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UPDATED STRATEGY TO CONTINUE THE REFORM OF THE JUDICIAL SYSTEM

Table of Contents

- I. Introduction**
- II. Overall objective (Vision)**
- III. Strategic and specific goals**
- IV. SWOT analysis**
- V. Principles of the Strategy**
- VI. Mechanisms ensuring the implementation of the Strategy and public participation**
- VII. Action Plan / Roadmap (annex)**

Introduction

This document is an update of the Strategy to Continue the Judicial Reform in the Conditions of Full European Union Membership, adopted by the Council of Ministers in 2010.

The need to develop this updated Strategy is prompted both by the beginning of the new programming period, owing to which most of the measures in the 2010 Strategy had a timeframe ending in 2014, and by developments over the last four years. Part of the reforms envisaged in the 2010 Strategy have been implemented. At the same time, the vigour of developments over the last four years has brought to the fore a number of new problems, and the professional community has come up with some new solutions.

In its report of January 2014 under the Cooperation and Verification Mechanism of January 2014, the European Commission also recommended an updating of the Strategy. This recommendation evolved naturally from the numerous new questions, findings and recommendations contained in the CVM reports over the last four years. Another important factor is the progress in the development of EU justice and home affairs policies and the establishment of a number of new analytical and diagnostic instruments and the problems raised in connection with their implementation.

The need of an update also stems from Resolution 1915 (2013) of the Parliamentary Assembly of the Council of Europe, whereby the post-monitoring dialogue with Bulgaria was extended and a number of important findings and recommendations were stated. Judgments of the European Court of Human Rights are also a factor.

With these factors in mind, work on this update began back in 2013 and was carried on by three governments up until now. It is important to emphasise that the update of the document follows up on the efforts during the last four years and proposes measures to build on the results achieved so far in the sector, while at the same time reckoning with the situation problems that stand in the way of taking effective reform action. In this sense, the update is intended to develop further the partially implemented Judicial Reform Strategy of 2010, covering a broader range of issues.

A number of strategic documents have been taken into consideration in developing the update, including: international standards and documents of the Council of Europe and the European Union, the recommendations to Bulgaria within the framework of the Cooperation and Verification Mechanism, the comments of the Venice Commission, the Strategy for Implementation of e-Governance and e-Justice in the Justice Sector 2014-2020, the Concept of State Policy in the Area of Juvenile Justice, the Strategy for Development of the National Legal Aid Bureau for the 2014-2019 Period, the Guidelines for the Activity of the National Institute of Justice (2014-2020), etc.

The updated Strategy has a timeframe of seven years for implementation of the reforms, synchronised with the programming period for support from the EU Structural Funds.

Overall objective of the Strategy (Vision)

The overall objective of the Strategy is to build on the efforts for modernisation of the judiciary and to complete its reform within the next seven years, relying on the resources and opportunities arising from Bulgaria's membership of the European Union and the Council of Europe, as well as on the domestic democratic maturation of civil society and the professional community in Bulgaria, and, to this end:

- To achieve effective guarantees of independence of the court and the judiciary
- To ensure good governance of the judicial authorities and their highly effective functioning
- To unfold the potential of human resources in the judiciary and guarantee the high motivation, competence and social responsibility of judges, prosecutors and investigating magistrates
- To implement a modern and effective criminal policy through the necessary institutional and regulatory reforms
- To ensure a full-fledged right to a fair trial to each citizen and effective protection of human rights

And, by so doing:

- To ensure a European standard of justice to natural and legal persons
- To turn the judiciary into an effective guarantor of the rule of law and the strengthening of State governance and the institutions in this country

I. STRATEGIC AND SPECIFIC GOALS

STRATEGIC GOAL 1: GUARANTEEING THE INDEPENDENCE OF THE COURT AND THE OTHER JUDICIAL AUTHORITIES THROUGH EFFECTIVE MEASURES AGAINST CORRUPTION, POLITICAL AND ECONOMIC PRESSURE AND OTHER DEPENDENCES

Specific goal 1: Overcoming the institutional reasons for undue influence on and through the Supreme Judicial Council

1.1.1 Restructuring the Supreme Judicial Council (SJC) in such a manner that the decisions on career and disciplinary matters concerning judges be taken by a college including a majority of judges elected by judges, and such decisions concerning prosecutors and investigating magistrates be taken by a college of prosecutors and investigating magistrates.

1.1.2 Direct election of the members of the professional quota in the SJC, held at the respective general meetings with guaranteed secrecy of the ballot.

1.1.3 Improving the accountability of the members of the SJC from the professional quota and increasing the involvement of higher number of magistrates in the work of the SJC by adopting a model of a SJC, in which the Council works in sessions, assisted by standing commissions, composed of magistrates seconded for this purpose.

1.1.4 Development of effective statutory and organisational guarantees for transparency of the process of nomination and election of the SJC parliamentary quota and its public nature. The process will guarantee that the elected individuals will have high authority and they will be widely supported by the professional community, to which they belong.

1.1.5 A public discussion of the need of other changes in the SJC model, including on:

- the public mechanisms of control over the parliamentary quota and the need to reduce its size so as not to pose a risk of dominating over the professional quota;
- mechanisms for exercising control by the magistrate community over the members of the SJC from the professional quota;
- changes in the status of the presidents of the Supreme Court of Cassation (SCC), the Supreme Administrative Court (SAC) and the Prosecutor General.

1.1.6 Annual preparation and discussion of reports on the independence of the judiciary. Formulating measures on the problems detected by the institutions in charge.

Specific goal 2: Judges' self-governance as an effective means to limit the possibilities for administrative forms of influence on the independence of the court and increasing the responsibility and efficiency of courts' administration

1.2.1 Broadening the powers of judges' general meetings in the process of administrating the courts and nominating and/or electing the presidents, vice presidents and heads of division.

1.2.2 Effective affirmation of the status of court presidents respecting the principle of "first among equals" by enlisting judges in the exercise of the presidents' organisational powers.

1.2.3 Direct election, by the general meetings of each of the magisterial professions, of the personal complement of the standing commissions at the SJC and the commissions for conduct of the competitions for transfer and promotion.

1.2.4 Inclusion in the annual reports of judges, adopted by the judges' general meeting, of a special section on court independence, analysing and commenting all cases of attempts to exert

influence on the court, the recusals made, the alerts submitted and the results of the regular or unscheduled inspections carried out, including by the Inspectorate with the SJC. The measure will be analogically implemented in regards to the Prosecutor's Office and the National Investigation Service.

Specific goal 3: Systematic policy for prevention of corruption in the judiciary

1.3.1 An integrated policy for the prevention of conflict of interest and corruption within the judiciary and reevaluation of the current legislative framework. Electronic registers for declaring an extended range of circumstances, including cohabitation and involvement in organizations without public purpose and cetera.

