

**Development of Monitoring Instruments
for Judicial and Law Enforcement institutions
in the Western Balkans
2009-2011**

Programme Guidelines
Bosnia and Herzegovina



CARDS Regional Action Programme

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Programme Guidelines Bosnia and Herzegovina

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1. Introduction and Background

These programme guidelines have been written within the context of the project 'Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans' funded by the European Union CARDS Regional Action Programme. They provide a set of recommendations for the improvement of statistical systems on crime and criminal justice as well as on migration, asylum and visa.

The guidelines presented here have been drafted on the basis of the Technical Assessment Report for Bosnia and Herzegovina (BiH) (UNODC, April 2010) and should be read in conjunction with that report. The Technical Assessment Report brings together information gathered during the on-site research mission to Sarajevo and Banja Luka from 18-29 October 2009, which was carried out in close cooperation with the BiH counterparts in the field of justice and home affairs (JHA) statistics.¹

Like the Technical Assessment Report, the recommendations given here are presented by institution and must be read against the background of the relevant international and EU standards for the collection, analysis and use of JHA statistics. The gradual or step-wise adoption and implementation of the guidelines are a vital step towards bringing existing national statistics mechanisms towards compliance with relevant international and EU *acquis*, standards and best practices.

To assist beneficiary countries and territories in achieving this aim, the project 'Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans' foresees a number of project activities. Tasks that have already been completed include a first desktop research study entitled 'Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans' and a second study entitled 'Developing standards in crime and criminal justice statistics – International and EU Acquis' as well as the comprehensive Technical Assessment Reports mentioned above. Further project activities will comprise the development of regional indicators and targeted training and capacity building in the area of data collection and statistics for justice and home affairs institutions.

The following guidelines systematically indicate potential areas for improvement, which constitutes a substantial project output in itself. They should furthermore help to prioritize training needs that should be addressed within the project, and to program further technical assistance and training activities that could be addressed by other technical assistance projects as well as to indicate areas for the further development of statistical systems in the medium to long term.

¹ The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by the local UNODC focal point in BiH, Mr. Almir Maljević as well as the nominated contact point, Mr. Tomislav Čurić and the representative to the Advisory Steering Group to the project, Mr. Edin Jahic, both from the Ministry of Security of BiH.

2. Crime and Criminal justice statistics

2.1. Police statistics

2.1.1. Introduction

The following guidelines concern mainly police-recorded crime statistics.

2.1.2. Data input (recording of crimes)

The recording of crime is not uniform throughout Bosnia and Herzegovina. While data entry is similar at all levels of the police in BiH, some important differences exist.

In all entities and at all levels in BiH, police data on crime are recorded in the crime registry when there is enough evidence to submit a report to the prosecutor. Data are generally recorded both for offences with known and with unknown perpetrators, except in Brčko District and in cases assigned to the State Investigation and Protection Agency (SIPA), both of whom only record cases with known perpetrators.

The data recorded in the crime registry (KU) generally include data on the case, victim and perpetrator, but few details on the personal characteristics on offenders and victims are recorded.

At all levels of the criminal justice system of BiH a separate unique identifier is assigned to each case. These police-level identifiers are not coordinated between the different police forces in BiH. This could cause double counting of the same case at the levels of the cantons, entities and the State when cases are transferred between different competencies.

The case numbers used by the police forces do not match the file numbers used in the prosecution system or court system.

The standard classification system used, at all levels, is based on the four different criminal codes of BiH. As a consequence, data on the number of offences or the number of perpetrators, by specific crime type, are not routinely available at the State level.

| | Recommendations | Responsible Institution |
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| 1. | In view of the fragmentation of law enforcement responsibilities in BiH, a standardisation of crime recording throughout the country should be promoted. This standardisation should cover both the harmonisation of recording practices (the point at which a crime is to be recorded) and of recording instruments and content (such as the development of a uniform Crime Registry with standard information fields). In the short run, standardisation could be promoted through the elaboration and adoption of basic common rules for crime recording. This should include basic rules such as the recording of all crimes encountered by the police, irrespective of whether the perpetrators are known or | Ministry of Security / Analytical Department Border Police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |

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| | not. | |
| 2. | In the medium term, in order to arrive at uniform recording and reporting practices, the ongoing efforts at setting up a nationwide crime reporting system by the International Criminal Investigative Training Assistance Program (ICITAP) should be strengthened. The use of the standard incident reporting forms developed by ICITAP (for the reporting of crimes, misdemeanours and other incidents), together with the online reporting tools should be promoted throughout BiH. | Ministry of Security / Analytical Department Border Police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |
| 3. | When reviewing practices of crime recording, consideration should be given to introduce a common system of file numbers by all responsible police authorities in BiH. This system should also avoid problems of double counting of the same case, especially regarding organised crime cases. | Ministry of Security / Analytical Dep. Border Police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |
| 4. | Person records on the suspected offender and the victim should be uniformly recorded by crime type (article of the Criminal Code) and contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. | Police |
| 5. | In the long run, the system should be further developed and linked to the (judicial) Case Management System (CMS) of prosecution and court cases in order to allow the tracking of persons and cases throughout the criminal justice system. | Police Prosecution Courts |
| 6. | In order to allow detailed reporting of both offences and offenders by crime type at the State level, the Department of Analytics (DOA) at the Ministry of Security should take the lead in developing a standard offence classification system (SOCS) for reporting from the entity to the State level. This should include a detailed list of criminal code articles, for each of the four criminal codes, specifying which articles are to be included in each of the broad categories of crime data (OC, car theft,...) requested. The SOCS should be based on the different criminal codes of the entities, the BDBiH and the State and be supplemented by extensive metadata documentation. | Ministry of Security / Analytical Department Border police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |

2.1.3. Data flow

Crime data collection is still very fragmented in BiH and implemented independently by the police forces of the FBiH, the RS and the BDBiH as well as SIPA. Detailed data are available at the level of the entities but only a limited amount of data is regularly transmitted to the Analytical Department of the MoS at the State level.

In view of the different entities and institutions involved in collecting crime data in BiH, and in view of the different criminal codes, data on the State level are compiled only by broader crime categories.

There are no uniform counting rules issued by a central institution and applied in all of BiH. In general, counting rules in BiH are not always clear and do not seem to be

uniformly applied. The differences in counting rules between different police authorities can lead to incompatible data that are difficult to compare at the State level.

Until recently, crime statistics have been reported from the entities to the State level (Department of Analytics (DOA) at the Ministry of Security) every six months, upon receiving a specific request from the DOA. Since late 2009 onwards, the State of Security report has been limited to security aspects only (police and border police data) and will be produced every three months. At the same time, the staff of the DOA at the Ministry of Security has recently been reduced from five to two persons, raising concerns about capacity to analyse data and to make special analytical and topical reports.

| | Recommendations | Responsible Institution |
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| 7. | In light of the large volume of police crime data available at the level of the cantons and entities, it is recommended to make enhanced use of these data for analytical and monitoring purposes at the State and regional levels. To do so, the various law enforcement authorities in BiH may wish to identify and develop a strengthened central level analytical office that has the capacity and authority to compile and report detailed crime data (e.g. on offences and offenders by crime type). | Ministry of Security / Analytical Department Border Police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |
| 8. | Efforts should be made to cover the whole territory of BiH through a standardised crime recording system that avoids both gaps and double counting. At the same time, the production of uniform crime statistics in all of BiH requires the adoption and dissemination of clearly written and standardised counting rules. As the only institution compiling country-wide police crime data at all levels, the Department of Analytics (DOA) at the Ministry of Security could take the lead in drawing up basic common rules and responsibilities for the recording, aggregation in tables and transmission of crime data. These rules may then be submitted for adoption by law enforcement agencies at all levels (cantonal, entity and state level, including SIPA and Border Police). | Ministry of Security / Analytical Department Border Police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |
| 9. | Staffing requirements for the Analytical Department of the Ministry of Security may be reviewed to ensure that sufficient resources and qualified staff are available to receive, process and compile data from the cantonal and entity levels on a quarterly basis. | Ministry of Security / Analytical Department Border Police BiH Police Directors Police of FBiH, RSBiH, BDBiH SIPA |

2.1.4. Output (production of statistics)

Data validation is performed in a basic manner, both at the level of the entities and within SIPA. At the State level, the Ministry of Security does not perform any validation

or checks of the data provided as the data received from the entities are considered official information that cannot be changed at the State level.

The analysis of crime data at all levels in BiH is limited to a few basic analytical steps, including the examination of absolute numbers, rates of change and clearance rates.

While a large amount of data is available for internal use within the Mols at the level of the cantons and entities, the aggregations at the cantonal, entity and State levels leave little detail in aggregate crime statistics.

Relatively detailed crime statistics are published on the homepages of several cantonal police forces but generally crime data are not widely disseminated at the entity level. At the State level, the Ministry of Security annually publishes statistics on criminal offences by broad crime category and the total number of offenders, broken down by reporting entity, in its Information on the State of Security in BiH report. The report is available only upon justified request after it has been adopted by the BiH Parliament

At the moment, the Statistical Institutes of FBiH, RS and BiH do not collect or publish any crime data from the police.

| | Recommendations | Responsible Institution |
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| 10. | Consideration should be given to establish a working group with representatives of the police authorities at all levels in BiH with the mandate to devise a system of data checking and validation. Special attention should be paid to devise mechanisms to avoid errors of aggregation when cases are passed from the cantonal to the entity and from the entity to the State level. | Analytical Departments of MoS and Mols of FBiH, RSBiH, BDBiH SIPA Border Police BiH |
| 11. | It is recommended to establish a regular reporting system of detailed data on police-recorded offences, offenders and victims of crime at the State level. Reporting should be in the form of standard tables in an annual statistical publication, also in view of international reporting (Eurostat and United Nations Survey of Crime Trends and Operations of Criminal Justice Systems). The use of the internet for the wide dissemination of crime statistics should be considered. | Analytical Departments of MoS and Mols of FBiH, RSBiH, BDBiH SIPA Border Police BiH |
| 12. | Reported statistics on criminal offences should be disaggregated by crime type; statistics on offenders should be disaggregated by crime type, age, sex and citizenship and statistics on victims of crime should be disaggregated by crime type, age, sex, citizenship and victim-offender relationship. Published statistical reports should be accompanied by thorough interpretations of statistical patterns and trends as well as detailed metadata. | Analytical Departments of MoS and Mols of FBiH, RSBiH, BDBiH SIPA Border Police BiH |
| 13. | Consideration may be given to increase the coordination of the analytical units of the police with the Statistical Institutes at the entity and State level, in particular with a view to include crime statistics in the annual Statistical Yearbook and for international reporting of crime statistics to Eurostat. | Analytical Departments of MoS and Mols of FBiH, RSBiH, BDBiH, SIPA Border Police BiH Institutes of Statistics of FBiH, RS and BiH |

