



Justice for All Initiative

Seven Key Proposals for Judicial Reform

1. Amendment to Article 126 of the Constitution of the Republic of Bulgaria, whereby the “methodology control” of the Prosecutor General over the activities and operation of all other prosecutors be abolished.
2. Reduction of the Prosecutor General’s term in office from 7 to 5 years and establishing a periodic assessment of his/her function supervising the Prosecution Service and implementing penal policies at the end of the third year of his/her term in office. Reduction of Supreme Judicial Council Members’ term in office from 5 to 3 years, combined with the members being barred from nomination for a second term in office.
3. The office of the Deputy Prosecutor General be enshrined in the Constitution of the Republic of Bulgaria in Article 126 (Article 127) with mandate to tackle corruption and misconduct in public office at the upper echelons of power. The Deputy Prosecutor General shall have the authority to conduct pre-trial proceedings and prosecute in a court of law under petitions and reports from both citizens and state institutions, independently and separately from the Prosecutor General. The Deputy Prosecutor General is to be elected by, and be accountable to (including submission of an annual report) the Supreme Judicial Council. The Deputy Prosecutor General may be removed from office for reasons of manifest unsuitability and/or breach of the integrity of the judicial system.
4. Reduction of the members’ quota, elected by Parliament for participation in the Supreme Judicial Council, from 11 to 7 members and election of such members with 2/3 qualified majority of the total number of the Members of Parliament.
5. Support for the proposal in the Constitution Amendment Bill to divide the Supreme Judicial Council into two separate committees – one of judges and the other of prosecutors and investigators. The proposed candidates for Chairperson of the Supreme Court of Cassation and the Supreme Administrative Court should be put forward before the Assembly of the Supreme Judicial Council solely by the committee of judges while the prosecutors’ committee and/or its individual members should have no right to propose candidates for heads of higher courts and should only participate in the discussion and voting processes. The Assembly of the Supreme Judicial Council made up of prosecutors and investigators should have no authority whatsoever over decisions concerning the appointments, promotions, attestations and disciplinary proceedings of judges.
6. Open voting on all matters in committees and assemblies of the Supreme Judicial Council is to be enshrined in the Constitution with the aim to achieve unqualified transparency and personal responsibility assumption for decisions taken by the administrative body of the Judiciary.
7. Amendment of article 120 of the Constitution of the Republic of Bulgaria whereby any law/regulation limiting the scope of judicial review on administrative acts and/or acts of public bodies would be contrary to the Constitution.