

Central & Eastern European Judicial Exchange Network
Webinar Spotlight Series: Judiciaries in Peril in Central and Eastern Europe

Spotlight #1:
JUDICIARY IN PERIL: BULGARIA CASE STUDY
Tuesday 17 November 2020 Transcript

Speakers:

1. Judge Kalin Kalpakchiev, Union of Bulgarian Judges, President of the Board
2. Bilyana Wegertseder, Director of Bulgarian Institute for Legal Initiatives (BILI Foundation)

Background:

The judiciary in Bulgaria is subject to harassment, political attacks, and media smear campaigns. The protection of judicial independence and rule of law is further undermined by parliamentary amendments to legislation which have spurred controversy. While efforts at judicial reforms are ongoing, the judiciary continues to face institutional challenges, including parliamentary control over the structure of the Supreme Judicial Council, and a high level of political influence and interference with it. Other challenging issues include ineffective management of the court system, the never-ending introduction of e-justice, and thorny issues or judicial reorganization which might potentially lead to the closure of some courts.

[Transcript Begins]

Freda Grealy (FG), Program Manager: Thank you for joining us, my name is Freda Grealy. I'm a program manager here at the CEELI Institute, and firstly, I'd like to hand you over to Chris Lehmann, thank you.

Chris Lehmann (CL), Executive Director: Freda, thank you, and let me also extend a warm welcome to everyone from the CEELI Institute from Prague. It's a special day here in the Czech Republic, and an auspicious one to begin this series on the 31st anniversary of the Velvet Revolution and the celebration of the transition from communism to democracy and the rule of law here in Czech Republic and a trend that followed quickly, thereafter, across the rest of Central and Eastern Europe.

We're very excited about this program — examining judiciaries in peril — which we launched today, but we'll be continuing periodically. It's part of our larger judicial network project that is now an eight-year ongoing effort by the CEELI Institute to support judges across the region, sharing experiences, sharing good practices. Particularly, as they relate to the independence and integrity of the judiciary, and the accountability of the judiciary.

We're going to use this series to focus on the challenges that are facing the judiciary in specific countries. We want to take an hour at a time to really look in-depth and while there's been a lot of

attention to Poland, and we will address Poland in the next session on December 1st, we wanted to begin with Bulgaria — a country that has had its own serious challenges to the judiciary and which deserves attention. We will, we will be, as I say, following up with spotlights on other countries of Central and Eastern Europe. But we want to reiterate the commitment of the CEELI Institute to the judiciaries across the region, we are here for them and for their work.

And lastly, I do want to give a special thank you to the US Department of State, the Bureau for International Narcotics law enforcement affairs, which supported this effort. So, Freda, back to you.

FG: Thank you, Chris. We have two speakers this evening. Firstly, I'm delighted to introduce Judge Kalin Kalpakchiev, he is President of the Union of Judges in Bulgaria. He currently serves as a Criminal Judge on the Sofia Court of Appeal and he's a former member of the Supreme Judicial Council. He served as a judge for 25 years and he was a trainer in the National Institute of Justice.

We're also delighted to have with us this evening Bilyana Wegertseder. She's one of the founders of the Bulgarian Institute for Legal Initiatives, the BILI foundation, and she's also its executive director. She has substantial experience in the field of rule of law and policy reforms. She's also a trained mediator and a trainer in that field. Also, she has widely published articles relating to the rule of law, to the independence of the judiciary, and also to judicial reform in Bulgaria. So firstly, I'm going to ask Judge Kalpakchiev to address you. He's going to speak in Bulgarian, so for those listening in English, you just go to the English channel, which is where you should be at the moment. Okay, thank you, and judge the floor is yours.

Judge Kalin Kalpakchiev (JK): So, what are the circumstances that provoke attacks against the judiciary?

After 1989, countries in Southeastern Europe went through a painful and complex transition from totalitarianism to democracy and building independent judiciary has been a major component of this transition. The process is specific to each country and has been shaped by the historical and cultural context prevailing in the respective countries.

