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Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: OL BGR 1/2026
(Please use this reference in your reply)

15 July 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 62/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the Draft State Budget Act for 2026[1], in particular provisions that would amend the statutory mechanism for determining the remuneration of judges, prosecutors and investigators; modify the rules governing social security and health insurance contributions for persons employed under the Judicial System Act; and establish the budgetary resources available to the judiciary during 2026.[2]

Recalling that an independent judiciary protects human rights and provides an essential safeguard against abuses of public power, I wish to offer several observations concerning the compatibility of the proposed measures with Bulgaria's obligations under international human rights law. Bulgaria is a State party to the International Covenant on Civil and Political Rights (ICCPR), article 14, paragraph 1, of which guarantees the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.

The purpose of the present communication is to share my comments and suggestions concerning these proposed amendments, which, as they stand may undermine the financial and institutional independence of the judiciary. If adopted without substantial modification, section 21 of the Transitional and Final Provisions would alter the legal basis for social security contributions and judicial remuneration, resulting in lower salaries, while article 2 would establish a judiciary budget substantially different from that proposed by the Supreme Judicial Council.

In the present communication, I do not intend to undertake an exhaustive assessment of the Draft State Budget Act for 2026 (hereinafter "the Draft Act") or of the wider system governing the financing of the Bulgarian judiciary. Instead, I focus on the proposed changes to judicial remuneration and social security arrangements, their date of entry into force, and those aspects of the proposed judiciary budget that may affect the capacity of courts to perform their functions.

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1 *Draft Act on the State Budget of the Republic of Bulgaria for 2026,* *https://www.parliament.bg/en/bills/ID/167157*
2 *Draft Act on the State Budget of the Republic of Bulgaria for 2026,* *https://www.parliament.bg/en/bills/ID/167157*

Domestic legal framework and proposed amendments

The current mechanism for determining judicial remuneration

The Judicial System Act[3] ("JSA") regulates remuneration within the judiciary through a unified system. Under article 218, paragraph 2, the basic monthly remuneration for the lowest judicial, prosecutorial and investigative positions is currently set at twice the average monthly salary of persons employed in the public sector. The remuneration applicable to all other judicial positions, as well as the amounts for a number of other positions within the judicial system, is based on this amount.[4] This is determined, pursuant to article 218, paragraph 3, by the plenary session of the Supreme Judicial Council,[5] as the Supreme Judicial Council is the primary budget administrator for the judiciary, being subject to the rules and principles governing the adoption of the State Budget Act according to article 361, paragraph 1, and article 365 of the Judicial System Act.[6]

According to the opinion adopted by the Plenum of the Supreme Judicial Council concerning the Draft State Budget Act for 2026, this amount serves as the basis for a remuneration table containing 21 categories of judicial office. It also affects the remuneration of other persons within the judicial system whose salaries are determined by reference to the remuneration of magistrates, including State bailiffs, registration judges and officials, judicial and prosecutorial assistants, and parts of the judicial administration.

The Judicial System Act does not expressly prescribe the frequency with which remuneration will be adjusted. In practice, the applicable remuneration table is approved once each calendar year, after the judiciary's budget has been adopted as part of the annual State budget. This annual adjustment is necessary to ensure consistency between the statutory salary mechanism and the resources authorised in the judiciary's annual budget, as well as to consider statistical data from the National Statistical Institute ("NSI").[7]

The current legal framework[8] also imposes extensive restrictions on the ability of judges, prosecutors and investigators to earn income from other sources. Magistrates may not engage in commercial activities, participate in the management or control of commercial entities, practice a liberal profession, provide legal advice, undertake most other paid professional activities, or participate in political parties or political activities. The permitted exceptions are limited principally to scientific, teaching and authorial activities, participation in certain international or European projects, and other activities expressly authorized by law.

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3 https://justice.government.bg/home/normdoc/2135560660

4 Opinion of the Plenum of the Supreme Judicial Council is available on the Council website: https://vss.justice.bg/page/view/112668, p. 1.

