

Law Program

In the year 2003 the main objective of the Law Program was further promotion of the judicial and legislative reform as well as democratic institutions building. The activities were focused on developing the *Judicial Anti-Corruption Program*, further popularizing the role of the ombudsman institution as a new human rights protection mechanism on both national and local level and drafting legislative suggestions.

2003 Highlights

- The process of introducing the Ombudsman institution on national and local level in Bulgaria, and the development of the respective legislation, initiated by CSD Law Program, marked significant progress with the adoption of the Law on the Ombudsman and the amendments to the Law on Local Self-Government and Local Administration.
- Following the adoption of the Law on the Ombudsman and the amendments to the Law on Local Self-Government and Local Administration CSD continued to work on improving the legal framework on the Ombudsman institution in order to overcome some of the existing flaws in the newly adopted legislation.
- The area and scope of the public awareness campaign aimed at promoting the ombudsman institution on both national and local level were further expanded. After the adoption in 2003 of the Law on Ombudsman and the Law on Amending and Supplementing the Law on Local Self-Government and Local Administration a number of public policy and training events throughout the country have been held - information days, municipality training seminars, training of trainers, workshops, public hearing, etc.
- The Law Program continued its long-term efforts to contribute to the judicial reform process in Bulgaria so that a working, stable, corruption-free judiciary to be built up. Acting as Secretariat of the *Judicial Reform Initiative*, the CSD Law Program brought together eminent members of the legal professions in Bulgaria including magistrates, representatives of influential non-governmental organizations and of state institutions, who developed a *Judicial Anti-Corruption Program* (JACP). It focused on the prevention and suppression of corruption inside the Judiciary, identifying the most important reform areas and formulating a set of recommendations and mechanisms for achieving legal stability and confidence in the Judiciary.
- Proposals for amendments to the Constitution concerning judicial reform as well as proposals for legal provisions on the ombudsman institution to be included in the Bulgarian Constitution have been drafted.
- The efforts of the Law Program E-Signature Task Force which drafted the Law on Electronic Document and Electronic Signature have been aimed at facilitating the implementation of this modern legislation through developing Commentary on the Law and carrying out a series of awareness events.
- The activities for introducing a modern registration system in Bulgaria continued with elaboration of proposals and recommendations for establishing an Electronic Registries Center to be included in the amendments and supplements of the Plan for the Implementation of the E-Government Strategy (2003-2005).

I. Legislative Reform

1. Introducing Ombudsman Institution in Bulgaria

Advocating the Legislative Process

Adoption of the Legal Framework for Establishing the Ombudsman Institutions on National and Local Level

As a result of the five-year efforts of the civil society in Bulgaria and particularly of the CSD for introducing ombudsman type institution in the country, the Law on the Ombudsman was adopted on May 8, 2003 (in force since January 1, 2004). The adopted law incorporates many of the main principles of the CSD draft. In July 2003 amendments to the Law on Local Self-Government and Local Administration were adopted (in force since October 27, 2003). They included provisions enabling municipal councils to elect local public mediators.

Although further development of the legal framework of the national and local ombudsman institutions is still necessary, the adopted one creates the initial legal basis for the introduction of ombudsman type institutions on both national and municipal level.

The adoption of the legal framework for establishing the ombudsman institutions on national and local level motivated the Law Program experts to start work on its improvement in order to overcome some of the existing flaws and secure the most appropriate legal environment for the operation of the ombudsman and the local public mediators.

- A detailed commentary on the existing legal framework was elaborated. The document included an expert analysis

of the advantages and shortcomings of the adopted provisions and offered recommendations for further improvement of the legal framework of the national and local ombudsman type institutions and the interaction between them. The most important aspects that need to be further improved in order to secure the most appropriate legal environment for the operation of the ombudsman are: the requirements and procedure for election and removal of the ombudsman, including the majority vote therefore, the incompatibility provisions, the legal status and the powers of the institution, regulations on the administrative office of the ombudsman, etc.

- Proposals for legal provisions on the ombudsman institution to be included in the Bulgarian Constitution have been drafted. The incorporation of provisions on the ombudsman in the Constitution could not only help to overcome some of the existing weaknesses in the legislation but is also an important step that would create stronger guarantees for the ombudsman's independence and successful performance.

