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**MONITORING AND EVALUATION SUPPORT ACTIVITY II (MEASURE II)**

**JUDICIAL EFFECTIVENESS INDEX OF  
BOSNIA AND HERZEGOVINA**

**2022 REPORT**

**July 2023**

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# MONITORING AND EVALUATION SUPPORT ACTIVITY II (MEASURE II)

## JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA

***2022 Report***

*July 2023*

Prepared under the USAID Bosnia and Herzegovina Monitoring and Evaluation Support Activity II (MEASURE II), Contract Number AID-I67-I-17-00004; Task Order Number 72016819F00001

**Submitted to:**

USAID/Bosnia Herzegovina, July 2023

**Contractor:**

American Institutes for Research (AIR)

## CONTENTS

LIST OF EXHIBITS .....	3
ACKNOWLEDGMENTS.....	6
ACRONYMS.....	7
EXECUTIVE SUMMARY .....	8
OVERALL JEI-BIH VALUE.....	8
RESULTS BY JEI-BIH DIMENSIONS.....	9
RESULTS BY DATA SOURCE.....	9
RECOMMENDATIONS.....	13
INTRODUCTION .....	15
JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA.....	15
PURPOSE OF THIS REPORT .....	15
JEI-BIH METHODOLOGY .....	15
ABOUT MEASURE II.....	15
2022 JEI-BIH DATA COLLECTION .....	16
2022 JEI-BIH RESULTS .....	17
OVERALL INDEX VALUE.....	17
PUBLIC PERCEPTION INDICATORS.....	23
JUDGE AND PROSECUTOR PERCEPTION INDICATORS .....	32
COMPARATIVE RESULTS: PUBLIC PERCEPTION VERSUS THE PERCEPTION OF JUDGES AND PROSECUTORS.....	41
HJPC ADMINISTRATIVE DATA INDICATORS.....	44
2022 JEI-BIH RECOMMENDATIONS .....	69
OVERALL .....	69
CORRUPTION-RELATED MATTERS .....	69
EFFICIENCY OF APPOINTMENTS, CAREER ADVANCEMENT CRITERIA, AND COMPETENCE OF JUDGES AND PROSECUTORS .....	69
TIMELY DELIVERY OF JUSTICE .....	69
NUMBER OF RESOLVED CASES .....	69
ANNEX I: 2022 JUDICIAL EFFECTIVENESS INDEX MATRIX .....	70
ANNEX II: BRIEF OVERVIEW OF JEI-BIH METHODOLOGY .....	71
ANNEX III: COMPLETE LIST OF NSCP INDICATORS .....	73
ANNEX IV: COMPLETE LIST OF SJP INDICATORS .....	75
ANNEX V: COMPARISON OF PERCEPTIONS, PUBLIC VERSUS JUDGES/PROSECUTORS.....	78
ANNEX VI: FULL LIST OF HJPC ADMINISTRATIVE INDICATORS WITH ACTUAL AND INDEX VALUES.....	80

ANNEX VII: AGE OF RESOLVED CASES IN THE BIH JUDICIARY, 2015–2021 .....81  
ANNEX VIII: 2022 PUBLIC PERCEPTION QUESTIONNAIRE.....82  
ANNEX IX: 2022 QUESTIONNAIRE, SURVEY OF JUDGES AND PROSECUTORS.....87

## LIST OF EXHIBITS

Exhibit 1. Overall JEl-BiH values and annual changes, 2015–2022 .....	17
Exhibit 2. Overall Index values and annual changes, 2015–2022 .....	18
Exhibit 3. Index values for each dimension, 2015–2022, and annual changes in 2022 compared to 2021 .....	19
Exhibit 4. Index values for each dimension as a percentage of their respective maximum, 2015–2022 .....	19
Exhibit 5. Annual changes, JEl-BiH dimension values by data source, 2022 compared to 2021 .....	20
Exhibit 6. Annual changes, Index dimension values by data source, 2022 compared to 2021 .....	21
Exhibit 7. Overall Index values and indicator values by data source, 2015–2022, and annual changes, 2022 compared to 2021 .....	21
Exhibit 8. Overall Index values and indicator values by data source as a percentage of their respective maximum, 2015–2022 .....	22
Exhibit 9. Overall values for public perception indicators and annual changes, 2015–2022 .....	24
Exhibit 10. Largest annual increases, public perception indicators, 2022 compared to 2021 .....	25
Exhibit 11. Largest annual declines, public perception indicators, 2022 compared to 2021 .....	25
Exhibit 12. Lowest values, public perception indicators, 2022 .....	26
Exhibit 13. Largest increases, public perception indicators, 2022 compared to 2015 .....	26
Exhibit 14. Largest declines, public perception indicators, 2022 compared to 2015 .....	27
Exhibit 15. Indicator values and annual changes, public perception of corruption-related issues, 2022 compared to 2021 .....	27
Exhibit 16. Percentage of respondents involved in court cases (except utility cases), 2015–2022 .....	28
Exhibit 17. Percentage of respondents involved in only one court case out of the total number of respondents with direct experience with the judiciary, 2015–2022 .....	29
Exhibit 18. Largest differences in responses between respondents involved in any court cases in the previous three years compared to those who were not, 2022 .....	29
Exhibit 19. Principal sources of public information about the BiH judiciary, cases, and actors, 2015–2022 .....	30
Exhibit 20. Public confidence in media objectivity in selecting and presenting court cases and investigations, 2015–2022 .....	31
Exhibit 21. Overall values and annual changes, indicators of judges’ and prosecutors’ perceptions, 2015–2022 .....	33
Exhibit 22. Overall values and annual changes, indicators of judges’ and prosecutors’ perceptions, 2015–2022 .....	33
Exhibit 23. Largest annual increases, indicators of judges’ and prosecutors’ perceptions, 2022 compared to 2021 .....	34
Exhibit 24. Largest annual declines, indicators of judges’ and prosecutors’ perceptions, 2022 compared to 2021 .....	35
Exhibit 25. Largest increases, indicators of judges’ and prosecutors’ perceptions, 2022 compared to 2015 .....	35
Exhibit 26. Largest declines, indicators of judges’ and prosecutors’ perceptions, 2022 compared to 2015 .....	36

Exhibit 27. Lowest indicator values, judges' and prosecutors' perceptions, 2022.....	37
Exhibit 28. Indicator values and annual changes, judges' and prosecutors' perceptions of corruption-related issues, 2021–2022.....	37
Exhibit 29. Structure of the respondent group and BiH judge/prosecutor population disaggregated by role, gender, and jurisdiction, 2022 .....	38
Exhibit 30. Largest differences, indicator values, judges versus prosecutors, 2022 .....	39
Exhibit 31. Largest differences, indicator values disaggregated by gender: male and female judges and prosecutors, 2022.....	40
Exhibit 32. Largest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022.....	42
Exhibit 33. Largest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022.....	42
Exhibit 34. Smallest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022.....	43
Exhibit 35. Smallest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022.....	43
Exhibit 36. Annual changes, indicators for corruption-related issues: the public versus judges/prosecutors, 2022 compared to 2021 .....	44
Exhibit 37. Index case types, their corresponding Registry Book designations (types, phases), and the start and end dates of cases used in indicator calculations .....	45
Exhibit 38. Overall Index values and annual changes, the set of indicators derived from HJPC administrative data, 2015–2022.....	46
Exhibit 39. Overall Index values and annual changes, the set of indicators drawn from HJPC administrative data, 2015–2022.....	47
Exhibit 40. Average duration of resolved cases (days), first instance courts, 2012–2022 .....	48
Exhibit 41. Average age of backlog (days), first instance courts, 2012–2022.....	49
Exhibit 42. Average duration of resolved cases (days), second instance courts, 2012–2022 .....	50
Exhibit 43. Average age of backlog (days), second instance courts, 2012–2022.....	50
Exhibit 44. Clearance rates (percent), first instance courts, 2012–2022.....	51
Exhibit 45. Backlogs (number of unresolved cases), first instance courts, 2012–2022 .....	51
Exhibit 46. Clearance rates (percent), second instance courts, 2012–2022.....	52
Exhibit 47. Backlogs (number of unresolved cases), second instance courts, 2012–2022 .....	52
Exhibit 48. Average duration of resolved cases (days), POs, 2021–2022.....	53
Exhibit 49. Average age of the backlog (days), POs, 2012–2022 .....	54
Exhibit 50. Clearance rates (percent), POs, 2012–2022.....	54
Exhibit 51. Average extent of the backlog (unresolved cases), POs, 2012–2022.....	55
Exhibit 52. Largest annual increases, indicators from HJPC administrative data, 2022 compared to 2021 .....	56
Exhibit 53. Largest annual declines, indicators from HJPC administrative data, 2022 compared to 2021 .....	57
Exhibit 54. Changes in inflow levels, first instance courts, 2022 compared to 2021 and 2012.....	58

Exhibit 55. Total case inflows, first instance courts, 2012–2022 .....	58
Exhibit 56. Changes in inflow levels, second instance courts, 2022 compared to 2012 .....	59
Exhibit 57. Total case inflows, second instance courts, 2012–2022 .....	59
Exhibit 58. Changes in inflow levels, POs, 2021 compared to 2012 (2015) and 2020 .....	60
Exhibit 59. Changes in inflow levels, POs, 2012–2022 .....	60
Exhibit 60. Changes in the number of resolved cases, first instance courts, 2022 compared to 2012 and 2021 .....	61
Exhibit 61. Number of resolved cases, first instance courts, 2012–2022 .....	61
Exhibit 62. Changes in the number of resolved cases, second instance courts, 2021 compared to 2012 and 2020 .....	62
Exhibit 63. Number of resolved cases, second instance courts, 2012–2022 .....	62
Exhibit 64. Changes in the number of resolved cases, POs, 2022 compared to 2012 (2015) and 2021 .....	63
Exhibit 65. Number of resolved cases, POs, 2012–2022 .....	63
Exhibit 66. Case inflow, resolution, and backlog trends in courts and POs, 2012–2022 .....	64
Exhibit 67. Resources available to courts and POs, 2012–2022 .....	65
Exhibit 68. Adopted court and PO budgets (BAM), 2012–2022 .....	65
Exhibit 69. Total number of judges and prosecutors, 2012–2022 .....	66
Exhibit 70. Total number of support staff in courts and POs, 2012–2022 .....	66
Exhibit 71. Resources available to courts and POs, 2022 compared to 2012 .....	67

## ACKNOWLEDGMENTS

The 2022 Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH) was prepared by the research team consisting of the following staff members of the United States Agency for International Development Mission in Bosnia and Herzegovina (USAID/BiH) Monitoring and Evaluation Support Activity II in Bosnia and Herzegovina (MEASURE II): Haris Mesinovic, Senior Research Analyst (JEI-BiH team leader), and Edis Brkic, Chief of Party (JEI-BiH team member). The Center for Development Evaluation and Social Science Research, a local non-governmental research organization, prepared the JEI-BiH calculations, tables, and graphs.

The Evaluation Team wishes to acknowledge all those who provided data for the 2022 JEI-BiH report. We are particularly grateful to judges and prosecutors for their contributions, particularly through providing their responses to the Survey of Judges and Prosecutors (SJP) in February 2023. The support of the managers and staff of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and its Secretariat was invaluable as they shared the administrative data and helped promote the SJP to judicial office holders.

The JEI-BiH is possible only because of ongoing support of USAID's Mission to BiH, whose staff developed the original concept and who continue to provide the necessary resources. We are particularly grateful to Elma Bukvic Jusic, USAID/BiH Contracting Officer's Representative for MEASURE II, for her leadership and valuable insights.



## ACRONYMS

<b>AIR</b>	American Institutes for Research
<b>BD</b>	Brcko District
<b>BiH</b>	Bosnia and Herzegovina
<b>CMS</b>	Case Management System (for courts)
<b>FBiH</b>	Federation of Bosnia and Herzegovina
<b>HCOC</b>	High-profile Corruption and Organized Crime
<b>HJPC</b>	High Judicial and Prosecutorial Council
<b>IMPAQ</b>	IMPAQ International
<b>JACA</b>	Judiciary Against Corruption Activity
<b>JEI-BiH</b>	Judicial Effectiveness Index of Bosnia and Herzegovina
<b>MEASURE-BiH</b>	Monitoring and Evaluation Support Activity in Bosnia and Herzegovina
<b>MEASURE II</b>	Monitoring and Evaluation Support Activity II in Bosnia and Herzegovina
<b>NSCP-BiH</b>	National Survey of Citizens' Perceptions in Bosnia and Herzegovina
<b>PO</b>	Prosecutors' office
<b>RS</b>	Republic of Srpska
<b>SJP</b>	Survey of Judges and Prosecutors
<b>TCMS</b>	Prosecutors' Case Management System
<b>USAID/BiH</b>	United States Agency for International Development Mission in Bosnia and Herzegovina

## EXECUTIVE SUMMARY

The 2022 Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH) is a snapshot of the state of the country's judiciary in 2022 generated using the same data collection methodologies as for the previous seven editions of the JEI-BiH report. The assessment of the BiH judiciary's effectiveness used the same three data sources: (1) the National Survey of Citizens' Perceptions in Bosnia and Herzegovina (NSCP-BiH), a survey of public perceptions; (2) the Survey of Judges and Prosecutors (SJP) in Bosnia and Herzegovina; and (3) administrative data for the major case types processed in the first and second instance courts and in the prosecutors' offices (POs), which are generated and shared by the High Judicial and Prosecutorial Council (HJPC) of Bosnia and Herzegovina.<sup>1</sup> The NSCP-BiH was conducted in December 2022 and January 2023, while the SJP was completed in February 2023. The HJPC administrative data tracked the processing of court cases in the judiciary between January 1 and December 31, 2022, with the exception of eight indicators that are collected manually and available only with a one-year time lag. For the 2022 JEI-BiH report, these eight indicators<sup>2</sup> use 2021 data, because the 2022 data were not available when this report was being drafted. Already mentioned in several previous years, automating data collection for these eight important performance indicators of the BiH judiciary remains, one of the 2022 JEI-BiH key recommendations.

### OVERALL JEI-BIH VALUE

The overall value of the JEI-BiH was 57.27 index points out of a maximum of 100 index points, 1.16 index points higher than the year before. The 2022 JEI-BiH increase was the first substantial improvement in the JEI-BiH value after 5 years of stagnation or deterioration of judicial effectiveness and signals improvement in the BiH judiciary.

However, this increase merely compensated for (most but not all) the poor results recorded in the previous years. The improvement in the 2022 JEI-BiH only returns the effectiveness of the BiH judiciary back to where it was in 2018; thus, any projections or expectations of continuing progress on judicial effectiveness would be premature. Worryingly, in 2022 the BiH judicial institutions again resolved fewer cases than in the previous year,<sup>3</sup> signaling a possibility of reduced effectiveness in the upcoming year if the trend is not immediately reversed. On a positive side, certain favorable trends in processing cases detected in 2021 continued including some better values in indicators related to processing of corruption cases by POs and appeal cases by the second instance courts.

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<sup>1</sup> Major case types and their corresponding case management system (CMS/T-CMS) case type-phase designations (provided in brackets) by the JEI-BiH include: cases in first instance courts: criminal (K-K), civil (P-P), commercial (Ps-PS), administrative (U-U), enforcement in civil (P-l), enforcement in commercial (Ps-lp), and enforcement in utility (l-Kom); appeal cases in second instance courts: criminal (K-Kž), civil (P-Pž), commercial (Ps-Pž), and administrative (U-Už, U-Uvp); and cases in POs: general crime (KT, KTO, KTM, KTT, KTOV, KTKK), corruption (KTK, KTKV), economic crime (KTPO, KTF), and war crime (KTRZ).

<sup>2</sup> Eight manually collected indicators that are part of the Index are: backlog (the number of unresolved cases) and clearance rate (a clearance rate is the ratio of resolved cases and incoming cases for the given year, expressed as a percentage) for utility case enforcement, meeting judges' and prosecutors' collective quotas ("quota" refers to the number of cases each judge or prosecutor is expected to resolve in a year. The total number of resolved cases at the end of the year is compared with the number prescribed by the quota, resulting in a quota fulfillment percentage. The average value for all judges in one court (or prosecutors in one PO) represents the "collective quota" for that court or PO), confirmation rates of first instance court decisions for criminal, civil, and commercial cases, and success rates of indictments (ratio of convictions relative to the total number of indictments filed).

<sup>3</sup> In 2022, case inflows were also reduced relative to 2021, which contributed to the achievement of some notably good results in processing cases in 2022.

## RESULTS BY JEI-BIH DIMENSIONS

All five constituent dimensions of the 2022 JEI-BiH recorded increases in value, although of a considerably different scale. The Efficiency dimension's increase of 0.75 index points was the largest contribution to the 2022 JEI-BiH improvement. Smaller increases in the other JEI-BiH dimensions were: The Quality dimension and the Accountability and Transparency dimension rose in turn by 0.24 and 0.12 index points, while the values for the Independence and Impartiality dimension and the Capacity and Resources dimension improved by mere 0.03 and 0.02 index points, respectively.

The contribution of the increase of the Efficiency dimension accounts for 65 percent of the overall 2022 JEI-BiH increase and is bigger than the contribution of all other four dimensions combined. Within the Efficiency dimension, the major contribution to this increase came from the set of indicators sourced from the HJPC administrative data related to processing cases in the BiH judicial institutions. The total values of perception indicators for both public perception and the perception of the judicial professionals related to the efficiency in processing cases in the BiH judicial institutions also improved, although slightly.

The Quality dimension and the Accountability and Transparency dimension contributed 31 percent to the overall increase of the 2022 JEI-BiH. The indicators that drove increases in the Quality dimension included the indicators sourced from the HJPC administrative data (confirmation rates for decisions in criminal and civil cases, and success rate of indictments). Limited changes in individual indicators within the Accountability and Transparency dimension still produced a small overall contribution to the increase in the 2022 JEI-BiH value.

Finally, the contribution of the Independence and Impartiality and the Capacity and Resources dimension to the increase of the overall Index value was minimal. It is noteworthy that for the first time, the JEI-BiH detected a substantial drop in the indicator tracking the information technology (IT) support in the judicial institutions, which canceled out other minimal positive changes in the Capacity and Resources dimension.

## RESULTS BY DATA SOURCE

Of the three data sources for the JEI-BiH, the indicators in the HJPC administrative dataset cumulatively accounted for the bulk of the 2022 increase—0.68 index points. The perception of the public and of judicial professionals also improved, although not as much (by 0.25 and 0.22 index points, respectively). This was the first time since 2017 that the cumulative values from all three sources of data exhibited positive changes. While both the overall increase in the JEI-BiH value and the positive changes in its constituent dimensions and data source sub-segments are encouraging, the 2022 improvements in effect represented just a (partial) recovery from the declines recorded in earlier years. The HJPC administrative data, however, were an exception, as the cumulative 2022 value for the indicators from this data source reached its highest level since the Index was created in 2015.

## PUBLIC PERCEPTION

In 2022, the overall value of public perception indicators increased slightly, but this increase only partially compensated for a 10.81 percent annual decline recorded in 2021. Moreover, although a majority of public perception indicators increased in 2022, the overall value of the public perception indicators has remained persistently low since the inception of the Index in 2015.

The indicators that tracked certain financial aspects of the judiciary's work (adequacy of judges'/prosecutors' salaries, attorneys'/notaries' compensation, and court fees/taxes) featured

prominently among the largest improvements. On the opposite end of the scale, it is troubling that judicial impartiality, independence, and competence (equality of treatment, absence of improper influences, and competence-based appointments) were the three indicators that recorded the largest declines within the set of indicators from this data source.

The subset of lowest-value indicators highlights the issues that citizens believe to be in the greatest need of improvement. The indicators in this subset generally remained the same in 2022 as in the year before. The most important indicators in this low-value subset relate to case resolution times in courts and POs, extent to which the judicial system is affected by corruption, bribability of judges and prosecutors, and prosecution of public officials who violate the law.

When compared to the 2015 baseline, public opinion in 2022 improved the most regarding the number of unresolved cases in courts and POs. On the other hand, the public's belief that prosecutors' good work is rewarded, the overall perception of judicial institutions' work (rating of the work of judges/courts and prosecutors/POs), and the opinion about judicial independence (improper influence on judges' decisions) declined the most since the JEI-BiH was first calculated in 2015.

Although seven out of eight indicators that track corruption followed the broader trend of slight improvements in public perception in 2022, the values of six of these indicators were still below their 2015 baseline levels, reflecting the public's dissatisfaction with the way the judiciary handles corruption-related matters. It is even more worrisome that the indicator of judicial independence (improper influence on judges' decisions) declined further and reached its lowest value since the inception of the JEI-BiH in 2015.

As in every year since the JEI-BiH was created, the share of respondents who had direct experience with the work of the judiciary was small, below 10 percent (6 percent in 2022). Every year, the attitudes of respondents who had direct experience with the judicial system in the past three years were just slightly different from respondents without such exposure. In 2022, the views of the respondents with direct experience in courts were marginally more favorable—0.30 index points, or 3.98 percent—than those of respondents who lacked personal experience.

The media was the main source of information on the judiciary for 58 percent of respondents, while second-hand experience (family and friends/colleagues combined) accounted for around 35 percent. Public confidence in the objectivity of the media when portraying the work of the judiciary (objectivity in presenting court cases and investigations) weakened slightly in 2022, continuing the trend of a persistently low level of trust in media reporting about judicial investigations and court cases.

## PERCEPTIONS OF JUDGES AND PROSECUTORS

In 2022, the SJP indicators recorded a more modest overall increase than the year before, but still attained the highest cumulative annual value of the SJP indicators after 2018. Nevertheless, the variations in the overall value of the SJP indicators over the past eight years remained small. Since the inception of the JEI-BiH in 2015, the SJP's overall value has consistently remained within the limits of the 25–28 index-point band (i.e., the 58–62 percent range of the possible maximum), revealing the judges' and prosecutors' enduring awareness of unexploited room for improvement of the BiH judicial effectiveness.

Variations in individual SJP indicators were more pronounced than was the case with the public perception indicators. Judges and prosecutors were particularly more positive about the judiciary's effectiveness in case processing (shortening the duration of cases in courts and POs and reducing the

backlogs in courts), prosecution of public officials who violate the law, and absence of improper influences on judges, as well as about adequacy of their own salaries and the court taxes/fees. On the other end of the scale, the quality of IT technology and related support recorded the single largest negative change in the perception of judicial office holders. Competence of administrative/support staff and of appointed judges and prosecutors were some of the issues viewed less favorably than the year before.

The subset of lowest-value SJP indicators indicates the issues that judges and prosecutors believe must have priority. In their view, the efficiency of judicial appointments, relevance of career advancement criteria in the judiciary, and prosecuting lawbreaking public officials require the most attention of the BiH judiciary. This set of problem issues has remained virtually the same since 2019.

When compared to the 2015 baseline, the most pronounced improvements in the perception of judges and prosecutors in 2022 involved either questions related to compensation of judicial office holders and other professional groups in the judicial system (timeliness of judges'/prosecutors' salaries and defense counsels' fees and adequacy of attorneys' and notaries' fees) or issues related to resource allocation (court/PO budgets and facilities). On the other hand, corruption-related indicators (the extent to which the court system is affected by corruption, and bribability of judges and prosecutors), efficiency of appointments, the absenteeism of judicial office holders, and the quality of IT equipment/ support in courts/POs declined the most.

The values of all eight SJP indicators tracking corruption-related topics rose in 2022. The largest single annual increase among corruption-related indicators was recorded for the indicator tracking prosecution of public officials who violate the law. Interestingly, these changes occurred in parallel with some detected improvements in processing corruption cases by POs. Nevertheless, the values of six of these eight corruption-related indicators were still below their baseline 2015 levels.

The difference in perceptions between judges and prosecutors was very small in 2022, but judges still held slightly more positive views about judicial effectiveness than prosecutors. On some indicators, the perspectives of these two groups diverged more: Judges viewed case duration times and backlog<sup>4</sup> reduction in courts more favorably and were more strongly convinced of their own independence and impartiality. As far as prosecutors were concerned, they felt most positive about the duration of cases and reduction of backlogs in POs as well as of the overall rating of the work of prosecutors and POs. In other words, each group saw their own work and performance better than the other group. Differences between men and women holding judicial offices were minimal.

## COMPARISON OF PERCEPTIONS: THE PUBLIC VERSUS JUDGES AND PROSECUTORS

As has been the case every year since the JEI-BiH was created, in 2022 the public view of judicial effectiveness was substantially poorer than judicial professionals' perceptions. Overall, the largest differences expanded slightly. Most of the issues with the largest differences were related to three broad topics: judges' and prosecutors' propensity to take bribes, the duration of case resolution in courts, and transparency and access to justice (access to hearings, own case files, judgments, evidence, and overall fairness of the courts' treatment of citizens). Topics on which the views of the public and of judges and prosecutors were close generally were those on which both groups' perceptions were poor: the objectivity of judicial appointments, prosecution of public officials who violate the law, media objectivity, and overall rating of attorneys' and notaries' work and adequacy of their compensation.

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<sup>4</sup> Backlog refers to the number of unresolved cases as of December 31, 2021.

The disparity in views regarding corruption-related matters remained unchanged as in previous years. The public perception of corruption-related indicators stayed poor while judicial professionals remained more positive in their assessment of the judiciary's dealing with corruption-related matters.

## HJPC ADMINISTRATIVE DATA INDICATORS

The total actual value of the indicators from the HJPC administrative dataset was 22.26 in 2022 (out of the maximum of 32.98 index points), 0.68 index points greater than in 2021, the single largest nominal increase of the three JEI-BiH data sources, the largest annual improvement in the total value of the HJPC administrative data indicators, and the largest value this category reached since the inception of the Index in 2015. The increase in the cumulative value of the HJPC data-based indicators was the main driver of the overall rise of the JEI-BiH in 2022.

For the most part, the first instance courts managed to reduce the average time to resolve cases (except for the commercial case category), and the age of backlogs generally continued to decline. However, the first instance courts failed to sustain clearance rates above 100 percent for criminal, civil, and administrative cases, which led to increases in backlogs for these case types. The overall backlog for first instance courts still declined, led by decreases in the backlog of civil enforcement cases. Unfortunately, in 2022 the first instance courts again recorded fewer resolved cases and reverted to the negative trend in case resolutions, as in 2015–2020. Even in the context of slower inflows, the number of resolved cases in the first instance courts decreased, which is a signal for the BiH judiciary to act promptly to reverse this decline. Accelerating case resolution is even more important because the time to resolve cases in the first instance courts is still long, averaging between 306 and 391 days (for backlogged cases, between 296 and 567 days). The persistent issue of unresolved utility enforcement cases continued to plague the first instance courts, with the number of unresolved utility cases<sup>5</sup> remaining above 1.7 million.

In 2022, the second instance courts recorded the largest annual improvements since the inception of the JEI-BiH, considerably shortening the time<sup>6</sup> to resolve commercial and administrative appeal cases, while performing at about the same level as last year on criminal and civil appeal cases. The average duration of unresolved cases also broadly decreased. In addition, the second instance courts exceeded a 100 percent clearance rate for all appeal case types and were the only level of judicial institutions that increased the number of resolved cases in 2022. In combination with slower inflows (a circumstance common to all levels of judicial institutions in 2022), the improved performance in case resolution resulted in considerable reductions in the extent and the age of their backlogs. The second instance courts' backlogs shrank for the fifth consecutive year and fell to their lowest level ever recorded by the JEI-BiH. This achievement deserves to be acknowledged. However, while processing of criminal appeal cases should be taken as a benchmark for the BiH judiciary in efficient resolution of cases (for criminal appeal cases, it takes 87 days on average), the time to resolve all other appeal case types needs to be cut further, since their current resolution time is still long (between 474 and 559 days).

In POs, changes in indicator values were mixed in 2022, and combined PO indicator values contributed very little to the overall value of the HJPC administrative data indicators for the year. A careful analysis of PO indicators was needed to understand the divergent results that POs achieved in 2022.

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<sup>5</sup> A separate indicator tracking the especially numerous category of utility bills non-payment cases.

<sup>6</sup> "Case resolution" refers to the number of cases resolved in a calendar year.

Except for corruption cases, the time to resolve major PO case types increased. On the other hand, with the exception of war crimes, the age of backlog decreased for all other PO case types. This implies that corruption cases were the only type of cases in POs that recorded improvements in both categories in 2022. The 2022 drop in the average duration of backlogged corruption cases was the third consecutive annual improvement in this category and the new record low for this case type since 2015.

The 2022 changes in the extent of backlogs and clearance rates were also split, with different effects on the overall backlog of POs. The clearance rate for general crime cases (the most numerous case type in POs) was 93 percent, which directly led to the overall increase in the PO backlogs. Worryingly, after last year's limited improvement in extent of the backlog, PO backlogs rose in 2022 above their 2015 level, also as a consequence of a decline in the number of resolved cases in POs (by 8 percent relative to the previous year—the biggest decrease in the number of resolved cases of all levels of judicial institutions), even though POs also experienced slower inflows.

The BiH judiciary needs to examine the data more closely on clearance rates for war crimes and corruption cases, and their case inflows and case resolutions. War crime cases recorded a clearance rate of 252 percent. In 2022, the number of resolved war crime cases was 189, while their inflow was just 75 cases. The total backlog of war crime cases at the end of 2022 was 384 cases. On the other hand, despite reductions in both resolution time and the age of backlog, the clearance rate for corruption cases was only 94 percent. The number of resolved corruption cases increased relative to the previous year (1,073 in 2022, 1,053 in 2021), in parallel with increased inflows of cases of this type (1,136 in 2022, 1,098 in 2021). In the context of the resources committed for these two case types, these data indicate that some adjustments are needed and that additional resources might be shifted to address the problem of corruption,<sup>7</sup> which is becoming an increasingly sensitive issue both for the judiciary and for society.

All observed changes in the BiH judicial institutions occurred in the environment of the increasing budgets for courts and POs, while the staffing levels in the BiH judiciary remained broadly the same as in previous years. It is worrying that the first instance courts and POs keep resolving fewer cases while operating with the same or greater resources at their disposal. Courts and POs typically resolved more cases in 2012 with fewer resources than in 2022. Time to resolve cases—and, for several case types, the age of backlog—were longer in 2022 than 10 years ago.

## RECOMMENDATIONS

On the basis of the analysis of the 2022 JEI-BiH, MEASURE II wishes to propose the following recommendations for consideration by the BiH judiciary.

