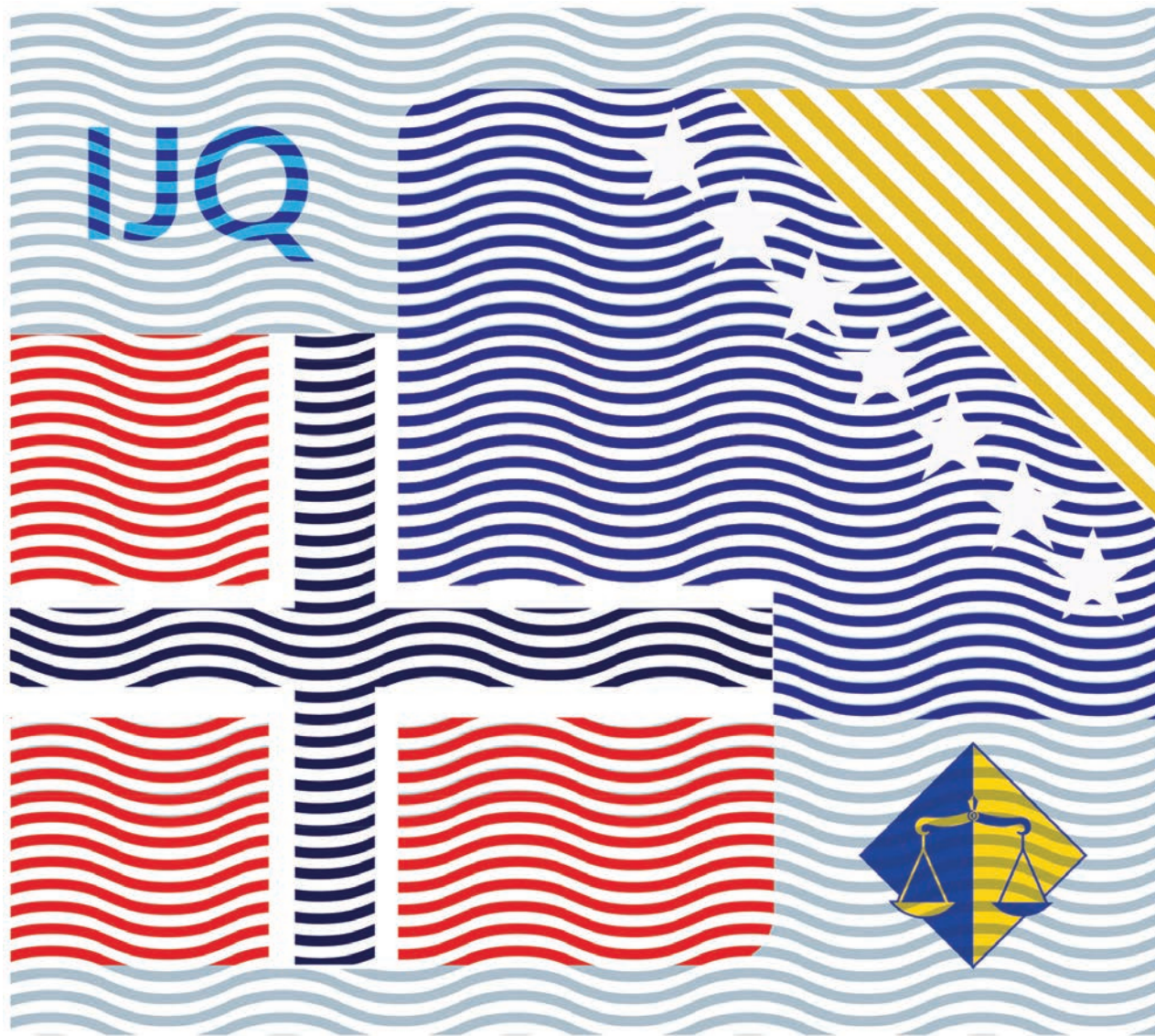


IMPROVING JUDICIAL QUALITY



Visoko sudsko i tužilačko vijeće Bosne i Hercegovine
Visoko sudbeno i tužilačko vijeće Bosne i Hercegovine
Високи судски и тужилачки савјет Босне и Херцеговине
High Judicial and Prosecutorial Council of Bosnia and Herzegovina



BACKGROUND - »IMPROVING JUDICIAL QUALITY PROJECT«

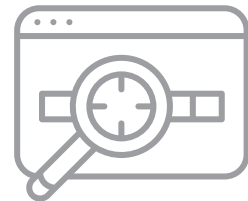
Building a better, more efficient judiciary in BiH has, for many years now, been the focus of the cooperation between the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Government of Norway, while the results from our joint activities can be seen in a range of areas.

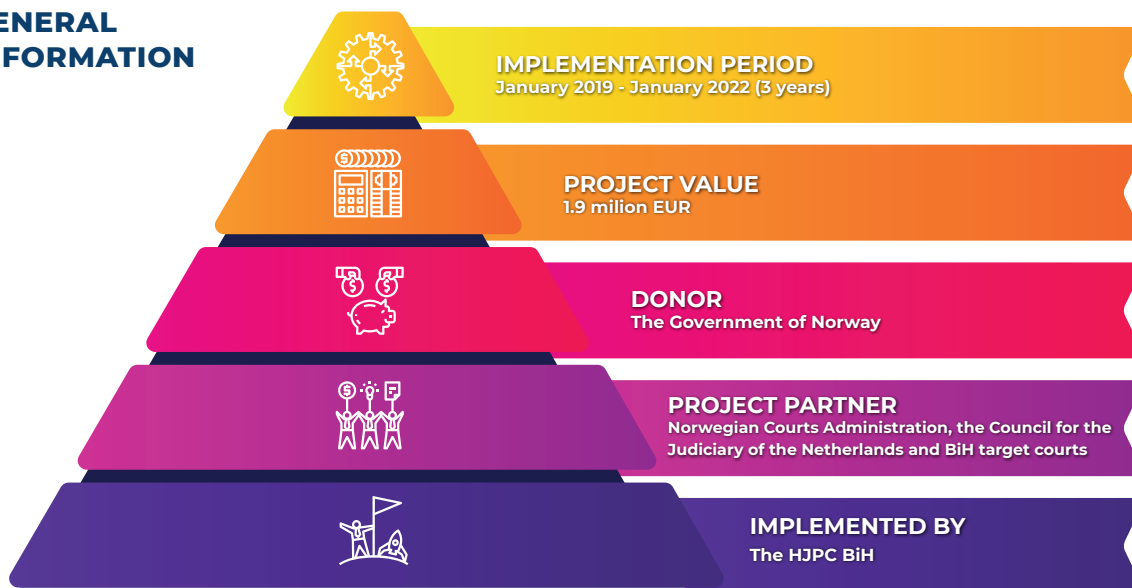
Better quality and efficiency in the performance of the courts, better quality of court decisions, the digitalisation of the judiciary, significant backlog reductions and better infrastructure for judicial institutions represent the major achievements stemming from HJPC BiH activities carried out through the Improving Judicial Quality Project which was implemented with the financial support of the Norwegian government and in cooperation with the Norwegian Courts Administration, the Council for the Judiciary of the

Netherlands and the courts in BiH.