Public Policy Events for Promoting the Ombudsman Institution

- On July 15, 2003, the CSD hosted a **Public Hearing** on the current state and future development of the legislative framework regulating the introduction of the ombudsman institution on the national and local level in Bulgaria.

The discussion benefited from the contributions and proposals of MPs, senior representatives of the executive, including the Minister of Justice Mr. Anton Stankov, and the judiciary, NGOs representatives and other

experts engaged in drafting the relevant legislation and in establishing the ombudsman institution in Bulgaria.

Among the main topics, discussed at the hearing were: constitutional regulation and improving the legislation regulating the ombudsman institution, legislative regulation of local ombudsman type institutions and raising awareness about the ombudsman institution.

- **A Regional Ombudsman Conference The Ombudsman in South-Eastern Europe**, to review ombudsmen's work in South-Eastern Europe and to consider recommendations for its optimal performance, took place in Sofia at the National Assembly on November 28-30, 2003. The event was organized jointly with the Office of the

Greek Ombudsman in cooperation with the Bulgarian National Assembly and the Bulgarian Ministry of Justice.

The conference provided an opportunity for the participants to discuss the wide range of important issues encountered in the ombudsman's daily work with emphasis on regional particularities. More than 60 foreign participants attended the conference, among them ombudsmen and experts from almost all ombudsman institutions in South-Eastern Europe, the Office of the People's Defender of Catalonia (Spain) and the Office of the Austrian Ombudsman Board, the Council of Europe, the Organization for Security and Cooperation in Europe as well as a number of Bulgarian officials and NGOs representatives, striving to establish and support such institutions.



Dr. Ognian Shentov, CSD Chairman, opens the public discussion on the forthcoming introduction of the ombudsman institution in Bulgaria. Next to him: Dr. Plamen Panayotov, Deputy Prime Minister of Bulgaria, Dr. Maria Yordanova, Director of CSD Law Program, and Mr. Walter Schimmer, Secretary General of the Council of Europe

The event allowed Bulgarian participants to benefit from the experience of a number of foreign ombudsmen which would help them with the forthcoming establishment of the institution in Bulgaria.

Among the most important legal prerequisites for successful functioning of the ombudsman institution is its incorporation in the Constitution. This guarantees the independence and impartiality of the institution, along with the integrity of the office-holder, competence of its staff, and the appropriate infrastructure.

The main goal of the ombudsman institutions in South-Eastern Europe is to contribute to the implementation of a long-term administrative reform which is one of the pillars of the rule of law.

Mr. Yorgos Kaminis,
Ombudsman of Greece at the
Regional Ombudsman Conference
The Ombudsman in South-Eastern
Europe.

Awareness Events for Promoting the Ombudsman Institution

The awareness campaign for promoting the ombudsman institution both on national and local level, launched by CSD in 1998, gained additional significance with the adoption of the legal framework in 2003. Even before that, in a number of municipalities (Sofia, Veliko Turnovo, Razgrad, Zavet, Loznitsa, etc.) successful experience has been gained with the operation of local ombudsman type institutions, established primarily upon initiative of the civil society on the basis of cooperation with the local self-government authorities.

In 2003 the CSD Law Program broadened its awareness campaign and focused its efforts on training activities, organizing a number of events in municipalities where experience on the ombudsman institution has been accumulated as well as in municipalities where such experience lacks. The events addressed national and municipal politicians and officials, NGOs, and citizens, including specific social groups.



