

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY BULGARIA**

**ARTICLE 11 UNCAC**

**JUDICIAL AND PROSECUTORIAL INTEGRITY**

**BULGARIA (THIRD MEETING)**

**Paragraph 1 of article 11**

Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to **strengthen integrity and to prevent opportunities for corruption among members of the judiciary**. Such measures may include rules with respect to the conduct of members of the judiciary.

*Has your country adopted and implemented the measures described above?*

**(Y) Yes**

In 2007 a new Law on Judiciary (LJ) was adopted (SG issue 64/2007). The constitutional principle of magistrates' independence is reproduced and further developed in the regulations of art. 2, 4 and 6 of the law, which are ensuring the legal and impartial application of the law by magistrates. Based on the changes made in 2006 and 2007 in the Constitution of Republic of Bulgaria the new LJ improves and develops an acting judicial system as a further development of the priorities of judicial reform. The law sets the purpose of consolidation, independence and effectiveness of judiciary whose reform is aiming to ensure full protection of the principles of the constitutional state and effective application of European standards in jurisdiction including with requirements for transparency and high level of professional qualification. The law introduces additional guarantees for the independence of judiciary; stipulates the permanent activity of the Supreme Judicial Council (SJC); creates legal opportunities to ensure reporting, transparency and effectiveness in the activities of judiciary. SJC approves decisions for election, promotion and release of magistrates based on the proposals of the Permanent Commission on Proposals and Attestation of Judges, Prosecutors and Investigators, criteria for attestation being settled in the law for the purpose of transparency and control over carrier growth of magistrates.

An additional guarantee for the magistrates' (prosecutors, judges and investigators) independence are the rules, set out in the general Code of ethics of the magistrates (from the year 2009), which forbids all unwarranted contacts. Beside the aforesaid the LJ

provides for the possibility of bearing disciplinary responsibility, including imposing the most severe disciplinary penalty - dismissal for violating the rules of the Code of ethics. Furthermore, the Law on Judiciary created a permanent Inspectorate within the SJC as a fundamentally new structure which observes the activities of all organs of the judiciary without effecting the essence of their judicial activities. This structure is independent both from legislative and executive authorities. The verification and analysis of the activities of the judiciary by the Inspectorate (art. 132a, para 8 and 9 of the Constitution) are performing an important function: elaboration of greater transparency for society regarding the accomplished and pending activities by the judiciary. By the Inspectorate's verification and analysis of judicial activities the public announcement of information for judiciary work makes such judiciary activities more transparent and known to society. In order to strength efforts for prevention and combating of corruption among law enforcement and magistrates the SJC enlarged the monitoring on cases of high public interest.

The legal principle of independence is further guaranteed by means of random assignment of files and cases in the courts, prosecutor's offices and investigation services by the Life Choice software, developed by the Supreme Judicial Council (SJC).

The LJ also stipulates provisions for incompatibility of magistrates' positions with holding, respectively practicing other professions and activities. (Chapter Nine „Statute of judges, prosecutors and investigators”, Section III „Incompatibility, art.195 LJ). Magistrates shall be dismissed on the grounds of art. 165, sec. 7 of the LJA, if such incompatibility is discovered.

Moreover, a *Strategy to continue the judicial system reform in the conditions of European Union membership* was drawn up by the Ministry of Justice in partnership with leading non-governmental organisations. The most important goals of the Strategy are better management of the judicial system; quality justice, placing the citizens' point of view in the focus of the debate about the judicial reform; combating corruption in the judiciary. The priorities which will make the achievement of the strategic goals of the reform realistic were also formulated. The amendments to the Judiciary System Act which are prepared at present and which aim at the strengthening of its independence and effectiveness, and introduce high criteria for professional qualification and transparency of the judicial system, are in compliance with these priorities.

The Prosecutor's Office of the Republic of Bulgaria is part of the judicial system (arg. of art. 117, par. 2 of the Constitution).

**Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:**

The disciplinary practice of the SJC regarding the sanctioning of trade in influence and breach of ethical standards has been activated. The Code of ethics of the magistrates is traditionally applied as an instrument for removing the magistrates, who are harming the image of the profession. For grave breaches criminal proceedings against magistrates are

instituted. For the year 2011 12 criminal proceedings against 13 magistrates (3 judges, 7 prosecutors and 3 investigators) have been concluded by a verdict.

***Have you ever assessed the effectiveness of the measures adopted to strengthen integrity and to prevent opportunities for corruption among members of the judiciary?***

**(Y) Yes**

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

The results of the assessment of the effectiveness of the respective provisions led to numerous amendments in the Law on Judiciary.

Paragraph 2 of article 11

2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

*In your country, does the prosecution service form part of the judiciary?*

**(Y) Yes**

## **GEORGIA (SECOND MEETING)**

### **Houses of Justice**

According to the Houses of Justice Concept, services offered by state will be unified at one office on the basis of one-stop-shop principle. At the House of Justice it will be possible to obtain service of National Agency of Public Registry, Civil Registry Agency, National Bureau of Enforcement, Notaries, etc. Concept and Project of Tbilisi, Kutaisi, Batumi and Rustavi House of Justice have been elaborated and implementation processes are underway.

### **Anti-Corruption Department at the Chief Prosecutor's Office of Georgia**

In 2010 Anti-Corruption Department was created on the basis of the Investigative Division of the Chief Prosecutor's Office of Georgia. Main direction of its activity is fight against corruption and coordination of activities in this direction within the Prosecution Service of Georgia. Head, 2 Deputy Heads, 5 prosecutors and 12 investigators of the especially important cases work at this Department.

### **Public Council of the Prosecution Service of Georgia**

In October 2010 Public Council of the Prosecution Service of Georgia was created in order to increase transparency and exercise public supervision over the system of recruitment, attestation, dismissal of the staff of the Prosecution Service of Georgia. The Council participates in the selection process of interns and organization of trainings for them. It also supervises the implementation of the Strategy and Action Plan of the Reform of the Prosecution Service of Georgia. Function of the Council is public monitoring of the activities of the of the Procedural Management Unit of the General Inspection of the Ministry of Justice of Georgia. Members of the Council are members of the Parliament of Georgia, representatives of Judiciary, Council of Europe and USA Department of Justice, as well as experts.

### **Debtor Registry of the National Bureau of Enforcement**

In 2010 Debtor Registry was created within the National Bureau of Enforcement. Debtor registry is an electronic database that registers all physical and legal entities that are subject to forced enforcement. As individuals and legal entities are entered into the debtor database, the entity has limited management abilities of own fixed or liquid assets, making enforcement process far more effective.

Any individual or legal entity is entitled to receive information on the persons registered in debtor database and excerpt from debtor registry, which is an important step for successful management of business-related risks.

### **Electronic Enforcement Auction**

From February, 2011 it is planned to hold online auctions that will enable interested parties to seek and acquire assets of interest. Today clients need to visit relevant enforcement bureau in order to buy appropriate assets, but after installation of online system, citizens will be able to acquire assets from any part of the country, regardless of the location.

### **Life-Time Appointment of Judges**

In 2010 Constitutional Commission of Georgia elaborated Constitutional Amendments, inter alia, on life-time appointment of judges. Parliament of Georgia has adopted with 3rd hearing the above mentioned amendment. Life-time appointment of judges ensures judiciary independence.

### **Court System Customers' Satisfaction Survey**

Survey was conducted in 6 regions and 2000 customers were interviewed. According to the results 63,20% consider that court system is reliable. 62,80% consider that court system is fair; 69,50% consider that court procedures are speedy. 71,20% are satisfied with court services.