The Improving Judicial Quality Project directly impacted and contributed to the overall reform of the judicial system seeing as the activities, when completed, led to major changes in various key areas concerning the efficiency and quality of performance of judicial institutions – primarily the courts. Foremost, the activities facilitated long-term, sustainable results.

The primary goal of the project was to reinforce the performance of the courts by improving court management, the quality of court decisions, introducing a mentoring system, improving systems for automated data processing, all with the aim of reducing backlogs and improving the infrastructure of the judicial institutions.



GENERAL
INFORMATION

Donor:



Implementer:



Visoko sudsko i tužilačko vijeće Bosne i Hercegovine
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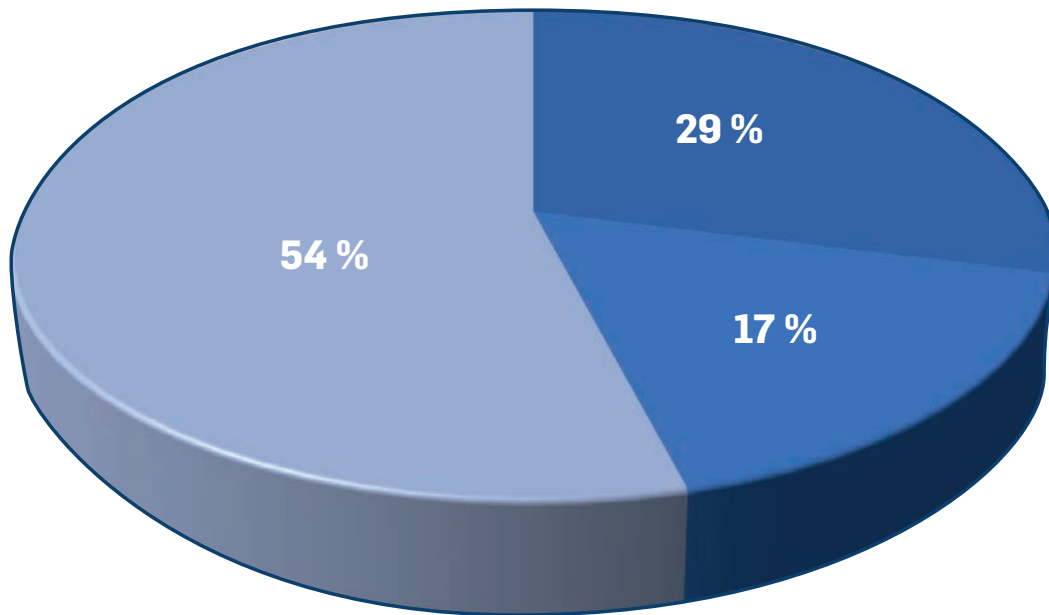


Partners:



**NORWEGIAN COURTS
ADMINISTRATION**

PROJECT BUDGET STRUCTURE



- Improving the quality and efficiency of court work
- SOKOP II - New generation of electronic systems for procesing utility cases
- Modernisation and reconstruction of judicial institution buildings

HALIL LAGUMDŽIJA,

President of the High Judicial and Prosecutorial Council of BiH



Numerous challenges that were faced throughout the year by the BiH judiciary were overcome thanks to the support, dedication and perseverance of our international partners.

The long-standing cooperation with the government of Norway and our joint efforts have resulted in tangible changes to the judiciary, establishing a strong foundation for continued progress and restoring public confidence in the judiciary which is vital for the judicial community.

Numerous activities that the HJPC BiH and other judicial institutions implement through the Improving Judicial Quality Project are an indispensable part of the judicial reform process in

BiH and are assuredly necessary, while at the same time being extremely challenging.

The judiciary is one of the most important segments of society and we are aware that a functioning judicial system represents one of the basic elements of a democratic society which, in turn, commits us to further increase our efforts to implement all necessary reforms on this path.

An independent, quality-based, accountable judiciary is the goal we all strive for and the results of our joint efforts and cooperation thus far indicate that we are on the right path towards its achievement.

ADMIR SULJAGIĆ,

Director of the Secretariat of the High Judicial and Prosecutorial Council of BiH



The primary role and, at the same time, a strategic commitment of the HJPC BiH is to reinforce and maintain the independence, accountability, efficiency, professionalism and harmonisation of the judicial system which ensures the rule of law in BiH.

Ensuring a functional legal system represents a challenge for the HJPC BiH as well as for all judicial institutions. One way to achieve this is through cooperation between the institutions and the establishment of a general level of efficiency.

In order to ensure the efficiency of the judicial institutions and improve the quality of their performance, in cooperation with its international partners, the HJPC BiH has implemented numerous projects focused on the same goal – creating a stable and functional legal system in BiH.

One such project is the Improving Judicial Quality Project which has, by introducing chang-

es to the way courts operate, established a stable foundation for future steps within the reform process.

I can say that I was directly involved in all processes in the implementation of the project and can unequivocally affirm the importance of the experiences shared by other successful European systems as well as the Norwegian experiences and practices for the BiH judiciary.

Our judicial community is faced with various elementary problems such as lacking infrastructure, inconsistent case law, little to no inter-institutional cooperation, and our objective was to overcome these challenges through planned project activities which we have, for the most part, succeeded.

Throughout the past three years, we have taken major steps and made necessary changes to the way courts operate so that they may perform more efficiently with better quality.

Results were not lacking throughout the COVID-19 pandemic, which affected all levels of society, not only in Bosnia and Herzegovina but globally, as well.

While wrestling with the new situation, in extremely trying times, we managed to find a way to maintain continuity in our work.

GRAPH SHOWING PROJECT RESULTS



BETTER COURT MANAGEMENT

- *Guidelines have been developed for managing civil litigation proceedings, which serve to establish consistency in interpreting the provisions of the Civil Procedure Code in order to achieve greater procedural discipline and efficiency in court proceedings;*
- *In cooperation with the JPTC's, training was carried out for judges and legal associates;*



MENTORING

- *A general mentoring program for newly appointed judges and legal associates at the courts has been developed;*
- *A training curriculum has been developed for judge mentors as part of developing the capacities of the entity judicial and prosecutorial training centres, with training the trainers carried out by trainers from the Judicial Training Institute of the Netherlands and members of the working group from Norway.*



WRITING COURT DECISIONS

- *An analysis was carried out of the quality of 100 randomly selected judgments from civil cases based on which the experts compiled a report identifying the most common mistakes and shortcomings in the judgments;*
- *A manual and guidelines for writing court decisions in civil cases were developed;*




MODERNISATION AND RECONSTRUCTION OF JUDICIAL INSTITUTION BUILDINGS

- *Project documentation was developed for the reconstruction of the Miljacka Correctional Facility in Sarajevo in order to be able to secure more space for the Cantonal Court in Sarajevo and the Municipal Court in Sarajevo. This would also resolve accommodation issues for the court police as well as access for people with disabilities while also addressing energy efficiency matters.*




DIGITALISATION OF THE JUDICIARY

- *The digitalisation of the judiciary has been improved by upgrading the SOKOP-Mal system that serves for electronically filing and processing utility claims at the first instance courts in BiH.*



