

2016

**ASSESSMENT AND EXPECTATIONS TOWARDS THE  
PROFESSIONAL ORGANIZATIONS OF MAGISTRATES**



**GLOBAL METRICS Ltd.**





AMERICA FOR BULGARIA  
F O U N D A T I O N

Фондация Америка за България



BULGARIAN INSTITUTE FOR LEGAL INITIATIVES

*The data in this analysis is part of the study “Attitudes of the magistrates on the judicial system reforms in Bulgaria”. The study was conducted upon request of the Bulgarian Institute for Legal Initiatives Foundation with the financial support of the America for Bulgaria Foundation. It was carried out within the framework of the “Transparent Judicial Appointments Initiative”.*

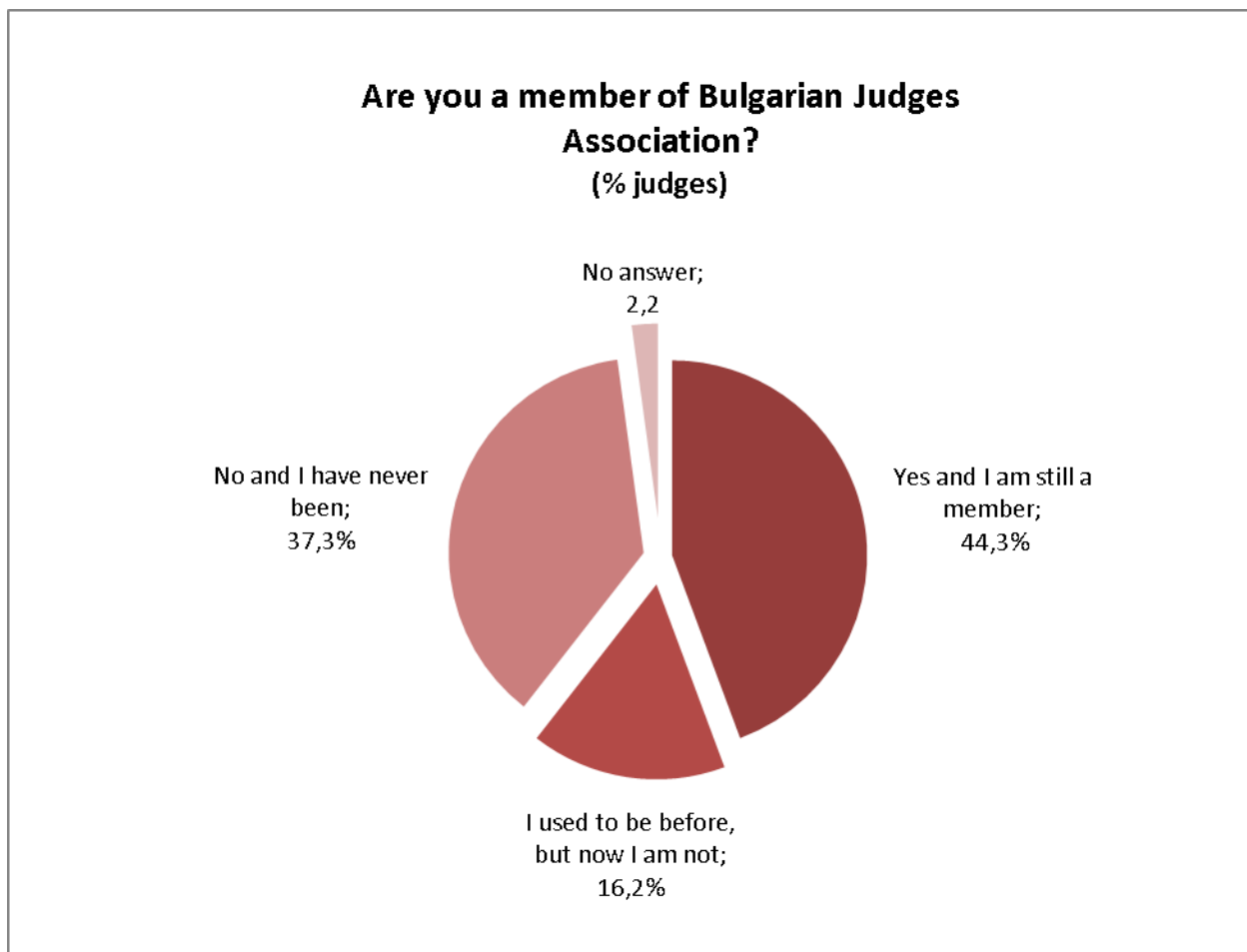
*The study was conducted between May and June 2016 among 606 magistrates from the whole country. They have replied to questions related to the reforms in the Bulgarian courts and prosecutions. The interviewees have shared their opinions on the pending changes and amendments in the Judicial System Act.*

*The present analysis contains only the questions, regarding the professional associations of judges and prosecutors and the expectations towards them. The study methodology includes both multiple choice questions and rating scale questions (statements to be evaluated on a given scale).*