5 Opinion of the Plenum of the Supreme Judicial Council, pp. 1 and 3–5.

6 Opinion of the Plenum of the Supreme Judicial Council, p. 4.

7 Opinion of the Plenum of the Supreme Judicial Council, pp. 3-4.

8 Opinion of the Plenum of the Supreme Judicial Council, pp. 8–10.

The proposed change to judicial remuneration

Section 21, item 1, of the Draft State Budget Act for 2026 would amend article 218, paragraph 2, of the Judicial System Act. It would replace the current statutory benchmark of twice the average monthly salary of persons employed in the budgetary sphere with an amount corresponding to 60 per cent of the basic monthly remuneration of a member of the National Assembly.[9]

The basic monthly remuneration of members of the National Assembly is governed by article 5 of the Financial Rules on the Budget of the National Assembly, annexed to the Rules of Procedure of the National Assembly.[10] As amended in June 2026, article 5 provides that members of the National Assembly receive basic monthly remuneration equal to three average monthly salaries of persons employed under labour and civil-service relationships in the public sector, calculated according to National Statistical Institute data for March 2026. It further provides that this amount may be increased in accordance with the income policy applicable in the budgetary sphere, as provided in the State Budget Act for the relevant year.

The proposed provision does not specify how frequently the amount determined under the new formula would be recalculated. The proposed coefficient of 60 per cent of a member of Parliament's salary appears to have been determined arbitrarily, insofar as it is unclear on what criteria it was based; it is not explicitly justified; and it is not substantiated in light of the actual workload and specific responsibilities of magistrates.

The implementation of the proposed formula would result in a real reduction in judicial salaries, since the remuneration attached to the lowest judicial, prosecutorial and investigative positions constitutes the base amount for the wider remuneration structure within the judicial system. A reduction in that amount would therefore affect all other salaries determined by the Plenum of the Supreme Judicial Council under article 218, paragraph 3, and would result in a reduction in the salaries of all judges, prosecutors and investigators. The consequences would also extend to positions whose remuneration is determined as a percentage of a magistrate's remuneration, including State bailiffs, registration judges and officials, judicial and prosecutorial assistants, and part of the judicial administration.[11]

Section 7 of the Transitional and Final Provisions requires deputy prime ministers and ministers, following a review of the legislation within the sectors under their responsibility, to take measures and prepare proposals for legislative amendments by 15 September 2026 aimed at discontinuing the linkage of personnel expenditure and other payments under the relevant budgets to the average gross salary and/or the national minimum wage. The draft Act does not explain how the mechanism proposed for the judiciary gives effect to that broader policy or why the remuneration of members of the National Assembly was selected as the new benchmark for judicial office.

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9 Draft Law on the State Budget of the Republic of Bulgaria for 2026, Transitional and Final Provisions, para. 21(1).

10 Financial Rules on the Budget of the National Assembly, annexed to the Rules of Procedure of the National Assembly, art. 5(1)–(2), as amended by Decision of the National Assembly, State Gazette No. 57 of 23 June 2026. See: https://www.parliament.bg/en/rulesoftheorganisations

11 Reasons in the Opinion of the Plenum of the Supreme Judicial Council.

The current social security regime

Under the current Judicial System Act, article 224(1), compulsory social-security and health-insurance contributions for judges, prosecutors and investigators are paid from the budget of the judiciary.[12] Similar provisions apply to candidates undergoing training for appointment as junior judges, junior prosecutors and junior investigators, as well as to State bailiffs, registration judges and other employees governed by the Judicial System Act.[13]

Provisions of the Social Security Code specify that contributions for certain persons employed in the judiciary are borne by the judiciary's budget (article 6, paragraph 5; article 21, item 3; and others of the Social Security Code). The precise contribution regime may vary depending on the category of insured person and the nature of the work performed, including in relation to military judges, prosecutors and investigators.[14]

The proposed changes to the social-security regime

Section 21, items 2 to 6, would amend several provisions of the Judicial System Act concerning compulsory social-security and health-insurance contributions for magistrates and other personnel within the judiciary. In particular, section 21, item 2, would amend article 224, paragraph 1, by replacing the words providing that the compulsory social security and health insurance contributions of judges, prosecutors and investigators are paid "from the budget of the judiciary" with language providing that those contributions are paid "in accordance with the Social Security Code and the Health Insurance Act."[15]

Related amendments would apply to candidates undergoing training for junior judicial, prosecutorial and investigative positions, State bailiffs, registration judges and the personnel covered by article 351, paragraph 1, of the Judicial System Act. For candidates in training, State bailiffs and registration judges, compulsory social-security and health-insurance coverage would be governed by the Social Security Code and the Health Insurance Act, while accident insurance would continue to be paid from the budget of the judiciary. Section 21, item 6, would separately replace the existing reference in article 351, paragraph 1, to payment from the judiciary's budget with a reference to the general social security and health insurance legislation.

