



MONITORING AND EVALUATION SUPPORT ACTIVITY (MEASURE-BiH)

JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA: 2016 REPORT

April, 2017









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2016 REPORT
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Prepared under the USAID's Bosnia and Herzegovina
Monitoring and Evaluation Support Activity (MEASURE-BiH)

Submitted to:
USAID/Bosnia Herzegovina, April 2017

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This document is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of the authors and do not necessarily reflect the views of USAID or the United States Government.

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ACRONYMS

BiH	Bosnia and Herzegovina
CMS	Case Management System
HJPC	The 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
T-CMS	Prosecutors' Case Management System
USAID/BiH	The United States Agency for International Development Mission in Bosnia and Herzegovina



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ACKNOWLEDGMENTS

Within MEASURE-BiH, the team working on the JEI-BiH included Edis Brkic, Deputy Chief of Party (Team Leader for JEI-BiH), Naida Čaršimamović Vukotić, Chief of Party, Ye Zhang, Technical Director, and Anela Kadić, Analyst.

The authors would like to thank those who made the development of the Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH) and preparation of this report possible.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC) has worked closely with MEASURE-BiH since early 2015 and has been actively involved in all stages of the design and development of the Judicial Index of Bosnia and Herzegovina (JEI-BiH). Through its Presidency and the Secretariat, as well as through the members of the Council and the Standing Committees for Judicial and Prosecutorial Efficiency, the HJPC provided its subject-matter inputs and expertise, dedicated its staff's time, and showed utmost responsiveness in providing administrative data and assistance in conducting the Survey of Judges and Prosecutors in BiH in both 2015 and 2016.

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

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



EXECUTIVE SUMMARY

In 2015, the United States Agency for International Development Mission in Bosnia and Herzegovina (USAID/BiH) commissioned IMPAQ International through the Monitoring and Evaluation Support Activity (MEASURE-BiH) to develop the Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH) in response to needs of donors and other stakeholders for a reliable measuring tool to track BiH judicial performance. Within this task, MEASURE-BiH designed the Index and calculated the 2015 Index value in close cooperation with the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The 2015 Index results were presented and made available to the public and the professional community through HJPC events and publication of the Report on Judicial Effectiveness Index of BiH: *Methodology and the 2015 Results* on the official HJPC web page (www.pravosudje.ba) and the MEASURE-BiH web page (www.measurebih.com).

This report presents the calculation and results for the 2016 JEI-BiH. Data for the 2016 Index were collected with the same methodologies as for the 2015 Index. We used three sources of data to derive a holistic estimate of the BiH judiciary effectiveness: (1) a survey of BiH public perceptions, (2) a survey of BiH judges and prosecutors, and (3) HJPC administrative data on the major case types processed at the 1st instance and 2nd instance courts and prosecutors' offices (POs). The surveys were conducted in the last quarter of 2016; the HJPC administrative data cover cases processed in January 1 – December 31, 2016.

Based on all processed data, through 146 indicators in total, the 2016 Index value is 56.78 points; this represents a 4.4% improvement in effectiveness of BiH judiciary relative to 2015 (representing a 2.37 index point improvement in the overall Index value). The values of four of the five Index dimensions (Efficiency, Accountability and Transparency, Capacity and Resources, and Independence and Impartiality) improved relative to 2015; the value of the Quality dimension remained at its 2015 level.

As in 2015, the media remained the prime source of information available to the public about the BiH judiciary in 2016. Although neither the structure of the information sources available to the public nor the level of public perception of the media selection and presentation of court cases and investigation changed, the public perception of judiciary effectiveness relative to 2015 improved by 7.0% in 2016. Despite this clear improvement, however, the public perception of judiciary effectiveness continues to be poor, at 34.5% of total 100% that would represent maximum level of satisfaction of all citizens on all questions asked.

Based on 774 respondents in survey of BiH judges and prosecutors (52% of all judges/prosecutors in BiH), the perceived effectiveness of the BiH judiciary by judges/prosecutors relative to 2015 improved by 6.5% in 2016. Judges/prosecutors' perception of BiH judiciary's effectiveness is almost two times better than citizens' perception, at 61.4% of total 100% that would represent maximum level of satisfaction of all judges/prosecutors on all questions asked.

There was no substantial convergence between the citizens' perceptions and the perceptions of judges/prosecutors in 2016. Significant differences remain between perceptions of these two groups.

Within the HJPC's administrative data on processing major case types in courts/POs, a small overall improvement of 0.9% is recorded within JEI-BiH in 2016 relative to 2015. On average, efficiency levels in 1st instance courts and Prosecutor Offices (POs) is satisfactory relative to 2015, while negative trends are recorded at the 2nd instance courts. These trends should be further investigated to identify and adopt effective remedial measures.

Judicial instances at all levels in BiH should continue with efforts to shorten the average case disposition time and age of cases (backlog), and thus decrease case backlog. Courts/POs should take advantage of the general trend of reduced case inflow to improve indicator values in all segments of judiciary efficiency.

JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA: 2016 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 of the USAID Mission in BiH, started in October 2014 and implemented by IMPAQ International LLC.

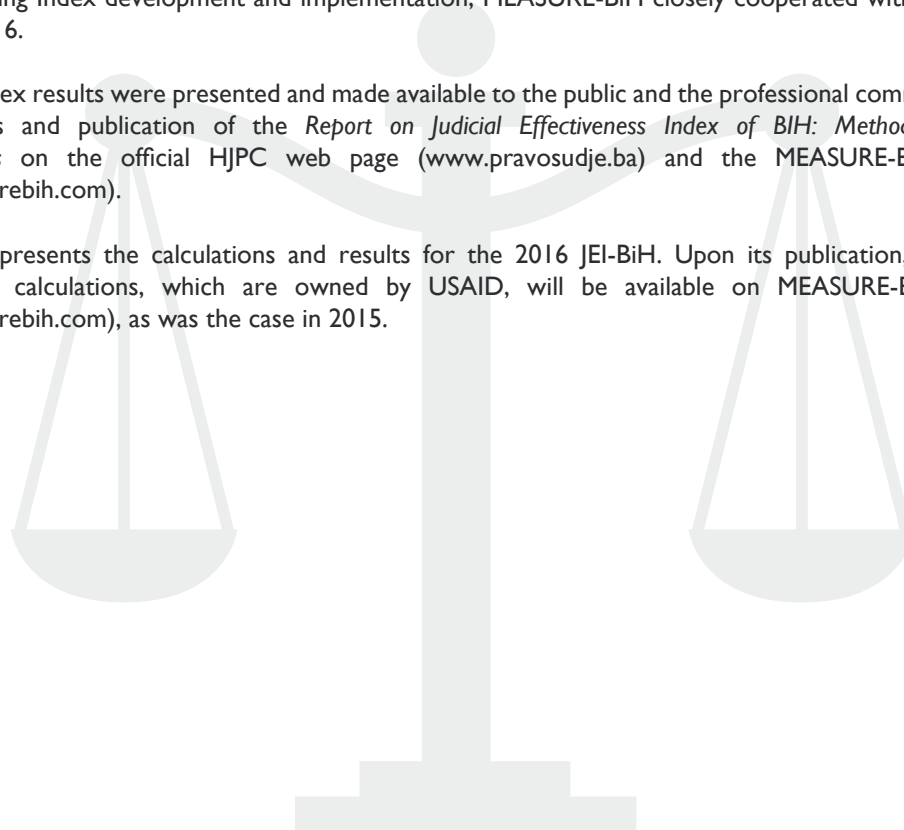
MEASURE-BiH has two primary objectives:

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

USAID/BiH commissioned IMPAQ International through MEASURE-BiH to develop the Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH), a unique and innovative tool to assess judicial effectiveness in Bosnia and Herzegovina. MEASURE-BiH - by using its subject matter expertise and applying rigorous scientific methods - designed the Index, collected and processed the necessary data, and calculated an Index value for the first time in 2015. During Index development and implementation, MEASURE-BiH closely cooperated with HJPC in both 2015 and 2016.

The 2015 Index results were presented and made available to the public and the professional community through HJPC events and publication of the *Report on Judicial Effectiveness Index of BiH: Methodology and the 2015 Results* on the official HJPC web page (www.pravosudje.ba) and the MEASURE-BiH web page (www.measurebih.com).

This report presents the calculations and results for the 2016 JEI-BiH. Upon its publication, the data sets used in the calculations, which are owned by USAID, will be available on MEASURE-BiH web page (www.measurebih.com), as was the case in 2015.



SHORT BACKGROUND AND OVERVIEW OF JUDICIAL EFFECTIVENESS INDEX METHODOLOGY

In 2015, MEASURE-BiH in partnership with HJPC developed the JEI-BiH, collected and processed the necessary data, and calculated the Index for 2015. Together, HJPC and MEASURE-BiH presented the Index and its 2015 results to both the public and the professional judicial community in BiH.

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

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

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

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

Finally, in June 2016, HJPC published on its official web site the Report on Judicial Effectiveness Index of BiH: Methodology and the 2015 Results. Since the detailed methodology underlying the Index is available in that report, only its basic characteristics are summarized here, as follows:

- The JEI-BiH is a measuring tool for tracking changes in the effectiveness of the BiH judiciary. The Index has 5 dimensions, 53 sub-dimensions, and 146 indicators.
- The main objective of the Index is to tracking trends in the BiH judiciary over time, with 2015 serving as the baseline year against which progress in future years will be tracked.
- In addition to enabling comparisons between 2015 as the baseline year and subsequent years, JEI-BiH presents also the actual values of indicators from the HJPC's administrative data for all years since 2012, making it easy to observe historical trends in the BiH judiciary's processing of cases.
- As is true of any index, although the JEI-BiH enables early identification of both successful initiatives and potential issues, it does not explain the causes of the trends it reveals.

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

- The 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 BiH context and the lowest value (0) presents minimum effectiveness.

- The overall Index has five dimensions, incorporated into the Index with the following weights (based on the HJPC's expert opinion): Efficiency and Quality each has a weight of 25 percent; Accountability and Transparency has a weight of 20 percent; Capacity and Resources and Independence and Impartiality each has a weight of 15 percent.
- 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 participates in the overall Index with its respective weights, ranging from 0.06% to 6.25%.
- Individual values of the indicators for the Index are calculated based on the data source:

For indicators sourced in the perceptions of the public or judges/prosecutors, the weighted average of the obtained answers to each question was calculated, with the most desirable answer from the judiciary effectiveness perspective has value of 100 and the least desirable answer has 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, top ranking Denmark and Norway each has 87 out of 100 index points, USA has 73, BiH 57, etc.)

For indicators sourced in the HJPC's administrative data, two ways of scoring were used:

- a.) Type I (duration, number of cases) – 50 index points are assigned to the average actual value in 2012-2014 and 0 index points to values twice as high as the 2012-2014 average.
- b.) Type II (rates) – 100 index points are assigned to the actual value of 150% (with one exception).

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



OVERVIEW OF 2015 JUDICIAL EFFECTIVENESS INDEX MAIN FINDINGS

As noted, the 2015 results of the JEI-BiH serve as the baseline against which progress in future years will be tracked. Even though full utilization of the Index is only possible starting with 2016 results, the 2015 benchmark values provide important information, as reflected in the following findings from the 2015 report:

- Clearance rates in 2015 (disposed cases/newly received cases in 2015) were above 100% in the 1st instance courts and prosecutors' offices (POs), but below 100% in the 2nd instance courts/POs.
- Number of unresolved cases decreased in the 1st instance courts/POs, but increased in the 2nd instance courts compared to 2012-2104 average.
- Although it was evident that the courts/POs were making efforts to reduce the number of unresolved cases, the report found that further efforts were needed to further decrease the average case disposition time.
- POs were found to have made progress in reducing the number of unresolved cases and significantly reducing the age of unresolved cases. But the report found that these reductions did not result in a proportionately increased inflow of criminal cases to the courts in 2015 (*this issue was subsequently thoroughly discussed and explained at the Conference of Chief Prosecutors in Teslic*).
- The report identified a large difference between public perceptions on one side and the perception of the judges/prosecutors on the other side.
- The report identified media as the primary source of information about the judiciary for the public (67%); less than 10% of the population had personal experience with the judiciary through involvement in their own court cases.



2016 JUDICIAL EFFECTIVENESS INDEX

DATA COLLECTION

As in 2015, MEASURE-BiH used the most rigorous methods of collecting data from three sources in 2016:

1. National Survey on Public Perception BIH

A representative sample of 3,004 BiH citizens, identified by a rigorous method of stratified random sampling of the population, responded to the survey in October and November 2016.

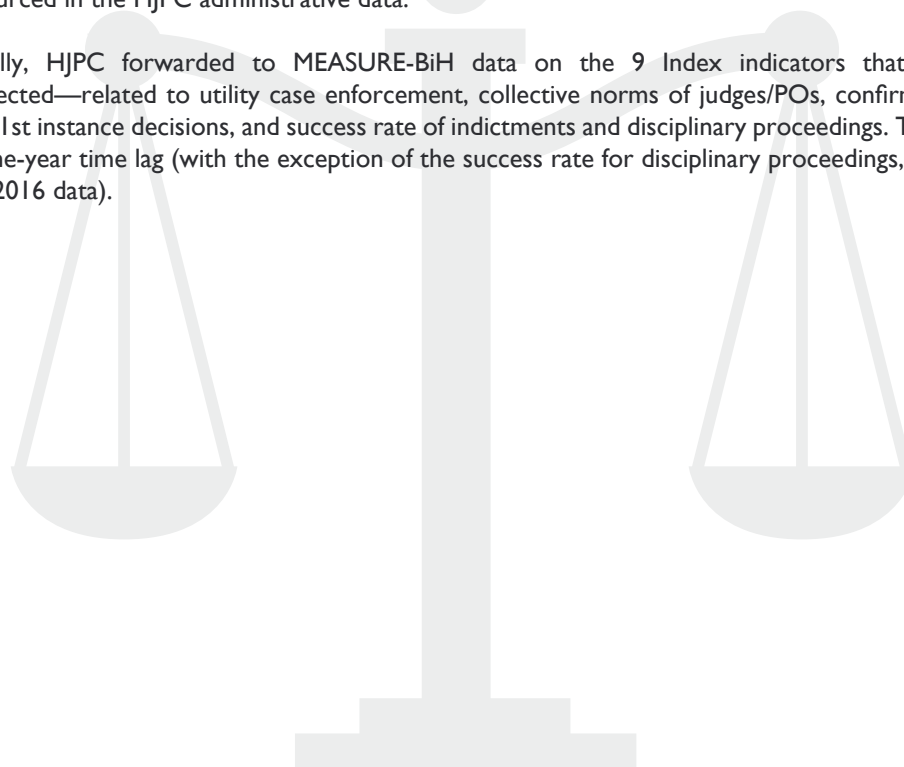
2. Survey of Judges and Prosecutors

Under the auspices of the HJPC President, the response rate of judges/prosecutors to the survey, which was conducted in December 2016, surpassed any previously conducted surveying of the BiH judicial community. In total, 774 judges and prosecutors completed the survey, representing slightly more than half (52%) of all judges/prosecutors in BiH. This demonstrates not only good acceptance of the Index by the judicial community, but also that the judicial community's views/opinions obtained in this way represent a high-quality basis for analysis and drawing conclusions.