1.3.2 Setting up an Integrity Auxiliary Unit with the SJC Ethics Commission, entrusted with periodic checks, according to an approved methodology, of magistrates and the court administration for the existence of pro-corruption factors.

1.3.3 Introducing mechanisms for effective application of judicial ethics rules by judges, prosecutors and investigating magistrates and on the part of the SJC.

1.3.4 Introducing mechanisms for celerity, objectivity and accountability in the investigations conducted against magistrates, as well as providing effective guarantees that the investigations are not used with the purpose to make the subjects dependent. Also the introduction of reports from the Prosecutor General to the SJC on six months basis in regards to such type of investigations.

1.3.5 Eliminating administrative discretion in determining supplementary financial incentives in the magistrates' remunerations.

1.3.6 Imposing restrictions on the secondment of magistrates.

1.3.7 Elaborating a standard for security of the information technologies used in the judiciary.

1.3.8 Providing guarantees of security and transparency of the random case allocation process and the appointment of the personal complement of the various court panels.

1.3.9 Building capacity of the Inspectorate with the Supreme Judicial Council (ISJC) to watch for systemic pro-corruption factors in the work of the judicial authorities.

1.3.10 Preparing annual reports by the SJC on evidence of corruption and evaluation of the effectiveness of the counter-corruption measures and their public discussion.

Specific goal 4: Strengthening the ethics regulations

1.4.1 Assessment of the current model regulating the professional ethics. Introduction of more effective mechanisms for prevention of ethical issues and unification of the case practice.

1.4.2 Development of specific regulations for the professional ethics of judges, prosecutors and investigators, and organizing discussions with the wide participation of representatives of the professional communities

1.4.3 Improvement of the training of magistrates on the principles of ethical behavior and introduction of mandatory training following infringements of the professional ethics.

STRATEGIC GOAL 2: THE JUDICIARY’S HUMAN RESOURCES: AN ESSENTIAL ASSET AND FOCUS OF THE REFORM; STATUS OF JUDGES, PROSECUTORS AND INVESTIGATING MAGISTRATES

Specific goal 1: Reform of law education and internships as a guarantee of high qualification upon entry and motivation of human resources of the judiciary

- 2.1.1 Updating the State requirements to the subjects taught at the faculties of law.
- 2.1.2 Introducing new forms of student work, intended to teach them skills necessary in practice and to increase their social competence and commitment.
- 2.1.3 Turning work-experience and post-graduation internships into a tangible form of hands-on training.
- 2.1.4 Turning the examination in theory and practice for attainment of licensed capacity to practise law into a genuine test of practical skills.

Specific goal 2: Guaranteeing trust in competitions for magistrates’ appointment and promotion

- 2.2.1 Evaluating the arrangements and methodology for holding the competitions and the mistrust factors; soliciting suggestions for an improvement of the competitions arrangements and methods, including guarantees of uniform standard in interviews.
- 2.2.2 Making knowledge of professional ethics and personality development assessment, including general and legal culture, legal awareness and applicants’ individual independence, part of the initial competitions for appointment of judges and prosecutors and the appraisals for acquisition of tenure status.
- 2.2.3 Holding centralised competitions by commissions designated on a subject-matter-specific basis.
- 2.2.4 Appointing the commission members from a list approved by the general meeting of the respective SCC and SAC college.
- 2.2.5 Introducing professional-qualification and experience requirements for the magistrates in the competition commissions.
- 2.2.6 Limiting the initial appointment to no more than 20% of the free positions and to the appropriate court instance level, as well as providing the necessary additional qualification.

Specific goal 3: Sustained improvement of the quality of operation of the National Institute of Justice (NIJ) and affirming its achievements

- 2.3.1 Improvement of initial training and enhancement of the role of mentor magistrates.
- 2.3.2 Expanding the range of subjects and diversifying the forms of training and the target groups and introducing new curricula for compulsory training.
- 2.3.3 Improving the system of continuous identification of the needs of training within a particular judicial entity or judicial district. Developing an effective quality assessment system for each training course.
- 2.3.4 Implementing a quality management system and a long-term programme for organisation development, including an improvement of the organisation and management structure ensuring the NIJ’s curricular independence.
- 2.3.5 Developing a system of measures to encourage and monitor the upgrading of prosecutors’ and judges’ legal qualification and guarantees of their participation in training.

Specific goal 4: Effective appraisals based on a uniform integral standard assessing in depth all aspects of the work of a judge, prosecutor and investigating magistrate

- 2.4.1 Evaluating the practice of carrying out an appraisal for acquisition of tenure status.
- 2.4.2 Introducing specific rules and mechanisms for appraisal of judges, respectively prosecutors and investigators, in compliance with their specific role and the measures to reorganize prosecution and investigation, including by strengthening the role and accountability of administrative heads within prosecution and investigation.
- 2.4.3 Introducing centralized appraisal. Discussing a model that provides for commissions, composed of expressly seconded judged and prosecutors with the respective SJC college.
- 2.4.4 Regulating the eligibility requirements of the members of the central appraisal commissions (for judges and prosecutors) and their election by the general meetings.
- 2.4.5 Affirming the objective accounting for the quality of performance on the basis of an analysis of all acts rendered and full information on the magistrates' other professional activities through relevant changes in the appraisal methodology.
- 2.4.6 Introducing methods to evaluate the motivation of appraised magistrates and developing a system of measures to support the increase of motivation and coping with various work-related challenges. Introducing, on the basis of an analysis of the acts rendered and a self-evaluation of the appraised magistrate, a system of measures to identify the need of his or her individual training and of his or her enrolment in suitable forms of continuing training and upgrading of his or her professional qualification.
- 2.4.7 Introducing an individual personal development plan for each judge, prosecutor and investigating magistrate as part of his or her appraisal, specifying his or her intentions and obligations to undergo additional qualification in a particular problem or legal subject matter and for inclusion, if necessary, in the system of support measures.

Specific goal 5: Introducing the fair trial principles in the disciplinary proceedings against magistrates

- 2.5.1 Setting up a centralised disciplinary commission with each of the SJC colleges, composed of expressly seconded magistrates, elected by the respective general meetings.
- 2.5.2 Consultations on developing a draft on restructuring disciplinary proceedings so as to comply with international standards and recommendations, and ensure the genuine adversarial nature of such proceedings, by providing for the carrying out of the disciplinary procedure before the SCC, which should be designated as the only authority competent to impose disciplinary sanctions on magistrates, or before a directly elected disciplinary college.
- 2.5.3 Introducing possibilities to hold the presidents of the SCC and the SAC and the Prosecutor General disciplinarily liable.