Dr. Ognian Shentov, CSD Chairman, welcomes the participants at the Regional Ombudsman Conference. Next to him are Mr. Yorgos Kaminis, Ombudsman of Greece, and Mr. Sevdalin Bozhikov, Deputy Minister of Justice

- **A series of Information Days** were held in the cities of Pleven (February 19), Pazardzhik (February 25), Hissar (October 9), Gotse Delchev (October 17), Kardzhali (November 11), Rousse (December 12) and Batak (December 17).
- **Two Workshops** were carried out on **Gender Equality and Women's Rights** in Veliko Turnovo (October 23) and on **The Ombudsman – New Instrument for Promotion of Disadvantaged Persons' Rights** in Pleven (November 11)
- **Three Municipality Training Seminars on Human Rights Promotion and Protection through Local Ombudsman Institution** were organized in Razgrad (October 6), Pleven (October 22) and Brezovo (December 22) as well as a **Training of Trainers Seminar** in Veliko Turnovo (December 5-6).
- In June 2003 a **Study Visit** to Spain was organized for Bulgarian policy makers and experts to examine the Spanish experience in establishing ombudsman institutions. The Bulgarian group, which included MPs, the Minister of Justice Mr. Anton Stankov and other representatives of the executive, representatives of the judiciary, and CSD experts, had meetings with the Spanish People's Defender and the People's Defender of Catalonia as well as with senior officials from their administrative staff and had the opportunity to discuss various issues related to the functioning of the ombudsman institution. The main objective of the visit was to provide an opportunity for Bulgarian officials to get acquainted with the best practices implemented in Spain, which in turn would help them in the process of setting up the ombudsman institution in Bulgaria.

The legal regulation of the ombudsman in Bulgaria, the powers and functions of the institution and its role for human rights protection, including disadvantaged persons' rights, its interaction with the administration and the future of this type of institution on national and local level were among the main issues discussed at the events, which were organized in cooperation with the local authorities and NGOs.

Strengthening the International Cooperation and Sharing Experience

The cooperation with the European Ombudsman and ombudsman institutions from many European countries is among the priorities of the Law Program activities for introducing the ombudsman institution in Bulgaria. In 2003 the already established contacts have been further developed and new ones have been initiated.

In Madrid the participants met the Spanish People's Defender Mr. Enrique Mugica Herzog and officials from the People's Defender's team. They presented the organization and work of the Office of the Public Defender as a national ombudsman institution. Working meetings were also held with the assistants of the People's Defender responsible for different areas of the institution's activities. Bulgarian representatives had the opportunity to hear the presentation of the Annual Report of the Spanish People's Defender before the Senate and met the Chair of the joint Commission of the Senate and the Congress responsible for the relations with the People's Defender.

In Barcelona the participants had a series of working meetings with the People's Defender of Catalonia Mr. Anton Canelas and his deputies, which presented the specifics of their work as well as the work of a local ombudsman institution.



At the Office of the Spanish People's Defender (from left to right): Ms. Antoaneta Tzoneva, Sofia Municipality Local Civic Mediator, Ms. Milana Krivachka, Expert, Legal Directorate of the Council of Ministers, Ms. Tatiana Doncheva, Member of Parliament, Dr. Silvy Chernev, Chair of the Court of Arbitration with the Bulgarian Chamber of Commerce and Industry, Mr. Enrique Mugica, People's Defender of Spain, Mr. Borislav Belazelkov, Justice, Supreme Court of Cassation, Mr. Anton Stankov, Minister of Justice, Dr. Maria Yordanova, CSD, Ms. Slavka Slavova, Interpreter, Mr. Dimitar Markov, Project Coordinator of CSD Law Program, Mr. Krassimir Dobrev, Journalist, Sega Daily



At the Barcelona city-hall (from left to right): Ms. Antoaneta Tzoneva, Mr. Borislav Belazelkov, Ms. Slavka Slavova, Dr. Maria Yordanova, Mr. Krassimir Dobrev, Ms. Tatiana Doncheva, Dr. Silvy Chernev, Mr. Anton Canellas, People's Defender of Catalonia, Ms. Milana Krivachka, Ms. Ekaterina Mihailova, Member of Parliament, Mr. Dimitar Markov, Mr. Anton Stankov

Parallel to the presentation of the main characteristics and the experience of the People's Defender the participants were briefed on the history, composition, powers and relations between the main public institutions in Catalonia. A meeting was held with the members of the Parliamentary Commission on the Ombudsman of Catalonia, with the Deputy Mayor of the city of Barcelona – Mr. Jose Ignacio Cuervo, and with representatives of the autonomous government of Catalonia.

