

## Evaluation of the judicial systems (2018 - 2020)



Bosnia and Herzegovina

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**Reference data 2018 (01/01/2018 - 31/12/2018)**

**Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019**

### **Objective :**

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

### **Instruction :**

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

- User manual
- Explanatory note

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

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

## **1.General and financial information**

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

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



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

[ 3 496 121 ]

Comments The estimation of BiH Statistics Agency as of 30.06.2018.

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

|  | Amount   |
|--|--|
| State or federal level   | 6 958 586 529<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | 6 086 652 388<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments The figure for state level represents the consolidated amount of public expenditure at all levels of government in Bosnia and Herzegovina.

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

[ 4 886 ]

Comments

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

[ 8 363 ]

NA

Comments

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

[ 1.95583 ]

Allow decimals : 5

NAP

Comments

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

Sources: 1. BiH Statistics Agency  
2. Central Bank of Bosnia and Herzegovina  
3. <http://bhas.gov.ba/Calendar/Category/12#>; Publication - GROSS DOMESTIC PRODUCT OF BOSNIA AND HERZEGOVNA 2018 Income approach, first results 4. <http://bhas.gov.ba/Calendar/Category?id=13&page=3&statGroup=13&tabId=2>; Publication: "PROSJENE MJESENE BRUTO PLAE ZAPOSLENIH U 2018. GODINI"  
4. BiH Statistics Agency  
5. Central Bank of Bosnia and Herzegovina: <http://www.cbbh.ba/?lang=en>

### 1.1.2. Budgetary data concerning judicial system



## 006. Annual (approved and implemented) public budget allocated to the functioning of all courts,

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

|  | Approved budget (in €)          | Implemented budget (in €)       |
|--|---------------------------------|---------------------------------|
| <b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b> | 92 756 159<br>[ ] NA<br>[ ] NAP | 88 576 202<br>[ ] NA<br>[ ] NAP |
| <b>1. Annual public budget allocated to (gross) salaries</b>   | 76 771 456<br>[ ] NA<br>[ ] NAP | 73 986 288<br>[ ] NA<br>[ ] NAP |
| <b>2. Annual public budget allocated to computerisation</b>  | [ X ] NA<br>[ ] NAP             | 1 706 843<br>[ ] NA<br>[ ] NAP  |
| <b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>             | [ X ] NA<br>[ ] NAP             | 322 130<br>[ ] NA<br>[ ] NAP    |
| <b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>                 | [ X ] NA<br>[ ] NAP             | 8 120 889<br>[ ] NA<br>[ ] NAP  |
| <b>5. Annual public budget allocated to investments in new (court) buildings</b>                           | [ X ] NA<br>[ ] NAP             | 168 457<br>[ ] NA<br>[ ] NAP    |
| <b>6. Annual public budget allocated to training</b>   | [ X ] NA<br>[ ] NAP             | 87 229<br>[ ] NA<br>[ ] NAP     |
| <b>7. Other (please specify)</b>   | [ X ] NA<br>[ ] NAP             | 4 184 366<br>[ ] NA<br>[ ] NAP  |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest instance courts have not been implemented. Since there is no continuity of planning budget funds for the construction of new court buildings the amount of funds spent for this purpose can vary significantly.

Other costs are the expenditures for travel expenses and purchase of office material and office equipment.

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

|  | Approved budget (in €) | Implemented budget (in €) |
|--|------------------------|---------------------------|
| <b>Total annual public budget allocated to all courts and the public prosecution services together</b> | [ ] NA<br>[ X ] NAP    | [ ] NA<br>[ X ] NAP       |
| <b>Total annual public budget allocated to all courts and legal aid together</b>                       | [ ] NA<br>[ X ] NAP    | [ ] NA<br>[ X ] NAP       |

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

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

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

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

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

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

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

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

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

[ 100 ]  
 NA  
 NAP

Comments

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

[ 22 059 864 ]  
 NA  
 NAP

Comments

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

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

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

Comments

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

|   | <b>TOTAL</b>                   | <b>Criminal cases</b> | <b>Other than criminal cases</b> |
|---|--------------------------------|-----------------------|----------------------------------|
| <b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>  | 7 281 710<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP   | [ X ] NA<br>[ ] NAP              |
| <b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>         | [ X ] NA<br>[ ] NAP            | [ X ] NA<br>[ ] NAP   | [ X ] NA<br>[ ] NAP              |
| <b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b> | [ X ] NA<br>[ ] NAP            | [ X ] NA<br>[ ] NAP   | [ X ] NA<br>[ ] NAP              |

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

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

|   | <b>Approved budget (in €)</b>   | <b>Implemented budget (in €)</b> |
|---|---------------------------------|----------------------------------|
| <b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b> | 28 462 112<br>[ ] NA<br>[ ] NAP | 26 517 197<br>[ ] NA<br>[ ] NAP  |
| <b>13.1. Annual public budget allocated to training of public prosecution services</b>                | [ X ] NA<br>[ ] NAP             | [ X ] NA<br>[ ] NAP              |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The annual public budget allocated to the functioning of all prosecutors' offices actually implemented is different mainly due to the following reasons: Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices have not been implemented.

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

|                                       |   |  |   |
|---------------------------------------|---|--|---|
| Preparation of the total court budget | Adoption/approval of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level |
|---------------------------------------|---|--|---|

|                              |                                |                                |                                |                                |
|------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| <b>Ministry of Justice</b>   | ( X ) Yes<br>( ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP |
| <b>Other ministry</b>        | ( X ) Yes<br>( ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP |
| <b>Parliament</b>            | ( ) Yes<br>( X ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP |
| <b>Supreme Court</b>         | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP |
| <b>High Judicial Council</b> | ( X ) Yes<br>( ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP |
| <b>Courts</b>                | ( X ) Yes<br>( ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP |
| <b>Inspection body</b>       | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP |
| <b>Other</b>                 | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP | ( ) Yes<br>( X ) No<br>[ ] NAP |

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

**014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?**

|                                       | <b>Preparation of the budget</b> | <b>Arbitration and allocation of the budget</b> | <b>Day to day management of the budget</b> | <b>Evaluation and control of the use of the budget</b> |
|---------------------------------------|----------------------------------|---|--|--|
| <b>Management Board</b>               | ( ) Yes<br>( X ) No              | ( ) Yes<br>( X ) No                             | ( ) Yes<br>( X ) No                        | ( ) Yes<br>( X ) No                                    |
| <b>Court President</b>                | ( X ) Yes<br>( ) No              | ( X ) Yes<br>( ) No                             | ( X ) Yes<br>( ) No                        | ( X ) Yes<br>( ) No                                    |
| <b>Court administrative director</b>  | ( ) Yes<br>( X ) No              | ( ) Yes<br>( X ) No                             | ( ) Yes<br>( X ) No                        | ( ) Yes<br>( X ) No                                    |
| <b>Head of the court clerk office</b> | ( ) Yes<br>( X ) No              | ( ) Yes<br>( X ) No                             | ( ) Yes<br>( X ) No                        | ( ) Yes<br>( X ) No                                    |
| <b>Other</b>                          | ( X ) Yes<br>( ) No              | ( X ) Yes<br>( ) No                             | ( X ) Yes<br>( ) No                        | ( X ) Yes<br>( ) No                                    |

Comments - If "other", please specify: Head of accounting department is included in process of preparation of the budget, arbitration and allocation of the budget and Day to day management of the budget

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

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

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

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

|   | Approved budget (in €)           | Implemented budget (in €) |
|---|----------------------------------|---------------------------|
| Total annual public budget allocated to the whole justice system in € | 219 210 011<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |

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

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

|  | Included | Not included | Does not exist (NAP) |
|--|----------|--------------|----------------------|
| Courts (see question 6 or 7)                       | ( X )    | ( )          | ( )                  |
| Legal aid (see question 12 or 7)                   | ( X )    | ( )          | ( )                  |
| Public prosecution services (see question 13 or 7) | ( X )    | ( )          | ( )                  |

### 015-3. Other budgetary elements

|                          | Included | Not included | Does not exist (NAP) |
|--------------------------|----------|--------------|----------------------|
| Prison system            | ( X )    | ( )          | ( )                  |
| Probation services       | ( )      | ( )          | ( X )                |
| High Judicial Council    | ( X )    | ( )          | ( )                  |
| Constitutional court     | ( X )    | ( )          | ( )                  |
| Judicial management body | ( )      | ( )          | ( X )                |
| State advocacy           | ( X )    | ( )          | ( )                  |
| Enforcement services     | ( )      | ( )          | ( X )                |
| Notariat                 | ( )      | ( )          | ( X )                |
| Forensic services        | ( X )    | ( )          | ( )                  |

|  |       |     |       |
|--|-------|-----|-------|
| Judicial protection of juveniles   | ( )   | ( ) | ( X ) |
| Functioning of the Ministry of Justice                                     | ( X ) | ( ) | ( )   |
| Refugees and asylum seekers services                                       | ( )   | ( ) | ( X ) |
| Immigration Service  | ( )   | ( ) | ( X ) |
| Some police services (e.g. : transfer, investigation, prisoners' security) | ( X ) | ( ) | ( )   |
| Other  | ( )   | ( ) | ( X ) |

If "other", please specify: Judicial management body is not applicable to the judicial system of Bosnia and Herzegovina, the High Judicial Council of Bosnia and Herzegovina is empowered to perform the managerial authorities.

Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public prosecution services. Related costs are included in the public budget of the court, public prosecution system and the whole justice system; however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services.

Refugees and asylum seekers services and immigration services are the responsibility of various institutions outside the justice system; in addition, related costs cannot be extracted from the overall budget of the relevant institutions.

Notary chambers are not financed by the public budgets.

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

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

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

|                         | Criminal cases                           | Other than criminal cases                |
|-------------------------|--|--|
| Representation in court | ( X ) Yes<br>( ) No<br>[ ] NA<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NA<br>[ ] NAP |



|   |   |   |
|---|---|---|
| <b>Legal advice, ADR and other legal services</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
|---|---|---|

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

- The courts and the specialized government institutions for providing free legal aid deliver free legal assistance. Free legal assistance 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.

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

- Yes  
 No  
 NAP

If yes, please specify:

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

- Yes  
 No  
 NAP

If yes, please specify:

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

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

Comments - If yes, please specify:

### 2.1.2. Information on legal aid



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

|                                     | Total                       | Cases brought to court     | Cases not brought to court  |
|-------------------------------------|-----------------------------|----------------------------|-----------------------------|
| <b>TOTAL</b>                        | 30 628<br>[ ] NA<br>[ ] NAP | 9 071<br>[ ] NA<br>[ ] NAP | 21 557<br>[ ] NA<br>[ ] NAP |
| <b>In criminal cases</b>            | 5 621<br>[ ] NA<br>[ ] NAP  | 4 514<br>[ ] NA<br>[ ] NAP | 1 107<br>[ ] NA<br>[ ] NAP  |
| <b>In other than criminal cases</b> | 25 007<br>[ ] NA<br>[ ] NAP | 4 557<br>[ ] NA<br>[ ] NAP | 20 450<br>[ ] NA<br>[ ] NAP |

Comments - Please specify when appropriate: 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.

