



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



IMPROVING COURT EFFICIENCY
AND ACCOUNTABILITY OF JUDGES
AND PROSECUTORS IN BIH PROJECT
- PHASE 3 -
(ICEA)

Sarajevo, 2024.

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About the Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH Project - Phase 3

The main objective of the project is improving efficiency, quality, independence and transparency of the judiciary, which leads to the creation of a judicial system in the service of citizens.

Therefore, the focus of all activities was on strengthening the efficiency and quality of the judiciary through planned actions and establishment of a more efficient organisation of business processes in the courts.

The main objective of the activities is to improve the internal organisation of the courts in BiH in order to achieve their efficient, fast and quality performance, including shorter court procedures, reduction of backlogs and court costs and to unburden the judges and greater motivation of the court employees.

The established system of monitoring the existing work capacities and equitable distribution of workload on all available court resources, the achieved improvements in the appellate litigation and enforcement procedures, improvement of gender equality in the BiH judiciary and the position of vulnerable groups in contact with justice, strengthened court capacities in terms of proactive communication with the media and the public, and improving courts' performance transparency, are some of the results that have been achieved through the activities that the HJPC BiH implemented through the Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH Project - Phase 3.

Reorganising business processes in courts



Establishing a system for monitoring the existing human capacities in courts and ensuring equitable distribution of workload among judges



Initiative to reform the appeal system for civil litigation cases



Improving enforcement procedure in judicial systems in BiH



Improving gender equality in the BiH judiciary



Improving the position of vulnerable groups in contact with the justice system



Improving courts' capacities in proactive communication with the media and the public and improving courts' transparency





IMPROVING COURT EFFICIENCY AND ACCOUNTABILITY OF JUDGES AND PROSECUTORS IN BIH PROJECT - PHASE 3 (ICEA)



Project duration: October 2020 – June 2024

Project value: BAM 3.5 million



Partners in the Project implementation:



DOMSTOLSVERKET Sweden - Swedish National Courts Administration (SNCA)
SVERIGES DOMSTOLAR



Kronofogden Swedish Enforcement Authority (SEA)



The funding agency:



Sida Swedish International Development Cooperation Agency (Sida)

Halil Lagumdžija

President of the HJPC BiH



“ The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Swedish partners share a number of common values and one of them is building a legal system in the service of citizens. ”

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Swedish partners share a number of common values and one of them is building a legal system in the service of citizens.

Thanks to this cooperation the real changes in the work of courts are visible, which are of exceptional significance for the establishment of a legal system that the citizens will trust and that will be able to ensure compliance with the basic principles of a democratic society, which is a priority of all of those who care about the progress and development of the country.

The results achieved in the realisation of this Project facilitate that the continuity of reform activities is preserved, thus strengthening the efficiency of the BiH judicial system and the role of the HJPC BiH as a regulatory body.

The progress in the work of the courts is our primary objective, which should ensure efficient and effective service of the courts to citizens, which as such, guarantees legal certainty.

In large part, success has been achieved because significant progress has been made in the area of reorganisation of the work of the judiciary, proactive communication with the media and the public and gender equality, as well as the reform of the appeal proceedings, while the issue of improving the enforcement procedure has been put in focus of interest of the key stakeholders.

That these are important issues, whose interest and significance are recognised by the others, is confirmed by the support and participation of legislative and executive authorities, because it is inevitable that there is a need for an open and substantiated dialogue between all three branches of power aimed at solving the key issues, which require equitable distribution of responsibilities and engagement.

The efficiency and stability of a legal system largely dictates the further path of a country's development, and it is particularly important that a partner such as Sweden recognises this and that we have support on the path of overcoming the challenges that the BiH judiciary is currently facing.



Admir Suljagic

Director of the HJPC BiH Secretariat



“ With the implementation of the ICEA III Project, in cooperation with the Swedish National Courts Administration (SNCA) and Swedish Enforcement Authority (SEA), the HJPC BiH Project Team has made significant strides in areas whose improvement is a prerequisite in the overall reform processes of the judiciary, necessary on the European path of BiH. ”

With the implementation of the ICEA III Project, in cooperation with the Swedish National Courts Administration (SNCA) and Swedish Enforcement Authority (SEA), the HJPC BiH Project Team has made significant strides in areas whose improvement is a prerequisite in the overall reform processes of the judiciary, necessary on the European path of BiH.

A significant contribution to the process of improving the performance of judicial institutions in accordance with European standards will certainly be given by the new work models that have been established in BiH courts and that brought the required work reorganisation, which primarily refers to equitable distribution of workload on all available resources in the court and further means expedition of the business processes, reduction of the average length of proceedings and thus greater citizens' satisfaction with court services, which is the primary goal of both the project and everyone involved in its implementation.

Therefore, it is necessary that the sustainability and continuous progress of everything done so far in improving internal reorganisation of courts and human resources in courts are ensured. One of the areas where continuity and progress must be maintained is the enforcement procedure, whose reform is insisted upon by the European Union. A significant progress is visible in transparency and establishment of a system of proactive communication of judicial institutions.

The issue of transparency, information availability and communication quality is also an issue of opinion of a larger public and media about the work of judicial institutions, while the most significant effects of action in this area should become visible in the upcoming period.

It is particularly important to point out that the engagement in the gender equality area has resulted in significant improvement of this segment. The fact that all judicial institutions have created action plans for the improvement of gender equality speaks of the importance of project and realised activities. And that is just one of the segments in a systemic improvement of this area.

The objective of the HJPC BiH, as a regulatory judicial body, is independent, accountable, efficient and quality judiciary that best serves the public and these principles and vision have come to life through the specific activities realised within this project.

