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USAID BOSNIA JUSTICE SECTOR DEVELOPMENT PROJECT II

Year 4 - ANNUAL REPORT
July 15, 2012 - July 14, 2013

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TABLE OF ACRONYMS

EWMI	East-West Management Institute, Inc.
USAID	United States Agency for International Development
USG	United States Government
AC	Acquis Communautaire
ADI	Association for Democratic Initiatives
ADR	Alternative Dispute Resolution
AP	Action Plan for Justice Sector Reform Strategy Implementation
AR	Annual Report
BB	Bench Book
BD BiH	Brčko District of Bosnia and Herzegovina;
BD JC	Judicial Commission of Brčko District of Bosnia and Herzegovina;
BFD	Budget Framework Document;
BiH MOJ	Ministry of Justice of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
BIRN	Balkan Investigative Reporting Network
BOR	Book of Rules
CCEJ	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CEPEJ	The European Commission for Efficiency of Justice
CIPP	Centre for Information and Legal Aid, Zvornik
CMS	Case Management System for courts in BiH
CoE	Council of Europe
CSOs	Civil Society Organizations
DON	Democracy-Organized Action-Progress, Prijedor
DPSP	Department for Planning and Strategic Policy of the HJPC's Secretariat;
DS	Justice Sector Reform Strategy tracking Documentation System
EC	European Commission
ECHR	European Convention on Human Rights
EU	European Union
EUSR	European Union Special Representative
EWMI	East-West Management Institute, Inc.
FBiH	Federation of Bosnia and Herzegovina;
FBiH MOJ	Ministry of Justice of the Federation of Bosnia and Herzegovina
FJP	Forum for Joint Policy;
FLD	Foundation of Local Democracy
FWG	Functional Working Group
HJPC	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
HJPC BD	Budget Department of the HJPC's Secretariat
IT	Information technologies
JN	Justice Network
JPTC	Judicial and Prosecutorial Training Centers
JSDP I	Justice Sector Development Project
JSDP II	Justice Sector Development Project II
JSI	Justice Sector Institutions

JSRS	Justice Sector Reform Strategy
KRA	Key Results Areas
MC	Ministerial Conference
MCI	Model Court Initiative
MPOI	Model Prosecutors Office Initiative
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MS	Matrix of Standards
NAGTRI	National Attorneys General Training and Research Institute
NGO	Non governmental organization
OSCE	Organization for Security and Co-operation in Europe
OHR	Office of the High Representative
PLE	Public Legal Education
PO	Prosecutors' Office
PO	Project Objective
PI	Project Indicators
PIR	Project Intermediate Results
PR	Public Relations
PSB	Permanent Subcommittee on Judicial and Prosecutorial Budgets of HJPC
ROL	Rule of Law
RS	Republic of Srpska
RS MOJ	Ministry of Justice of Republic of Srpska
SAA	Stabilization and Association Agreement
SATURN	Council of Europe's Centre for judicial time management
SCB	Standing Committee on Judicial and Prosecutorial Budgets
SCO	Swiss Cooperation Office
SO	Strategic Objective
SPC	Point of Contact for Strategic Planning;
SSPACEI	Sector for Strategic Planning, Aid Coordination and European Integrations of the BH MOJ;
SUFI	System for Management of Financial Operations;
TC	Thematic Conference
TCMS	Prosecutorial Case Management System
T-Portal	Internetportal for prosecutors
TS	Technical Secretariat for Monitoring of the implementation of the JSRS
UPR	Universal Periodic Review, a human rights monitoring mechanism of the UN Human Rights Council
US	United States
USAID	United States Agency for International Development
VC	Venice Commission
WG	Working Group
WP	Work Plan
YIHR	Youth Initiative for Human Rights

EXECUTIVE SUMMARY

The USAID Justice Sector Development Project II (USAID JSDP II) is a 5 year, \$8 million activity that follows up on the successes of the first JSDP Program while launching a number of significant new reform initiatives. USAID JSDP II is designed to assist in building effective and credible justice system institutions that promote BiH accession into the European Union. This is to be achieved by strengthening the independence, accountability and effectiveness of the judiciary, supporting a better coordinated and unified justice system as well as bolstering public confidence in the rule of law. The contract was awarded to East-West Management Institute on July 14, 2009 and, following the exercise of the Option Period by USAID, is slated to end July 13, 2014.

The overall goal of USAID JSDP II is to improve the efficiency and fairness of the justice system in BiH by building the capacity and sustainability of key local institutions. USAID JSDP II directly supports USAID Bosnia Herzegovina Strategic Goal 2 - increased effectiveness, accountability and transparency in law enforcement and the justice sector, upholding rule of law equally for all BiH citizens, thereby strengthening these State level institutions as well as Goal 3 - Increased accountability, transparency, effectiveness and active citizen involvement in government institutions and processes. USAID JSDP II is organized into three activity concentration components:

Component 1 - Judicial Independence, Accountability and Effectiveness. Under this Component USAID JSDP II works with the HJPC, BiH MOJ, courts and prosecutors' offices to help BiH continue its efforts to reform the judicial system. USAID JSDP II works closely with HJPC to improve the appointment and advancement process for judges and prosecutors. The project also works to improve the effectiveness of the judicial system through improved management and administration of courts and prosecutors' offices. USAID JSDP II provides assistance to prosecutors' offices through the Model Prosecutors Office Initiative and increasingly in the design and implementation of the Matrix of European Standards relevant to Prosecutor Offices.

Component 2 - A Coordinated and More Unified Justice Sector. This USAID JSDP II Component is grounded in the notion that EU integration remains a key driver for judicial reform in BiH and requires a better coordinated and more unified justice sector. USAID JSDP II works closely with the BiH MOJ to help it track and enhance implementation of the Justice Sector Reform Strategy (JSRS). USAID JSDP II also engages entity and cantonal authorities in JSRS implementation, given the essential roles of these authorities in the justice sector. In cooperation with MOJ and HJPC, USAID JSDP II helps each institution strengthen the capacity of its respective policy unit and promote the development of coordinated reform proposals.

Component 3 - Increased Public Confidence in the Rule of Law. USAID JSDP II has established an innovative network of Civil Society Organizations (CSO) bringing together the traditional NGOs with professional associations from the justice sector known as the Justice Network (JN). This combination creates synergies which assist the JN to develop effective and well informed advocacy and public awareness campaigns and monitoring programs. The project also helps expand court monitoring by journalists to make the work of the judiciary better understood and more transparent. USAID JSDP II supports efforts by civil society to develop tangible policy and legislative reform initiatives to improve the administration of justice.

Under Component 1, USAID JSDP II achieved several important milestones during the reporting period. In March 2013, the HJPC adopted the Book of Rules on Testing of Judicial and Prosecutorial Candidates Entering the Judiciary by the HJPC BiH, the culmination of several years of work by the project. Combined with new rules on structured interviews of candidates also adopted by the HJPC, the new testing rules put in place for the first time a system of objective testing for judicial and prosecutorial candidates that should improve the quality of professionals in the judiciary and reduce politicized appointments. In addition, USAID JSDP II efforts to improve the way the performance of prosecutors is evaluated resulted in the HJPC's adoption of a new Book of Rules on Prosecutor Performance Measurement, which includes an improved quota system that will better capture a prosecutor's output. Finally, the HJPC adopted optimal and foreseeable case processing timeframes that will help identify and eliminate delays in proceedings and consequently reduce case backlogs.

USAID JSDP II also assisted nine selected POs in implementing the first seven standards of the Matrix of European Standards. The POs performance in implementing and complying with the standards was evaluated and served as the basis of the project's first allocation of Prosecutor Office Performance (POP) funds at the end of the reporting period.

There was important progress under Component II of the project. USAID JSDP II dedicated significant effort to further support key justice sector institutions in organizing Thematic Conferences (TCs), which have proven fruitful in stimulating reform activity. The TC dedicated to support of the justice sector for the economic development of BiH, held in November 2012, had specific effects on the interactions between justice sector institutions and the private sector. A follow-up conference organized by Zenica Doboje Canton with USAID JSDP II support identified more than 30 laws that should be amended or significantly changed so that foreign investors could operate in a more conducive environment. The Foreign Investment Promotion Agency of BiH also followed the TC with a conference and a formal initiative to the Council of Ministers and Entity Governments with a proposed list of laws that should be amended or adopted in order to create a better environment for foreign investments.

The underlying document for the above Thematic Conference was a policy proposal created by the Forum for Joint Policy (FJP) of the Ministry of Justice of BiH and the HJPC, another key initiative of USAID JSDP II. Although exposed to frequent change in its composition in the reporting period, the FJP continued to be a very useful new instrument for the development and promotion of policies of strategic importance in the justice sector. During Year 4, the FJP completed two policy proposals, strengthened its cooperation with the Justice Network members and set the approach for the TC that will be organized in the final year of the project. The FJP also realized progress in the implementation of the conclusions of the previous TC dedicated to the establishment of a comprehensive free legal aid (FLA) system in BiH held during Year 3 of the Project. During Year 4, another three cantons added FLA to their legislation, and two of those cantons opened relevant offices for FLA. This progress left only two cantons in FBH without the legal framework for providing FLA to their inhabitants. This is a remarkable result for USAID JSDP II, given that FLA existed in only two cantons at the end of USAID JSDP I.

Through strengthening strategic and policy capacities at the Entity, Cantonal and Brčko District level, USAID JSDP II continued to build a network of justice sector officials working on and promoting processes of better cooperation and coordination among the enlisted institutions. Regular roundtables have been recognized as a formal instrument of cooperation and coordination between the Federation Ministry of Justice and Cantonal Ministries of Justice.

Contact Persons for Strategic Planning contributed to engagement of their institutions in implementation of the Justice Sector Reform Strategy Action Plan, Structured Dialogue and other related activities. They also participated in and supported USAID JSDP II advocacy efforts through the Outreach Initiative and were involved in discussions related to sustainability of the instruments introduced and developed by the USAID JSDP II.

Under Component 3, USAID JSDP II continued to work to strengthen the Justice Network. The project facilitated a peer-review of advocacy initiatives of JN members, facilitated four JN thematic meetings, and provided training in project design and planning to JN members. JN self-initiated advocacy activities are evidence that JN has asserted itself more on the public stage, as well as that the aid provided by USAID JSDP II to JN members is effective and does not foster dependence. JN members increasingly worked together, through both formal partnerships and ad hoc arrangements.

The JN also took strides to improve its policy development profile. With USAID JSDP II facilitation, JN members signed partnership arrangements with several key justice institutions, including the HJPC, BiH MOJ, JPTCs, and the Gender Equality Agency, which will help bring citizens' voices to policy making in the sector. JN members continued to stress evidence-based advocacy for policy and legislative change based on specialized reports and concrete policy proposals, including five reports produced during the reporting period. Overall, the JN built better relationships with policymakers, experts, media, allies, and other key stakeholders, with positive advocacy outcomes to show for it. In one important success story, following advocacy efforts of USAID JSDP II and of its partner NGOs, the HJPC changed its policy on the redaction of personal data in judgments and indictments, noting that so-called "anonymization" is no longer mandatory.

DETAILED IMPLEMENTATION REPORT

COMPONENT 1: STRENGTHENING THE INDEPENDENCE, ACCOUNTABILITY AND EFFECTIVENESS OF THE JUSTICE SECTOR.

1.1 Promoting Independence and Accountability through Improved Appointment and Advancement Processes

1.1.1 Improvement of HJPC examination of judge and prosecutor candidates

During Year 4, the HJPC Working Group (hereinafter WG) for Improving Testing Procedures held a total of six meetings. Technical support for this WG was provided by USAID JSDP II.

At its meeting of February 21-22, 2013, the WG adopted its final proposal of the Book of Rules on Qualifying Testing of Candidates for Holders of Judicial Functions within Judiciary in BIH (BOR) and sent it to the HJPC for adoption. The BOR regulates the procedure of qualifying testing of the candidates, areas of testing, the structure of the qualifying test, and the rights and obligations of the candidates during the process of qualifying testing. The WG at the same session developed and prepared the Instruction to the Candidates for Passing the Qualifying Testing, and the Catalogue of Testing Areas. The adoption of the BORs took place at the session of WG held on March 5-6, 2013. In addition, it was decided that the piloting of the new system would take place from May 1 until December 1, 2013 and that the results achieved in the testing period would not be taken into account within the process of the evaluation and appointment of holders of judicial functions. Interviews would be held only with those candidates who took and completed qualifying testing.

