

MOJ SECTORS/UNITS AND POTENTIAL DONOR CONTRIBUTIONS

*SECTOR FOR HUMAN RESOURCES, GENERAL,
FINANCIAL AND MATERIAL AFFAIRS*

SECTOR FOR STATE-LEVEL JUDICIAL BODIES

*SECTOR FOR ENFORCEMENT OF CRIMINAL SANCTIONS
AND FOR WORK OF PENAL INSTITUTIONS.*

**NEEDS FOR DONOR SUPPORT
AND
ACHIEVABLE RESULTS**

*SECTOR FOR INTERNATIONAL AND INTER-ENTITY
LEGAL ASSISTANCE AND COOPERATION.*

SECTOR FOR STATE-LEVEL ADMINISTRATION

STATE-LEVEL ADMINISTRATIVE INSPECTORATE

*SECTOR FOR STRATEGIC PLANNING, DONOR COORDINATION
AND THE EUROPEAN INTEGRATION*

*SECTOR FOR STATE PRISON
AND DETENTION*

**MINISTRY OF JUSTICE OF
BOSNIA AND HERZEGOVINA**

SECRETARY OF THE MINISTRY

Bosna i Hercegovina
MINISTARSTVO PRAVDE



Босна и Херцеговина
МИНИСТАРСТВО ПРАВДЕ

Ministry of Justice of Bosnia and Herzegovina

**NEEDS FOR DONOR SUPPORT AND
ACHIEVABLE RESULTS**

DECEMBER, 2006

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Introduction

The BiH Ministry of Justice has prepared this document to acquaint the donor community with the history of MoJ, its functions, its organizational structure into sectors and the kind of donor support the Ministry would need to better fulfill its responsibilities. Additionally, this document will identify what each sector is able to contribute (human and material resources, financial support, task accomplishment, etc.), to support the donor contribution.

The efforts invested by the USAID Justice Sector Development Project (JSDP) aimed at strengthening the institutional and organizational capacity of the BiH MoJ included a series of meetings and training sessions which were conducted during the period from June through September 2006 for the management staff of the BiH MoJ. The goal was, inter alia, to establish measurable performance indicators of the Ministry. By applying skills acquired at training, the Ministry identified measurable performance indicators and the necessary resources in line with legal competencies of the MoJ¹ and the Book of Rules on Internal Organization of the BiH Ministry of Justice². It is hoped that the various donors will see that this document states very precisely how their contribution will enable the MoJ to accomplish its mission with greater effectiveness and efficiency.

Some of the identified donor support has already been included in the various bilateral agreements on technical assistance to the BiH MoJ. Nevertheless, we believed it would be practical, for the purpose of the aforementioned training, to present all the needs of the MoJ, as perceived by its managerial staff, in order to provide an overview of the work of the MoJ and its cooperation with international donors.

¹ Article 13 of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina, Official Gazette of BiH, 05/03 of 7 March 2006

² The Book of Rules adopted on 17 May 2006

The activities described below will assist the Ministry in achieving the objectives for the Ministry as determined in its strategic plan and also the recommendations set forth in the EC System Review of Public Administration and the EC Functional Review of the Justice Sector.

This document and the recently established Sector for Strategic Planning, Donor Coordination and the European Integration are evidence of the Ministry's readiness to coordinate donor activity by defining what its needs are, the potential donor contribution and the Ministry's contribution to the accomplishment of the achievable results. This demonstrates that the MoJ has started taking the lead in the justice sector and seeking to achieve goals set forth in its Strategic Plan for 2006-2008.

Slobodan Kovac
Minister of Justice of BiH

1. MoJ History

After the Dayton Peace Agreement was signed in 1995, the competencies of the State were limited. Because there was no Ministry of Justice at the state level, justice policy was handled by the entity ministries of justice. The only judicial institution at the state level was the Constitutional Court of BiH.

The situation changed with the establishment of the Ministry of Justice of Bosnia and Herzegovina pursuant to the Law on Ministries and other Administrative Bodies of Bosnia and Herzegovina that came into effect on March 15, 2003. It assumed the responsibility for the administration of the BiH Court and the Prosecutors' Office, and for state level public administration and other matters.

The MoJ was given a pivotal role in guaranteeing the rights and freedoms of BiH citizens, ensuring equal access to justice, improving standards of public administration and equipping BiH for EU integration. The importance of justice and public administration issues should not be underestimated as an element of building a stable, accountable state in preparation for EU accession.

The mission of the Ministry of Justice is:

To provide equal access to timely justice and efficient, ethical, lawful and accountable public administration in accordance with European standards

The Ministry's development path has been unusual, even in BiH's unusual circumstances, where there are thirteen ministries of justice, a High Judicial and Prosecutorial Council (HJPC) performing several tasks that are normally handled by ministries of justice, and also a judicial commission in the Brcko District. Accordingly, a significant amount of responsibility in the justice sector in Bosnia is dispersed throughout numerous governmental bodies.