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| 14. | Consideration may also be given to making fuller use of the wealth of data on police-recorded crime. More specifically, the analytical offices at the entity and State levels may consider entering into a partnership with academics and researchers in order to promote in-depth analysis of available data to enhance the knowledge base for policy makers and criminal justice practitioners. | Analytical Departments of MoS and Mols of FBiH, RSBiH, BDBiH SIPA Border Police BiH |
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2.2. Prosecution statistics

2.2.1. Introduction

The following guidelines concern mainly prosecution statistics.

2.2.2. Data input (recording of crimes)

Prosecution offices record data on cases received and closed manually on paper. An electronic case management system (CMS) for registering and tracking cases is currently introduced in all prosecutor's offices in BiH. The registries to be used, whether on paper or in the online CMS, have been defined by the High Judicial and Prosecutorial Council and are the same for all BiH.

Most statistical information recorded by the various prosecutor's offices relate to the processing of the cases while only basic details on the accused person are recorded in internal registries. However for FBiH, more personal information on persons prosecuted is collected by the Federal Office of Statistics (FZS).

At all levels of prosecution in BiH a numerical identifier is assigned to each case (case file number). However, these numerical identifiers are not yet coordinated between the various levels of prosecution (first and subsequent instances) and are not fully coordinated between the entity and State prosecution authorities. With the introduction of the CMS at all levels, this problem will be solved and a unique identifier will stay with the case throughout the whole prosecution system.

In terms of CMS implementation, all court and prosecution offices have the necessary infrastructure, but while in courts the system is completely implemented, it has been implemented only in two prosecution offices to date. The target date for full implementation in all prosecution offices is the end of 2010.

At present, prosecution data are not aggregated by crime type at the State level and are limited mainly to process data at the level of the entities. Data aggregated at the State level by the HJPC do not rely on a uniform SOCS. Prosecution data are aggregated by crime type only by the Federal Office of Statistics (FZS) in FBiH; in this case FZS relies on the FBiH Criminal Code for crime classification.

| | Recommendations | Responsible Institution |
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| 15. | The forms of the prosecution registries for the recording of data on persons prosecuted may be reviewed. In particular, consideration should be given to add additional data entry fields to record personal details of age; sex; ethnicity; | High Judicial and Prosecutorial Council Prosecution |

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| | offender-victim relationship; citizenship and geographical area of residence of all perpetrators. The same level of details should be recorded for victims of crime (persons damaged). | offices |
| 16. | In the roll out and implementation of the electronic case management system in all prosecution offices, the integration of a statistical module that is capable of aggregating and analysing the required statistical data from all input stages (including initial case entry) should be considered. | High Judicial and Prosecutorial Council Prosecution offices |
| 17. | An integrated file number to track cases through all levels of prosecution in BiH should be implemented by further developing the CMS. Special attention should be paid to meet the target of full implementation by the end of 2010. As per Recommendation No. 27 and in line with good practice described by the United Nations Manual for the Development of a System of Criminal Justice Statistics, the introduction of an integrated file number (IFN) to track persons and cases throughout the criminal justice system, starting with prosecution and courts, should be considered. | High Judicial and Prosecutorial Council Prosecution offices Courts |
| 18. | In order for the electronic CMS to be useful for the production of criminal justice statistics at the State level, it will be necessary to develop a standard offence classification system (SOCS) for reporting from the entity to the State level. This should include a detailed list of criminal code articles, for each of the four criminal codes, specifying which articles are to be included for the reporting of specific categories of criminal justice data. The SOCS should be based on the different criminal codes of the entities and the State and be supplemented by extensive metadata documentation. | High Judicial and Prosecutorial Council Prosecution offices |

2.2.3. Data flow

The data flow of prosecution statistics can be divided between the aggregation and transmission of data on the entity levels and from FBiH, RS and BDBiH to the HJPC at the State level. Data collected by the HJPC at the State level cover the entire territory of BiH.

While statistics cover the entire territory, they do not cover all prosecution offices, as the Special Department for Organized Crime and the Most Serious Forms of Crime of the prosecution district of Banja Luka keeps separate statistics, which are not reported at the entity and State level.

Unit records on persons prosecuted are collected only by the Federal Office of Statistics (FZS) in FBiH. A similar data collection of person-based prosecution data by the Institute of Statistics in RS is under preparation.

| | Recommendations | Responsible Institution |
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| 19. | State level prosecution statistics should cover all parts and all prosecution offices in BiH. Special care should be taken to cover also special prosecutor's offices at the entity and State levels. | High Judicial and Prosecutorial Council Prosecution |

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| | | offices |
| 20. | In the medium term, the computerization of the reporting system could lead to significant gains in efficiency and timeliness of data availability at the central level. A feasibility study on the suitability and the costs of incorporating a statistical module into the CMS should be carried out in the near future. The study should consider the requirements for recording and transmitting also personal details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence of all prosecuted persons and of recorded victims of crime (persons damaged). | High Judicial and Prosecutorial Council Prosecution offices |
| 21. | In line with general practice in other countries of the region and as practiced already in FBiH by the FZS, the submission of person-based unit records from the prosecution offices to the Institute of Statistics for the Entity of Republika Srpska (RZSRS) for statistical reporting may be considered. A separate solution for such a data collection should be found for the District of Brčko, where the data collection may involve the Statistical Office at the State level (BHAS). | High Judicial and Prosecutorial Council Prosecution offices Institute of Statistics in RS BHAS |

2.2.4. Output (production of statistics)

2.2.4.1. Data validation and statistical analysis of data

At all levels of the prosecution system in BiH only limited analysis of the available process data is performed and few performance indicators are produced (e.g. on workload, cases solved and unsolved). The production of these indicators could be greatly facilitated with the full introduction and use of the Case Management System at the level of prosecution.

Statistical information on the work of the prosecution at all levels in BiH remains largely limited to process data on case disposition and backlogs. More useful data on the efficacy of justice (e.g. average processing times) could be produced and published once the CMS is adapted to the production of more detailed statistical data on both cases and perpetrators by criminal charge.

The current data collection of the Federal Office of Statistics (FZS) produce the only statistics on person-based prosecution data accessible to the public. A similar system of data collection on prosecution covering the RS by the Institute of Statistics of RS is under preparation. However, at the moment, statistics collected by FZS are compiled by broad crime types that do not necessarily correspond to international and EU reporting requirements.

| | Recommendations | Responsible Institution |
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| 22. | Given the large amount of statistical data produced by the various levels of prosecution in BiH, it is recommended to make a fuller use of the existing data sources for the monitoring of the judicial system in BiH. For example, the data collection and analysis should be structured to allow the frequent calculation of performance indicators, such as average processing times and workloads. Steps should be taken to prepare the automatic production of such statistics | High Judicial and Prosecutorial Council Prosecution offices |

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| | through the CMS. | |
| 23. | In addition to their internal reporting, the prosecution offices in RS and in BDBiH should coordinate with the Institute of Statistics for the Entity of Republika Srpska (RZSRS) and the Statistical Office at the State level (BHAS) for statistical reporting of person-based prosecution data. The publication of standardized tables and metadata in the Statistical Yearbooks may also be considered. All statistical institutes in BiH could benefit from close collaboration with external experts on crime and criminal justice data in developing their data collections. | High Judicial and Prosecutorial Council Prosecution offices Institute of Statistics in RS BHAS FZS |
| 24. | Consideration may also be given to making fuller use of the data collected by prosecution offices. More specifically, the HJPC and the statistical offices may consider entering into a partnership with academics and researchers in order to promote in-depth analysis of available data to enhance the knowledge base for policy makers and criminal justice practitioners. | High Judicial and Prosecutorial Council Institute of Statistics in RS BHAS FZS |

2.3. Courts statistics

2.3.1. Introduction

The following guidelines concern mainly court data.

2.3.2. Data input (recording of crimes)

Data recording of courts at all levels in BiH is based on paper registries. At the same time the same information on each new case is now entered into the electronic Case Management System (CMS), which records mainly data relating to the processing of the case. At the same time, manual records are still kept as the CMS is not adapted for recording detailed information on offenders and victims and on criminal offences. (Detailed personal information on persons in court is collected by the Federal Office of Statistics (FZS) for the FBiH).

The case identifiers used in courts throughout BiH are not coordinated between the entities and between first and subsequent instance procedures and do not match those used in the police or prosecution system. It is planned that a common unique identifier should be introduced with the full implementation of the CMS system in all court and prosecution offices.

In all courts in BiH, records are made on cases by offence type as defined by the different criminal codes (by article and paragraph) applicable at the level of the entities, BDBiH and the State.

| | Recommendations | Responsible Institution |
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| 25. | It is recommended that the HJPC is tasked with establishing a working group with the mandate to define a minimum list of data to be collected in manual and electronic case management system (CMS) of courts. The working group should also examine the possibility of | High Judicial and Prosecutorial Council Ministry of Justice Courts |

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| | recording harmonized person-based unit records from all courts in CMS that contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence of both offenders and victims. | |
| 26. | <p>It is recommended to further develop the CMS system by</p> <ul style="list-style-type: none"> - extending it to all courts at all levels - devoting more resources to the input of old cases - adding a statistical module on cases by offence type - adding records and a statistical module on personal data of offenders and victims. <p>The resulting statistical outputs should be used to enhance the knowledge base for policy makers and criminal justice practitioners by promoting in-depth analysis of the response of the criminal justice system to crime (by crime type) and of the efficacy of justice (e.g. average processing times).</p> | High Judicial and Prosecutorial Council Ministry of Justice |
| 27. | <p>A unique file number to track cases through all levels of prosecution in BiH should be implemented by further developing the CMS. Special attention should be paid to meet the target of full implementation by the end of 2010. As per recommendation No. 17 and in line with good practice described by the United Nations Manual for the Development of a System of Criminal Justice Statistics, the introduction of an integrated file number (IFN) to track persons and cases throughout the criminal justice system, starting with prosecution and courts, should be considered.</p> | High Judicial and Prosecutorial Council Prosecution offices Courts |

2.3.3. Data flow

Aggregate data from the courts in FBiH, RS and BDBiH are reported to the HJPC in standard forms (tables). Some of these tables are produced automatically by the CMS, others are compiled manually. The forms are exactly the same as those used under the old (manual) system. Statistics generated from aggregate data mainly describe process data on case flow, work quality, hearings held, convictions made and type of punishments.