INDEPENDENCE, ACCOUNTABILITY AND QUALITY OF THE JUDICIARY

- *Application of the ENCJ principles on assessing the independence, accountability and quality of the judiciary has started.*
- *Cooperation has been established with the European Network of Councils (ENCJ) for the Judiciary as the umbrella institution that promotes and reinforces the judicial councils of the European Union.*



IMPROVING PROCEDURES FOR THE APPOINTMENT, PROMOTION AND APPRAISAL OF JUDGES

- *An analysis was developed focusing on test procedures and structured interviews for judicial entry level candidates.*
- *A total of 600 new exam questions were created to be used when organising entrance exams. This means that the question database for exams has been increased by some 21.5%.*

THE PROJECT GOAL

- *Strengthening the role of the HJPC BiH*

- *Improving the efficiency and quality of judiciary*

- *Development and implementation of a new generation of systems for data processing - SOKOP-Mal*

- *Improving the infrastructure of judicial institutions*



BETTER COURT MANAGEMENT AND MORE EFFICIENT CIVIL LITIGATION PROCEEDINGS

For many years now, the judiciary of Bosnia and Herzegovina has been faced with lagging efficiency in civil proceedings, which has been documented in current expert reports on the state of the judiciary, and is why the Improving Judicial Quality Project worked on introducing changes towards improved efficiency and quality of civil proceedings and strengthening the managerial role of court presidents and department heads which directly affects the performance efficiency of the courts.

The most significant elements of processes that lead to improved court management and better efficiency and quality of civil litigation procedures have been identified as follows:

1. Strengthening cooperation between higher and lower instance courts

Memoranda of cooperation between first and second instance courts have been concluded thus establishing an institutional mechanism for ongoing cooperation in order to address operational issues in their day to day work.

2. Developing mechanisms to improve how civil litigation procedures are managed

In improving civil litigation procedures, the courts have developed Guidelines for managing civil litigation proceedings with the aim of establishing consistency in interpreting the provisions of the Civil Procedure Code in order to achieve greater procedural discipline and more efficient court procedures. The first instance courts also started applying checklists for the preliminary examination of complaints and responses to complaint as well as preliminary hearing plans that were also developed in cooperation with our partners from Norway and the Netherlands.

A number of courts have also started developing Guidelines for managing enforcement procedures aimed at consistently interpreting the provisions of the Law on Enforcement Procedure.

The documents serve to better prepare judges for their work which should significantly facilitate and improve their performance results.