Article 74 of the draft Act provides that, from 1 August 2026, the individual basic monthly salaries of civil servants and persons employed under the Judicial System Act are to be determined at a level such that, following the deduction of compulsory social security and health insurance contributions payable by the employee and personal income tax, the resulting amount is no lower than the individual basic monthly salary as at 31 July 2026 after deduction of personal income tax.

The explanatory memorandum accompanying the draft Act envisages an 80:20 distribution of social security contributions from 1 August 2026 and a 60:40 distribution

12 Judicial System Act
13 Draft Law on the State Budget of the Republic of Bulgaria for 2026, section 21, items 2–6.
14 Opinion of the Plenum of the Supreme Judicial Council, pp. 6–7.
15 Draft State Budget Act of the Republic of Bulgaria for 2026, Transitional and Final Provisions, para. 21(2)–(6).

from 1 January 2027. Article 74 would preserve net basic remuneration when the first change takes effect, while the draft Act does not establish an equivalent compensatory mechanism for the further change envisaged from 1 January 2027.

Section 43 provides that the draft Act would enter into force on 1 January 2026, subject to specified exceptions. Section 21 is not included among those exceptions. Section 17, which introduces analogous amendments to the social security regime applicable to civil servants, is expressly listed as entering into force on 1 August 2026.

As currently drafted, section 21 would have retroactive effects. Its application from 1 January 2026 would require the recalculation of remuneration already accrued and paid and would create contribution obligations in respect of a period preceding the enactment of the law. The draft does not specify how those adjustments would be made or provide for the necessary budgetary resources.

The current framework for the judiciary's budget

The Supreme Judicial Council acts as the primary budget administrator for the judiciary. It prepares and submits a proposed judiciary budget, which is incorporated into the State budget procedure. Following the adoption of the annual State budget, the Plenum of the Supreme Judicial Council exercises its statutory responsibilities concerning the management and allocation of the judiciary's financial resources.[16] This, in line with the independence of the judiciary as protected by the Constitution of the Republic of Bulgaria: article 117, paragraph 2, provides that the judiciary shall be independent; while article 117, paragraph 3, provides that the judiciary shall have an autonomous budget.[17]

For 2026, the judiciary budget proposed by the Supreme Judicial Council provides for total expenditure of EUR 787,647.5. Within that total, it proposes EUR 386,840.8 for the courts of the Republic of Bulgaria, EUR 53,855 for the Supreme Judicial Council, EUR 21,592 for the Supreme Court of Cassation and EUR 30,759 for the Supreme Administrative Court.[18]

The proposed changes to the judiciary's budget

Article 2 of the draft Act sets out the judiciary budget proposed by the Supreme Judicial Council and, separately, the position of the Council of Ministers. The Council of Ministers proposes total expenditure of EUR 762,033 for the judiciary, compared with EUR 787,647.5 in the proposal submitted by the Supreme Judicial Council, a reduction of EUR 25,614.5.

Under the position of the Council of Ministers, the allocation to the courts of the Republic of Bulgaria would amount to EUR 324,664.2, compared with EUR 386,840.8 in the Supreme Judicial Council's proposal. The budget line for the Supreme Judicial Council would amount to EUR 108,014 compared with EUR 53,855 in the Council's own proposal. The Council of Ministers' position would further allocate EUR 20,592.8

16 Opinion of the Plenum of the Supreme Judicial Council, pp. 3–5.
17 Constitution of Bulgaria, available at https://www.parliament.bg/en/const.
18 *Draft Law on the State Budget of the Republic of Bulgaria for 2026* (art 2, Supreme Judicial Council proposal).

to the Supreme Court of Cassation and EUR 26,612.4 to the Supreme Administrative Court.

The operative provisions of the draft Act do not explain the methodology or criteria underlying the different allocations proposed for the Supreme Judicial Council and the courts, or assess their expected consequences for judicial staffing and court operations.

The explanatory memorandum accompanying the draft Act provides for a 10 per cent reduction, beginning on 1 September 2026, in expenditure on salaries and remuneration of personnel employed under labour and civil service relationships, together with the related compulsory employer social security contributions, under the budgets of primary budget administrators. The measure would apply during the final four months of 2026 and throughout 2027 and 2028, while preserving the level of individual basic salaries already attained. The memorandum estimates savings of EUR 85,000 in 2026 and EUR 170,700 in 2027. Although it identifies several categories of budget administrators and personnel to which the measure would not apply, persons employed under the Judicial System Act are not among the stated exceptions. The memorandum does not specify how the reduction would be implemented within the judiciary or what consequences it would have for authorised posts, recruitment, staffing levels or court operations.

