

Strategy for prevention and counteraction of corruption in judicial system

Adopted with record of proceeding № 12 from the session of the Supreme Judicial Council held on 28. 03. 2013.

OBJECTIVES

The strategy is directed to counteraction of corruption and increasing the confidence in judicial system.

Objective 1. To propound a set of principles, tools and measures for prevention and counteraction of corruption in judicial system as a part of the process of judicial reform.

To achieve this goal the Strategy stipulates establishing of relevant rules of behaviour and mechanisms for their realization, which also shall be a base of future judicial and organization measures, directed to the institutional development and strengthening of the separate units of the Judiciary /court, prosecution and investigation/ in the context of prevention and counteraction of corruption phenomena.

The strategy reports on the constitutional changes affecting the Judiciary, anti-corruption legislation and approved by Supreme Judicial Council (SJC) secondary legal instruments which result directly from the Strategy for the reform of judiciary and the Judiciary system act.

Objective 2. To meet the new challenges, associated with Bulgaria`s participation in the Mechanism for cooperation and verification (CVM), introduced by the accession of Bulgaria to the European Union (EU). To overcome the problems in the area of the judicial reform and the fight against corruption SJC continues with a discussion and implementation of the government adopted Action Plan to implement the recommendations of the European Commission and the progress indicators /benchmarks/ on CVM. The Strategy is also based on the Council of Ministers adopted strategy of continuing the reform of judiciary in the conditions of Bulgarian full EU membership, where the fight against corruption in the judiciary is one of the main strategy objectives to be achieved.

SJC to prepare periodic reports on actions taken on the Chart of urgent measures and actions of government and the bodies of the judiciary power for implementation of progress indicators in the area of the judicial reform, fight against corruption and the organized crime.

Objective 3. Increasing the public confidence of Bulgarian citizens to the rule of law in the State to the judicial bodies and SJC to confirmation of predictable administration, building cooperation with non-government organizations (NGOs) and civil society and strengthening of civilian control.

TASKS

1. To contribute to achieving fast and effective justice.
2. To raise the awareness and public confidence in the judiciary.
3. To strengthen the civilian control as creation of conditions for active participation of citizens in prevention and revealing of corruption practices in the judiciary.
4. To cooperate in rising of public assessment for effectiveness of the work of judicial bodies.
5. To provide conditions for greater transparency in the work of the tribunals.
6. To create active control mechanisms for identifying and sanctioning the abuse of power and other forms of corruption behaviour by magistrates.

7. To increase the effectiveness in preventing corruption practices and restriction of the risk of corruption.

PRINCIPLES

The Strategy is based and ensure the observation of following constitutional principles of the rule of law:

- primacy of law ;
- independence of judiciary;
- protection of the rights and interests of citizens.

TOOLS

The main tool of counteraction of corruption are the preventive actions. To achieve the outline objectives and tasks SJC should improve the introduced and working tools for combating corruption:

1. Central web-based interface for judicial acts publishing.
2. Reassertion and strict adherence to the principle of random sample in distribution of cases and files to the judicial bodies.
3. Determination by lot of three-member disciplinary panel from the members of the Supreme Judicial Council.
4. Popularization and improvement of the implemented Unified system for receiving and processing of appeals and corruption signals in the judiciary.
5. Improving of the confirmed competition commencement in appointment, moving and promoting on duty the magistrates.
6. Validation of the implemented principles of mandate of Administrative heads, as well as for the introduced criteria for appraisal and appointment of magistrates and also evaluation criteria when acquiring tenure.

ANTI-CORRUPTION MEASURES FOR IMPROVING THE WORK OF MAGISTRATES

1. Personnel policy.

1.1. New qualitative level of competition holding and improving the rules of their conduct:

- a) collecting of maximum information from different sources of the moral - ethic qualities, as well as economic, family and social status of their participants;
- b) afford a great opportunity to discuss the applications of the candidates by the representatives of the civil society, too;
- c) afford an opportunity especially in competitions for managerial positions, questions to be asked from each member of the magistracy;
- e) equalization of criteria, indicators and the matter in which competitions would be conducted for the purpose of the equal treatment of the candidates;
- f) implementation of criteria for examining committee formation.

