

**REPORT  
ON THE IMPLEMENTATION OF  
THE UPDATED JUDICIAL REFORM STRATEGY**

**1 January- 30 June 2017**

**STRATEGIC GOAL 1:**

**EFFECTIVE ADMINISTRATION OF THE JUDICIARY GUARANTEEING THE INDEPENDENCE OF THE COURT AND THE OTHER JUDICIAL AUTHORITIES THROUGH EFFECTIVE MEASURES AGAINST CORRUPTION, POLITICAL AND ECONOMIC PRESSURE AND OTHER DEPENDENCES**

- According to the amendments in the Constitution and the Judiciary Act, the election of the new members of the SJC has begun. Members of the professional quota are elected at General Assemblies (GA), and voting is on the spot with a paper ballot or electronically. On 6 April 2017 by decision of the SJC's Plenary, amendments to the Election Rules of SJC members by judges, prosecutors and investigating magistrates were adopted. An electoral chronogram was made.

On 13 and 20 May 2017, the General Assembly of the investigators for the election of a SJC member from the professional quota was held. 365 out of the 444 investigators with voting rights, have applied for electronically remote voting. The Director of the National Investigation Service and Deputy Chief Prosecutor of Investigation were elected as a SJC member from the investigators' quota.

On 25 May, 3 and 4 June 2017, the General Assembly of the Prosecutors for the election of SJC members from the professional quota was held. 1377 prosecutors out of the 1503 magistrates with voting rights have applied for electronically remote voting. Three representatives were elected after the vote, and the fourth after a lot.

On 10, 17 and 18 June 2017, the General Assembly of the judges for the election of a SJC member from the professional quota was held. 1675 judges out of the 2238 magistrates with voting rights have applied for electronically remote voting. The GA of the judges directly elected six judges for SJC members from the 27 candidates.

On 22 June 2017, a complaint was filed against the election, the purpose being to verify the reliability of the electronic voting system implemented by the SJC.

- On 31 May 2017, the National Assembly (NA) adopted a decision on the adoption of procedural rules for the terms and procedure for proposing candidates, presenting and publicizing documents, hearing the candidates and electing members for the SJC Judges and Prosecutor's College of the NA quota. 18 candidates have been nominated.

Applicants must submit a written concept of their work as members of the SJC on paper and in electronic form, a declaration of property status, origin of funds for acquiring property and lack of private interest. All documents are posted to a special section of the NA website within three business days of receipt.

The hearing of the candidates is held at an open session of the Legal Affairs Committee, which is broadcasted in real time through the NA website. Issues and opinions about applicants may also be sent by non-profit legal entities, higher education institutions, scientific organizations. They are published on the NA website. The Legal Affairs Committee presents a report on the holding of hearing of candidates at the meeting of the NA, where the nominees for SJC members are voted. The session on which the members of the SJC will be elected from the NA quota will be broadcasted in real time via the NA website.

- On 16 March 2017, by a decision of the SJC Plenum are adopted Rules for amending and supplementing the Rules for the election of President of the Supreme Court of Cassation, Chairman of the Supreme Administrative Court and Prosecutor General, which were in compliance with the amendments to the JSA of 2016. A hearing of the candidates from the Plenum of the respective court is planned, which expresses an opinion on the professional and moral qualities and skills of the candidates. Magistrates and non-governmental organizations may express opinions about candidates' moral qualities. The relevant SJC chamber decides on the admission of candidates to be heard under the criteria set by the JSA. The candidates present a concept of their work, a declaration of property status and the origin of the means of acquiring the property, and lack of private interest. All documents, opinions and questions together with the candidates' replies are published on the SJC website.

On 25 May 2017, the SJC plenum launched the procedure for the election of a chairman of the Supreme Administrative Court, according to a chronogram adopted on 11 May by the SJC. Two candidatures have been nominated. According to the chronogram, on 25 July 2017, the SJC Judges Chamber (JC) will discuss the reports of the Professional Ethics Commission and the Attestation and Competitions Committee on the professional and ethical qualities of the candidates. The hearing and voting of the candidates will take place on 11 September 2017.