The lack of a robust and independent judiciary in Bulgaria stems from the constitution adopted in 1991, which defines the structure of the judiciary and the model for its administration. In Bulgaria, both courts and the prosecution service are part of the judiciary, and the system is governed by a single body — the Supreme Judicial Council. The status of judges and prosecutors, which evolved from the arrangements in the constitution adopted at the very beginning of the transition period, is the main reason for the poor understanding of the essence of the independence of judges in the context of justice administration within the meaning of Article Six of the Convention for the Protection of Human rights and fundamental freedoms. And of the autonomy of prosecutors in discharging the principal duty of their office of bringing charges against persons accused of having committed criminal offenses and supervising criminal investigations.

In 2016, the Supreme Judicial Council was divided into two chambers of judges and prosecutors, respectively. Despite this, the body continues to function under strong party political pressure, because the majority of the members of the Chamber of Judges are elected by parliament on the basis of a procedure, which fails to provide even minimum guarantees for the independence and integrity

of the nominees. Furthermore, the appointment of the Presidents of the two Supreme Courts in Bulgaria, judicial training and the budget of courts, are not decided by the Chamber of Judges, but by a plenary, more than half of the members of which are prosecutors and investigators. Prosecutors, and more specifically, the Prosecutor in General, are able to directly influence the appointment of the President of the two Supreme Courts.

For example, in 2016, the Prosecutor General intervened and prevented the appointment of a judge selected by the Supreme Court Justice as permanent tutor at the National Institute of Justice. In a similar vein, critically minded judges from the Bulgarian Judges Association have also been denied permanent or temporary appointments as tutors at the same Institute. Half of the members of the Supreme Judicial Council are judges and prosecutors elected by the national parliament in the manner that precludes any form of legitimate public oversight over the judiciary. On the contrary, the political parties in parliament, in remarkable unanimity between the ruling party and the opposition, nominate and appoint council members, who subsequently further the interests of the political nomenklatura unshielded from prosecution. In a sense, the composition and the powers of the Judicial Council in the Bulgarian context, are an instrument that reduces the independence of judges, which is a contradiction in terms because the ultimate function and responsibility of judicial councils is to protect and uphold judicial independence.

This paradox has been noted by the Czech constitutional scholars, Professor Michal Bobek (Czech) and David Kosar (Hungarian), who in their article “Global Solutions to Local Problems,” critically examine judicial councils in Central and Eastern Europe and reach the conclusion that building a post totalitarian self-governing judiciary, which does not rest on deep and meaningful internal change and renewal, leads to ostensibly independent judiciary in which the majority of judges do not act independently. The independence of the judiciary proclaimed in the national constitutions and the attending judicial councils as the governing bodies of the system may only function successfully in a politically mature environment, which does not exist in societies in transition. In the countries in Southeast Europe, judicial councils hold substantial powers and successfully tame potential dissidents in the judiciary through relentless disciplinary proceedings, refusing promotions when due, and other means of repression.

In the Bulgarian context, this repressive role vis-à-vis judges is also played by the inspection service of the Supreme Judicial Council. The task is achieved mostly through continuous checks and imposing disciplinary sanctions on judges from large boards handling excessive case loads over failure to keep up with deadlines. Such disciplinary proceedings are a very effective instrument for engendering fear and have a strong chilling effect on other judges.

The second specific reason for repressing and undermining the independence of the judiciary is the role of the Prosecution Service, which in Bulgaria, as already noted, is part of the judiciary. It's supposed totalitarian status remains unchanged and allows it to be used by political parties and other influential business operators as an instrument for illegitimate goals which erode rule of justice and undermine the legal order. The involvement of the prosecution in the administration of courts and the systemic abuse of prosecutorial powers creates a public environment in which the functioning of the judiciary is increasingly difficult.

In conclusion, the tendency to undermine the independence of courts, and the attacks against the judges in Bulgaria are the by-product of an immature democracy. And in keeping with the wave of

populist and very much in keeping with the wave of populist and authoritarian regimes in other South East European countries.