1.2. New qualitative level of the appraisal process with a special accent in cases when the magistrate will acquire tenure. Improving of the mechanisms for quality control of the work of magistrates through strict and transparency observing of the rules for their appraisal.

- a) collecting information from relevant bodies, the other regional human right

structures for the moral – ethic qualities, as well as for the economical, family and social status of the magistrate;

b) a thorough hearing and discussion with the magistrate and his/her colleagues on his/her entire professional performance, as well as examination of the composed acts by him/her.

c) carefully analyzing all statistics data covering the work of the magistrate.

1.3. The nomination and appointment of magistrates on conducted by SJC procedures should become more transparent and predictable by introducing of clear rules and indicators as well as with the establishing of permanent practice.

1.4. Ensuring the objective evaluation of magistrates during their appraisal.

2. Actions of approving the Code of Ethical Behaviour of Bulgarian Magistrates

2.1. Approving the principles and rules, regulated in the Code of Ethical Behaviour of Bulgarian Magistrates.

2.2. Constantly training of the judges, prosecutors and investigators on the rules of the Code of Ethical Behaviour of Bulgarian Magistrates.

2.3. Approving the role of the Committee "Professional ethics and prevention of corruption" at the SJC (CPEPC) .

2.4. Approving of mechanisms for public announcement of the rules on committees on Professional ethics at the judicial system bodies.

2.5. Developing periodic accountancy mechanism and information exchange between the committees on professional ethics at the judicial system bodies and CPEPC at the SJC.

2.6. Approving the principle of self approaching of CPEPC for all the cases of messages in mass media means of information at the events and actions of magistrates` actions in violation of the ethic rules or in cases of corruption.

2.7. Improving the information of the civil society about the undertaken from CPEPC and committees on Professional ethics at the judicial system bodies preventive actions and actions against the concrete acts of corruption and through popularization among the society of the post boxes in the judicial buildings, intended for receiving signals about corruption practices.

2.8. Increasing the initiative of SJC and judicial system bodies in the implementation in common acts with government bodies in direction of work – professional ethics and prevention of corruption.

3. Analysis and reporting on the workload.

3.1. Developing a methodology for determining and reporting on the workload of judicial system bodies. Reporting on the workload of the magistrates in their appraisal and professional progress.

3.2. Ongoing monitoring, analysis of the workload of the judicial system bodies and optimization of the staff in separate courts and prosecutors` offices.

3.3. Preparing and maintaining a register of the magistrates seconded in the judicial system bodies.

3.4. Overcome the problems associated with the uneven workload of the judicial system bodies under the terms of active partnership with the non-government sector, the professional organizations of magistrates, the engaged state institutions, as well as with Administrative heads of judicial system bodies and separate magistrates.

3.5. Identification and analysis of the additional factors leading to uneven workload of the magistrates and propounding of current measures for their overcoming.

3.6. Ensuring a fully publicity, transparency and accountancy in the implementation of activities directed towards overcoming of the uneven workload in the judicial system bodies.

4. Disciplinary proceedings.

4.1. Improving the criteria and mechanisms for establishing of the disciplinary offences and the procedures for disciplinary sanctions with a view to their speeding up.

4.2. Providing for timely exchange of information between the permanent committees at the SJC, Inspectorate at the SJC and the specified by the law persons who can make a suggestion for imposition on disciplinary sanctions.

4.3. Conducting a uniform, consecutive and predictable disciplinary activity in order to increase the responsibility of the magistrate.

4.4. Introduction of statistics for the disciplinary violations made by magistrates as well as the number and types of offences imposed and their publication on the web site of SJC.

5. Finances and resource organization. The budget planning.

5.1. Improving the adopted by SJC rules to ensure the growth of salary of magistrates as well as their additional financial incentives in cases provided for by Judiciary system act.

5.2. Optimization the performance of the units in the judicial system in order to liquidate of unnecessarily activities, offices and staffs as the exempt material resources should be directed to meet the needs of magistrates and employees who work thoroughly, responsibly, lawfully and with high load.