- The Inspectorate to the Supreme Judicial Council (ISJC) develops an electronic public register of electronic declarations of circumstances related to the prevention and detection of conflicts of interest and property declarations, as well as in relation to the development of an electronic public register of withdrawals. It includes the requested withdrawals and the grounds with which they have been upheld or rejected and reflects the ruling of the higher instance thereon. For the launch of both electronic public registers at the end of 2016, the ISJC has submitted for evaluation the project proposal "Provision of software and methodological provision and building of the administrative capacity of the ISJC for the prevention of corruption in the judiciary". Signing of a grant contract (GC) is forthcoming. The actual creation of both registers will start after signing of the contract and after public procurement under the PPA.

## **STRATEGIC GOAL 2: EFFECTIVE ADMINISTRATION OF THE JUDICIARY THE JUDICIARY'S HUMAN RESOURCES – ESSENTIAL ASSETS AND FOCUS OF THE REFORM: STATUS OF JUDGES, PROSECUTORS AND INVESTIGATING MAGISTRATES**

- On 26 April 2017, an Ordinance on the Unified State Requirements for Higher Education in Law and Professional Qualification of Lawyer was adopted.

The possibility of training in the specialty to be done in absentia form is removed, envisaged is the introduction of specialized masters programs after graduation of the main curricula. The amendments are aimed at the profiling and narrower specialization of lawyers related to the main trends of higher education development and the legal profession in Europe.

- In January 2017, a grant agreement was signed for the implementation of the project "Developing the Human Resources Potential in the Judiciary by Building an Effective Model for the Acquisition of Legal Capacity", implemented by the Ministry of Justice.

- By decision of the SJC Plenum on 9 February 2017, Ordinance No. 1 on the Conducting of Magistrates' Contests and on the Selection of Administrative Heads in the Judiciary Bodies was adopted (State Gazette, no. 17 of 21 February 2017). It provides for new terms and conditions for conducting the magistrates' competitions and the selection of administrative heads in the bodies of the judiciary introduced by the amendments to the JSA of 2016. The Ordinance incorporates the requirements for the members of the selection boards, as laid down

in the JSA. Under the new order, three centralized competitions were held – for junior judges, junior prosecutors and junior investigators.

After the first competitions for new magistrates are held, at the end of 2017 an evaluation of the regulatory framework and the practice of conducting the competitions will be carried out.

- In the National Institute of Justice (NIJ) program for mandatory training of candidates for junior magistrates, a pilot model of mixed learning has been developed, devoted to the ethical challenges in their future work.

In 2016, a compulsory initial training program for candidates for junior prosecutors at the NIJ was adopted. The new moments in the program are related to the updates of the curriculum by including new, topical issues in the area of criminal law; improving the training methodology by including more practical forms and training methods; improving the methodology for the self-training of the students. Evidence of the effectiveness of the updated training methodology is the excellent performance of candidates for junior prosecutors in the final examinations, carried out between 14–20 June 2017.

With the amendments to the JSA, the figure of “junior investigator” was reintroduced. On 2 June 2017, the NIJ adopted a compulsory initial training program, with the first-grade students taking up their education in the autumn of 2017.

A Working Group with the participation of representatives of the SJC and the Director of the NIJ drafted Rules of Procedure for the Judge–Mentor, deposited to the SJC on 8 March 2017. The purpose of the new rules is to regulate the legal status of the judges, taking into account the amendments to the JSA in 2016 and the lessons learned from the ten-year development of the magistrate’s – mentor institute. Draft rules on the work of the prosecutor–mentor were proposed to facilitate the work of the SJC Prosecutor’s College.

On 15 of June 2017 an amendment was proposed in the Internal Rules for the organization and order of the teaching activity, selection and remuneration of the NIJ teachers in the part concerning the recruitment of permanent teachers. The improved selection procedure aims to attract established magistrates with teaching experience at the NIJ for permanent teachers.

- Profiled training of magistrates and court clerks has been introduced through targeted training, taking into account current legislative changes as well as relevant case law on the application of European legislation. In the period 18-26 April 2017, NIJ organized a European Judicial Training Week, during which a total of 304 magistrates - judges, prosecutors, MoJ and MoI officials, judicial and prosecutor’s assistants, lawyers, as well as eight magistrates from other EU Member States were trained.