The study visit laid sound foundations for cooperation with the People's Defenders of Spain and Catalonia in the process of establishing and strengthening the ombudsman institution in Bulgaria.

"I hope we'll continue this type of fruitful collaboration in the future, be on the processus for establishment or on the current functioning of Bulgarian Ombudsman as well."

Mr. Enrique Mugica Herzog, People's Defender of Spain, in a letter to CSD Law Program of August 29, 2003

"...the visit to the institution, that I have the honour of representing gave you some useful information for the process of establishing an ombudsman in Bulgaria. This was our main goal, and I am very delighted to hear that with the co-operation of all of us we have met this goal. Nevertheless, I hope to keep in touch with you, as I would like to carry out a close follow-up of your experience in creating the institution of the public defender."

Mr. Anton Canellas, People's Defender of Catalonia, in a letter to CSD Law Program of August 26, 2003.

- On October 14, 2003 the First Deputy of the People's Defender of Spain



During the meeting at CSD (from left to right): Ms. Luisa Cava de Llano, First Deputy of the People's Defender of Spain, Dr. Maria Yordanova, Director of CSD Law Program, and Dr. Ognian Shentov, CSD Chairman

Ms. Luisa Cava de Llano visited CSD and took part in a **Discussion Meeting** with senior representatives of the Center. The meeting was attended by the Chief of Cabinet of the First Deputy of the People's Defender of Spain Ms. Carmen Comas-Mata, the Deputy Head of Mission of the Spanish Embassy in Bulgaria Mr. Alfredo Martinez Serano, the Chairman of CSD Dr. Ognian Shentov, the CSD Law Program Director Dr. Maria Yordanova and the Director of the Information Center of the Council of Europe in Sofia Dr. Emil Tsenkov. During the meeting the participants discussed the recent developments regarding the introduction of the ombudsman institution in Bulgaria and the necessary improvement of the legal framework as well as the opportunities for cooperation with the Office of the Spanish People's Defender in the context of the forthcoming practical establishment of the institution in the country.

- The Law Program members presented the development of the process of introducing the ombudsman institution in Bulgaria, including comments on the newly adopted legal framework at a number of international events: a **Workshop on The Ombudsman Role in South-Eastern Europe - Strengthening the Rule of Law as a Step Towards European Integration**, organized by the Greek Ombudsman in Athens (May 22-23, 2003); a **Conference on Ombudsman and the Law of the European Union**, hosted by the Office of the Polish Commissioner for Civil Rights Protection in Warsaw (May 29-30, 2003); a **Minority Ombudsman Conference**, organized by the European Centre for Minority Issues in Berlin (October 16-17, 2003).

Publications

- The handbook *The Ombudsman Institution in Europe and Bulgaria* (September 2003) presents the recently adopted ombudsman legislation, and includes an updated review of both the general and specific aspects of the European countries' experience; the initiatives and documents of the Council of Europe referring to the establishment by the Member States of ombudsman institutions on national, regional and local level and the cooperation between the ombudsmen of the Member States and between them and the Council of Europe; information on the legal framework and the activities of the European Ombudsman as a mechanism for protecting human rights on European Union level.



- In the brochure *Gender Equality and Ombudsman Institution: Mechanisms for Women's Rights Protection* (October 2003) a comprehensive information about international and European legal framework on gender equality and women's rights protection through Ombudsman institution is included. A useful information about NGOs dealing with gender equality problems as well as about international and national events on protection of women's rights is provided.

- The CSD Law Program produced two articles reviewing the process of establishing the ombudsman institution in Bulgaria for publishing in the *European Ombudsman Liaison Letter*, published by the European Ombudsman



Ombudsman Information Network

The Ombudsman Information Network, launched in 2002, has been further updated and extended during 2003. The web site is divided into several sections: News, Legal Framework in Bulgaria, Bulgarian Parliamentary Ombudsman, Local Ombudsmen in Bulgaria, Public Opinion, European Countries' Ombudsmen, European Ombudsman, Foreign Legislation, Partners, Training, Publications, Other Information Materials, and Links. Besides, a set of navigation tools were also included such as a convenient language changing tool as well as a feedback section (including post address and e-mail). The web site is developed in both Bulgarian and English language in order to serve as a reliable source of information to a broader scope of users in Bulgaria and abroad. The Ombudsman Information Network will continue to be permanently updated following the process of establishment and strengthening the ombudsman institution in Bulgaria.