Ludvig Becking

Head of Unit for International Relations
Swedish National Courts Administration



The ICEA III project focuses on improving efficiency and accountability of the court system. Through using a bottom-up approach, practitioners from Sweden and Bosnia and Herzegovina have been working together to develop and implement practical solutions that will increase court efficiency and transparency. This practical approach, founded on the expertise and dedication of colleagues, has resulted in new working methods as well as initiatives for legal reforms that aim at improving justice delivery that ultimately benefits the citizens of Bosnia and Herzegovina. We in the Swedish National Courts Administration are proud to form part of this project and we would like to express our appreciation for our excellent partnership with our long-standing partners in the HJPC. With optimism and enthusiasm, we look forward to building upon our joint achievements and further advancing our shared objectives in the future.



Johanna Van Rooij

**Director of the Program
and Legal Advisor**

Swedish National Courts Administration

Sebastian Nilhammer

**Director of the Program
and Legal Advisor**

Swedish National Courts Administration



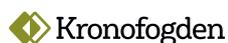
The Swedish National Courts Administration has never before invested as much time and human resources in a development project as in the ICEA project. We have done so since we have strong faith in our partner's capacity – the HJPC – and since we feel true commitment for Bosnia and Herzegovina as a country, our European neighbour. Many of our short term experts have assisted the project from the start and continue exchanging ideas on how to reorganize business processes in the courts and ensure the public's access to justice and enjoyment of equal rights with their Bosnian counterparts. We believe that this fundamental engagement and concern over the future of Bosnia and Herzegovina – both from Swedish and Bosnian civil servants – is and has been crucial for the progress we have seen as a result of the project. With concrete, sometimes small, professionally adapted steps over time, we have not only managed to improve court efficiency and transparency, but also laid the groundwork for mutual trust and excellent cooperation opportunities in the future.

Cecilia Hegethorn Mogensen

Deputy Director General SEA

Karin Weinz

Project manager SEA



The SEA (Swedish Enforcement Authority) has been working in close partnership with HJPC (High Judicial and Prosecutorial Counsel) during the last three years. Together with HJPC, we have worked closely with five pilot courts and shared some of the ways that Swedish Enforcement works.

My project team and I have experienced a fruitful cooperation with BiH (Bosnian Hercegovina) enforcement and found out that we have many things in common. Some of the challenges with amendments to the law, need of modern IT-solutions and pro-active measures are parts of the same process that we, the SEA, have passed through in our enforcement-journey during recent years.

Together we have explored new working methods for enforcement within the existing legal framework. For example, improved cooperation with the creditors and new guidelines for enforcement. Furthermore, a foundation for improved bailiffs training and a structural plan for the courts to order their enforcement budgets.

I therefore want to express my gratitude for the warm reception we have received and the strong engagement of HJPC in our mutual project of developing and improving the enforcement procedures in the pilot courts. I believe and hope that this report will serve as an inspiration for many courts in BiH to make enforcement more effective.



Reorganising business processes in courts

“ **The introduction of innovative work models in the courts in BiH is one of the most significant results achieved through the project.** ”

The introduction of innovative work models in the courts in BiH is one of the most significant results achieved through the project.

The innovated work models entail more efficient and intensive utilisation of the knowledge and skills of non-judicial staff, especially trainees and court assistants, which has been achieved through improving internal court organisation and delegating administrative tasks from judges to non-judicial staff, in order to realize the full effect of the work of non-judicial staff, which in the end results in more efficient, effective and quality case resolution.

Acknowledging the technological development of the society and guided by the practice of developed European countries, the HJPC BiH has recognised the importance of the need for internal reorganisation of business processes in the courts, as a method to increase efficiency and effectiveness of court operations. For that purpose, the HJPC BiH has established cooperation with the Swedish National Courts Administration and Swedish courts. The objective of this cooperation was the application of experiences of the Swedish judicial system in the reorganisation of business processes in courts in BiH.

The process of changes in the organisation of work in courts, as part of the cooperation between



Meeting of the Working Group for the Improvement of Business Processes in Courts

the HJPC BiH and SNCA, initiated in 2019, was first established in the eight target courts and due to achieving significant positive changes, was introduced in additional ten first instance courts with a tendency to become a modus operandi in all courts in BiH.

The primary goal of reorganising business processes, called the innovative work model, is to improve the internal court organisation by delegating administrative tasks from judges to non-judicial staff, in order to realize the full effect of the work of non-judicial staff, which in the end results in more efficient, effective and quality case resolution.

The reorganisation of business processes, as the key strategy for increasing work performance, entails more efficient and intensive utilisation of knowledge and skills of non-judicial staff, especially trainees and court assistants.

A significant improvement of the court efficiency has been achieved by better engagement and application of the method of delegation of administrative tasks from judges to non-judicial staff. This practice enables the judges to unburden themselves of easier, so-called routine tasks and

administrative affairs, which ensures sufficient time for the judges to draft judgements and perform more complex tasks.

The process of introducing the innovated model of work has included a review and adjustment of the existing procedures, the evaluation of business processes together with the use of positive practices and guidelines of the Swedish courts as mentors.

The target courts of Bosnia and Herzegovina, through mutual visits and exchange of experience with the Swedish courts, have achieved significant benefits. They have successfully applied and adjusted the positive practices of the Swedish courts, thus improving their performance and introducing improved work methods.



Visit to the District Court in Malmo

The processes of introducing innovated work models have resulted in defining **the work methodology and applying specific innovated practices**. The applied methodology includes the key aspects:

Establishing **team work** (judge, typist, trainee) as a structured work method thanks to which the judges, by delegating tasks, are unburdened of administrative tasks.

Developing **a set of tools** that, when applied, enable systematic work, review and continuity of the established work model. The set of tools includes the following:

- **Lists of delegated tasks** for trainees and court assistants, which specify the tasks delegated from judges to non-judicial staff,

- **Check-lists** for case handling, which serve as the control mechanisms for work of trainees handling cases. The lists are filled out by the trainees and included in the file,

- **A uniform training plan** for the trainees in accordance with the new work method, aimed at a systematic approach to continuous and mandatory professional training of trainees in all the courts,

- **Modules for trainees** handling cases, aimed at ensuring transfer of knowledge and sustainability of access to competent staff (a collection of judgements, decisions and other decisions with an overview of legal provisions, which the trainees draft based on their work).

