
Part One

Program Reviews

Law Program

2009 Highlights

In 2009, legal, institutional and judicial reforms continued to be priority areas for the CSD Law Program. The activities focused on several major issues.

- **Costs of crime prevention and repression.** The Law Program prepared a study *Bulgarian Penitentiary System in the Perceptions of Penal Actors*. The report outlines as main problems the overcrowding of Bulgarian prisons, poor living conditions, weaknesses in terms of security and safety, and the insufficient financial and human resources.
- **European indicators of public confidence in justice.** The Law Program accomplished a study on the existing indicators of public confidence in justice and the need for and opportunities of implementing such indicators. The main results of the research, coordinated by the Law Program experts, were presented at an international conference in Sofia attended by prominent Bulgarian and foreign criminologists, lawyers and sociologists, and were also published by the European Institute for Crime Prevention and Control, Affiliated with the United Nations (HEUNI).
- **Assistance to victims of crime.** The Law Program completed the study on EU Member States' legislation, national policies, practices and approaches concerning victims of crime. The results of the research were summarized in a detailed comparative report on victims of crime in the EU and separate country reports on each of the 27 EU Member States.
- **Monitoring of racism and xenophobia and the policies and measures for their counteraction.** For a fourth consecutive year CSD continued to operate the Bulgarian National Focal Point of the Racism and Xenophobia Network (RAXEN) of the EU Fundamental Rights Agency (FRA). In 2009, CSD developed two thematic studies: *National Report on Housing Conditions of Roma and Travelers and National Report on Racism and Ethnic Discrimination in Sport and Preventive Initiatives*, three RAXEN Bulletins and the regular annual report on racism and xenophobia in Bulgaria and the measures for their prevention and counteraction.
- **Monitoring in the area of justice and home affairs.** A network of civic organizations working in the area of justice and home affairs and an electronic database containing information about their activities were developed. In 2009, three more issues of the e-bulletin *Justice and Home Affairs* were disseminated.
- **Cooperation with domestic, foreign and international institutions and organizations.** Furthering CSD's efforts to establish and strengthen the

ombudsman institution on national and local level, the Law Program developed a report offering a historical overview of the development of the local public mediator institutions in Bulgaria and a detailed analysis of the applicable laws and regulations in this area. CSD participates in the Civic Expert Council with the Supreme Judicial Council's Professional Ethics and Prevention of Corruption Committee and in the Public Council of Non-governmental Organizations with the Minister of Justice.

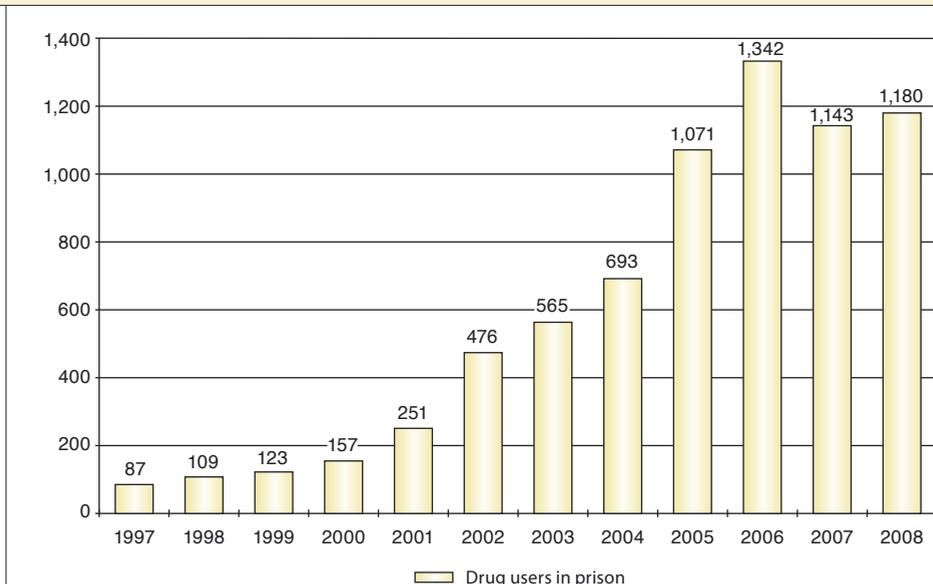
I. Assessing the Costs of Reducing and Preventing Crime