It is critical that the MoJ has the ability to execute its duties and respond to the needs of its stakeholders and general public while applying good management practices. The MoJ assumed new roles and responsibilities but it must also develop better procedures and practices to fulfill those roles and responsibilities properly.

The MoJ must also be sensitive to and collaborate with a network of interests that have a role to play in the justice sector in order to exert the necessary influence to promote and achieve change. These networked relationships include state, entity and cantonal ministries of justice, the Brcko Judicial Commission, the HJPC, Parliament, other ministries, governmental bodies, such as the Public Administration Reform Coordinator's Office and the Directorate for European Integration, the State Court and Prosecutors' Office, the legal community, NGOs, the international community and the public.

Successful collaboration with these many bodies is crucial in order to achieve a fair system of justice throughout the country.

2. Competencies of the Ministry of Justice of Bosnia and Herzegovina

The following competences of the Ministry of Justice of Bosnia and Herzegovina are prescribed in the Article 13 of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina as:

1. Administrative functions related to the judicial institutions at state level;
2. International and inter-entity judicial co-operation (mutual legal assistance and contacts with international tribunals);
3. Drafting of relevant legislation to address the issues referred to in sub-paragraphs 1 and 2 of this article;
4. Ensuring that BiH legislation and its implementation on all levels is in compliance with the obligations of BiH derived from international treaties;
5. Co-operating both with the Ministry of Foreign Affairs and with the entities in the drafting of international bilateral and multilateral treaties;
6. Providing guidelines and monitoring legal education to ensure inter-Entity harmonization and compliance with best practice;
7. Generally acting as a central co-coordinating body for ensuring inter-Entity legislative and justice system harmony and best practice, whether by providing good offices for the discussion or coordinating initiatives;
8. Extradition;
9. Tasks of administrative inspection of legislation governing civil servants and employees of the bodies of administration, of administrative proceedings and special administrative proceedings, as well as of office operations in the bodies of administration;
10. The issues of associations of citizens and keeping of registers of associations of citizens and of non-governmental organizations operating within BIH; and
11. Other tasks and duties which are not within the competence of other Ministries of BIH and which are related to the tasks and duties of this Ministry.

Pursuant to the Book of Rules on Internal Organization of the Ministry of Justice, as confirmed by the Council of Ministers of Bosnia and Herzegovina (CoM), the basic organizational units have been formed and staffed as described below in the section MoJ Units and Potential Donor Contributions.

3. Challenges

One of the challenges for the MoJ has been to execute its responsibilities, while at the same time, developing its organizational capacity to achieve its goals. The MoJ has succeeded in overcoming many initial problems, such as lack of space, staff and funding, to carry out its agenda and the tasks of its mandate. However, more improvements need to be implemented as part of a continuous program of growth, adaptation and learning. Today, the Ministry has 160 employees with a trend toward further expansion. To achieve and maintain a high level of credibility within the justice sector, the MoJ has already proposed, and will continue to propose, a variety of important changes to improve performance.

In addition to the new Sector for Strategic Planning, Donor Coordination and the European Integration, the Ministry's new systematization of posts has established another organizational unit for detention and prisons at the state level. This unit will be divided into two parts, one for the construction of the State prison and the other for the prison police.

The activities requiring donor support are set forth below, sector by sector in accordance with a brief description of each sector and its responsibilities.

4. MoJ Sectors/Units and Potential Donor Contributions

4.1. Sector for Human Resources, General, Financial and Material Affairs

Description: There are 30 positions, of which 11 are civil servants, three technical and 16 clerical. This Sector has recently reorganized into four departments: Department for Human Resources and General Affairs, Department for Financial and Material Resources, Department for Registration and Archive and the Pledge Registry Office. This sector prepares all financial plans and reports, conducts public procurement, coordinates hiring procedures with Civil Service Agency, and ensures timely document management. The Pledge Registry Office maintains the registry of personal property liens. The office of the spokesperson, when such person is hired, will also be under the jurisdiction of this sector.

1. Specific responsibilities: Maintain personnel records

Performance Objective: Computerize personnel records.

Sector Need(s): The MoJ has grown substantially in the past three years and the current manual method of obtaining and keeping information about personnel is inadequate because the data is less accurate and more difficult to retrieve.

Expected Results: A computerized system of personnel records will result in more accurate information and the data will be easily retrieved and easier to harmonize with the databases of the civil service agencies when they are computerized. The system will also assist in career planning and training, as well as the development of reward systems that will contribute to the overall efficiency of the Sector.

Donor Contribution: Estimated BAM 10,000

Sector Contribution: The Sector can provide as many data-entry staff as the project will require.

2. Specific Responsibilities: Human Resources Management

Performance Objective: In cooperation with the BiH Civil Service Agency, train newly hired human resource officer.