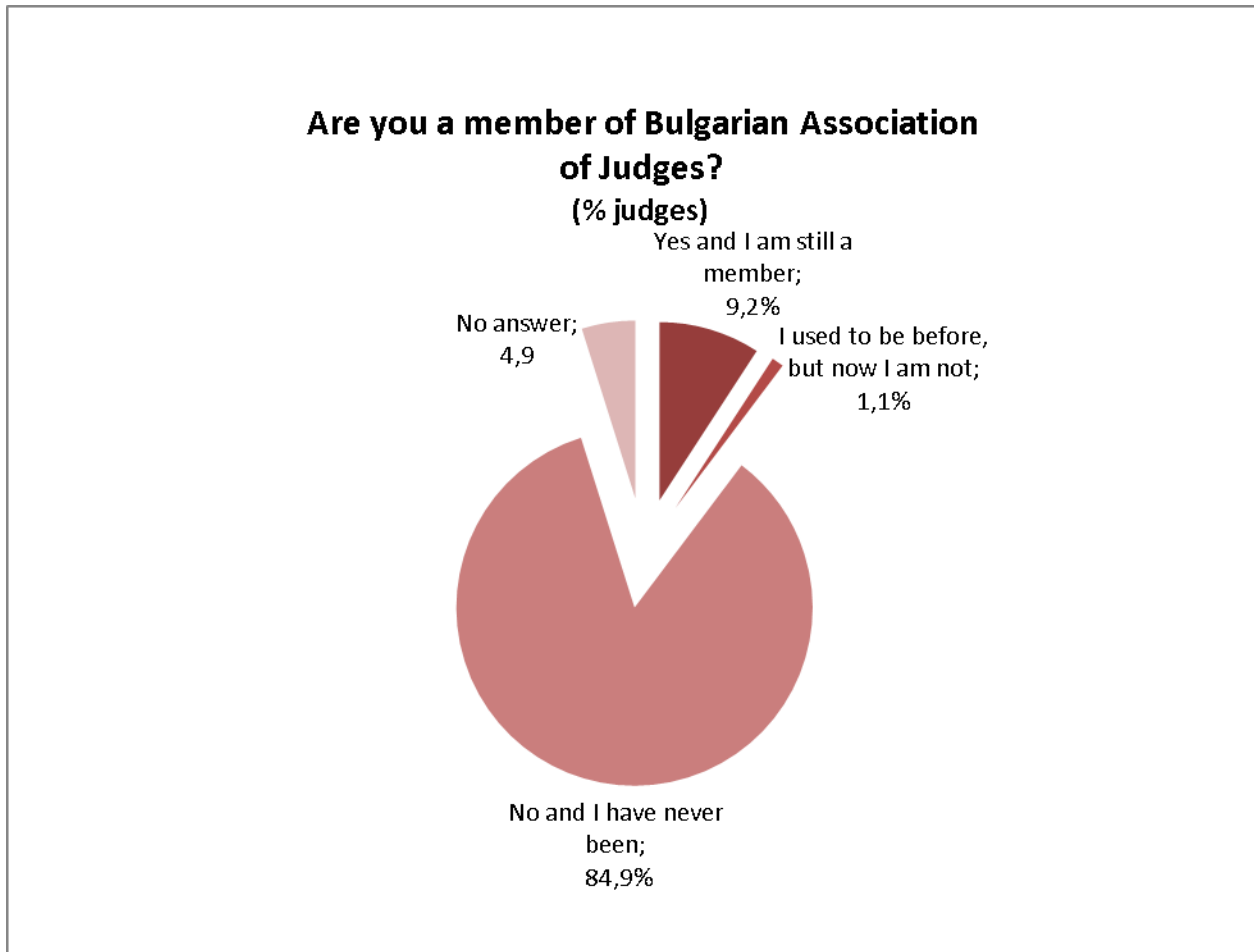
## STUDY FINDINGS

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The study data reveals rather moderate activity with regards to membership in professional associations. A total of 47% of the judges are members of at least one of the two active professional associations (Bulgarian Judges Association and Bulgarian Association of Judges). The two organizations, however, have completely different memberships. Whereas about 44% of the judges are members of the Bulgarian Judges Association, mere 9% are members of the Bulgarian Association of Judges). Due to the higher number of members and the longer existence the withdrawal from the Bulgarian Judges Association is more significant (about 16% of the judges have been before, but no longer are members of the Bulgarian Judges Association). At the same time the Bulgarian Association of Judges has fewer members, was established rather recently and thus the withdrawal is within one-tenth compared to the current membership.

