



MONITORING AND EVALUATION SUPPORT ACTIVITY (MEASURE-BiH)

JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA: 2018 REPORT

SEPTEMBER 2019

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

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ACRONYMS

BD	Brcko District
BiH	Bosnia and Herzegovina
CEPEJ	Council of Europe European Commission for the Efficiency of Justice
CMS	Case Management System
FBiH	Federation of Bosnia and Herzegovina
HJPC	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
JEI-BiH	Judicial Effectiveness Index of Bosnia and Herzegovina
MEASURE-BiH	USAID/BiH Monitoring and Evaluation Support Activity in Bosnia and Herzegovina
Moj	Ministry of Justice
PO	Prosecutors' Office
RS	Republic of Srpska
TCMS	Prosecutors' Case Management System
USAID/BiH	United States Agency for International Development Mission in Bosnia and Herzegovina



EXECUTIVE SUMMARY

This report presents the calculations and results for the 2018 Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH). Data for the 2018 Index were collected using the same methodology as in the 2015 through 2017 editions of the JEI-BiH. The research team used three sources of data to derive a holistic estimate of the BiH judiciary's effectiveness: (1) a survey of public perceptions in BiH, (2) a survey of BiH judges and prosecutors, and (3) administrative data on the major case types processed by the first instance and second instance courts, and prosecutors' offices (POs) from the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina. The survey of public perception was conducted in the last quarter of 2018, and the survey of judges and prosecutors was conducted in the first quarter of 2019. The HJPC administrative data cover cases processed from January 1 through December 31, 2018.

OVERALL JEI-BiH VALUE AND RESULTS BY DIMENSIONS

Based on all processed data across a total of 146 indicators, the value of the 2018 JEI-BiH is 57.28 index points out of a maximum of 100. This represents a 0.19 index point improvement in the effectiveness of the BiH judiciary relative to 2017. While the previously observed upward trend of the index was sustained, the 2018 increase was smaller than in previous years.

Changes in the key dimensions measured by the Index were mixed. The values for the Efficiency, and the Capacity and Resources dimensions improved compared to 2017; the value for Accountability and Transparency dimension remained unchanged; and the values for Quality, and Independence and Impartiality dimensions decreased. The improvement in the Efficiency dimension was largely a result of increases in the indicators sourced from the HJPC administrative data and in those sourced from the perceptions of both the public and judges and prosecutors concerning the backlog reduction in courts and POs. The improvement in the Capacity and Resources dimension is a result of improvement in judges and prosecutors' perceptions about the resources available to the judiciary, including the adequacy of the budget, support staff, training, facilities, and IT support. Despite the overall improvement in this dimension, judges and prosecutors and the public viewed the competence of appointed judges and the adequacy of judges'/prosecutors' salaries more negatively than last year.

There was no change in the Accountability and Transparency dimension in 2018 compared to 2017. Still, within this dimension, the indicators based on the perceptions of judges and prosecutors generally showed improvement while the public perception-based indicators declined. The index value for the Quality dimension also declined, largely due to a worsening of the public's perception of the work of all actors in the judicial arena (courts/judges, POs/prosecutors, attorneys and notaries).

The Independence and Impartiality dimension also declined. This dimension includes most of the corruption-related indicators. This change is the result of a decline in indicators sourced from the data on public perception and the perceptions of judges and prosecutors. This worsening in corruption-related indicators presents a challenge for the BiH government and judiciary, which have identified the fight against corruption as one of their top priorities.

RESULTS BY DATA SOURCE

Data from three sources contributed to the overall JEI-BiH result in 2018. The overall value of the indicators sourced from the HJPC administrative data experienced a small decline in 2018 compared to 2017. The public's perception of BiH judicial effectiveness declined for the first time since 2016, while judges' and prosecutors' perceptions of BiH judicial effectiveness improved compared to 2017. These changes balanced out to produce a small increase in the overall Index value.

PUBLIC PERCEPTION

The public perception of judicial effectiveness remains poor (at 36.15% out of a maximum of 100%). Although there were improvements in the overall value of indicators based on the public's perception of judicial effectiveness in 2016 and 2017, it declined by 2.78% (representing a decrease of 0.23 index points) in 2018 compared to 2017.

Citizens' perceptions are consistently most negative in areas related to the time it takes to resolve court and PO cases, addressing corruption-related matters, and the costs associated with the BiH judiciary's work (i.e., the adequacy of court taxes/fees, fees of attorneys and notaries, and judges/prosecutors' salaries). Public perception-based indicators related to corruption have consistently low values (between 30 and 40 index points out of a maximum of 100), indicating continuous poor perception of the judiciary in dealing with corruption-related matters. Although some increases were experienced in 2016 and 2017, in 2018 most corruption-related indicators declined.

From 2015 through 2018, the public's primary source of information about court cases and investigations was the media (50% to 66% of respondents). However, the public does not consider the media to be objective in its coverage of the judiciary (values range from 40 to 42 index points out of 100 from 2015 to 2018). In the same period, only a small part of the public's perception of judicial effectiveness is based on direct experience (less than 10% of citizens have direct experience with the judiciary). Nevertheless, there are no substantial differences in the perceptions of judicial effectiveness among 2018 respondents who were involved in court cases (other than utility cases) in the last three years and those who were not.

PERCEPTIONS OF JUDGES AND PROSECUTORS

In 2018, as in previous years, judges and prosecutors were more likely than citizens to perceive the BiH judiciary as effective (among judges and prosecutors, the overall Index value is 61.51%, while among citizens it is 36.15% out of a maximum of 100%). Still, judges and prosecutors believe that there is much room for improvement in the BiH judiciary (the overall values of indicators sourced from the perception of judges and prosecutors range from 58% to 62%, out of a maximum of 100% in 2015–2018). Among judges and prosecutors, the perceived effectiveness of the BiH judiciary in 2018 improved by 2.04% compared to 2017, representing an increase of 0.55 index points in the overall 2018 JEI-BiH.

Judges' and prosecutors' perceptions of the adequacy of fees of attorneys and notaries, objectivity of the media, career advancement of judges/prosecutors, and prosecution of public officials who violate the law have consistently been the most negative. As scored by judges and prosecutors in 2018, the values of six out of eight corruption-related indicators declined. The perception of judges and prosecutors about the bribability of their colleagues, trust in judges and prosecutors to perform their duties impartially and in accordance with the law, absence of influence on judges in making decisions, and overall judicial effectiveness in combating corruption have worsened in 2018 compared to 2017.

Separate analyses of the responses of judges and prosecutors showed that the perceptions of judges and prosecutors were similar to one another across most indicators. Differences in individual indicators reveal that judges perceived the work of prosecutors/POs more negatively than the prosecutors did, while prosecutors have more negative perceptions about the work of judges/courts than the judges did. The perceptions of female and male judges/prosecutors regarding judicial effectiveness were similar.

COMPARISON OF PERCEPTIONS OF THE PUBLIC AND JUDGES/PROSECUTORS

There was no substantial convergence between the perceptions of the public and those of the judges/prosecutors in 2018. Significant differences remained in the perceptions of these two groups across a variety of indicators. The areas of disagreement were consistent with the results from 2015 through 2018 and can be categorized into three groups.

The first discrepancy is related to corruption. There has been a persistently large gap between public perception and the perception of judges and prosecutors about judicial effectiveness in dealing with corruption-related matters. Judges and prosecutors have been more positive than citizens about the effectiveness of the judiciary in addressing corruption-related matters.

The second discrepancy relates to the efficiency of courts and POs in processing cases. There is a large difference in the perceptions of the public and those of judges and prosecutors about what constitutes a reasonable time to resolve cases and about the reduction of case backlogs.

The third discrepancy relates to the indicators associated with access to justice (access to hearings, judgments, statistics/reports, etc.). For these indicators, the public thinks citizens' access to justice is limited, while judges and prosecutors believe that citizens have a high level of access.

HJPC ADMINISTRATIVE DATA INDICATORS

Courts

In 2018, first instance courts further reduced their backlog and achieved clearance rates in excess of 100%. The average time needed for case resolution and the age of the backlog generally declined in 2018 compared to 2017. In second instance courts, the 2018 clearance rates rose above 100% for the first time since 2012. Moreover, the clearance rate for administrative appeal cases showed a substantial improvement (from 84% in 2017 to 123% in 2018). Consequently, the backlog of all case types in second instance courts was reduced for the first time in the period 2012–2018.

Nevertheless, the average time needed to resolve cases in first instance courts remained high, and the average age of backlog was even higher (ranging from 320 to 478 days for resolutions and 358 to 568 days for the age of backlog across major case types tracked by the Index). The number of unresolved utility cases remained very high, at 1.6 million. Despite the increased clearance rate and reduction of the backlog, second instance courts contributed to delays in delivering justice, with an average resolution time ranging from 142 to 856 days and an average backlog age ranging from 272 to 738 days across major appeal case types tracked by the Index. Moreover, the 2018 values for all appeal case types increased relative to their corresponding average values in 2012 through 2014. In some cases, the values were twice as high as the average values from 2012 through 2014. Furthermore, the adjudication of civil and commercial appeal cases continued to take as long as or longer than in first instance courts.

An additional analysis of the inflows and the number of resolved cases in first and second instance courts showed that inflows declined (in major case types tracked by the Index) in the last three years for first instance courts, and in the last four years for second instance courts. The analysis further showed a negative trend in the number of resolved cases (in major case types tracked by the Index) in the last four years for first instance courts. For second instance courts, variations in the number of resolutions from year to year were minor (with clearance rates under 100% in each year except in 2018). The number of resolutions in first instance courts remained greater than the corresponding

inflow for the same period, which helped in achieving clearance rates in excess of 100% and a reduction in the backlog (in second instance courts, the backlog increased in each year except in 2018).

Prosecutors' Offices

The clearance rates for general crime cases, a principal case type processed by POs, were over 100% from 2012 through 2018, resulting in a significant reduction in POs' overall backlog. Clearance rates for other PO case types were also above 100% in the last two years. The backlog of corruption cases was at its lowest point since 2015. For economic crime cases, the backlog was at its lowest point since 2016. In 2018, the clearance rate for war crimes was above 130% for the third year in a row, and the backlog has steadily decreased.

In 2018, the time needed to resolve cases for all PO case types was reduced. In particular, the current 196-day average resolution time for general crime cases is close to the acceptable standard¹ for efficient case processing. The average resolution time for both corruption and economic crime cases was reduced to less than one year (314 and 344 days, respectively) for the first time since 2015.

In contrast, the average age of the backlog for all case types increased. In corruption and economic crime cases, the age of backlogged cases increased from an average of 692 and 658 days in 2017, respectively, to 772 and 720 days in 2018, respectively. In other words, open cases of corruption and economic crime were about two years old.

Additional analyses revealed a steady decline in the inflow of cases to POs from 2012 to 2018. The inflow of corruption and economic crime cases in 2018 was at its lowest point in the period 2015-2018. The analysis also identified a negative trend in the number of resolutions in POs, which declined for the third year in a row. In 2018, the number of resolved corruption cases was at its lowest point since 2016, which does not reflect the fact that this type of cases had been assigned the highest priority. Despite these findings, the number of resolved cases was still larger than the corresponding inflow, which resulted in a clearance rate of above 100% and a reduction in POs' overall backlog. Similarly, a comparison of the number of resolved cases in POs and changes in inflows of first instance courts showed that the inflow of all criminal cases in first instance courts has declined consistently since 2012. These findings indicate that the number of indictments filed by POs in 2012 through 2018 had been declining consistently. Although the number of criminal reports filed with POs (inflow), the number of resolved cases and the number of indictments filed by POs declined, the presence of a noticeable backlog in POs indicates that additional data and analysis is needed to establish whether the decreases in inflows directly influence the decline in the number of resolutions and indictments filed by POs.

Additional Findings on Courts and Prosecutors' Offices

In terms of the resources available to courts and POs, the administrative data showed consistent increases in courts' budgets from 2012 to 2018 (from 165M KM to 191M KM, a 16% increase). The number of judges declined by 6% in 2018 compared to 2012 (1,013 vs. 1,073), while the number of court support staff increased by about 7% (from 3,098 to 3,316). PO budgets also increased consistently during this period (from 42M KM to 57M KM). POs experienced a 36% increase in their budgets, which coincided with a 22% increase in the number of prosecutors (from 310 to 377) and a 13% increase in support staff in POs (from 665 to 752).

Despite increases in available resources, previous analyses revealed that the number of resolved cases

¹ The Law on Criminal Procedure of FBiH, Article 240, point 2.

² The term "collective/orientation quota" refers to a predetermined number of cases expected to be resolved by a judge ("judge's quota") or a prosecutor ("prosecutor's quota") in a year. Fulfillment of quota is a ratio of the number of cases actually resolved (in a year by a judge or a prosecutor) compared with a predetermined number of cases (set by regulation) that a judge/court and prosecutor/PO are expected to resolve in a year.

in courts and POs (in major case types tracked by the Index) had declined in the last several years. The metrics/variables that the BiH judiciary uses for performance reporting (i.e., fulfillment of “collective/ orientation quota,”² and backlog reductions) do not show disaggregated data, which would indicate downward trends in inflows, in the number of resolved cases, and in indictments filed. Moreover, the most important administrative data used for tracking the performance of the BiH judiciary (i.e., the collective/orientation quota of judges and prosecutors, the confirmation rate of first instance court decisions, and the success rate of indictments and disciplinary proceedings) are manually collected and only available with a time lag.

CONCLUSION

Since 2016, the pace of improvements in judicial effectiveness in BiH has been slowing noticeably. In 2018, the BiH judiciary did not achieve any perceptible progress in processing corruption cases or addressing corruption-related issues. Considering that corruption-related issues are a top priority for BiH on its accession path to the EU, this absence of progress should be discussed as a matter of urgency. Although some positive developments have been detected with regard to the reduction in backlog and some reduction in case resolution times, the BiH judiciary should intensify its efforts to shorten case resolution time and speed up the delivery of justice. In particular, the declining trends in the number of cases resolved by the courts and POs in the last several years need to be reversed. In addition, for each perception indicator, either from the survey of the public or the survey of judges and prosecutors, the reasons for low values must be identified, and targeted corrective measures taken to ensure improvements in the perception of judicial effectiveness both by the public and by judges and prosecutors.



JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA: 2018 REPORT

ABOUT MEASURE-BIH

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

MEASURE-BiH has two primary objectives:

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

In 2015, USAID/BiH commissioned IMPAQ International, through MEASURE-BiH, to develop the Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH), a unique and innovative tool to assess judicial effectiveness.

The 2018 edition is the fourth annual JEI-BiH report. MEASURE-BiH's engagement ends in September 2019, and the 2018 JEI-BiH Report is therefore the last report to be produced under the current MEASURE-BiH contract.

BRIEF BACKGROUND OF JEI-BiH

The MEASURE-BiH staff developed the JEI-BiH in 2015 using its subject matter expertise and applying rigorous scientific methods. During the development and implementation of the Index, MEASURE-BiH closely cooperated with the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). In the design phase, particular attention was devoted to incorporating into the JEI-BiH available HJPC administrative data on the processing of cases by the courts and prosecutors' offices (POs). That task required the MEASURE-BiH team to develop a unique scoring and weighting methodology. The JEI-BiH methodology was presented to the HJPC Standing Committees for Judicial and Prosecutorial Efficiency and USAID/BiH in fall 2015. Suggestions for modifications in the methodology, the selection of dimensions, sub-dimensions, and indicators, and the corresponding index weights and scoring were incorporated in the final design. The design phase was completed in November 2015.

In cooperation with the HJPC, the MEASURE-BiH team collected and processed the necessary data, and calculated an Index value for the first time in 2015. Since 2015, data have been collected and Index values calculated on an annual basis. This report presents the calculations and results for the 2018 JEI-BiH. Upon publication, the 2018 data sets used in the calculations, which are the property of USAID/BiH, will be available on the MEASURE-BiH website (www.measurebih.com) and the USAID Development Data Library (data.usaid.gov). The website also provides the data sets for the years 2015–2017.

The JEI-BiH results were presented and made available to the public and the professional community through HJPC events and the publication of the 2015 and 2016 Judicial Effectiveness Index of BiH reports, which are available on the official HJPC web page (www.pravosudje.ba). The JEI-BiH annual reports for the period 2015–2018 are available through the USAID Development Experience Clearinghouse (dec.usaid.gov) and the MEASURE-BiH website (www.measurebih.com). In addition, every year since 2015, hard copies of the JEI-BiH reports were distributed at public events mailed to all major embassies, international organizations, and government institutions in BiH.

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

Through HJPC, the Index was also presented to the wider professional community at the Conference of Court Presidents and Chief Prosecutors in 2016 and 2017. Both conferences welcomed the introduction of the JEI-BiH and recognized it as an innovative tool for assessing the effectiveness of the judiciary in BiH. Moreover, the conferences invited judicial institutions, judges, and prosecutors to use this tool for reviewing trends and designing targeted measures to improve performance of BiH judicial institutions.³ The conferences also requested that the JEI-BiH results be disseminated to the wider judicial community, which was done through presentations in two BiH cities and at a criminal law conference.

Finally, MEASURE-BiH presented the 2016 report on the Judicial Effectiveness Index at the HJPC session on April 13, 2017, at the Council's invitation. The Council endorsed the report and adopted several conclusions, which were in line with the conclusions of the 2017 Annual Conference of Court Presidents and Chief Prosecutors.⁴ At the session, the decision was made to nominate the HJPC for the Council of Europe's 2017 Crystal Scales of Justice Prize based on HJPC's use of the JEI-BiH's findings and results for informed decision-making in managing the BiH judiciary. This was the first nomination of the HJPC for this prestigious prize since the award was introduced in 2005. The nomination recognized the uniqueness of the JEI-BiH and the value of USAID/BiH's assistance to the BiH judiciary.

BRIEF OVERVIEW OF JEI-BIH METHODOLOGY

The detailed Index methodology is available in the report *Judicial Effectiveness Index of BiH: Methodology and 2015 Results*, which is published on the websites shown above. For this reason, only the basic characteristics of the methodology are summarized here:

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

³ Conclusions of the XII and XIII Annual Conference of Court Presidents and Chief Prosecutors. Available at: https://ossud-brckodistriktbih.pravosudje.ba/vstv/faces/vijesti.jspx?id=68198&vijesti_jezik=B and <https://www.pravosudje.ba/vstv/faces/vijesti.jspx?id=61691>

⁴ HJPC Council Session held on April 13, 2017, "Conclusions about the Judicial Effectiveness Index of BiH in 2016."

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

The main elements of the methodology used in the Index are the following:

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

Individual values of the indicators for the Index are calculated as follows:

- For indicators sourced from the perceptions of the public or judges/prosecutors, the weighted average of the answers to each question was calculated, with the most desirable answer from the judiciary effectiveness perspective having a value of 100 and the least desirable answer having a value of 0.
(Note: International judicial indices use only perception data and apply a similar scoring approach. For example, the World Justice Project Rule of Law Index tracks 102 countries in this manner; the top ranked countries, Denmark and Norway, in 2015 each had 87 out of 100 index points, while the United States had 73 and BiH 57.)
- For indicators sourced from the HJPC's administrative data, two methods of scoring were used:
 - a) Type I (duration, number of cases): 50 index points are assigned to the average actual value in 2012–2014 and 0 index points to values twice as high as the 2012-2014 average.
 - b) Type II (rates): 100 index points are assigned to the actual value of 150% (with one exception⁵).

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

⁵ In sub-dimension 2.1 "Confirmation Rate of 1st Instance Court Decisions" 100 index points are assigned to the actual value of 100%

2018 JEI-BIH DATA COLLECTION

As in prior years, in 2018 MEASURE-BiH rigorously collected data from the following three sources:

1. National Survey of Citizens' Perceptions in BiH

A representative sample of 3,024 BiH citizens, selected through stratified random sampling of the population, responded to the survey conducted in October and November 2018.

2. Survey of Judges and Prosecutors

A survey of judges and prosecutors was completed under the auspices of the HJPC President. The data collection was conducted in February 2019, and 477 judges/prosecutors completed the survey (about 34% of all judges/prosecutors in BiH). The response rate was lower than in 2017 (38%, 559 respondents) and 2016 (52%, 774 respondents), but higher than in 2015 (31%, 458 respondents).

3. HJPC Administrative Data

The HJPC provided MEASURE-BiH with data on 327,996 cases processed by the courts/POs in 2018 (for the period January 1 to December 31, 2018). These cases were of the same main types as those tracked in 2015–2017 (350,224 cases in 2017, 378,392 cases in 2016, and 421,019 cases in 2015). Definitions of the main case types that the Index tracks are presented in the HJPC administrative data indicators section of this report, which reports findings based on the indicators sourced from the HJPC administrative data.

Finally, the HJPC provided MEASURE-BiH with data on the nine index indicators that are manually collected: utility case enforcement, the collective quota of judges/prosecutors, confirmation rates of first instance decisions, and the success rate of indictments and disciplinary proceedings. These data have a one-year time lag and therefore pertain to the year 2017 (with the exception of the success rate for disciplinary proceedings, which is based on 2018 data).

2018 JEI-BIH VALUES

OVERALL INDEX VALUE

The overall value of the Judicial Effectiveness Index in 2018 was 57.28 out of a maximum of 100 index points. The value in 2015 was 54.41, in 2016 it was 56.78, and in 2017 it was 57.09 index points. The 2018 value thus reflects a very small improvement in the effectiveness of the BiH judiciary of 0.19 points (+0.34%) compared to the previous year. It also represents a further decline in the rate of progress in improving judicial effectiveness (between 2016 and 2017, the Index value increased by 0.54%, from 56.78 to 57.09). Moreover, the rate of improvement in the last two years (2017 and 2018) was slower than in 2016, when a 4.36% change was experienced—from 54.41 to 56.78). Exhibit 1 presents these results in tabular form.

Exhibit 1: Overall Index values, 2015–2018, and the annual change in 2018 compared to 2017

The maximum overall Index value	100.00 points
Overall 2015 Index value	54.41 points
Overall 2016 Index value	56.78 points
Overall 2017 Index value	57.09 points
Overall 2018 Index value	57.28 points
Annual change in 2018 compared to 2017	+0.19 points (+0.34%)

INDEX VALUES FOR EACH DIMENSION

In 2018, the values of two of the five dimensions of the Index—Efficiency, and Capacity and Resources—improved compared to 2017. The values of the Quality, and the Independence and Impartiality dimensions declined, while the values of the Accountability and Transparency dimension remained largely unchanged. These changes mainly balanced out, resulting in the small increase of 0.19 index points in the overall Index value in 2018 compared to 2017. Exhibit 2 shows the maximum number of index points per dimension, the values of each dimension in the period 2015–2018, and the change in 2018 compared to 2017.