How do these attacks imperil judicial independence? Attacks against judges take many different forms and typically involve attempts to limit the judges' right to expressing an opinion, the inviolability of their private lives, and their right to free association.

The Bulgarian Judges Association was re-established in 1997, as the successor of the original Judges Association created in 1919. At the moment, the association has approximately 700 members. Over the years, our organization has always clearly voiced critical opinions, both in cases of attacks against judges on account of judgments delivered in sensitive cases, I think connection with the adoption of various pieces of legislation, which have continually eroded and continue to undermine judicial independence. This is the reason why the Judges Association is continually maligned and subject to attacks from pro-government media, politicians and senior officials in central government and the judiciary alike, including the majority of the members of the Supreme Judicial Council. In recent years, Members of Parliament from the ruling political party having acted a number of amendments to the Judiciary Act, with the clear objective of restricting the judges right to Association and even seeking to dissolve our organization. This was ultimately prevented owing to the timely intervention of the European Commission and the Council of Europe. However, the slander campaign against the organization has prompted many fellow judges to leave it and we are finding it increasingly difficult to finance our work through public funding.

The poor media environment in Bulgaria is yet another factor which undermines judicial independence. Bulgaria ranks in the 111th place in the international press freedom ranking of Reporters Without Borders. Most influential electronic and printed media toe a strong pro government line, failing to uphold basic journalism ethics and standards, and acting as an arena for mounting large scale attacks against the Bulgarian Judges Association, individual judges, and, unfortunately, entire courts. According to a media monitoring exercise which covered the period between 2015 and 2020, hundreds of judges have been subjected to discrediting and slanderous attacks in the press and electronic media on account of delivering judgments about the government who did not approve of or an account of expressing critical opinions against government attempts to further undermine the independence of the judiciary. The constant attacks in the media created an environment of fear and conformity among judges and have a strongly demoralizing effect on the professional community. There have been a number of violations of the right to privacy of judges, with some being followed to their homes, their photographs being printed in the media, and so on and so forth. A concerted and sustained effort is being made to vilify judges.

In addition to smear campaigns, judges are subjected to unprincipled tax audits by the tax and revenue service, arbitrary disciplinary proceedings, and inspections by the inspection service of the Supreme Judicial Council. In 2019, the council breached privacy regulations by publishing the personal data of a judge, a former president of the Bulgarian judges Association and a prominent critic of the status quo. They have also been cases when the critical opinions voiced by judges have stood in the way of their career development. Justice Nelly Kutzkova, who the Supreme Judicial Council refused to appoint as president of the Sofia Court of Appeal in 2016 on account of her critical stance is a case in point. In 2019, political parties from the ruling coalition organized rallies vilifying the judges who had ruled on the conditional early release from prison of a foreign national in Bulgaria. Leading pro-government media mounted vicious attacks against those judges on the bench who were active members of the Bulgarian Judges Association, aiming to silence all critical voices who raised concerns and spoke

against breaches of procedure in the election of a new Prosecutor General. Taking cue from a political party in the ruling coalition, the inspection service of the council initiating disciplinary proceedings against the judges, which lasted eight months, and were eventually dismissed. The campaign against court independence was accompanied with xenophobic and discriminatory statements from leading politicians and hate speech messages in pro-government media.

Are there any solutions? In a demoralized environment and amid widespread resignation, judges and courts have limited means to counter such campaigns and attacks. Our organization continues to speak in defense of the individual independence of judges who become targets of the public attacks mounted by the authorities, making proposals and giving reasoned opinions with the aim of enhancing court independence. Having said this, the process of intimidation and defamation of judges in public has ushered in apathy and resignation which stands in the way of the efforts to achieve a lasting change, therefore, continue to delay efforts to support the judges. Their continued professional education, including in areas such as judicial ethics and integrity, remain all important. The experience we have gained during the transition period calls for a shift from the strong focus on the normative aspects of judicial independence to action and care for our fellow judges. Judicial solidarity and help from other judicial organizations, including international assistance and cooperation between judges, are also of paramount importance.

