



MONITORING AND EVALUATION SUPPORT ACTIVITY (MEASURE-BiH)

JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA: 2017 REPORT

AUGUST 2018

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Prepared under the USAID's Bosnia and Herzegovina Monitoring and Evaluation Support Activity (MEASURE-BiH)

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CONTENTS

ACRONYMS IV

LIST OF EXHIBITS V

ACKNOWLEDGMENTS VII

EXECUTIVE SUMMARY VIII

ABOUT MEASURE-BIH I

BACKGROUND AND OVERVIEW OF THE JUDICIAL EFFECTIVENESS INDEX
METHODOLOGY 2

2017 JUDICIAL EFFECTIVENESS INDEX OF BIH DATA COLLECTION 5

VALUES OF THE 2017 JUDICIAL EFFECTIVENESS INDEX OF BIH 6

 OVERALL INDEX VALUE 6

 INDEX VALUES FOR EACH DIMENSION 6

 INDEX VALUES BY DATA SOURCE 7

 PUBLIC PERCEPTION INDICATORS 7

 JUDGE/PROSECUTOR PERCEPTION INDICATORS 14

 COMPARATIVE RESULTS OF PUBLIC PERCEPTION VERSUS JUDGE/PROSECUTOR
 PERCEPTION 20

 HJPC ADMINISTRATIVE DATA INDICATORS 24

SUMMARY OF 2017 JUDICIAL EFFECTIVENESS INDEX FINDINGS 34

ANNEX I:
2017 JUDICIAL EFFECTIVENESS INDEX MATRIX 36

ANNEX II:
2017 PUBLIC PERCEPTION QUESTIONNAIRE 37

ANNEX III:
2017 QUESTIONNAIRE FOR BIH JUDGES AND PROSECUTORS 41

ACRONYMS

BiH	Bosnia and Herzegovina
CMS	Case Management System
HJPC	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
JEI-BiH	Judicial Effectiveness Index of Bosnia and Herzegovina
MEASURE-BiH	USAID/BiH Monitoring and Evaluation Support Activity in Bosnia and Herzegovina
Moj	Ministry of Justice
NSCP	National Survey of Citizens' Perceptions
PO	Prosecutors' Office
SJP	Survey of Judges and Prosecutors
TCMS	Prosecutors' Case Management System
USAID/BiH	United States Agency for International Development Mission in Bosnia and Herzegovina

LIST OF EXHIBITS

- Exhibit 1:** Overall Index values in 2015, 2016 and 2017, and the annual change in 2017 compared to 2016 6
- Exhibit 2:** Index results for each dimension in 2015, 2016, and 2017, and the change in 2017 compared to 2016 7
- Exhibit 3:** Individual values of public perception indicators in 2015, 2016, and 2017, and the annual change in 2017 compared to 2016..... 8
- Exhibit 4:** Individual values of public perception indicators in 2015, 2016, and 2017..... 9
- Exhibit 5:** Largest changes in public perception indicators in 2017 compared to 2016 (graph) 9
- Exhibit 6:** Largest changes in public perception indicators in 2017 compared to 2016 10
- Exhibit 7:** Negative changes in public perception indicators in 2017 compared to 2016 10
- Exhibit 8:** Changes in public perception indicators in 2017 at the 0, 2, and 5 percentage point levels ...10
- Exhibit 9:** Overall results for public perception indicators in 2015, 2016, and 2017, and the annual change in 2017 compared to 2016 11
- Exhibit 10:** Sources of information about the BiH judiciary for the public, and level of confidence in media objectivity in selecting and presenting the court cases and investigations 12
- Exhibit 11:** Difference in level of satisfaction with work of judges/courts and prosecutors/POs between citizens involved/not involved in court cases 13
- Exhibit 12:** Difference in perceptions of judicial transparency between citizens involved/not involved in court cases 13
- Exhibit 13:** Public perception indicators receiving the lowest values in 2017 14
- Exhibit 14:** Values of judge/prosecutor perception indicators in 2015, 2016, and 2017, and the change in 2017 compared to 2016 15
- Exhibit 15:** Individual values of judge/prosecutor perception indicators in 2015, 2016 and 2017 16
- Exhibit 16:** Largest changes in the perception of judges/prosecutors in 2017 compared to 2016 (graph) 17
- Exhibit 17:** Largest changes in the perception of judges/prosecutors in 2017 compared to 2016..... 17
- Exhibit 18:** Largest negative changes in the perception of judges/prosecutors in 2017 compared to 2016 18
- Exhibit 19:** Largest positive changes in the perception of judges/prosecutors in 2017 compared to 2016 18
- Exhibit 20:** Changes in the indicators of perception of judges/prosecutors in 2017 at the 0, 2, and 5 percentage point levels 18
- Exhibit 21:** Overall results for the indicators of perception of judges/prosecutors in 2015, 2016, and 2017 and the annual change in 2017 compared to 2016 19
- Exhibit 22:** Lowest values of the perception of judges/prosecutors indicators in 2017 20
- Exhibit 23:** Comparative results of perception of judicial effectiveness by the public and judges/prosecutors in 2015, 2016, and 2017 21
- Exhibit 24:** Comparative results of perception of the public and judges/prosecutors in 2015, 2016, and 2017..... 22
- Exhibit 25:** Largest differences in the perception of the public and judges/prosecutors in 2017 compared to 2016 22
- Exhibit 26:** Smallest differences in the perception of the public and judges/prosecutors in 2017 (graph) 23
- Exhibit 27:** Smallest differences in the perception of judges/prosecutors and public in 2017 23
- Exhibit 28:** Negative annual changes in indicators from both the survey of citizens and the survey of judges/prosecutors 24

Exhibit 29: Definitions of case titles used in the Index and their corresponding Registry Book (types, phases), as well as the start and end dates of the cases used in calculating the indicators.... 24

Exhibit 30: Actual values, indicators, historical trends and indicators' index points for the average duration of resolved cases, and the age of unresolved cases in courts 25

Exhibit 31: Actual values, indicators, historical trends and indicator index points for clearance rates, and court backlog 26

Exhibit 32: Actual values, indicators, historical trends and indicator index points for the average duration of resolved cases, age of unresolved cases, clearance rates, and backlog in POs 27

Exhibit 33: Clearance rates in courts/POs in 2017 28

Exhibit 34: Actual values, indicators, historical trends, and indicator index points in collective quotas, confirmation rate of first instance court decisions, and success of indictments and disciplinary procedures 29

Exhibit 35: Case inflow trends in 2012–2017 by case type and cumulatively by judicial instances 29

Exhibit 36: Resources available to courts/POs in the period 2012–2017 30

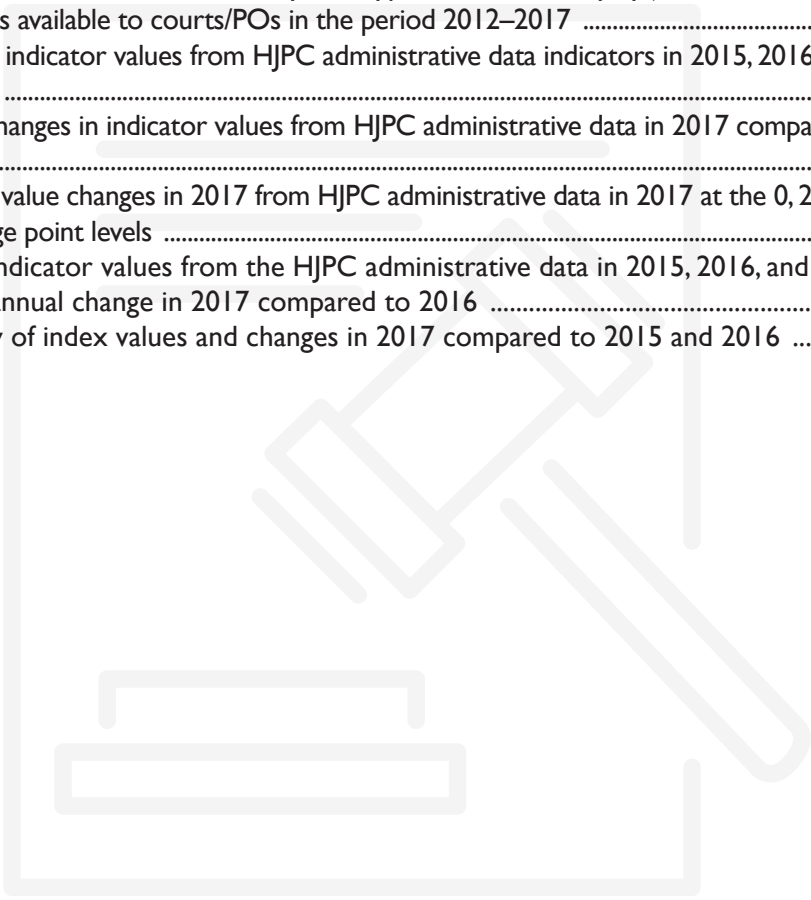
Exhibit 37: Individual indicator values from HJPC administrative data indicators in 2015, 2016, and 2017 31

Exhibit 38: Largest changes in indicator values from HJPC administrative data in 2017 compared to 2016 31

Exhibit 39: Indicator value changes in 2017 from HJPC administrative data in 2017 at the 0, 2, and 5 percentage point levels 32

Exhibit 40: Overall indicator values from the HJPC administrative data in 2015, 2016, and 2017, and the annual change in 2017 compared to 2016 35

Exhibit 41: Summary of index values and changes in 2017 compared to 2015 and 2016 35



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Moreover, the HJPC has actively disseminated the JEI-BiH findings both to the public and to the wider professional judicial community at the HJPC's Conferences of Court Presidents and Chief Prosecutors. The HJPC also publishes the JEI-BiH reports on its official website.

Most importantly, JEI-BiH would not have been possible without the support offered by USAID/BiH staff, who provided the original concept and resources. In particular, we are indebted to Ms. Elma Bukvic Jusic, the USAID/BiH Contracting Officer's Representative (COR) for MEASURE-BiH, for her input and guidance.

EXECUTIVE SUMMARY

This report presents the calculation and results for the 2017 Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH). Data for the 2017 Index were collected using the same methodologies as in 2015 and 2016. The research team used three sources of data to derive a holistic estimate of the BiH judiciary's effectiveness: (1) a survey of BiH public perceptions, (2) a survey of BiH judges and prosecutors, and (3) the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) administrative data on the major case types processed by the first instance and second instance courts, and prosecutors' offices (POs). A survey of public perceptions in BiH was conducted in the last quarter of 2017, while the survey of judges and prosecutors was conducted in the second quarter of 2018. The HJPC administrative data cover cases processed from January 1 through December 31, 2017.

Based on all processed data, across a total of 146 indicators, the 2017 Index value is 57.09 points; this represents a 0.54% improvement in the effectiveness of the BiH judiciary relative to 2016 (representing a 0.31 index point improvement in the overall Index value). The values of two of the five dimensions of the Index (Efficiency and Quality) improved compared to 2016; one (Accountability and Transparency) decreased, while the other two (Capacity and Resources, and Independence and Impartiality) were mainly unchanged. Data from three sources contributed to the 2017 overall result. While indicators sourced from HJPC administrative data had very similar overall values and minimal increases compared to 2016, indicators sourced from the survey of public perception and the survey of judges and prosecutors moved in the opposite directions from one another. Public perception continued to improve, judges' and prosecutors' perception worsened compared to 2016. Overall, these changes balanced out and produced a minor positive change in the Index value.

As in 2015 and 2016, the media remained the prime source of information available to the public about the BiH judiciary in 2017. Although neither the structure of the information sources available to the public nor the level of public perception of the media selection and presentation of court cases and investigation changed, the public perception of judiciary effectiveness in 2017 relative to 2016 improved by 7.85%. Despite this clear improvement, however, the public perception of judiciary effectiveness continues to be poor —37.19% of a total of 100%, which would represent the maximum level of satisfaction of all citizens on all questions asked. Citizens are still the most dissatisfied with time needed to dispose cases in both courts and POs, adequacy of court taxes/fees, fees of attorneys/notaries and salaries of judges/prosecutors. Although there is an overall positive change in public perception, there are several indicators that saw a negative change in 2017 compared to 2016. Given that the fight against corruption is one of the most pressing issues and a top priority for the governments and citizens of BiH, negative changes in indicators related to trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law, trust in prosecutors to perform their duties impartially and in accordance with the law and the extent to which the court system is affected by corruption in this country are not encouraging and require the attention of all stakeholders.

Based on 559 respondents to a survey of BiH judges and prosecutors (38% of all judges and prosecutors in BiH), the perceived effectiveness of the BiH judiciary in 2017 relative to 2016 declined by 1.91%. Judges and prosecutors perceived that the following declined the most substantially between 2016 and 2017: the time needed to dispose cases in courts; efficiency of judges'/prosecutors' appointments; monitoring of judges' work performance; initiation and fairness of sanctions rendered in disciplinary proceedings; assignment of cases to judges; and judiciary effectiveness in combating corruption. Despite the overall negative change in judges'/prosecutors' perception of the BiH judiciary's effectiveness in 2017 compared to 2016, the perception of judges/prosecutors is much higher than the public perception, at 60.28% of a total of 100%, which would represent the maximum level of satisfaction of all judges/prosecutors on all questions asked.

There was no substantial convergence between the perceptions of the public and those of the judges/prosecutors in 2017. Significant differences remain and were mostly unchanged compared to the results in 2015 and 2016. A comparison of the negative annual changes in indicators that appear in both the public's and judges' and prosecutors' perceptions reveals that 4 out of 7 indicators that saw a decline relate to areas relevant to the prevention of corruption. It is worrisome that both groups perceive a worsening in the prevention of corruption at a time when addressing corruption is of the highest importance to society and the state.

The HJPC administrative data on processing the main types of cases in courts and POs revealed a slight improvement, 1.07%, in 2017 compared to 2016. On average, the work of courts and POs did not change much compared to the findings in 2016. First instance courts made some improvements in the duration of case dispositions in enforcement cases (of both civil and commercial court decisions) and in commercial cases, with further reductions of their backlog in all case types except utility cases. Although some improvements in clearance rates occurred, negative trends in second instance courts have continued. The clearance rate of all PO case types was close to or above 100% in 2017, and further improvements are noticed in general crime cases. Although the clearance rate of 96% for corruption and economic crime cases, noted as an issue in 2016, improved, the average disposition time for these two type of cases increased in 2017. In addition, the age of unresolved corruption cases (backlog) increased.

Judicial instances at all levels in BiH should continue with efforts to shorten the average case disposition time and the age of cases, and thus decrease case backlog. Negative trends detected at second instance courts highlight the need to undertake remediation measures. The priority given by the local judicial institutions to processing corruption and economic crime cases creates an expectation of further improvements in all indicators related to these type of cases. Courts and POs should take advantage of the general trend of reduced case inflow to improve indicator values in all aspects of judiciary efficiency. HJPC should make strong efforts to automate collection of administrative data in real time so as to quickly make informed decisions; currently, manual data collection results in a time lag with regard to vital information (i.e. collective quota of judges and prosecutors, confirmation rate of first instance court decisions, and the success rate of indictments).

For each perception indicator coming either from the survey of the public or the survey of judges and prosecutors, the reasons for low values need to be identified and targeted corrective measures taken.

JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA: 2017 REPORT

ABOUT MEASURE-BIH

The United States Agency for International Development Mission in Bosnia and Herzegovina (USAID/BiH) Monitoring and Evaluation Support Activity (MEASURE-BiH) is a five-year Activity supported by the USAID Mission in BiH. MEASURE-BiH began in October 2014 and is being implemented by IMPAQ International LLC.

MEASURE-BiH has two primary objectives:

- Provide technical, analytic, advisory, training, monitoring, evaluation, and related support services to assist USAID/BiH in effectively monitoring, evaluating, and relaying information about interventions.
- Build local social science research and program evaluation capacity in BiH to conduct high-quality independent evaluations and other studies for USAID/BiH and other donors.

USAID/BiH commissioned IMPAQ International through MEASURE-BiH to develop the Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH), a unique and innovative tool to assess judicial effectiveness in Bosnia and Herzegovina. MEASURE-BiH—by using its subject matter expertise and applying rigorous scientific methods—designed the Index, collected and processed the necessary data, and calculated an Index value for the first time in 2015. During Index development and implementation, MEASURE-BiH closely cooperated with HJPC.

The 2015 and 2016 Index results were presented and made available to the public and the professional community through HJPC events and publication of the 2015 and 2016 Reports on Judicial Effectiveness Index of BiH, which are available on the official HJPC web page (www.pravosudje.ba) and the MEASURE-BiH web page (www.measurebih.com). This report presents the calculations and results for the 2017 JEI-BiH. Upon its publication, the data sets used in the calculations, which are owned by USAID, will be available on MEASURE-BiH web page (www.measurebih.com), as are the data sets for 2015 and 2016.

BACKGROUND AND OVERVIEW OF THE JUDICIAL EFFECTIVENESS INDEX METHODOLOGY

BRIEF BACKGROUND

In 2015, MEASURE-BiH in partnership with HJPC, developed the JEI-BiH, collected and processed the necessary data, and calculated the Index. In 2016, the second round of data collection and calculation was conducted and the 2016 Index was published. Together, HJPC and MEASURE-BiH presented the Index and its 2015 and 2016 results to both the public and the professional judicial community in BiH.

The methodology and 2015 Index findings were presented at the HJPC Council Session and formally endorsed by HJPC in February 2016 and by the HJPC Standing Committees for Judicial and Prosecutorial Efficiency in March 2016, which also concluded that JEI-BiH data are relevant.