Exhibit 2: Index results for each dimension, 2015–2018, and the change in 2018 compared to 2017

Dimension	Maximum index points	JEI-BiH 2015 points	JEI-BiH 2016 points	JEI-BiH 2017 points	JEI-BiH 2018 points	Annual change in index points
Efficiency	25.00	13.34	13.80	14.09	14.37	+0.28
Quality	25.00	14.97	14.96	15.34	15.06	-0.28
Accountability and transparency	20.00	11.31	12.01	11.63	11.63	0.00
Capacity and resources	15.00	6.81	7.63	7.65	7.97	+0.32
Independence and impartiality	15.00	7.98	8.38	8.38	8.26	-0.12
TOTAL	100.00	54.41	56.78	57.09	57.28	+0.19

As will be discussed in more detail in the section on individual data sources, the improvement in the Efficiency dimension was influenced by increases in most indicators (39 out of 65) sourced from the HJPC administrative data which tracks the processing of cases in the courts and POs. This result implies that, in general, the courts and POs achieved better results in processing cases in 2018 compared to the prior year. This was further reinforced by increases in indicators sourced from public perceptions and those of judges and prosecutors about efficiency in processing cases (reduction of the backlog). In contrast, fulfillment of the quota requirement for judges and prosecutors in 2017 (because those data are collected manually and delivered by the HJPC with a one-year time lag) experienced a decline. Importantly, fulfillment of the quota requirement was assigned an extra weight in the JEI-BiH design phase because of its importance to the BiH judiciary in tracking the performance of courts, POs, judges, and prosecutors. The combination of a decrease in the indicator value and the extra weight assigned to indicators sourced from the fulfillment of the quota requirement slowed the previously observed improvement in the Efficiency dimension.⁶

An annual decline in the Quality dimension in 2018 compared to 2017 was due to a worsening in the public’s perception of the work of all actors in the judicial arena—courts/judges, POs/prosecutors, attorneys, and notaries—and to a lower rate of confirmation of first instance judgments in 2017. The explanation is the same as for the quota requirement, explained in the previous paragraph. A small increase in the perception indicators sourced from the survey of judges and prosecutors about the work of the main actors in the BiH judicial system slightly tempered the overall decline in the Quality dimension.

There was no change in the Accountability and Transparency dimension in 2018 compared to 2017. While the values of indicators based on the perceptions of judges and prosecutors and the HJPC administrative data increased somewhat, the values of the indicators sourced from the public’s perceptions declined.

The Capacity and Resources dimension experienced the largest improvement compared to other dimension changes in 2018. Almost all indicators in this dimension sourced from the perceptions of judges and prosecutors (including indicators on the adequacy of budgets for operations, support staff, training, facilities, and IT support, among others), increased in value. The only exceptions were indicators related to the perceived competence of appointed judges and the adequacy of judges’

⁶ According to the JEI-BiH methodology, the index value of an indicator is obtained by multiplying an indicator value (normalized on a scale of 0–100) by its respective weight.

prosecutors’ salaries. The three indicators within this dimension that were sourced from the public perception data declined relative to 2017. These included the competence of appointed judges/prosecutors, the adequacy of their salaries, and the adequacy of fees of attorneys/notaries.

Finally, the Independence and Impartiality dimension, which contains most of the corruption-related indicators, experienced a decline in indicators sourced from public perception as well as those sourced from the perceptions of judges and prosecutors. The section below, which compares the public’s perceptions with those of judges/prosecutors’ perceptions, shows the individual changes in indicators related to addressing corruption. Given the priority assigned to fighting corruption by the BiH government and the judiciary as BiH charts a path to EU accession, this worsening of corruption-related indicators represents a setback. The change in the related index score, as presented in Exhibit 3, is relatively small and does not affect the overall JEI-BiH value substantially. However, given the priority of the fight against corruption in BiH, any decline in corruption-related indicators suggests a need for immediate attention and action. Exhibit 3 shows the total annual changes in the JEI-BiH dimensions as well as changes within each dimension, by data source, in 2018 compared to 2017.

Exhibit 3: Total annual changes in the JEI-BiH dimensions and changes in each dimension, by data source, in 2018 compared to 2017

Dimension	Total annual change in a dimension	By public perception	By judges' / prosecutors' perception	By HJPC administrative data
Efficiency	0.28	0.18	0.18	-0.08
Quality	-0.28	-0.32	0.10	-0.06
Accountability and transparency	0.00	-0.05	0.03	0.02
Capacity and resources	0.32	-0.01	0.33	n/a
Independence and impartiality	-0.12	-0.03	-0.09	n/a
TOTAL	0.19	-0.23	0.55	-0.13

INDEX VALUES BY DATA SOURCE

The individual 2018 indicator values in this report are analyzed as follows:

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

The analyses conducted show that the overall value of the indicators sourced from the HJPC administrative data experienced a small decline in 2018 compared to 2017. In 2018, public perception of BiH judicial effectiveness declined for the first time since 2016, while judges’ and prosecutors’ perceptions of BiH judicial effectiveness improved compared to 2017. These changes balanced out to

produce a small improvement in the overall Index value. Exhibit 4 summarizes the Index values and changes in 2018 compared to 2015–2017.

Exhibit 4: Summary of index values and changes, 2015–2018, and annual changes in 2018 compared to 2017

	Overall Index (146 indicators)	Indicators of public perceptions (32 indicators)	Indicators of perceptions of judges and prosecutors (49 indicators)	Indicators from the HJPC administrative data (65 indicators)
Maximum JEI-BiH points	100.00%	22.25 (100.00%)	44.77 (100.00%)	32.98 (100.00%)
JEI-BiH 2015	54.41	7.17 (32.21%)	25.83 (57.69%)	21.41 (64.93%)
JEI-BiH 2016	56.78	7.67 (34.48%)	27.51 (61.45%)	21.60 (65.48%)
JEI-BiH 2017	57.09	8.28 (37.19%)	26.98 (60.28%)	21.83 (66.18%)
JEI-BiH 2018	57.28	8.04 (36.15%)	27.53 (61.51%)	21.70 (65.80%)
<i>Annual change in 2018 compared to 2017</i>	+0.19 (+0.34%)	-0.23 (-2.78%)	+0.55 (2.04%)	-0.13 (-0.58%)

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

PUBLIC PERCEPTION INDICATORS

Of the 146 indicators in the Index, 32 reflect public perceptions of the BiH judiciary. The data for these indicators come from responses to the National Survey of Citizens’ Perception, which is administered on an annual basis. This survey covers public perceptions of numerous aspects of social dynamics in BiH in addition to the judiciary. The most recent round of the survey, on which the 2018 Index is based, was conducted in October and November 2018 by a BiH public opinion research agency, IPSOS, using a questionnaire designed by MEASURE-BiH. The survey was administered to a nationally representative sample of 3,024 BiH citizens selected by stratified random sampling.

OVERALL VALUES OF THE PUBLIC PERCEPTION INDICATORS

The maximum number of index points that the public perception indicators can contribute to the total Index value is 22.25 (out of 100 possible points for the overall Index). In 2018, the number of index points contributed by the public perception indicators was 8.04 (36.15% of the public perception maximum). In 2015, the number of index points was 7.17 (32.21% of the maximum); in 2016, it was 7.67 (34.48%); and in 2017, 8.28 (37.19%). Thus the 2018 value reflects a decline of 2.78% (0.23 index points) from the previous year. These values are presented in Exhibit 5.

Exhibit 5: Overall results for public perception indicators, 2015–2018, and the annual change in 2018 compared to 2017

Maximum value of indicators of public perception	100.00% (22.25 out of 100 points in the overall Index)
Total value in 2015 from indicators of public perception	32.21% (7.17 points in the overall Index)
Total value in 2016 from indicators of public perception	34.48% (7.67 points in the overall Index)
Total value in 2017 from indicators of public perception	37.19% (8.28 points in the overall Index)
Total value in 2018 from indicators of public perception	36.15% (8.04 points in the overall Index)
Annual change in 2018 compared to 2017	-2.78% (-0.23 of total index points)

From 2015 through 2018, the overall public perception of judicial effectiveness was poor (ranging from 32% to 37% of the public perception maximum value). While the public perception of the judiciary improved in 2016 and 2017 relative to the preceding years, in 2018 this trend was reversed⁷. Furthermore, only two indicators reached an indicator value of 50 (out of a maximum of 100) in this year. However, the indicators related to the reduction of the backlog in courts and POs continued to improve.

INDIVIDUAL VALUES OF PUBLIC PERCEPTION INDICATORS

Exhibit 6 shows a shortened form of the relevant questions from the National Survey of Citizens Perceptions 2018, the value for each indicator (on a scale from 0 to 100) from 2015 through 2018, and the annual change in 2018 compared to 2017. The full wording of the questions and the answer options is provided in Annex II.

Exhibit 6: Individual values of public perception indicators in 2015–2018, and the annual change in 2018 compared to 2017

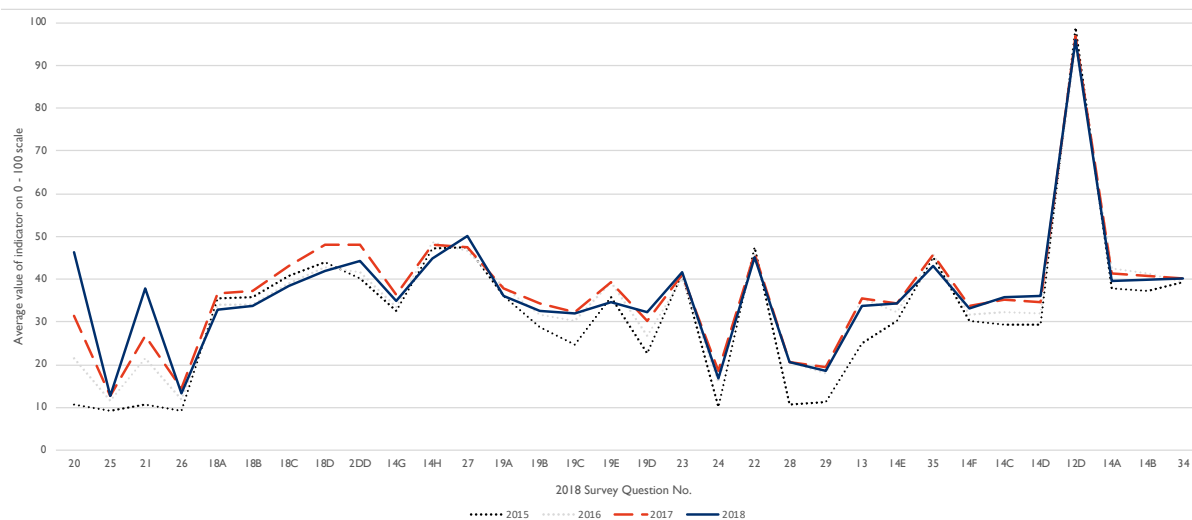
Survey Question No.	Question (abbreviated wording)	INDEX VALUE OF INDICATOR on 0-100 scale				Annual change in indicator value (2018-2017)
		2015	2016	2017	2018	(AC)
20	Perception of backlog reduction in courts, excluding utility cases	10.71	21.56	31.41	46.26	14.85
25	Perception of duration of cases in courts (are the time limits reasonable?)	9.15	11.69	12.63	12.75	0.12
21	Perception of backlog reduction in POs	10.60	21.45	26.83	37.82	10.99
26	Perception of duration of cases in POs (are the time limits reasonable?)	9.24	11.78	14.53	13.28	-1.24
18a	Rating of the work of judges/courts	35.46	33.91	36.57	32.93	-3.64
18b	Rating of the work of prosecutors/POs	35.93	33.90	37.26	33.62	-3.64
18c	Rating of the work of attorneys	40.68	39.10	43.15	38.57	-4.59
18d	Rating of the work of notaries	44.04	42.69	48.02	41.95	-6.07

⁷ Media reports extensively covered several high-profile corruption cases that occurred between NSCP data collection in 2017 and 2018. However, our data do not allow us to determine whether these cases directly contributed to the decline in the public's perception of the judiciary.

2dd	Satisfaction with courts' or the POs' administrative services	40.20	41.69	48.12	44.35	-3.77
14g	Judges' poor performance sanctioned	32.64	33.44	36.53	34.81	-1.72
14h	Prosecutors' good performance rewarded	47.24	48.61	48.12	44.95	-3.16
27	Possibilities of assigning a case to a particular judge	47.38	46.71	47.60	50.25	2.65
19a	Access to own court case files	36.00	38.04	37.96	36.21	-1.75
19b	Attendance at public court hearings	28.83	31.79	34.31	32.69	-1.62
19c	Access to judgments	24.82	30.13	32.20	32.02	-0.18
19e	Access to evidence after confirmation of the indictment	35.67	39.23	39.16	34.57	-4.59
19d	Access to court/PO reports/statistics	22.78	26.72	30.38	32.21	1.83
23	Objectivity of the media in selecting and presenting court cases and investigations	41.28	40.15	41.17	41.70	0.53
24	Adequacy of court taxes/fees	10.17	15.79	18.60	16.73	-1.87
22	Appointment of judges/prosecutors based on their competence	47.35	45.76	46.07	45.08	-0.99
28	Adequacy of salaries of judges/prosecutors	10.81	20.61	20.64	20.51	-0.14
29	Adequacy of fees of attorneys and notaries	11.16	18.01	19.46	18.65	-0.81
13	Extent to which court system is affected by corruption in this country	24.89	35.57	35.45	33.90	-1.55
14e	Judicial effectiveness in combating corruption	30.12	32.17	34.31	34.35	0.05
35	Absence of improper influence on judges in making decisions	45.16	45.64	45.61	43.11	-2.50
14f	Prosecution of public officials who violate the law	30.13	31.58	33.68	33.15	-0.53
14c	Judges not taking bribes	29.32	32.17	35.36	35.78	0.42
14d	Prosecutors not taking bribes	29.30	31.98	34.59	36.03	1.45
12d	Personal experience in bribing judges/prosecutors	99.03	94.44	96.90	95.93	-0.97
14a	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	37.75	42.59	41.46	39.71	-1.74
14b	Trust in prosecutors to perform their duties impartially and in accordance with the law	37.39	41.32	40.82	39.98	-0.83
34	Equality in the treatment of citizens by the courts	39.21	39.16	40.12	40.32	0.20

The differences in indicator values from 2015 through 2018 are shown graphically in Exhibit 7, where the vertical axis represents the value of the indicators (on a scale of 0–100), and the horizontal axis represents the individual indicators (by survey question number, as shown in Exhibit 6). The index indicator values for 2015 are illustrated by the dotted black line, the values for 2016 by the dotted grey line, the values for 2017 by the dashed red line, and the values for 2018 by the solid blue line. As Exhibit 7 shows, although no 2018 indicator value deviates substantially from its value in 2017, the values in 2018 are generally lower than the values in 2017, indicating an overall worsening in public perception of the BiH judiciary compared to the previous year.

Exhibit 7: Individual values of public perception indicators, 2015–2018 (graph)



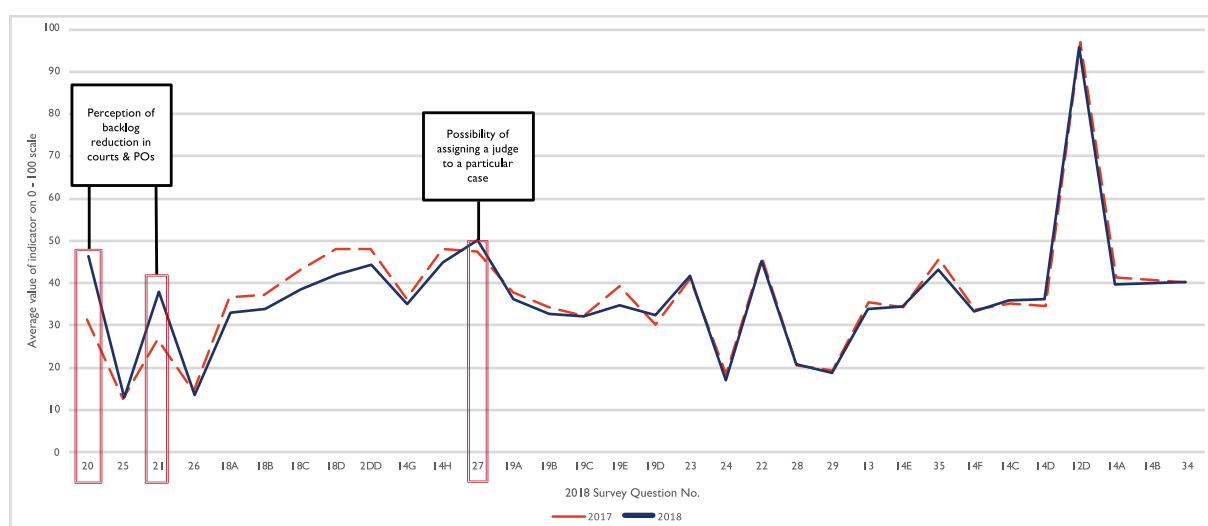
The number of 2018 public perception indicators that experienced changes of 0, 2, and 5 percentage points in either direction is shown in Exhibit 8.

Exhibit 8: Changes in public perception indicators, 2018, at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change of value of i index points		Number of indicators with annual change of value of i index points		Number of indicators with annual change of value of i index points
i > 0	10	i > 2	3	i > 5	2
i = 0	0	-2 < i > 2	21	-5 < i > 5	29
i < 0	22	i < -2	8	i < -5	1
Total	32		32		32

Exhibit 9 highlights the largest positive changes in public perception in 2018 compared to 2017. These increases include improved public perception of the backlog reduction in courts and POs and of random case assignment.

Exhibit 9: Largest annual increases in public perception indicators, 2018 compared to 2017 (graph)



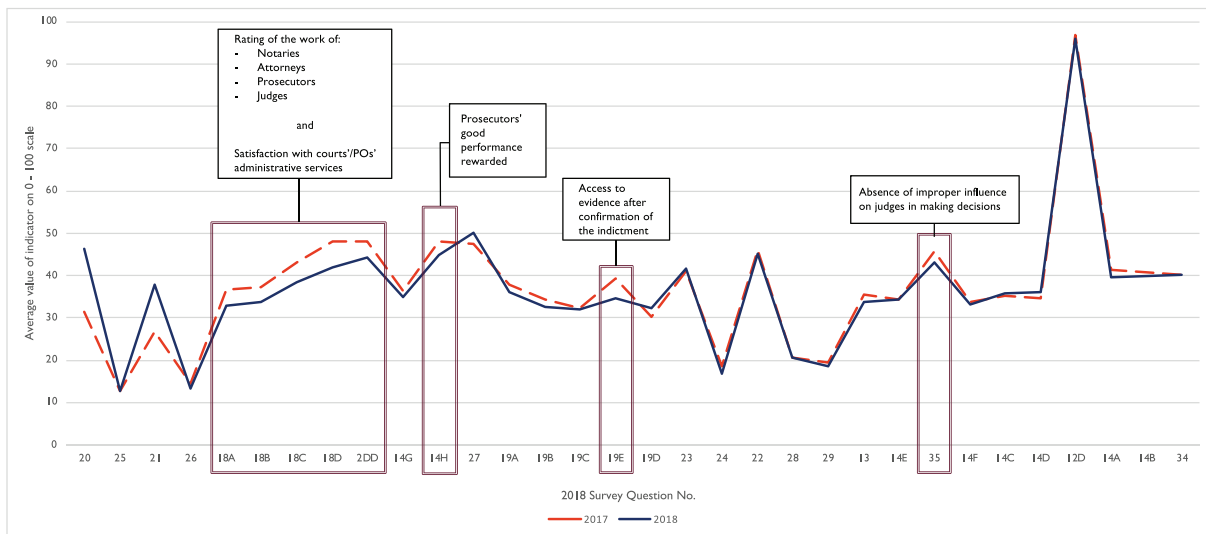
The largest increases and related changes in individual indicator index values in 2018 relative to 2017 are presented in tabular form in Exhibit 10.

Exhibit 10: Largest annual improvements in public perception indicators, 2018 compared to 2017

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
20	Perception of increase or decrease in the number of unresolved cases, excluding utility cases, in BiH courts	14.85
21	Perception of increase or decrease in the number of unresolved cases in POs	10.99
27	Possibilities of assigning a case to a particular judge	2.65

Despite these improvements, it is evident that most public perception indicators declined in 2018 compared to 2017. Exhibit 11 shows the largest annual decreases, which are associated with indicators that address the public perception of the work of all actors in the BiH justice system (judges, prosecutors, lawyers, and notaries) and courts' and POs' administrative services. Additionally, there were large decreases related to the absence of improper influence on judges in making decisions, awards for prosecutors' good work, and access to evidence after confirmation of indictments.

Exhibit 11: Largest annual decreases in public perception indicators, 2018 compared to 2017 (graph)



Considering that public perception of the work and services of the BiH judiciary was generally poor from 2015 through 2018, a further decline is concerning. Furthermore, the fight against corruption is a top priority in BiH's EU accession efforts. However, two of the indicators of the public's perception whose values declined the most—improper influence on judges' decision making and the view that prosecutors are rewarded for good performance—deserve particular attention and action by the judiciary. The indicators with the largest negative changes and their changes relative to 2017 are presented in tabular form in Exhibit 12.

Exhibit 12: Largest annual decreases in public perception indicators, 2018 compared to 2017

Survey Question No.	Question (abbreviated wording)	Annual change in indicator individual index value
18d	Rating of the work of notaries	-6.07
19e	Access to evidence after confirmation of the indictment	-4.59
18c	Rating of the work of attorneys	-4.59
2dd	Satisfaction with courts' or the POs' administrative services	-3.77
18b	Rating of the work of prosecutors/POs	-3.64
18a	Rating of the work of judges/courts	-3.64
14h	Prosecutors' good performance rewarded	-3.16
35	Absence of improper influence on judges in making decisions	-2.50

Further analysis showed that the public had the most negative perceptions of the following indicators:

- Duration of case resolutions in courts and POs;
- Adequacy of court taxes/fees, fees of attorneys and notaries, and salaries of judges and prosecutors;
- General access to justice (as measured by access to judgments, public court hearings, and courts and POs' reports and statistics);
- Corruption-related matters: The public thought that the BiH judiciary performed most poorly in the prosecution of public officials who violate the law, in the extent to which the court system is affected by corruption, and in judicial effectiveness in combating corruption.