3. HJPC administrative data

HJPC forwarded to MEASURE-BiH data on 378,392 cases processed by the courts/POs in 2016 (for January 1 – December 31, 2016) in the same main case types the 2015 Index tracked (resulting in 421,019 cases in 2015). Definitions of the main case types the Index tracks are provided in the HJPC administrative data indicators section of this report, which covers findings based on the indicators sourced in the HJPC administrative data.

Finally, HJPC forwarded to MEASURE-BiH data on the 9 Index indicators that are manually collected—related to utility case enforcement, collective norms of judges/POs, confirmation rates of the 1st instance decisions, and success rate of indictments and disciplinary proceedings. These data have a one-year time lag (with the exception of the success rate for disciplinary proceedings, which is based on 2016 data).



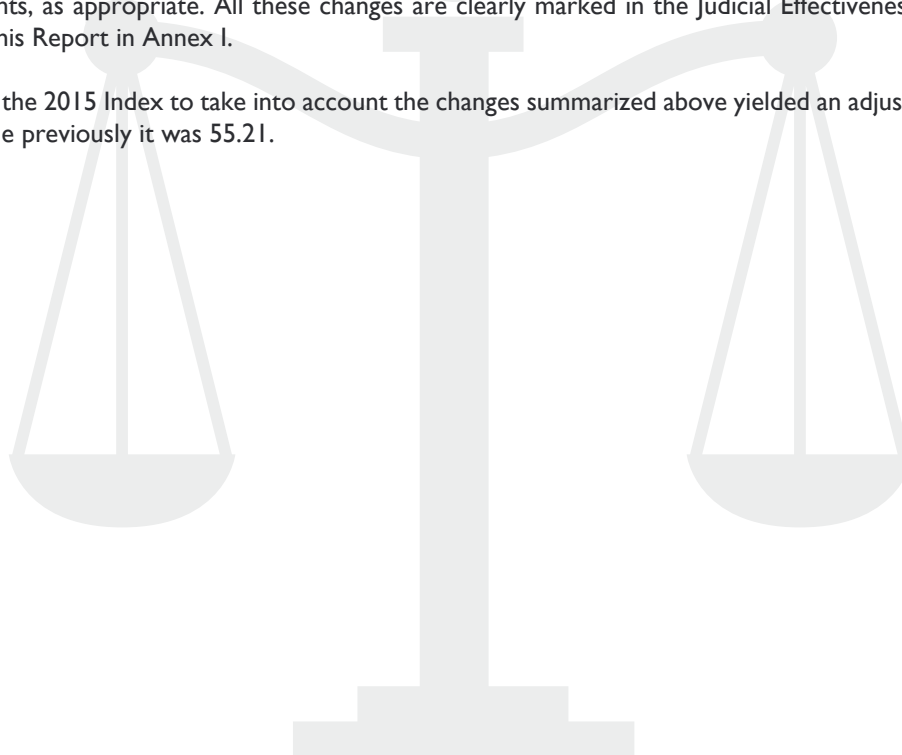
METHODOLOGICAL CHANGES IN THE 2016 INDEX COMPARED TO THE 2015 INDEX

Relative to 2015, the only methodological change in the 2016 Index was the addition of three new survey questions on BiH public perception, as proposed by HJPC. Three new indicators were created as a result, which necessitated the following minor revisions to the Index structure:

- The total number of indicators increased from 143 to 146, and the total number of sub-dimensions increased from 52 to 53. (The number of dimensions remained unchanged at 5).
- Two new indicators covering the public perception of POs' efficiency were added to the 2016 Index as a new sub-dimension (number 1.14.). The values of these indicators were estimated backward to 2015 by: (1) using similar observations for the same indicators, which track the work of courts (indicators in sub-dimension 1.11.), and (2) applying the differences between the 2015 and 2016 values for the indicators in sub-dimension 1.11. to the indicators in sub-dimension 1.14. In accordance with adding a new sub-dimension (1.14.), the weights of public perception sub-dimensions on the efficiency of courts/POs were changed, so that the previous total weights of sub-dimension 1.11. - 1.13. in dimension 1 were extended to give the new sub-dimension 1.14. equal weight as the other sub-dimensions.
- A new indicator on public perception was added to sub-dimension 3.8. To keep the weight of sub-dimension 3.8. as a whole in dimension 3 unchanged, the two indicators within this sub-dimension each received a weight of 50%. The indicator value of public perception in sub-dimension 3.8. was estimated backward to 2015 by applying the 2015 average value of the observations on indicators of access to justice according to public perception (indicators in sub-dimensions 3.5., 3.6., 3.7. and 3.9.) to the new indicator in sub-dimension 3.8.

The scoring methodology remained unchanged. It was extended, however, to adjust for four instances in which the 2016 values fell outside the minimum-maximum indicator range. The 2016 data for three indicators sourced in the HJPC administrative data had values that were two times worse than their 2014-2014 averages. This put them below the minimal possible index value of 0. In another indicator (again, coming from HJPC administrative data) the clearance rate went above 150%, above the maximum possible index value of 100. The Index scoring methodology was extended so that these outliers coming from HJPC administrative data were assigned values of 0 or 100 points, as appropriate. All these changes are clearly marked in the Judicial Effectiveness Index Matrix attached to this Report in Annex I.

Recalculating the 2015 Index to take into account the changes summarized above yielded an adjusted Index value of 54.41, while previously it was 55.21.



VALUES OF THE 2016 JUDICIAL EFFECTIVENESS INDEX OF BIH

OVERALL INDEX VALUE

The total value of the adjusted 2015 JEI-BiH, as noted, was 54.41 index points out of a maximum 100 points. The total value of the 2016 Index is 56.78 — which reflects an improvement in the effectiveness of the BiH judiciary of 4.4% (2.37 points) compared to the previous year. Exhibit 1 presents these results in tabular form.

Exhibit 1 – Overall 2016 Index value

The maximum overall Index value	100.00 points
Overall 2015 Index value	54.41 points
Overall 2016 Index value	56.78 points
Annual change in 2016 compared to 2015	+4.4% (+2.37 points)

INDEX VALUES FOR EACH DIMENSION

In 2016, the values of four out of the five dimensions of Index improved compared to 2015; the value of the single exception, the Quality dimension, was unchanged.

Exhibit 2 shows the maximum number of index points for each dimension, and the values of each dimension in 2015 and 2016, with the annual change in each expressed in index points.

Exhibit 2 – Index results for each dimension

Dimension	Maximum index points	JEI-BiH 2015 points	JEI-BiH 2016 points	Annual change in index points
Efficiency	25.00	13.34	13.80	+0.46
Quality	25.00	14.97	14.96	-0.01
Accountability and transparency	20.00	11.31	12.01	+0.70
Capacity and resources	15.00	6.81	7.63	+0.82
Independence and impartiality	15.00	7.98	8.38	+0.40
TOTAL	100.00	54.41	56.78	+2.37

INDEX VALUES BY DATA SOURCE

Following the way the results of the 2015 Index were presented, the individual indicator values in this report are analyzed as follows:

1. data on public perception from the survey of citizens, including the 2015 to 2016 comparison;
2. data on the perception of judges/prosecutors from the survey of judges/prosecutors, including the 2015 to 2016 comparison;
3. comparative analysis of the perception of citizens and judges/prosecutors, including the 2015 to 2016 comparison; and
4. analysis of HJPC statistical (administrative) data, including the 2015 to 2016 comparison as well as historical trends since 2012.

PUBLIC PERCEPTION INDICATORS

Of the total of 146 indicators in the Index, 32 indicators reflect public perceptions of the BiH judiciary. All come from responses to the National Survey of Citizens' Perception, which is administered on an annual basis. Note that this survey covers public perceptions of many social areas in BiH in addition to the judiciary.

The survey on which the 2016 Index is based was conducted in October and November 2016. This survey—which used a questionnaire designed by MEASURE-BIH and was conducted by a BiH public opinion research agency, IPSOS—was administered, as noted, to a nationally representative sample of 3,004 BiH citizens selected by stratified random sampling.

INDIVIDUAL VALUES OF THE PUBLIC PERCEPTION INDICATORS

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

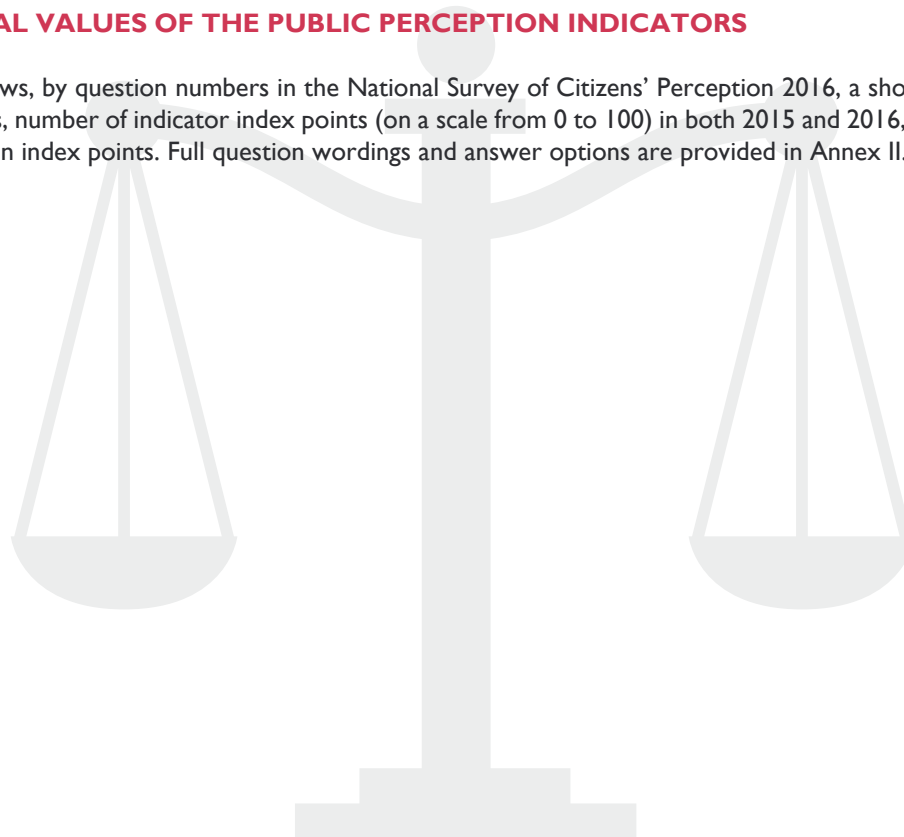


Exhibit 3 – Individual values of public perception indicators

Survey Question No.	Question (abbreviated wording)	Indicator index points (0-100) 2015	Indicator index points (0-100) 2016	Annual change in indicator's individual index value
20	Perception of increase or decrease in number of unresolved cases, excluding utility cases, in BiH courts	10.71	21.56	10.86
25	Perception of duration of cases in courts (are the time limits reasonable)	09.15	11.69	2.54
21*	Perception of increase or decrease in the number of unresolved cases in POs	10.60*	21.45	10.85
26*	Perception of duration of cases in POs (are the time limits reasonable)	09.24*	11.78	2.54
18a	Rate of the work of judges / courts	35.46	33.91	-1.55
18b	Rate of the work of prosecutors / POs	35.93	33.90	-2.02
18c	Rate of the work of attorneys	40.68	39.10	-1.58
18d	Rate of the work of notaries	44.04	42.69	-1.35
2dd	Satisfaction with courts' or POs' administrative services	40.20	41.69	1.49
14g	Judges' poor performance sanctioned	32.64	33.44	0.80
14h	Prosecutors' good performance rewarded	47.24	48.61	1.37
27	Possibilities of assigning a case to a particular judge	47.38	46.71	-0.66
19a	Access to own court case files	36.00	38.04	2.04
19b	Attendance at public court hearings	28.83	31.79	2.96
19c	Access to judgments	24.82	30.13	5.31
19e*	Access to evidence after confirmation of the indictment	35.67*	39.23	3.56
19d	Access to court/PO reports/statistics	22.78	26.72	3.94
23	Objectivity of the media in selecting and presenting court cases and investigations	41.28	40.15	-1.14
24	Adequacy of court taxes/fees	10.17	15.79	5.62
22	Appointment of judges/prosecutors based on their competence	47.35	45.76	-1.59
28	Adequacy of salaries of judges/prosecutors	10.81	20.61	9.80
29	Adequacy of fees of attorneys and notaries	11.16	18.01	6.85
13	Extent to which court system is affected by corruption in this country	24.89	35.57	10.69
14e	Judiciary effectiveness in combating corruption	30.12	32.17	2.05
35	Absence of improper influence on judges in making decisions	45.16	45.64	0.48
14f	Prosecution of public officials who violate the law	30.13	31.58	1.45
14c	Judges not taking bribes	29.32	32.17	2.85
14d	Prosecutors not taking bribes	29.30	31.98	2.68
12e	Personal experience in bribing judges/prosecutors?	99.03	94.44	-4.60
14a	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	37.75	42.59	4.84
14b	Trust in prosecutors to perform their duties impartially and in accordance with the law	37.39	41.32	3.94
34	Equality in the treatment of citizens by the courts	39.21	39.16	-0.05

The information in Exhibit 3 is shown graphically in Exhibit 4, where the vertical axis represents the value of the indicator (on a scale of 0-100 index points for each indicator), and the horizontal axis the individual indicators (i.e., by survey question number shown in Exhibit 3). The index point indicator values for 2015 are shown by the dotted gray line, the values for 2016 by the solid red line.