Establishing the role of **a trainee coordinator**, meaning a typist coordinator, as an important link in establishing a systematic and accountable work of trainees, i.e. typists. The trainee coordinator, i.e. typist coordinator, is tasked with organising the work of trainees i.e. typists, so that the processes in the court would go on without interruptions.

Establishing **the role of a trainee** in the CMS, aimed at active participation in case handling through the CMS and in accordance with the list of delegated tasks. (In accordance with the instruction of the HJPC BiH, the trainees are assigned a user account in the CMS)

The Manual for Judges Mentoring the Trainees, enclosed with the memo in question, aimed at systematically conducting the mentoring in accordance with the established lists of delegated tasks.

The integration of the new work methods and positive practices in the BiH judicial framework has resulted in significant work improvements, more efficient and effective handling and strengthening of the target court capacities. This process has resulted in more competent, accountable and independent work of the non-judicial staff.

The use of the guidelines for application of the innovated work model and the changed practices in the operations of 18 target courts have contributed to the following results:

From the aspect of court performance efficiency the results are reflected in the following:

Pending cases reduced, especially small value cases and utility cases,

Faster processing of cases from the Backlog Reduction Plan,

Decreased length of backlog cases,

Monthly quota easier to meet,

When needed, trainees/volunteers replace the typists in typing minutes, thus enabling uninterrupted and timely holding of hearings even when the typists are unavailable,

The trainees/volunteers and typists have higher performance quality and quantity.

From the aspect of court performance quality the results are reflected in the following:

Increased public trust in the work of the courts,

Increased available time for judges to prepare themselves thoroughly for the cases and render better decisions,

Improved communication between all staff categories

Improved skills and competencies of trainees and typists through the organisation of internal and external trainings.

The new work model also established a different model of traineeship in courts. Unlike the earlier model, which mainly depended on the affinities of an individual trainee and the commitment of a judge himself, the new model encourages trainees to be active participants in work processes, thus shaping their own understanding of the entire process. In this way, trainees stopped being just passive recipients of information.

The application of the innovative work model identified the need for legislative amendments in terms of creating conditions for the sustainability and improvement of the innovative work model. In this respect, through the Working Group for Improving Business Processes, in which the relevant Ministries of Justice also participated, job descriptions were defined and a proposal was adopted for the systematization of a new job position "drafting lawyer", as a response to specific requirements and dynamics of innovative work model. In terms of competence, drafting lawyers will provide professional assistance to judges. In terms of efficiency, together with judge assistants and trainees, they will form the so-called triage system aimed at preparing the cases for trial.



Final Seminar "Reorganization of Business Processes in Courts"

In addition, in order to enable the full implementation of the new work model, the job descriptions for typists and trainees have undergone certain changes and innovations. This improved their work status and performance, adapting them to the requirements of the innovative work framework.

This initiative aims to ensure systematic training and skills development for trainees and judge assistants, following the requirements of the innovative work model.

In view of the positive changes achieved through the application of the innovative method, the need to disseminate the positive changes to other courts was identified. In this regard, in cooperation with sister courts from Sweden and SNCA, final seminars were held where, through the exchange of experiences and the presentation of positive changes, the steps to structure the implementation plan of the new work model in other courts were defined.

The innovative way of working is a reform method that transforms work processes and dynamics in all courts, and enables improvement of efficiency, optimization of processes and use of human resources to achieve exceptional results.

In the end, the innovative way of working is a safe path to ensure a high quality staff in the future, judicial office holders, given that a quality development is ensured in this way.

“ The new working methods have resulted in improved efficiency and effectiveness of court operations through the enhancement of skills and competencies of non-judicial staff, as well as the rational use of court resources. ”



Training of Trainers on Mentorship for Interns



Final Seminar "Reorganization of Business Processes in Courts"



Meeting of the Working Group for the Improvement of Business Processes



Establishing a system for monitoring existing capacities in the courts and equal distribution of the workload amongst judges

“ Even distribution of workload amongst all available resources in the court is recognized as one of the key elements that lead to the acceleration of work processes, increased number of resolved cases, reduced average length of court proceedings, and therefore increased citizens' satisfaction with court services. ”

Even distribution of workload amongst all available resources in the court is recognized as one of the key elements that lead to the acceleration of work processes, increased number of resolved cases, reduced average length of court proceedings, and therefore increased citizens' satisfaction with court services.

Therefore, the HJPC BiH, with the support of its partners, carried out a series of activities that resulted in the establishment of a system of equal distribution of cases amongst judges in 16 first-instance courts.



a system of equal distribution of cases was established while developing the backlog reduction plans



a greater number of the oldest cases included in the backlog reduction plans were resolved, with higher percentages of the backlog reduction being achieved



the average length of court cases has been reduced.

During the implementation of project activities, new court presidents assumed office in a certain number of courts, which was a particular challenge. However, they have expressed their readiness and achieved impressive results in the process of establishing a system of equal distribution of cases, which ultimately aims to ensure that every judicial office holder in the court has equal opportunity to achieve expected performance results.

Based on the activities carried out and performance results of the target courts, the HJPC BiH adopted the conclusion that commitment of the court presidents to the work organization in the court with optimal workload distribution with available capacities is a key segment of the efficient and high-quality performance and better results.

Improving the implementation quality of the book of rules on performance indicators for judges and legal associates in BiH courts and the use of certain CMS functionalities with the aim of reducing their abuse and faster rendering of quality court decisions

During the Project implementation, the use of available CMS functionalities was continuously monitored, based on which the quality of data recorded in the CMS was monitored, especially with reference to the application of the Book of Rules on performance indicators for judges and legal associates in BiH courts and the way of recording cases as resolved.