»IMPROVING JUDICIAL QUALITY« – BETTER COURT MANAGEMENT

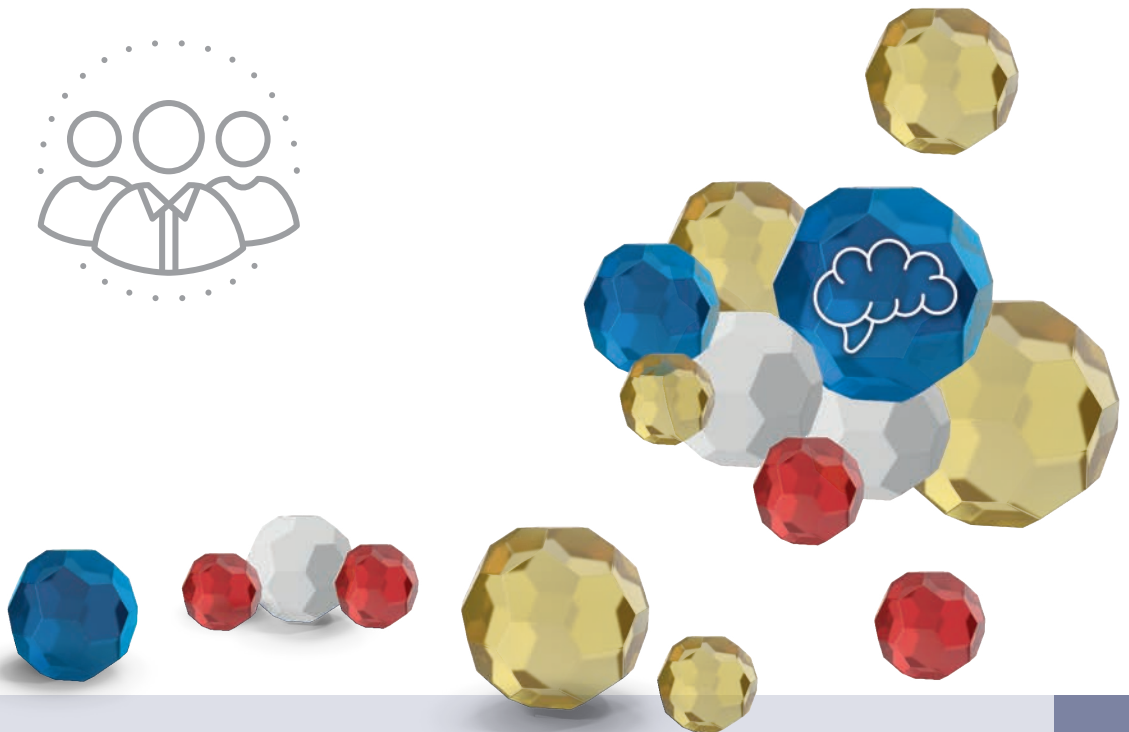


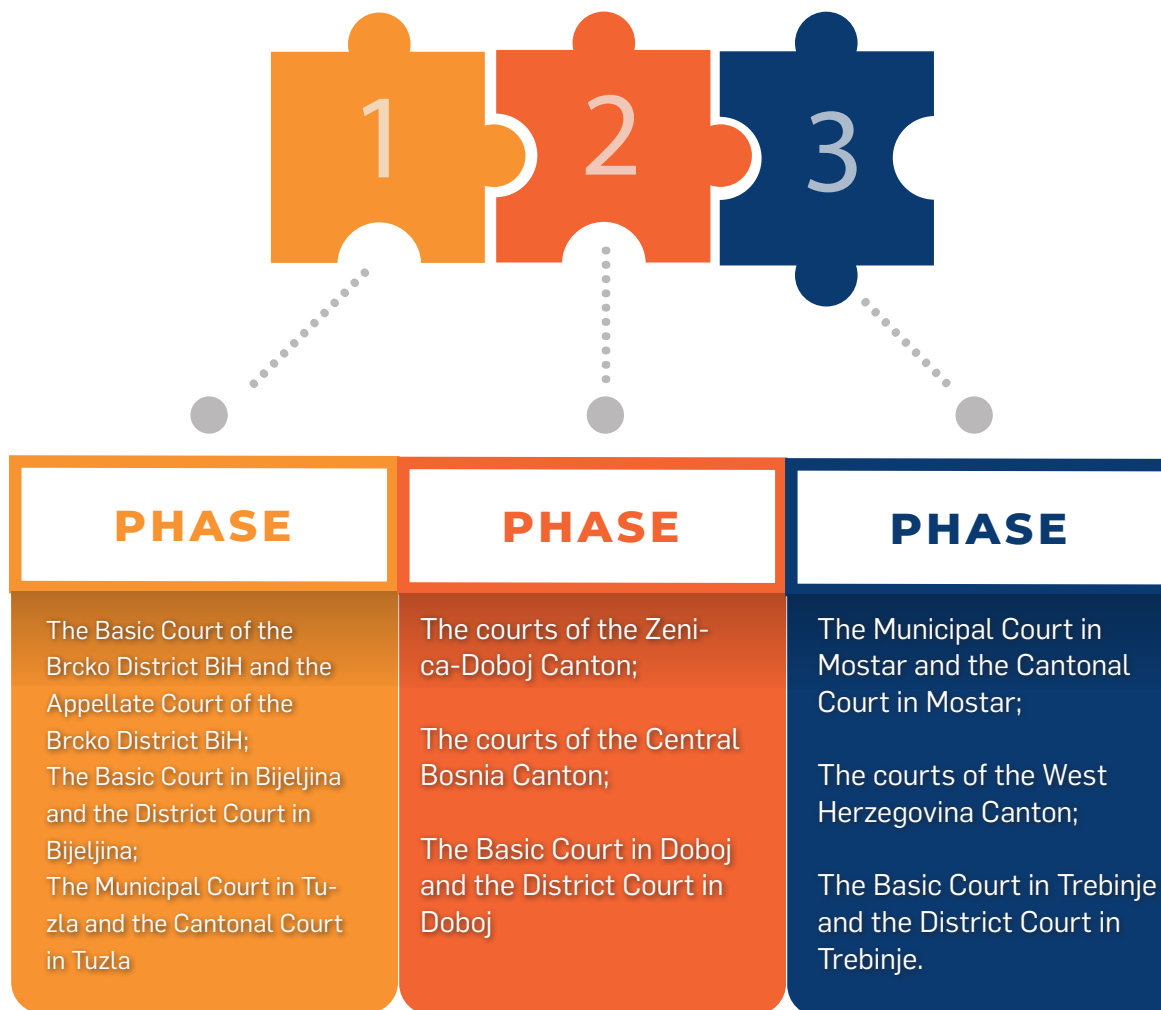
Work on improving the efficiency and quality of litigation in the courts in BiH

3. Additional training for court managers and department heads

Activities on strengthening managerial capacities were carried out in partnership with the Judicial Training Institute of the Netherlands with the organisation of separate trainings and supplementary trainings for court presidents and civil department heads covering topics such as communication skills, teamwork and leadership.

Activities on improving management processes for the courts and for processing cases were implemented in 29 courts throughout BiH, even though the initial plan was eighteen court, and involved peer-to-peer cooperation between judges of the civil departments from the target courts in BiH with judges from Norway and the Netherlands, the partner countries to the project. The judges from Norway and the Netherlands visited the target courts and judges in BiH and presented their experiences regarding the best European practices.



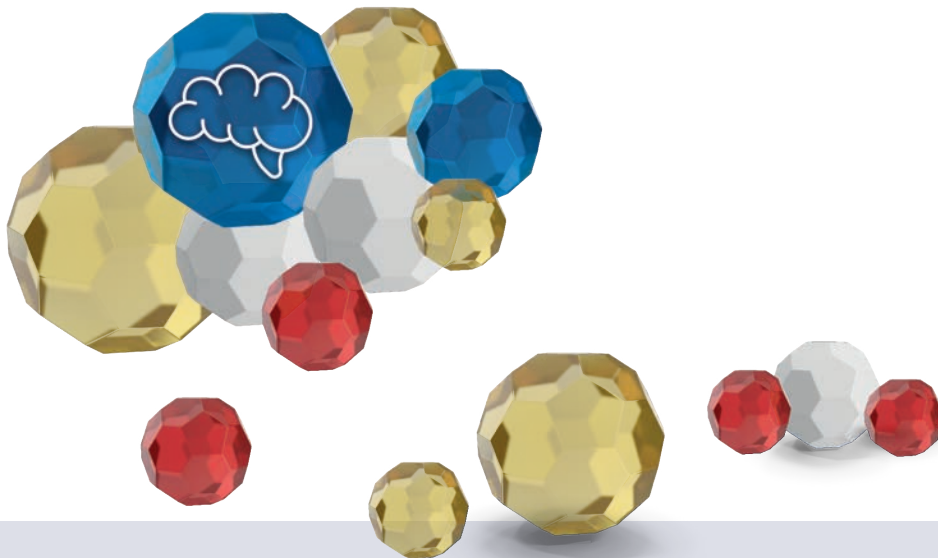
ACTIVITIES COVERED THE FOLLOWING COURTS:

MENTORSHIP AS ONE OF THE TECHNIQUES OF MODERN COURT ADJUDICATION

The development and introduction of a mentoring system for newly appointed judicial office holders has been recognised as one of the ways to improve judge performance, where newly appointed judges receive support from their senior colleagues. This system is successfully used in numerous European legal systems, while initial results from its introduction are already visible in BiH legal system.

Mentoring represents a form of training that is carried out at the workplace, ensuring that

newly appointed judges receive support from their senior colleagues through the transfer of knowledge and experiences with the aim of developing judgecraft skills, while fully adhering to the principles of independence and autonomy of judicial office. Mentoring is a process for the development of trial skills and in no way whatsoever does it involve lecturing a judge on the law, while at the same time it supports the principles of independence and autonomy of a judge and contributes to the overall quality of the judiciary.



The following has been completed so far in cooperation with the Council for the Judiciary of the Netherlands and the Norwegian Courts Administration:

- *A situation analysis and a needs assessment for mentoring judicial office holders have been carried out;*

- *A Framework Mentoring Program has been developed for newly appointed judges and legal associates;*

- *Throughout 2020 & 2021, the Municipal Court in Zenica and the Basic Court in Banja Luka appointed judge mentors to work with newly appointed judges together with the advisory support from the members of the working group from Norway and the Netherlands – who are judge mentors in their respective countries;*

- *Draft legal documents were developed to establish a legal framework for mentoring: draft amendments to the Book of Rules on Internal Court Operations and the Draft Book of Rules on Mentoring for Newly Appointed Judges and Legal Associates who are Appointed by the HJPC BiH, and the Framework Mentoring Program together with the relevant templates (personal development plan, personal mentoring plan, mentoring journal) is also a component part*

- *Consultations were carried out with the relevant ministries of justice;*

- *In order to develop the capacities of the entity judicial and prosecutorial training centres, a training curriculum was developed for training judge mentors with specialised training carried out for the trainers who will train future judge mentors.*

BETTER, CLEARER JUDGMENTS FOR THE CITIZENS AS PART OF THE CHANGES WITHIN THE JUDICIARY

Decisions rendered by the BiH courts are most often found to be overly extensive, lacking the appropriate structure and generally containing poor quality reasonings, which makes them difficult to understand for the litigants, especially for parties who do not possess any legal knowledge or are without legal representation.

Identifying concrete shortcomings in the structure, language and legal reasoning of the court decisions in civil proceedings was the first step towards introducing changes in this field which, based on a range of indicators, are needed.