### OVERALL

- The BiH judiciary has not been able to sustain the increased pace of case resolution recorded one year ago, although the resources at its disposal grew each year. The first instance courts and POs must increase the number of cases they resolve annually. The second instance courts deserve recognition for their case resolution results and should be encouraged to sustain the same level of effort.
- Instead of continued manual tracking of vital performance indicators (collective quotas for judges and prosecutors; confirmation rates for first instance court decisions in criminal, civil, and

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<sup>7</sup> In conducting further analysis, refer to the documents produced by the Judiciary Against Corruption Activity's (JACA): Rapid Analysis of Processing HCOC Cases and the Case-Weighted Study, available upon request.



commercial cases; success rates of indictments and of disciplinary proceedings), all data collection and data processing should be automated as soon as possible.

### **CORRUPTION-RELATED MATTERS**

- As an ultimate gauge of progress, public perception of the judiciary’s success in processing corruption cases remains poor. The BiH judiciary must further increase both the number and the quality of indictments in high-profile corruption and organized crime (HCOC) cases.
- Although case resolution times decreased, the age of the backlog declined, and the number of resolved corruption cases increased (all of which are desired outcomes), the backlog of corruption cases in POs rose, signaling that allocated resources were misaligned with growing workloads (an increase in inflows was detected). The BiH judiciary should perform an analysis of resources allocated and consider shifting resources to processing HCOC cases to curb corruption more effectively.
- The HJPC and judicial institutions should introduce specialized prosecutors and judges to HCOC cases to help bring about a “breakthrough” in the fight against corruption. The dedication and success in fighting corruption must be rewarded with professional reputation and career success.
- The judiciary should keep striving to improve its way of communicating the data on HCOC case processing to the public to showcase the results of the judiciary’s efforts.

### **EFFICIENCY OF APPOINTMENTS, CAREER ADVANCEMENT CRITERIA, AND COMPETENCE OF JUDGES AND PROSECUTORS**

- To mitigate the long-standing dissatisfaction of judicial professionals, the HJPC needs to critically re-examine the efficiency of appointments, career advancement criteria, and competence of new judicial appointees and find ways to boost the motivation of serving judges and prosecutors and to strengthen the judiciary’s capacity, effectiveness, and independence over a longer term.

### **TIMELY DELIVERY OF JUSTICE**

- Case resolution times remain persistently and unjustifiably long. Positive examples, such as criminal appeal cases, should be used as a benchmark for encouraging the performance of other judicial institutions.

### **NUMBER OF RESOLVED CASES**

- As the numbers of resolved cases declined again in 2022, the judicial institutions should maximize the efficiency of the use of available resources and press for increases in the number of resolved cases, using results achieved in previous years with fewer resources as benchmarks.



# INTRODUCTION

## JUDICIAL EFFECTIVENESS INDEX OF BOSNIA AND HERZEGOVINA

The Judicial Effectiveness Index of Bosnia and Herzegovina (JEI-BiH) was designed and launched in 2015 by IMPAQ under the Monitoring and Evaluation Support Activity in Bosnia and Herzegovina (MEASURE-BiH) contract in collaboration with the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Index is an original instrument for measuring judicial effectiveness throughout Bosnia and Herzegovina (BiH) on an annual basis. The 2022 JEI-BiH is the eighth edition of the annual report. Seven previous JEI-BiH reports are available on USAID's Development Experience Clearinghouse ([dec.usaid.gov](https://dec.usaid.gov)), the MEASURE II website ([www.measurebih.com](https://www.measurebih.com)), and the HJPC's official website ([www.pravosudje.ba](https://www.pravosudje.ba)).

## PURPOSE OF THIS REPORT

The JEI-BiH is a series of snapshots of the state of the BiH judiciary based on substantive analysis of triangulated information from independent sources that helps detect and track trends observed since the inception of the Index. The 2022 JEI-BiH report offers insights into the performance of judicial institutions in BiH in the past year and recommendations for consideration in their planning and decision-making processes. Lastly, the report and available datasets allow both the judiciary and independent researchers to delve deeper into judicial topics of interest. Following publication, the 2022 JEI-BiH datasets, which are the property of USAID/BiH, will be available on the USAID Development Data Library website ([data.usaid.gov](https://data.usaid.gov)) and on the MEASURE II website.

## JEI-BIH METHODOLOGY

The Index's methodology is presented in detail in the report *Judicial Effectiveness Index of BiH: Methodology and 2015 Results*, which is available on the websites mentioned above. The main features of the methodology are summarized in Annex II.

## ABOUT MEASURE II

In September 2019, USAID awarded the Monitoring and Evaluation Support Activity II (MEASURE II), the follow-on to the Monitoring and Evaluation Support Activity in Bosnia and Herzegovina (MEASURE-BiH), to IMPAQ International (IMPAQ). In May 2020, IMPAQ was acquired by the American Institutes for Research® (AIR®). At the end of 2021, the U.S. government approved the novation of all of IMPAQ's federal contracts to AIR, and during the second quarter of fiscal year 2022, with the execution of a project-specific modification, AIR became the officially recognized implementing partner of MEASURE II.

MEASURE II provides tailored, demand-driven support to the United States Agency for International Development Mission in Bosnia and Herzegovina (USAID/BiH) and its implementing partners. This support encompasses performance management; design and implementation of research efforts, including evaluations, surveys, assessments, and special studies; and implementation of USAID's collaborating, learning, and adapting framework and methodologies for the Mission's operations, processes, and practices to track progress against the Mission's objectives, fill identified knowledge gaps, and integrate lessons learned.

## 2022 JEI-BIH DATA COLLECTION

In 2022 and early 2023, MEASURE II collected the data needed to calculate the JEI-BiH from the three standard data sources:

### 1. National Survey of Citizens' Perceptions in BiH

A representative group of 3,000 BiH citizens, selected through stratified random sampling of the population, were surveyed in December 2022 and January 2023.

### 2. Survey of Judges and Prosecutors

The Survey of Judges and Prosecutors (SJP) was completed under the auspices of the HJPC in early February 2022. As in previous years, all judges and prosecutors in BiH were invited to participate, and 400 of them took the survey in 2022. Furthermore, as in previous years, the respondent group largely reflected the composition of the judge and prosecutor population. More details about the SJP respondent group can be found in the Additional Data on Perceptions of Judges and Prosecutors section of this report.

### 3. High Judicial and Prosecutorial Council Administrative Data

The HJPC provided MEASURE II with data on 286,874 cases processed by courts and POs in 2022 (from January 1 to December 31). This figure includes the same case types tracked in the 2015–2021 editions of the JEI-BiH.<sup>8</sup> Definitions of the major case types tracked by the Index are provided in the HJPC Administrative Data Indicators section of this report.

The HJPC provided MEASURE II with data on nine manually collected indicators that are part of the Index: backlog and clearance rate for utility case enforcement, fulfillment of judges' and prosecutors' collective quotas, confirmation rates of first instance court decisions (for three case types), and success rates of indictments and disciplinary proceedings. The collection of these data is not automated, so eight of these nine indicators<sup>9</sup> are collected with a one-year time lag. Consequently, only 2021 data for these eight indicators were available when 2022 data for the other 57<sup>10</sup> indicators were collected.

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<sup>8</sup> Case totals in earlier years were: 421,019 in 2015; 378,392 in 2016; 350,224 in 2017; 327,996 in 2018; 311,765 in 2019; 284,335 in 2020; and 299,269 in 2021.

<sup>9</sup> The indicator of success of disciplinary proceedings is the sole, manually collected indicator for which the latest-year data are available.

<sup>10</sup> The HJPC automated system generates real-time data, and the HJPC was able to provide data for 56 indicators in January 2023. In addition, for the indicator that tracks the success rate for disciplinary proceedings, HJPC delivered the 2022 data in a timely manner, even though they collected the data manually. The latest-year data for the remaining eight manually collected indicators were not available at the time this report was written.

## 2022 JEI-BIH RESULTS

### OVERALL INDEX VALUE

The JEI-BiH 2022 value was 57.27 index points<sup>11</sup>—1.16 index points or 2.07% percent higher relative to JEI-BiH 2021. This increase is only the second yearly change in the JEI-BiH value greater than 1 index point and signals improvement in the BiH judiciary. However, it only represents a partial recovery after five years of stagnation or deterioration of judicial effectiveness. In 2015, when it was first calculated, the value of the JEI-BiH was 54.41 index points; this value has since become the JEI-BiH baseline. The following year, the Index value increased by 2.37 index points (4.36 percent) to 56.78 index points, which remains its largest rate of improvement during the past seven years. Over several subsequent years, the rate of the JEI-BiH’s rise slowed, totaling 57.09, 57.28, and 57.39 index points in 2017, 2018, and 2019, respectively. Following this period of stagnation, in 2020, the overall Index value fell for the first time, to 56.49 index points—down by 0.90 index points, or 1.57 percent. In 2021, the overall Index value decreased again, although less steeply, to 56.10 index points—down by 0.38 index points, or 0.67 percent lower than the year before. The overall JEI-BiH values and annual changes from 2015 to 2022 are presented in Exhibit 1 and shown in Exhibit 2.

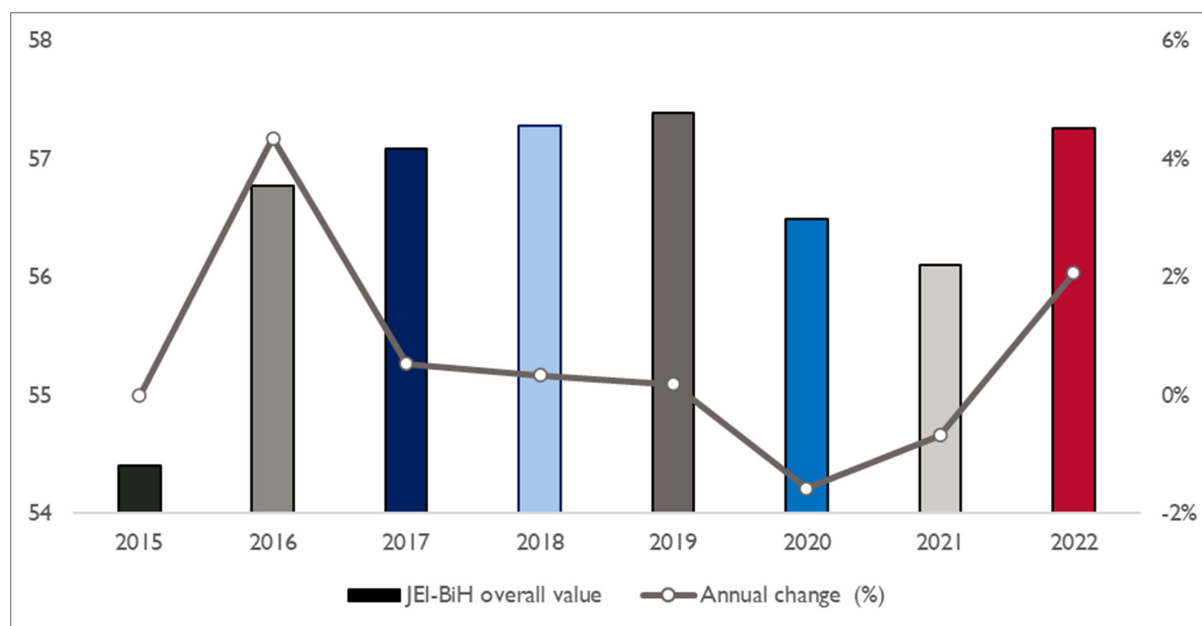
Exhibit 1. Overall JEI-BiH values and annual changes, 2015–2022

JEI-BiH year	JEI-BiH overall value <sup>12</sup>	Annual change (index points)	Annual change (percent)
2015	54.41 index points	N/A	N/A
2016	56.78 index points	2.37	4.36%
2017	57.09 index points	0.31	0.54%
2018	57.28 index points	0.19	0.34%
2019	57.39 index points	0.11	0.19%
2020	56.49 index points	-0.90	-1.57%
2021	56.10 index points	-0.38	-0.67%
2022	57.27 index points	1.16	2.07%

<sup>11</sup> Out of the maximum of 100 index points. Any differences in index points here or in the rest of the report are due to rounding, as each indicator is calculated to the hundredth decimal points.

<sup>12</sup> The maximum overall JEI-BiH value is 100 index points.

Exhibit 2. Overall Index values and annual changes, 2015–2022



## INDEX VALUES FOR EACH DIMENSION

### ANNUAL CHANGES IN DIMENSIONS

In 2022, JEI-BiH recorded increases in all five constituent dimensions for the first time, but the scale of the increases varied considerably. The single most important contribution to the 2022 JEI-BiH improvement was in the Efficiency dimension, which increased by 0.75 index points (accounting for 65 percent of the overall nominal index-point increase).

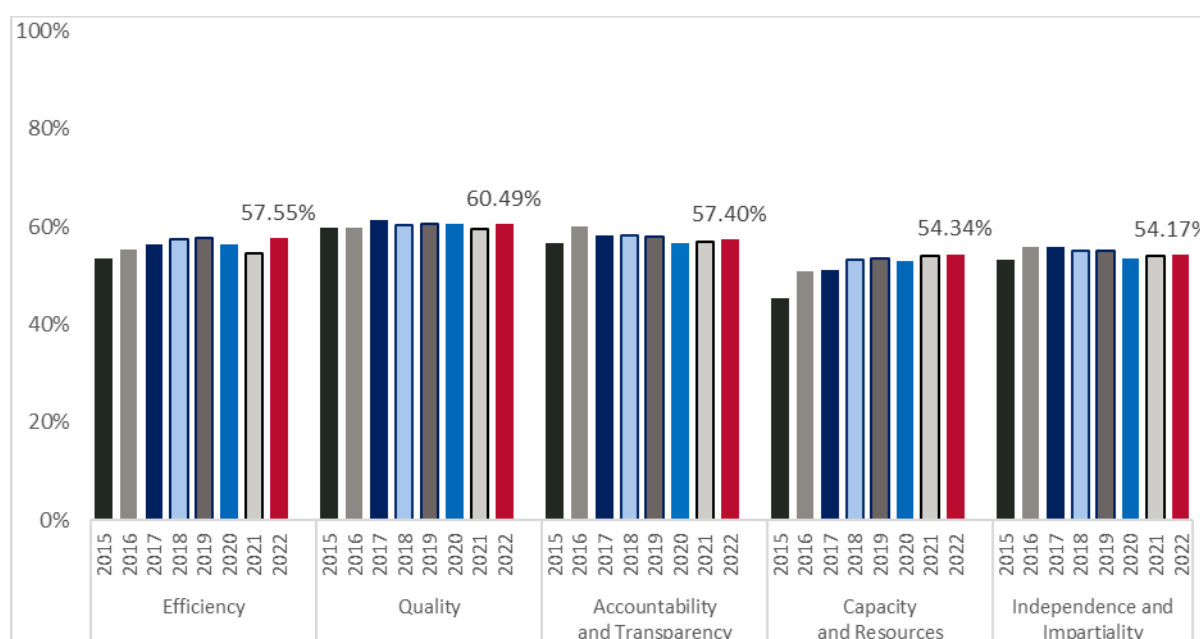
The remaining components of the overall JEI-BiH increase were considerably smaller: The Quality dimension and the Accountability and Transparency dimension rose by 0.24 and 0.12 index points, respectively (or around 31 percent of the cumulative increase). The values for the Independence and Impartiality dimension and the Capacity and Resources dimension improved by only 0.03 and 0.02 index points, respectively (around 4 percent), signaling that the status of these two dimensions remained essentially unchanged relative to the previous year. Exhibit 3 presents the maximum number of index points for each dimension, the values recorded over the 2015–2022 period by dimension, and the changes in 2022 compared to those in 2021.<sup>13</sup> Exhibit 4 shows annual dimension values as percentages of their respective dimension maximums (not shown in Exhibit 3).

<sup>13</sup> Due to rounding, some totals may not correspond to the sum of individual values. Precise values are provided in Annex I: 2022 Judicial Effectiveness Index Matrix.

Exhibit 3. Index values for each dimension, 2015–2022, and annual changes in 2022 compared to 2021

Dimension	Maximum JEI-BiH index points	JEI-BiH 2015 points	JEI-BiH 2016 points	JEI-BiH 2017 points	JEI-BiH 2018 points	JEI-BiH 2019 points	JEI-BiH 2020 points	JEI-BiH 2021 points	JEI-BiH 2022 points	Annual change in index points
Efficiency	25.00	13.34	13.80	14.09	14.37	14.40	14.07	13.64	14.39	0.75
Quality	25.00	14.97	14.96	15.34	15.06	15.13	15.12	14.88	15.12	0.24
Accountability and Transparency	20.00	11.31	12.01	11.63	11.63	11.59	11.30	11.36	11.48	0.12
Capacity and Resources	15.00	6.81	7.63	7.65	7.97	8.01	7.96	8.12	8.15	0.03
Independence and Impartiality	15.00	7.98	8.38	8.38	8.26	8.25	8.03	8.11	8.13	0.02
<b>TOTAL</b>	<b>100.00</b>	<b>54.41</b>	<b>56.78</b>	<b>57.09</b>	<b>57.28</b>	<b>57.39</b>	<b>56.49</b>	<b>56.10</b>	<b>57.27</b>	<b>1.16</b>

Exhibit 4. Index values for each dimension as a percentage of their respective maximum, 2015–2022



### ANNUAL CHANGES IN DIMENSIONS BY DATA SOURCES

A more exhaustive analysis of changes by dimension will contribute to understanding the changes that combined to generate the 2022 JEI-BiH value.

The drivers of the increase in the Efficiency dimension were the indicators of performance in processing cases in the BiH courts and POs sourced from the HJPC administrative data (0.55 index points). The total values of indicators of public perception and of the perception of judges and prosecutors also improved, but these increases were more modest (0.08 and 0.11 index points, respectively).

The increase in the Quality dimension (0.24 index points) was driven by the performance of the HJPC administrative indicators, specifically by confirmation rates for court decisions in criminal and civil cases, and success rates of indictments, which yielded a total increase of 0.18 index points. Public perception indicators for this dimension also contributed to a smaller improvement (0.08 index points).

In the Accountability and Transparency dimension, the positive change was driven by a small improvement in the perception of judicial professionals (of 0.12 index point), whereas a very modest increase in public perception was fully offset by a decline of one HJPC indicator in this dimension—rate of success of disciplinary procedures.<sup>14</sup>

The public’s perspective on the Capacity and Resources dimension of the judiciary was slightly more positive than in the year before, but a substantial drop in the indicator of IT support in the judicial institutions limited the contribution of this dimension to 0.03 index points. Regarding the Independence and Impartiality dimension, judges’ and prosecutors’ views were slightly more favorable, but on the whole, these changes were both minor and mixed, accounting for only 0.02 points of the overall 2022 JEI-BiH change. Exhibits 5 and 6 present the disaggregation of annual changes in dimensions by data source in the tabular and graphic format.<sup>15</sup>

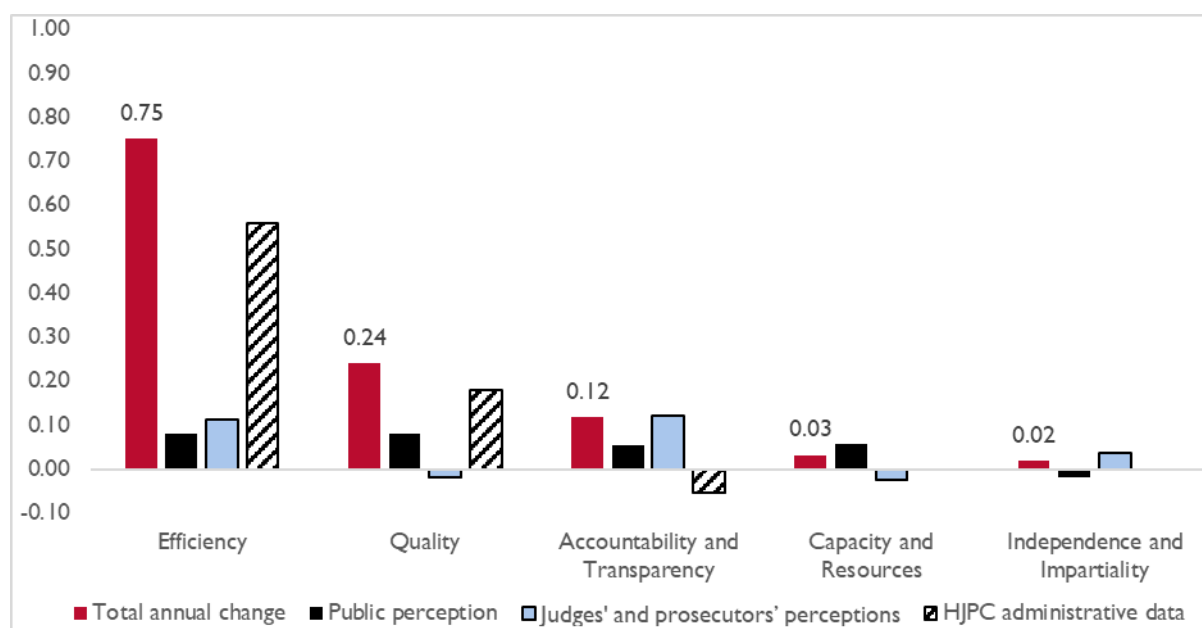
**Exhibit 5. Annual changes, JEI-BiH dimension values by data source, 2022 compared to 2021**

Dimension	Total annual change	Public perception	Judges’ and prosecutors’ perceptions	HJPC administrative data
Efficiency	0.75	0.08	0.11	0.55
Quality	0.24	0.08	-0.02	0.18
Accountability and Transparency	0.12	0.05	0.12	-0.06
Capacity and Resources	0.03	0.06	-0.03	n/a
Independence and Impartiality	0.02	-0.02	0.04	n/a
<b>TOTAL</b>	<b>1.16</b>	<b>0.25</b>	<b>0.22</b>	<b>0.68</b>

<sup>14</sup> The success of disciplinary procedures is the ratio of the number of decisions in which disciplinary responsibility is established in relation to the total number of disciplinary proceedings initiated.

<sup>15</sup> Due to rounding, some totals may not correspond to the sum of individual values. Precise values are provided in Annex I: 2022 Judicial Effectiveness Index Matrix.

Exhibit 6. Annual changes, Index dimension values by data source, 2022 compared to 2021



### INDEX VALUES BY DATA SOURCE

When the total JEI-BiH index-point increase is disaggregated by data source, the result is similar to the findings of the analysis of the changes by dimension. The indicators in the HJPC administrative dataset combined to contribute 0.68 index points, the largest share of the 2022 JEI-BiH increase. The perception of the public and of judicial professionals improved, although to a lesser extent than for the administrative data (0.25 and 0.22 index points, respectively). The values of the overall Index and its major components (by data source) for the 2015–2022 period are presented in the Exhibit 7.<sup>16</sup> Exhibit 8 presents overall JEI-BiH values and indicator values by data source as a percentage of their respective maximum (not shown in the exhibit).

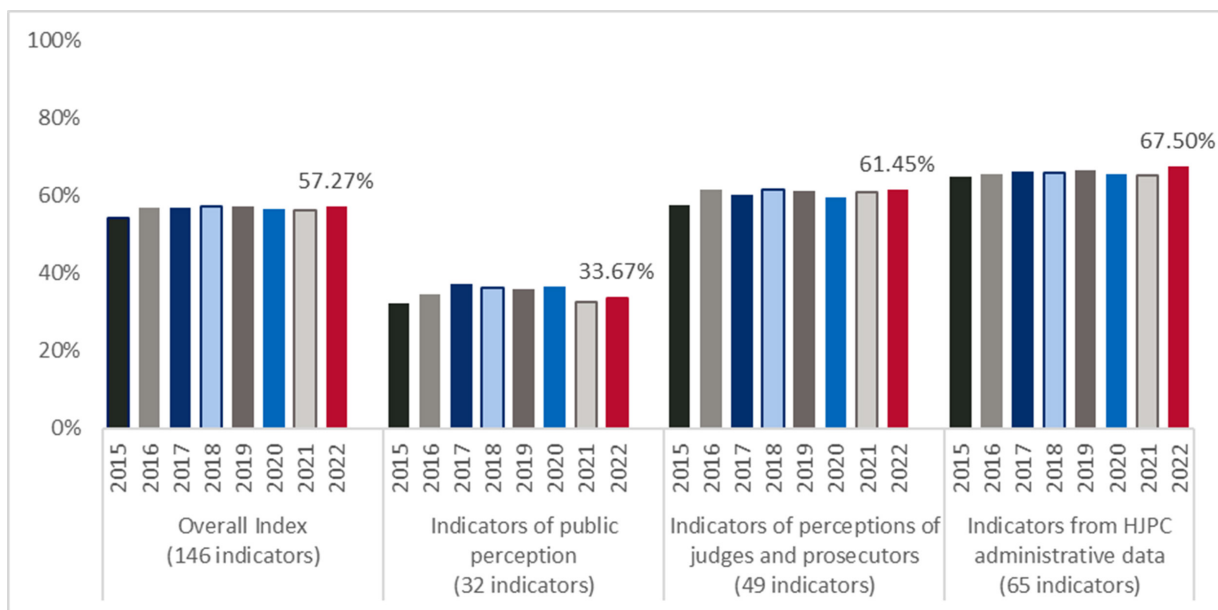
Exhibit 7. Overall Index values and indicator values by data source, 2015–2022, and annual changes, 2022 compared to 2021

	Overall Index (146 indicators)	Indicators of public perception (32 indicators)	Indicators of perceptions of judges and prosecutors (49 indicators)	Indicators from HJPC administrative data (65 indicators)
Maximum JEI-BiH points	100.00	22.25	44.77	32.98
JEI-BiH 2015	54.41	7.17	25.83	21.41
JEI-BiH 2016	56.78	7.67	27.51	21.60
JEI-BiH 2017	57.09	8.28	26.98	21.83
JEI-BiH 2018	57.28	8.04	27.53	21.70
JEI-BiH 2019	57.39	7.97	27.46	21.96

<sup>16</sup> Due to rounding, some totals may not correspond to the sum of individual values. Precise values are provided in Annex I: 2022 Judicial Effectiveness Index Matrix.

	Overall Index (146 indicators)	Indicators of public perception (32 indicators)	Indicators of perceptions of judges and prosecutors (49 indicators)	Indicators from HJPC administrative data (65 indicators)
JEI-BiH 2020	56.49	8.11	26.69	21.68
JEI-BiH 2021	56.10	7.24	27.29	21.58
JEI-BiH 2022	57.27	7.49	27.51	22.26
Annual change in 2022 compared to 2021	1.16	0.25	0.22	0.68

**Exhibit 8. Overall Index values and indicator values by data source as a percentage of their respective maximum, 2015–2022**



The following sections of this report examine the changes in the values of individual indicators across all three sources of data for the JEI-BiH, including:

- Data on public perceptions of judicial effectiveness extracted from the National Survey of Citizens’ Perceptions in Bosnia and Herzegovina (NSCP-BiH) conducted in December 2022 and January 2023
- Data on judges’ and prosecutors’ perceptions of judicial effectiveness drawn from the SJP conducted in February 2023
- HJPC administrative data, including historical trends since 2012<sup>17</sup> (where available).

<sup>17</sup> Although the JEI-BiH was introduced in 2015, the HJPC administrative data used to construct the Index were available beginning in 2012. To expand the basis for analysis, this report presents time series going back to 2012 (where available).



## **CONCLUSIONS: OVERALL INDEX VALUE, DIMENSIONS, AND DATA SOURCES**

The JEI-BiH 2022 value was 57.27 index points—1.16 index points or 2.07 percent higher relative to the year before. This increase was only the second time that the JEI-BiH value changed by more than 1 index point and was the first substantial improvement in the JEI-BiH value since 2016 after 5 years of stagnation or deterioration, which makes any projections or expectations of continuing progress on judicial effectiveness premature. Although the 2022 JEI-BiH increase merely compensated for most (but not all) of the negative changes recorded in the two previous years and only brought back judicial effectiveness to the level reached in 2018, it is encouraging that certain favorable trends detected last year continued, such as improvements in the indicators tracking corruption cases in the POs and appeal cases in the second instance courts.

In 2022, for the first time, all five constituent dimensions of the JEI-BiH recorded increases in value, but the increases varied considerably in scale. The largest component of the 2022 JEI-BiH improvement was the increase of 0.75 index points in the Efficiency dimension (contributing 65 percent of the overall index-point increase). The contributions of other dimensions to the overall JEI-BiH increase were considerably smaller: the Quality dimension and the Accountability and Transparency dimension rose by 0.24 and 0.12 index points, respectively (31 percent, cumulatively). The values for the Independence and Impartiality dimension and for the Capacity and Resources dimension improved by mere 0.03 and 0.02 index points, respectively (4 percent), signaling that the status of these two dimensions remained essentially unchanged relative to the previous year.

The indicators in the HJPC administrative dataset cumulatively contributed the most to the 2022 increase—0.68 index points. The perception of the public and of judicial professionals improved more moderately (0.25 and 0.22 index points, respectively); this was the first time since 2017 that the cumulative values from all three sources of data increased.

Although the overall increase in the JEI-BiH value and positive changes in its constituent dimensions and data source sub-segments represent just a partial recovery from previous declines, the total value of the HJPC administrative data was the highest since the Index was created in 2015.

## **PUBLIC PERCEPTION INDICATORS**

The JEI-BiH tracks public perception of the effectiveness of the BiH judiciary through 32 indicators drawn from survey responses from the annual NSCP-BiH implemented by MEASURE II. The NSCP-BiH's scope extends beyond the judiciary to a wide array of social issues in BiH, including governance, corruption, civil society and civic participation, social inclusion and youth development, media and use of digital technology, interethnic relationships, and emigration. The survey was carried out on a nationally representative, randomly selected stratified sample of 3,000 BiH citizens. The latest NSCP-BiH round was conducted in December 2022 and January 2023 by Custom Concept, a BiH public opinion research agency, using the NSCP-BiH questionnaire developed by MEASURE II.

## **OVERALL VALUES OF PUBLIC PERCEPTION INDICATORS**

The maximum total for the set of public perception indicators is 22.25 index points of the JEI-BiH's overall 100-point maximum. (This ideal maximum value would be attained if all respondents provided the most favorable response to every question.) The 2022 score for public perception indicators was 7.49 index points (out of 22.25 possible index points), or 33.67 percent of the maximum, which

was an increase of 0.25 index points (or 3.52 percent) relative to 2021. The overall values for public perception indicators and corresponding annual changes for the 2015–2022 period are presented in Exhibit 9.