The most significant results of the activity are as follows:

the adoption of amendments to the Book of Rules on performance indicators for judges and legal associates in BiH courts, with reference to optimal performance appraisal of judges and legal associates, taking into account the type and stage of the case, the legal grounds, as well as the relevant way of resolving the case.



the adoption of amendments to the Book of Rules on the CMS in courts, based on the analysis of reassignment of cases in courts and the reasons entered. The adoption of the amendments significantly reduces the possibility of misuse of the option "other" as a reason for reassigning the case.



All activities contribute to the improvement of the quality of data entered in the CMS, as well as to the improvement of application of certain CMS functionalities.

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Established system for even distribution of cases among handling judges in 16 first-instance courts.

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Initiative for the reform of civil appellate procedure

“ A proposal for changes to the civil appellate procedure in BiH was made as a result of the activities related to the consideration of the need for its reform.

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A proposal for changes to the civil appellate procedure in BiH was made as a result of the activities related to the consideration of the need for its reform.

An expert team consisting of representatives of the judiciary and academia, as well as domestic and international experts in the field of civil law, drafted a framework proposal for legislative amendments, as well as other measures that affect the number and length of civil cases before the second instance.

International and domestic relevant analyses, the position of the judiciary, but also the perception of citizens, have for years been pointing to the problem of overly laborious, complex and formalistic civil procedures that take too long.

The focus of the activities undertaken by the HJPC BiH was predominantly aimed at first instance civil procedure and first instance courts, because the biggest problems related to the number and length of cases were identified in that phase of the procedure. However, statistics indicate that the same problems are faced by second instance courts and that they culminate in certain courts.

As a result of the above, one of the basic principles of the European Convention on Human Rights, its Article 6, which prescribes the right to a trial within a reasonable time, is being violated, which was aimed to be eliminated through this reform of the civil appellate procedure.

The expert group conducted two analyses: Analysis of the present situation as regards efficiency and quality of appellate procedure before the courts in BiH, and Comparative analysis of selected European systems of civil appellate legislation and practises.

The results of the analysis indicated the necessity of reform in this field, given that 50% of court decisions are appealed, that appeal procedures last almost two years on average, and in courts with a larger number of cases the duration is significantly longer. Furthermore, the analysis pointed to facts that prevent the court from proceeding efficiently, which consequently leads to a violation of the parties' right to a trial within a reasonable time.

On the basis of the activities and the analyses carried out, the expert team created a document containing an initiative for amendments to the civil procedure codes, with concrete proposals for the introduction of novel legal concepts in the BiH laws and practises, which will contribute to the appellate courts efficiency and ultimately reduce the number of appellate cases in BiH.

Also, all measures of an institutional, structural or organizational type aimed at improving the efficiency of the procedure within the existing legislative framework have been identified. In this way, the courts will be relieved of appellate procedures for which there are no grounds, and more attention will be paid to cases where the active involvement of the judge is really needed.

It is important to emphasize that the proposals that have been made in no case lead to the denial of the right to appeal, which is guaranteed by the civil procedure codes as well as international documents, but in this way, an effort is being made to introduce a system that will ensure that better quality and reasoned appeals are submitted to the court, which will contribute to the efficiency of second-instance courts.

The document is divided into four chapters:

1. **Proposal of reform measures that imply changes in legal regulations;**
2. **Proposal of other measures to improve the efficiency and quality of litigation proceedings;**
3. **Other reasons that affect the efficiency and quality of litigation;**
4. **Proposals collected in the public consultation process**

The drafted proposal for amendments to the Civil Procedure Code was presented to the professional community and representatives of the Ministries of Justice, and they were invited to submit their comments and possibly additional proposals for amending the Code in the part related to the appellate procedure.

The HJPC BiH held a series of consultative meetings with the professional community, primarily with representatives of the FBiH and RS Bar Associations, with the aim of providing an additional explanation of the new legal concepts proposed for the BiH justice system, the application of which contributes to a more efficient and high-quality appellate procedure, modelled on existing solutions in Sweden and numerous other European countries.

The proposed amendments are taken from European legislative systems that are known to be successful and efficient, and they seek to improve the court's proceeding within the civil appellate procedure, primarily in such a way that, by adopting the prepared proposal, the parties would be required to submit appeals to the court that are of better quality, reasoned and which will contribute to more efficient second-instance courts.

In the final phase of the ICEA III Project, the document was the basis for conducting public consultations with the professional community, and a final proposal for amendments to the civil appellate procedure in BiH was drawn up, which represents the initiative of the HJPC BiH for the reform of the civil appellate procedure.

In order to finally adopt the prepared proposal, active involvement of the executive and then of the legislative branch in BiH is required in order for the proposed amendments to be adopted and begin to be applied in practice.

“ **Legislative initiative launched for reforming the appeals process in civil cases.** ”



Improvement of enforcement procedure in the BiH judicial systems

“ The HJPC BiH has dedicated years of effort to improve the efficiency and quality of the enforcement procedure. ”

The HJPC BiH has dedicated years of effort to improve the efficiency and quality of the enforcement procedure and to guarantee the citizens and legal entities the right to a trial within a reasonable time.

A number of international reports have found that the enforcement procedure is ineffective. These include the conclusions from the Subcommittee meetings on Justice, Freedom, and Security, the European Commission's annual report on Bosnia and Herzegovina, and Expert Report on Rule of Law issues in Bosnia and Herzegovina (Priebe Report). The recommendations for improvement of the enforcement procedure are the main focus of all the abovementioned reports, and this is something that is also mentioned in the EU strategy documents on the EU Stabilisation and Association Process of Bosnia and Herzegovina.