In May 2016, HJPC organized a public presentation of the Index and the 2015 results. The Honorable Ms. Maureen Cormack, US Ambassador to BiH, opened the presentation and highlighted the Index's importance as a tool for evaluating and monitoring advancements in BiH judicial reform and for providing stakeholders in the BiH judicial sector the opportunity to embrace a process of constant review, evaluation, and improvement. The ambassador emphasized, in particular, the crucial nature of the BiH public perception data included in the Index.

Through HJPC arrangements, the Index was also presented to the wider professional community at the Conference of the Court Presidents and the Conference of the Chief Prosecutors, in May 2016. Both Conferences came to the same conclusion:

“The Conferences welcome the introduction of the Judiciary Effectiveness Index, which is recognized as a unique and innovative tool for assessing the effectiveness of the judiciary in BiH. Judicial institutions shall use this tool for reviewing trends in the judicial sector and to keep examining causes of trends and values in index indicators in order to take targeted measures aiming to improve them.”

MEASURE-BiH presented the Report on the 2016 Judicial Effectiveness Index of BiH at the HJPC session on April 13, 2017, at the HJPC's invitation. The Council endorsed the report and furthermore, the Council adopted several conclusions outlining HJPC's planned measures to be taken based on the JEI-BiH findings, including:

1. The Council's Standing Committee for Efficiency of the Courts and the Standing Committee for Efficiency of Prosecutor Offices to use the JEI-BiH to note the trends in BiH judiciary and individual index values in order to conduct further analyses of causes and recommend specific improvement measures;
2. The Council's Standing Committee for Efficiency of the Courts and the Standing Committee for Efficiency of Prosecutors' Offices to consider the possibility of designing 16 regional JEI-BiH sub-indices;
3. Present the 2016 JEI-BiH results at the HJPC Annual Conferences of Court Presidents and Chief Prosecutors;
4. Hold 16 regional presentations of the 2016 JEI-BiH results for all judges/prosecutors in BiH;
5. Introduce the JEI-BiH findings to the public; and
6. Submit a candidacy of HJPC for the Council of Europe's 2017 Crystal Scales of Justice prize based on HJPC's usage of the JEI-BiH findings and results for informed-decision-making in managing the BiH judiciary.

Acting on these conclusions, HJPC's Standing Committees for the Efficiency of Courts/POs in their meetings held in April/May 2017, discussed and decided to develop 16 JEI-BiH sub-indices based on HJPC's administrative TCMS-CMS data in order to further examine issues in individual courts/POs and subsequently design adequate and targeted interventions. Accordingly, HJPC Secretariat staff developed and made available 16 JEI-BiH sub-indices on the HJPC website in June 2017 (https://www.pravosudje.ba/gis/repidx_gm.html). In the absence of software for geographic data visualization, MEASURE-BiH provided technical assistance to HJPC by developing 12 static maps at HJPC's request and helped visualize the 16 JEI-BiH sub-indices, thereby simplifying the process of examining individual values and comparing different regional results for HJPC and the general public.

MEASURE-BiH presented the JEI-BiH 2016 Report at the 2017 Joint Conference of Court Presidents and Chief Prosecutors that was held on 22-23 May, 2017. The following conclusions were adopted:

1. The Joint Conference of Court Presidents and Chief Prosecutors in Bosnia and Herzegovina acknowledged the results and findings of the JEI-BiH for 2016;
2. The HJPC BiH will use the JEI-BiH findings and further analyze the causes for recorded trends and will identify targeted measures for improvement of both individual and aggregate values for the 2017 Index;
3. The HJPC BiH will present the JEI-BiH findings and results of the Index to the judges and prosecutors in BiH through regional presentations so that all judges and prosecutors are informed about this measurement instrument and work on improving performance results.

Acting in line with these conclusions, the HJPC asked MEASURE-BiH to make regional presentations of the 2016 JEI-BiH results for judges and prosecutors in BiH. The JEI-BiH 2016 Report was presented to judges/prosecutors in two sessions across eight regions in Sarajevo and Banja Luka in June and July 2017.

At HJPC's request, MEASURE-BiH also presented the 2016 findings of the JEI-BiH at the Annual Conference on Criminal Law in the section "Current Issues in BiH Judicial Reform" in Neum, on June 8, 2017. The audience included more than 200 judges, prosecutors, and justice sector professionals.

Finally, the JEI-BiH 2016 Report has been published on the USAID Development Experience Clearinghouse (DEC) portal (http://pdf.usaid.gov/pdf_docs/pa00mrg4.pdf) as well as on HJPC's website (<http://vstv.pravosudje.ba/vstv/faces/vijesti.jsp?id=62209>) and MEASURE-BiH's website.

OVERVIEW OF METHODOLOGY

The detailed index methodology is available in the Report on Judicial Effectiveness Index of BiH: Methodology and the 2015 Results, which is published on the HJPC, USAID DEC, and MEASURE-BiH websites. For this reason, only the basic characteristics of the methodology are summarized here, as follows:

- The JEI-BiH is a measuring tool for tracking changes in the effectiveness of the BiH judiciary. The Index has 5 dimensions, 53 sub-dimensions, and 146 indicators.
 - The JEI-BiH dimensions and their definitions are:
 - **Efficiency:** The ability to dispose cases in a timely manner and without undue delays
 - **Quality:** The application of and compliance with the legislation in court/PO proceedings and decisions

- **Accountability and Transparency:** Responsibility towards fulfilling the judicial mandate with sufficient levels of public access to information and public confidence
 - **Capacity and Resources:** Levels of human, financial, and technical resources and capacities available for delivering judicial services
 - **Independence and Impartiality:** The absence of improper influences on judicial and prosecutorial decisions, including trust in judges and prosecutors.
- The main objective of the Index is to track trends in the BiH judiciary over time, with 2015 serving as the baseline year against which progress in future years will be tracked.
 - In addition to enabling comparisons between 2015 as the baseline year and subsequent years, JEI-BiH presents the actual values of indicators from the HJPC's administrative data for all years since 2012, making it easy to observe historical trends in the BiH judiciary's processing of cases.
 - As is true of any index, although the JEI-BiH enables early identification of both successful initiatives and potential issues, it does not explain the causes of the trends it reveals.

The main elements of the calculation methodologies used in the Index are the following:

- The Index can have an overall value from 0 to 100 index points, where the highest value (100) represents the hypothetical maximum effectiveness of the judiciary in the BiH context and the lowest value (0) represents minimum effectiveness.
- The overall Index has five dimensions, which are incorporated into the Index with the following weights (based on the HJPC's expert opinion): Efficiency and Quality each have a weight of 25%; Accountability and Transparency has a weight of 20%; and Capacity and Resources and Independence and Impartiality each have a weight of 15%.
- The Index has 53 sub-dimensions. With a few exceptions, equal weights were applied to all sub-dimensions within each dimension.
- The Index has 146 indicators, each of which individually can have a value between 0 and 100 index points. Each indicator contributes to the overall Index with its respective weights, ranging from 0.06% to 6.25%.

Individual values of the indicators for the Index are calculated based on the following data sources:

- For indicators sourced from the perceptions of the public or judges/prosecutors, the weighted average of the answers to each question was calculated, with the most desirable answer from the judiciary effectiveness perspective having a value of 100 and the least desirable answer having a value of 0.
(Note: International judicial indices use only perception data and apply a similar scoring approach. For example, the World Justice Project Rule of Law Index tracks 102 countries in this manner; the top ranked countries, Denmark and Norway, in 2015 each had 87 out of 100 index points, while the United States had 73 and BiH 57.)
- For indicators sourced from the HJPC's administrative data, two methods of scoring were used:
 - a) Type I (duration, number of cases): 50 index points are assigned to the average actual value in 2012–2014 and 0 index points to values twice as high as the 2012-2014 average.
 - b) Type II (rates): 100 index points are assigned to the actual value of 150% (with one exception).

The sum of the individual values of all 146 indicators multiplied by their respective weight gives the total Index value.

2017 JUDICIAL EFFECTIVENESS INDEX OF BIH DATA COLLECTION

As in 2015 and 2016, MEASURE-BiH rigorously collected data from three sources. These included:

1. National Survey on Public Perception BIH

A representative sample of 3,084 BiH citizens, selected through stratified random sampling of the population, responded to the survey in October and November 2017.

2. Survey of Judges and Prosecutors

A survey of judges/prosecutors was again completed under the auspices of the HJPC President. The data collection was conducted in May 2018 and 559 judges/prosecutors completed the survey (about 38% of all judges/prosecutors in BiH). When compared to previous years, the response rate in 2017 was lower than the response rate in 2016 (774 respondents, or 52%), and higher than the response rate in 2015 (458 respondents, or 31%).

3. HJPC administrative data

HJPC provided MEASURE-BIH data on 350,224 cases processed by courts/POs in 2017 (for the period January 1–December 31, 2017), which were the same main case types as those tracked in 2015 and 2016 (378,392 cases in 2016 and 421,019 cases in 2015). Definitions of the main case types that the Index tracks are provided in the HJPC administrative data indicators section of this report, which covers findings based on the indicators sourced in the HJPC administrative data.

Finally, HJPC provided MEASURE-BiH data on the nine index indicators that are manually collected—related to utility case enforcement, the collective quota of judges/prosecutors, the confirmation rates of first instance decisions, and the success rate of indictments and disciplinary proceedings. These data have a one-year time lag (with the exception of the success rate for disciplinary proceedings, which is based on 2017 data).

VALUES OF THE 2017 JUDICIAL EFFECTIVENESS INDEX OF BIH

OVERALL INDEX VALUE

The total value of the 2017 Judicial Effectiveness Index was 57.09 index points out of a maximum 100 points. The total value of the 2015 Index was 54.41 index points, and the total value of the 2016 Index was 56.78 index points. The 2017 value thus reflects an improvement in the effectiveness of the BiH judiciary of 0.31 points (+0.54%) compared to the previous year. Exhibit 1 presents these results in tabular form:

Exhibit 1: Overall Index values in 2015, 2016 and 2017, and the annual change in 2017 compared to 2016

The maximum overall Index value	100.00 points
Overall 2015 Index value	54.41 points
Overall 2016 Index value	56.78 points
Overall 2017 Index value	57.09 points
Annual change in 2017 compared to 2016	+0.31 points (+0.54%)

Note: Because full integer numbers were rounded to 2 decimal places for display purposes, the sum of rounded numbers may differ slightly from the sum of full integer numbers.

INDEX VALUES FOR EACH DIMENSION

In 2017, the values of two of the five dimensions of the Index (Efficiency and Quality) improved compared to 2016. On the other hand, the values of the Accountability and Transparency dimension declined, while the values of the Capacity and Resources, and Independence and Impartiality dimensions were mainly unchanged.

Exhibit 2 shows the maximum number of index points per dimension, the values of each dimension in 2015, 2016, and 2017, and the change in 2017 compared to 2016.

Exhibit 2: Index results for each dimension in 2015, 2016, and 2017, and the change in 2017 compared to 2016

Dimension	Maximum index points	JEI-BiH 2015 points	JEI-BiH 2016 points	JEI-BiH 2017 points	Annual change in index points
Efficiency	25.00	13.34	13.80	14.09	+0.29
Quality	25.00	14.97	14.96	15.34	+0.38
Accountability and transparency	20.00	11.31	12.01	11.63	-0.38
Capacity and resources	15.00	6.81	7.63	7.65	+0.02
Independence and impartiality	15.00	7.98	8.38	8.38	0.00
TOTAL	100.00	54.41	56.78	57.09	+0.31

INDEX VALUES BY DATA SOURCE

As with the 2015 and 2016 Indices individual 2017 indicator values in this report are analyzed as follows:

1. Analysis of public perception based on data from the survey of citizens;
2. Analysis of the perception of judges/prosecutors based on data from the survey of judges/prosecutors;
3. Comparative analysis of the perceptions of the public and judges/prosecutors; and
4. Analysis of HJPC administrative data, including historical trends since 2012.

PUBLIC PERCEPTION INDICATORS

Of the 146 indicators in the Index, 32 reflect public perceptions of the BiH judiciary. The data for these indicators come from responses to the National Survey of Citizens' Perception (NSCP), which is administered on an annual basis. This survey covers public perceptions of many social areas in BiH in addition to the judiciary. The most recent round of the survey, on which the 2017 Index is based, was conducted in October and November 2017 by a BiH public opinion research agency, IPSOS, using a questionnaire designed by MEASURE-BIH. The survey was administered to a nationally representative sample of 3,084 BiH citizens selected by stratified random sampling.

INDIVIDUAL VALUES OF THE PUBLIC PERCEPTION INDICATORS

Exhibit 3 shows, by question number in the National Survey of Citizens' Perception 2017, a shortened form of the questions, the number of indicator index points (on a scale from 0 to 100) in 2015, 2016, and 2017, and the annual change, also in index points. The full wording of the questions and their answer options are provided in Annex II.

Exhibit 3: Individual values of public perception indicators in 2015, 2016, and 2017, and the annual change in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Indicator Index points (0-100) 2015	Indicator Index points (0-100) 2016	Indicator Index points (0-100) 2017	Annual change in indicator individual index value
20	Perception of backlog reduction in courts, excluding the utility cases	10.71	21.56	31.41	9.84
25	Perception of duration of cases in courts (are the time limits reasonable)	09.15	11.69	12.63	0.94
21	Perception of backlog reduction in POs	10.60	21.45	26.83	5.38
26	Perception of duration of cases in POs (are the time limits reasonable)	09.24	11.78	14.53	2.75
18A	Rating of the work of judges / courts	35.46	33.91	36.57	2.66
18B	Rating of the work of prosecutors / POs	35.93	33.90	37.26	3.36
18C	Rating of the work of attorneys	40.68	39.10	43.15	4.05
18D	Rating of the work of notaries	44.04	42.69	48.02	5.33
2DD	Satisfaction with courts' or the POs' administrative services	40.20	41.69	48.12	6.43
14G	Judges' poor performance sanctioned	32.64	33.44	36.53	3.09
14H	Prosecutors' good performance rewarded	47.24	48.61	48.12	-0.49
27	Possibilities of assigning a case to a particular judge	47.38	46.71	47.60	0.89
19A	Access to own court case files	36.00	38.04	37.96	-0.08
19B	Attendance at public court hearings	28.83	31.79	34.31	2.52
19C	Access to judgments	24.82	30.13	32.20	2.07
19E	Access to evidence after confirmation of the indictment	35.67	39.23	39.16	-0.08
19D	Access to courts / PO reports / statistics	22.78	26.72	30.38	3.66
23	Objectivity of the media in selecting and presenting court cases and investigations	41.28	40.15	41.17	1.02
24	Adequacy of court taxes/fees	10.17	15.79	18.60	2.81
22	Appointment of judges / prosecutors based on their competence	47.35	45.76	46.07	0.31
28	Adequacy of salaries of judges / prosecutors	10.81	20.61	20.64	0.03
29	Adequacy of fees of attorneys and notaries	11.16	18.01	19.46	1.45
13	Extent to which court system is affected by corruption in this country	24.89	35.57	35.45	-0.13
14E	Judiciary effectiveness in combating corruption	30.12	32.17	34.31	2.14
35	Absence of improper influence on judges in making decisions	45.16	45.64	45.61	-0.03
14F	Prosecution of public officials who violate the law	30.13	31.58	33.68	2.10
14C	Judges not taking bribes	29.32	32.17	35.36	3.19
14D	Prosecutors not taking bribes	29.30	31.98	34.59	2.60
12D	Personal experience in bribing judges / prosecutors?	99.03	94.44	96.90	2.46
14A	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	37.75	42.59	41.46	-1.13
14B	Trust in prosecutors to perform their duties impartially and in accordance with the law	37.39	41.32	40.82	-0.51
34	Equality in the treatment of citizens by the courts	39.21	39.16	40.12	0.96

Differences in indicator values between 2015 and 2017 are shown graphically in Exhibit 4, where the vertical axis represents the value of the indicator (on a scale of 0–100 index points for each indicator), and the horizontal axis represents the individual indicators (survey question number, as shown in Exhibit 3). The index point indicator values for 2015 are illustrated by the dotted gray line, the values for 2016 by a dashed red line, and the values for 2017 by a solid blue line. As Exhibit 4 shows, although no 2017 indicator value deviates substantially from its value in 2016, the values in 2017 were typically higher than in 2016, indicating modest improvement in public perception of the BiH judiciary compared to the previous year.

Exhibit 4: Individual values of public perception indicators in 2015, 2016, and 2017

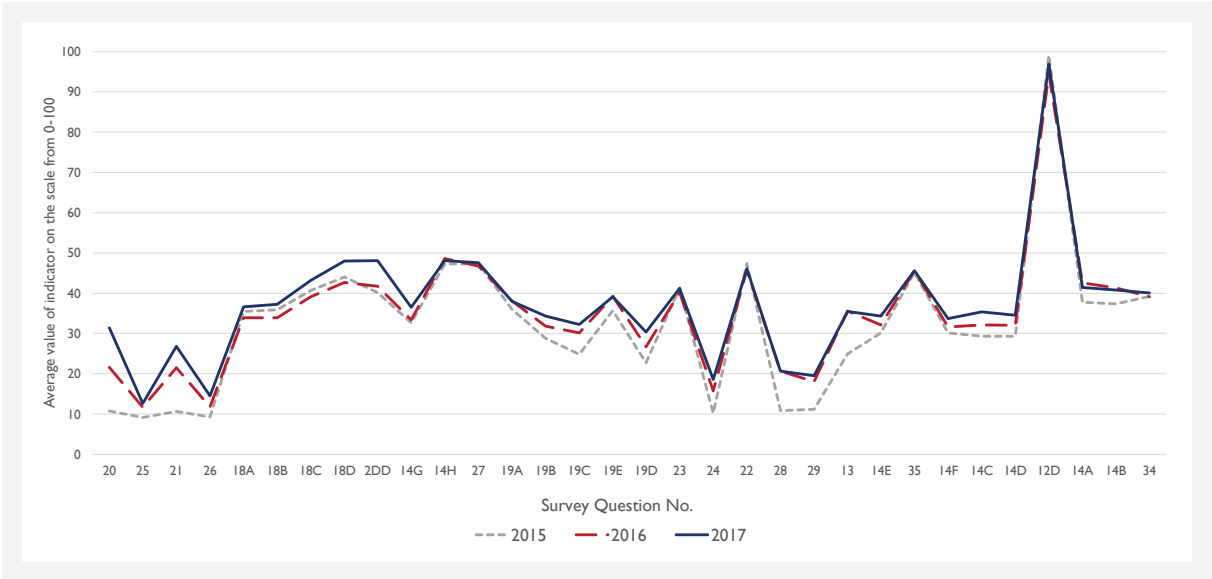


Exhibit 5 highlights the areas where the largest changes occurred in public perception in 2017 compared to 2016. This information is presented in tabular form in Exhibit 6.