The BOR was officially signed by the HJPC President on April 9, 2013 and published in the BIH Official Gazette No 30/13 of April 22, 2013. Neither the Instruction nor the Catalogue required formal adoption of the HJPC, so they were published on the HJPC web page together with the BOR. Related video has been posted on the HJPC website providing instructions to judicial and prosecutorial candidates on the new testing system and its features. With that, the HJPC effectively pursued recommendations from the second and third meeting of the "Structured Dialogue on Justice between the European Union and Bosnia and Herzegovina", which called on the HJPC to "Continue its efforts to find the ways to foster mobility in the sector and further reform the procedures to access judicial careers, as also suggested in the Venice Commission Opinion."

At its March 5-6, 2013 session, the HJPC concluded that it would not regulate the issue of conducting structured interviews for judicial and prosecutorial positions in a single Instruction (a draft of which had already been prepared by the WG), but instead would regulate that matter within the Book of Rules on Internal Operations of the HJPC. Adoption of this BOR took place at the HJPC session held on June 19-20, 2013. The BOR Chapter on conducting the structured interviews will be implemented beginning on December 1, 2013.

Both new BORs, seen together, give guidelines to the members of relevant HJPC commissions on the modalities of conducting interviews with candidates for judicial and prosecutorial positions, and evaluating the qualifications, ability and integrity of candidates as criteria for selection for various positions within the BIH judiciary.

These criteria are enumerated in international documents setting standards in the areas of selection, appointment and career development for judges and prosecutors. For example, the Consultative Council of European Judges (CCJE) recommended that the authorities responsible in member States for making and advising on appointments and promotions should introduce, publish and give effect to objective criteria, with the aim of ensuring that the selection and career of judges are based on merit, with due consideration of qualifications, integrity, ability and efficiency. Once this is done, those bodies or authorities responsible for any appointment or promotion will be obliged to act accordingly, and it will then at least be possible to scrutinize the content of the criteria adopted and their practical effect.

Following the adoption of the BORs, USAID JSDP II focused on assuring that the new testing system was implemented in a sustainable and effective manner. On March 22, 2013, at Vlačić, USAID JSDP II organized a joint meeting of Change Management Teams of the Municipal Court Sarajevo and Basic Court Banja Luka. The two courts discussed the BOR and agreed that it provides for an objective and transparent process for the selection of first-time candidates for positions of judges and prosecutors in BiH. Participants also discussed the methodology that the HJPC plans to introduce for the system of structured interviews with candidates for judicial and prosecutorial positions. Comments were organized in the form of recommendations and submitted to the HJPC for consideration.

Due to the need for the new WG Chair and new members to become familiar with all aspects of work of the WG, there were fewer meetings than anticipated. Nevertheless, the scopes of work for both USAID JSDP II international short term experts (hereinafter STEs) who were supposed to provide technical assistance to the WG members and relevant HJPC Secretariat staff were developed and approved by the Working Group. A USAID JSDP II international STE on administering written testing and structured interviews should have delivered training to the staff of the Department of Appointments within the HJPC Secretariat on administering the written testing for judicial and prosecutorial candidates, including methodology for identifying essential equipment, and on administering of the structured interviews. Another USAID JSDP II international STE was supposed to provide a train-the-trainers training to the Secretariat staff and the Standing Committee members in the methodology for writing testing questions for judicial and prosecutorial candidates. SOWs were developed and completed in consultations with the Working Group, but their engagements could not start before the necessary regulatory framework was adopted by the Council. As the Council's BOR on Internal Operations has been adopted these preconditions have been met, but due to the request of the HJPC, the engagement of the STEs has been postponed until the first half of September 2013 because the first wave of written testing is not expected to take place before the end of September/beginning of October 2013. Consequently, the reviewing of the results of written testing that would identify common knowledge deficiencies among applicants had to be postponed. Both these Year 4 Workplan activities will be fully implemented during Year 5 of the Project. Finally, the HJPC abandoned the proposal to introduce written testing for candidates for judicial and prosecutorial managerial positions - court presidents and chief prosecutors. As a result, the USAID JSDP II will not report on these Year 4 Work Plan items.

The Council abolished the WG on Strengthening the HJPC Testing Procedures at its session of March 5-6, 2013 considering that it had substantially achieved its goals and objectives enumerated in the Council's decision on establishing this WG. USAID JSDP II will continue working on the implementation and sustainability of the new selection and appointment system

with the newly established Standing Commission for Process of Qualifying Testing whose members were appointed at the Council's session on April 17-19, 2013. Upon the completion of the piloting and after the assessment of its results, it is expected that the HJPC will start implementing the new system in full.

1.1.2 Revising judicial performance evaluation

This objective has been fully achieved in close cooperation with two largest first instance courts in BiH and the HJPC. No further activities are foreseen in the Year 5 Work Plan.

On June 27-29, 2012, USAID/JSDP II together with the HJPC BiH Secretariat's Judicial Administration Department, and the Unit for Strengthening of Efficiency of Judiciary organized a joint thematic meeting of the two largest courts of first instance in the country, Municipal Court Sarajevo and Basic Court Banja Luka. Implementation of the new Book of Rules on Orientation Measurements for Performance of Judges, Legal Associates and Other Court Employees in BiH was analyzed and five-month reports on court performance were discussed, as was the control of backlog reduction, the status of legal associates, initiatives for legislative amendments, and other topics of importance for the BiH judiciary.

The workshop participants decided to send a joint report to the HJPC with relevant conclusions and recommendations. The report was sent to the HJPC on July 10, 2012 and reviewed by the HJPC at its September 5-6, 2012 session. The President of the HJPC informed Council members about the conclusions and recommendations from the workshop. The findings and conclusions of the report were considered a valuable contribution to the assessment of the HJPC BORs on performance measurement for judges and judicial associates in BiH. At the same session, the HJPC introduced new judicial performance evaluation in all courts in BiH. In March 2013, the HJPC reviewed all comments from all the courts in BiH. With that, this activity is considered completed and will no longer be reported to USAID.

1.1.3 Initial Design and Implementation Plan for the development of mechanism for prosecutor performance measurement

During the initial three-year period, USAID JSDP II and the HJPC expressed commitment to develop a prosecutor performance measurement system. In accordance with the USAID JSDP II Year 1 Workplan, a particular HJPC WG was established and tasked to develop a BOR regulating a new, modernized prosecutorial quota. The approach was based on determining the time necessary for an individual prosecutor to resolve cases of different complexity, thus providing a managerial tool to chief prosecutors and the HJPC to measure compliance and productivity. Due to the lack of HJPC internal resources, the WG suspended its activities just after organizing its inaugural meeting. However, as a result of the Structured Dialogue ongoing between the BiH judiciary and the European Commission, the HJPC decided to develop by June 2012 the first draft of an "approximate quota" for prosecutors in BiH. Although this system of quotas is less detailed and precise than the initial design, during the preliminary round of structured dialogue the EU requested only "a reliable prosecutor performance measurement (hereinafter PPM)". This allowed for quick implementation and an immediate impact.

USAID JSDP II, upon request of the HJPC, accelerated the work of the WG and provided necessary technical assistance. As result, the WG developed the first draft of the new orientation quota for prosecutors in POs. The HJPC approved the draft at its session of July 2, 2012 and sent

it to all POs in the country for comment by September 1, 2012. At its session of November 7-9, 2012, the HJPC adopted the new BOR on Orientation Quota for Work of Prosecutors in POs in BIH in order to accelerate impact and strengthen the effectiveness of prosecutors and POs. The new BOR was published in the BIH Official Gazette in January 2013. Prosecutors in BIH were eligible to provide the HJPC with their comments on the BOR by June 2013. Those suggestions were to be taken under consideration for eventual changes and amendments to the BOR as appropriate. The new orientation quota places additional focus on complex cases, establishes objective criteria for evaluating quantity of prosecutors' work, and gives a tool to chief prosecutors to determine human resources needed in their POs. This represents a quantum leap beyond what USAID JSDP II had anticipated achieving when this activity stalled during the initial USAID JSDP II implementation period.

In its Year 4 Workplan, USAID JSDP II planned to continue providing necessary technical assistance, enabling the Working Group to complete and submit the draft BOR to the HJPC for final adoption. No USAID JSDP II support beyond January 2013 was foreseen. Should the HJPC independently approach USAID JSDP II for further assistance in this area, with a proposal likely to produce tangible results, USAID JSDP II would consider such limited support in close consultation with USAID. But given that the HJPC formally adopted the BOR, this goal of this activity has been accomplished.

1.1.4 Maximizing impact of new case processing timeframes

At its session of 5-6 September, 2012 the HJPC adopted the Book of Rules on Establishing Optimal and Predictable Case Processing Timeframes at the Courts and POs in BIH (BOR) proposed by the HJPC Working Group for Optimal and Predictable Case Processing Timeframes (WG), supported by the USAID JSDP II. This marked a major milestone for the project, as it provides the HJPC with a powerful new tool to improve efficiency in the courts and POs.

In November 2012, the HJPC adopted amendments to the BOR, and the Instruction on Implementation of the BOR, as well as a decision on piloting the new system in Municipal and Cantonal Court in Zenica, and in Cantonal PO Zenica from February 1, 2013 to June 30, 2013. In December 2012 and January 2013, the Chairperson of the WG, HJPC Secretariat Staff and the USAID JSDP II organized meetings with the two court presidents and a chief prosecutor to prepare them for the piloting that began on February 1, 2013.

At its meeting of March 18, 2013, the WG reviewed the first results of the piloting of the aforementioned case processing timeframes in the Municipal and Cantonal Court in Zenica and the Cantonal Prosecutor Office in Zenica. The WG agreed to make additional changes to the TCMS (automated case management system for POs) so it could come into full compliance with the BOR and offer more reliable data. Forms for automatic calculating of predictable case processing timeframes have been developed by the HJPC IT Department and are now in use by the court presidents and the chief prosecutor in Zenica allowing them to determine the number of judges or prosecutors that will work on resolving cases of particular types.

The WG met again on April 15, 2013 and discussed reports on implementation of optimal and predictable case processing timeframes. The meeting resulted in the adoption of improved decision templates on predictable case processing timeframes for the courts and POs, as well as improved managerial reports for court presidents and chief prosecutors that include control points within all case types. The new reporting procedures allow for the review of

implementation of timeframes by courts/POs, identifying causes of delays, and detecting methods for improving efficiency.

At its 17th meeting held on July 08-09, 2013, the WG reviewed and accepted the final reports on the first phase piloting of the predictable case processing timeframes (February – June 2013), submitted by the Municipal and Cantonal Court in Zenica and Cantonal Prosecutor Office in Zenica. The reports were further discussed at the July 17-18, 2013 Council session. The WG meeting also resulted in the adoption of the predictable case processing timeframes for some additional case types, and the final forms of the managerial reports on implementation of optimal and predictable case processing. These reports will allow court presidents and chief prosecutors to compare the results of their courts and POs, to determine the causes of delays and propose methods for improving performance.

Piloting will continue through December 2013 and the beginning of the implementation of the BOR in all courts and POs in BiH is expected in January 2014.

At the initiative of the Finnish experts who were engaged by USAID JSDP II and provided technical assistance to this WG during Year 3 of the Project, USAID JSDP II passed on a proposal to the Council suggesting cooperation with the EU-funded project named “Towards European Case Flow Management Development Model.” The project provides for the development of a tool to tackle the problems of process ineffectiveness and the resulting case backlogs. It also developed a tool, the “Case Flow Management Handbook,” for further rationalizing the process of case flow in European courts that will allow court presidents to detect and eliminate delays in court proceedings. As such, it would complement the work of the HJPC working group on establishing optimal and predictable case processing timeframes in BiH and furthermore be in compliance with the relevant section of the USAID JSDP II Year 4 Work Plan. The anticipated positive reply from the Council would require changing the SOWs for STEs, so USAID JSDP II has urged the HJPC several times to make an early decision on this form of cooperation. Unfortunately, the decision has not been made in a timely manner and USAID JSDP II had to abandon this initiative in order to avoid further delay in the engagement of the STEs. The WG accepted the final SOW for the international STEs and welcomed the formalization of their engagement that is expected to take place by the end of August 2013, so they could start providing their technical assistance to the WG by the second half of September 2013.

The late start of piloting of the BOR, which was initially scheduled for September 2012, and delays in finalizing the SOWs for the USAID JSDP II international STEs, caused by HJPC decisions, led to delays in engaging the STEs. As a result, the training of relevant HJPC WG and Secretariat staff on implementation of the BOR, a follow-up mentoring and assistance to the WG in developing Interim Managerial Reports and a Manual for submitting it to the HJPC for adoption and its usage by individual judicial institutions will take place in Year 5 of the project when all delays will be addressed and overcome.