Sector Need: The Law on Civil Service requires all ministries to perform a human resource function. It is considered good practice to have someone to deal with human resource issues and interact with the Civil Service Agency. This need is particularly acute now that the Ministry has so many employees.

Expected Results: It is not known what level of experience the human resource officer that will be hired will have, but modern human resource practices are not commonly utilized in BiH, so such person will need training and mentoring.

Donor Contribution: Expert who will train on-site or cost of sending human resource officer to attend a course on modern human resource practices. This is estimated at BAM 10,000

Sector Contribution(s): Not applicable.

3. Specific Responsibilities: Human Resources Management

Performance Objective: Draft and implement the rulebook on labor relations and the rulebook on salaries for MoJ employees.

Sector Need: The Law on Administration and the Law on Labor Relations require institutions to develop rules governing internal

operations of institutions that are tailored to the needs of the institution. They are intended to supplement Civil Service Agency (CSA) regulations.

Expected Results: The Ministry will have uniform rules to lend predictability and efficiency to its operations.

Donor Contribution: Consultant assistance to introduce performance based remuneration estimated at BAM 10,000.

Sector Contribution(s): Provide working group

4. Specific Responsibilities: Public relations
(this function serves the entire Ministry,
but will be carried out in this sector)

Performance Objective: Train newly hired public relations officer.

Sector Need(s): The Ministry of Justice has a lead role in developing and implementing justice sector policies and the Ministry needs to communicate with its stakeholders, other governmental bodies and the public about its work. In addition, the EC System Review of Public Administration recommended that all administrative bodies have a public relations officer.

Expected Results: The public relations officer will assist the Ministry in communicating its work and accomplishments, thereby increasing governmental transparency and better public understanding, especially in view of European integration requirements.

Donor Contribution: Expert who will train on-site or cost of sending human resource office to attend a course on public relations and communications. This is estimated at BAM 10,000

Sector Contribution(s): Not applicable

5. Specific Responsibilities: Budget management

Performance Objective: Ensure financing of BiH Court and BiH Prosecutors Office for 2007³.

Sector Need(s): Even though the MoJ is developing the capacity to create a viable court and prosecutorial capacity, it still lacks the secured funding of these legally required functions. This in turn damages its credibility and image and negatively affects Bosnia's effort to integrate into the European Union.

Expected Results: This funding will provide assurance that the court and prosecutorial functions will be adequately funded for the year 2007 and will give the MoJ adequate time to secure other funding through its own budgetary process and/or complete or partial funding from the same or other donors for the ensuing years.

Donor Contribution: Estimated at BAM 4,000,000

Sector Contribution: The sector will create a budget that accounts for both BiH and donor contribution and will show in performance terms what each line item will be supporting.

The MoJ will develop a plan that will enable BiH to assume all budgetary responsibility for the BiH court and the Prosecutor's Office for the ensuing year.

³ The Office of the Registrars (www.registrarbih.gov.ba) prepares the budget for the financing of the Court of BiH and the BiH Prosecutor's Office for the year 2007. With the assistance of the Office, the estimates of the 2007 - 2009 budgetary funds for the two institutions have been developed. Performance objectives and the expected results for the specific projects are being established and will be subsequently presented to donors for financial support.

6. Specific Responsibilities: Budget management

Performance Objective: Train all heads of sectors and departments in budget management.

Sector Need(s): As the MoJ grows in numbers, organizational and financial complexity, the sector heads will be required to manage bigger and more complicated budgets for their respective sectors. Some sector heads have a background and some do not and some are not observing or following sound budgetary principles. They may be using different methods or software (or manually) and do not share a common template for harmonizing their practices with the overall MoJ budget.

Expected Results: When all sector heads have completed the budget planning and realization training they will all abide by a common “template” of budget requests, timeliness and accuracy that will be itemized and transparent in accordance with European best practices.

Donor Contribution: Consultant for budget planning and seminar facilities at an estimated cost of BAM 10,000

Sector Contribution: Internal budget expert

7. Specific Responsibilities: Public procurement

Performance Objective: Train newly hired procurement officer.

Sector Need(s): With the newly adopted Law on Public Procurement that sets new transparency standards for all administrative institutions, the growth of the MoJ, an anticipated move and consolidation into new headquarters and the purchasing of new equipment (hardware, software, office furniture, etc.), the purchasing process will become more complex and accountability of this property will have to be made more explicit.

Expected Results: With a well-documented, accountable and transparent procedure for procurement and purchasing, the MoJ will be able to exemplify transparency and legality in how it acquires its own equipment and material in accordance with EU standards.

Donor Contribution: Procurement consultant and training at an estimated cost of BAM 5,000

Sector Contribution: Not applicable

8. Specific Responsibilities:

Document management

Performance Objective: Draft a manual on uniform classification codes for all BiH institutions. Publicize and promote the manual.