Exhibit 5: Largest changes in public perception indicators in 2017 compared to 2016 (graph)

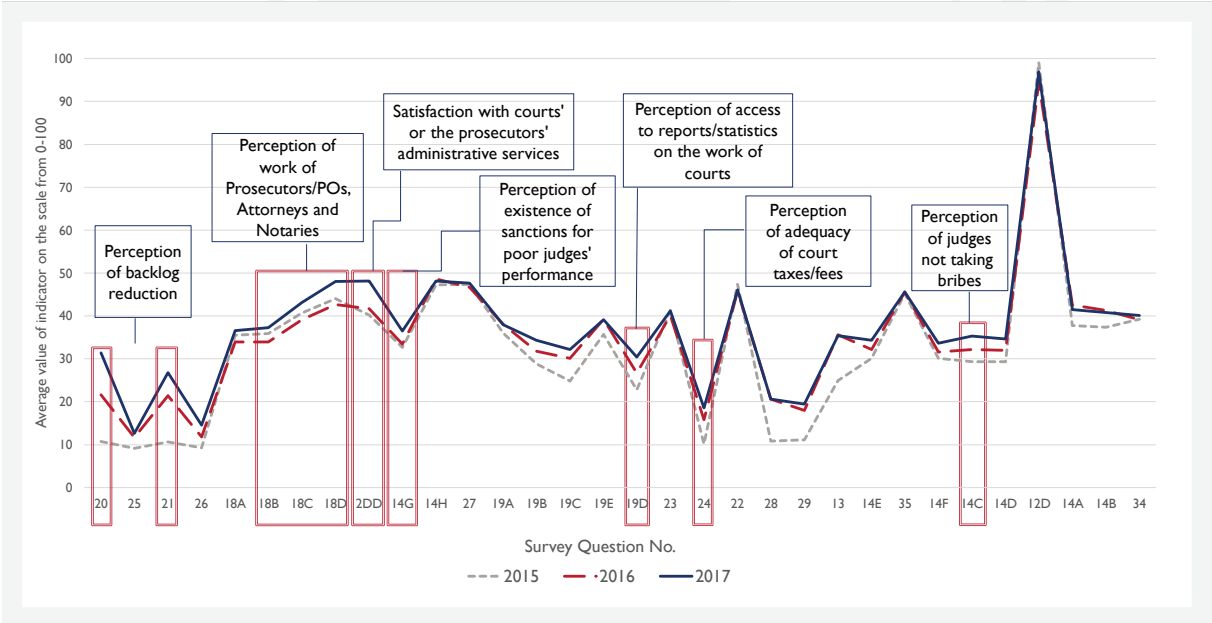


Exhibit 6: Largest changes in public perception indicators in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
20	Perception of backlog reduction in courts, excluding the utility cases	9.84
2DD	Satisfaction with courts' or the POs' administrative services	6.43
21	Perception of backlog reduction in POs	5.38
18D	Rating of the work of notaries	5.33
18C	Rating of the work of attorneys	4.05
19D	Access to courts / PO reports / statistics	3.66
18B	Rating of the work of prosecutors / POs	3.36
14C	Judges not taking bribes	3.19
14G	Judges' poor performance sanctioned	3.09
24	Adequacy of court taxes / fees	2.81

Although there is an overall positive change in public perception, it is evident that there are several indicators that saw a decline in 2017 compared to 2016, as shown in Exhibit 7. The two biggest negative changes are recorded in the indicators related to public perception of trust in judges' and prosecutors' ability to conduct appropriate court procedures and perform duties impartially. The judicial community and all levels of government should strongly consider how to address these negative changes, especially given that BiH as part of its EU accession efforts has stated combatting corruption as a top priority.

Exhibit 7: Negative changes in public perception indicators in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
14A	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	-1.13
14B	Trust in prosecutors to perform their duties impartially and in accordance with the law	-0.51
14H	Prosecutors' good performance rewarded	-0.49
13	Extent to which court system is affected by corruption in this country	-0.13
19A	Access to own court case files	-0.08
19E	Access to evidence after confirmation of the indictment	-0.08
35	Absence of improper influence on judges in making decisions	-0.03

A summary of the annual changes in indicators in 2017 at the level of 0, 2, and 5 percentage points is shown in Exhibit 8.

Exhibit 8: Changes in public perception indicators in 2017 at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change of value up to +/- 0 percentage points	Number of indicators with annual change of value up to +/- 2 percentage points	Number of indicators with annual change of value up to +/- 5 percentage points
>	25	18	4
<>	0	14	28
<	7	0	0
Total	32	32	32

OVERALL VALUES OF PUBLIC PERCEPTION INDICATORS

The maximum number of index points that the public perception indicators can contribute to the total Index value is 22.25 (out of 100 possible points for the overall Index). In 2017, the number of index points contributed by the public perception indicators was 8.28 (37.19% of the public perception maximum). In 2015, the number of index points was 7.17 (32.21% of the maximum), and in 2016, the number of index points was 7.67 (34.48% of the maximum). Thus the 2017 value reflects an improvement of 7.85% compared to the previous year and contributes an additional 0.60 points to the annual change in the total Index value. These values are presented in Exhibit 9.

Exhibit 9: Overall results for public perception indicators in 2015, 2016, and 2017, and the annual change in 2017 compared to 2016

Maximum value of indicators on public perception	100.00% (22.25 out of 100 points in the overall Index)
Total value in 2015 from indicators on public perception	32.21% (7.17 points in the overall Index)
Total value in 2016 from indicators on public perception	34.48% (7.67 points in the overall Index)
Total value in 2017 from indicators on public perception	37.19% (8.28 points in the overall Index)
Annual change in 2017 compared to 2016	+7.85% (+0.60 of total index points)

Note: Because full integer numbers were rounded to 2 decimal places for display purposes, the sum of rounded numbers may differ slightly from the sum of full integer numbers.

ADDITIONAL DATA ON PUBLIC PERCEPTION

In addition to the indicators that are directly used in calculating the JEI-BiH, several questions in the citizens’ perception survey provide a more complete picture of the public perception of the BiH judiciary. For example, the survey asks respondents about their personal involvement in court proceedings and their main source of information about the BiH judiciary. In addition, sub-dimension 3.8 measures perceptions of the media’s objectivity in selecting and presenting court cases and investigations, by both the public and judges/prosecutors. The consolidated results for 2015, 2016, and 2017 are presented in Exhibit 10.

2015 INDEX

2016 INDEX

2017 INDEX

9%

6%

7%

citizens were involved in the court case (except utility cases) in the past 3 years

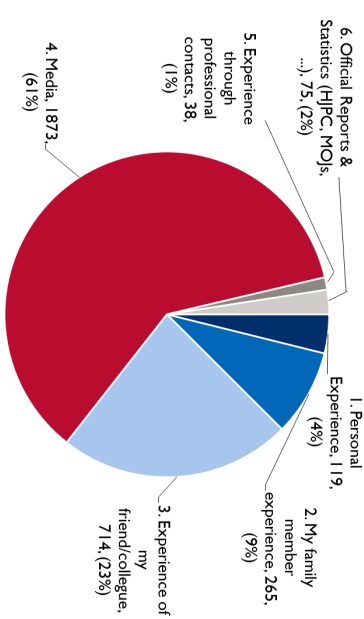
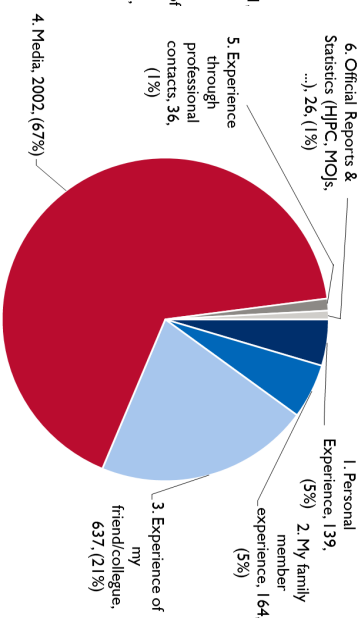
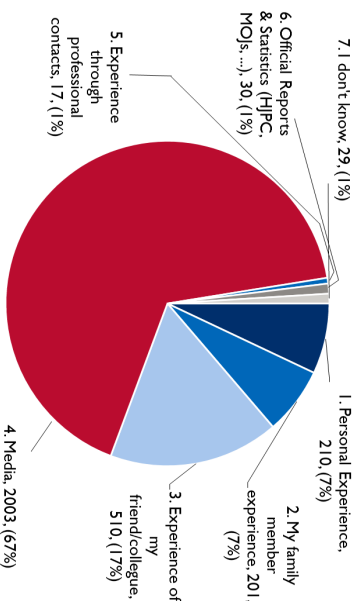
81%

82%

74%

... of them were involved in only one court case

Q: "Your principal source of information about BiH judiciary, cases and actors is:"



Q: "In your opinion, how often are court cases and investigations selected and presented objectively by the media?"

41%

40%

41%

Average value of response on a scale from 0 to 100%, where 100% represents answer "Always" and 0% "Never"

Average value of response on a scale from 0 to 100%, where 100% represents answer "Always" and 0% "Never"

Average value of response on a scale from 0 to 100%, where 100% represents answer "Always" and 0% "Never"

As shown in the exhibit, less than 10% of citizens responding to the surveys have had direct experience with the BiH judiciary through any court case of their own (excluding utility cases) and, in 2017, 74% of those reported participating in only one court case. For almost two-thirds (61%) of the respondents, their principal source of information about the BiH judiciary was the media. Official statistics and reports on the work of the judiciary (from HJPC, the Ministry of Justice [MoJ], etc.) were the main source for only 2% of respondents. Finally, their responses to the question “In your opinion, how often are court cases and investigations selected and presented objectively by the media?” received a value of 41 index points in 2017 (of a maximum of 100 index points, where 100 reflects “Always” and 0 reflects “Never”).

There are no substantial differences in perceptions of respondents who were involved in court cases (except in utility cases) in the last three years and those who were not. For example, there is a low level of satisfaction with the work of judges/courts and prosecutors/POs regardless of citizens’ experience with judiciary, as Exhibit 11 shows. Similarly, perceptions of judicial transparency among the citizens who were involved in a court case in the last three years and those who were not differ only slightly, as Exhibit 12 shows.

Exhibit 11: Difference in level of satisfaction with work of judges/courts and prosecutors/POs between citizens involved/not involved in court cases

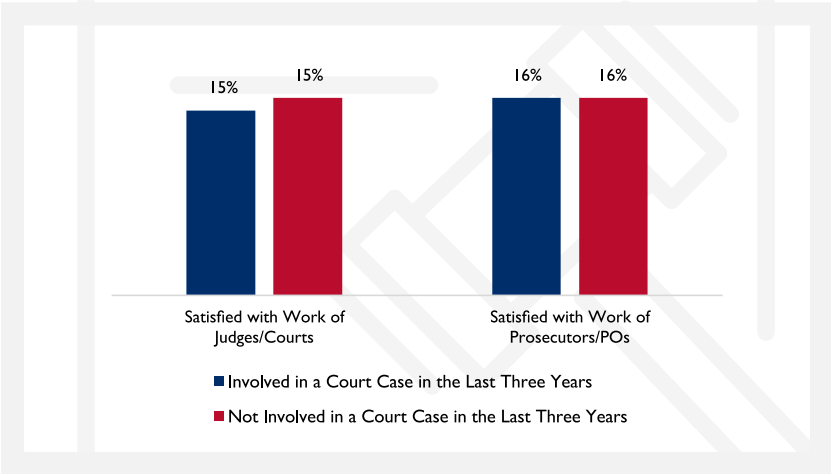
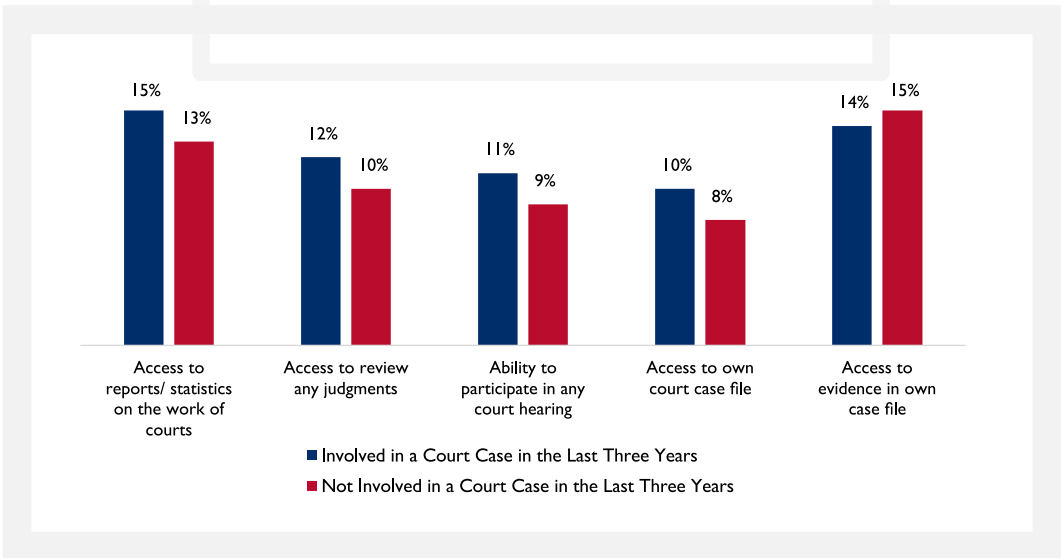


Exhibit 12: Difference in perceptions of judicial transparency between citizens involved/not involved in court cases – Percentage of citizens stating they can always or often access the following services



SUMMARY OF FINDINGS BASED ON PUBLIC PERCEPTION INDICATORS

The public perception of BiH judiciary effectiveness improved by 7.85% in 2017 compared to 2016. The largest improvements as perceived by the public were in:

- reducing the number of unresolved cases in courts/POs in BiH;
- satisfaction with courts' and POs' administrative services; and
- rating of the work of attorneys and notaries.

Despite these perceived improvements, the public perception of judiciary effectiveness remains poor (at 37.19% of a total of 100%, which would represent the maximum level of satisfaction of all citizens on all questions asked). The worst areas were seen to be perception of duration of cases in courts (12.63 index points) and perception of duration of cases in POs (14.53 index points). Other areas receiving low values are listed in Exhibit 13. The values of each indicator need to be further examined, the reasons for low values identified, and targeted corrective measures undertaken.

Exhibit 13: Public perception indicators receiving the lowest values in 2017

Survey Question No.	Question (abbreviated wording)	Indicator Index points (0-100) 2017
25	Perception of duration of cases in courts (are the time limits reasonable)	12.63
26	Perception of duration of cases in POs (are the time limits reasonable)	14.53
24	Adequacy of court taxes/fees	18.60
29	Adequacy of fees of attorneys and notaries	19.46
28	Adequacy of salaries of judges / prosecutors	20.64
21	Perception of backlog reduction in POs	26.83
19D	Access to courts / PO reports / statistics	30.38
20	Perception of backlog reduction in courts, excluding the utility cases	31.41
19C	Access to judgments	32.20
14F	Prosecution of public officials who violate the law	33.68

JUDGE/PROSECUTOR PERCEPTION INDICATORS

The survey of judges/prosecutors in BiH was designed and conducted by MEASURE-BiH. In April 2018, HJPC invited judges and prosecutors (through all court presidents and chief prosecutors) to complete the online survey for the 2017 JEI-BiH. As in 2015 and 2016, the responses to this survey were given anonymously. The April 2018 survey had a lower response rate than the survey administered in 2016. In total, 559 judges/prosecutors completed the most recent survey (approximately 38% of all judges/prosecutors in BiH), while in 2016 the response rate was 52%, with 774 judges/prosecutors completing the survey. Still, the response rate for the April 2018 survey was higher than the response rate in the baseline year (2015), when 458 (or 31% of all) judges/prosecutors completed the survey.

It is important to note that the questions about the work of the courts/POs and judges/prosecutors were answered by both judges and prosecutors (not just one of the two groups). Both judges and prosecutors provided their opinions on matters that fall under the jurisdiction of the judicial regulatory body (HJPC), as well as areas under the jurisdiction of both the executive and legislative branches of government that relate to providing preconditions for the judiciary's work. Because of this additional detail, the number of questions in the survey of judges/prosecutors is greater than the number of questions in the public perception survey (49 vs. 32).

INDIVIDUAL INDICATOR VALUES

Exhibit 14 shows the indicator values of judges/prosecutors' perceptions in 2015, 2016, and 2017; and the annual change in index points. The exhibit includes the question number in the 2017 survey of judges/prosecutors (SJP); the question wording in abbreviated form; the number of index points for each indicator (on a scale from 0 to 100), and the annual change in index points between 2016 and 2017. The complete question wording and answer options are provided in Annex III.

