



# **CODE OF JUDICIAL ETHICS**

**COUNCIL OF JUDGES OF UKRAINE**





**APPROVED**

by the XIth Congress of Judges of Ukraine  
February 22, 2013

**CODE  
OF JUDICIAL  
ETHICS**





# **DECISION**

## **OF THE XI CONGRESS OF JUDGES OF UKRAINE**

February 22, 2013

Kyiv

### **On approving the Code of Judicial Ethics**

According to Article 56, point 8 of part two of Article 123, part six of Article 126 of the Law of Ukraine on the Judiciary and Status of Judges, the Code of Judicial Ethics is approved as follows (attached).

**Chairman  
at the congress**

**Y.M. Romaniuk**

A handwritten signature in blue ink, appearing to read "Romaniuk". It includes a stylized circular mark at the top left and a long horizontal line extending from the main signature.

**Secretary  
of the congress**

**V.I. Maslii**

A handwritten signature in blue ink, appearing to read "Maslii". It features a stylized, flowing script.

## **DEAR COLLEAGUES,**

Judicial reform, which is being implemented step by step in our state, is designed to build an independent, open, fair, and efficient court that will effectively ensure the constitutional rule of law principle and be trusted and respected by society.

The Law of Ukraine of July 7, 2010 No. 2453-VI on the Judiciary and Status of Judges establishes a conceptually new approach to determining a system of general jurisdiction courts, status of a professional judge, procedure for forming the judicial corps and performing judicial self-governance, and implements international best practices in building an efficient judiciary.

Article 56 of this Law assigns the Congress of Judges of Ukraine to address judicial ethics issues in a Code of Judicial Ethics.

Pursuant to the Law and order of the Xth extraordinary Congress of Judges of Ukraine to draft a new Code of Judicial Ethics, the Council of Judges of Ukraine proceeded, first of all, from moral values of a modern Ukrainian society and understanding that judicial ethics is under thorough public scrutiny.

## CODE OF JUDICIAL ETHICS

The authority of a court depends to a large extent on the authority of judges, their qualifications, and conduct both on and off the bench.

International standards of professional judicial ethics and positive experience of our colleagues from Europe, America, and Asia were taken into consideration.

After the Code of Judicial Ethics was approved by the XIth Congress of Judges of Ukraine it can be said that the Ukrainian judicial community has passed the exam on moral maturity, social responsibility, and readiness for changes to expedite European integration.

I sincerely congratulate you on this benchmark event and wish you professional success, mutual understanding, mutual respect, and trust.

With best regards,

**Chair of the Council of Judges of Ukraine**

**V.V. ONOPENKO**

## PREAMBLE

**E**nsuring everyone's right to judicial protection based on the rule of law principle and rendering justice on behalf of the state of Ukraine solely on the basis of the Constitution, laws of Ukraine, and international treaties of Ukraine to the binding nature of which the Verkhovna Rada of Ukraine gave its consent, present high requirements for the moral qualities of every judge.

Realizing the importance of their mission, with the aim of strengthening and maintaining public trust in the judiciary, judges of Ukraine shall deem they are obliged to demonstrate and promote high standards of conduct, therefore, they voluntarily commit themselves to substantial limitations as to the conformity with the rules of ethics both while rendering justice and off the bench.

Governed by the Constitution of Ukraine, the Law of Ukraine on the Judiciary and Status of Judges, taking into account Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms according to which everyone is entitled to a fair trial, the International Covenant on Civil and Political Rights; the UN Basic Principles on the Independence of the Judiciary which were approved by Resolutions of the UN General Assembly dated November 29 and December 13, 1985; the Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary approved by the Resolution of the UN General Assembly dated December 15, 1989; the Bangalore Principles of Judicial Conduct approved by the Resolution of the Economic and Social Council of the United Nations dated July 27, 2006; the European Charter on the Statute for Judges; the Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, the Congress of Judges of Ukraine approves this Code of Judicial Ethics, the provisions of which are aimed at establishing ethical standards pertaining to the status of a judge.

## **SECTION I**

### **GENERAL PROVISIONS**

#### **ARTICLE 1**

A judge shall serve as an example of strict observance of the law, rule of law principle and judicial oath and compliance with high standards of conduct to strengthen public trust in the integrity, independence, impartiality and fairness of a court.