1.2 Increasing the Effectiveness of the Judicial System through Improved Management and Administration of Courts and Prosecutor Offices

1.2.1 Implementation of Matrix of European Standards in Selected POs

After successful completion of the Model Prosecutor Office Initiative (MPOI) and adoption of the HJPC “Standards of prosecutorial administration for model prosecutors’ offices in BiH,”

informally known as the “Matrix of Standards” (hereinafter: MOS) in Year 3, USAID JSDP II experienced unavoidable delays in MOS implementation due to replacement/ reappointment procedures within the HJPC as well as staffing issues within Component 1 of JSDP II in Year 4. However, the delays were addressed and resolved in the reporting period, enabling JSDP II Component 1 to catch up and get back on schedule as provided in Year 4 Work Plan. Therefore, in Year 4, JSDP II made significant steps forward in MOS implementation, in particular by conducting the survey in October 2012 determining the baseline level of MOS implementation in nine selected POs from their own perspective as well as the Phase I implementation of the MOS. This includes the initial steps regarding the MOS implementation related to seven standards (1.1 Access to PO information; 1.2 Procedures in Dealing with Citizens and Parties, as well as with Other Institutions and Organizations; 1.3 Notice of Decisions; 2.1 Change Management; 2.5 Program Budget and Financial Management; 3.1 Manual Records Management System (MRMS); and 3.8 Archives Management). After having evaluated the implementation progress in nine selected POs and having formally allocated resources from the POP Fund, USAID JSDP II is on the verge of expending a first tranche of resources from the POP Fund to nine selected POs after conducting the necessary procurement procedures. In order to highlight the particularities of the developments and achievements summarized above, the next paragraphs will briefly illustrate the individual implementation steps, as follows:

- With the approval of the Year 4 Work Plan, USAID implicitly approved the list of nine Prosecutors’ Offices (POs) selected and endorsed by the HJPC BiH Working Group for Implementation of the Model Prosecutor Office Initiative and Development of Matrix of Standards (WG MOS) and USAID JSDP II. The selection was then formally approved by the USAID in February 2013. The POs were selected on the basis of project experience and USAID JSDP II’s judgment as to where its assistance would have the maximum impact. These selected POs are: District PO Trebinje, Cantonal PO Mostar, Cantonal PO Sarajevo, District PO East Sarajevo, District PO Banja Luka, Cantonal PO Zenica, Federal PO of the FBiH, Republic PO of the RS and District PO Doboje
- As a next step, USAID JSDP II developed a questionnaire with a scoring system covering all 20 standards and identifying specific needs for each selected PO. After having visited the selected POs and completed the interviews based on the questionnaire in October 2012, an initial baseline was determined, highlighting the level of compliance of individual selected POs from their own perspective and establishing performance benchmarks for status and progress monitoring. Furthermore, the survey results enabled USAID JSDP II to develop a detailed implementation plan for the reporting period and determine the necessary technical assistance that was to be provided to each selected PO. USAID JSDP II drafted a semi-annual implementation plan - Concept and Methodology of Technical Assistance with regard to implementation of the Matrix of Standards in selected POs in BiH – determining the first set of seven standards (MOS) to be piloted in the nine selected POs in Q3 and Q4 of Year 4 by USAID JSDP II Component 1. The plan was finalized and sent to USAID for approval in January 2013 and approved in February 2013, which formally enabled USAID JSDP II to implement MOS in the respective POs.
- The methodology of MOS implementation, as provided in the detailed implementation plan - Concept and Methodology of Technical Assistance with regard to implementation of the Matrix of Standards in selected POs in BiH – pursued the following approach: USAID JSDP II technical assistance on these initial seven standards was provided

through workshops/ trainings to individuals or groups from selected POs. They were gathered at the most geographically convenient place between the POs. The idea was to take as little of the prosecutors' and staff's time as possible, so work on their cases would not suffer. Workshops/ Trainings were dedicated to one or more standards. Standards were taught through training modules developed for each standard. Each module has a title, the outline of the training materials, training materials, a manual where appropriate, and links to relevant information/materials available on internet. Once the T-Portal (electronic portal for prosecutors as a part of the HJPC's "pravosudje.ba" portal) is functional, all the modules will be posted on the portal. Training was conducted either by USAID JSDP II staff or by USAID JSDP II STEs. After piloting in the field, the modules will be improved if necessary and then submitted to the HJPC for final approval. Once approved, the MOS training modules could become official HJPC training material. The HJPC will be encouraged to consider including modules and a concept of the MOS into the plan and program of the entities' Judges and Prosecutors Training Centers, in order to further institutionalize acquired knowledge.

- The HJPC WG MOS was abolished by the decision of the HJPC at its session of January 28-29, 2013. The HJPC transferred the WG competences to Ms. Fadila Amidzic, HJPC Vice-President and Ms. Svetlana Brkovic, HJPC member. USAID JSDP II has been informing Ms. Amidzic and Ms. Brkovic on its activities planned and conducted during this reporting period.
- Once the training materials were finalized, USAID JSDP II training methodology was piloted in the implementation of Standard 1.1 Public Access to Justice - Implementation of the Law on Freedom of Access to Information (FOIA). The first training was held on March 7, 2013, with the attendance of the Federal PO, Cantonal PO Sarajevo, Cantonal PO Zenica and District PO Eastern Sarajevo, while the Cantonal PO Mostar and District PO Trebinje received its technical assistance on the aforementioned topic on March 15 and April 5, respectively. The entire event was videotaped so excerpts could be used as a training tool in the remaining selected POs and potentially by centers for education of prosecutors and judges once the MOS is transferred to the HJPC.

On March 20, 2013 training was held for the remaining selected POs in Banja Luka, namely for the Republic Prosecutor Office of Republika Srpska, District Prosecutor Office in Banja Luka and District Prosecutor Office in Doboj. This particular training was focused on POs' Secretaries and Information Officers/ PRs who received theoretical and practical implementation training on FOIA. The participants from the selected POs were addressed on various relevant FOIA topics by representatives from the Institution of Ombudsman for Human Rights of BiH, the BiH Prosecutor Office, and the HJPC BiH. Therefore, all nine selected POs completed training on standard 1.1 and were provided with specific recommendations relevant to the implementation process, as well as for the allocation of resources from the POP Fund.

- Before implementing the next standards, USAID JSDP II drafted detailed and individualized Quarterly Workplans for each selected PO for the period April 15 – July 14, 2013 (QWP), substantiating the semi-annual implementation plan - Concept and Methodology of Technical Assistance with regard to implementation of the Matrix of Standards in selected POs in BiH. These workplans were signed by all nine chief prosecutors of selected POs. Moreover, in parallel to the signing of QWPs, selected POs

expressed their interest in participating in the POP Fund as an incentive for successful implementation of and compliance with the seven standards as provided in the QWP.

- Subsequently, the next step in the field implementation of MOS, in accordance with QWPs for each selected PO, was conducted between May 20 and June 5, 2013. After designing relevant training materials, USAID JSDP II held individual trainings in nine selected POs and initiated implementation in four new standards, namely 1.2 (Procedures in dealing with citizens and parties, as well as with other institutions and organizations), 1.3 (Notices of Decisions), 2.1 (Change Management) and 3.3 (Manual Records Management). Participants from POs were trained on how to improve procedures in working with citizens and parties through the development and consistent implementation of the Code for Dealing with Citizens and Parties; how to implement a system for monitoring the decision-making process in order to ensure that the perception of PO operations corresponds with their efficiency; how a PO change management team initiates, supervises and monitors implementation of standards within its PO, and finally, how to implement the improved manual records management system (MRMS) as a pre-condition for implementation of TCMS (automated case management system). At the end of the delivered training, USAID JSDP II provided each PO with a list of follow up activities to be implemented in order to achieve a certain level of compliance with the MOS framework as agreed upon in the individual QWPs.
- The final set of standards to be implemented in the first phase of MOS implementation and in accordance with the QWPs were standards 2.5, Program Budget and Financial Management, and 3.8, Archives Management, for which two national STEs were engaged. A joint training for all selected POs was held at Jahorina on June 18 – 20, 2013. The final outputs of the gathering were the Draft Book of Rules on internal control, the Draft Book of Rules on accounting and accounting policies, the Draft Book of Rules on archives management and an Action Plan for the implementation of the Book of Rules on Archives Management. Moreover, the Jahorina training was used for exchanging experiences during the implementation of standards between participants. All selected POs were introduced with an online survey tool, designed for selected POs to communicate their perception on the implementation of standards. The training marked the end of phase I implementation of MOS and the start of the evaluation process.
- After all relevant implementation documents were submitted in adherence to set deadlines to USAID JSDP II, an evaluation of implementation results based on objective and detailed criteria was conducted in order to allocate resources from the POP Fund. More details on the evaluation and POP Fund allocation process can be found below, under KRA 1.2.2 POP Fund.

During Year 3, the USAID JSDP II developed (in close cooperation with the HJPC and prosecutors) the “T Portal” aiming to improve the collection, dissemination and exchange of educational, referential, and informational materials serving the needs of all prosecutors’ offices in the country.

In this reporting period the USAID JSDP II encouraged the HJPC to speed up its work to adopt the internal regulation necessary for the administration and launch of the T-Portal. The HJPC Presidency took the position that the necessary internal regulation should be brought by the HJPC in January 2013. Due to the decreased level of HJPC activities in January 2013, which is

typical for that time of the year due to winter holidays, drafting and approval of the regulation was slightly delayed and approval was expected to take place at the HJPC session in March, 2013. However, due to internal HJPC reasons the necessary normative framework was not adopted. As soon as the regulation is approved by the Council, the USAID JSDP II and the HJPC will organize a brief handover ceremony to highlight the completion of this important task and demonstrate its content and importance in achieving impact and making change sustainable.

USAID JSDP II finished the pre-selection procedure for prosecutors from five prosecutors' offices in Bosnia and Herzegovina (BIH) who applied for participation in the National Association of Attorneys General - NAGTRI International Fellows Program 2013, which took place from June 1-9, 2013 in the USA. This is a nine-day scholarship program, provided free of cost to participants. The purpose of the NAGTRI International Fellows Program is to provide a forum for elite government attorneys from around the world to learn from each other, explore common issues, and establish an international network for the mutual benefit of their respective offices. This year, the focus of the program was the strategies for battling cybercrime and current law enforcement developments in this area.

Continuing three years of fruitful cooperation with NAGTRI, USAID JSDP II followed the selection criteria outlined by NAGTRI and selected the three most qualified candidates for participation in the NAGTRI program. Candidates were from the Cantonal Prosecutor Office of Sarajevo Canton, District Prosecutor Office in Banja Luka and the District Prosecutor Office in Trebinje. The final selection of one candidate from BIH was done by NAGTRI and was awarded to cantonal prosecutor Ermin Imamović from the Cantonal Prosecutor Office of Zenica Canton who participated in the NAGTRI workshop in June 2013. After his return to BIH, USAID JSDP II asked the new NAGTRI fellow to share lessons learned with his colleagues through USAID JSDP II activities aiming to raise the efficiency and transparency of prosecutors' offices

1.2.2 Prosecutors Office Performance (POP) Fund

USAID JSDP II developed detailed criteria for selected POs to qualify for resources from the POP Fund in accordance with the extension agreement. USAID JSDP II drafted all necessary documentation to initiate a competitive POP Fund award cycle. All nine model POs expressed their interest to participate in the cycle and they each signed an "Expression of Interest" letter as well as a "Quarterly Work Plan" that was drafted by the USAID JSDP II and individualized for each selected PO.

In April, 2013 USAID JSDP II, in order to provide incentives for effective prosecutor office management and improved performance in the upcoming implementation of the MOS, initiated a competitive Prosecutor Office Performance Fund (POP Fund) award cycle in nine selected prosecutor offices (POs). The POP Fund is designed to create incentives for POs and their staff to enthusiastically participate in the USAID JSDP II technical assistance sessions and move towards full and sustainable compliance with the MOS. The resources provided in the POP Fund will be available to support some of the unmet and continued needs for equipment in the selected POs, but ONLY if such selected POs meet and maintain specified performance benchmarks. Therefore, assistance from the POP Fund will be based on tangible and demonstrated progress made in the implementation of all the standards of the MOS as well as on maintenance of full compliance and, during the initial round, based on those Standards focused on by USAID JSDP II during the Quarterly Work Plan. The expected result of this approach is improved performance

in prosecutorial administration in the selected POs and a demonstration to leadership in the prosecutorial system in BiH that demonstrable performance incentives can produce results.