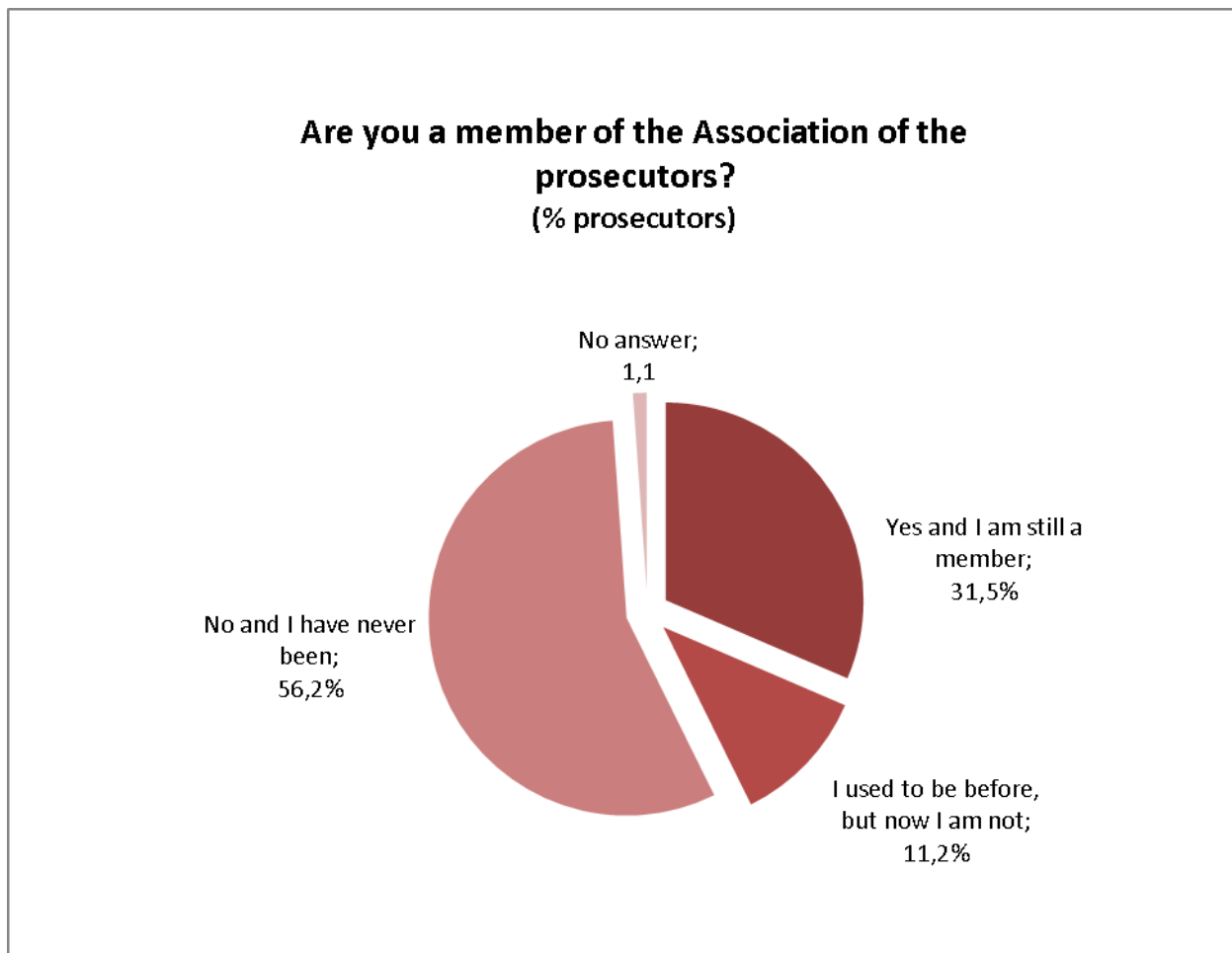


Approximately 40% of the interviewees have never been members of the Bulgarian Judges Association, whereas with regards to the Bulgarian Association of Judges this share is even bigger – almost 90%. This shows that the Bulgarian Association of Judges has not made it its goal or has not managed to turn into an organization which offers broader representativeness of the professional group of judges.

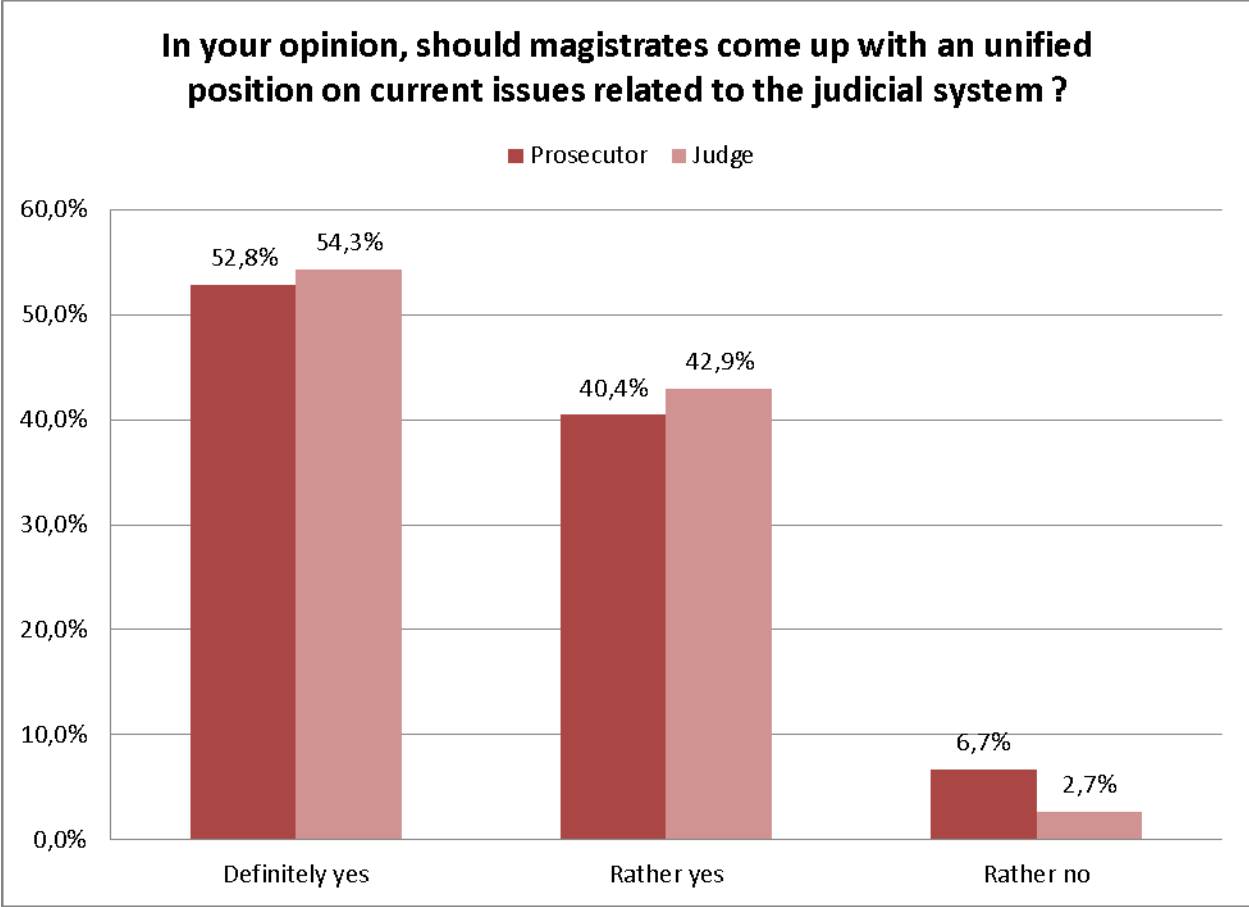


There is no distinct profile of the members of the both organizations. They are evenly distributed among all levels and groups of the courts and within all court districts – in regional, as well as in district, appellate and supreme courts, among rank-and-file judges and those occupying administrative positions.