Specific goal 6: Predictable remuneration fixing rules

- 2.6.1 Guarantees of automatic adjustment of magistrates' remuneration, by providing for a mechanism for binding with the average monthly remuneration in the public sector and establishment of corresponding budgetary provisions.
- 2.6.2 Eliminating the elements of individual discretion in fixing the supplementary labour remuneration in the judicial authorities and their administration by regulating by law the type and amount of this remuneration.
- 2.6.3 Evaluating the forms of bonuses and proposals for their development.

Specific goal 7: Reckoning with the opinions of judges, prosecutors and investigating magistrates in the process of administrating the judiciary

2.7.1 Periodic research of the opinions of judges, prosecutors and investigating magistrates on matters concerning the administrating of the judiciary and subjecting the results to a public debate.

STRATEGIC GOAL 3: EFFECTIVE ADMINISTRATION OF THE JUDICIARY

Specific goal 1: Knowledge-based governance: capacity for research related to the governance and performance of the judicial authorities

3.1.1 Setting up an expert methodological unit to ensure uniform and reliable statistics about the operation of the judicial and pre-trial proceedings authorities.

3.1.2 Building capacity at the NIJ to carry out theoretical and empirical criminological research, including critical studies of penal sanctions and their alternatives, sociology, statistics, psychology, organisational development, information support, software and hardware, etc. for the needs of administrating and developing the judicial authorities.

3.1.3 Enhancing the SJC's analytical capacity in planning and administrating the judiciary: analytical units for assessment of caseload, access to justice, professional qualification of personnel, etc.

Specific goal 2: Regulating magistrates' and judicial entities' caseload

3.2.1 Introducing a permanent mechanism to measure the load of the separate types of cases and case files and the additional official duties.

3.2.2 Introducing a mechanism to set a caseload target for magistrates and for the court administration and even distribution of cases and case files within the framework of the separate judicial entities and integrating that mechanism with the rest of the planning processes (under 3.3 and 3.4).

3.2.3 Working conditions standard for the courts and prosecution offices.

3.2.4 Set of measures to reduce caseload, including simplified procedural rules, enhanced application of alternative dispute resolution methods and introduction of e-justice

Specific goal 3: The judiciary budget: a tool of effective governance, accountability and reform

3.3.1 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.

3.3.2 Defining and periodically renewing the objectives and fulfillment indicators in partnership between the SJC, the Ministry of Justice, the Ministry of Finance and civil society, as well as periodic renewing the assessment of expenditures disaggregated by type of case.

3.3.3 Introducing effective measures to decentralise budget planning and implementation, bound to requirements of increased transparency, publicity and reporting of the results and attainment of targets and planning the expenditures and activities of each judicial entity in line with locally planned priorities.

3.3.4 Quarterly and annual reporting of the attainment of the targets (under 3.3.2 and 3.3.3) and the achievement of results, periodic external assessment ("Report on the State of the Judiciary").

Specific goal 4: Introducing long-term planning tools

- 3.4.1 A standard and a system of measures to assess individuals' and legal persons' access to justice.
- 3.4.2 Creating a specialised geographic information system (GIS), including tools to analyse and monitor the factors of socio-economic development of the judicial districts and the courts' caseload.
- 3.4.3 Assessing the effectiveness of the separate judicial entities and a reform of the court map.
- 3.4.4 A human resource development plan, bound to programme budgeting, and using this plan as a basis to draw up and update a plan for regular conduct of competitions in the judiciary.
- 3.4.5 Assessing the effectiveness of the specialised justice-administration entities (the system of administrative courts; the military courts; the specialised criminal justice institutions).
- 3.4.6 Introducing a mechanism for ongoing monitoring of Civil Procedure Code, the Criminal Procedure Code and the Administrative Procedure Code.
- 3.4.7 Monitoring the duration of cases and case files and analysing the possibilities to improve the effectiveness of their examination.
- 3.4.8 A mechanism to analyse the impact of draft legislative amendments on the caseload of the judicial authorities and endorsing the application of this mechanism to all bills that would affect the judiciary through its inclusion as a mandatory element of the coordination procedure in the adoption of statutory instruments.

Specific goal 5: e-Justice

- 3.5.1 Building an operational capacity to support the processes of phasing in and implementing e-justice in the Justice Sector.
- 3.5.2 Reliable and secure e-communication between the judicial and executive authorities, citizens and business. Centralising the resources by use of the State hybrid private cloud (HPC).
- 3.5.3 Equal access, as close as possible, for citizens and business to e-justice and e-governance by electronic means and making this access preferred to the conventional one using hard-copy documents.
- 3.5.4 Handling electronic content by employees and magistrates by switching from the use and keeping of documents and cases on hard copy to soft-copy documents and cases and regulatory support for their use in accordance with the strategic documents adopted in the sector.
- 3.5.5 Access to and communication between the registers by electronic means only in providing integrated administrative services to citizens and business.

Specific goal 6: Development of the separate judiciary institutions

- 3.6.1 Plan for controlling SAC and administrative courts caseload, including revision of courts' jurisdiction for particular type of cases and other structural changes
- 3.6.2 Plan for reducing the SCC caseload
- 3.6.3 Implementing the Strategy plan "Policies for SJC Management"
- 3.6.4 Analysis and assessment of ISJC and ISJC practice; discussion on the necessity of legislative and organizational changes, including setting up judicial, as well as prosecutorial and investigative teams.

STRATEGIC GOAL 4: MODERN AND EFFECTIVE PENAL POLICY

Specific goal 1: Updating penal policy

- 4.1.1 Evaluation of the existing Concept of Penal Policy (valid until 2014) and its implementation.
- 4.1.2 Developing a new Concept of Penal Policy as a basis for the rest of the measures under this priority.
- 4.1.3 Adopting a modern Administrative Violations and Sanctions Act (AVSA) to meet the target of replacing penal sanctions by more flexible and socially justified administrative penalties for a large number of acts. A steady process of monitoring the application and the impact of the AVSA.
- 4.1.4 In the light of the new Concept of Penal Policy, assessing the need to update particular institutes and substantive elements constituting criminal offences under the Criminal Code and elaborating a relevant draft.
- 4.1.5 A steady process of monitoring the application and the impact of the Criminal Procedure Code, supported by the necessary auxiliary research.
- 4.1.6 Analysis and evaluation of the probation system and ongoing monitoring.
- 4.1.7 Analysis and evaluation of the system of forfeiture to the Exchequer of unlawfully acquired assets.
- 4.1.8 A plan for development of social measures for reintegration, envisaging the provision of resources and the making of arrangements for the effective application of support measures for the persons sentenced to probation, including their enrolment in literacy courses, professional qualification and other public support measures.
- 4.1.9 Applying alternative methods for disposal of criminal cases, including through forms of restorative justice.
- 4.1.10 Building capacity for empirical and multi-disciplinary criminological research.

