarding points is used to evaluate the candidates.

Criteria for the selection of judges/prosecutors include: a) relevance of previous work experience; b) duration of previous work experience; c) interview evaluation; d) performance appraisal; and e) professional competence (which is established for external candidates based on results of entrance exams and written tests). Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of a judge/prosecutor at any level. Results of

the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges/prosecutors are established based on the performance evaluation. All candidates undergo an interview.

Furthermore, Article 46 of the Rules of Procedure of the HJPC stipulates that the criteria to be taken into account include professional expertise, legal analysis skills, ability to perform the functions responsibly and impartially based on the candidate's previous work experience, professional impartiality and reputation, conduct outside of work, academic publications, training, and communication skills, as well as managerial experience and qualification for positions of court president. If a court for which an appointment is being carried out has a need for a judge of a particular specialisation, the work-related experience of a candidate in a certain field of law are also taken into account by a relevant sub-council, apart from the points scored and ranking of the candidate. Furthermore, ethnicity and gender of a candidate are also taken into consideration by a sub-council, apart from points scored and ranking the candidate, when candidates are being nominated for appointment since in accordance with Article 43, paragraph 2 of the Law on HJPC appropriate ethnic and gender representation in court or prosecutor's offices need to be ensured. The competition is repeated once if none of the candidates who achieved the minimum results required for appointment is of an appropriate ethnicity or with the specific work-related experience. The competition may also be repeated if none of the proposed candidates receive a majority vote required for appointment or in the event that none of the candidates achieved the required results within the competition procedure.

During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. Also, the candidate is required to submit together with his/her application an official court document confirming that there are no pending criminal proceedings against him/her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the HJPC, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

The integrity of both candidate judges and candidate prosecutors is checked in the competition procedure by checking whether any disciplinary proceedings are conducted against the candidate and if a final disciplinary measure has been imposed. The findings of the check will affect the decision on inviting the candidate for the interview. At the interview conducted with candidates an integrity assessment test will be carried out by asking the candidates appropriate questions in order to assess the candidates' ability to responsibly, independently and impartially hold office they applied for, his/her professional impartiality and reputation as well as conduct outside the professional life.

Non-selected candidates have the possibility to initiate an administrative dispute against the HJPC's decision of appointment at the Court of Bosnia and Herzegovina based on the Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Official Gazette of BiH, No. 63/23) which entered into force in December 2023. In such case, the appointment of the newly appointed judge or prosecutor shall be postponed until the court proceeding is completed. However, GRECO found in its [Evaluation Report on BiH](#) (see para. 90 and 93) that the HJPC may annul an appointment if, before the appointed judge/prosecutor takes up his/her duties, it receives information which would have prevented the appointment from taking place. In such a case, the date of commencement of duty of the appointed judge/prosecutor may be postponed in order to conduct an investigation.

Mandate of judges and prosecutors

Judges and prosecutors in BiH (except the reserve judges who are appointed on a temporary basis - up to 2 years, renewable; and lay judges who are appointed for a mandate of eight years, renewable) have life tenure until the retirement age of 70. Court presidents are appointed for a fixed term, renewable, at the end of which they continue to work in the same court as judges. Chief prosecutors are appointed for a fixed term, renewable, at the end of which they continue to work in the same office as prosecutors.

No probation period is envisaged in the law for judges/prosecutors before being appointed “for life”.

A dismissal from office is envisaged as a disciplinary sanction (in case where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his/her office).

In its [Evaluation Report on BiH](#) (see paragraphs 94 and 95) GRECO looked into appointment and promotion system for judges and prosecutors and had been presented with several deficiencies, namely superficiality, lack of transparency and vulnerability to personal and political links. As a consequence, inexperienced judges and prosecutors were being called on to work on complex cases. This had to some extent to do with the fact there was no judicial academy in BiH that could adequately prepare the future candidates to judicial positions. On the other hand, interviews that the candidates had to undergo before the competent sub-committee of the HJPC as part of the appointment procedure left significant possibilities for subjectivity. Furthermore, not much emphasis appeared to be placed on questions of ethics and integrity in the candidates’ examination. Moreover, the ethnicity criterion that had to be taken into account in appointments to judicial positions further complicated the process and was widely recognised as taking precedence over professional competence in some appointment decisions. Finally, decisions on appointment of judges/prosecutors by the HJPC were not subject to appeal.

However, GRECO recognised efforts had been made with regard to HJPC’s recent practice to increase the objectivity and transparency of the process, candidates for beginning-of-career posts had to undergo a written exam containing 100 questions extracted from a data-base. They also had to draft a judgment or an indictment. For candidates to more senior positions, the interview had been standardised with questions from the data-base, to test candidates’ legal analytical skills, integrity, responsibility and managerial skills. It only accounted for 20% of the candidates’ final ranking, the remaining 80% being based on performance appraisals. Following the tests, candidates’ ranking was calculated by a dedicated software. GRECO nevertheless pointed out that unfortunately, the ethnicity criterion still allowed the final appointment to override the results of the tests and that some candidates indicated a false ethnicity in order to receive preference. In relation to this matter the BiH authorities presented to GRECO draft amendments to the Law on the HJPC which foresaw the inclusion of a compulsory written exam in the appointment procedure which, in GRECO’s view, needed to be adopted as a matter of priority. As to the ethnicity criterion, although GRECO understood the historical reasons that presided over its inclusion, it questioned its continued relevance from the perspective of selecting the most competent judges or prosecutors. As regards the lack of possibility to appeal against the HJPC’s decisions on appointment GRECO recommended to the BiH authorities that determined legislative and operational measures be taken to strengthen the HJPC’s role in protecting the holders of judicial and prosecutorial offices from undue influences – both real and perceived – including by ensuring that decisions of the HJPC on the appointment, promotion and disciplinary liability of judges and prosecutors are subject to appeal before a court (see part (iii) of the recommendation viii, para. 91 of the [GRECO Evaluation Report on BiH](#)). At the time of adoption of the GRECO [Compliance Report on BiH](#) in 2018 GRECO established no progress had been made, recalled that the process of amending the Law on the HJPC had been on-going since 2013, before the adoption of the Evaluation Report (see para. 43) and thus encouraged the BiH authorities to step up their efforts to make the changes

necessary. Moreover, GRECO pointed out that the recommendation also called for operational changes (i.e. to avoid that the same HJPC members were involved in different aspects of a judge's or prosecutor's career) which could well be implemented without changes to the law. In the [GRECO Second Compliance Report](#) on BiH from 2020 (see para. 40 – 45), no tangible progress was noted regarding implementation of the recommendation. In [the GRECO Interim Compliance Report](#) (see para. 39-43) GRECO noted draft amendments to the LHJPC being sent to the Parliament. However, as no information on the content of these amendments was provided, GRECO concluded the recommendation remains not implemented. In [the GRECO Second Interim Compliance Report on BiH](#) (see para. 39-43), GRECO noted that in the course of 2022, the Ministry of Justice of Bosnia and Herzegovina prepared a new Draft Law on Amendments to the Law on the HJPC, the provisions of which were harmonised with the Opinion of the Venice Commission, as well as with preliminary comments of the European Commission, to which the draft law was also submitted for consideration. The draft Law was to resolve issues such as conflict of interests of members of the HJPC, asset declarations for judges and prosecutors, including members of the HJPC, and their verification, the functioning of the Department for Integrity within the HJPC Secretariat, legal remedies against decisions on appointment, and contained certain amendments relating to disciplinary offenses and disciplinary proceedings conducted against judges, prosecutors and members of the HJPC. The draft Law has been forwarded to the Council of Ministers for approval, to be followed by its submission to the Parliamentary Assembly for adoption. In addition, on 29 August 2022, the Ministry of Justice submitted to the HJPC for consultation the new draft Law, which was considered and elaborated upon at the HJPC's session held on 28 September 2022. In its opinion, the HJPC stated its support for the draft Law and made some specific proposals aimed at ensuring coherence and clarity of the draft text. GRECO took note of the information provided by the authorities, namely that while there appears to be ongoing legislative work of relevance to this recommendation, with a new draft Law on Amendments to the Law on the HJPC prepared by the Ministry of Justice in 2022, there has been no concrete outcome as yet to address the specific aspects of the recommendation, i.e. setting up separate judicial and prosecutorial sub-councils; avoiding over-concentration of powers concerning the different functions to be performed by members of the HJPC and allowing decisions of the HJPC on appointment, promotion and disciplinary liability to be appealed before a court. GRECO urged the authorities to take these aspects into consideration in relation to the drafting of a law on the HJPC and concluded the recommendation remains not implemented.

Promotion for judges and prosecutors

The High Judicial and Prosecutorial Council (HJPC) is competent for the promotion of judges and prosecutors.

The promotion procedure should include: a) publication of competition procedure (announced in a daily newspaper and on the HJPC's website); b) conducting interviews with candidates; c) ranking candidates in accordance with the criteria and making appointment proposals (sub-council); and d) deciding on appointment (HJPC). 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 a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. Accordingly, the promotion procedure is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates.

The criteria for ranking the candidates are: 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; and f) communication skills. Additional criteria are used for candidate ranking for managerial positions.

Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Other criteria are checked in an interview.

For candidates who already perform the function of a judge/prosecutor promotion to higher positions within the judicial system is based on the results of the candidates' performance appraisals for the last three years, as well as on an interview. Pursuant to the performance criteria of the HJPC the expertise and the ability to perform legal analysis are determined in the performance appraisal which is carried out every year by the head of institution (i.e. court president or chief prosecutor). Other criteria are checked in an interview.

Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored.

The sub-council then makes an appointment proposal to the HJPC which decides on appointment with a reasoned decision. Decisions on appointment/promotion of judges/prosecutors are subject to appeal – as of December 2023, an administrative dispute may be initiated at the Court of Bosnia and Herzegovina against the HJPC's decisions on appointment. However, GRECO found in its [Evaluation Report on BiH](#) (see para. 90 and 93) that the HJPC may annul an appointment if, before the appointed judge/prosecutor takes up his/her duties, it receives information which would have prevented the appointment from taking place. In such a case, the date of commencement of duty of the appointed judge/prosecutor may be postponed in order to conduct an investigation.


As already mentioned, GRECO found several deficiencies with regard to appointment and promotion system for judges and prosecutors (see section “Selection and recruitment of judges and prosecutors”).