There were also 4 meetings in a discussion format on topics related to the application of the Special Intelligence Means Act; Management of the European Structural and Investment Funds Act and the European Investigation Order in Criminal Matters.

On 23 June 2017, NIJ organized for the first time a webinar on “E-resources for Practical Search of the Court of Justice case-law and EU Legislation”. The online training was attended by 37 trainees – judges, prosecutors, court assistants and public bailiffs.

Within the framework of the “Quality Vocational Training for Enhancing the Effectiveness of Justice” project, implemented for the first time, the model of creating an electronic research community was used as a resource for developing training on new themes and innovative formats. As of 30 June 2017 NIJ works on three research projects, aimed at proceedings under the Inheritance Act, Territorial Set-up Act and frauds.

In the trainings and discussion meetings, the traditional target group of judges, prosecutors, investigating magistrates and court clerks was enlarged by 20 employees of the Registry Agency, 58 lawyers, 14 state enforcement agents, 84 court assistants, and 39 investigating magistrates who participated in the trainings on specialized issues in the field of civil, criminal and administrative law and the European Convention on Human Rights.

- The introduced model of training, according to the needs of the target groups under the project “Quality vocational training for improving the effectiveness of justice”, reflects the specific training needs within the individual structures of the judiciary. The assessment of the training needs at the level of the judicial region is carried out through the Regional Training Program of the Courts and Prosecution Offices in the country. In 2017 – 2018 the Program is implemented in partnership with 55 courts. Currently, 37 trainings have been held, involving 1106 trainees.

A system for electronic application and reporting of training needs was introduced in early 2017, which included the submission of electronic requests and the filling of electronic questionnaires and surveys. In June 2017, the system for identifying training needs was implemented as part of an electronic survey on the interest of magistrates and court clerks in conducting language training. The survey also received electronically processed information from 2 240 representatives of the target group, who are ready to participate in the NIJ language trainings.

- In April – May 2016, the Institute assisted the European Judicial Training Network by launching a long-term evaluation campaign on the effect of web trainings in the field of international cooperation in criminal matters. This enriches the methodology of the NIJ, which will complement the form of study of the training needs. Electronic forms (questionnaires) and electronic data aggregation were used.

- On 19 May 2017, the NIJ updated the submitted project proposal “Innovative products and training services provided by the NIJ” in the Information Management and Monitoring System of the European Union funds IMMS 2020. The project proposal, along with a comprehensive concept for introducing innovative approaches for advanced training of the target groups, includes the development and implementation of an information system for management of the training process and opportunities for attendance training in a paperless environment. The aim is to sustainably increase the quality of training in NIJ according to European standard and taking into account the process of digitization in all spheres.

- By a decision of the SJC of 23 February 2017, Ordinance No. 2 on the Indicators, Methodology and Procedure for Appraisal of Judge, Chairman and Deputy Chairperson of the Court (SG 21 of 10 March 2017) and Ordinance No. 3 on the Performance Indicators and Methodology and the Criteria for Reporting the Degree of Workload of Prosecutors, Investigators and Administrative Authorities and their Deputies (SG, 21 of 10 March 2017) were adopted.

Ordinance No. 2 regulates in a new way the types of appraisal by taking into account the specifics of obtaining status of irremovability of the judges in the methods and the evaluation mechanism and the data sources for analysis as well as in the content of the complex assessment.

Until 10 March 2017, the appraisal of the judges shall be carried out in accordance with the Methodology for appraisal of a judge, prosecutor and investigator, administrative head and deputy administrative head, and then pursuant to Ordinance No. 2.

As of 30 June 2017, JC of the SJC opened a total of 58 procedures for appraisal under the new order, of which 25 for preliminary appraisal, 15 for acquisition of irremovability status and 18 for periodical appraisal. Completed evaluation procedures opened under the new order are 13.

On 1 and 2 June 2017, trainings were conducted on “Completing a Unified Appraisal Form – Guidelines and Assistance”. The judges and court clerks have discussed the new legislative changes in the field of appraisal, proposals have been made to standardize the

practice of filling in the data in the unified judges' appraisal form, which is a tabular display of the regulation of Ordinance No. 2.