FG (19:08): Thank you so much Judge Kalpakchiev for those insights and for that very sobering overview, I think, about the challenges faced by Bulgarian judges. So now, I would like to ask Bilyana Wegertseder to take the floor and then we might deal with questions once Bilyana has finished her presentation. So, thank you Bilyana—

Bilyana Wegertseder (BW): Thank you Freda and good evening. Thank you to the CEELI Institute and to INL for organizing this spotlight event and I will continue from where Judge Kalpakchiev stopped by adding some additional problems which I believe the judiciary is currently facing.

In the new circumstances, which are caused by the COVID-19, the courts in Bulgaria literally have stopped working for up to three months, with the exception of some emergency cases. This led to a big caseload, a lack of sound protocol on how to proceed in that situation, and also shifting the responsibility to the separate Presidents of the courts, and not taking responsibility by the main administrative body of the judiciary — which is the Supreme Judicial Council.

Another problem, which also occurs is the remote judging, or in Bulgaria, the larger problem with E-justice. This is one of the big issues in the Bulgarian Judicial System, which has not found its solution. From 2007, the year in which Bulgaria became a full-fledged member of European Union, until now. Developed software was not functioning very properly, was not corresponding to the needs of the various judicial proceedings and was also causing possibilities for manipulation. This, of course, reflects in a negative way of the image of the judiciary itself.

On the top of this, as also Judge Kalpakchiev has briefly mentioned, we have a super active Prosecutor General, who is also publicly criticizing the courts and even separate judges. His criticism reached its peak, if I can say so, when, at the beginning of this year, he actually said that Bulgaria did not have judiciary and did not have proper jurisdictions in the last five to six years. And this was part of a

checkup which the prosecutor was doing related to the random case assignment and potential manipulations in that situation. We also have attacks coming from the prosecution and, unfortunately, we're still lacking a sound mechanism or a functioning mechanism for holding the Prosecutor General accountable. This has been a problem for a long time ago, criticized on various occasions by CVM, this cooperation and verification mechanism which continues to function for Bulgaria and Romania, criticism in various opinions of the Venice Commission, in Greco reports, and so forth. I don't want to mention here also, the famous Kolevi case, (KOLEVI v. BULGARIA <http://hrlibrary.umn.edu/research/bulgaria/KOLEVI.pdf>) from the Court of Human Rights in Strasbourg, which actually, in 2009, he has explicitly mentioned that Bulgaria lacks such a mechanism for how holding the Prosecutor General accountable, and until now, this decision of the European Court on Human Rights has not been executed.

We have currently a new situation which adds to this pile of problems and this is with a political coloring, if I can put it like this. Because we have in Bulgaria — for more than 120 days now — protests on the streets and in that, in these protests do not only demand the resignation of the government, but they also demand the resignation of the Prosecutor General. And I think in this in this demand, Bulgaria is unique within the European Union. Because I haven't heard of any other country member of European Union which has protests and, in these protests, besides the political demands, people in society also wanted the resignation of the Prosecutor General. I said political coloring, because the current, the current government in the current parliament, they have introduced a new constitution in parentheses because it is actually not new. It's to 90 percent the old one with just some 10 percent changes. But again, these suggested changes also do not correspond to the problems of the judiciary and they also don't present a solution of how to help hold the Prosecutor General accountable.

Last but not least, as a reply to the first rule of law report for Bulgaria on this new horizontal mechanism on rule of law, which now covers all 27 member states, the government developed a plan of measures to tackle the problem mentioned in this report. But again, in my personal opinion, this plan does not really go in-depth into the problems mentioned, and also only scratches on the surface of the everlasting judicial reform in Bulgaria.

So, being a member of the civil sector, we are not only criticizing and complaining, but we are also searching for solutions. And so, what can be done? There are different players and different stakeholders in this whole situation, and these are the members of the civil society, the media, of course, and the judges in their professional organizations themselves.

