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DRAFT CODE OF ETHICS OF JUDGES
(PRINCIPLES AND RULES OF CONDUCT OF JUDGES)

IN THE REPUBLIC OF KAZAKHSTAN

DRAFT

The Code of Ethics of Judges
(the principles and rules of conduct for judges)

The Constitution of the Republic of Kazakhstan guarantees everyone the protection of their rights and freedoms by an independent, impartial and fair trial. The State ensures the independence and integrity of the judges, high level of material and social security, non-interference in the judicial activities.

High and important tasks facing justice require implementation by the judges of their professional activities on the basis of loyalty to serve the people, unquestioning compliance with the Constitution and the laws, honesty, integrity, fairness, indisputable authority among the population, compliance with ethics and morality, ethical rules of conduct in the service and everyday life.

Judges of the Republic of Kazakhstan, taking into account the increased requirements of society in professional and moral standing of the judge, based on the Constitution of the Republic of Kazakhstan, the Constitutional Law "On the Judicial System and Status of Judges of the Republic of Kazakhstan", taking into account the "Universal Declaration of Human Rights", "International Covenant on Civil and Political Rights ", " Bangalore Principles of Judicial Conduct" as well as the need to establish common ethical standards of judicial conduct as a basis for public confidence in the judiciary, take this Code of Ethics of principles and rules of conduct for judges.

Chapter I. General provisions

Article 1. The subject of regulation of this Code is the relations connected with the observance of the principles of the judges and the rules of conduct in their professional activities, society and everyday life based on common standards, established by the Code of Ethics of principles and rules of conduct of judges (hereinafter - the Code).

Article 2. The ethical principles and rules enshrined in the Code based on the Constitution of the Republic of Kazakhstan, the Constitutional Law "On the Judicial System and Status of Judges of the Republic of Kazakhstan", the Laws of the Republic of Kazakhstan, generally recognized principles and norms of international law.

Article 3. Principles and rules established by the Code are mandatory for all judges regardless of their positions, as well as for the judges who are in retirement.

Article 4. In cases where any issues related to judicial ethics are unregulated by this Code, the judge must follow generally accepted principles of morality and ethics, as well as international standards in the field of justice and compliance with judicial ethics.

Article 5. The judge may apply to the competent authority of the judicial community with the request: whether the future of his behavior or action comply with the requirements of the Code, which is mandatory for execution.

CDL-REF(2016)026

Article 6. The fact of a judge violations of ethical principles and rules of conduct can be established only by a decision of the authorized body of the judiciary, taken on the request of citizens and organizations, government agencies, presidents of courts. The authority may start the procedure and consider on its own initiative the information on the report of abuse of ethical rules by judges, published in the media.

Article 7. In the cases provided by law, the authorized body of the judicial community has the right to raise the issue of bringing the judges to disciplinary proceedings for gross violation of a judge of the ethical principles and rules of conduct. The fact of a gross violation of the judge of ethical principles and rules of conduct, is being established by the authorized body according to the circumstances and consequences there after.

Article 8. The terms used in the Code:

judge - judges of local courts and the Supreme Court of the Republic of Kazakhstan, heads of local courts and the Supreme Court, chairmen of judicial boards of local courts and the Supreme Court;

judiciary authority - the Central Council of the Union of Judges of the Republic of Kazakhstan, regional councils and similar branches of the Union of Judges;

competent authority of the judicial community - the commission on judicial ethics at the regional level and the branches equated to the Union of judges;

close relatives of the judge - husband (wife), children, including adopted children, siblings, grandparents, grandchildren;

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he wife (husband) of a judge - a person in a registered marriage with the judge;

member of the judge's family - husband (wife), parents, children, any other close relative residing with the judge.

Chapter II. Ethical Principles of Judicial Conduct

Article 9. The independence of judges and their subordination only to the law.

1. A judge shall uphold and enforce the principle of judicial independence as a basis of legal guarantees and fair settlement of the case in court.