The SJC of the SJC conducts the appraisal activities, incl. for acquisition of irremovability status in accordance with Ordinance No 3, while the specificities of the appraisal for acquisition of the irremovability status of prosecutors and investigators have been taken into account in the indicators, components and sources of the data for analysis in the implementation of the appraisal methods in the evaluation mechanism, as well as in the content of the complex assessment. The Regulation lays down provisions aimed at the objective assessment of the quality of work. A new evaluation mechanism has been adopted.

In the context of the adopted new Ordinance No 3 on 1 and 2 June and 15 and 16 June 2017, training seminars on the same topic were held. More than 40 court officials from the country's prosecution offices, members of the Council, the ACC to the PC, and experts from the SJC administration took part in the trainings. The new legislative amendments in the field of appraisal are presented after the changes in the JSA, the main and specific points in the methods are presented, as well as the new evaluation mechanisms after the adoption of Ordinance No. 3. The emphasis in the discussions was on the practical completion of the Unified Appraisal Form and on the collection, processing and reporting of statistical information therein.

Both regulations explicitly regulate the participation of the administrative heads in the preparation and control of the individual plans for professional development. They have the obligation when conducting appraisal to present annually summarized written opinions on the performance of the appraised.

Although the general criteria in the regulations are the same, the benchmarks for judges, prosecutors and investigators are different. All types of judges' appraisals are performed only by the Appraisal and Competition Committee (ACC) at the JC and the appraisal of prosecutors and investigators is carried out by the standing appraisal committees and the Appraisal and Competition Committee at the PC at the SJC.

In the adopted Ordinances, the results of inspections performed by the ISJC under section Ib of Chapter IX of the JSA are introduced as indicators for the general criteria of compliance with the ethical behaviour rules and in the case of appraisal for acquisition of irremovability status and data of additional inspections carried out under Section Ia of Chapter IX of the JSA (on property and interest compliance).

- The SJC is implementing a project with subject "Improving the procedures for appraisal and improvement of the disciplinary practice in the judiciary". On 30 May 2017 a contract was concluded with the subject "Providing consultancy services for improving the work of the SJC with a focus on the process of appraisal, motivation, magistrates' remuneration and disciplinary practice of the SJC".

- The project will introduce a model for an individual assessment plan allowing personal development planning taking into account the need of improvement professional qualifications and competences as well as Guidance thereto, containing specific mechanisms for enhancing motivation and conducting assessment and self-assessment. An integral part of the process is the creation of an effective model for wage formation and additional benefits for magistrates, setting objective rules, stability and predictability in their formation. The aim is to achieve stability and predictability in wage formation, which is one of the mechanisms for overcoming corruption practices in the judiciary.

A key prerequisite for effective reform is the assessment of disciplinary procedure as a basis for developing a standard for disciplinary proceedings complied with the international standards.

Until the end of September 2017, an analysis of the disciplinary practice and the setting of a standard for the conduct of disciplinary proceedings is envisaged, which should contain clear procedures and rules, will be prepared; public discussions shall be held to present the

developed standard; training will be carried out on the implementation of the standard developed in the framework of the activity, as well as rules on the conduct of disciplinary proceedings.

### **STRATEGIC GOAL 3: EFFECTIVE ADMINISTRATION OF THE JUDICIARY EFFICIENT ADMINISTRATION OF THE JUDICIARY**

- The ISJC already has effective access to the Judicial Workload Measurement System and the Centralized Random Allocation of Cases System aiming to assess magistrates' workloads and to investigate the causes of delays in dealing with cases.

- MoJ has taken a legislative initiative to change the jurisdiction of certain CPC processes related to workload regulation. A Task Force was set up with the task by 30 September 2017 to draft a Law on Amendment and Supplement to the Civil Procedure Code.

- By decision of the Budget and Finance Committee since 1 February 2017, the Finance and Budget Directorate and the European and International Programs and Projects Department of the SJC administration were instructed to take action on the launching of project "Introducing programme budgeting for each entity of the judiciary institutions and orienting the budget to achieving results and pegging financing to the targets, activities and caseload set and an objective assessment of expenditures disaggregated by type of case file and case so as to achieve adequate financing of the administration of justice as an essential function of the State".

