



**Strengthening the capacity of parliamentarians, judges and prosecutors to prevent corruption in their own ranks: emerginig trends from two years of GRECO Round IV evaluations”**  
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**Code of judicial Ethic- example from Croatia”**

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- All is about impartiality- tree dimensions
- Procedural
- Ethical
- Political

# Introduction-1

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## 1. Procedural dimension

- Three main mechanisms to preserve impartiality
- - due process clause / right to natural judge, right to impartial judge/
- - disqualification rules / based on presumption of impartiality until it is according to letter of the law or proved in the case shown that impartiality of a judge is endangered/
- - rules of procedure / rules which have to be followed as condition to legitimate and lawful decision

# Introduction-2

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- 2.Ethical Dimension
- - Codes of Judicial Ethic / Code of Judicial Conduct/
- Guide to judges on their ethical obligations.
- Can breach of judicial ethic principles lead to disciplinary responsibility?

# Introduction-3

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## • Political dimension

- - Mechanisms of judicial removal / disciplinary offences- Crucial is who can initiate proceedings, who is deciding on responsibilities of judges/
- - Mechanisms of Judicial selection / which authority appoints judges, criteria for appointment/
- - Mechanisms for creating conditions for judges / salaries, jurisdiction, budgets, administration /
- Purpose to promote public confidence in the judiciary./ If intentions are honest/

# Introduction -4

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- Two Codes exist
- First was created in 1998. by Association of Croatian Judges- only
- Structure- Principles and Explanatory Notes for implementation of the Code
- Applicable only to the Member of the Association- limited effect
- Body responsible for application of the Code- Ethical Council

# **Croatian Experience-1**

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- New Code of Ethic- 2006.
- Legal ground- Law on Courts /Article 107./
- Scope- all judges of all courts
- Body empowered to deliver it- Council composed of presidents of all Judges 'Councils /JC/ .
- Role of JC- composition, authority , election procedure for membership , president of CJ

## **Croatian Experiance -2**

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- Structure of the Code
- Preamble
- Norms- principles
- Procedural rules

# **Croatian Experience-3**

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- Rules-principles
- Definition of the Code
- Constitutionality and Legality
- Humanity and Ethic
- Independence
- Impartiality,
- Professionalism
- Equity

## **Croatian experience-4**

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- Dignity
- Responsibility
- Diligence
- Freedom of Association
- Relation towards public
- Relation to other judges and court staff

# **Croatian Experience-5**

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- Breaches of the Code
- Obligation of all judges to comply with the principles in the Code
- Everybody can report behavior which is not along lines of the Code
- Decision about motion is delivered by JC after a judge responds on the complaint
- Right to appeal- Council of Presidents of all JC

## **Croatian experiance-6**

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- Ten commandments for a judge
  - Be kind
  - Be patient
  - Be dignified
  - Do not take yourself too seriously
  - Lazy judge is a poor judge
  - Don't fear reversal
  - There are no insignificant cases
  - Be prompt
  - Common sense
  - Pray for divine guidance

# Final note

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