

REPORT ON ACTIVITIES

OF THE MANAGING BOARD OF THE BULGARIAN JUDGES ASSOCIATION

for the period November 2010 – January 2012

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I. POLICIES IN SUPPORT OF THE INDEPENDENCE OF THE JUDICIARY

1. Last year, the Managing Board of the BJA pursued a policy of defending the independence of the judiciary as an element of the professional responsibility of judges.

The main driver for our efforts was the need to identify the main problems affecting the independence of Bulgarian courts as a first step towards seeking adequate solutions and addressing the situation.

An analysis of the different processes under way in the context of the reform of the judiciary in the last twenty years was carried out. It was spurred by the realization that unless the situation was properly understood in its historical context it will be very difficult to account for the lack of critical attitude on the part of civil society towards the undermined separation of powers and, equally, the lacking inherent potential within the judiciary to safeguard its independence.

The analysis of the problem relating to independence at the level of legislation as compared to the actual state of play reveals a marked predominance of different forms of political intervention on the part of representatives of the executive branch of government.

The conducted review of the amendments to the Constitution and the Judiciary Act warrants the unambiguous conclusion that the underlying principles and the manner in which the composition of the Supreme Judicial Council is decided do not allow the supreme body responsible for career development in the judiciary to perform its principal role of defending and safeguarding court independence. The deficiencies in the model of the Supreme Judicial Council were identified as one of the main problems undermining the independence of courts at the level of legislation (the committees responsible for evaluation of the performance of magistrates are positioned at the greatest proximity to the professional community but simply increase the possibilities for undue influence and compromise objective appraisal).

We have further carried out a comprehensive review of all instances of failure to observe the fundamental principle of separation of powers in the form of publicly expressed opinions by the Minister of Internal Affairs on the work of individual judges and the quality of judgments delivered by the court.

The state of play of court independence in legislative and political terms was appraised on the basis of a comparison to relevant standards governing the work of UN institutions, the Council of Europe and the European Commission. The opinions of the Consultative Council of European Judges (CCJE) were particularly helpful in this regard.

2. Along with upholding court independence, we focused on organizational activities relating to the protection of occupational rights and interests of the community, attempting to be sensitive and responsive to all problems with implications for the administration, career development and functioning of the judiciary. A special emphasis was laid on career development matters, including competitions for the appointment and promotion of judges, performance evaluation, the appointment of administrative managers of courts and members of the SJC from the quota of the judiciary, the policy of the SJC on reimbursement of the travel expenses of judges etc.

3. We have also acted in an expert advisory role, drafting opinions on cases adjudicated by the Constitutional Court and different draft laws. A number of training events have also been conducted.

4. We have pursued these policies through the instruments of public opinions, statements and open letters, which have been covered in mainstream media and are also available on the BJA webpage.

Notable public letters and opinions	
20.01.2011	Letter to the Parliamentary Assembly to the Council of Europe (PACE)
29.03.2011	Letter to the Legal Affairs Committee to the XXXVI General Assembly concerning the amendments to

	the Judiciary Act
13.04.2011	BJA Opinion on Constitutional Case No 5/2011 on the anti-constitutionality of paragraph 55 of the Criminal Procedure Code
04.05.2011	Letter to the Ministry of Justice and the Supreme Judicial Council on the bank deposits of children
04.05.2011	Letter to the Supreme Judicial Council on the workloads of courts
16.05.2011	Letter regarding the independence of judges
15.06.2011	Letter regarding the change of the model on which the Supreme Judicial Council is based
24.10.2011	Letter to the Supreme Judicial Council regarding competitions
12.12.2011	Letter to the Supreme Judicial Council regarding the need for appraisal and analysis of the organisation for conducting competitions
13.12.2011	Opinion of the Sofia Appellate Court on the draft system for measurement and appraisal of the workload of judges
20.12.2011	Letter to the National Assembly on the procedure for nomination of candidates for inspectors at the Inspection Service under the jurisdiction of the Supreme Judicial Council

II. ORGANIZATIONAL DEVELOPMENT

1. Closing of the project "MATRA". We finished it with 13 sections and concluded framework agreement on tripartite cooperation with the Czech and Dutch Judges associations.