**Exhibit 9. Overall values for public perception indicators and annual changes, 2015–2022**

JEI-BiH year	Overall value, public perception (Max = 22.25 points)	Overall value, public perception (percent share of max)	Annual change (index points)	Annual change (percent)
2015	7.17	32.21%	N/A	N/A
2016	7.67	34.48%	0.50	7.04%
2017	8.28	37.19%	0.60	7.85%
2018	8.04	36.15%	-0.23	-2.78%
2019	7.97	35.82%	-0.07	-0.92%
2020	8.11	36.46%	0.14	1.80%
2021	7.24	32.52%	-0.88	-10.81%
2022	7.49	33.67%	0.25	3.52%

## INDIVIDUAL VALUES OF PUBLIC PERCEPTION INDICATORS

### ANNUAL CHANGES, 2022 COMPARED TO 2021

In 2022, the values of 24 out of 32 indicators in this category increased, and the remaining 8 indicators declined, producing a slight overall improvement of public perception relative to 2021. However, this modest one-year recovery was not sufficient to meaningfully alter the overall poor public perception of judicial effectiveness since the JEI-BIH was introduced in 2015. Even with the year’s improvements, the public’s markedly unfavorable view of judicial effectiveness persists. The following sections explore the individual indicators and subsets of indicators that demonstrated the biggest changes and those that recorded the lowest values. Exhibits 10–15 present the brief designation, abbreviated wording, indicator value (on a scale of 1–100), and the change in the indicator value in 2022 relative to 2021 for each survey question. The complete wording of questions and the response options are shown in Annex VIII: 2022 Public Perception Questionnaire. Annex III presents complete historical values for all 32 NSCP-BiH-derived indicators.

### LARGEST ANNUAL IMPROVEMENTS, 2022 COMPARED TO 2021

All indicators that recorded the largest annual improvements belong to the subset of lowest-performing indicators. The top three indicators that showed the most marked increases were all related to certain financial aspects of the judiciary’s work (judges’/prosecutors’ salaries, attorneys’/notaries’ fees, and court taxes/fees). The remaining two best-performing indicators revealed modest improvements in the perception of the efficiency of case processing in POs (backlog reduction and duration of cases). However, all 2022 improvements in the top-performing indicators were merely recoveries from the drops recorded in 2021. Public perception indicators exhibiting the largest annual increases in 2022 relative to 2021 are shown in Exhibit 10.

## Exhibit 10. Largest annual increases, public perception indicators, 2022 compared to 2021

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2021	Indicator value (0–100) 2022	Annual change in indicator value
JE11	Adequacy of judges'/prosecutors' salaries	15.09	21.18	6.09
JE12	Adequacy of attorneys'/notaries' compensation	13.08	17.93	4.85
JE7	Affordability of court fees/taxes	13.27	17.20	3.93
JE4	Perception of backlog reduction in POs	21.49	25.39	3.91
JE9	Perception of duration of cases in POs (are the time limits reasonable?)	9.08	12.31	3.23

## LARGEST ANNUAL DECLINES, 2022 COMPARED TO 2021

In the light of the broadly—though slightly—more favorable overall public perception of the judiciary, it is troubling that three indicators that involved judicial impartiality, independence, and competence (equality of treatment, absence of improper influence, and competence-based appointments) demonstrated the largest negative changes. Moreover, all three of these indicators reached their new JEI-BiH lows. The opinion about the objectivity of media reporting on judicial investigations and court cases is also among indicators with the biggest negative changes. The public perception indicators whose values showed the largest negative changes are presented in Exhibit 11.

## Exhibit 11. Largest annual declines, public perception indicators, 2022 compared to 2021

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2021	Indicator value (0–100) 2022	Annual change in indicator value
JE16	Equality in the treatment of citizens by the courts	39.14	36.44	-2.70
JE17	Absence of improper influence on judges in making decisions	41.59	39.15	-2.44
JE5	Appointment of judges/prosecutors based on their competence	45.39	43.58	-1.81
JE6	Objectivity of the media in selecting and presenting court cases and investigations	42.16	40.66	-1.50

## BOTTOM-PERFORMING INDICATORS: THE LOWEST VALUES OF PUBLIC PERCEPTION INDICATORS IN 2022

The subset of indicators with the lowest values reveals those issues that citizens consider to be in the biggest need of improvements: Case resolution times in courts and POs were again the issue that was perceived most negatively, followed by disapproval of the high levels of remunerations and costs in the judiciary (court taxes and fees, attorneys'/notaries' fees, judges'/prosecutors' salaries), and the public believes that the backlogs in POs are increasing. The rest of the indicators in the lowest-value subset reflect the public's strong conviction that corruption is widespread in the judiciary, that judges and prosecutors are bribable, and that public officials are impervious to

prosecution. Furthermore, nine of the ten indicators were in the lowest-value indicator subset the year before. One new lowest-performing indicator in 2022 was the measure of the perception regarding whether public officials are accountable for breaking the law. The list of indicators with the lowest values in 2022 is presented in Exhibit 12.

**Exhibit 12. Lowest values, public perception indicators, 2022**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2022
JE8	Perception of duration of cases in courts (are the time limits reasonable?)	11.92
JE9	Perception of duration of cases in POs (are the time limits reasonable?)	12.31
JE7	Adequacy of court taxes/fees	17.20
JE12	Adequacy of fees of attorneys and notaries	17.93
JE11	Adequacy of salaries of judges/prosecutors	21.18
JE4	Perception of backlog reduction in POs	25.39
COR19	Extent to which court system is affected by corruption	27.05
COR20C	Judges not taking bribes	27.69
COR20D	Prosecutors not taking bribes	27.75
COR20F	Prosecution of public officials who violate the law	27.95

### 2022 PUBLIC PERCEPTION VALUES COMPARED TO 2015 BASELINE VALUES

When compared to the 2015 baseline, the public opinion in 2022 improved the most regarding the number of unresolved cases in courts and POs. The public also viewed the salary levels in the judiciary more favorably than seven years before (although the indicator values consistently record low values). The satisfaction with the administrative services provided by courts and POs is one of the highest performing indicators and belongs to the group with the biggest increases in 2015–2020. The values for these indicators are listed in Exhibit 13.

**Exhibit 13. Largest increases, public perception indicators, 2022 compared to 2015**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2015	Indicator value (0–100) 2022	Change in indicator value (2022 vs. 2015)
JE3	Perception of backlog reduction in courts, excluding utility cases	10.71	31.28	20.57
JE4	Perception of backlog reduction in POs	10.60	25.39	14.79
JE11	Adequacy of salaries of judges/prosecutors	10.81	21.18	10.37
GOV11	Satisfaction with courts' or POs' administrative services	40.20	47.60	7.40
JE7	Adequacy of court taxes/fees	10.17	17.20	7.03

The public's belief that prosecutors' good work is rewarded declined the most since the JEI-BiH was first calculated in 2015. The overall perception of judicial institutions' work (rating of the work of judges/courts and of prosecutors/POs) deteriorated nearly as much. One other indicator, the concern about judicial independence (improper influence on judges' decisions) worsened sufficiently to be included in this subset in 2022. These indicators are presented in Exhibit 14.

**Exhibit 14. Largest declines, public perception indicators, 2022 compared to 2015**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2015	Indicator value (0–100) 2022	Change in indicator value (2022 vs. 2015)
COR20H	Prosecutors' good performance rewarded	47.24	39.67	-7.57
JE1A	Rating of the work of judges/courts	35.46	29.03	-6.43
JE1B	Rating of the work of prosecutors/POs	35.93	29.57	-6.36
JE17	Absence of improper influence on judges in making decisions	45.16	39.15	-6.01

#### CHANGES IN CORRUPTION-RELATED INDICATORS, 2022 COMPARED TO 2021

Seven out of eight indicators that track corruption followed the broader trend of slight improvements in public perception in 2022, although none came close to offsetting declines in the previous two years. Corruption-related public perception indicators, their values, and annual changes in 2022 relative to 2021 are shown in Exhibit 15.

**Exhibit 15. Indicator values and annual changes, public perception of corruption-related issues, 2022 compared to 2021**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2021	Indicator value (0–100) 2022	Annual change in indicator value
JE17	Absence of improper influence on judges in making decisions	41.59	39.15	-2.44
COR20F	Prosecution of public officials who violate the law	27.77	27.95	0.18
COR20A	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	34.09	34.44	0.35
COR20C	Judges not taking bribes	27.03	27.69	0.66
COR19	Extent to which court system is affected by corruption	26.32	27.05	0.73
COR20B	Trust in prosecutors to perform their duties impartially and in accordance with the law	33.73	34.63	0.90
COR20D	Prosecutors not taking bribes	26.81	27.75	0.95
COR20E	Judiciary effectiveness in combating corruption	26.56	28.61	2.05

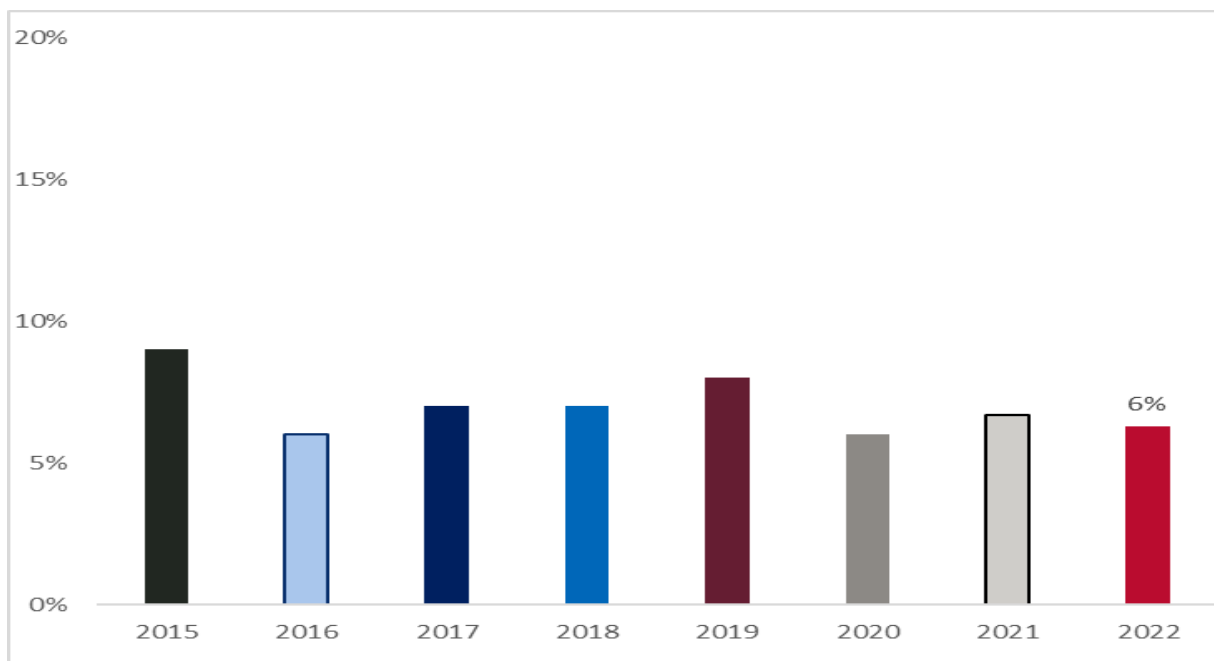
## ADDITIONAL DATA ON PUBLIC PERCEPTION

Beyond the data used for calculating the JEI-BiH, the NSCP-BiH offers additional insights into the way citizens interact with the judicial institutions and processes, how they access information about the judiciary, and how they assess media reporting on court cases and on prosecutors' cases and investigations. These indicators do not directly factor into the JEI-BiH scores.

### PERSONAL INVOLVEMENT IN COURT PROCEEDINGS

Since the JEI-BiH was created, the share of respondents who had direct experience with the work of the judiciary was regularly small (less than 10 percent of the sample) (Exhibit 16). In 2022, the respondents who had direct exposure to the judicial process constituted 6 percent of the sample.

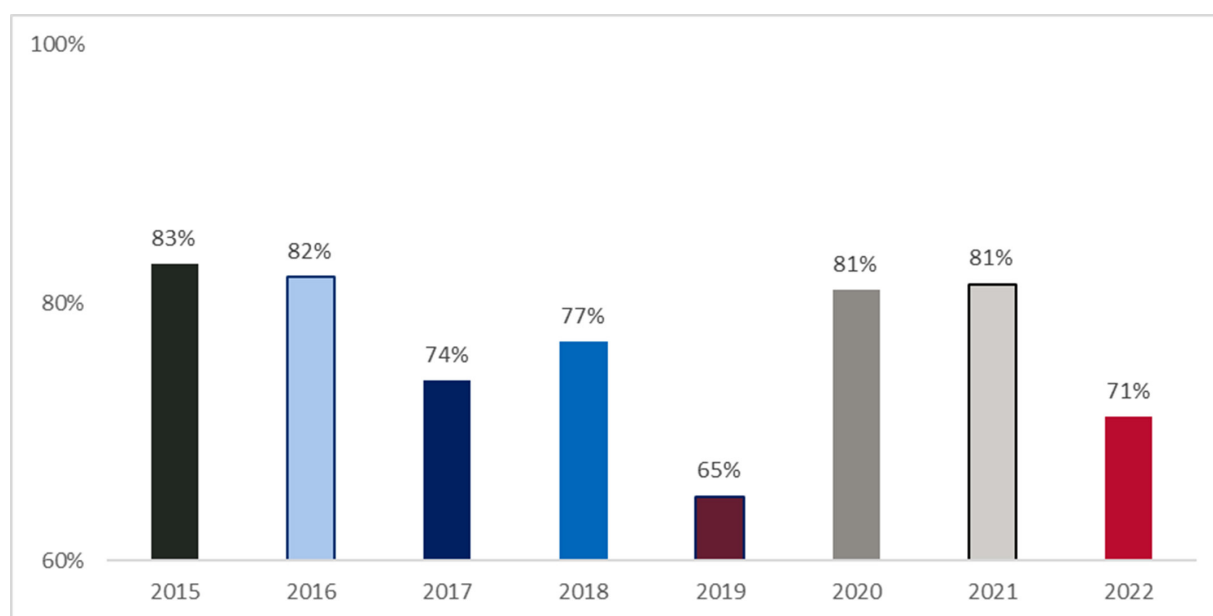
Exhibit 16. Percentage of respondents involved in court cases (except utility cases), 2015–2022



Even among this smaller group of respondents who had firsthand experience with the judiciary, for 71 percent<sup>18</sup>—a considerable majority (this majority varied between 65 and 83 percent over the earlier years)—this experience was limited to only one court case. In 2022, as in every year since the JEI-BiH was created, only a small subset of respondents had experience with multiple court cases and in multiple courts (Exhibit 17).

<sup>18</sup> For a better sense of proportion, of 3,000 citizens surveyed, only 189 respondents had experience with courts; 134 of this number had experience with only one court case.

Exhibit 17. Percentage of respondents involved in only one court case out of the total number of respondents with direct experience with the judiciary, 2015–2022



In 2022, the attitudes of respondents who had direct experience with the judicial system in the past three years were slightly more favorable—0.30 index points, or 3.98 percent—than for those respondents without such exposure. The respondents who had interactions with the judiciary were most positive for three Capacity and Resources indicators (adequacy of judges’ and prosecutors’ salaries attorneys’ and notaries’ fees, and court taxes/fees), one Independence and Impartiality indicator (absence of improper influence on judges) and one Accountability and Transparency indicator (prosecutors’ good performance is rewarded). On the other hand, the indicators for citizens who had not been involved in any court cases were somewhat more positive about a set of Efficiency indicators (reduction of backlogs in courts and POs and ratings of the work of prosecutors, attorneys, and notaries) than people with personal experience with the judiciary. The indicators for which the views of respondents with direct experience with the judiciary varied most from the opinions of citizens without such exposure are listed in Exhibit 18. Negative values designate indicators for which the perception of respondents without court experience was more favorable.

Exhibit 18. Largest differences in responses between respondents involved in any court cases in the previous three years compared to those who were not, 2022

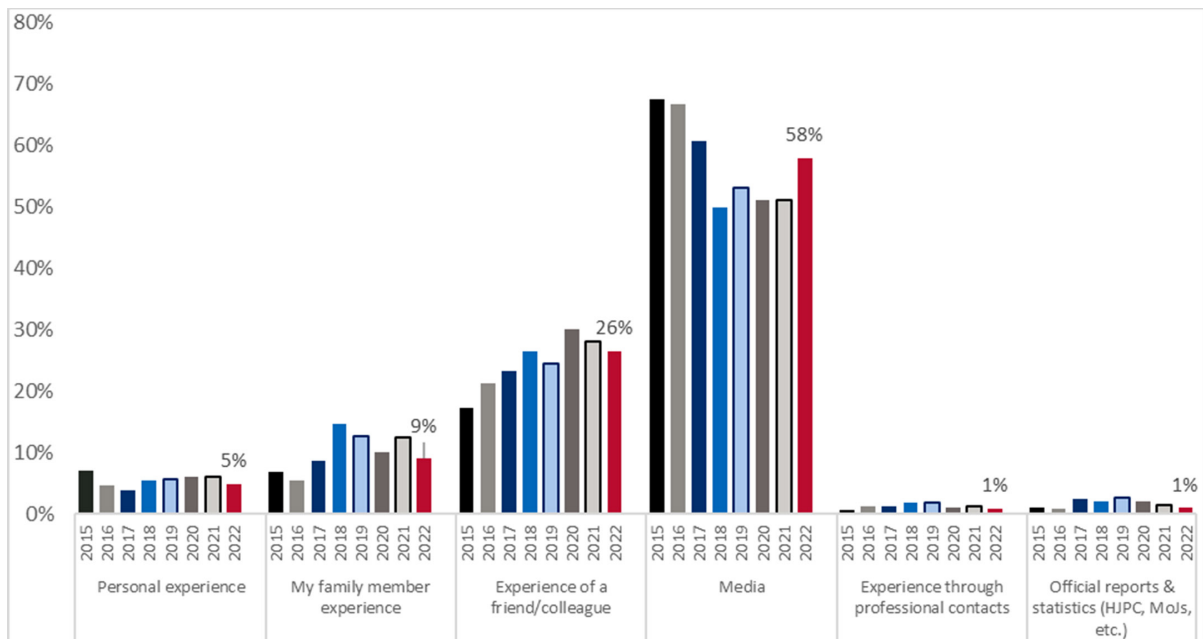
Survey question no.	Question (abbreviated wording)	Difference in indicator value between citizens who were involved in court cases and those who were not
JE11	Adequacy of salaries of judges/prosecutors	11.69
JE12	Adequacy of fees of attorneys and notaries	10.96
JE17	Absence of improper influence on judges in making decisions	6.97
COR20H	Prosecutors’ good performance rewarded	6.58
JE7	Adequacy of court taxes/fees	5.46
JE4	Perception of backlog reduction in POs	-1.10
JE1D	Rating of the work of notaries	-1.20

Survey question no.	Question (abbreviated wording)	Difference in indicator value between citizens who were involved in court cases and those who were not
JEIC	Rating of the work of attorneys	-1.92
JEIB	Rating of the work of prosecutors/POs	-2.21
JE3	Perception of backlog reduction in courts, excluding utility cases	-5.46

## MAIN SOURCE OF INFORMATION ABOUT THE JUDICIARY

The public derived their perspectives on the judiciary from the same sources in 2022 as in previous JEI-BiH years. The media had been the main source for 58 percent of the respondents, while second-hand experience (family and friends/colleagues combined) accounted for around 35 percent. Official reports and statistics were mentioned as sources of information on the judiciary by only 1 percent of respondents. The main sources of information on the judiciary are represented in Exhibit 19.

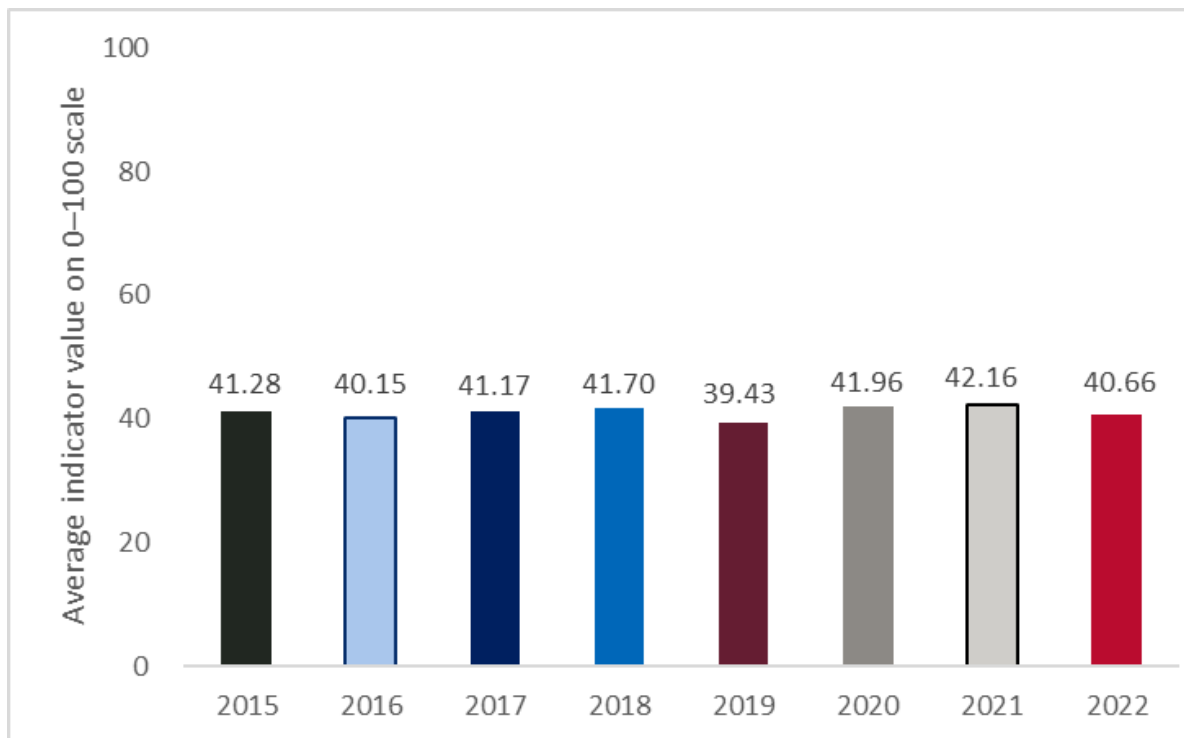
**Exhibit 19. Principal sources of public information about the BiH judiciary, cases, and actors, 2015–2022**



In 2022, an indicator value of public confidence in media objectivity in portraying the work of the judiciary (objectivity in presenting court cases and investigations) weakened slightly to 40.66 indicator value points and remained within the same narrow and relatively low 39–43 indicator value range as in the past seven years. These values are indicative of a persistently low level of trust in media reporting about investigations and court cases. Exhibit 20 illustrates variations in this indicator’s values since the JEI-BiH’s inception.



Exhibit 20. Public confidence in media objectivity in selecting and presenting court cases and investigations, 2015–2022



### CONCLUSIONS: PUBLIC PERCEPTION

The 2022 score for public perception indicators was 7.49 index points, or 33.67 percent of the maximum, which was an increase of 0.25 index points (3.52 percent) relative to 2021, but this increase only partially compensated for the 10.81 percent annual decline recorded in 2021. The overall value of indicators sourced from the public perception has been persistently low since the inception of the Index in 2015.

Despite having consistently low values, three public perception indicators that exhibited the largest annual increases were related to certain financial aspects of the judiciary’s operations (judges’/prosecutors’ salaries, attorneys’/notaries’ fees, and court taxes/fees), while the remaining two most improved indicators involved the perception of the efficiency of case processing in POs (backlog reduction and duration of cases). On the other hand, while the overall public perception of the judiciary was slightly more favorable in 2022, it is worrisome that the largest negative changes were recorded by three indicators of judicial impartiality, independence, and competence (equality of treatment, absence of improper influence, and competence-based appointments).

The subset of indicators with the lowest values underscores the issues that citizens consider to be in the biggest need of improvement. The indicators in this subset generally remained the same in 2022 as in the year before. The most important indicators in this low-value subset relate to case resolution times in courts and POs, extent to which the judicial system is affected by corruption, bribability of judges and prosecutors, and prosecution of public officials who violate the law.

Compared to the 2015 baseline, the public opinion in 2022 improved the most regarding the number of unresolved cases in courts and POs. The public also viewed the salary levels in the judiciary more favorably than they did seven years before, as well as the quality and cost of courts’ and POs’ administrative services. The public’s belief that prosecutors’ good work is

rewarded worsened the most since the JEI-BiH was first calculated in 2015. The overall perception of judicial institutions' work (rating of the work of judges/courts and prosecutors/POs) declined nearly as much, while the indicator of judicial independence (improper influence on judges' decisions) deteriorated sufficiently to be included in this subset in 2022.

Although seven out of eight indicators that track corruption followed the broader trend of slight improvements in public perception in 2022, the values of six of these indicators were still below their 2015 baseline levels, reflecting the persistent dissatisfaction of the public with the way the judiciary handles corruption-related matters. More worryingly, the indicator tracking judicial independence (improper influence on judges' decisions) declined further and reached its lowest value since the inception of the JEI-BiH in 2015.

Since the JEI-BiH was created, the share of respondents who had direct experience with the work of the judiciary has remained small. In 2022, the respondents who had direct exposure to the judicial process constituted 6 percent of the sample. Even among this smaller group of respondents who had firsthand experience with the judiciary, 71 percent had experience that was limited to only one court case. In 2022, the views of the respondents with direct experience in courts were marginally more favorable—0.30 index points, or 3.98 percent—than was the case with citizens who lacked personal experience.

The media reporting remained the primary source of insights about the judiciary for 58 percent of respondents (with second-hand experience—family and friends/colleagues combined—accounting for around 35 percent), but the already persistently low confidence of the public in the media's objectivity in presenting court cases and investigations weakened slightly more.

## JUDGE AND PROSECUTOR PERCEPTION INDICATORS

The SJP is an online, anonymous research tool developed by MEASURE II to gain insight into the perspective of sitting judges and prosecutors on the state of the judiciary, particularly on its effectiveness. In 2022, the SJP was conducted for the eighth time, with 400 judicial office holders taking part at the invitation of the BiH HJPC. The respondent group closely reflected the structure of the judiciary in terms of the relative size of the respective cohorts of judges and prosecutors, gender, and territorial jurisdiction. The topics covered by the survey are mostly within the domain of the HJPC, but some examine issues related to the judiciary that fall under the jurisdiction of other executive or legislative authorities.

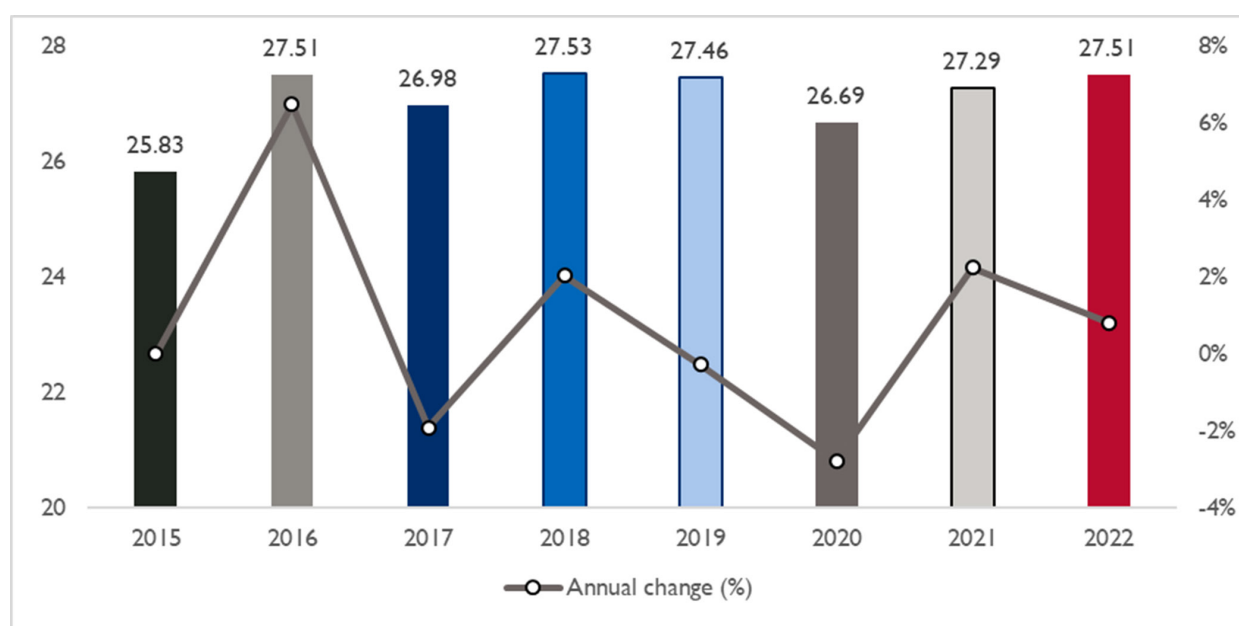
## OVERALL VALUES OF JUDGES' AND PROSECUTORS' PERCEPTIONS

The potential maximum contribution of the SJP's 49 indicators to the overall value of the JEI-BiH is 44.77 index points (if all respondents selected the most positive answer to all questions). In 2022, the SJP indicators yielded the overall value of 27.51 index points (61.46 percent of the potential maximum value), a 0.22 index point (0.81 percent) increase, which is a more modest increase than in the year before. Nevertheless, the fluctuations recorded over the past eight years were small, and the SJP's overall value remained within the limits of the 25–28 index-point band (i.e., the 58–62 percent of the possible maximum), which means that judges and prosecutors themselves perceive room for further improvement (Exhibits 21 and 22).

Exhibit 21. Overall values and annual changes, indicators of judges' and prosecutors' perceptions, 2015–2022

JEI-BiH year	Total value, judges' and prosecutors' perceptions (Max = 44.77 index points)	Total value, judges' and prosecutors' perceptions (percent of Max)	Annual change (Index points)	Annual change (percent)
2015	25.83	57.69%	N/A	N/A
2016	27.51	61.45%	1.68	6.51%
2017	26.98	60.28%	-0.53	-1.91%
2018	27.53	61.51%	0.55	2.04%
2019	27.46	61.33%	-0.08	-0.28%
2020	26.69	59.62%	-0.76	-2.78%
2021	27.29	60.96%	0.60	2.24%
2022	27.51	61.46%	0.22	0.81%

Exhibit 22. Overall values and annual changes, indicators of judges' and prosecutors' perceptions, 2015–2022



## INDIVIDUAL INDICATOR VALUES

### ANNUAL CHANGES, 2022 COMPARED TO 2021

This section highlights the largest positive or negative changes in the values of individual SJP indicators in 2022 compared to 2021. Exhibits 23–28 show the abbreviated form of a specific survey question, the corresponding indicator value (on a scale of 1–100), and the change in 2022 relative to 2021. The complete wording of questions and the response options are listed in Annex IX: 2022 Questionnaire, Survey of Judges and Prosecutors.