- In 2016, the Prosecutor General initiated an interpretation of the constitutional texts defining a structural compliance between the prosecutor's office and the courts. The Constitutional Court ruling of February 2017 states that full overlapping of the territorial structures of the court and the prosecution is not mandatory by the meaning of Constitution.

The Prosecutor's Office drafted a methodology for optimizing the number of district prosecution offices and the status of territorial wards by proposing two optimization models called conditionally "unified" and "differentiated". The SJC Prosecutors' College took a decision in principle on a report by the Prosecutor General submitted on 3 April 2017 on the possibilities of optimizing the judicial map of district prosecutors' offices and selecting an appropriate model, as well as on the proposed territorial division of the Prosecutor's Office.

- Under project "Creation of a model for the optimization of the court map of the courts and prosecution offices and development of a Unified Information System for the Courts" under the OPGG implemented by the SJC. On 4 January 2017 a contract was concluded with the subject "Provision of consultancy services in connection with the preparation of tender documentation for selection of contractors and support of the project management activities".

- In the implementation of the Strategy for Introduction of e-Government and e-Justice in the Justice sector 2014–2020, several projects have been developed, which will also implement the measures of the Updated Strategy for Continual Judicial Reform:

The project "Technological, training and organizational means for implementation of the developed internal rules and policies for use of the information resources in the bodies of the executive power in the Justice sector", elaborated by the Ministry of Justice (MoJ), is being evaluated by the Ministry of Justice in accordance with the e-Government Act, the Ordinance on the General Requirements for Interoperability and Information Security (OGRIIS) and the rules and standards laid down in the Strategy.

The Ministry of Justice implements a project "Inventory and Status Analysis of the Information and Communication Infrastructure, Information Systems, Services and Registers in the Justice Sector", funded under the OPGG. A comprehensive IT inventory and an analysis of the state of the information infrastructure were carried out. An information system has been

developed, which provides information on all structures of the executive and the judiciary. An analytical report on the state of play of the information and communication infrastructure, information systems and services and related processes as well as technical capabilities, has been prepared. The report also contains recommendations for the necessary resource security to achieve the e–Justice and e–Government strategic goals. An implementation contract “Carrying out a comprehensive review of the registry system, AIS and databases in the Justice sector” has been signed. In the framework of the activity recommendations will be prepared for the redesign of the existing registers as well as the creation of new ones.

A project “Implementation of a virtual private network ensuring reliable and secure exchange of information on the structures in the Justice sector will be implemented in partnership between the Ministry of Justice and the SJC and is in the evaluation stage by the MA of the OPGG.

The Ministry of Justice developed a project under the OPGG “Further development and centralization of the portals in the executive bodies of the Justice sector for access of citizens and businesses to information, e–services and e–justice”, which was approved by the MA of the OPGG. Signing of a contract is forthcoming.

The project “Redesign of the AIS in the Ministry of Justice and the Secondary Budgetary Authorities (SBA) with the purpose of switching to the use and exchange of electronic documents and electronic content in the sector by the bodies of the executive. Training of employees to work with AIS and electronic documents” has been developed. The contract was approved by the MA of OPGG and submitted for coordination by the Ministry of Justice.

Another project proposal submitted for funding under the OPGG is “Creating tools for videoconferencing and their use in pre–trial and judicial proceedings; cross–border cooperation in the administration of justice”, the evaluation has been completed and the signing of a grant agreement is forthcoming.

- In order to overcome the workload of the Supreme Administrative Court (SAC) and the system of the administrative courts, including by changing the jurisdiction of certain types of cases and structural measures, SAC has drafted a report on the functional analysis of the SAC’s workload and the administrative courts system.

A detailed review of the workload of the Supreme Administrative Court and the system of the administrative courts was carried out in the Report; data on the cases filed and completed were analysed; the workload of the relevant body of the judiciary and the judges personally; quality of court decisions and the timeliness of dispute resolution, staffing and organizational issues related to magistrates’ activities, including the work of the SAC administration and the system of administrative courts, which greatly affects the effective workload of magistrates.

The priorities and the main objectives for development of administrative justice related to the optimization of the administration of justice are outlined. There is an analysis of the existing editions of the Constitution, the Administrative Procedure Code and the special laws in the field of administrative law, as well as specific legislative provisions which have as a result the unequal workload of magistrates in the administrative justice system.