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

|                            | Assisted by a free of charge lawyer |
|----------------------------|-------------------------------------|
| <b>Accused individuals</b> | ( X ) Yes<br>( ) No                 |
| <b>Victims</b>             | ( X ) Yes<br>( ) No                 |

Comments - If yes, please specify:

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

|                            | free selection of lawyer       |
|----------------------------|--------------------------------|
| <b>Accused individuals</b> | ( X ) Yes<br>( ) No<br>[ ] NAP |
| <b>Victims</b>             | ( X ) Yes<br>( ) No<br>[ ] NAP |

Comments

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

( X ) Yes

( ) No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain

the data provided above:

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

|  | Annual income value (for one person), (in €) | Assets value (for one person), (in €) |
|--|--|---------------------------------------|
| Full legal aid to the applicant for criminal cases               | 1 380<br>[ ] NA<br>[ ] NAP                   | [ X ] NA<br>[ ] NAP                   |
| Full legal aid to the applicant for other than criminal cases    | 1 380<br>[ ] NA<br>[ ] NAP                   | [ X ] NA<br>[ ] NAP                   |
| Partial legal aid to the applicant for criminal cases            | [ ] NA<br>[ X ] NAP                          | [ ] NA<br>[ X ] NAP                   |
| Partial legal aid to the applicant for other than criminal cases | [ ] NA<br>[ X ] NAP                          | [ ] NA<br>[ X ] NAP                   |

**024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

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

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

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

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

Yes

No

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

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

|                              | Judicial decisions direct how legal costs will be shared               |
|------------------------------|--|
| in criminal cases            | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| in other than criminal cases | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comments

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

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

### 2.2. Court users and victims

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

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

|  | Yes                      | Internet adresse(es)   |
|--|--------------------------|--|
| legal texts (e.g. codes, laws, regulations, etc.)              | <input type="checkbox"/> | <input checked="" type="checkbox"/><br><a href="http://www.parlament.ba/">http://www.parlament.ba/</a> ,   |
| case-law of the higher court/s                                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> <a href="http://www.ustavnisud.ba/">www.ustavnisud.ba</a> ,  |
| other documents (e.g. downloadable forms, online registration) | <input type="checkbox"/> | <input checked="" type="checkbox"/><br><a href="https://www.pravosudje.ba/predm/faces/login.jsp">https://www.pravosudje.ba/predm/faces/login.jsp</a> ; |

Please specify what documents and information are included in "other documents":

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

Yes, always

No

Yes, only in some specific situations

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

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

Yes

No

Comments - If yes, please specify:

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

|                                 | Information mechanism  | Special arrangements in hearings                                       | Other specific arrangements  |
|---------------------------------|--|--|--|
| Victims of sexual violence/rape | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

|  |  |  |  |
|--|--|--|--|
| <b>Victims of terrorism</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Minors (witnesses or victims)</b>   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Victims of domestic violence</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Ethnic minorities</b>   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Disabled persons</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Juvenile offenders</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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

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

Yes

No

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

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

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

No

Comments

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

Yes

No

Comments

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

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

NAP

Comments - If necessary, please specify:

**037. Is there a system for compensating users in the following circumstances:**

|   | Number of requests for compensation | Number of condemnations    | Total amount (in €)            |
|---|-------------------------------------|----------------------------|--------------------------------|
| <b>Total</b>                            | 7 884<br>[ ] NA<br>[ ] NAP          | 2 166<br>[ ] NA<br>[ ] NAP | 1 259 978<br>[ ] NA<br>[ ] NAP |
| <b>Excessive length of proceedings</b>  | 2 007<br>[ ] NA<br>[ ] NAP          | 696<br>[ ] NA<br>[ ] NAP   | 639 025<br>[ ] NA<br>[ ] NAP   |
| <b>Non-execution of court decisions</b> | 1 903<br>[ ] NA<br>[ ] NAP          | 631<br>[ ] NA<br>[ ] NAP   | 311 836<br>[ ] NA<br>[ ] NAP   |
| <b>Wrongful arrest</b>                  | 235<br>[ ] NA<br>[ ] NAP            | 80<br>[ ] NA<br>[ ] NAP    | 307 213<br>[ ] NA<br>[ ] NAP   |
| <b>Wrongful conviction</b>              | 428<br>[ ] NA<br>[ ] NAP            | 14<br>[ ] NA<br>[ ] NAP    | 1 902<br>[ ] NA<br>[ ] NAP     |
| <b>Other</b>                            | 3 313<br>[ ] NA<br>[ ] NAP          | 745<br>[ ] NA<br>[ ] NAP   | 0<br>[ ] NA<br>[ ] NAP         |

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Specific comments for 2018: Number of requests shown in the table refers to the requests received in 2018 and number of the condemnations refers to the total number of condemnations in 2018, regardless of the date of submission of the request. The Constitutional Court of Bosnia and Herzegovina received in 2018, compared to 2016, an increased number of requests by which the applicants alleged the excessive length of court proceedings and non-execution of court decisions. Subsequently, the increased number of condemnations establishing the excessive length of court proceedings and non-execution of court decisions was registered by the Constitutional Court of Bosnia and Herzegovina in 2018 compared to 2016. The increased number of applications submitted to the Constitutional Court of Bosnia and Herzegovina reflects the difficulties of the court system of Bosnia and Herzegovina with the backlog of unresolved cases. Excessive length of proceedings and Non-execution of court decisions: Only the Constitutional Court of Bosnia and Herzegovina received and decided the requests related to Excessive length of proceedings and Non-execution of court decisions

Wrongful arrest: Total number of the requests for compensation on the ground of the wrongful arrest, shown in the table, includes 50 requests filed to the regular courts, 81 requests for the settlement and 94 appeals filed to the Constitutional Court. Total amount of the compensation awarded by the regular courts is 276,321.56 € and total amount of 30,892.26 € is awarded through out of court settlements. Wrongful conviction: Total number of the requests for compensation on the ground of the wrongful conviction, shown in the table, includes 2 requests for the settlement filed to the ministries of justice and 424 appeals filed to the Constitutional Court. Total amount of the compensation of 1,902€ is awarded through out of court settlement. Other: Number shown in the table refers to the appeals submitted to the Constitutional Court regarding other aspects of the functioning of the courts and amounts of the compensation awarded to the parties whose rights to the access to the court has been violated.

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

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

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

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: There were two types of Other regular surveys:

I. Other regular surveys: the biannual survey of judges and prosecutors regarding ethical and disciplinary issues. II. Telephone assisted surveys regarding prosecutor's offices and prosecutorial staff:

The type of surveys made were F2F and telephone assisted surveys made once in four-year period, however mainly regarding prosecutor's offices and prosecutorial staff. As for the regular shorter-term survey they are developed for an individual prosecutor's office level, and are planned for future period.

Ad hoc survey: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina conducted ad hoc survey on user satisfaction with

regards to the Judicial web portal.

Other not mentioned:

Surveys aimed at the staff of the prosecutor's offices related to the topics according to the above mentioned explanation.

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

Yes

No

Comments

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

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

Comments

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

|   | Number of complaints  | Compensation amount granted  |
|---|---|--|
| <b>Court concerned</b>                        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Higher court</b>                           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Ministry of Justice</b>                    | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>High Judicial Council</b>                  | 895<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Other external bodies (e.g. Ombudsman)</b> | 485<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: In 2018 The Office of Disciplinary Council of the High Judicial and Prosecutorial Council(ODC) received 895 complaints against judges and prosecutors; ODC initiated 26 disciplinary proceedings against judges and 7 against prosecutors in 2018. Out of the 485 complaints received by the Ombudsman in 2018, 89 were complaints about excessive length of proceedings, 22 about ineffective execution of court



decisions, 7 complaints against judges for violation of procedural laws and 367 complaints related to the violation of other rights related to court procedure. In 2018 the Ombudsman issued 30 recommendations to the courts.

Number of complaints received by the Constitutional Court in 2018 and amounts of compensation awarded are shown in the table under the question 37.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

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

|   | Number of courts  |
|---|---|
| 42.1 First instance courts of general jurisdiction (legal entities)   | 70<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 42.2 First instance specialised courts (legal entities)   | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| 42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts) | 99<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments The four new courts were established during 2017, 2018, and in early 2019; three courts of general jurisdiction and one specialized commercial court. Two court branches (i.e. geographic locations) were transformed into new courts of general jurisdiction. Additionally, one court branch (i.e. geographic location) has been abolished due to the insufficient inflow of new cases. The two new courts of general jurisdiction were established in 2019. The decisions to create new courts had been passed before 2019. Also, the implementation of those decisions commenced previously. The above-mentioned circumstances led to the decision to include all new courts in the current reporting cycle in order to consolidate the information on the existing number of courts.

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

|  | Number of courts   |
|--|--|
| Total (must be the same as the data given under question 42.2) | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| Commercial courts (excluded insolvency courts)                 | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| Insolvency courts  | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| Labour courts  | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| Family courts  | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

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

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

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

Yes

No

Comments - Please specify:

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

|   | Number of courts   |
|---|--|
| <b>a debt collection for small claims</b> | 60<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>an employment dismissal</b>            | 54<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>a robbery</b>                          | 54<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>an insolvency case</b>                 | 17<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments

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

( X ) Yes

( ) No

Comments - If not, please give your definition for small claims:

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

[ 2 500 ]

Comments

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

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

## 3.2. Court staff

### 3.2.1. Judges and non-judge staff

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

|   | Total                      | Males                    | Females                  |
|---|----------------------------|--------------------------|--------------------------|
| <b>Total number of professional judges (1 + 2 + 3)</b>                    | 1 013<br>[ ] NA<br>[ ] NAP | 365<br>[ ] NA<br>[ ] NAP | 648<br>[ ] NA<br>[ ] NAP |
| <b>1. Number of first instance professional judges</b>                    | 674<br>[ ] NA<br>[ ] NAP   | 250<br>[ ] NA<br>[ ] NAP | 424<br>[ ] NA<br>[ ] NAP |
| <b>2. Number of second instance (court of appeal) professional judges</b> | 221<br>[ ] NA<br>[ ] NAP   | 70<br>[ ] NA<br>[ ] NAP  | 151<br>[ ] NA<br>[ ] NAP |
| <b>3. Number of Supreme Court professional judges</b>                     | 118<br>[ ] NA<br>[ ] NAP   | 45<br>[ ] NA<br>[ ] NAP  | 73<br>[ ] NA<br>[ ] NAP  |

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

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

|   | Total                   | Males                   | Females                 |
|---|-------------------------|-------------------------|-------------------------|
| <b>Total number of court presidents (1 + 2 + 3)</b> | 77<br>[ ] NA<br>[ ] NAP | 38<br>[ ] NA<br>[ ] NAP | 39<br>[ ] NA<br>[ ] NAP |
| <b>1. Number of first instance court presidents</b> | 57<br>[ ] NA<br>[ ] NAP | 28<br>[ ] NA<br>[ ] NAP | 29<br>[ ] NA<br>[ ] NAP |

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

Comments

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

|                                | Figure                  |
|--------------------------------|-------------------------|
| <b>Gross figure</b>            | 87<br>[ ] NA<br>[ ] NAP |
| <b>In full-time equivalent</b> | [ ] NA<br>[X] NAP       |

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

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

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

Comments In 2018, additional judges disposed of 59956 cases, or 4% of the overall number of cases disposed by the courts in Bosnia and Herzegovina. Additional judges disposed of 57814 or 96% of first-instance cases; of which 27175 or 45% were enforcement cases, 12951 or 22% civil cases, 7092 or 12% non-litigious cases, 4454 or 7% criminal cases, 3304 or 6% minor offence cases and 683 or 2% administrative cases. Out of the total number of cases disposed of by additional judges in 2018, 2142 or 4% were second-instance cases, and 1% other cases.