Sector Need(s): The Ministry of Justice has been tasked to develop office procedures, including a document retention program, for all the state institutions. With the increased growth in size and tasks of the BiH institutions, there will be a concurrent growth in both electronic and hard copy documents. It will become difficult if not impossible to retrieve or locate information. Governmental institutions will soon be overwhelmed without uniform procedures for keeping and destroying documents.

Expected Results: With the distribution of the draft manual, BiH institutions will be informed about a Government-wide “template” for managing its documents. This will provide for greater efficiencies of storing information and document retrieval, both within institutions and among them.

Donor Contribution: Consultants, printing and distribution of the manual, and costs of seminars, at an estimated cost of BAM 10,000.

Sector Contribution(s): Provide working group and hold seminars

9. Specific Responsibilities:

Administrative and technical support

Performance Objective: Adapt software (design new document paths) to new systematization of posts of MoJ and train staff in use of document tracking software (OWIS).

Sector Need(s): Currently the MoJ is dependent on an almost completely manual, hard-copy document management system that is becoming unmanageable without greater systematic procedures for additional hardcopy or softcopy-based tracking.

Expected Results: With an expanded document tracking system, the MoJ will have easier, faster and more productive procedures for identifying, storing and retrieving all of its documents for both internal and external customers.

Donor Contribution: Consultant or software provider to adapt and train at an estimated cost of BAM 5,000

Sector Contribution: Provide an IT administrator to help develop and maintain the system and a registry office person

4.2. Sector for State-Level Judicial Bodies

This sector has 65 positions of which eight are civil servants, 52 are court police and five are clerical. The Sector has two departments: Department for Judicial Bodies and Department of Court Police. The sector's main tasks include drafting of laws and regulations in the justice area, and analyzing and reporting on the BiH Court and the Prosecutors' Office.

10. Specific Responsibilities: Drafting laws and regulations

Performance Objective: Draft law on legal aid in criminal cases.

Sector Need(s): The European Convention on Human Rights (ECHR) requires that criminal defendants have legal representation and the state must supply a lawyer for those who are indigent and cannot afford one. With many of the citizens being unable to hire their own legal counsel and with the increased numbers of cases requiring this kind of support, this law is critical.

Expected Results: This law will provide the mechanism that enables BiH citizens to exercise their rights as defendants. The drafting of this law will enhance BiH chances for EU accession and provide the necessary legal framework for compliance with the BiH Constitution and ECHR.

Donor Contribution: External consultant(s) to draft law and conduct financial impact assessment at an estimated cost of BAM 20,000

Sector Contribution(s): Provide a working group to work with the consultant(s).

11. Specific Responsibilities:

Providing analysis, reports and opinions

Performance Objective: Educate the courts about their obligations under the applicable criminal procedures codes so that the MoJ can obtain information about prison sentences for certain serious crimes to complete its prison-sentencing database. This will be accomplished by drafting a pamphlet and conducting seminars.

Sector Need(s): The Ministry is required to compile information regarding certain serious crimes, so that they can analyze the data, issue reports and develop policies. The sector has not been

successful in obtaining sentencing information from all of the courts, hence it is unable to analyze or develop an informed policy that, among other things, can lead to unequal treatment of defendants.

Expected Results: A prison-sentencing database that reflects the sentencing practices of all the courts will provide accurate information with which to develop appropriate penal standards and policies.

Donor Contribution: Printing costs of pamphlet and seminar costs, estimated at BAM 10,000

Sector Contribution(s): The sector will draft the text of the pamphlet and cooperate with the HJPC and judicial training centers in distributing the information.

12. Specific Responsibilities: Supervision of court police

Performance Objective: Train court police in the proper handling of prisoners, either by sending them to a training academy or providing consultants to train them.

Sector Need(s): The current staff of court police do not have proper training that comply with EU standards regarding the handling of detainees, some of whom might require extraordinary safety measures as they are transported back and forth between prisons, courts and other facilities.

Expected Results: As a result of the training, prisoners will be handled properly, the public will be protected and those within the court and prison environment will also be protected without undue harm coming to the detainees themselves.

Donor Contribution: External consultants or academy tuition and travel expenses at an estimated cost of BAM 10,000

Sector Contribution: Assist in developing an adequate training program

**13. Specific Responsibilities:
Supervision of court police**

Performance Objective: Purchase of special vehicle for transport of detainees.

Sector Need(s): With the increased number of detainees, the court police are hindered in carrying out their duties in their handlings, some of whom might require extraordinary safety measures as they are transported back and forth between prisons, courts and other facilities.

Expected Results: With this vehicle, the detainees can be transported in such a way that protects the public and those working in the detention facilities, as well as the detainees themselves.