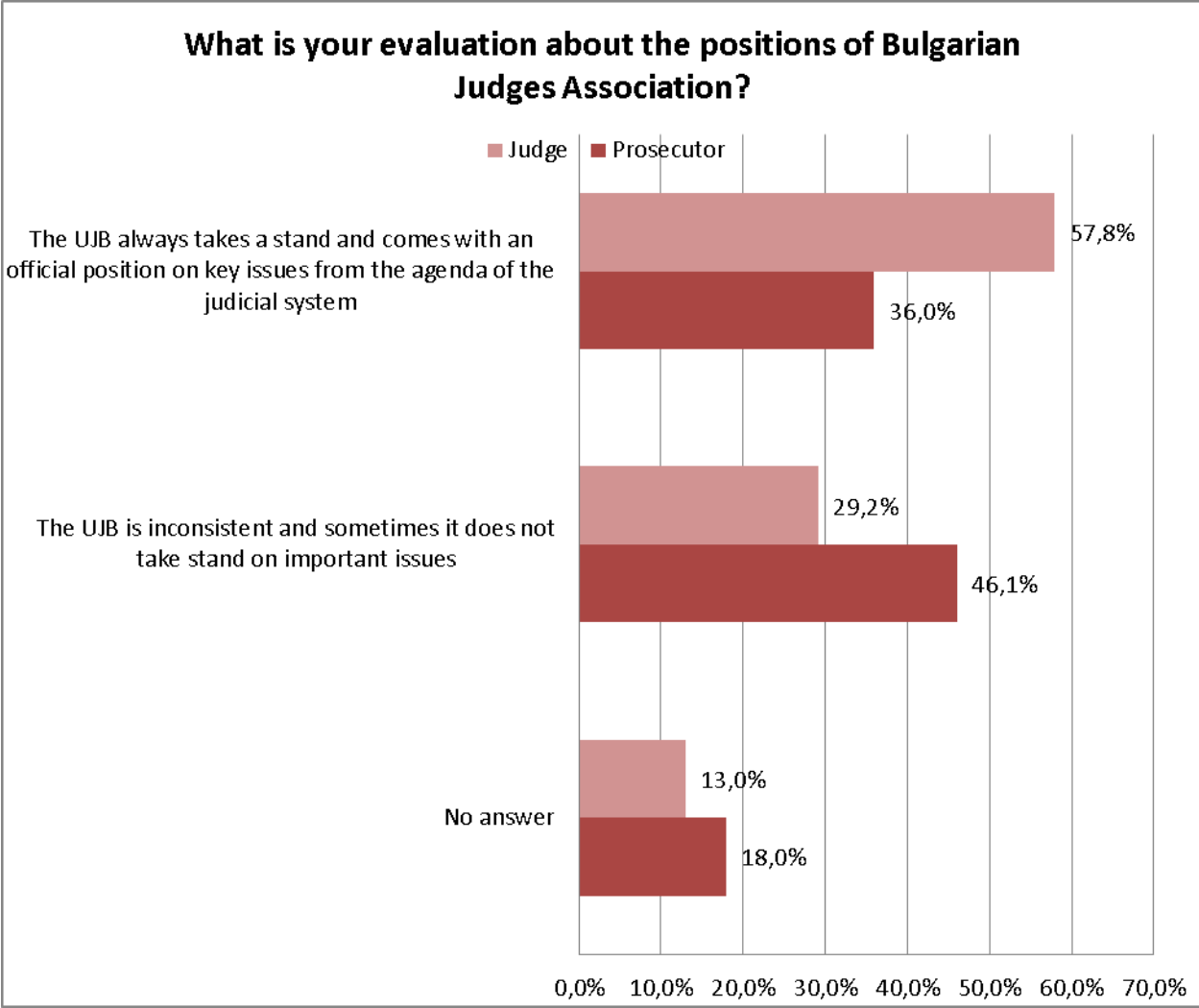
Prosecutors also demonstrate low levels of participation – mere 31,5% of the are members of the Association of the Prosecutors. Activity of participation has not changed since 2014. The then conducted study among prosecutors distinguished a similar share of members. The withdrawal from the Association of Prosecutors is also similar to those from the Bulgarian Judges Association. For both organizations the withdrawal is within one-fourth compared to the whole membership during the entire period (everybody ever been a member).