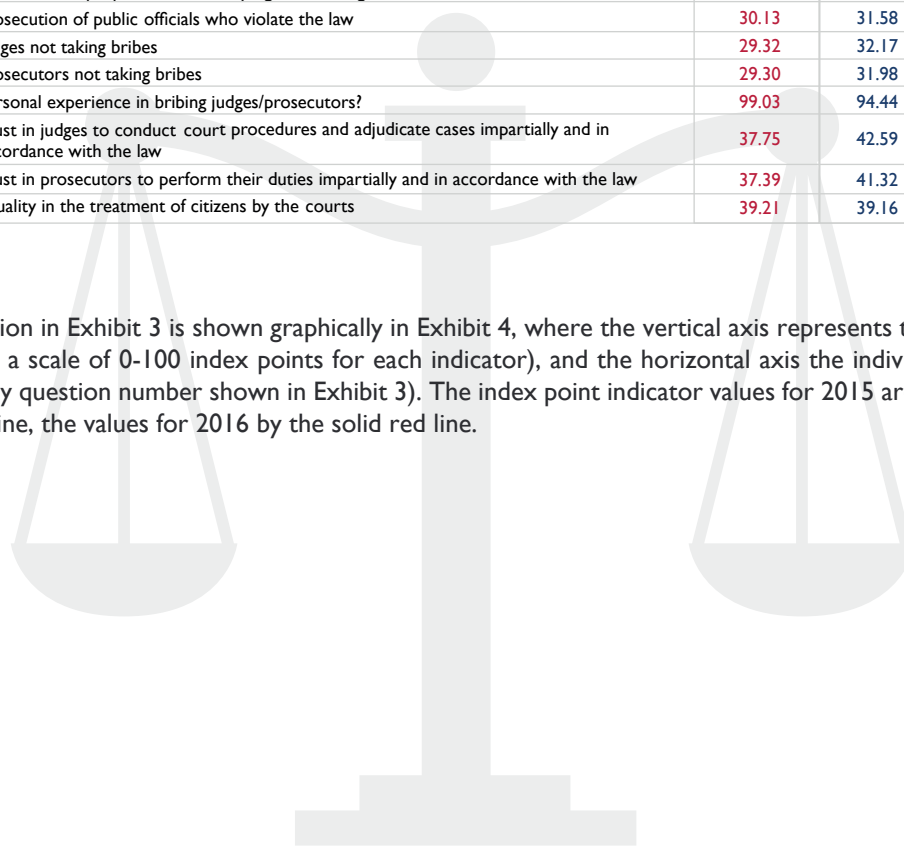
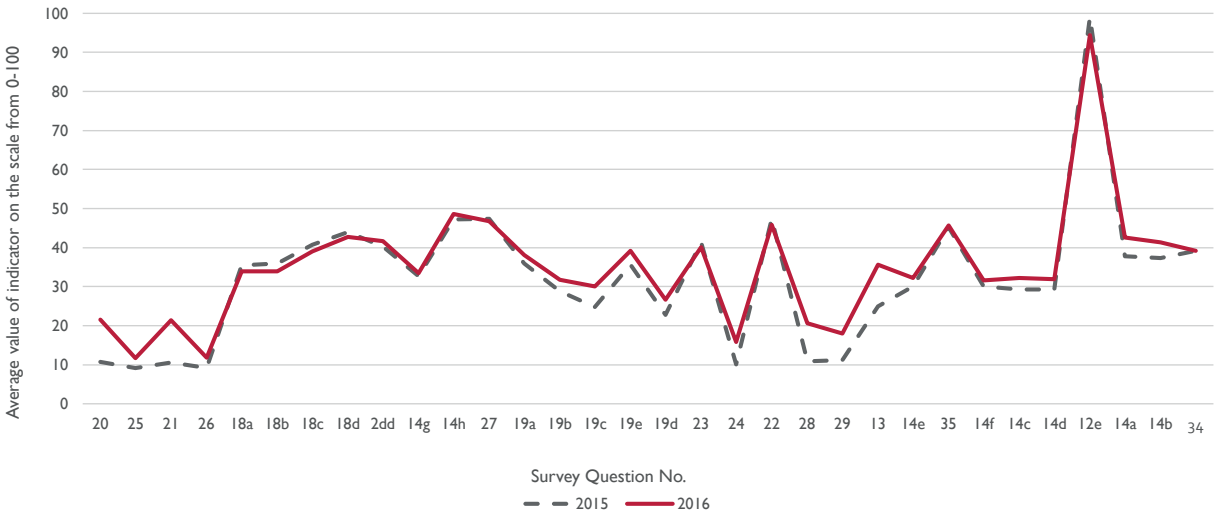




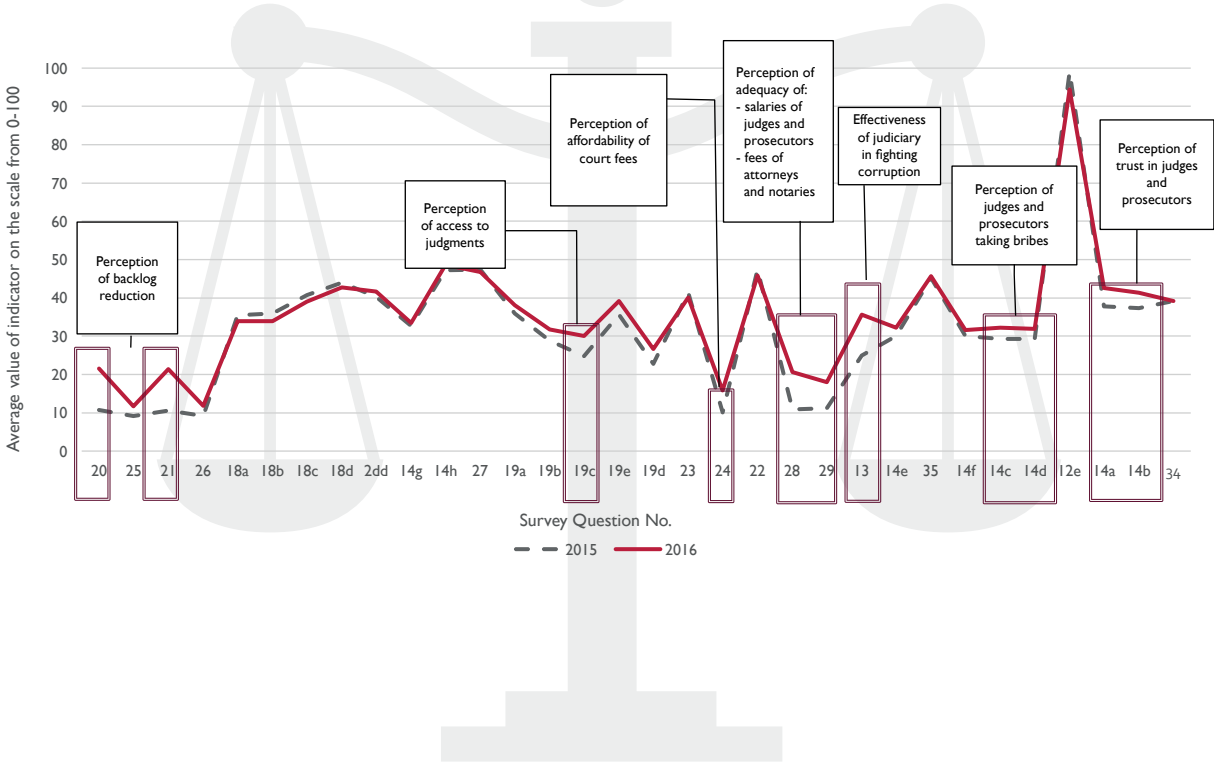
Exhibit 4 - Individual values of public perception indicators - graph



As Exhibit 4 shows, although no 2016 indicator value deviates substantially from its value in 2015, the indicator values in 2016 are typically higher than in 2015—indicating modest improvement in public perception of the BiH judiciary compared to the previous year.

Exhibit 5 highlights the areas where largest change in the public perception in 2016 compared to 2015 has occurred.

Exhibit 5 – Largest changes in the public perception in 2016 compared to 2015 - graph



The largest changes in the public perception are given in the Exhibit 6.

Exhibit 6 - Largest changes in the public perception in 2016 compared to 2015

Survey Question No.	Question (abbreviated wording)	Annual change in indicator's individual index value
20	Perception of increase or decrease in the number of unresolved cases in courts, excluding utility cases	10.86
21	Perception of increase or decrease in the number of unresolved cases in POs	10.85
13	Impact of corruption on the BiH judiciary	10.69
28	Adequacy of salaries of judges/prosecutors	9.80
29	Adequacy of fees of attorneys and notaries	6.85
24	Adequacy of court taxes/fees	5.62
19c	Access to judgments	5.31
14a	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	4.84
19d	Access to court/PO reports/statistics	3.94
14b	Trust in prosecutors to perform their duties impartially and in accordance with the law	3.94
19e	Access to evidence after confirmation of the indictment	3.56
19b	Attendance at public court hearings	2.96
14c	Bribery of judges	2.85
14d	Bribery of prosecutors	2.68

The *chi-square* test of statistical significance identified all the indicator differences from 2015 to 2016 as significant at the conventional level of 5% (all except one were also significant at the 1% level). Exhibit 7 shows the annual indicator changes at the summary levels of 0, 2, and 5 percentage point levels.

Exhibit 7 – Changes in public perception indicators at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change in value up to +/- 0 percentage points	Number of indicators with annual change in value up to +/- 2 percentage points	Number of indicators with annual change in value up to +/- 5 percentage points
>	23	18	7
<>	0	12	25
<	9	2	0
Total	32	32	32

OVERALL VALUES OF PUBLIC PERCEPTION INDICATORS

The maximum number of possible index points in the overall JEI-BiH that the public perception indicators of judiciary effectiveness can contribute to the total Index value is 22.25 (out of 100 maximum possible points for the overall Index). In 2015, the number of index points from the public perception indicators was 7.17 (i.e., 32.31% of the public perception maximum). In 2016, the number of index points from the public perception indicators was 7.67 (i.e., 34.48% of the public perception maximum). This reflects an improvement of 7.0 percent compared to the previous year, and contributes +0.5 points to the annual change in the total Index value. These values are presented in Exhibit 8.

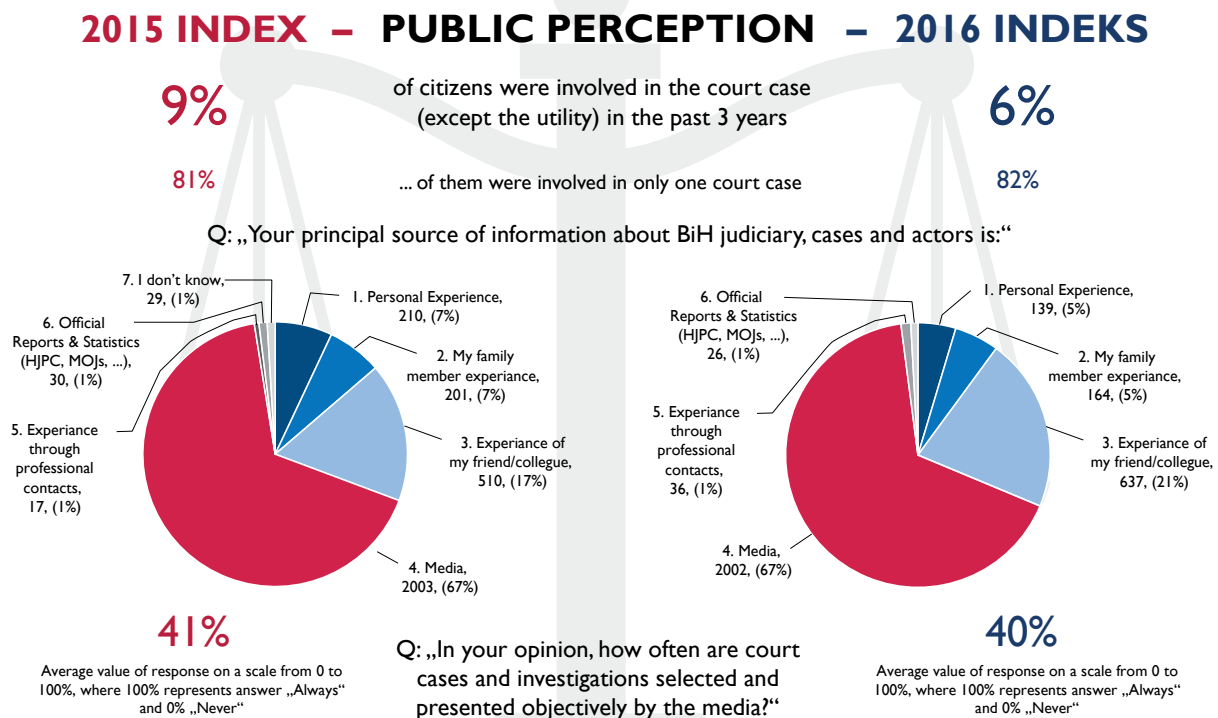
Exhibit 8 – Overall results for the indicators of public perception in 2016

Maximum value of indicators on public perception	100.00% (22.25 out of 100 points in the overall Index)
Total value in 2015 from indicators on public perception	32.21% (7.17 points in the overall Index)
Total value in 2016 from indicators on public perception	34.48% (7.67 points in the overall Index)
Annual change in 2016 compared to 2015	+7.0% (+0.5 of total index points)

ADDITIONAL DATA ON PUBLIC PERCEPTION

In addition to indicators that are directly used in calculating the JEI-BiH, several questions in the citizens' perception survey enable a more complete picture of the BiH judiciary as perceived by the public. Questions 30, 31, and 32 ask respondents about the level of their personal involvement in court proceedings, and their main source of information about the BiH judiciary. In addition to these three questions, sub-dimension 3.8. measures perceptions of the media's objectivity in selecting and presenting court cases and investigations by the public as well as by judges/prosecutors. The consolidated results for 2015 and 2016 based on these responses are presented in the Exhibit 9.

Exhibit 9 – Overview of sources of information about the BiH judiciary for the public and level of confidence in media objectivity in selecting and presenting the court cases and investigations



As shown, less than 10% of citizens have had direct experience of the BiH judiciary through any court case of their own (excluding utility cases), and 8 out of 10 of these have participated in only one court case.

For two-thirds (67%) of the population, 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 1%.

Finally, public responses to the question “In your opinion, how often are court cases and investigations selected and presented objectively by the media?” received a value of 40 index points in 2016 (out of a maximum 100, where 100 reflects “Always” and 0 reflects “Never”).

SUMMARY OF FINDINGS BASED ON PUBLIC PERCEPTION INDICATORS

The public perception of BiH judiciary effectiveness improved by 7.0% in 2016 compared to 2015.

The largest improvements as perceived by the public were in:

- reduced number of unresolved cases in courts/POs;
- improved competence of the judiciary in combating corruption and trust in judges/prosecutors; and
- increased adequacy of court fees/charges, attorney/notary fees, and judge/prosecutor salaries.

Even with these perceived improvements, the public perception of judiciary effectiveness remains poor (at 34.5% of total 100% that would represent maximum level of satisfaction of all citizens on all questions asked). Individual values of each indicator (high or low) need to be further examined, the reasons for low actual values identified, and in accordance with that, targeted corrective measures undertaken.

Citizens’ perceptions are worst in the areas listed in Exhibit 10.

Exhibit 10 – The lowest values of public perception indicators in 2016

Survey Question No.	Question (abbreviated wording)	Indicator index points (0-100) 2016
25	Perception of duration of cases in courts (timeliness reasonable)	11.69
26	Perception of duration of cases in POs (timeliness reasonable)	11.78
24	Adequacy of court taxes/fees	15.79
29	Adequacy of fees of attorneys and notaries	18.01
28	Adequacy of salaries of judges/prosecutors	20.61
21	Perception of increase or decrease in the number of unresolved cases in POs	21.45
20	Perception of increase or decrease in the number of unresolved cases in courts, excluding utility cases	21.56
19d	Access to court/PO reports/statistics	26.72
19c	Access to judgments	30.13

JUDGE/PROSECUTOR PERCEPTION INDICATORS

The survey of judges and prosecutors in BiH was designed and conducted by MEASURE-BiH using the online tool SurveyMonkey.com. In December 2016, HJPC invited judges and prosecutors (through all court presidents and chief prosecutors) to complete the online survey. As in 2015, the responses to the survey in 2016 were given anonymously.