2. A judge shall carry out his/her professional activities in the administration of justice based solely on the evidence and the data verified at the court hearing, to resist the pressure, threats, direct or indirect interference emanating from citizens and organizations, officials, government agencies, the media.

3. Public discussion of the activities of judges, criticisms against him/her, no matter where they come from, shall not affect the validity and legitimacy of the court decision on the case under being considered by him/her.

4. On the facts of illegal interference in judicial activity, direct or indirect pressure to influence his/her judgments, a judge shall notify the chairman of the superior court, the judicial authorities or prosecuting authorities.

CDL-REF(2016)026

5. Officials of the judicial system endowed with institutional powers have the right to organize public discussion of violations of the law by the judge only in the event if this fact is established as a legally effective by a judicial act of the superior court. Exception is discussion of judicial practice for training purposes.

Article 10. Principle of equality before the courts and the law.

1. A judge in the performance of his/her duties of justice shall ensure the principle of equality before the courts and the law, pay the same attention to all participants in the process regardless of their gender, race, nationality, property and social status, religion, membership of public associations.

2. A judge shall send his/her professional duties without any preference for one of the parties, hidden or apparent bias, discrimination, create the necessary conditions for the fulfillment by the parties of their procedural duties, strive to reconcile the parties in civil proceedings, prevent conflicts in the judicial process, stop the facts of misuse of the parties' due process rights, including the prolongation of the trial.

Article 11. The principle of integrity.

1. Compliance with rules of court by judges and behavior of judge during the trial and outside it, shall establish and maintain public confidence in the integrity of the judiciary.

2. As soon as attempts to bribe the representatives of justice, participants in the process, became known in the course of the proceedings, the judge shall notify the chairman of the court and law enforcement agencies.

3. A judge shall not accept gifts in connection with his/her professional activities, not related to the administration of justice, worth more than the size specified in the legislation of the Republic of Kazakhstan.

4. A judge shall promptly pay the taxes and other obligatory payments to the budget, utilities and other expenses, avoid failure on unjustified reasons of personal monetary obligations, including under the credit agreements, in a timely manner shall file a declaration of income and correctly reflect in them relevant information.

Article 12. The principle of respect for the honor and dignity.

1. A judge shall respect the honor and dignity of participants in the process, people involved in the case, witnesses, experts, specialists, translators and shall demand from them the same attitude to the representatives of justice.

2. A judge shall not publicly disclose information affecting personal life, family and trade secrets, interpersonal and other relationships, if they were known to him by virtue of his/her performance.

**Chapter III. Ethical rules of conduct for judges in the performance
of professional duties**

Article 13. A judge shall ensure a high culture of the court session, shall conduct the process strictly in judicial robes, in rooms with state symbols, emblems and flags of the Republic of Kazakhstan, shall strive to ensure that the citizens caused by the court are imbued with a deep respect for justice.

Article 14. A judge, presiding at the court shall demonstrate adequate professional knowledge of substantive and procedural law, as well as jurisprudence, shall prevent transfers of court hearings because of his/her incompetence or poor awareness of the case materials.

Article 15. A judge shall be personally disciplined, open hearings in strictly designated time, comply with the schedule of cases, require employees of the Office of proper fulfillment of obligations on subpoena of people involved in the case, witnesses, experts, interpreters, avoid discrediting the judiciary because of disorganization, procrastination, negligence, lack of discipline of employees of the courts.

Article 16. A judge shall execute judicial acts in a professional manner as judgments and decisions are made on behalf of the Republic of Kazakhstan. A judge is obliged to present the texts of judicial acts in a literate and concise language, avoiding their awkwardness, shall take care of that the court documents be convincing, logical and well-reasoned. Duly executed court decisions should command respect from citizens and organizations.