Specific goal 2: Reform and development of the investigating authorities

- 4.2.1 Assessment of the state of pre-trial proceedings and the authorities entrusted with investigative functions.
- 4.2.2 Developing a comprehensive integrated strategy for development of the authorities entrusted with investigative functions.
- 4.2.3 Pegging to criminal procedure results the appraisal and personnel development of the authorities entrusted with investigative functions.
- 4.2.4 Finding a lasting solution to the status of the investigation service, the number and caseload of the investigating magistrates on the basis of the new Concept of Penal Policy and the Integrated Strategy for Development of the Authorities Entrusted with Investigative Functions.

Specific goal 3: An effective prosecution service

- 4.3.1 An independent expert monitoring in the framework of the EC Cooperation and Verification Mechanism of the state and effectiveness of the Prosecution Service of the Republic of Bulgaria (PSRB), the factors of political, hierarchical and other undue influence in it, as well as the forms of abuse of prosecutorial powers.
- 4.3.2 Exploring the status of prosecutors and the factors that restrain their professional independence, effectiveness, responsibility and motivation.

4.3.3 Developing a new organisation model of the PSRB as part of the judiciary, taking into account, among other things:

- the division of the SJC into two colleges,
- the proposals, declared by the Prosecutor General and the results following the discussion under them,
- the new Concept of Penal Policy and the reform strategy for the investigating authorities,
- reckoning the scope of the legality supervision powers of the prosecution service with the constitutional protection of fundamental rights and the rule of law,
- affirming the conformity of the structure of the PSRB to Article 126 (1) of the Constitution of the Republic of Bulgaria,
- increasing the initiative and responsibility of the administrative heads in the system of Prosecution and Investigation,
- shaping a local (for each unit) and national (for the PSRB as a whole) planning and reporting process under criteria of quality and effectiveness, bound to programme budgeting,
- the need of specific criteria for appraisals and disciplinary sanctions, reckoning with the specificities of the prosecutorial function and pegged to criminal procedure results,
- the specialisation, the formation of interdepartmental teams and task forces to handle complicated cases.

4.3.4 Strengthening the accountability and public trust in the Prosecutor General by introducing additional regulation of the content of the reports to the Parliament and the Supreme Judicial Council and the procedure for hearing, including by providing additional opportunities for public participation. Six-monthly reports to the SJC for corruption cases and organized crime cases, affecting individuals in senior government positions (incl. magistrates).

4.3.5 Systematising all intra-departmental acts in the prosecution service, to ensure their accessibility, the transparency of the reasons for their adoption, and thus to provide guarantees of their conformity to the law and of their internal harmonisation.

Specific goal 4: Effectiveness of the specialised prosecution office and court

4.4.1 Analysing the effectiveness of the Specialized Prosecution Office and the Specialized Criminal Court in the light of successful international models for authorities to fight corruption and organized crime.

4.4.2 Plan for development of the capacity and effectiveness of the Specialized Prosecutor's Office for work on high level corruption cases and major cases of organized crime, including by strengthening the guarantees for its independence and responsible guidance, increasing its human resource, foreseeing special measures for selection, current inspection, appraisal and motivation of its employees and upgrade of the capacity of its own analytical and operational activities while respecting the restrictions, following from Art. 119, para. 3 of the Constitution of Republic of Bulgaria.

Specific goal 5: Expert examinations

4.5.1 Developing an entire model of expert examinations, including:

- tightening the requirements for selection of experts considering their professional qualification and integrity
- requiring experts to maintain and upgrade their qualification and periodic professional appraisal, accompanied by arrangements for various forms of training

- anti-corruption measures
 - guarantees of transparency and prevention of conflict of interest
 - guarantees of an adequate case-specific choice of experts
 - adequate pay
 - a mechanism to plan the budget for expert examinations and adequate financing
- 4.5.2 Building an institutional capacity to cope with particularly complicated or expensive expert examinations.
- 4.5.3 Appropriate measures in terms of expertises in civil and administrative proceedings.

Specific goal 6: Penitentiary reform

- 4.6.1 A penitentiary reform action plan including:
- measures in response to the negative findings of the CPT and the ECtHR
 - building a mechanism internal to the Chief Directorate for Implementation of Penal Sanctions to ensure respect for human rights
 - anti-corruption policy
 - measures for reintegration of prisoners, including broader social work with each one of them
 - building a new prison and renovation of the prison buildings
 - ensuring adequate working conditions to the personnel of the Chief Directorate for Implementation of Penal Sanctions

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

Specific goal 1: Effective judicial protection of human rights

- 5.1.1 Assessing the need of constitutional guaranteeing of citizens' right to a fair trial.
- 5.1.2 Assessing the instance structure of the courts from the point of view of an effective protection of the right of access to court and the provision of effective guarantees of respect for the fundamental rights under the ECHR.
- 5.1.3 Assessing the effectiveness of the judicial review of administrative acts.
- 5.1.4 Analysing the cases in which the court was found to have restricted itself in the scope of judicial review, provided for by law, of the actions of the administration or the pre-trial proceeding authorities by exploring the reasons for this and formulating specific measures to remedy the violated right to a fair trial.
- 5.1.5 Introducing a mechanism to assess the effectiveness of the SCC and the SAC to reconcile the courts' case-law so as to achieve predictable and adequate justice compliant with human rights law and EU law.
- 5.1.6 Introducing a mechanism to improve compliance with the obligation under the Judicial System Act of the Judges' General Meeting to summarise and analyse case-law on topical legal issues on which conflicting judgments have been rendered.

Specific goal 2: Direct petition to the Constitutional Court

- 5.2.1 Drafting constitutional and legislative amendments to introduce direct petition to the Constitutional Court after a citizen and expert discussion justifying the prerequisites and the need to broaden the access to constitutional justice.

Specific goal 3: Overcoming the reasons for the ECtHR judgments against Bulgaria and respect for international human rights standards

- 5.3.1 Assessing the reasons for the steadily large proportion of ECtHR judgments finding violations in cases against Bulgaria.
- 5.3.2 Introducing an assessment of the conformity of draft statutory instruments with human rights law and standards.
- 5.3.3 Arranging a translation of all ECtHR judgments relevant to Bulgaria.
- 5.3.4 Annual reports on the development of the ECtHR case-law relevant to Bulgaria, to be prepared with the participation of the SJC, discussing the necessary measures at the Council of Ministers and laying the report before the National Assembly with discussion at the Legal Affairs Committee.
- 5.3.5 A mechanism to plan the required compulsory trainings in connection with the ECtHR case-law and with other applicable international standards in the various branches of public administration, related to judgments rendered against Bulgaria, and in the judicial authorities.