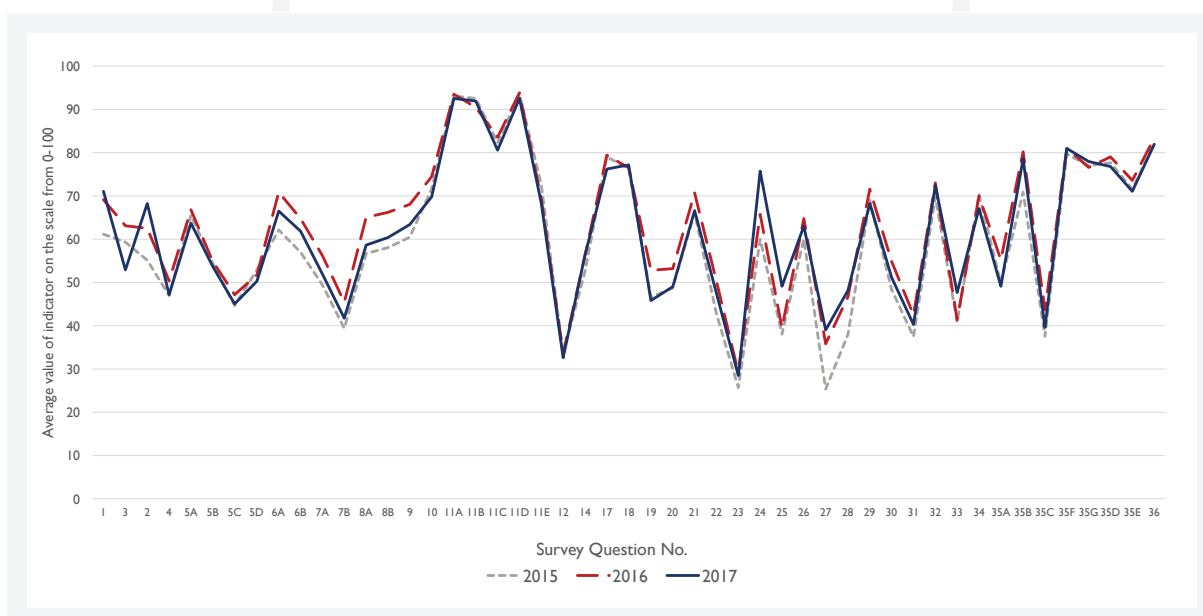
Exhibit 14: Values of judge/prosecutor perception indicators in 2015, 2016, and 2017, and the change in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Indicator Index points (0-100) 2015	Indicator Index points (0-100) 2016	Indicator Index points (0-100) 2017	Annual change in indicator individual index value
1	Perception of backlog reduction in courts, excluding the utility cases	61.16	69.10	71.05	1.95
2	Perception of backlog reduction in POs	55.11	62.54	68.24	5.70
3	Perception of duration of cases in courts (are the time limits reasonable)	59.29	63.13	52.87	-10.26
4	Perception of duration of cases in POs (are the time limits reasonable)	47.00	50.38	47.19	-3.19
5A	Rating of the work of judges / courts	65.52	66.82	63.70	-3.12
5B	Rating of the work of prosecutors / POs	54.32	54.86	53.62	-1.24
5C	Rating of the work of attorneys	44.61	47.14	45.02	-2.12
5D	Rating of the work of notaries	52.88	51.69	50.22	-1.47
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	62.12	70.88	66.50	-4.37
6B	Existence of a fact-based and transparent system of monitoring prosecutors' work performance	56.93	64.77	61.81	-2.96
7A	Judges' poor performance sanctioned	49.41	56.19	51.87	-4.32
7B	Rewards for prosecutors' good performance	39.44	45.40	41.75	-3.64
8A	Initiating disciplinary procedures against judges / prosecutors in all cases prescribed by the law	56.65	64.98	58.63	-6.35
8B	Fairness and objectivity of the initiated disciplinary procedures against judges / prosecutors	58.02	66.21	60.41	-5.80
9	Disciplinary sanctions rendered in disciplinary proceedings appropriate	60.44	68.05	63.38	-4.67
10	Possibility of allocating a case to a particular judge	71.59	74.47	69.75	-4.72
11A	Access to court case files	93.11	93.48	92.48	-1.00
11B	Attendance at public court hearings	92.52	90.44	91.95	1.51
11C	Access to judgments	82.35	83.59	80.58	-3.01
11D	Access to evidence after confirmation of the indictment	93.49	93.81	92.53	-1.28
11E	Access to courts / PO reports / statistics	72.46	69.26	68.28	-0.98
12	Objectivity of the media in selecting and presenting court cases and investigations	33.47	33.59	32.58	-1.01
14	Adequacy of court taxes / fees	52.47	56.22	56.30	0.08
17	Abuse of the right to absence from work by judges / prosecutors	79.03	79.40	76.19	-3.21
18	Judge / prosecutor behavior in accordance with the Ethical Code	76.28	76.51	77.14	0.64
19	Efficiency of judge / prosecutor appointments to newly available positions	46.60	52.84	45.76	-7.07
20	Appointment of judges / prosecutors based on their skills / competence	48.68	53.17	49.05	-4.12
21	Adequacy of the training / education for judges / prosecutors on an annual basis	66.11	70.70	66.54	-4.15
22	Adequacy of salaries of judges / prosecutors	42.70	50.27	47.44	-2.83
23	Adequacy of fees of attorneys and notaries	25.66	29.15	28.45	-0.70
24	Timeliness of the salary payment to judges / prosecutors	59.93	65.69	75.68	9.99
25	Timeliness of the fees/ costs/ payment to ex officio defense attorneys	38.00	39.47	49.06	9.59
26	Competence of the currently employed administrative / support staff in courts/ POs	60.01	64.78	63.03	-1.75
27	Sufficiency of the court / PO budget	25.34	35.78	39.00	3.22
28	Adequacy of buildings / facilities and work space of courts / POs	37.94	46.69	48.11	1.42
29	Adequacy of the necessary IT equipment and support to courts / POs	68.98	71.49	68.22	-3.27
30	Adequacy of court / PO procedures and resources for coping with significant and abrupt changes in case inflow	48.33	54.83	51.11	-3.72
31	Objectivity, adequacy, and applicability in practice of career advancement of judges / prosecutors	37.47	42.46	40.24	-2.22
32	Adequacy and applicability in practice of immunity and tenure of judges/ prosecutors	69.77	72.94	72.41	-0.53
33	Personal security of judges / prosecutors and their close family members ensured when needed	40.80	41.31	47.65	6.34
34	Impact of corruption on the BiH judiciary	70.24	69.99	67.09	-2.89
35A	Judiciary effectiveness in combating corruption	49.73	55.23	49.07	-6.17

35B	Absence of improper influence on judges in making decisions	70.88	80.20	78.60	-1.61
35C	Prosecution of public officials who violate the law	37.55	43.67	39.59	-4.08
35F	Judges not taking bribes	79.68	81.00	80.91	-0.10
35G	Prosecutors not taking bribes	76.94	76.61	77.98	1.37
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	77.65	78.99	76.81	-2.18
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	71.48	73.60	71.01	-2.59
36	Equality in the treatment of citizens by the courts	82.16	83.33	81.95	-1.38

The values shown in Exhibit 14 are illustrated in Exhibit 15, where the vertical axis represents the value of the indicator (on a scale of 0–100 index points for each indicator), and the horizontal axis represents individual indicators (survey question number as shown in Exhibit 14). The indicator values for 2015 are represented with a dotted gray line, the values for 2016 with a dashed red line, and the values for 2017 with a solid blue line.

Exhibit 15: Individual values of judge/prosecutor perception indicators in 2015, 2016 and 2017



As shown, although none of the indicators deviate considerably from the values in 2016, a number of key indicator values in 2017 are lower than in 2016, indicating worsening perceptions of judicial effectiveness among judges and prosecutors compared to the previous year. Exhibit 16 highlights the areas where changes in the perception of judges and prosecutors in 2017 compared to 2016 were largest. This includes both negative and positive changes. These are presented in tabular form in Exhibit 17.

Exhibit 16: Largest changes in the perception of judges/prosecutors in 2017 compared to 2016 (graph)

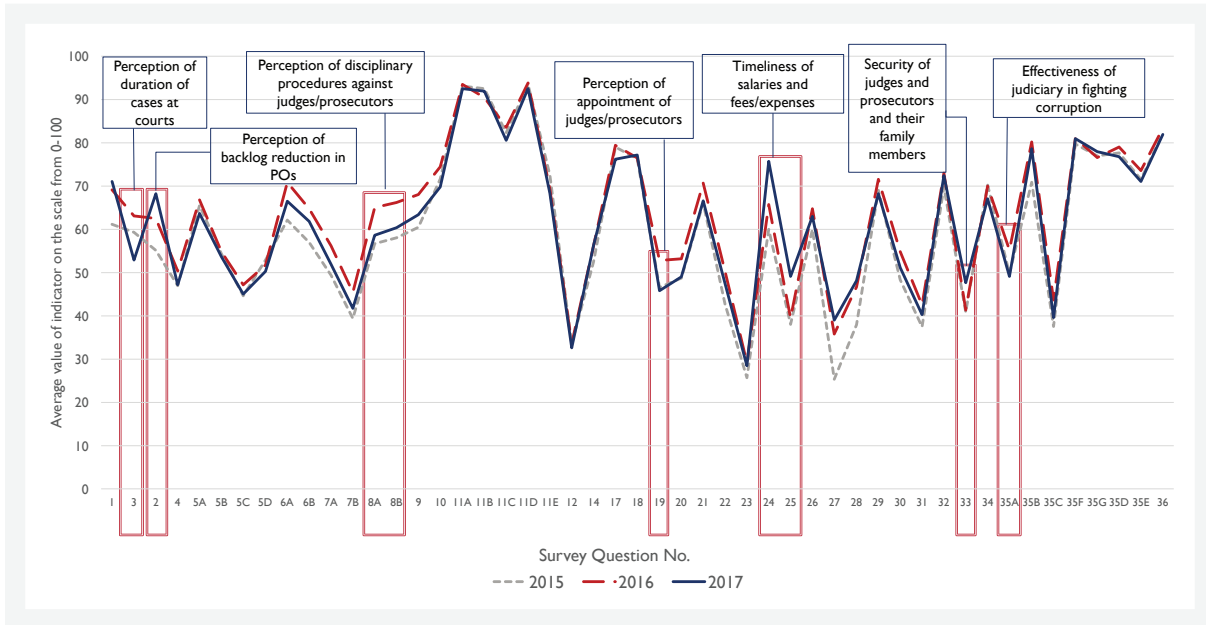


Exhibit 17: Largest changes in the perception of judges/prosecutors in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
3	Perception of duration of cases in courts (are the time limits reasonable)	-10.26
24	Timeliness of the salary payment to judges / prosecutors	9.99
25	Timeliness of the fees / costs/ payment to ex officio defense attorney s	9.59
19	Efficiency of judges / prosecutors' appointments to a newly available position	-7.07
8A	Initiating disciplinary procedures against judges / prosecutors in all cases prescribed by the law	-6.35
33	Personal security of judges / prosecutors and their close family members ensured when needed	6.34
35A	Judiciary effectiveness in combating corruption	-6.17
8B	Fairness and objectivity of the initiated disciplinary procedures against judges / prosecutors	-5.80
2	Perception of backlog reduction in POs	5.70
10	Possibilities of allocating a case to a particular judge	-4.72
9	Disciplinary sanctions rendered in disciplinary proceedings are appropriate	-4.67
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	-4.37

The largest negative changes in the perception of judges and prosecutors are related to: the time needed to dispose cases in courts, efficiency of judges'/prosecutors' appointments to a newly available position, initiating disciplinary procedures against judges/prosecutors in all cases prescribed by the law, judiciary effectiveness in combating corruption, fairness and objectivity of the initiated disciplinary procedures against judges/prosecutors, possibility of allocating a case to a particular judge, appropriateness of disciplinary sanctions rendered in disciplinary proceedings, and the existence of a fact-based and transparent system of monitoring judges' work performance. These are presented in tabular form in Exhibit 18.

Exhibit 18: Largest negative changes in the perception of judges/prosecutors in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
3	Perception of duration of cases in courts (are the time limits reasonable)	-10.26
19	Efficiency of judges / prosecutors' appointments to a newly available position	-7.07
8A	Initiating disciplinary procedures against judges / prosecutors in all cases prescribed by the law	-6.35
35A	Judiciary effectiveness in combating corruption	-6.17
8B	Fairness and objectivity of the initiated disciplinary procedures against judges / prosecutors	-5.8
10	Possibilities of allocating a case to a particular judge	-4.72
9	Disciplinary sanctions rendered in disciplinary proceedings are appropriate	-4.67
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	-4.37

The largest positive improvements in the perception of judges and prosecutors were in: timeliness of the salary payments to judges/prosecutors, and fees/costs/payment to defense counsels, ensuring the security of judges and prosecutors and their close family members, and decreasing the number of unresolved cases in POs as Exhibit 19 shows.

Exhibit 19: Largest positive changes in the perception of judges/prosecutors in 2017 compared to 2016

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
24	Timeliness of the salary payment to judges / prosecutors	9.99
25	Timeliness of the fees / costs/ payment to ex officio defense attorney s	9.59
33	Personal security of judges / prosecutors and their close family members ensured when needed	6.34
2	Perception of backlog reduction in POs	5.7

Exhibit 20 shows a summary of annual indicator changes at the levels of 0, 2, and 5 percentage points.

Exhibit 20: Changes in the indicators of perception of judges/prosecutors in 2017 at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change of value up to +/- 0 percentage points	Number of indicators with annual change of value up to +/- 2 percentage points	Number of indicators with annual change of value up to +/- 5 percentage points
>	11	5	4
<>	0	18	40
<	38	26	5
Total	49	49	49

OVERALL VALUES OF JUDGE/PROSECUTOR PERCEPTION INDICATORS

The maximum number of index points that the judge and prosecutor perception indicators of judiciary effectiveness can contribute to the total Index value is 44.77. In 2017, the actual number was 26.98 points (60.28% of the judge/prosecutor perception maximum) compared with 25.83 points in 2015 (57.69% of the maximum) and 27.51 points in 2016 (61.45% of the maximum). The 2017 value therefore represents a decline in the judge/prosecutor perception of the effectiveness of the BiH judiciary of 1.91% compared to the previous year, which reduced the overall Index value by 0.53 index points. These values are presented in Exhibit 21.

Exhibit 21: Overall results for the indicators of perception of judges/prosecutors in 2015, 2016, and 2017 and the annual change in 2017 compared to 2016

Maximum value of indicators on judges' and prosecutors' perception	100.00% (44.77 out of 100 points in the overall Index)
Total value in 2015 from indicators on judges' and prosecutors' perception	57.69% (25.83 points in the overall Index)
Total value in 2016 from indicators on judges' and prosecutors' perception	61.45% (27.51 points in the overall Index)
Total value in 2017 from indicators on judges' and prosecutors' perception	60.28% (26.98 points in the overall Index)
Annual change in 2017 compared to 2016	-1.91% (-0.53 of total index points)

Note: Because full integer numbers were rounded to 2 decimal places for display purposes, the sum of rounded numbers may differ slightly from the sum of full integer numbers.

SUMMARY OF FINDINGS BASED ON INDICATORS OF JUDGE/PROSECUTOR PERCEPTION

The 2017 perception of judges/prosecutors about judicial effectiveness is still almost twice as favorable as the public perception (60.28% of the maximum 100%, which would represent the maximum level of satisfaction of all judges/prosecutors respondents on all questions asked). On the contrary, the perception of judges/prosecutors fell by 1.91% compared to the previous year. Specifically, the following views from judges and prosecutors showed the greatest decline from 2016 to 2017: the time needed to dispose cases in courts; efficiency of judges'/prosecutors' appointments; monitoring of judges' work performance; initiation and fairness of sanctions rendered in disciplinary proceedings; assignment of cases to judges; and judiciary effectiveness in combating corruption.

The largest positive improvements in the perception of judges and prosecutors were in:

- timeliness of the salary payments to judges/prosecutors, and fees/costs/payment to defense counsels,
- ensuring the security of judges and prosecutors and their close family members, and
- decreasing the number of unresolved cases in POs.

Judge and prosecutor perceptions of judicial effectiveness were worst in the areas of adequacy of fees of attorneys and notaries (28.45 index points) and objectivity of the media in selecting and presenting court cases and investigations (32.58 index points). Other areas receiving low values are listed in

Exhibit 22. The values of each indicator sourced from the survey of judges and prosecutors, including the overall magnitude of the decrease, need to be further examined, the reasons for low actual values identified, and targeted corrective measures undertaken.

Exhibit 22: Lowest values of the perception of judges/prosecutors indicators in 2017

Survey Question No.	Question (abbreviated wording)	Indicator Index points (0-100) 2017
23	Adequacy of fees of attorneys and notaries	28.45
12	Objectivity of the media in selecting and presenting court cases and investigations	32.58
27	Sufficiency of the court / PO budget	39.00
35C	Prosecution of public officials who violate the law	39.59
31	Objectivity, adequacy, and applicability in practice of career advancement of judges / prosecutors	40.24
7B	Rewards for prosecutors' good performances	41.75
5C	Rating of the work of attorneys	45.02
19	Efficiency of judges / prosecutors' appointments to a newly available position	45.76
4	Perception of duration of cases in POs (are the time limits reasonable)	47.19
22	Adequacy of salaries of judges / prosecutors	47.44
33	Personal security of judges / prosecutors and their close family members ensured when needed	47.65
28	Adequacy of buildings / facilities and work space of courts / POs	48.11
20	Appointment of judges / prosecutors based on their skills / competence	49.05
25	Timeliness of the fees / costs / payment to ex officio defense attorneys	49.06

COMPARATIVE RESULTS OF PUBLIC PERCEPTION VERSUS JUDGE/PROSECUTOR PERCEPTION

The JEI-BiH is designed to compare the perceptions of judicial effectiveness by the public and judges/prosecutors by comparing their responses to the same questions whenever the question is appropriate for both groups. Of the 146 indicators, 60 are matched to 30 common questions, providing an opportunity to analyze differences and similarities in the two sets of perceptions of judiciary effectiveness. The results are shown in Exhibit 23.

