

THE PUBLICS' VIEW ON TO THE PROFILE OF THE NEXT PRESIDENT OF THE SUPREME COURT OF CASSATION

Resume of the outcomes from a national representative empirical sociological survey

BILI Foundation ordered the carry out of a national representative sociological survey with the following subject – “What should be the next President of the Supreme Court of Cassation (SCC)”. The survey was performed by “Global Metrics” sociological agency during the period of October **12-24, 2021** r. through 1007 effective interviews, based on a two-stage nesting quota sample with selection criteria covering age, gender, education and type of city/town.

1

The goal of the survey was to check the level of knowledge of the Bulgarian citizens about the work of the SCC, what should be, according to their opinion, the next President of the SCC, what qualities he/she should possess, which are the most important things in his/her work and others. It needs to be reminded that October 28 is the deadline for nominating candidates for the position. At present there is only one nomination – this of judge Galina Zaharova who was nominated unanimously by all 83 judges who were present at the session of the court’s Plenary. She did not take part in the voting.

In its work, BILI is always trying to use the methods of the sociology in order to integrate in its analysis the viewpoint of the society. This is especially relevant on issues of high importance to the judiciary. In 2019, shortly before the election of Mr. Geshev, we did a [similar survey](#) about the publics’ expectations from the next prosecutor general.

On main conclusion from the current survey is that the Bulgarian society in general has little interest in the cadre issues of the courts. On the question about the name of the current President of the SCC¹ **only 34,6% from the interviewed are able to give a correct answer.**

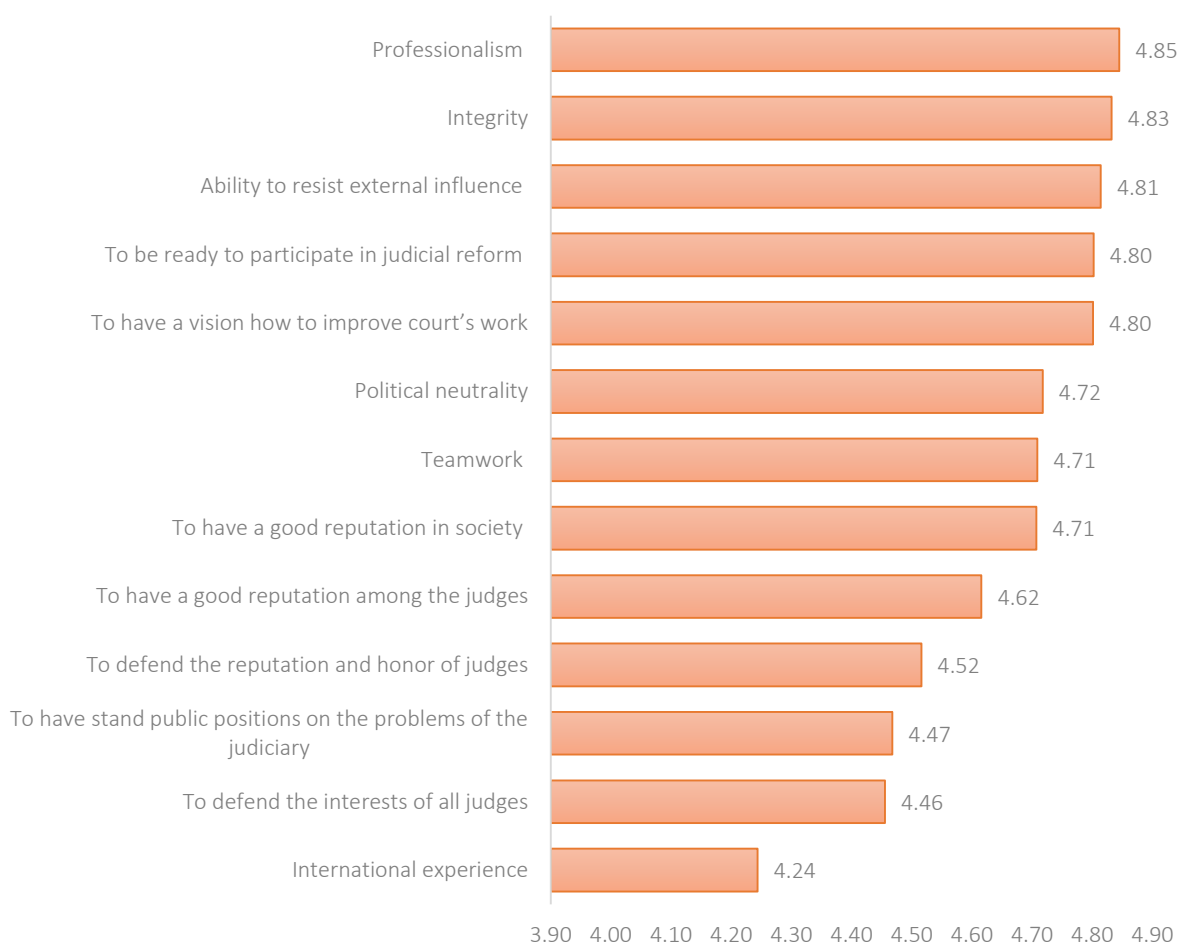
At present, the majority of the public cannot list some clear criteria about the profile of the next President of the SCC. **For 68% of the Bulgarians the gender of the future President of the SCC is not of importance.** At the same time **51,2%** are replying that **age is also not of importance**, despite the fact that according to the law the candidates for this position need to have a minimum of 12 years of practice, i.e. there are indirect age obstacles for acquiring this position. On the other hand, this answer shows that people consider other qualities more important than gender and age.