As a first step towards establishing the current situation, an analysis was carried out on the quality of 100 randomly selected civil judgments, based on which experts drafted their report identifying the most common mistakes and shortcomings

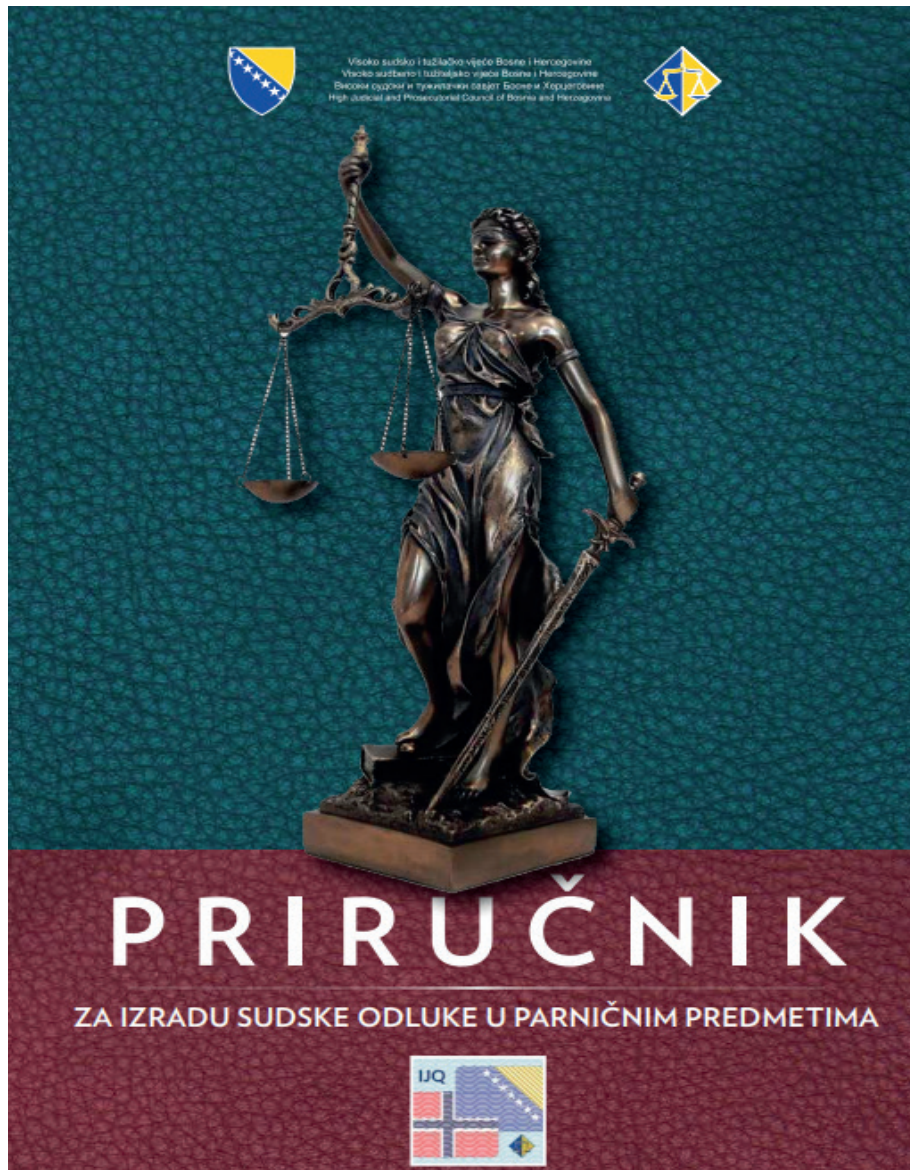
in the decisions.

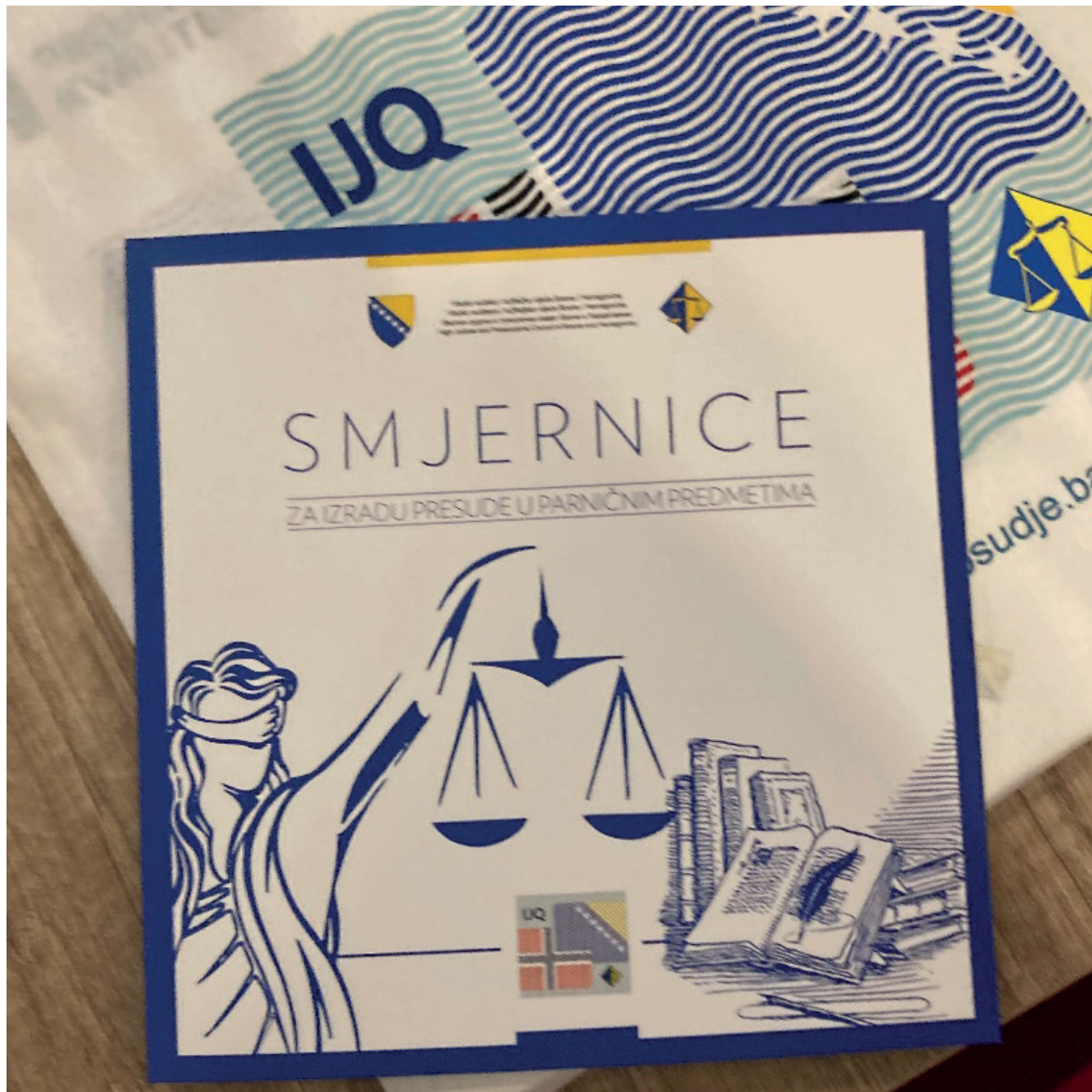
Based on the results from the analysis, one of the mechanisms to improve the situation was to develop a Manual and Guidelines for writing court decisions in civil cases.