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

|                                | Figure                   |
|--------------------------------|--------------------------|
| <b>Gross figure</b>            | 161<br>[ ] NA<br>[ ] NAP |
| <b>In full time equivalent</b> | [ ] NA<br>[X] NAP        |

Comments

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

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

NAP

Comments - If "other", please specify:

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

( ) Yes

( X ) No

Comments

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

Criminal cases

Other than criminal cases

Comments

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

[ ]

NA

NAP

Comments

**052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

|   | Total  | Males  | Females  |
|---|--|--|--|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | 3 355<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 818<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 2 537<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|   |                            |                          |                            |
|---|----------------------------|--------------------------|----------------------------|
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  | 92<br>[ ] NA<br>[ ] NAP    | 23<br>[ ] NA<br>[ ] NAP  | 69<br>[ ] NA<br>[ ] NAP    |
| 2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)  | 1 303<br>[ ] NA<br>[ ] NAP | 102<br>[ ] NA<br>[ ] NAP | 1 201<br>[ ] NA<br>[ ] NAP |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | 1 605<br>[ ] NA<br>[ ] NAP | 521<br>[ ] NA<br>[ ] NAP | 1 084<br>[ ] NA<br>[ ] NAP |
| 4. Technical staff  | 355<br>[ ] NA<br>[ ] NAP   | 172<br>[ ] NA<br>[ ] NAP | 183<br>[ ] NA<br>[ ] NAP   |
| 5. Other non-judge staff  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP        |

Comments - If "other non-judge staff", please specify:

**052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

|   | Total                      | Males                    | Females                    |
|---|----------------------------|--------------------------|----------------------------|
| Total non-judge staff working in courts (1+2+3)                                       | 3 355<br>[ ] NA<br>[ ] NAP | 818<br>[ ] NA<br>[ ] NAP | 2 537<br>[ ] NA<br>[ ] NAP |
| 1. Total non-judge staff working in courts at first instance level                    | 2 593<br>[ ] NA<br>[ ] NAP | 642<br>[ ] NA<br>[ ] NAP | 1 951<br>[ ] NA<br>[ ] NAP |
| 2. Total non-judge staff working in courts at second instance (court of appeal) level | 476<br>[ ] NA<br>[ ] NAP   | 96<br>[ ] NA<br>[ ] NAP  | 380<br>[ ] NA<br>[ ] NAP   |
| 3. Total non-judge staff working in courts at Supreme Court level                     | 286<br>[ ] NA<br>[ ] NAP   | 80<br>[ ] NA<br>[ ] NAP  | 206<br>[ ] NA<br>[ ] NAP   |

Comments

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

- legal aid
- family cases
- payment orders

- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

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

- Yes
- No

Comments

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

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): Mail delivery, accounting services and maintenance of the heating system in the court building.

Comments Small number of the courts (i. e. 14 courts) delegated ancillary services to private companies in 2018. Training of staff was not outsourced during 2018. In the previous evaluation cycle (data for 2016) one of the courts included on ad hoc basis part of its staff (typists, administrative assistants) in a training program delivered by an external provider; this program was finished before the current evaluation cycle (data for 2018).

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

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

**3.3. Public prosecution**

**3.3.1. Public prosecutors and staff**



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

|       |       |         |
|-------|-------|---------|
| Total | Males | Females |
|-------|-------|---------|

|  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| <b>Total number of prosecutors (1 + 2 + 3)</b>                             | 376<br>[ ] NA<br>[ ] NAP | 182<br>[ ] NA<br>[ ] NAP | 194<br>[ ] NA<br>[ ] NAP |
| <b>1. Number of prosecutors at first instance level</b>                    | 300<br>[ ] NA<br>[ ] NAP | 145<br>[ ] NA<br>[ ] NAP | 155<br>[ ] NA<br>[ ] NAP |
| <b>2. Number of prosecutors at second instance (court of appeal) level</b> | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      |
| <b>3. Number of prosecutors at Supreme Court level</b>                     | 76<br>[ ] NA<br>[ ] NAP  | 37<br>[ ] NA<br>[ ] NAP  | 39<br>[ ] NA<br>[ ] NAP  |

Please indicate any useful comment for interpreting the data above:

### 056. Number of heads of prosecution offices.

|   | <b>Total</b>            | <b>Males</b>            | <b>Females</b>         |
|---|-------------------------|-------------------------|------------------------|
| <b>Total number of heads of prosecution offices (1 + 2 + 3)</b>                             | 19<br>[ ] NA<br>[ ] NAP | 12<br>[ ] NA<br>[ ] NAP | 7<br>[ ] NA<br>[ ] NAP |
| <b>1. Number of heads of prosecution offices at first instance level</b>                    | 17<br>[ ] NA<br>[ ] NAP | 11<br>[ ] NA<br>[ ] NAP | 6<br>[ ] NA<br>[ ] NAP |
| <b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b> | [ ] NA<br>[ X ] NAP     | [ ] NA<br>[ X ] NAP     | [ ] NA<br>[ X ] NAP    |
| <b>3. Number of heads of prosecution offices at Supreme Court level</b>                     | 2<br>[ ] NA<br>[ ] NAP  | 1<br>[ ] NA<br>[ ] NAP  | 1<br>[ ] NA<br>[ ] NAP |

Please provide any useful comment for interpreting the data above:

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

( ) Yes

( X ) No

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

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

[            ]  
[ ] NA

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

( ) Yes

( ) No

[ ] NAP

Comments

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



## violence ?

Yes

No

Comments

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

|   | Total         | Males         | Females       |
|---|---------------|---------------|---------------|
| Number of staff (non-public prosecutors) attached to the public prosecution service | 734<br>[ ] NA | 216<br>[ ] NA | 518<br>[ ] NA |

Comments

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

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

## 3.4. Gender equality

### 3.4.1 Specific provisions for facilitating gender equality

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

|                    | Yes, please specify                 | No                                  |
|--------------------|-------------------------------------|-------------------------------------|
| judges             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| prosecutors        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| non-judge staff    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| lawyers            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| notaries           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| enforcement agents | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

[ ] NA

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

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

**procedures for promoting :**

|                           | Yes, please specify | No    |
|---------------------------|---------------------|-------|
| <b>judges</b>             | ( X )               | ( )   |
| <b>prosecutors</b>        | ( X )               | ( )   |
| <b>non-judge staff</b>    | ( )                 | ( X ) |
| <b>lawyers</b>            | ( )                 | ( X ) |
| <b>notaries</b>           | ( )                 | ( X ) |
| <b>enforcement agents</b> | ( )                 | ( X ) |

[ ] NA

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

**3.4.2 At national level**

**061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:**

|                           | Yes | No    |
|---------------------------|-----|-------|
| <b>judges</b>             | ( ) | ( X ) |
| <b>prosecutors</b>        | ( ) | ( X ) |
| <b>non-judge staff</b>    | ( ) | ( X ) |
| <b>lawyers</b>            | ( ) | ( X ) |
| <b>notaries</b>           | ( ) | ( X ) |
| <b>enforcement agents</b> | ( ) | ( X ) |

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? The Statistics agencies publish data on the distribution between males and females within all professions.

**061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?**

( ) Yes

( X ) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

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

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

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

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

(title, date, nature of the text)

[ X ] NAP

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

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

[ X ] NAP

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

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

[ X ] NAP

### 3.4.3 At court/public prosecution services level

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

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

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments. It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters.

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

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

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

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

have been already implemented (please specify) :

are planned (please specify) :

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

NAP

**061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:**

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

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

NAP

**061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:**

|  | Yes, please specify | No    |
|--|---------------------|-------|
| judges and court staff are more chosen among males or females according to the type of cases     | ( )                 | ( X ) |
| the composition of hearings with several judges is always mixed                                  | ( )                 | ( X ) |
| statistics exist concerning males and females who initiate a case/victims, accused persons, etc. | ( X )               | ( )   |

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

**3.5 Use of information technologies in courts**

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

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

|                            | Organisation   |
|----------------------------|--|
| IT policies and strategies | <input checked="" type="checkbox"/> defined and coordinated at national level by one institution<br><input type="checkbox"/> defined and coordinated at national level by several institutions<br><input type="checkbox"/> defined and coordinated at unit/stakeholder level<br><input type="checkbox"/> other |
| IT Governance              | <input checked="" type="checkbox"/> governed on national level by one institution<br><input type="checkbox"/> governed on national level by several institutions<br><input type="checkbox"/> organised at unit/stakeholder level<br><input type="checkbox"/> other   |

Comments

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

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

Comments - (please specify if there are other modernisation approaches that have been implemented):

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

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

Comments - please also describe in case of “other alternatives”

#### 065-3. Is there a device of detection and promotion of innovations regarding IT coming from

**personal and/or local/court level initiatives?**

Yes

No

Comments (please specify projects that have experienced national developments) The primary source of ideas coming from users is the help desk solution. Additionally, HJPC’s team periodically conducts interviews and surveys with users of CMS and other IT solutions in the judiciary.

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

Yes

No

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

Business processes

Workload

Human resources

Costs

Other, please specify .....

Comments (please specify examples of the impact)

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

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

Yes

No

Comments (please specify in particular if national frameworks of information security exist): Given the fact that our prior answer was YES, we must explain that based on our understanding the question regarding 2016 had its focus on existence of a global security policy. Question 65.5 regarding 2018 has its focus on the existence of independent audits and mechanisms which we do not have so the answer is NO. Only periodic internal audits are commissioned or conducted with the existing resources of the HJPC.

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

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The national Agency for Protection of Personal Data exists, as well as the Law on Protection of Personal Data. Unless a law specifically allows keeping and / or publishing of personal data, the personal data cannot be used/stored/published by courts.

**3.5.3 Centralised databases for decision support**

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

( X ) Yes

( ) Non

Comments

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

|                                | For 1st instance decisions                                    | For 2nd instance decisions                                    | For 3rd instance decisions                                    | Link with ECHR case law | Data anonymised     | Case-law database available free online | Case-law database available in open data |
|--------------------------------|---|---|---|-------------------------|---------------------|---|--|
| <b>Civil and/or commercial</b> | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes<br>( X ) No     | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No                     | ( ) Yes<br>( X ) No                      |
| <b>Criminal</b>                | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes<br>( X ) No     | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No                     | ( ) Yes<br>( X ) No                      |
| <b>Administrative</b>          | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes all judgements<br>( X ) Yes some judgements<br>( ) No | ( ) Yes<br>( X ) No     | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No                     | ( ) Yes<br>( X ) No                      |

Comments - if it exists in other matters please specify Court decisions database is established and maintained by HJPC through its Judicial Documentation Centre. It contains court decisions selected by highest courts in BiH and it is searchable by different parameters: case number, court that issued the decision, law branch, legal term, but also through free text search. Currently, the selected decisions are aligned with lower courts' decisions passed in the same cases, all anonymised and available on-line, (i.e. to the members of the judiciary judges, prosecutors and all judicial staff free of charge, and to the rest of the community subject to annual fee of 50 Euro). Some decisions are also aligned with decisions of the Constitutional Court of BiH, provided the constitutional appeal is submitted. The alignment of this database with ECHR case law is not in place at the moment, but detailed reports on ECHR case law are available through Judicial Documentation Centre web site , and it is subject to improvement process which is supported by IPA 2017 (information from European high courts with ECtHR Network). Also, in the coming period this database will be updated with decisions of the lower instance courts that do not reach the highest court instance (e.g. non-litigious cases, misdemeanour and minor criminal cases).

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

( X ) Yes

( ) No

Comments

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

- [ ] Linkage with other European records of the same nature
- [ X ] Content directly available through computerised means for judges and/or prosecutors
- [ ] Content directly available for purposes other than criminal (civil and administrative matters)





### 3.5.4 Writing assistance tools

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

Yes

No

Comment – if it exists in other matters please specify

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

|                                | Availability rate   |
|--------------------------------|---|
| <b>Civil and/or commercial</b> | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |
| <b>Criminal</b>                | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |
| <b>Administrative</b>          | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |

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

Yes

No

Comments

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

| Availability of simple dictation tools | Availability of multiple speakers recording tools | Voice recognition feature |
|--|---|---------------------------|
|  |   |                           |

|                                |  |  |  |
|--------------------------------|--|--|--|
| <b>Civil and/or commercial</b> | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input type="checkbox"/> Pilot testing<br><input type="checkbox"/> No<br><input type="checkbox"/> NA |
| <b>Criminal</b>                | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input type="checkbox"/> Pilot testing<br><input type="checkbox"/> No<br><input type="checkbox"/> NA |
| <b>Administrative</b>          | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input type="checkbox"/> Pilot testing<br><input type="checkbox"/> No<br><input type="checkbox"/> NA |

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

**Availability rate:**

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

NA

Comments

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

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

- Yes
- No

Comments - if it exists in other matters please specify

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

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

### 063-2. Computerised registries managed by courts

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

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

Comment – if it exists in other matters please specify Regarding land registry, system LARIS is used and online availability is not a standard because it depends on court's resources.

Online availability of Business registry is partial – available for Federation of BiH and Brcko District, not available for Republic of Srpska.

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

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

Comments The budgetary and financial management IT system, managed by the ministries of finance, is available in approximately half of the courts in Bosnia and Herzegovina.

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

Yes

No

Comments

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

| <b>Tools deployment rate</b> | <b>Data used for monitoring at national level</b> | <b>Data used for monitoring at court local level</b> | <b>Tool integrated in the CMS</b> |
|------------------------------|---|--|-----------------------------------|
|------------------------------|---|--|-----------------------------------|

|   |   |   |   |   |
|---|---|---|---|---|
| <b>For judges</b>                         | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>For prosecutors</b>                    | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>For non-judge/non-prosecutor staff</b> | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input checked="" type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

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

#### users

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

Yes

No

Comments

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

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

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

Comments - if it exist in other matters please specify

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

Yes

No

Comments

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

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

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

Yes

No

Comments

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

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

Comments

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

**Communication between court and lawyers representing parties**

( ) Yes

(X) No

**Communication between court and parties not represented by lawyer**

( ) Yes

(X) No

Comments

**064-6-1. If yes, please specify the following information:**

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

|                                |   |  |  |                              |
|--------------------------------|---|--|--|------------------------------|
| <b>Civil and/or commercial</b> | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP) -<br>for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> Submission<br>of a case to a court<br><input type="checkbox"/> Phases<br>preparatory to a<br>hearing<br><input type="checkbox"/> Schedule of<br>hearings and/or<br>appeals management<br><input type="checkbox"/><br>Transmission of<br>court decisions | <input type="checkbox"/> E-mail<br><input type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| <b>Criminal</b>                | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP) -<br>for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> Submission<br>of a case to a court<br><input type="checkbox"/> Phases<br>preparatory to a<br>hearing<br><input type="checkbox"/> Schedule of<br>hearings and/or<br>appeals management<br><input type="checkbox"/><br>Transmission of<br>court decisions | <input type="checkbox"/> E-mail<br><input type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| <b>Administrative</b>          | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP) -<br>for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> Submission<br>of a case to a court<br><input type="checkbox"/> Phases<br>preparatory to a<br>hearing<br><input type="checkbox"/> Schedule of<br>hearings and/or<br>appeals management<br><input type="checkbox"/><br>Transmission of<br>court decisions | <input type="checkbox"/> E-mail<br><input type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input type="checkbox"/> Yes |

Comments

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

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



|  |   |   |                              |
|--|---|---|------------------------------|
| <b>Notaries (as defined in Q192 and following)</b> | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input checked="" type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input type="checkbox"/> Specific computer application<br><input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| <b>Experts (as defined in Q202 and following)</b>  | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input checked="" type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input type="checkbox"/> Specific computer application<br><input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| <b>Judicial police services</b>                    | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input checked="" type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input type="checkbox"/> Specific computer application<br><input type="checkbox"/> Other | <input type="checkbox"/> Yes |

Comments

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

Yes

No

Comments – Please describe the system that exists. SOKOP (System for online processing of utility cases) is used for processing utility cases and low value litigation.

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

Yes

No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

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

|                       |   |  |  |
|-----------------------|---|--|--|
| <b>Criminal</b>       | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing<br><input checked="" type="checkbox"/> During the hearing<br><input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Administrative</b> | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input checked="" type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing<br><input type="checkbox"/> During the hearing<br><input type="checkbox"/> After the hearing                       | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

Comments

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

Yes

No

Comments

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

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

**064-12. Is electronic evidence admissible?**

|   |                              |
|---|------------------------------|
| <b>Admissibility of electronic evidence</b> | <b>Legislative framework</b> |
|---|------------------------------|

|                                |                     |   |
|--------------------------------|---------------------|---|
| <b>Civil and/or commercial</b> | ( X ) Yes<br>( ) No | ( X ) General law only<br>( ) General and specialised law<br>( ) Specialised law only |
| <b>Criminal</b>                | ( X ) Yes<br>( ) No | ( X ) General law only<br>( ) General and specialised law<br>( ) Specialised law only |
| <b>Administrative</b>          | ( ) Yes<br>( X ) No | ( X ) General law only<br>( ) General and specialised law<br>( ) Specialised law only |

Comments

### 3.6. Performance and evaluation

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

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

( X ) Yes

( ) No

Comments - If yes, please specify:

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

|   | Yes / No            |
|---|---------------------|
| <b>within the courts</b>                      | ( X ) Yes<br>( ) No |
| <b>within the public prosecution services</b> | ( X ) Yes<br>( ) No |

Comments

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

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

( X ) Yes

( ) No

Comments

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

[ X ] number of incoming cases

[ X ] length of proceedings (timeframes)

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

Comments

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

- Yes
- No

Comments

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

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

Comments

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

Yes

No

Comments

**073-0. If yes, please specify the frequency:**

Annual

Less frequent

More frequent

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

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

Yes

No

Comments

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

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

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

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

Yes

No

Comments

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

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

Comments

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

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):Hierarchical superior court president.

Comments

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

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public prosecutor.

Comments

**3.6.3. Measuring courts’ / public prosecution services activity**



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

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures

- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

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

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

Comments

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

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

Comments

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

|  | Yes (If yes, please specify) | No  |
|--|------------------------------|-----|
| within the courts                      | ( X )                        | ( ) |
| within the public prosecution services | ( X )                        | ( ) |

Comments

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



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

Yes (please indicate the name and the address of this institution):The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

No

Comments

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

Yes, on internet

No, only internally (in an intranet website)

No

Comments

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

Yes (please indicate the name and the address of this institution):The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

No

Comments

**080-3. Does this institution publish statistics on the functioning of each public prosecution service?**

Yes, on internet

No, only internally (in an intranet website)

No

Comments

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

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



- Annual  
 Less frequent  
 More frequent

Comments

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

- Yes  
 No

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

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

- Internet  
 Intranet (internal) website  
 Paper distribution

Comments

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

- Annual  
 Less frequent  
 More frequent

Comments

### 3.6.5 Courts administration

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

- Yes  
 No

Comments - If yes, please specify:

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

- Yes  
 No

Comments - If yes, please specify:

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

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public prosecutorial Council

Head of the organisational unit or hierarchical superior public prosecutor

Other (please specify):The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

Comments

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

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

---

**4.Fair trial**

**4.1.Principles**

**4.1.1.Principles of fair trial**



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

[            ]

[ ] NA

[ X ] NAP

Comments - Please add methodology for calculation used.

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

Yes

No

Comments - Please could you briefly specify:

**085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):**

[ 99 ]

[ ] NA

Comments 99% challenges submitted by the parties in proceedings during 2018 were resolved in the same year.

**086. Is there in your country a monitoring system for the violations related to Article 6 of the**

## European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

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

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

Yes

No

NAP

Comments 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 judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case *Avdic and Others vs Bosnia and Herzegovina*, ap. no. 28357/11, which established a violation to Mr Avdic's right to a

fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the Avdic case. Based on the verdict of the European Court in the case Maktouf & Damjanovic vs Bosnia and Herzegovina, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before the Court of BiH, proceedings were reopened before the said court both, in their favour, as well as in favour of all persons convicted with finality and who were in the same/similar situation. Subsequent to the verdict of the European Court in the case Muslija Adnan vs Bosnia and Herzegovina, app. no. 32042/14, establishing a violation of the rights of the applicant pursuant to Article 4 of Protocol no. 7 to the Convention, criminal proceedings were reopened in favour of the convicted person – applicant Mr Muslija. The civil procedure codes in Bosnia and Herzegovina do not provide for the option to reopen civil proceedings when establishing that party’s rights, as guaranteed with the European Convention, have been violated in civil proceedings and/or if a judgment rendered by the court in civil proceedings was founded on that violation.

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

Sources: The legislation on the judicial system of Bosnia and Herzegovina.  
The information submitted by the Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights.

**4.2. Timeframe of proceedings**

**4.2.1. General information**



**087. Are there specific procedures for urgent matters regarding:**

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify:

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

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

**088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?**

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

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

( X ) Yes

( ) No

Comments - If yes, please specify:

#### **4.2.2. Case flow management – first instance**



**091. First instance courts: number of other than criminal law cases.**

|  | Pending cases on 1 Jan. ref. year | Incoming cases                 | Resolved cases                 | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|--------------------------------|--------------------------------|------------------------------------|--|
| <b>Total of other than criminal law cases (1+2+3+4)</b>  | 2 065 483<br>[ ] NA<br>[ ] NAP    | 1 224 365<br>[ ] NA<br>[ ] NAP | 1 140 339<br>[ ] NA<br>[ ] NAP | 2 149 509<br>[ ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP  |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 217 094<br>[ ] NA<br>[ ] NAP      | 113 177<br>[ ] NA<br>[ ] NAP   | 142 086<br>[ ] NA<br>[ ] NAP   | 188 185<br>[ ] NA<br>[ ] NAP       | 84 411<br>[ ] NA<br>[ ] NAP  |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | 1 841 014<br>[ ] NA<br>[ ] NAP    | 1 103 499<br>[ ] NA<br>[ ] NAP | 990 998<br>[ ] NA<br>[ ] NAP   | 1 953 515<br>[ ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP  |
| <b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b> | 1 754 158<br>[ ] NA<br>[ ] NAP    | 451 127<br>[ ] NA<br>[ ] NAP   | 360 170<br>[ ] NA<br>[ ] NAP   | 1 845 115<br>[ ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP  |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | 86 856<br>[ ] NA<br>[ ] NAP       | 652 372<br>[ ] NA<br>[ ] NAP   | 630 828<br>[ ] NA<br>[ ] NAP   | 108 400<br>[ ] NA<br>[ ] NAP       | [ X ] NA<br>[ ] NAP  |
| <b>2.2.1. Non litigious land registry cases</b>  | 84 973<br>[ ] NA<br>[ ] NAP       | 587 793<br>[ ] NA<br>[ ] NAP   | 566 204<br>[ ] NA<br>[ ] NAP   | 106 562<br>[ ] NA<br>[ ] NAP       | [ X ] NA<br>[ ] NAP  |
| <b>2.2.2 Non-litigious business registry cases</b>   | 1 577<br>[ ] NA<br>[ ] NAP        | 63 751<br>[ ] NA<br>[ ] NAP    | 63 789<br>[ ] NA<br>[ ] NAP    | 1 539<br>[ ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP  |

|                                       |  |  |  |  |  |
|---------------------------------------|--|--|--|--|--|
| <b>2.2.3. Other registry cases</b>    | 306<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 828<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 835<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 299<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2.3. Other non-litigious cases</b> | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>3. Administrative law cases</b>    | 7 375<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 7 689<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 7 255<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 7 809<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1 396<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>4. Other cases</b>                 | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |

Comments There has been a significant decrease in the inflow of civil and commercial litigious cases over recent years; also, the decrease of the number of pending cases at the end of 2018 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. Also, there has been a general trend of the increase of incoming non-litigious cases (i.e. non-litigious enforcement cases for unpaid utility bills, registry cases, land registry cases) over 2017 and 2018; furthermore the several biggest courts in the country have not been able to deal timely with the increased inflow failing to achieve 100% clearance rate. The above-mentioned trends are not caused by the legislative or other changes.

When it comes to statistics on pending cases older than 2 years, it is important to note the following circumstances: Most of the pending civil and commercial litigious cases, i.e. cases older than 2 years from the date the case came to the first instance court, are litigious small claims cases related to the unpaid utility bills. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Most of the administrative law cases, i.e. cases older than 2 years from the date the case came to the first instance court, are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

A substantial part of the registry matters is dealt with by non-judge staff in the court registries.

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

. The most important case categories among civil and commercial non-litigious cases are: uncontested payment orders, non-litigious enforcement cases, inheritance proceedings, non-contentious proceedings related to personal and family matters (e.g. establishing that a person does not have legal competence, stripping of parental rights), non-contentious proceedings for settling relationships between co-owners of the real estate including dissolution of co-ownership, settlement of boundary lines, voluntary sales. The majority of non-litigious cases were enforcement proceedings initiated by public utility companies for unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc).

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

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

**094. First instance courts: number of criminal law cases.**

|  | Pending cases on 1 Jan. ref. year | Incoming cases               | Resolved cases               | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|------------------------------|------------------------------|------------------------------------|--|
| <b>Total of criminal law cases (1+2+3)</b>           | 127 837<br>[ ] NA<br>[ ] NAP      | 151 894<br>[ ] NA<br>[ ] NAP | 155 054<br>[ ] NA<br>[ ] NAP | 124 677<br>[ ] NA<br>[ ] NAP       | 46 424<br>[ ] NA<br>[ ] NAP  |
| <b>1. Severe criminal cases</b>                      | 8 985<br>[ ] NA<br>[ ] NAP        | 10 307<br>[ ] NA<br>[ ] NAP  | 11 170<br>[ ] NA<br>[ ] NAP  | 8 122<br>[ ] NA<br>[ ] NAP         | 1 345<br>[ ] NA<br>[ ] NAP   |
| <b>2. Misdemeanour and / or minor criminal cases</b> | 25 095<br>[ ] NA<br>[ ] NAP       | 46 093<br>[ ] NA<br>[ ] NAP  | 44 851<br>[ ] NA<br>[ ] NAP  | 26 337<br>[ ] NA<br>[ ] NAP        | 31<br>[ ] NA<br>[ ] NAP  |
| <b>3. Other cases</b>                                | 93 757<br>[ ] NA<br>[ ] NAP       | 95 494<br>[ ] NA<br>[ ] NAP  | 99 033<br>[ ] NA<br>[ ] NAP  | 90 218<br>[ ] NA<br>[ ] NAP        | 45 048<br>[ ] NA<br>[ ] NAP  |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: 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.

Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). The introduction of category "other cases" is the main reason for the decrease of the severe and misdemeanor cases between 2016 and 2018. Also, the historical statistics since 2014 show the decrease of the severe and misdemeanor cases.

#### 4.2.3. Case flow management – second instance

##### 097. Second instance courts (appeal): Number of "other than criminal law" cases.

|   | Pending cases on 1 Jan. ref. year | Incoming cases              | Resolved cases              | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|---|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| <b>Total of other than criminal law cases (1+2+3+4)</b>   | 51 800<br>[ ] NA<br>[ ] NAP       | 38 102<br>[ ] NA<br>[ ] NAP | 39 428<br>[ ] NA<br>[ ] NAP | 50 474<br>[ ] NA<br>[ ] NAP        | 19 188<br>[ ] NA<br>[ ] NAP   |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b> | 44 671<br>[ ] NA<br>[ ] NAP       | 33 317<br>[ ] NA<br>[ ] NAP | 34 224<br>[ ] NA<br>[ ] NAP | 43 764<br>[ ] NA<br>[ ] NAP        | 17 595<br>[ ] NA<br>[ ] NAP   |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>   | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP                | [ ] NA<br>[ X ] NAP   |



|  |                            |                            |                            |                            |                            |
|--|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| <b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b> | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |
| <b>2.2.1. Non litigious land registry cases</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |
| <b>2.2.2 Non-litigious business registry cases</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |
| <b>2.2.3. Other registry cases</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |
| <b>2.3. Other non-litigious cases</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |
| <b>3. Administrative law cases</b>   | 7 129<br>[ ] NA<br>[ ] NAP | 4 785<br>[ ] NA<br>[ ] NAP | 5 204<br>[ ] NA<br>[ ] NAP | 6 710<br>[ ] NA<br>[ ] NAP | 1 593<br>[ ] NA<br>[ ] NAP |
| <b>4. Other cases</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        |

Comments - If "Other cases" please specify Most of the cases older than 2 years are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

The largest second instance courts have failed over the last several years to achieve a resolution rate of 100% for civil and commercial litigious cases which increased the age of the unresolved cases. The number of the resolved administrative cases has risen in particular in of the biggest courts which took a number of measures in 2018 to reduce its backlogs of the second instance administrative cases.

### 098. Second instance courts (appeal): Number of criminal law cases.

|  | <b>Pending cases on 1 Jan. ref. year</b> | <b>Incoming cases</b>       | <b>Resolved cases</b>       | <b>Pending cases on 31 Dec. ref. year</b> | <b>Pending cases older than 2 years from the date the case came to the second instance court</b> |
|--|--|-----------------------------|-----------------------------|---|--|
| <b>Total of criminal law cases (1+2+3)</b> | 2 820<br>[ ] NA<br>[ ] NAP               | 14 284<br>[ ] NA<br>[ ] NAP | 14 536<br>[ ] NA<br>[ ] NAP | 2 568<br>[ ] NA<br>[ ] NAP                | 306<br>[ ] NA<br>[ ] NAP   |
| <b>1. Severe criminal cases</b>            | 1 990<br>[ ] NA<br>[ ] NAP               | 3 594<br>[ ] NA<br>[ ] NAP  | 3 752<br>[ ] NA<br>[ ] NAP  | 1 832<br>[ ] NA<br>[ ] NAP                | 242<br>[ ] NA<br>[ ] NAP   |

|  |                          |                            |                            |                          |                         |
|--|--------------------------|----------------------------|----------------------------|--------------------------|-------------------------|
| <b>2. Misdemeanour and / or minor criminal cases</b> | 394<br>[ ] NA<br>[ ] NAP | 3 227<br>[ ] NA<br>[ ] NAP | 3 340<br>[ ] NA<br>[ ] NAP | 281<br>[ ] NA<br>[ ] NAP | 0<br>[ ] NA<br>[ ] NAP  |
| <b>3. Other cases</b>                                | 436<br>[ ] NA<br>[ ] NAP | 7 463<br>[ ] NA<br>[ ] NAP | 7 444<br>[ ] NA<br>[ ] NAP | 455<br>[ ] NA<br>[ ] NAP | 64<br>[ ] NA<br>[ ] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. The introduction of category "other cases" is the main reason for the significant change in the number of the severe criminal cases between 2016 and 2018. Please see the comments made for the question 94 on distinction between: severe criminal cases, misdemeanour criminal cases, and other cases.

Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable).

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



#### 099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

|  | Pending cases on 1 Jan. ref. year | Incoming cases             | Resolved cases             | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| <b>Total of other than criminal law cases (1+2+3+4)</b>  | 4 617<br>[ ] NA<br>[ ] NAP        | 5 137<br>[ ] NA<br>[ ] NAP | 6 135<br>[ ] NA<br>[ ] NAP | 3 619<br>[ ] NA<br>[ ] NAP         | 501<br>[ ] NA<br>[ ] NAP  |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 4 617<br>[ ] NA<br>[ ] NAP        | 5 137<br>[ ] NA<br>[ ] NAP | 6 135<br>[ ] NA<br>[ ] NAP | 3 619<br>[ ] NA<br>[ ] NAP         | 501<br>[ ] NA<br>[ ] NAP  |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | [ ] NA<br>[X] NAP                 | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP                  | [ ] NA<br>[X] NAP   |
| <b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b> | [ ] NA<br>[X] NAP                 | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP                  | [ ] NA<br>[X] NAP   |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | [ ] NA<br>[X] NAP                 | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP                  | [ ] NA<br>[X] NAP   |
| <b>2.2.1. Non litigious land registry cases</b>  | [ ] NA<br>[X] NAP                 | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP                  | [ ] NA<br>[X] NAP   |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>2.2.2 Non-litigious business registry cases</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.3. Other registry cases</b>                 | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.3. Other non-litigious cases</b>              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>3. Administrative law cases</b>                 | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>4. Other cases</b>                              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments - If "Other cases", please specify There has been a significant decrease in the inflow of civil litigious cases over recent years; also, the decrease of the number of pending cases at the end of 2018 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for civil litigious cases throughout the same period.

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

Yes

No

Comments

**099-1-1. If yes, please indicate the number of:**

cases received by the Highest court? [ 9 469 ]

cases closed by this procedure? [ 1 882 ]

Comments

**100. Highest instance courts (Supreme Court): Number of criminal law cases.**

|  | <b>Pending cases on 1 Jan. ref. year</b>                                      | <b>Incoming cases</b>   | <b>Resolved cases</b>   | <b>Pending cases on 31 Dec. ref. year</b>                                     | <b>Pending cases older than 2 years from the date the case came to the Supreme Court</b> |
|--|---|---|---|---|--|
| <b>Total of criminal law cases (1+2+3)</b>           | 793<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 4 332<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 4 366<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 759<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 141<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP            |
| <b>1. Severe criminal cases</b>                      | 321<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 516<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP   | 480<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP   | 357<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 28<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP             |
| <b>2. Misdemeanour and / or minor criminal cases</b> | 3<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP   | 5<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP     | 7<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP     | 1<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP   | 0<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP              |
| <b>3. Other cases</b>                                | 469<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 3 811<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 3 879<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 401<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 113<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP            |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify The introduction of category "other cases" is the main reason for the significant change in the number of the criminal cases between 2016 and 2018. There is no particular reason for the increase of criminal cases from 90 to 140 pending more than 2 years between 2016 and 2018. Please see the comments made for Q94 on distinction between: severe criminal cases, misdemeanour criminal cases, and other cases. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable).

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



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

|   | Pending cases on 1 Jan. ref. year | Incoming cases             | Resolved cases             | Pending cases on 31 Dec ref. year |
|---|-----------------------------------|----------------------------|----------------------------|-----------------------------------|
| <b>Litigious divorce cases</b>  | 1 870<br>[ ] NA<br>[ ] NAP        | 3 336<br>[ ] NA<br>[ ] NAP | 3 529<br>[ ] NA<br>[ ] NAP | 1 677<br>[ ] NA<br>[ ] NAP        |
| <b>Employment dismissal cases</b>   | 510<br>[ ] NA<br>[ ] NAP          | 317<br>[ ] NA<br>[ ] NAP   | 401<br>[ ] NA<br>[ ] NAP   | 426<br>[ ] NA<br>[ ] NAP          |
| <b>Insolvency</b>   | 858<br>[ ] NA<br>[ ] NAP          | 715<br>[ ] NA<br>[ ] NAP   | 697<br>[ ] NA<br>[ ] NAP   | 876<br>[ ] NA<br>[ ] NAP          |
| <b>Robbery case</b>   | 194<br>[ ] NA<br>[ ] NAP          | 218<br>[ ] NA<br>[ ] NAP   | 218<br>[ ] NA<br>[ ] NAP   | 194<br>[ ] NA<br>[ ] NAP          |
| <b>Intentional homicide</b>   | 97<br>[ ] NA<br>[ ] NAP           | 98<br>[ ] NA<br>[ ] NAP    | 108<br>[ ] NA<br>[ ] NAP   | 87<br>[ ] NA<br>[ ] NAP           |
| <b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b> | 0<br>[ ] NA<br>[ ] NAP            | 29<br>[ ] NA<br>[ ] NAP    | 23<br>[ ] NA<br>[ ] NAP    | 6<br>[ ] NA<br>[ ] NAP            |
| <b>Cases relating to the right of entry and stay for aliens</b>                           | 0<br>[ ] NA<br>[ ] NAP            | 13<br>[ ] NA<br>[ ] NAP    | 10<br>[ ] NA<br>[ ] NAP    | 3<br>[ ] NA<br>[ ] NAP            |

Comments Litigious divorce cases: In this reporting cycle it was possible to isolate data on adversarial divorces; this improved methodology of data analysis is the main reason for the decrease of the litigious divorce cases in 2018 compared to 2016. Employment dismissal cases: There has been a significant decrease in the inflow of civil and commercial litigious cases, including employment dismissal cases, over recent years; also, the decrease of the number of pending cases at the end of 2018 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for the employment dismissal cases in the same period. Cases relating to asylum seekers: Increased number of cases, compared to 2016, regarding asylum seekers is caused by the rising number of migrants that chose the Balkan route and decided to seek asylum in Bosnia and Herzegovina; though the increase is high in relative terms, it is not significant in absolute numbers. Cases relating to the right of entry and stay for aliens: Decreased number of cases, compared to 2016, relating to the right of entry and stay for aliens was registered following the decline in the number of administrative decisions of the Ministry of Security which were challenged in the court procedure; the procedure is explained in the comments with regards to the question 101-1.

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

## entry and stay for aliens:

. The system of remedies relating to:

- asylum seekers (Refugee status under the Geneva Convention of 1951):

In accordance with the Law on Asylum, in asylum procedures the competent body for examining the asylum application and conducting the procedure is the Asylum Sector of the Ministry of Security of BiH and its decision is the final administrative decision, which can be challenged through an administrative dispute by filing a complaint with the Administrative Division of the Court of BiH.

- the right of entry and stay of aliens:

In the proceedings related to movement and stay of aliens, which are stipulated by the Law on Aliens, two-instance nature of the administrative proceedings is provided for in such a way that the first instance decisions are issued by the Foreigners Affairs Office, which are appealable to the second instance authority, that is the Ministry of Security of BiH. Decisions of the Ministry of Security of Bosnia and Herzegovina are the final administrative decisions, which can be challenged through an administrative dispute by filing a complaint with the Administrative Division of the Court of BiH.

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

|   | % of decisions subject to appeal | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|----------------------------------|--|--|--|---|--|
| <b>Civil and commercial litigious cases</b> | 20<br>[ ] NA<br>[ ] NAP          | 575<br>[ ] NA<br>[ ] NAP                 | 410<br>[ ] NA<br>[ ] NAP                 | 392<br>[ ] NA<br>[ ] NAP                 | 537<br>[ ] NA<br>[ ] NAP                              | 30<br>[ ] NA<br>[ ] NAP                                    |
| <b>Litigious divorce case</b>               | 9<br>[ ] NA<br>[ ] NAP           | 198<br>[ ] NA<br>[ ] NAP                 | 133<br>[ ] NA<br>[ ] NAP                 | 161<br>[ ] NA<br>[ ] NAP                 | 149<br>[ ] NA<br>[ ] NAP                              | 0<br>[ ] NA<br>[ ] NAP                                     |
| <b>Employment dismissal case</b>            | 63<br>[ ] NA<br>[ ] NAP          | 516<br>[ ] NA<br>[ ] NAP                 | 569<br>[ ] NA<br>[ ] NAP                 | 390<br>[ ] NA<br>[ ] NAP                 | 514<br>[ ] NA<br>[ ] NAP                              | 7<br>[ ] NA<br>[ ] NAP                                     |
| <b>Insolvency</b>                           | 11<br>[ ] NA<br>[ ] NAP          | 384<br>[ ] NA<br>[ ] NAP                 | 68<br>[ ] NA<br>[ ] NAP                  | 59<br>[ ] NA<br>[ ] NAP                  | 356<br>[ ] NA<br>[ ] NAP                              | 24<br>[ ] NA<br>[ ] NAP                                    |
| <b>Robbery case</b>                         | 44<br>[ ] NA<br>[ ] NAP          | 262<br>[ ] NA<br>[ ] NAP                 | 249<br>[ ] NA<br>[ ] NAP                 | 36<br>[ ] NA<br>[ ] NAP                  | 257<br>[ ] NA<br>[ ] NAP                              | 14<br>[ ] NA<br>[ ] NAP                                    |
| <b>Intentional homicide</b>                 | 76<br>[ ] NA<br>[ ] NAP          | 347<br>[ ] NA<br>[ ] NAP                 | 287<br>[ ] NA<br>[ ] NAP                 | 220<br>[ ] NA<br>[ ] NAP                 | 324<br>[ ] NA<br>[ ] NAP                              | 18<br>[ ] NA<br>[ ] NAP                                    |

Comments Employment dismissal cases: Due to the consistent implementation of the principle to deal with the cases chronologically within the courts' backlog reduction plans, relatively high number of old employment dismissal cases in 2nd and in 3rd instance was resolved in the reporting period causing the increase of average length of proceedings. Similar values were replicated for this indicator in 2019. Insolvency cases: There is no particular explanation for the decrease of the insolvency cases subject to appeal from 13% in 2016 to 11% in 2018.