Applicable international human rights law and standards

International law does not prescribe a single mathematical formula for determining judicial salaries, nor does it prevent States from reforming remuneration systems in response to legitimate fiscal or administrative objectives. It requires that the mechanism adopted preserve the material conditions necessary for judicial independence and protect judges against arbitrary, discriminatory or politically motivated financial pressure.

Article 14, paragraph 1, of the ICCPR guarantees the right of all persons to a fair and public hearing by a competent, independent and impartial tribunal established by law.[19] The Human Rights Committee has stated that the requirement of competence, independence and impartiality of a tribunal is an absolute right that is not subject to any exception.[20]

In its general comment No. 32, the Committee emphasized that States must take specific measures guaranteeing the independence of the judiciary and protecting judges from political influence. Such measures include constitutional or legislative provisions establishing clear procedures and objective criteria governing the appointment, remuneration, tenure, promotion, suspension and dismissal of judges, and disciplinary sanctions against them. The Committee further stated that the status of judges, including their term of office, independence, security, adequate remuneration, conditions of service, pensions and retirement age, must be adequately secured by law.[21]

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19 International Covenant on Civil and Political Rights art. 14(1), Dec. 16, 1966, 999 U.N.T.S. 171.

20 *Human Rights Committee, general comment No. 32: article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, para. 19, U.N. Doc. CCPR/C/GC/32 (23 Aug. 2007).*

21 Human Rights Committee, g*eneral comment No. 32: article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial*, para. 19, U.N. Doc. CCPR/C/GC/32 (23 Aug. 2007).

Principle 1 of the Basic Principles on the Independence of the Judiciary provides that judicial independence shall be guaranteed by the State and respected by all governmental and other institutions. Principle 7 places a duty on each State to provide adequate resources enabling the judiciary properly to perform its functions. Principle 11 provides that the independence, security, adequate remuneration, conditions of service and pensions of judges shall be adequately secured by law.[22]

Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe provides that each State should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards of article 6 of the European Convention on Human Rights and to enable judges to work efficiently. It further provides that the principal rules governing the remuneration of professional judges should be laid down by law; that judicial remuneration should be commensurate with the profession and responsibilities of judges and sufficient to shield them from inducements aimed at influencing their decisions; and that specific legal provisions should safeguard against reductions in remuneration related specifically to judges.[23]

The Court of Justice of the European Union has recently elaborated the requirements applicable to judicial remuneration under the principle of judicial independence. In its judgment of 25 February 2025 in *Sąd Rejonowy w Białymstoku and Adoreikė*, the Grand Chamber held that the legislature and executive may determine judicial remuneration, provided that their determination does not involve the exercise of arbitrary power and is governed by detailed rules prescribed by law that are objective, foreseeable, stable and transparent. Those rules must ensure remuneration commensurate with the importance of judicial functions, having regard to the economic, social and financial circumstances of the State concerned and the average salary in that State, and must be capable of effective judicial review.[24]

The Court further held that, where the legislature or executive derogates from an existing statutory mechanism that objectively determines judicial remuneration by increasing remuneration by less than the mechanism provides, freezing it or reducing it, the derogating measure must be prescribed by law and establish rules that are objective, foreseeable and transparent. It must pursue an objective of general interest; be necessary and strictly proportionate; remain exceptional and temporary; preserve remuneration commensurate with the importance of judicial functions; and, in the absence of duly justified exceptional circumstances, form part of a broader framework affecting the remuneration of other categories of officials or public servants.[25]

The Court also clarified that the adequacy of judicial remuneration must be assessed by reference to more than the ordinary basic salary. Relevant considerations

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[22] Basic Principles on the Independence of the Judiciary, principles 1, 7 and 11, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985, and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

[23] Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2010)12 to Member States on Judges: Independence, Efficiency and Responsibilities, paras. 33, 53–54 (17 Nov. 2010).

[24] Court of Justice of the European Union, *Sąd Rejonowy w Białymstoku and Adoreikė*, Joined Cases C-146/23 and C-374/23, Judgment of 25 February 2025, ECLI:EU:C:2025:109, paras. 51–64, 90.