In order to support the process for introducing changes and new practices in drafting court decisions in civil cases, training was organised for judges and legal associates in cooperation with the JPTC's.

Documents created by the HJPC BiH in cooperation with the Norwegian Courts Administration and the Council for the Judiciary of the Netherlands will help judges and legal associates at the courts to improve their writing technique while also improving training for the judges and legal associates.







The image shows a screenshot of a Cisco Webex meeting interface. At the top, the title bar reads "Cisco Webex Meetings | Meeting Info | Hide Menu Bar". Below this, a menu bar includes "File", "Edit", "Share", "View", "Audio & Video", "Participant", "Meeting", and "Help". A status bar indicates "Speaking: Goran Nezirovic VSFBIH, Senad Tica". The main area displays a grid of 10 video thumbnails. The participants are: a man with glasses and a beard (top left), a woman with a Bosnian flag in the background (top middle), a man with headphones (top right), a woman in a red shirt (top right), a man in a light blue shirt (middle left), a man in a white shirt and tie (middle middle), a man with a name tag "Senad Tica" (middle right), a woman (middle right), a woman in a grey jacket (bottom left), and a man with a name tag "Goran Nezirovic VSFBIH" (bottom middle). The bottom control bar includes "Mute", "Stop video", "Share", a microphone icon, a red "X" icon, "Participants", and "Chat".

Meeting of the expert team for the quality of court decisions



MODERNISATION AND RECONSTRUCTION OF JUDICIAL INSTITUTION BUILDINGS

Better working conditions and more efficient judicial institutions

Insufficient office space for judicial institutions is a problem judicial institutions have been faced with for many years, directly affecting their performance efficiency.

With that in mind, in 2008, the HJPC BiH first considered, and then ultimately in partnership with donors and local authorities, carried out the renovation of the Sarajevo Palace of Justice building which accommodates the largest first and second instance courts in the country – the Cantonal Court in Sarajevo and the Municipal Court in Sarajevo.

Office space, however, remained a major issue. We therefore moved forward with a solution requiring the relocation of the Miljacka Correctional Facility in order to expand the cantonal and municipal courts in Sarajevo.

The development of the project documentation, which the HJPC BiH secured through the Improving Judicial Quality Project – under its activities on the modernisation and reconstruction of judicial building, was a key prerequisite to initiate the process for the renovation and adaptation of the Miljacka correctional facility premises to accommodate the courts.

The renovation of the Miljacka correctional facility premises will see the Cantonal Court in Sarajevo and the Municipal Court in Sarajevo gain more office space which will, accordingly, satisfy their long-term needs.

The construction works, together with the additional space, will also improve the functional layout of premises, facilitate access for people with disabilities and increase energy efficiency.

Based on the developed design, apart from addressing court issues, efforts will also incorporate a solution for the accommodation of the court police with focus on the proper functioning of the courts within the Palace of Justice, especially with reference to processing criminal cases and minor offence cases.



The development of the project documentation cost 69.750.00 KM, while construction works would be financed with EU funds through IPA 2019.

The design and the future appearance (exterior and interior) of the current Miljacka correctional facility premises was presented at one of the meetings that was held with all relevant stakeholders involved in addressing the accommodation issues of the Miljacka Correctional Facility and the courts.



Procurement of equipment

The long-term implementation of project activities has resulted in the need for establishing the sustainability of certain activities after the project finishes which, to that end, requires the restructuring of the HJPC BiH Secretariat.

Specifically, the newly adopted Book of Rules on the Internal Organisation and Systematisation of Posts at the HJPC BiH, among others, increased the number of departments at the HJPC BiH Secretariat – internal organisation units – meaning that according to the new internal organisation, the HJPC BiH Secretariat will have fourteen departments instead of the current nine.

We must also keep in mind the organisational separation of the Office of the Disciplinary Counsel, the Judicial Integrity Department and the Appointments Department from the HJPC BiH which will also affect business operations.

In consideration of the above, and the fact that the HJPC BiH did not have optimum office and other space, negotiations with the Court of BiH were initiated mid-2021, concerning the division of office space at the BiH Judicial Institutions Compound after the Prosecutors Office of BiH moves into its new offices.

This, in turn, led to the division of the office space, with the HJPC BiH gaining an additional 1200 m² of space.

The project also secured some 200,000 KM to furnish and equip the new offices for the HJPC BiH with furniture, computers and audio and video equipment.

The Report of the physical condition of judicial buildings in BiH

A Report of the physical condition of judicial buildings in BiH was also developed as part of the Improving Judicial Quality Project and a general cost assessment was made for the renovation and reconstruction of each separate building, which helped the EU Delegation to BiH and the relevant ministries of justice when picking locations for construction works under IPA 2012 – 2015.

Given that significant funds were invested by both international and domestic governments to improve the working conditions at the judicial institutions, the data from the Report required updating.

In order to have a comprehensive and updated database on the condition of the judicial buildings, visits were organised in 2021 to the judicial institutions, under the Improving Judicial Quality

Project (IJQ), to collect information and update the Report. Among others, the Report will serve as the basis for accurately planning multiple-year capital investments for judicial institutions in BiH.



DIGITALISATION OF THE JUDICIARY

Increased collection of utility company claims and relieving the workload of the courts with the application of the SOKOP – Mal system

Utility cases in the BiH judiciary still comprise some 80% of all court cases which represents an additional burden for the courts and significantly increases backlogs.

One way to reduce backlogs is to increase the application of the System for the Electronic Filing and Processing of Small Claims – so called utility cases (SOKOP-Mal) which facilitates the quicker collection of utility company claims thus significantly relieving workload of the courts.

This is a system that was launched in all first instance courts in BiH and allows for quick, cost-efficient initiation and management of civil/enforcement proceedings.

Considering that the system requires that the exchange of court writs and filings be carried out electronically between the court and the System user, it greatly reduces processing times and contributes towards savings in human and material resources as well as in storage space.

The SOKOP-Mal system has been further devel-

oped within the Improving Judicial Quality Project and all larger courts in the country are currently using it in their work.

SOKOP-Mal has proven itself to be an efficient system for processing utility cases in the respective courts, while cases that were recorded in manual registers have been registered in a common electronic database. Thanks to its advantages and the results achieved by the courts, the Council passed a decision on the mandatory use of the SOKOP-Mal system in all first instance courts in BiH. The decision was made in order to reduce the number of utility cases, ensure more efficient and cost-effective case processing, create a common electronic case database and establish a common method for processing utility cases in the BiH judiciary.

One such focus of the activities as implemented with the Improving Judicial Quality Project was to expand the SOKOP-Mal system user network. When the project activities were initiated, the system was applied by 26 first instance courts.

The system is being used by 45 first instance courts. At the same time, we have seen an increase in the total number of open cases in the system, rising from 1.2 million to 1,515,831 cases, which is 84% of the total number of enforceable utility cases in the BiH judiciary.