So, what the civil society, members of the civil society and NGOs can do? First of all, what we can do is to be very active in publicly supporting the independence of the judiciary by presenting objective and expert opinions without any political affiliations. I think it is also very important if we, as Judge Kalpakchiev has mentioned, support the judges in their organizations in creating a safe environment where they can talk about their problems — as personalities — not only the problems of the system, and exchange, unbiased and professional experience, and ideas.

The media on the second place, the media is very important, although in Bulgaria we have serious problems, as Judge Kalpakchiev mentioned. We are on place 111 in freedom of the media and most of, most of the media is owned by people who support the political establishment to mildly put it. But there is still independent media, there is also international media, and the media can provide a forum for opinions informing society at large about the real problems. The media can also ask the uncomfortable questions to politicians, to lawmakers, to the executive — and even to members of the of the judiciary who don't act in an independent way.

There is a very important player in this whole equation, and this is the European Union. We are members of the European Union, and during our membership and now European Union has developed various mechanisms for monitoring and control of how rule of law is upheld, not only in Bulgaria and Romania, but now, also in other countries. However, what is lacking for me is that in these mechanisms we don't see working measures. I don't want to talk here about the stick and the carrot because I don't think that the situation right now is like this. But I want to see, and I'm speaking from experience because we have the CBM functioning from 2007, I want to see measures and suggestions which can support knowledge not only the institutions working for traditional reform and fight against corruption in the judiciary, but which can also support court judges, civil society, and media to provide to these critical voices, because we should not, we should not lie to ourselves and Bulgaria is in a situation which we call state capture.

In this situation, public institutions controlling and regulatory institutions do not function in the public interest, but more they function in support of a private, political, or corporate interests. And that is why in this situation, if we don't have really independent judiciary, independent and active civil society voices, and the same from the media, it will be very difficult to get out of these capturing.

What is needed if we want to succeed in this or at least try?

I believe separate judges and professional organizations have to be very active, or more active, if I can say so. I know how it is difficult for the Bulgarian judges Association to be so active when it is a constant subject to smear campaigns, and Judge Kalpakchiev has mentioned this already, but I don't think that this should be an obstacle. In depth, in the line of this, I would even say that in these challenging times we should be talking about judicial activism, or about judicial populism, if you want, in the positive connotation of these words. Which I understand as having separate judges, more members of these professional organizations going out and publicly talking.

In Bulgaria we have a saying, it is still supported by some members of the judiciary, that a judge should only speak through his or her acts or judgments. I understand this, but unfortunately, I think that for the current situation, not only in Bulgaria but also in Europe, this is an outdated saying. And even though the judicial system should be conservative, and is conservative per se. Now the times are much more different, and if we don't have this judicial activism and judicial populism we are going to see soon, in Bulgaria or also in other countries, not only a captured state, but the captured judiciary. And if you have a captured judiciary, you actually don't have a functioning democracy. Because at the end of the day, everything boils down to upholding this traditional independence and the rule of law

through the judicial independence — because these are the two main pillars of a functioning democracy.

Thank you very much and I'm ready to answer any questions. I hope I answered to certain extent Vincent's question, which I saw in the Q&A.

FG: Absolutely, thank you so much Bilyana, really appreciated those examples, further examples you gave of some of the issues that Bulgarian and judges are facing, and also and some of the kind of positive actions that could be taken. I just wanted to pick up on the last point you made there in relation to judges and this relates to perhaps judges if they do speak out. As we know, social media is something that, is you know, in some ways can be a scourge for some of the judges and indeed we know that it has been used to very detrimental effect as well. And so, how do you think, how do you think social media, how can judges and speak out if they are faced with these types of challenges? And I'll ask you first Bilyana, and then perhaps and Judge Kalpakchiev I'll ask you for your comments.

BW: I want to mention here, actually, the manual, which was developed by the CEELI Institute, and which we were able to distribute to all courts in the country. We have received a lot of thank you letters for this, also stating that social media is now becoming more and more important in the life, not only of us as physical persons, but also of the judges themselves and of the courts. I think that social media, if organized in a proper way, can be a very, very strong and very important tool in delivering messages — especially to the younger generation. Because more of the young people are now on Facebook or Tic Tok or Instagram or Twitter and they are, they look also for their role models. And I believe that a judge can be also a role model and if there is a possibility to use the social media, of course with the necessary respect to the profession, to deliver the message of how important it is to have an independent judiciary, independent courts, and independent management at the system to this young generation. This will inevitably in a short and long term bring to a change in the mindset.