[25] *Id.* paras. 65–76, 90.

include bonuses and allowances, including those linked to seniority or particular duties, and any exemption from social security contributions. It follows that a change in the allocation of compulsory contribution liabilities may affect the effective level of judicial remuneration and should be taken into account when assessing whether the applicable safeguards remain adequate.[26]

Compatibility of the proposed changes with international standards

Judicial remuneration and social security contributions

The proposed framework does not provide sufficient safeguards to ensure that judicial remuneration remains adequate, stable and insulated from political discretion. The draft does not explain the basis for the coefficient selected, assess the effect of the changes across the judicial system or ensure that future alterations to parliamentary remuneration cannot indirectly modify the judicial salary base without consultation, impact assessment or independent review.

The uncertainty extends to effective net remuneration. The draft does not clearly determine how the social security burden will be allocated or establish the scope, duration and financing of the compensatory protection contemplated in article 74. It therefore remains unclear whether that protection would fully offset the combined effect of the salary and contribution changes, apply to all affected persons and components of remuneration, or continue beyond the 2026 budget year.

These shortcomings may render the amendments incompatible with obligations under article 14, paragraph 1, of the ICCPR and principle 11 of the United Nations Basic Principles on the Independence of the Judiciary, which require judicial independence and adequate remuneration to be secured by law. In light of the permanent character of the proposed salary framework, the restrictions on magistrates' ability to obtain other income and the possible retroactive effects of section 21, the absence of objective, foreseeable, stable and transparent safeguards may weaken the material independence of the judiciary and expose judges to economic and political pressure.

Judiciary budget and staffing capacity

While States retain authority to determine public expenditure and to reconcile the financial needs of the judiciary with other legitimate demands on the State budget, the exercise of that authority must nevertheless provide the courts with resources adequate to perform their constitutional and human rights functions. Budgetary decisions affecting the judiciary should be based on objective and transparent criteria, take account of workload and operational needs, and provide the judiciary with an effective opportunity to present its position.

The draft law does not explain the reasons for reducing the proposed allocation to the courts by approximately EUR 62,176,600 while increasing the allocation identified for the Supreme Judicial Council by approximately EUR 54,159,000. No

[26] *Id.* paras. 58–63.

assessment is included in the operative provisions concerning the effect of this redistribution on court management and functioning.

The information received also suggests that these measures may be introduced in a context of existing staff shortages, low administrative salaries and an expanding workload associated with electronic justice. If confirmed, the proposed reductions may aggravate recruitment and retention difficulties and diminish the practical capacity of courts to exercise their functions. Court employees perform functions indispensable to the administration of justice. Substantial reductions in their number could increase delays and administrative errors, transfer additional non-judicial tasks to judges and impair the ability of individuals to obtain timely and effective access to the courts.

The cumulative effect of the proposed measures is especially concerning. A permanent change to the judicial remuneration formula, uncertainty regarding social-security contributions, possible retroactive financial consequences and reductions in the operational resources available to courts may together produce a significant deterioration in the material and organisational conditions necessary for judicial independence.

In light of the foregoing, I respectfully recommend that the proposed measures be reconsidered before the adoption of the draft law. Any amendment to the judicial remuneration system should be based on objective and transparent criteria, supported by a detailed assessment of adequacy and proportionality, and accompanied by safeguards preventing arbitrary changes through the regulatory decisions of a political branch.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comments you may have concerning the analysis set out in the present communication.

2. Please provide the legislative, financial and policy analysis supporting the proposed changes to judicial remuneration, including the criteria used to select 60 per cent of the basic monthly remuneration of a member of the National Assembly as the applicable benchmark, the expected impact across the judicial system, and the safeguards intended to ensure that remuneration remains adequate, objective, foreseeable, stable, transparent and protected from political influence.

3. Please clarify the legal framework governing the proposed changes to compulsory social security and health insurance contributions. Please also clarify the intended date of entry into force of section 21 and whether any of its provisions would apply to remuneration or contributions accrued before the law's promulgation.

4. Please explain the objective criteria underlying the differences between the judiciary budget proposed by the Supreme Judicial Council and the position of the Council of Ministers, and provide any assessment

conducted of their likely consequences for judicial staffing, court administration, workload, procedural delays and access to justice.

5. Please provide information on consultations conducted with the Supreme Judicial Council, the Supreme Court of Cassation, other judicial institutions, magistrates, court staff and their representative organisations, and indicate how the concerns and proposals raised during those consultations have been taken into account.

6. Please indicate any measures taken or envisaged to revise the draft Act so as to ensure that judicial remuneration, social-security arrangements and the resources allocated to the courts comply with Bulgaria's obligations under article 14 of the ICCPR and applicable international and regional standards on judicial independence. Please also provide any additional information or comments concerning the matters raised in the present communication.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting website after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers