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EXPERT REPORT

Project on Strengthening Judicial Ethics in Turkey Expert Review of relevant European Standards and Practices

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Introduction

The present report aims to provide an expert review of existing judicial ethics references and practices in the European States as a reference tool to be used in the implementation of the project “Strengthening Judicial Ethics in Turkey”.

This report consists of the following sections:

- I. An overview of the main and widely accepted European standards regarding ethics for judges and prosecutors;
- II. Introductory remarks and key questions about ethics for judges and prosecutors, its rationale and the most fundamental principles;
- III. An overview of the most frequent and generally accepted ethical standards for judges referred to in the practice of most European countries that could provide useful inspiration or food for thoughts in view of the creation of a code or guidelines for judges and prosecutors in Turkey;
- IV. Examples of different approaches to judicial ethics codes in different European countries.

A list of relevant international and European standards, a commentary of the most significant principles for the judicial codes of ethics and a table summarizing the situation with regard to judicial ethics codes in European countries are provided in the Appendixes of this report.

Examples of codes from other European countries and the full text of the most relevant international standards are available in the enclosed CD.

I. International standards

The issue of judicial ethics has constituted a matter of interest of various international bodies and organisations at the UN, CoE and regional levels. The importance of codes of ethics to the contemporary judiciary is evident from a number of international documents adopted on the issue and listed in the Appendix I of this report. All these documents are based on the professional experience of the judges, on doctrinal texts and international instruments. Therefore, in my opinion, all of them should be considered and used as a whole, as they aim to create a responsible, independent and impartial judiciary according to European and international standards.

In the European context, the Council of Europe appears as the main and the most important multilateral body in Europe regarding the rule of law, independence of judges and justice. Three of its documents deserve a closer look:

1) Recommendation CM/Rec (2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities.

Chapter VII of the Recommendation is devoted to the Code of Ethic for judges where it is stated:

“Chapter VIII – Ethics of judges

72. *Judges should be guided in their activities by ethical principles of professional conduct. These principles not only include duties that may be sanctioned by disciplinary measures, but offer guidance to judges on how to conduct themselves.*

73. *These principles should be laid down in codes of judicial ethics which should inspire public confidence in judges and the judiciary. Judges should play a leading role in the development of such codes.*

74. *Judges should be able to seek advice on ethics from a body within the judiciary.”*

2) Opinion No. 3 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on the principles and rules governing judges’ professional conduct, in particular ethics, incompatible behaviour and impartiality” where it is stated:

“3) Conclusions on the standards of conduct

49. *The CCJE is of the opinion that:*

i) *judges should be guided in their activities by principles of professional conduct,*

ii) *such principles should offer judges guidelines on how to proceed, thereby enabling them to overcome the difficulties they are faced with as regards their independence and impartiality,*

iii) *the said principles should be drawn up by the judges themselves and be totally separate from the judges’ disciplinary system,*

iv) *it is desirable to establish in each country one or more bodies or persons within the judiciary to advise judges confronted with a problem related to professional ethics or compatibility of non- judicial activities with their status.*

50. *As regards the rules of conduct of every judge, the CCJE is of the opinion that:*

i) *each individual judge should do everything to uphold judicial independence at both the institutional and the individual level,*

ii) *judges should behave with integrity in office and in their private lives,*

iii) *they should at all times adopt an approach which both is and appears impartial,*

iv) *they should discharge their duties without favouritism and without actual or apparent prejudice or bias,*

v) *their decisions should be reached by taking into account all considerations material to the application of the relevant rules of law, and excluding from account all immaterial considerations,*

vi) *they should show the consideration due to all persons taking part in the judicial proceedings or affected by these proceedings,*

vii) *they should discharge their duties with due respect for the equal treatment of parties, by avoiding any bias and any discrimination, maintaining a balance between the parties and ensuring each a fair hearing,*

viii) *they should show circumspection in their relations with the media, maintain their independence and impartiality by refraining from any personal exploitation of*

any relations with the media and from making any unjustified comments on the cases they are dealing with,

- ix) they should ensure they maintain a high degree of professional competence,*
- x) they should have a high degree of professional awareness and be subject to an obligation of diligence in order to comply with the requirement to deliver their judgments in a reasonable time,*
- xi) they should devote the most of their working time to their judicial functions, including associated activities,*
- xii) they should refrain from any political activity which could compromise their independence and cause detriment to their image of impartiality.”*

3) Magna Carta for Judges – Fundamental Principles November 2010 where, under the Chapter “Ethics and responsibility”, it is stated:

“18. Deontological principles, distinguished from disciplinary rules, shall guide the actions of judges. They shall be drafted by the judges themselves and be included in their training.

19. In each State, the statute or the fundamental charter applicable to judges shall define the misconduct which may lead to disciplinary sanctions as well as the disciplinary procedure.

20. Judges shall be criminally liable in ordinary law for offences committed outside their judicial office. Criminal liability shall not be imposed on judges for unintentional failings in the exercise of their functions.

21. The remedy for judicial errors should lie in an appropriate system of appeals. Any remedy for other failings in the administration of justice lies only against the state.

22. It is not appropriate for a judge to be exposed, in respect of the purported exercise of judicial functions, to any personal liability, even by way of reimbursement of the state, except in a case of wilful default.”

From these excerpts it is clear that the Council of Europe bodies, in their endeavour to support and promote democracy, human rights and the rule of law, confirm the importance and role of judges, who have to meet the expectations of the society. Those expectations have been recognised in the CoE framework and that is why the Committee of Ministers and CCJE paid considerable attention to the codes of ethics for judges and prosecutors in its Recommendation 2010(12).

With regard to the question of judicial ethics CCJE Opinion No.3., specifically takes a positive approach emphasising the core values of judge’s work, the values that are inherent to every judge in his professional and private life and the importance for a judge to respond to the public’s expectations.

There is another important aspect to the issue of judicial ethics: the need for judges to be constantly aware of the obligations that bind them and of the fact that, by following the principles and values that are created by judges themselves, the image of justice and public confidence in the country’s justice system are improved. There is no need to elaborate further on how public confidence is essential to the proper functioning of the judiciary.

From the CoE documents cited above, we can conclude that the ethical principles have to be seen as goals and values to be achieved by every judge. In this context, it is

important to stress that the system of evaluating judges' behaviours in regard to accepted ethical rules and principles has to be completely separated from a system of the disciplinary accountability of judges, not only in matters of procedure but also when it comes to the question of bodies vested with the authority to establish such misbehaviour.

The CCJE admits that there can be overlap and interplay between breach of ethical principles and disciplinary responsibility (Opinion No.3. Paragraph 48.), but it firmly takes a stand that "principles of conduct should remain independent of the disciplinary rules to judges in the sense that failure to observe one of such principles should not of itself constitute a disciplinary infringement or civil or criminal offence".