Unit records on persons in court are collected only by the Federal Office of Statistics (FZS) in FBiH. A similar data collection of person-based court data by the Institute of Statistics in RS is under preparation.

| | Recommendations | Responsible Institution |
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| 28. | The ongoing computerization of the reporting system of courts could lead to significant gains in efficiency and timeliness of data availability at the central level. A feasibility study on the suitability and the costs of incorporating a statistical module into the CMS could be carried out in the near future. The study should consider the requirements for recording and transmitting also personal details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence of all defendants in court and of all recorded victims of crime. | High Judicial and Prosecutorial Council Courts |
| 29. | In line with general practice in other countries of the region and as practiced already in FBiH by the FZS, the submission | High Judicial and Prosecutorial |

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| | of person-based unit records from the courts to the Institute of Statistics for the Entity of Republika Srpska (RZSRS) for statistical reporting may be considered. A separate solution for such a data collection should be found for the District of Brčko, where the data collection may involve the Statistical Office at the State level (BHAS). | Council Courts Institute of Statistics in RS BHAS |
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2.3.4. Output (production of statistics)

At all levels of courts in BiH detailed statistics on the work of the courts remain largely limited to process data on case handling, case disposition and sanctions awarded.

In its current version, the CMS does not support the production of all statistics requested by the HJPC, so there is still a requirement of manual counting for certain statistics. Data analysis is limited mainly to the calculation of process indicators.

Likewise, the new CMS is not yet adapted to produce detailed person-based statistics on criminal cases, offenders and victims by type of offence.

For FBiH, the Federal Office of Statistics collects and publishes person-based unit records on convictions in first instance courts, disaggregated by type of sentences and broad crime type (but not by sex, age or citizenship), in their annual Statistical Yearbook.

One key publication on court activities is the report annually produced by the High Judicial and Prosecutorial Council. The data are mostly process statistics and do not contain a breakdown by offence, except for a few serious offences (e.g. murder). The only publication with a breakdown by offence type is produced by the Ministry of Justice (MoJ) of BiH and concerns only organised crime cases registered in the central database of the MoJ.

| | Recommendations | Responsible Institution |
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| 30. | It is recommended that the above-mentioned working group (see Recommendation No. 25), also examines the possibilities for adapting the current version of the CMS so that it supports the automated production of all process and person-based statistics requested by the HJPC, thereby enhancing efficiency by avoiding a manual counting for certain types of statistics. | High Judicial and Prosecutorial Council Courts |
| 31. | The Ministry of Justice and the High Judicial and Prosecutorial Council may give particular consideration to establishing a reporting system for all courts in BiH that allow the production of person-based statistics disaggregated by crime type; age; sex and citizenship. Crime type disaggregations of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia. | High Judicial and Prosecutorial Council Ministry of Justice Courts |

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| 32. | In addition to their internal reporting, all basic and district courts in RS and in BDBiH may coordinate with the Institute of Statistics for the Entity of Republika Srpska (RZSRS) and the Statistical Office at the State level (BHAS) for statistical reporting of person-based court data. The publication of standardized tables and metadata in the Statistical Yearbooks may also be considered. All statistical institutes in BiH could benefit from close collaboration with external experts on crime and criminal justice data in developing their data collections. | High Judicial and Prosecutorial Council Basic and district courts Institute of Statistics in RS BHAS FZS |
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2.4. Statistics on Money laundering

In reporting information to the Financial Intelligence Department (FID) within SIPA, banks compile and submit standard forms electronically, while the other reporting entities compile and submit standard forms on paper. No data on criminal procedures on money laundering (person-based data on the number of investigation requests, number of indictments or number of sentences) are received by the office.

| | Recommendations | Responsible Institution |
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| 33. | In the medium term, the online system for submitting suspicious transaction reports (STRs) and cash transaction reports (CTRs) should be expanded and extended from banks to all other reporting entities. Consideration should be given to include into the new reporting system an analytical software for the automated production of reports. | Financial Intelligence Department (FID) All required reporting entities |
| 34. | In order to provide a comprehensive overview of the judicial results of its activities, a regular inter-agency exchange of information between the FID, the High Judicial and Prosecutorial Council and the Ministry of Justice should be established, possibly through written rules regulating such exchange. Relevant agreements should also be established with agencies responsible for the collection of non-criminal justice data on money-laundering for future reporting at the EU level, taking into account especially the nine money-laundering indicators published by Eurostat in 2010. | FID High Judicial and Prosecutorial Council Ministry of Justice |
| 35. | Relevant data to be regularly transmitted to the FIU include the number of cases initiated by law enforcement agencies on the basis of STRs sent by the FID, the number of cases brought to prosecution as well as person-based data on the number of persons/ legal entities convicted for money laundering offences and the number of sentences by type. The Statistics on judicial proceedings concerning anti-money laundering activities should form an integral part of the Annual Report of the FID. | FID High Judicial and Prosecutorial Council Ministry of Justice |

2.5. Statistics on Trafficking in Persons

In BiH, the State Coordinator for Anti-trafficking in Human Beings and Illegal Migration in BiH (SC) collects statistics on victims of trafficking in persons in a database

administered by the Ministry of Human Rights and Refugees (MHRR). A separate database on traffickers is kept and managed by SIPA.