Exhibit 23- Comparative results of perception of judicial effectiveness by the public and judges/prosecutors in 2015, 2016, and 2017

#	Sub-dimension	Question no. public survey (2017)	Question no. survey of professionals (2017)	Public survey indicator index points (0-100) 2015	Public survey indicator index points (0-100) 2016	Public survey indicator index points (0-100) 2017	Survey of judge/prosecutor indicator index points (0-100) 2015	Survey of judge/prosecutor indicator index points (0-100) 2016	Survey of judge/prosecutor indicator index points (0-100) 2017
1.1.1/1.12.	Perception of efficiency of courts	20	1	10.71	21.56	31.41	61.16	69.10	71.05
1.1.1/1.12.	Perception of efficiency of courts	25	3	9.15	11.69	12.63	59.29	63.13	52.87
1.1.3/1.14.	Perception of efficiency of POs	21	2	10.60	21.45	26.83	55.11	62.54	68.24
1.1.3/1.14.	Perception of efficiency of POs	26	4	9.24	11.78	14.53	47.00	50.38	47.19
2.3.	Rating of the work of judges/courts	18A	5A	35.46	33.91	36.57	65.52	66.82	63.70
2.4.	Rating of the work of prosecutors/POs	18B	5B	35.93	33.90	37.26	54.32	54.86	53.62
2.5.	Rating of the work of attorneys	18C	5C	40.68	39.10	43.15	44.61	47.14	45.02
2.6.	Rating of the work of notaries	18D	5D	44.04	42.69	48.02	52.88	51.69	50.22
3.2.1.	Overseeing the inadequate judges performance	14G	7A	32.64	33.44	36.53	49.41	56.19	51.87
3.2.2.	Overseeing the inadequate prosecutors performance	14H	7B	47.24	48.61	48.12	39.44	45.40	41.75
3.4.	Random assignment of cases	27	10	47.38	46.71	47.60	71.59	74.47	69.75
3.5.	Access to court case files	19A	11A	36.00	38.04	37.96	93.11	93.48	92.48
3.6.	Access to court hearings	19B	11B	28.83	31.79	34.31	92.52	90.44	91.95
3.7.	Access to judgments	19C	11C	24.82	30.13	32.20	82.35	83.59	80.58
3.8.	Access to evidence	19E	11D	35.67	39.23	39.16	93.49	93.81	92.53
3.9.	Access to reports/statistics	19D	11E	22.78	26.72	30.38	72.46	69.26	68.28
3.10.	Media reporting	23	12	41.28	40.15	41.17	33.47	33.59	32.58
3.1.1.	Adequacy of court taxes/fees	24	14	10.17	15.79	18.60	52.47	56.22	56.30
4.2.	The competence of judges/prosecutors	22	20	47.35	45.76	46.07	48.68	53.17	49.05
4.4.	Adequacy of salaries of judges/prosecutors	28	22	10.81	20.61	20.64	42.70	50.27	47.44
4.5.	Adequacy of fees of attorneys/notaries	29	23	11.16	18.01	19.46	25.66	29.15	28.45
5.4.1.	Independence, absence of corruption or improper influence	13	34	24.89	35.57	35.45	70.24	69.99	67.09
5.4.2.	Independence, absence of corruption or improper influence	14E	35A	30.12	32.17	34.31	49.73	55.23	49.07
5.4.3.	Independence, absence of corruption or improper influence	35	35B	45.16	45.64	45.61	70.88	80.20	78.60
5.4.4.	Independence, absence of corruption or improper influence	14F	35C	30.13	31.58	33.68	37.55	43.67	39.59
5.4.5.	Independence, absence of corruption or improper influence	14C	35F	29.32	32.17	35.36	79.68	81.00	80.91
5.4.6.	Independence, absence of corruption or improper influence	14D	35G	29.30	31.98	34.59	76.94	76.61	77.98
5.5.	Trust in judges	14A	35D	37.75	42.59	41.46	77.65	78.99	76.81
5.6.	Trust in prosecutors	14B	35E	37.39	41.32	40.82	71.48	73.60	71.01
5.7.	Equal / non-discriminatory application of the law	34	36	39.21	39.16	40.12	82.16	83.33	81.95

The numbers in Exhibit 23 are displayed graphically in Exhibit 24, where the vertical axis represents the value of the indicator (on a scale of 0–100 index points for each indicator), and the horizontal axis represents the individual matched indicators (i.e., the number given to the corresponding sub-dimensions shown in Exhibit 23). The indicator index values for 2015 are represented with dotted lines, the values for 2016 with dashed lines, and the values for 2017 with solid lines. Blue lines (dotted, dashed, and solid) represent judge and prosecutor perceptions; red lines (dotted, dashed, and solid) represent public perception. As shown in Exhibit 24, there is substantial divergence in perceptions among the public and judges/prosecutors across most indicators. Exhibit 25 highlights the areas of greatest divergence.

Exhibit 24: Comparative results of perception of the public and judges/prosecutors in 2015, 2016, and 2017

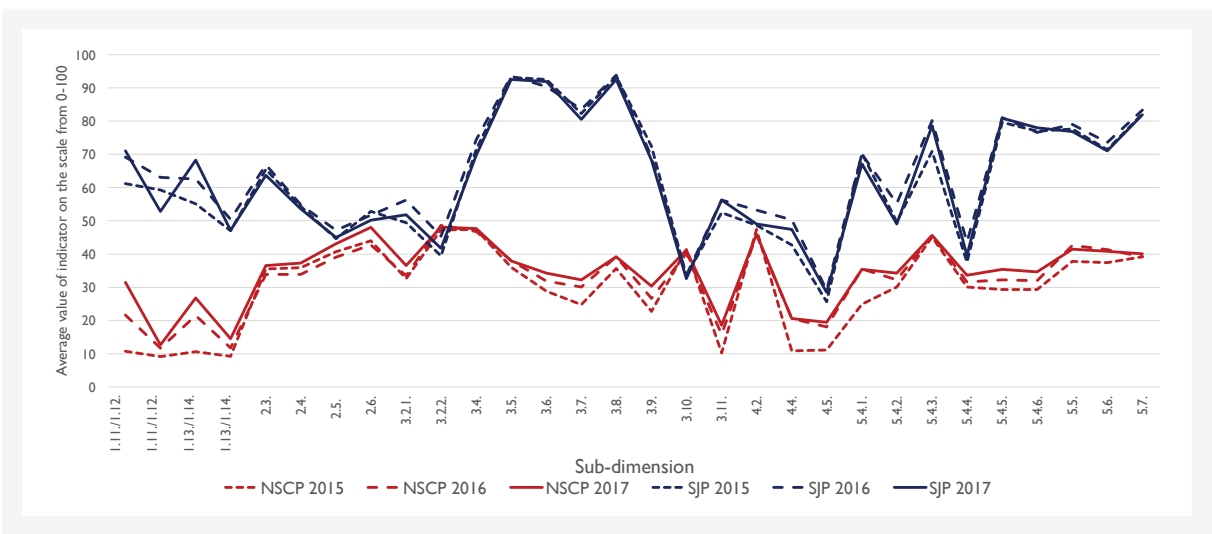
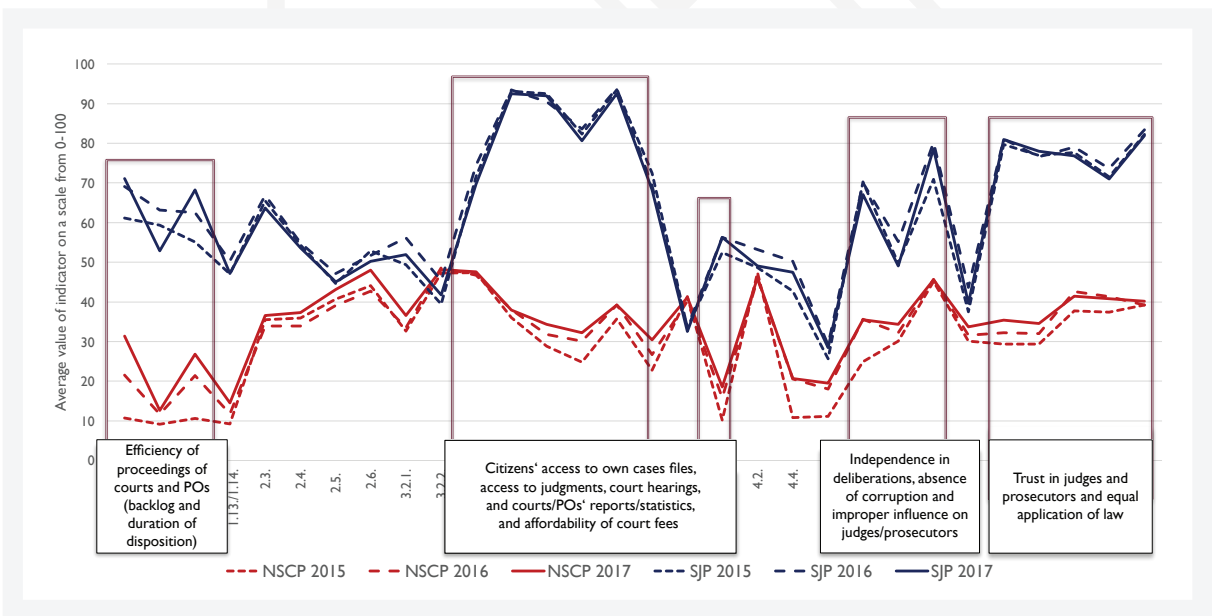


Exhibit 25: Largest differences in the perception of the public and judges/prosecutors in 2017 compared to 2016

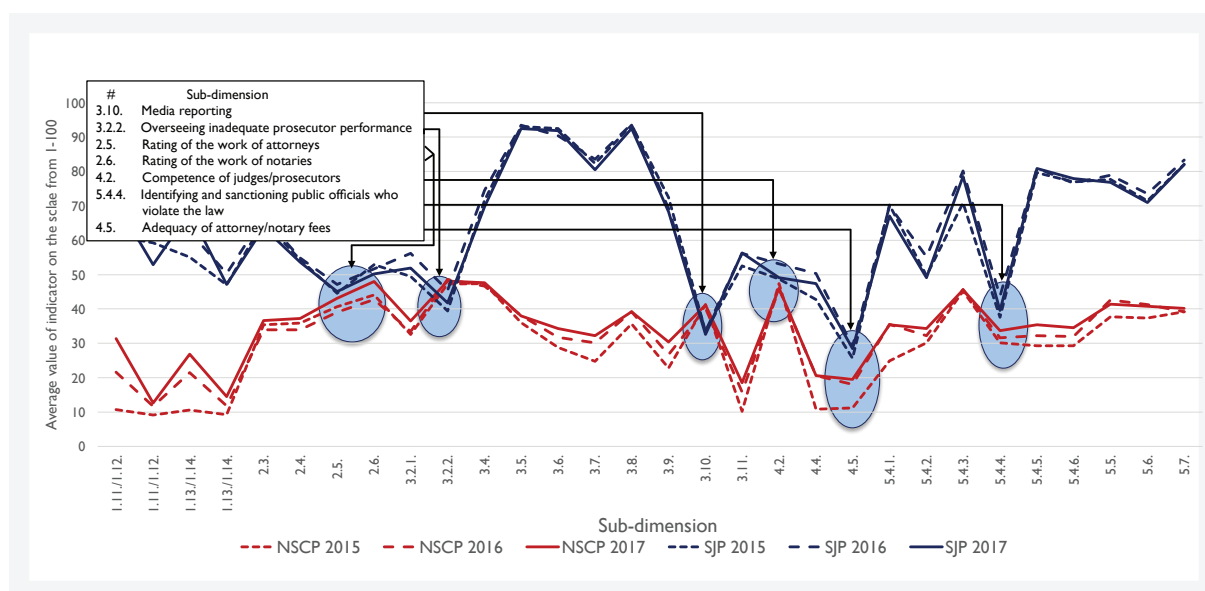


- The areas with the biggest differences between the two sets of perceptions are the following:
- efficiency of the courts/POs (number of unresolved cases and duration of resolved cases) and the work of courts;
 - citizens' access to their own court cases, final judgments, hearings/trials, reports/statistics on the work of courts/POs, and adequacy of court fees;

- independence, absence of corruption and improper influence on the work of judges/prosecutors;
- trust in judges/prosecutors, and equal application of the law.

However, there are also specific areas where the two types of perceptions are similar in 2015, 2016 and 2017, as shown in Exhibit 26.

Exhibit 26: Smallest differences in the perception of the public and judges/prosecutors in 2017 (graph)



The differences in perceptions between the judges/prosecutors and the public are smallest in the areas shown in Exhibit 27. The smallest differences occurred in rating the work of attorneys and notaries, and competence of judges/prosecutors.

Exhibit 27: Smallest differences in the perception of judges/prosecutors and public in 2017

#	Sub-dimension	Difference between the citizens' perception and the perception of judges/prosecutors, in indicator individual index value
3.10.	Media reporting	-8.59
3.2.2.	Overseeing the inadequate prosecutors performance	-6.37
2.5.	Rating of the work of attorneys	1.87
2.6.	Rating of the work of notaries	2.20
4.2.	Competence of judges/prosecutors	2.98
5.4.4.	Identifying and sanctioning public officials who violate the law	5.91
4.5.	Adequacy of fees of attorneys and notaries	8.99

A comparison of negative annual changes in indicators related to both the perception of the public (as provided in Exhibit 3 and Exhibit 7) and judges and prosecutors (as provided in Exhibit 14 and Exhibit 18), reveals that both the public and judges/prosecutors perceive a decline in seven indicators. Negative changes in both the public's perception and the perception of judges/prosecutors are shown in Exhibit 28. Among these seven indicators, four relate to the prevention of corruption: 1) trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law; 2) trust in prosecutors to perform their duties impartially and in accordance with the law; 3) the extent to which the court system is affected by corruption in this country; and 4) the independence of judges in making decisions without direct or indirect interference by governments, politicians, the international community or others. It is worrisome that both groups perceive deterioration in indicators related to preventing corruption at a time when addressing corruption is of particular interest to the state and society. Similar decreases in the same indicators, particularly those which are relevant for the prevention of corruption, need particular attention as they mutually reinforce each other.

Exhibit 28: Negative annual changes in indicators from both the survey of citizens and the survey of judges/prosecutors

#	Sub-dimension	Question no. public survey (2017)	Question no. survey of professionals (2017)	Annual change in public perception indicator individual index value (NSCP '17-'16)	Annual change in perception of professionals indicator individual index value (SJP '17-'16)
3.2.2.	Overseeing the inadequate prosecutors performance	14H	7B	-0.49	-3.64
5.4.1.	Independence, absence of corruption or improper influence	13	34	-0.13	-2.89
5.6.	Trust in prosecutors	14B	35E	-0.51	-2.59
5.5.	Trust in judges	14A	35D	-1.13	-2.18
5.4.3.	Independence, absence of corruption or improper influence	35	35B	-0.03	-1.61
3.8.	Access to evidence	19E	11D	-0.08	-1.28
3.5.	Access to court case files	19A	11A	-0.08	-1.00

HJPC ADMINISTRATIVE DATA INDICATORS

The 2017 JEI-BiH summarizes administrative data on a total of 350,224 cases processed in BiH courts/POs in 2017. The total number of JEI-BiH indicators derived from the HJPC administrative data is 65. HJPC provided MEASURE-BiH data on 57 indicators for 2017. These indicators relate to the main case types tracked by the Index that were processed by the courts/POs in that year and the success rate of the disciplinary proceedings. Data for the 8 remaining indicators, which are collected manually by the HJPC, have a one-year time lag and thus provide information from 2016. These indicators relate to collective quotas, confirmation rates of the decisions of the first instance courts, success of indictments, and utility case enforcement. Methodologically, the same approach was used for the Index in 2015 and 2016.

DEFINITIONS OF CASES

The types of cases included in the Index, their corresponding Registry Book (types and phases in accordance with the Book of Rules on Case Management System for Courts/POs [CMS and TCMS]), and the start and end dates of the cases processed are provided in Exhibit 29. These definitions, which are taken directly from the business intelligence (BI) software, and software queries to the CMS and TCMS databases created by the HJPC, are unchanged since 2015.

Exhibit 29: Definitions of case titles used in the Index and their corresponding Registry Book (types, phases), as well as the start and end dates of the cases used in calculating the indicators

Institution/level	Case title in the Index	Registry Book (type, phase)	Start date	End date
1st instance Courts	Criminal cases	K-K	Date of initiating the case regardless of the year in which it was filed (only cases that had status "open" on January 1, 2017)	If the case changed its status in "closed" in 2017, end date is the date when it was declared as "closed".
	Civil cases	P-P		
	Commercial cases	Ps-Ps		
	Administrative cases	U-U		
	Enforcement in civil cases	P-I		
	Enforcement in commercial cases	Ps-Ip		
	Enforcement in utility cases	I-Kom		
2nd instance Courts	Criminal appeal cases	K-Kž		If the case remained "open" on December 31, 2017, it is counted as an unsolved case on December 31, 2017.
	Civil appeal cases	P-Gž (Litigation department)		
	Commercial appeal cases	Ps-Pž (Commercial department)		
	Administrative appeal cases	U-Už, U-Uvp		
POs	General crime cases	KT, KTO, KTM, KTT		
	Corruption cases	KTK		
	Economic crime cases (other)	KTPO, KTF		
	War crime cases	KTRZ		

DURATION OF CASE DISPOSITIONS AND AGE OF UNRESOLVED CASES IN COURTS

Sub-dimensions 1.1. and 1.2. in the Index Efficiency dimension track the average duration of case dispositions (in days) in 2017 and the average age of cases that remained unresolved at the end of 2017, by type of case tracked by the Index. Exhibit 30 provides an overview of these values by calendar year, including their actual values, trend lines for each tracked case type, the index point values for each indicator (by case type) on a scale of 0–100 for 2015, 2016, and 2017, and the annual change in individual indicator value in index points.