In summary, the public thought it took courts/POs too long to resolve cases and that the BiH judiciary was ineffective in addressing corruption-related issues. The public also believed that the costs associated with the operations of the BiH judiciary were too high for the results delivered. Exhibit 13 lists the individual areas for which indicator values were the lowest.

Exhibit 13: Public perception indicators with the lowest values, 2018

Survey Question No.	Question (abbreviated wording)	2018 Indicator index points on 0-100 scale
25	Perception of duration of cases in courts (are the time limits reasonable?)	12.75
26	Perception of duration of cases in POs (are the time limits reasonable?)	13.28
24	Adequacy of court taxes/fees	16.73
29	Adequacy of fees of attorneys and notaries	18.65
28	Adequacy of salaries of judges/prosecutors	20.51
19c	Access to judgments	32.02
19d	Access to court/PO reports/statistics	32.21
19b	Attendance at public court hearings	32.69
18a	Rating of the work of judges/courts	32.93
14f	Prosecution of public officials who violate the law	33.15
18b	Rating of the work of prosecutors/POs	33.62
13	Extent to which court system is affected by corruption in this country	33.90
14e	Judicial effectiveness in combating corruption	34.35

Not only were the values for corruption-related indicators generally low, most of the indicators related to corruption declined in 2018 compared to 2017, as shown in Exhibit 14.

Exhibit 14: Public perception of corruption-related indicator values, 2017 and 2018 and the annual change

Survey Question No.	Question (abbreviated wording)	2017	2018	Annual change in indicator individual index value
13	Extent to which court system is affected by corruption in this country	35.45	33.90	-1.55
14e	Judicial effectiveness in combating corruption	34.31	34.35	0.05
35	Absence of improper influence on judges in making decisions	45.61	43.11	-2.50
14f	Prosecution of public officials who violate the law	33.68	33.15	-0.53
14c	Judges not taking bribes	35.36	35.78	0.42
14d	Prosecutors not taking bribes	34.59	36.03	1.45
12d	Personal experience in bribing judges/prosecutors	96.90	95.93	-0.97
14a	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	41.46	39.71	-1.74
14b	Trust in prosecutors to perform their duties impartially and in accordance with the law	40.82	39.98	-0.83

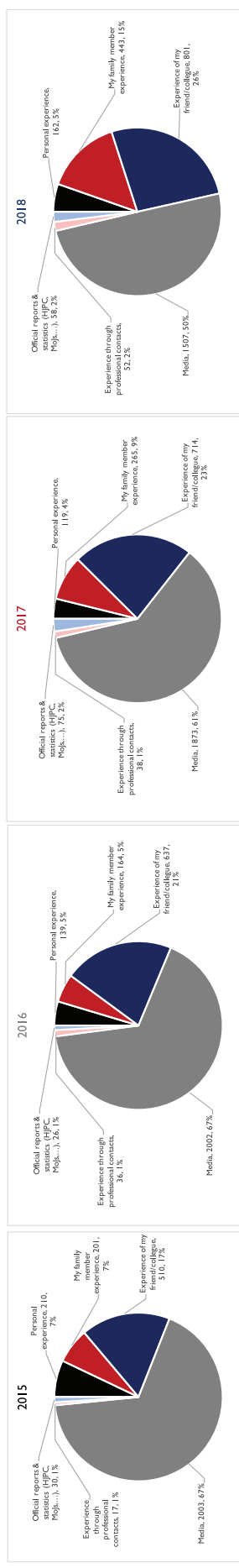
ADDITIONAL DATA ON PUBLIC PERCEPTION

In addition to the questions that are directly used in calculating the JEI-BiH indicators, several questions in the citizens' perception survey provide a more complete picture of the public perception of the BiH judiciary. For example, the survey asks respondents about individuals' personal involvement in court proceedings and their main source of information about the BiH judiciary. It also asks both the public and judges/prosecutors about their perceptions of the media's objectivity in selecting and presenting court cases and investigations. The results for 2015 through 2018 are presented in Exhibit 15.

Exhibit 1.5: Percentage of respondents involved in court cases, sources of information about the BiH judiciary for the public, and level of confidence in media objectivity in selecting and presenting court cases and investigations, 2015–2018

2015 INDEX	2016 INDEX	2017 INDEX	2018 INDEX
9%	6%	7%	7%
83%	82%	74%	77%
... of citizens were involved in the court case (except utility cases) in the past 3 years			
... of them were involved in only one court case			

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



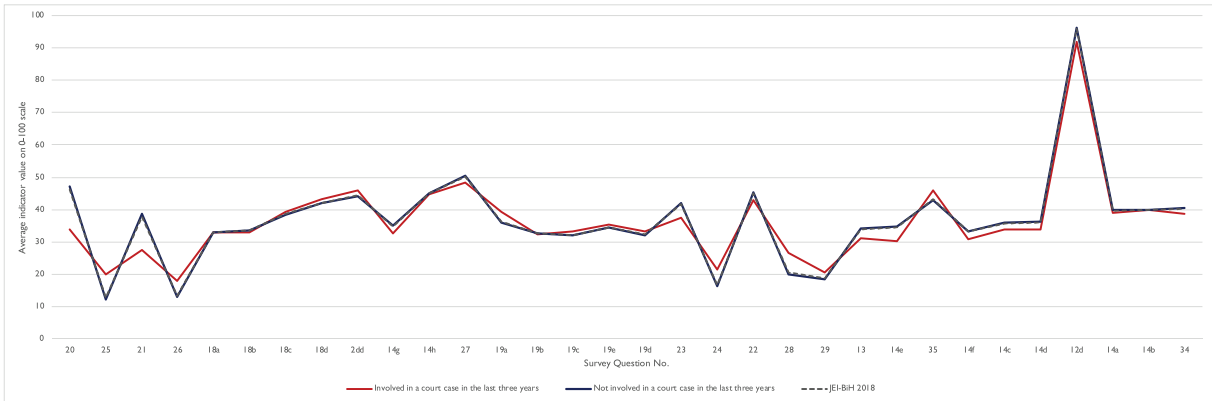
Q: "In your opinion, how often are court cases and investigations selected and presented objectively by the media?"

41.28	40.15	41.17	41.70
Average value of response on a scale from 0 to 100, where 100 represents "Always" and 0 "Never"			

As the exhibit shows, in 2018 fewer than 10% of citizens responding to the surveys had direct experience with the BiH judiciary through any court case of their own (excluding utility cases), 77% of those who did participate in a court case reported participating in only one case. For a majority (50%) of the respondents, their principal source of information about the BiH judiciary was the media. Official statistics and reports on the work of the judiciary (from HJPC, the Ministry of Justice [MoJ], etc.) were the main source for only 2% of respondents. Finally, the question about the objectivity of the media in presenting court cases and investigation received a value of 41.70 index points in 2018 (of a maximum of 100 index points, where 100 reflects “Always” and 0 reflects “Never”). These values changed little during the period 2015–2018.

As Exhibit 16 shows, there were no substantial differences between the perceptions of those who were involved in court cases (except in utility cases) in the last three years and those who were not.

Exhibit 16: Differences between the 2018 responses of those who were involved in a court case in the last three years and those who were not involved



Those who were involved in court cases had a more positive perception of the duration of cases in courts and POs, and a slightly more positive perception of the adequacy of court taxes and the salaries of judges and prosecutors. At the same time, this group of respondents had more negative perceptions of the reduction of the backlog in courts and POs, and slightly more negative perceptions of the objectivity of media and of the effectiveness of the judiciary in combating corruption. The largest differences in indicator values between those who were involved in court cases and those who were not are presented in Exhibit 17. A negative value indicates that the perceptions of those who were involved in court cases was worse than those who were not.

Exhibit 17: The largest differences between the 2018 responses of those who were involved in a court case in the last three years and those who were not involved

Survey Question No.	Question (abbreviated wording)	Difference in indicator value between those who were involved in court cases and those who were not (negative value indicates a more negative perception of those who were involved)
20	Perception of backlog reduction in courts, excluding utility cases	-13.25
21	Perception of backlog reduction in POs	-11.20
25	Perception of duration of cases in courts (are the time limits reasonable?)	7.78
28	Adequacy of salaries of judges/prosecutors	6.49
24	Adequacy of court taxes/fees	5.15
26	Perception of duration of cases in POs (are the time limits reasonable?)	5.02
23	Objectivity of the media in selecting and presenting court cases and investigations	-4.53
12d	Personal experience in bribing judges/prosecutors	-4.36
14e	Judicial effectiveness in combating corruption	-4.27

When the overall JEI-BiH value based on the public perception indicators is calculated for those who were involved in court cases and those who were not, the differences in individual indicators balance out and the overall JEI-BiH value for these two groups is almost identical: the difference is only 0.02 index points.

SUMMARY OF FINDINGS BASED ON PUBLIC PERCEPTION INDICATORS

The public perception of judicial effectiveness remains poor (at 36.15% of the public perception maximum, which would represent the maximum level of satisfaction of all citizens on all questions asked). While this overall value had improved in the previous two years (2016 and 2017), in 2018 the indicator value for public perception declined by 2.78% (representing a decrease of 0.2 index points) compared to 2017. This was the first decrease since the inception of the JEI-BiH.

A few observed improvements in public perception relate to courts and POs' reductions in backlog and to the process for assigning cases to judges. Of note, the public perception of backlog reductions consistently improved from 2015 through 2018. Improvements in the perception of judges/prosecutors regarding backlog reductions were also consistent. These findings are supported by the administrative data.

Among the many negative changes in public perception in 2018, the largest decreases were related to perceptions of the work of all major actors in the judicial arena (notaries, attorneys, prosecutors, and judges), satisfaction with courts/POs' administrative services, rewards to prosecutors for good performance, and absence of improper influence on judges in making decisions. In 2015–2018, citizens' perceptions were most negative in areas related to the duration of court and PO cases, addressing corruption-related matters, and the costs associated with the work of the BiH judiciary (adequacy of court taxes/fees, fees of attorneys and notaries, and salaries of judges/prosecutors).

Corruption-related indicators have had consistently low values (between 30 and 40 index points out of a maximum of 100), indicating a persistently poor perception of the judiciary in dealing with corruption-related matters. Although there were some improvements in 2016 and 2017, most of the corruption-related indicators declined in 2018. Considering that addressing corruption is a top priority for BiH's accession to the EU, the 2018 decline in the values of the corruption-related indicators and their consistently low values suggest a worrying trend in the public's perception of the BiH judiciary's current efforts in combating corruption.

For the public, the primary source of information about court cases and investigations from 2015 through 2018 was the media (50%–66% of respondents). However, the public does not consider the media to be objective in its coverage of the judiciary (the index values range from 40 to 42 out of 100 from 2015 through 2018). For the fourth year in a row, only a small portion (less than 10%) of the public respondents' perception of judicial effectiveness was based on direct experience with the judiciary. However, there were no substantial differences in the perceptions of judicial effectiveness in 2018 among respondents who were involved in court cases (other than utility cases) in the last three years and those who had no such experience. Those with previous involvement in court cases had a slightly more positive perception of the duration of cases, the adequacy of court taxes, and the salaries of judges and prosecutors. They also had slightly more negative perceptions of the reduction of the backlog in courts and POs, objectivity of the media, and effectiveness of the judiciary in combating corruption. The overall value of the Index would change only slightly (0.02 index points) if the effectiveness of the BiH judiciary was scored by just one of these two groups.

JUDGE/PROSECUTOR PERCEPTION INDICATORS

The survey of judges/prosecutors in BiH was designed and conducted by MEASURE-BiH. In February 2019, HJPC invited judges and prosecutors (through the court presidents and chief prosecutors) to complete the online survey for the 2018 JEI-BiH. As in previous years, the responses to this survey were given anonymously. The 2019 survey had a lower response rate than the survey administered the year before. In total, 477 judges/prosecutors completed the most recent survey (approximately 34% of all judges/prosecutors in BiH), while in the previous year the response rate was 38%, with 559 judges/prosecutors completing the survey. Still, the response rate for 2019 was higher than the response rate in the baseline year (2015), when 458 (or 31%) of all judges/prosecutors completed the survey.

It is important to note that the questions about the work of the courts/POs and judges/prosecutors were answered by both judges and prosecutors. Both judges and prosecutors provided their opinions on matters that fall under the jurisdiction of the judicial regulatory body—the HJPC, as well as areas under the jurisdiction of both the executive and legislative branches of government that relate to securing preconditions for the work of the judiciary. Because of this additional detail, the number of questions in the survey of judges/prosecutors is greater than the number of questions in the public perception survey (49 vs. 32).

OVERALL INDICATOR VALUES

The judge/prosecutor perception indicators of judicial effectiveness contribute a maximum of 44.77 index points to the total Index value. In 2018, these indicators contributed a total of 27.53 points (61.51% of the maximum of 100%) compared with 26.98 points (60.28% of the maximum) in 2017; 27.51 points, in 2016 (61.45% of the maximum); and 25.83 points (57.69% of the maximum) in 2015. The 2018 value therefore represents a 2.04% improvement in judges/prosecutors’ perceptions of the effectiveness of the BiH judiciary compared to the previous year. There was an increase of 0.55 index points in the overall Index value. These values are presented in Exhibit 18.

Exhibit 18: Overall results for the judge/prosecutor perception indicators, 2015–2018, and the annual change in 2018 compared to 2017

Maximum value of indicators of judges’ and prosecutors’ perception	100.00 points (44.77 out of 100 points in the overall Index)
Total value in 2015 from indicators of judges’ and prosecutors’ perception	57.69% (25.83 points in the overall Index)
Total value in 2016 from indicators of judges’ and prosecutors’ perception	61.45% (27.51 points in the overall Index)
Total value in 2017 from indicators of judges’ and prosecutors’ perception	60.28% (26.98 points in the overall Index)
Total value in 2018 from indicators of judges’ and prosecutors’ perception	61.51% (27.53 points in the overall Index)
Annual change in 2018 compared to 2017	2.04% (0.55 of total index points)

From 2015 through 2018, the overall value of indicators sourced from the perceptions of judges/prosecutors ranged from 58% to 62% of the maximum of 100%. This value indicates that judges and prosecutors see substantial room for improvement in the effectiveness of the BiH judiciary. As Exhibit 16 shows, improvements in the overall value were observed in 2016 and 2018, while a decline occurred in 2017. Overall, these fluctuations resulted in only limited changes in the indicator values between 2016 and 2018.

INDIVIDUAL INDICATOR VALUES

Exhibit 19 shows the indicator values of judges/prosecutors' perceptions from 2015 through 2018, and the annual changes. The exhibit includes the survey question wording in abbreviated form, the value of each indicator (on a scale of 0–100), and the annual change in indicator value between 2017 and 2018. The complete question wording and answer options are provided in Annex III.

Exhibit 19: Values of judge/prosecutor perception indicators, 2015–2018, and the change in 2018 compared to 2017

Survey Question No.	Question (abbreviated wording)	2015 Indicator value (0-100)	2016 Indicator value (0-100)	2017 Indicator value (0-100)	2018 Indicator value (0-100)	Annual change in indicator value (2018-2017)
1	Perception of backlog reduction in courts, excluding utility cases	61.16	69.10	71.05	79.07	8.02
3	Perception of duration of cases in courts (are the time limits reasonable?)	59.29	63.13	52.87	58.16	5.29
2	Perception of backlog reduction in POs	55.11	62.54	68.24	76.39	8.15
4	Perception of duration of cases in POs (are the time limits reasonable?)	47.00	50.38	47.19	50.38	3.19
5A	Rating of the work of judges/courts	65.52	66.82	63.70	64.43	0.73
5B	Rating of the work of prosecutors/POs	54.32	54.86	53.62	54.77	1.15
5C	Rating of the work of attorneys	44.61	47.14	45.02	47.36	2.34
5D	Rating of the work of notaries	52.88	51.69	50.22	53.83	3.61
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	62.12	70.88	66.50	67.33	0.82
6B	Existence of a fact-based and transparent system of monitoring prosecutors' work performance	56.93	64.77	61.81	62.66	0.84
7A	Judges' poor performance sanctioned	49.41	56.19	51.87	53.41	1.54
7B	Rewards for prosecutors' good performance	39.44	45.40	41.75	42.84	1.09
8A	Initiating disciplinary procedures against judges/prosecutors in all cases prescribed by the law	56.65	64.98	58.63	61.03	2.40
8B	Fairness and objectivity of the initiated disciplinary procedures against judges/prosecutors	58.02	66.21	60.41	62.57	2.16
9	Disciplinary sanctions rendered in disciplinary proceedings appropriate	60.44	68.05	63.38	63.05	-0.32
10	Possibility of allocating a case to a particular judge	71.59	74.47	69.75	68.08	-1.67
11A	Access to court case files	93.11	93.48	92.48	92.26	-0.22
11B	Attendance at public court hearings	92.52	90.44	91.95	91.56	-0.39
11C	Access to judgments	82.35	83.59	80.58	81.21	0.64
11D	Access to evidence after confirmation of the indictment	93.49	93.81	92.53	91.57	-0.96
11E	Access to court/PO reports/statistics	72.46	69.26	68.28	66.75	-1.53
12	Objectivity of the media in selecting and presenting court cases and investigations	33.47	33.59	32.58	36.08	3.50
14	Adequacy of court taxes/fees	52.47	56.22	56.30	52.37	-3.94
17	Abuse of the right to absence from work by judges/prosecutors	79.03	79.40	76.19	76.74	0.55
18	Judge/prosecutor behavior in accordance with the Ethical Code	76.28	76.51	77.14	75.58	-1.57
19	Efficiency of judge/prosecutor appointments to newly available positions	46.60	52.84	45.76	45.87	0.11
20	Appointment of judges/prosecutors based on their skills/competence	48.68	53.17	49.05	48.71	-0.33
21	Adequacy of the training/education for judges/prosecutors on an annual basis	66.11	70.70	66.54	68.62	2.08
22	Adequacy of salaries of judges/prosecutors	42.70	50.27	47.44	44.67	-2.77
23	Adequacy of fees of attorneys and notaries	25.66	29.15	28.45	31.55	3.10
24	Timeliness of the salary payment to judges/prosecutors	59.93	65.69	75.68	77.80	2.11
25	Timeliness of the fees/costs/payment to ex officio defense attorneys	38.00	39.47	49.06	51.27	2.20

26	Competence of the currently employed administrative/support staff in courts/POs	60.01	64.78	63.03	63.49	0.46
27	Sufficiency of the court/PO budget	25.34	35.78	39.00	44.70	5.71
28	Adequacy of buildings/facilities and work space of courts/POs	37.94	46.69	48.11	54.86	6.75
29	Adequacy of the necessary IT equipment and support to courts/POs	68.98	71.49	68.22	68.88	0.66
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	48.33	54.83	51.11	57.50	6.39
31	Objectivity, adequacy, and applicability in practice of career advancement of judges/prosecutors	37.47	42.46	40.24	40.46	0.22
32	Adequacy and applicability in practice of immunity and tenure of judges/ prosecutors	69.77	72.94	72.41	71.26	-1.15
33	Personal security of judges/prosecutors and their close family members ensured when needed	40.80	41.31	47.65	45.57	-2.09
34	Impact of corruption on the BiH judiciary	70.24	69.99	67.09	67.59	0.49
35A	Judicial effectiveness in combating corruption	49.73	55.23	49.07	48.95	-0.12
35B	Absence of improper influence on judges in making decisions	70.88	80.20	78.60	77.31	-1.28
35C	Prosecution of public officials who violate the law	37.55	43.67	39.59	39.76	0.17
35F	Judges not taking bribes	79.68	81.00	80.91	80.10	-0.80
35G	Prosecutors not taking bribes	76.94	76.61	77.98	76.00	-1.98
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	77.65	78.99	76.81	75.44	-1.37
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	71.48	73.60	71.01	70.32	-0.69
36	Equality in the treatment of citizens by the courts	82.16	83.33	81.95	82.44	0.49

The values shown in Exhibit 19 are presented in chart format in Exhibit 20, where the vertical axis represents the value of the indicators (on a 0–100 scale), and the horizontal axis represents the individual indicators (the survey question number as shown in Exhibit 18). The indicator values for 2015 are illustrated by the dotted black line, the values for 2016 by the dotted grey line, the values for 2017 by the dashed red line, and the values for 2018 by the solid blue line.

