

THE JUDICIAL CODE OF CONDUCT

THE PREAMBLE

The Judicial Council of the Slovak republic, as a constitutional body responsible for the independent status of the judiciary from other public authorities

- 1) bearing in mind that at the European level every person has right to an independent and impartial trial which is a guarantee of respecting the human rights and fundamental freedoms in accordance with Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms and with relevant case law of the European Court of Human Rights,
- 2) realizing that the rules of ethical conduct of judges are important factor for the public confidence in the judicial system, protection of human rights and strengthening the idea of the rule of law and for the prevention and limitation of the corruption in the judicial system,

under Article 141a paragraph 5 letter j) of the Constitution of the Slovak republic, in cooperation with the judges' self – administration bodies,

issues these principles of judicial conduct.

ARTICLE I.

Introduction

The principles of judicial conduct

- 1) govern the conduct of judges whose function, in terms of democratic state and the rule of law, is understood as the practice of the profession that ensures the protection of the rule of law,
- 2) emphasize the fundamental values of the function of judge and moral qualities of judge whose function is understood as a lifelong profession,

- 3) determine the rules and the framework for the regulation of judges' behaviour while performing the judicial duties and out of the performance as well,
- 4) set standards and rules not only for the judges' behaviour but they are also guidelines for judges' behaviour, who has an option to address the ethical dilemmas to the Judicial Council of the Slovak republic and to the other judicial self - administration bodies .

ARTICLE II.

The general principles

- 1) The fundamental values of the judges' performance (a commitment of a judge to the public) are:
 - a) independence and impartiality,
 - b) integrity,
 - c) fairness and transparency,
 - d) courtesy, discretion, confidentiality and tolerance,
 - e) equality of treatment and competence.
- 2) Personal qualities (judges' qualities)

In the interest of effective implementation of justice, a judge shall perform his / her duties with humanity, courage, seriousness, prudence, diligence, respect and with the listening skills.

- 3) The judges' duties
The judges' duties are:
 - a) the duties while performing of the function
 - b) the duties towards the profession
 - c) the duties in the civil life (the private life of a judge, activities outside the court, the public life of a judge).

ARTICLE III.

The rules of ethical behaviour of a judge stemming from general principles

- 1) The judge respects and pushes forward the independence, integrity, moral integrity and impartiality of a judiciary and avoids inappropriate behaviour or performing that objectively gives the impression of unsuitability.
- 2) The judge doesn't abuse the judicial office to promote his / her own personal or economic interests or personal or economic interests of the other persons.
- 3) The judge performs his / her duties impartially, professionally, conscientiously, consistently.
- 4) The judge raises and protects the impartiality even in the cases when the public expresses strong positive and negative emotions towards the litigants.
- 5) The judge doesn't tolerate nor subject to any external or internal pressure or fear of criticism, threats, direct or indirect attempts to influence his / her work regardless of their source, motive or causes.
- 6) The judge in relation to litigants, witnesses, attorneys and to other persons, with whom he / she comes into contact while exercising his / her duties, acts with patience, dignity and courtesy.
- 7) The judge does not make any public statements that could have a relevant impact on the outcome of the pending case, fair trial or on the hearing and so to give an impression that the judge is biased. This does not apply to a final adjudication of a case.
- 8) The judge performs his / her personal and extra-judicial activities so that he / she minimizes the risk of the conflict of these activities with the obligations that stem from the judicial office.
- 9) The judge does not involve in activities that would violate the proper performing of his / her duties.
- 10) The judge mustn't be a member of the organizations that promote hatred or practise illegal discrimination against the people because of their racial and ethnic origin, sex, religion, nationality or sexual orientation.
- 11) The judge mustn't require or receive any gifts, benefits or privileges in any form that are offered to him / her in order to influence his / her judgement.

ARTICLE IV.

The safeguards for respecting the principles of judicial ethics

- 1) The principal guarantor of these principles of judicial ethics are judges themselves, who are convinced that these principles are right and who accept and apply these principles willingly.
- 2) The Judicial Council of the Slovak republic exercises a general supervision over its application, fulfilling and it updates and unifies the interpretation of these principles on regular basis.
- 3) Because of the right interpretation and application of these principles, the Judicial Council of the Slovak republic publishes statements and recommendations on the council's website. The judicial self-administration bodies shall send continuously the opinions on solving cases within these ethical principles to the Judicial Council of Slovak republic for publishing.
- 4) The judicial self - administration bodies, by the means of right interpretation and application, are helpful particularly in providing the consultative activities for judges.
- 5) The Judicial Council of the Slovak republic will methodologically and by means of interpretation complete these principles.

ARTICLE V.

The responsibility for the violation of the principles and consultative activity

- 1) The competences of the Judicial Council of Slovak republic are:
 - a) to make statements on interpretation of the principles of judicial ethics on the proposal of a judge, a person authorized to initiate the disciplinary proceedings or on the proposal of the disciplinary board,
 - b) to answer the specified questions and ethical dilemmas of judges.
- 2) The competences of the competent judicial self – administration bodies are:
 - a) to provide a consultation for securing the observance of these principles on the request of a judge,
 - b) within exercising the disciplinary competence (according to § 120 paragraph 2 letter f) of Act 385/2000 Coll.), to consider whether the

- conduct of a judge is in violation with these principles, if the disciplinary proceeding has not been initiated,
- c) to consider the observance of these principles on the motion of the individual or legal person (according to § 69 paragraph 1,3 of Act 757/2004 Coll.).
- 3) The Judicial Council of the Slovak republic and judges' professional organizations can make a statement on the request of a particular judicial self – administration body.

ARTICLE VI.

Final provisions

- 1) To ensure the effectiveness of these principles of the judicial ethics necessarily requires a unified approach of the judges themselves, judicial self – administration bodies, judges' professional bodies when interpreting and applying these principles.
- 2) When interpreting and applying these principles, they stem from the wording of these documents that stipulates the principles of the judicial ethics:
 - a) Recommendation CM/Rec (2010) 12 Committee of Ministers to member states on judges: independence, efficiency and responsibilities adopted on 17 November 2010,
 - b) 2010 London declaration of the European Network of Councils for the Judiciary on the judicial ethics called „Judicial ethics – Principles, Values and Qualities“,
 - c) Magna Charta of Judges (Fundamental principles) adopted by the Consultative Council of European Judges on 17 November 2010,
 - d) Opinion No.3 of the Consultative Council of European Judges on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality.
- 3) The documents mentioned above are an integral part of issued principles.
- 4) The Judicial Council of the Slovak republic will adopt an interpretation rules to these principles.

ARTICLE VII.

Annuling provision

The Principles of judicial ethics adopted by the Council of judges of Slovak republic on 14 January 2001 are annuled.

This Judicial Code of Conduct comes into force on the day of its adoption by the Judicial Council of the Slovak republic.

In Košice, 17 December 2015.

J U D r. Jana Bajánková
The President of the Judicial Council
of the Slovak republic