

STRATEGIC PLAN OF THE BULGARIAN JUDGES ASSOCIATION 2014-2016

1. INTRODUCTION

The Bulgarian Judges Association (BJA) was established in Sofia on 28 March 1997 by thirty founding members, including judges of the Supreme Court of Cassation, district courts and courts of first instance. In May 1997, BJA was registered as a **not-for-profit professional organisation with an aim of uniting and representing all Bulgarian judges.**

Membership of the BJA is *voluntary*. In 2013, the total number of members reached 945 judges from all hierarchical levels of the judiciary, or more than 40 percent of the total number of judges in Bulgaria.

Membership is *individual*. The organisation has local sections in Sofia, Blagoevgrad, Bourgas, Vidin, Vratsa, Montana, Rousse, Smolyan, Stara Zagora, Razgrad, Varna and Gabrovo.

In 2005, BJA became a member of the International Judges Association, thereby obtaining a status of an organisation officially representing the professional community in line with the recognised international standards of representability.

Over the course of the 16 years of its existence the BJA has evolved into a major factor for building a respected, independent, competent and publicly engaged judiciary.

Its main activities encompass the following strategic areas:

LEGACY

The Bulgarian Judges Association (BJA) was established with the aim of developing and strengthening the legal and law administration traditions of Bulgarian society and uniting the professional community of judges on the basis of these traditions. Although BJA is the first professional organisation of judges established after the fall of the totalitarian regime in 1989, **it is the successor to the Association of Bulgarian Judges established in 1919, which remained active until it was dissolved in 1945.** Over the years, it had strengthened its positions of a highly respected voluntary professional association, which represents the common interests of the professional community of judges, defends its interests and participates in the process of addressing the specific challenges the community encounters. In the past, the organisation had relatively broad powers to initiate procedures, including disciplinary proceedings against judges, act as a mediator between judges and other public servants, provide expert support to the legislative power, keep records and publish a magazine intended for the professional community.

These traditions were severed in 1945 for the entire duration of the communist regime in Bulgaria and were re-established at the time of reconstituting the organisation in 1997.

- I. Upholding the independence of the judiciary and individual judges;
- II. Enhancing the professional qualification of judges and developing ethical standards for the judicial profession;
- III. Monitoring and expressing the opinions of judges on matters of professional or public significance;
- IV. Expert engagement in the legislative process and drafting statements on bills and cases brought before the Constitutional Court;
- V. Exchange of qualifications and development of cooperation with similar non-governmental organisations aiming at improving the legal environment of civil society, particularly minors and children at risk by promoting the rule of law and legal education;
- VI. Developing the liaisons between the judiciary and the profession of the judge and society.

In its capacity as a professional organisation, the BJA acts as an intermediary between society, the judiciary and the political powers whilst acting in line with the principles of a non-governmental structure and an association of professionals in whom public powers are vested.

II. MISSION, LONG-TERM GOALS AND STRATEGIC PRIORITIES

1. The mission of the Bulgarian Judges Association is to unite judges into a community which upholds their independence, dignity, professional development and respect of the public as well as justice in society.

2. BJA strives to fulfill its mission by the achieving the following goals:

- Reinforcing the independence and dignity of the judge seen as a shared responsibility of the entire judicial community;
- Establishing the BJA as an organisation, which formulates and upholds the interests of the community of judges, where these are of overriding public significance, and is therefore recognised by society and judges themselves as an active participant in and driver for the reform of the judiciary;
- Building a financially viable and sustainable organization.

3. These goals ensue from the following **strategic vision** for the development of BJA in the period 2014-2016.

3.1. Reinforcing the independence and dignity of the judge seen as a shared responsibility of the entire judicial community

The independence of the judge, as well as her professional dignity and the respect of the public for judges depend primarily on the professionalism of judges understood as unity of professional qualifications and adherence to high ethical standards.

The BJA supports the individual aspiration for professional self-development by facilitating:

1. the enhancement of the professional qualification of judges;
2. the reinforcement of the ethical standards of the profession;
3. the development of partnership with similar organizations;

4.the provision of information and assistance in the application process for international training seminars which contributes to developing a comprehensive awareness and expanding the education of judges

The professional qualification programmes put forward by the BJA will be driven by the demand of judges for additional information and practical skills that facilitate their work. The thematic areas will be determined by the interest stated by the sections of the BJA or particular courts and will be related to local difficulties and inconsistencies in court practice on which local training sessions will be based upon and carried out. When an extraordinary necessity for training on a specific subject occurs (for instance, situation with refugees, natural disaster or public turmoil, ratification of a treaty or introduction of a new regulation), the BJA will organize national training seminars. The definition of the supporting and specialized qualification programmes will be conducted in cooperation and no competition with the National Institute of Justice (NIJ) and other non-governmental organizations. The BJA will organize joint training sessions with foreign organizations which share its values and will assist its members when they are applying for international training that, in turn, will facilitate the raising of comprehensive awareness and education among judges and exchange of international experience.