Exhibit 20: Individual values of judge/prosecutors perception indicators, 2015–2018

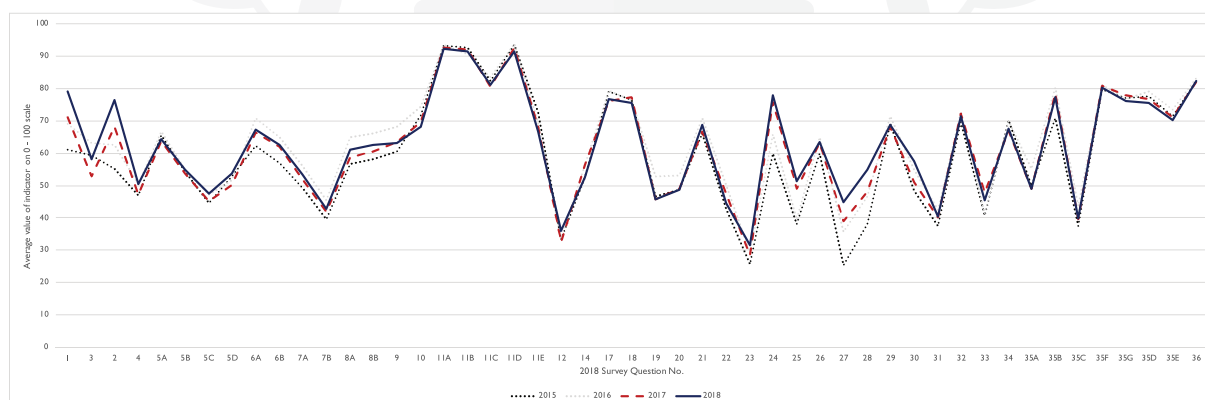


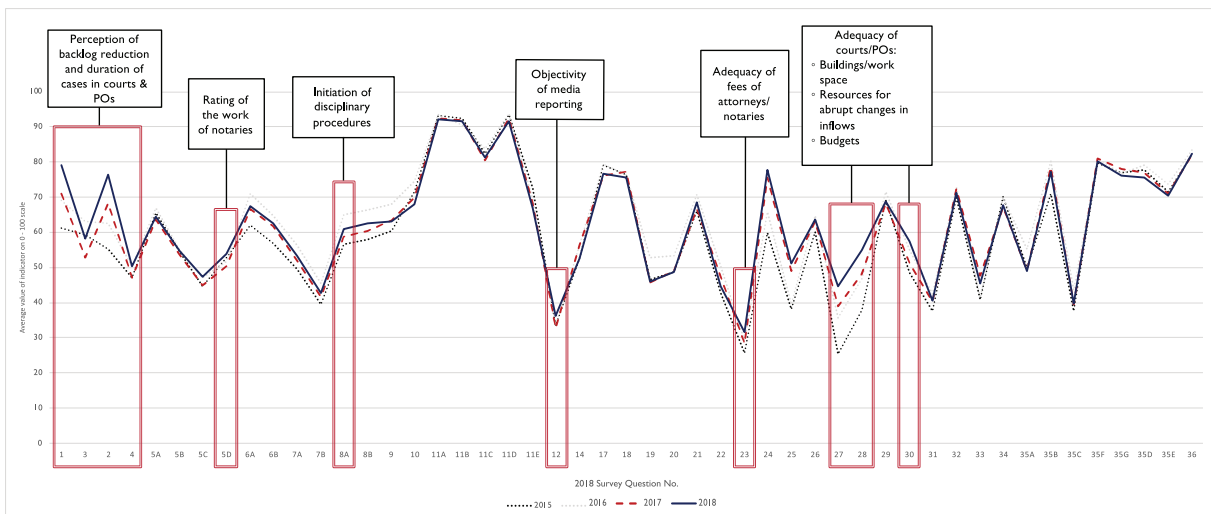
Exhibit 21 provides a count of the number of judge/prosecutor perception indicators that saw changes of 0, 2, and 5 percentage points in either direction. Although the changes were not substantial, most indicator values in 2018 were higher than in 2017, which suggests improved perceptions of judicial effectiveness among judges and prosecutors in 2018 compared to the previous year.

Exhibit 21: Changes in judge/prosecutor perception indicators, 2018, at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change of i index points		Number of indicators with annual change of i index points		Number of indicators with annual change of i index points
i > 0	31	i > 2	16	i > 5	6
i = 0	0	-2 < i > 2	30	-5 < i > 5	43
i < 0	18	i < -2	3	i < -5	0
Total	49		49		49

Exhibit 22 highlights the areas where the perception of judges and prosecutors improved most in 2018 compared to 2017.

Exhibit 22: Largest annual improvements in the perceptions of judges/prosecutors, 2018 compared to 2017 (graph)



Improvements in perceptions among judges and prosecutors in 2018 were found in three groups of indicators. The first group relates to the perception of efficiency in processing cases (backlog reduction and duration of cases in courts and POs). The second group relates to the resources available to courts/POs (adequacy of court/PO buildings/work space, resources for coping with abrupt changes in inflows and budgets). The third group relates to the work of external actors (rating of the work and fees of notaries and attorneys, objectivity of the media, and initiation of disciplinary proceedings). The individual indicators and annual changes in index values are presented in tabular form in Exhibit 23.

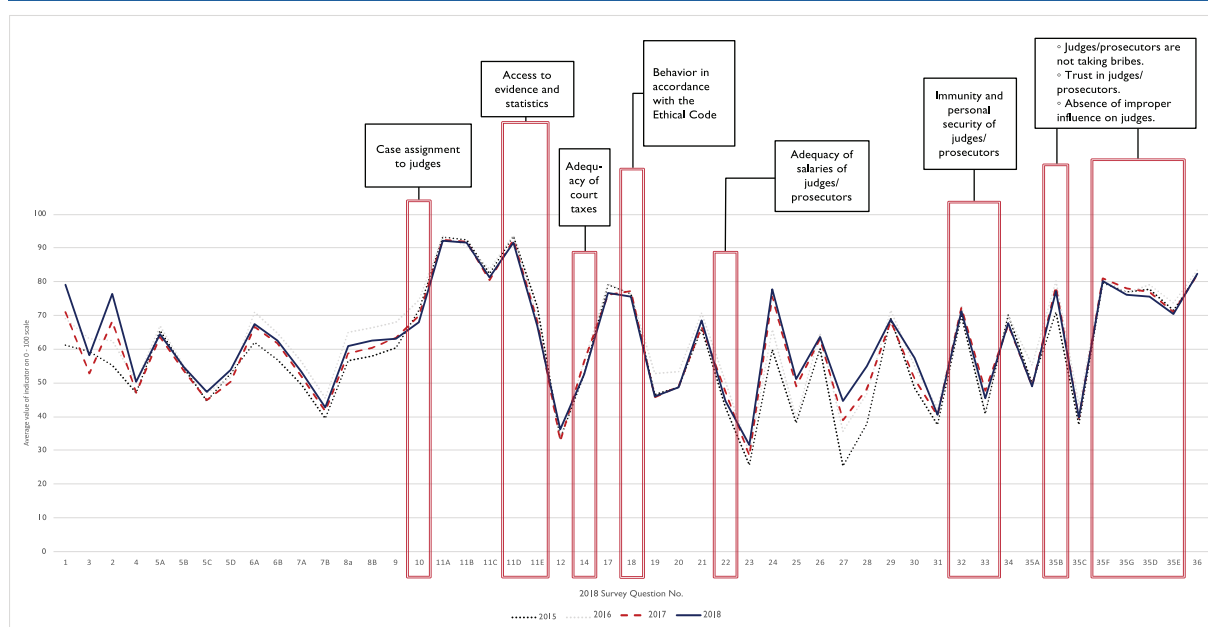
Exhibit 23: Largest annual improvements in the perception of judges/prosecutors, 2018 compared to 2017

Survey Question No.	Question (abbreviated wording)	Annual change in indicator value
2	Perception of backlog reduction in POs	8.15
1	Perception of backlog reduction in courts, excluding utility cases	8.02
28	Adequacy of buildings/facilities and work space of courts/POs	6.75
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	6.39
27	Sufficiency of the court/PO budget	5.71
3	Perception of duration of cases in courts (are the time limits reasonable?)	5.29
5D	Rating of the work of notaries	3.61
12	Objectivity of the media in selecting and presenting court cases and investigations	3.50
4	Perception of duration of cases in POs (are the time limits reasonable?)	3.19
23	Adequacy of fees of attorneys and notaries	3.10
8A	Initiating disciplinary procedures against judges/prosecutors in all cases prescribed by the law	2.40
5C	Rating of the work of attorneys	2.34
25	Timeliness of the fees/costs/payment to ex officio defense attorneys	2.20
8B	Fairness and objectivity of the initiated disciplinary procedures against judges/prosecutors	2.16
24	Timeliness of the salary payment to judges/prosecutors	2.11
21	Adequacy of the training/education for judges/prosecutors on an annual basis	2.08

In addition to the annual changes presented above, several indicators exhibited consistent increases during the period 2015–2018. This group includes the indicators related to the reduction of backlog in courts and POs, timeliness of the salary payment to judges and prosecutors, sufficiency of budgets allocated to courts and POs, and adequacy of buildings/facilities and work space of courts/POs.

The largest negative annual changes in perceptions among judges and prosecutors were found in three major groups of indicators, as presented in Exhibit 24. The first group is related to the status of judges and prosecutors (adequacy of salaries, immunity, and personal security). The second group covers corruption-related matters (the process for assigning a judge to a particular case, judges and prosecutors not taking bribes, trust in judges and prosecutors, and absence of improper influence on judges in making decisions). The third group encompasses a variety of other indicators (adequacy of court taxes, access to evidence and court/PO statistics, and judges/prosecutors' behavior in accordance with the Ethical Code). In summary, judges and prosecutors felt that their professional status has worsened compared to the preceding year, as did the effectiveness of the judiciary in dealing with corruption-related matters.

Exhibit 24: Largest annual decreases in the perceptions of judges/prosecutors, 2018 compared to 2017 (graph)



The largest individual negative annual changes are presented in tabular form in Exhibit 25.

Exhibit 25: Largest annual decreases in the perception of judges/prosecutors in 2018 compared to 2017

Survey Question No.	Question (abbreviated wording)	Annual change in indicator value
14	Adequacy of court taxes/fees	-3.94
22	Adequacy of salaries of judges/prosecutors	-2.77
33	Personal security of judges/prosecutors and their close family members ensured when needed	-2.09
35G	Prosecutors not taking bribes	-1.98
10	Possibility of allocating a case to a particular judge	-1.67
18	Judge/prosecutor behavior in accordance with the Ethical Code	-1.57
11E	Access to court/PO reports/statistics	-1.53
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	-1.37
35B	Absence of improper influence on judges in making decisions	-1.28
32	Adequacy and applicability in practice of immunity and tenure of judges/ prosecutors	-1.15
11D	Access to evidence after confirmation of the indictment	-0.96
35F	Judges not taking bribes	-0.80
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	-0.69

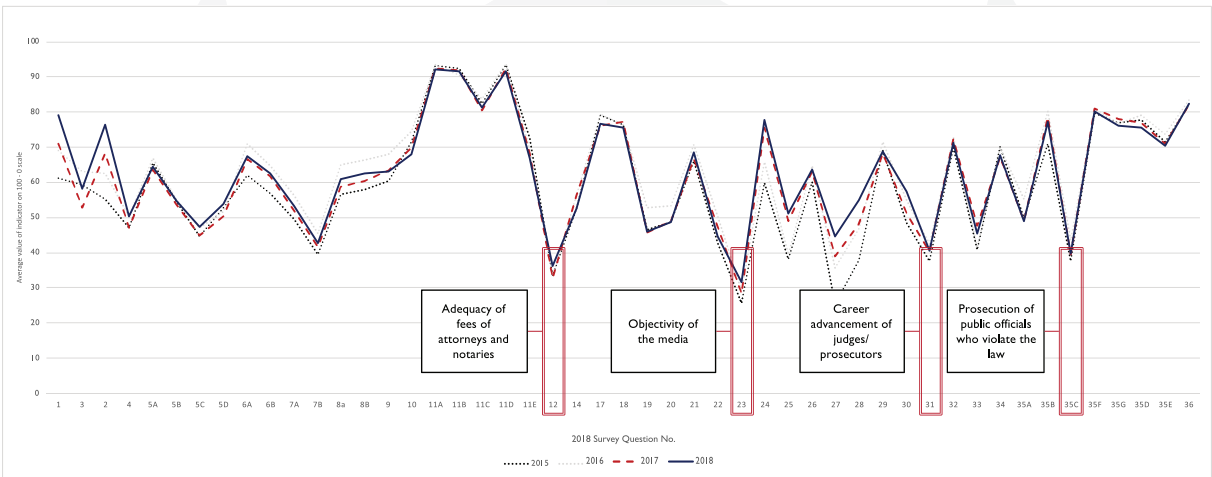
In analyzing judges and prosecutors’ perceptions of judicial effectiveness in 2018, the lowest indicator values were related to the adequacy of fees of attorneys and notaries, the objectivity of the media in selecting and presenting court cases and investigations, the prosecution of public officials who violate the law, and the career advancement of judges and prosecutors. The values of these indicators are listed in Exhibit 26.

Exhibit 26: Lowest values of judge/prosecutor perception indicators, 2018

Survey Question No.	Question (abbreviated wording)	Indicator value (0-100) 2018
23	Adequacy of fees of attorneys and notaries	31.55
12	Objectivity of the media in selecting and presenting court cases and investigations	36.08
35C	Prosecution of public officials who violate the law	39.76
31	Objectivity, adequacy, and applicability in practice of career advancement of judges/prosecutors	40.46

The findings for 2018 were consistent with those of previous years. Perceptions of judicial effectiveness by judges and prosecutors from 2015 through 2018 were the most negative regarding the adequacy of fees of attorneys and notaries, objectivity of the media, career advancement of judges and prosecutors, and prosecution of public officials who violate the law, as shown in Exhibit 27.

Exhibit 27: Lowest values of judge/prosecutor perception indicators, 2015–2018 (graph)



Judges and prosecutors’ perceptions of the prosecution of public officials who violate the law was consistently unfavorable. In addition, a majority of indicator values (six out of eight) concerning corruption-related matters decreased in 2018 compared to 2017. As Exhibit 28 shows, the perception of judges and prosecutors not taking bribes, trust in judges and prosecutors to perform their duties impartially and in accordance with the law, the absence of influence on judges in making decisions, and overall judicial effectiveness in combating corruption were all perceived more negatively by judges and prosecutors in 2018 than in 2017.

Exhibit 28: Values of judges/prosecutors' perception of corruption-related indicators, 2017 and 2018, and the annual change

Survey Question No.	Question (abbreviated wording)	Indicator value (0-100) 2017	Indicator value (0-100) 2018	Annual change in indicator value
34	Impact of corruption on the BiH judiciary	67.09	67.59	0.49
35A	Judicial effectiveness in combating corruption	49.07	48.95	-0.12
35B	Absence of improper influence on judges in making decisions	78.60	77.31	-1.28
35C	Prosecution of public officials who violate the law	39.59	39.76	0.17
35F	Judges not taking bribes	80.91	80.10	-0.80
35G	Prosecutors not taking bribes	77.98	76.00	-1.98
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	76.81	75.44	-1.37
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	71.01	70.32	-0.69

ADDITIONAL DATA ON PERCEPTIONS OF JUDGES AND PROSECUTORS

For the first time since the introduction of the JEI-BiH, the 2019 survey of judges and prosecutors contained three demographic questions, which permitted an analysis of the structure of the respondent sample and a comparison of the population of judges and prosecutors. Moreover, the additional data made it possible for the 2018 JEI-BiH to include an analysis of the differences in answers between judges and prosecutors and between female and male respondents. The analysis of the respondent sample for the 2019 survey showed that, of 477 respondents, 341 were judges (71%) and 136 were prosecutors (29%). In terms of geographical representation, 276 respondents (58%) were from the Federation of Bosnia and Herzegovina (FBiH), and 135 respondents (28%) were from the Republic of Srpska (RS), 26 respondents (5%) were from Brcko District (BD), and 38 respondents (8%) were employed at the level of the Court of BiH and the PO of BiH. Finally, there were 234 female (49%) and 243 male (51%) respondents. Exhibit 29 provides an overview of the respondent sample and the total number of judges and prosecutors, disaggregated by their role, gender, and jurisdiction.

Exhibit 29: Structure of the respondent group and the population of judges and prosecutors in BiH disaggregated by role, gender, and jurisdiction

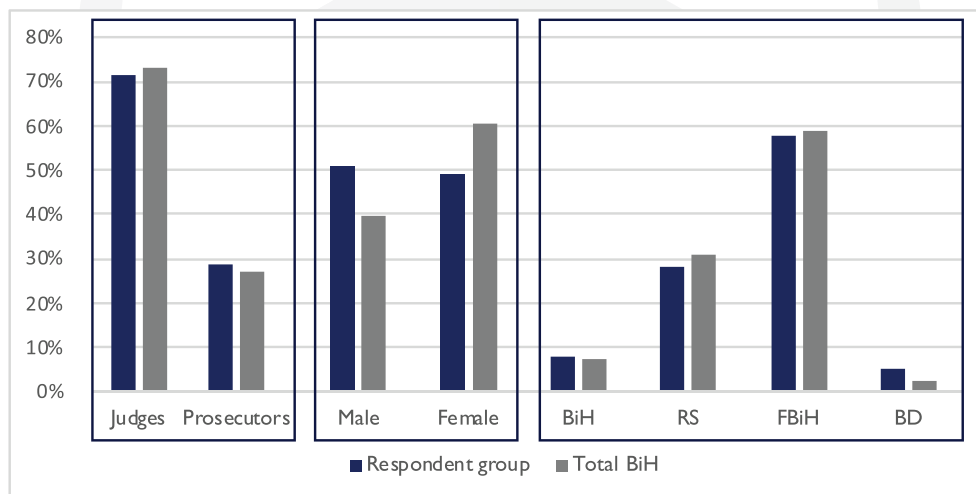
Role	Respondent group	BiH	Respondent group (% of respondent group total)	BiH (% of BiH total)
Judges	341	1,013	71%	73%
Prosecutors	136	377	29%	27%
Total	477	1,390	100%	100%

Gender	Respondent group	BiH	Respondent group (% of respondent group total)	BiH (% of BiH total)
Male	243	550	51%	40%
Female	234	840	49%	60%
Total	477	1,390	100%	100%

Jurisdiction	Respondent group	BiH	Respondent group (% of respondent group total)	BiH (% of BiH total)
BiH	38	106	8%	8%
RS	135	433	28%	31%
FBiH	276	816	58%	59%
BD	26	35	5%	3%
Total	477	1,390	100%	100%

The respondent group mirrored the population of judges and prosecutors in function and geographical location. There was, however, some variability in terms of gender. While the ratio of female to male judges and prosecutors in BiH is 60% female to 40% male, the respondents were 49% female and 51% male, which means that male judges were more responsive to the survey than were female judges. Exhibit 30 shows the structure of the respondent group compared to the population of judges and prosecutors in BiH by role, gender, and jurisdiction.

Exhibit 30: Structure of the respondent group and the population of judges and prosecutors in BiH disaggregated by role, gender, and jurisdiction



The analysis shows that, across most indicators, the perceptions of judges and prosecutors were similar. Judges viewed the performance (case resolution time, backlog, and rating of work) of prosecutors less favorably than the prosecutors themselves did. Similarly, prosecutors perceived the work of the judges less favorably than the judges themselves did. Across other indicators, differences in the perceptions of these two groups were relatively minor. Exhibit 31 graphically presents the similarities and differences in indicator values separately for judges and prosecutors in 2018. The indicators scored only by judges are shown by the red line, the indicators scored only by prosecutors are shown by the blue line, and the overall value of indicators scored by both judges and prosecutors is represented by the white dashed line.

Exhibit 31: Differences in perception indicators when the responses of judges and prosecutors were analyzed separately, 2018 (graph)



Exhibit 32 shows the largest differences between these two groups of respondents by indicator. Negative values indicate that the perceptions of judges were less favorable than the perceptions of prosecutors.

Exhibit 32: Largest differences in perception indicators when responses of judges and prosecutors were analyzed separately, 2018

Survey Question No.	Question (abbreviated wording)	Difference in indicator values when scored by judges and by prosecutors separately
4	Perception of duration of cases in POs (are the time limits reasonable?)	-46.33
3	Perception of duration of cases in courts (are the time limits reasonable?)	26.32
2	Perception of backlog reduction in POs	-20.59
5B	Rating of the work of prosecutors/POs	-17.81
1	Perception of backlog reduction in courts, excluding utility cases	16.35
7B	Rewards for prosecutors' good performance	15.13
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	13.37
35B	Absence of improper influence on judges in making decisions	13.24

Across most indicators, the perceptions of female and male judges and prosecutors were quite similar. Exhibit 33 graphically presents the similarities and differences in indicator values by female and male respondents in 2018. The indicators scored only by female respondents are shown by the red line, those scored only by male respondents are shown by the blue line, and the overall value of indicators scored by both judges and prosecutors is shown by the black dashed line.

Exhibit 33: Differences in perception indicators when responses of female and male judges and prosecutors were analyzed separately, 2018 (graph)

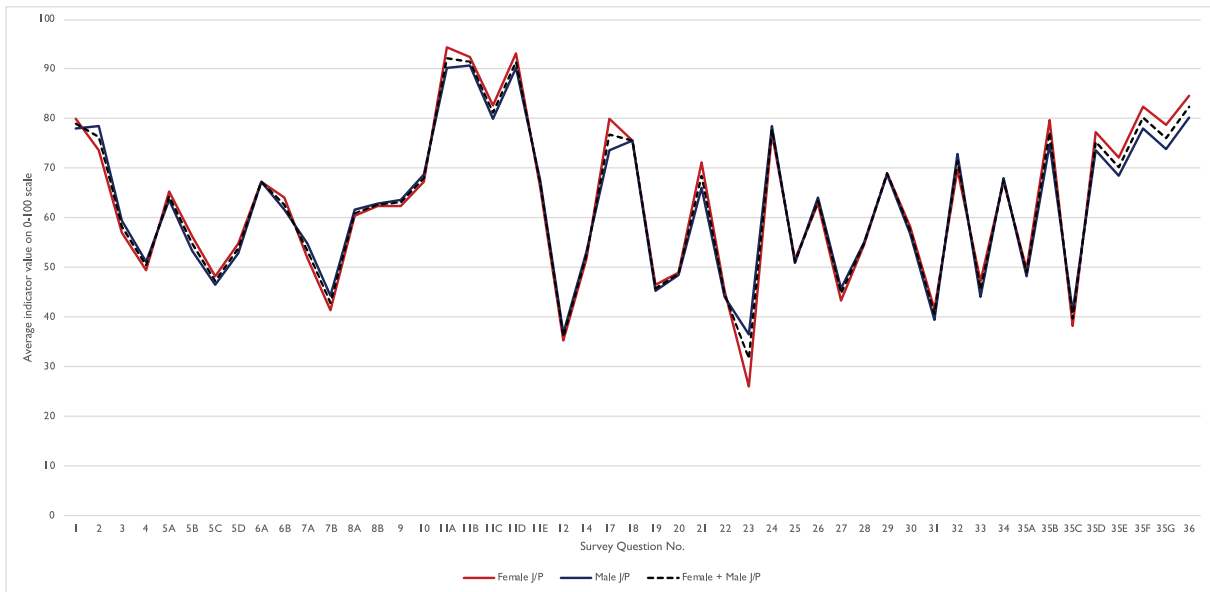


Exhibit 34 lists the indicators with the largest differences between men and women. Negative values indicate that the perceptions of female respondents were less favorable than the perceptions of male respondents. Noticeably, female respondents were in general more positive in their responses concerning corruption-related indicators than male respondents. Also, female respondents were more positive than their male counterparts when responding to questions related to absenteeism, which implies that women in the BiH judiciary perceive fewer abuses of leave practices than their male colleagues. In contrast, female respondents were noticeably more negative regarding the adequacy of attorney/notary fees than male respondents.