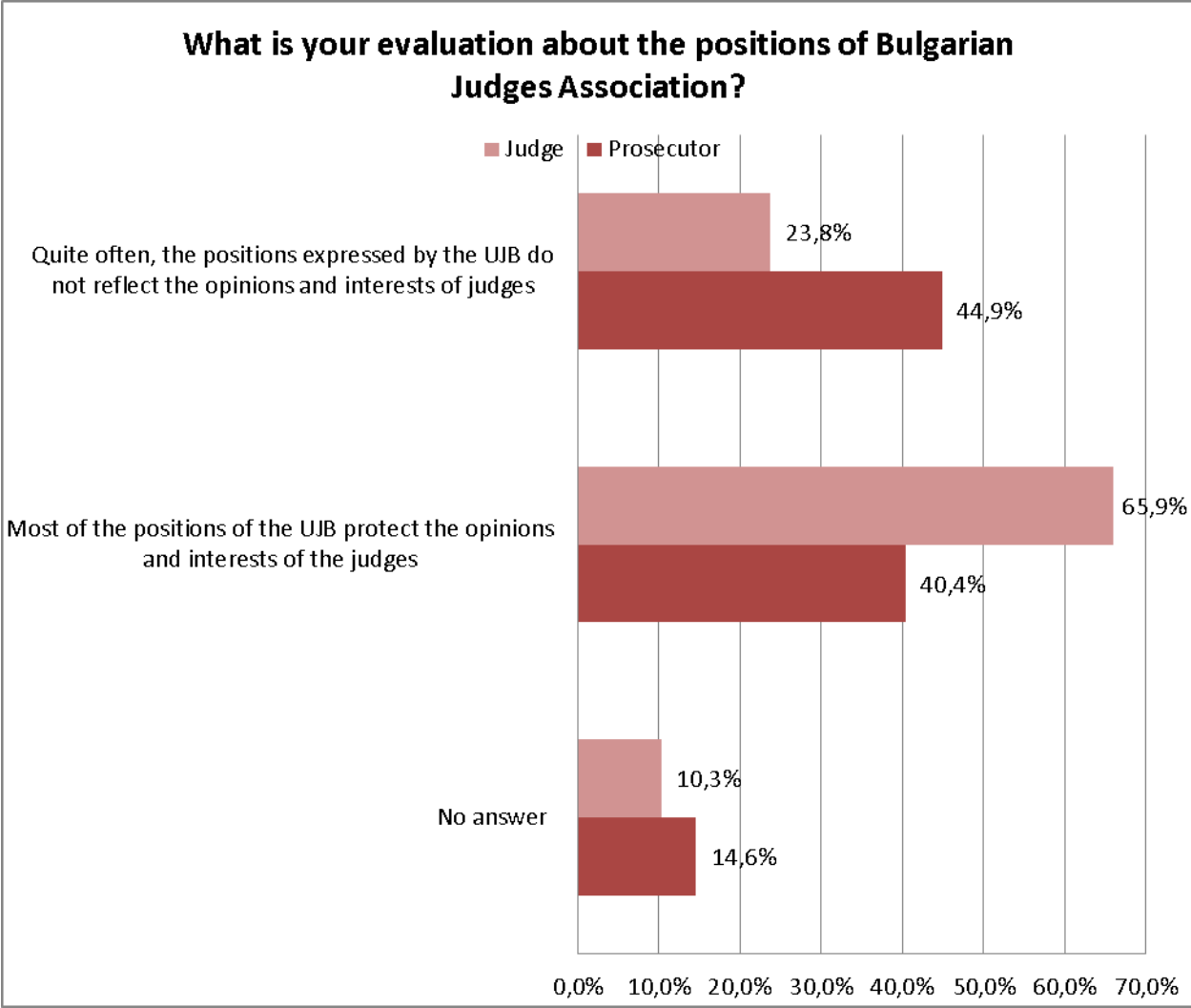
Both professional groups express very high level of consent that magistrates need to unite and express a common position on current issues of the judicial system agenda. About 53-54% of the magistrates explicitly support this position, while 40-43% stand on a more reasonable view (“rather agree”). Prosecutors and judges do not differ significantly in their responses and both groups similarly support the voicing of common standpoints of the professional community.



Within the study prosecutors and judges were asked to evaluate the activity of professional organizations on key issues of the judicial system agenda and the extent to which the positions delivered correspond to the opinion of the professional community. Data shows a mismatch in the opinions of the two groups of respondents. A prevailing part of the judges (57,8%) thinks that the Bulgarian Judges Association always takes a stand and comes with an official position on key issues from the agenda of the judicial system and a significantly minor percentage of prosecutors (36%) supports this statement. Likewise, a great percentage of prosecutors (46,1%) points out that the Bulgarian Judges Association is inconsistent and that sometimes it does not take a stand on important issues. In comparison to the prosecutor participants, close to twice as little judges (29,2%) support this statement. Prosecutors who have not answered this question are 18%, while judges – 13%.

