



5th EDUCATION “DISCIPLINARY PROCEEDURE AND PRACTICE”

CONCLUSIONS AND RECOMMENDATIONS

1. The education confirmed the importance of continuous professional development of the members of the disciplinary commissions of the HJPC BiH and of strengthening the capacities of the Office of the Disciplinary Counsel (ODC) of the HJPC of Bosnia and Herzegovina in order to ensure consistent and transparent disciplinary practice.
2. The analysis of the practice of imposing disciplinary measures in the past two years indicates a visible effort by the HJPC's disciplinary bodies to harmonize disciplinary practice, emphasizing that the predictability of sanctions is crucial both for preventive action and for consistency in decision-making in disciplinary proceedings.
3. The need to distinguish between a common mistake in the work of judicial office holders and gross negligence or inexcusable ignorance was emphasized, and it was noted that the system should enable fair evaluation of each case and proportionality of sanctions in accordance with the circumstances of the specific case.
4. The analysis of the decisions of the disciplinary bodies over the past two years also shows progress in drafting decisions, although there is still room for improvement through future education. It was noted that the quality of decisions depends on the clarity of factual and legal findings, proper application of the law, and consistency of reasoning. Special attention should be devoted to the structure of decisions, argumentation, and harmonization of practice in the drafting technique.
5. It was emphasized that the interpretation and application of new disciplinary provisions must be aligned with the practice of the European Court of Human Rights and European standards, especially regarding the freedom of expression of judges and prosecutors and the limitations when such expression endangers the integrity of the judiciary.
6. The importance of continuous monitoring and studying of recent disciplinary practice was highlighted, considering that several disciplinary offenses previously prescribed by law have been removed, and they were the basis for the majority of disciplinary cases.
7. Certain provisions of the Law on the HJPC and the Rules of Procedure governing the conduct of disciplinary proceedings and the establishment of disciplinary responsibility of judges and prosecutors may be applied differently in practice. Therefore, the legislator and the HJPC BiH should work on eliminating such discrepancies when adopting acts of this kind.

8. Referring to the Guidelines for Imposing Disciplinary Measures, it was underlined that although they are not a legal act that disciplinary bodies can directly rely on as a basis for imposing sanctions, they serve an important advisory and guiding role.
9. The need for a balance between accountability and the protection of judicial independence was emphasized, noting that in cases of doubt, priority should always be given to preserving the autonomy and integrity of the judiciary.
10. Social and contextual factors should always be taken into account when assessing conduct and determining measures, to ensure proportionality and fairness in every decision.
11. Comparative practices indicate that preventive measures should be regularly implemented to increase the efficiency and quality of the judiciary and to prevent, through preventive action, behaviors by judges and prosecutors that could potentially lead to disciplinary liability.
12. For further development of disciplinary practice, it is necessary to take into account the opinions of the Consultative Council of European Judges, in particular Opinions No. 25 and No. 27.

Sarajevo,
13-14 October 2025