## LARGEST ANNUAL INCREASES, 2022 COMPARED TO 2021

Both positive and negative changes in the values of individual SJP indicators were more pronounced than the changes to public perception indicators. Thirty-five out of 49 SJP indicators increased in 2022. While there were no clear connections among the top-performing indicators, several recognizable subsets were loosely discernible. The perceptions of holders of judicial offices improved the most with regard to the judiciary’s effectiveness in case processing (duration of cases in courts and POs and the extent of backlogs in courts), prosecution of public officials who violate the law, absence of improper influences on judges, as well as about adequacy of their own salaries and court taxes/fees. Judges’ and prosecutors’ perceptions that good prosecutorial performance is rewarded were also more positive, which was enough to add this indicator to the cluster of the highest-improving indicators. The 2022 values and annual changes for the top-performing indicators are presented in Exhibit 23.

**Exhibit 23. Largest annual increases, indicators of judges’ and prosecutors’ perceptions, 2022 compared to 2021**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2021	Indicator value (0–100) 2022	Annual change in indicator value
3	Perception of duration of cases in courts (are the time limits reasonable?)	48.87	56.50	7.62
14	Adequacy of court taxes/fees	51.93	58.06	6.13
35C	Prosecution of public officials who violate the law	35.42	40.95	5.53
7B	Rewards for prosecutors’ good performance	42.54	47.77	5.23
22	Adequacy of salaries of judges/prosecutors	44.00	48.92	4.92
35B	Absence of improper influence on judges in making decisions	73.29	78.17	4.88
4	Perception of duration of cases in POs (are the time limits reasonable?)	41.11	45.25	4.14
1	Perception of backlog reduction in courts, excluding utility cases	68.18	71.75	3.57

## LARGEST ANNUAL DECLINES, 2022 COMPARED TO 2021

In 2022, judges’ and prosecutors’ perceptions worsened for 14 out of 49 SJP indicators. While the issues in which the deterioration was most pronounced were diverse, an overarching theme that emerged was related to professional/personnel technical and organizational competence. The quality of IT technology and related support not only joined the subset of largest negative-change indicators but also recorded the single largest negative change in the perception of judicial office holders. Competence of administrative/support staff and of newly appointed judges and prosecutors was among the indicators with the largest annual declines relative to the year before. In addition, perceptions worsened regarding the ability of the judicial system to deal with fluctuations in case inflow or to protect judges/prosecutors and their families in case of need. Furthermore, judges and prosecutors were less satisfied with the pace of disbursements of compensation and costs reimbursements to ex officio defense counsel, while the freedom of access to public hearings was deemed to have weakened as well. The indicators that recorded the largest decreases are presented in Exhibit 24.

**Exhibit 24. Largest annual declines, indicators of judges' and prosecutors' perceptions, 2022 compared to 2021**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2021	Indicator value (0–100) 2022	Annual change in indicator value
29	Adequacy of the necessary IT equipment and support to courts/POs	67.52	63.25	-4.26
25	Timeliness of the payment of fees/costs to ex officio defense attorneys	71.18	68.26	-2.92
33	Personal security of judges/prosecutors and their close family members ensured when needed	52.84	50.00	-2.84
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	55.86	53.36	-2.50
11B	Attendance at public court hearings	91.80	89.63	-2.17
26	Competence of the currently employed administrative/support staff in courts/POs	63.04	61.00	-2.04
20	Appointment of judges/prosecutors based on their skills/competence	48.11	46.30	-1.81

### CHANGES IN 2022 COMPARED TO THE 2015 BASELINE

Between 2015 and 2022, the values of 28 of the 49 SJP indicators improved. The most pronounced improvements involved either (1) questions related to the compensation of judicial office holders and other professional groups in the judicial system (timeliness of judges'/prosecutors' salaries and defense counsel's fees, and adequacy of attorneys' and notaries' fees) or (2) issues related to resource allocation (court/PO budgets and facilities). Opinions about the personal security of judges/prosecutors and their family members also improved over this period, as well as the perception that the backlogs in BiH courts shrank. The SJP indicators that recorded the largest increases between 2015 and 2022 are listed in Exhibit 25.

**Exhibit 25. Largest increases, indicators of judges' and prosecutors' perceptions, 2022 compared to 2015**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2015	Indicator value (0–100) 2022	Change in indicator value (2022 vs. 2015)
25	Timeliness of the fees/costs/payments to ex officio defense attorneys	38.00	68.26	30.26
24	Timeliness of the salary payments to judges/prosecutors	59.93	87.40	27.47
27	Sufficiency of the court/PO budget	25.34	45.41	20.07
28	Adequacy of buildings/facilities and workspace of courts/POs	37.94	55.10	17.17
23	Adequacy of fees of attorneys and notaries	25.66	36.50	10.84
1	Perception of backlog reduction in courts, excluding utility cases	61.16	71.75	10.59
33	Personal security of judges/prosecutors and their close family members ensured when needed	40.80	50.00	9.20

Twenty-one SJP indicators recorded lower values in 2022 than in 2015. In 2022, corruption-related indicators (the extent to which the court system is affected by corruption, trust in judges and prosecutors' impartiality, and bribability of judges), efficiency of appointments, the duration of case resolution in courts, and the absenteeism of judicial office holders were the most important in the subset of decreasing indicators. The 2022 drop in the perception of the quality of IT equipment and support in courts/POs brought this indicator to its lowest value ever, and the access to public hearings declined sufficiently below its 2015 value to be included in the largest-declines subset. The specific indicators are listed in Exhibit 26.

**Exhibit 26. Largest declines, indicators of judges' and prosecutors' perceptions, 2022 compared to 2015**

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2015	Indicator value (0–100) 2022	Change in indicator value (2022 vs. 2015)
34	Impact of corruption on the BiH judiciary	70.24	62.77	-7.46
17	Abuse of the right to absence from work by judges/prosecutors	79.03	72.25	-6.78
19	Efficiency of judge/prosecutor appointments to newly available positions	46.60	39.96	-6.63
29	Adequacy of the necessary IT equipment and support to courts/POs	68.98	63.25	-5.73
11B	Attendance at public court hearings	92.52	89.63	-2.88
35E	Prosecution of public officials who violate the law	71.48	68.62	-2.86
3	Perception of the duration of cases in courts (are the time limits reasonable?)	59.29	56.50	-2.79
35F	Judges not taking bribes	79.68	76.98	-2.70
20	Appointment of judges/prosecutors based on their skills/competence	48.68	46.30	-2.37
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	77.65	75.34	-2.31

### **BOTTOM-PERFORMING INDICATORS: THE LOWEST INDICATOR VALUES OF JUDGES' AND PROSECUTORS' PERCEPTIONS IN 2022**

The lowest-value SJP indicators highlight the least favorable aspects of judicial effectiveness in the opinions of judges and prosecutors and underscore the issues in direct need of addressing. The issues especially in need of attention include professional/personnel matters: efficiency of judicial appointments and relevance of career advancement criteria in the judiciary, as well as the system's performance in prosecuting public officials who break the law. The 2022 values of the poorest-performing indicators are shown in Exhibit 27.

Exhibit 27. Lowest indicator values, judges' and prosecutors' perceptions, 2022

Survey question no.	Question (abbreviated wording)	Indicator value (0–100) 2022
12	Objectivity of the media in selecting and presenting court cases and investigations	34.19
23	Adequacy of fees of attorneys and notaries	36.50
19	Efficiency of judge/prosecutor appointments to newly available positions	39.96
35C	Prosecution of public officials who violate the law	40.95
31	Objectivity, adequacy, and applicability in practice of career advancement criteria for judges/prosecutors	41.49

### CHANGES IN CORRUPTION-RELATED INDICATORS, 2022 COMPARED TO 2021

The values of all eight SJP indicators tracking corruption-related topics rose in 2022. Despite these increases, however, the values of six of these eight indicators were still below their baseline 2015 levels. The largest single increase in indicator value involved prosecution of public officials who violate the law, but this increase should be considered in the context of the fact that this indicator has consistently ranked in the five worst SJP indicators since 2017. The corruption-related indicators are shown in Exhibit 28.

Exhibit 28. Indicator values and annual changes, judges' and prosecutors' perceptions of corruption-related issues, 2021–2022

Survey question no.	Question (abbreviated wording)	Indicator value (0–100), 2021	Indicator value (0–100), 2022	Annual change in indicator value
35C	Prosecution of public officials who violate the law	35.42	40.95	5.53
35B	Absence of improper influence on judges in making decisions	73.29	78.17	4.88
35G	Prosecutors not taking bribes	72.20	75.52	3.33
35A	Judiciary effectiveness in combating corruption	46.01	48.98	2.97
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	73.01	75.34	2.34
35F	Judges not taking bribes	75.64	76.98	1.35
34	Impact of corruption on the BiH judiciary	61.49	62.77	1.29
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	68.17	68.62	0.45

### ADDITIONAL DATA ON PERCEPTIONS OF JUDGES AND PROSECUTORS

Four hundred judges and prosecutors filled out the SJP questionnaire for 2022. This was the third time that the SJP included three demographic questions, which provided additional data that enabled a more detailed analysis of the sample. The respondents included 268 judges (71 percent) and 112 prosecutors (29 percent); 20 respondents declined to state their professional specialization. A

total of 388 respondents responded to the question about territorial jurisdiction: 23 respondents (6 percent) were employed at the level of the Court of BiH and the prosecutors' office (PO) of BiH, while 245 (63 percent) worked in the Federation of Bosnia and Herzegovina (FBiH), 112 (29 percent) in the Republic of Srpska (RS), and 8 (2 percent) in the Brčko District (BD), while 12 respondents provided no answer to this question. Of the 380 respondents who chose to respond to the question about gender, 199 (52 percent) were women and 181 (48 percent) were men.

The composition of the respondent group showed minor variations relative to the total population of judges and prosecutors across all three categories. Considering that there were 1,055 judges and 361 prosecutors in the BiH judiciary (75 and 25 percent of the judiciary, respectively), prosecutors were somewhat more willing (29 percent of the sample) to participate in the survey than judges (71 percent of sample). The ratio of women to men holding judicial offices in BiH was 828 to 531 (61 and 39 percent, respectively),<sup>19</sup> which means that male respondents were more likely (48 percent) to respond to SJP questions than their female colleagues (52 percent). Comparing the total numbers of judges and prosecutors by territorial jurisdiction (107 on the level of BiH, 408 in the RS, 810 in the FBiH, and 34 in the BD, or 8, 30, 60, and 3 percent, respectively) to the corresponding segments of the sample, respondents from the FBiH were slightly more likely (63 percent) to participate in the survey than their colleagues from BiH, the RS, and the BD (6, 29, and 2 percent, respectively). Still, the sample rather closely reflected the overall target population. A detailed comparison of the sample structure with the complete population of BiH judicial professionals is presented in Exhibit 29.

**Exhibit 29. Structure of the respondent group and BiH judge/prosecutor population disaggregated by role, gender, and jurisdiction, 2022**

Role	Respondent group	BiH <sup>20</sup> (2022)	Share of the respondent group total (percent)	Share of the BiH total (percent)
Judges	268	1,055 <sup>21</sup>	71%	75%
Prosecutors	112	361	29%	25%
Total	380 <sup>22</sup>	1,416	100%	100%

Gender	Respondent group	BiH <sup>23</sup> (2021)	Share of the respondent group total (percent)	Share of the BiH total (percent)
Male	181	531	48%	39%
Female	199	828	52%	61%
Total	380	1,359	100%	28%

<sup>19</sup> The gender disaggregation data for 2022 were not available at the time of writing.

<sup>20</sup> Only aggregate data for the number of judges, the number of prosecutors, and the total were available for 2022 at the time of writing.

<sup>21</sup> This figure includes 997 regular judges and 58 additional judges. These data were received from the HJPC in February 2023.

<sup>22</sup> The totals in this column reflect only the respondents who provided a response to the given demographic question.

<sup>23</sup> 2021 HJPC Annual Report, pp. 19–20. 2021 HJPC data shared with MEASURE II. Gender disaggregation data for 58 additional judges were not available to MEASURE II at the time of writing.



Jurisdiction	Respondent group	BiH <sup>24</sup> (2021)	Share of the respondent group total (percent)	Share of the BiH total (percent)
BiH	23	107	6%	8%
RS	112	408	29%	30%
FBiH	245	810	63%	60%
BD	8	34	2%	3%
Total	388	1,359	100%	29%

The difference in perceptions between judges and prosecutors was very small in 2022 (27.50 vs. 26.85 index points, respectively), but judges were still slightly more positive—0.65 index points, or 2.41 percent—about judicial effectiveness than prosecutors. Still, for some indicators, the perspectives of these two groups diverged more: Judges viewed case duration times and backlog reduction in courts more favorably, as well as the appropriateness of attorneys’ and notaries’ fees. Judges were also more confident of their own independence and impartiality. On their part, the prosecutors felt most positive about the duration of cases and reduction of backlogs in POs, and about the overall rating of the prosecutors’ and POs’ work. Exhibit 30 shows the values of 2022 SJP indicators for which the perspectives of judges and prosecutors differed the most. Negative values denote that prosecutors viewed a given issue more favorably than judges.

#### Exhibit 30. Largest differences, indicator values, judges versus prosecutors, 2022

Survey question no.	Question (abbreviated wording)	Difference in indicator values when scored for judges and prosecutors separately
3	Perception of duration of cases in courts (are the time limits reasonable?)	23.70
1	Perception of backlog reduction in courts, excluding utility cases	23.56
23	Adequacy of fees of attorneys and notaries	18.28
35B	Absence of improper influence on judges in making decisions	15.68
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	14.48
33	Personal security of judges/prosecutors and their close family members ensured when needed	-8.16
22	Adequacy of salaries of judges/prosecutors	-10.87
5B	Rating of the work of prosecutors/POs	-15.86
2	Perception of backlog reduction in POs	-17.64
4	Perception of duration of cases in POs (are the time limits reasonable?)	-33.59

Differences between men and women holding judicial offices narrowed in 2022 relative to the year before. If only women judges and prosecutors were surveyed, their overall perception of judicial effectiveness would have been only 0.11 index points (0.40 percent) more positive than that of their

<sup>24</sup> Source: 2021 HJPC Annual Report, pp. 19–20.

male colleagues as a group. Still, women in judicial offices felt more positive about appropriateness of disciplinary sanctions, reduction of the backlog in POs, accessibility of court files to the public, and adequacy of their own salaries, while also expressing more confidence in the fairness of career advancement procedures and practices in the judiciary. On their part, male judges and prosecutors were most positive about the judiciary’s ability to handle sudden fluctuations in their caseloads, and they believed more strongly than their female colleagues that ex officio attorneys are reimbursed in a timely manner, that IT support and judicial buildings/office space are adequate, and that judges are sanctioned for inadequate performance. Exhibit 31 summarizes the largest gender differences identified by the 2022 SJP. A negative indicator value denotes that the perception of women judges and prosecutors about a given issue was less favorable than was the case for their male colleagues.

**Exhibit 31. Largest differences, indicator values disaggregated by gender: male and female judges and prosecutors, 2022**

Survey question no.	Question (abbreviated wording)	Difference in indicator values when scored separately by male and female judges and prosecutors
9	Disciplinary sanctions rendered in disciplinary proceedings appropriate	8.51
2	Perception of backlog reduction in POs	5.60
11A	Access to court case files	4.90
22	Adequacy of salaries of judges/prosecutors	4.44
31	Objectivity, adequacy, and applicability in practice of career advancement of judges/prosecutors	4.37
7A	Judges’ poor performance sanctioned	-3.03
28	Adequacy of buildings/facilities and workspace of courts/POs	-4.26
29	Adequacy of the necessary IT equipment and support to courts/POs	-4.77
25	Timeliness of the fees/costs payment to ex officio defense attorneys	-6.27
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	-6.90

### CONCLUSIONS: PERCEPTIONS OF JUDGES AND PROSECUTORS

In 2022, the SJP’s 49 indicators yielded the overall value of 27.51 index points (61.46 percent of the potential maximum value) at 0.22 index points (0.81 percent), a more modest increase than the year before. The level attained in 2022 represented the highest total annual value of the SJP indicators after when overall value reached 27.53 index points (61.51 percent of the maximum). Over the past eight years, the SJP’s values fluctuated mildly and stayed within the 25–28 index-point band (i.e., the 58–62 percent range of the possible maximum), which signals that judges and prosecutors themselves perceive a persistent need for improvements.

Thirty-five out of 49 SJP indicators exhibited increases in 2022, with several loosely discernible subsets. Holders of judicial offices were particularly most positive about the judiciary’s effectiveness in case processing (shortening the duration of cases in courts and POs and reducing the backlogs in courts); prosecution of public officials who violate the law; and absence of improper influences on judges, as well as about adequacy of their own salaries and the court

taxes/fees. Among the issues whose perceptions deteriorated most strongly in the past year, an overarching theme appeared to be professional/personnel, technical, and organizational competence, with the quality of IT technologies and related support recording the steepest drop. The competence of administrative/support staff and of newly appointed judges and prosecutors was also among the indicators with the largest annual declines in 2022.

The composition of the subset of five lowest-value SJP indicators has not changed since 2019. The issues in special need of attention include professional/personnel matters: efficiency of judicial appointments and relevance of career advancement criteria in the judiciary, as well as the system's performance in prosecuting public officials who break the law.

Relative to 2015, the largest improvements involved either compensation to judicial office holders and other professional groups in the judicial system (timeliness of judges'/prosecutors' salaries, defense counsel's fees, and adequacy of attorneys' and notaries' fees) or issues related to resource allocation (court/PO budgets and facilities). In 2022, relative to 2015, corruption-related indicators (the extent to which the court system is affected by corruption and bribability of judges and prosecutors), efficiency of appointments, duration of case resolution in courts, absenteeism of judicial office holders, and the quality of IT equipment/support in courts/POs were the most important in the lowest-value subset. The 4.26-point drop in the perception of the quality of IT equipment and support in courts/POs brought this indicator to its lowest JEl-BiH value.

The values of all eight SJP indicators tracking corruption-related topics rose in 2022, which should be considered in combination with two other JEl-BiH findings: some quantitative improvements in processing of corruption cases and marginal improvement in the public perception of the judiciary's handling of corruption-related matters. Despite these increases, the values of six of these eight corruption-related indicators were still below their baseline 2015 levels, which suggests that judges and prosecutors recognize the problem that corruption has become for the judiciary. Although the largest single increase (5.53 index points) involved prosecution of public officials who violate the law, this improvement should be viewed in the context that this indicator's performance had ranked among the worst five SJP indicators since 2017.

The differences in perceptions of judges versus prosecutors and by gender were very small in 2022, although judges were still slightly more optimistic than prosecutors. For some indicators, the perspectives of these two groups diverged more: Judges viewed case resolution times and backlog reduction in courts more favorably and were more strongly convinced of their own colleagues' independence and impartiality. Prosecutors were more positive about the duration of cases and reduction of backlogs in POs, and about the overall rating of the prosecutors' and POs' work. Differences between men and women holding judicial office were minimal.

## **COMPARATIVE RESULTS: PUBLIC PERCEPTION VERSUS THE PERCEPTION OF JUDGES AND PROSECUTORS**

The 30 indicators common to the NSCP and the SJP make it possible to compare the public view of judicial effectiveness with the perspective of judges and prosecutors. As in every year since the JEl-BiH was created, in 2022 the public view of judicial effectiveness was substantially poorer than judicial professionals' perceptions. The largest gaps in perception expanded slightly. Most of the issues in which the differences were largest were related to three broad topics: judges' and prosecutors' propensity to take bribes, the duration of case resolution in courts, and transparency and access to justice (access to hearings, own case files, judgments, evidence, and overall fairness of

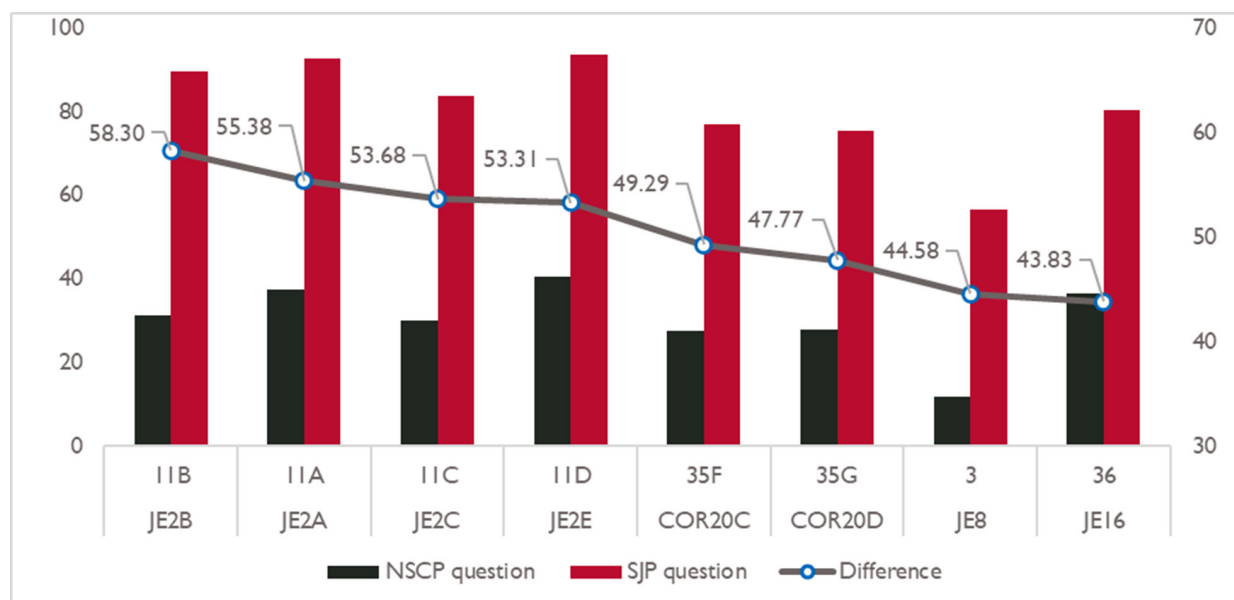
the courts' treatment of citizens). Furthermore, the disparity in the perceptions of these two categories widened regarding the duration of case resolution in the courts.

Exhibit 32 presents the list of indicators demonstrating the largest differences and Exhibit 33 shows a visual representation. Positive values signify that the views of judges and prosecutors were more favorable than those of the public.

**Exhibit 32. Largest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022**

NSCP question no.	SJP question no.	Subdimensions	SJP–NSCP difference (2022)
JE2B	I1B	Attendance at public court hearings	58.30
JE2A	I1A	Access to court case files	55.38
JE2C	I1C	Access to judgments	53.68
JE2E	I1D	Access to evidence after confirmation of the indictment	53.31
COR20C	35F	Judges not taking bribes	49.29
COR20D	35G	Prosecutors not taking bribes	47.77
JE8	3	Perception of duration of cases in courts (are the time limits reasonable?)	44.58
JE16	36	Equality in the treatment of citizens by the courts	43.83

**Exhibit 33. Largest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022**



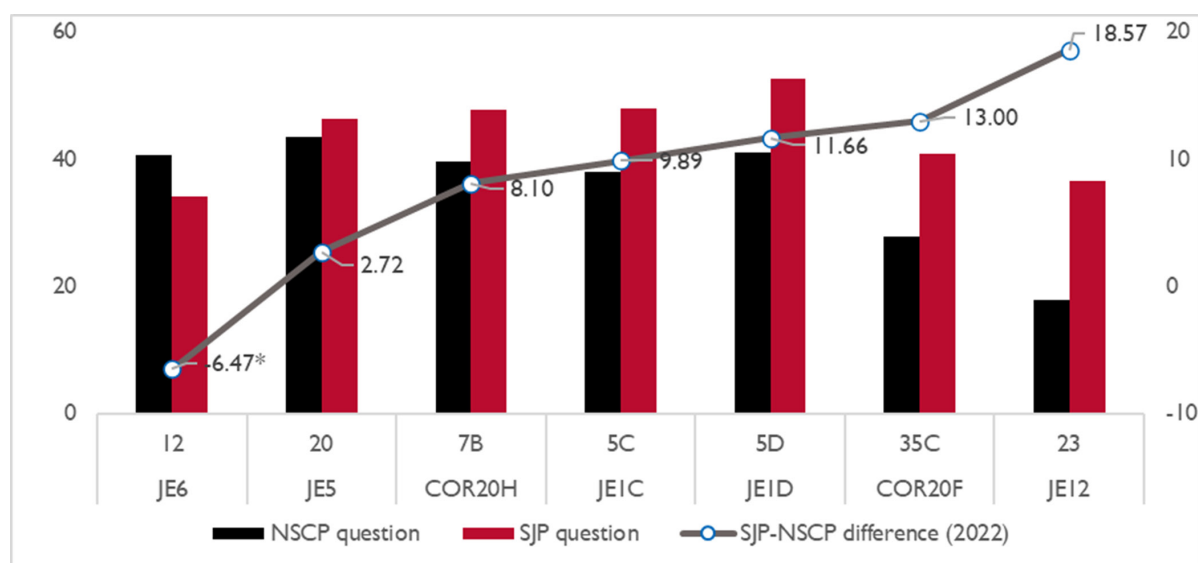
In 2022, media objectivity in reporting about the work of the judiciary was the only issue for which the perceptions of judges and prosecutors was poorer than those of the public. Other topics on which the views of the public and of judges and prosecutors were close included the objectivity of judicial appointments, overall rating of attorneys' and notaries' work, and the prosecution of public officials who violate the law. The full set of these indicators, with designations for both the NSCP and the SJP, abbreviated names, and values is shown in Exhibits 34 and 35. Positive values indicate

that the views of judges/prosecutors were more positive than those of the public.

**Exhibit 34. Smallest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022**

NSCP question no.	SJP question no.	Subdimensions	SJP–NSCP difference (2022)
JE6	12	Objectivity of the media in selecting and presenting court cases and investigations	-6.47
JE5	20	Appointment of judges/prosecutors based on their skills/competence	2.72
COR20H	7B	Rewards for prosecutors' good performance	8.10
JEIC	5C	Rating of the work of attorneys	9.89
JEID	5D	Rating of the work of notaries	11.66
COR20F	35C	Prosecution of public officials who violate the law	13.00

**Exhibit 35. Smallest differences, perceptions of judicial effectiveness: the public versus judges/prosecutors, 2022**



The public perception indicators of corruption improved modestly in 2022, except for the opinion about judicial independence, which worsened. From the standpoint of judges and prosecutors, the values for the same set of indicators rose at slightly greater rates. Still, these improvements only partially made up for the declines recorded in the past two years. The views of these two groups narrowed slightly regarding the impartiality of prosecutors, whereas the difference was largest on the indicator of judicial independence, the only public perception indicator tracking corruption that worsened in 2022. Exhibit 36 shows the full set of corruption indicators with their parallel NSCP and SJP designations, abbreviated wording, and respective 2022 values.

Exhibit 36. Annual changes, indicators for corruption-related issues: the public versus judges/prosecutors, 2022 compared to 2021

NSCP question no.	SJP question no.	Subdimensions	Annual change in indicator value – NSCP	Annual change in indicator value – SJP
JEI7	35B	Absence of improper influence on judges in making decisions	-2.44	4.88
COR20F	35C	Prosecution of public officials who violate the law	0.18	5.53
COR20A	35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	0.35	2.34
COR20C	35F	Judges not taking bribes	0.66	1.35
COR19	34	Extent to which court system is affected by corruption	0.73	1.29
COR20B	35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	0.90	0.45
COR20D	35G	Prosecutors not taking bribes	0.95	3.33
COR20E	35A	Judiciary effectiveness in combating corruption	2.05	2.97

### CONCLUSIONS: COMPARATIVE DATA, THE PUBLIC VERSUS JUDGES AND PROSECUTORS

As in every year since the JEI-BiH was created, in 2022 the public view of judicial effectiveness was substantially poorer than judicial professionals' self-perception, with the largest differences widening slightly, reflecting stronger improvements in the perceptions of judges and prosecutors (except for attendance at public court hearings and access to court files, which narrowed marginally). Most of the issues for which the differences were the largest were related to: judges' and prosecutors' propensity for taking bribes, duration of case resolution in courts, and transparency and access to justice (access to hearings, own case files, judgments, evidence, and overall fairness of courts' treatment of citizens). Perceptions of the public and of judges and prosecutors were closer, generally in those cases in which perceptions were poor, and which were related to the objectivity of media reporting about the judiciary, objectivity of judicial appointments, rating of attorneys', and the prosecution of public officials who violate the law.

The disparity in views related to matters of corruption remained unchanged. Public perception of corruption-related indicators stayed poor, while judicial professionals remained more positive in their assessment of the judiciary's dealing with corruption-related matters.

### HJPC ADMINISTRATIVE DATA INDICATORS

JEI-BiH reports every year include a summary of HJPC administrative data. In 2022, this dataset comprised 286,874 cases processed by courts and POs in BiH, 4 percent less compared to the previous year and nearly 32 percent below the baseline 2015 value, when the JEI-BiH was first compiled.<sup>25</sup> The

<sup>25</sup> Case totals in earlier years were: 421,019 in 2015; 378,392 in 2016; 350,224 in 2017; 327,996 in 2018; 311,765 in 2019; 284,335 in 2020; and 299,269 in 2021.

methodological approach to producing the JEI-BiH in 2022 remained unchanged from all previous JEI-BiH editions. Over this entire period, the dataset covered the same major types of cases.

The HJPC administrative data encompass a total of 65 JEI-BiH indicators. Fifty-six of the indicators in this dataset track the major case types processed by the courts/POs in 2022, and the data are drawn from the HJPC’s Case Management System/Prosecutors’ Case Management System (CMS/TCMS) databases. The 9 remaining indicators are based on the data compiled from non-automated data sources. One of these indicators (the success rate of disciplinary proceedings) is generated on the basis of the 2022 data with no time lag. The data for the remaining 8 indicators (collective quotas [2], confirmation rates of first instance court decisions [3], success of indictments, size of backlogs, and clearance rate for utility cases) have a one-year time lag. That is, in the 2022 JEI-BiH, these indicators use 2021 data. Automating data collection for these eight important performance indicators of the BiH judiciary continues to be one of the 2022 JEI-BiH key recommendations.