Article 17. Professional activity of a judge is incompatible with politics. A judge has no rights to publicly express his/her political views and beliefs, to be in political parties or public associations that pursue political goals, to provide them with legal assistance in the form of advice, which may be the subject of litigation.

Article 18. A judge as the representative of the judiciary shall not be engaged in religious activity that is to be included in the governing bodies of religious organizations, in the commissions to conduct religious activities, ceremonies, to be a member of religious delegations, organizing committees of conferences and congresses. A judge shall not have to demonstrate his/her religious beliefs and attitudes. He shall not be engaged in propaganda of religious knowledge, advise members of religious associations on issues that may be the subject of litigation.

Article 19. A judge shall have the right to exercise his/her right to freedom of expression following the restrictions, imposed on his/her status. At the same time he/she shall exercise restraint in all cases where the authority and impartiality of the court of justice may be put into question.

Article 20. A judge shall refrain from making public statements, if they can cause damage to the interests of justice. He/she is not entitled to comment court decisions not entered into legal force, handed down under his/her presidency or under the chairmanship of the other judges, preferring commenting judicial acts to press services of courts.

Article 21. In the exercise of professional activity a judge has not rights to criticize publicly the laws and legal policy of the state. He/she has the right to present such judgments to the scientific and practical conferences, round tables, seminars and other events of educational character.

Chapter IV. Ethical rules for judges' behavior in their family and in everyday life

Article 22. A judge, who is married, shall care about the reputation of his/her family, shall make efforts for the proper upbringing of children, shall provide assistance to disabled parents and other family members. On the change of his/her marital status, divorce and its reasons, a judge is obliged to inform the chairman of the court, the authority of the judicial community.

Article 23. A candidate for a judge shall reflect in the documents, submitted to the competition, the information on previous convictions of family members and close relatives. The fact of the commission of crimes by family members, close relatives, the judge shall immediately inform the chairman of the court, the authority of the judiciary community. The fact of the intentional crime by a family member or close relatives itself is not a violation of ethical principles and rules of conduct from the judge side, if there is no data on improperly education of his/her minor children, or concealment or patronage of criminal acts of family members and close relatives.

Article 24. A judge shall not allow family members, close relatives and other persons affected by his/her actions related to the administration of justice.

Article 25. A judge shall not use the prestige of judicial office to reach the personal interests of his/her in career and in everyday life for family members, close relatives and others, and to get any material benefits and privileges to them. Candidates for judicial office shall not participate in the competition in a region where their family members or close relatives work as judges. A judge shall avoid accusations of nepotism. If for some objective reasons, it appears that in the region both spouses, or their family members or close relatives work as judges, the judges related by family ties shall raise the issue of their transfer to another locality or declare a voluntary resignation from his/her post.

Article 26. A judge shall avoid transactions that could harm his/her reputation, shall be legible in the personal acquaintance and relationships.

Article 27. A judge shall refuse the case if the spouse (wife), family members, close relatives, directly or indirectly are interested in the outcome of the case and put pressure on him/her in the form of requests and wishes.

Article 28. The behavior of the judges out of court, his/her relationship with other participants of the process shall help to maintain public confidence in the objectivity and impartiality of the judiciary. The judge shall exclude the facts of non-procedural contacts with the prosecutors, lawyers, representatives of the parties, interested parties on the discussion of the issues related to the administration of justice.

Article 29. A judge shall maintain a healthy lifestyle. Committing immoral acts, alcohol abuse, gambling is not compatible with the status of servants of Themis.

CDL-REF(2016)026

Article 30. A judge shall avoid visiting public places (restaurants, nightclubs, gambling, bars, etc.), if it can harm his/her image.

Chapter V. FINAL PROVISIONS

Article 31. The rules and regulations of the present Code shall apply to the adoption of the Code and may be modified or canceled by the Congress of Judges of the Republic of Kazakhstan.

Article 32. The Code of Judicial Ethics, adopted in November 18, 2009 is to be recognized by V session of judges of the Republic of Kazakhstan.