Exhibit 30: Actual values, indicators, historical trends and indicators' index points for the average duration of resolved cases, and the age of unresolved cases in courts

						ACTUAL VALUE OF INDICATORS						TREND	Index Points of Indicators (on a scale 0-100) for 2015	Index Points of Indicators (on a scale 0-100) for 2016	Index Points of Indicators (on a scale 0-100) for 2017	Annual change in individual index value
						2012	2013	2014	2015	2016	2017					
						(Rounded values)										
1.1.	Courts: Duration of resolved cases (in days)	1.1.1.	1st instance Courts	1.1.1.1.	Criminal cases	378	375	343	314	300	308		57.03	58.89	57.80	-1.09
				1.1.1.2.	Civil cases	666	622	527	447	396	397		63.06	67.25	67.20	-0.05
				1.1.1.3.	Commercial cases	582	560	530	522	461	459		53.18	58.65	58.81	0.16
		1.1.1.4.	Administrative cases	350	408	412	417	461	477		46.49	40.93	38.86	-2.07		
		1.1.1.5.1.	Enforcement in civil cases	818	821	715	634	518	424		59.58	67.00	72.95	5.95		
		1.1.1.5.2.	Enforcement in commercial cases	869	909	699	585	512	431		64.61	69.01	73.88	4.87		
	1.1.2.	2nd instance courts	1.1.2.1.	Criminal appeal cases	72	76	80	75	119	132		50.41	21.70	13.40	-8.30	
			1.1.2.2.	Civil appeal cases	305	330	311	390	404	388		38.22	35.88	38.46	2.58	
			1.1.2.3.	Commercial appeal cases	327	335	289	346	412	476		45.54	35.02	25.03	-9.99	
			1.1.2.4.	Administrative appeal cases	325	264	282	393	629	755		32.36	0.00	0.00	-30.05	
			1.2.1.1.	Criminal cases	569	521	516	505	506	532		52.84	52.73	50.29	-2.44	
			1.2.1.2.	Civil cases	648	532	444	401	410	402		62.96	62.14	62.92	0.78	
1.2.	Courts: Age of unresolved cases (in days)	1.2.1.	1st instance Courts	1.2.1.3.	Commercial cases	594	541	522	464	469	386		58.03	57.58	65.04	7.46
				1.2.1.4.	Administrative cases	367	335	342	387	415	424		44.46	40.46	39.10	-1.36
				1.2.1.5.1.	Enforcement in civil cases	798	720	677	579	552	556		60.45	62.29	62.00	-0.29
		1.2.1.5.2.	Enforcement in commercial cases	954	736	649	593	589	591		61.95	62.19	62.08	-0.11		
		1.2.2.1.	Criminal appeal cases	109	94	137	220	265	271		3.37	0.00	0.00	-19.28		
		1.2.2.2.	Civil appeal cases	410	424	468	480	499	533		44.75	42.51	38.68	-3.83		
	1.2.2.	2nd instance courts	1.2.2.3.	Commercial appeal cases	456	470	513	571	657	751		40.41	31.45	21.73	-9.72	
			1.2.2.4.	Administrative appeal cases	206	223	364	480	546	604		9.16	0.00	0.00	-14.23	

Based on the annual changes shown in Exhibit 30, it is evident that first instance courts achieved large reductions in the average duration of case dispositions in enforcement cases (of both civil and commercial court decisions) and small reductions in the duration of case dispositions in commercial cases. The first instance courts slightly increased the average duration of dispositions in criminal, civil, and administrative cases, whereas second instance courts increased the average duration of case dispositions in all appeal case types other than civil appeal cases.

The average age of unresolved cases in first instance courts has decreased substantially in commercial cases, and by a smaller amount in civil cases. In other case types, first instance courts generally recorded a slight decline in the age of their backlog. The age of the backlog in second instance courts declined further in all appeal case types.

Three indicators related to appeal cases (the average duration of administrative appeal case dispositions and the average age of unresolved criminal and administrative appeal cases) had values in 2017 that were more than twice as low as the average values from 2012 to 2014. Furthermore, the values of these three indicators continued to worsen in 2017 compared to 2016.

CLEARANCE RATES AND COURT BACKLOG

Sub-dimensions 1.3. and 1.4. in the Efficiency dimension tracked the number of unresolved cases at the end of 2017 and the clearance rate in 2017 (i.e., the ratio of disposed to newly received cases in a calendar year) by case type tracked by the Index. Exhibit 31 gives an overview of these values by calendar year, including their actual values, trend lines for each tracked case type, indicator values of the assigned index points (per type of case) on a scale 0-100 in 2015, 2016 and 2017, and change in 2017 compared to 2016 in index points.

Exhibit 31: Actual values, indicators, historical trends and indicator index points for clearance rates, and court backlog

						ACTUAL VALUE OF INDICATORS						TREND	Index Points of Indicators (on a scale 0-100) for 2015	Index Points of Indicators (on a scale 0-100) for 2016	Index Points of Indicators (on a scale 0-100) for 2017	Annual change in individual index value		
						2012	2013	2014	2015	2016	2017							
						(Rounded values)												
I.3.	Courts: Number of unresolved cases	I.3.1.	1st instance Courts	I.3.1.1.	Criminal cases	12,567	11,871	10,598	10,080	9,976	9,213		56.84	57.29	60.56	3.27		
				I.3.1.2.	Civil cases	44,007	38,271	34,352	32,367	29,244	26,015		58.37	62.39	66.54	4.15		
				I.3.1.3.	Commercial cases	12,007	10,963	9,165	7,225	5,824	5,382		66.28	72.81	74.88	2.07		
				I.3.1.4.	Administrative cases	10,447	12,488	13,535	12,710	11,285	9,958		47.72	53.59	59.04	5.45		
				I.3.1.5.1.	Enforcement in civil cases	126,339	117,758	98,727	84,637	69,822	62,809		62.97	69.45	72.52	3.07		
				I.3.1.5.2.	Enforcement in commercial cases	23,857	21,764	19,212	16,740	14,241	12,155		61.27	67.05	71.88	4.83		
		I.3.1.5.3.	Enforcement in utility cases	1,664,328	1,709,000	1,574,517	1,574,589	1,661,940	/		52.27	52.26	49.62	-2.64				
		I.3.2.	2nd instance courts	I.3.2.1.	Criminal appeal cases	866	894	1,275	1,753	1,951	1,977		13.36	3.57	2.29	-1.28		
				I.3.2.2.	Civil appeal cases	13,293	13,685	14,682	14,761	14,628	15,191		46.85	47.33	45.30	-2.03		
				I.3.2.3.	Commercial appeal cases	3,126	3,228	3,911	4,403	4,652	4,441		35.66	32.02	35.10	3.08		
				I.3.2.4.	Administrative appeal cases	1,119	2,216	2,892	3,643	4,117	4,422		12.25	0.83	0.00	-6.52		
				I.4.1.	1st instance Courts	I.4.1.1.	Criminal cases	118%	105%	110%	104%	100%	107%		69.42	66.86	71.42	4.56
						I.4.1.2.	Civil cases	123%	118%	113%	106%	110%	112%		71.00	73.65	74.95	1.30
						I.4.1.3.	Commercial cases	118%	112%	125%	130%	127%	108%		86.34	84.99	72.30	-12.69
I.4.1.4.	Administrative cases					98%	83%	91%	108%	116%	117%		72.04	77.24	77.86	0.62		
I.4.2.	2nd instance courts	I.4.1.5.1.	Enforcement in civil cases	103%	113%	131%	121%	122%	112%		80.69	81.63	74.95	-6.68				
		I.4.1.5.2.	Enforcement in commercial cases	106%	114%	119%	119%	121%	117%		79.18	80.70	78.16	-2.54				
		I.4.1.5.3.	Enforcement in utility cases	79%	88%	97%	100%	99%	/		64.37	66.62	66.00	-0.62				
		I.4.2.1.	Criminal appeal cases	98%	99%	92%	91%	96%	100%		61.43	64.11	66.39	2.28				
		I.4.2.2.	Civil appeal cases	91%	97%	93%	99%	100%	96%		66.28	67.00	63.71	-3.29				
		I.4.2.3.	Commercial appeal cases	98%	97%	81%	86%	91%	107%		57.24	60.67	71.57	10.90				
		I.4.2.4.	Administrative appeal cases	114%	53%	66%	63%	75%	84%		41.91	49.99	55.80	5.81				

The clearance rate in first instance courts remained higher than 100%, which resulted in further reducing the number of unresolved cases (backlog) in 2017 in all case types tracked by the Index. However, the number of unresolved enforcements of utility cases remained high, at about 1.6 million cases.

In second instance courts, clearance rates in commercial appeal cases reached and exceeded 100% for the first time since 2012 and, for the first time, there was a decrease in the backlog of these cases compared to a year before. Criminal appeal cases also saw a substantial improvement in clearance rates, achieving almost a 100% clearance rate for the first time since 2012. In addition, administrative cases had an increase in clearance rates, achieving their highest rate since 2013, although this is still well below the 100% level. The failure to reach a 100% clearance rate in administrative cases year after year led to a backlog of cases in 2017 that was more than twice as low as the average value from 2012 to 2014. Finally, civil appeal cases had a lower clearance rate than in the previous two years, leading to an increase in the number of unresolved civil appeal cases.

DURATION OF CASE DISPOSITIONS, AGE OF UNRESOLVED CASES, CLEARANCE RATES, AND BACKLOG IN PROSECUTOR OFFICES

Sub-dimensions I.5., I.6., I.7., and I.8. in the Efficiency dimension of the JEl-BiH track the same indicators for POs as for courts in sub-dimensions I.1. through I.4. These include: average duration of case dispositions in 2017, average age of unresolved cases (backlog) at the end of 2017, number of unresolved cases (backlog) at the end of 2017, and clearance rate in 2017 (ratio of disposed to newly received cases in a calendar year), by case type tracked by the Index. Exhibit 32 provides an overview of these values by calendar year, including their actual values, trend lines for each tracked case, type, assigned indicator index points (by case type) on a scale of 0-100, and the annual change in individual indicator value in index points.

Exhibit 32: Actual values, indicators, historical trends and indicator index points for the average duration of resolved cases, age of unresolved cases, clearance rates, and backlog in POs

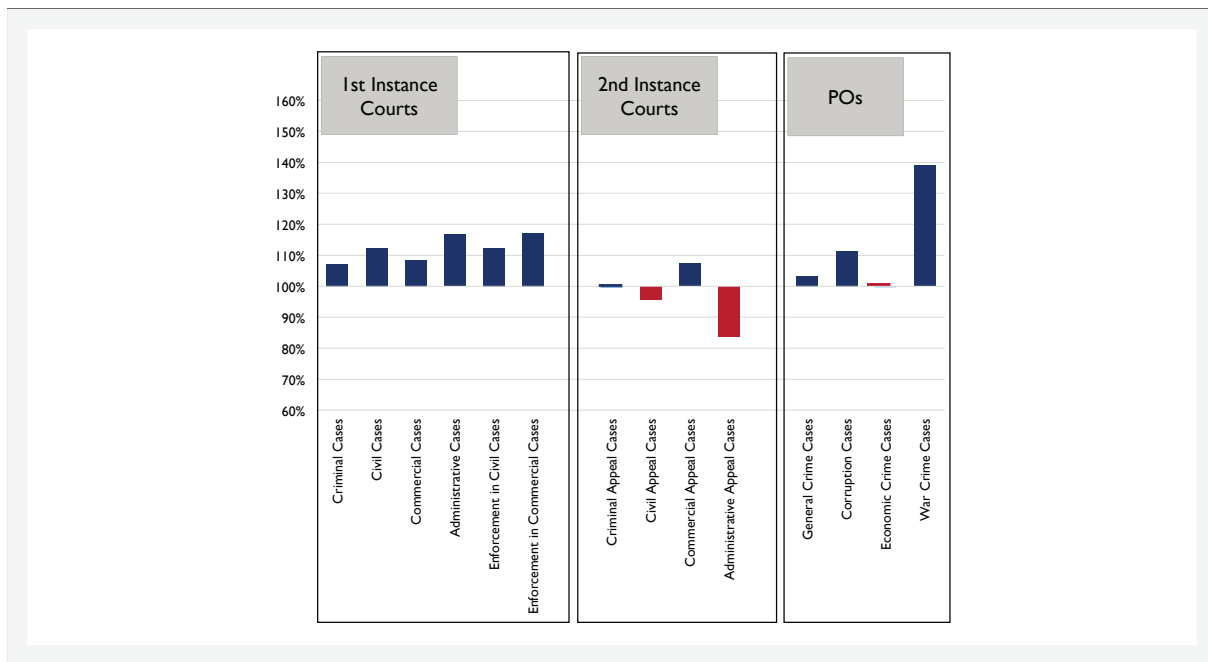
				ACTUAL VALUE OF INDICATORS					TREND	Index Points of Indicators (on a scale 0-100) for 2015	Index Points of Indicators (on a scale 0-100) for 2016	Index Points of Indicators (on a scale 0-100) for 2017	Annual change in individual index value	
				2012	2013	2014	2015	2016						2017
				(Rounded values)										
1.5.	POs: Duration of unresolved cases (in days)	1.5.1.1	General crime cases	366	412	371	396	250	218		48.26	67.31	71.56	4.25
		1.5.1.2.1	Corruption cases	1,146	374	481	358	344	364		73.17	74.24	72.69	-1.55
		1.5.1.2.2	Economic crime cases (other)	510	554	602	590	405	413		46.85	63.55	62.77	-0.78
		1.5.1.3	War crime cases	2,116	1,555	1,330	1,449	1,358	1,538		56.55	59.27	53.88	-5.39
1.6.	POs: Age of unresolved cases (in days)	1.6.1.1	General crime cases	801	702	654	505	425	376		64.85	70.40	73.81	3.41
		1.6.1.2.1	Corruption cases	881	849	776	694	647	692		58.43	61.26	58.59	-2.67
		1.6.1.2.2	Economic crime cases (other)	996	978	976	795	695	658		59.54	64.68	66.54	1.86
		1.6.1.3	War crime cases	1,897	1,857	1,995	2,013	2,136	2,254		47.47	44.25	41.19	-3.06
1.7.	POs: Quantity of unresolved cases	1.7.1.1	General crime cases	21,702	20,749	18,517	12,352	11,042	10,366		69.61	72.83	74.50	1.67
		1.7.1.2.1	Corruption cases	501	786	907	1,005	1,051	939		31.29	28.14	35.80	7.66
		1.7.1.2.2	Economic crime cases (other)	2,511	2,281	1,831	1,595	1,707	1,740		63.88	61.34	60.59	-0.75
		1.7.1.3	War crime cases	1,277	1,222	1,075	1,000	872	807		58.03	63.40	66.13	2.73
1.8.	POs: Clearance rates (in %)	1.8.1.1	General crime cases	103%	104%	109%	127%	105%	103%		84.74	70.31	68.83	-1.48
		1.8.1.2.1	Corruption cases	/	/	83%	91%	96%	111%		60.93	63.97	74.31	10.34
		1.8.1.2.2	Economic crime cases (other)	80%	112%	128%	114%	96%	100%		75.90	64.32	66.47	2.15
		1.8.1.3	War crime cases	75%	116%	154%	126%	153%	139%		84.03	100.00	92.70	-9.58

In 2017, POs recorded further reductions in the average duration of case dispositions in general crime cases. The other three remaining case types (corruption, economic, and war crime cases) saw an increase in the average duration of case disposition. The age of unresolved cases improved in general crime and economic crime cases, while for corruption and war crimes, the age of unresolved cases increased. The clearance rate of all PO case types was close to or above %100 in 2017, leading to reductions in the number of unresolved cases (backlog) in all PO case types, except economic crimes. The 2016 clearance rate of %96 for corruption and economic crime cases, noted as an issue, improved in 2017 as well.

SUMMARY OF CLEARANCE RATES IN 2017

According to the analysis of the individual indicators presented above, the clearance rate indicator stands out, given the direct impact of this indicator on the change in the number of unresolved cases (backlog). Exhibit 33 provides a comparative overview of the clearance rates in 2017 by case type and first and second instance courts and POs. It is evident that the first instance courts had more disposed cases than newly received cases in 2017, which also occurred with commercial appeal cases in second instance courts. The second instance courts, however, had more newly received civil and administrative cases than disposed cases in 2017. The second instance courts in criminal appeal cases and the POs in economic crime cases had an approximately equal number of disposed and newly received cases in 2017. For other case types, POs had more disposed than newly received cases in 2017.

Exhibit 33: Clearance rates in courts/POs in 2017



COLLECTIVE QUOTA FULFILLMENT, CONFIRMATION RATE OF FIRST INSTANCE COURT DECISIONS, SUCCESS OF INDICTMENTS AND DISCIPLINARY PROCEEDINGS

Sub-dimensions 1.9. and 1.10. in the Efficiency dimension, sub-dimensions 2.1. and 2.2. in the Quality dimension, and sub-dimension 3.3. in the Accountability and Transparency dimension track the average realized collective quota of judges/prosecutors, the confirmation rate of first instance decisions, and the success of indictments and disciplinary proceedings. As shown in Exhibit 34, the average rate of compliance with the collective quota of judges in 2016 remained at the same level as in 2015. The rate of compliance with the collective quota of prosecutors in 2016 saw a noticeable improvement compared to 2015 and exceeded 100% for a second year in a row. Confirmation rates of the first instance court decisions and the success of indictments in 2016 generally remained at the same level as in the previous year. However, the success rate of disciplinary proceedings in 2017 substantially decreased compared to 2016.