Robbery cases and Intentional homicides: There is no particular explanation for the differences in the average length of proceedings between 2016 and 2018. Having in mind that the number of robbery cases and intentional homicides was relatively small, these differences could be influenced significantly by the facts and circumstances of individual cases.

**103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):**

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

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

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

Average total length of the total procedure:

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

**4.2.6. Case flow management – public prosecution**



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

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal

to supervise the enforcement procedure

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

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

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

Comments The Prosecutor may end the criminal cases against juveniles by imposing certain types of criminal sanctions.

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

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

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

|  | Received during the reference year                                    | Discontinued during the reference year (see Q108 below)              | Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases brought to court  |
|--|---|--|--|---|
| <b>Total number of first instance cases processed by the public prosecutor</b> | 53 362<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 9 858<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 12 605<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP              | 12 205<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments In recent years, there has been a trend that prosecutors are receiving fewer and fewer cases. The data for 2018 show that the public prosecutors offices in Bosnia and Herzegovina received in that year 21% cases less than in 2016. Also, the number of cases received by the public prosecutors offices during 2019 is similar to the number submitted to CEPEJ for 2018.

### 107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

|                              | Number of guilty plea procedures                                     |
|------------------------------|--|
| <b>Total</b>                 | 1 235<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Before the court case</b> | 238<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>During the court case</b> | 997<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |

Comments The suspect or the accused and the defense attorney may negotiate with the prosecutor on the conditions of admitting guilt for the criminal offence with which the suspect or the accused is charged. An agreement on the admission of guilt is made in writing. The plea bargaining may take place before or after the indictment is submitted to the court. Depending on when the agreement is concluded, the agreement on the admission of guilt will be delivered to the court with the indictment or during the court case.

There is no specific reason for the increase of the number of cases brought to courts by the prosecutors through the guilty plea procedure. Also, it is important to note that although the increase between 2016 and 2018 is high in relative terms, it is not as significant in terms of the absolute numbers.

**108. Total number of cases which were discontinued by the public prosecutor.**

|   | Number of cases            |
|---|----------------------------|
| <b>Total number of cases which were discontinued by the public prosecutor (1+2+3+4)</b>                                 | 9 858<br>[ ] NA<br>[ ] NAP |
| <b>1. Discontinued by the public prosecutor because the offender could not be identified</b>                            | [ X ] NA<br>[ ] NAP        |
| <b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b> | [ X ] NA<br>[ ] NAP        |
| <b>3. Discontinued by the public prosecutor for reasons of opportunity</b>  | [ X ] NA<br>[ ] NAP        |
| <b>4. Other</b>   | [ X ] NA<br>[ ] NAP        |

Comments

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

( ) Yes

( X ) No

Comments

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

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

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1. Recruitment and promotion of judges**

**110. How are judges recruited?**

[ ] mainly through a competitive exam (open competition)

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

[ X ] a combination of both (competitive exam and working experience)

[ ] other (please specify): .....

Comments





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

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

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

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

- Yes
- No

Comments

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

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

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

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

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

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

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



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

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify): .....

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

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

- Yes
- No

Comments - If yes, please specify:

### 116. How are public prosecutors recruited?

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

Comments

### 117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

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

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

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

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

Comments

### 119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

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

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

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

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

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

## 5.1.3.Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:70

No

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

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

For disciplinary reasons

For organisational reasons

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

No

Comments

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

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

No

Comments

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

Yes, please indicate the compulsory retirement age:70

No

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

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

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

No

Comments

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

[            ]

NA

NAP

Comments

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

Yes

No

NAP

Comments

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

[            ]

[ ] NA

[X] NAP

Comments

**126-1. Is it renewable?**

( ) Yes

( ) No

[X] NAP

Comments

**E1. Please indicate the sources for answering the questions in this chapter:**

Sources: The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

**5.2. Training**

**5.2.1. Training of judges**

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

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

Comments The newly appointed judicial office holders must take specially designed training courses within 6 months of their appointment.

In-service training is obligatory for all judicial office holders. Training for specialised functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases. Training on ethics is offered yearly. Attending training on ethics is obligatory only for the newly appointed judicial office holders

otherwise it is optional.

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

|  | Frequency of the judges training   |
|--|--|
| <b>General in-service training</b>   | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b> | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training for management functions of the court (e.g. court president)</b>                          | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training for the use of computer facilities in courts</b>  | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training on ethics</b>   | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges: Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

## 5.2.2. Training of prosecutors

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

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

Comments The newly appointed judicial office holders must take specially designed training courses within 6 months of their appointment.

In-service training is obligatory for all judicial office holders. Training for specialised functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases. Training on ethics is offered yearly. Attending training on ethics is obligatory only for the newly appointed judicial office holders otherwise it is optional.

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

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

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

Comments

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

|  | Budget of the institution for the reference year, in €                 |
|--|--|
| One institution for judges                             | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| One institution for prosecutors                        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| One single institution for both judges and prosecutors | 558 226<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

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

. The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. 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.

**131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff**

|   | Number of training courses in days organised, without e-learning       | Online training courses available during the reference year (e-learning) |
|---|--|--|
| <b>Total</b>                                  | 362<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 10<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP        |
| <b>1. Only for judges</b>                     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>2. Only for prosecutors</b>                | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>3. Only for other non-judge staff</b>      | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>4. Only for other non-prosecutor staff</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>5. Other common training</b>               | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   |

Comments:

**E2. Please indicate the sources for answering the questions in this chapter:**

### 5.3. Practice of the profession

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

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

|   | Gross annual salary, in €   | Net annual salary, in €   | Gross annual salary, in local currency                                | Net annual salary, in local currency                                  |
|---|---|---|---|---|
| First instance professional judge at the beginning of his/her career  | 24 308<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 15 580<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 47 542<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 30 471<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)                              | 42 363<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 26 488<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 82 855<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 51 806<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career  | 24 308<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 15 580<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 47 542<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 30 471<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General). | 42 363<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 26 488<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 82 855<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 51 806<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

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

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

Comments

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



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

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. The information which has been provided previously within the questionnaire is corrected in this reporting cycle as follows – judges can combine their work with the function of an arbitrator. The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has passed a decision recently interpreting that a judicial office holder may combine their work with a function of an arbitrator.

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

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

|                           |  |  |
|---------------------------|--|--|
| <b>Political function</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>Mediator</b>           | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Other function</b>     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: The information which has been provided previously within the questionnaire is corrected in this reporting cycle as follows – public prosecutors can combine their work with the function of an arbitrator. The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has passed a decision recently interpreting that a judicial office holder may combine their work with a function of an arbitrator.

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

- Yes
- No

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

**5.3.2 Body/institution of ethics**

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

- Yes
- No

Comments

**138-1. If yes, how is this institution / body formed**

- only by judges
- by judges and other legal professionals
- other, please specify: .....

Comments

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

- Yes
- No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

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

- Yes

No

Comments

**138-4. If yes, how is this institution / body formed**

only by prosecutors

by prosecutors and other legal professionals

other, please specify: .....

Comments

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

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

**5.4. Disciplinary procedures**

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

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

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

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

Other (please specify): .....

This is not possible

Comments

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

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (High Judicial Council)

Disciplinary court or body

- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

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

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

Comments

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

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

Comments

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



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

|                               | Judges  | Prosecutors  |
|-------------------------------|---|--|
| <b>Total number (1+2+3+4)</b> | 26<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 7<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|   |   |  |
|---|---|--|
| <b>1. Breach of professional ethics</b> | 9<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 3<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2. Professional inadequacy</b>       | 17<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 4<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3. Criminal offence</b>              | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>4. Other</b>                         | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - If "other", please specify:

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

|   | Judges   | Prosecutors  |
|---|--|--|
| <b>Total number (total 1 to 10)</b>                         | 26<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      | 4<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>1. Reprimand</b>   | 9<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>2. Suspension</b>  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>3. Withdrawal from cases</b>                             | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>4. Fine</b>  | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>5. Temporary reduction of salary</b>                     | 9<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>6. Position downgrade</b>                                | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>7. Transfer to another geographical (court) location</b> | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>8. Resignation</b>                                       | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>9. Other</b>   | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 2<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| <b>10. Dismissal</b>  | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |

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

sanctions, please indicate the reasons. “Other” measures were pronounced against 6 judges and 2 prosecutors. The majority of “Other” disciplinary measures were written warnings as non-public disciplinary sanctions. The written warnings were pronounced against five judges and two prosecutors. Additionally, under “Other” measure, one judge was ordered to participate in a rehabilitation program.

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

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

**6.Lawyers**

**6.1.Profession of lawyer**

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



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

|                   | Total                                | Male                                 | Female                             |
|-------------------|--------------------------------------|--------------------------------------|------------------------------------|
| Number of lawyers | 1 718<br><input type="checkbox"/> NA | 1 196<br><input type="checkbox"/> NA | 522<br><input type="checkbox"/> NA |

Comments

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

Yes ( )

No ( X )

Comments

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

[ ]

NA

NAP

Comments

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

|                            | First instance | Second instance | Highest instance court (Supreme Court) |
|----------------------------|----------------|-----------------|--|
| Civil cases                | [ ]            | [ ]             | [ ]                                    |
| Dismissal cases            | [ ]            | [ ]             | [ ]                                    |
| Criminal cases – Defendant | [ ]            | [ ]             | [ ]                                    |

|                                |     |     |     |
|--------------------------------|-----|-----|-----|
| <b>Criminal cases – Victim</b> | [ ] | [ ] | [ ] |
| <b>Administrative cases</b>    | [ ] | [ ] | [ ] |

[ X ] NAP

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

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

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

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

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

[ ] Notarial activity

[ X ] Arbitration / mediation

[ X ] Proxy / representation

[ X ] Property manager

[ X ] Real estate agent

[ X ] Other law activities (please specify): Any other activity that is not in contravention with the Law on the Legal Profession.

Comments

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

[ X ] Self-employed lawyer

[ X ] Staff lawyer

[ X ] In-house lawyer

Comments

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

[ ] a national bar association

[ X ] a regional bar association

a local bar association

Comments

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

Yes

No

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

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

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

Sources: The bar associations provided the information on the number of lawyers practicing in Bosnia and Herzegovina.

### 6.1.2. Practicing the profession

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

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

Yes

No

Comments

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

Yes, laws provide rules

Yes, standards of the bar association provide rules



No, neither laws nor bar association standards provide rules

Comments

### 6.1.3. Quality standards and disciplinary procedures

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

Yes

No

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

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

the bar association

the Parliament

other (please specify): .....

Comments

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

the performance of lawyers

the amount of fees

Comments - Please specify:

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

a judge

Ministry of Justice

a professional authority

other (please specify): .....