Matters pertaining to professional ethics are to be broadly discussed and developed into ethical conduct standards. To this end, court users (litigants and legal representatives) will fill in surveys about problems with the communication with particular judges and broad professional discussions among judges regarding permissible and impermissible conduct. This debate will encompass also the subject of the transparent management of the judiciary part of which are the issues regarding career development policies and judicial discipline practice of the Supreme Judicial Council (SJC), liability, function and role of the court presidents and the activities of judicial ethics commissions in courts and in the SJC. The BJA is engaged with researching ethical problems which arise from the work of individual judges and particular courts, so as to stimulate the corrective activity based on collegiate principle. The research of the SJC's practice related to performance evaluation, promotion, disciplinary procedures, including infringements of ethical norms, will be aimed at defining uniform standards that are specific and unambiguous for the judges and transparent for society. The entire system of activities pertaining to professional ethics will contribute to the enhancement of individual responsibility of judges towards their own conduct and improvement of the respect of the public for the judicial system.

The Bulgarian Judges Association **understands the reinforcement of the independence and dignity of judges as a shared responsibility of the professional community and first and foremost as enhancing the professional competence of judges and upholding ethical conduct models.**

3.2. Establishing the BJA as an organisation, which formulates and upholds the interests of the community of judges, where these are of overriding public significance, and is therefore recognised by society and judges themselves as an active participant in and driver for the reform of the judiciary.

In order to achieve this goal the BJA makes a provisional distinction between an internal and an external communication policy. The former is aimed at raising the members' confidence in the organisation and the latter at raising the public trust in BJA as a principal, representative organisation of Bulgarian judges.

Internal communication measures are aimed solely at BJA members and are designed to generate a proactive approach to formulating and expressing positions. They are, furthermore, directly aimed at improving the communication between members and members and the managing bodies of BJA and serve as the foundation for good building practices by fostering mutual trust underlined by the policy of the Board of information dissemination and holding consultations with members on a broad range of topics and strengthening their initiative to support its work and activities.

External communication measures are aimed primarily at the media and society as the end recipient of generated messages and secondary to the members of BJA and the SJC as the source of messages.

The period after mid-2009 was marked by unprecedented attacks by representatives of the government against the court and particular judges. The sharp criticism was completely ungrounded and represented an undue influence exerted by the executive. The SJC became a detached spectator of this process and did not contribute to the upholding of judicial independence and the inter-institutional dialog. This is conducive to the stabilization of prejudices, which seriously undermines the trust in the administration of justice. The intolerable attitude of specific representatives of the government had an immediate effect on the conduct of individual citizens and litigants towards the court. The BJA had a discernible position as a sole critic of that undemocratic course of action which led to personal political attacks against its members. The active external communication policy aimed at upholding judicial independence further improved the authority of the organization and the “audibility” of its positions.

At the same time, some courts remained communicationally reticent and avoided passing comments on court rulings whilst adhering to the habit of responding by habitually resorting to complex terminology. This continues to be recognized as an arrogant refusal on the part of the court to communicate with society on matters of great significance which conceals untenable positions and indirectly reinforces the insinuations of incompetence and dependence of the judiciary.

The deterioration in communication with society may be overcome by continuing the active work in two directions: carrying out media training sessions for judges, particularly courts spokespersons; convincing educational communication with the citizens about the court proceedings, the results of the work carried out by the court and the certainty and positive changes these make to the life of ordinary citizens. In that regard, there is a need of local training sessions targeting judges as well as broad discussion about the framework and rules concerning external communication. To educate citizens and ensure their active participation in the judicial reform process, there should be public round tables and conferences dedicated to topics of public significance related to the adjudication of justice with particular stress on the social benefit. The direct contact with civil society members will strengthen the authority of the organization as a spokesperson of the real necessity of specific changes in the judiciary and will ensure wider support.

As a non-governmental organisation BJA has greater freedom to formulate and defend public messages and assessments as compared to its individual members in their occupational capacity as judges. The actual and proactive generation of messages by BJA through its members is a key responsibility and this is considered the most appropriate approach to lend a human face to court rulings as a tool capable of formulating the assessments, which judges are

not allowed to make in public. Media is the main tool that can be utilize to approach the broader audience and to formulate the positive public attitude.

3.3. Building an organizationally and financially stable organization.

This objective means ensuring a permanent income, which covers the basic overheads and operational costs of the organisation, to be budgeted on an annual basis.

The minimum operational costs that will support any type of organisational activity include administrative overheads for a permanent office, fixed minimum salaries for a permanent core administrative team and internal communication (including maintenance of the database and the webpage of BJA).

In order to achieve this goal:

A. the Bulgarian Judges Association will undertake measures to increase the percentage of membership collection and to give priority to members and sections that paid their fees to participate in international training.

The share of the necessary minimum costs to be covered from membership fees will be gradually increased whilst maintaining the level of expenditure (relative share of own funding as compared to external income, including project income) as follows: in 2014 - 30 %; 2015 - 45 %; 2016 – 60 %. Any available funding under projects developed by the administrative team will be disbursed on improving the professional qualification of the members (research projects) and additional institutional strengthening and building partnerships on the basis of current achievements to be funded as necessary (by institutional grants).