The strategic commitment of the HJPC BiH to the improvement of the enforcement procedure in BiH is in line with the EU recommendations, the fulfilment of which can help significantly improve the enforcement procedure. The failure to enforce the judgment voluntarily, and in particular the failure to enforce it based on the motion for enforcement through the enforcement procedure,

render the judgement and the court action meaningless. The current situation in Bosnia and Herzegovina is such that there is a number of judgments that cannot be enforced because of ineffective enforcement procedure.

A major reason for this is the failure of the legislative and executive branches to reform the enforcement procedure in Bosnia and Herzegovina, as well as passive judgment creditors. Other contributing factors include the ineffective way judges handle the cases, the ineffective work and organisation of bailiffs, the lack of human capacity in the courts, and the lack of material and financial resources for work of enforcement departments in the courts.



Meeting of pilot courts and project teams

In this regard, the HJPC BiH has made efforts to address the deficiencies found in the court system in part by implementing the activities aimed at improving the performance of enforcement departments by putting into practice a set of recommendations aimed at reducing the influx of cases that come before courts and improving the efficiency of judges and bailiffs working on enforcement cases. These activities are primarily carried out in cooperation the Swedish Enforcement Authority.

The main goal of cooperation with the Swedish Enforcement Authority has been to implement the SEA's work methodology in the enforcement departments of the courts while adhering to the legislation

that govern the enforcement procedure in BiH. In light of the executive branch's lack of support for a thorough reform of the enforcement procedure that would have included the establishment of a professional enforcement agents service in BiH, the HJPC BiH has made an effort to improve the performance of both judicial and non-judicial staff by altering the way the courts operate.

The main objective of the new work method is to fulfil the purpose of the enforcement procedure, that is to recover the enforcement creditor's claim from the enforcement debtor, and thus increase court-based collection. This is especially important in light of the approximately 1.7 million cases pending enforcement before the courts in BiH, of which 1.6 million are utility cases. These cases are the source of the courts' enormous workload, which not only undermines the right to a speedy trial but also creates legal uncertainty.



Study visit

The HJPC BiH has also prepared a proposal to amend the requirements and job description for bailiffs, as well as a proposal to mandate induction training for all bailiffs, given that at the moment most bailiffs in BiH lack formal education and very often even those without sufficient experience are employed as bailiffs.

Facilitating unimpeded access by the courts to all relevant public records containing information

on debtors' assets is one of the EU recommendations aimed at improving the efficiency of the enforcement procedure.

In order to ensure electronic access to relevant data for the purposes of enforcement cases, as well as other case types as needed, the HJPC BiH hired an expert as part of the ICEA III project to prepare an analysis on the possibilities of connecting judicial information systems and systems of other agencies and institutions.

The goal of the proposed solution is to enable the courts to electronically collect data about debtors and their assets in the course of the enforcement procedure. This would allow the enforcement procedure to be conducted on a more effective means of enforcement rather than just movable property, which has been shown to be the most ineffective means of enforcement.

The analysis provides recommendations for the HJPC BiH and other competent institutions on how to improve the enforcement procedure by enabling electronic requests for the verification of the debtor's property.

In order to maintain continuity and progress, the ICEA III project team worked in parallel to improve the functioning of all participants in the enforcement procedure: the courts, utility companies, and citizens.



Representatives of pilot courts visiting SEA, Sweden

COURTS:

A set of recommendations for improving the work of enforcement departments prepared and implemented in pilot courts: municipal courts in Sarajevo, Zenica and Mostar and basic courts in Prijedor and Banja Luka;

Enforcement Procedure Guidelines prepared;

The pilot courts have started more effective budget planning based on the Structured Plan for More Effective Budget Forecasting;

The work of bailiffs is given more attention, and a task checklist produced to facilitate their work;

The number of utility cases processed using the SOKOP-Mal system has increased, as well as the number of pilot courts utilising it;

Utility cases are processed more efficiently in line with the established target for the current year regarding the number of cases to be completed;

Focus placed on the obligation of the courts to concentrate their efforts on increasing the collection of claims, given that the purpose of enforcement is to recover the enforcement creditor's claim from the enforcement debtor,

CITIZENS

The citizens have been provided with a document containing information about their options in the enforcement procedure. The document is available on the websites of the courts and utility companies.

JUDGEMENT CREDITORS

Cooperation with judgement creditors - utility companies improved and the practice of holding periodic meetings introduced in an effort to increase the efficiency in processing utility cases and reduce the influx of cases into the courts;

There has been an analysis made on the possibilities of connecting judicial information systems and with systems of other agencies and institutions in order to ensure electronic access to relevant data for the purposes of enforcement procedure.



Analysis on the possibilities of integrating judicial information systems with systems of other agencies and institutions to ensure electronic access to relevant data for the purposes of enforcement proceedings.



Meeting with utility companies and their founders



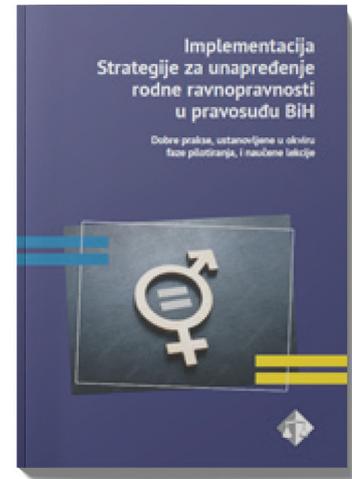
Study visit of court representatives to the Swedish Enforcement Authority in Stockholm

“ Improved performance of the judicial enforcement service through the implementation of innovative work methods, including early-stage contact with parties to encourage debt settlement. A system for coordinating and preparing cases related to enforcement agents has been introduced to enhance fieldwork efficiency. ”



Implementation of the strategy for improving gender equality in the BiH judiciary

“ The HJPC BiH has been committed to promoting gender equality for a number of years now. ”



The HJPC BiH has been committed to promoting gender equality for a number of years now.

The Strategy for Improving Gender Equality in the BiH Judiciary was adopted at the end of October 2020 within the framework of the previous Project, setting for the first time the improvement of gender equality in the BiH judiciary as a strategic objective.