Exhibit 34: Largest differences in perception indicators when responses of female and male judges and prosecutors were analyzed separately, 2018

Survey Question No.	Question (abbreviated wording)	Difference in indicator values when scored by female and by male respondents separately
23	Adequacy of fees of attorneys and notaries	-10.52
17	Abuse of the right to absence from work by judges/prosecutors	6.45
35G	Prosecutors not taking bribes	4.96
21	Adequacy of the training/education for judges/prosecutors on an annual basis	4.95
2	Perception of backlog reduction in POs	-4.90
35B	Absence of improper influence on judges in making decisions	4.79
35F	Judges not taking bribes	4.34
36	Equality in the treatment of citizens by the courts	4.30
11A	Access to court case files	4.19
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	3.57
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	3.46

SUMMARY OF FINDINGS BASED ON JUDGE/PROSECUTOR PERCEPTION INDICATORS

In the survey, judges and prosecutors provided opinions on their own work; the work of their regulatory body, HJPC; and the supporting activities of the executive and legislative branches. In 2018, as in previous years, judges and prosecutors were more likely than the public to perceive the BiH judiciary as effective. Among judges and prosecutors, the overall Index value was 61.51% of the maximum, while among citizens it was 36.15% of the maximum. Still, from 2015 through 2018, judges and prosecutors thought there was room for improvement in the BiH judiciary (the overall values of indicators sourced from the perceptions of judges and prosecutors range from 58% to 62% of the maximum). Among judges and prosecutors, the perceived effectiveness of the BiH judiciary in 2018 improved by 2.04% relative to 2017, representing an increase of 0.55 index points.

As in previous years, perceptions of judicial effectiveness by judges and prosecutors were most unfavorable in regard to the adequacy of fees of attorneys and notaries, objectivity of the media, career advancement of judges and prosecutors, and the prosecution of public officials who violate the law. The largest negative annual changes in the perceptions of judges and prosecutors are related to the status of judges and prosecutors (adequacy of salaries, immunity, and personal security), corruption-related matters (possibility of allocating a case to a particular judge, judges and prosecutors not taking bribes, trust in judges and prosecutors, and absence of improper influence on judges in making decisions), and miscellaneous indicators (adequacy of court taxes, access to evidence and court/PO statistics, and observance of the Ethical Code by judges and prosecutors). Indicators of the efficiency of processing court and PO cases (duration of case resolution and backlog reduction), resources available to courts/POs, and some unrelated indicators (rating of work and fees of notaries and attorneys, objectivity of media, and initiation of disciplinary proceedings) all improved in 2018 relative to 2017.

In 2018, most corruption-related indicators (6 of 8) generated from the responses of judges and prosecutors declined. The perception about judges and prosecutors not taking bribes, trust in judges and prosecutors to perform their duties impartially and in accordance with the law, absence of influence on judges in making decisions, and overall judicial effectiveness in combating corruption all were seen more unfavorably by judges and prosecutors in 2018 than in 2017. It is concerning that in a year in which BiH had to demonstrate improvements in the fight against corruption and in processing corruption cases, indicators that tracked the perceptions of judges and prosecutors related to corruption declined. Considering that corruption-related issues are a top priority in BiH's accession to the EU, the observed negative changes should be given high priority.

Across most indicators, the perception of judges and prosecutors was similar. However, judges perceived the performance of prosecutors/POs less favorably than the prosecutors themselves did, while prosecutors viewed the work of judges/courts less positively than the judges themselves did. When aggregated into the overall index value, these isolated differences in indicators balanced out and did not produce substantial variations in the overall index value between judges and prosecutors. The perceptions of female and male judges and prosecutors were also similar.

COMPARATIVE RESULTS OF PERCEPTIONS BY THE PUBLIC AND BY JUDGES AND PROSECUTORS

The JEI-BiH was designed to analyze the perceptions of judicial effectiveness by the public and by judges and prosecutors by comparing their responses to the same questions whenever the questions are asked of both groups. Of the 146 JEI-BiH indicators, 30 indicators of public perception and 30 indicators of perceptions of judges and prosecutors provide an opportunity to analyze the differences and similarities between the responses of these two groups. The results are shown in Exhibit 35.

Exhibit 3.5: Comparison of perceptions of judicial effectiveness by the public and by judges/prosecutors, 2015–2018

Sub-dimension No.	Sub-dimension	NSCP Question No.	SJP Question No.	Public survey indicator index points (0-100)				Survey of judge/prosecutor indicator index points (0-100)				SJP vs NSCP Difference 2018
				2015	2016	2017	2018	2015	2016	2017	2018	
1.1.1.1.12.	Public perception of efficiency of courts (backlog reduction)	#Q20	#1	10.71	21.56	31.41	46.26	61.16	69.10	71.05	79.07	32.81
1.1.1.1.12.	Public perception of efficiency of courts (duration of cases resolutions)	#Q25	#3	9.15	11.69	12.63	12.75	59.29	63.13	52.87	58.16	45.41
1.1.3.1.1.4.	Public perception of efficiency of POs (backlog reduction)	#Q21	#2	10.60	21.45	26.83	37.82	55.11	62.54	68.24	76.39	38.57
1.1.3.1.1.4.	Public perception of efficiency of POs (duration of cases resolutions)	#Q26	#4	9.24	11.78	14.53	13.28	47.00	50.38	47.19	50.38	37.10
2.3.	Perception of work of courts	#Q18a	#5A	35.46	33.91	36.57	32.93	65.52	66.82	63.70	64.43	31.50
2.4.	Perception of work of prosecutors' offices	#Q18b	#5B	35.93	33.90	37.26	33.62	54.32	54.86	53.62	54.77	21.15
2.5.	Perception of work of attorneys	#Q18c	#5C	40.68	39.10	43.15	38.57	44.61	47.14	45.02	47.36	8.80
2.6.	Perception of work of notaries	#Q18d	#5D	44.04	42.69	48.02	41.95	52.88	51.69	50.22	53.83	11.88
3.2.1.	Monitoring of performance of judges/prosecutors, sanctions and rewards	#Q14g	#7A	32.64	33.44	36.53	34.81	49.41	56.19	51.87	53.41	18.61
3.2.2.	Monitoring of performance of judges/prosecutors, sanctions and rewards	#Q14h	#7B	47.24	48.61	48.12	44.95	39.44	45.40	41.75	42.84	-2.11
3.4.	Random case assignment	#Q27	#10	47.38	46.71	47.60	50.25	71.59	74.47	69.75	68.08	17.83
3.5.	Access to case files	#Q19a	#11A	36.00	38.04	37.96	36.21	93.11	93.48	92.48	92.26	56.05
3.6.	Access to hearings	#Q19b	#11B	28.83	31.79	34.31	32.69	92.52	90.44	91.95	91.56	58.86
3.7.	Access to judgments	#Q19c	#11C	24.82	30.13	32.20	32.02	82.35	83.59	80.58	81.21	49.19
3.8.	Access to evidence	#Q19e	#11D	35.67	39.23	39.16	34.57	93.49	93.81	92.53	91.57	57.00
3.9.	Access to reports/statistics	#Q19d	#11E	22.78	26.72	30.38	32.21	72.46	69.26	68.28	66.75	34.54
3.10.	Media reporting	#Q23	#12	41.28	40.15	41.17	41.70	33.47	33.59	32.58	36.08	-5.62
3.11.	Affordability of court fees/taxes	#Q24	#14	10.17	15.79	18.60	16.73	52.47	56.22	56.30	52.37	35.64
4.2.	Competence of judges/prosecutors	#Q22	#20	47.35	45.76	46.07	45.08	48.68	53.17	49.05	48.71	3.64
4.4.	Adequacy of judges/prosecutors' salaries	#Q28	#22	10.81	20.61	20.64	20.51	42.70	50.27	47.44	44.67	24.16
4.5.	Adequacy of attorneys/notaries' compensation	#Q29	#23	11.16	18.01	19.46	18.65	25.66	29.15	28.45	31.55	12.90
5.4.1.	Impact of corruption on the BiH judiciary	#Q13	#34	24.89	35.57	35.45	33.90	70.24	69.99	67.09	67.59	33.69
5.4.2.	Judiciary effectiveness in combating corruption	#Q14e	#35A	30.12	32.17	34.31	34.35	49.73	55.23	49.07	48.95	14.59
5.4.3.	Absence of improper influence on judges in making decisions	#Q35	#35B	45.16	45.64	45.61	43.11	70.88	80.20	78.60	77.31	34.20
5.4.4.	Prosecution of public officials who violate the law	#Q14f	#35C	30.13	31.58	33.68	33.15	37.55	43.67	39.59	39.76	6.61
5.4.5.	Judges not taking bribes	#Q14c	#35F	29.32	32.17	35.36	35.78	79.68	81.00	80.91	80.10	44.33
5.4.6.	Prosecutors not taking bribes	#Q14d	#35G	29.30	31.98	34.59	36.03	76.94	76.61	77.98	76.00	39.96
5.5.	Trust in judges	#Q14a	#35D	37.75	42.59	41.46	39.71	77.65	78.99	76.81	75.44	35.73
5.6.	Trust in prosecutors	#Q14b	#35E	37.39	41.32	40.82	39.98	71.48	73.60	71.01	70.32	30.34
5.7.	Equal application of law	#Q34	#36	39.21	39.16	40.12	40.32	82.16	83.33	81.95	82.44	42.12

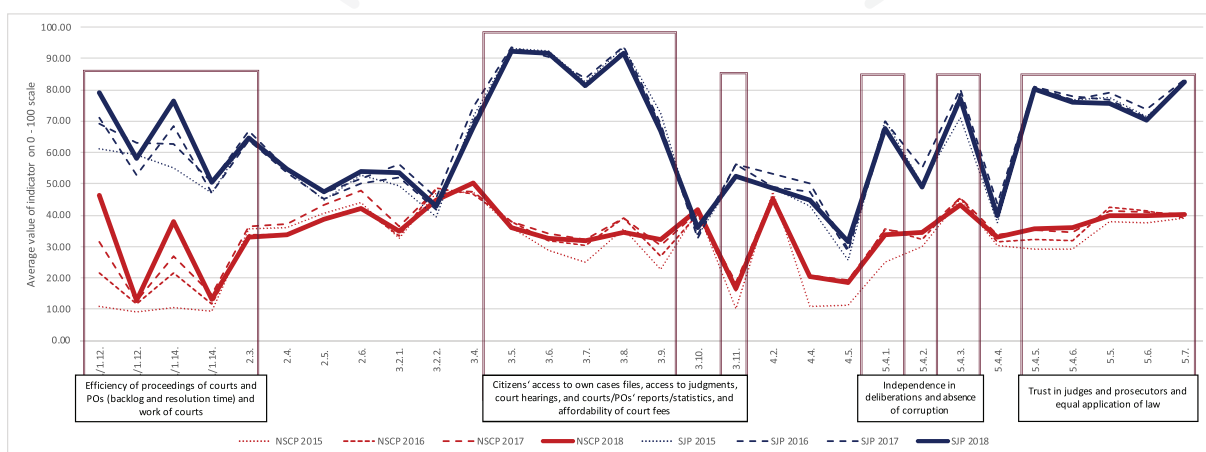
The figures from Exhibit 35 are displayed graphically in Exhibit 36, where the vertical axis represents the value of the indicator (on a 0–100 scale), and the horizontal axis represents individually matched indicators (i.e., the numbers assigned to the corresponding sub-dimensions shown in Exhibit 35). The indicator values for 2015 are represented by dotted lines, the values for 2016 by light dashed lines, the values for 2017 by heavy dashed lines, and the values for 2018 by solid lines. Blue lines (dotted, dashed, and solid) represent the perceptions of judges and prosecutors; red lines (dotted, dashed, and solid) represent public perceptions. As shown in Exhibit 35, there is substantial divergence in perceptions between the public and judges/prosecutors across most indicators and years.

Exhibit 36: Comparison of perceptions of the public and judges/prosecutors, 2015–2018 (graph)



Exhibit 37 highlights the areas of greatest divergence: (1) the efficiency of the courts/POs (number of unresolved cases and duration of case resolution) and the rating of work of the courts/POs; (2) citizens’ access to their own court case files, final judgments, and hearings/trials, access to reports/statistics on the work of courts/POs, and adequacy of court fees; (3) independence, absence of corruption, and improper influence on the work of judges/prosecutors; and (4) trust in judges/prosecutors and equal application of the law.

Exhibit 37: Largest differences in the perceptions of the public and judges/prosecutors, 2018 (graph)



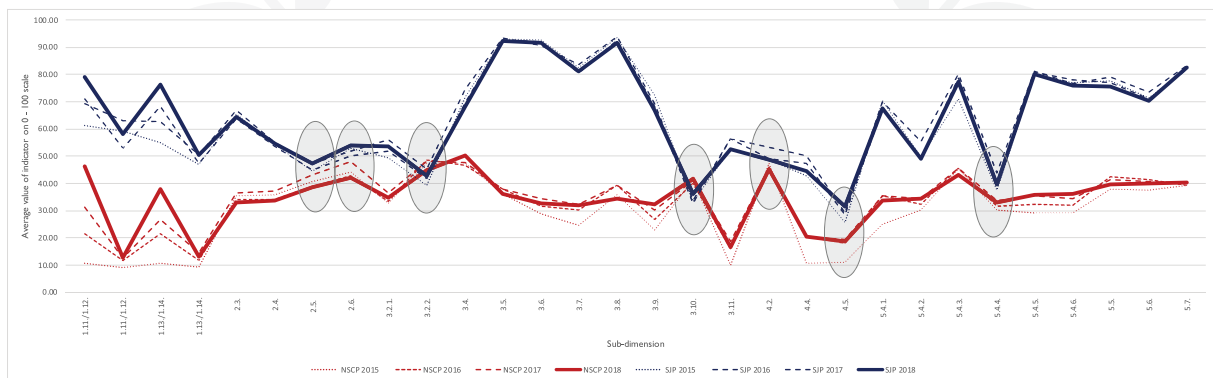
The largest differences in individual values of perceptions of the public and judges/prosecutors are provided in Exhibit 38. A positive value indicates that the perceptions of judges/prosecutors were more favorable than the perceptions of the public for the given indicator.

Exhibit 38: Largest differences in the perceptions of the public and judges/prosecutors in 2018

Sub-dimension No.	Sub-dimension	SJP vs. NSCP Difference, 2018
3.6	Access to hearings	58.86
3.8	Access to evidence	57.00
3.5	Access to case files	56.05
3.7	Access to judgments	49.19
1.11/1.12	Public perception of efficiency of courts (duration of cases resolutions)	45.41
5.4.5	Judges not taking bribes	44.33
5.7	Equal application of law	42.12
5.4.6	Prosecutors not taking bribes	39.96
1.13/1.14	Public perception of efficiency of POs (backlog reduction)	38.57
1.13/1.14	Public perception of efficiency of POs (duration of cases resolutions)	37.10
5.5	Trust in judges	35.73
3.11	Affordability of court fees/taxes	35.64
3.9	Access to reports/statistics	34.54
5.4.3	Absence of improper influence on judges in making decisions	34.20
5.4.1	Impact of corruption on the BiH judiciary	33.69
1.11/1.12	Public perception of efficiency of courts (backlog reduction)	32.81
2.3	Perception of work of courts	31.50
5.6	Trust in prosecutors	30.34

In addition, there are areas where the perceptions of these two groups were similar to one another. The indicators with consistently similar perceptions include the monitoring performance of and competence of judges/prosecutors, media reporting, prosecution of public officials who violate the law, and the rating of the work of attorneys and notaries. Exhibit 39 highlights the indicators where the divergence between the perceptions of the public and judges/prosecutors was the smallest.

Exhibit 39: Smallest differences in the perceptions of the public and judges/prosecutors, 2015–2018 (graph)



The smallest individual differences in index values between the perceptions of judges/prosecutors and those of the public are shown in Exhibit 40. A negative value indicates that the perceptions of judges/prosecutors were less favorable than the perceptions of the public.

Exhibit 40: Smallest differences in the perceptions of judges/prosecutors and the public, 2018

Sub-dimension No.	Sub-dimension	SJP vs NSCP Difference 2018
3.2.2.	Monitoring of performance of judges/prosecutors, sanctions and rewards	-2.11
4.2.	Competence of judges/prosecutors	3.64
3.10.	Media reporting	-5.62
5.4.4.	Prosecution of public officials who violate the law	6.61
2.5.	Perception of work of attorneys	8.80
2.6.	Perception of work of notaries	11.88
4.5.	Adequacy of attorneys/notaries' compensation	12.90

Most corruption-related indicators were perceived more negatively in 2018 than in 2017 by both the public and judges/prosecutors, as shown in Exhibit 41. A comparison of the perceptions of the public and those of judges/prosecutors shows that both groups had unfavorable views about the prosecution of public officials who violate the law (among judges and prosecutors the indicator value was 39.76 of a maximum of 100, while among citizens it was 33.15). This result indicates that both groups perceived efforts in prosecuting such cases as inadequate.

However, the values for judges/prosecutors diverged from those for the public on other indicators. Judges and prosecutors perceived the effectiveness of the BiH judiciary in corruption-related matters positively for the indicators that judges and prosecutors are not taking bribes (80 and 76 index points, respectively, out of a maximum of 100) and that judges and prosecutors are trusted to perform their duties impartially and in accordance with the law (75 and 70 index points, respectively, out of a maximum of 100). In contrast, the public perception for the same indicators was poor, not exceeding 40 index points out of a maximum of 100.

Exhibit 41: Comparison of annual changes in corruption-related indicators from both the survey of citizens and the survey of judges/prosecutors

SJP Question No.	NSCP Question No.	Question (abbreviated wording)	Annual change in indicator value—Public	Annual change in indicator value—Professionals
34	13	Extent to which court system is affected by corruption	-1.55	0.49
35A	14e	Judicial effectiveness in combating corruption	0.05	-0.12
35B	35	Absence of improper influence on judges in making decisions	-2.50	-1.28
35C	14f	Prosecution of public officials who violate the law	-0.53	0.17
35F	14c	Judges not taking bribes	0.42	-0.80
35G	14d	Prosecutors not taking bribes	1.45	-1.98
35D	14a	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	-1.74	-1.37
35E	14b	Trust in prosecutors to perform their duties impartially and in accordance with the law	-0.83	-0.69

HJPC ADMINISTRATIVE DATA INDICATORS

The 2018 JEI-BiH summarizes administrative data for 327,996 cases processed in BiH courts/POs in 2018. A total of 65 JEI-BiH indicators were derived from the HJPC administrative data. The HJPC provided MEASURE-BiH with data on 57 indicators for 2018. These indicators relate to the main case types tracked by the Index that were processed by the courts/POs in that year and the success rate of disciplinary proceedings. The data for the 8 remaining indicators, which are collected manually by the HJPC, have a one-year time lag and thus report information for 2017. These indicators relate to collective quotas, confirmation rates of the decisions of the first instance courts, the success of indictments, and the enforcement of utility cases. The methodological approach was the same one used to analyze the data the period 2015 through 2017.

DEFINITIONS OF CASES

The types of cases included in the Index, their corresponding Registry Book (types and phases in accordance with the Book of Rules on the Case Management System for Courts/POs [CMS and TCMS]), and the start and end dates of the cases processed are shown in Exhibit 42. These definitions are taken directly from the business intelligence software, and software queries to the CMS and TCMS databases created by the HJPC have remained unchanged since 2015.

Exhibit 42: Definitions of case titles used in the Index, their corresponding Registry Book (types, phases), and the start and end dates of the cases used in calculating the indicators

Institution/level	Case title in the Index	Registry Book (type, phase)	Start date	End date				
1st instance courts	Criminal cases	K-K	Date of initiating the case regardless of the year in which it was filed (only cases that had status „open“ on January 1, 2018)	If the case changed its status in „closed“ in 2018, end date is the date when it was declared as „closed“.				
	Civil cases	P-P						
	Commerical cases	Ps-Ps						
	Administrative cases	U-U						
	Enforcement in civil cases	P-I						
	Enforcement in commercial cases	Ps-Ip						
	Enforcement in utility cases	I-Kom						
2nd instance courts	Criminal appeal cases	K-Kž			Date of initiating the case regardless of the year in which it was filed (only cases that had status „open“ on January 1, 2018)	If the case remained „open“ on December 31, 2018, it is counted as an unsolved case on December 31, 2018.		
	Civil appeal cases	P-Gž (litigation department)						
	Commerical appeal cases	Ps-Pž (Commerical department)						
	Administrative appeal cases	U-Už, U-Uvp						
POs	General crime cases	KT, KTO, KTM, KTT					Date of initiating the case regardless of the year in which it was filed (only cases that had status „open“ on January 1, 2018)	If the case remained „open“ on December 31, 2018, it is counted as an unsolved case on December 31, 2018.
	Corruption cases	KTK						
	Economic crime cases (other)	KTPO, KTF						
	War crime cases	KTRZ						

OVERALL VALUES OF HJPC ADMINISTRATIVE DATA INDICATORS

The indicators sourced from the HJPC administrative data can contribute a maximum of 32.98 points to the JEI-BiH. In 2018, these indicators contributed 21.70 points, or 65.80% of the maximum possible points. In 2015, these indicators contributed 21.41 points, or 64.93% of the maximum, in 2016, they contributed 21.60 points, or 65.48, and in 2017 these indicators contributed 21.83 points, or 66.18%. The 2018 results thus represent an annual decline of 0.13 index points from the overall JEI-BiH value, a 0.58% reduction from 2017 (see Exhibit 43).

