



DEUTSCHE STIFTUNG FÜR
INTERNATIONALE RECHTLICHE
ZUSAMMENARBEIT E.V.



EU-projekt: Podrška Pravosudnoj akademiji: Razvoj sustava obuke za buduće suce i državne odvjetnike
EU-project: Support to the Judicial Academy: Developing a training system for future judges and prosecutors

NN 131/06

Last check / zadnja provjera: 27.04.2009

CODE OF JUDICIAL ETHICS

Kodeks sudačke etike

In order to achieve the highest values of the constitutional order of the Republic of Croatia – the rule of law, constitutionality and legality, humanity and ethics, and the protection of human rights and freedoms;

In order to achieve the independence, impartiality, expertise, equality and dignity of the judicial office;

In order to raise awareness of personal and professional responsibility, conscientiousness and efficiency in performing the judicial office;

In order to continuously develop and improve mutual human relations amongst judges, and their relations towards employees and participants of court proceedings;

In order to promote the principle of high ethical standards;

In order to provide lawful and prompt legal protection to citizens, legal entities, and all other authorised participants of court proceedings;

In order to strengthen the trust of the public in the fairness and efficiency of the judicial profession;

and having regard to the international principles embedded in:

– the Universal Declaration on Human Rights of the General Assembly of the United Nations (Resolution No 217A (III) of 10 December 1948);

– the UN Resolution “Basic Principles on the Independence of the Judiciary” of 1985;

– the UN Resolution “Human Rights and the Judiciary” of 22 October 1993 No 50/181 and 20 December 1993 No 48/137;

– the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. (UN General Assembly Resolution No 53/44, adopted on 8 March 1999);

– Recommendation no. R (94) 12 of the Committee of Ministers to Member States on Independence, Efficiency and Role of Judges;

– the Bangalore Principles of Judicial Conduct;
– the European Charter on the Statute for Judges adopted from 8 to 10 July 1998 in the Council of Europe;
and other international community documents,

The Code of Judicial Ethics lays down as follows:

1. The Code

The Code of Judicial Ethics represents a set of ethical principles essential for the successful performance of the judicial office.

2. Constitutionality and legality

The duty of a judge is to adjudicate pursuant to the Constitution, the law, and on the basis of international treaties which make up part of the legal order of the Republic of Croatia, as well as to apply other regulations that have been adopted in conformity with the Constitution, international treaties, or laws of the Republic of Croatia.

3. Humanity and ethics

In his or her professional activities and private life, a judge shall behave humanely and apply the highest ethical principles in conformity with the standards of professional and general culture.

4. Independence

A judge shall proceed independently in relation to society, social groups and individuals, and decide solely in accordance with the conscientious interpretation and application of regulations.

5. Impartiality

A judge shall perform his or her office impartially and without prejudice or favour on the grounds of race, colour, religion, national belonging, age, marital status, sexual orientation, social and financial status, political affiliation, or any other distinctive feature.

A judge shall refrain from making statements or comments which may disrupt the fairness of adjudication within the procedure and create an impression of bias.

6. Expertise

A high level of knowledge of the law and its application is expected from a judge, so that he or she may be capable of professionally performing the judicial office.

A judge shall have the right and the duty to participate in available professional development programmes.

7. Equality

In performing his or her judicial office, a judge shall treat all the participants of court proceedings in a courteous, considerate, respectful and equal manner.

A judge shall also require the employees of the court and all other persons upon which he or she exerts official influence to treat equally all the participants in the proceedings.

8. Dignity of the judicial profession

By performing his or her judicial office and activities outside the court, a judge shall develop standards of conduct that contribute to preserving the reputation and dignity of the court and of the judicial profession.

A judge shall avoid any unseemly conduct which creates the impression of being unbecoming to the position of judge, by also accepting limitations which would seem burdensome to other members of the public.

A judge shall preserve the reputation of the judicial profession and position through the written and spoken word.

In performing the office of president of court or president of department, a judge shall not create a sense of his or her own superiority.