Through the third phase of the Improving Court Efficiency and Accountability of Judges and Prosecutors (ICEA) project, the HJPC BiH continues to support and advocate for its intensive and continuous implementation.

Thus, the Strategy was piloted in cooperation with the target judicial institutions and Swedish experts. During this time, project activities were tested, and best practices developed and then implemented in the domestic judiciary through workshops for the creation of action plans for the implementation of the strategy.



Photos from the workshops held in January 2022

Seven one-day workshops were held in January 2022 to promote its intensive implementation. The workshops were designed for the management staff of all judicial institutions in BiH and were intended to lay the groundwork for the creation of action plans for the implementation of the Strategy, as well as to provide additional support in this regard.

Following the workshops, the judicial institutions drafted and presented to the HJPC BiH their respective action plans for implementing the Strategy. The action plans were evaluated and then adopted by the HJPC BiH, which created the framework for their implementation.

The heads of judicial institutions are responsible for implementation of the Strategy as specified by it. As part of their annual reports, they are required to regularly inform the HJPC BiH on all activities carried out in this respect.

On the other hand, the HJPC BiH will oversee the implementation of action plans on a regular basis and consistently incorporate data regarding gender equality in the BiH judiciary in its annual report.



“ Enhanced capacities of judicial institutions for implementing the Strategy for Advancing Gender Equality in the Judiciary of Bosnia and Herzegovina. ”



Improving gender equality in the BiH judiciary

“ The HJPC BiH has contributed to the improvement of gender equality through its ongoing efforts on the prevention and suppression of gender-based violence, as a direct consequence of gender inequality in society. ”

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Awareness raising campaigns, public appearances, and advocacy for the consistent implementation of the Guidelines for the Prevention of Sexual and Gender-Based Harassment in the BiH Judiciary have all made a substantial impact.

„... violence against women is a violation of fundamental human rights, and the HJPC BiH supports the fight against all forms of gender-based violence...” – said Halil Lagumdžija, President of the HJPC BiH (the statement made on the occasion of the “16 Days of Activism against Gender Based Violence’s Global Campaign”)

The Guidelines were adopted by the HJPC BiH in 2015, as an official mechanism for the prevention of sexual and gender-based harassment in the BiH judiciary. The Guidelines seek to ensure and promote gender equality in all judicial institutions in BiH, both in management, decision-making, and representation, and to safeguard individual human rights and freedoms guaranteed by the BiH Constitution, laws and other applicable regulations of BiH, and legally binding international documents.



Since a change of mindset can only come about through learning and exposure to new information, the HJPC BiH has organised appropriate training on gender equality for its own staff, and made sure that the training curricula of the entity-level Judicial and Prosecutorial Training Centres include appropriate seminars on these topics, with a particular focus on newly appointed judicial office holders.

To ensure full implementation of the Guidelines, their application was regularly monitored.



Photos from the training for counsellors for the prevention of sexual and gender-based harassment in BiH judicial institutions

The counsellors for the prevention of sexual and gender-based harassment in BiH judicial institutions—who are required to be appointed in all judicial institutions in line with the Guidelines—underwent training during the implementation of the Project.

Also, in order to find more about how widely the Guidelines are used and where there are issues in their application, an anonymous online survey was conducted among all judges in BiH regarding the implementation of the Guidelines in judicial institutions.

All judicial institutions have received the findings of the survey, along with the recommendations for improving the current situation.

In addition to the above, and with the intention of looking at criminal law through the prism of the gender of the perpetrators, some court cases were also analysed.

More specifically, a gender analysis of criminal cases involving aggravated theft was done in order to determine whether the gender of the perpetrator had any significant bearing on the outcome of the proceedings, as well as whether there were any differences in decisions and decision-making between male and female judges and what these differences consisted of.

A curriculum for a new training for judges has been developed as a result of this analysis in order to address the deficiencies concerning the assessment of aggravating and mitigating factors and the sentencing of criminal offenders found in the analysis.

“ **Increased awareness and visibility of gender equality in the judiciary of Bosnia and Herzegovina.**

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Improving the position of vulnerable groups in contacts with the BiH judiciary

“ One important feature with reference to the quality of performance of the judiciary is the relationship with the users of the judicial system. ”

One important feature with reference to the quality of performance of the judiciary is the relationship with the users of the judicial system.

Access to justice must be equal and consistent for all citizens, while the way a court employee deals with parties at the court and how a judge deals with parties in court proceedings are but a few of the elements in the relationship with court users.

Even though the courts in BiH have regulated, well established rules on conduct with court users, the question remains as to which extent such conduct addresses the needs of various vulnerable groups in our society.

Improving conduct in cases of discrimination has been recognised as one of the more important segments with reference to the needs of vulnerable groups.

In this respect, and in cooperation with the OSCE Mission to BiH, the HJPC BiH has developed Instructions for the Amended CMS Codebook for Proceedings Involving Discrimination.

The Instructions, which are intended for judges and registry staff, look to provide additional information on the background and purpose of the CMS section that covers discrimination cases, to explain the entry of mandatory elements in the CMS and ensure consistent data entry so that the data can be used in statistical reports involving discrimination cases. To that end, a set of training sessions was organised on how to use the Instructions and the sessions were attended by representatives of over 50 first instance courts.

Major improvements regarding the level of CMS data entry on cases involving discrimination, which followed after the aforementioned activities, were also confirmed in the subsequent analysis of these cases.

The analysis led to technical solutions to facilitate updated data entry in the CMS regarding the application of the Law on the Prevention of Discrimination.

At the same time, in order to contribute to the efforts of the BiH judiciary aimed at improving the position of children and minors in contacts with the judiciary, the HJPC BiH developed an illustrated publication – My Guide to Criminal Process, for court staff to use and provide the best possible support for minors.