FG: Thank you Bilyana and Judge if I could ask you for your comments on judges and social media, there is a threat there but there's also an opportunity as Bilyana says.

JK: I fully agree that judges and our judicial organizations should have a presence in social media, of course subjected to a number of limitations in terms of ethical behaviour, integrity, and also, first of all, the requirement for impartiality. The Bulgarian Judges Association has two profiles in social media: a judicial journal, where we publish different articles, opinions on problems of case law, and we also have a profile on Facebook, we however, appear to be slightly boring. We are trying to work with young people, particularly students, but my personal impression is that we have not been sufficiently convincing. And, for example, I've noticed that our colleagues in Poland, I have a much more attractive and dynamic of profile on Facebook. I follow them on IUSTITIA and I know that they make short videos, they make interactive presentations, which make it easier for ordinary people to understand what law is or is all about and how it functions. So yes, I agree that judicial organizations should have a presence on all communication channels, but with all due respect and subject to all limitations in view of the nature of the work we do as judges.

FG: Very good, thank you, and I know that there are some Polish judges who are listening and watching now and they'd be very pleased to hear your positive comments there on their social media engagement.

So, I'm going to go to the Q&A because we actually have quite a few questions here, and so, there is a question and this maybe this is for you Judge, it says, but I'll also ask you Bilyana — I'm very interested to know what measures are taken by the Judge's court or Associations of Judges in Bulgaria in order to protect the independence of the judiciary? So, what measures are you taking yourselves to try and protect your independence?

JK: Our Judicial Association is very active and has been a very active ever since it was established 20 years ago or re-established or 20 years ago. In every case where we have had attacks against judges by senior public officials or by the media, we have always published a position addressed either to the Supreme Judicial Council asking for institutional support or addressed to the media asking for the publication to be refuted. But this has not been sufficiently effective and we have on many occasions proposed to the Supreme Judicial Council to introduce something like a systemic approach. And two years ago, the Supreme Judicial Council adopted dedicated rules, but has not been applying them consistently and every time we have to remind them to act in cases of attacks against judges. So, this is, this is what we are doing, but again, I realized that we have not been very efficient. We don't have many other instruments are at our disposal. We can always state our position in public, but of course, these critical voices and these opinions are a thorn in the backside of the government —so hence the many discrediting campaigns against us.

FG: Good, Bilyana Is there anything you'd like to add there?

BW: I can only add that in, in their efforts to protect the system. The Bulgarian Judges Association has also strong supporters not only in police surveys, but also other NGOs which have specialized in that topic. One perhaps approach which can be taken in that direction, is to try and engage other at-risk stakeholders, other members of the society in that type of support. And it occurred to me that a couple of years ago there was a conference which took place here in Bulgaria. At which members in the different commercial chambers I have organized in support of the rule of law in Bulgaria. So perhaps, in order to get that critical mass of people in organizations, to work in that direction we all need to diversify our audience, and not talk to each other like preaching to the converted, but also preach to others and involve them in in that battle.

FG: Very good, thank you for that. And there's a question here, yes?

JK: I would only like to add, if I may. There have been cases where we have approached the advisory, the consultative Council of the European judges Association, and we have received support, which in many cases has been decisive. So I think that a solidarity between judges, including an international level, is an extraordinarily strong and efficient instrument, particularly when we see attacks against the judiciary from governments.

Actually, that's interesting, because this was one of the questions that we received in advance from one of our attendees. What they asked was, what else can the international community do to support judges in Bulgaria? If you could address that, please?

FG: Actually, that's interesting, because this was one of the questions that we received in advance from one of our attendees. What they asked was, what else can the international community do to support judges in Bulgaria? If you could address that please.