It is similarly important that the principles of professional conduct are drawn up by the judges themselves. Such a document should be a self-regulatory instrument generated by the judiciary itself, enabling the judicial authority to acquire the legitimacy by operating within a framework of generally accepted ethical standards. The ethical standards should not be delivered before a broad consultation which is organised among judges with leading role of Supreme Court, High Judicial Council or judges' associations (see paragraph 29¹. and 48². CCJE Opinion No.3.), but it should also be underlined that a collection of ethical principles should be developed by a body other than the one responsible for judges' discipline (CCJE Opinion No.10. paragraph 60).

II. General remarks and key questions on judicial ethics

From the Council of Europe documents quoted in the chapter above and from the other documents listed in the appendixes it is possible to conclude that the judiciary in Europe without any exceptions face common dilemmas when it comes to the issue of judicial ethics. The key questions could be summarised as follows:

1. Should there be a code of ethics for judges and prosecutors at all? (Should the two professions have a unified or two separate codes?)
2. Who will create it?
3. If there is a code, how it should be formulated: as precise number of rules of conduct or as principles which will be applied on the concrete situations?
4. Is there a firm and inseparable connection between judges' misconduct and disciplinary responsibility, in a sense that unethical behaviour would automatically

¹ Judges should conduct themselves in a respectable way in their private life. In view of the cultural diversity of the member states of the Council of Europe and the constant evolution in moral values, the standards applying to judges' behaviour in their private lives cannot be laid down too precisely. The CCJE encourages the establishment within the judiciary of one or more bodies or

persons having a consultative and advisory role and available to judges whenever they have some uncertainty as to whether a given activity in the private sphere is compatible with their status of judge. The presence of such bodies or persons could encourage discussion within the judiciary on the content and significance of ethical rules. To take just two possibilities, such bodies or persons could be established under the aegis of the Supreme Court or judges' associations. They should in any event be separate from and pursue different objectives to existing bodies responsible for imposing disciplinary sanctions

² Principles of professional conduct should be drawn up by the judges themselves. They should be self-regulatory instruments generated by the judiciary itself, enabling the judicial authority to acquire legitimacy by operating within a framework of generally accepted ethical standards. Broad consultation should be organised, possibly under the aegis of a person or body as stated in paragraph 29, which could also be responsible for explaining and interpreting the statement of standards of professional conduct.

lead to disciplinary proceedings or should any automatism be avoided and the two issues kept separated?

5. Is a code to be a binding document to all judges in the national judiciary or just for those who accepted it?

6. Where and how judges can solve ethical issues which potentially could lead them to situations and behaviour which could be seen as unethical?

These questions need to be considered by every judiciary in the process of preparing, drafting and making decisions in relation to ethical norms as highlighted in the mentioned Council of Europe standards.

The main reasons for each judge to consider these fundamental questions when it comes to adopting ethical rules for judges can be found in the conclusive comments of previous chapter.

The first question raises a legitimate dilemma whether judges need standards of ethical behaviour at all. Judges are appointed by an independent body in most of the European countries, in a procedure that ensures that only the best candidates are chosen. Furthermore, judges' work is regulated by norms of the highest level such as Constitution, Judicial Act or procedural laws. These arguments cannot be ignored. On the other hand, as society is developing, the role of judges becomes more and more important in protecting the rights of the individuals. Therefore, judges need all the authority that they can get. Such authority of course comes from their decisions but also from the way they act in their professional and private capacity. As already mentioned, the authority of the judiciary derives from the confidence that society has in it. This confidence can be gained with ethical standards endorsed and followed by judges who will be widely known by the members of the society.

The role of prosecutors and judges is mostly different in the diverse national judicial systems. Despite this, they should share common legal and ethical values (CCJE Opinion no.12. Bordeaux Declaration, Principle 10.) They are key players in every judicial system and their different roles should be carried out with dignity and honour. In this respect, some of the values, such as legality, independence and probity are shared by judges and prosecutors. As prosecutors represent the state before the court, they have some degree of dependence on the internal hierarchy which dictates that at least some of ethical standards will have to be autonomous and created by prosecutors themselves.

To summarise, codes of ethics should be created by judges themselves, with wide participation of judges of all levels and a system of imposing such rules from outside, even if it is an authority within the judiciary, should be avoided. How this can be achieved depends on the size and internal organisation of each judicial system.

The two issues are closely connected. The first question relates to how ethical principles should be formulated. The second regards the relation between disciplinary responsibility and improper, unethical behaviour.

The codes of ethics should be a set of principles with the role of helping judges to resolve questions of professional ethics, giving them autonomy in their decision-making process and guaranteeing their independence from other authorities. Ethical

principles also inform the public about the standards of ethics and they contribute to give public assurance that justice is administrated independently and impartially.

Because the codes of ethics have this specific role in society, they are not the appropriate tool to define disciplinary accountability of judges. Disciplinary responsibility is based on the principles of fair trial and formal procedure, where disciplinary responsibility can be determined only by an independent authority with all the prerogatives of an independent tribunal according to Article 6 of the ECHR (CCJE Opinion No.1. paragraph 46.³, Opinion No.3. paragraph 77.iv). Standards of conduct (ethical principles) represent the best practices, which all judges should aim to develop and values to which they should aspire. If such standards were used to justify disciplinary proceedings, it would discourage the development of ethical standards in the future. Disciplinary responsibility can be found only if a judge's misconduct is serious and flagrant and prescribed in the law, with sanctions set up in the law in advance.

With regard to the role of codes of ethics, it is not limited to guiding judges in their professional and private life, but it includes also the function of raising public confidence. For this purpose, it is essential that the codes, once adopted, are binding documents in the law, regardless the body delivers them. There is a danger that if associations of judges have prepared a code, judges who are not members of the given association will not feel to be bound by this code. A possible solution could be defining (through specific provisions of the law) that the code will apply to all judges.

As the purpose of codes of ethics is to give guidance to judges, a body or person in charge of giving judges advice should be foreseen in the codes so as to ensure a practical application of the principles contained in the code of ethics. In this respect, an explanatory memorandum or similar document should be attached to the Code of Ethics.

It is also important to note that every judiciary lives in the specific circumstances and different social environments. Judges are exposed to various traditions, demands and expectations of society. Therefore, while one could take inspiration from existing codified norms of judicial ethic, they should be used exclusively as a starting point to be adapted and tailored to the specific situation of each country. While it is widely recognized that codes of ethics have an important role in building public confidence in the national judiciary, judges and prosecutors should keep in mind, when creating their ethical codes, that these will serve the purpose only if well-grounded in the society. On the other hand, as judiciaries are more and more internationalized, some values will have to be internationally shared and agreed, because mutual trust can be established only if judges and judiciaries in various member States of the Council of Europe share the same core values.