As mentioned earlier, data for six indicators presented here reflect 2016 information because of a time lag as HJPC collected the data manually. Methodologically, the same approach was used for the Index in 2015 and 2016.

Exhibit 34: Actual values, indicators, historical trends, and indicator index points in collective quotas, confirmation rate of first instance court decisions, and success of indictments and disciplinary procedures

			ACTUAL VALUE OF INDICATORS							TREND	Index Points of Indicators (on a scale 0-100) for 2015	Index Points of Indicators (on a scale 0-100) for 2016	Index Points of Indicators (on a scale 0-100) for 2017	Annual change in individual index value
			2012	2013	2014	2015	2016	2017						
			(Rounded values)											
1.9.	Collective quota - judges (in %)	1.9.1.	The rate of compliance with collective norm	133%	122%	126%	123%	123%	/		84.00	81.95	82.00	0.05
1.10.	Collective quota - prosecutors (in %)	1.10.1.	The rate of compliance with collective norm	/	120%	99%	105%	119%	/		66.00	70.04	79.33	9.29
2.1.	Rate of confirmed 1st instance decisions (in %)	2.1.1.	Criminal cases (Kz/K)	90%	96%	87%	85%	86%	/		86.78	85.00	86.00	1.00
		2.1.2.	Civil cases (Gz/P)	88%	96%	89%	88%	89%	/		88.57	88.00	89.00	1.00
		2.1.3.	Commercial cases (Pz/Ps)	86%	97%	89%	87%	89%	/		88.89	87.00	89.00	2.00
2.2.	Success of indictments (in %)	2.2.1.	Rate of convictions in relation to total number of indictments	/	92%	91%	93%	94%	/		60.67	62.00	62.67	0.67
3.3.	Disciplinary proceedings (in %)	3.3.1.	Rate of held responsible in relation to number of initiated disciplinary proceedings	110%	94%	94%	80%	91%	79%		53.33	60.60	52.78	-7.82

ADDITIONAL DATA: 2012-2017 CASE INFLOW

As noted previously, in addition to data for indicators directly used in JEI-BiH calculations, MEASURE-BiH collects additional data where possible, to obtain a more complete picture of the functioning of the BiH judiciary. The HJPC administrative data includes information on the number of newly received cases (inflow) and the number of disposed cases in each calendar year. Exhibit 35 shows a historical overview of the case inflow from 2012 to 2017, with trend lines by case type and aggregated information by judicial instance. The inflow of the new cases in courts/POs had a prevailing downward trend between 2015 and 2017. In 2017, the inflow of new cases was lower than in 2016 in all case types except for commercial cases and enforcement of commercial cases in first instance courts, and criminal appeal cases in second instance courts.

Exhibit 35: Case inflow trends in 2012–2017 by case type and cumulatively by judicial instances

		2012 - 2017 TREND								
		2012	2013	2014	2015	2016	2017	By case type	All cases	
1st instance Courts	Criminal cases	14,853	13,960	12,772	12,562	12,174	10,958			
	Civil cases	32,441	31,909	31,070	30,556	28,069	26,011			
	Commercial cases	9,016	8,761	7,195	6,575	5,017	5,333			
	Administrative cases	10,118	12,089	11,751	10,233	8,664	7,859			
	Enforcement of civil cases	62,382	67,098	61,597	66,972	61,802	60,155			
	Enforcement of commercial cases	13,967	14,691	13,205	13,170	11,636	11,837			
2nd instance Courts	Criminal appeal cases	4,492	4,702	4,850	5,326	5,328	5,545			
	Civil appeal cases	14,065	14,606	14,782	13,574	12,825	12,696			
	Commercial appeal cases	3,333	3,270	3,649	3,479	3,011	2,774			
	Administrative appeal cases	1,422	2,346	2,001	2,022	1,927	1,847			
POs	General crime cases	25,975	25,077	24,339	22,741	21,822	21,373			
	Corruption cases	168	302	729	1,138	1,213	1,047			
	Other economic crime cases	1,506	1,893	1,585	1,704	1,904	1,715			
	War crime cases	563	337	272	288	234	169			

ADDITIONAL DATA RESOURCES 2012-2017

MEASURE-BiH also collected additional data on budgets and human resources available to courts/POs, as shown in Exhibit 36. For the period 2012–2017 there was an upward trend for budgets allocated to the courts/POs. In 2017, budgets for courts increased by 2% compared to 2016, and the budgets allocated to POs increased by 4%. Although the human resources allocated to courts/POs remained broadly constant from 2012 to 2017, some noticeable changes occurred in 2017. For example, the number of judges decreased by 8%, the number of prosecutors remained about the same, the number of support staff in courts increased by 7%, and the number of support staff in POs decreased by 13%.

Exhibit 36: Resources available to courts/POs in the period 2012–2017

	2012	2013	2014	2015	2016	2017
Adopted budget of courts (KM)	164,758,906	171,675,077	174,106,409	177,356,025	178,529,382	182,295,177
Adopted budgets of POs (KM)	41,639,785	43,283,933	46,852,298	48,843,040	49,811,044	51,920,095
Total number of judges	1,073	1,098	1,102	1,088	1,108	1,017
Total number of prosecutors	310	328	360	365	380	377
Number of support staff in courts	3,098	3,239	3,352	3,420	3,253	3,474
Number of support staff in POs	665	687	668	744	803	700

INDIVIDUAL VALUES OF HJPC ADMINISTRATIVE DATA INDICATORS

The HJPC statistical data presented in Exhibits 30 through 34, above, are illustrated graphically in Exhibit 37, where the vertical axis represents the value of the indicator (on a scale of 0–100 index points for each indicator), and the horizontal axis represents individual indicators (using the same indicator number as shown in Exhibits 30 through 34). Indicator index points for 2015 are represented with a dotted grey line, the values for 2016 with a dashed red line, and the values for 2017 with a solid blue line. In most cases, the 2017 indicator values do not deviate substantially from the values in 2016, with some exceeding the 2016 values and others falling below them. As shown in Exhibit 38, the largest negative changes in 2017 compared to 2016 (shown in dark grey) are in the indicators of clearance rates of commercial cases in first instance courts, average duration of commercial and criminal appeal cases, and age of commercial appeal cases in second instance courts. The largest positive changes in the indicator values in 2017 compared to 2016 (shown in blue) are reflected in the indicators of POs' clearance rates of corruption cases, and the collective quota of prosecutors.

Exhibit 37: Individual indicator values from HJPC administrative data indicators in 2015, 2016, and 2017

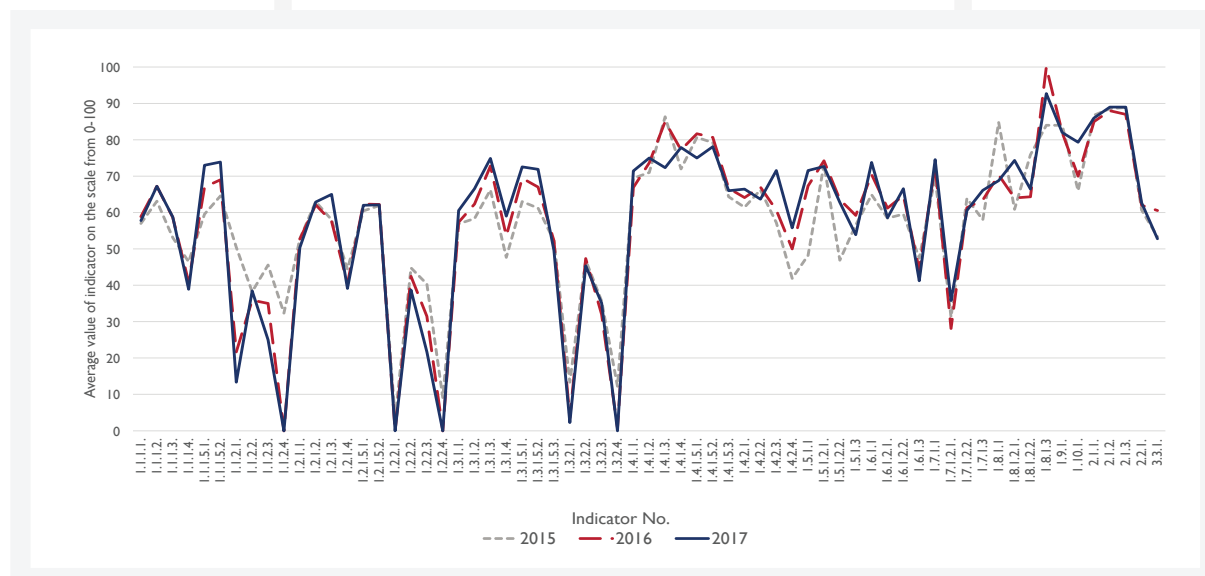
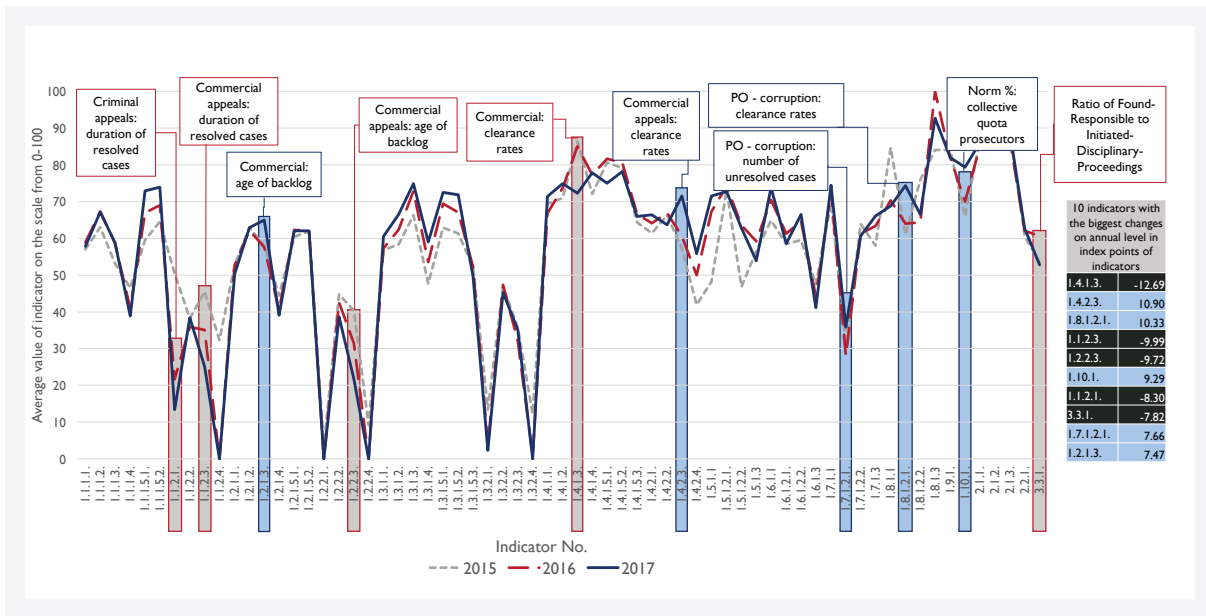


Exhibit 38: Largest changes in indicator values from HJPC administrative data in 2017 compared to 2016



For the criminal and administrative appeal cases, four indicators recorded values more than twice as low as the average values from 2012 to 2014, and one additional indicator reached almost twice as low as its average for the same period. The annual indicator changes are shown at the summary levels of 0, 2, and 5 percentage points in Exhibit 39.

Exhibit 39: Indicator value changes in 2017 from HJPC administrative data in 2017 at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change of value up to +/- 0 percentage points	Number of indicators with annual change of value up to +/- 2 percentage points	Number of indicators with annual change of value up to +/- 5 percentage points
>	33	23	8
<>	3	15	49
<	29	17	8
Total	65	65	65

OVERALL VALUES OF HJPC ADMINISTRATIVE DATA INDICATORS

The indicators sourced from the HJPC's administrative data can contribute a maximum of 32.98 points toward the JEI-BiH (which would represent actual values of indicators that are two times better than the 2012–2014 average, or rates of 150% in actual values of indicators expressed in rates).

In 2017, these indicators contributed 21.83 points, or 66.18% of the maximum possible points. In 2015, these indicators contributed 21.41 points, or 64.93% of the maximum, and in 2016, they contributed 21.60 points, or 65.48% of the maximum. The 2017 result thus represents an annual improvement of 1.07% and contributed +0.23 index points to the annual change in the overall JEI-BiH (see Exhibit 40).

Exhibit 40: Overall indicator values from the HJPC administrative data in 2015, 2016, and 2017, and the annual change in 2017 compared to 2016

Maximum value of indicators on HJPC administrative data	100.00% (32.98 out of 100 points in the overall Index)
Total value in 2015 from indicators on HJPC administrative data	64.93% (21.41 points in the overall Index)
Total value in 2016 from indicators on HJPC administrative data	65.48% (21.60 points in the overall Index)
Total value in 2017 from indicators on HJPC administrative data	66.18% (21.83 points in the overall Index)
Annual change in 2017 compared to 2016	+1.07% (+0.23 of total index points)

Note: Because full integer numbers were rounded to 2 decimal places for display purposes, the sum of rounded numbers may differ slightly from the sum of full integer numbers.

SUMMARY OF FINDINGS BASED ON HJPC ADMINISTRATIVE DATA INDICATORS

The BiH judiciary generally maintained efficiency levels above the 2012–2014 average, and the 2017 level was about the same as in 2016. The financial resources allocated to the courts and POs continued to increase in 2017, by 2% and 4%, respectively, compared to 2016. At the same time, a noticeable volatility occurred in human resources. The number of judges and support staff in POs decreased by 8% and 13%, respectively, while the number of court staff increased by 7%.

Courts

- In 2017, first instance courts took a noticeable step forward in reducing the average duration in disposing civil and commercial enforcement cases, while other case types experienced small and mixed changes. The average age of unresolved cases in first instance courts has decreased substantially in commercial cases, while the age of the backlog in other case types showed small or mixed changes. The clearance rate in first instance courts remained higher than 100%, which further reduced the number of unresolved cases (backlog) in those courts in 2017, in all case types tracked by the Index. However, the number of unresolved enforcement of utility cases remained high, at about 1.6 million cases.

2. In 2017, the average duration of case disposition increased in second instance courts in all appeal case types, except civil appeal cases. The age of the backlog in second instance courts deteriorated further in all appeal case types. In terms of clearance rates, second instance courts made improvements in all appeal case types in 2017 compared to 2016, except in civil appeal cases. Clearance rates in commercial appeal cases reached and exceeded 100% for the first time since 2012. For the first time, there was a decrease in the backlog of these cases compared to the previous year. Criminal appeals cases showed a substantial improvement in clearance rates, almost reaching 100% for the first time since 2012. In addition, administrative cases saw an increased clearance rate, achieving their highest level since 2013, although still well below 100%. Finally, civil appeal cases recorded a lower clearance rate than in the previous two years, leading to an increase in the number of unresolved civil appeal cases.

For criminal and administrative appeal cases, four indicators (the average duration of administrative appeal case dispositions, the average age of unresolved criminal and administrative appeal cases, and the backlog of administrative appeal cases) recorded values more than twice as low as the average values from 2012 to 2014, and one additional indicator (the backlog of criminal appeal cases) almost reached that threshold. In 2017 the values of these five indicators continued to deteriorate further compared to 2016.

3. The inflow of new cases in 2017 was lower than in 2016 for all case types except commercial cases and the enforcement of commercial cases in first instance courts, and criminal appeal cases in second instance courts.

Prosecutors' Offices

1. In 2017, POs recorded further reductions in the average duration of case dispositions in general crime cases. The other three case types tracked by the Index (corruption, economic, and war crime cases) saw an increase in the average duration of case disposition. The age of unresolved cases further improved in general crime and economic crime cases, while in corruption and war crimes the age of unresolved cases worsened.
2. The clearance rate in all PO case types was close to or above 100% in 2017, leading to reductions in the number of unresolved cases (backlog) in POs compared to 2016 (except for economic crime cases). The 2016 clearance rate of 96% for corruption and economic crime cases, noted as an issue, improved in 2017 as well.
3. There was a reduction in the number of criminal reports for corruption and economic crimes filed with POs in 2017 compared to 2016 (in addition to war crime cases, which was an expected result).

HJPC still collects manually some important administrative data related to the judiciary, including collective quota of judges and prosecutors, confirmation rate of first instance court decisions, and the success rate of indictments. The time delay in the availability of these data affects the ability of decision makers to make important informed decisions and equally affects uniform presentation of the Index results.