A judge shall not perform any public or private, paid or unpaid office which is not in conformity with the status of judge.

A judge shall not allow his or her family to exert an unseemly influence on his or her conduct and decisions in performing the judicial profession.

A judge shall not use the reputation of his or her profession to achieve or improve his or her private interests, the interests of his or her family members, or any other person's interests.

A judge shall not allow members of his or her family, court employees, or anyone else who is subordinate to the authority of the judicial office to accept a gift, a loan or service for something that the judge in performing his or her office will do or omit to do.

Outside the judicial office, a judge shall not engage in giving legal advice or providing legal assistance.

Even after the termination of judicial office, unless required by the rules of procedure, a judge shall not take any role in a case in which he or she has conducted proceedings while performing his or her judicial office, or in cases related to such a case.

9. Responsibility

A judge shall resolve the cases assigned to him or her in an order that will not favour any party in the procedure.

A judge shall take due care to avoid unnecessary delays in his or her work on particular cases, and shall within the shortest possible time conduct the procedure in which he or she decides.

A judge shall be responsible for the rational distribution of work so as to make the best possible use of the available working time.

A judge shall not disclose confidential information of which he or she has become aware in the course of performing his or her office, unless this is a requirement of the professional office.

10. Diligence

A judge shall invest all effort and knowledge in achieving the best possible performance, taking due care that the quantity of accomplished tasks is not to the detriment of their quality. In conformity with his or her capacities and interests, a judge shall devote himself or herself not only to the tasks and responsibilities related to the court and the rendering of court decisions, but also to other tasks of importance to the judicial profession and the functioning of the court.

The activities of a judge outside the court must not impede his or her regular and orderly performance of the judicial office.

11. Freedom of association

Judges have the right to establish professional associations and participate in the work of these associations which advocate their interests and protect their independence and status of judicial power, with a view to protecting and promoting the judicial office.

12. Relation to the public

In his or her public appearances, a judge shall promote the reputation of the judicial

profession.

A judge shall not express opinions on particular court proceedings that are pending and on the court decisions in these proceedings.

A judge may participate in public discussions on the law, the legal system and the functioning of the justice system.

When appearing in public, or when commenting on social phenomena through the public media, written articles, radio or TV programmes, at public conferences, lectures, etc., a judge shall endeavour to ensure that his or her appearance is based on regulations, and that the views the judge expresses and his or her overall conduct is in conformity with the provisions of this Code.

A judge shall avoid promoting himself or herself and expressing his or her views and opinions during the course of proceedings and in relation to these proceedings, especially through the media.

13. Relations towards judges and employees at the court

Judges shall relate in a proper manner towards all employees at the court.

Judges shall develop and maintain good mutual collegial relations and professional cooperation.

A judge shall assist court advisors in their professional development.

A judge shall enable court trainees to perfect their legal knowledge in the practice of law, endeavouring to make the acquired knowledge and the application of legal theory in practice thorough.

A judge shall develop in court advisors and court trainees the level of ethical conduct which is in conformity with this Code.

14. Infringements of the Code

Compliance with the Code is the obligation of a judge.

Anyone has the right to indicate a judge's conduct which is contrary to the provisions of this Code.

The president of the council of judges where the judge to whom the complaint relates performs his or her office shall present the complaint to the council of judges.

The council of judges shall allow the judge to respond to the complaint.

If the council of judges establishes that the complaint is founded, it shall render a decision establishing an infringement of this Code.

A judge shall have the right to object to the decision of the council on the infringement of this Code within eight days from the delivery of the decision. The Council referred to in Article 107 paragraph 2 of the Courts Act shall decide on the objection by a majority vote of all members of the Council.

The enforceable decision shall be delivered to the president of the court where the judge in question performs his or her office.

Provisions on the infringements of this Code have been in effect relating to infringements which occurred after its coming into force.

15. Final provisions

This Code was adopted at a meeting of the Council of Presidents of All Councils of Judges of the Republic of Croatia on 26 October 2006, and came into force on the same day, and shall be published in the Official Gazette.