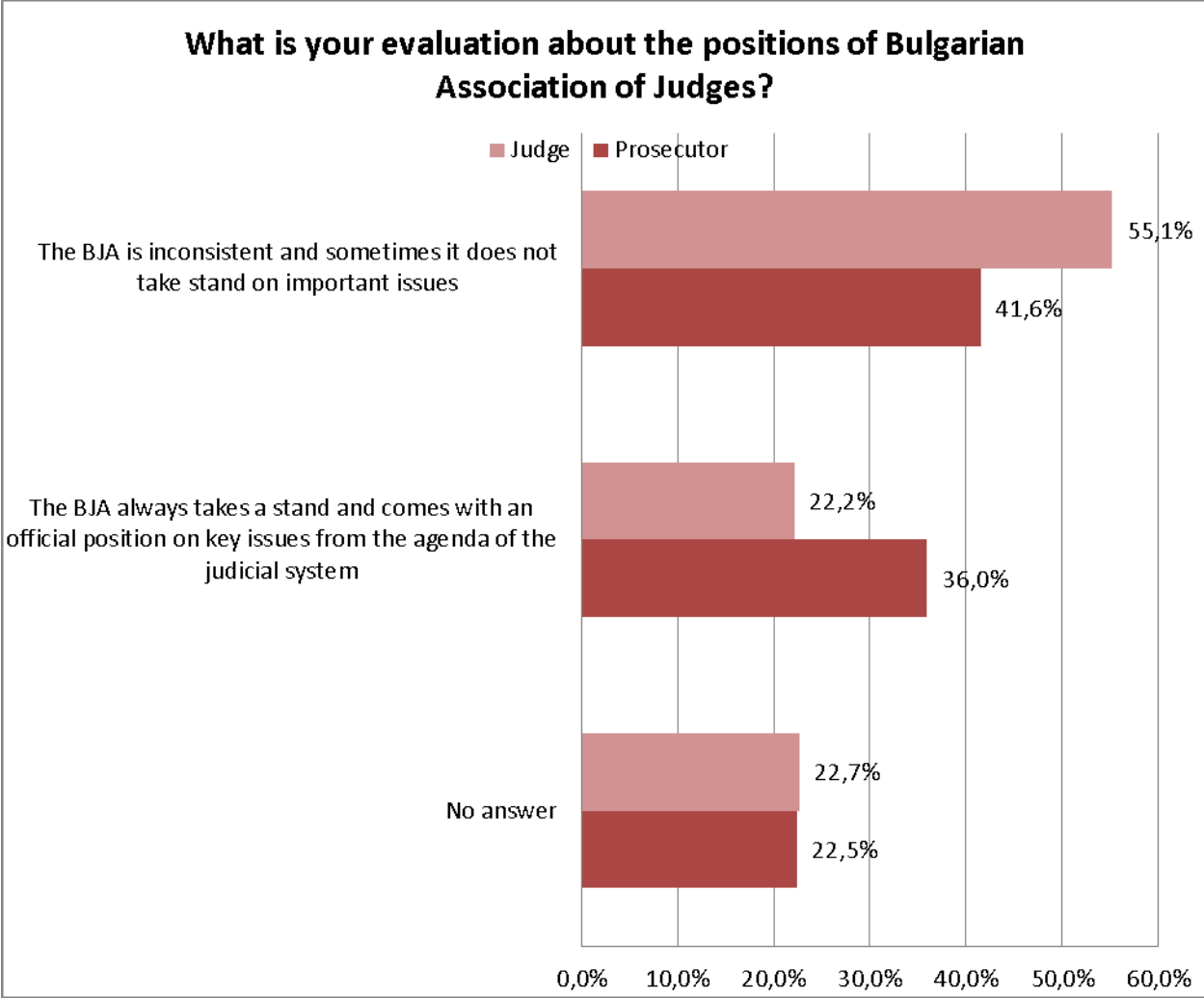


The same mismatches in opinions are also visible in the next group of questions. 44,9% of the prosecutors think that very often the positions of the Bulgarian Judges Association do not reflect the opinions and interests of the judges. 23,8% of the judges support the same opinion. Thus 65,9% of judges and 40,4% of prosecutors believe that the predominating portion of positions of the Bulgarian Judges Association defend the opinions and interests of the judges. The high support to this statement shows that the Bulgarian Judges Association has managed to consolidate the opinions of the judicial community and to express a common position on key and important issues of the judiciary and represent the opinions and interests of the judges. Here again a higher percent of prosecutors who have not responded to this question (14,6%) than judges who have not responded (10,3%) is observed.



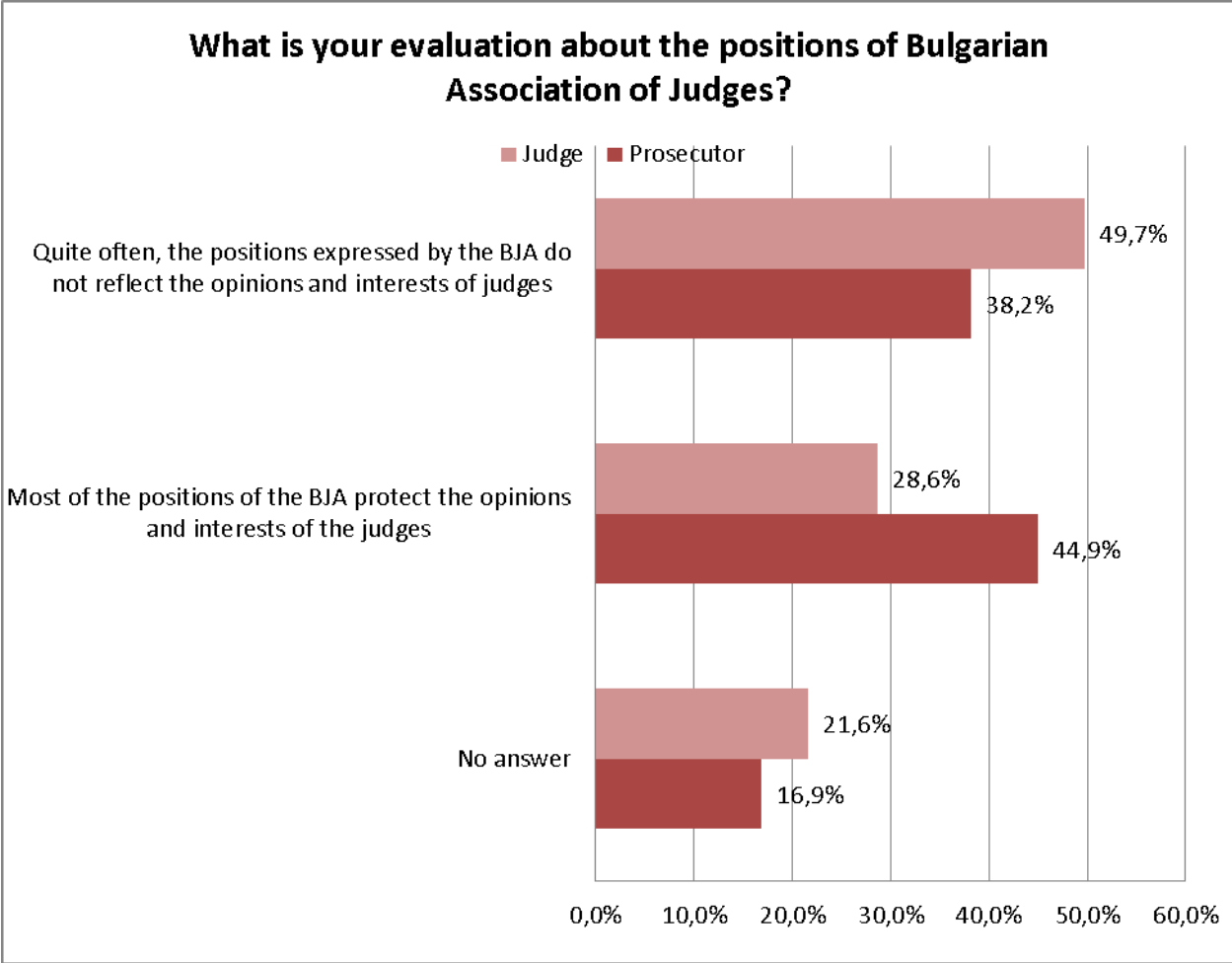
The next group of expressed opinions on the Bulgarian Association of Judges shows a larger percent of positive answers from prosecutors, but very few on the part of the judges. 36% of the prosecutors and 22,6% of the judges think that the Bulgarian Association of Judges always takes a stand and comes with an official position on key issues from the agenda of the judicial system. 55,1% of the judges and 41,6% of the judges believe that the Bulgarian Association of Judges is inconsistent and sometimes does not take stand on important issues. The percentage of magistrates not having responded to this question does not differ significantly – 22,7% of the judges and 22,5% of the prosecutors neither support, nor deny this statement. However, as demonstrated by the opinions of the magistrates, those of inconsistency and lack of position of principle rather dominate – an image entirely different than that of the Bulgarian Judges Association.