The year 2009 marked the successful completion of the project *Crime Repression Costs in Context* implemented by the CSD Law Program in partnership with nine universities and non-governmental organizations from Italy, Spain, Portugal, Germany, Lithuania, Cyprus, Hungary and Turkey. The project's main objective was to suggest crime repression measures based on assessment of the direct and indirect costs of crime

and to formulate strategies for preventing and countering crime, including terrorism and drug related offences.

In the beginning of the year, during the fourth project workshop held in January in Lisbon, the representatives of the Law Program presented a draft version of their report *Bulgarian Penitentiary System in the Perceptions of Penal Actors*. For the purpose of the study the Law Program team did a series of interviews and meetings with representatives of the General Directorate Execution of

Figure 1. Number of inmates using drugs (1997 – 2008), Bulgarian Penitentiary System in the Perceptions of Penal Actors



Penalties with the Ministry of Justice, the personnel of the prisons in Sofia, Plovdiv and Sliven (including prison directors, social workers, doctors, psychologists and guards), probation officers, and experts from the office of the Ombudsman. The report outlines as main problems the overcrowding of Bulgarian prisons, poor living conditions, weaknesses in terms of security and safety, and insufficient financial and human resources.

The study also looks into the problem of drug distribution in prison as well as the penal policies as regards individuals using or addicted to drugs. The major problems in this area, according to the report, are the high percentage of inmates using drugs, the low effectiveness of the measures and activities targeting drug users in prison and the deficiencies in the prevention of importing drugs into prisons and correctional facilities.

Following upon the feedback received at the Lisbon workshop the Law Program team revised and expanded the study. The final version of the report together with updated statistical data were then presented and discussed at the concluding conference, which took place in July in Nicosia (Cyprus). Besides the representatives of the organizations participating in the project, officials from penitentiary institutions from several EU Member States also attended the event.

II. Indicators of Public Confidence in Justice

In 2009, CSD Law Program continued its work on the project *Scientific Indicators of Confidence in Justice: Tools for Policy Assessment (JUSTIS)* officially launched in March 2008. The project, implemented jointly with universities and non-governmental organizations



During the conference Scientific Indicators of Confidence in Justice: Tools for Policy Assessment

from the United Kingdom, Italy, France, Hungary, Lithuania and Finland, is designed to provide EU institutions and Member States with new indicators for the assessment of public trust in justice, which could be used when developing, implementing and evaluating criminal justice policies.

CSD hosted the first international conference under the project, which took place in Sofia on 24 and 25 March 2009. The event gathered representatives of the partner institutions, as well as members of the JUSTIS External Expert Group and other prominent criminologists, lawyers and sociologists from Bulgaria and abroad.

During the conference the participants reviewed the work done so far and the role of the External Expert Group for validating the results achieved. The Law Program experts presented the information they had collected about indicators of public confidence in justice, used by individual countries or international organizations, and the results of a survey done in several Member States about the need and potential application of such indicators.

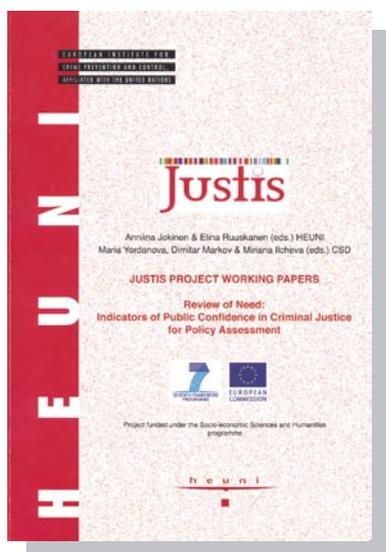
Other topics discussed at the event were: the German and Swedish experience in measuring confidence in the police and justice (presented by Professor Helmut Kury from the University of Freiburg and Mr. Kjell Elefalk from the Swedish Police respectively), fear of crime as 'normalization' of risks (presented by Dr. Jiri Burianek from the Charles University in Prague), and major findings and conclusions in the report of the European Commission for the Efficiency of Justice (summarized by Dr. Stefano Maffei from the University of Parma). Mr. Jim Parsons from the Vera Institute of Justice in the US offered a description on the Vera Indicators Project.