In conclusion, professional ethic of judges is primarily based on universally recognised norms of morality, which is legally defined as a system of ethical norms, rules of behaviour that exist in the society and is based on traditional, spiritual and

³ Codes of professional conduct also create a number of problems. For example, they can give the impression that they contain all the rules and that anything not prohibited must be admissible. They tend to oversimplify situations and, finally, they create the impression that standards of conduct are fixed for a certain period of time, whereas in fact they are constantly evolving. The CCJE suggests that it is desirable to prepare and speak of a "statement of standards of professional conduct", rather than a code.

cultural values, as well as on the concepts of good, honour, dignity, social responsibility, conscience and justice.

III. Main principles of judicial ethics in Europe

In most of the European countries, with few exceptions (Georgia, Armenia and Azerbaijan), the presentation of the principles of judicial ethics is grouped according to the central attributes of the judges: Independence, Impartiality, Integrity, Humanism, Diligence and Reserve. Each of these attributes, defined in general terms, is usually broken down into principles of wide-ranging content, which, in turn, are the object of comments and elaboration which support a better understanding of their meaning and practical implementation. These comments, which essentially perform as an operational function, are or should be updated and extended during the application of the Code in the practice.

The Codes also often consider that the principles of judicial ethics are not limited to the individual attributes of the judges. The singular nature of the body of judges, as stated in the most of the national Constitutions and laws, leads to a collective entity mostly defined as the judiciary represented by Chief Justice, Association of Judges and some other judicial bodies like Councils of Judiciary. For this reason, individual judicial activity visible in society is not merely the sum of the individual acts of judges in the cases handled or in the public domain, but is also, and increasingly so, their collective representation and intervention in the definition and performance of the public policies of justice.

The judiciary all over the world question whether judges should deal with ethical issues. The question arises because it is quite legitimate to ask whether the Constitution or laws are enough to regulate the duties and position of judges, and whether they provide sufficient guarantee that judges are independent, impartial and bound only by laws, justice and their own sense of fairness and justice (See the table in Appendix III, which proves that the majority of the judiciaries in Europe have some form of codes of ethics).

The principle of division of powers secures the judiciary to be the third independent pillar of the state power. This principle, on the one hand, places judges as part of one of the state public services. On the other hand, it grants judges a special position, distinct from the one of the other civil servants. Judge, because of the position of the judiciary as the third equal power, has to be at all times and in all situations conscious of his/her duties and constantly open to life which surrounds him/her.

Undeniably the Constitution and the laws are the primary source of guarantees for a judge to be independent. They are the sources of protection from outside influences because without independence, judges could not perform their role in the society. However, there is more to ask from a judge. A judge's sense of his/her own independence and the appropriate image that a judge projects to the society cannot be acquired from the outside, from the laws and regulations only. It equally has to stem from the entire life of a judge.

How the personal independence of a judge is going to be expressed – this is something that each judge has to answer according to his/her system of values and ideals. In this regard, laws and regulations could be of some assistance as general sense of values shared in the society. However, modern judiciary see that this is not enough, especially when the global development of the human society is creating more and more challenges to the values that existed for centuries. Therefore, judges need to have professional ethics that will distinguish them from ordinary legal experts.

Laws and regulations create only a framework. This framework has to be completed by values that have to be understood and implemented as deemed appropriate in a concrete situation and that are influenced by the circumstances of a particular case but also by personal understanding and attitudes.

Ethical behaviour is a result of the personal evaluation of a concrete situation and it is based on the free will of the person involved. It has to be stressed that there are many questions to which it will be impossible to give a precise answer. This is the reason why most of the judiciaries and judges have decided not to give precise definitions of the obligations and duties of judges but on the contrary, to define the values that characterise a responsible and dutiful judge.

Most of the codes are more a compendium of values than a closed list providing answers to every ethical dilemma which could arise in a judge's life. That is why one always has to have in mind that the European judiciary do not regard codes of ethics as manuals but more as guidebooks on how to take a critical approach to any action or conduct of a judge.

Throughout Europe the most frequently mentioned principles in the codes of ethics, (exceptions are those codes consisting of detailed rules, usually expressed with instructions similar to “judge must”, or “judge should or should not“) are independence, impartiality, integrity, equality, competence and diligence.

While this report does not aim at providing a comprehensive overview of all Codes of Judicial Ethics in European countries, it can be noted that in most cases the principles referred to are common and are mostly described in similar ways. Consequently, the reader can find in the Appendix II an overview of the general principles most frequently dealt with in European codes of ethics for the judiciary. All mentioned above this will be demonstrated by using some existing examples in the European judiciary.

IV. Some examples of different approaches to judicial ethics codes in Europe

In the most CoE member States (Table – Appendix II) some form of a code of ethics exists.

It would be out of the scope of this report to describe all of them. To illustrate different approaches in Europe, noting that models should not be regarded as a closed list and that each judiciary can find its own unique way, this report examines the codes in France, Portugal and the Netherlands.

These codes were delivered through different procedures, were adopted by different authorities and are intended to different groups. However they all have in common similar principles that are considered as core values for all judges.

Also, the report, as an illustration, mentions examples of judiciary who took a different approach in creating codes of ethics; those who paid more attention to the formulation of strict rules and judges' obligations than to the general principles.

The name of the code in **France** is “Compendium of the Judiciary’s Ethical Obligations” and it was adopted by the French Parliament. The Code in a way defines a list of obligations for judges with the ambition not to set up a fixed list of rules where there is no possibility to evolve. Such approach gives to the judiciary possibility to further develop this document.

The aim of the code is in the best way reflected in the foreword:

“Over and above these cardinal values, the ambition of a set of ethic for the judiciary is to establish references for discharging a function that is as delicate to perform as it is essential for a balanced society.

The professional behaviour of members of the judiciary cannot be left to their own discretion. It is determined by law and must comply with the ethical requirements of their office, which are specified in this Compendium.”

In the code cited above, six main principles are elaborated, explaining the meaning of each of them and the application of these principles in in different situations. The principles in the code are independence, impartiality, integrity, strictly upholding the law, attention to others and discretion and reserve.

In **Portugal**, the Code of Ethics has been adopted by the Association of Judges and has been named “Portuguese Judges’ Pledge of Ethical Principles for Quality and Responsibility”.

The leading idea for developing the Code of Ethics is expressed in the foreword:

“At a time when almost everything is ephemeral and in a state of crisis, Portuguese judges accept the values inherent in the ethic of being a judge as their most valuable property, their safest investment and their best credit.....

...Via this means Portuguese judges also wish to accept the role of guardians of the values and principles summarized in this Pledge of Ethic, oriented to ensuring the rights, freedoms and fundamental guarantees of the citizens and the interest of the latter in the proper administration of Justice.”

