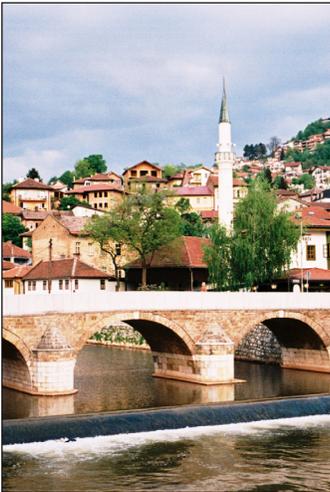


Legal Reform: *Justice Sector Development Project in Bosnia-Herzegovina*



In May 2009, EWMI completed the implementation of the five-year Justice Sector Development Project (JSDP) in Bosnia and Herzegovina (BiH). JSDP, a \$14.7 million USAID-funded activity, was a partnership initiative with the BiH High Judicial and Prosecutorial Council (HJPC), the BiH Ministry of Justice (MOJ) and courts throughout the country. The project worked to strengthen the rule of law in Bosnia and Herzegovina through (1) judicial sector policy reforms, (2) strengthening the HJPC, (3) improving court administration, and (4) strengthening the state MOJ.

EWMI worked with the HJPC, MOJ, judges, and court staff to strengthen the independence and accountability of the judiciary and to ensure the success of ongoing judicial reforms. The executive, legislative and judicial branches also needed to improve their dialogue in order to respect fully each other's constitutional roles and to achieve together a justice system able to meet EU standards. EWMI successfully stimulated this dialogue, which produced tangible results. Important revised court fee legislation passed in the Republika Srpska entity and in two Federation cantons, and model enforcement of judgments legislation was developed in the Brcko District.

HJPC STRATEGIC PLAN

EWMI helped the HJPC improve the professional quality of the judiciary and establish its independence from political influences. With support from EWMI, the HJPC set new standards for judicial appointments, performance and discipline of judges, and codes of ethics for judges and prosecutors. Other collaboration assisted HJPC in the areas of strategic planning, senior management training, and public relations. EWMI also helped strengthen the institutional capacity of HJPC to support two of its key competencies—court administration and budgeting—through expert assistance and training. A new Book of Rules for the courts, the first since 1974, has been published; and civil and criminal ‘benchbook’ manuals for judges’ daily use in court – the only publications of their kind in the region -- have been printed.

COURT ADMINISTRATION

Through its innovative “Model Courts” initiative and “European Standards” program, EWMI helped transform judicial and administrative practices in 32 model courts (nearly half of the courts in the country) through the implementation of an aggressive intervention plan that emphasized organizational change and administrative efficiency. The model courts introduced modern case management systems, improved customer service and public relations and remodeled

Working in partnership with grass roots groups, local governments and international organizations to build just, prosperous and democratic societies.

courthouse premises to make them more accessible to the public. ‘Change management teams’ now work in the courts to improve leadership skills at all levels. Their activities are results-oriented and better communicated. Their backlog reduction plans are accepted by HJPC as its template, with backlog reduction examples in 2007 of 45% (DC Banja Luka) and 34% (MC Zenica).



Before and after pictures of the Model Court in Zenica.

LEGAL AID

EWMI also helped entity and cantonal ministries develop free legal aid institutes and set eligibility standards for appointment of counsel for indigent criminal defendants. BiH now has four legal aid institutes: two in FBiH, one in RS, and an earlier one in Brcko District. Court budget savings instead of increases are being realized by the institutes as compared to the alternative of ex officio appointment of counsel.

STRENGTHENING THE MOJ

The Ministry of Justice (MOJ), a state-level ministry created in 2003, received technical assistance from EWMI to improve its work in justice sector strategic planning and policy-making; budgeting and finance; and donor coordination and European integration. For example, JSDP helped MOJ in the development of the first national Justice Sector Reform Strategy (JSRS), which was adopted in 2008 by the governments of the state, entities and Brcko District. JSDP assisted MOJ in the implementation of three main sections (“pillars”) of JSRS, which aim at enhancing the independence and efficiency of the judiciary, access to justice, and coordination in the justice sector.

EWMI also worked with Ministry staff to develop two databases to process international legal assistance requests and track prison sentencing information, which led to greater work efficiency.

EWMI helped the MOJ draft a manual on International Legal Assistance for distribution by the Ministry to the courts and has trained judges and court staff in its application. JSDP also supported Ministry staff trips to Croatia, Slovenia and Macedonia to conduct bi-lateral talks with Ministry counterparts on processing international legal assistance matters. To improve the quality of legislation and the MOJ’s practices in particular in that regard, EWMI helped the MOJ hold public debates on the draft Law on Obligations, created a legislative drafting manual based on the new Uniform Drafting Rules, organized EU harmonization training and sponsored legislative drafting training to further the goal of implementation of the Uniform Rules.

Partnerships Produce Results

In its midterm performance review of the project, USAID praised the EWMI approach:

“EWMI treated the local institutions as partners, implementing the assistance programs with the philosophy: ‘we are here to assist and coach the BiH institutions, not to do the job for them.’ This philosophy was recognized and appreciated by the local beneficiaries of the project. The beneficiaries also spoke highly about the quality and organization of EWMI’s training programs and about [the] positive attitude of EWMI staff during these programs. ... [I]t is important to note that many other donors look at EWMI as a leader in providing assistance to BiH State level judicial institutions and to the BiH courts.”

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