2. Electronic Document and Electronic Signature

The legal regulation of electronic documents and electronic signatures continued to be a major area of the Law Program's activities. The Law on Electronic Document and Electronic Signature, developed by the Law Program experts and effective since October 2001, created a favorable legal environment for the use of electronic communications in the country. In the context of a gradually increasing use of e-documents and e-signatures the main objective of the Law Program in 2003 was to respond to the new challenges related to the implementation of the e-signature legislation.

- The members of the Law Program E-Signature Task Force finalized their work on developing a **Commentary on the Law on Electronic Document and Electronic Signature**. The commentary will be published in the book *Electronic Documents and Electronic Signature. Legal Framework*, which will include also a glossary, a number of relevant international legal instruments, European Union acts and foreign legislation as well as two separate papers: one on the compliance of the Bulgarian law with the EU Directive on Electronic Signatures, and the other on the computer crimes under Bulgarian criminal law. The edition is aimed to serve as a manual for representatives of governmental institutions, business community lawyers, academicians, and experts dealing with or interested in the legal regulation of e-signatures.
- In order to further facilitate the implementation of the e-signature legal framework the Law Program jointly with Applied Research and Communications Fund held a **Discussion Forum on The Use of Electronic Documents and Electronic**

Signatures in the Public Sphere. The participants at the event, which took place in Sofia on November 6, 2003, got acquainted with the provision of certification services for universal electronic signatures and had the opportunity to discuss the legal and technological aspects of the use of electronic documents and electronic signatures in the relations within and between governmental authorities, and between them and other persons. The work of the Law Program E-Signature Task Force was presented by the Director of the Law Program Dr. Maria Yordanova. Besides, the event provided an opportunity for the first two certification service providers, registered by the Communications Regulation Commission, namely Information Services PLC and Bank-service JSC to present their services related to the issuance of certificates for universal electronic signatures.

- Aiming to raise the awareness on the new electronic means of communication, including the use of electronic signatures, among the policy makers the Law Program jointly with the Bulgarian International Business Association organized a **Seminar on E-Government in Bulgaria and Strategy for IT Sector Development.** The event took place at the National Assembly on November 25, 2003, bringing together both MPs and high-ranking administrative officials of the Parliament. The participants got acquainted with the principles of e-government and the possibilities for their practical implementation in Bulgaria. In his opening remarks Mr. Nikolay Kamov, Member of Parliament, presented his initiative for the introduction of a yearly report on e-government, which is planned to be submitted by the Government and discussed and approved by the Parliament.

- As a next step towards completing the legal framework for the use of electronic documents and electronic signatures the Council of Ministers by Decision No. 771 of November 6, 2003, set up an **Inter-Agency Task Force** to elaborate the legal framework for issuance and acceptance of electronic documents, signed with universal electronic signatures, within the judiciary. Relying on the considerable experience and active contribution of the Law Program to the elaboration of the Law on Electronic Document and Electronic Signature, the Government invited representatives of the Program as members of the task force together with experts from the Council of Ministers, the Communications Regulations Commission, the Ministry of Justice, the Ministry of Interior, and the Ministry of Defense.

3. Exploring the Idea of Establishing a National Agency for Combating Corruption

The idea of establishing an independent national Agency for Combating Corruption was launched by the Bulgarian President Mr. Georgi Purvanov at the beginning of 2004.

- On February 25, 2003, the Center for the Study of Democracy held a **Round Table on Establishing a National Agency for Combating Corruption: Pro and Contra.**

The core issues of the concept for establishing a national agency for combating corruption and the foreign experience with the establishment of independent anti-corruption agencies were presented. MPs, the Minister of Justice and Chairman of the Anti-Corruption Coordination Commission Mr. Anton Stankov, representatives of the executive and the judiciary, non-governmental organizations and experts

participated in the discussion that followed, focusing on the legal and institutional possibilities and obstacles for the implementation of the concept.

