

EXAMINING YOUNG PEOPLE'S VIEWS OF THE BIH LEGAL SYSTEM

"YOUTH RULE OF LAW LAB (YROLL)" PROJECT
JABIHEU



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Abstract

This paper relates to a research study designed to examine the level of awareness among young people and their understanding of the legal system in Bosnia and Herzegovina, with special emphasis on the justice system.

Focus groups involving 15 young people aged 19 to 27 and CSOs from six cities in Bosnia and Herzegovina (Tuzla, Banja Luka, Bijeljina, Sarajevo, Mostar and Široki Brijeg) were conducted in order to explore their knowledge and opinions on specific topics related to the legal system in Bosnia and Herzegovina to determine the best ways in which these topics should be presented to young people in the future.

This paper addresses certain shortcomings in the knowledge of young people concerning the legal and judicial system of Bosnia and Herzegovina as well as the existence of certain gaps in their understanding of EU values and standards when it comes to the principle of the rule of law.

Based on the conducted research, we prepared findings and recommendations that will help the expert legal team responsible for drafting the manual 'Justice4All'. The manual will contain basic guidelines for and tips on how to gain knowledge and practical skills in order to understand the justice system in Bosnia and Herzegovina and the principle of equal justice for all.

The manual has to be both understandable and accessible to young people as it will provide the basis for the development of educational modules that will cover all of the relevant topics in this area and serve as a long-term educational tool for young people in the future.

List of Abbreviations

CSO – Civil Society Organisations

RoL – Rule of law

ORC Tuzla – Youth Resource Centre Tuzla

BiH – Bosnia and Herzegovina

EU – European Union

USA – United States of America

1. About the project

The main goal of the project 'Youth Rule of Law Lab' (YRoLL), which is implemented by JaBiHEU, is to support and strengthen civil society organisations in fostering a democratic culture. This will be achieved by improving their knowledge of and increasing their participation in promoting, protecting and furthering EU human rights priorities and issues related to democracy in Bosnia and Herzegovina.

The specific objectives of the project include supporting civil society in Bosnia and Herzegovina in advancing much needed reform related to the rule of law, strengthening the protection of fundamental freedoms by encouraging a judicial system at the service of all citizens and by engaging and motivating youth CSOs through an experiential learning process to address the issue of shrinking civil society in this country.

The founding values of the EU include the rule of law and respect for human rights. Rule of law is the very basis for citizens to exercise their rights and freedoms. Bosnia and Herzegovina will have to respect these values and commit to promoting them if it is to become a member of the European Union. As underlined by the European Commission in its 2018 'Western Balkans Strategy' and in its Opinion on Bosnia and Herzegovina's application for EU membership, rule of law is at the core of the EU enlargement process.

A properly functioning judicial system and an effective fight against corruption are of paramount importance, as is respect for fundamental rights both in law and in practice. Yet rule of law remains weak in Bosnia and Herzegovina, despite the progress made in reforming the justice sector.

According to the EC Opinion, all levels of government in Bosnia and Herzegovina show signs of political capture that has a direct affect on the daily life of citizens, most notably in relation to health, education, employment and public procurement. Transparency within the justice system remains insufficient. The legislative and institutional framework for the protection of fundamental rights is largely in place but needs to be implemented in full as well as improved substantially through the harmonisation of the legislation throughout the country and its alignment with European standards. Administrative capacities need to be strengthened and adequate resources provided for the effective enforcement of fundamental rights. Significant incremental reforms are required if political and legal equality of all citizens is to be ensured.

2. Research topic and objectives

The topic of the research is the thoughts and views of young people and CSOs concerning the legal system in Bosnia and Herzegovina, with special focus on the judicial system, and their knowledge of the structure and operations of the central institutions and the processes of the justice system in this country.

It was necessary to conduct the research in order to obtain the relevant data on how much young people and the representatives of CSOs actually understand when it comes to the legal system in Bosnia and Herzegovina, the roles and responsibilities of judges, prosecutors and lawyers in court proceedings and the means through which they are usually informed about these topics, what to them represents a strong and efficient judicial system and whether they recognise the importance of the rule of law within that system.

The research also provided us with information that served as the starting point for identifying the best ways to present the selected topics to young people in order to better educate and inform them about these topics in the future.

The ultimate goal of the research was to report on and prepare recommendations that will help the expert legal team responsible for drafting the manual 'Justice4All', which will contain basic guidelines for acquiring knowledge and the practical skills to understand the justice system in Bosnia and Herzegovina and the principle of equal access to justice for all.

The manual will include the following chapters:

I Introduction

- Overview of the legal and constitutional systems in Bosnia and Herzegovina
- EU values and the rule of law

II Access to justice and the right to a fair trial

- Judiciary: roles and responsibilities (what are the responsibilities of the judge, the prosecutor the Lawyer, etc.)
- Trials and proceedings
- The structure and jurisdiction of the courts
- Access to the courts and statistics
- What does 'equal justice for all' mean

III Why a strong justice system and the rule of law is important to you

- Rule of law versus corruption
- Rule of law and access to education, employment and business opportunities
- Rule of law and human rights and freedoms

The manual should be both understandable and accessible to young people and as such provide the basis for the development of educational modules that will cover all relevant related topics in this area.