To raise the awareness on the JUSTIS project among the legal community in Bulgaria the conference included a public discussion on the topic hosted by the National Institute of Justice. The event brought together the experts working on the project and senior Bulgarian magistrates and government officials, among them the Minister of Justice Ms. Miglena Tacheva, the Director of the National Institute of Justice Dr. Pencho Penev, and the Deputy Prosecutor General Mr. Hristo Manchev. The coordinator of the JUSTIS project Professor Mike Hough from the Institute for Criminal Policy Research – King's College, London, and the chair of the External Expert Group Professor Julian Roberts from the University of Oxford explained to the audience the main objectives and expected results of the efforts to develop EU wide indicators for public confidence in justice.

In the course of the year the international team of experts working on the project had three progress meetings for coordinating and planning the joint activities.

At the meeting in Sofia on 23 March the participants reviewed the results achieved so far and discussed the opportunity to include questions of confidence in justice and fear of crime in the upcoming London Metropolitan Police Public Survey and in the European Social Survey. Next steps were also planned, including those related to the dissemination of the results achieved among academics and criminal justice bodies. The progress meeting in Sheffield (United Kingdom), held on 3 June, was devoted to the elaboration of methodology for conducting cognitive interviews, analyzing their results and training for their performance. During the last progress meeting for 2009, organized in Ljubljana (Slovenia) in September, the participants reported

on the successful completion of the research of the existing indicators of public confidence in justice, coordinated by the CSD Law Program. The research included: analysis of the importance of public confidence indicators as tools for development and assessment of policies; overview of European and North American scientific and other literature in the field of confidence in justice and fear of crime; and summarized information about indicators of public confidence in justice applied on national and supranational level.



The results of the research, which was coordinated by the Law Program experts Dr. Maria Yordanova, Mr. Dimitar Markov and Ms. Miriana Ilcheva, were summarized in the book *Review of Need: Indicators of Public Confidence in Criminal Justice for Policy Assessment*, published in September 2009 by the European Institute for Crime Prevention and Control, Affiliated with the United Nations (HEUNI). The publication is the first volume of the working papers of the JUSTIS project and contains three parts: review of the importance of public confidence as a tool for policy assess-

ment in several European countries; country reviews on literature and current indicators of confidence in justice and fear of crime on national level; and review on current indicators of public confidence on a supra-national level.

CSD experts also started conducting a series of cognitive interviews. The latter are designed to assess how different groups of respondents understand, make sense of and select answers to survey questions on confidence in justice. The first round of interviews was done in July – September, the second one followed in November – December. The results of both rounds were described in brief reports.

III. Assistance to Victims of Crime

Continuing its work on the study on EU Member States' legislation, national policies, practices and approaches concerning victims of crime, which started in June 2008, CSD Law Program elaborated country reports on each of the 27 EU Member States and a detailed comparative report on victims of crime in the EU.

The successful completion of the research involved the participation of experts from all EU Member States. They collected information about their countries filling in a research questionnaire (56 questions divided into five thematic sections) developed in advance by the Law Program team. Parallel to this and in order to make the study as comprehensive as possible, the Law Program also developed a survey questionnaire, which was disseminated among state institutions and non-governmental organizations from the Member States dealing with the provision of assistance to crime victims.