### DEFINITIONS OF CASES BY TYPE

Exhibit 37 lists the types of cases included in the Index, their corresponding Registry Book (types and phases in accordance with the Book of Rules on the Case Management System for Courts/POs [CMS and TCMS, respectively]), and the start and end dates of cases processed. These definitions are the same as those used in business intelligence software queries to the CMS and TCMS databases used by the HJPC, which have remained unchanged since 2015.<sup>26,27</sup>

**Exhibit 37. Index case types, their corresponding Registry Book designations (types, phases), and the start and end dates of cases used in indicator calculations<sup>28,29</sup>**

Level of judicial institution	Case type in the Index	Registry Book type/phase designation	Start date	End date
First instance courts	Criminal cases	K-K	Date of initiating the case regardless of the year in which it was filed (only cases that had “open” status on, e.g., January 1, 2022, and newly opened cases in 2022)	If the case changed its status to “closed” in 2022, end date is the date on which it was declared “closed.”
	Civil cases	P-P		
	Commercial cases	Ps-Ps		
	Administrative cases	U-U		
	Enforcement in civil cases	P-I		
	Enforcement in commercial cases	Ps-lp		
	Enforcement in utility cases	I-Kom		
			If the case remained “open” on, e.g., December 31, 2022, it is counted as an unsolved case on December 31, 2022.	

<sup>26</sup> In 2021, the HJPC introduced new PO case designations: KTKK (computer crimes) and, with assistance from USAID Judiciary Against Corruption Activity (JACA), KTOV (high-level organized crime). Nevertheless, the continuity of general crime cases, as tracked by the JEI-BiH since its inception, was maintained.

<sup>27</sup> The HJPC, with assistance from JACA, introduced a new designation in 2021 for a specific PO case type: KTKV (high-level corruption crimes). Nevertheless, the continuity of corruption cases, as tracked by the JEI-BiH since its inception, was maintained.

<sup>28</sup> “Resolution time” refers to the average duration of cases resolved from January 1 to December 31, 2022, relative to the date of initial filing.

<sup>29</sup> “Age of backlog” refers to the age of unresolved cases as of December 31, 2022, relative to the date of initial filing.

Level of judicial institution	Case type in the Index	Registry Book type/phase designation	Start date	End date
Second instance courts	Criminal appeal cases	K-Kž		
	Civil appeal cases	P-Gž (Litigation Department)		
	Commercial appeal cases	Ps-Pž (Commercial Department)		
	Administrative appeal cases	U-Už, U-Uvp		
POs	General crime cases	KT, KTO, KTM, KTT, KTOV, KTKK		
	Corruption cases	KTK, KTKV		
	Economic crime cases (other)	KTPO, KTF		
	War crime cases	KTRZ		

## OVERALL VALUES OF HJPC ADMINISTRATIVE DATA INDICATORS

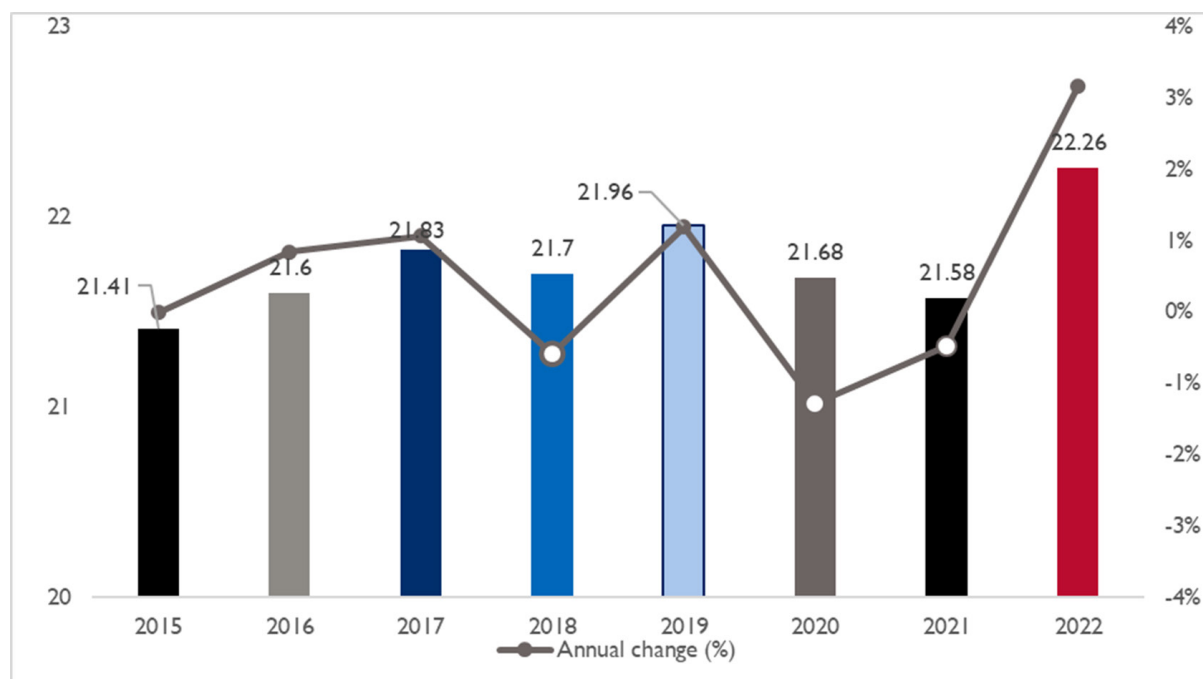
The cluster of 65 indicators that constitute the HJPC's administrative dataset for the JEI-BiH can account for a maximum of 32.98 points in the overall value of the Index. The total actual value of the indicators from this source was 22.26 (67.50 percent of the maximum value for this dataset) in 2022, 0.68 index points greater than in 2021 (an increase of 3.17 percent), which was the single largest nominal increase of the three JEI-BiH data sources in 2022, the largest annual improvement in the total value of the HJPC administrative data indicators and the largest value reached for this category since the inception of the Index. The historical data are shown in Exhibit 38 and illustrated in Exhibit 39.

**Exhibit 38. Overall Index values and annual changes, the set of indicators derived from HJPC administrative data, 2015–2022**

JEI-BiH year	Overall value, HJPC administrative data (Max = 32.98 points)	Overall value, HJPC administrative data (percent share of Max)	Annual change (index points)	Annual change (percent)
2015	21.41	64.93%	N/A	N/A
2016	21.60	65.48%	0.18	0.85%
2017	21.83	66.18%	0.23	1.07%
2018	21.70	65.80%	-0.13	-0.58%
2019	21.96	66.59%	0.26	1.20%
2020	21.68	65.74%	-0.28	-1.28%
2021	21.58	65.42%	-0.10	-0.46%
2022	22.26	67.50%	0.68	3.17%



Exhibit 39. Overall Index values and annual changes, the set of indicators drawn from HJPC administrative data, 2015–2022



The total increase of 0.68 index points in the value of the HJPC’s administrative indicators in 2022 represents a continuation of some positive changes first detected the year before. The following section focuses on courts’ and POs’ performance and sheds light on specific changes and trends in 2022 (on different levels of judicial institutions and for different case types).

### INDIVIDUAL INDICATOR VALUES

The following section examines indicator values and the major positive or negative annual changes. In addition, their relationship to trends identifiable in the set of the HJPC’s 2012–2022 time series<sup>30</sup> is presented, where possible. Individual indicator values and their changes are presented primarily as their actual values, in days or number of cases, for ease in readers’ understanding. The 2022 Judicial Effectiveness Index Matrix, shown in Annex I, includes nominal and index-point values for the HJPC administrative dataset, as used in calculation of the Index.

### CASE RESOLUTION TIME AND THE AGE OF UNRESOLVED COURT CASES

In this section, the focus is on the indicators in the Efficiency dimension—specifically, those that measure the average case resolution time<sup>31</sup> and the average age of backlog<sup>32</sup> for each major case type tracked by the HJPC.

The first instance courts succeeded in reducing the average time to resolve cases across five of the six major case types at this level, partially but not fully reversing last year’s increased delays: The duration of commercial enforcement and civil enforcement cases fell by 47 and 19 days, respectively, civil,

<sup>30</sup> While the JEI-BiH was introduced in 2015, the HJPC administrative data used to construct the Index were available beginning in 2012. To expand the basis for analysis, this report presents time series going back to 2012 (where available).

<sup>31</sup> The average time to resolve a case is the sum of the duration (in days) of all cases resolved in 2021, divided by the number of such cases.

<sup>32</sup> The average age of backlog is the sum of the duration (in days) of all unresolved cases (those with “open” status; see Exhibit 54) at the end of 2021, divided by the number of such cases.

administrative, and criminal cases were in turn 10, 4, and 2 days shorter, whereas only commercial cases took 11 days longer to resolve. Overall, the average case resolution time in first instance courts in 2022 varied from 306 days (commercial enforcement) to 391 days (administrative cases).

The age of backlogs in the first instance courts continued to decline in general, bringing four categories to their lowest values since the inception of the JEI-BiH: Commercial and commercial enforcement cases lasted 51 and 45 days less, on average, followed by civil enforcement, civil, and administrative cases (down 37, 22, and 18 days, respectively). This indicator remained unchanged only for the criminal cases category. The average duration of unresolved cases in the first instance courts ranged between 296 days (civil cases) and 567 days (criminal cases).

Over the 2012–2022 period, the average duration of resolved cases and the age of unresolved cases in the first instance courts declined perceptibly for four case types, excluding criminal and administrative cases. Commercial enforcement and civil enforcement case types exhibited the clearest reductions in case resolution times (from 869 and 818 days ten years ago to 306 and 338 days in 2022, or the declines of 65 and 59 percent, respectively) and in the age of backlogs (from 954 and 798 days to 412 and 362 days, or 57 to 55 percent less, respectively). Average resolution time increased only for the administrative cases (from 350 to 391 days, or 12 percent longer). The changes in the average case resolution time and age of backlog in first instance courts are shown in Exhibits 40 and 41.

**Exhibit 40. Average duration of resolved cases (days), first instance courts, 2012–2022**

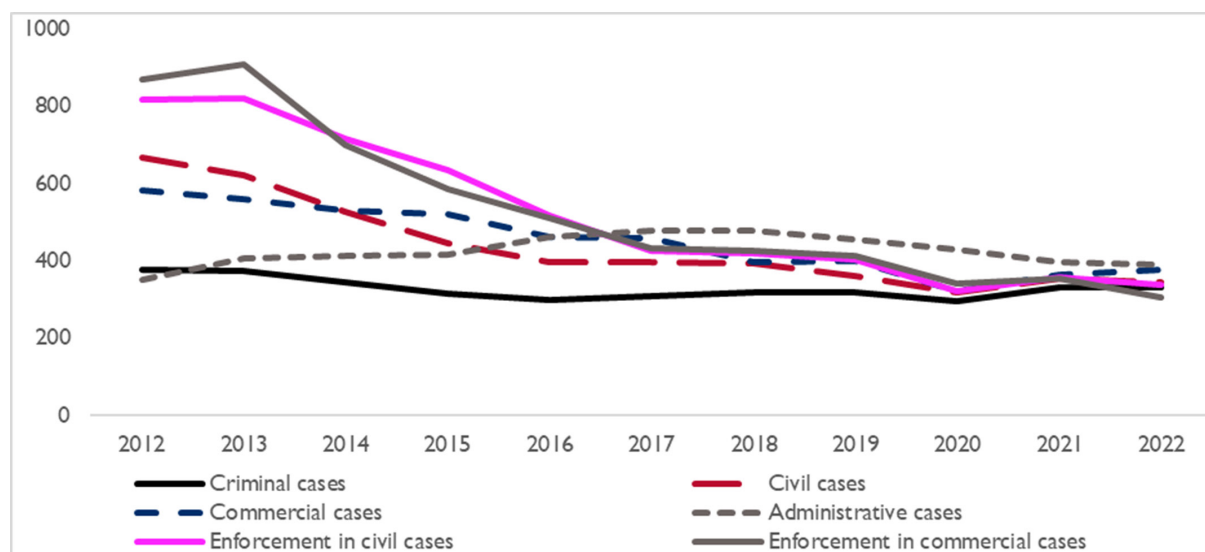
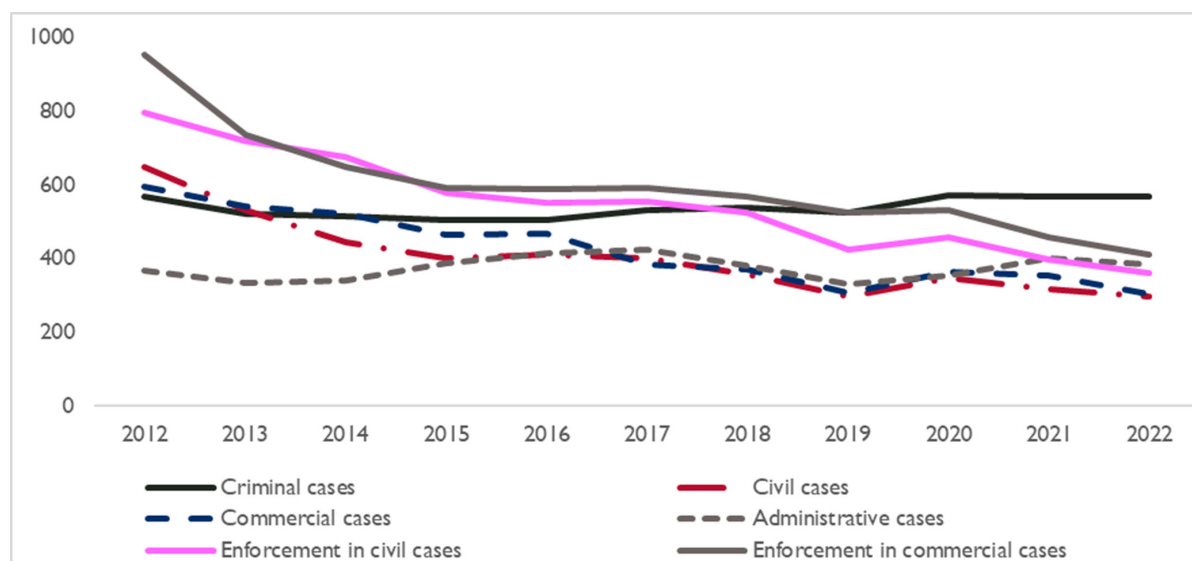


Exhibit 41. Average age of backlog (days), first instance courts, 2012–2022



The second instance courts in 2022 recorded the largest annual improvements since the inception of the JEI-BiH and either considerably shortened the time needed to resolve cases for commercial and administrative appeal cases (by 182 and 106 days, or 28 and 16 percent, respectively), or performed at about the same level for criminal and civil appeal cases. Criminal appeal cases were still the fastest case type resolved by the BiH judiciary (87 days, on average). The other appeal case categories averaged from 474 (commercial appeal) to 559 days (administrative appeal).

The second instance courts made notable improvements in terms of the age of their backlog. The average duration of unresolved cases also generally decreased: The age of commercial appeal cases fell by 126 days (25 percent); for the administrative appeal category, it decreased by 96 days (24 percent), and for civil appeal cases, it shrank by 89 days (14 percent). Only the age of backlog of criminal appeal cases rose slightly, by 11 days (8 percent) to 142 days. The average age of backlog for the other appeal case categories ranged from 299 to 556 days. Both the resolution time and the age of backlog in the second instance courts, except for the criminal appeal cases, still last very long, although the latest year’s considerable improvements deserve to be acknowledged.

Even with the overall improvements achieved by the second instance courts in 2022 (as well as in 2021), both the average time to resolve cases and the duration of unresolved cases were still perceptibly higher than in 2012. Only the average age of the backlog for commercial appeal cases was reduced considerably to 383 days—the lowest value for this category ever recorded by the JEI-BiH. The trends in average duration of case resolution and the age of backlog in second instance courts are shown in Exhibits 42 and 43.

Exhibit 42. Average duration of resolved cases (days), second instance courts, 2012–2022

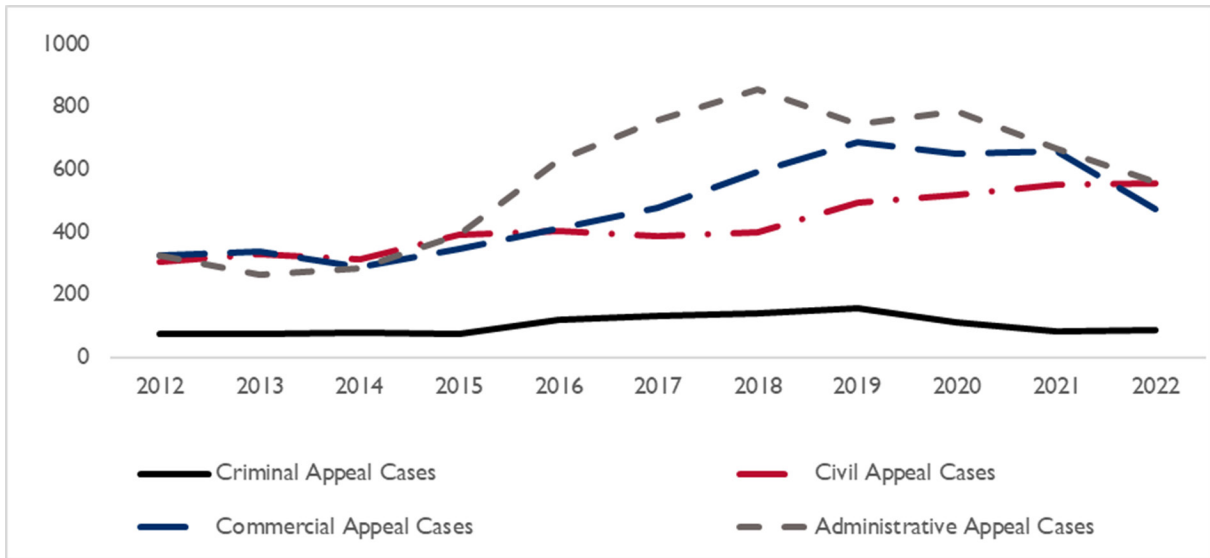
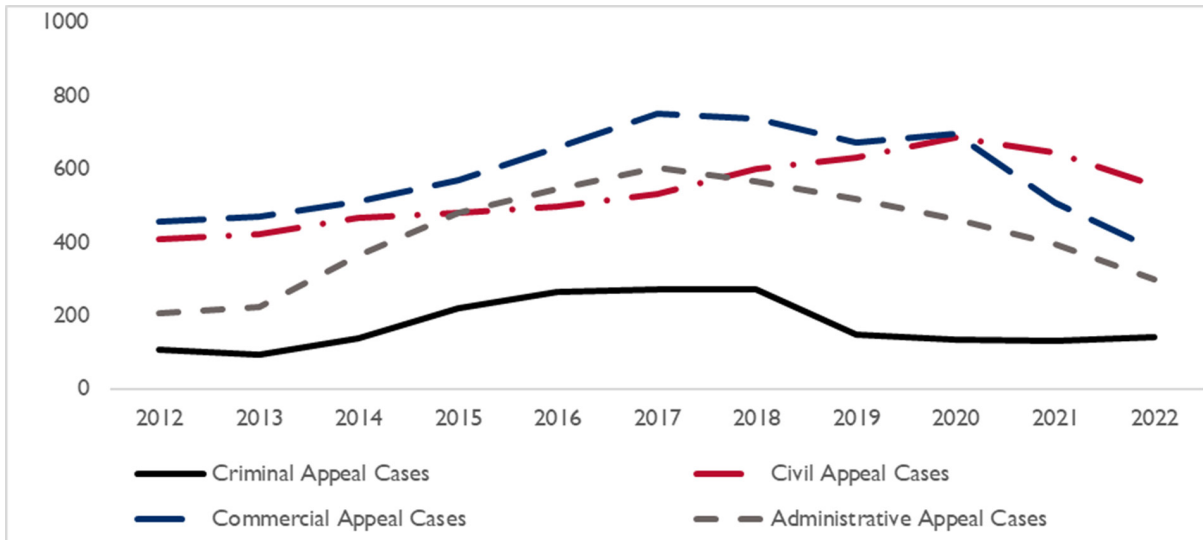


Exhibit 43. Average age of backlog (days), second instance courts, 2012–2022



### CLEARANCE RATES AND COURT BACKLOG

In addition to the duration of resolved and unresolved cases, the JEI-BiH tracks the number of unresolved cases and clearance rates for major case types. Annual clearance rates are calculated by dividing the number of resolved cases with the number of newly received cases in the given year. When clearance rates are above 100 percent, the BiH judicial institutions reduce their case backlogs.

In the first instance courts, clearance rates for civil enforcement, commercial, and commercial enforcement cases were 111, 110, and 109 percent, respectively, but clearance rates for criminal, civil, and administrative cases fell below 100 percent, which led to increases in backlogs for these case types. The overall backlog for first instance courts still declined, led by civil enforcement cases (down 12 percent).

Relative to baseline 2012 values, in 2022 the first instance court backlogs for five of six case types were considerably lower, with the decrease ranging from 4,851 cases (reduced by 39 percent) for criminal cases to 17,550 cases (down by 74 percent) for commercial enforcement cases. The number of administrative cases was also lower than at the inception of the JEI-BiH (by 274 cases, or

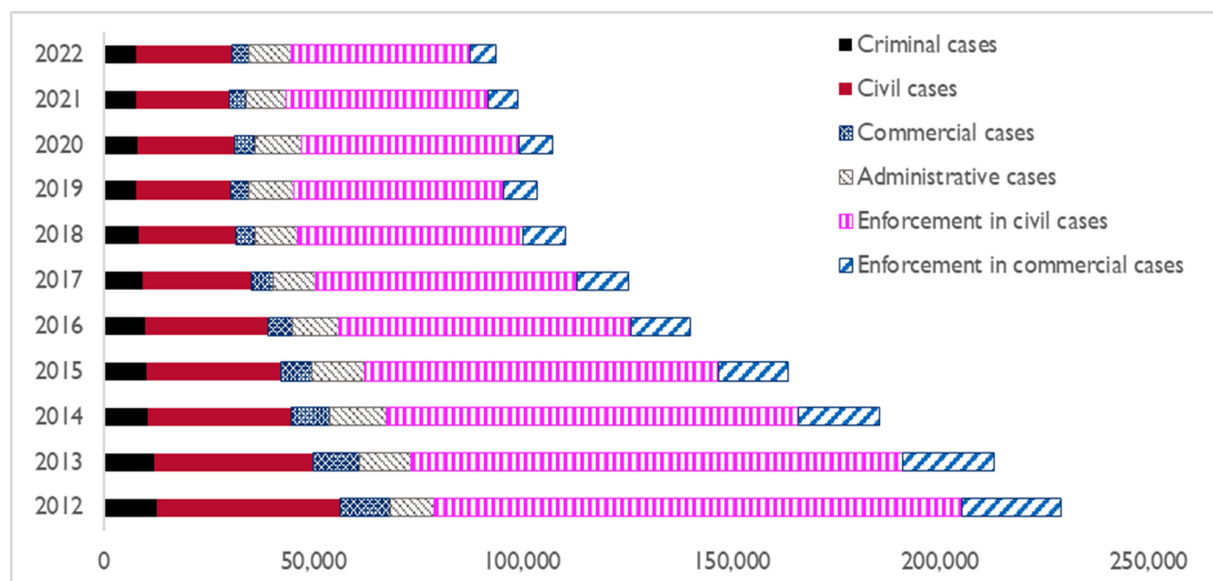
3 percent). Exhibit 44 summarizes clearance rates and Exhibit 45 depicts the extent of backlogs for first instance courts since 2012.

**Exhibit 44. Clearance rates (percent), first instance courts, 2012–2022**

Case type	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Criminal	118%	105%	110%	104%	100%	107%	108%	106%	98%	104%	100%
Civil	123%	118%	113%	106%	110%	112%	112%	103%	97%	104%	97%
Commercial	118%	112%	125%	130%	127%	108%	112%	107%	94%	111%	110%
Administrative	98%	83%	91%	108%	116%	117%	98%	94%	94%	122%	92%
Enforcement Civil	103%	113%	131%	121%	122%	112%	116%	106%	97%	105%	111%
Enforcement Commercial	106%	114%	119%	119%	121%	117%	118%	123%	103%	108%	109%
Enforcement Utility	79%	88%	97%	100%	99%	138%	69%	116%	113%	110%	/

Note: A green circle signifies that the clearance rate for the given case type is above 100 percent, which is a desired result. A red circle denotes that the clearance rate for the given case type is below 100 percent, which is a sign of reduced efficiency.

**Exhibit 45. Backlogs (number of unresolved cases), first instance courts, 2012–2022**



In the second instance courts, the overall backlog in 2022 shrank for the fifth consecutive year and fell to its lowest level ever recorded by the JEI-BiH, while clearance rates were generally well above 100 percent. The backlog of civil appeal cases shrank the most—by 1,609 cases, or 14 percent. The number of unresolved administrative appeal cases also fell by 1,219 cases, a sizable 34 percent reduction. For the commercial appeals category, the decrease was 576 cases, or 24 percent. The second instance courts achieved respectable clearance rates of 162, 126, and 118 percent for the administrative, commercial, and civil appeal cases, respectively.

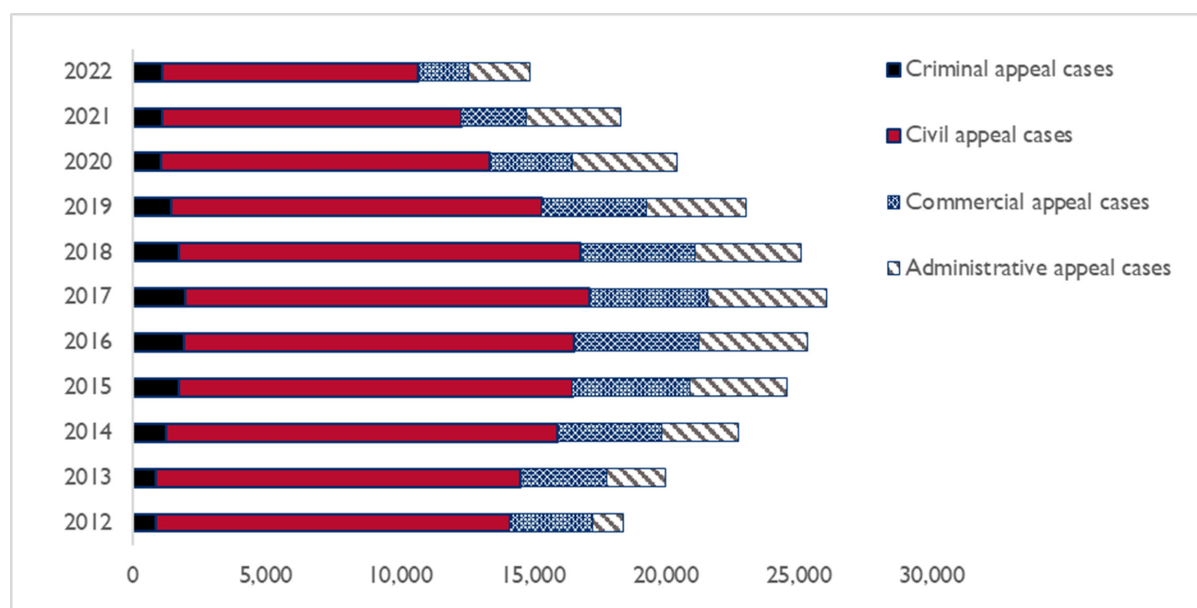
Relative to 2012 values, the extent of the overall backlog declined by 19 percent, driven mainly by a sizable decrease in the number of civil (the numerically largest category) and commercial appeal cases—3,656 and 1,252 cases, or 28 percent and 40 percent less, respectively. The historical values of clearance rates in second instance courts are shown in Exhibit 46, and the graph in Exhibit 47 illustrates how the extent of backlogs has changed since 2012.

**Exhibit 46. Clearance rates (percent), second instance courts, 2012–2022**

Case type	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Criminal Appeal	98%	99%	92%	91%	96%	100%	104%	106%	109%	99%	100%
Civil Appeal	91%	97%	93%	99%	100%	96%	101%	111%	119%	111%	118%
Commercial Appeal	98%	97%	81%	86%	91%	107%	105%	113%	145%	127%	126%
Administrative Appeal	114%	53%	66%	63%	75%	84%	123%	111%	92%	115%	162%

Note: A green circle signifies that the clearance rate for the given case type is above 100 percent, which is a desired result. A red circle denotes that the clearance rate for the given case type is below 100 percent, which is a sign of reduced efficiency.

**Exhibit 47. Backlogs (number of unresolved cases), second instance courts, 2012–2022**



### DURATION OF CASE RESOLUTIONS, AGE OF BACKLOG, BACKLOGS, AND CLEARANCE RATES IN POS

The JEI-BiH tracks the same indicators for POs—the average case resolution time, average age of unresolved cases (age of backlog), number of unresolved cases (backlog), and clearance rates (ratio of resolved cases to newly received cases in a calendar year)—as for the first and second instance courts. In 2022, positive and negative changes for the indicators tracking four major case types in POs were evenly split, relatively limited, and accounted for a very small share of the overall value of the HJPC administrative data indicators for the year.

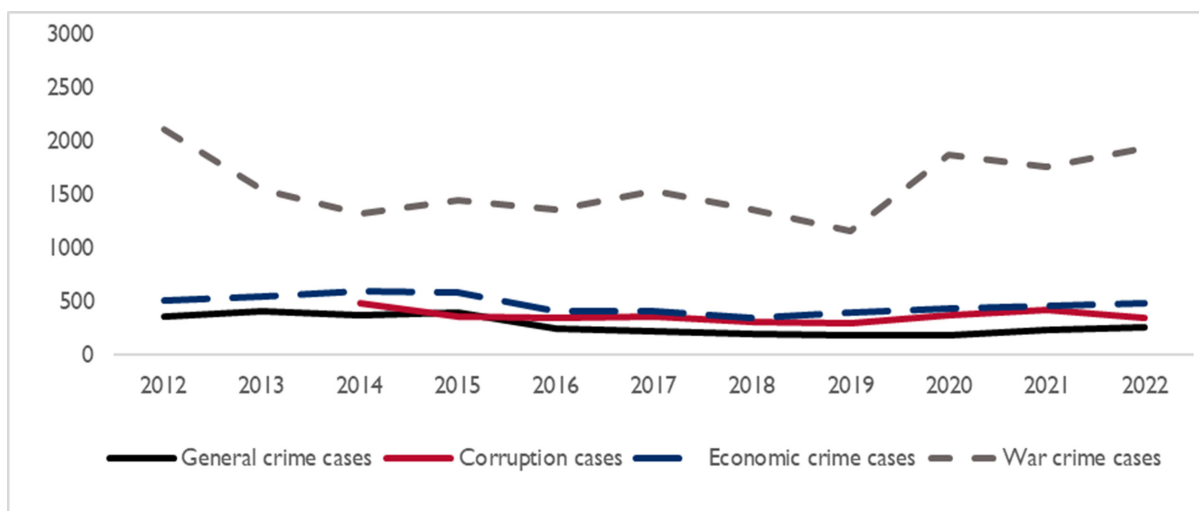
Resolution of cases in POs took longer for three of the four types of cases: War crime cases lasted 173 days (10 percent) longer on average, while other economic crime and general crime cases took

35 and 24 days (8 and 10 percent, respectively) more than one year ago. Only the time to resolve corruption cases was shorter, by 66 days (16 percent). The average duration of unresolved cases in POs declined in 2022—by 105 days (17 percent),<sup>33</sup> 50 days (7 percent), and 21 days (5 percent) for corruption, other economic crime, and general crime cases and increased only for war crime cases, by 391 days, or 13 percent.