Donor Contribution: Vehicle at an estimated cost of BAM 60,000

Sector Contribution: Not applicable

**14. Specific Responsibilities:
Supervision of court police**

Performance Objective: Purchase of six radio transmitters.

Sector Need(s): With the increased number of detainees and inability to communicate throughout the country, the court police are hindered in carrying out their duties in the handling of detainees, some of whom might require extraordinary safety measures.

Expected Results: The radios will be located on six mountains and will allow for the court police to communicate with each other and to a central station from anywhere in the country. This will improve the handling of prisoners, help protect the public and those working in the court and detention environments.

Donor Contribution: Transmitters at an estimated cost of BAM 30,000

Sector Contribution: Not applicable

4.3. Sector for Enforcement of Criminal Sanctions and for Work of Penal Institutions

This sector has seven positions, five of which are civil servants and two clerical. The Sector monitors the rights of detained persons, inspects the correctional process, processes pardons, transfers prisoners and maintains the prisoner registry.

15. Specific Responsibilities: Monitoring of rights of persons in custody

Performance Objective: Draft a report with recommendations for improvements of prison conditions and publicly present it.

Sector Need(s): Currently this sector cannot provide prison space and thus fails to meet European standards of prison conditions.

Expected Results: This report will serve as the basis for the internal and/or external donor funding of improving prison conditions, which will result in humane and modern standards for penal institutions in BiH.

Donor Contribution: External consultants and seminar costs at an estimated cost of BAM 10,000

Sector Contribution: The sector will provide the working group and hold the seminars.

16. Specific Responsibilities:

Monitoring of rights of persons in custody

Performance Objective: Allow indigent defendants the same rights to preparing their cases for trial or appeal as other defendants by providing access to computers.

Sector Need(s): Defendants are commonly provided with DVDs containing evidence in their trials. They need to access this information to prepare their cases and either they cannot afford it or the detention unit does not have the equipment.

Expected Results: All defendants will have an equal ability to prepare their cases for trial or appeal and thus their rights under the ECHR will be protected.

Donor Contribution: Computer hardware at an estimated cost of BAM 10,000

Sector Contribution: Not applicable

17. Specific Responsibilities:

Supervision of prison guards and court police

Performance Objective: Train prison guards after construction of prison is completed.

Sector Need(s): Current prison conditions do not comply with EU standards and prison employees do not know what these requirements are nor do they have the skills to implement what is required.

Expected Results: The training will contribute to a prisoner environment that serves the well-being of the prisoners and staff in terms of safety, best practices, and ultimately compliance with EU and other human rights standards.

Donor Contribution: Consultants and trainers with proper knowledge and skills at a cost of_BAM 20,000

Sector Contribution(s): Not applicable

**18. Specific Responsibilities:
Supervision of prison guards and court police**

Performance Objective: Train staff of the Psychiatric Hospital/-Institute of Forensics in Sokolac.

Sector Need(s): Due to the specific requirements of confinement and medical treatment of mentally ill detainees and prisoners as well as the requirements in terms of forensic expertise, the staff needs to be highly skilled.

Expected Results: Well-trained staff that is capable of providing proper medical treatment of and other care for detainees as well as the forensic expertise in line with the international standards.

Donor Contribution: Consultants and trainers who are experts in the required fields; estimated cost of BAM 20.000

Sector Contribution(s): Not applicable

**19. Specific Responsibilities:
Decision making on pardons and transfer
of prisoners and maintenance of prisoner registry**

Performance Objective: Design software to process pardon requests, requests for transfer of prisoners and design database of prisoners. Also, train staff to use the software.

Sector Need(s): Currently these tasks are performed manually and are inadequate. There is a lack of uniformity regarding what criteria is used to grant pardons and transfer prisoners, and the staff is not ade-

quately prepared to manage these matters in accordance with EU standards. The registry of prisoners is outdated and the information incomplete and often inadequate.

Expected Results: With the software system, there should be a more equitable and efficient process for pardons and transfers of prisoners, and the information about prisoner population will be accurate and up to date. This will make the sector operate more efficiently and assist with EU integration.

Donor Contribution: Software engineer estimated at BAM 15,000

Sector Contribution: Internal expert to ensure that software is consistent with existing document tracking software.

4.4. Sector for International and Inter-Entity Legal Assistance and Cooperation

There are 29 positions, of which 20 are civil servants and 9 are clerical. The Sector is organized into four departments: Department for International Legal Aid and Cooperation in Criminal Affairs, Department for International Legal Aid and Cooperation in Civil Affairs, Department for Inter-entity Cooperation and Coordination and Department for International Treaties. This sector is the central link for communication with other countries for legal assistance in criminal, civil and other matters. It handles extraditions and petitions for criminal prosecutions, execution of foreign court decisions in civil and other matters. Because this sector has competence to coordinate inter-entity matters, it should play an important role in developing national justice sector policies.

