Citizens, clients, judges on judicial reform, quality of services and justice in Bulgaria

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Strengthening the independence of the judiciary must take place along with implementation and observance of professional standards. These are the main conclusions in the Final Report of the sociological agency Alpha Research on the results of the implementation of the Enhancing Court Business Practices project funded by the America for Bulgaria Foundation and carried out by the PDJS. The analysis is based on quantitative and qualitative research performed in the period May – June 2012 among the general public, parties to cases, attorneys and judges.

In July, the agency published an interim report on the public attitudes toward the effectiveness, impartiality and transparency of the justice system. The focus was placed on the factors forming public trust or distrust and the ensuing consequences. The public survey shows that, in spite of the efforts made in the past five years, the public opinion stays quite skeptical about the results achieved. The police, investigation service, prosecutor’s office and courts are still among the institutions with the lowest rating in terms of public trust. The main reasons prompting the negative attitude prove to be corruption, the political pressure exerted at different levels and the failure in the so called cases of high public interest. The citizens identify the clumsy and bureaucratic procedures as the third key problem the courts face. At the same time, with respect to the prosecutor’s office this is the low degree of transparency and, with respect to the police, it is the lack of competence and weak professional expertise.

The second part of the study delves into the effect of the implementation of the concepts and standards included in the Second Court Improvement Plan (CIP 2) applied in specific courts in Bulgaria in the period 2010 – 2012. The main areas the CIP 2 focuses on are: application of policies and practices related to planning and management of courts; improvement of the case management and control systems; citizens’ access to information and justice; and boosting the confidence in the judicial system. The analysis of the effect of the application of the CIP 2 standards is based on the opinion and evaluations of judges and court clients about matters concerning the judicial reform, the quality of the services provided and the administration of justice in Bulgaria. The main recommendations made in the second part of the report fall into several areas:

- First, the principles and policies laid down in the CIP 2 have proven their effect on the effectiveness and transparency in the courts’ work. That is why their application in all courts should be stimulated and supported.

- Second, both citizens and judges find serious deficiencies in the legislation. This is an unambiguous call to the legislature for material amendments to the fundamental laws.
Third, the control and sanctions mechanisms existing in the judiciary should be improved as they must ensure equality. According to many judges, there is no unified approach in this regard which creates conditions for intentional action and pressure on certain magistrates.

Fourth, the improvement of human resources development policies, investments in personnel qualification and more serious and objective requirements for the positions would exert a positive effect in every aspect of the administration of justice. Last but not least, significant investments are necessary to implement more electronic services in the courts and ensure an overall modernization of the facilities.

The recommendations thus made are based on the results of the studies carried out in three areas:

First, while public opinion is highly critical of the results achieved by the institutions in the last five years, the clients of courts applying the CIP 2 standards are definitely more positive in their assessments. This is equally true for the indicators about the court effectiveness and for the courts’ impartiality and fairness.

Predominant among the clients of these courts is the feeling that the court staff provides services to citizens and businesses more carefully (79%) and quickly (72%). The faster services of better quality are complemented with findings of easier procedures both with regard to the issuance of certificates of conviction records, court registration, good standing, etc. (70%) and with regard to the access to information about current cases (55.4%). However, the courts taking part in the project fall behind with respect to the goals concerning the improvement of access to justice.

The reorganization and improvement of the case management and control system performed by the courts has a tangible positive effect: while in 2010, 27.2% of the respondents said that the first-instance cases were completed within three months, in 2012 their share is already 46.1%. A significant improvement can also be seen with regard to the length of the second-instance trials as 50% of the people say that their cases were completed within three months (given 41.7% in 2010).

Despite the positive findings, the progress of the Model Courts is devalued by the growing political and economic pressure on the work of the judiciary as a whole. While in 2010, 70% of the clients surveyed stated that the Bulgarian courts would give in to political pressure, in 2012 81% of the respondents are of this opinion. Identical trends can also be seen with regard to the pressure exerted by economic groups and companies or individual offenders.