In POs, the 2022 changes in the extent of backlogs and clearance rates were evenly split: The clearance rates were 93 percent for general crime and 94 percent for corruption cases, causing appreciable increases in the corresponding backlogs of 1,281 and 69 cases (10 and 9 percent), respectively, and resulting in a 7 percent increase in the overall backlog in POs. In contrast, the clearance rates of 109 and 252 percent<sup>34</sup> reduced the backlogs for other economic crime and war crime cases by 141 and 131 cases (8 and 25 percent), respectively. Inflows to POs slowed, and the number of resolved cases also fell, except for corruption cases, which increased slightly. The changes to backlogs and clearance rates in POs are depicted in Exhibits 48–51.

The BiH judiciary needs to examine the data more closely on clearance rates for war crimes and corruption cases, as well as their case inflows and case resolutions. In 2022, war crime cases recorded a clearance rate of 252 percent; the number of resolved war crime cases was 189, while their inflow was just 75 cases. The total backlog of war crime cases at the end of 2022 was 384 cases. On the other hand, despite reductions in both resolution time and the age of backlog, the clearance rate for corruption cases was only 94 percent. The number of resolved corruption cases increased relative to the previous year (1,073 in 2022 and 1,053 in 2021), in parallel with inflows of cases of this type (1,136 in 2022 vs. 1,098 in 2021).

**Exhibit 48. Average duration of resolved cases (days), POs, 2021–2022**



<sup>33</sup> JACA assisted the HJPC in introducing a new case type for high-profile corruption and organized crime (HCOC) cases in 2021, which ensures that the separate categories of petty and high-profile corruption cases will be clearly distinguishable in the data from 2021 onward.

<sup>34</sup> Note that the exceptionally high clearance rate for war crimes is a consequence of dwindling inflows of cases of this type.

Exhibit 49. Average age of the backlog (days), POs, 2012–2022

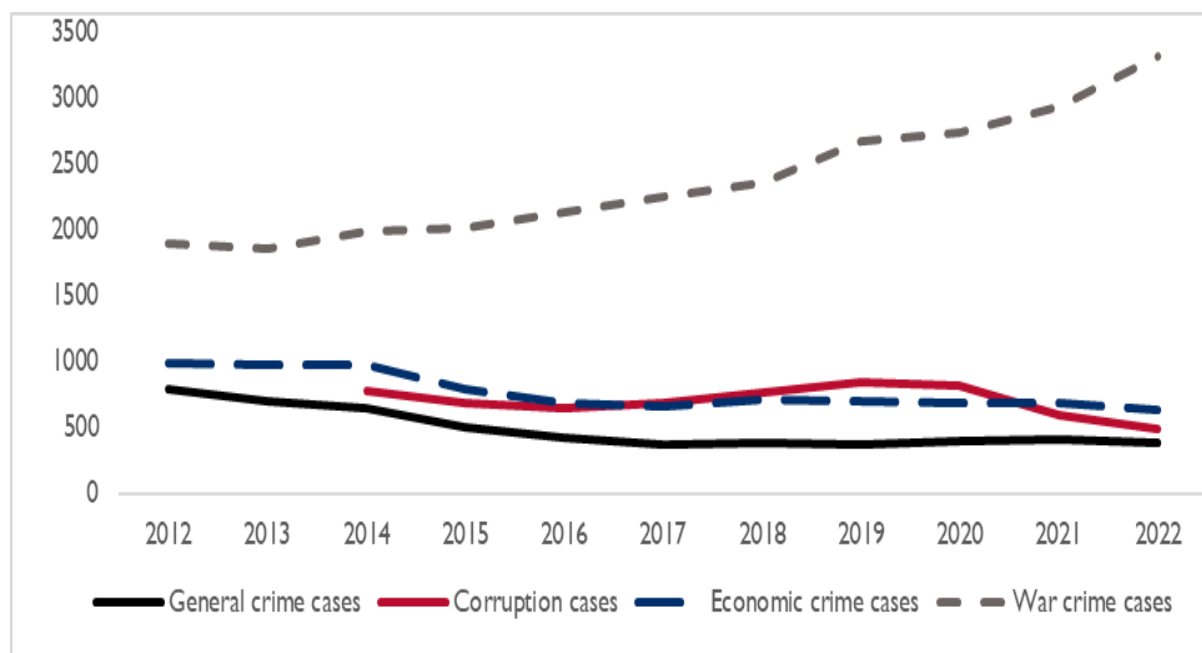


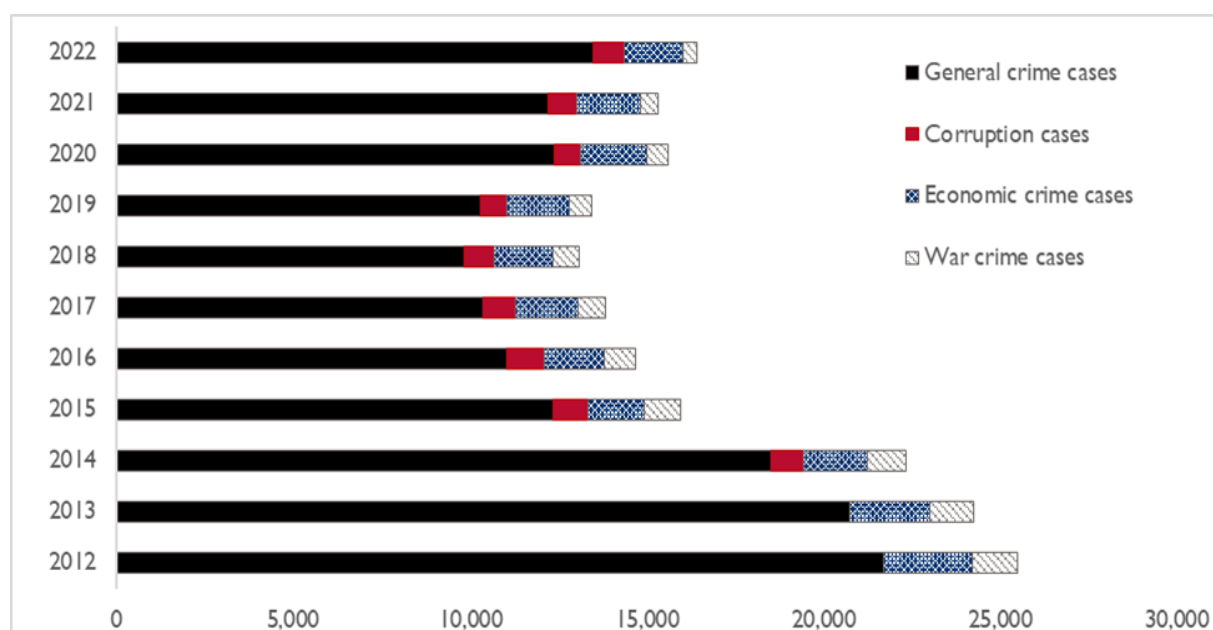
Exhibit 50. Clearance rates (percent), POs, 2012–2022

Case type	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
General Crime	103%	104%	109%	127%	105%	103%	103%	97%	89%	100%	93%
Corruption			83%	91%	96%	111%	110%	110%	101%	96%	94%
Economic Crime, Other	80%	112%	128%	114%	96%	100%	105%	98%	98%	105%	109%
War Crimes	75%	116%	154%	126%	153%	139%	135%	161%	143%	175%	252%

Note: A green circle signifies that the clearance rate for the given case type is above 100 percent, which is a desired result. A red circle denotes that the clearance rate for the given case type is below 100 percent, which is a sign of reduced efficiency.



Exhibit 51. Average extent of the backlog (unresolved cases), POs, 2012–2022



## ADDITIONAL FINDINGS

The Efficiency dimension includes indicators of collective/orientation quotas of judges and prosecutors as well as the number and clearance rate for small-value utility bill collection cases. Confirmation rates of first instance court decisions in criminal, civil, and commercial cases and success of indictments are tracked under the Quality dimension, while the indicator for the success of disciplinary proceedings is part of the Accountability and Transparency dimension. The data for these indicators are compiled manually by the HJPC, and as a result, they are available with a time lag. This means that for the 2022 edition of the JEI-BiH, these indicators capture the relevant information only for 2021, except for the success rate of the disciplinary proceedings indicator, which uses 2022 data.

The collective quotas<sup>35</sup> for judges and prosecutors in 2021 were 109 percent and 105 percent, respectively, exceeding the nominal 100 percent expected performance level. For first instance court decisions in criminal, civil, and commercial cases, confirmation rates were 84 percent, 88 percent, and 90 percent, respectively, while the success rate of indictments was 96 percent. The rate of success of disciplinary procedures—the only manually collected indicator in this subset that uses 2022 data—was 80 percent. Actual and Index values of these indicators are presented in Annex VI with all other HJPC administrative indicators.

## LARGEST CHANGES IN INDIVIDUAL INDICATOR VALUES FROM HJPC ADMINISTRATIVE DATA

Out of the total of 65 HJPC administrative indicators, 40 recorded improvements in value in 2022. By a considerable margin, the clearance rate for war crime prosecutions exhibited the largest

<sup>35</sup> In estimating its productivity in terms of the number of resolved cases, the BiH judiciary relies mainly on the “collective/orientation quota” metric (widely referred to as “the quota”). The quota refers to the number of cases a judge or a prosecutor is expected to resolve in a year. The total number of resolved cases at the end of the year is compared to the number prescribed by the quota, and the percentage of fulfillment of the quota requirement is calculated. The average value for all judges in one court (or prosecutors in one PO) represents the “collective quota” for that court (or PO). The average value for all courts or all POs represents the percentage of the collective quota that has been met for all courts or all POs. The data on quotas are collected by the HJPC with a time lag.

Source: 2018 JEI-BiH, p. 46, <https://www.measurebih.com/uimages/201820JEI20BiH20Report20ENG20with20matrix.pdf>

increase; nevertheless, this exceptional result was only made possible by a precipitous drop in the inflow of new war crimes cases. The only other PO indicator in the top ten was the age of backlog for corruption cases.

In keeping with the overall strong performance by the second instance courts discussed above, eight out of ten indicators with the largest changes were the indicators for this level of judicial institutions. The clearance rate and the age of backlog for administrative appeal cases recorded the strongest improvements. Overall, the top ten performing second instance court indicators included four for the administrative appeal category, three for the commercial appeal cases, and one indicator for the civil appeal case type.

Although 16 first instance court indicators improved, none were in the top ten largest positive changes. Exhibit 52 lists ten HJPC indicators with the largest increases, with corresponding values and annual changes in 2022.

**Exhibit 52. Largest annual increases, indicators from HJPC administrative data, 2022 compared to 2021**

Indicator no.	Indicator	2021 indicator value on 0–100 scale	2022 indicator value on 0–100 scale	Annual indicator value change 2022/2021
I.8.1.3	POs: Clearance Rates – War Crimes	116.67*	168.00*	51.33
I.4.2.4.	Courts: Clearance Rates – Administrative Appeal	76.40	107.77*	31.37
I.3.2.4.	Courts: Number of Unresolved Cases – Administrative Appeal	14.61	43.97	29.36
I.1.2.3.	Courts: Duration of Resolved Cases – Commercial Appeal	-3.44	25.30	28.74
I.1.2.4.	Courts: Duration of Resolved Cases – Administrative Appeal	-14.54	3.71	18.24
I.2.2.4.	Courts: Age of Unresolved Cases – Administrative Appeal	25.22	43.35	18.13
I.2.2.3.	Courts: Age of Unresolved Cases – Commercial Appeal	46.93	60.11	13.18
I.2.2.2.	Courts: Age of Unresolved Cases – Civil Appeal	25.69	35.95	10.26
I.3.2.3.	Courts: Number of Unresolved Cases – Commercial Appeal	64.20	72.62	8.42
I.6.1.2.1.	POs: Age of Unresolved Cases – Corruption	64.11	70.36	6.26

\* Note: In the 2015 JEI-BiH initial methodology,<sup>36</sup> indicators that track clearance rate could have a maximum indicator value of 100 for actual values of a clearance rate of 150 percent. As in the following years, in some extreme situations a few outliers exceeded the envisioned maximum, the JEI-BiH methodology was adjusted,<sup>37</sup> and such indicators received only a maximum indicator value of 100. However, in analyzing changes in indicator values (as presented in the exhibit), it is necessary to compare biggest changes in actual values to rank the biggest changes properly.

<sup>36</sup> See Annex II: Brief Overview of JEI-BiH Methodology. JEI-BiH methodology is explained in detail in the report *Judicial Effectiveness Index of Bosnia and Herzegovina: Methodology and 2015 Results*: [https://measurebih.com/uimages/EN\\_USAID\\_BiH%20JEI\\_FINAL\\_with\\_TABLE\\_incorporated\\_ENG.pdf](https://measurebih.com/uimages/EN_USAID_BiH%20JEI_FINAL_with_TABLE_incorporated_ENG.pdf).

<sup>37</sup> See the *Judicial Effectiveness Index of Bosnia and Herzegovina: 2016 Report*, Methodological Changes in the 2016 Index Compared to the 2015 Index section, p. 6, [https://www.measurebih.com/uimages/JEI-BiH\\_2016ENG.pdf](https://www.measurebih.com/uimages/JEI-BiH_2016ENG.pdf).

Although the negative changes among the HJPC administrative indicators were generally smaller, one notable exception was the clearance rate for the first instance courts' administrative cases, which declined from the previous year's strong showing of 122 percent to 92 percent in 2022. Overall, six of ten indicators that recorded the steepest declines in 2022 were PO indicators, and three indicators were those that tracked the performance of the first instance courts. Exhibit 53 shows the full list of HJPC indicators that recorded the largest negative changes in 2022.

**Exhibit 53. Largest annual declines, indicators from HJPC administrative data, 2022 compared to 2021**

Indicator no.	Indicator	2021 indicator value on 0–100 scale	2022 indicator value on 0–100 scale	Annual indicator value change 2022/2021
1.4.1.4.	Courts: Clearance Rates – Administrative Cases	81.20	61.33	-19.87
1.6.1.3	POs: Age of Unresolved Cases – War Crimes	23.45	13.24	-10.21
1.5.1.3	POs: Duration of Resolved Cases – War Crimes	46.96	41.78	-5.18
1.2.2.1.	Courts: Age of Unresolved Cases – Criminal Appeal	42.43	37.60	-4.83
1.8.1.1	POs: Clearance Rates – General Crime	66.99	62.18	-4.81
1.7.1.2.1.	POs: Number of Unresolved Cases – Corruption	44.76	40.04	-4.72
1.4.1.2.	Courts: Clearance Rates – Civil Cases	69.12	64.87	-4.25
1.3.1.4.	Courts: Number of Unresolved Cases – Administrative Cases	61.40	58.16	-3.25
1.5.1.2.2.	POs: Duration of Resolved Cases – Economic Crime	59.03	55.86	-3.18
1.5.1.1	POs: Duration of Resolved Cases – General Crime	69.76	66.60	-3.16

### ADDITIONAL HJPC ADMINISTRATIVE DATA

In addition to the data used to calculate the JEI-BiH, other administrative data provided by the HJPC enable MEASURE II to better understand the environment and conditions in which the BiH judiciary operates. These data include the inflows of new cases, the number of cases resolved, and data about the resources available to the judiciary: the budgets for courts and POs and the number of judges, prosecutors, and support staff.

### CASE INFLOWS, 2012–2022

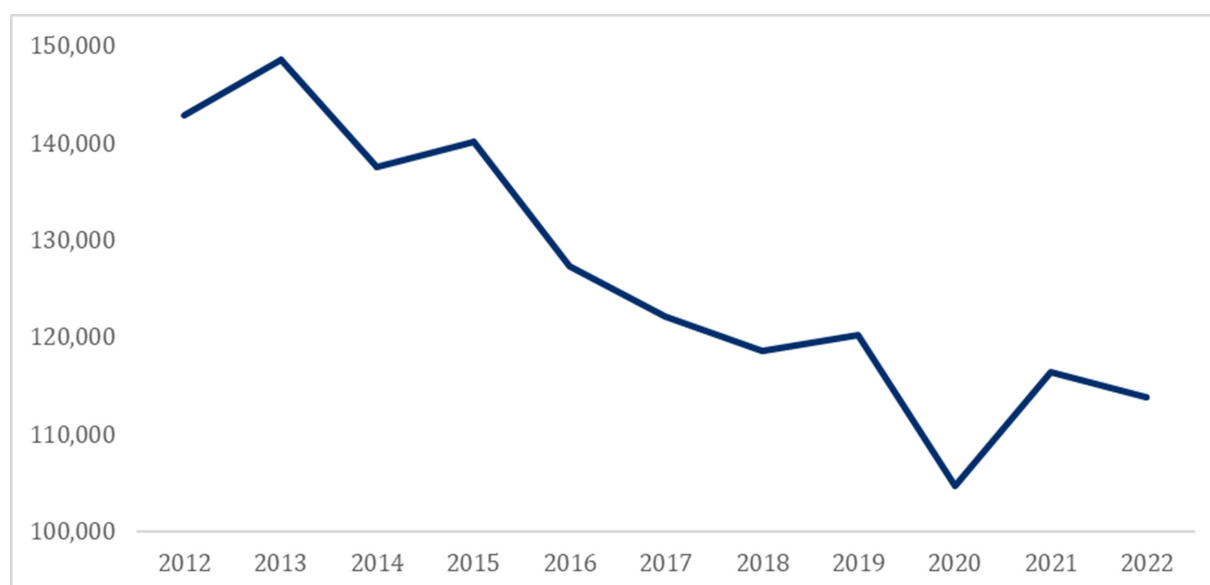
Following last year's increase, the case inflows in the BiH judiciary slowed again in 2022. The inflows to the first instance courts were 2 percent lower than in 2021 (down to 113,806 from 116,379). The combined decline in the number of new cases was shaped by modest declines for criminal, commercial and civil enforcement, and commercial cases (by 2, 3, 6, and 6 percent, respectively), although the inflows of administrative and civil cases still rose, by 16 and 3 percent, respectively. When compared to the data for the earliest available year (2012), the overall inflows to first instance

courts were 20 percent lower. The historical trends for case inflows to the first instance courts since 2012 are summarized in Exhibit 54 and illustrated in Exhibit 55.

**Exhibit 54. Changes in inflow levels, first instance courts, 2022 compared to 2021 and 2012**

Judicial institution	Case type	Inflow 2012	Inflow 2021	Inflow 2022	Change in inflow levels in 2022 vs. 2012 (percent)	Change in inflow levels in 2022 vs. 2021 (percent)
First instance courts	Criminal cases	14,853	8,747	8,612	-42%	-2%
	Civil cases	32,441	24,723	25,371	-22%	3%
	Commercial cases	9,016	4,589	4,294	-52%	-6%
	Administrative cases	10,118	8,408	9,785	-3%	16%
	Enforcement of civil cases	62,382	60,451	56,595	-9%	-6%
	Enforcement of commercial cases	13,967	9,461	9,149	-34%	-3%
	<b>TOTAL</b>		<b>142,777</b>	<b>116,379</b>	<b>113,806</b>	<b>-20%</b>

**Exhibit 55. Total case inflows, first instance courts, 2012–2022**

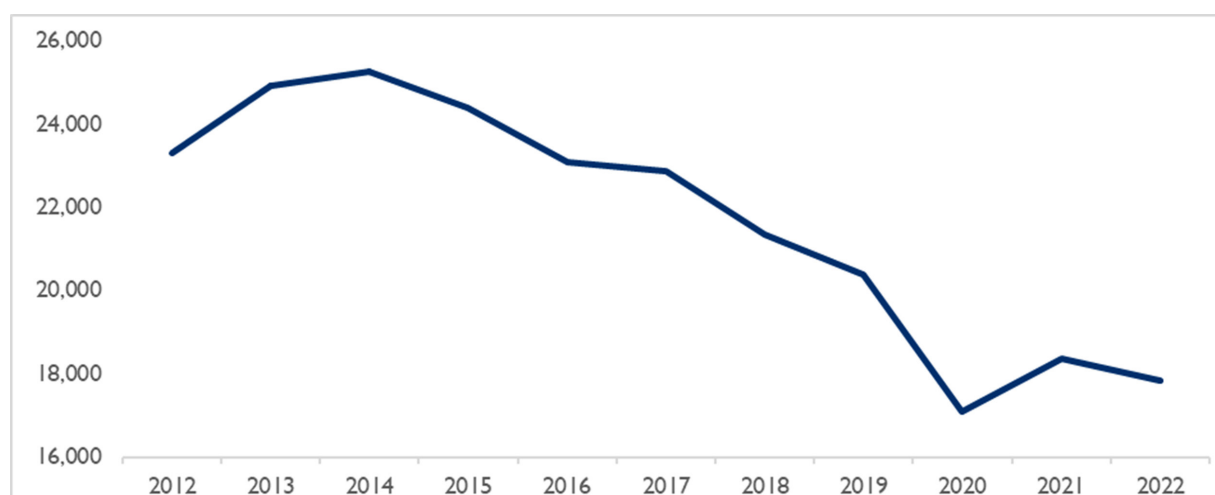


The 2022 inflows to the second instance courts were down (3 percent), although the performance of individual case types varied: The number of new administrative appeal cases fell by 15 percent, and the civil appeal cases dipped by a mere 2 percent. The intake of criminal appeal cases remained virtually unchanged, while for commercial appeal cases it rose by just 1 percent. Relative to the data for the 2012 inflows, the total for the second instance courts in 2022 was 23 percent lower. Exhibits 56 and 57 present an overview of case inflow historical trends since 2012 for second instance courts.

Exhibit 56. Changes in inflow levels, second instance courts, 2022 compared to 2012

Judicial institution	Case type	Inflow 2012	Inflow 2021	Inflow 2022	Change in inflow levels in 2022 vs. 2012 (percent)	Change in inflow levels in 2022 vs. 2021 (percent)
Second instance courts	Criminal appellate cases	4,492	4,868	4,865	8%	0%
	Civil appellate cases	14,065	8,941	8,757	-38%	-2%
	Commercial appellate cases	3,333	2,228	2,242	-33%	1%
	Administrative appellate cases	1,422	2,342	1,982	39%	-15%
	TOTAL	23,312	18,379	17,846	-23%	-3%

Exhibit 57. Total case inflows, second instance courts, 2012–2022



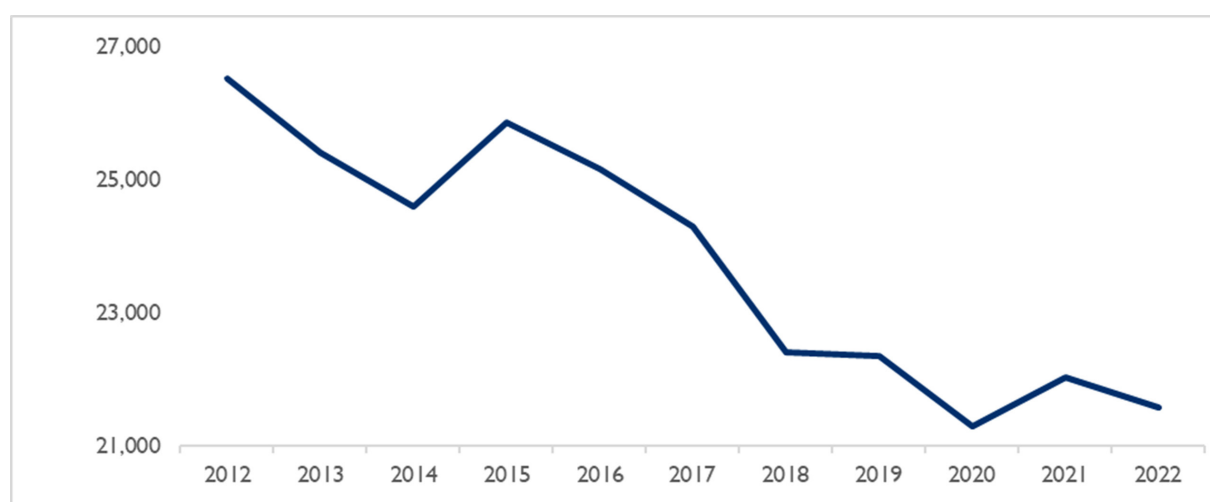
In 2022, the decline of inflows of PO cases resumed, after the last year’s interruption, at a rate of 2 percent. The decreases in the number of new cases were small for economic crime and general criminal cases (3 and 2 percent, respectively), while the 33 percent drop in the new war crimes did not perceptibly alter the overall result because this type of case accounted for only 0.35 percent of all new PO cases. Corruption cases were the only category of PO cases that recorded an increase (3 percent). Relative to the earliest data available (2012), the overall 2022 inflow to POs was 19 percent lower. Exhibits 58 and 59) describe historical case inflows to POs since 2012 (2015<sup>38</sup>).

<sup>38</sup> Due to changes in the definitions of corruption crime cases by the HJPC in 2014 and 2015, and the subsequent misalignment of data with the updated definitions in CMS/TCMS, a comparison of the inflows of corruption and economic crime cases in 2022 and 2012 is not reliable. Therefore, the analysis for POs’ inflow is based on reliable data that were available from 2015 onward.

Exhibit 58. Changes in inflow levels, POs, 2021 compared to 2012 (2015) and 2020

Judicial institution	Case type	Inflows				Change in inflow levels (percent), 2022 vs. 2021		
		2012	2015	2021	2022	2012	2015	2021
POs	General crime cases	25,975	N/A	19,245	18,839	-27%	N/A	-2%
	Corruption cases	N/A	1,138	1,098	1,136	N/A	0%	3%
	Other economic crime cases	N/A	1,704	1,586	1,537	N/A	-10%	-3%
	War crime cases	563	N/A	112	75	-87%	N/A	-33%
	TOTAL	26,538	N/A	22,041	21,587	-19%	N/A	-2%

Exhibit 59. Changes in inflow levels, POs, 2012–2022



### CASE RESOLUTIONS, 2012–2022

The BiH judiciary did not quite sustain last year’s strong performance in resolving its cases: In 2022, the overall number of resolved cases fell by 3 percent.

Because the first instance courts accounted for nearly three-quarters of the overall number of resolved cases,<sup>39</sup> the 3 percent decrease in the number of cases they resolved for the most part shaped the overall change. The drop of 8 percent in the number of resolved PO cases was partially offset by the 5 percent increase in the resolution of the second instance court cases. Compared to 2012, the overall number of resolved cases in 2022 was down 22 percent.

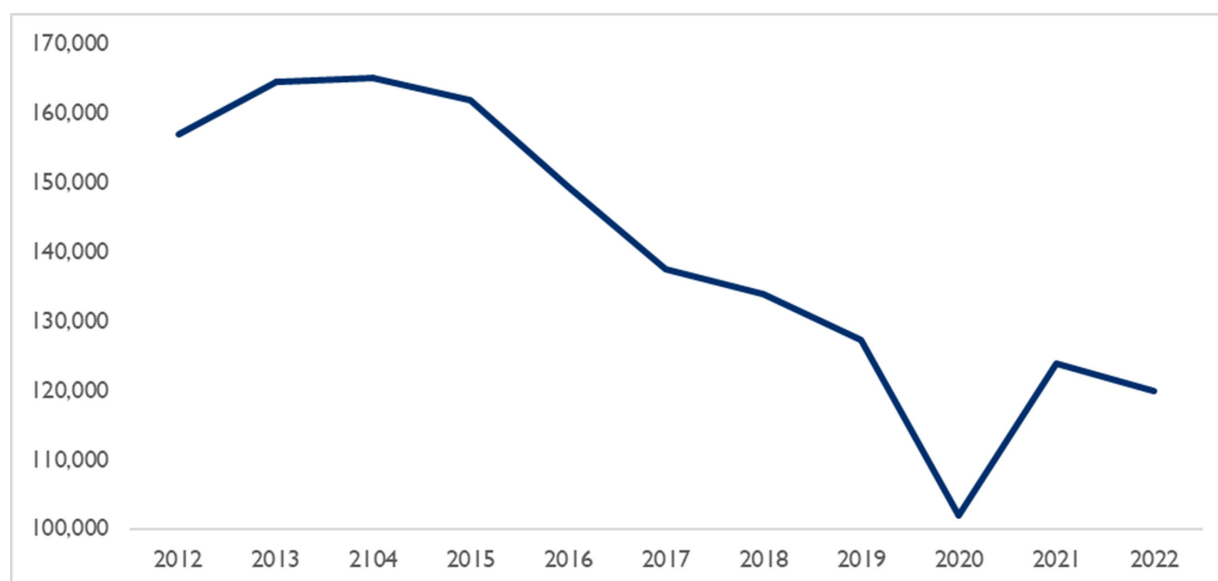
In the first instance courts, case resolution was moderately slower, with the biggest drop recorded for administrative cases (12 percent). Other case types in the first instance courts exhibited more modest declines: from 7 and 6 percent for commercial and criminal cases, respectively, to 4 percent for civil cases, 3 percent for commercial enforcement, and 1 percent for civil enforcement categories. Historical trends in case resolution for the first instance courts since 2012 are shown in Exhibit 60 and illustrated in Exhibit 61.

<sup>39</sup> The number of resolved first instance court cases constituted 74 percent of all case resolutions in 2022.