One of the survey questions included a list of names of prominent magistrates and lawyers, among whom the respondents point their preferred future President of the SCC. **57% are not able to recognize any of the names on the list and 10,6 % cannot decide who they want to see as the next President of the CC.** These replies are indicating once again that the level of interest in the processes going on within the judiciary and in particular – the concrete procedure for election of President of the SCC, is very low. One possible explanation could be also the weak media coverage on the topic, as well as the permanent health and political crisis which dominates our society in the last two years.

The most important quality which the next President of the Supreme Court of Cassation should possess, according to the people, **is professionalism (4,85).** The evaluation is on the scale of 1 to 5 where one is least important and five is very important. On the second place comes **integrity (4,83), the ability to resist to pressure and influence (4.81), to have a vision for improving the work of the court (4,80) and to be active participant in the reforms of the judiciary (4,80).** All these qualities could be evaluated by the Supreme Judicial Council during a thorough and objectively carried out procedure. Among the other important qualities recognized by the citizens are **political independence, good reputation,** as well as **ability to work in a team.** **International experience** is the least recognized quality.

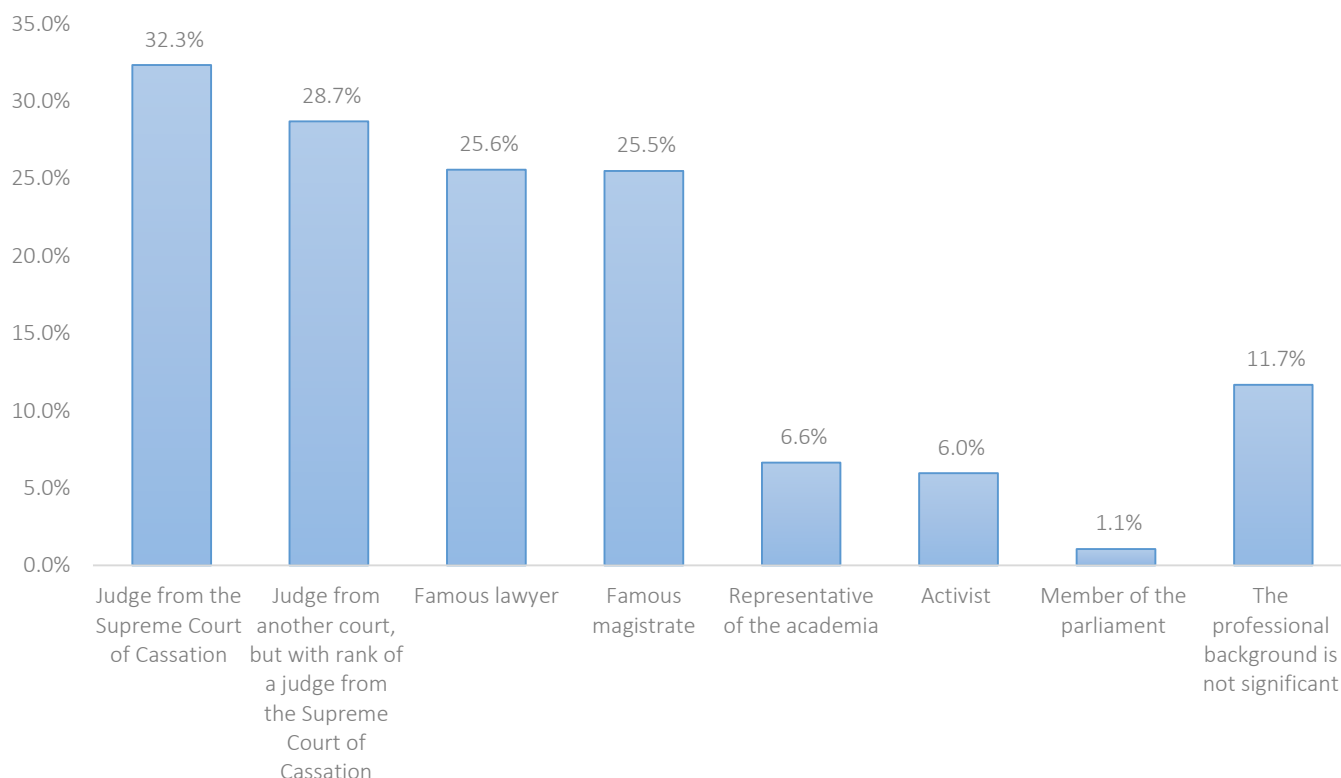
¹ The survey has been carried out after the nomination of Mr Lozan Panov for President of the Republic.