- On March 28, 2003, the Center for the Study of Democracy and *Coalition 2000* organized a **Round Table Discussion on Independent Agency for Combating Corruption: Romanian Experience** with guest expert Mr. Terry Lord, Resident Legal Advisor at the US Embassy in Romania. Members of the Parliamentary Anti-Corruption Committee, representatives of the Governmental Anti-Corruption Commission, the National Investigation Agency and non-governmental organizations were invited to take part in the discussion. Mr. Terry Lord presented practical aspects of the work of the Romanian Anti-Corruption Public Prosecutor's Office.
- Representatives of the Law Program took part in a **Video Dialogue** between the Hong Kong Independent Commission Against Corruption (ICAC) and the Bulgarian President's Office organized jointly by the World Bank and Applied Research and Communications Fund on May 19, 2003. Based on the Commission's experience the discussion focused on the expedience of the establishment of an autonomous anticorruption unit in Bulgaria.

II. Judicial Reform

1. Developing the Judicial Anti-Corruption Program

In 2003 the Law Program concentrated its efforts on developing a *Judicial Anti-Corruption Program (JACP)* relying on the experience accumulated in the frame of *Judicial Reform Initiative*.

The *Judicial Anti-Corruption Program* has been developed by lead members of the legal professions in Bulgaria, including magistrates, and has emerged from the joint efforts of influential non-governmental organizations, representatives of Government agencies and experts to ensure the successful implementation of judicial reform in Bulgaria. The Program builds on the suggestions made in the *Program for Judicial Reform (2000)*, on a number of measures from the *Government Strategy for Reform of the Judiciary in Bulgaria (2001)* and on the steps proposed within the framework of various civic anti-corruption initiatives and international instruments for monitoring and evaluation of judicial reform in Bulgaria, while focusing on the prevention and suppression of corruption inside the Judiciary. In the drafting process, the results have been taken into consideration of the public opinion polls on judicial reforms, and in particular of the survey *Corruption and Anti-corruption: The stand of magistrates* (April - May 2003), conducted by the *Vitosha Research Agency* within the framework of the Corruption Monitoring System of *Coalition 2000*. The survey was carried out among 454 magistrates from all branches of the judiciary all over the country and was concentrated on the magistrates' opinions on a wide range of problems concerning the organiza-



tion and the work of the judiciary, the spread of corruption within it, the reasons for arising and the ways to counteracting corruption.

The *JACP* first draft prepared by the end of April 2003 has been presented to a number of state institutions, NGOs, professional associations, the media, experts and citizens so that they could provide their opinions, recommendations and proposals for its improving. The separate parts of the Program contain a set of specific short-term measures and long-term recommendations in the following areas of the judicial reform:

- Reform in the Organization of the Judiciary;
- Reform in the Administration of Judicial Bodies;
- Training of Magistrates and Court Clerks;
- Reform in main Law branches: Criminal Law and Procedure, Civil

Law and Procedure, and Administrative Law and Procedure.

Special attention has been given to the opening the Judiciary towards the public.

- On June 24, 2003 the *JACP* revised draft was discussed at a **Working Meeting** held at the Center for the Study of Democracy. It was attended by Mr. Sevdalin Bozhikov, Deputy Minister of Justice, Ms. Nelly Koutzkova, Chair of Sofia District Court and member of Supreme Judicial Council, Dr. Silvy Chernev, Chair of the Court of Arbitration with the Bulgarian Chamber of Commerce and Industry, senior magistrates from all the branches of the Judiciary, MPs, representatives of the executive and NGOs, as well as UNDP, the Delegation of the European Commission to Bulgaria, ABA/CEELI, USAID, experts, and journalists. During the discussion the participants stressed on the necessity of the proposed in *JACP* reforms and made some concrete suggestions.