Exhibit 60. Changes in the number of resolved cases, first instance courts, 2022 compared to 2012 and 2021

Judicial institution	Case type	Case resolutions 2012	Case resolutions 2021	Case resolutions 2022	Change in number of resolved cases, 2022 vs. 2012 (percent)	Change in number of resolved cases, 2022 vs. 2021 (percent)
First instance courts	Criminal cases	17,507	9,080	8,570	-51%	-6%
	Civil cases	40,052	25,631	24,687	-38%	-4%
	Commercial cases	10,624	5,077	4,739	-55%	-7%
	Administrative cases	9,904	10,241	9,002	-9%	-12%
	Enforcement of civil cases	64,195	63,668	62,967	-2%	-1%
	Enforcement of commercial cases	14,774	10,241	9,938	-33%	-3%
	TOTAL	157,056	123,938	119,903	-24%	-3%

Exhibit 61. Number of resolved cases, first instance courts, 2012–2022



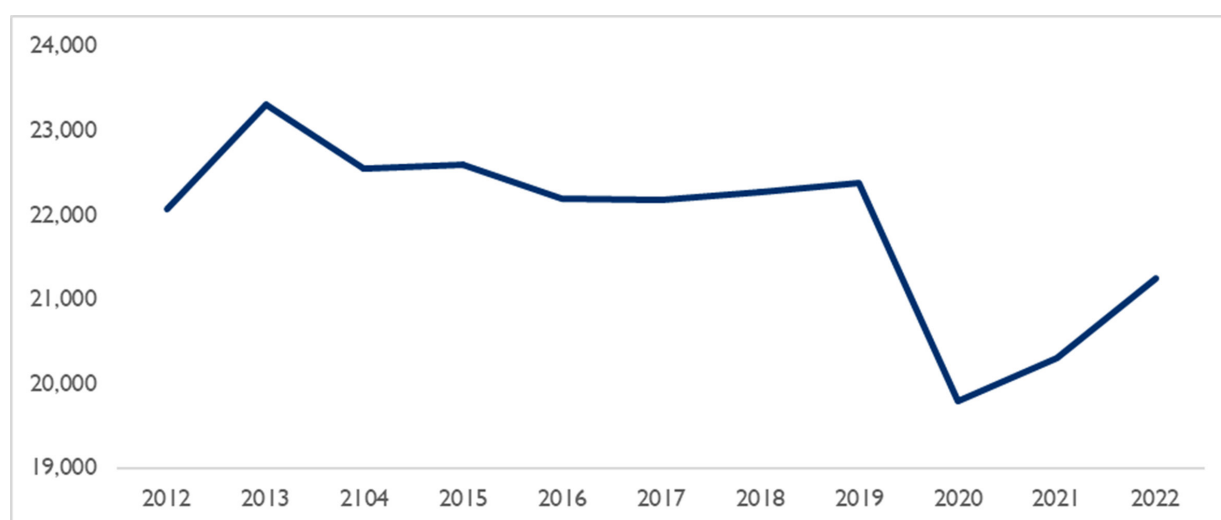
By combining a continuing increase in the number of resolved cases (by 5 percent) with a 3 percent decline in inflows, in 2022 the second instance courts produced a respectable clearance rate of 119 percent. This solid performance was driven both by a 19 percent increase in the number of resolved administrative appeal cases and by a 4 percent rise in the resolution of civil appeal cases.<sup>40</sup> For criminal appeal case types, the number of resolved cases remained unchanged (0 percent), and commercial appeal case types rose by just 1 percent. Relative to the 2012 baseline, the second instance courts exhibited a moderate (4 percent) decline in the case resolution overall. Historical changes in the number of resolved cases are shown in Exhibits 62 and 63.

<sup>40</sup> Civil appeal cases constitute nearly 49 percent of all cases in the second instance courts.

Exhibit 62. Changes in the number of resolved cases, second instance courts, 2021 compared to 2012 and 2020

Judicial institution	Case type	Case resolutions 2012	Case resolutions 2021	Case resolutions 2022	Change in number of case resolutions, 2022 vs. 2012 (percent)	Change in number of case resolutions, 2022 vs. 2021 (percent)
Second instance courts	Criminal appellate cases	4,417	4,833	4,866	10%	1%
	Civil appellate cases	12,768	9,959	10,353	-19%	4%
	Commercial appellate cases	3,274	2,831	2,824	-14%	0%
	Administrative appellate cases	1,618	2,684	3,204	98%	19%
	TOTAL	22,077	20,307	21,247	-4%	5%

Exhibit 63. Number of resolved cases, second instance courts, 2012–2022



In 2022, the POs resolved 8 percent fewer cases than a year before. This result was the second lowest annual case resolution total since 2012. The change was again driven by the 9 percent decline in the resolution of general crime cases.<sup>41</sup> The war crimes cases also shrank by 4 percent, although this decrease had much less impact on the total PO case resolution because this type of cases constitutes less than 1 percent of the PO total. The 2022 annual changes in resolving corruption cases and other economic crime cases in POs were positive, but at 2 and 1 percent, respectively, only marginally so. The overall number of cases resolved by POs was 36 percent lower than in 2015.<sup>42</sup> The case resolution indicators in POs with historical values are presented in Exhibits 64 and 65.

<sup>41</sup> General crime cases accounted for 86 percent of all cases in POs in 2022.

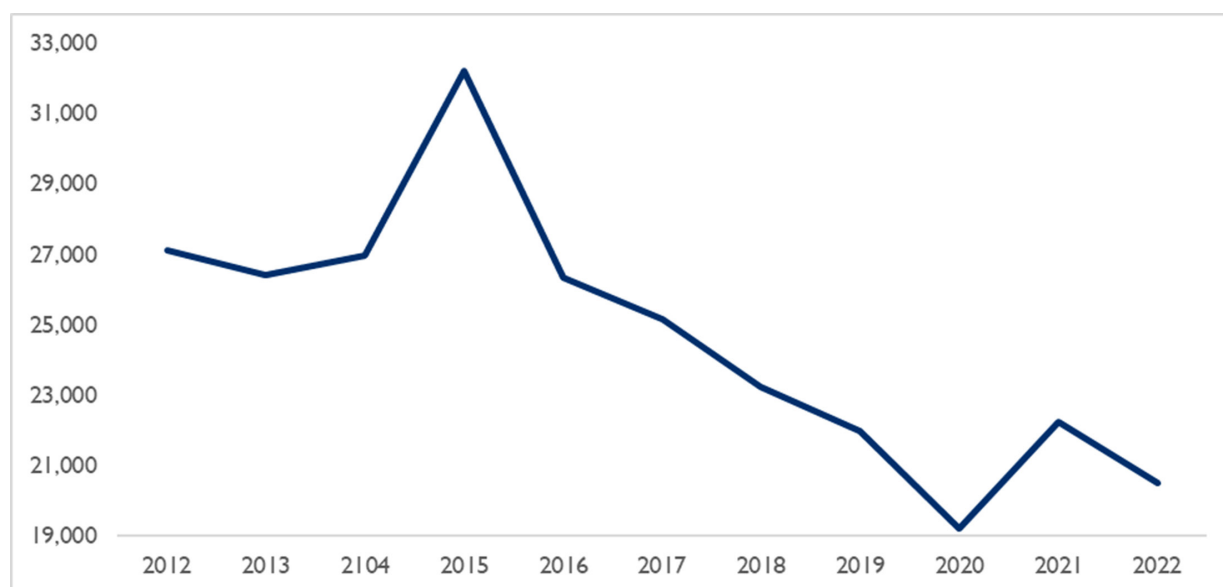
<sup>42</sup> Due to changes in the definitions of corruption crime cases by the HJPC in 2014 and 2015, and the subsequent misalignment of data with the updated definitions in CMS/TCMS, a comparison of the number of resolved corruption and economic crime cases in 2022 and 2012 is not reliable. Therefore, the analysis for POs' inflow is based on reliable data that were available from 2015 onward.



Exhibit 64. Changes in the number of resolved cases, POs, 2022 compared to 2012 (2015) and 2021

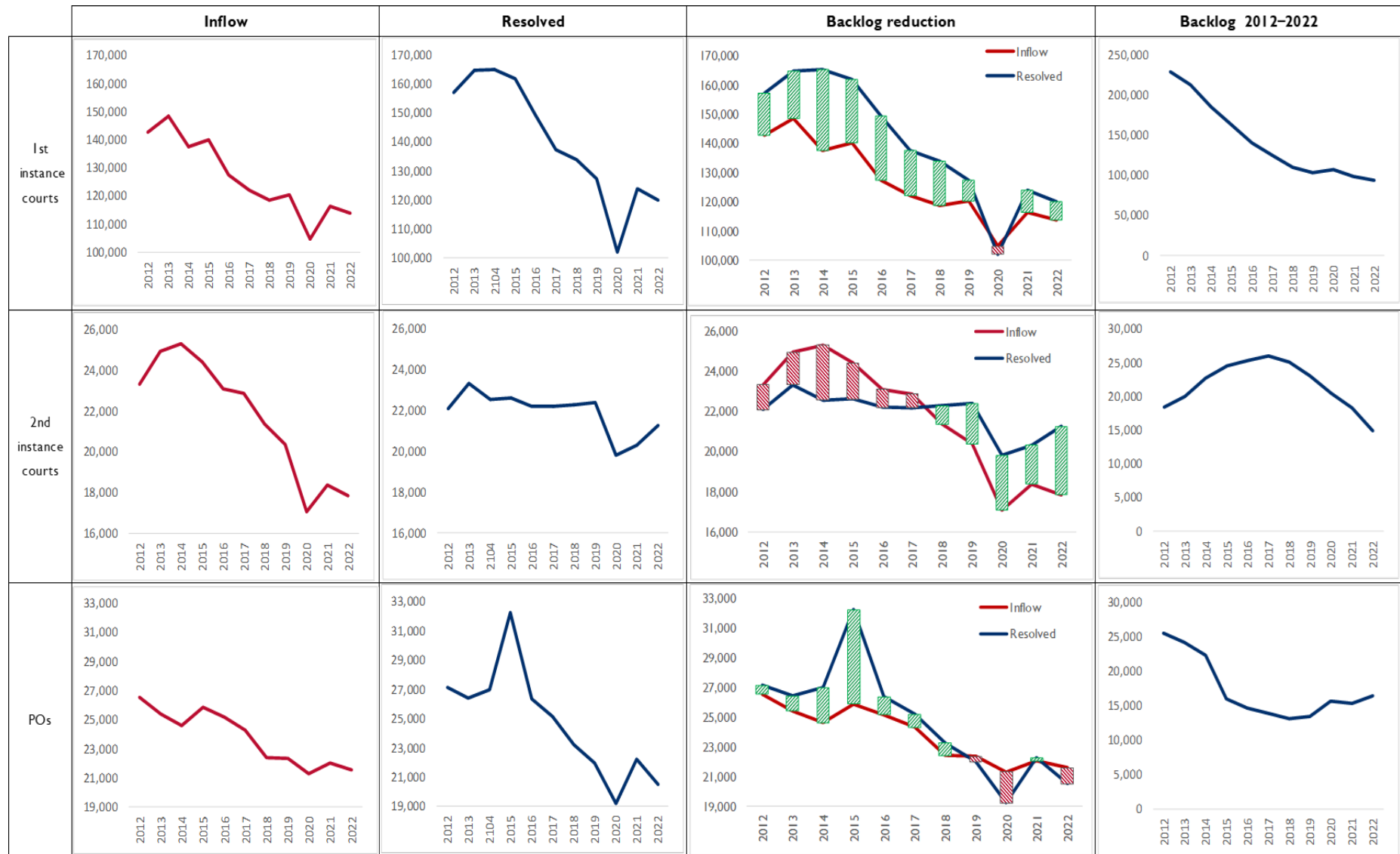
Judicial institution	Case type	Case resolutions				Change in number of resolved cases (percent), 2022 to:		
		2012	2015	2021	2022	2012	2015	2021
POs	General crime cases	26,717	28,906	19,337	17,571	-34%	-39%	-9%
	Corruption cases	N/A	1,040	1,053	1,073	N/A	3%	2%
	Other economic crime cases	N/A	1,940	1,670	1,679	N/A	-13%	1%
	War crime cases	424	363	196	189	-55%	-48%	-4%
	TOTAL	27,141	32,249	22,256	20,512	N/A	-36%	-8%

Exhibit 65. Number of resolved cases, POs, 2012–2022



Despite disparate changes in overall case inflows and resolutions, in 2022 the overall case backlog declined by 6 percent. The second instance courts achieved a reduction of 19 percent, while the first instance courts cut 5 percent of their backlog. The backlog in POs rose by 7 percent. Exhibit 66 shows the trends in inflows, case resolutions, and extent of backlogs for first and second instance courts and POs.

Exhibit 66. Case inflow, resolution, and backlog trends in courts and POs, 2012–2022



## ADDITIONAL DATA, RESOURCES 2012–2022

This section of the JEI-BiH report presents the budget and staffing data, which were also made available by the HJPC. After modest increases in the previous year, the budgets for courts and POs rose more sharply in 2022, by 14 and 12 percent respectively, continuing the general upward trend since 2012. The number of judges declined by about 2 percent, and the number of prosecutors remained unchanged. The number of support staff in courts and POs rose by around 1 percent. The historical data on court and PO resources are shown in Exhibit 67 and illustrated in Exhibits 68–70.

**Exhibit 67. Resources available to courts and POs, 2012–2022**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Court budgets (in BAM million)	165	172	174	177	178	182	191	205	199	203	232
PO budgets (in BAM million)	42	43	47	49	50	52	57	58	57	60	67
Total number of judges	1,073	1,098	1,102	1,088	1,108	1,017	1,013	1,100	1,093	1,073	1,055
Total number of prosecutors	310	328	360	365	380	377	377	372	358	361	361
Number of support staff in courts	3,098	3,239	3,352	3,420	3,253	3,474	3,316	3,535	3,377	3,401	3,449
Number of support staff in POs	665	687	668	744	803	700	752	821	810	830	836

**Exhibit 68. Adopted court and PO budgets (BAM), 2012–2022**

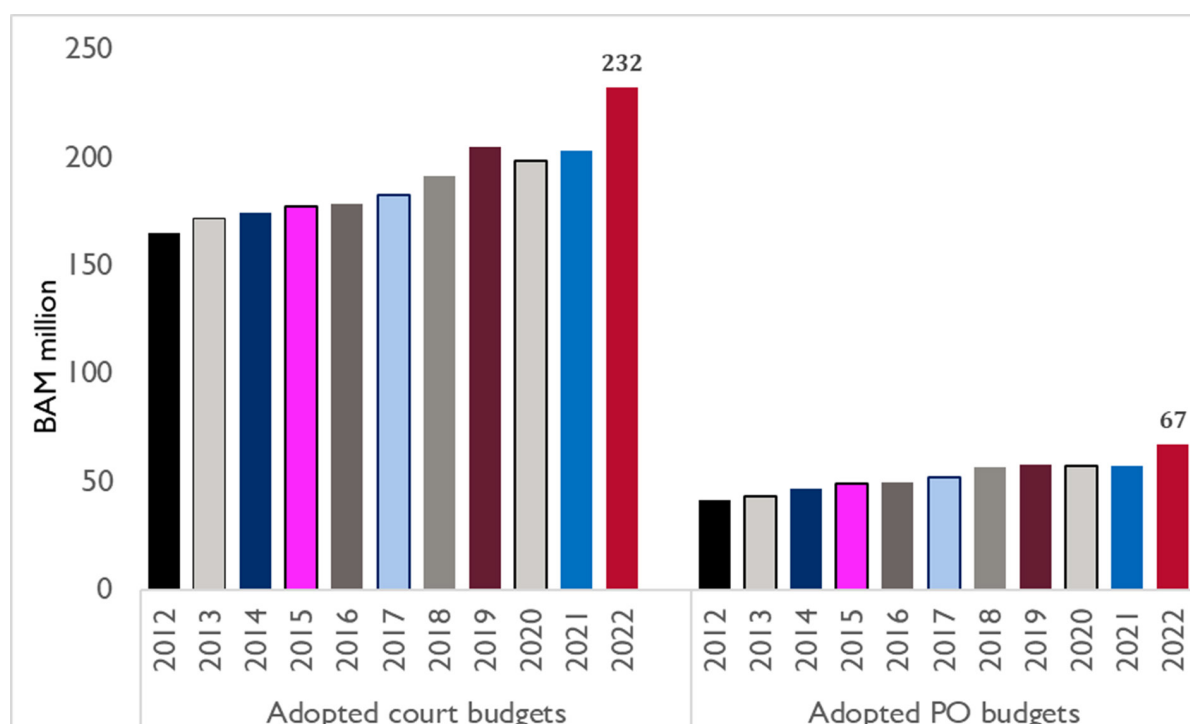


Exhibit 69. Total number of judges and prosecutors, 2012–2022

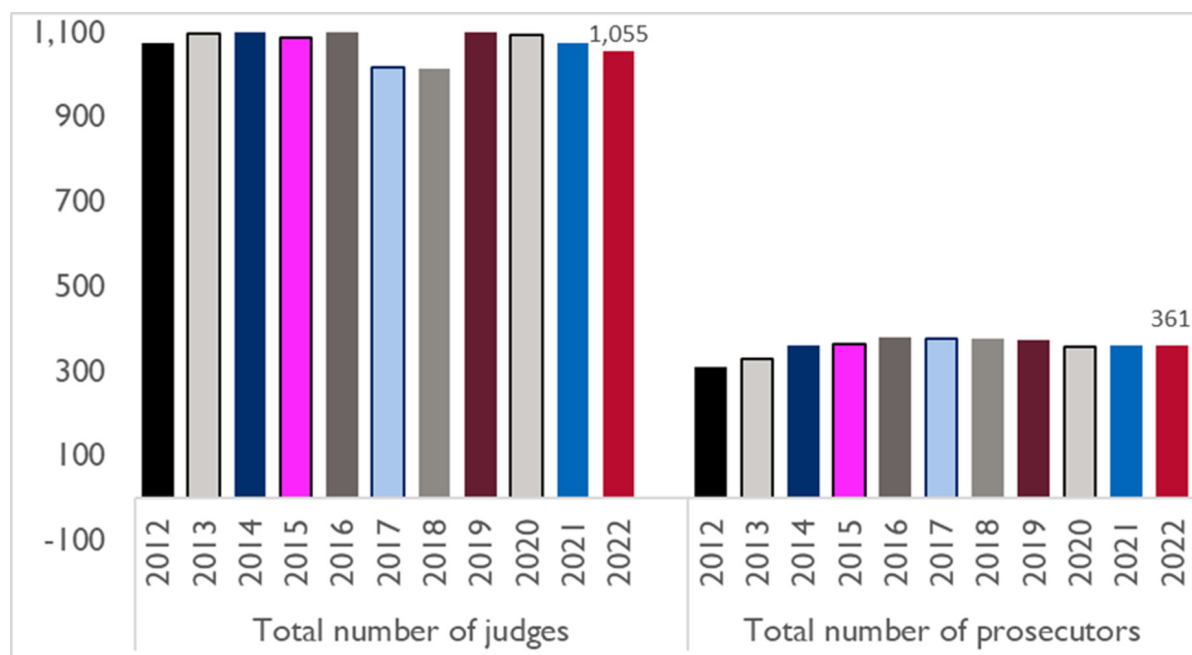
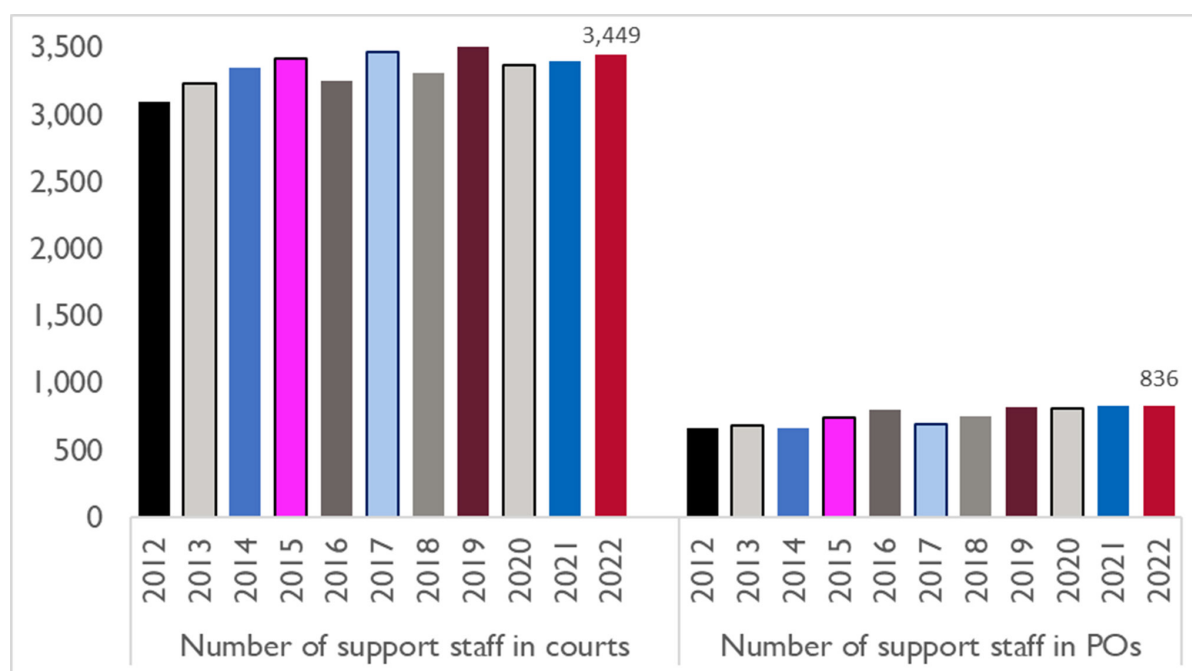


Exhibit 70. Total number of support staff in courts and POs, 2012–2022



Relative to ten years ago (2012), the resources available to judicial institutions generally were considerably higher in 2022. The budgets for courts and POs increased by 41 and 60 percent, respectively. The number of prosecutors increased 16 percent, while the numbers for support staff in courts and POs increased by 11 and 26 percent, respectively. Only the number of judges declined (by 2 percent). The comparison of budget and resource levels between 2012 and 2022 is summarized in Exhibit 71.

All changes in the BiH judicial institutions discussed herein occurred in an environment of increasing budgets for both courts and POs, while the staffing levels in the BiH judiciary remained broadly the same as in previous years.

## Exhibit 71. Resources available to courts and POs, 2022 compared to 2012

	Increases in resource levels, 2022 vs. 2012
Court budgets	41%
PO budgets	60%
Number of judges	-2%
Number of prosecutors	16%
Number of support staff in courts	11%
Number of support staff in POs	26%

### CONCLUSIONS: HJPC ADMINISTRATIVE DATA

The total actual value of the indicators from the HJPC’s administrative dataset in 2022 was 22.26 (67.50 percent of the potential maximum value), 0.68 index points (3.17 percent) more than in 2021, which was the single largest nominal increase of the three JEI-BiH data sources in 2022, the largest annual increase in the total value, and the highest level reached by the HJPC administrative dataset indicators since the inception of the Index. The increase in the total value of the HJPC data-based indicators was the main driver of the overall rise of the JEI-BiH in 2022.

For the most part, the first instance courts managed to reduce the average time to resolve cases (except for the commercial case category), and the age of backlogs generally continued to decline. However, the first instance courts failed to sustain clearance rates above 100 percent for criminal, civil, and administrative cases, which caused the backlogs of these case types to increase. The overall backlog in the first instance courts still declined, led by a decrease in the backlog of civil enforcement cases. Unfortunately, in 2022 the first instance courts again resolved fewer cases and reverted to the negative trend in case resolutions as in 2015–2020. The number of resolved cases in the first instance courts decreased even in the context of slower inflows, which is a prompt for the BiH judiciary to act urgently to reverse further deterioration. It is even more important to improve case resolution times because the time to resolve cases in the first instance courts is still long, averaging between 306 and 391 days (and between 296 and 567 days for backlogged cases). The persistent issue of unresolved utility enforcement cases continued to plague the first instance courts, with the number of unresolved utility cases<sup>43</sup> remaining above 1.7 million.

In 2022, the second instance courts recorded the largest annual improvements since the JEI-BiH was first launched, substantially reducing the resolution time<sup>44</sup> for commercial and administrative appeal cases, while performing at about the same level as last year on criminal and civil appeal cases. The average age of unresolved cases also broadly declined. In addition, the second instance courts exceeded the 100 percent clearance rate for all appeal case types and were the only level of judicial institutions that recorded an increased number of resolved cases in 2022. Taking advantage of slower inflows (a circumstance common to all levels of judicial institutions in 2022), this improved performance in case resolution resulted in substantial reductions in the extent and the age of their backlogs. The backlogs in the second instance courts decreased for the

<sup>43</sup> A special HJPC administrative indicator tracking the particularly numerous category of utility bills non-payment cases.

<sup>44</sup> Case resolution refers to the number of cases resolved in a calendar year.

fifth consecutive year and reached their lowest level ever recorded by the JEI-BiH. This achievement deserves to be acknowledged. However, while criminal appeal case processing could serve as a benchmark for the BiH judiciary in efficient case resolution (processing criminal appeal cases takes 87 days on average), the time to resolve all other appeal case types is still long (between 474 and 559 days) and needs to be cut further.

In POs, changes in indicator values were mixed in 2022, and combined PO indicator values contributed very little to the overall value of the HJPC administrative data indicators for the year. A careful analysis of PO indicators was necessary to understand the divergent results that POs achieved in 2022.

Apart from corruption cases, resolution times for major PO case types took longer. On the other hand, with the exception of war crimes, the age of backlog was reduced for all other PO case types. This means that of all types of cases in POs, in 2022 only corruption cases exhibited improvements in both categories. The average duration of backlogged corruption cases declined for the third consecutive year and reached a new record low for this case type since 2015.

The 2022 changes in the size of backlogs and clearance rates were also split, which produced opposing effects on the overall backlog in POs. The clearance rate for general crime cases (the most numerous case type in POs) was 93 percent, which directly caused the overall increase in the PO backlogs. Worryingly, after last year's limited improvement in the extent of the backlog, in 2022 the extent of PO backlogs exceeded their 2015 level, another consequence of the reduction in the number of resolved cases in POs (8 percent in 2022—the biggest drop in the number of resolved cases of all levels of judicial institutions), even though POs also recorded slower inflows.

The data and the analysis presented herein should motivate the BiH judiciary to conduct an in-depth examination of the data on clearance rates for war crimes and corruption cases, and of their case inflows and case resolutions. War crime cases recorded a clearance rate of 252 percent in 2022, when the number of resolved war crime cases was 189 and their inflow just 75 cases. As of the end of 2022, the total backlog of war crime cases was 384. On the other hand, even though both resolution time and the age of backlog declined, the clearance rate for corruption cases was only 94 percent. The number of resolved corruption cases increased relative to the previous year (1,073 in 2022, 1,053 in 2021), in parallel with increased inflows of cases of this type (1,136 in 2022, 1,098 in 2021). These data suggest that some adjustments to resource allocation might be warranted if the judiciary is to achieve better results in fighting corruption, as an increasingly sensitive issue for the entire BiH society.

The observed trends and variations in the performance of the BiH judicial institutions unfolded in the context of the increasing budgets for both courts and POs (the human resource levels in the BiH judiciary remained approximately the same as in previous years). It is a cause for concern that the first instance courts and POs keep resolving fewer cases while operating with the same or greater resources at their disposal. Courts and POs typically resolved more cases in 2012 with fewer resources than in 2022, while, for several case types, both the case resolution times and the age of backlog were actually longer in 2022 than 10 years ago.

## 2022 JEI-BIH RECOMMENDATIONS

Having completed the calculation and analysis of the 2022 JEI-BiH, MEASURE II proposes the following recommendations for consideration by the BiH judiciary.

### OVERALL

- The BiH judiciary has not been able to sustain the increased pace of case resolution recorded one year ago, although the resources at its disposal grew each year. The first instance courts and POs must increase the number of cases they resolve annually. The second instance courts deserve recognition for their case resolution results and should be encouraged to sustain the same level of effort.
- Instead of continued manual tracking of vital performance indicators (collective quotas for judges and prosecutors; confirmation rates for first instance court decisions in criminal, civil, and commercial cases; success rates of indictments and of disciplinary proceedings), all data collection and data processing should be automated as soon as possible.

### CORRUPTION-RELATED MATTERS

- As an ultimate gauge of progress, public perception of the judiciary's success in processing corruption cases remains poor. The BiH judiciary must further increase both the number and the quality of indictments in high-profile corruption and organized crime (HCOC) cases.
- Although case resolution times decreased, the age of the backlog declined, and the number of resolved corruption cases increased (all of which are desired outcomes), the backlog of corruption cases in POs rose, signaling that allocated resources were misaligned with growing workloads (an increase in case inflows was detected). The BiH judiciary should perform an analysis of resources allocated and consider shifting resources to processing HCOC cases to curb corruption more effectively.
- The HJPC and judicial institutions should introduce specialized prosecutors and judges to HCOC cases to help bring about a "breakthrough" in the fight against corruption. The dedication and success in fighting corruption must be rewarded with professional reputation and career success.
- The judiciary should keep striving to improve its way of communicating the data on HCOC case processing to the public to showcase the results of the judiciary's efforts.

### EFFICIENCY OF APPOINTMENTS, CAREER ADVANCEMENT CRITERIA, AND COMPETENCE OF JUDGES AND PROSECUTORS

- To mitigate the long-standing dissatisfaction of judicial professionals, the HJPC needs to critically re-examine the efficiency of appointments, career advancement criteria, and competence of new judicial appointees and find ways to boost the motivation of serving judges and prosecutors and to strengthen the judiciary's capacity, effectiveness, and independence over the longer term.

### TIMELY DELIVERY OF JUSTICE

- Case resolution times remain persistently and unjustifiably long. Positive examples, such as criminal appeal cases, should be used as a benchmark for encouraging the performance of other judicial institutions.

### NUMBER OF RESOLVED CASES

- As the numbers of resolved cases declined again in 2022, the judicial institutions should maximize the efficiency of available resources and press for increases in the number of resolved cases using results achieved in prior years with fewer resources as benchmarks.

## **ANNEX I: 2022 JUDICIAL EFFECTIVENESS INDEX MATRIX**

A comprehensive BiH 2022 Judicial Effectiveness Index Matrix is attached to the back cover of this report.



## ANNEX II: BRIEF OVERVIEW OF JEI-BIH METHODOLOGY

The essential features of the JEI-BiH methodology are summarized below.