20. Specific Responsibilities: Drafting of laws and regulations related to the international legal assistance

Performance Objective: Drafting the Law on International Legal Assistance in Criminal Matters.

Sector Need(s): Harmonize the relevant national legislation with the international agreements (conventions and bilateral agreements).

Expected Results: Simplified and more efficient international legal assistance in criminal matters, in particular extradition and transfer of convicts, and organization of seminars for judges and prosecutors.

Donor Contribution: External consultants and expert team, organization of seminars. Estimated cost of BAM 20,000

Sector Contribution(s): Not applicable

21. Specific Responsibilities: Analysis and policy recommendation

Performance Objective: Coordinate compliance of law school education with Bologna Declaration.

Sector Need(s): Although law schools have started to implement the Bologna Declaration, the Ministry needs to coordinate this effort and make sure that the law-schools continue modifying their curricula to complete their work to comply with the Bologna Declaration.

Expected Results: The results of this effort will be BIH law school curricula that are in compliance with the Bologna Declaration.

Donor Contribution: A consultant or team of law school education experts who can review and revise the curricula at an estimated cost of BAM 10,000

Sector Contribution(s): The sector will form an intergovernmental and cross-sectoral working group, including entity ministries of education

4.5. Sector for State-Level Administration

This sector has seven positions, of which five are civil servants and two clerical. The main responsibility of this Sector is to maintain the registry of NGOs and associations registered at the State level. It also conducts administrative procedures in the first instance and provides opinions and analyses on rulebooks on internal organization of ministries and other administrative organizations and services.

22. Specific Responsibilities:

Drafting laws and regulations

Performance Objective: Conduct public consultations on the draft Law on Amendments to the Law on Associations and Foundations of BiH, using the CoM newly adopted Consultation Regulations on the Legislative Process. Conduct a public relations campaign in the media, including drafting and printing a brochure explaining the registration procedure of NGOs.

Sector Need(s): The process for registering NGOs and other organizations is not always clear and as a result many NGOs are not registering with the State. In addition, the applications of some associations are turned down because they did not know how to register properly resulting in frustration on the part of the applicants. The amendments to the law are designed to make the process more user friendly, but the Ministry must overcome its current poor image in this field and let the public know about the improved procedures.

Expected Results: Carrying out a public relations campaign and having the brochure available to educate the public about the improved registration process will significantly improve the Ministry's image

and make the registration process much more efficient and effective. It will enhance the Ministry's relationship with the NGO sector because they will also be better informed to challenge any rejection of their application.

Donor Contribution: Graphics designer, public relations consultant and printing costs, media campaign fees, roundtables, estimated at BAM 15,000

Sector Contribution: The sector will conduct roundtables and draft text for brochure.

23. Specific Responsibilities: Maintain the registry of NGOs, religious communities, legal persons funded by BIH institutions

Performance Objective: Reengineer registration process and adapt document-tracking software (OWIS) to be consistent with applicable legal procedures. Train staff.

Sector Need(s): The existing workflow software in the Ministry is inefficient or not adapted to accommodate registration procedures.

Expected Results: With the reengineered software, the registry process will be more transparent and understood by the sector staff which will allow them to process information more efficiently and accurately.

Donor Contribution: A software engineer and trainer at an estimated cost of BAM 5,000

Sector Contribution(s): The sector will provide internal IT expertise.

4.6. State-Level Administrative Inspectorate

The Inspectorate has four positions, three civil servants and one clerical. This sector is responsible for administrative inspection, i.e. auditing the implementation of laws and regulations pertaining to the organization, employment, administrative procedure and operations of civil servants.

24. Specific Responsibilities: Conducts administrative inspection and monitors the implementation of laws and regulations pertaining to the organization of administrative bodies.

Performance Objective: Design, print and distribute a brochure describing the role, competencies and methodology of the Inspectorate to all BiH public institutions, citizens and legal entities requesting from the Inspectorate to protect their rights.

Sector Need(s): Currently, there is little understanding of the Inspectorate's role among legal entities under Inspectorate's jurisdiction, as well as among the general public. Most often, the institutions are ill informed about the responsibilities of the Inspectorate and the kind of data they are required to make available.

Expected Results: With greater understanding of the Inspectorate's role, the administrative bodies, BiH public institutions as well as physical and legal entities requesting protection of their rights will be better prepared for the inspection. Administrative bodies and the BiH public institutions will have prior knowledge of what may be subject to inspection whilst physical and legal entities will be aware of the authority of the Inspectorate in terms of protection of their rights.

Estimated Donor Contribution: Graphics designer to design the brochure, public relations consultant and printing costs, organization of round tables at an estimated BAM 5.000

Sector Contribution(s): Not applicable

25. Specific Responsibilities: Conducts administrative inspection within the responsibilities of the Administrative Inspectorate

Performance Objective: Study tour for staff to exchange best practices in administrative inspection in EU and or countries in transition.