Specific goal 4: Development of the legal aid system

- 5.4.1 Improving the systems for monitoring and evaluation of the quality of legal aid offered: improvement of the selection of lawyers listed, specialisation, qualification.
- 5.4.2 Easing the access to primary legal aid.

5.4.3 Raising citizens' awareness of the legal aid system.

Specific goal 5: Court fees

5.5.1 Assessing the court fees system and analysing possible changes in it.

Specific goal 6: Restorative justice

5.6.1 A plan to introduce and popularise restorative justice approaches, including the establishment of a National Council for Restorative Justice, training at the NIJ, pilot projects and proposals for legislative amendments.

5.6.2 Pilot projects for the introduction of models of cross-sectoral integration between the court procedure and other social services and programmes in order to achieve the effects of justice without imposition of sanctions, including through appropriate amendments to the Social Assistance Act.

Specific goal 7. Juvenile justice system targeting prevention, ensuring effective protection and humane remedial measures

5.7.1 A statutory framework oriented to the rights of the child and conforming to international standards.

5.7.2 Specialised court panels and specialised units at the prosecution service and the investigating authorities.

5.7.3 Court-controlled inter-institutional coordination of the juvenile justice system reacting to each case.

5.7.4 Applying the measures envisaged in the Concept of State Policy in the Area of Juvenile Justice by developing and implementing an action plan.

STRATEGIC GOAL 6: BUILDING TRUST IN THE JUDICIARY THROUGH PUBLIC PARTICIPATION AND TRANSPARENCY

Specific goal 1: Strengthening the social responsibility of the SJC parliamentary quota

- 6.1.1 Measures for transparency of the process of nominations of SJC members by the parties.
- 6.1.2 Enhanced public participation in the election procedure of the SJC parliamentary quota.
- 6.1.3 Transparency and accountability of the work of the members of the SJC parliamentary quota.

Specific goal 2: Ensuring tangible public participation in the administration of justice through the institute of lay judges

- 6.2.1 Transparency and public participation in the election of lay judges by the municipal councils.
- 6.2.2 Transparency of lay judges and safeguards against conflict of interest.
- 6.2.3 Debate of the possibilities to increase further public participation through the institute of lay judges.

Specific goal 3: Turning the budget procedure into a tool of transparency and public control

- 6.3.1 Introducing programme and results-oriented budgeting for each judicial entity.
- 6.3.2 Public discussions involving specialised and professional non-governmental organisations of the draft judiciary budget and the budget implementation report.
- 6.3.3 Parliamentary debate at separate sittings of the judiciary budget and its implementation report.

Specific goal 4: Strengthening the transparency of the judiciary and dialogue with citizens

- 6.4.1 Periodic public opinion surveys on the judiciary and the satisfaction of citizens who have approached judicial entities.
- 6.4.2 Annual report on the transparency of the judiciary.
- 6.4.3 Introducing models for active dialogue between the judicial authorities and the various communities.
- 6.4.4 Publishing online the acts of the judicial authorities in a standard machine-readable format.
- 6.4.5 Making the acts of the judicial authorities more communicative.
- 6.4.6 Periodic research of the assessment of the business community of the performance of the judicial authorities as an element of the domestic investment climate and considering possible measures with the representative business organisations.
- 6.4.7 A mechanism to encourage alternative means to dispose of the cases as a way to build trust and strengthen citizens' responsibility and cultivating legal culture.

II. SWOT ANALYSIS

(ANALYSIS OF STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS)

STRENGTHS	
Human resources	Most judges, prosecutors and investigating magistrates have good general training and experience. Surveys, as far as available, show that the majority of them are motivated. This applies in an increasing degree to the administrative staff as well. A new and vibrant generation of magistrates has emerged in the judiciary over the last decade. This fact is an important point of departure for planning the reform: the competence and motivation of human resources should be viewed as a potential motor force for the indispensable internal transformation. A foremost priority is to invest in the development of the qualification and motivation of those working in the judiciary.
Magistrates' activation	Recent years have seen clear signs of an ever more active commitment of judges and prosecutors to particular problems of the units where they work and the overall state of the judiciary. On a voluntary basis, small groups often work on specific projects, and there is an ever more active involvement in the appointment procedures, a more active professional debate is taking place on matters concerning the state of the judiciary, professional associations are at the forefront of withstanding and arguing its independence. An authentic internal professional leadership is taking shape in these processes, judges' and prosecutors' independence is defined in practice, and consensus is reached on necessary changes. The reform should be structured in such a way as to encourage a growth of this tendency and to create the institutional and procedural forms in which its significance for the administrating of the judiciary would steadily increase. Each Bulgarian magistrate should be able to influence and share in the administrating of the judiciary and to do it responsibly.
Substantial investments	Substantial investments have been made in the modernisation of the judiciary over the last 15 years: raising the remunerations, capacity for initial and continuing qualification, an increase in the number of judges, prosecutors and administration employees, initial computerisation of the workplaces, renovation of the building stock, etc. Poorly planned, unsustainable and considerably ineffective as they were, as a result of these investments the judiciary is, on the whole, among the well provided for public sectors. Certainly, there are some dramatic exceptions in this respect. The availability of these resources represents a good starting base for the reform, which is supposed to introduce guarantees of effective management and, at the same time, to continue the investments, but also to tap internal reserves.

Success stories	The same 15-year period has seen examples of successful reforms: the establishment of the NIJ, the introduction of the competition principle, the affirmation of the public nature of the procedures for appointment to administrative positions, various measures for transparency and reduction of the caseload of the courts, etc. Certainly, each of these success stories can be discussed with reservations and threats of their erosion can be identified. Nevertheless, they clearly show that successful reforms are possible and produce tangible results. The Strategy prioritises the consolidation and following up on these examples and learning from their experience.
Public support for a reform	Opinion polls invariably show that the Bulgarian public sets a top priority on the problems of the judiciary and the need to reform it. This fact is usually viewed through the prism of mistrust. At the same time, it is a clear indication that civil society realises the need of reforms. If public opinion is adequately informed and a political consensus is reached on a clear and long-term reform programme, it can undoubtedly rely on public support. To fulfil this potential, the Strategy counts on public opinion research and an extensive use of discussions and forms of enhanced accountability and citizen participation.
Part of the EU and CoE judicial area	Bulgaria's judiciary is part of the judicial and institutional area of the European Union and the Council of Europe. This implies the presence of a detailed framework of standards and recommendations, as well as of reform-motivating institutional factors. Bulgarian magistrates implement European legislation, they undergo training and collaborate with their European colleagues. The Strategy basically aims to steer the reform process towards implementation of the existing EU and CoE standards.
WEAKNESSES	