*Front cover of "My Guide to Criminal Process"
Printed in braille and using an enlarged font*

The publication is intended for children between the ages of 12 & 18 who are victims/witnesses of crimes and their parents/guardians, and serves to inform these vulnerable groups on their rights throughout criminal proceedings. The brochure represents a comprehensive guide with detailed information how criminal proceedings unfold, the participants to the process and their roles, the role of a child, as well as rights and duties of a child throughout the process while also providing additional information for parents/guardians, all in order to provide better protection for a child.



Photos from the presentation of HJPC's brochure – My Guide to Criminal Process

The HJPC BiH also printed the brochure in braille – using an enlarged font – for blind and visually impaired children, with visits made to selected high schools where the brochure was presented to the students.

Improving the position of vulnerable groups in contacts with the judiciary was also the focus of an analysis of hate crimes and crimes inciting hate at the courts in BiH. The analysis identified issues, primarily through the collection of reliable data and statistics on such crimes, as prerequisites for creating effective policies to deal with hate-motivated incidents. Accordingly, a technical solution was designed and implemented that will enable easier collection of data for the BiH judiciary.

The system for the collection of data on gender based violence and domestic violence has been improved in cooperation with the Agency for Gender Equality in BiH. Accordingly, new options were incorporated in the CMS system i.e. “the relationship between the victim and the perpetrator”, which

allows for the collection of comprehensive data on such cases as required with the Istanbul Convention.

Improving the processing of these cases was also the focus of a survey on the conduct of judicial office holders in cases involving gender based violence that was carried out by the HJPC BiH. The survey contained questions on the qualification of crimes in cases involving gender based violence, issuing various protective measures, meting out punishments, the assessment of mitigating and aggravating circumstances, the duration of cases, dealing with restitution claims etc., and based on the results of the survey a plan of activities will be developed focused on improving the situation as identified. After the survey was completed, the HJPC BiH developed an activities plan aimed at improving the position of victims of violence in contacts with the judiciary.



Photos from the seminar - Representatives of Vulnerable Groups as Witnesses in Court Proceedings

Quicker resolution of enforcement cases based on awarded restitution claims in cases involving sexual violence represents another major result that was achieved in cooperation with TRIAL international. A technical solution was conceived and implemented which involved incorporating a new legal basis for enforcements in the CMS and including an option to mark it as urgent.

In order to improve witness examination skills during investigations and court proceedings which involve vulnerable group members, a seminar was organised for judicial office holders on the topic – Representatives of Vulnerable Groups as Witnesses in Court Proceedings, for which the program was created by the HJPC BiH.

The participants at the seminar were shown basic skills in communication and how to apply them in investigations and court proceedings, basic communication techniques for the work of prosecutors and judges as well as communication skills in situations involving heightened emotions.

At the same time, there was also discussion on how to question a witness during an investigation or in court proceeding as well as on ways to motivate such witnesses to testify.

In order to identify additional areas for support to vulnerable groups (people with disabilities), an analysis was carried out of cases involving the denial of legal capacity at the courts in BiH, which showed the need to harmonise the actions of the courts and expert witnesses in line with standards from the UN Convention on the Rights of People with Disabilities. Based on the results of the analysis, the HJPC BiH issued recommendations for the courts, drawing to their attention the principles of the Convention, the standpoints of the European Court of Human Rights in such cases, while also reminding of the legal provisions covering this area, all in order to ensure that any denial of legal capacity is exercised only when necessary and at the appropriate level.



Photos from the workshop - Deconstructing Stereotypes and Equal Access to Justice through Active Dialogue



Photo from the roundtable – Legal Protection for LGBTI Persons: between anti-discrimination and criminal law and practice



It is important to stress that the HJPC BiH issued appropriate press releases to mark international days that are significant for vulnerable groups, joining the efforts of state institutions and the NGO sector, focused on ensuring access to justice for everyone, without discrimination, while

also emphasising to take appropriate action towards providing support to vulnerable groups in exercising their rights, for access to justice and in contacts with the courts.

To that end, workshops were organised in cooperation with NGO's on protecting and promoting the rights of vulnerable groups.

A two-day workshop – Deconstructing Stereotypes and Equal Access to Justice through Active Dialogue, which was organised for judicial office holders in cooperation with the Kali Sara Association – Roma Information Centre, testifies to our efforts on eliminating prejudices and stereotypes against Roma people, in order to create an inclusive and just future. The participants at the workshop improved their knowledge and understanding of mechanisms that maintain a system of dominance (hierarchies), while acquiring a better understanding of stereotypes and at the same time developing skills to deconstruct them and accordingly, work on the process of developing capacities for personal, professional and institutional transformation.

At the same time, a roundtable was also organised – Legal Protection for LGBTI Persons: between anti-discrimination and criminal law and practice, in cooperation with the Sarajevo Otvoreni Centar (open centre) Association, aimed at presenting the role of the BiH judiciary in protecting the rights of LGBTI persons, together with establishing an LGBTI sensitive judiciary.

Hate crimes, legal and contextual frameworks, case law and protecting the human rights of LGBTI persons, are but some of the topics that were discussed at the roundtable, which was attended by judicial office holders, as well as representatives of various embassies, police authorities, relevant ministries and the NGO sector.

Aware of the important of ongoing training and professional development for judicial office holders, the HJPC BiH ensured that the RS and FBiH JPTC training programs regularly incorporate relevant seminars/workshops on topics involving the specific aspects of access to justice from the perspective of vulnerable groups, witness-questioning skills – involving vulnerable groups etc.

“ Continuous work on improving access to justice for members of vulnerable groups. ”



Improving court capacities through proactive communication with the media and public, and transparency of the courts



“ Improving current communication practices at the courts was one of the primary objectives of the project component that focused on establishing a system for proactive communication.

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Improving current communication practices at the courts was one of the primary objectives of the project component that focused on establishing a system for proactive communication. This would have a direct affect towards increasing the transparency of the courts and their work, while also providing support for systemic improvements in this area.