Sector Need(s): The sector is insufficiently informed about best practices in EU countries in the field of administrative inspection.

Expected Results: A study-tour that would provide contacts with foreign ministries of justice and ministries of public administration and would give the sector ideas about possible improvements and standardization of its own procedures.

Donor Contribution: Estimated BAM 20,000

Sector Contribution(s): Provide action plan on how to improve the Inspectorate.

26. Specific Responsibilities: Conducts administrative inspection related to the realization of rights and legal interest of physical and legal entities in administrative procedure, monitors the implementation of laws and regulations pertaining to the organization and methods of work of administrative bodies, labor relations in administrative bodies, administrative enforcement and implementation of workflow regulations

Performance Objective: Train staff of state and entities' administrative bodies and BiH public institutions in the following:

- Concept, purpose and importance of administrative procedure, special administrative procedures, subsidiary application of the Law on Administrative Procedure, basic principles of administrative procedure, responsibilities in administrative procedure, legal aid, author-

ized person, parties and their representation in administrative procedure, communication between bodies and parties, instigating the procedure, motions, making decisions and conclusions, legal remedies and enforcement.

- Concept of administration, administrative staff, independence of administrative bodies and services, establishment of administrative bodies and services, realization of citizens rights and freedoms, publicity of work, use of language and script, administrative tasks, public authorization, relations of administrative bodies with legislative bodies, relationship between administrative bodies and ombudsmen, relations with public corporations, enterprises, agencies and other legal entities and parties, organization of administrative bodies and authorities, obligations, accountability of managers of administrative bodies, regulations and other bylaws of administrative bodies.
- Development and characteristics of labor legislation in the bodies of administration at the state and entity levels as well as the BiH public institutions, labor regulations pertaining to the civil servants, labor regulations related to employees, labor regulations pertaining to the police staff, state border service and other employees of certain BiH institutions as governed by special regulations and labor regulations in judicial authorities.
- Concept and purpose of administrative dispute, types of administrative dispute, substance of administrative dispute, characteristics, bodies responsible for resolution of administrative disputes, instigation of administrative dispute, complaints and administrative dispute in the event of administrative silence, legal remedy in administrative dispute and compulsory administrative decision making.
- Office procedures in administrative bodies and services, archives, stamps of administrative bodies and authentication of signatures, handwriting and transcripts.

Sector Need(s): In the course of inspection activities, the Inspectorate has noted a lack of knowledge of relevant legislation which has a substantial impact on the quality and quantity of work of administrative bodies and public institutions.

Expected Results: The training and continued educational activity will enhance the knowledge of management and other civil servants, primarily persons conducting procedures, , which will have a direct impact on their performance.

Donor Contribution: Seminars at the state and entity levels at an estimated BAM 20.000

Sector Contribution(s): The sector will provide the trainers (primarily among the state and entity administrative inspectors as well as prominent experts – practitioners in the relevant fields) and administrative and technical support.

4.7. Sector for Strategic Planning, Donor Coordination and the European Integration

On May 17, 2006 the Council of Ministers approved the Sector for Strategic Planning, Donor Coordination and European Integration which will be divided into two units. The first unit, the Department for Strategic Planning and Donor Coordination will have five civil servants and one clerical staff. The second unit, the Department for European Integration will have four civil servants and one clerical staff. This sector is new and the object of much international interest, particularly in the development of a justice sector strategy for BiH.

27. Specific Responsibilities: Drafting, coordination and monitoring of implementation of strategy and plans.

Performance Objective: Coordinate the development of BiH justice sector strategy.

Sector Need(s): The EC Functional Review of the Justice Sector, as well as the international community, is in agreement that Bosnia and

Herzegovina needs a unified justice sector strategy. Article 13 of the Law on Ministries and Other Administrative Bodies requires that the Ministry act ...”as central coordinating body for ensuring inter-entity legislative and justice system harmony and best practice, whether by providing good offices for discussion or coordinating initiatives....” This competence identifies the BiH Ministry of Justice as the key institution to lead this effort.

Expected Results: With a unified justice sector strategy for BiH, the country will be better equipped to achieve its goal of EU integration.

Donor Contribution: Consultants at an estimated BAM 75,000

Sector Contribution(s): Provide working group(s)

28. Specific Responsibilities:

Drafting, coordination and monitoring of implementation of strategy and plans.

Performance Objective: Coordinate donor support for the BiH justice sector.

Sector Need(s): This sector will have to learn fast about the entire donor community, how it operates and what the criteria are to be met while creating successful documents that will convince donors to respond to the needs of MoJ.

Expected Results: This sector will be able to coordinate the efforts related to donor support in a way consistent with the strategic plan and planning process of the MoJ. The Ministry will contribute to the decision making process on how the donor funds will be used.