The Code of Ethics includes and explains principles as: independence, impartiality, integrity, humanism, diligence, reserve, and judicial association. Each of these principles is defined in the “Proposition”, then main elements of the listed principles are elaborated, and at the end, elements of the each principle are commented in the section named “Comments”.

Third example noteworthy of mentioning because of its specific approach is the Dutch Code of Conduct which was drawn up by the Presidents of the Courts and the Council for the Judiciary jointly. It aims to further substantiate the mission of the judiciary and it is applicable to everyone working in the courts. The Code of Conduct is a concise document which elaborates on the core values of impartiality independence incorruptibility and professionalism.

The particularity of the Dutch approach is that the code was drafted jointly by the Presidents of Courts and Judicial Council and applies not only to judges but to all the courts’ personnel.

In my opinion, this is not the most appropriate approach for two reasons:

1. the code is not drafted by judges, but jointly by courts presidents and HJC which have large responsibilities in administration of justice and management of the courts.
2. the code of ethics should be only applicable to judges because their position and responsibilities are not comparable to the position and responsibilities of court staff.

In the Netherlands there is another document called “Judicial Impartiality Guidelines” drawn by the Assembly of Court Presidents and the Association of Judges.

The Guidelines are principally aimed at individual judges and include recommendations which must encourage permanent alertness of judges and courts in order to safeguard judicial impartiality. They aim at obliging judges to systematic introspection to check whether their conduct indeed corresponds to the image of the impartial judge in the persons addressing the court and in society. The guidelines aspire to enhance the acknowledgement of dilemmas and importance of permanent training and to be an incentive for awareness of integrity. In short, the guidelines are a part of the permanent focus on quality improvement in the administration of law.

Externally the guidelines aim at giving the society an insight into the framework delimiting the considerations of the judge and they serve as an external justification of judicial conduct. If judges are constantly aware of their specific duty under public law as a member of an impartial and independent judicial body, society can rely on access to a fair trial for each citizen.

Specifically, these guidelines provide different recommendations regarding family and relatives, acquaintances secondary activities of the judges, secondary activities of the former spouse or close relatives, previous jobs, previous involvement in a case or in parties.

As it can be seen, the approach in the Netherlands is quite different from those in France and Portugal but in the end, it also deals with the same issues as all other codes of ethics.

The judiciary of Croatia, Former Yugoslav Republic of Macedonia, Ukraine, Bulgaria, England, and Wales adopted similar approaches to the code of ethics as the countries described above.

The difference is in the principles and in the body, organisation or authority within the judiciary adopting these codes.

In my opinion, it is always important that all judges are consulted and participating in some stages of the process of drafting the codes, so that the codes are expressing the common will of all judges. Only in that way the codes and the principles will be acceptable for the whole judiciary.

A different approach is taken in some states of the former Soviet Union (**Azerbaijan, Georgia and Armenia**).

For the purposes of this report it is not possible to give full details of these codes, , however it has to be mentioned that these codes are stating obligations of judges in a more precise and strict manner.

Such approach is less flexible and is open to the danger of the impossibility of evolving and developing understanding of the deontological principles without starting the process of delivering a new or amended code of ethics.

Just for illustration, below are some of the rules as defined in the codes:

“Judge shall refrain from giving comments about case to the media, (unless they are technical or organisational) or comments detrimental to the impartial consideration of the case;” (Georgia)

“A judge shall not accept a gift, award, favour or benefit in connection with the case under his/her consideration; shall refrain from receiving any services if they can affect case outcome.” (Azerbaijan)

“A judge shall refrain from contacts incompatible with his calling and from the influence of executive and legislative branches of power, officials, and persons, as well as from all kinds of interference, so as to appear as an independent person to an impartial observer.” (Armenia).

Final remarks

It must be pointed out that rules of judicial ethics, developed and approved by the bodies of judicial community, are important guidelines in professional and out-of-service judicial conduct. Compliance with ethical requirements is an essential duty of a judge dictated by their constitutional and legal status. Judicial ethics, which is based on a universal moral imperative, is an effective internal corporate mechanism to ensure judicial accountability to the society.

Sources strengthening the ethical standards of the judicial profession depending on their degree of imperativeness can be divided into:

- a) constitutional rules that govern the legal status of judges;
- b) laws that determine the duties of a judge and procedural rules;
- c) acts of the judicial community, which adopt codes of judicial ethics.

International legal standards on judicial ethics play an important role in the practice of bodies responsible for making judges liable.

Violation of the code of judicial ethics in some member States of the Council of Europe gives grounds for the legal liability of judges. But if we regard code of ethics as a collection of standards and goals that should be attained, more than collection of strict rules, then there should not be a direct connection between findings which lead to the conclusion that particular judge's behaviour was a breach of the code of ethic and his/her legal accountability (discipline, criminal or civil).

Finally, bodies or persons with the advisory functions in ethical and deontological issues, which could assist judges seeking advice and help in preventing conducts in contrast with the principles of the code of ethics, should exist.

APPENDIXES

Appendix I: List of main international and European standards

From the UN:

- Basic Principles on the Independence of the Judiciary – adopted by the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders, endorsed by the UN General Assembly in 1985;
- Comments no.1 (2002) of the Working Party of the Consultative Council of European Judges (CCJE-GT) on the Code of Judicial Conduct – the Bangalore Draft;
- Commentary on the Bangalore Principles of Judicial Conduct (March 2007);

From European Union:

- European Network of Councils of Judiciary – Judicial Ethics Report 2009-2010

From the Council of Europe:

- Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies)

Consultative Council of European Judges (CCJE):

- European Charter on the Statute of Judges (1998);
- Opinion no. 1 (2001) of the CCJE on standards concerning the independence and irremovability of judges;
- Opinion no. 3 (2002) of the CCJE on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality;
- Opinion no. 4 (2003) of the CCJE, to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels;
- Opinion no. 6 (2004) of the CCJE, to the attention of the Committee of Ministers of the Council of Europe on fair trial within a reasonable time and judge's role in trials taking into account alternative means of dispute settlement;
- Opinion no. 7 (2005) of the CCJE on “justice and society”;
- Opinion no. 9 (2006) of the CCJE, to the attention of the Committee of Ministers of the Council of Europe on “the role of national judges in ensuring an effective application of international and European law”;
- Opinion no. 10 (2007) of the CCJE on the Council for the Judiciary at the service of society;
- Opinion no. 12 (2009) of the CCJE on the relations between Judges and Prosecutors in a democratic society;
- CCJE's Magna Carta of European Judges, CCJE (2010)3 Final.