The comparative report elaborated as a result of the research covers several

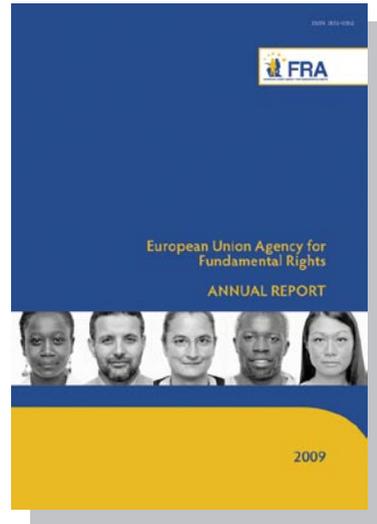
groups of issues such as: general characteristics of the definition of crime victim; practical aspects of Member States' legislation on victims of crime; programs and mechanisms for financial support of crime victims; governmental institutions responsible for protecting the interests of victims of crime and their interaction with non-governmental victim support organizations and with other similar institutions from other Member States; non-governmental organizations providing assistance to victims of crime. Detailed country-specific information on these issues is available in the separate country reports, enclosed to the comparative study.

The draft versions of the reports were presented to the European Commission in March and after a series of revisions based on the Commission's feedback the final versions of the reports were delivered in July.

The successful completion of the study and the effective collaboration of the team of experts from all EU Member States who have done the country research allowed the CSD Law Program to continue working in this area, this time focusing on the compilation of national fact sheets on the rights of victims in EU Member States. Work started in September with the development of a detailed information fiche on the rights of victims in criminal proceedings. After consulting the European Commission the fiche was circulated among the country experts for collecting the necessary information. Meanwhile, the Law Program started the preparatory work for the validation of the fact sheets by the competent institutions of the respective Member States. The elaboration of the fact sheets on the rights of crime victims is being done in partnership with the European Public Law Organization based in Athens (Greece).

IV. Monitoring of Racism and Xenophobia and of the Measures for Their Prevention

For a fourth consecutive year CSD continued to operate the Bulgarian National Focal Point of the Racism and Xenophobia Network (RAXEN) of the EU Fundamental Rights Agency (FRA).



In 2009, upon assignment by FRA, CSD developed two thematic studies: *National Report on Housing Conditions of Roma and Travelers* and *National Report on Racism and Ethnic Discrimination in Sport and Preventive Initiatives*. Both studies involved the collection of statistical data and the carrying out of interviews with public administration officials and representatives of non-governmental organizations. The FRA published the report on the housing conditions of Roma and Travelers in October 2009. Parts of it were also incorporated in FRA's *Comparative Report on Housing Conditions of Roma and Travelers in the European Union* published the same month. The report on racism and xenophobia in sports will also feed data into a comparative report on the topic covering all EU Member States.

CSD provided FRA with three more RAXEN Bulletins including up-to-date information about newly published analyses and reports on racial discrimination, amendments to the legal framework and important events in the area of equal treatment and fight against racism and xenophobia.

Following the elections for Members of the European Parliament CSD developed and presented to the FRA a rapid response report on the presence of racism and xenophobia in the election campaign in Bulgaria. The report describes the cases of racist and ethnic propaganda during the campaign and evaluates the attitudes expressed by major political parties as regards racial and ethnic equality.

In the end of the year the Law Program team prepared and presented to FRA the regular annual report on racism and xenophobia in Bulgaria and the measures for their prevention and counteraction. Together with the traditional areas legislation, racist crime and violence, healthcare, education, employment and housing, for the first time the report included information about the participation of minorities in public life.

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As in previous years, in 2009 the CSD Law Program continued to cooperate with a number of domestic, foreign and international institutions and organizations.