Some statistics on trafficking in persons are disseminated in the Annual Report of the SC, which is available online.²

| | Recommendations | Responsible Institution |
|-----|---|--|
| 36. | It is good practice for the designated National Coordinators on Trafficking in Persons to produce an Annual Report in local language and English that is made available to the interested public for download on the internet. It is recommended to clearly separate data on illegal migration and the smuggling of migrants from data on trafficking in persons. In line with the development of THB indicators at EU level, it is recommended to publish a separate Annual Report with detailed person-based data on the number of identified victims and suspected traffickers as well as the number of persons prosecuted and convicted, with appropriate disaggregations (by sex; age; citizenship, country of birth, type of exploitation, etc.). | State Coordinator for Anti-trafficking in Human Beings and Illegal Migration |

2.6. Statistics on crimes involving racism and xenophobia

Hate crimes are partly covered by the criminal codes in all entities, and police statistics on offences and offenders should in theory be available at the level of the entities. Data on persons prosecuted and convicted for the respective crimes should also be available from the FBiH Statistical Institute for FBiH. However, there are no regular statistics collected on crimes involving racist, xenophobic or other hate motives.

| | Recommendations | Responsible Institution |
|-----|--|---|
| 37. | In view of envisaged future reporting obligations to the EU Fundamental Rights Agency on crimes involving racism and xenophobia and other hate crimes, a suitable institution (such as the Ministry for Human Rights and Refugees or the Ministry of Justice) should be designated as the focal point for the collection of statistics on crimes with a racist, xenophobic or other hate motive. | Ministry for Human Rights and Refugees Ministry of Justice |
| 38. | To establish baseline data, the designated focal point should carry out a pilot data collection on hate crimes recorded in police, prosecution and court data. | Ministry for Human Rights and Refugees Ministry of Justice |

² Available at <http://www.anti-trafficking.gov.ba/>

3. International Reporting of crime and criminal justice data

Up to 2009, BiH has not been covered by Eurostat's data collection efforts in the field of crime and criminal justice. Based on current data collection systems, only some of the data collected and published by Eurostat are routinely available at the State level.

BiH provided data for the 10th UN-CTS covering the years 2005-2006. Data for the 10th UN-CTS related to all parts of the questionnaire (police, prosecution, courts, prisons). Data for the 11th UN-CTS relate to the police part of the questionnaire only and may be affected by problems of coverage, definitions and reliability.

At the State level, BiH has an Analytical Unit in the Ministry of Security (MoS) that compiles police data on criminal offences in broad categories of crime. However, for detailed data on police-reported criminal offences, the MoS has to make special requests to the ministries of interior of the entities.

Data on persons prosecuted and persons convicted in courts by offence type are at present not generally available at the State level.

| | Recommendations | Responsible Institution |
|-----|--|---|
| 39. | Consideration should be given to the appointment of a single contact point for the reporting of all crime and criminal justice data at the national, regional and international levels. This single contact point could be the same as the focal point for the data collection of Eurostat. | Ministry of Security Ministry of Justice Institute of Statistics in RS; FZS; BHAS |
| 40. | The Eurostat Focal Points for police-recorded crime data within the statistical offices should work closely with the Analytical Department of the Ministry of Security and Eurostat in order to develop a protocol for the regular collection and reporting of crime and criminal justice data to Eurostat. The protocol should specify the nature and content of data to be reported. Special consideration should be given to compiling and harmonizing statistics of crimes falling under different crime definitions in the four different criminal codes of BiH. Any differences should be well documented in metadata and explanations provided. | Ministry of Security / Analytical Department Institute of Statistics in RS; FZS; BHAS |

4. Migration statistics

4.1.1.1. Introduction

The following guidelines concern mainly migration data.

4.1.1.2. Data on stocks and flows of immigrants and emigrants

In BiH, the population register contains records of citizens of BiH and records on foreigners with permanent residence permit with a BiH personal ID card and individual citizen's number. Thus, no comprehensive statistics on stocks or flows of foreign immigrants or emigrants are available from the population register. The only system for monitoring stocks and flows of foreigners in BiH is through the registry of residence permits issued to foreigners required to have a residence permit in BiH.

| | Recommendations | Responsible Institution |
|-----|--|--|
| 41. | The possibility of introducing data in the population register on foreigners residing in BiH on a temporary and on a permanent basis should be considered. | Ministry of Security/ Service for Foreigners' Affairs |
| 42. | As a first step, and to create a baseline of detailed records, a working group comprised of representatives of the statistical offices and the Ministry of Security should evaluate whether the next population census could be used to enumerate foreigners and foreign-born having their usual place of residence in BiH. ³ | Ministry of Security Institute of Statistics in RS; FZS; BHAS |
| 43. | Subject to the recommendations of the working group, the next population census should include a special question module for enumerated foreigners/foreign-born providing details on their sex; age group; citizenship; country of birth; and country of previous residence. | Ministry of Security Institute of Statistics in RS; FZS; BHAS |

4.1.1.3. Residence permit data

The Service for Foreigners (SFF) is responsible for issuing residence permits for all areas of BiH and keeps a database on all residence permits issued to foreigners for the whole country.