Corruption	<p>Corruption is a problem of State governance in Bulgaria in principle. It is not simply a question of a high background of individual economically motivated acts of corruption, but of an entrenched existence of echeloned models of systematic abuse of public powers, targeting power and supplanting its public nature. Corruption in the judiciary is a particularly sensitive problem, insofar as it is precisely the judicial institutions that are called upon to be an immune system resisting corruption in the rest of the public sectors. At the same time, the structural factors for self-containment of the judiciary create a specifically fertile ground for corruption to take roots. It is important to emphasise that any restriction of the independence of the court is a form of undue influence and corrupts the process of exercise of judicial power. In practice, the forms of undue influence and pecuniary corruption are phenomena that generate each other and exist in a system. The forms of undue influence include:</p> <ul style="list-style-type: none"> • Political influence and pressure on the part of political factors, the executive and the security services, etc., • Forms of economic pressure, • Various forms of administrative pressure, including abuse of control, regulatory and disciplinary powers, • Conflict of interest within the context of personal family and social links and affiliation to various formal and informal communities; • A strongly negative public environment and threats to personal and family security (immediate and such expressed in high levels of background personal insecurity for lack of effective mechanisms for the prevention and protection against threats). • Etc. <p>In order to propose an integral approach to corruption prevention, the Strategy envisages a system of measures addressing each one of these specific areas of concern.</p>
Critically low level of public trust	Public mistrust in justice has reached levels which are inevitably destructive to magistrates' motivation, the stability of justice-administration institutions and the socio-political atmosphere in the country.
Absence of political will and a consistent reform programme	A sustained political will for carrying out the necessary reform has been absent in the years since Bulgaria's accession to the EU. Even though several successive governments took isolated reform steps of a varying degree of usefulness, what is lacking is a clear coherent plan conforming to international standards and recommendations and to our own democratic experience. As a result, progress is at best partial and its irreversibility is not guaranteed.
Poor legislation	The law-making process in Bulgaria is seriously flawed: the legal framework is extremely unstable, there is no transparency, a realistic assessment of the impact of planned legislation is not made, the expert capacity is insufficient, etc. All this has an exceedingly adverse effect on the operation and capacity of the judiciary.

Important areas excluded from the reform	A number of areas that are crucial for the success of the reform are either left aside or straightaway excluded from the range of judicial reform efforts and even from the public debate on this reform. Examples in this respect include the state of higher education in law, the state of administration of commercial justice in connection with the business climate in this country, the reform of the investigation service. The debate on the state of, and need of reforms in, the prosecution service is also quite inadequate. Despite the significant efforts made in these sectors in recent years, insufficient attention is paid to juvenile justice and legal aid.
Poor administration and inefficiency	The lack of good governance is a fundamental problem of the judiciary. There are no sustained models for planning and implementation of durable policies. Human and material resources are not allocated rationally. The accountability mechanisms, from statistics to the responsibility of administrative heads, do not guarantee genuine responsibility.
Negative selection elements	Appraisal procedures and disciplinary regulation remain insufficiently effective in ensuring a positive career selection and motivation. Even though competitions were an exceedingly important step, the manner of their conduct continues to cast a doubt on their objectivity. The widespread practice of seconding magistrates is turning into a parallel career process.
Mentality change needed	Despite substantial changes in this respect in recent years, part of the magistrates continue to espouse cultural models that do not facilitate the effectiveness of the judiciary and its functioning by European standards. Formality and unawareness that respectful treatment of citizens is an important part of administration of justice all too often dominate work, the European standards of human rights protection are not always respected in a sufficient degree, not all magistrates regard the need to steadily upgrade their professional qualification as part of their duties, and professional ethical regulation is not yet realised in a sufficient degree as a value.

OPPORTUNITIES

Experience amassed	During the 23 years since the adoption of the effective Constitution, considerable practical experience has been amassed, expressed in the case-law of the Constitutional Court, in numerous legislative and organisational reforms, in socio-political and professional debates and clashes, in specific assessments and recommendations of authoritative international experts and bodies. All this constitutes a tangible empirical basis for adequate planning of the specific reforms within the context of the Bulgarian democratic tradition and socio-political realities. Moreover, this experience and an established tradition of its rationalisation make it possible to analyse the particular systemic reasons for one problem or another and to reveal the often hidden mechanisms of pathological phenomena. Thus, this Strategy proposes measures that are not merely based on the general principles of organisation of judicial systems or good international practices, but on substantial practical experience which enables the best assessment of what solutions would work in Bulgaria.
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Age structure of the human resources of the judiciary	According to SJC data, 62 per cent of the judges, prosecutors and investigating magistrates are aged under 45. This suggests a major generational renovation of the human resources of the judiciary institutions. Quite a few of these magistrates joined the judiciary through competitions and are highly motivated to work, precisely because they have expected a quick improvement of the state of justice institutions in recent decades. Their energy and desire to work with dignity on a modern, effective and genuinely independent European judiciary is an essential asset of the reform whose potential must be realised through the measures envisaged in the Strategy.
Development of analysis and governance technologies and methods for the judiciary and new forms of justice	The Bulgarian judiciary is reformed during a period in which the revolution of computer and information technologies radically changes institutional models. On a global scale, substantial know-how is available in the field of e-justice, which tangibly transforms the way of work and administrating the justice institutions and allows a quantum leap in the level of their transparency, effectiveness and security. At the same time, the rapid advancement of legal science and various new interdisciplinary approaches to analysis of justice and the relevant social relations lead to a change in the paradigm regarding the analysis of judicial institutions, their governance and organisational development. Last but not least, a number of new approaches to the administration of justice itself and the attainment of its objectives are evolving, like restorative justice or hybrid models combining justice with other social programmes. All these developments offer an ample pool of options to address the issues of the Bulgarian judicial reform and achieve swift modernisation.
Substantial internal resources	The judiciary institutions have substantial resources which are not put to the best possible use and provide untapped reserves for reform. In the first place, this is due to the ineffective territorial structure and distribution of human resources. There are specialised bodies whose caseload is considerably lighter than the caseload of the general bodies. A just as important aspect of this issue is the fact that the expertise and experience of judges, prosecutors and investigating magistrates is not adequately used in the process of managing the various processes in the judiciary.
EU funds and EU monitoring	As part of the European Union, Bulgaria has access to substantial resources in the form of financing, expertise and commitment of the EU institutions and Member States. The Cooperation and Verification Mechanism has proved effective in ensuring the necessary independent external diagnostics of problems and as a strong political motive for reform. The institutional developments within the EU itself in the sphere of justice and the new horizontal monitoring instruments also provide additional reform tools in Bulgaria. Last but not least, the fact that this update comes at the same time as the start of the new programming period makes it possible to finance a large part of the measures under the Strategy with EU funds.