5.3. Creating conditions for installation of POS terminal devices in the judicial system bodies according to the requirements of the Law on restriction of cash payments and subject to the requirements of VAT №02/08.03.2012.

5.4. Periodically analyzing and reporting the functioning of the systems build for financial

management and control in the judicial system bodies as well as the internal audit of the assimilation and management of budgetary resources.

5.5. Creating a system for revenue guidance from the work of judiciary to its budget for its reasoned increasing.

6. Media policy

6.1. Institutionalization of civilian control.

To approve the monitoring role of the civil society organizations and to increase the preventive function of the civilian control is needed further regulation of their participation in the anti-corruption development and evaluation process. This will be achieved by:

- a) Strengthening the civilian control and involvement of civil society organizations representatives in the policy-making process for transparency in the work of judiciary;
- b) Inclusion of citizens, NGOs and Medias in the development and updating of programs and projects as members of work groups and committees;
- c) Cooperation with NGOs and Medias in developing and implementing a mechanism for publicity and transparency of the anti-corruption tools and policy.
- d) Strengthening the anti-corruption cooperation between the state institutions, NGOs and mass media – developing concrete programs and agreements with media for the issues covering;
- e) Partnership and coordination with the NGOs in development and implementation of anti-corruption training programs;
- f) Participation of NGOs and media engaging in the informational training anti-corruption activity.

6.2. Conducting purposefully informational policy, as well as making efforts in terms of the proactive public communication.

6.3. Increasing the public assessment of the magistrates' performance effectiveness, as well as the reinstatement of the confidence in the judiciary.

6.4. Development of popularization policy through the media for the manners and means for signaling corruption in order to form a civil climate of intolerance to these phenomena;

7. Introduction of new informational technologies.

7.1. Improvement and implementation of the informational technologies, unification of the web sites of all judicial system bodies.

7.2. The implementation of a uniform Internet portal administrated by SJC.

7.3. Taking actions for the practical implementation of e – justice with the resulting transparency, efficiency of magistrates` acts and saving of public funds.

7.4. Active participation of the interagency board for the purpose of completing and putting into commission of IISCC.

7.5. Definitely implementation of a centralized AIS – “Criminal Record Bureau”.

7.6. Monitoring and controlling the courts for the immediate publishing of judicial acts.

7.7. Implementation of electronic files and cases preservation in all judicial system bodies.

8. Activities on analyzing and approving the random selection principle for the distribution of the files and cases in the judicial system bodies.

8.1. Improvement of the automatic distribution case mechanism on the basis of the random selection principle.

8.2. Developing a uniform methodology on applications of the random selection principle for the distribution of cases to eliminate the defects and deficiencies of the random distribution of cases.

8.3. Exercise systematic control on the observing of the random distribution of cases.

9. Measures for administration performance improvement of the judicial system bodies.

9.1. Redistribution of staff positions for clerks of court from all judicial system bodies for optimization of its adequate distribution in the judicial system bodies for ensuring a normal working process.

9.2. Periodic locally inspections from the judicial system bodies in order to compliance of the requirements engendered by SJC decisions in the area of the personnel policy, emanating from the competences of „Judicial administration” Committee.

9.3. Organization periodical meeting on representatives of „Judicial administration” Committee and „Budget and Finance” Committee with representatives of the „National association of court clerks” in reference to discuss problems caused by the lack of human and material resources for ensuring the quality and timely discharge of the cases.

9.4. Conducting of workshops on Appellate areas on representatives of „Judicial administration” Committee with administrative heads, court administrators and/or administrative secretaries to discuss problems and assumptions related to the staff security of court clerks.

9.5. Implementation of time standards for the administration of the separate types of files and cases.

9.6. Implementation of objective criteria for court clerks selection in approving of the confirmed competition commencement.

Strategy coordination and implementation

All judicial system bodies which have duties on the Strategy for prevention and counteraction of corruption in the judicial system will periodically provide information of implementation and execution of the measures set out in the „Professional ethics and

prevention of corruption” Committee strategy at the SJC. The information will be summarized and analyzed.

The Strategy will be updated and further developed in line with the decisions taken by the SJC, the acts and documents prepared by the Council of Ministers and EU.