The response rate to the December 2016 survey of judges and prosecutors was excellent. In total, 774 judges and prosecutors completed the survey, which represents more than half (52%) of all judges and prosecutors in BiH. It is important to highlight that the questions about the work of courts/POs and judges/prosecutors were answered by both judges and prosecutors (not limited to only one of the two groups). In fact, both judge and prosecutor respondents provided their opinions on matters that fall under the jurisdiction of the judicial regulatory body—HJPC, as well as areas under the jurisdiction of both executive and legislative branches of government that relate to providing pre-conditions for the judiciary’s work. This additional detail is why the number of questions in the survey of judges and prosecutors (49) is greater than the number of questions in the public perception survey (32).

INDIVIDUAL INDICATOR VALUES

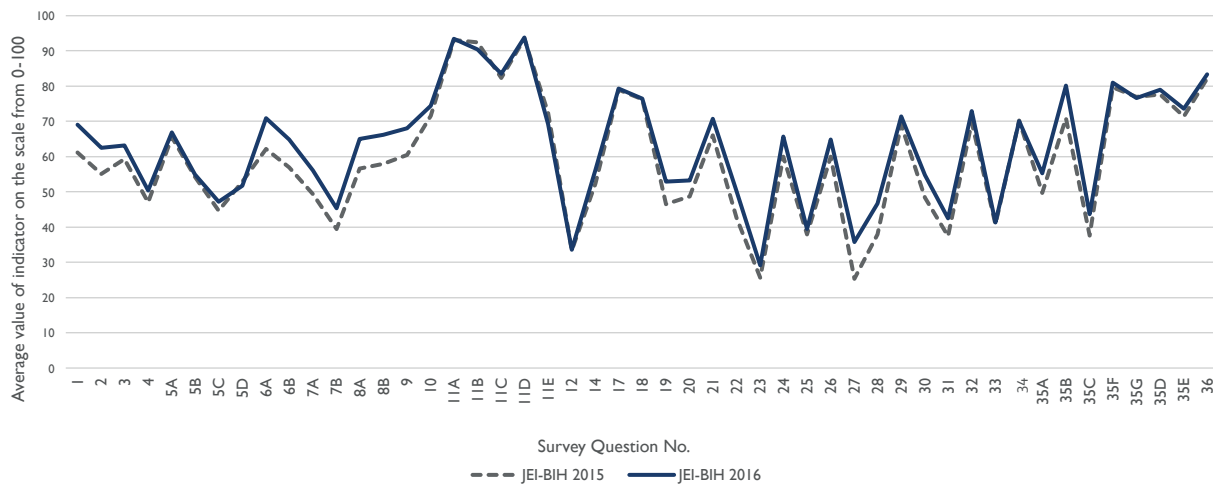
Exhibit 11 shows the number of question in the 2016 survey of judges and prosecutors, question wording in abbreviated form, number of index points of each (on a scale from 0 to 100) in both 2015 and 2016, and the annual change in index points. Complete questions and possible answer options are provided in Annex III.

Exhibit 11 - Values of judge/prosecutor perception indicators

Survey Question No.	Question (abbreviated wording)	Indicator index points (0-100) 2015	Indicator index points (0-100) 2016	Annual change in indicator's individual index value
1	Perception of increase or decrease in number of unresolved cases, excluding utility cases, in BiH courts	61.16	69.10	7.94
2	Perception of increase or decrease in the number of unresolved cases in POs	55.11	62.54	7.43
3	Perception of duration of cases in courts (are the time limits reasonable)	59.29	63.13	3.84
4	Perception of duration of cases in POs (are the time limits reasonable)	47.00	50.38	3.38
5A	Rating the work of judges /courts	65.52	66.82	1.30
5B	Rating the work of prosecutors/POs	54.32	54.86	0.54
5C	Rating the work of attorneys	44.61	47.14	2.53
5D	Rating the work of notaries	52.88	51.69	-1.19
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	62.12	70.88	8.75
6B	Existence of a fact- based and transparent system of monitoring prosecutors' work performance	56.93	64.77	7.84
7A	Judges' poor performance sanctioned	49.41	56.19	6.78
7B	Rewards for prosecutors' good performances	39.44	45.40	5.96
8A	Initiating disciplinary procedures against judges/prosecutors in all cases prescribed by law	56.65	64.98	8.33
8B	Fairness and objectivity of the initiated disciplinary procedures against judges/prosecutors	58.02	66.21	8.19
9	Disciplinary sanctions rendered in disciplinary proceedings appropriate	60.44	68.05	7.61
10	Possibilities of allocating a case to a particular judge	71.59	74.47	2.87
11A	Access to court case files	93.11	93.48	0.37
11B	Attendance at public court hearings	92.52	90.44	-2.08
11C	Access to judgments	82.35	83.59	1.24
11D	Access to evidence after confirmation of the indictment	93.49	93.81	0.32
11E	Access to court/PO reports/statistics	72.46	69.26	-3.21
12	Objectivity of the media in selecting and presenting court cases and investigations	33.47	33.59	0.12
14	Adequacy of court taxes/fees	52.47	56.22	3.75
17	Abuse of the right to absence from work by judges/prosecutors	79.03	79.40	0.36
18	Judge/prosecutor behavior in accordance with the Ethical Code	76.28	76.51	0.22
19	Efficiency of Judge/prosecutor appointments to newly available positions	46.60	52.84	6.24
20	Appointment of judges/prosecutors based on their skills/competence	48.68	53.17	4.50
21	Adequacy of the training/education for judges/prosecutors on an annual basis	66.11	70.70	4.58
22	Adequacy of salaries of judges/prosecutors	42.70	50.27	7.58
23	Adequacy of fees of attorneys/notaries	25.66	29.15	3.49
24	Timeliness of the salary payment to judges/prosecutors	59.93	65.69	5.76
25	Timeliness of the fees/costs/payment to ex officio defense attorneys	38.00	39.47	1.47
26	Competence of the currently employed administrative/support staff in courts/POs	60.01	64.78	4.77
27	Sufficiency of the court/PO budgets	25.34	35.78	10.44
28	Adequacy of buildings/facilities and work space of courts/POs	37.94	46.69	8.76
29	Adequacy of the necessary IT equipment and support to courts/POs	68.98	71.49	2.51
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	48.33	54.83	6.49
31	Objectivity, adequacy, and applicability in practice of career advancement of judges/prosecutors	37.47	42.46	4.99
32	Adequacy and applicability in practice of immunity and tenure of judges/prosecutors	69.77	72.94	3.17
33	Personal security of judges/prosecutors and their close family members ensured when needed	40.80	41.31	0.51
34	Impact of corruption on the BiH judiciary	70.24	69.99	-0.25
35A	Judiciary effectiveness in combating corruption	49.73	55.23	5.50
35B	Absence of improper influence on judges in making decisions	70.88	80.20	9.32
35C	Prosecution of public officials who violate the law	37.55	43.67	6.12
35F	Judges not taking bribes	79.68	81.00	1.32
35G	Prosecutors not taking bribes	76.94	76.61	-0.33
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	77.65	78.99	1.34
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	71.48	73.60	2.12
36	Equality in treatment of citizens by the courts	82.16	83.33	1.17

The numbers from Exhibit 11 are illustrated in Exhibit 12, where the vertical axis represents the value of the indicator (on a scale 0-100 index points for each indicator), and the horizontal axis individual indicators (survey question number as shown in Exhibit 11). The index point values of indicators for 2015 are presented with a dashed gray line; values for 2016 with a solid blue line.

Exhibit 12 - Individual values of judge/prosecutor perception indicators - graph



As shown, although none of the indicator deviates substantially from the values in 2015, the 2016 values are higher than in 2015, indicating improvement in the judge/prosecutor perceptions of judicial effectiveness compared to the previous year.

Exhibit 13 – Largest changes in the perception of judges/prosecutors in 2016 compared to 2015

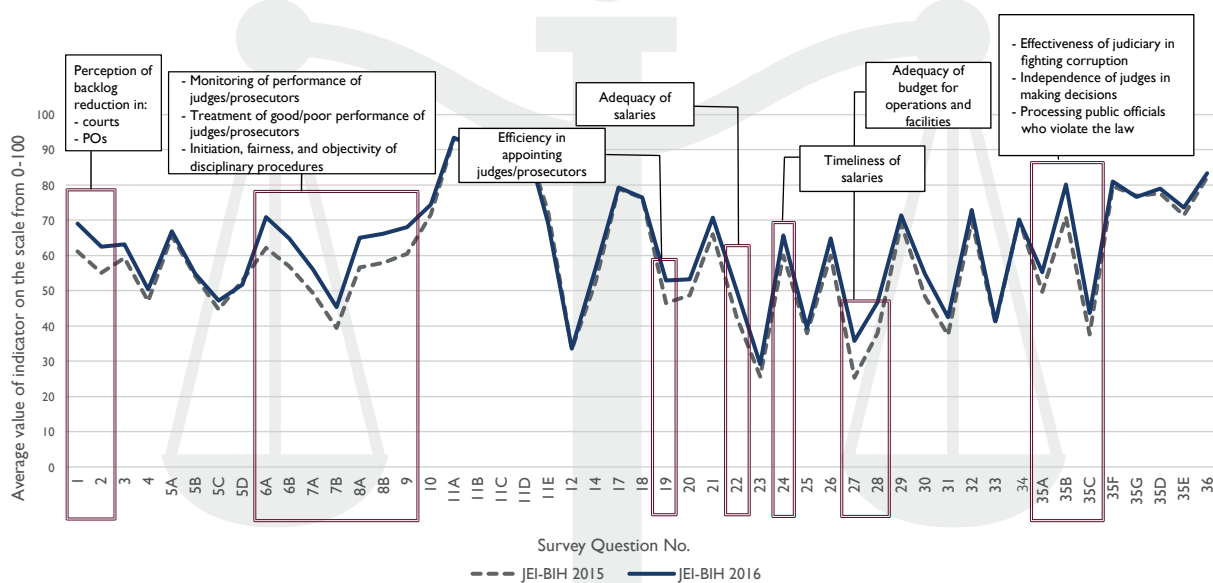


Exhibit 13 highlights the areas where changes in the perception of judges/prosecutors in 2016 compared to 2015 were largest. These largest changes in the perception of judges/prosecutors are presented in Exhibit 14.

Exhibit 14 - Largest changes in the perception of judges/prosecutors in 2016 compared to 2015

Survey Question No.	Question (abbreviated wording)	Annual change in indicator's individual index value
27	Sufficiency of court/PO budgets	10.44
35B	Absence of improper influence on judges in making decisions	9.32
28	Adequacy of buildings/facilities and work space of courts/POs	8.76
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	8.75
8A	Initiating disciplinary procedures against judges/prosecutors in all cases prescribed by law	8.33
8B	Fairness and objectivity of the initiated disciplinary procedures against judges/prosecutors	8.19
1	Perception of increased or decreased number of unresolved cases in courts, excluding utility cases	7.94
6B	Existence of a fact-based and transparent system of monitoring prosecutors' work performance	7.84
9	Adequacy of disciplinary sanctions rendered in disciplinary proceedings	7.61
22	Adequacy of salaries of judges/prosecutors	7.58
2	Perception of increased/decreased number of unresolved cases in POs	7.43
7A	Sanctioning judges' poor performance	6.78
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	6.49
19	Efficiency of judge/prosecutor appointments to newly available positions	6.24
35C	Prosecution of public officials who violate the law	6.12
7B	Rewards for prosecutors' good performances	5.96

Exhibit 15 shows annual indicator changes at the summary levels of 0, 2, and 5 percentage points.

Exhibit 15 - Changes in the indicators of perception of judges/prosecutors at level of 0, 2 and 5 percentage points

	Number of indicators with annual change in value up to +/- 0 percentage points	Number of indicators with annual change in value up to +/- 2 percentage points	Number of indicators with annual change in value up to +/- 5 percentage points
>	44	31	18
<>	0	16	31
<	5	2	0
Total	49	49	49

OVERALL VALUES OF JUDGE/PROSECUTOR PERCEPTION INDICATORS

The maximum number of possible index points in the overall JEI-BiH that the judge/prosecutor perception indicators of judiciary effectiveness can contribute to the total Index value is 44.47. In 2015, the actual number was 25.83 points (57.69% of the judge/prosecutor perception maximum). In 2016, number was 27.51 points, (61.45% of the maximum), which represents an improvement in the judge/prosecutor perception of the effectiveness of the BiH judiciary of 6.5% compared to the previous year (contributing 1.68 index points to the increase in the overall Index value). These values are presented in the Exhibit 16.

Exhibit 16 - Overall results for the indicators of perception of judges/prosecutors in 2016

Maximum value of indicators on judges' and prosecutors' perception	100.00% (44.77 out of 100 points in the overall Index)
Total value in 2015 from indicators on judges' and prosecutors' perception	57.69% (25.83 points in the overall Index)
Total value in 2016 from indicators on judges' and prosecutors' perception	61.45% (27.51 points in the overall Index)
Annual change in 2016 compared to 2015	+6.5% (+1.68 of total index points)

SUMMARY OF FINDINGS BASED ON INDICATORS OF PERCEPTION OF JUDGE/PROSECUTOR PERCEPTIONS

The 2016 perception of judges/prosecutors about judiciary effectiveness, is almost twice as favorable as the public perception (at 61.4% of total 100% that would represent the maximum level of satisfaction of all judges/prosecutors respondents on all questions asked. The perception of judges/prosecutors also improved by 6.5% compared to the previous year).

The largest improvements were in:

- reduced number of unresolved cases in courts/POs
- improved monitoring of the performance of judges/prosecutors; initiation, fairness, and objectivity of disciplinary proceedings
- increased efficiency of judge/prosecutor appointments to newly available positions
- improved capability of the judiciary in combating corruption, and
- increased adequacy and timeliness of judge/prosecutor salaries, and adequacy of budgets allocated to courts/POs

Individual values of each indicator (high or low) need to be further examined, the reasons for low actual values identified, and in accordance with that, targeted corrective measures undertaken.

Judge/prosecutor perception of judicial effectiveness was worst in areas listed in Exhibit 17.

Exhibit 17 - The lowest values of the perception of judges/prosecutors indicators in 2016

Survey Question No.	Question (abbreviated wording)	Indicator index points (0-100) 2016
23	Adequacy of fees of attorneys/notaries	29.15
12	Objectivity of the media in selecting and presenting court cases and investigations	33.59
27	Sufficiency of court/PO budgets	35.78
25	Timeliness of the fees/costs/payment to ex officio defense attorneys	39.47
33	Personal security of judges/prosecutors and their close family members ensured when needed	41.31
31	Objectivity, adequacy, and applicability in practice of career advancement of judges/prosecutors	42.46
35C	Prosecution of public officials who violate the law	43.67
7B	Rewards for prosecutors' good performance	45.40
28	Adequacy of buildings/facilities and work space of courts/POs	46.69
5C	Rating the work of attorneys	47.14
22	Adequacy of salaries of judges/prosecutors	50.27
4	Perception of duration of resolving cases in POs (time limits reasonable)	50.38
5D	Rating the work of notaries	51.69
19	Efficiency of judge/prosecutor appointments to newly available positions	52.84

COMPARATIVE RESULTS OF PUBLIC PERCEPTION VERSUS JUDGE/PROSECUTOR PERCEPTION FOR 2015 AND 2016

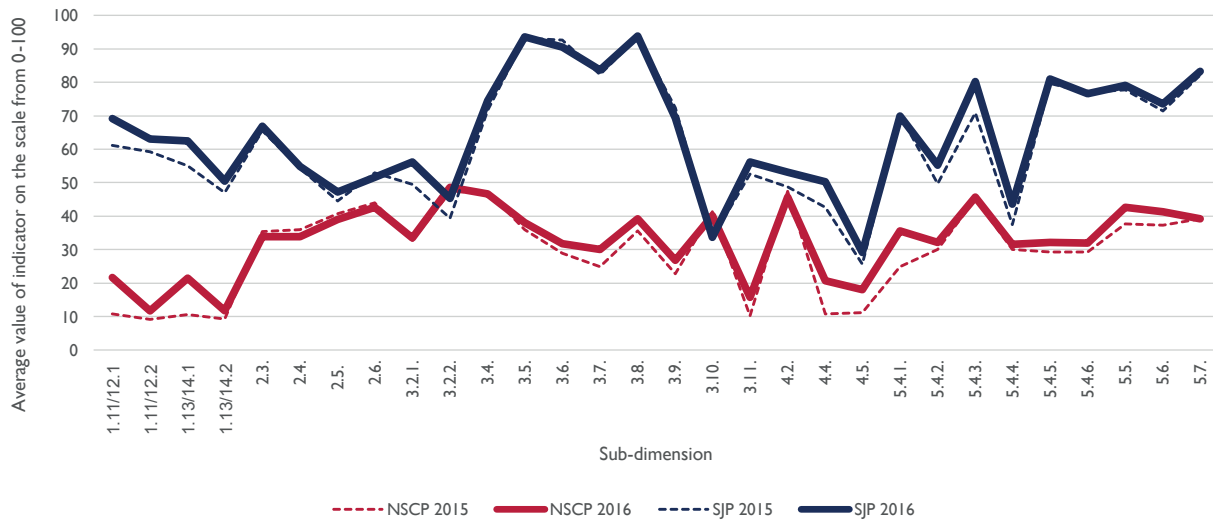
The JEI-BiH is designed to compare the perception of the public on one side and the perception of judges/prosecutors on the other side on the same questions whenever the question is appropriate for both groups. Of the 146 indicators, 60 are matched to 30 common questions, giving an excellent opportunity to analyze differences and similarities in the two sets of perceptions of judiciary effectiveness. The results are shown in Exhibit 18.

Exhibit 18 – Comparative results of perception of citizens and judges/prosecutors in 2015 and 2016

#	Sub-dimension	Question no. public survey (2016)	Question no. survey of professionals (2016)	Public survey indicators index points (0-100) 2015	Public survey indicators index points (0-100) 2016	Survey of judge /prosecutor indicators index points (0-100) 2015	Survey of judge /prosecutor indicators index points (0-100) 2016
1.11/12.1	Perception of efficiency of courts	20	1	10.71	21.56	61.16	69.10
1.11/12.2	Perception of efficiency of courts	25	3	9.15	11.69	59.29	63.13
1.13/14.1	Perception of efficiency of POs	21*	2	10.60	21.45	55.11	62.54
1.13/14.2	Perception of efficiency of POs	26*	4	9.24	11.78	47.00	50.38
2.3.	Perception of the quality of work of courts	18a	5A	35.46	33.91	65.52	66.82
2.4.	Perception of the quality of work of POs	18b	5B	35.93	33.90	54.32	54.86
2.5.	Perception of the quality of work of attorneys	18c	5C	40.68	39.10	44.61	47.14
2.6.	Perception of the quality of work of notaries	18d	5D	44.04	42.69	52.88	51.69
3.2.1.	Overseeing the inadequate judges performance	14g	7A	32.64	33.44	49.41	56.19
3.2.2.	Overseeing the inadequate prosecutors performance	14h	7B	47.24	48.61	39.44	45.40
3.4.	Random assignment of cases	27	10	47.38	46.71	71.59	74.47
3.5.	Access to court case files	19a	11A	36.00	38.04	93.11	93.48
3.6.	Access to court hearings	19b	11B	28.83	31.79	92.52	90.44
3.7.	Access to judgments	19c	11C	24.82	30.13	82.35	83.59
3.8.	Access to evidence	19e*	11D	35.67	39.23	93.49	93.81
3.9.	Access to reports / statistics	19d	11E	22.78	26.72	72.46	69.26
3.10.	Media reporting	23	12	41.28	40.15	33.47	33.59
3.11.	Adequacy of court taxes/fees	24	14	10.17	15.79	52.47	56.22
4.2.	The competence of judges/prosecutors	22	20	47.35	45.76	48.68	53.17
4.4.	Adequacy of salaries of judges/pr	28	22	10.81	20.61	42.70	50.27
4.5.	Adequacy of fees of attorneys/notaries	29	23	11.16	18.01	25.66	29.15
5.4.1.	Independence, absence of corruption or improper influence	13	34	24.89	35.57	70.24	69.99
5.4.2.	Independence, absence of corruption or improper influence	14e	35A	30.12	32.17	49.73	55.23
5.4.3.	Independence, absence of corruption or improper influence	35	35B	45.16	45.64	70.88	80.20
5.4.4.	Independence, absence of corruption or improper influence	14f	35C	30.13	31.58	37.55	43.67
5.4.5.	Independence, absence of corruption or improper influence	14c	35F	29.32	32.17	79.68	81.00
5.4.6.	Independence, absence of corruption or improper influence	14d	35G	29.30	31.98	76.94	76.61
5.5.	Trust in judges	14a	35D	37.75	42.59	77.65	78.99
5.6.	Trust in prosecutors	14b	35E	37.39	41.32	71.48	73.60
5.7.	Equal / non-discriminatory application of the law	34	36	39.21	39.16	82.16	83.33

The numbers in Exhibit 18 are displayed graphically in Exhibit 19, where the vertical axis represents the value of the indicator (on a scale 0-100 index points for each indicator), and the horizontal axis the individual matched indicators (i.e., the number given to the corresponding sub-dimensions shown in Exhibit 18). The indicator index values for 2015 are presented with dashed lines, those for 2016 with solid lines. Blue color lines (solid and dashed) represent indicators of judge/prosecutor perception; the red lines (solid and dashed) represent indicators of public perception.

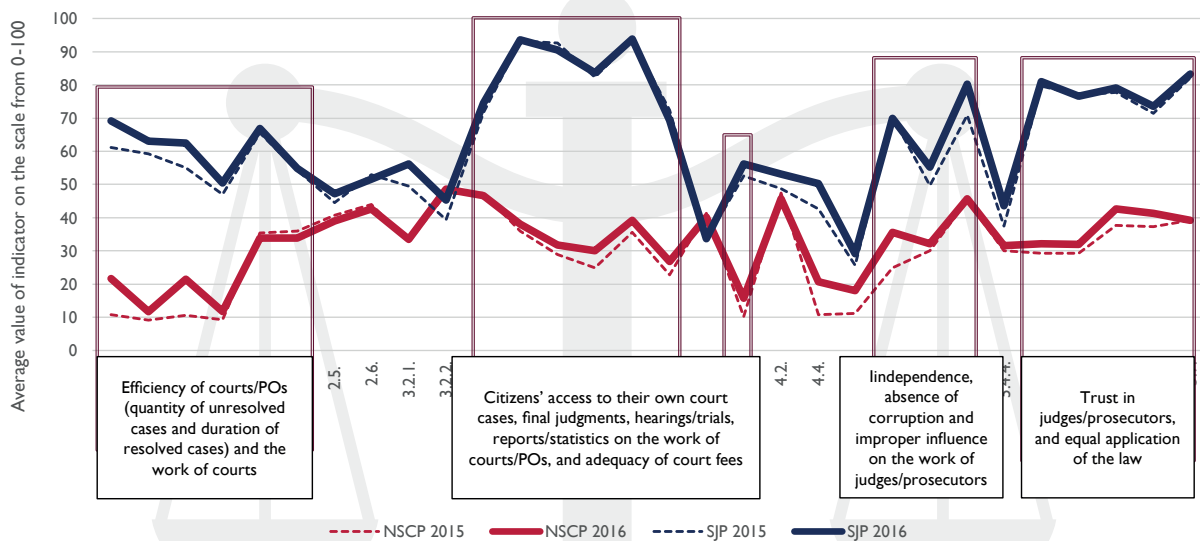
Exhibit 19 - Comparative results of perception of citizens and judges/prosecutors in 2015 and 2016 - graph



Matching the values of indicators of the two types of perception reveals no substantial convergence. For most indicators, the two are relatively far apart in both years.

Exhibit 20 highlights the areas of greatest divergence.

Exhibit 20 - Comparative overview of the largest differences in the perception of judges/prosecutors and citizens in 2015 and 2016

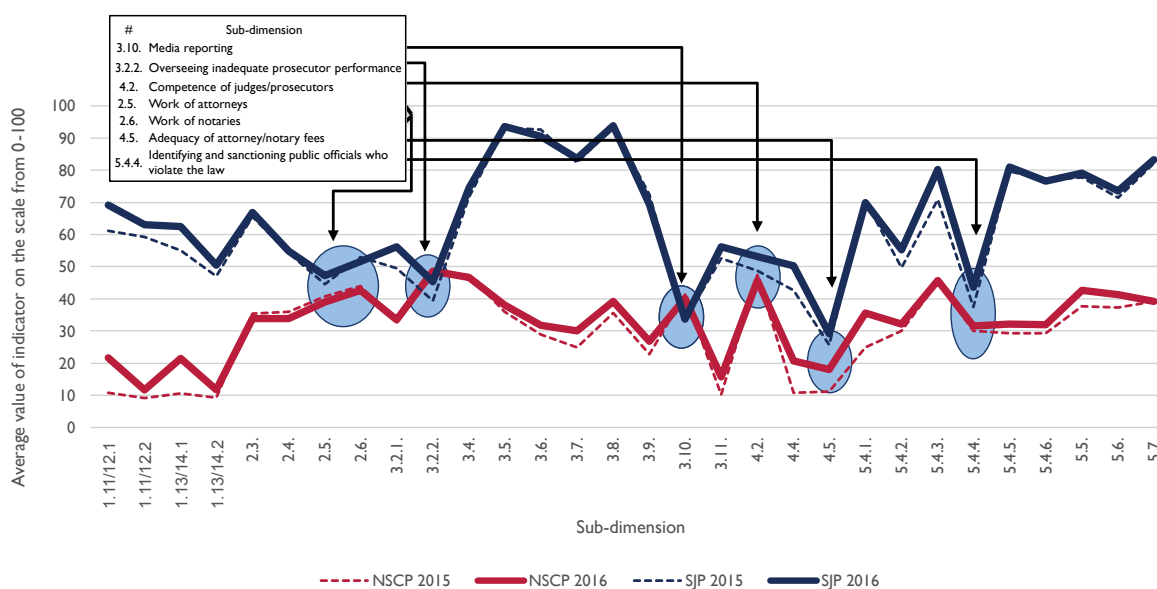


Areas where the biggest differences between the two sets of perceptions are the following:

- efficiency of courts/POs (number of unresolved cases and duration of resolved cases) and the work of courts;
- citizens' access to their own court cases, final judgments, hearings/trials, reports/statistics on the work of courts/POs, and adequacy of court fees;
- independence, absence of corruption and improper influence on the work of judges/prosecutors;
- trust in judges/prosecutors, and equal application of the law.

However, it is also possible to observe specific areas in which the two types of perceptions are similar in 2015 and 2016, as shown in Exhibit 21.

Exhibit 21 – Comparative overview of the smallest differences in the perception of judges/prosecutors and citizens in 2015 and 2016



The differences in perceptions between the judges/prosecutors and public are smallest in the areas shown in Exhibit 22.

Exhibit 22 – The smallest differences in the perception of judges/prosecutors and public in 2016

#	Sub-dimension	Difference between the citizens' perception and the perception of judges/prosecutors, in indicator's individual index value
3.10.	Media reporting	-6.55
3.2.2.	Overseeing inadequate prosecutor performance	-3.21
4.2.	Competence of judges/prosecutors	7.41
2.5.	Work of attorneys	8.04
2.6.	Work of notaries	9.00
4.5.	Adequacy of attorney/notary fees	11.14
5.4.4.	Identifying and sanctioning public officials who violate the law	12.09

HJPC ADMINISTRATIVE DATA INDICATORS

The total number of indicators sourced in the HJPC’s administrative data is 65. HJPC forwarded to MEASURE-BiH data on 57 indicators for 2016. Data for the eight remaining indicators collected manually by the HJPC with one-year time lag relate to 2015. Methodologically, this is the same approach as used for the 2015 Index.

The forwarded administrative data for 2016 relate to the main case types tracked by the Index that were processed by the courts/POs in that year, and the success rate of the disciplinary proceedings. The remaining eight collected manually relate to collective quotas, confirmation rates of the 1st instance courts’ decisions, success of indictments, and utility case enforcement; as noted, are from 2015.

The 2016 JEI-BiH summarizes data on a total of 378,392 cases processed in BiH courts/POs in 2016.

DEFINITION OF CASES

The definitions of cases used in the Index, their corresponding Registry Book (types and phases in accordance with the Book of Rules on Case Management System for Courts and Prosecutor Offices [CMS and T-CMS]), and the start and end dates of the cases processed are given in Exhibit 23. These definitions, which are taken directly from the software of business intelligence (BI), and software queries to the CMS and T-CMS databases created by the HJPC, are unchanged from 2015.

Exhibit 23 – Definitions of cases’ titles used in the Index and their corresponding Registry Book (types, phases), as well as the start and end of the case 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, 2016)	If the case changed its status in „closed“ in 2016, 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		If the case remained „open“ on December 31, 2016, it is counted as an unsolved case on December 31, 2016.
	Civil appeal cases	P-Gž (Ilitigation department)		
	Commerical appeal cases	Ps-Pž (Commerical department)		
	Administrative appeal cases	U-Už, U-Uvp		
POs	General crime cases	KT, KTO, KTM, KTT		
	Corruption cases	KTK		
	Economic crime cases (other)	KTPO, KTF		
	War crime cases	KTRZ		

DURATION OF CASE DISPOSITIONS AND AGE OF UNRESOLVED CASES

Sub-dimensions 1.1. and 1.2. in the Index Efficiency dimension track the average duration of case dispositions in 2016, and the average age of cases that remained unresolved at the end of 2016, by types of cases tracked by the Index (in days). Exhibit 24 gives an overview of these values per calendar years, including their actual values, trend lines for each tracked case type, values of index points of each indicator (per case type) on a scale 0-100 for both 2015 and 2016, and annual change in index points.