In its [Evaluation Report on BiH](#) (see para. 94, 95 and 99) GRECO found that the results of these yearly performance appraisals were the determining factor (representing 80% of the overall assessment of the candidate) in promotion procedures. GRECO heard major criticism of the ineffectual appraisal system that did little to distinguish candidates. The lack of knowledge about actual performance from some appraisers, too great attention paid to numerical data about cases processed rather than qualitative information about the complexity of work, and reluctance to performance manage instead of moving problems on were highlighted. Further criticism was raised regarding the initial recruitment and promotion process particularly that not much emphasis appeared to be placed on questions of ethics and integrity in the candidates’ examination. Moreover, the ethnicity criterion that had to be taken into account in appointments to judicial positions further complicated the process and was widely recognised as taking precedence over professional competence in some appointment decisions. Consequently, GRECO recommended that further steps should be taken to improve the performance appraisals (with a priority given to qualitative over quantitative criteria) to both enforce the high ethical and performance standards expected from judges and prosecutors and assist in identifying meritorious candidates for promotion (recommendation ix). In the [GRECO Compliance Report on BiH](#) (see para. 45 – 54), the BiH authorities reported that the HJPC had adopted new criteria for the evaluation of the work of prosecutors on 7 July 2016 and of chief prosecutors, deputy chief prosecutors and heads of departments/sections in prosecutor’s offices, which had been harmonised with the former text, on 29 November 2016. Among the changes introduced by the new criteria, the quality of indictments should be measured according to the complexity of the case, with cases of economic crime, organised crime and war crimes being monitored separately from other cases. Decisions not to prosecute or to discontinue prosecution had been added to the monitored criteria. A third change was that grounds had been added to award negative points to a prosecutor for the quality of his/her decisions if they were subject to significant corrections. The HJPC also adopted on 7 July 2016 a Book of Rules on benchmarks for the work of prosecutors in BiH, which set out annual norms on cases achieved or cases closed, which were broken down according to the types of crimes. It also set out criteria for taking into account the complexity of cases, ways of closing cases and levels of penalty. The purpose of the Book of Rules should ensure a uniform application of the evaluation rules throughout the territory of BiH. It would also help in determining the necessary allocation of human resources – both prosecutors and support staff – in an attempt to ensure more efficiency in the prosecution service. Chief prosecutors were responsible for proper implementation of the Book of Rules (via organising a record keeping system based on the automatic management system of prosecutorial cases and periodic reporting) which should be monitored by the chief prosecutors of BiH and its entities, as well as by the HJPC. The HJPC also adopted on 14 December 2016 a Book of Rules on the process of appraisal of chief prosecutors, deputy chief prosecutors, heads of departments/sections and prosecutors which stipulated the appraisal procedures, their monitoring, the appeal procedure against an appraisal, the content of appraisal and appraisal monitoring forms. The BiH authorities also reported that the adoption of a new Book of Rules on benchmarks for the work of judges and further improvement of the criteria for performance appraisal of judges was foreseen in the HJPC’s 2017 work plan. The work plan also foresaw the implementation of expert recommendations on the system of appraisal and appointment into by-laws and practice of the HJPC. These activities were under way at the time of adoption of the Compliance Report on BiH. The authorities also reported that the draft law on the HJPC that was under preparation by the Ministry of Justice envisaged an improvement of the provisions related to the performance appraisal of holders of judicial and prosecutorial functions. However, a possibility would be left for certain issues to be elaborated in greater detail through by-laws of the HJPC – for example are regards promotion criteria. GRECO welcomed in the Compliance Report on BiH the different documents adopted by the HJPC with a view to improving prosecutors' performance appraisals, which represented an attempt at increasing the objectivity and uniformity of

the appraisal system. However, GRECO pointed out that much would depend on how the system would be implemented in practice. Moreover, in the same report GRECO noted that the chief prosecutors of the Prosecutor's Office of Bosnia and Herzegovina, the Federal Prosecutor's Office of the Federation of Bosnia and Herzegovina, the Republic Prosecutor's Office of Republika Srpska and the Prosecutor's Office of the Brčko District of Bosnia and Herzegovina were still exempt from the evaluation system. It therefore invited the HJPC to adopt evaluation criteria also for these professionals. GRECO also pointed out that the performance appraisal system for judges still needed to be upgraded. Thus, GRECO concluded that this recommendation had been partly implemented. In the [Second Compliance Report on BiH](#) from 2020 (see para. 46 – 54) GRECO noted that on 27th November 2018, the HJPC adopted new criteria for evaluating the performance of judges and prosecutors, including in respect of chief State Prosecutor and Chief Prosecutors of the Entities. Evaluation of judges and prosecutors for 2019 was planned to be initiated in the first quarter of 2020, in accordance with the newly adopted criteria. The criteria are based on recommendations from the evaluation of the performance of judges and prosecutors, prepared in 2017 by the EC experts, and aimed at achieving an appropriate balance between quantitative and qualitative performance evaluation criteria. According to the authorities, the judges will be evaluated in terms of analytical quality of their work and decisions taken against such elements as: the quality of reasoning in court decisions, the quality of court proceedings, the manner of communication with the parties, other bodies, relationship with associates, etc. This evaluation will be based on the opinion of the presiding judge of the respective court, the opinion of the division of a higher instance court, based on a review of court rulings on a legal remedy in cases under the responsibility of the evaluated judge, a detailed examination report of a number of randomly selected cases, information on adjourned hearings, length of proceedings, etc. The new evaluation criteria also contain elements for evaluating the managerial performance of presidents of judicial departments. As to the evaluation of prosecutors, the quality of their decisions will be assessed against such elements as: ability to determine key facts relevant to prosecutorial decisions, resolve complex cases, speedy decision-making capacity and compliance with deadlines, ability to investigate proactively, expert quality of prosecutorial decision, legal knowledge and the use of legal remedies. In the course of evaluations, it is intended to consult such information sources as reports on detailed review of a number of randomly selected cases, resolved by the prosecutor during the evaluation period, opinion of the deputy chief of the prosecutor's department, and a written opinion from a higher instance prosecutor's office, based on a review of a randomly selected case under responsibility of the evaluated prosecutor. In addition to the new elements of performance evaluation, traditional criteria for evaluating the performance of judges and prosecutors will continue to apply. The authorities also reported that the proposal on amending the Law on the HJPC, submitted in June 2018 to the Ministry of Justice, provides, *inter alia*, for the evaluation of the work of all judges, prosecutors, court presidents and chief prosecutors in Bosnia and Herzegovina once every three years, by the Evaluation Commission, set up by the HJPC. According to this proposal, the Judges' Evaluation Commission shall consist of all judge-members of the HJPC and one judge from each – the Supreme Court of the Federation of Bosnia and Herzegovina, the Supreme Court of the Republika Srpska, the Court of Bosnia and Herzegovina and the Appellate Court of the Brčko District. The Prosecutors' Evaluation Commission is proposed to consist of all HJPC prosecutor-members and one prosecutor from each – the Prosecutor's Office of the Federation of Bosnia and Herzegovina, the Prosecutor's Office of the Republika Srpska, the Prosecutor's Office of Bosnia and Herzegovina and the Prosecutor's Office of the Brčko District. GRECO took note of the adoption of separate criteria for evaluation of judges and prosecutors. But it stressed the critical importance of having any evaluation of judges' performance strictly done within the judiciary itself, and without any influence from the other two branches of powers. Since the implementation of this recommendation depended on establishing of the relevant Evaluation Commissions for judges and prosecutors, as envisaged in the draft amendments to the Law on HJPC, GRECO concluded that this recommendation remained partly implemented. In the GRECO Interim Compliance Report (see para. 44-49), GRECO noted adoption of the new performance evaluation guidelines (adopted on 29th December 2020) which are to be less focused on qualitative assessment than the previous ones which focused more on qualitative assessment however were repealed. This GRECO concluded the recommendation as not implemented. In [the GRECO Second Interim Compliance Report on BiH](#)

(see para. 44-48), the authorities reported that all courts and prosecutor's offices in Bosnia and Herzegovina, including the Court of Bosnia and Herzegovina, have evaluated the performance of judicial office holders for 2021 in accordance with the criteria adopted by the HJPC on 29 December 2020. Following the results of the analysis of the 2021 evaluation procedure, the HJPC adopted, in a session on 21 and 22 December 2022, new performance evaluation criteria for judicial office holders in the courts and prosecutor's offices, which are applied in monitoring and evaluating the performance of all judicial office holders in Bosnia and Herzegovina (judges, court presidents, prosecutors, chief prosecutors, deputies of chief prosecutors and department heads in prosecutor's offices), starting from 2023. The authorities underlined that the objective of the new criteria is to enable the evaluators (chief prosecutors/presidents of courts) to apply an improved scoring scales in the evaluation of performance according to certain quantitative criteria (for example, scoring statistical quality of prosecutorial decisions, implementation of backlog reduction plans in courts and prosecutor's offices), and to remove from the criteria the additional elements for the evaluation of work (so-called special evaluation cases), in order to eliminate the possibility of evaluators arbitrarily scoring in the evaluation procedure on this basis. In addition, the following elements of analytical performance evaluation are included: timeliness of judges in their work, organisation and management of the court work, prosecutor's attitude towards work and organisation and management of the prosecutor's office and departments. Finally, on 18 January 2023, the HJPC adopted instructions for the application of these criteria for performance evaluation, thus enabling evaluators to consistently apply the above analytical elements. GRECO took note of the information provided by the authorities and welcomed the progress made towards improving the performance evaluation system of judges and prosecutors, with the adoption of new criteria of evaluation which are to be applied as of 2023, but was of the view that - for the recommendation to be fully implemented - more information was needed on the implementation of these new criteria in practice and its results. GRECO therefore concluded the recommendation has been partly implemented.

In its [Evaluation Report on BiH](#) (see para. 98) GRECO addressed an issue that not all judges were subject to yearly performance appraisals - this was the case for the president and judges of the Court of BiH and for the president of the FBiH Supreme Court, for lack of an explicit legal basis. GRECO noted that the HJPC had proposed on several occasions to the BiH Ministry of Justice to amend the Law on the HJPC to unify the regulation of performance appraisals for all judicial office holders. The HJPC's Strategic plan for 2014-2018 also foresaw remedying this gap by introducing appraisals along with the adoption of criteria for the above-mentioned judges. The GET supported this planned reform, as it would contribute to even handedness and indicate a desire for accountability. In the [GRECO Second Compliance Report on BiH](#) from 2020 (see para. 48), GRECO noted that the HJPC adopted new criteria for evaluating performance of judges (and prosecutors). However, no information was provided as to whether these criteria would apply also to the above-mentioned judges. The situation as regards the lack of information on application of the evaluation criteria to all judges stayed the same also in the GRECO Interim [Compliance](#) Report (see para. 44-49). In [the GRECO Second Interim Compliance Report on BiH](#) (see para. 44-48), the authorities reported that all courts and prosecutor's offices in Bosnia and Herzegovina, including the Court of Bosnia and Herzegovina, had evaluated the performance of judicial office holders for 2021 in accordance with the criteria adopted by the HJPC on 29th December 2020. Following the results of the analysis of the 2021 evaluation procedure, the HJPC adopted, in a session on 21 and 22 December 2022, new performance evaluation criteria for judicial office holders in the courts and prosecutor's offices, which are applied in monitoring and evaluating the performance of all judicial office holders in Bosnia and Herzegovina (judges, court presidents, prosecutors, chief prosecutors, deputies of chief prosecutors and department heads in prosecutor's offices), starting from 2023. GRECO took note of the information provided by the authorities and welcomed the progress made towards improving the performance evaluation system of judges and prosecutors, with the adoption of new criteria of evaluation which are to be applied as of 2023, but was of the



view that - for the recommendation to be fully implemented - more information is needed on the implementation of these new criteria in practice and its results and concluded the recommendation has been partly implemented.

Confidence and satisfaction of the public with their justice system

Compensation of users of the judicial system

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

In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time.

For wrongful arrest and wrongful conviction, compensation for damages may be sought and granted on the basis of the criminal procedure codes. A person is entitled to compensation for damages for wrongful arrest in the following cases: (i) a person who was in detention, but criminal proceedings were not instituted or proceedings were dismissed or a final verdict was pronounced acquitting the person of charges or charges were rejected; (ii) a person who was subjected to unlawful detention or retained in detention or a correctional institution due to a mistake; (iii) a person who was in detention longer than the sentence to which he was convicted; (iv) a person who served a sentence of imprisonment, and was pronounced a shorter imprisonment sentence in reopened criminal proceedings than the sentence he had served, or was pronounced a criminal sanction other than imprisonment or he was pronounced guilty but freed from sanction; (v) a person who was imprisoned without a legal ground is entitled to compensation of damages if no pretrial detention was ordered against him or the time for which he was imprisoned was not included in the sentence pronounced for a criminal offense or minor offense. For wrongful conviction, a person against whom an effective criminal sanction was pronounced or who was found guilty and freed from sanction, and later, based on extraordinary remedy, reopened proceedings were effectively dismissed or effective verdict was pronounced acquitting the person of charges,

or the charges were rejected, is entitled to compensation for damages on grounds of unjust convicted, except in the following cases: (i) if the dismissal of proceedings or the verdict rejecting the charges resulted from the prosecutor dismissing the prosecution in the reopened proceedings, and the dismissal took place based on an agreement with the suspect or the accused; (ii) if in the reopened proceedings a verdict was pronounced rejecting the charges due to lack of jurisdiction of the court, and the authorized prosecutor instituted prosecution before a competent court. Compensation is awarded in civil proceedings, initiated against public authorities by the person entitled to compensation. The filing of a lawsuit is preceded by an attempt to reach a settlement through the relevant ministry of justice. Under one of the jurisdictions in BiH there is a rule regulating criteria applicable in settlement procedure, which stipulates the amount per day for unjustified detentions. There is no specific and unified method to calculate the amount of the compensation in court proceedings and court decides in each case based on the circumstances of the case. Apart from the aforementioned regular proceedings, a person whose rights and freedoms protected by the Constitution and the ECHR are violated by wrongful arrest and wrongful conviction, can submit an appeal to the Constitutional Court of BiH. In a decision granting an appeal, the Constitutional Court may award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court.