From International Associations of Judges:

- UIM – International Association of Judges – Universal Charter of the Judge (Taipei 1999);
- MEDEL – European Association of Magistrates for democracy and fundamental rights – Elements of a European Statute of the Judiciary (Palermo 1993);

Other regional and national instruments that establish principles of judicial ethic:

- Burgh House principles on the Independence of the International Judiciary;
- Code of Judicial Ethics – Italy (1994)
- Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA Region (1995);
- Latimer House Guidelines for the Commonwealth (1998);
- Ethical Principles for Judges – Canada (1998);
- Charter of Citizens’ Rights Before the Administration of Justice – Spain (Full Session of Parliament – April 2002)
- Model Code of Judicial Conduct – USA (American Bar Association – 2004 Edition);
- Code of Judicial Ethics (International Criminal Court – 2005);
- Ibero-American Model Code of Judicial Ethics (2006);
- Guide to Judicial Conduct – England and Wales (revised edition – 2006);
- Weis Declaration of Ethics, of the Austrian Association of Judges (November 2007);
- Model Code of Judicial Conduct of the American Bar Association (ABA) – USA (2007);
- Code of Ethics of the National Judiciary (Brazil – National Council of Justice, 2008).

Appendix II: Main principles of judicial ethics

Independence

Members of the judiciary uphold the independence of judicial authority because they know that this is what guarantees that they act and rule in accordance with the law and applicable procedural rules, based solely on the elements brought before them, free of any influence or external pressure, and with no threat of sanctions or expectation of personal gain.

One crucial guarantee of judicial independence is a judge's security of tenure and the rule that they shall only be promoted with their free consent. Even with statutory guarantees of judicial independence, ruling in an independent manner is also a state of mind. It involves know-how and behaviour that must be taught, cultivated and developed throughout an entire career.

Members of the judiciary preserve their independence from legislative and executive powers by refraining from all inappropriate relations with the representatives of these powers and guarding against any undue influence on their part. They must be seen by citizens and persons under a court's jurisdiction as respecting these principles.

Judges must find a way to protect themselves against overly close relations with various local figures, in particular persons involved in the administration of justice, institutions, partner associations, the local business community or the media.

Serving members of the judiciary shall not seek honorary distinctions for themselves, in order to avoid any suspicion in the public's mind as to their true independence.

Members of the judiciary shall manage proceedings, lead discussions before the court and hand down their rulings independently.

In the discharge of their duties, they shall make it a principle to banish and reject any intervention, outside of proper procedural and legal channels, liable to directly or indirectly influence their decisions.

As guardians of individual freedoms, members of the judiciary shall apply legal rules based on the elements in the proceedings, with no fear of displeasing or desire to please the executive, members of parliament, the judicial hierarchy, the media or public opinion.

Whenever he or she senses the possible exertion of influence or pressure from any source whatsoever, the member of the judiciary shall rely on collegiality whenever procedures allow.

Members of the judiciary must be aware of the impact of any cultural or social prejudices and political, philosophical or religious convictions they may bear, on their understanding of facts brought before them and on their interpretation of legal rules.

Members of the judiciary are legitimately required to manage flows and process cases within a reasonable time limit, but these objectives do not exempt them from providing the following guarantees of independent justice: compliance with procedural and statutory rules; quality of decisions, and listening to the persons under a court's jurisdiction.

When participating in bodies that elaborate public or state policy (i.e. members of commissions for drafting laws), members of the judiciary shall abstain from any commitments liable to alter their freedom of judgments and judicial independence.

Despite the fact that they belong to the same law enforcement system and to the judiciary, in the broader sense of the term, and discharge their duties in the same place, judges and prosecutors shall maintain and publicly demonstrate their mutual independence.

Like any citizen, members of the judiciary have a right to privacy. They shall however refrain from any overt relationships or public behaviour liable to cast doubt on the independence with which they discharge their duties.

Members of the judiciary enjoy the same rights as other citizens to join a political party, an association or a professional trade union, and to practice the religion of their choice.

Within the territorial jurisdiction of the series of courts to which they belong, they shall refrain from all forms of political, philosophical or religious proselytizing liable to harm the judicial authority's image of independence.

Members of the judiciary shall refrain from incurring obligations or constraints liable to restrict their freedom of thought or action and their independence.

In sum, it has to be highlighted that a judge has always to take into account:

- that he/she must not deliver decisions “shaded” with inappropriate external influence,
- that he/she must deliver decisions according to the law as he/she understands it, on the basis of facts which have been established without any fear or improper assistance,
- the judge must take actions without fear of criticism and regardless of whether the final decision is going to be popular in the public, media, government and judge’s inner circle or family,
- every attempt to influence a judge, direct or indirect, must be rejected, and every contact regarding a case has to be public in the court room,
- usual social contacts should not be avoided, but the judge has always to keep in mind that such contacts sometimes create an image in the public that can jeopardize the independence of the judge since trust in the independence is gained not only through real independence but also through the message sent by judges to the public.

Impartiality

As a right guaranteed to all persons under a court's jurisdiction by Article 6 of the European Convention for the Protection of Human Rights and Fundamental

Freedoms, members of the judiciary have an absolute duty of impartiality, designed to give effect to one of the founding principles: that all citizens are equal before the law.

Just like independence, impartiality is an essential element of public confidence in justice.

Because the validity not just of the decision itself but also of the process that leads judges to that decision depends on it, impartiality is an obligation that requires certain principles to be applied at an institutional, functional and personal level.

The impartiality of the courts and their members implies that the nomination and appointment of members of the judiciary should rely on objective, transparent rules based on professional ability. That is why there is strong and firm correlation between institutional guarantees of independence and impartiality of an individual judge. It is impossible to have one without another.

Court hearings must be public, unless statutory exceptions exist.

When returning to judicial activities after working outside the judiciary, members of the judiciary must ensure that their impartiality cannot be questioned.

Impartiality requires appropriate material, financial and human resources, allowing courts to function and the judiciary members to work in conditions that exclude any form of dependency on public or private persons, even in exceptional circumstances.

Impartiality when discharging judicial functions is not restricted to an apparent absence of prejudice, it also and more fundamentally means a genuine absence of any kind of bias. Irrespective of their opinions, members of the judiciary must be open to and take account of all the viewpoints put before them.

Members of the judiciary demonstrate their impartiality by upholding the adversarial nature of hearings.

In their professional activities, members of the judiciary shall set aside all prejudices and adopt an objective attitude.

If judges convey an opinion, either by words or behaviour before they rule, this has to be done in relation to legal matters, being constantly aware that the impression of impartiality could be endangered whether the subsequent ruling is in accordance with or in opposition to the previously expressed opinion.

In their judicial activities, in particular in the area around the courtroom, judges must present an image of impartiality and there should not appear to be excessive closeness or collaboration, between them and the parties and their representatives. The same caution must be observed as regards all those involved in the trial.

The presiding judge shall address all those involved in the trial with the same objectivity.