One tool that will significantly improve current communication practices at the courts while also strongly supporting the implementation of the HJPC BiH Communication Strategy, is the Media Action Plan that was developed as a set of documents which includes: the Media Action Plan, a Guide for Creating and Managing Web Content and a document - Communication with the Media and Using Communication Tools/Checklists.



Conference organised in Sarajevo advocating for the increased use of the Media Action Plan

This is a set of documents that represents a type of guide for improving cooperation and relations with the media by establishing a system for planned communication, together with the use of general communication channels and tools in order to improve this area.

This is a compilation of documents accompanying the HJPC BiH Communication Strategy, which in certain terms makes it binding, and at the same time ensures a consistent approach to communication processes by the courts in BiH.

This way, progress has been made in court communications with the media while at the same time providing greater motivation for a proactive approach to communication processes.

The document was presented and sent to all courts in BiH, with certain results from communication practices visible in a number of courts.

The document was referred to as a major step towards improving the transparency of the judiciary in the findings and recommendations of the OSCE: Trial Monitoring of Organised Crime and Corruption Cases in Bosnia and Herzegovina for the period 2021-2023. The Media Action Plan is described as a document that defines the objectives and activities that should lead to significant progress under the condition they are applied consistently.

Throughout 2023, the HJPC BiH and the SNCA continued to monitor the application of the documents by judicial institutions, and identified certain progress, though not on the desired level yet.

The aim for creating these documents and harmonising with the HJPC BiH Communication Strategy – representing an umbrella strategy for the judiciary overall, was to establish a strategic approach for communication processes as the only way to bring about actual change and strengthen the transparency of the courts and their work, which is one of the strategic objectives of the HJPC BiH Secretariat.

The development of the document was preceded by a range of meetings with media workers, together with focused work with the pilot courts in order to collect information on actual needs and realistic possibilities to improve communication practices and strengthen transparency.

To that end, in November 2021, Open Doors Days were organised at the Municipal Court in Tuzla, the Basic Court in Bijeljina and the Basic Court of the Brcko District BiH, along with roundtables organised for members of the media.

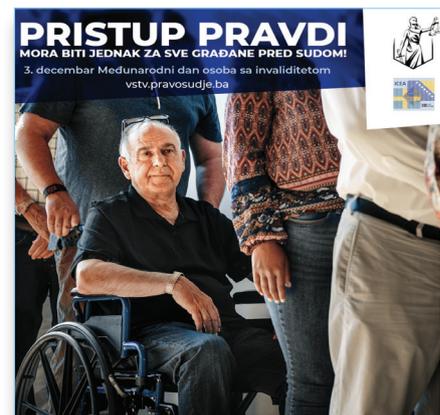
“ Initiated comprehensive establishment of proactive communication systems in courts in Bosnia and Herzegovina. ”



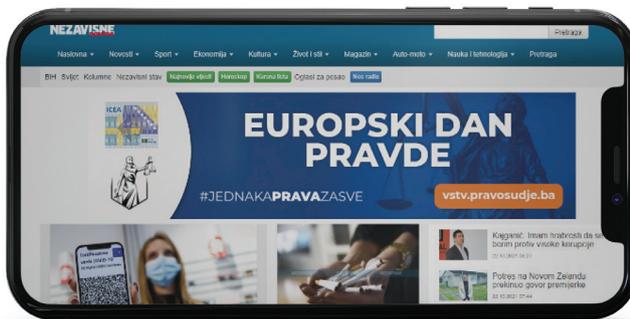


Promotional campaigns

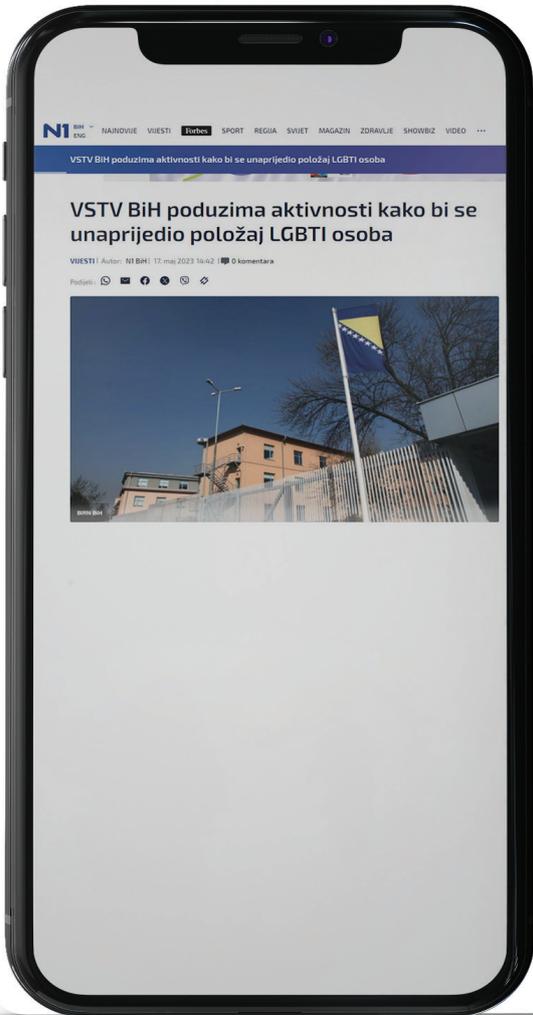
“ Throughout the project, various informative & promotional campaigns were organised to inform the public on activities that were carried out as well as to raise awareness on various issues. ”



The campaign marking International Day of Persons with Disabilities



Marking the European Day of Justice





Visoko sudsko i tužilačko vijeće Bosne i Hercegovine
Visoko sudbeno i tužilačko vijeće Bosne i Hercegovine
Високи судски и тужилачки савет Босне и Херцеговине
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