On 22 June, the National Assembly adopted at first reading amendments to the Administrative Procedure Code. The draft provides for measures to improve the efficiency of the administrative bodies and to limit the risk of corrupt practices, for reducing the administrative burden as well as shortening the deadlines for issuing administrative acts. The silent refusal is replaced with silent approval. Measures for introducing e–justice are also included.

The necessary specific legislative changes in the Constitution of the Republic of Bulgaria, the Administrative Procedure Code, the Tax Insurance Procedure Code, the Election Code and a number of other special laws were introduced to ensure the effective, fair and equal workload of the individual courts in the administrative justice system.

#### **STRATEGIC GOAL 4: MODERN AND EFFECTIVE PENAL POLICY**

- The approved by the MA of the OPGG grant agreement under project “A New Concept of Penal Policy” is in the process of coordination in the Ministry of Justice.

- On 20 February 2017, the Prosecutor General approved an Action Plan to implement the recommendations of the Independent Analysis of the Prosecutor’s Office. The Action Plan covers only the analysis recommendations that may be fully or at least partially implemented by the PORB. The same is in the process of implementation. A Roadmap for the implementation of these recommendations has been drafted jointly with the MoJ. Comments have been submitted by all the institutions to be responsible for the implementation of the Roadmap. The joint approval by the Prosecutor General and the Minister of Justice is forthcoming in the short term.

In order to implement the measures in the Roadmap, MoJ formed interagency working groups to draft amendments to the Penal Code, the Criminal Procedure Code, the Judicial System Act and the legal framework related to the activity of experts. They are expected to work at an accelerated mode to meet 10 of the report’s recommendations:

- Changes to the CPC mode: following a 6-month period, a request to the court for continued use of Special Investigative Means in organized crime and high-level corruption cases should only be possible with the approval of the administrative head of the Prosecutor’s Office for an additional period of three months. Only one court may rule in each case, in which case a closed-door appeal may be filed with a senior appeal judge at last instance by the monitoring prosecutor to explain why the application of this measure is still necessary for another three months, with the possibility of submitting a new request to the judge for the second and last renewal for 3 months, again with the approval of the administrative head.

- In the same context, the procedures under Article 156 and Article 137 of the Criminal Procedure Code concerning “witnessing persons” are subject to constant criticism as remnants of the past that should be abolished.

- The Bulgarian authorities urgently examine what are the obstacles to the intelligence reports that the law enforcement agencies have received from the Financial Intelligence Unit on possible cases of corruption being turned into evidence for the purpose of prosecution.

- In cases of organized crime and corruption (through agreements on the recognition of guilt, if necessary), consideration should be given to the wider use of accomplices and other participating defendants as witnesses against the leaders of criminal activities (enabling them to be criminally persecuted first or given immunity).

- It is recommended to the authorities to reinstate operational investigatory powers for SANS officers working in multidisciplinary teams in organized crime and corruption cases.

- The Prosecutor’s Office of the Republic of Bulgaria could benefit from people who have more experience outside the judiciary before entering it and the current percentage of external appointments in the system will be reviewed again.

- In view of the multiple requests of the courts for more expertise and the adoption of relevant legislation, it is necessary:

- discussions to be initiated between the Prosecutor General and the Minister of Justice within the SJC on court requests in this area;

- bona fide dialogue to be carried out between prosecutors and judges at an appropriate level of governance on practical issues involving the use of resources related to the use of expert witnesses in order to find practical solutions within existing resources;

- Closer cooperation and active dialogue between the PORB and the expert community is needed for more flexibility regarding the need for some forensic analyses and the form in which they are carried out. A structured program of meetings between the PORB and the Research Institute of Forensic Science and Criminology at an appropriate level of governance shall be started, to discuss problems and seek for working solutions.