Comments

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

|   | Number of disciplinary proceedings                               |
|---|--|
| <b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b> | 4<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Breach of professional ethics</b>                                   | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2. Professional inadequacy</b>   | 4<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3. Criminal offence</b>  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|          |                        |
|----------|------------------------|
| 4. Other | 0<br>[ ] NA<br>[ ] NAP |
|----------|------------------------|

Comments - If "other", please specify:

## 162. Sanctions pronounced against lawyers.

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

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

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

### 7.1 Court related mediation

#### 7.1.1 Details on court related mediation

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

Yes

No

Comments

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

Before/instead of going to court

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

No mandatory mediation

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

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

**mediator?**

Yes

No

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

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

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

Comments

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

Yes

No

NAP

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

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

|                            | Total  | Males   | Females   |
|----------------------------|--|---|---|
| <b>Number of mediators</b> | 174<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 83<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 91<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

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

|   | 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 |
|---|---|---|--|
| <b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>                       | 778<br>[ ] NA<br>[ ] NAP  | 731<br>[ ] NA<br>[ ] NAP                    | 637<br>[ ] NA<br>[ ] NAP                                 |
| <b>1. Civil and commercial cases</b>                        | 661<br>[ ] NA<br>[ ] NAP  | 615<br>[ ] NA<br>[ ] NAP                    | 523<br>[ ] NA<br>[ ] NAP                                 |
| <b>2. Family cases</b>                                      | 2<br>[ ] NA<br>[ ] NAP  | 1<br>[ ] NA<br>[ ] NAP                      | 1<br>[ ] NA<br>[ ] NAP                                   |
| <b>3. Administrative cases</b>                              | 0<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP                      | 0<br>[ ] NA<br>[ ] NAP                                   |
| <b>4. Labour cases including employment dismissal cases</b> | 115<br>[ ] NA<br>[ ] NAP  | 115<br>[ ] NA<br>[ ] NAP                    | 113<br>[ ] NA<br>[ ] NAP                                 |
| <b>5. Criminal cases</b>                                    | 0<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP                      | 0<br>[ ] NA<br>[ ] NAP                                   |
| <b>6. Consumer cases</b>                                    | 0<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP                      | 0<br>[ ] NA<br>[ ] NAP                                   |

Comments - Please indicate the source: The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Following the increase of the mediation procedures in 2016, the number of mediations has decreased over the last couple of years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

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

Mediation other than court-related mediation

Arbitration

Conciliation (if different from mediation)

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

Comments

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

Source: The Association of Mediators of Bosnia and Herzegovina.

## 8. Enforcement of court decisions

### 8.1. Execution of decisions in civil matters

## 8.1.1.Functioning

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

Yes

No

Comments

### 170. Number of enforcement agents

|                              | Total         | Male          | Female       |
|------------------------------|---------------|---------------|--------------|
| Number of enforcement agents | 157<br>[ ] NA | 124<br>[ ] NA | 33<br>[ ] NA |

Comments

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

judges

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

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

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

Yes

No

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

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

|  | Option   |
|--|--|
| Seizure of movable tangible properties                                   | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br>[ ] NAP |
| Seizure of immovable properties  | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br>[ ] NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br>[ ] NAP |

|  |  |
|--|--|
| <b>Seizure of remunerations</b>                            | ( X ) Yes with monopoly<br>( ) Yes without monopoly<br>( ) No<br>[ ] NAP |
| <b>Seizure of motorised vehicles</b>                       | ( X ) Yes with monopoly<br>( ) Yes without monopoly<br>( ) No<br>[ ] NAP |
| <b>Eviction measures</b>                                   | ( X ) Yes with monopoly<br>( ) Yes without monopoly<br>( ) No<br>[ ] NAP |
| <b>Enforced sale by public tender of seized properties</b> | ( X ) Yes with monopoly<br>( ) Yes without monopoly<br>( ) No<br>[ ] NAP |
| <b>Other</b>   | ( X ) Yes with monopoly<br>( ) Yes without monopoly<br>( ) No<br>[ ] NAP |

Comments Other: enforcement of various types of court decisions including the enforcement of the court decision for surrender of the child in the context of the divorce proceedings.

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

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

Comments The information for the question 173-1 has been changed in the current questionnaire, compared to the previous questionnaire, because it has been established following additional reflection regarding the wording of this question that the court bailiffs in Bosnia and Herzegovina cannot perform most of the enlisted activities.

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

- Yes

No

Comments

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

Yes

No

Comments

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

a national body

a regional body

a local body

NAP

Comments

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

Yes

No

Comments

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

Yes

No

Comments

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

Yes

No

Comments

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

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

### 8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

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

Comments

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

- Yes
- No

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

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

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

Comments

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

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify:

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

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices



- insufficient supervision
- excessive cost
- other (please specify): .....

Comments

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

- Yes
- No

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

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

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

Comments

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

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify): .....
- NA

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

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

|  | Number of disciplinary proceedings initiated                     |
|--|--|
| Total number of initiated disciplinary proceedings (1+2+3+4) | 4<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|                                      |                        |
|--------------------------------------|------------------------|
| 1. For breach of professional ethics | 0<br>[ ] NA<br>[ ] NAP |
| 2. For professional inadequacy       | 1<br>[ ] NA<br>[ ] NAP |
| 3. For criminal offence              | 2<br>[ ] NA<br>[ ] NAP |
| 4. Other                             | 1<br>[ ] NA<br>[ ] NAP |

Comments - If “other”, please specify:

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

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

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: One court dismissed an enforcement agent in the disciplinary proceeding.

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

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

## 8.2. Execution of decisions in criminal matters

### 8.2.1. Functioning of execution in criminal matters

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

**options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): .....

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

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

- Yes
- No

Comments

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

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

**9. Notaries**

**9.1. Profession of notary**

**9.1.1. Number and status of notaries**

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

|   | <b>Total</b>  | <b>Male</b>  | <b>Female</b>  |
|---|---|--|--|
| <b>TOTAL (1+2+3+4)</b>  | 168<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 81<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 87<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>1. Private professionals (without control from public authorities)</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP       | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP       |
| <b>2. Professionals appointed by the State</b>                            | 168<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 81<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 87<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>3. Public officials</b>  | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP       | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP       |
| <b>4. Other</b>   | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP       | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP       |

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

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

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify): .....

Comments

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

yes, please indicate the age of retirement: In different jurisdictions within Bosnia and Herzegovina a notary may perform his/her service until she or he is 70 or 65 years of age.

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

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

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

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

Comments The information which has been provided previously within the questionnaire is corrected in this reporting cycle as follows – a notary is not allowed to act as a mediator.

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

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

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

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

- Real estate transaction
- Family law

- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

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

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify): .....

Comments

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

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

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

Comments

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

- Yes
- No

Comments

**I1. Please indicate the sources for answering question 192:**

Sources: The notary chambers provided the information on the number of notaries practicing in Bosnia and Herzegovina.

---

**10. Court interpreters**

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

### 10.1.1. Status of court interpreters

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

Yes

No

Comments

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

Yes

No

Comments

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

1 497 ]

NA

NAP

Comments

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

Yes

No

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

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

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

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

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

Comments

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

Sources: The relevant ministries of justice provided the data.

## 11. Judicial experts

### 11.1. Profession of judicial expert

#### 11.1.1. Status of judicial experts

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

- experts who are requested by the parties to bring their expertise to support their argumentation,
- experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify): .....

Comments

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

- Yes
- No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

**202-2. Who is responsible for registering judicial experts?**

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

Comments

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

- Yes, for how long 6 years.
- No

Comments

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

- Yes
- No

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

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

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

Comments

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

- judicial proceedings
- the profession of expert
- other

Comments

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

- Yes
- No

Comments

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

- Yes
- No

Comments

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

|                          | Total                        | Male                                   | Female                                 |
|--------------------------|------------------------------|--|--|
| <b>Number of experts</b> | 2 423                        |  |  |
|                          | <input type="checkbox"/> NA  | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
|                          | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP           | <input type="checkbox"/> NAP           |

Comments

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

- An expert shall be entitled to reimbursement of travel costs, costs for food and overnight stay, the costs of expert evaluation and reasonable remuneration for conducted expertise. The court shall decide on the reimbursement of costs and the amount of remuneration.

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

- Yes
- No

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

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

Number of cases



|   |                             |
|---|-----------------------------|
| <b>Total (1+2+3+4)</b>                        | 16 692<br>[ ] NA<br>[ ] NAP |
| <b>1.Civil and commercial litigious cases</b> | 12 350<br>[ ] NA<br>[ ] NAP |
| <b>2.Administrative cases</b>                 | 0<br>[ ] NA<br>[ ] NAP      |
| <b>3.Criminal cases</b>                       | 862<br>[ ] NA<br>[ ] NAP    |
| <b>4.Other cases</b>                          | 3 480<br>[ ] NA<br>[ ] NAP  |

Comments Other cases refer to enforcement upon immovable property and non-contentious proceedings related to deciding on compensation for the expropriated real estates, regulating boundary lines etc.

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

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts .....

Comments

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

- Yes
- No

Comments

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

Sources: The relevant ministries of justice.

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.Reforms

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

1. (Comprehensive) reform plans Following the request of Bosnia and Herzegovina for the membership in European Union, submitted in February 2016, the European Commission initiated the process of Peer Review missions. This process is conducted by EU experts through an analysis of a particular sector in a candidate country for EU membership and it results in reports with recommendations. Peer Review by EU experts with the support of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has been carried out in six areas of particular relevance for the judicial reform in BiH: the HJPC Rules of Procedure, Procedures and Criteria for Appointment of Judges and Prosecutors, Disciplinary Proceedings, Appraisal of Judges and Prosecutors, Declaration of Financial Assets for Judges and Prosecutors, and Initial and Continuing Legal Education for Judges and Prosecutors. Also comprehensive Peer Review missions regarding organized crime and corruption and the enforcement of court decisions in civil law have been implemented in several different institutions, including HJPC. An Action Plan has been adopted to implement the EU experts recommendations resulting from the Peer Review missions. HJPC has started implementing the recommendations by adopting and applying a new regulatory framework for the above mentioned areas.

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

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) HJPC has increased significantly the weight of the qualitative aspect in the new appraisal system of judges and prosecutors.

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

3.1. Access to justice and legal aid There are no major reforms planned in this area.

4. High Judicial Council The revision of the Law on High Judicial and Prosecutorial Council is being discussed.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. The new legislation on lawyers and notaries has been under preparation.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities There are no major reforms planned in this area.

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

8. Mediation and other ADR There are no major reforms planned in this area.

9. Fight against crime There are no major reforms planned in this area.

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

9.2 Child friendly justice The legislation on the Registry of perpetrators of criminal offenses against sexual integrity of children has been adopted.

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

10. New information and communication technologies There are no major reforms planned in this area.

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