Panel of judges hearing a criminal case should avoid ruling immediately after the closing addresses, which would lend support to the idea that proceedings and deliberations serve no purpose. Only a free discussion between members of the bench guarantees that there has been true deliberation and that the arguments presented by both parties have been examined.

A judge, member of the panel, shall inform the other members of the trial bench of any facts personally involving him or her that are liable to weaken the image of impartiality that he or she must present to all parties.

While members of the judiciary enjoy the same rights as all citizens, they may not take on a commitment of any nature whatsoever (political, philosophical, religious, or within an association, trade union or business, etc.) that would subject them to limitations other than those of domestic or international law and restrict their freedom of thought and analysis.

Members of the judiciary shall avoid giving legal advice outside their close circle of relations.

Integrity

Being a member of the judiciary is a position of honour that demands integrity.

In their professional practice and in their private lives, members of the judiciary shall demonstrate such qualities of integrity as to show them worthy of discharging their mission, lend credibility to their authority and ensure confidence in justice.

By their professional and private behaviour, members of the judiciary help vindicate public confidence in the judiciary's integrity. Every judge has to bear this in mind all the time. Being a judge means being a judge 24 hours, in public and in private circumstances.

By their reserve, caution and discretion, members of the judiciary demonstrate that they are mindful of the image of justice and their role in the society.

When making personal commitments, members of the judiciary shall ensure that they reconcile the legitimate exercise of their rights as citizens with their duties as judiciary members. They shall behave and express themselves in public with caution and moderation.

Members of the judiciary shall ensure that their private commitments within associations do not interfere with their field of jurisdiction within their court of appointment. If they are unable to do so, they shall withdraw.

Members of the judiciary shall not accept any gifts or donations liable to undermine or cast doubt upon their impartiality, in particular those offered at events linked to their professional life.

Members of the judiciary shall avoid giving legal advice outside their close circle of relations.

The principle of integrity means that all members of the judiciary are subject to obligations of probity and loyalty.

Probity is the commanding element in professional practice, behaviour in society and private life. For members of the judiciary, probity means an overall requirement of honesty. It implies compliance with the statutory provisions specific to members of the judiciary, their status and judicial organization.

Members of the judiciary shall behave with tact.

Members of the judiciary discharge their functions within an institutional framework that protects their integrity.

Members of the judiciary involved in application proceedings for judicial office shall refrain from vouching for candidates' merits merely as a favour to them.

When discharging their functions, members of the judiciary shall comply with applicable standards and best practices regarding the use of public funds and the rigorous management of justice as a public service. They shall ensure that their court of appointment functions optimally, in accordance with the administrative and financial resources allocated to the State's mission of justice.

All members of the judiciary shall ensure that the resources available to them are used in accordance with their institutional purpose and avoid waste, exclusive use or misappropriation.

Integrity prohibits doing favours, and all forms of favouritisms and undue interference. Members of the judiciary shall protect the judicial authority from all forms of influence or pressure. They shall uphold the image of justice as independent, impartial and dignified, and refrain from giving any advantage, arrangement or preferential treatment whatsoever.

Propriety

When a judge is faced with the problem of his/her own actions, he/she should ask himself/herself whether his/her behaviour in official or unofficial capacity is performed in the manner that it will (not) endanger trust in their independence. Judges should restrain themselves from statements and actions which could lead to erosion of such public trust and respect of the judiciary. They shall strive with moderate actions, with objectivity and with controlling their emotions, to improve confidence in their work dedicated to the cause of justice.

Members of the judiciary should perform their duties with self-consciousness and respect to their own profession. Judges should never put themselves in the front with the aim to promote themselves alone, because their role is to protect the rights of the parties.

Judges and other players in the judicial system should create collegial relations and mutual respect in personal and professional sense. When there is need to express criticism, it should be expressed unpretentiously, objectively and without personal insult.

Members of the judiciary shall allocate most of their working time to their judicial functions.

Certain extra-judicial activities should be authorized or reported appropriately in order to be open to the outside world and promote awareness of the institution. They must be compatible with the judiciary member's dignity and independence, and must not be detrimental to the service of the court. Any such activities liable to create a conflict of interest should be avoided. Scientific, literary or artistic work may be performed without prior consent but must not restrict the judiciary member's professional activities.

Persons under a court's jurisdiction are entitled to expect the same integrity from members of the judiciary when appointing natural persons or legal entities to assist them with their tasks. The systematic selection of the same experts or agents may arouse suspicion of dependency.

Members of the judiciary shall not comment on their own decisions. The grounds of the judgments alone should suffice. They shall not criticize their colleagues' court rulings, even within the same series of courts, as these rulings should be analysed through the normal appeals process.

Members of the judiciary shall respect the confidentiality of court hearings and proceedings discussed in their presence. They shall not reveal information in their possession, even anonymously or anecdotally. They may not be held liable for the breach of this confidentiality by third parties, whatever the form or objective of such breach. However, being aware of these risks, members of the judiciary must take material precautions (locking their office, turning off their computer, shredding documents that are no longer required, etc.), and they have a duty to call attention to any problems they may observe in this respect.

The duty of taking more restrained approach to the public does not preclude the judicial hierarchy from intervening when a member of the judiciary is the object of unfair accusations, in particular by the media.

As a precaution, members of the judiciary shall not handle cases that directly or indirectly involve either themselves or their close circle of relations. In such cases, they shall not wait for their disqualification but shall refrain from intervening in any proceedings of this nature or involving a party with whom their relationship is one of friendship, proximity or intimacy. The decision to withdraw from a case is up to the judges own conscience, with no obligation to explain with the exception of when law commends differently.

Members of the judiciary who are invited to represent the justice system at external events shall avoid accepting any invitations liable to place them in a delicate situation as regards their integrity.

In their private lives, members of the judiciary are still subject to a strict obligation of scrupulousness, which includes delicacy. This requires that they show discernment and caution in their life in society, choice of relationships, the performance of their private activities and participation in public events.

Members of the judiciary must in no circumstances lend support to the idea that they enjoy or might enjoy special treatment. Members of the judiciary may not use their status to obtain any favours or advantages whatsoever for themselves, their acquaintances or their close circle of relations.

Interventions and recommendations are prohibited. Caution is the rule when giving character testimonials or formal declarations that may place the judge hearing a case in a difficult situation. The latter must not feel bound by a sense of professional solidarity.

Equality

The judge actively commits to respecting the dignity and equality of all the parties in the case, and does not demonstrate any kind of prejudice or discrimination in relation to sex, racial or ethnic origin, physical or mental disability, religion or creed, sexual orientation or political conviction, which in any way may violate their personality or create an intimidating, hostile, degrading, humiliating or offensive environment.

Within the scope of his powers of direction and discipline in pleadings, the judge ensures that all the parties in the case and the staff that are assigned to him adopt conduct which respects the equality and dignity of the human person, and expresses his disapproval regarding all conduct which is prejudiced or discriminatory.