Below are the statistical data on number of requests for compensation as well as compensation granted, for 2019, 2020, 2021, 2022 and 2023. The number of requests for compensation include only requests submitted in a reference year while number of compensations granted includes all cases, regardless of the year of the request for compensation. Significant variations between the data for 2019 and 2020 exist due to, in particular, individual applications alleging a non-execution of court decisions against public sector debtors which were rejected in 2020 by the Constitutional Court of BiH. This was due to the fact that the non-execution of these decisions was a systemic problem, in relation to the Article 6 of the ECHR and the Constitutional Court of BiH already introduced a policy. As regards the increased number of compensations awarded for excessive length of court proceedings in 2020, the Constitutional Court of BiH reported that the high number corresponds to the continued lack of success of relevant authorities to take efficient legislative and other measures to reduce the length of proceedings at the BiH courts. No particular reasons triggered data variations for wrongful arrest, wrongful conviction and others between 2019 and 2020. As noted by the relevant authorities (i.e. ministries of justice, public defenders), numbers of requests and numbers of compensations granted as well as amount of the compensation depended on the circumstances of each individual case. Significant variations between data for 2020 and 2021 are due to increased number of condemnations for excessive length of proceedings and non-execution of court decisions in 2021, as reported by the Constitutional Court of Bosnia and Herzegovina. Namely, the Court concluded during the reporting year that the majority of the relevant legislative and other authorities in Bosnia and Herzegovina failed to meet the timeframe determined previously by that institution for taking legislative measures and other corrective activities to help reduce systematic violations of the right to trial within a reasonable time. Accordingly, the Court has intensified the processing of individual applications of the parties in court proceedings alleging infringement of the right to trial within a reasonable time or the right to have a court decision enforced. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2021 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders, the Constitutional Court of Bosnia and Herzegovina) explained that the numbers of requests and condemnations and the amount of compensation were based on the circumstances of individual cases. In 2022, the authorities report that although in previous years it was evident that cases involving the length of court procedures and the non-enforcement of court decisions had an effect on the total number of incoming cases this was not the case in 2022, due to the fact that a certain number of these cases were processed by courts within the new legislative framework that regulates the protection of the right to a trial within reasonable time. According to the Constitutional Court of BiH, most of their cases concern allegations regarding the violation of the right to a fair trial (Article 6

of the European Convention) and the right to property (Article 1 of Protocol No. 1 to the European Convention) as well as cases in which the Constitutional Court of BiH is petitioned to proceed as a court of the fourth instance.

When it comes to the number of motions to expedite case resolution, a total of 154 motions were filed to the courts in 2022. In 2022, the courts granted 39 and denied/dismissed 76 motions of the parties. In addition, the courts received 15 claims for damages last year. In 7 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 5 cases.

In 2023, the Constitutional Court resolved fewer requests than in 2022 due to vacant positions which could not have been filled due to reasons falling within the competence of legislative institutions. As for the time-limits under this legislative framework, the court proceedings may file a motion for procedure expedition to the court processing the case for which expedition is requested (time limits for the court to decide: 60 days in first instance proceedings; 30 days in second instance proceedings). Furthermore, parties to legal proceedings have the right to seek damages for violation of the right to a trial within a reasonable time (time limit for the relevant courts to decide is no later than six months from the date of receipt of the action). When it comes to the number of motions to expedite case resolution, a total of 128 motions were filed to the courts in 2023. In 2023, the courts granted 25 and denied/dismissed 49 motions of the parties. In addition, the courts received 19 claims for damages last year. In 9 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 14 cases.

	2019			2020			2021		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	5181	1030	708.458	4891	434	435.696	4670	694	654,624
Excessive length of proceedings	444	99	58.338	406	239	103.562	641	543	205,107
Non-execution of court decisions	515	757	-	331	3	4.601	192	86	5,647
Wrongful arrest	223	79	647.564	221	62	327.532	198	51	426,581
Wrongful conviction	404	1	-	370	5	-	349	14	-
Other	3595	94	2.556	3563	125	-	3290	111	17,289

	2022			2023		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	5.236	906	603.800	5.609	146	291.276 €
Excessive length of proceedings	357	683	276.758	458	74	72.952 €
Non-execution of court decisions	117	45	7.641	61	8	2.102 €
Wrongful arrest	205	39	319.400	226	53	216.220 €
Wrongful conviction	368	18	0	360	0	- €
Other	4.189	121	0	4.504	11	- €

Persons may file complaints about the functioning of the judicial system which are dealt with by the HJPC. The HJPC's Office of Disciplinary Counsel (hereinafter: ODC) performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors, while the HJPC's disciplinary panels decide on violations. There is time limit for handling the complaints which is 2 years for completing a disciplinary investigation, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless upon a showing of a cause that an extension is justified. In these proceedings complainants are not entitled to compensation if their complaint is found to be sound.

Other external body to receive and handle complaints is the Institution of Human Rights Ombudsman of Bosnia and Herzegovina which handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Ombudsman also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. In performing its competences, the Ombudsman cannot decide on compensation for determined human rights violations.

In 2019, the Office of Disciplinary Counsel of the HJPC received 843 complaints against judges and prosecutors and the Ombudsman received 504: 101 of which were about excessive length of proceedings, 56 about ineffective enforcement of court decisions, 20 against judges for violation of procedural laws, 6 against the HJPC and 321 related to the violation of other rights related to court procedure. The Ombudsman issued 26 recommendations to the courts in 2019. In 2020, the HJPC's Office of Disciplinary Counsel received 722 complaints against judges and prosecutors, while the Ombudsman received 368 complaints against courts: of which 57 related to alleged excessive length of proceedings, 39 ineffective enforcement of court decisions, 8 against judges for violation of procedural laws, 8 against the HJPC and 256 related to the violation of other rights related to court procedure. The Ombudsman issued 36 recommendations to the courts in 2020. Both the HJPC and the Ombudsman report that the number of complaints dropped in 2020 as compared to 2019 due to Covid-19 situation. In 2021, 925 complaints against judges and prosecutors were received by the Office of Disciplinary Counsel of the HJPC while the Ombudsman received 427 complaints (69 for alleged excessive length of proceedings, 31 for alleged ineffective enforcement of court decisions, 8 against judges for violation of procedural law, 2 against the HJPC and 317 related to the violation of other rights related to court procedure) against courts in the same year. The Ombudsman issued 58 recommendations to the courts in 2021. The increased number of complaints in 2021 has been due to gradual lifting of Covid 19 restrictions in 2021, stated the Office and the Ombudsman in their respective reports. In 2022, the Ombudsman received 347 complaints against courts: 29 for alleged excessive length of proceedings, 22 for alleged ineffective enforcement of court decisions; 12 against judges for violations of procedural law; 2 against HJPC and 282 related to violation of other rights related to court procedure. The Ombudsman issued 67 recommendations to the courts. In 2023, ODC received 791 complaints. This information is not included in the first table above, as the HJPC does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

The Ombudsman received 367 complaints against courts in 2023; the structure of the complaints was as follows: 62 complaints alleging excessive length of proceedings, 50 complaints alleging ineffective enforcement of court decisions, 23 complaints against judges for violation of procedural laws, 9 complaints against the High Judicial and

Prosecutorial Council of Bosnia and Herzegovina and 223 complaints related to the violation of other rights related to court procedure. In 2023 the Ombudsman issued 51 recommendations to the courts. These statistics are not included in the first table above, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants by the work of courts and prosecutors' offices.

Procedure to challenge a judge

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. The authorities have reported that 99% of initiated procedures of challenges have been finalised in 2020. 96% of procedures initiated during 2021 were resolved in the reference year. Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 16% procedures. In 2022, 558 procedures to effectively challenge a judge were initiated (87% of the procedures were resolved) and 51 recusals were pronounced (9% in total). In 2023, 547 procedures were initiated (out of which 97% were resolved) and 57 recusals pronounced (in 10% of the total number of initiated procedures).

Instructions to prosecute or not addressed to public prosecutors

The judicial system in Bosnia and Herzegovina consists of both courts and prosecutor's offices as mutually independent institutions in performance of their powers. Public prosecutors perform their functions on the basis of the Constitution and the law. Provisions of the Criminal Procedure Code governing competences of a prosecutor prevent specific instructions to prosecute or not to be issued to public prosecutors. However, there are exceptions to this law. A chief prosecutor has a right and a duty to give mandatory instructions to a prosecutor regarding his/her work and may, apart from that, take certain actions which are in the competence of a prosecutor, authorize a different prosecutor to process individual cases that are within the competence of the prosecutor and authorize a prosecutor to perform individual activities that are within the competence of another prosecutor. As a result, in December 2021 the HJPC adopted guidelines requiring chief prosecutors in BiH to prescribe internal procedure for issuing specific instructions. These guidelines allow the chief prosecutor to give mandatory individual instructions for taking procedural and substantive prosecutorial decisions in accordance with the law. The instructions must be issued in writing, entered in the case file and may only be given occasionally. In exceptional circumstances, they may be given orally; however, the prosecutor may subsequently request that written instructions are issued. The prosecutor is obliged to act in accordance with the individual instructions given unless following such instructions would constitute a violation of the law. If the prosecutor disagrees with the individual instructions, s/he will submit his/her dissenting opinion to the chief prosecutor. The chief prosecutor, after obtaining the opinion of the collegiate of the prosecutor's office, shall make an elaborate decision in relation to the prosecutor's dissenting opinion. In 2022, 80 such instructions were issued and 27 in 2023.

Promotion of integrity and prevention of corruption

Independence of judges

The BiH Constitution does not contain provisions on judicial independence, nor is it explicitly stated in the Law on Courts of BiH. The principle of the independence of courts is enshrined in the Entities' constitutions and laws on courts, as well as in the statutory and regulatory framework of Brčko District (Articles 121 and 121a, Republika Srpska Constitution, Section I Article 4, FBiH Constitution, Article 66, Statute of Brčko District). The respective laws on courts provide that the courts are autonomous and independent from the legislative and executive authorities and that no one shall affect the independence and impartiality of a judge in deciding the cases assigned to him/her (Article 3, Laws on Courts of FBiH, Republika Srpska and Brčko District).

The independence of the prosecution office is enshrined at constitutional level (in Republika Srpska and Brčko District) or at the level of the law (in the Law on the Prosecutor's Office of BiH and Law on the Federal Prosecutor's Office of FBiH).

Existence of specific measures to prevent corruption

Specific measures to prevent corruption are in place for judges and prosecutors, namely rules on gifts, internal controls, safe complaints mechanisms and specific training. In July 2016, the HJPC adopted the Guidelines for the prevention on conflicts of interest in the judiciary, on issues such as incompatibilities, reporting on assets, gifts and other benefits, contacts with third persons and abuse of confidential information, nepotism and education and awareness-raising. The Guidelines build upon the existing legislation and the code of ethics, by providing practical examples of appropriate conduct in various situations.

In-service training on ethics, corruption prevention and conflict of interest for judges and prosecutors

There is a compulsory in-service training regularly available to both prosecutors and judges. Both judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics, integrity and prevention of conflicts of interest, while in-service training on prevention of corruption is optional, but regularly provided. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors and it also introduced a mandatory managerial training for newly appointed court presidents and chief prosecutors. It includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents and 3) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity. This training is up to 1 day long (the estimated duration is up to 5 hours) and both judges and prosecutors need to participate on this training only once.