In July 2013 the USAID JSDP II evaluated progress made in the Phase I implementation of the MOS and allocated a first tranche of resources from the POP Fund to nine selected POs. The evaluation was based on objective and measureable criteria and completed in due time. The final award of resources from the POP Fund for the Phase I implementation was based on the evaluation of implementation results in all nine selected POs. The POP Fund Administration Unit's (AU) recommendation from July 10, 2013 on the evaluation and resources to be awarded to individual selected POs was forwarded to the POP Fund Award Review Committee. The Committee met on July 12, 2013. In addition to Committee members, the meeting was also attended by members of the POP Fund AU, acting in the capacity of technical advisors, with no right to vote and no active role in the decision making process.

The POP Fund AU has based its recommendation on the scoring system comprised of three components:

- Component A (140/320 points or 43,75 % of total score) consists of a review of required documentation per individual standard each selected PO was obliged to submit;
- Component B (80/320 points or 25 % of total score) consists of a questionnaire for self-evaluation of selected prosecutors' offices, highlighting each individual PO's reflection on the implementation of MOS, enabling the POP GRC to compare the evaluation in Component A to the claims from the self-evaluation made by selected POs; and
- Component C (100/320 points or 31,25 % of total score) takes into account the demonstrated commitment of individual selected POs to successful implementation of the Matrix of Standards by evaluating adherence to agreed deadlines/ timeframes and the submission modus of required documentation as well as a demonstration of initiative and leadership in the implementation process.

After thorough review, all Committee members agreed to accept the recommended evaluation and allocation of resources from the POP Fund and to pass it to USAID BiH for final decision.

Component 1: Year 4 Achievements

Implementing the new judicial and prosecutorial prequalification examination

- Adoption of Book of Rules on Testing of Judicial and Prosecutorial Candidates Entering the Judiciary by the HJPC BiH at its March 5-6, 2013 session;
- Conduct of Structured interviews for Judicial and Prosecutorial Positions was regulated in the HJPC's Book of Rules on Internal Operations whose adoption took place at the HJPC session of June 19-20, 2013.

Initial Design and Implementation Plan for the development of mechanism for prosecutor performance measurement

- Adoption of new Book of Rules on Prosecutor Performance Measurement by HJPC at its November 7-9, 2012 session.

Maximizing impact of new case processing timeframes

- HJPC WG on Developing Optimal and Foreseeable Case Processing Timeframes before Court and POs in BiH established optimal and foreseeable case processing timeframes, which were formally adopted at the HJPC September 2012 session, aimed at eliminating delays in proceedings and consequently reducing the backlog.

Implementation of Matrix of European Standards in Selected POs

- Implementation of first set of seven standards (Phase I) in nine selected POs:
 - *1.1 Access to Prosecutor's Office Information*
 - *1.2 Procedures in Dealing with Citizens and Parties, as well as with Other Institutions and Organizations*
 - *1.3 Notice of Decisions*
 - *2.1 Change Management*
 - *2.5 Program Budget (Financial Management)*
 - *3.3 Manual Records Management System*
 - *3.8 Archives Management*
- Evaluation of implementation and compliance with MOS, where USAID JSDDP II TA was provided, necessary for progress measurement and the allocation of resources from the POP Fund.

Prosecutor Office Performance (POP) Fund

- JSDDP II formally allocated a first tranche of resources from the POP Fund to nine selected POs based on the attainment of specified performance benchmarks. The formal allocation will allow for the initiation of a tender procedure to be conducted in the beginning of Year 5;

Component 1: Activities Anticipated in the Next Quarter

Implementing the new judicial and prosecutorial prequalification examination

- Ensure that the newly adopted judicial testing system is implemented in a sustainable and effective manner by providing technical assistance through engagement of two international

STEs who will develop technical capacity within the HJPC to administer on its own written testing and structured interviewing, draft and renew testing questions, and continuously determine design of written testing for candidates for different judicial and prosecutorial positions;

Maximizing impact of new case processing timeframes

- Provision of technical assistance to the HJPC BiH, courts and prosecutors' offices to ensure that the new system is fully implemented in an effective manner and generating reliable data. By engaging international STEs USAID JSDP II will assist the HJPC in devising a Draft Manual for court presidents and chief prosecutors guiding them on how to use new tools to determine internal and external measures to eliminate delays in judicial proceedings and increase the efficiency and effectiveness of the judiciary.

Implementation of Matrix of European Standards in Selected POs

- Follow up and continuation with MOS implementation activities and monitoring of compliance with specified benchmarks with regard to the first set of standards where TA was provided;
- Initiation of implementation of second set of standards, i.e. standards 2.2 - Internal Organization / 2.6 - Backlog Reduction Plan / 3.2 - Physical & Technical Working Environment;
- Engagement of international STE in backlog reduction and provision of technical assistance to nine selected POs;
- Engagement of national STE in archives management and provision of technical assistance to nine selected POs;
- Conduction of evaluation of implementation and compliance with MOS, where USAID JSDP II TA was provided, necessary for progress measurement and the allocation of resources from the POP Fund;
- Coordination of activities with HJPC BiH and the Swiss Project.

Prosecutor Office Performance (POP) Fund

- Distribution of resources from the POP Fund by initiation of tender procedure, purchasing of equipment and provision of latter to nine selected POs;
- USAID JSDP II will receive applications and necessary documentation from nine selected POs for the second and third rounds allocation of resources from the POP funds

COMPONENT 2: SUPPORT FOR A BETTER COORDINATED AND MORE UNIFIED SYSTEM OF JUSTICE READY FOR EU ACCESSION

2.1. Strengthening the Forum for Joint Policy and Thematic Conferences

All the anticipated results of this activity have been fully achieved. The strengthening of the Forum for Joint Policy (FJP) has continued through the implementation of planned activities, and as a result the FJP became a central point for strategic discussions at the BiH level.

The FJP produced two policy proposals in Year 4. The first policy proposal was dedicated to the support of the justice sector for the economic development of BiH. The second policy proposal

dealt with increasing the career mobility of judges and prosecutors and further reform of procedure for access to careers in the judiciary.

Under USAID JSDP II guidance, the FJP designed and implemented an advocacy campaign dedicated to the reduction of fragmentation of judicial budgets in FBH. This campaign was implemented in several parallel ways, of which the most important were implemented 1) through the Outreach Initiative (OI) activities; 2) in cooperation with JN members; 3) by supporting the HJPC in setting the round table for discussion of this topic with the FBH and Cantonal ministries of justice and finance; and 4) during other important events in the justice sector.

OI activities created additional synergy between the USAID JSDP II components. They were planned and implemented in such a way as to combine the results of the Public Survey conducted during Year 3, and the overview of conclusions from TCs held thus far and the need for the implementation of those conclusions as one of the ways to improve the public perception of the judiciary.

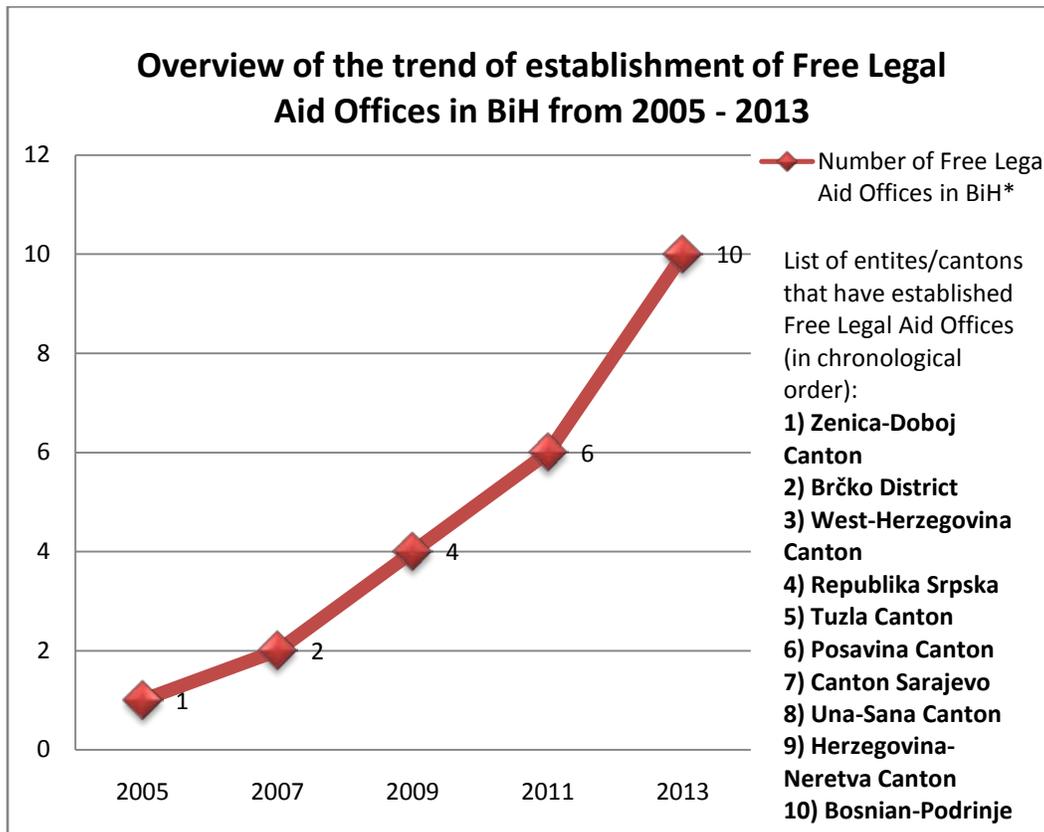
The first round of OI events was held between October and December 2012 in Sarajevo, Zenica, Bihać, Široki Brijeg, Tuzla and Banja Luka. It attracted a wide audience consisting of representatives of Cantonal Governments, judges and prosecutors, including Court Presidents and Chief Prosecutors, representatives of the NGO sector, parliamentarians, media representatives, lawyers, notaries and other legal professionals, involving them in detailed discussions of the relevant topics. The reduction of fragmentation of judicial budgets in FBH gained the full support of the attendees as a logical step forward in improving the financing of the judiciary.

The second round of OI was implemented in a modified way. Despite USAID JSDP II efforts to implement it as previously planned and agreed with our partners, due to difficulties in the functioning of the FBH MOJ and significant delays in the HJPC's actions on our initiatives, the second part of OI was implemented by addressing the participants of the Conference of Court Presidents and Chief Prosecutors held between May 27 and 19, 2013, the HJPC's Session held on May 20, 2013, and other important meetings and other events held between April and June 2013.

The FJP intensified its cooperation with JN members during the reporting period. Through discussions on modalities of cooperation between these two entities, a conclusion was reached that the HJPC and BH MOJ, as founding institutions of the FJP, and interested JN members should sign a Letter of Commitment (hereinafter: LOC) thus setting forth mutual obligations and defining specific activities to be taken in promoting and advocating for the adoption of the BiH Law on Free Legal Aid (hereinafter: BiH FLA Law).

The LOC was signed on February 5, 2013. Some of the activities defined in the LOC have commenced, but the BH MOJ decided to postpone some activities until the end of 2013 and beginning of 2014. This decision delayed some activities, but it did not influence their continuation. The FJP actively participated in the Round Table organized by JN members in March 2013 and contributed to their advocacy activities. The HJPC began the drafting of an opinion on the necessity of adopting the BH FLA Law from the point of view of access to justice and rule of law. FJP and JN members used opportunities such as the Ministerial Conference in the justice sector and other forms of functioning of the Justice Sector Reform Strategy to promote the need for the adoption of the BH FLA Law.

The FJP realized progress in the implementation of the conclusions of the TC dedicated to the establishment of a comprehensive FLA system in BiH held during Year 3 of the Project. During Year 4, another three cantons added FLA to their legislation, and two of those cantons opened relevant offices for FLA. This progress left only two cantons in FBH without the legal framework for providing FLA to their inhabitants. This is a remarkable result for USAID JSDP II, given that FLA did not exist in any canton until towards the end of USAID JSDP I. In addition to this, based on this progress, the FBH MOJ decided to include the creation of a Draft FBH FLA law in its Program for 2013.



Another area where FJP and JN successfully cooperated and coordinated their activities was advocacy for reducing the fragmented budgeting of judicial institutions in FBH. Although not formalized as in the case of the LOC on the BH FLA Law, this cooperation was no less successful. JN members actively participated in most of the OI activities and gave full support to the initiative to decrease the number of budgetary sources for judicial institutions. The FJP participated in the Round Table organized by JN addressing the issues related to the often problematic budgeting of courts and prosecutor's offices in FBH and options for improvements. The FJP and relevant JN members unanimously promoted the position that the reduction of the fragmentation of judicial budgets in FBH and financing the judiciary from one budget source is the best option for the judiciary, in particular for the citizens as users of court services in light of the principle of equal access to justice.

With USAID JSDP II guidance, the FJP created a plan for the set of TCs for year 5 of the Project, with different levels of interest and participation of JSI.

TCs continued to draw the attention and interest of the professional community. The TC

dedicated to support of the justice sector for the economic development of BiH (hereinafter: TC 4) held in November 2012 and follow up events had specific effects on the interactions between justice sector institutions and the private sector. TC 4 was orientated towards the identification of obstacles in the justice sector the removal of which could create a better business environment. The participants agreed that decisive action towards comprehensive change is possible and desired in this respect. They also agreed that the obstacles are more or less identified and that the joint approach of the justice and private business sectors should be exercised so that legislative action introducing those changes is initiated.

At the same time, TC 4 and follow up events offered the judiciary the opportunity to explain in detail with what kind of problems they face in their efforts to keep professionalism and effectiveness at the optimal level possible.

TC 4 was followed by a conference organized by Zenica Dobož Canton with USAID JSDP II support in January 2013. This conference discussed the options for progress at the cantonal level, at which some of the strongest foreign investors operate. The participants identified more than 30 laws that should be amended or significantly changed so that foreign investors could operate in a more conducive environment.

In April 2013, FIPA (Foreign Investment Promotion Agency of BiH), supported by USAID JSDP II organized a conference that allowed for open discussions between judges, prosecutors and other JSI officials with businessmen representing the most important investors in BiH. The latter expressed pleasure because they had the opportunity for the first time to directly discuss options for removing obstacles in the justice sector and the creation of a better environment for foreign investments. After this conference, FIPA submitted a formal initiative to the Council of Ministers and Entity Governments with a proposed list of laws that should be amended or adopted in order to create a better environment for foreign investments.

Following these events, the Chamber of Commerce of Sarajevo Canton held a conference during which it addressed the shortcomings in practice of courts and the negative effects that those shortcomings have on the economy at the micro- level such as the cantonal one. The Association of Bankruptcy Trustees (hereinafter: ABT) also followed TC 4 with its own supportive activities. It invited USAID JSDP II to participate in its annual conference and present the experience and standpoints of the participants of the previously mentioned events regarding the need for substantial changes in the bankruptcy system in BiH. The success of this event resulted in ABT applying for a USAID JSDP II grant in Year 5, with a commitment to produce a policy paper discussing the problems and offering options for significant changes in bankruptcy legislation and practice in BiH.

Supported by USAID JSDP II, the FJP actively participated in all of these events. Participation included discussing the content of events and most of the presentations, discussing and drafting conclusions, providing presentations to the audience tailored to best fit the event, and following up on the implementation of the adopted conclusions.

USAID JSDP II faced particular problems in attempts to organize the second TC in Year 4, dedicated to strengthening career mobility in the justice sector and further reform of the procedure for access to careers in the judiciary. The Project initiated the activity in this respect on February 25, 2013. The TC has been announced a few times, but ultimately the HJPC decided to postpone it until further notice. In the meantime, the FJP completed the relevant policy proposal which was intended to serve as a basic document for this TC. The TC was officially

announced for June 14, 2013, and the notification about the postponement was delivered to USAID JSDP II on June 10, 2013.

2.2 Strengthening strategies and capacities at the Entitz, Cantonal and Brcko District Level

The anticipated results for this activity were fully achieved in Year 4. The strategic planning unit in the FBH MOJ started acting as the central coordinating body in the process of improving cooperation with CMOJ relevant to JSRS implementation. In spite of the difficulties the Entity MOJs faced during Year 4 of the Project, their Points of Contact for Strategic Planning (hereinafter: SPC) assumed roles of coordinators within their institutions.

USAID JSDP II paid particular attention to improve the level of cooperation between the FBH MOJ and CMOJ relevant to JSRS implementation. USAID JSDP II organized three roundtables for this group of legal professionals at which they discussed concrete topics relevant to JSRS implementation, learned about expected challenges in the harmonization of legislation with Chapters 23 and 24 of the Acquis Communautaire, and discussed other aspects of mutual interest, such as the harmonization of the specific laws and regulations relevant to both the FBH and Cantonal levels, some aspects of functioning of notaries, etc.

USAID JSDP II included the SPCs in the organization and implementation of OI activities explained in more detail under the Activity 2.1. They were also the most active promoters of progressive ideas related to the conclusions of the TCs and their implementation in their Cantons. The experience of the SPCs accumulated through the work with USAID JSDP II was of key importance for them for their participation in the Structured Dialogue sessions. And the invitation to participate in those sessions was the best recognition of efforts of USAID JSDP II to create a network of reliable professionals with an open vision of the need for further progress in the BH justice sector in EU accession processes.

Although the continuously increasing political crisis severely complicated the operational environment of USAID JSDP II, the project managed to increase the level of cooperation between the FBH MOJ and CMOJs, which resulted in participants' formal recognition that an official mechanism for their cooperation had been established through this activity; and ended up with their request for further support for the strengthening of that mechanism in Year 5.

The political situation had a particular impact on USAID JSDP II plans to bring together the representatives of the Entity MOJs. Although scheduled several times, these meetings were delayed for different reasons, such as the appointment of a new Minister of Justice of Republika Srpska, the appointment of an additional SPC of the same Ministry, and a crisis in the FBH Government including severe consequences for the FBH MOJ. In spite of these challenges, the respective SPCs have maintained and consolidated their leading roles as coordinators within their institutions with respect to further activities of strategic importance regarding cooperation and coordination leading to approximation and harmonization of legislation, which was particularly important for JSRS implementation, Structured Dialogue and other related activities.

2.3 Limited support to SSPACEI to implement JSRS and establish new justice reform framework

The results for Year 4 as well as the anticipated Project result were fully achieved during Year 4, in which USAID JSDP II provided limited support to the Sector for Strategic Planning, Aid

Coordination and European Integration of the BH MOJ (hereinafter: SSPACEI).

Based on a continuing, patient and well thought out approach during the first three years of the Project, USAID JSDP II supported SSPACEI to fully mature and become a central point for coordination in implementation of the JSRS, a strategic unit for BH MOJ, a core supporter for the FJP, and one of the most important implementing partners for the USAID JSDP II. As a result, during Year 4 USAID JSDP II decided to provide limited support to SSPACEI. This assistance was implemented through in-house expert assistance to SSPACEI in the creation of policy proposals. SSPACEI demonstrated both the capacity to create policy proposals on its own, mobilizing the internal capacities of the BH MOJ in this direction; and in close cooperation with HJPC's relevant structures, which helped it to complete the policy proposal on the justice sector's support for the economic development of BiH. The latter was the basic document for the successful TC 4, as elaborated under Activity 2.1.

SSPACEI participated in organization of TC 4 and follow up events, providing key contribution in analyzing and commenting presentations and discussions, drafting proposals of conclusions, and following up, through the FJP, the implementation of those conclusions.

SSPACEI has been leading the process of establishing the new JSRS framework. With experience accumulated throughout the past four years, including the key contribution of USAID JSDP II, SSPACEI has become a dominant player in this respect. Based on USAID JSDP II's initiative through SSPACEI's role in FJP, some additional activities were included to benefit the new JSRS framework program. Due to the successful support of USAID JSDP II in the development of SSPACEI, the concept of Thematic Conferences will be included as a formal instrument within the new JSRS framework.

Given the achieved successful results in USAID JSDP II's work with SSPACEI, further project support is no longer necessary. Further cooperation with SSPACEI will be exercised through Activity 2.1.

2.4 Reduce fragmentation of judicial budgets in the Federation of Bosnia and Herzegovina

The planned results of this activity for Year 4 have been partially achieved. The HJPC has completed consultations with federal and cantonal authorities relevant to amendments to legislation, but they did not initiate formal procedures for reducing the fragmented financing of judicial institutions in FBiH.

The HJPC committed to complete consultations with federal and cantonal authorities in this respect. These consultations were planned to be implemented with USAID JSDP II support through the organization and implementation of OI, round tables and other forms of open discussions. USAID JSDP II invested significant efforts to provide a forum for discussions between the HJPC and representatives of federal and cantonal authorities, relevant to reduction of fragmentation of financing of judicial institutions in FBH. Although carried out at times with a limited presence of HJPC representatives, OI events significantly broadened the circle of government representatives, legal professionals, NGO, media and other interested participants who were properly briefed on the rationale behind the initiative. These events were also used to inform the participants why and how some other initiatives, such as the adoption of the Federation Law on Prosecutor's Offices, the establishment of a comprehensive FLA system, or the support of the justice sector for economic development in BiH are connected with the reduction of budgetary fragmentation and important for continued progress in building Rule of

Law in BiH.

In March 2013, USAID JSDP II assisted HJPC in the preparation and implementation of the roundtable during which HJPC representatives discussed ongoing issues regarding problems in the adequate budgeting of courts and prosecutor's offices. The reduction of budgetary fragmentation was indicated as the best possible solution for overcoming the majority of problems which put courts and prosecutor's offices in an unequal financial position. The initiative for the reduction of budgetary fragmentation was supported by the representatives of the Federation Supreme Court and the Federation Prosecutor's Office as well as by the representatives of some cantons. The HJPC committed to continue consultations and further promotion of the reduction judicial budget fragmentation as one of the priorities for the judiciary.

This event was shortly followed by the Justice Network members' action in support of the initiative. In an example of synergy between the Components 2 and 3, and with their assistance to JN, a follow up roundtable was organized during which further support was provided to HJPC and other institutions who promote the initiative for the reduction of budgetary fragmentation.

All these efforts resulted in the inclusion of the reduction of judicial financing fragmentation in FBH into the Recommendations of the Expert Group on Restructuring of FBH.

In spite of these achievements, HJPC has not yet formalized a legislative initiative for the reduction of fragmentation of financing of judicial institutions in FBH.

USAID JSDP II planned to provide both international and national experts' assistance to HJPC regarding budgetary issues. These activities will be implemented in the first Quarter of Year 5 of the Project.

Component 2: Year 4 Achievements

- Formal coordination mechanisms have been established between the Federal Ministry of Justice and the Cantonal Ministries of Justice, contributing to better cooperation and implementation of the Justice Sector Reform Strategy
 - Three roundtables held between these institutions with active participation of the EU structures in BiH
 - Cooperation between the Cantonal Ministries of Justice and the Federal Ministry of Justice improved in terms of participation in application for IPA funds, activity lead by the Federal MOJ
- The Forum for Joint Policy developed two policy proposals on 1) Support of the justice sector to the economic development of BiH, and 2) Strengthening career mobility in the justice sector and further reform of the procedure for access to careers in judiciary;
- The Forum for Joint Policy signed a Letter of Commitment with the Justice Network to work on the establishment of a free legal aid system in BiH and advocating for the needed reforms;
- Strategic planning units at entity and cantonal level demonstrated active participation in the transition towards the development of a new justice sector framework;
- The Thematic Conference on the role of the justice sector in support of economic growth initiated discussions among both justice sector professionals and the business sector on how the judiciary can assist in overcoming challenges faced by businesses;
- USAID JSDP II held 6 outreach events in different cities in BiH to promote the results of the public survey on the rule of law conducted by USAID JSDP II. These events were also aimed at improving constructive discussions among different branches of power, as well as broadening the circle of participants and providing better participation of representatives of the judiciary, governments, parliamentarians, NGOs, professional associations, media and legal professionals.
- The HJPC organized a roundtable as a follow up event to the Thematic Conference dedicated to the reduction of fragmentation of judicial budgets in the Federation of BiH. The roundtable served as a continuation of previous detailed discussions, including the identification of advantages and disadvantages of the reduction of judicial budget fragmentation for different stakeholders and participants.

Component 2: Activities Anticipated in the Next Quarter

2.1. Strengthening the Forum for Joint Policy and Thematic Conferences

- USAID JSDP II will support BIH MOJ, HJPC and other interested JSI in drafting and signing a Memorandum of Cooperation on establishment of FJP with expanded membership

2.2. Strengthening strategic and policy capacities at the Entity, Cantonal and Brcko

District Level

- USAID JSDP II will prepare SPCs for advocating for the proposed advancement and assist them in their advocacy efforts

2.3. Reduced fragmentation of judicial budgets in the Federation of Bosnia and Herzegovina

- In coordination with Component 3, USAID JSDP II will set the timeline for JN members' plan for advocacy for reduction of fragmentation of financing of judicial institutions in FBiH

COMPONENT 3: BOLSTERING PUBLIC CONFIDENCE IN THE RULE OF LAW

3.1. Securing the Sustainability of Benefits of the Justice Network

3.1.1 Justice Network Capacity Building

In Year 4, to further build the capacity of JN members, USAID JSDP II provided the following technical support:

- facilitated a peer-review of advocacy initiatives of JN members, USAID JSDP II grantees,
- facilitated four JN thematic meetings: a) the development of a new methodology of monitoring UPR rule of law recommendations to BiH, b) the contribution of the Justice Network to the Justice and Home Affairs section of the Country Strategy Paper for BiH and IPA II (2014-2020), c) the anonymization of judgments and indictments/amendments to the Law on Freedom of Access to Information, and d) legal aid enhancement in BiH,
- provided training in project design and planning to JN members, professional associations, as well as mentoring in financial management and monitoring and evaluation,
- facilitated the decentralized coordination of JN through expert support to the JN coordination committee in the development and implementation of the annual coordination plan.

This support has assisted JN members to embrace a strategic rather than ad hoc approach to advocacy in the justice sector, by among other things helping them set and stick to their priorities. During the reporting period, a number of JN self-initiated advocacy activities were evidence that JN has asserted itself more on the public stage, as well as that the aid provided by USAID JSDP II to JN members is effective and does not foster dependence. Through these advocacy activities JN members sought to address a number of issues relevant to the independence of the judiciary (e.g. the campaign against the SDP-SNSD political agreement to change the procedure of the appointment of prosecutors), the efficiency of the judiciary (e.g. the provision of constructive comments to the Expert Group for FBiH Constitutional Changes related to the judiciary, <http://ustavnareformafbih.blogspot.com/>), and the transparency of the judiciary (e.g. the organization of a public debate on the BiH Ministry of Justice sponsored draft amendments to the Law on Freedom of Access to Information).

Furthermore, the above described technical support contributed greatly to trust building among

JN members, as evidenced by an increased number of advocacy activities implemented in partnership of two or more JN members. A USAID JSDP II survey of JN members showed that only 10% of respondents have not had any cooperation with other members of JN in the last year, whereas 48% have entered into formal partnerships for the implementation of advocacy initiatives and 43% have done so informally, on ad hoc basis. 90% of respondents noted that they were happy with the cooperation they have with their co-members.

3.1.2 Public Promotion of the Justice Network and its Activities

For purposes of public promotion of the JN and its activities, in Year 4 USAID JSDP II:

- provided technical support in the update of the JN Communication Strategy (2013-2015),
- fostered JN internal and external communication through the maintenance of the JN website, information sharing via the JN mailing list, the development of a JN semi-annual newsletter and other PR and outreach material, and
- developed a JN knowledge management database.

The updated [JN Communication Strategy](#) was adopted by both the JN Coordination Committee and JN Assembly.

More than 100 news items were published on the JN website over the course of the year. All 64 JN members were contacted monthly by a JN member NGO, the Human Rights Center of the University of Sarajevo, for information exchange and news collection. The number of individual visits to the site increased from 4050 in January to 4118 in February, 5200 in March and 5668 in April. As expected, the number of visits started to decrease during spring/summer months of May (4873) and June (4649). However, the number of unique hits increased in July (4994).

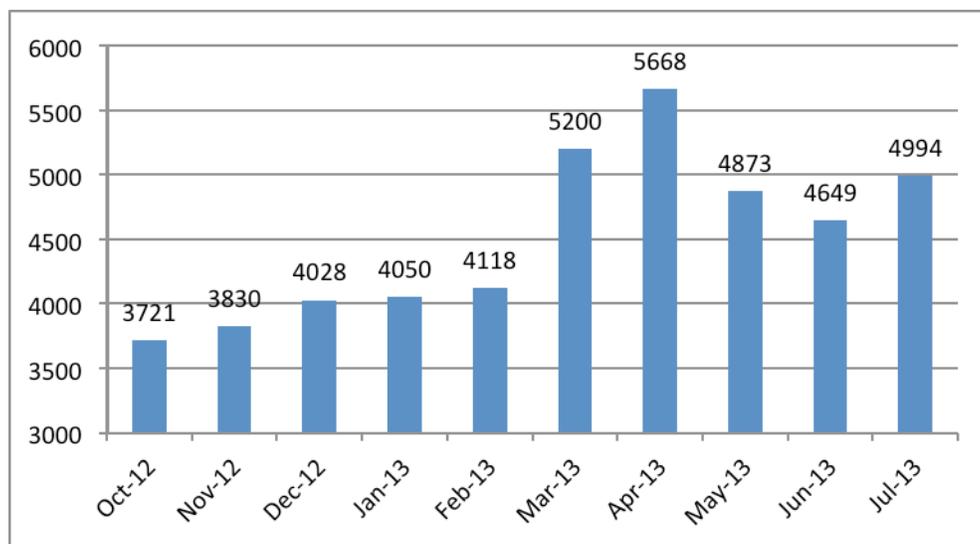


Figure 1. Justice Network website traffic (October 2012 – July 2013)

In 202 individual e-mails, 360 news items were shared with the JN membership through its Google mailing list. The news originated from 22 different organizations. Also, information on the activities of the JN was disseminated to the membership of other networks, such as: Peace Building Network, Free Legal Aid Providers Network, Sporazum + Network, Network of Volunteers, NGO Council, Voice for Children, Women’s Network in BiH, SUMERO, and NEVAC. Announcements and news on JN activities were distributed to a list of 500 media

outlets. ADI, a USAID JSDP II partner NGO, contacted all members of the JN monthly for information exchange purposes.

The [first JN Newsletter](#) was published in April 2013. The newsletter was delivered to 400 addressees from the government and non-government sector and was reported to have a 35.9% success rate.

YIHR launched the JN Facebook and Twitter page (<https://www.facebook.com/pages/Mreza-Pravde> and <https://twitter.com/mrezapravde>). The number of followers on the JN Facebook page is 181. The Twitter account was launched in March 2013 and at this time has 175 followers, follows 1,031 and has published 95 tweets.

The above described activities will continue in the next quarter and throughout year 5 since they were assessed by the JN membership as key to ‘*information sharing, coordination and the development of JN partnerships with various stakeholders (citizens, other NGOs, government institutions etc.)*’. For example, according to the JN survey, which USAID JSDP II conducted in Year 4, 44% of JN members visit the JN website weekly. This indicates that the Justice Network website has become one of the main sources of information in the BiH justice sector.

The JN knowledge management database was developed, as well as guidelines on how to document and share the knowledge content through the use of the database. Through instruments such as: a) knowledge mapping, b) expert directories, and c) cross-project learning (transfer of best practice and after action reviews), the JN knowledge content (best practices and lessons learned) was identified and captured.

3.1.3 Partnership Building between JN members and Government Institutions

During the reporting period, USAID JSDP II provided good offices and expert assistance relevant to the formalization of collaboration between JN members – grantees of USAID JSDP II -- and justice sector institutions through the signing of partnership agreements. The expert assistance provided to the grantees included a review of the text of partnership agreements (Memorandum of Understanding, Letter of Commitment) to make sure that expectations of the two sides are clearly set through the definition of: measurable goals and objectives, the scope of work, the timeline, public transparency and communication, as well as funding. Good offices were provided for the establishment of cooperation with entity Judicial and Prosecutorial Training Centers, HJPC and BiH Ministry of Justice. This resulted in the signing of partnership agreements with said institutions, as well as with the Gender Equality Agencies (FLD/Stop Mobbing), and youth branches of key political parties (YIHR).

The goal of this support was to create an environment more conducive to JN advocacy activities, by increasing the responsiveness of justice sector institutions to JN initiatives. It has greatly helped JN secure greater focus on the needs of citizens in policy-making. Projects around which JN built its partnerships with government institutions include: 1) public legal education efforts implemented by Mediacentar and Helsinki Committee in partnership and Foundation for Local Democracy and Stop Mobbing in partnership, 2) youth for justice advocacy campaign aiming at securing equality before the law through the harmonization of the criminal justice system in BiH (YIHR/Human Rights Center of the University of Sarajevo), and 3) advocacy efforts of ADI/Human Rights Center of the University of Sarajevo to secure equality before the law through the adoption of the BiH Law on Legal Aid.

3.2. Justice network conducts ongoing Oversight, Analysis and Advocacy of Justice Sector Operations and Reform processes

In Year 4, USAID JSDP II supported 5 advocacy initiatives, each implemented through a partnership of two members of JN (see also 3.3.2 and 3.3.3 below). Most of these advocacy efforts contribute to two of three of the following goals: (1) the implementation of EU Structured Dialogue on Justice Recommendations¹, 2) the implementation of specific reform activities of JSDP II, and 3) the empowerment of women and youth.

As planned, advocacy campaigns of USAID JSDP II grantees will continue in Year 5. As a result most of the grantees have not reached their ultimate goal yet. Set forth below are the interim outcomes of their campaigns, which could be summarized as: 1) the public debate on JN issues was reframed to reflect its problem analysis and proposed solution; 2) a pledge from a decision maker was secured; 3) media coverage of the issues was high; 4) better relationships were built with policy makers, experts, media, allies, or other key stakeholders; 5) the skills of JN leadership to speak out, negotiate, engage in research were built (for more details see below the chart '*Advocacy Outcomes of USAID JSDP II grantees*').

ADI and HRC of the University of Sarajevo in partnership advocated for equality before the law: 1) through the adoption of the BiH Law on Legal Aid, 2) by decreasing the fragmentation of the judiciary in FBiH through the reduction of the number of sources from which it is financed, and 3) through the improved implementation of the Law against Discrimination. They did so by using the information gathered through the monitoring of the implementation of the Universal Periodic Review (UPR) rule of law recommendations and published in the third JN monitoring report named '*Human Rights and Judiciary in BiH*'. For each of the UPR recommendations the implementation of which was monitored (related to: a) the independence of the judiciary, b) judicial protection of human rights and c) transitional justice), members of the WG address issues such as whether relevant mechanisms were put in place (a policy, law, strategy, and the required budget is adopted and implemented), and if so, whether consultations with stakeholders were carried out, and what their impact was. Furthermore, the WG developed and published case studies related to the monitored UPR recommendations such as: 1) judicial protection against discrimination, 2) legal aid and access to justice, 3) judicial protection from domestic violence, 4) compensation for victims of violent crime, 5) enhanced independence of the judiciary through the reform of the system of its financing, 6) the protection of human rights defenders, and 7) memorials as part of transitional justice efforts.

ADI and HRC advocated for the adoption of specific policy recommendations stemming from the JN monitoring effort through direct discussions with policy-makers (at one-to-one or round table meetings²), the delivery of messages through media, support to other local organizations to advocate and similar.

YIHR and HRC of the University of Sarajevo in partnership advocated for equality before the law through a harmonized criminal justice system in BiH. They did so through the Youth for Justice Advocacy Campaign, which among other things focused on the use of social media tools

¹The EU Structured Dialogue on justice sector reform was initiated in June 2011, since which date a number of recommendations were issued to the government of BiH on the required reform of its justice sector.

²During the reporting period, 3 roundtable meetings were held to discuss current problems and agree on solutions to improve: 1) the provision of legal aid in BiH, 2) the independence of the judiciary through the reform of the system of its financing, 3) the implementation of UN UPR rule of law recommendations to BiH.

to engage youth to mobilize and advocate for equality before the law. To that end, the two organizations developed and published a legal analysis titled the '*Analysis on how harmonized the four Criminal Codes in BiH are*' with specific policy recommendations. These recommendations were subject to public debates at four events held in June and July in Mostar, Sarajevo, Tuzla and Banja Luka. They were also addressed through 25 published interviews with representatives of academia, youth branches of political parties, parliamentarians, CSOs and other stakeholders.

The advocacy effort of **FLD and Stop Mobbing** aimed at securing equal access to justice for women, by making the judiciary more accessible and responsive to them. Advocacy activities included: 1) a study on public awareness of their rights and mechanisms of protection from gender discrimination, 2) a study on how educated public authorities are about the application of the Gender Equality Law, 3) media advocacy for policy changes based on the results of these studies, 4) direct provision of legal aid through the Legal Aid Center for Women in order to improve the legal literacy and access to information for women, and 5) sensitizing and capacitating judicial institutions on the needs and demands of women through training on the implementation of the Gender Equality Law and training on Family Law. Furthermore, for users of services of the Legal Aid Center for Women, FLD and Stop Mobbing organized visits to the court, police and social services, which served as an opportunity for citizens to discuss challenges they face with the implementation of laws relevant to the protection of women and family.

These advocacy efforts of USAID JSDP II grantees will continue in Year 5 through means similar to the ones described above and as specified in the grant agreements.

3.3. Transparent Judiciary as a result of Civil Society Advocacy and Oversight of Justice Sector and Rule of Law

3.3.1 Public Perception of Justice Institutions and NGO Sector determined through Perception Surveys

During the reporting period, USAID JSDP II conducted two surveys among JN members, which helped assess: 1) the quality of the relationship between CSOs and decision-makers, 2) advocacy in BiH: what works and doesn't work.

The two surveys were developed based on: a) standards on how to establish an effective civil dialogue developed by Social Platform³, and b) the USAID advocacy index. Both provide a relevant framework based on which lessons can be drawn from the experience of JN members to date.

The following is a number of selected results of the survey:

- When formulating a policy position on the issue, respondents gave most importance to the following elements and characteristics: 1) the policy position is clearly and convincingly articulated, 2) the presentation of policy position uses attractive and effective formats, such as graphs. The respondents found that the formulation of a policy

³Social Platform is the largest civil society alliance fighting for social justice and participatory democracy in Europe. Consisting of 42 networks and NGOs, Social Platform campaigns to ensure that EU policies are developed in partnership with people they affect, respecting fundamental rights, promoting solidarity and improving lives. <http://www.socialplatform.org/>

in a participatory manner and its presentation in a fashion that is appropriate for various audiences was of lesser importance.

- In the analysis of the availability of resources for advocacy, the use of the organization's existing resources ⁴(3.69) leads the way, followed by the financial support from international donors (3.5), and volunteer time by citizens (3.48). Sources like membership fees (2.33) and support from domestic governmental institutions (2.08) are considerably less represented.
- Despite the assessment by one of the JN members that *'follow up action, after a policy decision is made, typically does not require significant funding,'* the respondents note that often such follow up action does not take place. This refers to both when the advocacy position was adopted (3.62), but especially when it was not (3.28). Such results can be indicative of either: (1) a lack of interest and/or funding for monitoring of the implementation of adopted reforms, as well as (2) a significant degree of discouragement in cases of unsuccessful advocacy.
- Based on the examples of past problems in communication with the governmental sector, JN members find that the main causes of problems are different value systems and attempts by the government to undermine the autonomy of civil society organizations.
- Members of the Justice Network think that the improvement of relations between governmental institutions and civil society organizations requires a change in the practices of governmental authorities primarily related to (1) a timely involvement of civil society in reform processes, (2) substantial cooperation in the selection of priorities, and (3) openness in the decision making process.

The results of these surveys will help implement and plan project activities in Year 5 based on empirical data, as well as serve as an information sharing and joint learning tool for Justice Network members.

3.3.2 Improved Media-Judiciary Relationship and Transparency in Judiciary

Through a USAID JSDP II grant, **Analitika and FBiH Association of Prosecutors** advocated for a transparent judiciary to be achieved by striking the right balance between the requirement for public hearings and the protection of personal data. To that end, in the reporting period they developed a policy research and analysis titled *'Protection of Information vs. Protection of Public Interest'*. The policy research and analysis reviews current BiH regulation and practice in light of international standards and provides a comparative analysis of regulation and practice in the region, EU, USA and at international courts (European Court of Human Rights, European Court of Justice). Finally, it recommends what level of redaction of judgments and indictments is suitable and appropriate for BiH as a country in transition, which has both enacted transitional justice measures to address wartime abuses and committed to fighting corruption, in order to transform itself into a viable democracy. In April and May 2013, Analitika and FBiH Association of Prosecutors also held two consultative meetings, one with justice sector

⁴ The 'organization's existing resources' imply non-financial resources, such as the use of equipment, space, small inventory supplies etc., i.e. the availability of these resources from the **organization's reserves** for implementation of advocacy activities. The availability of these resources does not imply the overall sustainability of advocacy efforts and/or non-governmental organizations, given that advocacy activities predominantly require funds to cover salaries and other similar expenses.

stakeholders and the other with NGO and media representatives to discuss findings and recommendations from the said policy analysis. Per the initiative of these two partner NGOs, USAID JSDP II acted as liaison in securing the participation of the JN in the government sponsored working group (WG), which will develop guidelines for courts and prosecutor's offices on how to strike the right balance between the requirement for public hearings and the protection of personal data. For that purpose USAID JSDP II talked to the HJPC, which took the initiative of the establishment of the WG following its policy change that the anonymization of judgments and indictments is no longer mandatory, a result of advocacy efforts of a number of NGOs and media, but also USAID JSDP II (see 3.3.4 below).

HJPC agreed to the participation of the two NGOs in the work of the WG, but postponed its decision on their status (rights and responsibilities) in the WG until September, when the inaugural meeting of the WG is expected.

3.3.3 Self-Sustainable Public Legal Education

Through USAID JSDP II grant, **Mediacentar and Helsinki Committee** in partnership advocated for self-sustainable public legal education youth programs. They did so through a combination of grass root advocacy and advocacy for policy change. Their activities included: 1) the development of a network of organizations and institutions involved in public legal education; 2) the development of a training module for judges and prosecutors relevant to their effective involvement in public legal education programs, through cooperation with Judicial and Prosecutorial Training Centers so that it becomes part of their regular training program, and 3) advocacy for the institutionalization of public legal education for elementary and high school students by introducing relevant lectures into the curriculum of the existing course on democracy and human rights and similar.

During the reporting period, Mediacentar and Helsinki Committee worked directly with schools, judges and prosecutors in Sarajevo, Zenica, Cazin and Trebinje on organizing 10 public legal education (PLE) events, such as educational visits of elementary school students to courts, mock trials at high schools and lectures for elementary school students. The advocacy efforts of these two NGOs helped secure the support of 4 cantonal ministries⁵ of education and the RS ministry of education in the organization and delivery of the said PLE events. Advocacy efforts targeting the BiH Ministry of Civil Affairs in charge of the course democracy and human rights resulted in the invitation being extended to the NGOs to participate in the development of the next youth strategy. Furthermore, the BiH Agency for Pre-Primary, Primary and Secondary Education, the institution responsible for the development of the common core curricula in pre-primary, primary and secondary education, offered to work with representatives of Mediacentar and Helsinki Committee on how to best integrate public legal education in the civic education classes for youth and children.

All of these efforts received good media coverage, also as a result of the project blog at: <http://ucimopravosudju.wordpress.com/?ref=spelling>.

These advocacy efforts of USAID JSDP II grantees will continue in Year 5 through means similar to the ones described above and as specified in the grant agreements.

⁵Una Sana Canton, Podrinje Canton, Tuzla Canton and Herzegovina-Neretva Canton.

3.3.4 Enhanced Public Perception of Judges and Prosecutors as a result of improved application of their Ethics Codes

In April 2013, USAID JSDP II in cooperation with entity JPTCs provided training, in Sarajevo and Banja Luka, to judges and prosecutors on how to strike a balance between the requirement for public hearings and the protection of personal data, focusing on the relevant law of the Council of Europe and the jurisprudence of the European Court of Human Rights. The training was attended by 80 judges and prosecutors from throughout the country and of maximum 5 received the mark 4.8 by the trainees. It dealt with the issue of the redaction of judgments and indictments (so called anonymization), which in the opinion of the BiH public (media, NGO, professional community) limited the transparency of the work of the judiciary.

For the purpose of the training, USAID JSDP II secured the assistance of the Council of Europe data protection expert (Graham Sutton), as well as the contribution of the following state agencies: 1) the president of the HJPC, Milorad Novkovic, 2) the HJPC disciplinary counsel, Arben Murtezic, 3) the president of the Data Protection Agency, Petar Kovacevic, and 4) the BiH Ombudsmen, Jasminka Dzumhur and Nives Jukic. The president of the HJPC spoke about the relevance of the transparency of the judiciary to public confidence in its work; the HJPC disciplinary counsel spoke about the practice of the publication of judgments and indictments to date; whereas a representative of the BiH Data Protection Agency presented on the BiH Data Protection Law and the BiH Ombudsman on the Law on Freedom of Access to Information.

Following the training and the related meetings with stakeholders, the Data Protection Agency sent a clarification of its opinion (hereinafter: the Opinion) to the BiH MOJ and HJPC, stating that the redaction of judgments and indictments (so called anonymization) is not mandatory.

Such clarification of the Agency's opinion led to the HJPC decision to issue a recommendation to court's and prosecutor's offices, which reflects a change of its policy on the redaction of judgments and indictments by stating that the anonymization is no longer mandatory. As can be seen from the text of the Agency's Opinion and HJPC's Recommendation, both institutions relied heavily on the USAID JSDP II training material, discussions at training and the expert report. Furthermore, the Opinion of the Data Protection Agency specifically refers to the USAID JSDP II supported trainings as an event, which prompted the discussion of professionals on the topic and made it clear that there was a need for such clarification to be made.

Advocacy Outcomes of USAID JSDP II grantees

Grantee CSO	Advocacy Campaign	Interim outcomes of advocacy (Advocacy campaigns of USAID JSDP II grantees will continue in Year 5. Therefore most of the grantees have not reached their ultimate goal yet.)
Association for Democratic Initiatives Human Rights Center of the University of Sarajevo	Strengthened judicial protection of human rights in BiH through JN involvement in monitoring and advocacy for key recommendations of the UN UPR	Ministry for Human Rights and Refugees agrees to use the same monitoring methodology as that of JN, i.e. to monitor also the status of those UPR recommendations that were not accepted by BiH Per recommendation of JN UPR monitoring report, the commitment of the Ministry for Human Rights and Refugees to work on the amendments to the Law on Discrimination together with the Council of Europe and Justice Network JN UPR monitoring report recommendations built into the

		draft JSRS. Furthermore, per JN recommendation the draft JSRS specifically notes the responsible government institution for the implementation of a strategic objective
FBiH Association of Prosecutors Foundation Analitika	Balancing public interest and the protection of information in criminal law proceedings in BiH	HJPC initiated the modification of regulations limiting the transparency of the judiciary. The new regulations are to be developed in accordance with the recommendation to “strike a balance between the public interest and the protection of privacy of individuals involved in court proceedings” <i>(partner NGOs will continue to influence new regulations; preferably through membership in the HJPC WG established for this purpose)</i>
Youth Initiative for Human Rights Human Rights Center of the University of Sarajevo	Strengthened cooperation between young lawyers, law students and CSOs, political parties and the state institutions in formulating a platform for the harmonization of the criminal laws and court practice in BiH	Law students across the country aware of the need to harmonize the criminal codes, and capable to conduct advocacy campaigns through social media tools and engagement of youth in advocacy activities aiming for possible solutions to burning justice sector issues in order to achieve equality before the law for all citizens across BiH
Foundation Mediacentar Helsinki Committee for Human Rights in BiH	Improved public confidence in and respect for the BiH judiciary through advocacy for strategic development of sustainable public legal education programs	The support of 4 cantonal ministries ⁶ of education and the RS ministry of education in the organization and delivery of PLE events secured. Advocacy efforts targeting the BiH Ministry of Civil Affairs in charge of the course democracy and human rights resulted in the invitation being extended to the NGOs to participate in the development of the next youth strategy. BiH Agency for Pre-Primary, Primary and Secondary Education, the institution responsible for the development of the common core curricula in pre-primary, primary and secondary education, offered to work with representatives of Mediacentar and Helsinki Committee on how to best integrate public legal education in the civic education classes for youth and children.
Foundation of Local Democracy Stop Mobbing	Improved public legal education on Family Law and Gender Equality Law in BiH	Established and piloted a partnership of governmental and civil society stakeholders in the development of PLE programs focusing on the Family Law and the Law on Gender Equality. Based on the partnership partners implemented different outreach activities aimed at raising public awareness on the importance of gender issues, especially related to the domestic violence.

⁶Una Sana Canton, Podrinje Canton, Tuzla Canton and Herzegovina-Neretva Canton.