SUMMARY OF 2017 JUDICIAL EFFECTIVENESS INDEX FINDINGS

The findings from the 2017 JEI-BiH may be summarized as follows:

1. The Index value increased by 0.31 index points in 2017 compared to 2016. This implies that the effectiveness of the BiH judiciary improved by about 0.54% in 2017 compared to 2016.
2. The public perception of judiciary effectiveness improved by 7.85% compared to 2016. Despite this clear improvement, however, the public perception of judiciary effectiveness continues to be poor, at 37.19% of a total of 100%, which would represent the maximum level of satisfaction on all questions asked in the survey.
3. Judges'/prosecutors' perceptions of judiciary effectiveness in 2017 fell by 1.91% compared to the level in 2016. Still, their perceptions of the BiH judiciary's effectiveness is much higher than citizens' perceptions, at 60.28% of a total of 100%, which would represent the maximum level of satisfaction of judges/prosecutors on all questions asked in the survey.
4. No substantial convergence of public and judge/prosecutor perceptions of judicial effectiveness occurred in 2017. There were still large differences between the perceptions of the two groups, and their similarities and differences on a variety of issues remained mostly unchanged compared to 2015 and 2016.
5. In 2017, HJPC administrative data on processing the main types of cases in courts/POs showed a slight improvement, 1.07%, compared to 2016. First instance courts made some improvements in enforcement and commercial cases with further reductions of their backlog in all case types other than utility cases. Although there were some improvements in the clearance rates in second instance courts, negative trends have continued, highlighting the need for remediation measures. The clearance rate of all PO case types was close to or above 100% in 2017, and further improvements are noticed in general crime cases. Although the clearance rate of 96% for corruption and economic crime cases, noted as an issue in 2016, improved, the average disposition time for these two types of cases increased in 2017. In addition, the age of corruption cases (backlog) increased.
6. The inflow of the new cases in courts/POs had a prevailing downward trend between 2015 and 2017. In 2017, the inflow of new cases was lower than in 2016 in all case types except for commercial cases and enforcement of commercial cases in first instance courts, and criminal appeal cases in second instance courts.

The Index values and changes in 2017 compared to 2015 and 2016 are presented in Exhibit 41.

Exhibit 41: Summary of index values and changes in 2017 compared to 2015 and 2016

	Overall Index (146 indicators)	Indicators from public perceptions (32 indicators)	Indicators from perceptions of judges and prosecutors (49 indicators)	Indicators from the HJPC administrative data (65 indicators)
Maximum JEI-BiH points	100.00%	22.25 (100.00%)	44.77 (100.00%)	32.98 (100.00%)
JEI-BiH 2015	54.41	7.17 (32.21%)	25.83 (57.69%)	21.41 (64.93%)
JEI-BiH 2016	56.78	7.67 (34.48%)	27.51 (61.45%)	21.60 (65.48%)
JEI-BiH 2017	57.09	8.28 (37.19%)	26.98 (60.28%)	21.83 (66.18%)
Annual change in 2017 compared to 2016	+0.31 (+0.54%)	+0.60 (+7.85%)	-0.53 (-1.91%)	+0.23 (+1.07%)

Note: Because full integer numbers were rounded to 2 decimal places for display purposes, the sum of rounded numbers may differ slightly from the sum of full integer numbers.

ANNEX I: 2017 JUDICIAL EFFECTIVENESS INDEX MATRIX

Comprehensive 2017 Judicial Effectiveness Index of BiH Matrix is attached to the back cover of this Report.

ANNEX II: 2017 PUBLIC PERCEPTION QUESTIONNAIRE

Q2. How satisfied are you with each of the following services IN THE LAST 12 MONTHS?
ASK FOR EACH ITEM SEPARATELY!

	Completely satisfied	Mostly satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Somewhat dissatisfied	Mostly dissatisfied	Completely dissatisfied	Didn't use this service in the last 12 months	This service is not available to me
Q2dd. Courts' or the prosecutors' administrative services	1	2	3	4	5	6	7	8	9

Q12. Have you yourself ever had to give money, gifts, services, or similar to any of the following, in order to get better treatment?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!!

	Yes	No	(Do not read!) Does not know
Q12.4. Judge/prosecutor	1	2	3

Q13. To what extent do you see the court system affected by corruption in this country? Please answer on a scale from 1 to 7, where 1 means 'not at all corrupt' and 7 means 'extremely corrupt'.

1	2	3	4	5	6	7
Not at all corrupt						Extremely corrupt

Q14. How much do you agree or disagree with the following statements.
READ OUT THE ANSWER OPTIONS! ASK ABOUT EACH ITEM SEPARATELY!

	Strongly agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly disagree	(Do not read!) Does not know/Refuses to answer
Q14a. Judges can be trusted to conduct court procedures and adjudicate cases impartially and in accordance with the law	1	2	3	4	5	6	7	8
Q14b. The prosecutors can be trusted to perform their duties impartially and in accordance with the law	1	2	3	4	5	6	7	8
Q14c. Judges do not take bribes	1	2	3	4	5	6	7	8
Q14d. Prosecutors do not take bribes	1	2	3	4	5	6	7	8
Q14e. The Judiciary is effective in combating corruption	1	2	3	4	5	6	7	8
Q14f. Public officials who violate the law are generally identified and punished	1	2	3	4	5	6	7	8
Q14g. Judges' poor performance is sanctioned	1	2	3	4	5	6	7	8
Q14h. Prosecutors' good performance is rewarded	1	2	3	4	5	6	7	8

Q18. On a scale from 1 to 7, where 1 is 'extremely poor' and 7 is 'excellent', how would you rate the work of:
READ OUT THE ANSWER OPTIONS! ASK ABOUT EACH ITEM SEPARATELY!

1	2	3	4	5	6	7
extremely poor						excellent

ITEMS	extremely poor	2	3	4	5	6	excellent
Q18a. Judges/Courts	1	2	3	4	5	6	7
Q18b. Prosecutors/ Prosecutor Offices	1	2	3	4	5	6	7
Q18c. Attorneys	1	2	3	4	5	6	7
Q18d. Notaries	1	2	3	4	5	6	7

Q19. How often do you think citizens are allowed to:
READ OUT THE ANSWER OPTIONS! ASK ABOUT EACH ITEM SEPARATELY!

ITEMS	Never	Rarely	Sometimes	Often	Always	(Do not read!) Does not know
Q19a. Check their court case file	1	2	3	4	5	6
Q19b. Participate in any court hearing of their interest	1	2	3	4	5	6
Q19c. Review a judgment of their interest	1	2	3	4	5	6
Q19d. Get reports/statistics on the work of courts	1	2	3	4	5	6
Q19e. Fully and timely access, directly or through their legal representative, all evidence after confirmation of the indictment in cases in which they are accused	1	2	3	4	5	6

Q20. Do you think the number of unresolved cases, excluding utility cases (unpaid water, electricity, heating...), is increasing in BiH courts?
NOTE DOWN ONE ANSWER ONLY!

- 1. Yes 1
- 2. No 2
- 3. **(Do not read!)** Does not know 3

Q21. Do you think the number of unresolved cases is increasing in BiH prosecutor offices?
NOTE DOWN ONE ANSWER ONLY!

- 1. Yes 1
- 2. No 2
- 3. **(Do not read!)** Does not know 3

Q22. Do you agree that appointments of Judges/prosecutors are competence-based?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- 1. Strongly agree 1
- 2. Agree 2
- 3. Somewhat agree 3
- 4. Neither agree nor disagree 4
- 5. Somewhat disagree 5
- 6. Disagree 6
- 7. Strongly disagree 7
- 8. **(Do not read!)** Does not know/Refuses to answer 8

Q23. In your opinion, how often are court cases and investigations selected and presented objectively by the media?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Never | 1 |
| 2. Rarely | 2 |
| 3. Sometimes | 3 |
| 4. Often | 4 |
| 5. Always | 5 |
| 6. (Do not read!) Does not know | 6 |

Q24. In your opinion, court taxes/fees are?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Low | 1 |
| 2. Adequate | 2 |
| 3. High | 3 |
| 4. (Do not read!) Does not know | 4 |

Q25. Which comes closest to your opinion:
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|---|---|
| 1. Courts decide cases in reasonable time periods | 1 |
| 2. It takes too long for courts to decide cases | 2 |
| 3. (Do not read!) Does not know | 3 |

Q26. Which comes closest to your opinion:
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|---|---|
| 1. Prosecutor offices decide cases in reasonable time periods | 1 |
| 2. It takes too long for Prosecutor offices to decide cases | 2 |
| 3. (Do not read!) Does not know | 3 |

Q27. Do you think it is possible to get someone's preferred judge to adjudicate his/her case?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Never | 1 |
| 2. Rarely | 2 |
| 3. Sometimes | 3 |
| 4. Often | 4 |
| 5. Always | 5 |
| 6. (Do not read!) Does not know | 6 |

Q28. In your opinion, salaries of judges/prosecutors are?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Low | 1 |
| 2. Adequate | 2 |
| 3. High | 3 |
| 4. (Do not read!) Does not know | 4 |

Q29. In your opinion, fees of attorneys and notaries are?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Low | 1 |
| 2. Adequate | 2 |
| 3. High | 3 |
| 4. (Do not read!) Does not know | 4 |

Q30. Have you been involved in any court case, except utility cases, in the last three years?
NOTE DOWN ONE ANSWER ONLY!

- | | |
|--------|---|
| 1. Yes | 1 |
| 2. No | 2 |

Q31. How many cases you have been involved in over the last three years?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|---|---|
| 1. One case only' | 1 |
| 2. Two or more cases at the same court | 2 |
| 3. Two or more cases at different courts' | 3 |

Q32. Your principal source of information about the BiH judiciary, cases and actors is:
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Personal experience from my interaction with courts | 1 |
| 2. Cases of my family members | 2 |
| 3. Friends/colleagues' experience | 3 |
| 4. Media | 4 |
| 5. My professional interaction with courts' | 5 |
| 6. Official information of judicial institutions (HJPC, Courts, Prosecutors Offices) | 6 |

Q34. The next two questions refer to your confidence in the Rule of Law. To what extent do you agree with the following statement: Courts treat people fairly regardless of their income, national or social origin, political affiliation, religion, race, sex, gender identity, sexual orientation, or disability?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Strongly agree | 1 |
| 2. Agree | 2 |
| 3. Somewhat agree | 3 |
| 4. Neither agree nor disagree | 4 |
| 5. Somewhat disagree | 5 |
| 6. Disagree | 6 |
| 7. Strongly disagree | 7 |
| 8. (Do not read!) Does not know/Refuses to answer | 8 |

Q35. How much do you agree or disagree with the following statement: Judges are able to make decisions without direct or indirect interference by governments, politicians, the international community or other interest groups and individuals?
READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

- | | |
|--|---|
| 1. Strongly agree | 1 |
| 2. Agree | 2 |
| 3. Somewhat agree | 3 |
| 4. Neither agree nor disagree | 4 |
| 5. Somewhat disagree | 5 |
| 6. Disagree | 6 |
| 7. Strongly disagree | 7 |
| 8. (Do not read!) Does not know/Refuses to answer | 8 |

ANNEX III: 2017 QUESTIONNAIRE FOR BIH JUDGES AND PROSECUTORS

2017 Questionnaire for judges and prosecutors

1. Do you think the number of unresolved cases, excluding utility cases (unpaid water, electricity, heating...), is increasing in BiH courts?

- Yes
- No
- I don't know

2. Do you think the number of unresolved cases is increasing in BiH PO's?

- Yes
- No
- I don't know

3. Which comes closest to your opinion:

- Courts decide cases in reasonable time periods
- It takes too long for courts to decide cases
- I don't know

4. Which comes closest to your opinion:

- Prosecutor offices decide cases in reasonable time periods
- It takes too long for Prosecutor offices to decide cases
- I don't know

5. On a scale from 1 to 7, where '1' is 'extremely poor' and '7' is 'excellent', how would you rate the work of:

	1	2	3	4	5	6	7
Judges/Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecutors/Prosecutor Offices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
there is a fact-based and transparent system of monitoring work performances of Judges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
there is a fact-based and transparent system of monitoring work performances of Prosecutors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
observation of poor work performances of a Judge by a competent supervisor usually results in undertaking of an adequate measure or sanction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
observation of very good work performances of a Prosecutor by a competent supervisor usually results in an adequate award	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
disciplinary procedures against Judges/Prosecutors are initiated in all cases prescribed by the law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
disciplinary procedures against Judges/Prosecutors, once initiated, are fair and objective?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Disciplinary sanctions rendered in the disciplinary proceedings are

- Too lenient
- Appropriate
- Too severe
- I don't know

10. Do you think it is possible to get someone's preferred judge to adjudicate his/her case?

- Never
- Rarely
- Sometimes
- Often
- Always
- I don't know

11. In your opinion:

	Never	Rarely	Sometimes	Often	Always	I don't know
Access to case files to parties in the case and their legal representatives is fully and timely granted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public is granted access to public court hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public can access final judgments (in their original form, after removal of personal data, or in any other form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access to all evidence after confirmation of indictment is fully and timely granted to accused and his/her legal representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you have access to courts' and/or prosecutor offices' reports/statistics of your interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. In your opinion, how often are court cases and investigations selected and presented objectively by the media?

- Never
- Rarely
- Sometimes
- Often
- Always
- I don't know

14. In your opinion, court taxes/fees are:

- Low
- Adequate
- High
- I don't know

17. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
judges/prosecutors abuse their right to be absent from work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
Judges/prosecutors act in accordance with the Code of Ethics?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
appointment of a judge/prosecutor for a newly available position is efficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
appointments of Judges/prosecutors are competence-based?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
judges/prosecutors receive adequate training/education on annual basis?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. In your opinion, salaries of judges/prosecutors are:

- Low
- Adequate
- High
- I don't know

23. In your opinion, fees of attorneys and notaries are:

- Low
- Adequate
- High
- I don't know

24. Are salaries of Judges/Prosecutors paid on time?

- Never
- Rarely
- Sometimes
- Often
- Always
- I don't know

25. Are Defense Counsels' fees/expenses paid on time?

- Never
- Rarely
- Sometimes
- Often
- Always
- I don't know

26. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
current administrative/ support staff in courts/prosecutor offices is competent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
the budget allocated to courts/prosecutor offices is sufficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
courts/prosecutor offices are situated in adequate buildings/facilities and have enough space for their work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

29. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
Courts/Prosecutor Offices have necessary IT equipment and support?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
courts/prosecutor offices are provided with adequate procedures and resources to cope with significant and abrupt changes in case inflow, if they occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
criteria for career advancement of judges/prosecutors are objective, adequate, and applied in practice?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

32. Do you agree that:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
immunity and tenure of judges/prosecutors is adequately prescribed by the law and applied in practice?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33. Is personal security of judges/prosecutors and their close family members ensured when it is needed?

- Never
- Rarely
- Sometimes
- Often
- Always
- I don't know

34. To what extent do you think the court system is affected by corruption in this country?

	1	2	3	4	5	6	7
Please answer on a scale from 1 to 7, where 1 means "not at all corrupt" and 7 means "extremely corrupt".	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35. How much do you agree or disagree with the following statement:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
The Judiciary is effective in combating corruption	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges are able to make decisions without direct or indirect interference by governments, politicians, the international community, or other interest groups and individuals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public officials who violate the law are generally identified and sanctioned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges can be trusted to conduct court procedures and adjudicate cases impartially and in accordance with the law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The prosecutors can be trusted to perform their duties impartially and in accordance with the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges do not take bribes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecutors do not take bribes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

36. To what extent do you agree with the following statement:

	Strongly Agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree	I don't know
Courts treat people fairly regardless of their income, national or social origin, political affiliation, religion, race, sex, gender identity, sexual orientation, or disability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Judicial Effectiveness Index (JEI BiH)

Weight of Indicator within Dimension	D I M E N S I O N S	Weight of Sub-Dimension within Dimension	SUB-DIMENSIONS	Sub-Dimension Name/Description	Weights of Groups of Indicators within Sub-Dimension	GROUPS OF INDICATORS	ACTUAL VALUE OF INDICATORS															ACTUAL VALUES SCALED TO INDEX on 0-100 scale			2011 INDEX POINTS OF INDICATOR on 0-100 scale	2014 INDEX POINTS OF INDICATOR on 0-100 scale	2017 INDEX POINTS OF INDICATOR on 0-100 scale	TOTAL INDEX OF INDICATORS	POINTS IN INDEX FOR 2011	POINTS IN INDEX FOR 2014	POINTS IN INDEX FOR 2017																																			
							GROUPS OF INDICATORS			2012	2013	2014	2015	2016	2017	0 Points	50 points	100 points	0	50	100																																													
							Indicators	Sub-Indicators	Weight of Indicators within Group of Indicators																																																									
100%	E F F I C I E N C Y	1.	C	Court Decision of Resolved Cases	1.1.1	1.1.1.1	1.1.1.1.1	1.1.1.1.2	1.1.1.1.3	1.1.1.1.4	1.1.1.1.5	1.1.1.1.6	1.1.1.1.7	1.1.1.1.8	1.1.1.1.9	1.1.1.1.10	1.1.1.1.11	1.1.1.1.12	1.1.1.1.13	1.1.1.1.14	1.1.1.1.15	1.1.1.1.16	1.1.1.1.17	1.1.1.1.18	1.1.1.1.19	1.1.1.1.20	1.1.1.1.21	1.1.1.1.22	1.1.1.1.23	1.1.1.1.24	1.1.1.1.25	1.1.1.1.26	1.1.1.1.27	1.1.1.1.28	1.1.1.1.29	1.1.1.1.30	1.1.1.1.31	1.1.1.1.32	1.1.1.1.33	1.1.1.1.34	1.1.1.1.35	1.1.1.1.36	1.1.1.1.37	1.1.1.1.38	1.1.1.1.39	1.1.1.1.40	1.1.1.1.41	1.1.1.1.42	1.1.1.1.43	1.1.1.1.44	1.1.1.1.45	1.1.1.1.46	1.1.1.1.47	1.1.1.1.48	1.1.1.1.49	1.1.1.1.50	1.1.1.1.51	1.1.1.1.52	1.1.1.1.53	1.1.1.1.54	1.1.1.1.55	1.1.1.1.56	1.1.1.1.57	1.1.1.1.58	1.1.1.1.59	1.1.1.1.60

Total INDEX (Points on 0-100 scale): 54.41 | 56.78 | 57.09

Sub-Total (Points): 12.00% | 7.88 | 8.38 | 8.38

**MONITORING AND EVALUATION
SUPPORT ACTIVITY (MEASURE-BiH)**

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