- Amendments to the Penal Code regarding corruption offences, respectively:

- Art. 282 of the Penal Code must be reconsidered as the offence or misuse of official position does not apply to officials in commercial companies, cooperatives and the like;
  - corruption offences should apply to private sector officials (for example, in banks); in the same way as for public officials and government institutions;
  - there is a great significance in the adoption of provisions that criminalize the criminal act itself without having to prove any actual or potential harm caused by the breach of public procurement rules.
- With regard to this recommendation, a working group was set up at the Supreme Cassation Prosecutor's Office with the participation of representatives of the academic community to prepare expert proposals for amendments to the Penal Code (official and corruption offences). Experts are in the process of debating on concrete legislative proposals. These will be debated by the working group at the Ministry of Justice drafting amendments to the Penal Code.
- The elaborated project "Improving the Model of Forensic Expertise", which will be funded under the OPGG, is being evaluated and will be taken into account in drafting the proposals for legislative amendments in order to improve the existing regulation regarding the experts, their activity and the expert opinions. Studying the legal framework and to studying and analyse good European practices in the field are envisaged. A unified national methodology for experts and expert reports will be developed. A single national information register of experts will be established.
- Judges from the Specialized Criminal Court have participated in seminars organized by the European Judicial Training Network and the National School of the Magistrate of France on the topics of "Terrorism and Fundamental Rights: Evidence and Investigation", "Judicial Response to Terrorism" and "Media Communications in Terrorism Cases". The training is related to the new competence of the Specialized Criminal Court, introduced by the 2015 legislative changes for dealing with "Crimes Against the Republic", as well as the crimes related to terrorism. The judges who participated in the seminars share what they learned during the trainings during the General Assemblies of the Specialized Criminal Court's judges.
- The Execution of Punishments Directorate General implements a joint project with the Council of Europe "Support for the enforcement of judgements of the ECHR and the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment". The project focuses on the reform of prisons in Bulgaria.
- The project "Modernization of the penitentiary system in Bulgaria" funded under the OPGG is in process of implementation. According to the signed contract, the implementation of the EPGD Development Concept of May 2014 will be analysed, a strategy for the development of the penitentiary system by 2025 will be drafted and approved, and electronic monitoring system of offenders will be purchased, installed, tested and implemented.

**STRATEGIC GOAL 5:  
GUARANTEES OF THE RULE OF LAW, PROTECTION OF HUMAN RIGHTS,  
ACCESS TO JUSTICE AND HUMANITY OF JUSTICE**

- In order to unify the jurisprudence for achieving predictable and qualitative justice in the first half of 2017 in the SJC are initiated 2 interpretative cases of the General Assembly of the Criminal College, 2 of the General Assembly of the Civil College, 1 of the General Assembly of the Commercial College, 2 of the General Assembly of the Civil and Commercial College, 1 of the General Assembly of the Judges of the Civil and Commercial College of the Supreme Court of Cassation and the First and Second Colleges of the Supreme Administrative

Court. Four interpretative decisions were adopted by the General Assembly of the Civil College of the SCC and 5 by the General Assembly of the Civil and Commercial College of the SCC.

- On 13 June 2017, a Grant Agreement was signed under OPGG “Enhancement of Fair Procurement Guarantees in Execution Proceedings through the Creation of an Information System”. The aim is to establish and implement a centralized Judicial Implementation Information System (JIIS), as well as to set up electronic reference services.

- The Prosecutor’s Office has investigated the cases in which a judgement of the European Court of Human Rights (ECHR) against Bulgaria has been passed for ineffective investigation. The analysis of the decisions of the ECHR is published on the website of the PORB and sent to the Minister of Justice and the Minister of the Interior. A Roadmap for the implementation of the recommendations of the analysis has been drafted jointly with the Ministry of Justice. Comments have been submitted by all the institutions to be responsible for the implementation of the Roadmap. The joint approval by the Prosecutor General and the Minister of Justice is forthcoming in the short term.

- The training calendar of the PORB for 2017 provides for training in appellate areas on “Effective Investigation – ECHR Practice and Analysis of the PORB”. Up to now, trainings have been organized in three appellate regions – Sofia, Plovdiv and Veliko Turnovo. Trainings are planned on the topic and for appellation regions Varna and Burgas. A proposal has been made to the Minister of the Interior to introduce compulsory initial training and ongoing trainings related to the ECtHR case-law.

- A draft of the Fourth Annual Report of the Minister of Justice on the implementation of the decisions of the ECHR for 2016 is being prepared, which approval and submission to the Council of Ministers and the National Assembly is forthcoming.