Exhibit 43: Overall indicator values from HJPC administrative data, 2015-2018, and the annual changes in 2018 compared to 2017

Maximum value of indicators on HJPC administrative data	100.00% (32.98 out of 100 points in the overall Index)
Total value in 2015 from indicators on HJPC administrative data	64.93% (21.41 points in the overall Index)
Total value in 2016 from indicators on HJPC administrative data	65.48% (21.60 points in the overall Index)
Total value in 2017 from indicators on HJPC administrative data	66.18% (21.83 points in the overall Index)
Total value in 2018 from indicators on HJPC administrative data	65.80% (21.70 points in the overall Index)
Annual change in 2018 compared to 2017	-0.58% (-0.13 of total index points)

INDIVIDUAL INDICATOR VALUES

A. DURATION OF CASE RESOLUTIONS AND AGE OF UNRESOLVED COURT CASES

Sub-dimensions 1.1 and 1.2 in the Index's Efficiency dimension tracked the average duration of case resolutions (in days) in 2018 and the average age of cases that remained unresolved at the end of 2018, by case type. Exhibit 43 provides an overview of these values by calendar year, including their actual values, trend lines for each tracked case type, the indicators' index values (by case type) on a scale of 0–100 from 2015 to 2018, and the index point change in 2018 compared to 2017.

Exhibit 44: Indicators, actual values, trends, and indicator index values for the average duration of resolved cases and for the age of unresolved court cases, 2015–2018

Sub-dimension	Court level	Case type	Actual value of indicators								Trend	2015 Indicator value on 0-100 scale	2016 Indicator value on 0-100 scale	2017 Indicator value on 0-100 scale	2018 Indicator value on 0-100 scale	Annual change in indicator value (2018-2017)	
			2012	2013	2014	2015	2016	2017	2018								
1.1.	Courts: Duration of resolved cases (in days)	1st instance courts	1.1.1.1. Criminal	378	375	343	314	300	308	320		57.03	58.89	57.80	56.19	-1.61	
			1.1.1.2. Civil	666	622	527	447	396	397	394		63.06	67.25	67.20	67.45	0.25	
			1.1.1.3. Commercial	582	560	530	522	461	447	419		53.18	58.65	59.89	62.40	2.51	
		2nd instance courts	1.1.1.4. Administrative	350	408	412	417	461	477	478		46.49	40.93	38.86	38.67	-0.19	
			1.1.1.5.1. Enforcement civil	818	821	715	634	518	424	420		59.58	67.00	72.95	73.22	0.27	
			1.1.1.5.2. Enforcement commercial	869	909	699	585	512	431	425		64.61	69.01	73.88	74.26	0.38	
	1.2.	Courts: Age of unresolved cases (in days)	1st instance courts	1.1.2.1. Criminal appeal	72	76	80	75	119	132	142		50.41	21.70	13.40	6.76	-6.64
				1.1.2.2. Civil appeal	305	330	311	390	404	388	397		38.22	35.88	38.46	36.98	-1.48
				1.1.2.3. Commercial appeal	327	335	289	346	412	476	593		45.54	35.02	25.03	6.58	-18.45
			2nd instance courts	1.1.2.4. Administrative appeal	325	264	282	393	629	755	856		32.36	0.00	0.00	0.00	-17.51
				1.2.1.1. Criminal	569	521	516	505	506	532	539		52.84	52.73	50.29	49.69	-0.60
				1.2.1.2. Civil	648	532	444	401	410	402	358		62.96	62.14	62.92	66.90	3.98
1.2.	Courts: Age of unresolved cases (in days)	1st instance courts	1.2.1.3. Commercial	594	541	522	464	469	386	371		58.03	57.58	65.04	66.38	1.33	
			1.2.1.4. Administrative	367	335	342	387	415	424	380		44.46	40.46	39.10	45.39	6.29	
			1.2.1.5.1. Enforcement civil	798	720	677	579	552	556	524		60.45	62.29	62.00	64.17	2.17	
		2nd instance courts	1.2.1.5.2. Enforcement commercial	954	736	649	593	589	591	568		61.95	62.19	62.08	63.53	1.45	
			1.2.2.1. Criminal appeal	109	94	137	220	265	271	272		3.37	0.00	0.00	0.00	-0.45	
			1.2.2.2. Civil appeal	410	424	468	480	499	533	600		44.75	42.51	38.68	30.91	-7.76	
1.2.	Courts: Age of unresolved cases (in days)	2nd instance courts	1.2.2.3. Commercial appeal	456	470	513	571	657	751	738		40.41	31.45	21.73	23.06	1.32	
			1.2.2.4. Administrative appeal	206	223	364	480	546	604	565		9.16	0.00	0.00	0.00	7.27	

In the first instance courts, there was a steady reduction in the time needed to resolve commercial cases and enforcement of both civil and commercial cases in the period 2012–2018. In criminal and civil cases, the resolution time decreased from 2012 to 2016; however, this positive trend was not observed from 2017 to 2018. While the time needed to resolve civil cases was unchanged over the last two years, the resolution time for criminal cases increased. The time needed to resolve administrative cases increased each year from 2012 to 2018, although this trend slowed from 2017 to 2018.

The age of the backlog for civil and commercial cases, and their enforcement, decreased consistently between 2012 and 2018. The age of the backlog of criminal cases increased from 2015 to 2018, and the 2018 value was the worst since 2012. However, the age of the backlog of administrative cases in 2018 was the shortest since 2014 for this case type. The average time for resolving cases in the first instance courts remained high, and the average age of the backlog was even higher (ranging from 320 to 478 days for the duration of resolved cases, and 358 to 558 days for the age of the backlog across major case types tracked by the Index).

In the second instance courts, all appeal case types (criminal, civil, commercial, and administrative) saw increases in the average time needed to resolve cases. There was also an increase in the age of the backlog of civil appeal cases. The time needed to resolve criminal appeal cases was consistent with the previous year, while the age of the backlog of commercial and administrative appeal cases decreased. Nevertheless, the adjudication of civil and commercial appeal cases continued to take as long as or longer than in first instance courts.

The second instance courts contributed to delays in delivering justice, with average case resolution times ranging from 142 to 856 days, and average ages of the backlog ranging from 272 to 738 days across major appeal case types tracked by the Index. Moreover, when comparing 2018 values with corresponding average values in the period 2012–2014, resolution time and age of the backlog for all appeal case types increased considerably, in some cases even doubling, relative to 2012–2014.

Three indicators related to appeal cases (average duration of administrative appeal case resolutions, average age of unresolved criminal appeal cases, and average age of administrative appeal cases) had values in 2018 that were more than twice as high as their average values in 2012–2014. Furthermore, the values of two of these three indicators continued to worsen in 2018 compared to 2017 (the average age of administrative appeal cases shortened, but still not enough to return to the 2012–2014 average value). Finally, two other indicators (average resolution time for criminal appeal cases and average resolution time for commercial appeal cases) increased in 2018, making these two indicator values nearly twice as high as in 2012–2014. Keeping in mind that the remaining three indicators ranged from 23 to 37 index points (out of a maximum of 100), a noticeable increase in the average time needed to resolve cases and the age of the backlog occurred over the last four years in second instance courts.

B. CLEARANCE RATES AND COURT BACKLOG

Sub-dimensions 1.3 and 1.4 in the Efficiency dimension tracked the number of unresolved cases at the end of 2018 and the clearance rate in 2018 by case type tracked by the Index. The clearance rate is the ratio of resolved cases to newly received cases in a calendar year. Exhibit 45 gives an overview of these values by calendar year, including their actual values, trend lines for each tracked case type, indicator values by type of case on a scale of 0–100 from 2015 to 2018, and the change in index points in 2018 compared to 2017.

Exhibit 45: Indicators, actual values, trends, and indicator index values for clearance rates, and court backlog, 2012–2018

Sub-dimension	Court level	Case type	Actual value of indicators						Trend	2015 Indicator value on 0-100 scale	2016 Indicator value on 0-100 scale	2017 Indicator value on 0-100 scale	2018 Indicator value on 0-100 scale	Annual change in indicator value (2018-2017)
			2012	2013	2014	2015	2016	2017						
1.3. Courts: Number of unresolved cases	1.3.1. 1st instance courts	1.3.1.1. Criminal	12,567	11,871	10,598	10,080	9,976	9,213	8,366	56.84	57.29	60.56	64.18	3.63
		1.3.1.2. Civil	44,007	38,271	34,352	33,367	29,244	26,015	23,123	58.37	62.39	66.54	70.26	3.72
		1.3.1.3. Commercial	12,007	10,963	9,165	7,225	5,824	5,382	4,807	66.28	72.81	74.88	77.56	2.68
		1.3.1.4. Administrative	10,447	12,488	13,535	12,710	11,285	9,958	10,101	47.72	53.59	59.04	58.45	-0.59
		1.3.1.5.1. Enforcement civil	126,339	117,758	98,727	84,637	69,822	62,809	53,806	62.97	69.45	72.52	76.46	3.94
		1.3.1.5.2. Enforcement commercial	23,857	21,764	19,212	16,740	14,241	12,155	10,170	61.27	67.05	71.88	76.47	4.59
		1.3.1.5.3. Enforcement utility bills	1,664,328	1,709,000	1,574,517	1,574,589	1,661,940	1,621,919	/	52.27	52.26	49.62	50.83	1.21
	1.3.2. 2nd instance courts	1.3.2.1. Criminal appeal	866	894	1,275	1,753	1,951	1,977	1,755	13.36	3.57	2.29	13.26	10.97
		1.3.2.2. Civil appeal	13,293	13,685	14,682	14,761	14,628	15,191	15,063	46.85	47.33	45.30	45.76	0.46
		1.3.2.3. Commercial appeal	3,126	3,228	3,911	4,403	4,652	4,441	4,304	35.66	32.02	35.10	37.11	2.00
		1.3.2.4. Administrative appeal	1,119	2,216	2,892	3,643	4,117	4,422	3,975	12.25	0.83	0.00	4.25	10.77
		1.4.1.1. Criminal	118%	105%	110%	104%	100%	107%	108%	69.42	66.86	71.42	71.83	0.41
		1.4.1.2. Civil	123%	118%	113%	106%	110%	112%	112%	71.00	73.65	74.95	74.41	-0.54
		1.4.1.3. Commercial	118%	112%	125%	130%	127%	108%	112%	86.34	84.99	72.30	74.81	2.50
1.4. Courts: clearance rates (in %)	1.4.1. 1st instance courts	1.4.1.4. Administrative	98%	83%	91%	108%	116%	117%	98%	72.04	77.24	77.86	65.45	-12.40
		1.4.1.5.1. Enforcement civil	103%	113%	131%	121%	122%	112%	116%	80.69	81.63	74.95	77.03	2.08
		1.4.1.5.2. Enforcement commercial	106%	114%	119%	119%	121%	117%	118%	79.18	80.70	78.16	78.71	0.56
		1.4.1.5.3. Enforcement utility bills	79%	88%	97%	100%	99%	138%	/	64.37	66.62	66.00	91.82	25.82
		1.4.2.1. Criminal appeal	98%	99%	92%	91%	96%	100%	104%	61.43	64.11	66.39	69.59	3.20
	1.4.2. 2nd instance courts	1.4.2.2. Civil appeal	91%	97%	93%	99%	100%	96%	101%	66.28	67.00	63.71	67.38	3.67
		1.4.2.3. Commercial appeal	98%	97%	81%	86%	91%	107%	105%	57.24	60.67	71.57	69.84	-1.73
		1.4.2.4. Administrative appeal	114%	53%	66%	63%	75%	84%	123%	41.91	49.99	55.80	81.70	25.90

In the first instance courts, backlogs steadily declined, and clearance rates were above 100% from 2012 to 2018 (except in administrative cases, which reached 100% in 2014, but then declined in 2018). Nevertheless, the number of unresolved utility cases remained very high, at 1.6 million.

In the second instance courts in 2018, the clearance rate of all case types was above 100% for the first time in the period 2012–2018. Moreover, the clearance rate of administrative appeals improved significantly, from 84% in 2017 to 123% in 2018. Consequently, the backlog of all case types in courts (except administrative cases in first instance courts) decreased for the first time in the period 2012–2018.

A comparison of the findings for second instance courts in all four categories (resolution time, age of backlog, backlog reduction, and clearance rates) shows increases in resolution time and age of backlog, as noted in the previous section, along with improved clearance rates and a reduction in the age of backlog. This apparent contradiction is discussed in more detail in the following sections of the report.

C. DURATION OF CASE RESOLUTIONS, AGE OF UNRESOLVED CASES, CLEARANCE RATES, AND BACKLOG IN PROSECUTOR'S OFFICES

Sub-dimensions 1.5, 1.6, 1.7, and 1.8 in the Efficiency dimension of the JEI-BiH track the same indicators for POs as for courts in sub-dimensions 1.1 through 1.4. These include the average duration of case resolutions in 2018, average age of unresolved cases (backlog) at the end of 2018, number of unresolved cases (backlog) at the end of 2018, and clearance rate in 2018 (ratio of resolved cases to newly received cases in a calendar year), by case type. Exhibit 46 provides an overview of these values by calendar year, including their actual values, trend lines for each tracked case, case type, assigned indicator index value by case type on a scale of 0–100 from 2015 to 2018, and the change in 2018 compared to 2017.

Exhibit 46: Indicators, actual values, trends, and indicator index values for average duration of resolved cases, age of unresolved cases, clearance rates, and prosecutors' offices backlog 2012–2018

Sub-dimension	PO case type		Actual value of indicators							Trend	2015 Indicator value on 0-100 scale	2016 Indicator value on 0-100 scale	2017 Indicator value on 0-100 scale	2018 Indicator value on 0-100 scale	Annual change in indicator value (2018-2017)
			2012	2013	2014	2015	2016	2017	2018						
1.5. POs: Duration of resolved cases (in days)	1.5.1.1	General crime	366	412	371	396	250	218	196		48.26	67.31	71.56	74.45	2.89
	1.5.1.2.1	Corruption	1,146	374	481	358	344	364	314		73.17	74.24	72.69	76.50	3.80
	1.5.1.2.2	Economic crime	510	554	602	590	405	413	344		46.85	63.55	62.77	69.07	6.30
1.6. POs: Age of unresolved cases (in days)	1.6.1.1	General crime	2,116	1,555	1,330	1,449	1,358	1,538	1,362		56.55	59.27	53.88	59.16	5.28
	1.6.1.2.1	Corruption	801	702	654	505	425	376	385		64.85	70.40	73.81	73.22	-0.59
	1.6.1.2.2	Economic crime	881	849	776	694	647	692	772		58.43	61.26	58.59	53.76	-4.82
1.7. POs: Number of unresolved cases	1.7.1.1	General crime	996	978	976	795	695	658	720		59.54	64.68	66.54	63.38	-3.16
	1.7.1.2	War crimes	1,897	1,857	1,995	2,013	2,136	2,254	2,361		47.47	44.25	41.19	38.40	-2.79
	1.7.1.3	War crimes	1,277	1,222	1,075	1,000	872	807	732		58.03	63.40	66.13	69.28	3.15
1.8. POs: Clearance rates (in %)	1.8.1.1	General crime	21,702	20,749	18,517	12,352	11,042	10,366	9,838		69.61	72.83	74.50	75.80	1.30
	1.8.1.2.1	Corruption	501	786	907	1,005	1,051	939	839		31.29	28.14	35.80	42.64	6.84
	1.8.1.2.2	Economic crime	2,511	2,281	1,831	1,595	1,707	1,740	1,673		63.88	61.34	60.59	62.11	1.52
1.8. POs: Clearance rates (in %)	1.8.1.3	War crimes	1,277	1,222	1,075	1,000	872	807	732		58.03	63.40	66.13	69.28	3.15
	1.8.1.2.1	Corruption	103%	104%	109%	127%	105%	103%	103%		84.74	70.31	68.83	68.61	-0.22
	1.8.1.2.2	Economic crime	80%	112%	128%	114%	96%	100%	105%		75.90	64.32	66.47	70.06	3.59
1.8.1.3	War crimes	75%	116%	154%	126%	153%	139%	135%		84.03	100.00	92.70	90.31	-2.39	

The time needed to resolve each PO case type decreased in 2018. The average time to resolve general crime cases decreased from 218 days in 2017 to 196 days in 2018. The 2018 average case resolution time was close to the acceptable standard for the efficient processing of cases.⁷ The resolution time in 2018 decreased for both corruption and economic crime cases, and their respective values (314 and 344 days) now fall within the one-year timeframe for the first time in the period 2014–2018.

At the same time, the average age of the backlog for all case types increased. For corruption and economic crime cases, the age of backlogged cases increased from an average of 692 and 658 days, respectively, in 2017, to 772 and 720 days in 2018. In other words, cases of corruption and economic crime in POs, if not resolved, were on average about two years old.

The clearance rate for general crime cases was above 100% throughout the period 2012–2018, resulting in a substantial decrease in the backlog of this case type. All case types recorded clearance rates greater than 100% in the last two years (2017–2018). The backlog of corruption cases was lowest from 2015 to 2018, while the backlog of economic crime cases was lowest from 2016 to 2018. The clearance rate for war crimes was above 130% for the third year in a row, and the backlog continued to decrease steadily.

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

Sub-dimensions 1.9 and 1.10 in the Efficiency dimension, sub-dimensions 2.1 and 2.2 in the Quality dimension, and sub-dimension 3.3 in the Accountability and Transparency dimension track the average realized collective/orientation quota⁸ of judges and prosecutors, the confirmation rate of first instance decisions, and the success of indictments and disciplinary proceedings. As mentioned earlier, data on all of these indicators (except the success rate of disciplinary proceedings) are collected manually and provided by HJPC. At the time of collection, the available data had a one-year lag. Thus, the JEI-BiH 2018 includes the data on the performance of courts and POs in 2017. The same one-year time lag occurred in 2015 through 2017.

⁷ The Law on Criminal Procedure of FBiH, Article 240, point 2. Available at: https://www.pravosudje.ba/vstv/faces/pdfservlet?_afPfm=7669c5edde25febfaa52bca9c3c747f2d24b204763f446ebfa60320ceefe6a55.e34TbxyRbNiRb40Rbh4Obh4SaNn0?_afPfm=2697

⁸ The orientation quota for judges and prosecutors in BiH is the number of cases that a judge or a prosecutor is expected to resolve within a year. The collective quota is the average value of individual fulfillment of orientation quotas by judges and prosecutors. Details are available at: https://www.pravosudje.ba/vstv/faces/docservlet?_afPfm=28083 and https://vstv.pravosudje.ba/vstv/faces/docservlet?_afPfm=28084 (accessed on June 18, 2018).

As shown in Exhibit 47, the average rate of compliance with the collective quota of judges in 2017 was lower than in 2016. The rate of compliance with the collective quota of prosecutors in 2017 also declined compared to 2016. The confirmation rates of first instance court decisions generally slipped 1 to 2 percentage points below the 2016 values. In contrast, the success of indictments in 2017 improved by 1 percentage point compared to the previous year. Similarly, the success rate of disciplinary proceedings in 2018 improved by 2 percentage points compared to 2017.

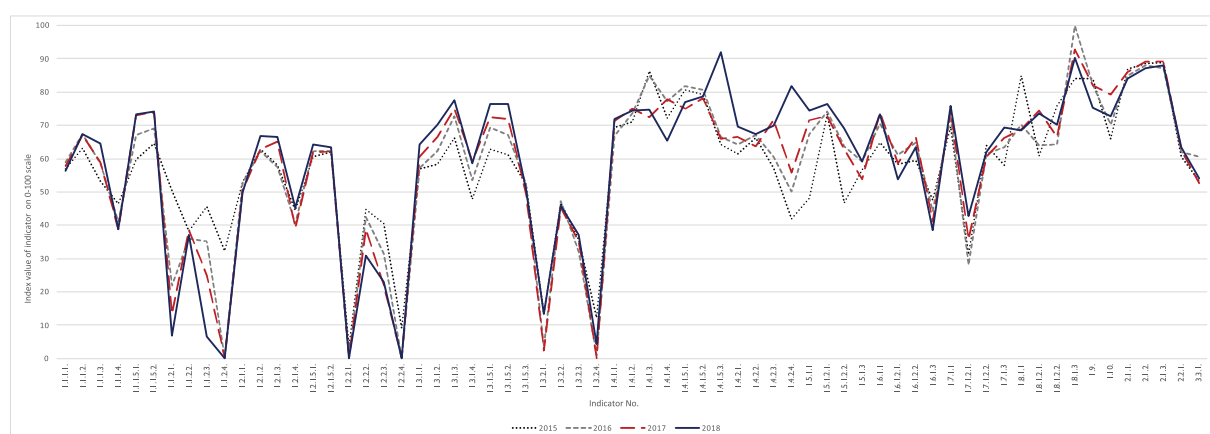
Exhibit 47: Indicators, actual values, historical trends, and indicator index values in collective quotas, confirmation rate of first instance court decisions, and success of indictments and disciplinary procedures, 2012–2018

Indicator	Actual value of indicators							Trend	2015 Indicator value on 0-100 scale	2016 Indicator value on 0-100 scale	2017 Indicator value on 0-100 scale	2018 Indicator value on 0-100 scale	Annual change in indicator value (2018-2017)
	2012	2013	2014	2015	2016	2017	2018						
1.9.1. Collective quota judges - rate of compliance with collective norm (in %)	133%	122%	126%	123%	123%	113%	/	84.00	81.95	82.00	75.33	-6.67	
1.10.1. Collective quota prosecutors - rate of compliance with collective norm (in %)	/	120%	99%	105%	119%	109%	/	66.00	70.04	79.33	72.67	-6.67	
2.1.1. Confirmation rate of 1st instance court decisions criminal cases (Kz/K) (in %)	90%	96%	87%	85%	86%	84%	/	86.78	85.00	86.00	84.00	-2.00	
2.1.2. Confirmation rate of 1st instance court decisions civil cases (Gz/P) (in %)	88%	96%	89%	88%	89%	87%	/	88.57	88.00	89.00	87.00	-2.00	
2.1.3. Confirmation rate of 1st instance court decisions commercial cases (Pz/Ps) (in %)	86%	97%	89%	87%	89%	88%	/	88.89	87.00	89.00	88.00	-1.00	
2.2.1. Success of indictments - ratio of condemnations to the total number of filed indictments (in %)	/	92%	91%	93%	94%	95%	/	60.67	62.00	62.67	63.33	0.67	
3.3.1. Disciplinary procedures - ratio of held responsible to number of initiated disciplinary proceedings (in %)	110%	94%	94%	80%	91%	79%	81%	53.33	60.60	52.78	54.00	1.22	

INDIVIDUAL VALUES OF THE HJPC ADMINISTRATIVE DATA INDICATORS

The HJPC administrative data presented in Exhibits 44–47 are illustrated graphically in Exhibit 48, where the vertical axis represents the value of the indicator (on a 0–100 scale), and the horizontal axis represents individual indicators (using the same indicator number as shown in Exhibits 44–47). Indicator values for 2015 are represented by the dotted black line, the values for 2016 by the dashed grey line, the values for 2017 by the dashed red line, and the values for 2018 by the solid blue line.