What qualities should the next President of the SCC possess?



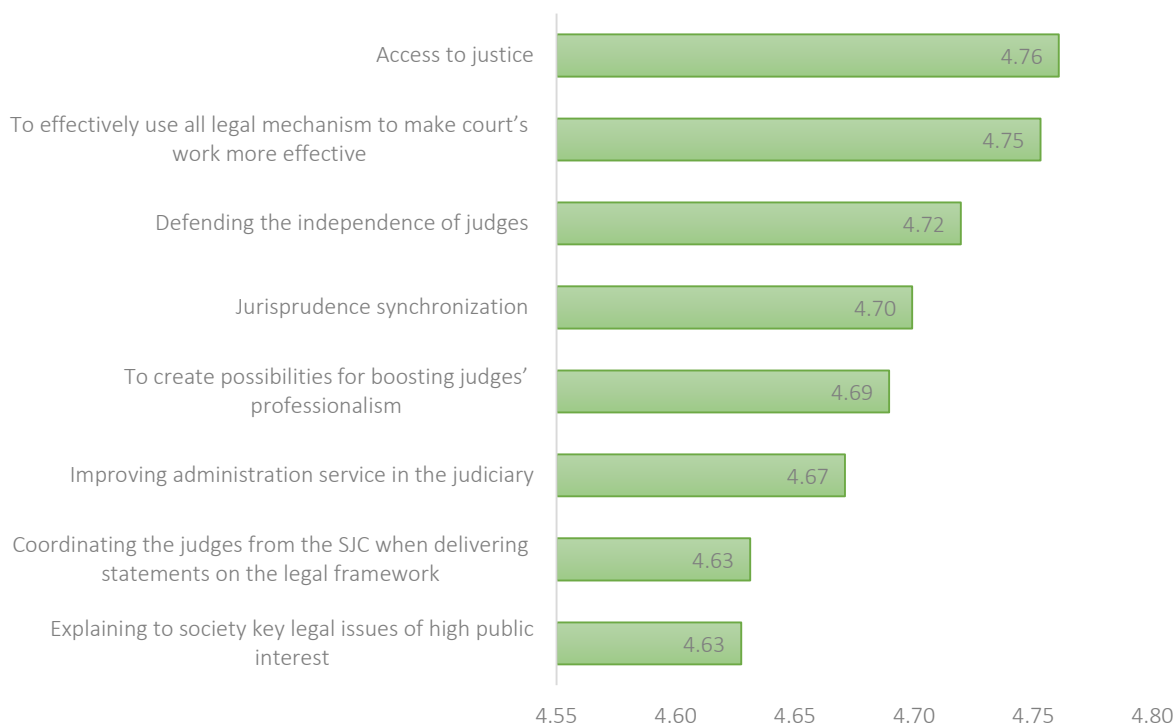
Most of the people think that the next President of the SCC **should be a judge from the same court (32,3%) or a judge from another court, but with the rank of a judge from the Supreme Court of Cassation/Supreme Administrative Court (28,7%)**. The same amount of people is supporting that the next SCC President should be a **prominent lawyer (25,6%) or a prominent magistrate (25,6%)**. Not so much supported are the options that he/she is a representative of the **academia (6,6%), public figure (6%) or member of the parliament (1%)**. According to **11,7%** the professional experience is not of importance.