Furthering its efforts to establish and strengthen the ombudsman institution on national and local level, a process initiated by CSD back in 1998, in the end of 2008 the Law Program started researching the legal basis governing the operation of local public mediators with the purpose of recommending changes for its improvement. The results of the study

together with a set of recommendations for improving the legal framework were summarized in a report, presented in February 2009 at a working meeting attended by the national ombudsman and local public mediators from throughout the country. The report offers a historical overview of the development of the local public mediator institution in Bulgaria and an analysis of the laws and regulations in force. It also identifies the main deficiencies of the legal framework and suggests concrete recommendations for its improvement. Based on the research of the legal framework, and the analysis of the public mediators practice, the Law Program team concluded that the legislation governing the operation of local mediators needed to be further expanded. On the one hand, this is necessary because laws, unlike secondary legislation, are more resistant to frequent amendments, which is vital for the sustainability of the local public mediator institutions. On the other hand, the law is the only channel to introduce a minimum set of uniform standards as regards the establishment and operation of these institutions and thus overcome the significant variations existing currently in the different municipalities.

CSD continued to participate as a member of the Civic Expert Council with the Supreme Judicial Council's Professional Ethics and Prevention of Corruption Committee. Members of the Law Program team took part in the council's sessions and provided expert statements on the *Draft Regulation on the Criteria and Procedure for the Evaluation of Judges, Prosecutors, Investigators, Administrative Managers and Deputy Administrative Managers and the Draft Rules on the Appointment of Administrative Managers and their Deputies*.

The long-lasting and successful cooperation between CSD and the Ministry of Justice also continued in 2009. In

acknowledgement of this fruitful partnership on 13 July 2009 CSD received a special award from the Minister of Justice on the occasion of the Ministry's 130th anniversary.

The Law Program Director Dr. Maria Yordanova was invited by the newly elected Minister of Justice to represent CSD in the Public Council of Non-governmental Organizations with the Minister of Justice. The council's objective is to contribute to the successful cooperation between the Ministry and the civil society in view of formulating and achieving the institution's priority goals.

Building upon the established partnership between CSD and other Bulgarian non-governmental organizations working in the area of justice and home affairs, representatives of the Law

Program took part in a series of public events (conferences, round tables and seminars) devoted to various pending judicial reform issues. CSD also joined the group of organizations, which in May 2009 held a press conference on the recruitment policies in the judiciary. The press conference was followed by an open letter to the Prime Minister, provoked by the increasing need of fundamental long-term changes in the operation of the Supreme Judicial Council and of the judiciary as a whole. The CSD initiative to enhance the capacity of Bulgarian civic organizations to exercise monitoring in the area of justice and home affairs also continued in 2009. In the framework of this initiative, a number of non-governmental organizations working on justice and home affairs issues were identified and an electronic database with information about their activities was developed.



Professor Julian Roberts explains the significance of the correct interpretation of the results of public opinion surveys on crime and justice

This was done on the basis of a system of criteria and special evaluation forms, both elaborated by Law Program experts. The electronic database is a dynamic tool allowing both regular update and addition of new organizations. The database was the starting point of the development of a network of civil organizations active in the field of justice and home affairs.

To enhance the capacity of the organizations included in the network their representatives were invited to take part in the seminar *Public Opinion and Civic Control on Justice* featuring as guest speaker Professor Julian Roberts of the Centre for Criminology, University of Oxford. During the discussion, which took place on 26 March 2009, the participants reached the conclusion that Bulgaria as well as many other EU Member States needs a system of indicators to measure public confidence in justice. Such indicators might serve to both formulate long-term policies and evaluate the impact of their realization.

To keep the network of organizations informed and to acquaint state institutions with the activities of the civic sector in the area of justice and home affairs the Law Program continued to compile and disseminate the e-bulletin *Justice and Home Affairs*. After the dissemination of the first issue in November 2008,

three more bulletins followed in 2009 (in February, April and July). The bulletins offer news and documents related to the European and domestic policies in the area of justice and home affairs as well as information about ongoing and upcoming activities of the organizations included in the network.



The CSD Law Program continued its cooperation with a number of foreign and international organizations in 2009. Members of the Law Program team took part in numerous events on issues such as prevention of and fight against corruption, judicial reform, capacity building for institutions responsible for countering crime, etc.