In order to improve court performance and further advance the system together with its functionalities, a second/new generation SOKOP-Mal system was developed along with a range of new functionalities that include a web application that was adapted for use with smart phones and tablets. Particular attention was given to security issues.

At the same time, a new application was developed to facilitate easier access to cases by a debtor/defendant in proceedings before the basic/municipal courts in BiH (SOKOP – Public module).

The efforts on development served to allow debtors to independently access their cases and follow their status, as required, by entering an access code that is received from the court and the SOKOP-Mal system.



- *II generation of data processing systems introduced -SOKOP-Mal*



- *Extended number of users (first instance courts and procedure initiators)*



- *All first instance courts are users of the SOKOP-Mal system*

New look SOKOP-Mal application:

The screenshot displays the SOKOP-Mal application interface. On the left is a vertical navigation menu with categories like 'Lista zadataka', 'Fonika (0)', 'JPK', 'Predmeti', 'Pretraga predmeta za sudiju', 'Pretraga predmeta za prijenu ka rielanju', 'Pretraga predmeta za operatere', 'Pretraga izvršenika/tuženih', 'Unos predmeta', 'Spajanje predmeta', 'Dokumenti', 'Dostave', 'Uplate', 'Administracija', 'Prijem podnesaka', 'ARBYT', 'IDCEA', 'CMS', 'Izveštaji', 'Info', and 'Validacija'. The top navigation bar includes the SOKOP-Mal logo, user information 'Super administrator: ...', and buttons for 'Poruka (0)' and 'Odjava'. The main content area is divided into sections for 'Predmet', 'Dokument', 'Pokretač postupka', and 'Stranka'. It contains various search filters such as 'Broj predmeta:', 'Broj Inicijalnog akta:', 'Redni broj:', 'Sudija:', 'Služni saradnik:', 'Pripravnik:', 'Izvršitelj:', 'Taksa inicijalna:', 'Stanje predmeta:', 'Status predmeta:', 'Faza predmeta:', and 'Inicijalni spis:'. There are also date pickers for 'Datum inicijalnog akta, od:', 'Datum izmjene, od:', 'Datum, od:', and 'Vrijednost spora, od:'. A 'Pretraži' button is present. Below the filters is a table with columns: 'Broj predmeta T1', 'Datum prijema T1', 'Pokretač postupka T1', 'Izvršenik / Tuženik T1', 'Adresa T1', 'Vrijednost T1', 'Taksa inicijalna T1', 'Taksa plaćena T1', 'Taksa odluka T1', 'Taksa plaćena T1', 'Stanje T1', 'Zadužen T1', and 'Predloženo pismeno T1'. The table currently shows 'Nema podataka'. Below the table are three panels: 'Kreiranje pismena', 'Kreiranje poziva za plaćanje takse', and 'Promjena lokacije', each with input fields and buttons like 'Kreiraj' and 'Upuni zahtjev'.



New look SOKOP – Public module:

Sokop-Mal


Lista predmeta
Pretraga
Uputstvo

Sokop-Mal public prijava

Korisničko ime
Unesi korisničko ime

Lozinka
Unesite lozinku

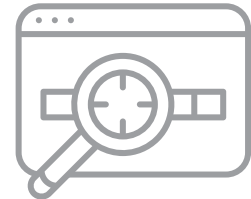
Nisam robot

 CAPTCHA
Povrta (sposredni - 100%)

Prijava

Odaberite jezik: Bosanski

Resetuj lozinku



ASSESSMENT OF THE INDEPENDENCE, ACCOUNTABILITY AND QUALITY OF THE JUDICIARY ACCORDING TO THE ENCJ CRITERIA

The HJPC BiH and the courts in BiH are intensively working on improving independence and accountability and, in particular the quality of performance, as was shown with the Report on the Independence, Accountability and Quality of the Judiciary in Bosnia and Herzegovina, which was made in line with the criteria of the European Network of Councils for the Judiciary (ENCJ).

Striving for a judiciary that is consistent with European judicial culture, the HJPC BiH utilised the Improving Judicial Quality Project to establish cooperation with the European Network of Councils for the Judiciary as the umbrella institution which promotes and reinforces the judicial councils of the European Union.

The results achieved by the HJPC BiH in implementing these activities are vital for the institu-

tion. Specifically, the Council seized the opportunity to apply the ENCJ tools – questionnaires and surveys, while our partner institutions, the Norwegian Courts Administration and the Council for the Judiciary of the Netherlands, helped to establish cooperation with the ENCJ regardless of the fact that BiH has yet to be approved EU candidate status meaning that it is not an ENCJ member nor can it apply for observer status.

Thanks to this privilege and the opportunity to apply the tools to assess the fundamental postulates of the judicial system, the HJPC BiH was able to objectively assess the independence, accountability and quality of performance of the judiciary according to ENCJ criteria and establish priorities for itself and for the judicial institutions, as well as to identify effective mechanisms to fulfil identified priorities and exchange positive practices with the Norwegian Courts Administration and the Council for the Judiciary of the Netherlands.

On the basis of this cooperation, by utilising the said methods and instruments and following ENCJ principles, a report was developed – Independence, Accountability and Quality of the Judiciary, BiH 2018 – 2020 (hereinafter: Report). The Report that was drafted by Prof dr Frans van Dijk & Sarah Koolen MSc, representatives of the Council for the Judiciary of the Netherlands, in cooperation with the HJPC BiH Secretariat project team, offers an overview of the state of the BiH judiciary and identifies areas of focus for the HJPC BiH and the judiciary that are currently not in line with European standards and require improvement and, accordingly, represent a basis for future action for the HJPC BiH.

The main findings of the Report point to a certain level of progress as to independence, and the fact that the HJPC BiH is one of the few judicial councils in Europe that assess the quality of court decisions was also considered as positive, while room for further improvements in quality were identified such as establishing simpler procedures, the electronic submission

of complaints and electronic proceedings.