Component 3: Year 4 Achievements

- JN self-initiated advocacy activities are evidence that JN has asserted itself more on the public stage, as well as that the aid provided by USAID JSDP II to JN members is effective and does not foster dependence. (see 3.1.1)
- Trust among JN members was enhanced as evidenced by an increased number of advocacy activities implemented in partnership of 2 or more JN members. In the last year, 48% of JN members, respondents of USAID JSDP II survey, entered into formal partnerships for the implementation of their advocacy initiatives with their co-members, and 43% did so informally, on ad hoc basis. 90% of respondents noted that they were happy with the cooperation they had with their co-members. (see 3.1.1).
- The technical assistance aiming at public promotion of JN and its activities was assessed by its membership as key to *‘information sharing, coordination and the development of JN partnerships with various stakeholders (citizens, other NGOs, government institutions etc.)’*. (see 3.1.2)
- Partnership agreements signed between JN members and government institutions (HJPC, BiH MOJ, JPTCs, Gender Equality Agency), through good office and expert assistance of USAID JSDP II, helped JN secure greater focus on the needs of citizens in policy-making. (see 3.1.3)
- Evidence-based advocacy for policy and legislative change based on specialized reports and concrete policy proposals continuous to be the *modus operandi* of JN members. With USAID JSDP II technical support, the following reports were produced: 1) *‘Protection of Information vs. Protection of Public Interest’* on the redaction of judgments and indictments, 2) *‘Analysis on how harmonized the four Criminal Codes in BiH are’*, 3) *‘Human Rights and Judiciary in BiH’* the third JN monitoring report of the implementation of UN Universal Periodic Review rule of law recommendations to BiH with case studies, 4) *‘Study on public awareness of their rights and mechanisms of protection from gender discrimination’* and 5) *‘Study on how educated public authorities are about the application of the Gender Equality Law and Family Law’*. (see 3.2. and 3.3)
- Interim outcomes of USAID JSDP II grantee advocacy campaigns, such as: 1) the public debate on JN issues was reframed to reflect its problem analysis and proposed solution; 2) a pledge from a decision maker was secured; 3) media coverage of the issues was high; 4) better relationships were built with policy makers, experts, media, allies, or other key stakeholders; 5) skills of JN leadership to speak out, negotiate, engage in research were built (for more details see the related chart *‘Advocacy Outcomes of USAID JSDP II grantees’*).
- USAID JSDP II conducted two surveys among JN members, which helped assess: 1) the quality of the relationship between CSOs and decision-makers, 2) advocacy in BiH: what works and doesn't work. The results of these surveys will help implement and plan project activities in Year 5 based on empirical data, as well as serve as an information sharing and joint learning tool for Justice Network members. (see 3.3.1)
- Following advocacy efforts of USAID JSDP II and of its partner NGOs, HJPC changed its policy on the redaction of judgments and indictments, noting that so-called “anonymization” is no longer mandatory. (see 3.3.4 and 3.3.2)

Component 3: Activities Anticipated in the Next Quarter

- USAID JSDP II will continue to provide for JN strategic planning and decision-making opportunities through peer review of JN advocacy initiatives, thematic meetings and technical support to the JN coordination committee.
- USAID JSDP II will provide technical support in the implementation of the JN Communication Strategy, by assisting the JN: develop its internal and external communication procedures, improve its visual identity, establish partnerships with the media and develop a documentary film on JN.
- USAID JSDP II will test the knowledge management database (software), develop a user manual and train JN volunteers in data entry.
- USAID JSDP II will monitor the effectiveness of partnerships between the JN members and government institutions to make sure that they are real rather than formal.
- USAID JSDP II will provide good office to secure a meaningful and productive participation of JN in the work of WG which will develop guidelines for courts and prosecutor's offices on how to strike the right balance between the requirement for public hearings and the protection of personal data, whereas its partner NGOs will continue their advocacy through similar means and as defined in the grants agreement.

SUCCESS STORIES

Maximizing impact of new case processing timeframes

The HJPC Working Group on Developing Optimal and Foreseeable Case Processing Timeframes before Courts and POs in BiH established optimal and foreseeable case processing timeframes, and the HJPC formally adopted the corresponding Book of Rules (BOR) at its session of September 2012. This achievement was made possible thanks to the extensive technical existence provided to the Working Group by USAID JSDP II.

Efficient, predictable and speedy justice administration is the hallmark of an advanced judicial system and increasingly a focus of attention among European consultative bodies concerned with justice issues. In 2005, the European Commission for the Efficiency of Justice (CEPEJ) called for “a new objective” for judicial systems: the processing of cases within an optimum and foreseeable timeframe. CEPEJ’s December 2008 SATURN Guidelines for Judicial Time Management further emphasized the need for optimum timeframes and for monitoring adherence to them by courts. Thus, the HJPC’s adoption of the new timeframes is an important step in bringing the BiH judiciary up to European standards.

Optimal case timeframes represent the ultimate goal for courts and prosecutor offices in terms of case proceeding timeframes. The difference between optimal and foreseeable case timeframes will highlight deficiencies within the justice system and identify possible areas for improvement. This feature will help managers in the justice system to collect appropriate information and analyze relevant aspects of the duration of judicial proceedings with a view to reduce undue delays, ensure effectiveness of the proceedings and promote greater transparency of the justice system in BiH.

This new management tool created a base for concrete measures by the HJPC and individual prosecutor offices and courts aimed at eliminating delays in proceedings and consequently reducing case backlogs. The BOR and Technical Instruction for its implementation demand close cooperation between the HJPC, court presidents and POs' chief prosecutors, as well as the strong leadership of the HJPC in determining the status of efficiency and effectiveness of the whole judiciary, and in providing direction for systematic improvements. The findings stemming from the application of the new case processing timeframes will be important tools for civil society organizations advocating for improvements in the justice sector, as well as for the executive and legislators at different levels to identify actions necessary to fulfill obligations from the EU partnership with BiH related to establishing of efficient and effective judicial proceedings.

Support of the Justice Sector for Economic Development in BiH

Based on increasing calls for urgent improvements in the economic situation in BiH, USAID JSDP II supported BH MOJ in organizing a Thematic Conference dedicated to identifying ways in which the justice sector can support economic development in Bosnia and Herzegovina (hereinafter: TC 4). Prior to the TC 4, a policy proposal was created in which specific recommendations were made to relevant institutions as to how to create a better business environment in BiH through identifying and removing obstacles in the justice sector. The TC 4 took place on November 30, 2013 in Sarajevo and attracted the immediate attention of representatives of governments and the business sector interested in seeing quick and significant changes in this direction.

The participants discussed a number of topics, including laws and regulations, such as: 1) the Labor Law and Collective Agreements; 2) the Bankruptcy and Liquidation Law; 3) Tax Laws and regulations; 4) the functioning of Commercial Courts and their perspectives; 5) the need for increased utilization of mediation; and 6) the reduction of case backlogs, and many other important topics.

TC 4 produced significant interest among some participants to contribute to further discussions and actions in furtherance of the conference's objectives. Thus, the Government of Zenica Dobož Canton organized a follow up conference in Zenica on January 18, 2013, and the Foreign Investment Promotion Agency of Bosnia and Herzegovina (FIPA) organized a conference in Sarajevo on April 3, 2013. Both of the organizers provided the opportunity for the participants -- more than 100 at each event -- to discuss the justice sector's support for economic development through their own points of view or interest. Following this course of action, FIPA subsequently submitted a formal initiative to the Council of Ministers and Entity Governments addressing the need for introducing new and amending existing laws which will help create a better business environment.

Another direct result of TC 4 was the initiative of the Association of Bankruptcy Trustees of Bosnia and Herzegovina to engage in discussions about the need for changes and its perspectives of bankruptcy legislation and practice. This initiative paved the way for USAID JSDP II to award a grant to this association as a member of JN to produce, in cooperation with the FBH Association of Judges, a policy paper discussing the above mentioned changes and perspectives during Year 5.

Improved Cooperation between the Cantonal Ministries of Justice and the Federation Ministry of Justice

During previous years, based on the need for effective implementation of the Justice Sector Reform Strategy in BiH, USAID JSDP II worked on establishing strategic planning capacities at the entity and cantonal ministries of justice. This resulted in the appointment of Strategic Planning Points of Contact at the cantonal ministries of justice, the Judicial Commission of Brčko District and the Republika Srpska Ministry of Justice, and the establishment of a Strategic Planning Department at the Federal Ministry of Justice. These officials became key figures for improving both vertical and horizontal cooperation in terms of JSRS implementation.

During Year 4, USAID JSDP II worked with the entity and cantonal MOJs to promote further recognition of the roles of the strategic planning groups and highlight the need for adequate resources in order to ensure that such groups are involved in activities pertaining to implementation of the Justice Sector Reform Strategy in BH and the Structured Dialogue on the judiciary between the EU and BiH.

Based on the Year 4 Work Plan, USAID JSDP II held three roundtables with the Federal MOJ and the Cantonal MOJs. The specific goals of this exercise was to identify cooperation tools between these institutions in terms of exchange of information and coordination of activities in the area of strategic planning, EU integration and aid coordination. Participants also reported on the progress made on topics elaborated by the Thematic Conferences. An active approach by USAID JSDP II resulted in legislative actions by the cantonal MOJs in the Una-Sana and Bosnian-Podrinje Cantons. The Cantonal Assembly of the Una-Sana Canton adopted the Cantonal Law on Free Legal Aid, and a Free Legal Aid Office is now operational. In Bosnian-Podrinje Canton, the Cantonal MOJ drafted the relevant Law which was also adopted

by the Parliament. The same happened with the Herzegovina-Neretva Canton, where the Parliament adopted the Law on Free Legal Aid and the Free Legal aid Office is now being established. The roundtable format was formally adopted by the participants as the formal cooperation mechanism at the 2nd roundtable held in February 2013, ensuring that this activity is continued after the closing of USAID JSDP II. Given the great number of topics that need to be resolved, such as implementation of recommendations of the Structured Dialogue, JSRS Action Plan, and obligations arising from the Stabilization and Association Agreement between BH and the EU, USAID JSDP II will continue with its active role in this process during Year 5.

Roundtable between Federal MOJ and cantonal MOJs

Establishing a sustainable mechanism of cooperation between the Federal Ministry of Justice and the cantonal ministries of justice is of key importance for successful implementation of tasks from the Justice Sector Reform Strategy and the Structured Dialogue between the EU and BH related to these institutions.



Photo by USAID JSDP II

Roundtable between representatives of cantonal ministries of justice and the Federal Ministry of Justice, 5 October 2012

“Anonymization” of Judgments and Indictments No Longer Mandatory

In many judicial systems, including until recently that of Bosnia and Herzegovina (BiH), the redaction of the names and identifying information of the parties in court judgments usually was limited to family law disputes and disputes relating to children in order to protect privacy. However, following the Opinion of the Data Protection Agency (DPA), the High Judicial and Prosecutorial Council (HJPC) in recent years decided to take a sweeping approach to the redaction of judgments, requiring that in all criminal cases the names of parties and the place where the crime was committed be removed. This so called “anonymization” of judgments and indictments was criticized for limiting the transparency of court proceedings and rendering reports of court proceedings less interesting to the public. Most importantly, in the case of war crimes trials in BiH, anonymization undermined the very essence and goal of the proceedings to contribute to the settlement of the wider issues of accountability, reconciliation and the establishment of the truth.

In April 2013, USAID JSDP II and its partner NGOs gathered around the Justice Network (www.mrezaprade.ba), provided training to judges and prosecutors on how to strike a balance between the requirement for public hearings and the protection of personal data. The training was provided in cooperation with Judicial and Prosecutorial Training Centers in Sarajevo and Banja Luka and focused on the relevant law of the Council of Europe and the jurisprudence of the European Court of Human Rights. For the purpose of the training, USAID JSDP II facilitated the contribution of key stakeholders, such as the DPA, HJPC and the Ombudsman. The training was attended by 80 judges and prosecutors from throughout the country.

Following the training and the related meetings with stakeholders, the DPA issued an Opinion stating that the anonymization of judgments and indictments is not mandatory. Consequently, the HJPC decided to change its policy requiring the anonymization of judgments and indictments and form a working group, which will develop guidelines for courts and prosecutor's offices on how to strike a balance between the requirement for public hearings and the protection of personal data. As can be seen from the text of the Agency's Opinion and HJPC's Recommendation, both institutions relied heavily on the USAID JSDP II training material, the discussions at the training and the expert report. The Opinion of the DPA specifically referred to the USAID JSDP II-supported trainings as an event that prompted the discussion of professionals on the topic and made it clear that there was a need for such clarification to be made.

For a country that has enacted transitional justice measures to address wartime abuses and committed to fighting corruption in order to transform itself into a viable democracy, this policy change will mean greater judicial transparency and improved public confidence in the rule of law.

JSDP II ORGANIZATION CHART