In order to realise the stated goals of the research and to gather the necessary information required for drafting the manual 'Justice4All' we, with the help and input of JABiHEU and ORC Tuzla, developed a guide and scenario that served as the basis for the focus groups. The guide and the scenario contained questions for participants divided into the different areas and topics to be covered by the team of experts in the manual.

3. Methodology

The research was conducted by collecting qualitative data obtained through the method of directed discussion in small groups: focus groups. This form of research, whose key source of analysis is a certain interaction between respondents, aims to stimulate a discussion that will explore the attitudes of respondents towards carefully selected topics.

Two focus groups were conducted for this purpose on 6 and 8 April 2021. Of the 15 young persons involved, 7 participants were female and 8 were male. The age of participants ranged from 19 to 27 and they were mostly students or representatives of civil society organisations from six different cities¹ in Bosnia and Herzegovina.

Since it was decided that the research should adopt a qualitative approach, the participants were targeted based on their ability to give their opinion on selected topics (among others, the criteria included participation in the work of civil society organisations, study at social science faculties and their motivation to participate).

With the exception of Široki Brijeg, there were no major difficulties in recruiting participants and all those invited generally agreed immediately to participate in the research. We encountered certain challenges in finding motivated young people from Široki Brijeg and so we only managed to engage one of the planned two or three participants from this city, despite using several different communication channels, personal and business contacts and civil society organisations.

Based on previously set research objectives and prepared topics for discussion, we prepared a semi-structured guide that contained a framework scenario for the discussion that was adapted to the dynamics of the conversation in line with the specific nature of the focus group method.

Given the aggravated epidemiological situation caused by the outbreak of the contagious coronavirus disease COVID-19, discussions were held online via the 'Zoom' platform. Both discussions lasted from 65 to 80 minutes.

In order to enable the free flow of conversation on the given topics the nature of the research method was explained to the participants and it was emphasised that they were absolutely free to express their opinions in the way that best suited them. It was also emphasised to the participants that they were guaranteed anonymity and confidentiality of personal data.

¹ Tuzla, Banja Luka, Bijeljina, Sarajevo, Mostar and Široki Brijeg.

In order to reach the right conclusions and make the required recommendations we made an audio-visual recording of both focus groups. It was made clear to the participants that the recordings would only be used to ensure that our notes were correct and that they would not be heard by anyone outside of the project. We performed a detailed analysis of all participant answers based on these recordings by systematising participant responses on individual issues and comparing their given experiences, thoughts and recommendations.

When analysing the answers of the participants to the given questions we paid special attention to the reactions of the participants, their way of speaking and body language. This was in order to gain a complete impression including the feelings that certain topics and questions evoked in the participants, since it was crucial to understand the given statements within the context in which they were created.

Table 1. Focus group no 2

Date	Number of participants	Participants	City	Gender
6 April 2021	7 participants	FPS ² student (political science)	Tuzla	5 females and 2 males
		Law school graduate student	Tuzla	
		Economics student	Tuzla	
		Bachelor of political science	Bijeljina	
		Law school student	Bijeljina	
		Law school student	Sarajevo	
		Law school student	Sarajevo	

Table 2. Focus group no 2.

Date	Number of participants	Participants	City	Gender
8 April 2021	8 participants	Master of economics	Široki Brijeg	2 females and 6 males
		Law graduate	Mostar	
		FPS student (political science)	Banja Luka	
		Law graduate	Mostar	
		Electrical engineering student	Tuzla	
		Law school graduate student	Banja Luka	
		Bachelor of criminology	Mostar	
		FPN graduate student (journalism and communication)	Banja Luka	

² Faculty of Political Sciences.

4. Analysis and recommendations

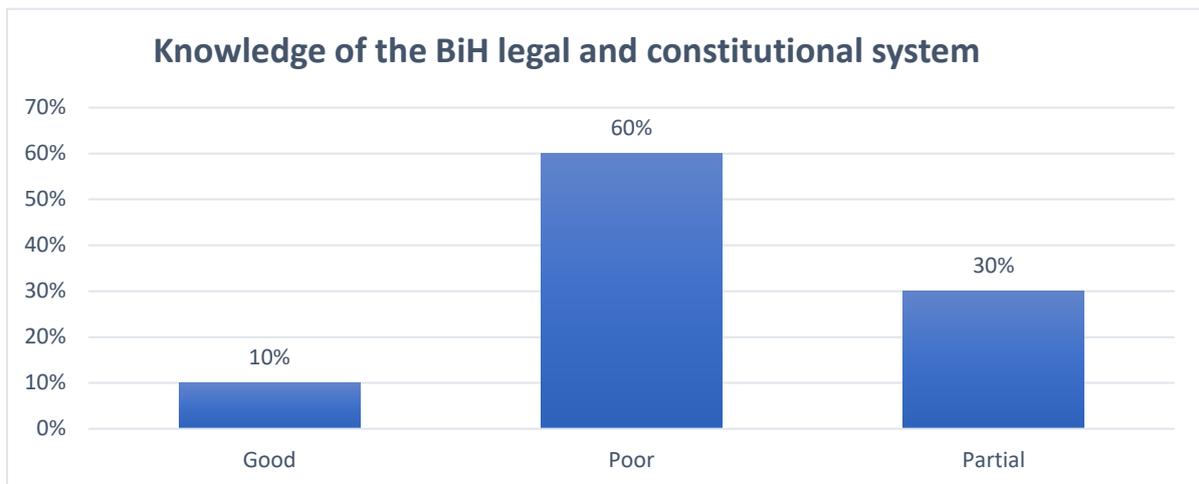
The analysis of the focus group discussions approached the research topics in the order determined by the structure of the created guide for this qualitative research. There was occasional intertwining of certain topics, which is not unusual for this research method given the dynamic nature of the focus group method based on group interaction. All problems were included in this analysis, regardless of the point in the discussion when they took place.