Exhibit 24 – Actual values, indicators, historical trends, and indicators' index points for the average duration of resolved cases, and the age of unresolved cases in courts

						ACTUAL VALUE OF INDICATORS					TREND	Index points of indicators (on a scale 0-100) for 2015	Index points of indicators (on a scale 0-100) for 2016	Annual change in indicator's individual index value
						2012	2013	2014	2015	2016				
1.1.	Courts: Duration of resolved cases (IN DAYS)	1.1.1.	1st instance courts	1.1.1.1.	Criminal cases	378	375	343	314	300		57.03	58.89	1.86
				1.1.1.2.	Civil cases	666	622	527	447	396		63.06	67.25	4.19
				1.1.1.3.	Commercial cases	582	560	530	522	461		53.18	58.65	5.47
				1.1.1.4.	Administrative cases	350	408	412	417	461		46.49	40.93	-5.57
				1.1.1.5.1.	Enforcement in civil cases	818	821	715	634	518		59.58	67.00	7.42
		1.1.1.5.2.	Enforcement in commercial cases	869	909	699	585	512		64.61	69.01	4.40		
		1.1.2.	2nd instance courts	1.1.2.1.	Criminal appeal cases	72	76	80	75	119		50.41	21.70	-28.70
				1.1.2.2.	Civil appeal cases	305	330	311	390	404		38.22	35.88	-2.34
				1.1.2.3.	Commercial appeal cases	327	335	289	346	412		45.54	35.02	-10.52
				1.1.2.4.	Administrative appeal cases	325	264	282	393	629		32.36	0.00	-40.71
1.2.1.1.	Criminal cases			569	521	516	505	506		52.84	52.73	-0.11		
1.2.	Courts: Age of unresolved cases (IN DAYS)	1.2.1.	1st instance courts	1.2.1.2.	Civil cases	648	532	444	401	410		62.96	62.14	-0.82
				1.2.1.3.	Commercial cases	594	541	522	464	469		58.03	57.58	-0.45
				1.2.1.4.	Administrative cases	367	335	342	387	415		44.46	40.46	-4.01
				1.2.1.5.1.	Enforcement in civil cases	798	720	677	579	552		60.45	62.29	1.84
				1.2.1.5.2.	Enforcement in commercial cases	954	736	649	593	589		61.95	62.19	0.25
		1.2.2.	2nd instance courts	1.2.2.1.	Criminal appeal cases	109	94	137	220	265		3.37	0.00	-19.81
				1.2.2.2.	Civil appeal cases	410	424	468	480	499		44.75	42.51	-2.23
				1.2.2.3.	Commercial appeal cases	456	470	513	571	657		40.41	31.45	-8.95
				1.2.2.4.	Administrative appeal cases	206	223	364	480	546		9.16	0.00	-12.42

Based on the review of the annual changes in Exhibit 24, it is evident that 1st instance courts achieved positive changes in reducing the average duration of case dispositions (except for administrative cases), whereas 2nd instance courts increased the average duration of case disposition. The average age of unresolved cases in 1st instance courts generally remained unchanged (except for administrative cases) compared to 2015, but it increased in 2nd instance courts.

Three indicators related to appeal cases (the average duration of administrative appeal case dispositions and the average age of unresolved criminal and administrative appeal cases) have 2016 values more than twice as low as the average values from 2012 to 2014.

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 2016 and the clearance rate in 2016 (i.e., the ratio of disposed to newly received cases in a calendar year) per case type tracked by the Index. Exhibit 25 gives an overview of these values per calendar year, including their actual values, trend lines for each tracked case type, indicator values of the assigned index points (per type of case) on a scale 0-100 for both 2015 and 2016, and annual change for each in index points.

Exhibit 25 – Actual values, indicators, historical trends, and indicators' index points for clearance rates and court backlog in courts

						ACTUAL VALUE OF INDICATORS					TREND	Index points of indicators (on a scale 0-100) for 2015	Index points of indicators (on a scale 0-100) for 2016	Annual change in indicator's individual index value
						2012	2013	2014	2015	2016				
1.3.	Courts: Number of unresolved cases	1.3.1.	1st instance courts	1.3.1.1.	Criminal cases	12,567	11,871	10,598	10,080	9,976		56.84	57.29	0.45
				1.3.1.2.	Civil cases	44,007	38,271	34,352	32,367	29,244		58.37	62.39	4.02
				1.3.1.3.	Commercial cases	12,007	10,963	9,165	7,225	5,824		66.28	72.81	6.54
				1.3.1.4.	Administrative cases	10,447	12,488	13,535	12,710	11,285		47.72	53.59	5.86
				1.3.1.5.1.	Enforcement in civil cases	126,339	117,758	98,727	84,637	69,822		62.97	69.45	6.48
		1.3.1.5.2.	Enforcement in commercial cases	23,857	21,764	19,212	16,740	14,241		61.27	67.05	5.78		
		1.3.1.5.3.	Enforcement in utility cases	1,664,328	1,709,000	1,574,517	1,574,589	7		52.27	52.26	0.00		
		1.3.2.	2nd instance courts	1.3.2.1.	Criminal appeal cases	866	894	1,275	1,753	1,951		13.36	3.57	-9.79
				1.3.2.2.	Civil appeal cases	13,293	13,685	14,682	14,761	14,628		46.85	47.33	0.48
				1.3.2.3.	Commercial appeal cases	3,126	3,228	3,911	4,403	4,652		35.66	32.02	-3.64
1.3.2.4.	Administrative appeal cases			1,119	2,216	2,892	3,643	4,117		12.25	0.83	-11.42		
1.4.1.1.	Criminal cases			118%	105%	110%	104%	100%		69.42	66.86	-2.56		
1.4.	Courts: Clearance rate (IN %)	1.4.1.	1st instance courts	1.4.1.2.	Civil cases	123%	118%	113%	106%	110%		71.00	73.65	2.65
				1.4.1.3.	Commercial cases	118%	112%	125%	130%	127%		86.34	84.99	-1.35
				1.4.1.4.	Administrative cases	98%	83%	91%	108%	116%		72.04	77.24	5.20
				1.4.1.5.1.	Enforcement in civil cases	103%	113%	131%	121%	122%		80.69	81.63	0.93
				1.4.1.5.2.	Enforcement in commercial cases	106%	114%	119%	119%	121%		79.18	80.70	1.52
		1.4.1.5.3.	Enforcement in utility cases	79%	88%	97%	100%	7		64.37	66.62	2.24		
		1.4.2.	2nd instance courts	1.4.2.1.	Criminal appeal cases	98%	99%	92%	91%	96%		61.43	64.11	2.68
				1.4.2.2.	Civil appeal cases	91%	97%	93%	99%	100%		66.28	67.00	0.72
				1.4.2.3.	Commercial appeal cases	98%	97%	81%	86%	91%		57.24	60.67	3.43
				1.4.2.4.	Administrative appeal cases	114%	53%	66%	63%	75%		41.91	49.99	8.09

The clearance rate at 1st instance courts remained higher than 100%, which resulted in reducing the number of unresolved cases (backlog) in 1st instance courts in 2016 in all case types tracked by the Index. At the same time, however, the number of unresolved enforcements of utility cases remained high, at about 1.5 million cases.

Although there was some increase in the clearance rate in 2016 compared to 2015, clearance rates in 2nd instance courts remained below 100% in 2016, as has been the case since 2012. Consequently, the number of unresolved cases in 2nd instance courts was increasing throughout 2012 to 2016 (except for the number of unresolved civil appeals, which decreased minimally in 2016). The number of unresolved criminal and administrative appeal cases is almost twice as low as the average values in 2012 to 2014.

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

Sub-dimensions 1.5., 1.6., 1.7., and 1.8. in the Efficiency dimension track the same indicators for POs as for courts in sub-dimensions 1.1. through 1.4.—including average duration of case dispositions in 2016, average age of unresolved cases (backlog) at the end of 2016, number of unresolved cases (backlog) at the end of 2016, and clearance rate in 2016 (ratio of disposed to newly received cases in a calendar year), by case type tracked by the Index.

Exhibit 26 gives an overview of these values per calendar year, including their actual values, trend lines for each tracked case, type, assigned indicator index points (per case type) on a scale 0-100, and annual change in index points.

Exhibit 26 – Actual values, indicators, historical trends and indicators' index points for the average duration of resolved cases, age of unresolved cases, clearance rates, and backlog in POs

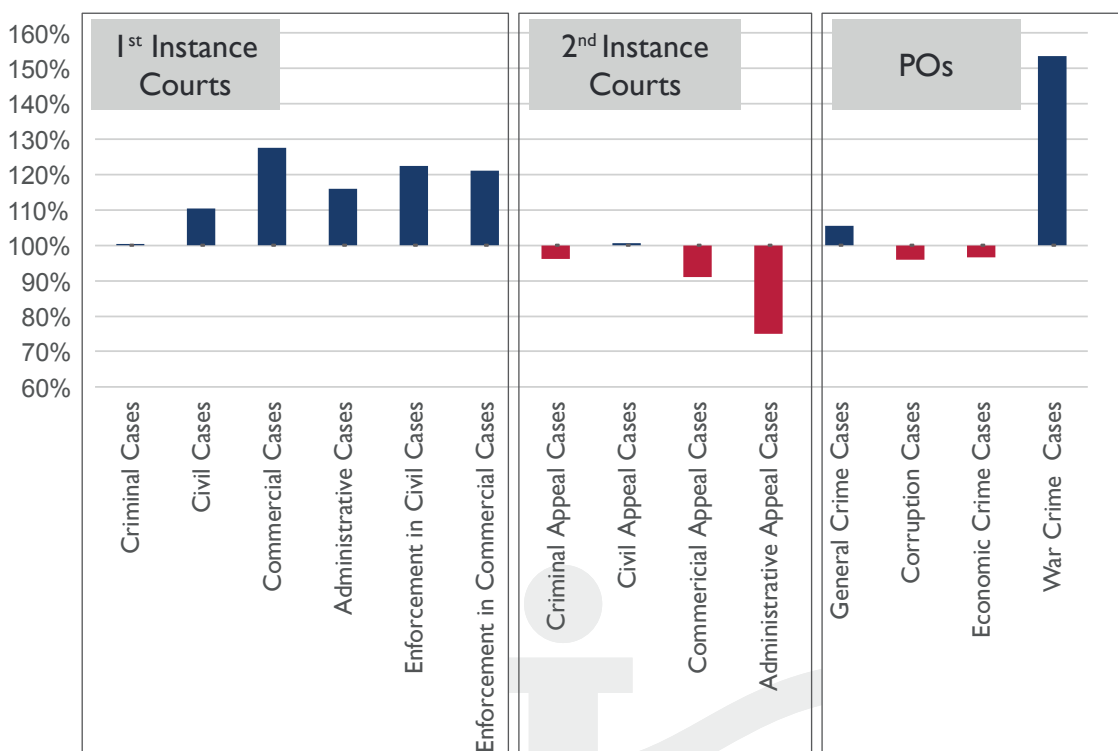
				ACTUAL VALUE OF INDICATORS					TREND	Index points of indicators (on a scale 0-100) for 2015	Index points of indicators (on a scale 0-100) for 2016	Annual change in indicator's individual index value
				2012.	2013.	2014.	2015.	2016.				
1.5.	POs: Duration of unresolved cases (IN DAYS)	1.5.1.1	General crime cases	366	412	371	396	250		48.26	67.31	19.04
		1.5.1.2.1.	Corruption cases	1146	374	481	358	344		73.17	74.24	1.07
		1.5.1.2.2.	Economic crime cases (other)	510	554	602	590	405		46.85	63.55	16.70
		1.5.1.3	War crime cases	2.116	1.555	1.330	1.449	1.358		56.55	59.27	2.73
1.6.	POs: Age of unresolved cases (IN DAYS)	1.6.1.1	General crime cases	801	702	654	505	425		64.85	70.40	5.55
		1.6.1.2.1.	Corruption cases	881	849	776	694	647		58.43	61.26	2.83
		1.6.1.2.2.	Economic crime cases (other)	996	978	976	795	695		59.54	64.68	5.13
		1.6.1.3	War crime cases	1.897	1.857	1.995	2.013	2.136		47.47	44.25	-3.22
1.7.	POs: Number of unresolved cases	1.7.1.1	General crime cases	21.702	20.749	18.517	12.352	11.042		69.61	72.83	3.22
		1.7.1.2.1.	Corruption cases	501	786	907	1.005	1.051		31.29	28.14	-3.14
		1.7.1.2.2.	Economic crime cases (other)	2.511	2.281	1.831	1.595	1.707		63.88	61.34	-2.54
		1.7.1.3	War crime cases	1.277	1.222	1.075	1.000	872		58.03	63.40	5.37
1.8.	POs: Clearance rates (IN %)	1.8.1.1	General crime cases	103%	104%	109%	127%	105%		84.74	70.31	-14.43
		1.8.1.2.1.	Corruption cases	/	/	83%	91%	96%		60.93	63.97	3.05
		1.8.1.2.2.	Economic crime cases (other)	80%	112%	128%	114%	96%		75.90	64.32	-11.58
		1.8.1.3	War crime cases	75%	116%	154%	126%	153%		84.03	100.00	18.25

POs recorded noticeable reductions in the average duration of case dispositions (except for corruption cases whose duration is also reducing, but only slightly) and the age of unresolved cases (except for the war crime cases). The clearance rate of the general crime and war crime cases (153%) is well above 100%, leading to further reductions in the number of unresolved cases (backlog) in POs for these case types. The 2016 clearance rate of 96% for corruption and economic crime cases, although relatively high, still led to an increase in the number of unresolved cases in POs for those two case types.

SUMMARY OF CLEARANCE RATES IN 2016

According to the analysis of individual indicators presented above, the clearance rate indicator stands out, given the direct impact of this indicator on the increase/decrease in the number of unresolved cases (backlog). Exhibit 27 gives a comparative overview of the clearance rates in 2016 per case type and 1st and 2nd instance courts and POs.

Exhibit 27 – 2016 clearance rates in courts/POs



It is evident that the 1st instance courts had more disposed than newly received cases in 2016. The 2nd instance courts, however, had received more new cases than disposed in 2016. POs had more cases disposed than the newly received cases for two case types (general crime and war crime cases); they had fewer case disposed than newly received cases for two other case types (corruption and other economic crime cases).

COLLECTIVE QUOTA FULFILLMENT, CONFIRMATION RATE OF 1ST INSTANCE COURT DECISIONS, SUCCESS OF INDICTMENTS AND DISCIPLINARY PROCEEDINGS

Sub-dimensions 1.9. and 1.10. in the Efficiency dimension, sub-dimensions 2.1. and 2.2. in the Quality dimension, and sub-dimension 3.3. in the Accountability and Transparency dimension track the average realized collective quota of judges/prosecutors, confirmation rate of 1st instance decisions, success of indictments and disciplinary proceedings. Findings are shown in Exhibit 28.