THREATS

Motivation to retain the status quo	The present state of the judiciary is in the interest of various political and economic factors. There are groups in the judiciary itself which stand to gain various benefits and advantages from its unreformed status. Accordingly, none of them is motivated to support a reform, especially one that would bring tangible changes to the existing situation. Certainly, the most important and the largest group in this respect is the group of judges, prosecutors and investigating magistrates who would be inclined to oppose particular reforms due to a mere reluctance to expose themselves to changes of potentially unpredictable consequences.
Political speculation	Without a consistent governance will for reform and without a clear reform plan, on the one hand, and with intensifying public expectations of reform, on the other, a political niche is opening up for political speculation with a potentially destructive effect. The attacks against the independence of the court are already a trite example in this respect. In addition to them, there are the calls for direct election of judges and prosecutors, as well as for an entirely new constitution without specifying its content, which, within the present social context, may have unpredictable consequences.
Tiredness of reforms and of the CVM	After more than a decade of attempts to reform the judiciary and seven years of monitoring within the framework of the Cooperation and Verification Mechanism of the European Commission, the familiar symptoms of “reform fatigue” have appeared: motivation running out at the collective and individual level, actors demoralised and losing direction. This fatigue affects both the domestic participants in the judiciary modernisation process and our external partners. The potential effect of the reform fatigue could be particularly harmful in respect of judges, prosecutors and investigating magistrates.
Bulgaria’s lag within the EU context	The stagnation of judiciary reforms in this country results in a widening contrast with the rest of the newly acceded EU Member States. This lag is ever more seriously damaging to our country’s reputation and erodes its credibility within the EU, which is a key factor of the full-fledged use of all opportunities which EU membership offers.
Changing international environment	The complicating international situation around Bulgaria, the emergence of new hotbeds of tension in Europe and the deepening of the conflicts in the Middle East, together with the new hybrid and asymmetric forms of confrontation, will inevitable confront this country’s law-enforcement and law-protection institutions with a considerable increase in cross-border crime. The weakness of the Bulgarian institutions is turning into an increasingly serious factor in the face of growing criminal and related corruption pressure.

III. PRINCIPLES AND HORIZONTAL APPROACHES OF THE STRATEGY

1. Reckoning with international standards

The Strategy is sourced mainly in the applicable international standards and in the first place those ensuing from documents of the Council of Europe and the European Union. In the second place, the measures in the Strategy should be applied conforming to the recommendations concerning Bulgaria that stem from the ECtHR judgments, the comments of the Venice Commission and the reports from the European Commission under the Cooperation and Verification Mechanism. This is the first time that a policy and governance document has formulated a reform vision based on a systematic summing up of this entire international base.

2. Taking account of the Bulgarian experience

The Strategy proceeds from Bulgaria's specific constitutional, governance and socio-political experience. Building an independent and effective judiciary, apart from being a matter of applying the general principles of constitutional law, also depends on reckoning with the specific national traditions and context. The measures envisaged in this Strategy therefore rest on our specific national experience, and this is a guarantee of their adequacy. The Strategy comes at a time when Bulgarian society as a whole and the professional community have amassed substantial democratic experience and are aware of the need of, and are ready to go ahead with, modernisation of the judiciary on this basis.

3. Guaranteeing court independence

The key point of departure and goal of the Strategy is to guarantee the independence of the court. All measures envisaged in the Strategy should be applied in the light of this fundamental principle. In recent years, Bulgarian society and the jurist community have realised the value of judges' independence not just as an abstract principle but as a lesson learnt from their own democratic experience. In this respect, the Strategy sets itself the objective to flesh out this socio-political maturation and to create conditions for turning it into a sustained statutory and institutional reality. The Strategy views the status of the prosecution service as part of the judiciary as an important guarantee of the independence of the court.

4. Preventing corruption and the forms of undue influence

A key goal of the Strategy is the prevention of corruption, regarded as a result of the interaction of various forms of undue influence on judges, prosecutors and investigating magistrates. The effective fight against corruption requires systematic containment of all these factors. In this sense, all measures in the Strategy targeting the establishment of good governance should be planned and evaluated from the point of view of their anti-corruption effect. The Strategy sums up the experience of the application of various anti-corruption measures in recent years and formulates a next-generation anti-corruption plan.

5. Protecting human rights

Human rights are a key landmark for the Strategy, which is based on the understanding that guaranteeing human rights is fundamental to all elements of the organisation and functioning of justice. The effective guaranteeing of the right to a fair trial and the orientation of justice to the human person and to society are key elements of the mentality change that the Strategy is trying to foster.

6. Professional self-governance

The mechanisms of professional self-governance on the part of judges, prosecutors and investigating magistrates, reckoning with the specificities of their functions, are an essential tool of the Strategy for the implementation of good and responsible governance. The totality of measures intended to enlist the individual judge, prosecutor and investigating magistrate in administrating the entities in which their work and the judiciary as a whole is intended to ensure professional legitimacy and profession-wide democracy of the decisions made while curbing the existing forms of administrative pressure. At the same time, the purpose of this approach is to enhance magistrates' responsibility for the state of the judiciary, to unlock their potential for internal transformation and to catalyze a long-term change in the professional and institutional culture and ethos. From this point of view, the Strategy sets itself the objective to revive professional ethical regulation on the basis of an actual initiative of the members of the profession themselves and a free debate among colleagues.

7. Good governance instruments

A key objective of the Strategy is to introduce modern instruments of planning and reporting for a transition to effective and transparent governance. The introduction of guarantees of transparency, programme budgeting and target-oriented planning, geared to empirically justified standards, is supposed to result in an improvement of the effectiveness of functioning of the judiciary entities and of the management of judiciary resources.

8. Knowledge-based governance

The implementation of the Strategy presupposes the conduct of a large volume of research and analyses. A purpose of the Action Plan under the Strategy is to have this done with the support of funding under Operational Programme Good Governance. A sustained change in the state of key subsystems of the judiciary is impossible to achieve without using the tools of modern management and organisational psychology, adequate statistics and flexible employment of demoscopic methods. Apart from ensuring a specific empirical and scientific justification of the measures planned after the respective research, the Strategy targets making this research an incubator for nurturing a modern expert and methodological capacity inside the judiciary. Thus, apart from the empirical justification of the goals that will be attained within the seven-year period of the Strategy, the judiciary will develop a sustained organisational and methodological potential to govern itself on the basis of modern multi-disciplinary research.