What should the next President of the SCC be?



On the question about **the priorities in the work of the next President of the Supreme Court of Cassation**, Bulgarians are placing on the first place as the most important priority **the access to justice (4.76)** on the scale of 1 to 5, where 1 is least important and 5 – very important. The respondents are answering based on their own understandings and viewpoints, because the President of the SCC has in fact limited rights and functions related to the access to justice. That means that in practice Bulgarian society feels that the court is an institution not so close to it and not an active participant in the public life. On the second place **(4.75)** as a priority comes **effective use of legal mechanisms to improve the work of the court**, meaning that this is an indicator about the effectiveness of the work of the future court President and for the necessary managerial qualities, he/she should possess. The third most important priority **(4.72)** is **upholding the independence of the judges**, which means that the society feels the presence of problems related to judges' independence, on one place, and on the second – they see the President of the SCC as something like a spokesperson for all judges.

What should be the priorities in the work of the next SCC President?

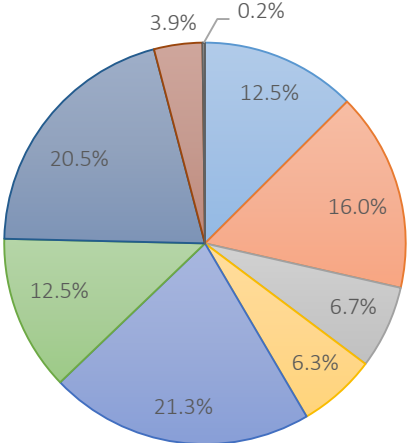


There are interesting answers to the question “Who should elect the President of the Supreme Court of Cassation?” Most of the people are of the opinion that these should be all judges in the country (21,3%), but 20,5% think that he/she should be elected by all citizens. Despite the recent moods for a more direct participation of people in the public and political life in the country, it should be underlined that international standards and recommendations are clear about such elections – they should be performed by a specialized professional body with objective criteria and through transparent procedures. It is interesting to see that people are giving preference to the Judges College for the election (16%) and not to the Plenary (12,5%), which currently is the electing body. 12,5% think that the President of the SCC should be elected by all judges from the same court.

Despite the fact that 58% from the citizens cannot answer if the current composition of the Supreme Judicial Council should elect the next SCC, the majority of the ones who have an opinion believe that the current SJC should not elect the next President of the SCC (22,6%). The replies to this question are showing once again that people are not very well acquainted with the work of the judicial bodies including the Supreme Judicial Council. To the extent that part of the society does have an idea about the existence, structure, functions and outcomes from

the work of the SJC, it evaluates the SJC work in a more negative way. Furthermore, the answers show that this part of the society does not trust that the current SJC could carry out an objective procedure corresponding to the high expectations of the people. It can be supposed that people associate the current procedure with the previous election procedures performed by this SJC, namely the ones for election of President of the Supreme Administrative Court and of prosecutor general. Procedures that were marked by scandals and doubts. The mandate of the current SJC runs out in October 2022.

Who should elect the president of the Supreme Court of Cassation?



- The plenary of Supreme Judicial Council
- From the Judge Chamber of the SJC
- National Assembly
- President
- Directly from all judges in the country
- Directly from all judges in the SCC
- From all citizens
- I do not know/I cannot answer
- Other

Support for the Bulgarian Institute for Legal Initiatives is provided by the America for Bulgaria Foundation under the "Supporting an effective judicial system for a better life and business development" project. The statements and opinions expressed herein are solely those of BILI and do not necessarily reflect the views of the America for Bulgaria Foundation or its affiliates.