Exhibit 28 – Actual values, indicators, historical trends, and indicator index points in collective quotas, confirmation rate of the 1st instance decisions, success of indictments and disciplinary proceedings

			ACTUAL VALUE OF INDICATORS					TREND	Index points of indicators (on a scale 0-100) for 2015	Index points of indicators (on a scale 0-100) for 2016	Annual change in indicator's individual index value	
			2012.	2013.	2014.	2015.	2016.					
									(Rounded values)			
1.9.	Collective quota – Judges (IN %)	1.9.1.	The rate of compliance with collective norm	133%	122%	126%	123%	/		84.00	81.95	-2.05
1.10.	Collective quota – Prosecutors (IN %)	1.10.1.	The rate of compliance with collective norm	/	120%	99%	105%	/		66.00	70.04	4.04
2.1.	Rate of confirmed 1st instance decisions (IN %)	2.1.1.	Criminal cases (Kz/K)	90%	96%	87%	85%	/		86.78	85.00	-1.78
		2.1.2.	Civil cases (Gz/P)	88%	96%	89%	88%	/		88.57	88.00	-0.57
		2.1.3.	Commercial cases (Pz/Ps)	86%	97%	89%	87%	/		88.89	87.00	-1.89
2.2.	Success of indictments (IN %)	2.2.1.	Rate of convictions in relation to total number of indictments	/	92%	91%	93%	/		60.67	62.00	1.33
3.3.	Disciplinary proceedings (IN %)	3.3.1.	Rate of held responsible in relation to number of initiated disciplinary proceedings	110%	94%	94%	80%	91%		53.33	60.60	7.27

The average rate of compliance with the collective quota of judges in 2015 was slightly lower compared to the previous year, but still remained well above 100%. The rate of compliance with the collective quota of prosecutors in 2015 improve compared to 2014, exceeding the level of 100%.

Confirmation rates of the 1st instance court decisions and the success of indictments in 2015 remained about the same as in the year before. The success rate of disciplinary proceedings in 2016 substantially increased compared to 2015.

ADDITIONAL DATA: 2012-2016 CASE INFLOW

As was noted above in the part of this Report relating to the data on public perceptions, in addition to the data for indicators directly used in JEI-BiH calculations, MEASURE-BiH collects additional data where possible, in order to obtain a more complete picture of the functioning of the BiH judiciary. Within HJPC administrative data additional data is collected on the number of newly received cases (inflow) and number of disposed cases in each calendar year. These are shown in Exhibit 29's historical overview of the case inflow from 2012 to 2016, with trend lines by case type as well as aggregated by judicial instance.

Exhibit 29 – Trend of case inflow by case type and cumulatively by judicial instance

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

In all case types tracked by the Index—with the exception of corruption and economic crime cases in POs and criminal and administrative appeal cases in 2nd instance courts—the prevailing trend from 2012 to 2016 has been downward. In 2016, the inflow of new cases was lower than in 2015 in all case types except for the corruption and economic crime cases in POs, and the number of criminal appeal cases remained at the same level as in 2015.

ADDITIONAL DATA: RESOURCES 2012-2016

MEASURE-BiH also collects additional data on budgets and human resources available to courts/POs, as shown in Exhibit 30.

Exhibit 30 – Resources available to courts and POs in the period from 2012 to 2016

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

The historical trend from 2012 to 2016 was upward for the budgets and human resources allocated to the courts/POs, except for the number of judges, which remains broadly constant.

There has been a slight change in the budget and human resource allocations to the courts and POs in 2016 compared to 2015. The budgets allocated to courts increased by 1%, the budgets allocated to POs increased by 2%, the number of judges increased by 2%, the number of prosecutors increased by 4%, and the number of non-prosecutorial staff increased by 8%. The number of non-judicial staff decreased by 5%.

INDIVIDUAL VALUES OF HJPC ADMINISTRATIVE DATA INDICATORS

The HJPC statistical data presented in tables in Exhibit 24, 25, 26 and 28 are illustrated graphically in Exhibit 31, where the vertical axis represents the value of the indicator (on a scale of 0-100 index points for each indicator), and the horizontal axis represents individual indicators (using the same indicator number as in Exhibits 24, 25, 26 and 28). Indicator index points for 2015 are presented with a dashed grey line for 2015, and a solid black line in 2016.

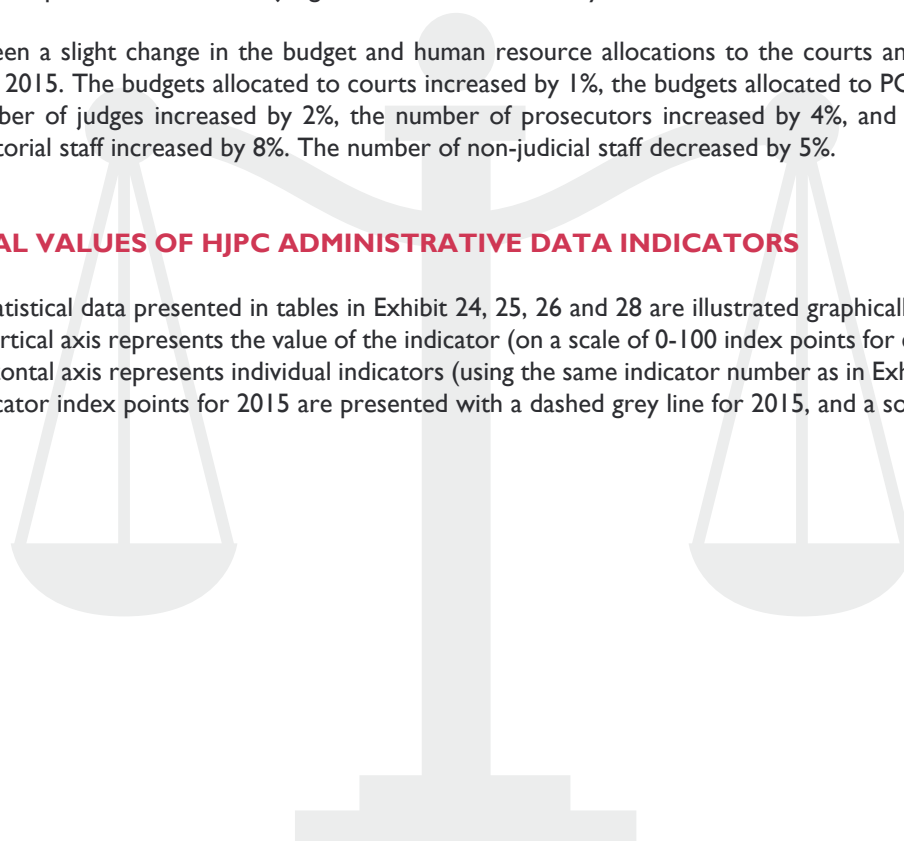
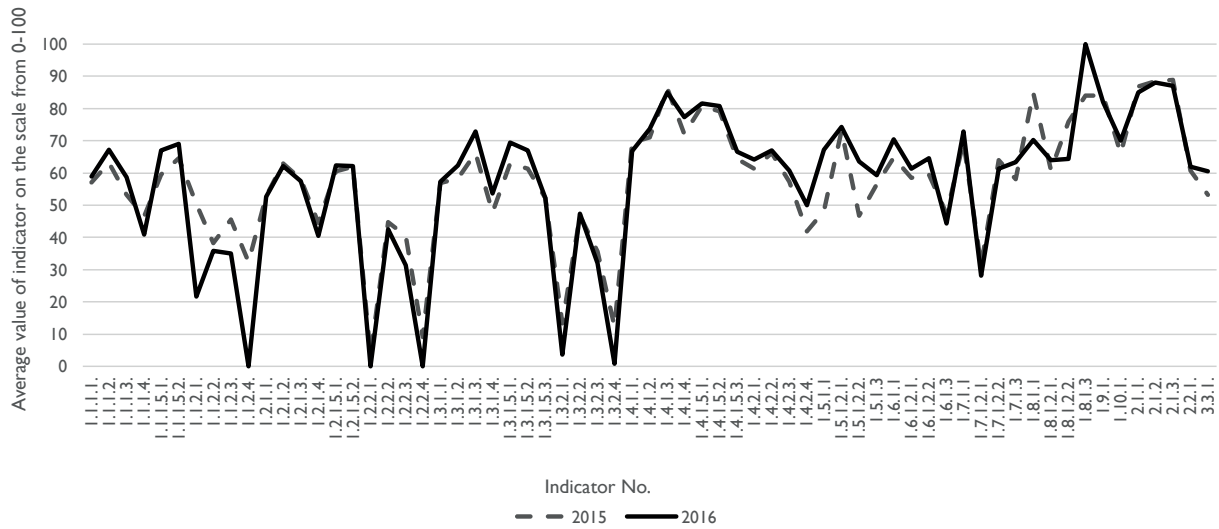


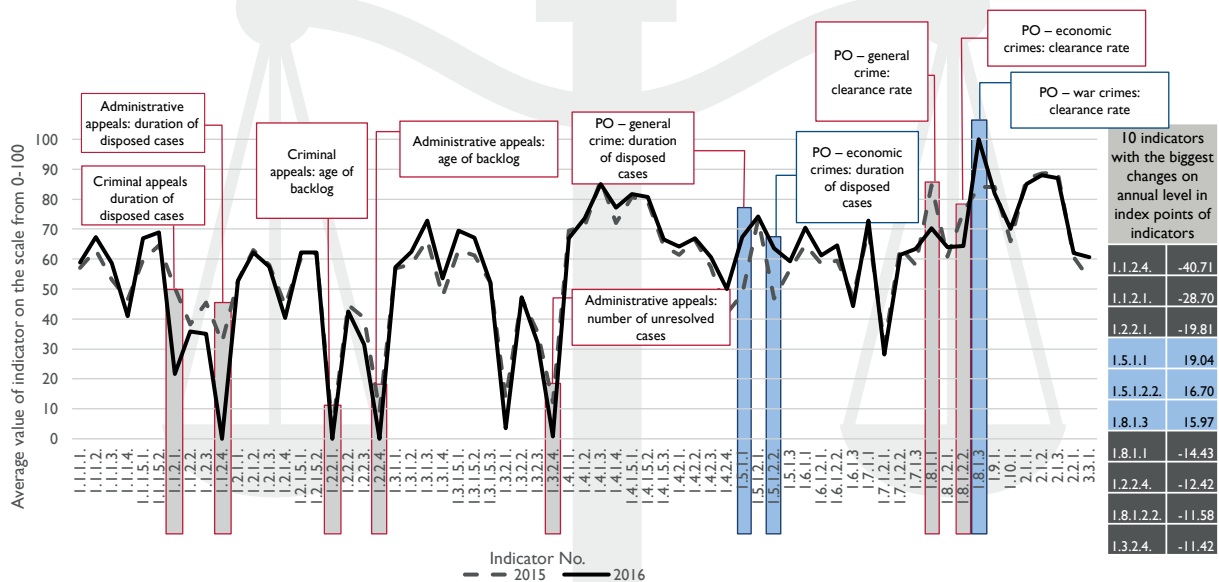
Exhibit 31 – Individual values of HJPC administrative data indicators - graph



The 2016 indicator values in most cases do not deviate much from the values in 2015, with some exceeding the 2015 values and others falling below them. As shown in Exhibit 32, the largest negative changes in 2016 compared to 2015 (shown in dark grey) are in the indicators of average duration for criminal and administrative appeal cases, age of criminal and administrative appeal cases, and PO clearance rates for general and economic crime cases.

The largest positive changes in the indicator values from the HJPC administrative data in 2016 compared to 2015 (shown in blue) are reflected in the indicators of POs' average duration of disposition for general and economic crime cases, and the clearance rate for war crime cases.

Exhibit 32 – Largest changes in values of indicators from HJPC administrative data in 2016 compared to 2015



For the criminal and administrative appeal cases, three indicators recorded values more than twice as low as the average values from 2012 to 2014, and two additional indicators reached almost twice as low as their average for the same period. At the other end of the scale, one PO clearance rate indicator (for war crime cases) exceeded 150%, thus overreaching the maximum possible index score of 100 points.

The annual indicator changes are shown at the summary levels of 0, 2, and 5 percentage points in Exhibit 33.

Exhibit 33 – Indicator changes in the HJPC statistical data at the 0, 2, and 5 percentage point levels

	Number of indicators with annual change in value up to +/- 0 percentage points	Number of indicators with annual change in value up to +/- 2 percentage points	Number of indicators with annual change in value up to +/- 5 percentage points
>	37	27	15
<=>	0	18	40
<	28	20	10
Total	65	65	65

OVERALL VALUES OF HJPC ADMINISTRATIVE DATA INDICATORS

Maximum number of possible index points in the overall JEI-BIH that the indicators sourced in the HJPC's administrative data can contribute to the total Index value is 32.98 points (which would represent actual values of indicators that are two times better than the 2012-2014 average, or rates of 150% in actual values of indicators expressed in rates). In 2015, the number of index points from the indicators sourced in the HJPC's administrative data within the overall JEI-BiH value was 21.41 points or 64.93% of maximum possible points. In 2016, the number of index points from the indicators sourced in the HJPC's administrative data within the overall JEI-BiH value was 21.60 points or 65.48% of maximum possible points, which represents annual improvement of 0.9% (and contributes to annual change of overall JEI-BiH value by +0.2 index points). This is shown in Exhibit 34.

Exhibit 34 – Overall indicator values from the HJPC administrative data for 2016

Maximum value of indicators on HJPC administrative data	100.00% (32.98 out of 100 points in the overall Index)
Total value in 2015 from indicators on HJPC administrative data	64.93% (21.41 points in the overall Index)
Total value in 2016 from indicators on HJPC administrative data	65.48% (21.60 points in the overall Index)
Annual change in 2016 compared to 2015	+0.9% (+0.2 of total index points)

SUMMARY OF FINDINGS BASED ON HJPC ADMINISTRATIVE DATA INDICATORS

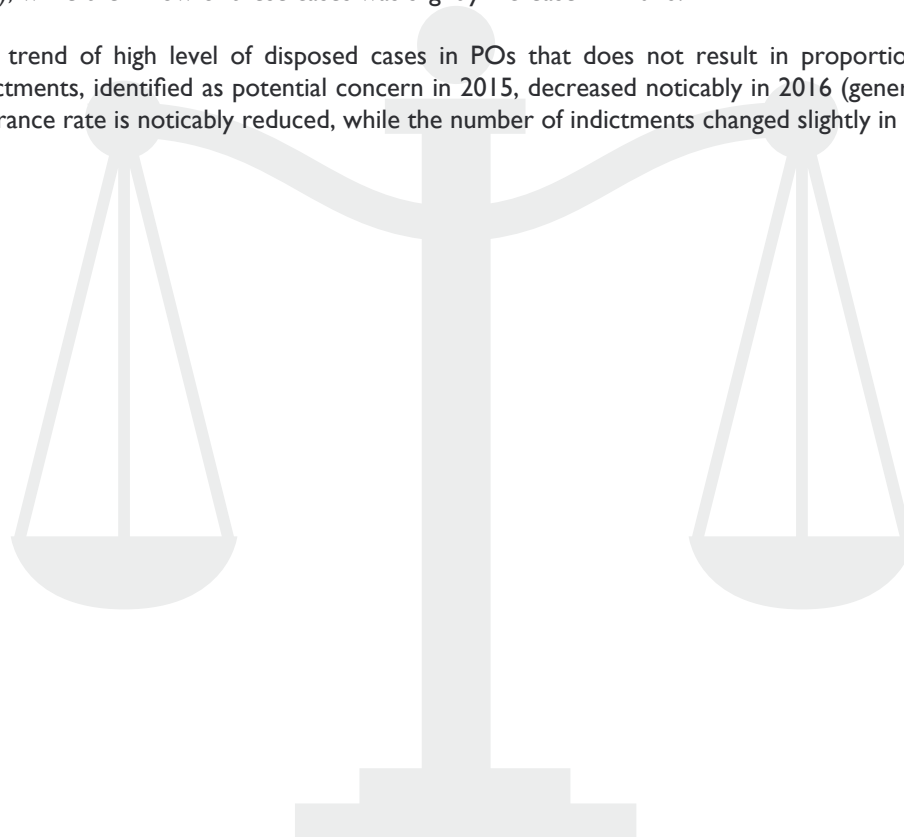
The BiH judiciary generally maintained the efficiency levels above the 2012-2014 average and the 2016 level averaged the same as in 2015. The human and financial resources allocated to the judiciary did not change much.