The analysis included the views and opinions of the participants on the selected topics, which will constitute an integral part of the manual for young people. The observations we have given here are supported by their statements verbatim, which are presented in *Italics*.

It should be noted that the findings obtained by the research method using small focus groups should not be generalised for the whole population. Nevertheless, the understanding and awareness of the participants represent an extremely important part of general picture. These findings allowed us to gain certain knowledge and an understanding of the range of attitudes, motives and observations that a certain population might have towards an issue and helped us to understand the language used by the actors in relation to the topics that are the subject of this research.

4.1. The legal system and rule of law in Bosnia and Herzegovina

At the very beginning of the discussion, we wanted to find out how much these young people actually knew about the legal and constitutional system in Bosnia and Herzegovina. Most of the participants pointed out their belief that they do not know enough about the legal system in this country, about the structure and levels of government, the constitutional system or about the competencies of government institutions in Bosnia and Herzegovina. Some participants (mainly law graduates) said that they had obtained certain knowledge about the legal system in Bosnia and Herzegovina but that they believed that most of their peers, whether law students or not, were not sufficiently educated on this issue.



“I have a little more knowledge because I'm at the law school. However, while working with young people I have noticed that they do not have a sufficient level of knowledge of this and very often certain things are being mixed-up. So even young people who are involved in politics and who should have a slightly higher level of knowledge do not. Especially when it comes to, for example, jurisdiction of the courts, the European Convention on Human Rights and Fundamental Freedoms, etc. It would be great if there was some kind of educational material that would be available not only to young people but to all other citizens as well, where some issues would be simplified and accessible and with certain terms clarified.”

It is important to point out that even those respondents who stated that they had a certain level of knowledge about the system also emphasised that they had more information and a better understanding of the system of the entity in which they live than of the system of another entity³ and that they perceive this gap in their knowledge as a handicap.

When considering the cause of their gap in knowledge about the legal system in Bosnia and Herzegovina, they mostly agreed that they lacked education on the subject in secondary school and even those in social science colleges.

“I think the main problem is education. People who educate us as secondary school students, they themselves are not aware of the breadth and do not have the knowledge to convey it to us in the best possible way or do not have the methodology and ways to better explain us the matter and bring us closer to these topics. The people who are supposed to teach us are not entirely competent. At my faculty (Faculty of Political Science, op.cit.), people who studied journalism explained such topics to us. These are not legal professionals.”

³ The two entities in Bosnia and Herzegovina are the Federation of Bosnia and Herzegovina and Republika Srpska.

During the discussion on this topic, one opinion that emerged was that the complexity of our legal system is one of the causes of insufficient knowledge about this system or the misunderstanding of it and that this not only applies to young people but also to citizens in general.

Several participants who were not law students stated that the problem in addition to insufficient education in schools is the complexity of the system itself. They said that this demotivates them from educating themselves, emphasising in particular the fact that they do not know how to approach it and have no idea from which sources to start their research.

On the other hand, several participants felt that the legal system is not as complicated as it seems when listening to statements given by government officials or politicians to the media.

"I agree with my colleague to a large extent regarding the mystification of institutions. I am an advocate of open doors day within institutions. I did not have the classic subject of Democracy and Human Rights at my school. We did not pay as much attention to the legal system and that was a real handicap later, during my law studies. Again, through the European Association of Law Students I somehow managed to overcome it and I find it to be useful to introduce young people directly to the processes, in the sense that we literally introduce them to the institution and ask questions. It is very important to simplify this matter in all manuals for young people, given that politicians like to complicate things and like to use complex terminology."

"Until recently I thought that the Constitution had one hundred pages because so many politicians are talking about it in that way through the media that I thought it was the most complicated document in the world, until a colleague from the office recently gave us a presentation and showed what the Constitution looks like and that it's not so terrifying. We went through it together and it was my first encounter with the Constitution. I can say that I don't know enough about the rest of the legal system. I inform myself somehow through non-formal education, on the Internet, TV, etc."

When asked to express what they associate with the term 'the rule of law' we noticed that the participants were not sufficiently familiar with this concept. A small number of participants initially wanted to get involved in a discussion on this topic and yet even those who got involved in it in the first place pointed out that this term was quite abstract to them.

"I would agree with my colleague. It is abstract because often when discussing it we do not know whether it means the rule of law or the rule of laws (in Bosnian language both terms are spelled the same, author's comment), because in my opinion these are two completely different things and I hope you will agree with me there. Somehow, it's all confusing to me."

After being presented with the United Nations definition of the rule of law⁴ the other participants joined the discussion, pointing out for the most part that they were not sure as to what extent the legal system in Bosnia and Herzegovina nurtures this value. When it came to the connection between the rule of law and corruption the participants agreed that these two concepts are closely related and in a way that the existence of one excludes the other. Namely, that the fight against corruption is a necessary step towards achieving the rule of law and vice versa.