The judges, on the other hand, definitely reject the possibility for the courts to give in to pressure. They are more likely not to accept possible retreat in the event of political interference or pressure by financial groups or companies. The indicators used to study the judges’ sensitivity to the impartiality in their work show that the professional community sees the main problem in the different attitude and approach to the cases of corruption on the part of control institutions in the system. Even though 35% of the judges cannot decide about the equality in the study of cases of corruption, a mere 13% of the respondents believe that a unified approach is applied and proportionate sanctions imposed. At the same time, every other person is of the contrary opinion (51.6%).
The results thus presented speak of significant deficiencies in equality in the investigation and prevention of corruption risks in the judiciary. The lack of a unified approach and the insufficient reliability of the control and sanctions mechanisms applied create prerequisites for pressure on certain judges which is a condition for insecurity among the magistrates’ community.

Second, both clients of Model Courts and judges see positive changes in the work of the courts in the last five years. Yet, the comparison of the evaluations of the two groups shows that judges and clients see improvements in different areas. According to the judges, the greatest progress is achieved in terms of the better public access to information about current cases (89.8%), faster and more effective services provided to citizens (87.8%) and the faster and more effective completion of cases (79.6%). The clients’ opinions overlap with those of the judges in terms of the faster proceedings at the first and second instances. On the other hand, they differ significantly in their evaluations of the public access to information and of the transparency and openness in the courts’ work. It is only every other client respondent (between 38.4% and 55%) that sees improvement in the last two indicators while almost 90% of the judges think that the courts have improved the openness and transparency in their work.

For the sake of comparison, the judges and clients of Model Courts find equal progress in the improvement of procedures both for filing claims or cases (between 36% and 40% for the two groups) and for issuance of certificates of conviction records, court registration, good standing, etc. (between 67% and 70% for the two groups).

Third, there are significant differences in the opinions of citizens, clients and judges in terms of the measures necessary to improve the work of the judiciary in Bulgaria. The areas in which the citizens see the most urgent need for intervention repeat steadily (or are the result of) the attitudes shared in general in the public opinions concerning the main weaknesses of the Bulgarian courts: fight against corruption; transparency; control over the judges’ work; personalization of the responsibility of those who fail to do their job; clear personnel selection criteria. Unlike the judges, the citizens believe that factors external to the system have a greater significance to the problems in the courts’ work rather than internal ones. Thus, for example, the poor remuneration, the internal institutional procedures, the facilities and the insufficient human resources are indicated as problems areas by a mere 2% to 4% of the citizens.

The judges place the main highlights on completely different areas emphasizing “objective” rather than “subjective” factors: improving the legislation and the regulatory framework (71.4%); implementation of more electronic services (63.3%); improvement of the public image of the courts (55.1%); improvement of the personnel qualifications (53.1%); and better facilities (46.9%).

According to the magistrates, the greatest positive effect from the application of the CIP 2 standards can be seen with regard to the practical changes in the courts’ work as a result of the more effective and pragmatic goal setting. In the opinion of 72% of them, the reorganization of the courts’ work and the new models applied for task planning and allocation have had a positive impact on the effectiveness of the work. In almost two-thirds of the cases (58%), the reorganization carried out has led to a lesser workload for the administration and the judges.
The magistrates are most unanimous about the effects of the new policies in the improvement of the case management and control system. The following areas are also rated with more than 80% each: better practices for appointment and competitions; policies for human resources development; and improved effectiveness in funds expenditure. According to the judges, the application of the CIP 2 has improved, to a great extent, the relations of the courts they represent with most of their “partners/parties” in the process of administration of justice. The positive effect which enjoys the most unanimous evaluation is the interaction between the citizens and the representatives of the legal professions.

The implementation of standards in the courts’ work in various aspects of their activities such as planning and court management, case management and control, citizens’ access to information, etc. exerts a positive effect on the overall process of administration of justice. That is why, it is only logical for the principles and practices enshrined in the CIP 2 to be adopted as obligatory for all court in Bulgaria. Of course, they must be amended and updated so that their scope and impact may be expanded.

**Documents from the press conference:**

- Complete report (bg only)
- Presentation (bg only)