Courts

1. In 2016, 1st instance courts continued to shorten the average duration of case dispositions and reduce the number of unresolved cases (backlog), while maintaining the clearance rate above 100% and reducing the number of unresolved cases (backlog). Case inflow was also reduced.
2. In contrast to 1st instance courts, the 2nd instance courts continued to deteriorate in 2016 in the average duration of case dispositions, as well as the age and number of unsolved cases (backlog), with clearance rates below 100%. Case inflow (except in the case of criminal appeal cases, which remained the same) was reduced.
3. Special attention needs be paid to appellate cases, which have deteriorated in almost all categories except the clearance rate (which is still insufficient to prevent an increase in the number of unsolved cases (backlog)).

Prosecutor Offices

1. POs mainly recorded noticeable reductions in the average duration of case dispositions and the age of unresolved cases. Number of the unresolved cases (backlog) reduced in general crime and war crime cases, where the inflow of these cases was also slightly reduced in 2016. Number of the unresolved cases slightly increased for corruption and economic crime cases (whose clearance rate in 2016 was 96%), while the inflow of these cases was slightly increased in 2016.
2. The trend of high level of disposed cases in POs that does not result in proportional number of indictments, identified as potential concern in 2015, decreased noticeably in 2016 (general crime cases' clearance rate is noticeably reduced, while the number of indictments changed slightly in 2016).



SUMMARY OF 2016 JUDICIAL EFFECTIVENESS INDEX FINDINGS

The 2016 JEl-BiH findings are summarized as follows:

1. The Index value increased by 2.37 index points in 2016 compared to 2015. This implies that the effectiveness of the BiH judiciary improved by about 4.4% in 2016 compared to 2015.
2. The 2016 findings also confirmed that the media created most of the public perception of judiciary effectiveness, with most citizens having no personal experience of the judiciary's work. Notably, BiH citizens have negative perceptions in areas not the subject of media coverage (access to hearings, cases, statistics and reports, etc.). Importantly, even though there were no changes in the structure of the sources of information available to the public—or even changes in the public perception of media objectivity in selecting and presenting court cases and investigations—the public perception of judiciary effectiveness improved by 7% compared to 2015. Despite this clear improvement, however, the public perception of judiciary effectiveness continues to be poor, at 34.5% of total 100% that would represent maximum level of satisfaction of all citizens on all questions asked.
3. The response rate for the survey of judges/prosecutors was substantially higher (at 52%) than in previous surveys of the BiH judiciary. In 2016, based on survey responses, judges/prosecutors perceived improvements in monitoring of judge/prosecutor performance; initiation, fairness, and objectivity of disciplinary proceedings; and the capacity of judiciary to combat corruption. Based on the overall 2016 Index, judge/prosecutor perceptions of judiciary effectiveness improved by 6.5% compared to 2015. Judges/prosecutors' perception of BiH judiciary's effectiveness is almost two times better than citizens' perception, at 61.4% of total 100% that would represent maximum level of satisfaction of all judges/prosecutors on all questions asked.
4. No significant convergence of public and judge/prosecutor perceptions occurred in 2016. There were still significant differences between the two, and their similarities and differences on a variety of issues remained mostly unchanged compared to 2015.
5. Within the HJPC administrative data on processing cases in the main case types tracked in courts/POs, there was a general slight improvement (0.9%) in 2016 compared to 2015.
6. The average efficiency level at 1st instance courts and POs in 2016 was satisfactory as compared to 2015. Even so, some negative trends at the 2nd instance courts highlight the need to further investigate proceedings to develop effective remediation measures.
7. All levels of the BiH judiciary should continue with efforts to shorten the average duration of case dispositions, as well as the age and number of unresolved cases (backlog). In particular, courts/POs should take advantage of the generally decreasing trend in case inflow to improve the indicator values for all aspects of judicial effectiveness.

The Index values and changes in 2016 compared to 2015 are provided in Exhibit 35.



Exhibit 35 - Summary of index values and changes in 2016 compared to 2015

	Overall Index (146 indicators)	Indicators from public perceptions (32 indicators)	Indicators from perceptions of judges and prosecutors (49 indicators)	Indicators from the HJPC administrative data (65 indicators)
Maximum JEl-BiH points	100.00	22.25 (100.00%)	44.77 (100.00%)	32.98 (100.00%)
JEl-BiH 2015	54.41	7.17 (32.21%)	25.83 (57.69%)	21.41 (64.93%)
JEl-BiH 2016	56.78	7.67 (34.48%)	27.51 (61.45%)	21.60 (65.48%)
Annual change in 2016 compared to 2015	+2.37 (+4.4%)	+0.50 (+7.0%)	+1.68 (+6.5%)	+0.18 (+0.9%)



ANNEX I: 2016 JUDICIAL EFFECTIVENESS INDEX MATRIX

Comprehensive 2016 Judicial Effectiveness Index of BiH Matrix is attached to the back cover of this Report.



ANNEX II: 2016 PUBLIC PERCEPTION QUESTIONNAIRE

Q2. How satisfied are you with each of the following services IN THE LAST 12 MONTHS?

	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?

	Yes	No	(Do not read!) Does not know
Q12_5. 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.

	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

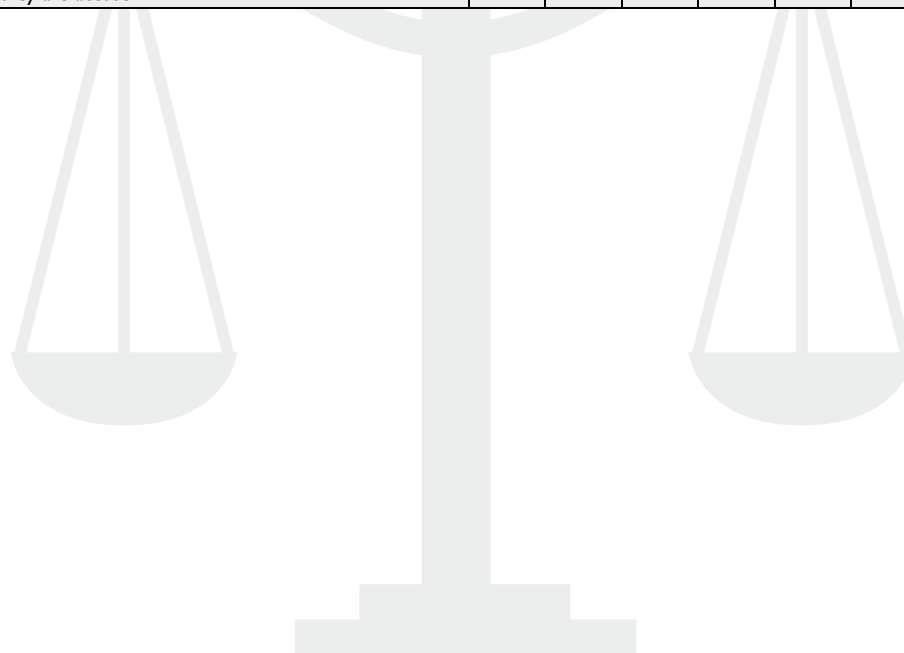
Q18. On a scale from 1 to 7, where 1 is 'extremely poor' and 7 is 'excellent', how would you rate the work of:

1	2	3	4	5	6	7	
extremely poor							excellent

	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:

	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?

- | | |
|---------------------------------|---|
| 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?

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

Q22. Do you agree that appointments of Judges and Prosecutors are competence-based?

- | | |
|---------------------------------------------------|---|
| 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?

- | | |
|---------------------------------|---|
| 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?

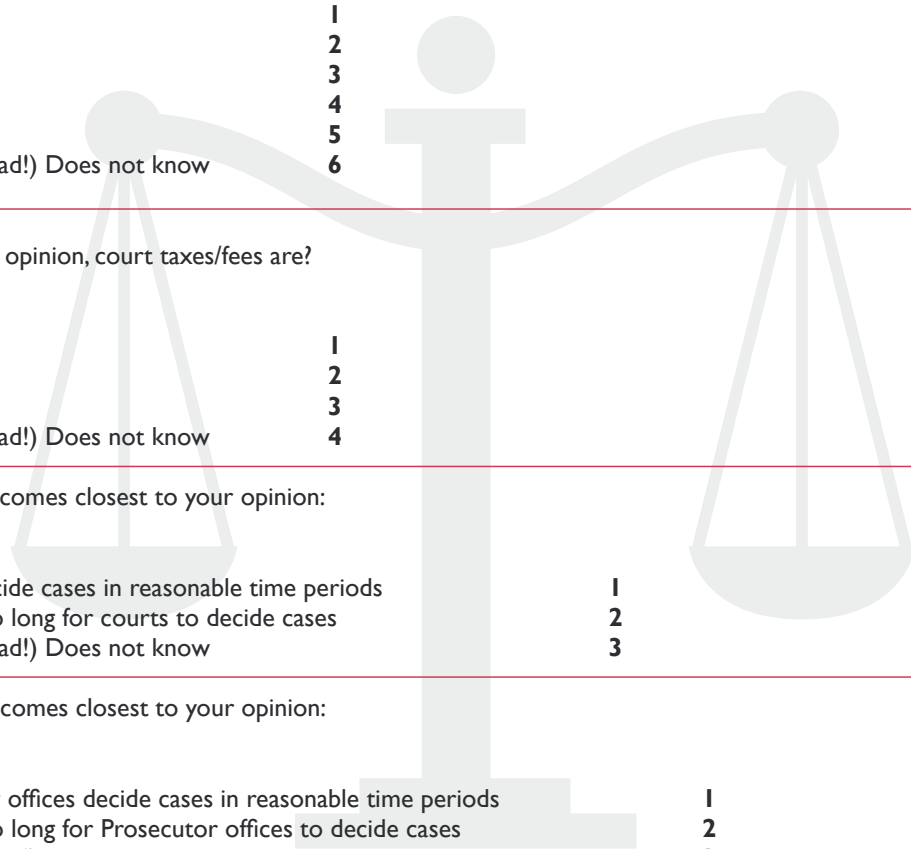
- | | |
|---------------------------------|---|
| 1. Low | 1 |
| 2. Adequate | 2 |
| 3. High | 3 |
| 4. (Do not read!) Does not know | 4 |
-

Q25. Which comes closest to your opinion:

- | | |
|---------------------------------------------------|---|
| 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:

- | | |
|---------------------------------------------------------------|---|
| 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?

- | | |
|---------------------------------|---|
| 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 and prosecutors are?

- | | |
|---------------------------------|---|
| 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?

- | | |
|---------------------------------|---|
| 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?

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

Q31. How many cases you have been involved in over the last three years?

- | | |
|------------------------------------------|---|
| 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:

- | | |
|--------------------------------------------------------------------------------------|---|
| 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?

- | | |
|---------------------------------------------------|---|
| 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?

- | | |
|---------------------------------------------------|---|
| 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: 2016 QUESTIONNAIRE FOR JUDGES AND PROSECUTORS

2016 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?

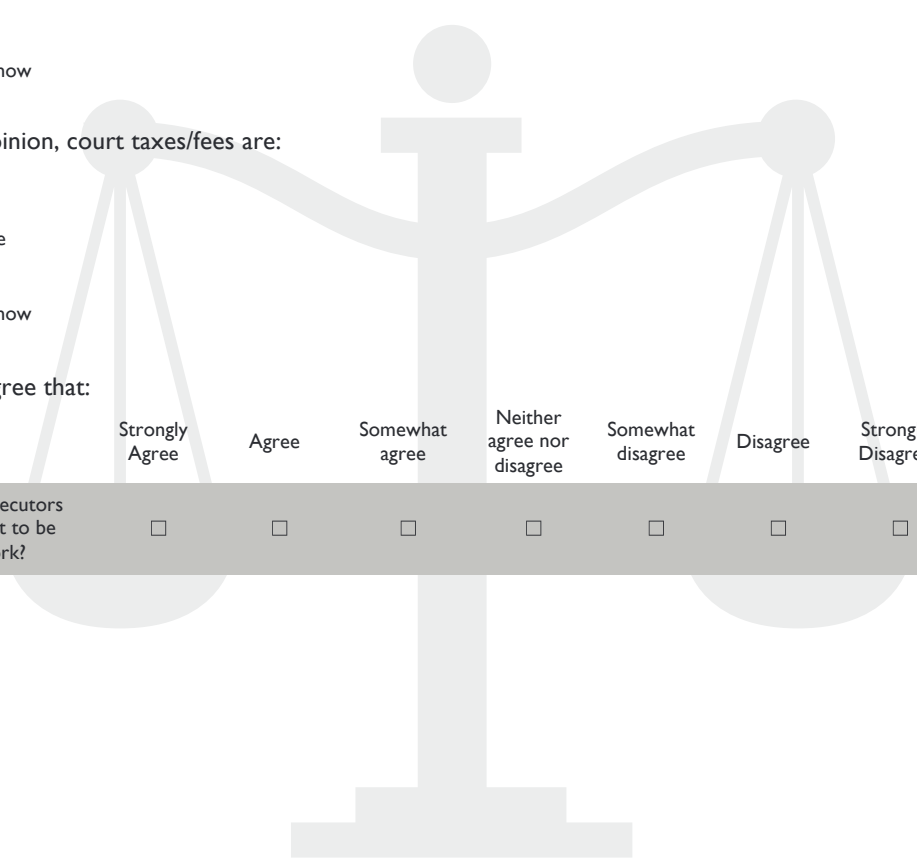
- Never
- Rarely
- Sometimes
- Often
- Always
- I don't know

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 and 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 and 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 and 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 and 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 and 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 Councils' 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 and 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 and 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 and 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 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"/>





**MONITORING AND EVALUATION
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