From left to right: Dr. Silvy Chernev, Chair, Court of Arbitration with the Bulgarian Chamber of Commerce and Industry, Dr. Maria Yordanova, Director, CSD Law Program, Mr. Sevdalin Bozhikov, Deputy Minister of Justice, and Ms. Nely Koutzkova, Chair, Sofia District Court

Dr. Chernev expressed the opinion that the procedural legislation is the basis of a quick and efficient administration of justice and what is needed is detailed concept for proceedings reform instead of *ad hoc* amendments, which often had reverse effect. Mr. Bozhikov announced that a draft Code of Administrative Procedure is already developed and will be discussed in the near future, and that drafts of new Code of Criminal and Code of Civil Procedure are being prepared.

- In September 2003 the *Judicial Anti-Corruption Program* was published in Bulgarian and in English (with the support of UNDP - Bulgaria, and *Coalition 2000*) and on October 2, 2003 was presented at a **Press Conference**, organized by CSD. Mr. Mario Dimitrov, Deputy Minister of Justice expressed the support of the Ministry for a considerable part of the proposals and underlined that the measures offered, including long-term ones would prompt a further debate for reaching consensus on the priorities of judicial reform. The UNDP Resident Representative Mr. Neil Buhne stressed on the necessity of more transparency, efficiency and accessibility of the judiciary as an important part of the positive development of the Bulgarian society that corresponds with the goals and principles of the United Nations.
- The CSD Law Program and its expert team continued to provide assistance to the Parliament and different executive agencies in drafting legislation regarding judicial reform and other related issues. On the request of the Chair of the *ad hoc* Parliamentary Committee on Amendments to the Constitution, **proposals for amendments to the Constitution** prepared by the Law Program experts have been submitted to the Committee and highly appreciated.



Dr. Maria Yordanova (right), Director of CSD Law Program, presents the Judicial Anti-Corruption Program at a press conference at CSD. Next to her (from right to left): Mr. Mario Dimitrov, Deputy Minister of Justice, and Mr. Neil Buhne, UNDP Resident Representative

2. Continuing Efforts for Reforming the Registration System in Bulgaria

In 2003 the CSD Law Program Task Force on Registration Reform completed its two-year work on studying the foreign practices in the area of establishment and operation of modern registration systems and preparation of a proposal for a overall reform of the registration system in Bulgaria.

These efforts resulted in a publication of the brochure *Opportunities for Establishment of Central Register of Legal Persons and Electronic Registries Center in Bulgaria* (May 2003). The brochure includes the full text of the report, review of the foreign experience in developing central electronic registers and a proposal for the structure of an Electronic Registries Center in Bulgaria and was widely disseminated among state institutions, NGOs and the business community.

It was presented on May 13, 2003, at a discussion on **Judiciary and Business in Bulgaria**, organized by the Ministry of

Justice, the Union of Bulgarian Jurists, the Open Society Foundation, the Bulgarian Business Leaders Forum, the Bulgarian International Business Association and the American Chamber of Commerce in Bulgaria. The Task Force report and the proposals on registration reform enjoyed great interest among the participants in the event.

CSD Task Force elaborated and sent its proposals and recommendations for establishing an Electronic Registries Center to be included in the amendments and supplements of the Plan for the Implementation of the E-Government Strategy (2003-2005), which is to be discussed in 2004.

3. Introducing European Standards in Reforming Judiciary. Exchange of Experience

- On April 30, 2003 a **Discussion on Spanish Experience in Reforming Judiciary** took place in Madrid with



From left to right: Dr. Maria Yordanova, Director of CSD Law Program, Mr. Alberto Dorrego, Director on Modernization of the Judiciary in the Spanish Ministry of Justice, and Mr. Jose Lopez-Jorin, Spanish Ambassador to Bulgaria

participation of CSD representatives (Dr. Ognian Shentov, Chairman, Mr. Vladimir Yordanov, Executive Director, and Dr. Maria Yordanova, Director of the Law Program), as well as of Spanish judiciary: Mr. Joaquin Delgado Martin, Head of Department in the General Judicial Council in Spain, Mr. Celso Rodriguez Padron, Secretary General of the General Judicial Council, and Mr. Juan Pablo Gonzalez, President of the International Relations Committee at the Council. During the discussion the judicial reform process in Bulgaria and the Spanish experience of reforming the judiciary were debated in the context of specific Spanish transition based on consensus. Among the most important issues discussed were also the functions and competence of the Judicial Council and of the Spanish Ministry of Justice, the political consensus as a key prerequisite for successful reforms, the system of internal control within the Council, including mechanisms for preventing malfeasance and corruption among the judges,

the successfully implemented principle to separate the political and administrative governance of the judiciary.