Activity/Date	Content
Meeting of the Extended Board in Hisarya 11-12 December	Organized the second part of the motivation and strategic training. Proved the Action Plan for the first half of 2011. Took a decision to change the amount of the membership fee, the method of its collection and the duties of the Administrative secretary.
Meeting of the Extended Board and Committees in Veliko Tarnovo 26-27 February	Meeting of the Extended Board with 4 Committees with stress on the team work.
A third round of "on-the-spot" meetings 19 March – 13 May	All meetings were dedicated to introducing more members to the webpage and database, to inform them about the planned activities and get feedback with regard to their training and professional needs. The schedule of the meetings was the following: 19.03. Plovdiv 01.04. Smolyan 08.04. Vratza, Montana 14.04. Gabrovo 28.04. Varna 04.05. Blagoevgrad 10.05. Vidin 12-13.05. Ztara Zagora
Study visit to the Netherland 28-31 March	The BJA delegation visited the Dutch Association for the Judiciary (NvvR) on the occasion of a regular meeting of the General Council of the NvvR in Hague. The delegates had working meetings with the managing body of the host organization, the Supreme Judicial Council of the Netherlands, the Ministry of Justice and the Supreme Court. The meetings were also attended by representatives of the Czech Union of Judges. The meetings with the NVvR were dedicated to mutual familiarization and exchange of experience

	in the area of the organizational development of the associations, their financial and administrative management and support, the external and internal communication mechanisms, interaction and cooperation with State institutions on matters relating to the independence of the judiciary and consultations with government bodies on draft legislation.
Meeting of the Extended Board with the Committees 15-16 April	Training programme on a subject "Team work".
Meeting of the BJA with judges from Varna 28 April	The purpose of the event was to present the BJA and its work in Varna and welcome judges willing to join the BJA by giving recognition to their ideas, professional needs and interests.

2. On 27 may 2011 in Blagoevgrad was held media training of judges from the Blagoevgrad Judicial District dedicated to the Public image of the judiciary.
3. In May 2011 started started issuing of an e-newsletter with the active participation of Ekaterina Nikolova. She also maintains the current information on Facebook.
4. In September 2011 the restructuring of the administration was held. A permanent administrative secretary was appointed, financing from membership fees found.
5. In September-December 2011 the updating of the BJA webpage was provided.
6. BJA started to publish a Newsletter Jurisprudence of Human Rights on a webpage.
7. On 9 December 2011 Bulgarian Judges Association was awarded by the Bulgarian Helsinki Committee with the grand prize "PERSON OF THE YEAR".
8. 31 new members of BJA was accepted for the reporting period and one new section in District Court Varna(14-th by order) was created.
9. We have a new 36 mounts project supporting by Foundation America for Bulgaria. The activities connected to the judicial reform and strengthen the solidarity and the capacity of judges were planned.

It is planned the restoration of "Judging newspaper" with the active participation and initiative of young judges Ivan Georgiev and Vassil Petrov and creation of the working teams and round tables on the substantive issues on the agenda - the classification of cases, measurement of loading, analysis of the status quo and others.

III. PARTICIPATION IN INTERNATIONAL EVENTS

Period	Meeting
January 2011	Visit of a delegation from the European Association of Judges to Sofia
May 2011	Participation in the regular meeting of the European Association of Judges in Malta
September 2011	Participation in the meeting of the International Association of Judges in Istanbul, Turkey
October 2011	Participation in a meeting organised by the Konrad Adenauer Foundation in Bucharest, Romania, dedicated to the "Professional organisations of judges and prosecutors in Balkan countries"

IV. PARTNERSHIPS

Partners (active throughout 2011)	Structure of partnership
National Law protection and research organisations Social Activities and Practices Institute (ISDP), Spectra, UNICEF Bulgaria	Joint participation in projects, including ones implemented on a voluntary basis. Joint development of project proposals. Joint participation in public events and support for common positions. Mutual exchange of analytical information.
National organisations of legal communities – Association of Prosecutors in Bulgaria	Exchange of professional information, participation in workshops and discussions, mutual exchange of publications and support for their dissemination.
International organisations of judges: NVvR and CUJ	Cooperation on projects in the area of organisational strengthening and development. Making expert assistance and know-how available.
International human rights and law protection organisations – Dutch Helsinki Committee	Cooperation on projects in the area of organisational development and financial stabilisation and building partnerships. Making expert assistance and know-how available.
National public institutions: Ministry of Justice, State Agency for Child Protection, Anti-Discrimination Commission, Anti-Human Trafficking Commission, Ministry of Internal Affairs	Support for project activities implemented by the BJA by providing information, participating in public events and solidarity with project outcomes achieved.

V. FINANCING

As at January 2012 the amount of collected membership fees stands at a total of 8 975.49 BGN. The amount includes all savings under this heading from 2010 to date.

Sofia, 21.01.2012

On behalf of Board of BJA
Miroslava Todorova – Chairman