Exhibit 48: Individual indicator values from HJPC administrative data, 2015–2018



In most cases, the 2018 indicator values did not deviate substantially from the values in 2017, with some exceeding the 2017 values and others falling below them. As shown in Exhibit 48, these decreases occurred in a few indicators related to the performance of first and second instance courts, but the largest decreases were related to collective/orientation quota fulfillment for both judges and prosecutors and to the confirmation rate of first instance judgments. As the graph shows, the blue line (2018 values) lies mostly above the dotted red line (2017 values), implying an overall improvement

among indicators sourced from administrative data. Despite the fact that most individual indicators showed improvement, the overall change in index points was negative because of the extra weight assigned to indicators related to quota fulfillment and the confirmation rate of judgments and indictments, which decreased. The assigned weight reflects the fact that the fulfillment of the quota requirement is one of the most important variables used by the BiH judiciary to track performance in courts and POs. For this reason, an additional analysis of collective quota fulfillment is provided in the discussion of inflows and case resolutions in the Additional Data section, later in the report.

Individual indicator values were presented in Exhibits 44–47. A graphical representation of all individual indicator values in Exhibit 49 illustrates the previous findings that first instance courts and POs performed better in 2018 compared to 2017, and second instance courts showed some improvement, especially in clearance rates compared to 2017.

Exhibit 49: Changes in indicator values from HJPC administrative data, 2018 compared to 2017

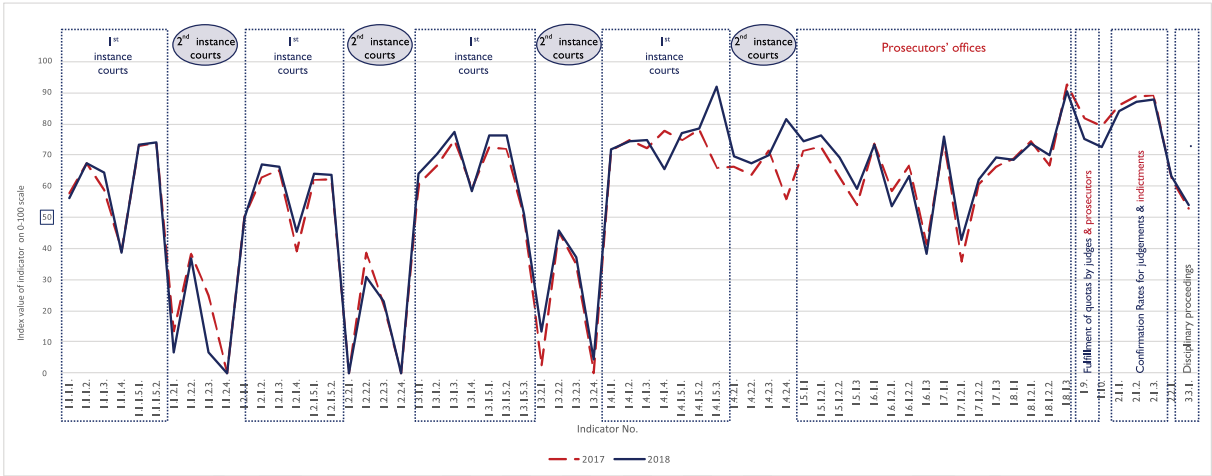


Exhibit 50 lists the 10 indicators with the largest annual changes in 2018 compared to 2017. The indicators showing improvement were the clearance rate of administrative appeals, clearance rate of enforcement of utility cases, number of unresolved criminal appeal cases, and number of unresolved corruption case in POs. The largest value decreases between 2017 and 2018 were associated with indicators related to the time needed to resolve commercial and criminal appeals cases, clearance rate of administrative cases, age of unresolved civil appeals cases, and fulfillment of collective/orientation quotas for both judges and prosecutors.

Exhibit 50: Largest annual changes in indicator values from HJPC administrative data, 2018 compared to 2017

Indicator no.	Indicator	2017 indicator value on 0-100 scale	2018 indicator value on 0-100 scale	Annual indicator value change
1.4.2.4	Courts: Clearance rates - administrative appeal ("Uz")	55.80	81.70	25.90
1.4.1.5.3	Courts: Clearance rates - enforcement utility ("Kom")	66.00	91.82	25.82
1.1.2.3	Courts: Duration of resolved cases - commercial appeal ("Ps")	25.03	6.58	-18.45
1.4.1.4	Courts: Clearance rates - administrative ("U")	77.86	65.45	-12.40
1.3.2.1	Courts: Number of unresolved cases - criminal appeal ("Kz")	2.29	13.26	10.97
1.2.2.2	Courts: Age of unresolved cases - civil appeal ("Gz")	38.68	30.91	-7.76
1.7.1.2.1	POs: Number of unresolved cases - corruption	35.80	42.64	6.84
1.9	Collective quota - judges	82.00	75.33	-6.67
1.10	Collective quota - prosecutors	79.33	72.67	-6.67
1.1.2.1	Courts: Duration of resolved cases - criminal appeal ("Kz")	13.40	6.76	-6.64

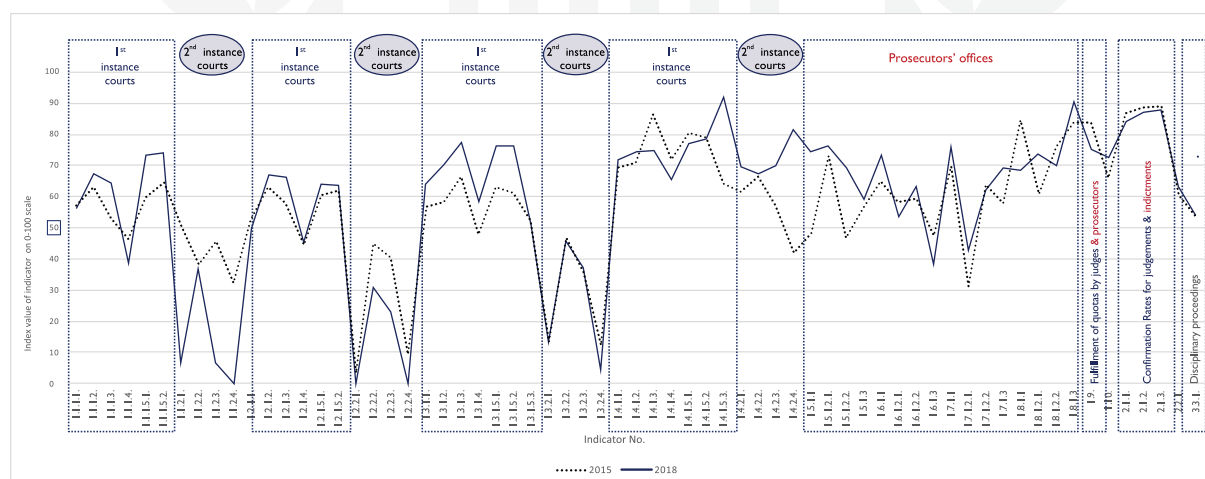
A count of the number of 2018 indicators sourced from the HJPC administrative data that saw changes of 0, 2, and 5 percentage points in either direction is shown in Exhibit 51.

Exhibit 51: Changes in the indicators sourced from the HJPC administrative data, 2018 compared to 2017, at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change of i index points		Number of indicators with annual change of i index points		Number of indicators with annual change of i index points	
i > 0	39	i > 2	25	i > 5	8	
i = 0	3	-2 < i > 2	30	-5 < i > 5	51	
i < 0	23	i < -2	10	i < -5	6	
Total	65		65		65	

Finally, because this is the fourth edition of the JEI-BiH, it is possible to observe changes in 2018 compared to 2015. As Exhibit 52 shows, first instance courts performed better in 2018 compared to 2015 in the average duration of resolved cases, age of the backlog, and number of unresolved cases (backlog), while the clearance rate in some indicators was better in 2015 than in 2018. For second instance courts, the time needed to resolve cases and the age of backlog increased. The backlog of appeal cases had been consistently trending upward from 2012–2017. The clearance rate indicators in 2018 improved relative to 2015 because second instance courts in 2018 achieved the highest clearance rates since the inception of the JEI-BiH (exceeding 100% for the first time). POs performed better on most indicators in 2018 than in 2015. This was a consequence of exceptionally high clearance rates in 2015, which provided the foundation for the reductions in average time needed to resolve cases, age of the backlog, and number of unresolved cases. High clearance rates in general crime cases in 2015 were not repeated in any consecutive year; thus the 2015 indicator value remained better than the value in 2018.

Exhibit 52: Changes in indicator values from HJPC administrative data in 2018 compared to 2015



ADDITIONAL DATA

As noted previously, besides the data used in JEI-BiH calculations, MEASURE-BiH collected additional HJPC administrative data, when available, to obtain a more complete picture of the functioning of the BiH judiciary. These data provided information on the number of newly received cases (inflow), number of resolved cases in each calendar year, budgets allocated to courts and POs, and number of judges, prosecutors, and support staff in the reported year.

CASE INFLOWS, 2012–2018

Exhibit 53 gives a historical overview of case inflows from 2012 to 2018, showing trend lines by case type and aggregated information by judicial instance.

Exhibit 53: Case inflows, 2012–2018

		Inflow							Trend	Total inflow
	Case type	2012	2013	2014	2015	2016	2017	2018		
1st instance courts	Criminal cases	14,853	13,960	12,772	12,562	12,174	10,958	10,354		
	Civil cases	32,441	31,909	31,070	30,556	28,069	26,011	25,160		
	Commercial cases	9,016	8,761	7,195	6,575	5,017	5,333	4,815		
	Administrative cases	10,118	12,089	11,751	10,233	8,664	7,859	8,609		
	Enforcement of civil cases	62,382	67,098	61,597	66,972	61,802	60,155	58,740		
	Enforcement of commercial cases	13,967	14,691	13,205	13,170	11,636	11,837	10,934		
2nd instance courts	Criminal appeal cases	4,492	4,702	4,850	5,326	5,328	5,545	5,176		
	Civil appeal cases	14,065	14,606	14,782	13,574	12,825	12,696	11,505		
	Commercial appeal cases	3,333	3,270	3,649	3,479	3,011	2,774	2,797		
	Administrative appeal cases	1,422	2,346	2,001	2,022	1,927	1,847	1,885		
POs	General crime cases	25,975	25,077	24,339	22,741	21,822	21,373	19,527		
	Corruption cases				1,138	1,213	1,047	1,012		
	Other economic crime cases				1,704	1,904	1,715	1,670		
	War crime cases	563	337	272	288	234	169	203		

The inflow of individual case types in first instance courts decreased for most of the period 2012–2018. Except for minor deviations from the general pattern (commercial cases in 2017, administrative cases in 2018, enforcement of civil cases in 2013 and 2015, and enforcement of commercial cases in 2013 and 2017), inflows of all individual case types to first instance courts declined from 2012 to 2018. Exhibit 54 shows these changes in inflow levels. First instance courts received 6% to 47% fewer cases in 2018 than they did in 2012. Summary data for inflows of all case types, presented in Exhibit 53, above, shows that first instance courts experienced reductions in total inflows for the third year in a row.

Exhibit 54: Changes in inflow levels, 2018 compared to 2012, in first instance courts

Judicial instance	Case type	Change in inflow levels, 2018 vs. 2012 (%)
1st instance courts	Criminal cases	-30%
	Civil cases	-22%
	Commercial cases	-47%
	Administrative cases	-15%
	Enforcement of civil cases	-6%
	Enforcement of commercial cases	-22%

Inflows of individual case types in second instance courts generally decreased each year beginning 2015. Civil, commercial, and administrative appeal cases experienced peak inflows in 2013 or 2014. Since then, each of these case types mostly had reduced inflows. Criminal appeal cases were an exception to this trend. Inflows of these cases increased from 2012 to 2017, but in 2018, for the first time, these inflows decreased. Exhibit 55 shows the changes in inflow levels in 2018 compared to 2012. Second instance

courts received 16% and 18% fewer commercial and civil cases, respectively, in 2018 than they received in 2012. These two case types together constituted two-thirds of the inflows of all cases in second instance courts each year during the period 2012–2018. Consequently, as shown in Exhibit 53, above, total inflows to second instance courts decreased for the fourth year in a row.

Exhibit 55: Changes in inflow levels, 2018 compared to 2012, in second instance courts

Judicial instance	Case type	Change in inflow levels, 2018 vs. 2012 (%)
2nd instance courts	Criminal appeal cases	15%
	Civil appeal cases	-18%
	Commercial appeal cases	-16%
	Administrative appeal cases	33%

Inflows of cases to POs generally decreased each year since 2012, mainly as a result of reductions in the inflows of general crime cases. Reductions in the inflows of war crimes have also occurred since 2012, with the exception of 2018, when the inflow increased. The inflows of corruption and economic crime cases in 2018 were the lowest in the period 2015-2018. Exhibit 56 shows the changes in inflows for general and war crime cases in 2018 compared with 2012, and the changes in inflows for corruption and economic crime cases in 2018 compared with 2015.

Exhibit 56: Changes in case inflow levels in POs, 2018 compared to 2012

Judicial instance	Case type	Change in inflow levels, 2018 vs. 2012 (%)
POs	General crime cases	-25%
	Corruption cases*	-11%
	Other economic crime cases*	-2%
	War crime cases	-64%

Note: Due to changes in the definitions of corruption crime cases by HJPC in 2014 and 2015, and the subsequent lack of alignment of the data with the updated definitions in CMS/TCMS, a comparison of inflows of corruption and economic crime cases in 2018 and 2012 is not reliable. Therefore, the analysis for these two case types is based on a comparison of reliable data that were available from 2015 onward. These case types are marked with an asterisk, and the values represent a comparison between 2018 and 2015.

Because 87% to 92% of all PO cases were general crime cases (2012–2018), the reduction in the inflows of these cases resulted in an overall decrease (about 21%) in total inflows in POs in 2018 compared with 2012.

In summary, previous findings related to case inflows in courts and POs show that, each year, the BiH judiciary experienced reduced inflows across all judicial instances. In first instance courts, the inflows were reduced in each of the last three years; in second instance courts, reduced inflows occurred in each of the last four years; and for POs these reductions occurred each year since 2012.

CASE RESOLUTIONS, 2012–2018

Exhibit 57 provides an overview of resolved cases from 2012 to 2018, with trend lines by case type and aggregated information by judicial instance.

Exhibit 57: Resolved cases, 2012–2018

		Resolved cases								
	Case type	2012	2013	2014	2015	2016	2017	2018	Trend	Total resolved
1st instance courts	Criminal cases	17,507	14,656	14,045	13,080	12,209	11,739	11,156		
	Civil cases	40,052	37,645	34,989	32,541	31,008	29,242	28,081		
	Commercial cases	10,624	9,805	8,993	8,515	6,396	5,784	5,403		
	Administrative cases	9,904	10,048	10,704	11,058	10,038	9,178	8,452		
	Enforcement of civil cases	64,195	75,679	80,628	81,062	75,671	67,632	67,872		
	Enforcement of commercial cases	14,774	16,784	15,757	15,642	14,086	13,877	12,910		
2nd instance courts	Criminal appeal cases	4,417	4,674	4,469	4,848	5,124	5,522	5,403		
	Civil appeal cases	12,768	14,214	13,785	13,495	12,889	12,133	11,628		
	Commercial appeal cases	3,274	3,168	2,966	2,987	2,740	2,978	2,930		
	Administrative appeal cases	1,618	1,249	1,325	1,271	1,445	1,546	2,310		
POs	General crime cases	26,717	26,030	26,571	28,906	23,013	22,066	20,096		
	Corruption cases				1,040	1,164	1,167	1,118		
	Other economic crime cases				1,940	1,837	1,710	1,755		
	War crime cases	424	392	419	363	359	235	275		

The resolution of individual case types in first instance courts generally slowed during the period 2012–2018. Except for some minor deviations from the general pattern (administrative cases in 2013–2015, enforcement of civil cases in 2013–2015, and enforcement of commercial cases in 2013), the number of resolved cases of almost all first instance court case types declined from 2012 to 2018. Exhibit 58 shows the changes in the number of resolved cases in 2018 compared to 2012. First instance courts resolved between 13% and 49% fewer cases in 2018 than in 2012, with the exception of enforcement of civil cases, which was the only case type with an increased number of resolutions.

Exhibit 58: Changes in the number of resolved cases in first instance courts, 2018 compared to 2012

Judicial instance	Case type	Change in number of resolved cases, 2018 vs. 2012 (%)
1st instance courts	Criminal cases	-36%
	Civil cases	-30%
	Commercial cases	-49%
	Administrative cases	-15%
	Enforcement of civil cases	6%
	Enforcement of commercial cases	-13%

The number of resolved cases across individual case types in second instance courts was mixed. The number of resolved civil and commercial appeal cases was highest in 2012 and 2013; in later years, this number declined. Similarly, fewer administrative appeal cases were resolved in 2013 through 2016 than in 2012. In contrast, the number of resolved criminal and administrative appeal cases was highest in 2017 and 2018. Exhibit 59 shows the changes in the number of resolved cases in 2018 compared to 2012. Second instance courts resolved between 9% and 11% fewer civil and commercial appeal cases in 2018 than in 2012.

Exhibit 59: Changes in the number of resolved cases in second instance courts, 2018 compared to 2012

Judicial instance	Case type	Change in number of resolved cases in 2018 vs 2012 (in %)
2nd instance courts	Criminal appeal cases	22%
	Civil appeal cases	-9%
	Commercial appeal cases	-11%
	Administrative appeal cases	43%

The number of resolved cases in POs generally decreased each year beginning in 2016 as a result of the reduced number of resolved general crime cases. The number of resolved war crimes cases has declined since 2014, with the exception of 2018, when the number of resolved cases increased compared to the year before. Due to changes in the definitions of corruption crime cases by HJPC in 2014 and 2015, and the later lack of alignment of data with the updated definitions in CMS/TCMS, a reliable comparison of the number of resolved cases in corruption and economic crime cases between 2018 and 2012 was not possible. A proxy comparison was therefore drawn between the data for 2018 and 2015 since reliable data for this period were available. The resolution of corruption cases occurred more slowly in 2018 than at any other point since 2016. This trend does not reflect the fact that these cases had been assigned a high priority.

Exhibit 60 shows the changes in the number of resolved cases by case type. For general crime cases and war crimes, the 2018 values are compared with those from 2012. For corruption cases and other economic crime cases, the 2018 values are compared with those from 2015.

Exhibit 60: Changes in the number of resolved cases in POs in 2018 vs. 2012

Judicial instance	Case type	Change in number of resolved cases (in %)
POs	General crime cases	-25%
	Corruption cases*	7%
	Other economic crime cases*	-10%
	War crime cases	-35%

Note: Due to changes in the definitions of corruption crime cases by HJPC in 2014 and 2015, and the subsequent lack of alignment of the data with the updated definitions in CMS/TCMS, a comparison of inflows of corruption and economic crime cases in 2018 and 2012 is not reliable. Therefore, the analysis for these two case types is based on a comparison of reliable data that were available from 2015 onward. These case types are marked with an asterisk, and the values represent a comparison between 2018 and 2015.

Approximately 86% to 89% of all resolved cases in POs between 2015 and 2018 were general crime cases. A reduced number of resolutions in these cases resulted in an overall decrease of about 28% in the total number of resolved cases in POs in 2018 compared to 2015.

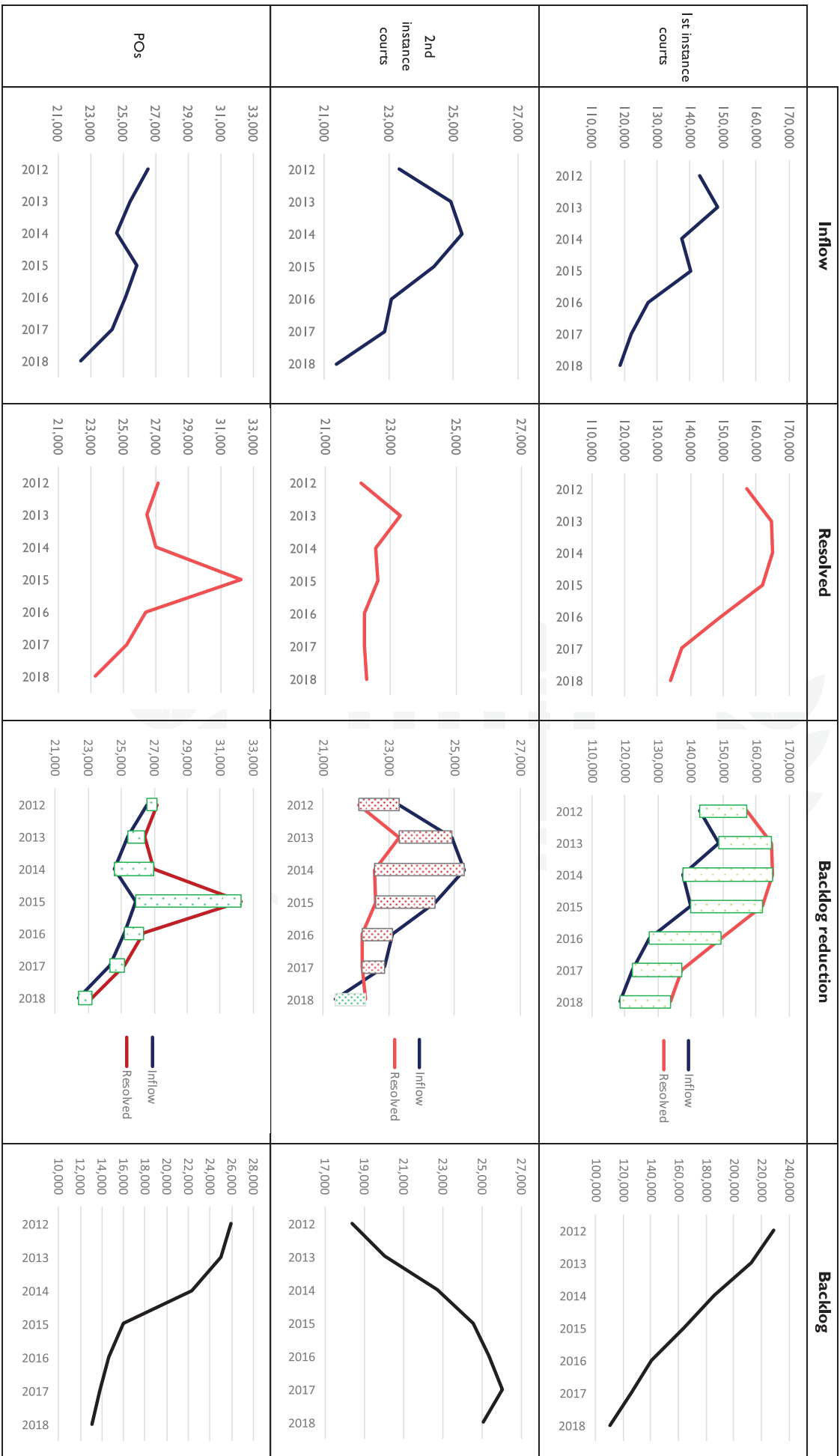
According to these findings, each year the BiH judiciary resolved fewer cases across all judicial instances. In first instance courts, this decline occurred over the last four years. In second instance courts, there were only minor changes in the number of resolved cases during the period from 2012 through 2018, while the number of resolved PO cases decreased over the last three years.