The participants in the discussion agreed that the main message to Bulgaria would be the reaching of political consensus on the main steps of the judicial reform following the Spanish experience of entering into a State Pact on the Judicial Reform.

After the discussion the Spanish judiciary representatives expressed their willingness to support and further to assist the process of reforming Bulgarian judiciary including in cooperation with NGOs.

- On May 29, 2003, the CSD Law Program hosted a **Round Table on Spanish Experience in Reforming the Judiciary**. Mr. Alberto Dorrego, Director on Modernization of the Judiciary in the Spanish Ministry of Justice introduced the general stages and the most significant prerequisites for the reform of the judiciary in



Dr. Ognian Shentov (right), CSD Chairman, talks about the efforts of CSD for reforming Bulgarian judiciary. Next to him: Mr. Juan Pablo Gonzalez, President of the International Relations Committee of the Spanish General Judicial Council, and Mr. Joaquin Delgado Martin (left), Head of Department in the General Judicial Council

Spain and underlined that the basis of this reform was the achievement of political consensus, manifested in a State Pact on the Judicial Reform.

The main conclusion of the Round Table discussion was that the three basic elements to guarantee independence and efficiency of the judiciary are: legislative amendments, organizational reforms and reform in the administration and infrastructure of the judiciary.

- A judicial reform based on a broad political consensus as the most appropriate solution for Bulgaria was further discussed during a **Working Meeting** on November 25, 2003 in Sofia with the participation of Mr. Juan Pablo Gonzalez, Dr. Ognian Shentov, and the senior staff of the CSD Law Program. The meeting was attended also by Mr. Joaquin Delgado Martin, and Mr. Alfredo Martinez Serano, Deputy Head of Mission of the Spanish Embassy in Bulgaria.

4. Other Events

- A **Round Table on Constitution and Judicial Reform in Bulgaria** was held by CSD jointly with the Union of Bulgarian Jurists on April 15, 2003. The Round Table provided a forum for discussion on the constitutional amendments, proposed by different institutions and political parties, the Declaration signed between them, and the Decision of the Constitutional Court No 3 of April 10, 2003 on Constitutional Case No 22 of 2002. The Minister of Justice Mr. Anton Stankov, MPs, Members of the Constitutional Court, magistrates, representatives of governmental authorities and NGOs, academicians and experts took part in the discussion. Mr. Vladislav Slavov, Chairman of the Supreme Administrative Court

(since June 30, 2003 – a member of the Constitutional Court) and of the Union of Bulgarian Jurists, and Mr. Anton Stankov underlined the necessity of a number of constitutional amendments corresponding to the upcoming accession of Bulgaria to the EU and to domestic needs. Ms. Ekaterina Mihailova, MP from the United Democratic Forces, expressed her support to the idea of carrying out constitutional reforms in close cooperation with the non-governmental sector.

- On June 6, 2003 a **Round Table on Ethics and Standards in Legal Professions** was held. It was organized jointly by the Union of Bulgarian Jurists, the Center for the Study of Democracy, ABA/CEELI and USAID. Among the participants were Mr. Vladislav Slavov, Mr. Douglas Francis, Liaison, ABA/CEELI, Mr. Gene Gibson, Senior Advisor at the USAID, judges, prosecutors, investigators, attorneys, court clerks, and other legal experts. The discussion focused on mechanisms for application of codes of ethics and adoption of these codes; the mandate of the adopting institution; the obligatory character of rules of ethics; sanctions for not complying with rules of ethics; the risk of mechanical transformation of rules of ethics from other legal systems.

At the end of the event the participants approved and endorsed a Closing Document of the Round Table that recommends: the development of codes of ethics for all legal professions and rules and mechanisms for their implementation; the drafting of legislative amendments envisaging such codes of ethics and sanctions for not complying with them; the introduction of courses on Ethics and Standards in Legal Professions in the universities' schools of law, etc.