The judge is bound to comply with and apply the law and the principles of the legal system legitimately consecrated in the positive legal order by the proper bodies. However, faced with the multiplicity and heterogeneity of cases brought to trial, the judge always keeps in mind that justice and the law are not limited to the strictly positivist and legalist interpretation of the rules, and that the whole of the decision must be essentially fair and human and respect the fundamental rights of the democratic rule of law. This requires that the judge pays particular attention and is sensitive to constitutional, European Union and international sources of law. The judge's awareness of belonging to a global legal order, with responsibilities which extend beyond the national legal framework and beyond the territory, requires that he/she performs his/her functions in a manner appropriate to affirm the universal validity of human rights.

The function of the judge as a guarantee of the rights of citizens also requires a careful reading of the case in the light of the principles of the Constitution and, when legally admissible, rejection of the concrete application of a law which infringes those principles. However, the judge keeps in mind that this exceptional mechanism is established principally as a guarantee of the citizens against laws which infringe their fundamental rights.

The fundamental point is that parties are not before a judge because of him/her, but they are there because they are seeking protection or because they are protecting some of their rights. That is why they expect help from a judge. The judge must therefore pay attention to listen to the parties and to help them acknowledging that such help must be in the frame of the law and within judge's authority. Even in cases in which parties have a very critical and hostile attitude towards the opposite party and judges, communication problems can be solved by upholding dignity, impartiality, and full care and abstaining from showing emotions.

Relationship between judges and parties must be polite, cultured and human. The judge must respect the party's personality without showing any familiarity. It is his/her duty to show equal approach to both parties with respect to their dignity and taking into the account that parties very often feel inferior to the judge because they are there to seek help in protection of their rights and freedoms. Equality and humanity also means that judges should hear what parties have to say with patience and understanding but without inflating in sympathy. It is not acceptable for a judge to act in a way to show to the parties that they are in inferior position and that they are completely depending on the judge's will. For example, leaving a party to wait in front of a courtroom without any justified reason is not acceptable. Contacts between judges and parties should be held with caution.

Competence and diligence

Throughout their professional life judges are committed to acquiring the knowledge, skills and personal qualities necessary in order for them to exercise their function with merit.

In the exercise of their function, judges dedicate their activity to the proper functioning of the court and the timely handling of cases, so that cases submitted for their appreciation are decided with maximum quality and readiness, fairly, professionally, diligently and determinedly.

Judges are aware that the proper functioning of the court also depends on the adoption of organizational and procedural management criteria, with a view to simplifying the formal procedures, planning, monitoring and assessing the service, and the use of the new information and computerization technologies.

Judicial training is indispensable for safeguarding a judge's independence and impartiality, a presupposition of his legitimacy to administer justice and a guarantee of true autonomy of reflection and decision. In addition to the initial training, the judge accepts as his/her own responsibility the acquisition of permanent and specialized training, appropriate to the exercise of the functions, and promotes this throughout his/her working life and works to constantly update his/her knowledge, maximize his/her skills and optimize his/her personal qualities. Before exercising functions in court which require specialised skills, the judge keeps in mind the need to acquire the specific knowledge necessary, namely by attending appropriate training activities. Besides this, the judge seeks to acquire training in non-legal areas of his/her interest, aiming to improve his/her knowledge, cultural background and personal qualities.

Merit is of primary importance to the exercise of the function of a judge, regardless of which stage he/she is at in his/her career or which court he/she exercises functions in. The assessment of merit, linked to professional experience, is thus a predominant factor in appointment, transfer and promotion.

The judge, in search of a fair, equitable and timely solution for the litigation in question, rejects mechanical and uncritical reproduction of other decisions and the use of formalities which impede or unnecessarily delay the acknowledgement of merit, and maintains an open mind to hear and recognize new arguments and analyse the different alternatives offered by the law, in order to confirm the criteria or points of view held and, if necessary, to repair or rectify decisions given, when the law so admits.

In the interpretation and application of the law, the judge gives critical attention to the legal practice and legal theory, and takes into account the need to incorporate within the decision-making process the principle of uniformity of criteria for situations, which are identical in subject matter, and consideration of scientific development in the study of law.

The judge provides reasoned grounds for decisions, by means of a discourse which can be understood by those at whom it is directed, with clear and succinct language, such that the former understand not only the respective scope but also the logical and argumentative process on which the decision is built, even when they disagree with it.

The judge seeks to comply with the obligations of the functions within the time limits established by law and, when this is totally impossible, either due to the level of difficulty of the case or to an excessive caseload, within a reasonable time period. For this purpose, he/she discourages the unnecessary delaying of proceedings and the practice of time-wasting procedural actions and uses all the means at his/her disposal which allow for difficulties and insufficiencies of the court to be overcome or for their effects to be minimized, with a view to ensuring the greater usefulness and satisfactory settlement of the litigation and avoiding the injustice which results from a late decision. The judge seeks to schedule proceedings in line with a reasonable forecast of the development of the work and the availability of the premises, so that he does not have to delay or postpone their start. When this cannot be avoided, he personally and in a timely manner informs the affected parties in the case of the reasons for such delay.

The judge does not accept extrajudicial commitments which are incompatible with the diligent exercise of his judicial functions.

The judge clearly informs the body with jurisdiction for managing human and physical resources of all difficulties in the performance of his work which require the use of extraordinary means of assistance. In the same way, the judge communicates that these are no longer necessary when the situation that determined their use has ended. Aware that diligent performance of the judicial function and the correct functioning of the organization requires assistance from staff assigned to processing the case and performing administrative tasks, the judge takes an interest in the overall management of the organic unit for which he is responsible, requesting the necessary

means, motivating the staff and accompanying and supervising the performance of their tasks in accordance with the planning that has been defined.

In the management of his/her cases, taking into account the aim of complying with the established caseload targets, without sacrificing the necessary quality and consideration of the decision, the judge seeks to simplify the formal and bureaucratic procedures, eliminate unnecessary tasks and routines, produce suitable planning and scheduling, implement methods which allow the results obtained to be permanently assessed, adopt the necessary correction measures, and make use of the new information technologies and computer programs of the courts.

The judge views the assessment of his/her performance and the attributing of a classification not only as a factor for grading merit and career progression, but also as a component in his/her learning process and an aid for identifying areas for improvement.

In conclusion, and taking into account what described above, the judge must take all necessary steps to build him/her as a complete and competent judicial figure. This can be achieved with constant improvement of general and professional knowledge - only such judge can face and respond to serious demands which challenge him/her from the day of appointment to the end of the career.

Appendix III: Table: Overview of European experiences

The information has been gathered by the expert during April and May 2015 through a questionnaire sent to CCJE Members and to members of the European Association of Judges.