“Somehow I can look at it in two ways. The rule of law enables the fight against corruption through the fact that the citizens of a state can rely on their legal system to protect them from corruption. On the other hand, the rule of the law is an instrument in the fight against corruption because the institutions, through their aspiration to base their actions as much as possible on the rule of law, enable the elimination of corruption in essence. What Americans would say, ‘of the people, by the people, for the people’.”

“The fight against corruption is the first step towards achieving the rule of law. If we do not have an independent judiciary, which is not subject to corruption, how will we have the rule of law. It is somehow interconnected.”

In this part of the discussion, several participants already showed that they had a certain level of distrust when it came to government institutions.

“If the system that is making the laws and that should respect those rights is not corrupt then it makes some sense. If the people who make those decisions and who are supposed to actually implement them are corrupt themselves then it doesn't make any sense to me. These two things should connect with each other. However, in our country I'm not so sure ... How do we go to the court when the court is corrupt? How do we go to the police when the police are corrupt? And these are the two institutions that should protect our rights.”

Yet they agreed on the role of civil society organisations within the process of strengthening the principles of the rule of law and fighting corruption. They believed that these organisations are a form of corrector of society and that through the work of such organisations they see their chance to contribute towards building of a society based on the principle of the rule of law.

⁴ It refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. (Report of the Secretary-General: The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (S/2004/616))

“The civil society sector plays a key role in strengthening the rule of law. Since I am a member of many civil society organisations I know that we have a lot of grants for human rights projects. Everyone still considers this topic critical, which means that it is something that is current in our country and that we should work more on the fight against corruption and protection of human rights. If the people who invest in us think it’s worth it and necessary, we should push for it. If there was no civil society sector, I don’t know where we would be now. I think it plays a key role in society.”

“There are three pillars of society: the government, the business sector and the civil sector. The third sector is very important. It represents a critical mass that should be neither a position nor an opposition but a corrective in society that points to all these anomalies in society such as corruption and absence of the rule of law. Bosnia and Herzegovina is preparing for the EU membership and a whole set of membership condition chapters refers to the rule of law. The Bosnia and Herzegovina legal system needs to be harmonised with the EU model, which will be quite complicated in our country. Bosnia and Herzegovina needs to adapt to EU legislation and the task of the civil sector is to address all of these shortcomings that exist in the implementation of the rule of law.”

On the other hand, the participants representing civil society organisations emphasised the necessity of having a certain level of cooperation between government institutions and the civil society sector as well as the active participation of the citizens of this country in building a society based on the rule of law if it is to work.

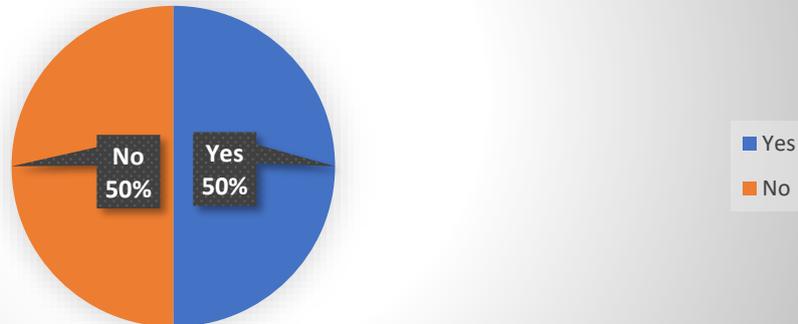
“We should keep in mind that civil society without any cooperation with institutions unfortunately simply cannot change certain problems that affect our society. Some cooperation between civil society and government institutions is a very important factor. What civil society can do is to mobilise citizens at the local level where corrupt practices and certain anomalies take place on a daily basis, to take actions and to become an important local resource. You mentioned the fight against corruption, so it first occurred to me that citizens in fact can proactively participate in the fight against corruption by sharing more of their experiences in public about whether they were victims of corruption, how they fought with the system, etc.”

During the discussion on this topic, the question of citizens trust in the institutions arose naturally. All of the participants considered citizens trust in institutions to be very important in a democratic society; however, the experience of the participants was that this trust is very underdeveloped and they emphasised their own distrust in them.

“I’d say it’s 100 per cent important, but I trust them 50 per cent.”

“Do I trust the institutions? As my colleague just said, in part, but as long as I have partial trust it is not trust.”

Did the focus group participants have trust in BiH institutions?



According to the participants, the main reasons for the absence of trust in public institutions are the existence of corruption and political influence on institutions, the complexity of the legal system, personal negative experience with institutions and these institutions lack of direct communication with citizens.

“Well, there is an extremely strong political influence. Not only on the judiciary and the police but also on the media and the wider community.”

“If you noticed, you have never had a press conference of any judicial official during which you are acquainted with valid information about a certain important case. We only get the information through newspapers and media who again get their information from some unknown sources. I have a big problem with some of the information being unavailable. The chief prosecutor for example is never communicating with the citizens in this way. If you hold a high judicial title you must communicate with the people. In the USA all of them, from judges, lawyers to the others participants in judiciary community in general, everyone communicates with citizens.”

4.2. The justice system in Bosnia and Herzegovina and the principle of equal justice for all

In the second part of the discussion, which included the judicial system in Bosnia and Herzegovina, we wanted to gain an insight into the participants knowledge of the judiciary, the role of its actors (judges, prosecutors and lawyers), court procedures, the courts structures and jurisdictions, etc.