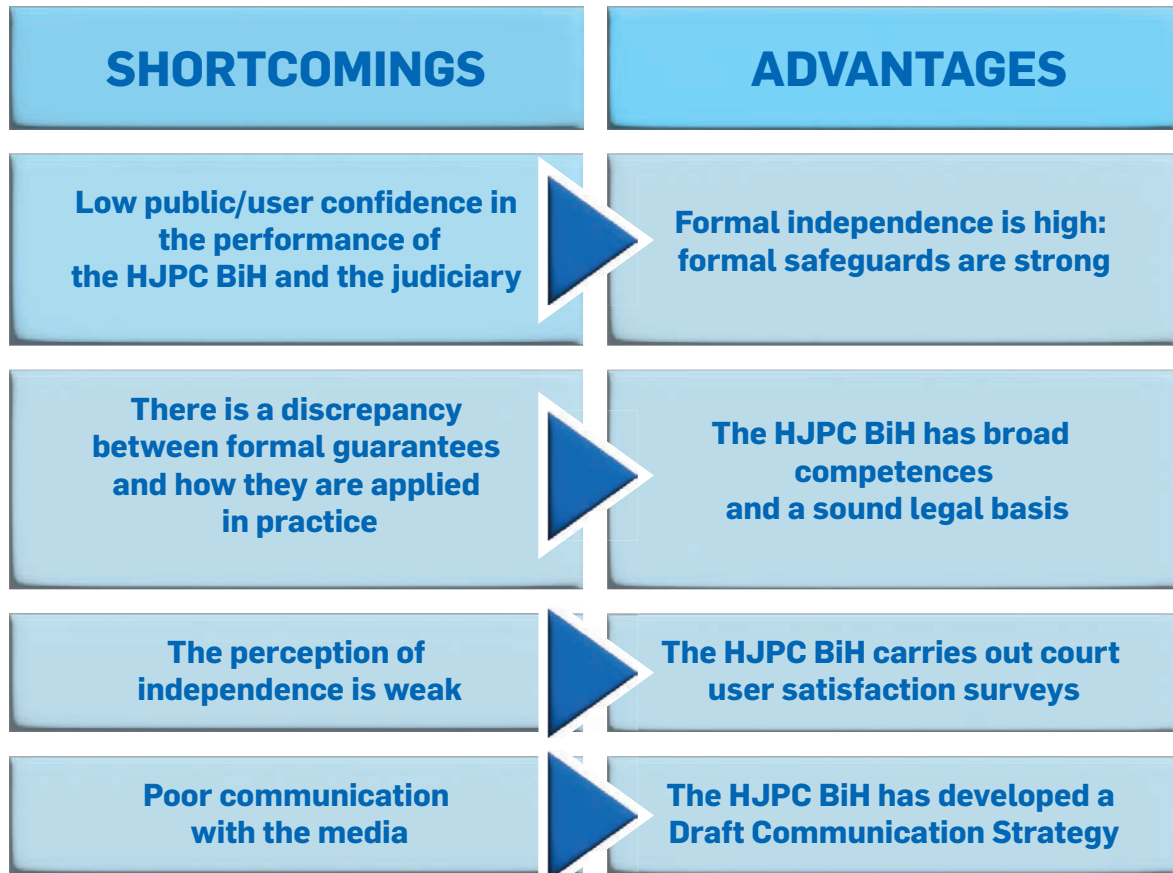
At the same time, the Report also emphasises that progressive improvement, especially with reference to the disclosure of financial statements, appointments and promotions for judges, greatly depends on the actions and efforts of the legislative branch. The findings from the Report also point to the existence of a negative perception on the independence of the judiciary as well as a lack of public confidence in the judiciary. Shortcomings have been identified when it comes to media relations, transparency and assets declaration for judicial office holders.

The Report has served as a positive corrective instrument emphasising the need to hold thematic meetings between Council members and international partners – representatives of the Norwegian Courts Administration, the Council for the Judiciary of the Netherlands and representatives of the ENCJ – as well as meetings with other stakeholders which have resulted in stronger inter-institutional cooperation focused on improving the performance of the judiciary.



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)



Dialogue meeting with representatives of the HJPC BiH, the Norwegian Courts Administration and the Council for the Judiciary of the Netherlands



Accountability is a prerequisite for independence

The process that was initiated during the IJQ Project serves as a starting point for determining and taking appropriate measures to act on the Report findings, while also facilitating the measurement and monitoring of potential progress in the performance of the HJPC BiH and the judiciary as part of the process of establishing European standards through the use of ENCJ measurement instruments.

The implementation of the aforesaid activity al-

lows for the establishment of a judiciary that is in line with European standards, and facilitates interaction with other judicial councils in the EU which, in turn, provides insight on lessons learned with reference to judicial reform, insight on how to improve the general principles of the judiciary (independence, accountability, efficiency and quality), which will ultimately have an effect on reinforcing the independence and accountability of the HJPC BiH.

This will also facilitate the fulfilment of recommendations from the Analytical Report accompanying the document: Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union which emphasises the requirement that the HJPC BiH mirrors the values and principles it serves to guarantee and, at the same time, leads the processes by serving as an example of efficiency, accountability and integrity.¹

1 Expert Report on Rule of Law Issues in Bosnia and Herzegovina from 5 December 2019– paragraph 64.

A MORE EFFICIENT JUDICIARY THROUGH BETTER CANDIDATE SELECTION

As an independent and autonomous authority, the HJPC BiH has the task of ensuring an independent and professional judiciary which is why we must continue with efforts on reinforcing its role as the regulatory authority.

Improving procedures for the appointment, promotion and appraisal of judges is one of the competences of the HJPC BiH and improving this field remains a fundamental objective.

To that end, improving the procedure for the selection of candidates for judicial office was recognised as an effective way to address the issue. An analysis was carried out of test procedures and structured interviews for entry-level candidates for judicial office.

The Standing Committee for Test Procedures, Structured Interviews and Improving Appointment Procedures adopted a significant number of recommendations from the Analysis with one of them being to expand the questions database

for entrance exams.

Eight experts – judges of the entity supreme courts, prosecutors from the entity prosecutor's offices and judges from the High Commercial Court in Banja Luka – were selected to work on identifying questions from the civil, criminal and commercial fields.

The experts developed 600 additional questions. The new exam questions will be entered into the database, publicly disclosed and incorporated in entrance exams to be organised in 2022.

This means that the database was increased by some 21.5%, thus also implementing one of the recommendations from the TAIEX Peer Review Assessment Expert mission to Bosnia and Herzegovina on procedures and criteria for the appointment of judges and prosecutors with reference to the revision, update and further implementation of the database.

HOW THE RESULTS ACHIEVED SO FAR C

MENTORING

- *A draft legal and programing framework for mentoring has been developed*
- *Specialised trainers*

- *The mentoring program will be applied in all courts throughout BiH and will, in the long-term, contribute to better judge performance*
- *The trainers will transfer knowledge to their colleagues*

IMPROVED COURT MANAGEMENT AND CASE MANAGEMENT

- *Developed model Guidelines for managing civil litigation proceedings based on which the cantonal courts initiated the development of common guidelines for the respective cantonal judiciary.*
- *Professional / training materials and training curriculum developed*

- *Guidelines harmonised for the whole of the Federation of BiH;*
- *Professional / training materials are used by the entity training centres as part of the curriculum for regular training for judicial office holders*

CAN CONTRIBUTE TO FUTURE JUDICIAL REFORMS

IMPROVED INFRASTRUCTURE AT JUDICIAL INSTITUTIONS

- *Preconditions established for construction works to expand the office space available for the cantonal and municipal courts in Sarajevo (Miljacka CF)*

- *Office space issues resolved which has a direct effect on the performance efficiency of the judicial institutio*

STRENGTHENING THE ROLE OF THE HJPC BiH

- *Candidate selection procedures for judicial office improved.*
- *Cooperation established with the European Network of Councils for the Judiciary as the umbrella institution that promotes and strengthens the judicial councils of the European Union.*

- *600 additional questions developed to be used when organising entrance exams*
- *The process that was initiated during the IJQ Project is the basis for determining and taking appropriate measures to act on the Report findings, while also facilitating the measurement and monitoring of potential progress in the performance of the HJPC BiH and the judiciary as part of the process of establishing European standards.*

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