9. Quantum leap in effectiveness on the basis of technological modernisation

A fundamental objective of the Strategy is to provide organisational and logistical support (through Operational Programme Good Governance) for a technological leap in the administrating of the judiciary. The completion of the belated technological re-equipment constitutes an overall transformation of the administrative processes in the judiciary institutions, viewed as cybernetic units. Thus, the Strategy envisages an express and properly resourced action plan for the implementation of computer and information technologies with adequate security guarantees as a "backbone" of the modernisation of the judiciary.

10. A citizenry-conscious judiciary

Restoring public trust in the judiciary, on the one hand, and the motivation of judges, prosecutors and investigating magistrates as real public mandate holders, on the other, requires a package of measures for transparency, citizens' immediate participation in justice and citizen representatives' sharing in key governance decision making. An effective means to this end will be to-the-point programmes, implemented at the local level and ensuring a direct contact

between magistrate and citizen.

11. Restorative approach

Shifting the focus from a penal sanction that is often an end in itself towards an integrative effort to restore disrupted personal and social relationships is a modern tendency in justice and an important approach in the present Strategy. On the one hand, it envisages the introduction of forms of restorative justice in the work of the various judicial authorities, along with forms integrating justice with intervention programmes. On the other hand, in a broader sense this approach targets the judges, prosecutors and investigating magistrates themselves. Measures are introduced to build supportive tooling for career assessment and human resource development of the judiciary instead of using sanctions (negative appraisals or even disciplinary sanctions) as a foremost and so far almost the only means to solve problems in the work of a magistrate. The Strategy envisages the introduction of personal development plans, various trainings and programmes as means of positive motivation and professional improvement preceding the recourse to penalty. At the same time, the Strategy seeks to add expectations of social competence and commitments to the requirements to magistrates' professional accomplishments and to introduce measures that cultivate them. Thus, in the long term the Strategy targets reinforcing the humane mentality of those working in the judiciary.

Mechanisms ensuring the implementation of the Strategy and public participation

1. Roadmap

The measures envisaged in the Strategy are elaborated and particularised in a detailed Roadmap for its implementation. The Roadmap will be updated if necessary.

1.1 Roadmap structure

For each measure of the Strategy, the Roadmap lists specific actions, financing, expected results, indicators of compliance and responsible institutions.

The measures are clearly defined and grouped thematically into specific goals for the achievement of each strategic goal. They contain both specific actions and actions related to the conduct of preliminary research, expert analysis and/or a broad public discussion. Provisions are also made for forms of coordination, including the holding of roundtables or a structured dialogue process.

Each measure comes complete with an indicative budget for the implementation of the actions planned and the source of financing.

The responsible institutions are set forth in the Roadmap as a lead institution and a partner institution: commitment, assistance and cooperation are thus ensured for the attainment of the expected results.

1.2 Indicators

For each measure, the Roadmap provides for the formulation of fulfillment indicators: both for the *de facto* implementation of the particular steps (e.g. adoption of the respective statutory instrument or amendment) and for the achievement of the effect for the sake of which the measure was included in the Strategy.

2. Authorities coordinating and reporting the implementation of the Strategy

The Strategy envisages measures which fall within the competence of the Ministry of Justice, the Supreme Judicial Council, the Prosecution Services of the Republic of Bulgaria, the Supreme Court of Cassation, the Supreme Administrative Court, the National Institute of Justice, the Inspectorate with the Supreme Judicial Council and the National Legal Aid Bureau. Along with them, the application of particular measures will enlist the Ministry of Interior, the Ministry of Finance, the Ministry of Education and Science, the Ministry of Labour and Social Policy. Members of the legal professions, representatives of organisations, civil society, etc. can be included as partners as well. In implementing the measures and actions set in the Strategy, all responsible institutions should be involved in an integral process ensuring an adequate possibility to exercise powers and interests and, at the same time, guaranteeing the best possible organisation of the process *vis-à-vis* its productivity.

2.1 Strategy Implementation Council

A Council will be established for the implementation of the Strategy, including: the Minister of Justice, a Deputy Minister of Interior, the Member Representing the SJC, a Deputy Prosecutor General, a Vice President of the Supreme Court of Cassation (SCC) and of the Supreme

Administrative Court (SAC), and a representative of the Bar.

In order to ensure public participation, the complement of the Council will also include representatives of civil society organisations as one of the key stakeholder groups.

This Council will coordinate the State policy with regard to the implementation of the Strategy, the progress of legislation initiated to carry out the respective measures and the budget issues, and will also decide on the need to update the Roadmap.

The Council will meet at least once every half year.

2.2 Administrator of the Strategy Implementation Council

The immediate arrangements for, and coordination of, the meetings of the Strategy Implementation Council will be entrusted to the Justice, Law-Making and Projects Directorate at the Ministry of Justice.

3. Coordination

The coordination process includes the following forms:

3.1 Working groups

The expert part of the implementation of the Strategy and the Roadmap will be carried out by expert groups formed by the Minister of Justice or the relevant responsible authority. Representatives of the principal stakeholder parties, according to the Roadmap, will be invited to participate in the work of the expert groups.

3.2. Roundtables

Public discussion of specific proposals or on a matter envisaged in the Strategy (justified measures).

The proposals, together with accompanying documents, will be made available to all stakeholders at least two weeks before the date of the roundtable. Information on the roundtable and the documents on it will be published on the Internet site of the Ministry of Justice. Representatives of the stakeholder groups will be invited to participate. The members of the working group which has prepared the relevant proposal and representatives of the members of the Strategy Implementation Council will attend the discussion. A recording will be made or minutes will be taken of the discussion during the roundtable, and its highlights will be summed up and uploaded on the Internet site of the Ministry of Justice.

3.3. Structured dialogue

A process of continuous discussion without meeting in person, including invitations to submit written comments. It may include exchange of proposals on hard copy or in an expressly created forum on the Internet site of the Ministry of Justice.

4. Self-monitoring and evaluation mechanism

Progress in implementing the Strategy will be reported annually by the Strategy Implementation Council by means of a report published on the Internet sites of the Ministry of Justice and the SJC. The report will cover progress on each measure.

5. Renewal of the Strategy

Every stakeholder or organisation may submit proposals for renewal of the Strategy and the Roadmap. The administrator will summarise the proposals received and will present them to the Strategy Implementation Council, which will adopt decisions on their inclusion in the Strategy or Roadmap.

6. Research

Empirical, sociological, expert and comparative-law research will be conducted for the implementation of the measures and actions envisaged in the Strategy and the Roadmap.