- Amendments to the Legal Aid Act (SG No. 13/2017) facilitated access to justice for a wider range of vulnerable social groups representatives through the creation of new forms of legal counselling and consultation – National Legal Aid Phone and Regional Consulting Centers.

Access to free legal aid after the adopted amendments have, in addition to the persons detailed in Art. 22 and those whose income does not exceed the poverty line set for the country at the rate of BGN 314 for 2017, which has considerably expanded the consumer circle.

By June, a total of nine Consulting Centers have been set up to the bar associations. The consultations are carried out by the attorneys enrolled in the relevant bar associations under conditions which are facilitated for citizens.

In order to raise the awareness of the citizens and the number of persons benefiting from free legal aid in the Legal Aid Directorate was elaborated a brochure describing in detail the work of the National Legal Aid Phone and the conditions to be met by the persons who requested Legal counsel at the Regional Consulting Center. They will be printed and sent to the relevant institutions – courts, prosecutors’ office, investigating police officers, Social Assistance Directorates, social homes, etc.

The draft proposal “Strategic Reforms at the National Legal Aid Bureau”, submitted in 2016 by the National Legal Aid Bureau, provides for the development of qualification programs for the training of lawyers in order to improve their qualification as well as the quality of the legal aid provided. Signing of a contract for the implementation of the project with MA of the OPGG is on the way.

- Under the project “Strengthening the Legal and Institutional Capacity of the Judicial System in the Field of Juvenile Justice” under the Bulgarian–Swiss Cooperation Program,

training was organized for teachers in the field of juvenile justice. The trainers are to make 7 pilot trainings at local level.

In May 2017, a broad expert discussion was held in Razgrad on the draft law on deviating from criminal proceedings and imposing educational measures on minors. The discussion was attended by judges, prosecutors and inspectors, children's pedagogical service from Varna Appellate Region, as well as magistrates from the country, representatives of UNICEF and non – governmental organizations.

In June 2017, training was conducted for mediators in criminal proceedings involving minors. Lecturers were international experts from the International Children's Rights Institute of Sion, as well as a consultant to UNICEF Bulgaria.

## **STRATEGIC GOAL 6: EFFECTIVE ADMINISTRATION OF THE JUDICIARY BUILDING TRUST IN THE JUDICIARY THROUGH PUBLIC PARTICIPATION AND TRANSPARENCY**

- On 14 March 2017, a broad discussion was held on the draft report prepared by the Ministry of Justice on the implementation of the Updated Strategy for the Continual Judicial Reform in 2016. The conference was held with the participation of representatives of institutions engaged in the implementation of the Strategy, non-governmental organizations and journalists.

A mechanism for gathering information from the relevant institutions on the implementation of the Updated Strategy on a regular basis and reporting on the implementation twice a year has been set up at the Ministry of Justice. A report on the implementation of the Strategy from 1 January until 30 June 2017 has been drafted and will be presented for public consultation, including NGOs.

- The project proposal “Effective Access to Justice”, submitted by the Ministry of Justice in partnership with the SJC, is under evaluation by the MA.

- On 28 April 2017 the Prosecutor General submitted to the SJC the Annual Report on the Application of the Act and on the Activities of the Prosecutor's Office and the Investigative Bodies for 2016. The Report presents statistical data and based on them a statistical analysis was made of the work of prosecutors' offices on certain proceedings which have been created for certain categories of serious crimes and those of particular public interest (corruption, organized crime, trafficking in human beings, drug trafficking, money laundering, tax evasion, misuse of EU funds, etc.). On 25 May 2017, the SJC Plenum heard the Prosecutor General; the report was adopted unanimously, and then submitted to the National Assembly.

- Annual Activity Report of the SCC in 2016, adopted by the Plenum of the Court on 26.04.2017, and the Report on the Application of the Law and the Activities of the Courts in 2016 submitted to the SJC on 2 May 2017 are published on the SCC website.

- A project “Encouraging the Use of Mediation as an Alternative Dispute Resolution Method” to be funded by the OPGG has been approved. The signing of a partnership agreement with the SJC is forthcoming, after which a grant agreement will be signed.

*For more detailed information on the specific objectives of the Strategy and specific projects, see the implementation report of the Updated Judicial Reform Strategy in 2016.*