Detailed data on residence permits are presented in the 2009 Migration Profile published on the website of the MoS.

| | Recommendations | Responsible Institution |
|-----|---|---|
| 44. | In line with EU statistical requirements, data should also be reported on the stock of valid temporary and permanent residence permits at the end of each year (by citizenship; type; and duration) and on the number of changes in residence permits (by reason; and citizenship). | Ministry of Security/ Service for Foreigners' Affairs |

³ For definitions and recommendations regarding census implementation see UNECE (2006): Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing. Available at: <http://unstats.un.org/unsd/censuskb/article.aspx?id=10219>

4.1.1.4. Updating of records and registers

The residence permit database is not systematically updated when a foreigner leaves the country but temporary permits are automatically excluded for statistical purposes once they expire. If the Service for Foreigners' Affairs establishes that a foreigner with a resident permit is out of the country for a period longer than one year his residence permit will be annulled.

| | Recommendations | Responsible Institution |
|-----|--|---|
| 45. | The feasibility and costs of developing a system for regular updates of the residence permits database with information from other administrative records and databases (such as entry-exit records from the border) should be assessed. | Ministry of Security/ Service for Foreigners' Affairs |

4.1.1.5. Data on the prevention of illegal migration

The Border Police keeps records and statistics on important migration-related events (legal entry and exits, records on false and falsified I.D.s detected, rejections at the border, certain measures taken against foreigners like removals).

For statistical reporting, the data on persons caught for illegal migration are inserted in two standard tables that are to be filled in by the border police at each level. The statistical tables are passed on a monthly basis from the local to the regional to the central level of the Border Police, where the Unit for Strategic Planning and Analysis prepares periodical internal statistical reports every three months

Some statistics on the prevention of illegal migration are published in the annual Information on the State of Security Report of the Ministry of Security of BiH. More detailed data are published in the annual Migration Profile. Data are also shared between the respective Ministries of Interior of the Western Balkans and with international organizations like ICMPD.

| | Recommendations | Responsible Institution |
|-----|---|-------------------------|
| 46. | In accordance with current practice, data on refused entry at the border should continuously be reported disaggregated by age and sex. | Border Police |
| 47. | In accordance with current practice, data on illegal entry and illegal residence should continuously be reported disaggregated by age; sex; citizenship; grounds for apprehension; and place of apprehension. | Border Police |
| 48. | Data on removal of foreigners should be divided into the number of persons issued with an order to leave the territory and the number of persons who actually left the territory following an order to leave and both should be disaggregated by age; sex; citizenship; and reason for the order. | Border Police |

4.1.1.6. Data on facilitated illegal migration

The Border Police keeps records on criminal offences related to the border (e.g. smuggling of migrants, smuggling of firearms, drugs smuggling etc.) in the general

Crime Registry. The Crime Registry used is the same as for other crimes recorded by the police.

All unit records are transferred from the manual record in the Crime Registry into an electronic format in a web-based intranet database. These electronic records are then burnt onto a CD-ROM and sent to the regional office once a month from where they are forwarded to the Analytical Centre within the BP. Data are kept for internal planning and are sent to the Ministry of Security regularly.

No separate records on smuggled persons (facilitated aliens) are kept by the Border Police.

| | Recommendations | Responsible Institution |
|-----|--|-------------------------|
| 49. | In order to supply harmonised data to the CIREFI database, data on the number of apprehended facilitators (migrant smugglers) should be collected and compiled by citizenship, together with data on the number of apprehended facilitated aliens (smuggled migrants) by citizenship and type of border entered (land, sea or air) in one central institution. | Border Police |

5. Asylum statistics

5.1.1.1. Introduction

The following guidelines concern mainly data on asylum.

5.1.1.2. Data input

The Sector for Asylum within the MoS is responsible for receiving and processing applications for asylum in all of BiH and keeps records and statistics on asylum.

Persons expressing their intention to apply for asylum at the border or inland are instructed to submit the application in person at the office of the Sector for Asylum in Sarajevo. Only when the person physically appears at the office of the Sector for Asylum and presents his application for asylum is a record of the application registered.

| | Recommendations | Responsible Institution |
|-----|--|--|
| 50. | To align the production of statistics on asylum with current EU acquis (Regulation (EC) No 862/2008), the current practice of recording asylum applicants only when they physically appear at the Sector for Asylum should be reviewed. According to current EU practice, data on asylum applicants should include all applicants expressing their intention to claim asylum with the authorities, disaggregated by the number of persons submitting first time applications and the number of persons submitting repeat applications (by sex; age and citizenship). Subsequently, data are typically differentiated between non-admissible (or ill-founded) asylum claims and others. | Ministry of Security/ Sector for Asylum |

5.1.1.3. Stock and flow data

At the Sector for Asylum a unit record of each person applying for asylum is made in an electronic database. This record is constantly updated as decisions are made.