#### **ARTICLE 2**

A judge shall avoid any improper influence on his/her activities pertaining to the administration of justice and be independent of his/her colleagues in the process of making decisions. He/she is not entitled to use his/her judicial status to advance personal interests or interests of other persons or allow other persons to do this.

#### **ARTICLE 3**

A judge shall make every effort for his/her conduct to appear impeccable to a reasonable, law-abiding, and well-informed person.

#### **ARTICLE 4**

Violation of the rules of ethical conduct established by this Code cannot by itself be used to establish grounds for judicial disciplinary liability and determine the gravity of misconduct.

## **SECTION II**

# **JUDICIAL CONDUCT IN THE ADMINISTRATION OF JUSTICE**

### **ARTICLE 5**

Judicial independence in the administration of justice constitutes the precondition for implementing the rule of law principle and is an integral part of a fair trial.

### **ARTICLE 6**

A judge shall discharge his/her official duties independently and be governed only by the facts established by way of his/her own assessment of evidence, based on his/her understanding of law, and rule of law which is a guarantee of a fair trial, regardless of any external influences, stimuli, threats, interferences or public criticism.

### **ARTICLE 7**

A judge shall discharge the duties entrusted to him/her diligently and impartially and take actions to improve his/her knowledge and practical skills.

### **ARTICLE 8**

A judge shall render justice within the limits and according to the procedure established by procedural law and demonstrate tact, courtesy, self-control, and respect towards the participants in proceeding and other persons.

## **ARTICLE 9**

In rendering justice a judge shall avoid showing any signs of disrespect to a person based on race, sex, nationality, political views, social and economic status, disability, etc. and should not allow others to do this.

## **ARTICLE 10**

A judge shall discharge his/her judicial duties impartially and without bias and refrain from any conduct, actions, or statements that may raise doubts as to the equal status of judges, assessors, and jurors in the administration of justice.

## **ARTICLE 11**

A judge shall demonstrate respect to the right to information about court proceedings and should not allow violations of the principle of openness of court proceedings. A judge, within the procedure established by law, may provide the media with a possibility to obtain information, while not violating the rights and freedoms of citizens, damage their honor and dignity, or the authority of justice.

## **ARTICLE 12**

A judge shall not make public statements, comment in the media on pending cases, and cast doubt on judgments that came into force. A judge shall not disclose information which became known to him/her in connection with consideration of a case.

## ARTICLE 13

A judge, who occupies an administrative position in court, shall avoid conduct, actions or statements that may raise doubts as to the equal status of judges and the fact that professional judges collectively address issues regarding the organization of court operations.

## ARTICLE 14

A judge shall avoid ex parte communication with one of the parties or its representative in the absence of other parties.

## ARTICLE 15

Impartial consideration of cases is a principal duty of a judge. A judge has a right to self-recusal in cases provided for by procedural law, if there is bias towards one of the parties and if a judge has personal knowledge of evidence or facts which may influence the outcome of the case.

A judge shall not abuse the right to self-recusal.

A judge shall recuse himself/herself if it is impossible for him/her to make an objective judgment in a case.

## SECTION III

### JUDICIAL CONDUCT OFF-THE-BENCH

## ARTICLE 16

A judge may not belong to any political party and professional unions, participate in any political activity, have a representative mandate, occupy any other paid positions or do

any other paid work, except for academic, teaching and works of art. A judge shall give priority to judicial functions over all other activities.

## **ARTICLE 17**

A judge has a right to participate in civil society activities, public events, if they do not damage his/her status and authority of a court and cannot influence the administration of justice, however, he/she has to avoid inappropriate contacts which can influence his/her independence and impartiality.

## **ARTICLE 18**

A judge shall be aware of his/her financial interests and take reasonable steps to be aware of the financial interests of his/her family members.

## **ARTICLE 19**

A judge shall take into account that family, social, or other relationships and interference from legislative and executive branches should not impact judicial conduct in rendering judgments.

## **ARTICLE 20**

It is acceptable for a judge to have a social network account, use Internet-forums and other forms of online communication, however, a judge may post and comment only on information which does not undermine the authority of a judge and the judiciary.

## NOTES



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## FAIR JUSTICE PROJECT

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