B. the Bulgarian Judges Association will carry out discussions of the strategic problems by organizing meetings with judges on local level. The outcomes will be summarized and further developed into specific statements and proposals for action to the permanent commissions of the Managing Board. There needs to be a shift from temporary administration team (hired for specific projects) to a permanent one whose out-of-project activities are financed directly by the membership fees.

4. In order to achieve these goals the Bulgarian Judges Association has outlined several **strategic priorities for the period 2014-2016**. To this end, the BJA considers that a range of strategic policies needs to be deployed.

Goal	Content of Goal	Strategic Priority
1. Reinforcing the independence and dignity of the judge as a shared responsibility of the community of judges	Enhancing the professional competence of judges and strengthening ethical conduct models.	1. Enhancing the capacity of the BJA to meet the needs of the professional community in the area of improving professional qualifications, which remain unaddressed by alternative educational initiatives; 2. Building and sustaining strategic partnerships with local and foreign organizations in the area of professional qualifications;

		<p>3. Improving the collegiate environment at local level by broad discussions of ethical issues with judges on local level and facilitation of the work of local ethical committees and an exchange of good practices and work models;</p> <p>4. Strengthening the position of BJA as one of the leading factors in the development and promotion of ethical conduct models which carries out a persistent communication with the SJC in order to introduce unified ethical standards through its career development and disciplinary practice.</p>
<p>2. Strengthening the position of BJA as an organisation, which formulates and defends publicly significant interests of the professional community and is, therefore, recognised by society as an active participant in the reform of the judiciary</p>	<p>Increasing the confidence of BJA members in the organization; Strengthening public trust in the BJA; Promoting and strengthening the position of BJA as the main representative organisation of Bulgarian judges.</p>	<p>1. Further developing and retaining the public image of BJA as a force for constructive proposals for a responsible and competent judiciary. Generating events recognised by the media and society as tokens of a meaningful change of the status quo, which has significant implications for the majority of society. Generating and promoting these as well as proposals by publicly recognizable figures of authority amongst the members of BJA as the voice of the community on specific occupational issues and amongst the supporters of the organisation outside its ranks;</p> <p>2. Opening up of BJA to the public. Increasing the organisation’s capacity to engage in direct communication with different groups in society where this furthers and supports the achievement of the goals of the organisation;</p> <p>3. Increasing the commitment of BJA members to the information activities carried out by the organisation by a more active participation in the identification and major topics on the agenda and forming opinions and policies on that basis;</p>
<p>3. Establishing an organizationally and financially stable organisation</p>	<p>Improving the administrative and management capacity of the BJA; Improving membership fee collection and introducing measures for more effective spending with regard to achieving specific objectives;</p>	<p>1. Increasing the income from membership fees by improving the membership fees collection. Motivation the BJA members to contribute to the financial stability of their own organization by explaining the value of each activity carried out by the BJA and improving the financial discipline of the training and workshop participants.</p> <p>2. Introducing clear rules regarding the reimbursement of expenditure when organizing events as well as utilizing additional services only if the membership fee is duly paid.</p>

	Establishing a mechanism for effective fundraising.	3. Developing the management capacity of the Managing Board, the permanent commissions and administration of the BJA.
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5. The implementation of the activities is entrusted in the Commissions to the Managing Board under the Board’s management discretion, as follows:

1. Strategic goal: Reinforcing the independence and dignity of the judge as a shared responsibility of the entire professional community – Leading Commission: the Legal and Ethical Commission (LEC). The LEC is supported mainly by the Executive Director.

2. Strategic goal: Reinforcing the positions of BJA as an organisation, which formulates and defends publicly significant interests of the professional community of judges and is, therefore, recognised as an active player in the reform of the judiciary – Leading Commission: the Communication Committee (CC). The CC’s activities are supported mainly by the Office Assistant.

3. Strategic goal: Building a financially stable organisation – Leading Commission: the Financial Commission (FC). FC is supported mainly by the Accountant jointly with the Administrative Secretary.

4. Strategic goal: Building an organizationally stable organization – Leading Commission: Organization Development Commission (ODC). The ODC is supported mainly by the Administrative Secretary jointly with the Executive Director.

Within one month after the Strategy is adopted, each of the permanently functioning commissions to the Managing Board shall put forward specific mechanisms to implement the strategic tasks which are to be discussed by the Extended Managing Board and endorsed by the Managing Board.

The liaison and coordination among the commissions and the MB shall be carried out by the Administrative Secretary and the Office Assistant.

The main methods of implementation are: e-surveys of BJA members regarding strategic issues which require amendments in the legislation or proposals to SJC’s work; setting up permanent and ad hoc working groups to which specific mandates for the implementation of activities are delegated and assigning activities for the coordination, organization and management of the administration; preparing the summary of the outcomes of the surveys and the activity of the working group by the relevant permanent commission to the MB and drafting of statements and proposals for specific actions.