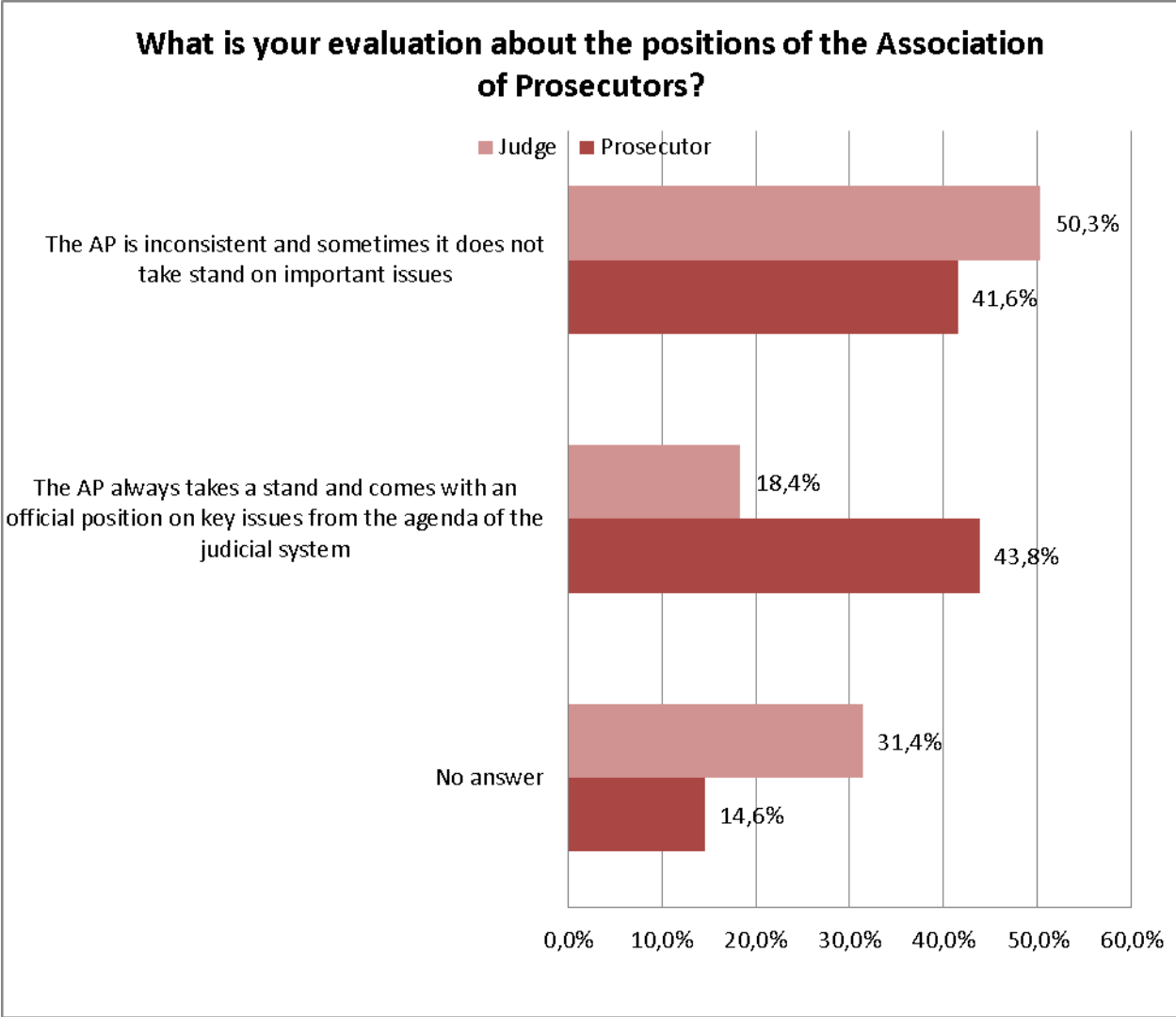


44,9% of the prosecutors have the opinion that in the prevailing portion of the positions, expressed by the Bulgarian Association of Judges, the opinions and interests of judges are defended, while just about 28,6% of the judges support this opinion.