JK: What Bilyana has said is very important. It is very important to know or to shed light on the situation in each country. In the last few months, the focus on Bulgaria has probably helped raise interest in the latest developments in the country politically and in the judiciary, including, in connection, with a resolution adopted by the European Parliament. So the role of judges at national level is to be as open as possible to share all their problems. All the challenges they face up transparently, publicly, despite this having, shall we say, certain cost professionally and personally. And allow me to refer back to the Polish judges because they're such an inspiring example for all other judges in Europe. They are investing an incredible amount of effort into making problems in the judiciary visible, to not only to society in Poland, but also all other stakeholders at European level and I think this is very important.

FG: And just while you mentioned Poland, at this stage, I'd like to let everybody know that we are running a similar event to this on the 1st of December, and you can register on the CEELI Institute website — so we'd be delighted then to talk more to our colleagues in IUSTITIA at that stage.

And there is a question here, as it relates it says, in many countries there is a concern about a growing gap and access to justice. So, the question here is — how do the challenges that the judiciary is facing in Bulgaria affect access to justice for ordinary citizens? So, what is the impact on ordinary citizens and access to justice? Judge Kalpakchiev, if I could ask you first?

JK: The situation in Bulgaria create serious barriers to access to justice. Firstly, because electronic justice, E-justice, is at a rudimentary stage of development. We are yet to build an IT system, and electronic justice administration is something that will probably take years to become a reality. So access to justice in Bulgaria is indeed a problem.

On the other hand, from the point of view of legislation, the government has consistently limited the access of citizens to justice. For example, judging the powers, there is a trend for the government to limit for example, a judicial oversight and judicial review over, for example, decisions adopted by various institutions, which has been a trend for several years.

BW: Can I add something to this?

FG: Go ahead, Bilyana.

BW: The problem deepens even with the fact that currently, in Bulgaria, the Supreme Judicial Council discusses restructuring or reforming the so-called judicial neck. And it will, I believe and I'm afraid, inevitably lead to closing of the courts. This could not be a big problem, if it was done after a proper

analysis of the needs of the functions of the demographic situation, socio-economic situation, and so forth in the country. However, this is not done, and if some courts will be closed without this analysis, this can lead to additional restriction or hampering the access to justice to these people, not only to the average citizens, but also to businesses. Because there are small towns in the country where other institutions have closed, like a police office, like a municipality hospital or something like this. And in these small towns, the court is usually the only representation of the state. So, if you close the court without this type of analysis and without explaining to people while you do this, this will be like the state doesn't want, doesn't care anymore about you. And we have seen this in the reform, the same reform going on in the prosecution offices. We have more than 40 prosecution offices closed by now. And in some of the smaller towns there were protest by people, why do you close the prosecution? So, we don't we don't want to see this happening with the court, because it will it will increase the gap between poor regions and wealthier regions. But more seriously, it will lead to a resignation of the state from these regions, which does not, doesn't have anything to do with access to justice and rule of law.

JK: Allow me to add that Bulgaria has serious problems with the access of vulnerable social groups to justice. Our organization is currently partnering with another NGO, and we are discussing how to go about creating good practices in making judicial proceedings more accessible with people with mental disabilities, physical disabilities. These people are currently denied justice in Bulgaria, effectively deprived of justice or access to justice.

FG: Thank you, I'm keeping a close eye on the clock and unfortunately, although there are other questions, we won't be able to get to them at this session. But I would invite you all to go to our website, my email is there, if anybody wants to follow up please do. And also, as I said, this webinar will be available by the end of the week. And so, it will be there for you to view or for you to share. I would encourage you please to register and to tell others who may be interested in some of these topics, please, for our webinar on the 1st of December. And we also hope to continue this in the new year and thereafter. So, thank you to all of the attendees, we really appreciate you taking the time to join us this evening. And a very special thanks to Judge Kalin Kalpakchiev and also to be Bilyana Wegertseder. I have to say I really enjoy that; I learned a lot myself. So, we very much appreciate all of your input. Thank you everybody and I hope you have a lovely evening.

[Transcript Ends]