In summary, courts of both instances and POs resolved more cases than they received in 2018 (with the exception of administrative cases in first instance courts). Consequently, the overall backlog of major case types in the BiH judiciary decreased in 2018. First instance courts and POs experienced backlog reductions from 2012 to 2018, while the backlog in second instance courts increased over most of that period. Second instance courts reduced their backlog only in 2018. Exhibit 61 summarizes the trends in inflows, resolutions, and changes in backlog.

While the BiH judiciary cannot control inflows, judges and prosecutors can control the number of resolved cases. The analyses conducted for this report clearly show that the number of cases resolved by the courts and POs in BiH consistently declined over the last several years. This contradicts the expectation that reduced inflows should lead to at least the same level of resolutions as in previous years and to decreases in the average time needed to resolve cases and the age of backlog. Since this expectation has not been met, these trends require the prompt attention of decision makers.



Exhibit 6 | Case inflow and disposition trends by case type and cumulatively by judicial instance, 2012–2018

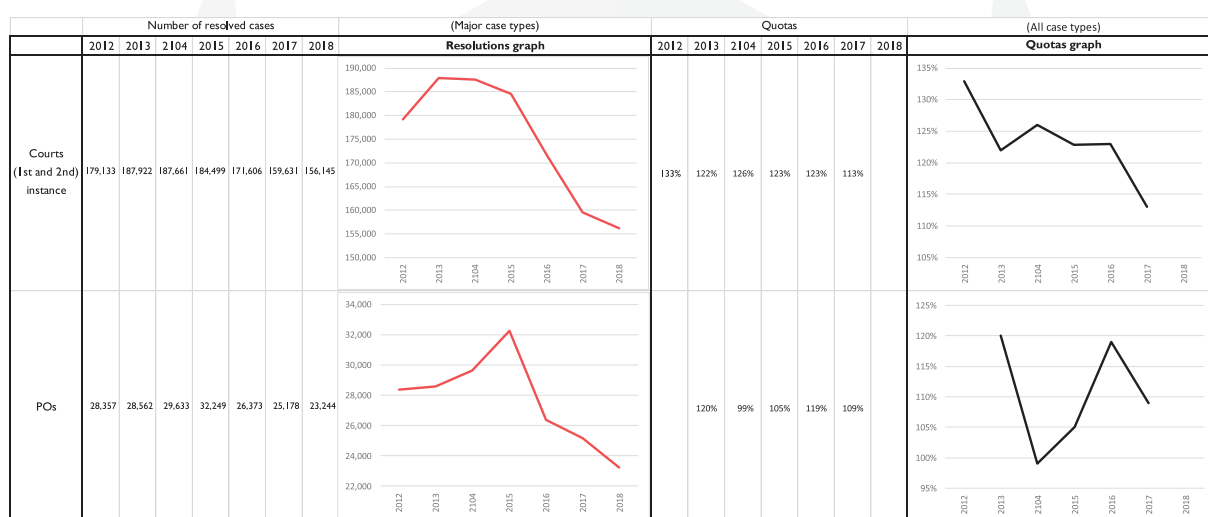


BIH JUDICIARY'S METRIC USED FOR MEASURING ITS PRODUCTIVITY

In estimating its productivity in terms of the number of resolved cases, the BiH judiciary mainly relies on the “collective/orientation quota” metric (widely referred as the “quota”). The quota refers to the number of cases a judge or a prosecutor is expected to resolve in a year. The total number of resolved cases at the end of the year is compared to the number prescribed by the quota, and the percentage of fulfillment of the quota requirement is calculated. The average value for all judges in one court (or prosecutors in one PO) represents the “collective quota” for that court (or PO). The average value for all courts or all POs represents the percentage of the collective quota that has been met for all courts or all POs. The data on quotas are collected by the HJPC with a time lag.

The JEI-BiH also tracks data on the fulfillment of the collective quota for courts and POs. As previously discussed, JEI-BiH tracks the number of resolved cases by courts and POs. The number of resolved cases and the reported quota results for judges/courts are presented side by side in Exhibit 62. By comparing the graphs, the variation in trends and patterns is evident. The resolution patterns of major case types should be somewhat recognizable in the reported quotas, because the two graphs/variables should present the same outcome. However, it is difficult to detect decreases in the number of resolved cases in the last several years when the graphs of quotas are reported in isolation. Because the quota is one of the key variables used in decision-making, the mismatch in trends and patterns presented in Exhibits 62 should be explained carefully.

Exhibit 62: Number of resolved cases in courts and POs and the reported collective quotas, 2012–2018



The HJPC still manually collects other important administrative data. For example, the confirmation rate of first instance court decisions and the success rate of indictments are tracked manually. This procedure is an issue because the manual handling of data can lead to various errors in collecting, transferring, processing, and manipulating the data.

ADDITIONAL DATA RESOURCES 2012–2017

MEASURE-BiH collected additional data on the budgets and human resources available to the courts and POs. As shown in Exhibit 63, the availability of financial resources for courts and POs improved in 2018 compared to 2017. Budgets in 2018 were higher than in 2017 (a 5% increase for courts and a 9% increase for POs). There were no changes in the number of judges and prosecutors in 2018 compared to 2017. The number of support staff in courts decreased by 5%, and the number of support staff in POs increased by 7%. In the previous year (comparing 2017 to 2016), the direction of the changes was reversed.

Exhibit 63: Resources available to courts and POs, 2012–2018

	2012	2013	2014	2015	2016	2017	2018
Adopted budgets of courts (KM)	164,758,906	171,675,077	174,106,409	177,356,025	178,529,382	182,295,177	191,449,989
Adopted budgets of POs (KM)	41,639,785	43,283,933	46,852,298	48,843,040	49,811,044	51,920,095	56,598,526
Total number of judges	1,073	1,098	1,102	1,088	1,108	1,017	1,013
Total number of prosecutors	310	328	360	365	380	377	377
Number of support staff in courts	3,098	3,239	3,352	3,420	3,253	3,474	3,316
Number of support staff in POs	665	687	668	744	803	700	752

The budgets for courts increased each year from 2012 to 2018 (from 165M KM to 191M KM), representing a 16% overall increase. The number of judges decreased by 6% between 2012 and 2018 (1,073 vs. 1,013), while the number of court support staff increased by about 7% (from 3,098 to 3,316). POs experienced a 36% increase in their budgets between 2012 and 2018 (from 42M KM to 57M KM), which coincided with a 22% increase in the number of prosecutors (from 310 to 377) and a 13% increase in support staff (from 665 to 752) in the same period. Exhibit 64 shows the difference in available resources in 2018 compared to 2012.

Exhibit 64: Resources available to courts and POs, 2018 compared to 2012

	Difference in 2018 compared to 2012 (%)
Adopted budgets of courts (KM)	16%
Adopted budgets of POs (KM)	36%
Total number of judges	-6%
Total number of prosecutors	22%
Number of support staff in courts	7%
Number of support staff in POs	13%

SUMMARY OF FINDINGS BASED ON HJPC ADMINISTRATIVE DATA INDICATORS

Courts

In 2018, the first instance courts further reduced their backlogs and achieved clearance rates of above 100%. Generally, the average case resolution time and the age of the backlog were reduced in 2018 (commercial cases and enforcement of civil and commercial cases in both the resolution time and the age of the backlog, and civil and administrative cases in the age of the backlog), except for criminal cases, which experienced increases in case resolution time and the age of the backlog. Nevertheless, the average time needed to resolve cases in first instance courts remained high, and the average age of the backlog was even higher (ranging from 320 to 478 days for resolutions, and 358 to 558 days for age of the backlog across major case types tracked by the Index). The number of unresolved utility cases remained very high, at 1.6 million.

In the second instance courts, the 2018 clearance rate for all case types was above 100% for the first time since 2012. Moreover, the clearance rate of administrative appeals substantially improved (from 84% in 2017 to 123% in 2018). Consequently, the backlog of all case types decreased for the first time since 2012. However, the average time to resolve cases still ranged from 142 to 856 days, and the average age of the backlog ranged from 272 to 738 days across the major appeal case types tracked by the Index. Moreover, the average time needed to resolve cases and the age of the backlog increased in 2018 compared to the corresponding average values in the 2012–2014 period. In some cases, these average times doubled, and in others nearly doubled, relative to 2012–2014. The adjudication of civil and commercial appeal cases continued to take as long as or longer than in the first instance courts.

The inflows in the first instance courts declined for the last three years, and in the second instance courts, for the last four years. The number of resolved cases in the first instance courts also declined over the last four years. In the second instance courts, there were only minor changes in the number of resolved cases from year to year. The number of resolved cases remained larger than the corresponding inflow in that period, which helped in achieving clearance rates above 100% and in reducing the backlog.

Prosecutors' Offices

The clearance rate for general crime cases was above 100% for the entire period between 2012 and 2018, resulting in a significant decrease in the backlog of this type of case. All case types experienced clearance rates in excess of 100% in the last two years (2017 and 2018). In 2018, the backlog of corruption cases was at the lowest point since 2015, while the backlog of economic crime cases was at the lowest point since 2016. The clearance rate for war crimes was above 130% for the third year in a row, and the backlog steadily decreased.

In 2018, the time needed to resolve cases decreased for all PO case types. In particular, the 196-day average resolution time for general crime cases is close to the acceptable standard for the efficient processing of cases. The resolution time for both corruption and economic crime cases was reduced and was less than one year (314 and 344 days, respectively) for the first time in the period 2014-2018.

The average age of the backlog for all case types increased. For corruption and economic crime cases, the age of backlogged cases increased from an average of 692 and 658 days in 2017, respectively, to 772 and 720 days in 2018. Unresolved cases of corruption and economic crime in POs were therefore approximately two years old on average.

The inflows of cases to POs steadily declined after 2012. The inflows of corruption and economic crime cases in 2018 were the lowest since 2015.

The number of resolved cases in POs declined for the third year in a row. There was, however, no noticeable increase in the number of resolved corruption and economic crime cases in the period 2015–2018. The number of resolved corruption cases in 2018 was the lowest since 2016. The trends in resolving corruption cases do not reflect the high priority assigned to this type of case.

The number of resolved cases remained greater than the corresponding inflows in the period, which helped to achieve clearance rates above 100% and to reduce the backlog. The number of resolved cases in POs declined as inflows slowed, a finding that requires immediate action to reverse the observed trends.

Despite clearance rates in excess of 100% in POs in 2018 (and a reported reduced backlog), no observable changes occurred in the number of indictments filed with first instance courts (the inflows of criminal cases in first instance courts were smaller in 2018 than in 2017).

Courts and Prosecutors' Offices

The variable used to officially measure productivity in the courts and POs in BiH (fulfillment of the quota requirement for judges/courts and prosecutors/POs) provides information on the number of resolved case compared to a projected number of cases that are expected to be resolved in a year. However, while this variable (quota) is consistently reported as more than 100%, when reported in isolation it does not provide information about the reduced number of resolved cases or indictments filed. This suggests a need to review the reporting on productivity, and possibly add other variables or make changes in the quota standards.

The administrative data show consistent increases in the budgets of courts from 2012 (165M KM) to 2018 (191M KM), a 16% increase. However, by 2018, the number of judges had declined by 6% when compared to 2012 (1,073 vs. 1,013), while the number of court support staff increased by about 7% (from 3,098 to 3,316). The budgets of POs also experienced consistent increases from 2012 (42M KM) to 2018 (57M KM). POs' budgets in 2018 increased 36% relative to 2012, which coincided with a 22% increase in the number of prosecutors (from 310 to 377) and a 13% increase in support staff (from 665 to 752).

The HJPC still manually collects important administrative data for both the courts and the POs. These data include the collective quotas of judges and prosecutors, the confirmation rate of first instance court decisions, and the success rate of indictments. The data are available only with a time lag, which affects the ability of stakeholders to make informed decisions.

SUMMARY OF 2018 JEI-BIH FINDINGS

The findings from the 2018 JEI-BiH can be summarized as follows:

1. The Index value increased by 0.19 index points in 2018 compared to 2017, which implies a very small improvement in the effectiveness of the BiH judiciary. This increase was smaller than those in prior years (between 2016 and 2017, the Index value increased by 0.5%, from 56.78 to 57.09 index points). Improvement in the last two years (2017 and 2018) occurred at a slower rate than in 2016, when a 4.4% increase was experienced, from 54.4 to 56.8 index points.
2. Two out of the five index dimensions (Efficiency, and Capacity and Resources) experienced improvement, the Accountability and Transparency dimension remained unchanged, and the Quality, and Independence and Impartiality dimensions declined. The Independence and Impartiality dimension contains most of the indicators related to corruption. Because the prevention of corruption is a top priority for the BiH judiciary, negative changes in this dimension are worrisome.
3. The public perception of judicial effectiveness remained consistently poor, ranging from 32% to 37%. Moreover, public perception declined by 2.78% in 2018 compared to 2017, resulting in a decrease of 0.23 index points. Less than 10% percent of citizens had personal experience with the work of courts through involvement in their own cases (except utility cases). Rather, the media constitute the principal source of information for citizens about the work of courts and investigations. Public perception of the objectivity of the media in selecting and presenting court cases and investigations was also unfavorable (between 40 and 42 index points of the maximum of 100). The analysis of the responses of individuals who were involved in court cases and those who were not showed no differences in the perception of judicial effectiveness.
4. Judges/prosecutors' perceptions of judicial effectiveness ranged from 58% to 62% of the maximum in the period 2015–2018, which suggests there is room for improvement. The perceptions of judges and prosecutors increased by 2.04% in 2018 compared to 2017, resulting in an improvement of 0.55 index points. There was no overall difference between judges and prosecutors in the perception of the effectiveness of the BiH judiciary. Some differences in individual indicators showed that, generally, judges had a more negative perception of the performance of prosecutors (i.e., resolution time, age of backlog, and rating of work) than prosecutors themselves did, and vice versa. There were few differences in responses when answers from female and male respondents were compared.
5. Judges and prosecutors' perceptions of judicial effectiveness were much more favorable than those of citizens. Among judges and prosecutors the overall Index value was 61.51%, while among citizens it was 36.15%. There was no substantial convergence of the perceptions of judicial effectiveness by the public and by judges/prosecutors in 2018. There were still large differences regarding judicial effectiveness, with little change across individual indicators since 2015.
6. In 2018, there was a small decline of 0.58% (or 0.13 index points) in the processing of the main types of cases in courts/POs compared to 2017. While most indicators sourced from HJPC administrative data increased, declines in the fulfillment of quotas and the quality of first instance decisions (2017 data) resulted in the overall decline in indicators sourced from administrative data.
7. In 2018, both the courts and POs experienced clearance rates above 100% and reduced their

backlog. For second instance courts, this was the first time this level had been attained since 2012. Despite this positive development, the number of resolved cases in first instance courts declined over the last four years. In second instance courts, there were only minor changes in the number of resolved cases from year to year, while the number of resolved cases in POs declined for the third year in a row. This occurred in parallel with reduced inflows.

8. The number of criminal reports filed for corruption and economic crimes has declined each year since 2016. The number of resolved corruption cases was at its lowest point in 2018 since 2016. Taken together, these figures do not reflect the high priority placed on the prosecution of corruption and economic crimes.
9. The number of indictments filed with first instance courts decreased in 2018 compared to 2017.
10. The budgets for courts and POs were higher in 2018 than in 2017. In comparison with 2012, the 2018 court budgets were 16% higher, and the PO budgets were 36% higher.



2018 JEI-BIH RECOMMENDATIONS

1. For each perception indicator based on survey data, the reasons for low values should be identified and targeted, and corrective measures taken.
2. Courts and POs must carefully examine the reasons for the declining number of resolved cases and take action to reverse this negative trend.
3. Both the courts and the POs must take advantage of decreasing case inflows to reduce backlogs and speed up the delivery of justice in BiH.
4. First instance courts should identify the underlying reasons that more cases were resolved in 2013–2015 than in 2016–2018.
5. Second instance courts should identify the underlying reasons for not achieving clearance rate of 100% in 2012–2017 and why it took twice as long to resolve cases in 2018 compared to 2012–2014.
6. POs should increase the number of resolved cases and indictments filed for corruption.
7. The discrepancy between court budget increases in the period 2012–2018 and the 6% decline in the number of judges in the same period should be examined.
8. Courts and POs should begin monitoring clearance rates, inflows, and resolution of cases as a set of related variables, rather than being focused only on collective/orientation quotas.
9. Collection of data on indicators that are at present processed manually by HJPC (quotas, confirmation of first instance decisions, and success of indictments) should be automated using the case management system (CMS).
10. Re-assignment of JEI-BiH weights should be considered to reflect the BiH judiciary's prioritization of the fight against corruption.

ANNEX I: 2018 JUDICIAL EFFECTIVENESS INDEX MATRIX

Comprehensive 2018 Judicial Effectiveness Index of BiH Matrix is attached to the back cover of this Report.

ANNEX II: 2018 PUBLIC PERCEPTION QUESTIONNAIRE

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

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

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

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

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

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

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

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

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

1	2	3	4	5	6	7
extremely poor						excellent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANNEX III: 2018 QUESTIONNAIRE FOR BIH JUDGES AND PROSECUTORS

2018 Questionnaire for judges and prosecutors

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

- Yes
- No
- I don't know

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

- Yes
- No
- I don't know

3. Which comes closest to your opinion:

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

4. Which comes closest to your opinion:

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

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

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

6. Do you agree that:

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

7. Do you agree that:

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

8. Do you agree that:

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

9. Disciplinary sanctions rendered in the disciplinary proceedings are

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

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

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

11. In your opinion:

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

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

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

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

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

17. Do you agree that:

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

18. Do you agree that:

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

19. Do you agree that:

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

20. Do you agree that:

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

21. Do you agree that:

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

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

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

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

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

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

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

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

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

26. Do you agree that:

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

27. Do you agree that:

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

28. Do you agree that:

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

29. Do you agree that:

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

30. Do you agree that:

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

31. Do you agree that:

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

32. Do you agree that:

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

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

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

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

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

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

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

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

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

Judicial Effectiveness Index (JEI BiH)

Weight of Dimension within Index	I D E N T I F I C A T I O N S	Weight of Sub-Dimension within Dimension	SUB-DIMENSIONS	Weights of Groups of Indicators within Sub-Dimension	GROUPS OF INDICATORS/SUB-INDICATORS										ACTUAL VALUES OF INDICATORS			ACTUAL VALUES SCALED TO INDEX ON 0-100 scale			2013 INDEX POINTS OF INDICATOR ON 0-100 scale	2014 INDEX POINTS OF INDICATOR ON 0-100 scale	2015 INDEX POINTS OF INDICATOR ON 0-100 scale	2016 INDEX POINTS OF INDICATOR ON 0-100 scale	TOTAL WEIGHT OF INDICATOR WITHIN INDEX	POINTS IN INDEX FOR 2013	POINTS IN INDEX FOR 2014	POINTS IN INDEX FOR 2015	POINTS IN INDEX FOR 2016																													
					Weights of Indicators within Groups of Indicators	INDICATORS	Weights of Sub-Indicators within Indicators	SUB-INDICATORS	2011	2012	2013	2014	2015	2016	2017	2018	0 Points	50 points	100 points																																							
																				(10)										(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)																
EFFICIENCY	1	8%	1.1.	Course Duration of Resolved Cases	HPC	50%	1.1.1.	1st instance courts	20%	1.1.1.1.	Criminal (C%)	378	375	343	314	300	308	320	730	365	0	57.03	58.89	57.80	56.19	0.19%	0.11	0.11	0.11	0.11																												
												QUALITY	1	100%	2.1.	Confirmation Rate of 1st Instance Court Decisions	HPC	33%	2.1.1.	Criminal Cases (C%)	20%	2.1.1.1.	Criminal (C%)	95%	94%	87%	85%	85%	84%	87%	0%	0%	100%	86.78	85.00	86.00	86.00	2.06%	1.81	1.77	1.75	1.75																
																								CAPACITY & RESOURCES	4	8%	4.1.	Speed of Appointing Judges/Prosecutors	SP18-A1	100%	4.1.1.	Do you agree that the appointment of a judge/prosecutor for a newly available position is efficient?	Strongly Agree; Agree; Somewhat agree; Neither agree nor disagree; Somewhat disagree; Disagree; Strongly Disagree; I don't know	0.4660	0.5284	0.4576	0.4587	46.60	52.84	45.76	45.87	1.25%	0.58	0.66	0.57	0.57												
																																		Sub-Total (Points):																				15.00%	6.81	7.63	7.65	7.97

Total INDEX (Points on 0-100 scale): **54.41 56.78 57.09 57.28**

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

Fra. Anđela Zvizdovića 1
UNITIC Tower B, Floor 21
71000 Sarajevo
Bosnia and Herzegovina
Phone: +387 33 941 676
contacts@measurebih.com