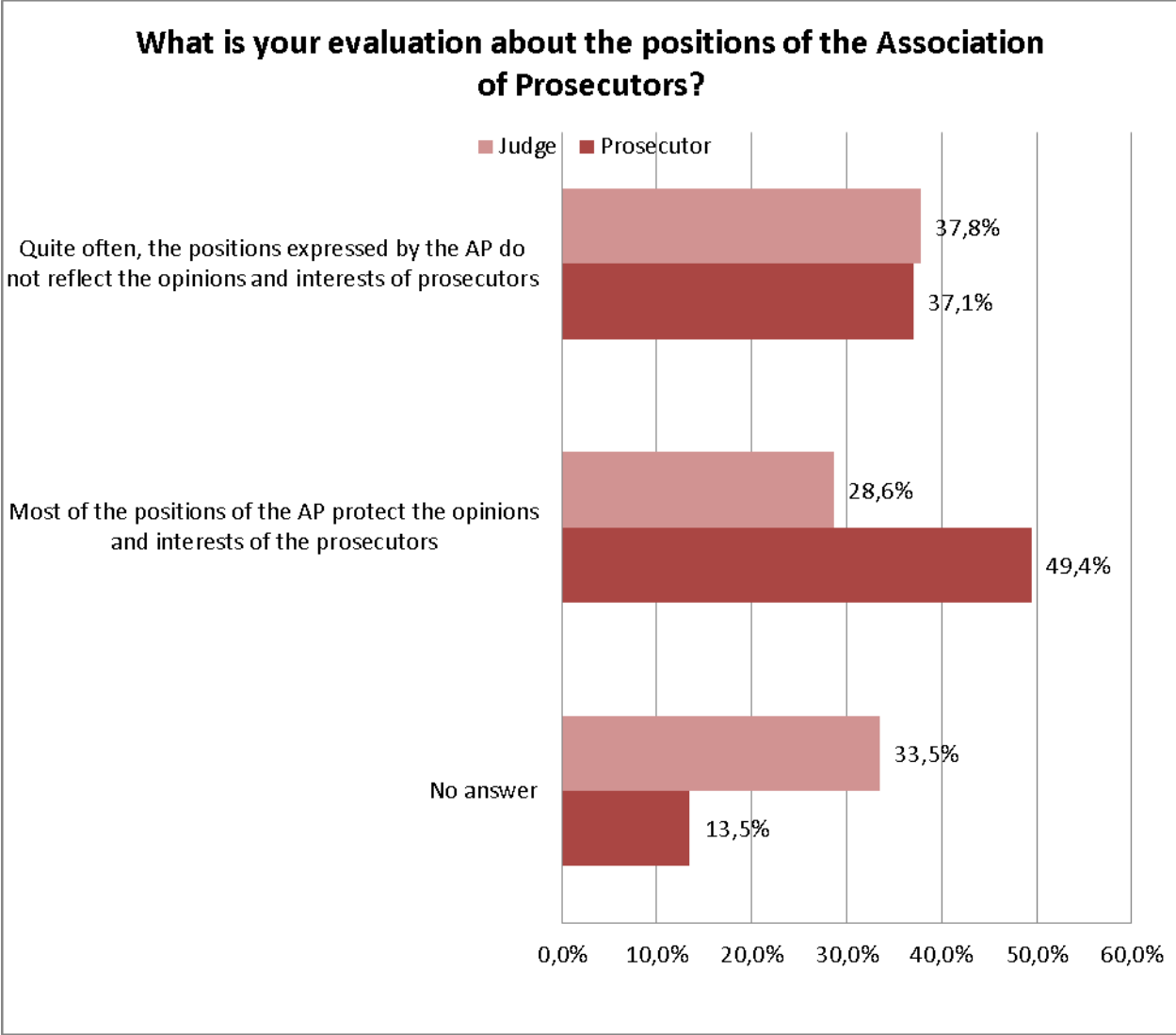
The discrepancies, observed with regards to the evaluations of the positions of the Bulgarian Association of Judges and the Bulgarian Judges Association, may be explained by the fact that the Bulgarian Judges Association has won recognition as a competent professional organization and an active participant in the public debate on the judicial reform, an important factor in the defense of the interest of the judicial community. At the same time, as far as image is concerned, the Bulgarian Association of Judges has more controversial evaluations and much weaker support. Furthermore, according to the majority of judges (50%) the opinions, expressed by the management of the Bulgarian Association of Judges do not reflect the opinions and interests of judges.



The same groups of statements were given for evaluation also regarding the activity of the Association of Prosecutors. The tendency is the same – the majority of prosecutors give positive evaluations, 43,8%, whereas merely 18,4% of the judges think that the Association of Prosecutors in Bulgaria always takes a stand and comes with an official position on key issues from the agenda of the judicial system. At the same time a considerable percent of the prosecutors (41,6%) also think that the Association is inconsistent and sometimes it does not take a stand on important issues. Compared to 2014 the opinions about the Association have bettered. While in 2014 48% of the interviewees thought that the Association was inconsistent and another 33% thought that it always took a stand on important issues, today 42% find it inconsistent and 44% point out that it takes a stand and expresses an opinion on key issues of the judicial system and the prosecution office.



Approximately equal groups of prosecutors (37,1%) and judges (37,8%) believe that very often the positions expressed by the Association of Prosecutors do not reflect the opinions and interests of prosecutors. At the same time a larger percent of the prosecutors (49,4%) than judges (28,6%) thinks that the Association in the predominating portion of its positions defends the opinions and interests of the prosecutors. With regards to both groups of statements, judges constitute the bigger share of “no answer” response, probably because they do not have a direct relation to the activity of the Association of Prosecutors in Bulgaria. If a comparison is drawn to the Bulgarian Judges Association, one would still see that a significantly larger part of the magistrates finds that the Bulgarian Judges Association defends the interests of judges compared to the part of magistrates which finds that the Association of Prosecutors manages to express and to defend the interests of prosecutors.



Despite the different way in which the organizations appear magistrates explicitly support the existence of professional organizations and find their role for the protection of professional interest and active participation in the public debate on judicial reform highly important. According to the majority of the interviewees, the magistrates need to unite and express a uniform position on current issues of the judicial system agenda. This awareness of the role of professional organizations is a very important prerequisite for the intensification of their work and their turning into a major factor in the process.