In general, the participants considered themselves insufficiently familiar with the role of the judicial bodies and key participants in court proceedings (judges, prosecutors and lawyers), except for their most basic roles. The exception was the few participants who volunteered in judicial institutions and therefore had had a first-hand opportunity to get acquainted with the scope of their work.

“I recently started reading more about it and I found all the functions and people so confusing and complicated for me. There are so many of them, differences, functions. I felt that if I wanted to do or to propose something in the field of law I would know where to go to. I would not be able to say who is doing what.”

“I am well acquainted with the work of the prosecutor's office and the court here in the HNC⁵ and I did all the prosecutor's work directly, I wrote the indictments, etc. But in law school I didn't learn any of these things and everything was different in practice. I believe that it is even more difficult for colleagues who do not have direct contact with the legal profession to get information, because I believe that there are no adequate information channels for that.”

“I am minimally acquainted. So I know what is the role of the prosecutor's office and the judiciary and that these are two separate bodies. Then there is a third body – lawyers. But the first two are government officials and the second can be private individuals. We finance the first two as citizens. But what are their responsibilities? I honestly think that as an ordinary citizen I do not know exactly.”

“I have a feeling that out of the three types of government in our country, the judiciary is most under a veil of secrecy and that most prejudice is tied to it. For example, we at our faculty (Faculty of Political Sciences, author's citation) are getting quite familiar with the functions of the president, about his responsibilities and about responsibilities of the National Assembly, but as for the judicial system we mostly learn that foreigners control it, that it is an apparatus in the hands of foreign factors in the country, etc. In fact, we don't have that much information about the judiciary and we neglect it, even though it's very important.”

“I would add that in addition to the prosecution office and the courts there is also a public attorney's office. I think that young citizens are not sufficiently informed about all these divisions and jurisdictions, who does what, when and how. I don't think there is even a distinction between what is a criminal trial and what is a civil lawsuit and when you add human rights in that equation then everything become mixed up. So I think we need to pay more attention to differentiating these things as well.”

Inadequate school education but also the passivity of young people themselves in relation to acquiring knowledge in this area were cited most often as the cause of insufficient knowledge on the roles of actors within the judicial system. However, all of the participants expressed

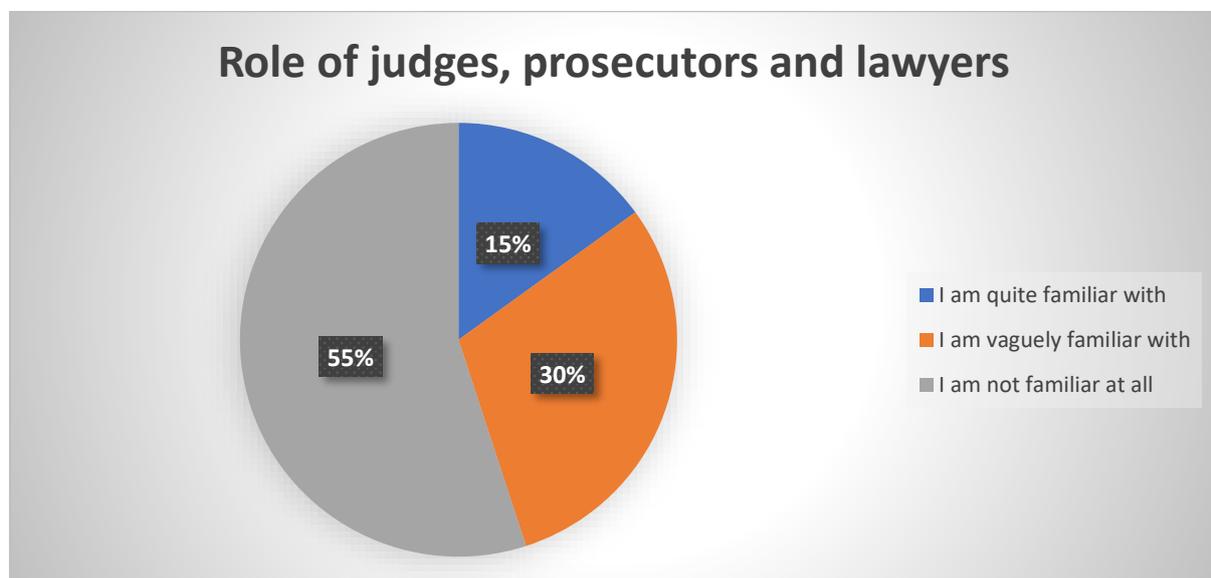
⁵ The Herzegovina-Neretva Canton.

the desire for a better understanding of the roles of judges, prosecutors and lawyers as well as the course of court proceedings, whilst emphasising that they did not know where to start to do the research on their own.

“Since I did not study law I can say that I am absolutely not familiar. I know in layman's terms who a judge is, who a lawyer is and their general competencies but if I were asked if I were particularly knowledgeable I am not. I think that through the subject of democracy in schools we could get a little better acquainted with all of that. I didn't learn anything about it during school. I think that the education system cuts us off, unless we decide to continue our education in this direction.”

“If now someone were to ask me what is whose role I think my answer would be like that of a five-year-old child: the judge judges, a lawyer defends and that's it.”

“I would generally start from the lack of education and guides through the legal system within the educational system, starting from primary and secondary school ... when I worked with the Youth Council with some young people who were significantly younger than me, especially secondary school students, I noticed that they did not know what they could do through their local communities. So how will they know what they can do through the municipal court, to whom to complain, where to seek legal assistance and so on.”