COUNTRY	CODE YES / NO	TITLE	BODY	COMPULSORY?	DATE	COMMENTS
ALBANIA	YES	Code of Judicial Ethics	The Code of Judicial Ethics is adopted by Judicial Conference in its annual meeting		29.06.2006	
ARMENIA	YES	Code of Judicial Conduct	Code of Judicial Conduct was developed by the Association of Judges of RA, and the Council of Court Chairs, and was adopted by the General Meeting of Judges of the Republic of Armenia	YES	23.04.2010	
AUSTRIA	YES	Declaration of Weles (place where it was adopted)	Association of Judges	NO (only for members of Association)	2007	

AZERBAIJAN	YES	Ethical Code of Judicial Conduct	Ethics Code of Judicial Conduct was approved by the decision of the Judicial Legal Counsel of Azerbaijan Republic	YES	22.06.2007	http://www.judicialcouncil.gov.az/ethic_code.pdf
BELGIUM	YES	Guide pour les magistrats, Principes, valeurs et qualites	Council for Judiciary	NO	June 2012	http://www.csj.be/sites/5023.b.fedimbo.belgium.be/files/press_publications/o0023f.pdf
BOSNIA AND HERZEGOVINA	YES	Ethical Code for Judges	High Council for Judges and Prosecutors	YES	16.6.2005	www.hjpc.ba
BULGARIA	YES	Code of Ethics for the Behaviour of Bulgarian Magistrates	Supreme Council for Judiciary	YES	20.5.2009	www.justice.bg/en/start.htm
CROATIA	YES	Code of Ethics for Judges	Council of presidents of Judges' Councils	Applicable to all judges	2006	

CYPRUS	NO					
DENMARK	NO					Justice Act provides basic guidance. According to the provisions in this act complaints regarding improper or unseemly behaviour of a judge can be filed to the Special Court of Indictment and Revision consisting of 5 members – one Supreme Court judge, one High Court judge, one county court judge, one professor in law from the University and one practicing lawyer.
ENGLAND AND WALES	YES	Guide to Judicial Conduct	A group of judges selected by the Judges' Council	YES	2004	www.judiciary.gov.uk/Resources/RCO/Documents/Guidance/judicial_conduct_2013.pdf
ESTONIA	YES	Estonian Judges' Code of Ethics	Court en banc (a body which consists of all Estonian judges)	NO	13.02.2004	http://www.nc.ee/?id=682
FINLAND	YES	Judge's Ethical Principles	Finnish Union of Judges	NO	May 2012	http://www.tuomariliitto.fi/prime103/prime101.asp

FRANCE	YES	Compendium of the judiciary's ethical obligations	French Judicial Council	YES	2010	http://www.conseil-superieur-magistrature.fr/files/recueil_des_obligations_deontologiques_des_magistrats_EN.pdf
GEORGIA	YES	Judges Ethics code	Conference of Judges of Georgia after an official submission by the High Council of Justice of Georgia.	YES	October 2007	
GERMANY	NO					Currently the Association of Judges is developing principles of judicial conduct.
GREECE	YES	The Code of Court Organization and Status of Judicial Officers	Parliament	YES	September 1988	http://www.ministryofjustice.gr/site/kodikos

ICELAND	NO					
ITALY	YES	Code of Ethics for Judges and Public Prosecutors	Association of Judges	NO	7.05.1994	
LITHUANIA	YES	Code of Ethics for Judges	Congress of Judges	YES	June 2006	
LUXEMBOURG	YES	Recueil des principes déontologiques des magistrats luxembourgeois	The guide has been drafted by a working group composed by judges and prosecutors from all levels, from the judiciary and the administrative courts, and chaired by a member of the Court of appeal.	NO	16.05.2013	
MOLDOVA	YES	Code of Professional	The Code of professional	YES	11.09.2015	According to the Decision no. 145/7 from 03 March 2015 of the Supreme Council of Magistracy, a working group for developing a new Code of Ethics of

		Ethics and Conduct	ethics and conduct was approved by the Decision of the General Assembly of Judges.			the judges was created. The project of the Code of Ethics was drafted by the following members: 2 members of the Superior Council of Magistracy, 2 international experts from the project named "Increasing efficiency, accountability and transparency of courts in Moldova " (ATRECO), one judge from the Supreme Court, one trainer of the National Institute of Justice, one main judge inspector of the Judicial Inspection, SCM, one judge from the Court of Appeal and one judge, from the District Court Botanica, Chişinău.
MONTENEGRO	YES	Ethics Code for Judges	Conference of Judges	YES	26.07.2008 Amended 27.03.2012	
POLAND	YES	The Collection of Principles of Judges' Professional Ethics	National Council for Judiciary	YES	February 2003	The Polish Association of Judges adopted its own Code of Ethics in 1999.
PORTUGAL	YES	Portuguese Judges' Pledge of Ethics-Principles of Quality and Responsibility	Association of Judges	To members of the Association	31.10.2008	

ROMANIA	YES	Code of Ethics for judges and prosecutors	Council for Judiciary	YES	May 2005	http://www.csm1909.ro/csm/linkuri/15_11_2005__2048_en.doc
SERBIA	YES	1. The Code of Judicial Ethics 2. Standards of Judicial Ethics 3. Code of Ethics	1. The Judges' Association of Serbia(JAS) 2. JAS 3. The High Judicial Council	YES	1) 09.05.1998 2) 30.06.2003 3) 14.12.2010	1. The first code, adopted more than a year after the JAS was established, is composed of guidelines that only members of JAS accepted as their own. 2. Aiming to establish principles that would apply to all judges, JAS made a new version called Standards of Judicial Ethics, which was adopted by its Managing Board in 2003. However, it remained as the code that only members of JAS regarded as their own. By the way, JAS has Ethical Council that can be addressed by anyone seeking for the Council's opinion on whether certain behaviour of any judge was in accordance with the standards. The Council deals with the problem on a principles level, never mentioning the exact case, but more likely using it to elaborate its standing on a certain ethical dilemma. 3. Finally, the High Judicial Council, following its obligation according to the Law on Judges and the Law on the HJC, adopted the Code of Ethics in 2010. A judge shall in all circumstances abide by the Code. Violation of a Code's provisions, but only to a greater extent, is regarded as a disciplinary offence.
SLOVENIA	YES	Code of Judicial Ethics	Council for Judiciary	YES	2001	http://www.sodnisko-drustvo.si/SODNISKO_DRUSTVO,,akti_drustva,kodeks_sodniske_etike.htm

THE NETHERLANDS	YES	Code of Conduct for Judicial Personnel	Council for the Judiciary & Presidents of Courts	YES	2010	
		Guide to Judicial Conduct	Association of Judges	NO	2011	
UKRAINE	YES	Code of Judicial Ethics	XI Congress of Judges	Compulsory for all judges	22.02.2013	