Codes of conduct for judges and prosecutors and bodies giving opinions on ethical questions

Both judges and prosecutors have their respective codes of ethics adopted by the HJPC which are regularly updated (on average every two to three years, as a result of monitoring their compliance and ethical practices and the need for further improvement) and published on the website of the HJPC (<https://vstv.pravosudje.ba/>). Principles enshrined in the codes of ethics oblige judges and prosecutors to adhere to judicial values (such as independence, integrity, impartiality), prescribe relationship of judges and prosecutors with institutions, citizens and users, prescribe competence and continuing education of judges and prosecutors, regulate their extrajudicial activities, conflict of interest, political activities, association membership and institutional positions as well as gifts and cover disclosure of information and relationship judges and prosecutors may have with press agencies.

A Standing Committee on Ethics, Integrity and Accountability of Judges and Prosecutors is a committee established by the HJPC which monitors the implementation of both codes and advises the HJPC on issues of ethics. Usually it convenes once a month. Only the members of the HJPC are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the HJPC by the Parliamentary Assembly of BiH.

In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. In 2022, 19 such opinions were issued in respect of judges and 31 in respect of prosecutors (with regard to permissibility of judges' and prosecutors' participation as lecturers in seminars, trainings, conferences, as experts on projects that support judicial community, as lecturers at legal clinics, their membership in bar or state legal exam panels, and remuneration received for these activities). In 2023, 38 opinions were issued in respect of judges and 34 in respect of prosecutors.

The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

Established mechanisms to report influence/corruption on judges and prosecutors

In accordance with Article 17, item 27 of the Law on the HJPC, the HJPC provides its opinion on complaints submitted by a judge/prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the HJPC may impose in these situations.

In addition, all criminal codes adopted at different levels of government in BiH contain chapters dedicated to the protection and ensuring of independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, i.e. protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary through attacks, threats or intimidation of a judge/prosecutor in connection with the exercise of his/her duties is criminalized (e.g. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code Republika Srpska, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code Brčko District).

Transparency in distribution of court cases

Based on the Rulebook on Internal Court Operations and the Rulebook on the Automated Case Management System in Court, adopted by the HJPC court cases are in principle allocated automatically at random (chronologically) through the Automated Case Management System in the Courts (CMS), according to parameters (i.e. specialization of a judge, percentage of participation of every judge in distribution of cases) determined yearly by the president of the court. However, for cases that have not been entered into the CMS, assigning is manual, based on the alphabetical and numerical order of judges of the court, according to the Book of Rules on Internal Court Operations. Prior to the development of the CMS system, all cases were assigned manually. Priority cases (e.g. cases involving detention, cases involving minors etc.) are distributed through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases or by the decision of the court president as the law stipulates shorter deadlines for such cases. The law also allows for cases to be pre-assigned to another judge by the president of the court for legitimate reasons, stating these reasons in writing. It is possible to exclude a judge from the allocation for various reasons (i.e. judge's illness, vacation, longer absence, workload etc.). All interventions on the system are irreversibly logged/registered.

A court case may be reassigned for reasons of conflicts of interest declared by the judge or parties, recusal of the judge or requested by the parties, physical unavailability (illness, longer absence) or for other reasons such as the judge's previous involvement in the same case in a different role (e.g. prosecutor, witness, expert) or existence of circumstances that raise reasonable doubt about judge's impartiality (any personal relationships beyond familial, friendship with parties, neighbourhood relations, common property interests). Reassignment of cases is governed by the Book of Rules on Case Management System and the Book of Rules on TCMS. Reassignment of a case is processed through the computerised distribution of cases and has to be reasoned. Reassignments of cases can be processed as random and automatic, whereby the system will assign a case to individual judge, depending on his/her specialization, or by discretion of a court president. In 2022, 475.394 cases were reassigned. It is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases. In 2023, 644.931 case were reassigned, primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases. In 2023, there was a remarkable increase in the number of reassignments in the largest court of first instance in the state, due to the need for a significant number of cases to be reassigned in the court because an unusually high number of judges stopped working in that court due to career advancement or retirement.

In the [Evaluation Report on BiH](#) (see para. 103, 141) GRECO noted some practices (i.e. cases where co-defendants were split in order to meet numerical targets, or manual allocation made where reasons for avoiding the CMS were not clear) and expressed its view that the CMS system offered the potential for comprehensive management information that could help the HJPC to identify and investigate such anomalies.

Number of criminal cases against judges and prosecutors

The table below shows number (absolute and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced:

	2019				2020				2021			
	Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of initiated cases	1	0,10	0	0,00	1	0,10	0	0,00	5	0,50	0	0,00
Number of completed cases	0	0,00	0	0,00	0	0,00	0	0,00	2	0,20	0	0,00
Number of sanctions pronounced	0	0,00	0	0,00	0	0,00	0	0,00	1	0,10	0	0,00

In 2019, one case was initiated against a judge, while several other criminal cases were pending that had been initiated against 3 judges and 5 prosecutors in previous years. In 2020, one case was initiated for corruption and the other for family violence. There were also criminal cases pending from previous years against 2 judges and 4 prosecutors in 2020. In one case, a judge was sentenced to two years and ten months imprisonment for a non-corruption offence. In one case not related to corruption, a judge was sentenced to two years and ten months imprisonment.

	2022				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	0	0,00	0	0,00	0	0,00	0	0,00
Number of completed cases	1	0,10	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced	1	0,10	0	0,00	0	0,00	0	0,00

In 2022, the Office of the Disciplinary Counsel was informed about three investigations initiated against two judges and one prosecutor. ODC was not informed of the result of the investigations. One judge was sentenced to a one-year imprisonment for corrupt criminal offence in a proceeding initiated in 2021. In 2023 no judges or prosecutors were indicted. However, two criminal investigations were initiated by a prosecutor's office – one against a court president and one against a prosecutor but indictments have not been confirmed by the competent courts yet. It is important to note that judicial institutions are not formally obliged to inform HJPC regarding criminal proceedings against judges or prosecutors whose mandate was ceased (e.g. resignation or retirement).

Level of implementation of GRECO recommendations in March 2023 (adoption of the GRECO Second Interim Compliance Report on BiH):

	Judges	Prosecutors
Implemented	12%	12%
Partially implemented	50%	50%
Not implemented	38%	38%

Declaration of assets for judges and for prosecutors

Article 86 of the Law on the HJPC obliges judges and prosecutors to file an annual financial statement with the HJPC. In September 2018 the HJPC adopted the Rulebook on Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (hereinafter: Rulebook) which established procedures for the reporting, manner (electronic submission) and time of reporting as well as for monitoring, processing, verifying and publishing the data on the HJPC's website. The Rulebook was to be applied in practice as of 1st January 2019 for financial statements of judges and prosecutors for 2018. However, after the Association of judges in BiH initiated an administrative dispute, the Agency for Personal Data Protection in BiH prohibited the HJPC to process personal data in a manner prescribed by the Rulebook which was later upheld by the Court of BiH. As a consequence, the Rulebook was annulled in February 2020. As an interim solution, to comply with the Article 86 on the Law on the HJPC, judges and prosecutors filed their financial statements for 2018 and 2019 using previous version of financial statement form. On 6th September 2023 the Law on amendments to the Law on the HJPC was adopted, entering into force on 23rd September 2023 with application as of 23rd December 2023. However, its implementation shall begin in 2024, following the organisational and technical preparations carried out by HJPC, including preparation of the new electronic form for filling asset and interest declarations.

Judges and prosecutors are obliged to disclose, for themselves and spouses, children and other persons who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties, information on their income, assets, liabilities and guarantees given to or received from third parties during the past year. Activities in public and private companies, as well as political parties also have to be reported, including the amounts of remuneration.

Declarations of assets are to be submitted by judges and prosecutors at the beginning of the term in office and then annually, while in office, when there is a significant change and at the end of term in office. Candidates to positions in the judiciary also have to submit a statement, and an ad-hoc statement may be requested from a judge/prosecutor in the framework of disciplinary proceedings.

The HJPC is competent to gather asset declarations of judges and prosecutors, as well as the Council members and to check timeliness, accuracy, completeness and authenticity of the reported data and to analyse data provided in the declarations. To verify declarations, through the Asset Declarations Department responsible for processing declarations within the Secretariat of the HJPC referred to in Article 86f of the Law on amendments to the Law on the HJPC, the HJPC shall adopt and regularly revise the risk criteria which shall be confidential. Risk criteria are circumstances or a set of circumstances based on which declarations of assets and interests are prioritized for regular checks, a schedule of checks is prepared and an additional check is conducted. First appointment and promotion constitute a risk criterion requiring additional checks to be conducted *ex officio* in accordance with Article 86c paragraphs (4) to (8) of the Law on amendments to the Law on the HJPC. The law foresees the possibility for the Asset Declarations department of the HJPC to request additional information or explanation from a judge or a prosecutor concerning the data in their asset declaration when needed to verify its accuracy and completeness.

There is no register of declarations of assets. Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH. In fact, the Rulebook had introduced the possibility to publish annual financial statements of judges and prosecutors for the year 2018 on the HJPC's website which was planned to happen on 1st January 2019. However, due to a decision issued by the Agency for Personal Data Protection of BiH, confirmed by the Court of BiH, stating that the disclosure of personal information in asset declarations infringed upon privacy rights, the BiH authorities consider the publication impossible. In its [Interim Compliance Report](#) (see para. 70 and 71), GRECO noted that the Rulebook is no longer in force. At the moment, only with consent of judges/prosecutors declarations of assets for 2022 may be published during 2023. The authorities reported that out of 1416 judicial office-holders under obligation to submit asset declarations only 190 consented to publication of their declarations which were published on the HJPC's website.

There is no specific sanction for failing to file the annual statement or for false reporting. The Law on the HJPC does contain general sanctions according to which violating provisions of this Law on submitting declaration of assets and interests and providing false, misleading or insufficient information with regard to any matter under the competence of the HJPC is a disciplinary offense. Disciplinary measures that can be pronounced for such a disciplinary offence are: a written warning, public reprimand, salary or emoluments reduction of up to 50% for a maximum period of one year, temporary or permanent reassignment to another court or prosecutor's office, demotion of a court president to an ordinary judge or the chief prosecutor or deputy chief prosecutor to an ordinary prosecutor and dismissal or demotion from the position of a HJPC's President or Vice-President to a position of a HJPC's member. Instead of or in addition to these measures, the disciplinary panels may order that a judge/prosecutor participates in rehabilitation programmes, counselling or professional training (Article 58, Law on the HJPC).

GRECO addressed the efficiency of the declarations of assets regime and its importance with regard to preventing and detecting conflicts of interests in the [Evaluation Report on BiH](#) (see para. 119, 120 and 152), pointing out to several deficiencies, namely lack of a system of review of annual statements (i.e. random checks), lack of specific, proportionate and dissuasive sanctions in case of non-compliance and their application in practice (GRECO learned that no judge or prosecutor has ever been sanctioned for omitting to fill in an asset declaration or for lying with regard to his/her assets), lack of sufficient resources of the HJPC as well as cooperation with other authorities responsible for keeping financial and property information. As regards the publicity of financial statements, GRECO pointed out that the Agency for Personal Data Protection of BiH's decision should not be an obstacle to public disclosure of financial statements, for instance by excluding private information (such as address, ID and other personal identification data) from the forms and that the public disclosure of annual financial statements would clearly have a positive impact on public trust in the judiciary in BiH by allowing external checks on their accuracy and a potential challenge to any corrupt practices. GRECO therefore recommended (i) developing an effective system for reviewing annual financial statements, including adequate human and material resources, co-operation channels with relevant authorities and appropriate sanctions for noncompliance with the rules or false reporting and (ii) considering ensuring the publication of and easy access to financial information, with due regard to the privacy and security of judges, prosecutors and their close relatives. In the [Compliance Report on BiH](#) (see para. 72 – 75) GRECO found no progress was made with regard to this recommendation. In the [Second Compliance Report on BiH](#) from 2020 (see para. 74 – 79), the BiH authorities reported on the court proceeding regarding the Rulebook and its subsequent annulment. They also reported on the HJPC's considerations given to setting up a separate administrative unit within its internal structure with the task of reviewing and processing of financial statements, which would be appropriated with adequate human and other resources. However, due to the court dispute GRECO concluded this recommendation to be not implemented. Since no progress was noted by GRECO in its [Interim Compliance Report on BiH](#) (see para. 66-72), GRECO concluded that recommendation remains not implemented. In 2023, no progress was noted in the GRECO Second Interim Compliance Report on BiH (see para. 67-73). The authorities again referred to the judgment of

13 January 2020 of the Court of Bosnia and Herzegovina which confirmed the position of the Agency for Personal Data Protection that there is no legal ground for the HJPC to process personal data / the financial statements of judges and prosecutors, as prescribed by the Rulebook of 26 September 2019 on the submission, verification and processing of the financial statements of judges and prosecutors. The authorities also reported that, in June 2022, the HJPC sent urgent requests to the Ministry of Justice and the Parliamentary Assembly of Bosnia and Herzegovina to reinstate the legislative process with respect to the review of financial statements of judges and prosecutors. On 29 August 2022, the Ministry of Justice provided the HJPC with the draft Law on Amendments to the Law on the HJPC, which was considered and elaborated by the HJPC on its session held on 28 September 2022 (see above, recommendation viii). In relation to part (ii) of the recommendation, the authorities state that in 2021, out of a total of 1,445 judicial office-holders under an obligation to submit financial declarations, 211 consented to publication of their declarations, which were published on the HJPC website. GRECO therefore noted that an increasing number of judicial office-holders consent to the publication of their financial statements, but no other developments had taken place in the period covered by this report. In particular, the draft Law on Amendments to the Law on the HJPC, which is to regulate the submission and verification of financial statements of judicial office-holders, was still pending at the time of the adoption of the report GRECO concluded that recommendation remains not implemented.

Number (absolute and per 100 judges/prosecutors) of proceedings against judges/prosecutors for violations or discrepancies in declaration of assets in 2021, 2022 and 2023:

Bosnia and Herzegovina	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
2021	1	0,10	1	0,10	0	0,00	0	0,00	0	0,00	0	0,00
2022	2	0,20	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
2023	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00

Conflict of interest for judges and for prosecutors

Procedures and mechanisms for managing potential conflict of interest of judges and prosecutors


Conflicts of interest regime applicable to judges and prosecutors is addressed via rules on preventing and managing conflicts of interest contained in the Guidelines for the prevention of conflicts of interest in the judiciary (hereinafter: Guidelines), adopted by the HJPC in July 2016, via rules on exclusion of a judge/prosecutor from an individual case, which are contained in the Law on the HJPC, as well as via rules on incompatibilities, prohibition from certain activities and gifts, defined in the Law on the HJPC and both codes of ethics applicable to judges and prosecutors.

The Guidelines cover: a) incompatibilities, b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and awareness-raising. They recall the existing legislation and code of ethics and go into further detail with practical “do’s and don’ts” in a variety of situations.

The reasons for disqualification of judges are listed in the relevant procedural laws (Criminal Procedure Codes: BiH, Articles 29-33; Federation of BiH, Articles 39-43; Republika Srpska: Articles 37-41; Brčko District: Articles 29-33; Codes of Civil Procedure: Court of BiH, Articles 295-298a; Federation of BiH, Articles 357-360; Republika Srpska, Articles 357-360; Brčko District: Articles 111-114) and include conflicts of interest arising from family, marital, financial or any other relationship with the parties, prior involvement in the case, as well as any other circumstances that raise reasonable suspicion as to the judge’s impartiality. Disqualification may occur at the initiative of the judge or of the parties and is decided upon by the court in plenary session (criminal cases) or by the president of the court (civil cases) or, if the conflict of interest involves the president of a court, by the president of the higher court. The reasons for disqualification of judges apply accordingly to prosecutors (Criminal Procedure Codes: BiH, Article 34; Federation of BiH, Article 44; Republika Srpska, Article 42; Brčko District, Article 34). They include conflicts of interest arising from family, marital, financial or any other relationship with the parties, as well as any other circumstances that raise reasonable suspicion as to the prosecutor’s impartiality. Disqualification is decided upon by the chief prosecutors and, as regards the latter, by the Collegium of the Prosecutor’s Office. The obligation of disqualification in case of conflicts of interest is also addressed in the Code of Ethics for Judges (Articles 2.2 and 2.5) as well as in the Code of Ethics for Prosecutors (Articles 2.2 and 2.5).

The Code of Ethics for Judges and the Code of Ethics for Prosecutors regulate receiving gifts for judges and prosecutors who are prohibited from seeking or accepting gifts, bequests, loans and other services and advantages related to acts or omissions in the performance of their judicial/prosecutorial duties. This prohibition extends to their close family members and court/prosecutor's office employees or other persons under their supervision. Gifts, remunerations or benefits of a symbolic nature given for a special occasion are allowed, provided they cannot reasonably be perceived as aiming at influencing the judge/prosecutor or creating an impression of partiality in the public’s view (Articles 4.10 and 4.11, Code of Ethics for Judges; Articles 4.10 and 4.11, Code of Ethics for Prosecutors).

Rules on incompatibilities and accessory activities apply both to judges and prosecutors. The holding of any public office or the exercise of any activity in the private sector for remuneration is prohibited. Participation as a manager or member of the supervisory board of public or private companies, as well as any other legal person, is likewise



prohibited (Article 83, Law on HJPC). Moreover, membership in political parties and associations is banned and judges/prosecutors must refrain from engaging in any public political activity (Article 82, Law on the HJPC).

The only exceptions to this general prohibition are: (a) the exercise of scientific and cultural activities; (b) participation in public discussions concerning legal and judicial issues and (c), membership of government commissions and advisory bodies, if such membership does not damage public perception of impartiality and political neutrality. Remuneration may be received for these activities but should not exceed 40% of his/her annual salary. Judges/prosecutors may also hold financial interests but have to declare them annually. The rules concerning incompatibilities and accessory activities are further developed in the Code of Ethics for Judges and Code of Ethics for Prosecutors. In case of doubt on the exercise of a given activity, judges/prosecutors may seek written advice from the HJPC. This advice is binding (Article 85, Law on HJPC).

A judge/prosecutor may request the HJPC for an opinion on whether his/her activities are compatible with his/her function and the provisions of this Law. The HJPC should respond in writing within a reasonable time and is binding (Article 85, Law on the HJPC).

A Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility of the HJPC monitors the implementation of both codes of ethics and advises the HJPC on issues of ethics. The Standing Committee is sometimes called upon in practice to give opinions on incompatibilities and accessory activities of judges and prosecutors. The opinions thus issued are only communicated to the interested prosecutor (or judge) and not made public to the entire judicial/prosecutorial community.

Possibility for judges and prosecutors to perform additional activities

No authorisation is needed for judges and prosecutors to perform accessory activities. However, they have to inform the HJPC about these activities through filing an annual financial statement with the HJPC reporting also on accessory activities performed and the amounts of remuneration. Information on spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties, should be included (Article 86, Law on the HJPC).

Judges and prosecutors may combine their work with the following other functions/activities:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	√	√	√	√
	Research and publication	√	√	√	√
	Arbitrator	√	√	√	√
	Consultant				
	Cultural function	√	√	√	√
	Political function				
	Mediator	√	√	√	√
	Other function				

Breaches of rules on conflict of interest

Specific conflicts of interest regime applies to members of the HJPC, via rules on preventing and managing conflicts of interest contained in a special Book of Rules on Conflict of Interests of Members of the HJPC BiH, adopted by the HJPC in May 2014. It defines a conflict of interests as a situation in which members of the HJPC, their relatives or other persons closely connected to them (friends, business connections) have a private interest that affects or may affect the legality, transparency, objectivity and impartiality in the performance of their functions, or when a private interest harms or may harm the public interest or citizens' trust. A conflict of interests occurs inter alia when a member of the HJPC or one of his relatives applies for a position in the judiciary. In this case, the member has to resign from the HJPC. In other cases of conflicts of interest, the HJPC member has to seek disqualification.

The Law on the HJPC stipulates that the following actions constitute a disciplinary offence:

- failure to request disqualification (Article 56, Law on the HJPC – for judges; Article 57, Law on the HJPC – for prosecutors);
- acceptance of a gift or remuneration in exchange for improper influence or appearance of such an influence (Article 56, Law on the HJPC – for judges; Article 56, Law on the HJPC – for prosecutors);
- engagement in activities that are incompatible with the judicial/prosecutorial function (Article 56, Law on the HJPC – for judges; Article 57, Law on the HJPC – for prosecutors).

Disciplinary measure that may be pronounced are prescribed in Article 58, Law on the HJPC (see under chapter Discipline).

Disregard for the provisions of the Guidelines represent a serious breach of official duties or compromise the public confidence in the impartiality or credibility of the judiciary and could constitute a disciplinary offence. The same goes for both the Code of Ethics for Judges and Code of Ethics for Prosecutors.

The Law on the HJPC regulates the procedure to sanction breaches of the rules on conflicts of interest in respect of judges and prosecutors.

In cases when a court president or chief prosecutor believes that a judge/prosecutor is performing activities contrary to Articles 82 or 83 of the Law on the HJPC s/he should inform the judge/prosecutor and refer the matter to the HJPC which shall issue a binding decision (Article 84, Law on HJPC).

GRECO addressed the quality of the conflicts of interest regime for judges and prosecutors in its Evaluation Report on BiH (see para. 111, 114), as at the time of the adoption of the Evaluation Report no rules on the prevention and management of conflicts of interest applicable to all judicial and prosecutorial office holders existed. GRECO noted, however, that the Justice Sector Reform Strategy 2014-2018 foresaw amending the Law on the HJPC to this end. Furthermore, no advice was available to judges and prosecutors in case of doubt as to whether a gift or remuneration may give rise to a conflict of interests and, in practice, little attention seemed to be given to ensuring compliance with the rules on gifts, remuneration etc. GRECO therefore recommended the BiH authorities to develop rules on conflicts of interest that would apply to all judges and prosecutors, along with an adequate supervisory and enforcement regime. As GRECO pointed out, the rules should prevent HJPC members from applying to positions representing a personal promotion during their mandate and for a reasonable time after its expiration. They should also include, inter alia, a clearer limitation of the extra-judicial activities and remunerations that should be incompatible with the judicial/prosecutorial office. Moreover, in order for rules on conflicts of interest to be enforceable in disciplinary proceedings rather than remain merely aspirational, guidance should be available and compliance closely monitored. In the [Compliance Report on BiH](#) (see para. 67 - 71) GRECO welcomed the adopted Guidelines for the prevention of conflicts of interest in the judiciary, adopted by the HJPC in July 2016, as they provided valuable illustrations and explanations of the existing legislation, along with clear instructions on how (not) to act. However, the supervision and enforcement regime had not been upgraded, which prevented compliance by judicial office holders from being closely monitored, as required by the recommendation, concluded GRECO.

GRECO also observed that the opinions issued to judges and prosecutors by the HJPC in case of doubt on the exercise of a certain activity, were only communicated to the interested party and not made public and remarked that the HJPC could usefully contemplate whether greater transparency about the nature of activities that were acceptable might reinforce standards, through publication of anonymised requests and their response.

In the [GRECO Second Compliance Report on BiH](#) from 2020 (see para. 67 – 73), GRECO noted that the HJPC decided to make it mandatory or all judicial institutions in BiH to implement the Guidelines on preventing conflicts of interest in the judiciary (adopted in July 2016), as well as the adopted integrity plans, which would be subject to continuous monitoring by the HJPC. In order to ensure the implementation of these Guidelines, in November 2018 the HJPC updated the codes of judicial and prosecutorial ethics, having supplemented them by the rules of the Guidelines, and adopted, in February 2019, the Code of Ethics Application Manual. 8 By mid-2019, judicial institutions in Bosnia and Herzegovina submitted their reports on the implementation of integrity plans for 2018 and were preparing an Annual Report on this topic, which was later presented at the HJPC session in September 2019, disseminated to relevant institutions at the State and Entity levels and published on the HJPC website. Further, in mid-July 2019, the HJPC completed the final third cycle of the survey for judicial office-holders on ethics and disciplinary responsibility. The survey results were presented at the HJPC session in September 2019 and were also published on the website. Furthermore, the BiH authorities reported that the Instrument for monitoring the application of the Guidelines for the prevention of conflicts of interest in the judiciary was adopted by the HJPC in November 2018. By analysing data collected on the basis of the indicators defined in this Instrument, the HJPC estimated to be able to improve mechanisms for the prevention of conflicts of interest in the judiciary and take relevant decisions on the basis of specific

indicators and exact data. At its session held in September 2019, the HJPC adopted the document entitled "Institutional Mechanisms and Records for the Implementation of the Instruments for Monitoring the Implementation of the Guidelines for the Prevention of Conflicts of Interest in the Judiciary", and tasked the Working Group for improving the integrity and responsibility of judicial office holders to continue implementing these activities. As regards proceedings for disciplinary violations, the BiH authorities reported that primary reference documents were the respective codes of judicial and prosecutorial ethics. In their view, although observance of the codes was not prescribed by a binding norm, and nor was the non-compliance with their provisions considered a disciplinary violation, the Office of the Disciplinary Prosecutor and the HJPC Disciplinary Commission increasingly considered certain conduct of judges and prosecutors as violations of codes of ethics and qualified them as disciplinary violations. Thus, the impact of these documents and their importance in disciplinary proceedings was enhanced through practice. nevertheless, there were still no disciplinary proceedings initiated by the Office of the Disciplinary Prosecutor with reference to violation of the Guidelines for the prevention of conflicts of interest. As a result, GRECO concluded that this recommendation remained partly implemented. No progress was noted in [GRECO Interim Compliance Report](#) (see para. 61-65). In [the GRECO Second Interim Compliance Report on BiH](#) (see para. 61-66), the BiH authorities reported that the implementation of the Guidelines for the prevention of conflict of interests in the judiciary is being monitored through institutional mechanisms and records since the beginning of 2021. Accordingly, the heads of judicial institutions and bodies have to maintain registers and records on e.g. additional activities, gifts and public appearances of holders of judicial office. A "Preliminary analysis of records on application of instruments for monitoring the implementation of the Guidelines for prevention of conflict of interests in the judiciary during 2021" was presented on 18 May 2022. This preliminary analysis included the records of 100 judicial institutions in Bosnia and Herzegovina with a total of 1,879 entries contained in 6 separate records. It is expected that further measures will be developed, including the monitoring of the accuracy of entries and of the timeliness of submissions of relevant data to the HJPC. As to the implementation of integrity plans, in the first half of 2022 the judicial institutions in Bosnia and Herzegovina have submitted their reports on this matter for the year 2021. Following this, on 9 November 2022, the HJPC adopted the Annual Report on the implementation of integrity plans in judicial institutions in 2021 as well as recommendations to judicial institutions for the further implementation of these plans. GRECO took note of the information supplied by the authorities, in particular the mechanisms developed to monitor the implementation of the Guidelines for the prevention of conflicts of interest in the judiciary. GRECO was thus satisfied that there is a system dedicated to monitoring specifically the implementation of the integrity standards on conflicts of interest contained in the Guidelines. However, as frequently underlined by GRECO, enforcement implies some form of sanction depending on the breach and its severity. At this stage, it appears that the monitoring carried out is limited to the collection and analysis of relevant data, without any other consequences. GRECO underlined that the success of the Guidelines will depend on its effective enforcement, including the application of sanctions in case of breach, and was looking forward to receiving more specific information in this regard. In view of the above, GRECO concluded that the recommendation remains partly implemented.

In GRECO's opinion (see the Evaluation Report, para. 109) more should also be done in respect of promotion of both codes of ethics and effectively ensuring adherence to its principles as GRECO observed that judges and prosecutors were not aware of the codes and of the activity of the Standing Committee. In the absence of a training institution for judges and prosecutors at state level, GRECO pointed out that the Standing Committee had a crucial role in maintaining, promulgating and promoting ethical standards and in demonstrating that the judicial system took such matters seriously. GRECO recommended significantly strengthening and further developing – for judges and prosecutors – confidential counselling and dedicated training of a practical nature on issues of ethics and integrity. Issues such as conflicts of interest, reactions to gifts and relations with third parties should be covered and the training centres within the entities should be associated to these efforts. In the [Compliance Report on BiH](#) (see para.

60 - 66) GRECO took into account information provided by the BiH authorities on different training events organised (on integrity plans, on inclusion of integrity training into the initial training programme for newly appointed judges and prosecutors, the initial and continuous training activities provided by the Centre for education of judges and prosecutors in the FBiH, with the assistance of the HJPC) and encouraged the authorities to develop them further, both at state and at entity levels and to further develop confidential counselling on issues of ethics and integrity. In the [GRECO Second Compliance Report on BiH](#) from 2020 (see para. 61 – 66), GRECO noted that as of 1st January 2019, topics of integrity and ethics had become a mandatory part of the initial training for newly appointed judges and prosecutors. The topics has also been included as mandatory topics for expert associates and advisors in courts and prosecutors' offices of the three-year training course under the module entitled "Judicial office holders and the society", taught in the first and the third year. Furthermore, two trainings had been held on these topics. The HJPC also developed, in collaboration with the USAID, a Manual for the application of the Code of Judicial Ethics and the Code of Prosecutorial Ethics, published in February 2019. However, GRECO concluded that recommendation remained partly implemented since, despite efforts to provide trainings to representatives of the judiciary and prosecution on the topics of integrity and ethics and the manual developed, there was still no confidential counselling on issues of ethics and integrity available for these two professions at any level in BiH and no measures were taken to implement this part of the recommendation. In [the GRECO Interim Compliance Report](#) (see para. 55-60), the authorities reported on discussion of HJPC on introduction of confidential counselling and trainings on ethics conducted in 2020. In March 2021, a new Rulebook was adopted on the procedure for selecting a "consultative prosecutor" with the aim to provide professional support and guidance to newly appointed prosecutors. GRECO noted this information however noted that the process is at an early stage and no tangible results. It concluded that recommendation remains partly implemented. In [the GRECO Second Interim Compliance Report on BiH](#) (see para. 55-60), the BiH authorities reported that on 9-10 February 2022, the Standing Commission for Integrity, Ethics and Accountability of Judges and Prosecutors examined the issue of confidential counselling, supporting the introduction of a "combined system" for 9 judges and prosecutors. Such a system was to combine confidential consultations for holders of judicial functions within the activities of the HJPC with confidential consultations within each judicial institution. According to the authorities, this seemed a realistic option as it provides for an optimal manner of solving the ethical dilemmas of judges and prosecutors. On 6-7 July 2022, the HJPC considered the procedure for establishing a system of confidential counselling in the judiciary of Bosnia and Herzegovina and adopted a roadmap of activities for the introduction of this system. The combined model of confidential consultations notably implied the identification of the HJPC's structures responsible for confidential counselling, as well as the departments and staff of the HJPC Secretariat for support of its implementation. As regards dedicated training, the authorities indicated that a number of judges and prosecutors participated in trainings on integrity rolled out during 2021/2022. Following the decision of the HJPC of 16 December 2021 on approving the curriculum for initial trainings and professional development in 2022, all holders of judicial functions are obliged to attend the online module on ethics, integrity and prevention of conflict of interests. GRECO noted with satisfaction that training activities on ethics and integrity have regularly taken place at entities level and that ethics training has been made obligatory. Furthermore, it noted that a combined system of confidential counselling for judges and prosecutors appears to be in the process of being implemented. GRECO did not find such a combined system for judges and prosecutors appropriate, as these professions are basically different, should be independent from each other and need to be treated as such. This also follows from recommendation viii, where GRECO recommended the establishment of separate sub-councils for judges and prosecutors. GRECO urged the authorities to establish separate systems for judges and prosecutors in respect of confidential counselling. Pending the implementation of appropriate systems of confidential counselling, this recommendation has not been fully complied with. GRECO concludes that the recommendation remains partly implemented.

Absolute number of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019, 2020, 2021, 2022 and 2023:

Bosnia and Herzegovina	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
2019	2	0	0	2	1	1
2020	0	2	2	0	1	1
2021	1	0	0	0	1	1
2022	0	0	0	0	0	0
2023	0	0	0	0	0	0

Discipline against judges and prosecutors


Judges (as well as reserve judges, lay judges) and prosecutors may have disciplinary procedures brought against them for committing a disciplinary offence as listed in the Law on the HJPC (Article 56 – for judges; Article 57 – for prosecutors) or disregarding the provisions of both codes of ethics or of the Guidelines for the prevention of conflicts of interest in the judiciary. The HJPC is competent to receive complaints against judges and prosecutors, conduct disciplinary proceedings, determine liability, impose sanctions, decide upon appeals and upon suspensions of judges (Article 17, Law on the HJPC).

Disciplinary proceedings are initiated by the Office of the Disciplinary Counsel (hereinafter: ODC) (can act *ex officio* or upon complaints about alleged misconduct of a judge/prosecutor received from any natural or legal person; conducts investigations, decides whether to file a disciplinary complaint against the judge/prosecutor and presents the case before the disciplinary panels; can request that the HJPC suspends the judge/prosecutor for the duration of the disciplinary proceedings (suspension is mandatory in case when a judge/prosecutor is in pre-trial detention, until the pre-trial detention ends); can also decide to enter into “an agreement of common consent” (plea bargaining) with the judge/prosecutor) and are conducted by the First and Second Instance Disciplinary Panels of the HJPC. These bodies are autonomous but form part of the HJPC.

Disciplinary liability is decided upon by the First Instance Disciplinary Panel, composed of three members, at least two of whom are members of the HJPC. Appeals against its decisions are heard by the Second Instance Disciplinary Panel, composed of three (other) members, who all belong to the HJPC. In disciplinary proceedings against judges, both panels have to be composed of a majority of judges and in disciplinary proceedings against prosecutors, of a majority of prosecutors. Decisions are taken by majority vote. Appeal against a decision from the Second Instance Disciplinary Panel is possible (only regarding pronounced disciplinary sanction) before the full membership of the HJPC. Members of the panels may take part in the procedure. Appeal against a dismissal decision is possible before the Court of BiH, but only for an alleged violation of the disciplinary procedure or an erroneous application of the law (Article 60, Law on the HJPC).

During the disciplinary proceedings, a judge/prosecutor has the right to be fully notified of the allegations of the violation and the supporting evidence, the right to respond in writing or to have a verbal statement recorded in writing, the right to a fair and public hearing within a reasonable time by an impartial and independent panel established by law, the right to assert the privilege against self-incrimination and to appear at any hearing and defend against allegations with legal counsellor of his/her choice, the right that judgements are pronounced publicly and/or made public in some manner and the right to appeal (Article 68, Law on the HJPC).

Disciplinary measures consist of a written warning (shall not be made public), public reprimand, salary reduction of up to 50% for a maximum period of one year, temporary or permanent reassignment to another court or prosecutor’s office, demotion of a court president to an ordinary judge or the chief prosecutor or deputy chief prosecutor to an ordinary prosecutor and dismissal. Instead of or in addition to these measures, the disciplinary panels may order that a judge/prosecutor participates in rehabilitation programme, counselling or professional training. Moreover, judges/prosecutors are criminally liable for illegal actions or decisions taken in the performance of their official



duties. The information regarding disciplinary proceedings and disciplinary measures is public, but the names of the judges concerned are not disclosed (Articles 56 and 58, Law on the HJPC).

Judges cannot be transferred without their consent, except by the HJPC for organisational reasons up to a period of three months or as a disciplinary sanction.

Number (absolute and per 100 judges/prosecutors) of disciplinary proceedings initiated/cases completed/sanctions pronounced against judges and prosecutors in 2019, 2020, 2021, 2022 and 2023:

		2019				2020				2021			
		Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
		Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100	Abs	Per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	35	3,46	11	2,96	24	2,34	7	1,96	22	2,20	13	3,60
	1. Breach of professional ethics (including breach of integrity)	11	1,09	4	1,08	2	0,20	4	1,12	16	1,60	4	1,11
	2. Professional inadequacy	24	2,37	7	1,88	21	2,05	3	0,84	6	0,60	9	2,49
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	1	0,10	0	0,00	0	0,00	0	0,00
	5. Other	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
Number of cases completed in the reference year against	Total number (1 to 5)	29	2,87	13	3,49	28	2,73	5	1,40	22	2,20	9	2,49
	1. Breach of professional ethics (including breach of integrity)	8	0,79	5	1,34	7	0,68	3	0,84	8	0,80	2	0,55
	2. Professional inadequacy	21	2,08	8	2,15	20	1,95	2	0,56	14	1,40	7	1,94
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	1	0,10	0	0,00	0	0,00	0	0,00
	5. Other	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	25	2,47	12	3,23	27	2,64	1	0,28	17	1,70	8	2,22
	1. Reprimand	11	1,09	4	1,08	9	0,88	1	0,28	6	0,60	1	0,28
	2. Suspension	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	7	0,69	3	0,81	10	0,98	0	0,00	10	1,00	5	1,39
	6. Position downgrade	0	0,00	0	0,00	1	0,10	0	0,00	0	0,00	2	0,55
	7. Transfer to another geographical (court) location	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	8. Resignation	0	0,00	0	0,00	1	0,10	0	0,00	0	0,00	0	0,00
	9. Other	6	0,59	4	1,08	4	0,39	0	0,00	0	0,00	0	0,00
10. Dismissal	1	0,10	1	0,27	2	0,20	0	0,00	1	0,10	0	0,00	

		2022				2023			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	32	3,20	9	2,51	24	2,37	9	2,49
	1. Breach of professional ethics (including breach of integrity)	8	0,80	3	0,84	3	0,30	3	0,83
	2. Professional inadequacy	24	2,40	6	1,68	21	2,07	6	1,66
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	0	0,00	0	0,00	0	0,00	0	0,00
Number of cases completed	Total number (1 to 5)	35	3,50	13	3,63	28	2,76	5	1,39
	1. Breach of professional ethics (including breach of integrity)	6	0,60	4	1,12	7	0,69	2	0,55
	2. Professional inadequacy	29	2,90	9	2,51	21	2,07	3	0,83
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	0	0,00	0	0,00	0	0,00	0	0,00
Number of	Total number (total 1 to 10)	23	2,30	10	2,79	23	2,27	5	1,39

1. Reprimand	6	0,60	2	0,56	12	1,18	3	0,83
2. Suspension	0	0,00	0	0,00	0	0,00	0	0,00
3. Withdrawal from cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4. Fine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
5. Temporary reduction of salary	17	1,70	6	1,68	11	1,08	2	0,55
6. Position downgrade	0	0,00	2	0,56	0	0,00	0	0,00
7. Transfer to another geographical (court) location	0	0,00	0	0,00	0	0,00	0	0,00
8. Resignation	0	0,00	0	0,00	0	0,00	0	0,00
9. Other	0	0,00	0	0,00	0	0,00	0	0,00
10. Dismissal	0	0,00	0	0,00	0	0,00	0	0,00

The BiH authorities explained that Covid-19 situation has had an impact also on the work of disciplinary bodies as well as on the number of complaints received which was lower by 15% (for both professions) as compared to the previous year. In 2020, four judges were sanctioned with a non-public written warning which falls under the notion “Other” sanctions. Also, although no suspension as a disciplinary sanction was imposed in 2020, two judges were temporarily suspended from office pending criminal proceedings and another judges was temporarily suspended from office until the completion of a disciplinary proceeding initiated against him. Two judges remained suspended as a result of criminal proceedings initiated before 2019. Among prosecutors, against one prosecutor a disciplinary sanction was pronounced. No suspensions were pronounced as sanctions, four prosecutors remained suspended as a result of criminal proceedings initiated against them before 2020. For 2022, the authorities report that a significant difference between the number of disciplinary proceedings initiated (35) and the total number of sanctions imposed (23) against judges was due to the following: in 3 cases disciplinary action was rejected; in 9 cases disciplinary proceedings were suspended (4 judges retired, 3 judges resigned, 1 judge died and 1 judge’s term expired). The difference in number of cases in respect of prosecutors (13 initiated, 10 penalties imposed) was due to rejection of a disciplinary lawsuit in 3 cases. In 2023, 24 disciplinary proceedings were initiated against 23 judges. Two disciplinary proceedings were initiated against one judge. Difference between completed disciplinary proceedings (28) and the total number of sanctions (23) is because four disciplinary proceedings were rejected and one disciplinary proceedings was suspended (one judge was retired).

The following offences are deemed as professional inadequacies:

- in respect of judges: neglect or careless exercise of official duties; issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules; 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; failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council; 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 (Article 56, para. 8-10, 14, 17, 20 and 21, Law on HJPC);
- in respect of prosecutors: neglect or careless exercise of official duties; unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor; failure to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article; failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council; failure to fulfil any mandatory training obligations or any other obligations imposed by law; failure to comply with the decision on temporary transfer to another prosecutor's office (Article 57, para. 8-10, 13, 15, 17, 20-21, Law on HJPC).

In its [Evaluation Report on BiH](#) (see para. 126) GRECO pointed out the importance of the capacity of the ODC and the disciplinary panels of the HJPC to deal with misconduct of judges and prosecutors in a determined and effective manner, especially against the perception of judicial bias and self-reporting by many of paying bribes to the judiciary. In this respect GRECO found several misgivings about the current disciplinary liability system and its performance (ODC's lack of independence which could lead to self-censorship in sensitive cases as the head was appointed by the HJPC and the HJPC evaluated the ODC's work and allocated funds for its functioning; a lack of sufficient and adequately trained staff; disciplinary procedures were not dealt with in a timely manner; alleged mildness and inadequacy of sanctions; lack of transparency with regard to activity of the ODC and the disciplinary panels). GRECO noted that the Justice Sector Reform Strategy 2014-2018 foresaw amendments to the Law on the HJPC related to the disciplinary responsibility of judicial office holders, as well as the work, powers and role of the ODC, which could be used as an opportunity to remedy some of the system's flaws. GRECO recommended that (i) the independence, capacity and transparency of the activity of the Office of the Disciplinary Counsel be increased; and that (ii) the disciplinary procedure and sanctions in case of misconduct of judges and prosecutors be revised in order to ensure that cases are decided in a timely manner and that misconduct is effectively subject to proportionate and dissuasive sanctions. In the [Compliance Report on BiH](#) (see para. 76 – 82) GRECO concluded this recommendation not to be implemented. However, in [the GRECO Second Compliance Report on BiH](#) from 2020 (see para. 80 – 86, the BiH authorities reported on several measures taken by the HJPC, in cooperation with the USAID, in the course of 2018 towards developing documents on disciplinary proceedings for judges and prosecutors. A Manual for Disciplinary Procedure of the HJPC was prepared and adopted in September 2019, and is intended for all participants of disciplinary proceedings, covering topics such as composition and operation of disciplinary committees, types of disciplinary sanctions, as well as complementary measures, such as temporary removal of a judge or prosecutor from their duties, incapacity of a judge or a prosecutor to perform their function, and incompatibility of judge's or prosecutor's function with their other duties. It included summaries of previous final disciplinary decisions, covering all cases resulting in a disciplinary sanction, and model forms to be used as examples in disciplinary proceedings, such as a model disciplinary decision, containing possible reasoning. In addition, the Manual contains other previously adopted documents. It is published on several website, including of the HJPC and of the Office of Disciplinary Prosecutor. Furthermore, in cooperation with the judicial training centres of the Federation of Bosnia and Herzegovina and Republika Srpska, trainings on disciplinary proceedings were carried out, including initial and continuous training of staff of the Office of Disciplinary Prosecutor and members of disciplinary commissions of the HJPC. Also, a system of electronic allocation of disciplinary cases to committees was established, and the necessary training of staff

conducted in this regard. Furthermore, court presidents and chief prosecutors were requested by the HJPC in October 2018 to provide information on institution of disciplinary proceedings which led to sanctions in respect of judges or prosecutors as part of their annual reports. To strengthen the capacity of the Office of Disciplinary Prosecutor, in September 2018 the HJPC recruited three additional disciplinary prosecutors, and two additional members of administrative staff of this Office. No general review had been conducted so far to determine the adequacy, proportionality and dissuasive effect of sanctions imposed in disciplinary proceedings by the HJPC. The authorities took the view that the effectiveness and dissuasiveness of the sanctions would depend on each specific case, which should reflect individual characteristics of the disciplinary violation in question and be considered and determined individually. As a conclusion, GRECO noted the developments reported but regretted that preparation of numerous guiding documents, as well as training efforts, had not been translated into their application in practice, as the authorities had not been able to provide any examples of cases where the disciplinary panels imposed proportionate and dissuasive sanctions. GRECO therefore concluded this recommendation to be partly implemented. In the GRECO Interim Compliance Report (see para. 73-78), GRECO noted that no further measures have been taken to increase independence and transparency of the ODP. As to the second part, GRECO noted that the information provided indicates a slight decrease in respect of pending disciplinary cases. On the other hand, disciplinary procedures may still take well over a year. No revision of sanctions has taken place. Overall, no sufficient progress has been achieved to consider this recommendation implemented more than partly. In [the GRECO Second Interim Compliance Report on BiH](#) (see para. 74-80), the authorities reported that a total of 58 disciplinary proceedings were concluded by the HJPC disciplinary panels between the 1st of July 2021 and the 1st of November 2022, with 14 proceedings concluded in 2021, and 44 in 2022. Out of the 58 proceedings, six proceedings were concluded under an agreement and the following measures were imposed: six written warnings, four public warnings, 18 reductions of salary, two reductions of salary with a special measure and four transfers from the position of chief prosecutor or deputy chief prosecutor to the position of prosecutor. Seven claims were rejected, and 12 proceedings suspended. Finally, three requests for temporary removal were rejected and two such requests suspended. As for the transparency of the Office of the Disciplinary Counsel's activity, the authorities indicate that the annual reports of this Office are available on the HJPC website. The media and other interested parties can thus obtain information about the Office's work, while keeping in mind the legal constraints relating to the confidentiality of the investigation, the collected documents, and the actions taken in the investigation. The authorities also referred to training activities for members of disciplinary commissions which were convened in 2021/2022, in order to raise awareness of the disciplinary procedure among judicial office-holders. GRECO regretted that no developments have been reported concerning measures to increase the independence and capacity of the Office of the Disciplinary Counsel, as requested by the first part of the recommendation. As regards part (ii) of the recommendation, GRECO noted an increase in the number of disciplinary proceedings concluded in the recent period. Misconduct of judges and prosecutors appears to be subjected to a wide range of sanctions. However, in the absence of concrete examples of misconduct, GRECO was not in a position to assess whether misconduct is effectively subject to proportionate and dissuasive sanctions. Therefore, GRECO considered that a big bulk of the recommendation is still not addressed. GRECO concluded that the recommendation remains partly implemented.

Council for the Judiciary/ Prosecutorial Council

Established by the Law on the HJPC is the High Judicial and Prosecutorial Council of BiH (HJPC) which is competent both for judges and prosecutors. It is independent and autonomous body entrusted with maintaining of an independent, impartial and professional judiciary.

It is composed of 15 members, among whom 11 are judges and prosecutors elected by their peers (five or six are judges elected in the four systems of courts and five or six are prosecutors), two are attorneys elected by the Bar associations of the Entities (Federation of BiH and Republika Srpska), one is elected by the House of Representatives of the Parliamentary Assembly of BiH (s/he must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina) and one by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH (s/he may not be a member of the judiciary or a member of the Council of Ministers of BiH). Membership of the HJPC has to generally reflect the ethnic composition and the gender balance of BiH and members have to be persons of high moral standing and integrity, with a reputation for efficiency, competence and integrity.

The HJPC Rulebook on selection of the HJPC members defines basic rules for the selection of the HJPC members (among which are rules on ethnicity and gender structure) which ought to be respected also by the House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Bar Associations of the Entities when they carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules. Members of the judiciary are elected directly by their peers in the process conducted at all levels of the judiciary (within courts and prosecutor's offices) in BiH except for the Brčko District where the HJPC member is not elected directly by the judges and prosecutors but by the Brčko District Judicial Commission. The elected member may be a judge of the Brčko District Court of Appeal or Basic Court, or a prosecutor of the Brčko District Prosecutor's Office.

The HJPC has a President and two Vice-Presidents.

Mandate of the members of the HJPC is limited to two consecutive terms of four years each. Only the President and up to three members work on a full-time basis in the HJPC. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. One year after the end of the Council Member's mandate, he/she may not apply or be elected to vacant positions in the judiciary which would constitute a career advancement, including the Constitutional Court of the Federation of Bosnia and Herzegovina and the Constitutional Court of Republika Srpska, and may not apply for vacant positions of chief disciplinary counsel or deputy in the Office of Disciplinary Counsel and the Director and the Deputy in the HJPC Secretariat.

The HJPC is competent for the appointment of all judges (including lay judges and reserve judges, but not judges of Constitutional Courts of the State and Entities of BiH) and prosecutors, as well as for conducting disciplinary proceedings, imposing disciplinary measures and deciding upon appeals in disciplinary proceedings against the holders of judicial office; determines the minimum amount of advanced professional training to be undertaken by judges and prosecutors, determines induction training for candidates for the judicial office, supervises the advanced professional training for judges and prosecutors; establishes the criteria for the evaluation of judges and prosecutors; issues

codes of ethics; decides on incompatibilities, temporary assignment or transfer, leaves of absence and has certain budgetary, advisory, administrative and IT tasks relating to the judiciary (Article 17, Law on the HJPC).

In accordance with the HJPC Law (Article 14), the HJPC acts and decides as a single body. Decisions are made by a majority vote of the members present and voting. The quorum requires the presence of at least 11 HJPC members. In matters on which the votes are divided, a vote shall be taken by roll call of the members, and the vote of the President or the Vice-President has the casting vote.

The HJPC may delegate certain decisions within its jurisdiction, with the exception of appointment decisions, to sub-committees. Sub-committees are appointed by the President of the HJPC and are composed of three to five members of the HJPC reflecting the ethnic composition of the country or the Entity in which the appointment is to take place. The powers of sub-committees to make decisions relate to less complex issues (e.g. simpler queries on compatibility of functions, opinions on laws that are not systemic and organizational and do not regulate the status of judicial office holders, shorter absences from office etc.).

Accountability measures in place regarding the HJPC's activities are primarily ensured through ensuring transparency of the HJPC's work. Its public sessions as well as first instance disciplinary proceedings against judicial office holders are public. The public is informed of the HJPC's decisions (which are reasoned), activities, reports on its work, planned activities etc. on its website. Requests for access to public information related to HJPC's work are regularly processed.

In cases when a judge or a prosecutor considers his/her rights established by the Law on the HJPC BiH or other law or his/her independence are endangered, the HJPC provides opinion on his/her complaint. The purpose of such opinions is to identify threats to the independence of judicial institutions, holders of judicial functions, and to publicise them. However, no sanctions can be imposed by the HJPC in such situations. Furthermore, independence of the judiciary and its legitimate work are protected by penal codes in BiH which criminalize certain acts such as endangering criminal proceedings or execution of a criminal sanction as well as attacks, threats or intimidation of a judge or a prosecutor in relation to performance of his/her duties.

In its [Evaluation Report](#) GRECO addressed several issues pertaining to the HJPC's composition, the appointment procedures for its members, their accountability and attempts to undermine its independence, including through interference of the executive and legislative powers in the appointment of its members (see para. 86). Subsequently, GRECO issued a recommendation to the BiH authorities that determined legislative and operational measures be taken to strengthen the HJPC's role in protecting the holders of judicial and prosecutorial offices from undue influences – both real and perceived, including by (i) providing for separate judicial and prosecutorial sub-councils; and (ii) avoiding an over-concentration of powers in the same hands concerning the different functions to be performed by members of the High Judicial and Prosecutorial Council; and (iii) ensuring that decisions of the High Judicial and Prosecutorial Council on the appointment, promotion and disciplinary liability of judges and prosecutors are subject to appeal before a court (recommendation viii, para. 91).

As regards the composition of the HJPC, GRECO highlighted in its Evaluation Report that the HJPC's unitary structure has been criticised as it implied that the prosecutors and lay members could have a majority vote on the appointment and disciplinary proceedings regarding judges. Conversely, a majority of judges and lay members could vote on the appointment and disciplinary proceedings regarding prosecutors. In its Evaluation Report therefore GRECO called for strengthening the HJPC's operation by providing for

separate judicial and prosecutorial sub-councils (part (i) of the recommendation viii). Draft amendments to the Law on the HJPC presented to GRECO in the course of the evaluation foresaw the establishment of two separate sub-councils, one dealing with appointments and disciplinary procedures regarding judges and the other for prosecutors, while maintaining a common platform for both professions to decide on common problems of the judicial system as a whole. GRECO supported this solution, which would preserve the unitary design of the HJPC while ensuring that judges and prosecutors would be selected by a body composed in majority of their peers. Nevertheless, since no progress had been made at the time of GRECO adoption of the [Compliance Report on BiH](#) in March 2018 (see para. 41 - 44) GRECO recalled that the process of amending the Law on the HJPC had been on-going since 2013, before the adoption of the Evaluation Report and thus encouraged the BiH authorities to step up their efforts to make the changes necessary. Moreover, GRECO pointed out that the recommendation also called for operational changes (i.e. to avoid that the same HJPC members were involved in different aspects of a judge's or prosecutor's career) which could well be implemented without changes to the law. In the [GRECO Second Compliance Report on BiH](#) from 2020 (see para. 40 – 45), the BiH authorities reported that the HJPC revised the Law on the HJPC in July 2018 and submitted the proposal to the Ministry of Justice of BiH. The proposal aimed at amending the composition of the HJPC, establishing the Judicial and Prosecutorial Council Departments and their sub-councils, providing more detailed definition of duties of the HJPC members, revising the rules for their appointment and the duration of their mandates. At a ministerial meeting held in July 2018, this legislative initiative was considered as a good basis for further discussion and the Working Group, established for this purpose with the Ministry of Justice of BiH, instructed to take it into consideration. The BiH authorities also reported that in the course of its June 2019 session, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina decided to examine by urgent procedure the draft law on amendments to the Law on the HJPC and requested the Ministry of Justice of Bosnia and Herzegovina to submit to the Parliamentary Assembly an analysis of necessary amendments to laws in the field of justice. In August 2019, the Council of Ministers of Bosnia and Herzegovina instructed the Ministry of Justice to proceed with the activities of the Working Group, in particular to examine the draft amendments to the Law on the HJPC, in parallel with the initiative submitted by the HJPC. On the basis of this, GRECO concluded that this part of the recommendation remained not implemented. No progress was noted by GRECO also in its [Interim Compliance Report](#) (see para. 39-43). In [the GRECO Second Interim Compliance Report on BiH](#) (see para. 39-43), the authorities provided information on two drafts to the Law on the HJPC prepared by the authorities in 2022, namely on by the Ministry of Justice of Bosnia and Herzegovina and the other by the Ministry of Justice, with the support of the HJPC. GRECO took note of the information, however, due to the fact that the legislative work was still ongoing, it concluded the recommendation remains not implemented.


Concerns were also raised to GRECO about attorneys being lay members in the HJPC and regarding the politicisation of the appointment procedures for the members of the HJPC, through the involvement of both the legislative and executive branches. GRECO therefore stressed in its Evaluation Report that it was not unusual and was, in fact, advisable that a judicial council included also a number of non-judicial members, so as to create a link between the judiciary and the rest of society. However, it agreed that only including judges, prosecutors and attorneys in a body which was competent to decide on appointments, dismissals and disciplinary liability of judges and prosecutors may not be advisable in a country like Bosnia and Herzegovina, in which there was considerable public mistrust of the judiciary and its independence, as it may fuel perceptions of collusion across the judicial system. Broadening the composition of the HJPC to other lay members, such as members of relevant NGOs and/or academics instead of or in addition to attorneys was an idea worth exploring, said GRECO. It was important, however, to ensure that their professional qualities and impartiality could be objectively endorsed by objective and measurable selection criteria.

As regards the wide-ranging powers of the HJPC over the career of judges and prosecutors, ranging from their appointment to their promotion, transfer, ethics and disciplinary liability GRECO in its [Evaluation Report](#) stressed that it was therefore possible for the same HJPC members to be involved in different aspects of a judge's or a prosecutor's professional life and this may well create conflicts of interests and be detrimental to their individual independence. Consequently, GRECO pointed out it was important to provide a proper separation of tasks of HJPC members, as highlighted by Opinion No. 10(2007) of the Consultative Council of European Judges (CCJE) on the Council for the Judiciary and issued a recommendation to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the HJPC (part (ii) of the recommendation viii).

Furthermore, as GRECO was presented by its interlocutors with the view that the judiciary as a whole was perceived as generally politicised, due on the one hand to personal links of some of its members with politicians and on the other hand, due to the perception that high profile investigations and cases were either lacking or were opened and closed based on political motivations and that members of the HJPC were not exempt from such suspicions it found draft amendments of the law on HJPC that would entrust the Parliamentary Assembly of BiH with the prerogative to appoint the judicial and prosecutorial members of the HJPC, as well as its President and Vice-President, upon presentation of a short list of candidates nominated by groups of courts or prosecution offices as worrisome. GRECO pointed out that such model would bring an over-exposure of the HJPC to the legislative power and would deviate from international standards that require that judicial members be effectively chosen by their peers (see para. 89 of the Evaluation Report).

As to which decisions of the HJPC were subject to appeal GRECO found that decisions of the HJPC on appointment of judges and prosecutors were not subject to appeal while as concerns decisions on disciplinary liability of judicial office holders, decisions of the First Instance and Second Instance Disciplinary Panels were subject to appeal to the plenary of the HJPC and decisions on dismissal could be appealed to the Court of BiH, but only for an alleged violation of the disciplinary procedure or an erroneous application of the law. GRECO concluded a genuinely external review was therefore lacking for many decisions in disciplinary matters and recommended to the BiH authorities to ensure that decisions of the HJPC on the appointment, promotion and disciplinary liability of judges and prosecutors are subject to appeal before a court (part (iii) of the recommendation viii).

In the GRECO Second Interim Compliance Report on BiH (see para. 39-43), the authorities of Bosnia and Herzegovina reported that the draft Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, proposed by the Council of Ministers in June 2021, was rejected by the House of Peoples in May 2022, though it was initially adopted by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina. They further stated that, in the course of 2022, the Ministry of Justice of Bosnia and Herzegovina prepared a new Draft Law on Amendments to the Law on the HJPC, the provisions of which were harmonised with the Opinion of the Venice Commission, as well as with preliminary comments of the European Commission, to which the draft law was also submitted for consideration. The draft Law was to resolve issues such as conflict of interests of members of the HJPC, asset declarations for judges and prosecutors, including members of the HJPC, and their verification, the functioning of the Department for Integrity within the HJPC Secretariat, legal remedies against decisions on appointment, and contain certain amendments relating to disciplinary offenses and disciplinary proceedings conducted against judges, prosecutors and members of the HJPC. The draft Law was forwarded to the Council of Ministers for approval, to be followed by its submission to the Parliamentary Assembly for adoption. In addition, on 29 August 2022, the Ministry of Justice submitted to the HJPC for consultation the new draft Law, which was considered and elaborated upon at the HJPC's session held on 28 September 2022. In its opinion, the HJPC stated its



support for the draft Law and made some specific proposals aimed at ensuring coherence and clarity of the draft text. GRECO took note of the information provided by the authorities. While there appeared to be ongoing legislative work of relevance to this recommendation, with a new draft Law on Amendments to the Law on the HJPC prepared by the Ministry of Justice in 2022, there has been no concrete outcome as yet to address the specific aspects of the recommendation, i.e. setting up separate judicial and prosecutorial sub-councils; avoiding over-concentration of powers concerning the different functions to be performed by members of the HJPC and allowing decisions of the HJPC on appointment, promotion and disciplinary liability to be appealed before a court. GRECO urged the authorities to take these aspects into consideration in relation to the drafting of a law on the HJPC. GRECO concluded that the recommendation remains not implemented.