As for the types of courts, they jointly carried out the division at the municipal or basic, cantonal or district courts, the supreme courts of the entities, the constitutional courts and district commercial courts in Republika Srpska and the Higher Commercial Court of Republika Srpska. What was noticeable and significant here was that all of the participants exclusively listed the types of courts within the entity in which they lived.

Furthermore, we discussed the principles and values that are directly related to the judicial system such as the principle of equal justice for all, the right to a fair trial and such like in order to ascertain the extend of the young persons' knowledge about the essence of these principles and their understanding of the importance of these principles in the context of a society based on the rule of law.

Similar to our general discussion on the rule of law, the concept of equal justice for all proved a stumbling block in the discussion. Given that only a small number of participants were willing to make certain associations to this concept, we got the impression that the participants were not entirely sure what this principle actually implies.

"Given the fact that I live in Bosnia and Herzegovina and that concept represents a utopia I don't see how that can be achieved in our country."

Yet the dominant opinion among the participants was that our legal system and consequently the judicial system is not strong enough and is not tailored to work for each citizen. The judicial system was seen as insufficiently transparent and inefficient with perceived problems such as political pressure on the judiciary, lengthy and costly court proceedings and the lack of accountability of its key actors and as a result of all this we have a state of distrust among citizens in this very important segment of government.

"The judicial system of Bosnia and Herzegovina is not that it is not tailored to the citizens of Bosnia and Herzegovina but it is not tailored to the human being at all. The Bosnia and Herzegovina judiciary is in a difficult and a catastrophic state. Urgent reforms are needed to bring us out of this catastrophic situation that we find ourselves in."

"It is obvious that it is not for every citizen. If it was we would not have the 'Sejdic-Finci'⁶ problem and we would not have a problem with the inclusion of minorities in government in Bosnia and Herzegovina."

"Long and expensive court proceedings are also a problem. If we consider the jurisprudence of the European Court of Human Rights in about 60-70 per cent of cases there was a violation of the right to a fair trial, which includes the right to trial within a reasonable time. So I think that's a huge problem for our justice system."

⁶ Sejdic and Finci v. Bosnia and Herzegovina (Applications Nos. 27996/06 and 34836/06 of the European Court of Human Rights) is the name of a court case conducted from 2006-09 before the European Court of Human Rights in Strasbourg, on the lawsuit of Derva Sejdić and Jakob Finci, against Bosnia and Herzegovina, who as members of national minorities were prevented from being elected to the Presidency of Bosnia and Herzegovina and the House of Peoples of Bosnia and Herzegovina. This judgment confirmed the discriminatory nature of electoral system in Bosnia and Herzegovina – preventing all those who do not belong to one of its three constituent peoples (Bosniaks, Croats or Serbs) or not meeting a combination of requirements of ethnic origin and place of residence – from standing for election to the Presidency and the House of the Peoples. To this date, the said judgment has not been implemented.

“I don't think the courts are as independent as they should be. They are very often under political pressure and that's why we don't have the rule of law principle implemented.”

4.3. Positive change and the education and participation of young people in building a society based on the rule of law

An important aspect of the process of establishing and strengthening a society based on the rule of law and other values and principles promoted by the EU is the participation of young people and civil society organisations in everyday social processes ranging from the local community onwards. In order for the participation of young people as well as other citizens to be possible and also effective, a necessary precondition is their adequate education.

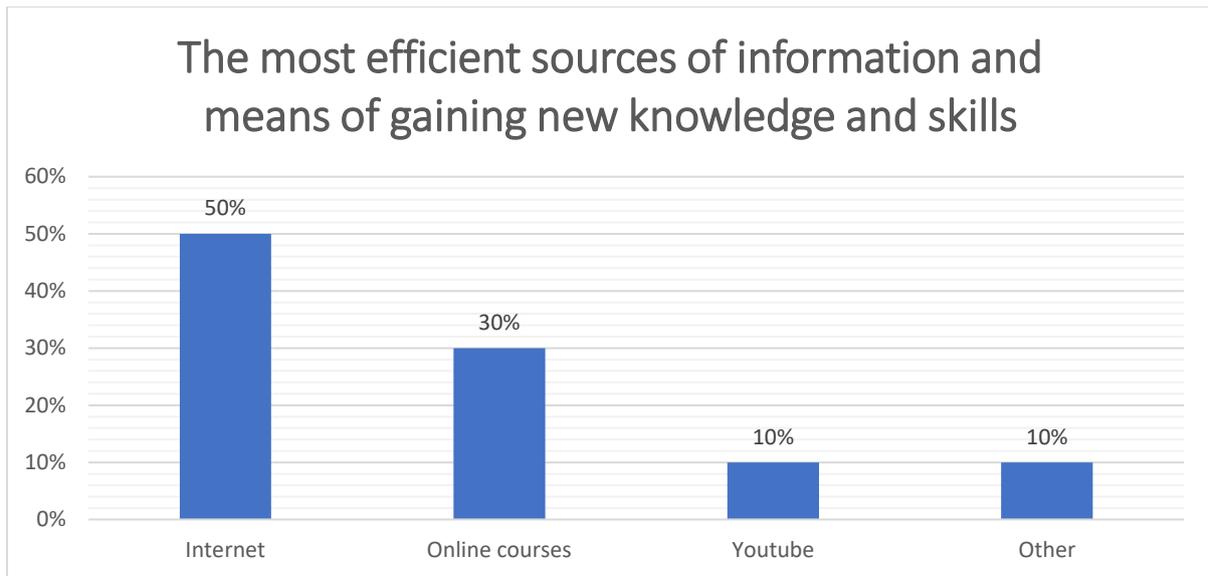
“I think that each of us can participate in these small steps that can be taken in Bosnia and Herzegovina. We should not forget that this is the fight that will last a long time.”