Donor Contribution: Consultants who can advise this new sector and IT expertise for database of donor work, at an estimated BAM 10,000

Sector Contribution(s): Provide working group

29. Specific Responsibilities: Drafting, coordination and monitoring of implementation of strategy and plans.

Performance Objective: Update the Medium Term Strategic Plan of the MoJ.

Sector Need(s): This sector will be responsible for developing, updating, implementing and monitoring the MoJ Strategic Plan. This also involves development of measurable performance indicators. The sector will need assistance of external consultants to support these efforts until such time as this sector develops its own internal capacity and updates its strategic plan on annual basis so that it becomes its real management tool.

Expected Results: Updated Medium Term Strategic Plan will enable the new sector to provide a leadership and planning dynamic to the many tasks that coalesce around the ultimate objective of EU entry.

Donor Contribution: Consultants who can advise this new sector at an estimated cost of BAM 50,000

Sector Contribution(s): Provide working group.

30. Specific Responsibilities: Drafting laws and regulations to comply with EU directives

Performance Objective: Review laws under MoJ competence for EU compliance.

Sector Need(s): Though progress is being made to harmonize BiH justice sector legislation with EU directives, there is much work left to be done. The MoJ is expected to participate in the work of 14 working groups established by the BiH Council of Ministers to harmonize BiH laws with EU legislation. This task requires specific expertise.

Expected Results: The process of harmonizing the relevant BiH laws with EU directives will be much more efficient and shorter. With the help, the Ministry's contribution to the working groups will be enhanced.

Estimated Donor Contribution: Consultants and relevant software to follow the progress of harmonization at an estimated BAM of 80,000

Sector Contribution(s): Provide working groups and internal IT expert

4.8. Sector for State Prison and Detention

31. Specific Responsibilities: Coordination and control of construction of the state prison and detention units

Performance Objective: Build the state prison.

Sector Need(s): The need for a State level prison is critical, as the State has no capacities of its own to house prisoners. The MoJ must enter into agreements with the entity ministries of justice to place prisoners in entity prisons. However, the entity prisons are overcrowded. Consultants will need to be hired to evaluate the existing proposals and recommendations about the kind and size of prison at the state level.

Expected Results: The ability to house the prisoners it has sentenced is a basic function of the criminal justice system. The existing conditions of entity prisons are inadequate. The new prison will be up to EU standards and demonstrate that BiH is capable of properly handling execution of criminal sanctions, as is required for EU accession. The sector is taking the lead in the proposal for the new prison which should provide incentives to donors to contribute to this effort.

Donor Contribution: Construction, materials and architectural services at an estimated BAM 30,000,000

Sector Contribution(s): The amount of BAM 1,300,000 has been provided from the budget of MoJ and the BiH Council of Ministers.

32. Specific Responsibilities: Coordination and control of construction of the state prison and detention units

Performance Objective: Expand the capacity of the detention unit to 29 persons.

Sector Need(s): The detention unit currently holds only 21 persons. As the accused population increases, this will not be sufficient for people accused of war crimes and criminal acts.

Expected Results: With an expanded capacity of the detention unit, those who are confined will be confined in ways that meet EU standards.

Estimated Donor Contribution: Construction, material and architectural services at an estimated BAM 1,000,000

Sector Contribution(s): Not applicable

33. Specific Responsibilities: Coordination and control of construction of the state prison and detention units

Performance Objective: Reconstruction of Psychiatric Hospital in Sokolac.

Sector Need(s): In order to fully adopt penitentiary standards, BiH must provide facilities for confinement and medical treatment of mentally ill detainees and prisoners. The prewar hospital in Sokolac needs significant reconstruction in order to meet required standards.

Expected Results: A reconstructed Psychiatric Hospital in Sokolac will have the capacity and facilities to provide medical treatment of and other care for mentally ill prisoners for the entire country.

Donor Contribution: Architectural services and construction labor and materials at an estimated BAM 2,000,000

Sector Contribution(s): Project design and other preparatory works

4.9. Secretary of the Ministry

The Secretary has only one administrative staff person. The Secretary coordinates the activities of all the sectors and is responsible for the use of financial, materiel and human resources of the Ministry.

34. Specific Responsibilities: Coordination of activities of all sectors and responsibility over the use of financial, material and human resources.

Performance Objective: Establish legal library and database of legislation in BiH.

Sector Need(s): As new laws are being created and old ones revised, a series of activities are required to obtain the required legislation. In addition, modern practice requires legislation to be computerized, particularly in Europe. The lack of a proper legal library hinders BiH institutions in research and document storage and retrieval. There is a need for a location for the legal database and a place to store hard copy gazettes, books and periodicals.

Expected Results: The law library will help BiH institutions in research and policy development as well as legislative drafting activities.

Estimated Donor Contribution: Experts for this particular area, library resources at an estimated cost of BAM 100,000

Sector Contribution(s): Internal IT expert