- The JEI-BiH is a measuring tool for tracking changes in the effectiveness of the BiH judiciary. The Index has five dimensions, 53 subdimensions, and 146 indicators.
- The JEI-BiH dimensions include:
  - *Efficiency*: the ability to dispose of cases in a timely manner and without undue delays;
  - *Quality*: the application of and compliance with legislation in court/PO proceedings and decisions;
  - *Accountability and Transparency*: the commitment to fulfilling the judicial mandate with sufficient levels of public access to information and public confidence;
  - *Capacity and Resources*: the availability of various levels of human, financial, and technical resources and capacities for delivering judicial services; and
  - *Independence and Impartiality*: the assurance that improper influences do not interfere with judicial and prosecutorial decisions, promoting trust in judges and prosecutors.
- The main objective of the Index is to track trends in the BiH judiciary over time, with 2015 serving as the baseline year against which progress is tracked. In addition to enabling comparisons between the baseline and subsequent years, the JEI-BiH presents the actual values of indicators from HJPC administrative data for all years since 2012, making it easy to observe historical trends in the BiH judiciary's processing of cases.

As is true of any index, although the JEI-BiH facilitates early identification of successful initiatives and potential issues, it does not explain the causes of the trends it reveals. The main elements of the methodology used in the Index are the following:

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

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

- For indicators sourced from the perceptions of the public or judges and prosecutors, the weighted average of the answers to each question are calculated, with the most desirable answer from the judiciary effectiveness perspective having a value of 100 and the least desirable answer carrying a value of 0.<sup>45</sup>

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<sup>45</sup> 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; in 2015, the top-ranked countries, Denmark and Norway, each scored 87 out of 100 index points, while the United States scored 73 and BiH 57.

- Two scoring methods are used for indicators sourced from HJPC’s administrative data:
  - Type I (indicators for resolution time, age of backlog, and number of cases): the average value in 2012-2014 is assigned 50 index points, and values twice as high as the 2012-2014 average (or higher) are assigned 0 index points.
  - Type II (indicators for collective quotas, confirmation rates of first instance court judgments, success of indictments and disciplinary proceedings): the value of 150 percent is assigned 100 index points (with one exception).<sup>46</sup>

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

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<sup>46</sup> There is one exception: in subdimension 2.1, “Confirmation Rate of 1st Instance Court Decisions,” 100 index points are assigned the value of 100 percent.

## ANNEX III: COMPLETE LIST OF NSCP INDICATORS

Survey question no.	Question (abbreviated wording)	2015 Indicator value (0–100)	2016 Indicator value (0–100)	2017 Indicator value (0–100)	2018 Indicator value (0–100)	2019 Indicator value (0–100)	2020 Indicator value (0–100)	2021 Indicator value (0–100)	2022 Indicator value (0–100)	Annual change (2022–2021)
JE3	Perception of backlog reduction in courts, excluding utility cases	10.71	21.56	31.41	46.26	44.07	47.06	29.38	31.28	1.90
JE8	Perception of duration of cases in courts (are the time limits reasonable?)	9.15	11.69	12.63	12.75	12.09	14.84	9.74	11.92	2.18
JE4	Perception of backlog reduction in POs	10.60	21.45	26.83	37.82	37.61	40.90	21.49	25.39	3.91
JE9	Perception of duration of cases in POs (are the time limits reasonable?)	9.24	11.78	14.53	13.28	12.55	14.71	9.08	12.31	3.23
JE1A	Rating of the work of judges/courts	35.46	33.91	36.57	32.93	34.67	30.68	27.91	29.03	1.12
JE1B	Rating of the work of prosecutors/POs	35.93	33.90	37.26	33.62	34.04	31.13	27.68	29.57	1.89
JE1C	Rating of the work of attorneys	40.68	39.10	43.15	38.57	40.00	39.78	37.35	38.12	0.77
JE1D	Rating of the work of notaries	44.04	42.69	48.02	41.95	41.84	43.29	39.69	41.06	1.37
GOV11	Satisfaction with courts' or the POs' administrative services	40.20	41.69	48.12	44.35	42.46	48.71	46.90	47.60	0.69
COR20G	Judges' poor performance sanctioned	32.64	33.44	36.53	34.81	31.92	34.90	29.64	28.54	-1.10
COR20H	Prosecutors' good performance rewarded	47.24	48.61	48.12	44.95	41.03	43.26	40.96	39.67	-1.28
JE10	Possibilities of assigning a case to a particular judge	47.38	46.71	47.60	50.25	49.66	48.57	43.20	44.14	0.94
JE2A	Access to own court case files	36.00	38.04	37.96	36.21	37.65	37.78	38.60	37.38	-1.22
JE2B	Attendance at public court hearings	28.83	31.79	34.31	32.69	35.81	31.28	29.47	31.33	1.86
JE2C	Access to judgments	24.82	30.13	32.20	32.02	33.70	30.63	29.12	30.18	1.06
JE2E	Access to evidence after confirmation of the indictment	35.67	39.23	39.16	34.57	36.56	38.44	38.37	40.40	2.03
JE2D	Access to courts/PO reports/statistics	22.78	26.72	30.38	32.21	33.77	29.82	27.13	29.75	2.62

Survey question no.	Question (abbreviated wording)	2015 Indicator value (0–100)	2016 Indicator value (0–100)	2017 Indicator value (0–100)	2018 Indicator value (0–100)	2019 Indicator value (0–100)	2020 Indicator value (0–100)	2021 Indicator value (0–100)	2022 Indicator value (0–100)	Annual change (2022–2021)
JE6	Objectivity of the media in selecting and presenting court cases and investigations	41.28	40.15	41.17	41.70	39.43	41.96	42.16	40.66	-1.50
JE7	Adequacy of court taxes/fees	10.17	15.79	18.60	16.73	16.22	18.17	13.27	17.20	3.93
JE5	Appointment of judges/prosecutors based on their competence	47.35	45.76	46.07	45.08	43.77	44.32	45.39	43.58	-1.81
JE11	Adequacy of salaries of judges/prosecutors	10.81	20.61	20.64	20.51	22.84	20.82	15.09	21.18	6.09
JE12	Adequacy of fees of attorneys and notaries	11.16	18.01	19.46	18.65	19.52	19.00	13.08	17.93	4.85
COR19	Extent to which court system is affected by corruption in this country	24.89	35.57	35.45	33.90	33.99	32.47	26.32	27.05	0.73
COR20E	Judiciary effectiveness in combating corruption	30.12	32.17	34.31	34.35	29.61	32.47	26.56	28.61	2.05
JE17	Absence of improper influence on judges in making decisions	45.16	45.64	45.61	43.11	41.69	41.81	41.59	39.15	-2.44
COR20F	Prosecution of public officials who violate the law	30.13	31.58	33.68	33.15	28.54	32.91	27.77	27.95	0.18
COR20C	Judges not taking bribes	29.32	32.17	35.36	35.78	32.92	33.96	27.03	27.69	0.66
COR20D	Prosecutors not taking bribes	29.30	31.98	34.59	36.03	32.44	33.54	26.81	27.75	0.95
COR14_4	Personal experience in bribing judges/prosecutors <sup>47</sup>	99.03	94.44	96.90	95.93	98.36	89.55	93.74	90.06	-3.68
COR20A	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	37.75	42.59	41.46	39.71	36.93	38.55	34.09	34.44	0.35
COR20B	Trust in prosecutors to perform their duties impartially and in accordance with the law	37.39	41.32	40.82	39.98	39.16	38.07	33.73	34.63	0.90
JE16	Equality in the treatment of citizens by the courts	39.21	39.16	40.12	40.32	39.35	40.01	39.14	36.44	-2.70

<sup>47</sup> See the explanation provided in Annex II: Brief Overview of JEI-BiH Methodology.

## ANNEX IV: COMPLETE LIST OF SJP INDICATORS

Survey question no.	Question (abbreviated wording)	2015 Indicator value (0–100)	2016 Indicator value (0–100)	2017 Indicator value (0–100)	2018 Indicator value (0–100)	2019 Indicator value (0–100)	2020 Indicator value (0–100)	2021 Indicator value (0–100)	2022 Indicator value (0–100)	Annual change (2022–2021)
1	Perception of backlog reduction in courts, excluding utility cases	61.16	69.10	71.05	79.07	73.22	73.18	68.18	71.75	3.57
3	Perception of duration of cases in courts (are the time limits reasonable?)	59.29	63.13	52.87	58.16	61.56	56.03	48.87	56.50	7.62
2	Perception of backlog reduction in POs	55.11	62.54	68.24	76.39	65.61	56.36	60.74	60.80	0.05
4	Perception of duration of cases in POs (are the time limits reasonable?)	47.00	50.38	47.19	50.38	48.78	42.50	41.11	45.25	4.14
5A	Rating of the work of judges/courts	65.52	66.82	63.70	64.43	64.26	63.05	63.67	63.82	0.15
5B	Rating of the work of prosecutors/POs	54.32	54.86	53.62	54.77	53.00	51.41	54.59	54.21	-0.38
5C	Rating of the work of attorneys	44.61	47.14	45.02	47.36	48.44	48.88	48.58	48.01	-0.57
5D	Rating of the work of notaries	52.88	51.69	50.22	53.83	52.58	53.78	53.54	52.73	-0.81
6A	Existence of a fact-based and transparent system of monitoring judges' work performance	62.12	70.88	66.50	67.33	66.47	63.91	66.78	67.76	0.98
6B	Existence of a fact-based and transparent system of monitoring prosecutors' work performance	56.93	64.77	61.81	62.66	62.45	58.46	62.53	63.31	0.78
7A	Judges' poor performance sanctioned	49.41	56.19	51.87	53.41	51.70	49.03	52.67	53.56	0.88
7B	Rewards for prosecutors' good performance	39.44	45.40	41.75	42.84	44.04	42.04	42.54	47.77	5.23
8A	Initiating disciplinary procedures against judges/prosecutors in all cases prescribed by the law	56.65	64.98	58.63	61.03	57.55	54.29	57.39	58.60	1.21
8B	Fairness and objectivity of the initiated disciplinary procedures against judges/prosecutors	58.02	66.21	60.41	62.57	58.60	56.70	59.00	59.38	0.38
9	Disciplinary sanctions rendered in disciplinary proceedings appropriate	60.44	68.05	63.38	63.05	59.40	59.46	58.33	58.74	0.41
10	Possibility of allocating a case to a particular judge	71.59	74.47	69.75	68.08	69.32	63.22	70.13	72.47	2.34

Survey question no.	Question (abbreviated wording)	2015 Indicator value (0–100)	2016 Indicator value (0–100)	2017 Indicator value (0–100)	2018 Indicator value (0–100)	2019 Indicator value (0–100)	2020 Indicator value (0–100)	2021 Indicator value (0–100)	2022 Indicator value (0–100)	Annual change (2022–2021)
11A	Access to court case files	93.11	93.48	92.48	92.26	93.62	91.81	92.11	92.76	0.64
11B	Attendance at public court hearings	92.52	90.44	91.95	91.56	92.52	89.91	91.80	89.63	-2.17
11C	Access to judgments	82.35	83.59	80.58	81.21	85.26	81.75	81.30	83.85	2.56
11D	Access to evidence after confirmation of the indictment	93.49	93.81	92.53	91.57	93.02	92.29	93.83	93.71	-0.12
11E	Access to courts/PO reports/statistics	72.46	69.26	68.28	66.75	69.32	66.52	69.82	71.21	1.39
12	Objectivity of the media in selecting and presenting court cases and investigations	33.47	33.59	32.58	36.08	34.83	34.54	33.65	34.19	0.54
14	Adequacy of court taxes/fees	52.47	56.22	56.30	52.37	53.89	53.99	51.93	58.06	6.13
17	Abuse of the right to absence from work by judges/prosecutors	79.03	79.40	76.19	76.74	78.08	74.73	73.58	72.25	-1.33
18	Judge/prosecutor behavior in accordance with the Ethical Code	76.28	76.51	77.14	75.58	76.42	71.84	73.61	74.45	0.84
19	Efficiency of judge/prosecutor appointments to newly available positions	46.60	52.84	45.76	45.87	39.30	35.63	39.95	39.96	0.01
20	Appointment of judges/prosecutors based on their skills/competence	48.68	53.17	49.05	48.71	47.60	44.47	48.11	46.30	-1.81
21	Adequacy of the training/education for judges/prosecutors on an annual basis	66.11	70.70	66.54	68.62	65.48	65.51	67.92	71.08	3.16
22	Adequacy of salaries of judges/prosecutors	42.70	50.27	47.44	44.67	43.63	51.49	44.00	48.92	4.92
23	Adequacy of fees of attorneys and notaries	25.66	29.15	28.45	31.55	32.89	34.73	34.36	36.50	2.14
24	Timeliness of the salary payment to judges/prosecutors	59.93	65.69	75.68	77.80	80.86	84.79	85.00	87.40	2.40
25	Timeliness of the payment of fees/costs to ex officio defense attorneys	38.00	39.47	49.06	51.27	62.50	62.50	71.18	68.26	-2.92
26	Competence of the currently employed administrative/support staff in courts/POs	60.01	64.78	63.03	63.49	63.42	62.29	63.04	61.00	-2.04
27	Sufficiency of the court/PO budget	25.34	35.78	39.00	44.70	44.17	44.82	46.95	45.41	-1.53
28	Adequacy of buildings/facilities and workspace of courts/POs	37.94	46.69	48.11	54.86	55.81	54.37	52.05	55.10	3.06

Survey question no.	Question (abbreviated wording)	2015 Indicator value (0–100)	2016 Indicator value (0–100)	2017 Indicator value (0–100)	2018 Indicator value (0–100)	2019 Indicator value (0–100)	2020 Indicator value (0–100)	2021 Indicator value (0–100)	2022 Indicator value (0–100)	Annual change (2022–2021)
29	Adequacy of the necessary IT equipment and support to courts/POs	68.98	71.49	68.22	68.88	68.13	66.47	67.52	63.25	-4.26
30	Adequacy of court/PO procedures and resources for coping with significant and abrupt changes in case inflow	48.33	54.83	51.11	57.50	56.28	53.39	55.86	53.36	-2.50
31	Objectivity, adequacy, and applicability in practice of career advancement criteria for judges/prosecutors	37.47	42.46	40.24	40.46	39.55	37.90	40.00	41.49	1.49
32	Adequacy and applicability in practice of immunity and tenure of judges/prosecutors	69.77	72.94	72.41	71.26	73.00	71.48	73.79	72.68	-1.11
33	Personal security of judges/prosecutors and their close family members ensured when needed	40.80	41.31	47.65	45.57	50.57	48.09	52.84	50.00	-2.84
34	Impact of corruption on the BiH judiciary	70.24	69.99	67.09	67.59	64.90	60.57	61.49	62.77	1.29
35A	Judiciary effectiveness in combating corruption	49.73	55.23	49.07	48.95	46.88	43.59	46.01	48.98	2.97
35B	Absence of improper influence on judges in making decisions	70.88	80.20	78.60	77.31	79.53	74.24	73.29	78.17	4.88
35C	Prosecution of public officials who violate the law	37.55	43.67	39.59	39.76	39.96	34.89	35.42	40.95	5.53
35F	Judges not taking bribes	79.68	81.00	80.91	80.10	79.30	77.13	75.64	76.98	1.35
35G	Prosecutors not taking bribes	76.94	76.61	77.98	76.00	76.11	73.61	72.20	75.52	3.33
35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	77.65	78.99	76.81	75.44	74.90	72.57	73.01	75.34	2.34
35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	71.48	73.60	71.01	70.32	67.62	64.60	68.17	68.62	0.45
36	Equality in the treatment of citizens by the courts	82.16	83.33	81.95	82.44	80.87	79.43	77.76	80.28	2.52

## ANNEX V: COMPARISON OF PERCEPTIONS, PUBLIC VERSUS JUDGES/PROSECUTORS

NSCP question no.	SJP question no.	SUBDIMENSIONS	NSCP 2022	SJP 2022	SJP-NSCP difference (2022)
JE2B	11B	Attendance at public court hearings	31.33	89.63	58.30
JE2A	11A	Access to court case files	37.38	92.76	55.38
JE2C	11C	Access to judgments	30.18	83.85	53.68
JE2E	11D	Access to evidence after confirmation of the indictment	40.40	93.71	53.31
COR20C	35F	Judges not taking bribes	27.69	76.98	49.29
COR20D	35G	Prosecutors not taking bribes	27.75	75.52	47.77
JE8	3	Perception of duration of cases in courts (are the time limits reasonable?)	11.92	56.50	44.58
JE16	36	Equality in the treatment of citizens by the courts	36.44	80.28	43.83
JE2D	11E	Access to courts/PO reports/statistics	29.75	71.21	41.46
COR20A	35D	Trust in judges to conduct court procedures and adjudicate cases impartially and in accordance with the law	34.44	75.34	40.90
JE7	14	Adequacy of court taxes/fees	17.20	58.06	40.87
JE3	1	Perception of backlog reduction in courts, excluding utility cases	31.28	71.75	40.47
JE17	35B	Absence of improper influence on judges in making decisions	39.15	78.17	39.02
COR19	34	Impact of corruption on the BiH judiciary	27.05	62.77	35.72
JE4	2	Perception of backlog reduction in POs	25.39	60.80	35.40
JE1A	5A	Rating of the work of judges/courts	29.03	63.82	34.79
COR20B	35E	Trust in prosecutors to perform their duties impartially and in accordance with the law	34.63	68.62	33.99
JE9	4	Perception of duration of cases in POs (are the time limits reasonable)	12.31	45.25	32.94
JE10	10	Possibility of allocating a case to a particular judge	44.14	72.47	28.33
JE11	22	Adequacy of salaries of judges/prosecutors	21.18	48.92	27.74
COR20G	7A	Judges' poor performance sanctioned	28.54	53.56	25.02
JE1B	5B	Rating of the work of prosecutors/POs	29.57	54.21	24.64
COR20E	35A	Judiciary effectiveness in combating corruption	28.61	48.98	20.37



NSCP question no.	SJP question no.	SUBDIMENSIONS	NSCP 2022	SJP 2022	SJP-NSCP difference (2022)
JE12	23	Adequacy of fees of attorneys and notaries	17.93	36.50	18.57
COR20F	35C	Prosecution of public officials who violate the law	27.95	40.95	13.00
JE1D	5D	Rating of the work of notaries	41.06	52.73	11.66
JE1C	5C	Rating of the work of attorneys	38.12	48.01	9.89
COR20H	7B	Rewards for prosecutors' good performance	39.67	47.77	8.10
JE5	20	Appointment of judges/prosecutors based on their skills/competence	43.58	46.30	2.72
JE6	12	Objectivity of the media in selecting and presenting court cases and investigations	40.66	34.19	-6.47



## ANNEX VII: AGE OF RESOLVED CASES IN THE BIH JUDICIARY, 2015–2022

Judicial institution level	Case type/year	Resolved in less than 12 months								Resolved in longer than 12 months							
		2015	2016	2017	2018	2019	2020	2021	2022	2015	2016	2017	2018	2019	2020	2021	2022
1st instance courts	Criminal cases	71.11%	73.48%	72.29%	71.21%	70.94%	74.30%	68.89%	70.51%	28.89%	26.52%	27.71%	28.79%	29.06%	25.70%	31.11%	29.49%
	Civil cases	58.40%	61.27%	61.87%	62.64%	65.56%	69.06%	62.41%	64.92%	41.60%	38.73%	38.13%	37.36%	34.44%	30.94%	37.59%	35.08%
	Commercial cases	52.86%	55.74%	57.52%	60.89%	59.77%	67.98%	62.16%	63.94%	47.14%	44.26%	42.48%	39.11%	40.23%	32.02%	37.84%	36.06%
	Administrative cases	53.87%	53.48%	46.99%	50.21%	51.92%	49.28%	59.48%	64.36%	46.13%	46.52%	53.01%	49.79%	48.08%	50.72%	40.52%	35.64%
	Enforcement of civil cases	47.64%	56.44%	63.03%	65.17%	66.38%	70.69%	68.29%	70.86%	52.36%	43.56%	36.97%	34.83%	33.62%	29.31%	31.71%	29.14%
	Enforcement of commercial cases	52.51%	56.69%	61.95%	65.29%	65.49%	70.43%	70.37%	77.40%	47.49%	43.31%	38.05%	34.71%	34.51%	29.57%	29.63%	22.60%
2nd instance courts	Criminal appeal cases	97.85%	92.53%	89.99%	88.93%	85.38%	90.60%	96.85%	96.07%	2.15%	7.47%	10.01%	11.07%	14.62%	9.40%	3.15%	3.93%
	Civil appeal cases	67.40%	67.52%	67.84%	65.80%	63.54%	61.71%	60.46%	58.09%	32.60%	32.48%	32.16%	34.20%	36.46%	38.29%	39.54%	41.91%
	Commercial appeal cases	73.42%	69.42%	60.07%	58.74%	55.96%	54.06%	51.96%	63.63%	26.58%	30.58%	39.93%	41.26%	44.04%	45.94%	48.04%	36.37%
	Administrative appeal cases	53.50%	32.53%	32.34%	26.36%	28.55%	22.04%	25.63%	26.22%	46.50%	67.47%	67.66%	73.64%	71.45%	77.96%	74.37%	73.78%
POs	General crime cases	71.51%	80.99%	83.27%	83.86%	85.37%	85.65%	79.94%	77.12%	28.49%	19.01%	16.73%	16.14%	14.63%	14.35%	20.06%	22.88%
	Corruption cases	73.08%	73.63%	68.89%	73.61%	73.96%	72.15%	72.27%	75.02%	26.92%	26.37%	31.11%	26.39%	26.04%	27.85%	27.73%	24.98%
	War crime cases	40.22%	46.52%	38.72%	34.55%	45.50%	28.49%	40.31%	31.22%	59.78%	53.48%	61.28%	65.45%	54.50%	71.51%	59.69%	68.78%
	Other economic crime cases	61.70%	71.04%	66.32%	70.14%	64.89%	62.56%	61.56%	57.30%	38.30%	28.96%	33.68%	29.86%	35.11%	37.44%	38.44%	42.70%

## ANNEX VIII: 2022 PUBLIC PERCEPTION QUESTIONNAIRE

GOVI. How satisfied are you with the following IN THE LAST 12 MONTHS? ASK FOR EACH ITEM SEPARATELY! READ OUT AND SHOW THE ANSWER OPTIONS! ROTATE ITEMS!

	Completely satisfied	Mostly satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Somewhat dissatisfied	Mostly dissatisfied	Completely dissatisfied	Did not have direct experience with this service in the last 12 months
GOVII (JEI). P2dd. Courts' or prosecutors' administrative services	1	2	3	4	5	6	7	8

COR14. Have you yourself, IN THE LAST 12 MONTHS, given money, gifts, services, or similar to any of the following, in order to get better treatment?

	A		B	
	Yes	No	Yes	No
4. Judge/prosecutor	1	2	1	2

COR19. 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

COR20. To what extent do you agree or disagree with the following statements. SHOW THE ANSWER OPTIONS! ASK ABOUT EACH ITEM SEPARATELY!

ITEMS	Strongly agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly disagree	(Do not read!) Does not know/Refuses to answer
COR20A. 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
COR20B. The prosecutors can be trusted to perform their duties impartially and in accordance with the law	1	2	3	4	5	6	7	8
COR20C. Judges do not take bribes	1	2	3	4	5	6	7	8
COR20D. Prosecutors do not take bribes	1	2	3	4	5	6	7	8
COR20E. The Judiciary is effective in combating corruption	1	2	3	4	5	6	7	8
COR20F. Public officials who violate the law are generally identified and punished	1	2	3	4	5	6	7	8
COR20G. Judges' poor performance is sanctioned	1	2	3	4	5	6	7	8
COR20H. Prosecutors' good performance is rewarded	1	2	3	4	5	6	7	8

JE1. On a scale from 1 to 7, where 1 is 'extremely poor' and 7 is 'excellent', how would you rate the work of: READ OUT/SHOW THE ANSWER OPTIONS! ASK ABOUT EACH ITEM SEPARATELY!

1	2	3	4	5	6	7
Extremely poor						Excellent

ITEMS	Extremely poor	2	3	4	5	6	Excellent
JE1A. Judges/Courts	1	2	3	4	5	6	7
JE1B. Prosecutors/Prosecutor Offices	1	2	3	4	5	6	7
JE1C. Attorneys	1	2	3	4	5	6	7
JE1D. Notaries	1	2	3	4	5	6	7

JE2. How often do you think citizens are allowed to: READ OUT THE ANSWER OPTIONS! ASK ABOUT EACH ITEM SEPARATELY!

ITEMS	Never	Rarely	Sometimes	Often	Always	(Do not read!) Does not know
JE2A. Check their court case file	1	2	3	4	5	6
JE2B. Participate in any court hearing of their interest	1	2	3	4	5	6
JE2C. Review a judgment of their interest	1	2	3	4	5	6
JE2D. Get reports/statistics on the work of courts	1	2	3	4	5	6
JE2E. 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

JE3. Do you think the number of unsolved cases, excluding utility cases (unpaid water, electricity, heating...), is increasing in BiH courts? MARK ONE ANSWER ONLY!

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

JE4. Do you think the number of unsolved cases is increasing in BiH prosecutor offices? MARK ONE ANSWER ONLY!

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

JE5. To what extent do you agree that appointments of judges and prosecutors are competence-based? READ OUT/SHOW THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE6. In your opinion, how often are court cases and investigations selected and presented objectively by the media? READ OUT THE ANSWER OPTIONS! NOTE DOWN ONE ANSWER ONLY!

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

JE7. In your opinion, court taxes/fees are? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE8. Which comes closest to your opinion: READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE9. Which comes closest to your opinion: READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE10. In your opinion, how often is it possible to get someone's preferred judge to adjudicate his/her case? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE11. In your opinion, salaries of judges and prosecutors are? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE12. In your opinion, fees of attorneys and notaries are? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JE13. Have you been involved in any court case, except utility cases, in the last three years? MARK ONE ANSWER ONLY!

- |        |             |   |
|--------|-------------|---|
| 1. Yes | →Go to JE14 | 1 |
| 2. No  | →Go to JE15 | 2 |

JE14. How many cases you have been involved in over the last three years? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JEI 5. Your principal source of information about the BiH judiciary, cases and actors is: READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JEI 6. The next two questions refer to your trust in the Rule of Law. To what extent do you agree with the following statement: Courts treat people fairly regardless of their income, national or social origin, political affiliation, religion, race, sex, gender identity, sexual orientation, or disability? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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

JEI 7. To what extent do you agree or disagree with the following statement: Judges are able to make decisions without direct or indirect interference by governments, politicians, the international community or other interest groups and individuals? READ OUT THE ANSWER OPTIONS! MARK ONE ANSWER ONLY!

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



## ANNEX IX: 2022 QUESTIONNAIRE, SURVEY OF JUDGES AND PROSECUTORS

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

- Yes
- No
- I don't know

2. Do you think the number of unresolved cases is increasing in BiH POs?

- 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. In your opinion, how often is it 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 the 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

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

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

14. Do you agree that:

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

15. Do you agree that:

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

16. Do you agree that:

	Strongly agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly disagree	I don't know
appointments of judges/prosecutors to newly available positions are 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"/>

17. Do you agree that:

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

18. Do you agree that:

	Strongly agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly disagree	I don't know
judges/prosecutors 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"/>

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

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

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

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

21. Are salaries of judges/prosecutors paid on time?

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

22. Are defense counsels' fees/expenses paid on time?

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

23. 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 are 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"/>

24. Do you agree that:

	Strongly agree	Agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly disagree	I don't know
the budgets allocated to courts/prosecutor offices are 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"/>

25. 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"/>

26. 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"/>

27. 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"/>

28. Do you agree that:

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

29. Do you agree that:

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

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

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

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

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

32. 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"/>
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"/>

33. 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"/>

### Demographic data

34. I am:

- A female judge
- A male judge
- A female prosecutor
- A male prosecutor

35. I hold judicial office at the level of:

- BiH
- FBiH
- RS
- BD

**MONITORING AND EVALUATION  
SUPPORT ACTIVITY  
(MEASURE II)**

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# Judicial Effectiveness Index of Bosnia and Herzegovina for 2022

DIMENSIONS			SUB-DIMENSIONS			GROUPS OF INDICATORS			ACTUAL VALUE OF INDICATORS													ACTUAL VALUE OF INDICATORS																																																																																			
Major Dimension	Sub-Dimension	Indicator Code	Indicator Name	Group	Sub-Group	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																				
																																																																																						2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
C	C.1	C.1.1	HC	1.0.1	1.0.1.1	1.0.1.1.1	1.0.1.1.2	1.0.1.1.3	1.0.1.1.4	1.0.1.1.5	1.0.1.1.6	1.0.1.1.7	1.0.1.1.8	1.0.1.1.9	1.0.1.1.10	1.0.1.1.11	1.0.1.1.12	1.0.1.1.13	1.0.1.1.14	1.0.1.1.15	1.0.1.1.16	1.0.1.1.17	1.0.1.1.18	1.0.1.1.19	1.0.1.1.20	1.0.1.1.21	1.0.1.1.22	1.0.1.1.23	1.0.1.1.24	1.0.1.1.25	1.0.1.1.26	1.0.1.1.27	1.0.1.1.28	1.0.1.1.29	1.0.1.1.30	1.0.1.1.31	1.0.1.1.32	1.0.1.1.33	1.0.1.1.34	1.0.1.1.35	1.0.1.1.36	1.0.1.1.37	1.0.1.1.38	1.0.1.1.39	1.0.1.1.40	1.0.1.1.41	1.0.1.1.42	1.0.1.1.43	1.0.1.1.44	1.0.1.1.45	1.0.1.1.46	1.0.1.1.47	1.0.1.1.48	1.0.1.1.49	1.0.1.1.50	1.0.1.1.51	1.0.1.1.52	1.0.1.1.53	1.0.1.1.54	1.0.1.1.55	1.0.1.1.56	1.0.1.1.57	1.0.1.1.58	1.0.1.1.59	1.0.1.1.60	1.0.1.1.61	1.0.1.1.62	1.0.1.1.63	1.0.1.1.64	1.0.1.1.65	1.0.1.1.66	1.0.1.1.67	1.0.1.1.68	1.0.1.1.69	1.0.1.1.70	1.0.1.1.71	1.0.1.1.72	1.0.1.1.73	1.0.1.1.74	1.0.1.1.75	1.0.1.1.76	1.0.1.1.77	1.0.1.1.78	1.0.1.1.79	1.0.1.1.80	1.0.1.1.81	1.0.1.1.82	1.0.1.1.83	1.0.1.1.84	1.0.1.1.85	1.0.1.1.86	1.0.1.1.87	1.0.1.1.88	1.0.1.1.89	1.0.1.1.90	1.0.1.1.91	1.0.1.1.92	1.0.1.1.93	1.0.1.1.94	1.0.1.1.95	1.0.1.1.96	1.0.1.1.97	1.0.1.1.98	1.0.1.1.99	1.0.1.1.100