“It will take a long time to get out of this situation that we are in now and clean ourselves up because we are too politicised. If we all just stopped giving chocolates to doctors, leaving them 20 BAM ... we consider this as our custom ... I think we should start from ourselves first and stop doing those little things as well as throwing rubbish in the park and all those small things and in that way we can someday learn to recognise irregularities and to report someone else who is violating something. This will be the only way to protect our rights.”

“I also think that if we want the principle of the rule of law to come to life we would have to change the entire Bosnia and Herzegovina system from the bottom up. Since that is not possible we could start from some simple things. Again, I state that students in secondary school should have some kind of approach or school subject that will teach them their rights. There should be a manual that will help them with development of critical thinking and help them to be able to get acquainted with these topics.”

“I think my colleague was completely right when she said that education is most important. Only when you are aware of something then you can act.”

In general, the participants most often pointed out the Internet, online courses and trainings, YouTube, documentaries and other free multimedia content as the most efficient sources of information and independent acquisition of new knowledge and skills.



It was pointed out that the most effective ways for them to acquire knowledge when it came to the course of court proceedings and the role of actors in the judicial process would be forms of education that included their direct participation in the learning process.

Some of the proposed ways for so doing were mock trials, visits to government institutions, direct communication with judges, prosecutors and lawyers as well as attending interactive lectures and/or doing practical exercises organised by experts from the judicial community who could bring them closer to these topics in a way that they could understand and appreciate better.

“Definitely some type of education where we directly participate. Mock trials and observing real life trials. It is important to us to participate directly and not just to sit and listen to someone present it to us ... because we will not remember anything. We have to participate and somehow feel it on our skin.”

“I agree and I would just add that it would be great if those educations were organised better ... to be made in the form of a game, especially if they are aimed at secondary school students. I will always remember if someone was above me in a game, so I think that we can connect education with games and associations. That would be a great way even for adults to remember the things that are unknown to them.”

“Thank you so much for this session today, I’ve learned a lot. I’ve learned a lot of terms that were unfamiliar to me. So it would definitely be great if we had some kind of mock trials to see how it all works ... because if I’m ever on trial I would like to know how to behave and what to expect.”

“Perhaps it is important to emphasise to young people that if they are of legal age and bring an ID card that they can attend all trials that are considered public in Bosnia and Herzegovina ... to know that they can find a trial list for a specific day and that they can freely attend any trial that is considered public. So it is something that is very important in the context of education and training, not only of young people but also of all other citizens of Bosnia and Herzegovina.”

When it came to the visual and content identity of educational material most participants believed that educational material as well as the learning system in general needs to be modernised and made more accessible to younger generations in order to educate more young people about these important topics and for them to be able to participate more actively in the process of building an inclusive society and in fostering a civic and rule of law culture.

One of the most common suggestions was the use of simpler language and terminology when it comes to the theoretical parts of the manual and other educational material for young people. This would make them more understandable to secondary school students and the average young person who wants to be more educated on these topics.

“Maybe use simpler language and even slang expressions closer to young people, for their better understanding and for making it more interesting for them.”

“To somehow simplify these topics ... Find a way for it to be more accessible to people aged 18 and over. They should be able to understand it and not have to read and then ask someone what the written means.”

“To imagine that they address their version of 20 years. Let them write for themselves from 20 years ago.”

“I would like some terms to be clarified and perhaps some topics to be simplified to young people, such as some of these topics that some participants talked about today and that I was not personally familiar with.”

When it came to the content of educational material from which they would like to learn about the legal and judicial system in Bosnia and Herzegovina they emphasised the importance of the visual identity of the material: the use of schemes, colours, characters, infographics and the like.

“When learning about the legal system and especially about the judicial system in Bosnia and Herzegovina it is fortunate that it is hierarchically well organised, which means that it can be easily drawn with lines and arrows ... schematically from the highest level to downwards. This is a great principle because it cannot be applied everywhere, somewhere where the system is linear, while in our country the legal system is quite well hierarchically organised, at least on paper, so that it can be easily presented in that way.”

“In my opinion, it wouldn't be bad to use different colours, for example, to use the purple colour for certain thing from the beginning ... and to use presentations, characters, examples, to be as colourful as possible.”

“I think that the justice system in Bosnia and Herzegovina would be best presented to young people in a visually appealing way - through infographics ... Today everything is visual, instant. We live in a time of social networks where no one has time to read some huge texts, especially not young people, especially when it comes to the judiciary and when we take all those levels we have within the state into consideration ... So if we could make some infographics that would be attractive to young people maybe it would attract them to get a little more educated.”

On the other hand, several participants believed that it would be preferable to also use multimedia content.