Detailed person-based data on asylum applicants are shared with UNHCR and are also published in the 2009 Migration Profile.

| | Recommendations | Responsible Institution |
|-----|--|--|
| 51. | Reported data should also include the number (stock) of persons with open asylum applications at the end of the year (by sex; age; and citizenship). | Ministry of Security/ Sector for Asylum |
| 52. | Consideration should be given to regularly publish detailed data on asylum, in Bosnian and English, on the website of the Ministry of Security. | Ministry of Security/ Sector for Asylum |

6. Visa statistics

6.1.1.1. Institutions responsible for data collection and management

The following set of guidelines concern mainly visa data.

6.1.1.2. Data input and outputs

The Visa and Passport Department of the Division for International Legal and Consular Affairs within the Ministry of Foreign Affairs is responsible for visa matters and collects data on visas issued through its Diplomatic Missions and Consular Posts (DMCPs). In addition, the Border Police (BP) collects data on visas issued at the border.

Data on visas issued, by citizenship of the visa applicants, are made available in the 2009 Migration Profile. The information is available in the MIS and is disaggregated by sex, age or the type of visa issued. Data are also presented on the number of visas issued at border crossings, by country of citizenship; sex; and age groups.

| | Recommendations | Responsible Institution |
|-----|---|---|
| 53. | <p>The following visa indicators should be considered for regular compilation and publication the Ministry of Interior website:</p> <ul style="list-style-type: none"> • stock of persons with valid visa (by citizenship and type and duration of visa) • number of visa applications (by citizenship and country of application) per year • number of visas granted (by citizenship, country of application, type and duration of visa) per year • number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). | Ministry of Foreign Affairs Ministry of Security |

7. Victimization surveys

The following set of guidelines concern survey based crime data.

7.1.1.1. The role of crime victimization surveys

No crime victimisation survey and no corruption survey has been implemented by the Agency for Statistics of Bosnia and Herzegovina (BHAS) or the statistical agencies of FBiH and RS up to now.

| | Recommendations | Responsible Institution |
|-----|--|---|
| 54. | Discussions should be held on the feasibility of conducting a representative crime victimization survey in BiH. Options for funding of such a survey should be explored. | Ministry of Security Institute of Statistics in RS; FZS; BHAS |

8. Training Needs for Priority Consideration

The following guidelines and recommendations are considered a priority by

..... (enter your institutional affiliation)

for the further development of JHA statistics in Bosnia and Herzegovina and should therefore be part of the training activities within the project “Development of Monitoring Instruments for Judicial and Law Enforcement Institutions in the Western Balkans”:

(please tick the boxes and enter specific recommendations under ‘Notes’ below)

| Recommendations provided under: | Priority to be given: | | | Can be implemented in: | | |
|--|-----------------------|--------|-----|------------------------|-------------|-----------|
| | High | Medium | Low | Short term | Medium term | Long term |
| Police statistics | | | | | | |
| 2.1.2. Data input | | | | | | |
| 2.1.3. Data flow | | | | | | |
| 2.1.4. Data output | | | | | | |
| Prosecution statistics | | | | | | |
| 2.2.2. Data input | | | | | | |
| 2.2.3. Data flow | | | | | | |
| 2.2.4. Data output | | | | | | |
| Court statistics | | | | | | |
| 2.2.2. Data input | | | | | | |
| 2.2.3. Data flow | | | | | | |
| 2.2.4. Data output | | | | | | |
| Special statistics | | | | | | |
| 2.4. Statistics on Money laundering | | | | | | |
| 2.5. Statistics on Trafficking in Persons | | | | | | |
| 2.6. Statistics on Crimes involving racism and xenophobia | | | | | | |
| Reporting at international level | | | | | | |
| 3.1.1.1. Reporting of data at European level | | | | | | |
| 3.1.1.2. Reporting of data at UN level | | | | | | |
| 3.1.2.1. Focal point for crime and criminal justice statistics | | | | | | |
| Notes: | | | | | | |
| | | | | | | |

| | Priority to be given: | | | Can be implemented in: | | |
|---|-----------------------|--------|-----|------------------------|-------------|-----------|
| Recommendations provided under: | High | Medium | Low | Short term | Medium term | Long term |
| Migration Statistics | | | | | | |
| 4.1.1.2. Data on stocks and flows of immigrants and emigrants | | | | | | |
| 4.1.1.3. Residence permit data | | | | | | |
| 4.1.1.4. Updating of records and registers | | | | | | |
| 4.1.1.5. Data on the prevention of illegal migration | | | | | | |
| 4.1.1.6. Data on facilitated illegal migration | | | | | | |
| Asylum Statistics | | | | | | |
| 5.1.1.2. Data input | | | | | | |
| 5.1.1.3. Stock and flow data | | | | | | |
| Visa Statistics | | | | | | |
| 6.1.1.2. Data input and outputs | | | | | | |
| Victimization Surveys | | | | | | |
| 7.1.1.1. The role of crime victimization surveys | | | | | | |
| Notes: | | | | | | |