“What would be interesting to me as a young person who is not very well informed about these topics, for example, instead of infographics, which is honestly a bit old fashioned for me, videos would be more interesting, then say some animations to show the courtroom and such ... I hope that an online version of the material will also be available, which will be an enticing way for young people to access it ... multimedia content, primarily video, to me it would honestly be an interesting thing to watch.”

“I would just add that in addition to this theoretical part it would be great to apply all this in practice, through mock trials, because I think that these are two components that must be developed in parallel ... that everything that is learned theoretically also be applied in practice. I think that in that way the gained knowledge is much better and longer lasting.”

“I would also like to add the Institution of the Ombudsman for the Protection of Human Rights, which I think is very important to mention. So that young people and all other citizens know about the existence of that institution. I personally have recently had a positive example by referring to this institution. It is something that is free of charge first of all and very useful to most citizens of Bosnia and Herzegovina, especially those who are in a bad financial situation to pay lawyers. Therefore, I think it would be useful to introduce it in the manual in the context of protection of human rights and freedoms. Let's not just explain to young people about the system but also about something that can happen to them in real life and who they can turn to.”

“My advice in general and especially in the context of a case study is to avoid cases that carry a controversy with them, so that the focus does not go away from the content of the material.”

4.4. Recommendations for the development of the manual ‘Justice4All’

The key recommendations in this report are a result of the analysis of the responses, opinions and thoughts expressed by young people in discussions through their active participation in two organised focus groups.

The findings of this exploratory study presented in the previous part of this report were obtained through discussions within focus groups and should be used by the legal expert team that will work on the manual 'Justice4All' and be incorporated into the said manual. The manual should be understandable, receptive and accessible to young people who will use it to gain knowledge and the practical skills to understand the justice system in this country.

Given that the manual will represent a long-term educational tool that will support training the youth to develop the level of competency needed to recognise key roles within the judiciary and to learn more about their rights, it is very important that its content as well as the content of all other educational material that will be developed on the basis of this manual be accurate, clear, concise and appealing.

The critical finding of this research study is that the majority of young people in Bosnia and Herzegovina have a substantial deficit in their knowledge of the legal and justice system in this country as well as gaps in their understanding of EU values and standards in relation to the rule of law. Although the findings obtained through the research method, which involved small focus groups, cannot be generalised to the whole population, the overall findings strongly suggest that this may be a widespread problem among young people.

We therefore consider it very important to point out that the manual needs to contain definitions and clarifications of basic terms and the institutions that will be used in its content, given that it is estimated that the current knowledge of young people about terms such as 'rule of law' and 'justice for all' are not at a satisfactory level and that these concepts were perceived among the participants and their peers as abstract. This is necessary in order to fill the gaps in the perception of young people about the principle of rule of law in order for them to better understand and appreciate this principle and to become more interested in advocating for it in the future.

It would also be useful for the manual as well as for all educational material that will be based on it in the future to follow a simple and understandable language and writing style so that the information contained in such material is readable, understandable and receptive to the target audience and capable of retaining its attention and interest. In this context, one of the suggestions that focus group participants had for the experts who will work on educational material is to write it "*for themselves at the age of 20.*"

Concerning learning about the judicial system and court procedures as well as the roles of judges, prosecutors and lawyers, the best and most efficient means to animate and educate youngsters, beside theory based material, is to include interactive and practical segments in

the education. The participants showed great interest in direct participation in mock trials and learning through storytelling and competitive game like training.

Using this type of interactive learning process would allow young people to gain a better understanding of their own role within the justice system in this country and help motivate them to participate in the process of the rule of law reforms.

In addition to the above, based on the opinions of the participants concerning what would make the visual identity of educational material interesting to them, we concluded that special attention should be paid to the graphic design of the manual in order to make it visually appealing and acceptable to the young people.

Given its hierarchical structure, it would be advisable to use graphic representations in the form of schemes and infographics to very effectively present the system when it comes to the organisation of the legal system in Bosnia and Herzegovina as well as our judicial system.

Considering the suggestions of the participants on other ways to make educational material more appealing, it is recommended to use colour coding, bullet points, speech balloons, tag clouds, short quotations and sayings by famous jurists regarding the main values and principles with respect to human rights displayed in text boxes throughout the material as well as photographs, sketches, characters, etc.

Certain topics could be presented in the form of questions and answers, with occasional interesting facts presented in the 'Did you know?' form, such as, for example, 'Did you know that almost all trials are open to the public?' This should be accompanied by an additional explanation on how to attend a trial.

Practical examples and case studies were also a part of the discussion that interested the participants. In this regard, it has been suggested that case studies or short stories be made an integral part of the manual as well as other educational material. One segment of the manual could also be designed as a workbook and be left blank for the user to fill in.

Considering that most youngsters use technology and internet sources as a means of learning, it could, if applicable, be useful to include links to the websites or social media pages of certain institutions. Furthermore, the manual should be available in both hard copy and an online version in order to make it more accessible to young people as our target group. It is also noteworthy that youngsters find video clips, animations, applications and other multimedia content interesting sources for gaining knowledge.

Considering all of the above, we can state with certainty that the young people were interested in gaining more knowledge about the topics discussed in this research and that they expressed their hope that this project as well as other similar future projects will continue to encourage them and their peers through experiential creative and innovative approaches to education. Helping them to acquire an adequate level of knowledge and the necessary competency will strengthen and educate them and afford them the opportunity to become more intensively involved in building a stronger and more inclusive civil society based on the principle of the rule of law in the future.