

Approved
by the VIIIth Russian Conference of Judges
on December 19, 2012

CODE OF JUDICIAL ETHICS

Human rights and freedoms can be defended by courts only if the judiciary is competent and independent, and the administration of justice is based on the principles of fairness and impartiality. Thus, the execution of laws requires that each judge observe the canons of professional ethics, perform their duties honestly and in good faith, be concerned of maintaining impeccable both their own honor and dignity and the authority of the judiciary.

The guarantees provided by the State to the judges which include independence, immunity, irremovability, inadmissibility of interference in their activity, a high level of financial and social support shall not be considered as personal privileges granted to the judges, but as a means of achieving the primary objective of the justice, which is to deliver lawful, reasonable and fair judgment.

The judges of the Russian Federation approve the present Code of Judicial Ethics basing of the provisions of the Constitution of the Russian Federation, the laws related to the judiciary system and the status of judges of the Russian Federation, the generally accepted principles and norms of international law, and having developed and specified these norms in order to guarantee the right of each person to have their case heard fairly and promptly by a competent, independent and impartial court, to set up the standards of conduct for the judges as a foundation of confidence in the judiciary and the quality of the justice, and being aware of their social responsibility for the due administration of laws.

CHAPTER 1. GENERAL PROVISIONS

Clause 1. Scope

1. The present Code of Judicial Ethics, being an act the community of judges, establishes statutory rules of conduct which are to be observed by each judge both in the course of their professional activity of law execution and in their extrajudicial activities. These rules are based upon high moral and ethic requirements, the provisions of the Russian laws and the international standards applied to the administration of law and the conduct of judges.
2. The obligation of adherence to the Code of Judicial Ethics is determined by the status of the Judge, by the very fact that a certain person is vested with the judicial authority to deliver the final judgment regarding rights, freedoms and responsibilities of people who seek relief at law.
3. The judges in the Russian Federation hold all the rights stipulated by the Constitution of the Russian Federation, by the federal laws and by the generally accepted principles and norms of international law with limitations imposed by the Russian laws.
4. The provisions of the present Code of Judicial Ethics which establish exclusive moral and ethic requirements for the judges due to their status, shall not be interpreted as the ones limiting the civil rights and freedoms guaranteed by the Constitution of the Russian Federation.

Clause 2. Field of application

1. The present Code of Judicial Ethics shall apply to all the judges of the Russian Federation, including the retired judges.
2. The rules of professional conduct stipulated by the present Code of Judicial Ethics shall also be applied to persons who, according to the Federal law, become involved in the administration of justice and during the period when these persons perform the assigned duties.
3. In case that certain issues of judicial ethics are not regulated by the present Code of Judicial Ethics, a judge shall act in compliance with the generally accepted principles of conduct, as well as the international standards regarding the execution of laws and the conduct of the judges.
4. The Presiding Judges and other judges shall bring the Code of Judicial Ethics to the attention of their assistants, court session secretaries and other administrative staff.
5. When a judge encounters difficulties with deciding whether their conduct in certain situation of law execution or extrajudicial activity complies with the requirements of professional ethics and correspond to their status, or when a judge is not sure of how he or she should handle a complicated ethical issue so as to remain independent and impartial, the mentioned judge has the right to deliver a request to the Ethics committee of the Judicial Council of the Russian Federation, and he or she cannot be denied an explanatory statement.

Clause 3. Terms used in the present Code of Judicial Ethics

The following terms appear in the present Code of Judicial Ethics:

“immediate family” – the spouse, parents, children, adoptive parents, adoptive children, siblings, grandparents, grandchildren;

“the judge’s spouse” – the person who is in the lawful marriage with the judge;

“members of the judge’s family” - the spouse, parents, children, other close relatives residing in the judge’s household;

“persons involved to the administration of justice through a procedure established by a law” – members of the jury and arbitration court assessors;

“final judgment” – a court ruling delivered by a judicial authority after consideration on the merits.

CHAPTER 2. GENERAL REQUIREMENTS TO THE CONDUCT OF THE JUDGE

Clause 4. Requirements regarding compliance with the laws and the Code of Judicial Ethics

1. When performing their duties of justice administration, a judge shall act according to the idea that the defense of human and civil rights and freedoms determine the essence and the content of the activity of all judicial authorities.
2. In their professional and extrajudicial activities the judges must comply with the Constitution of the Russian Federation, federal constitutional laws, federal laws, based on the Federal law of the Russian Federation “On the status of judges in the Russian Federation”, norms of the procedural law, other regulatory legal acts, as well as follow the generally accepted moral and ethical standards and oath taken.
3. Acting according to the Code of Judicial Ethics shall be a judge’s inner conviction, their life principle, and shall strengthen the confidence inspired by the judiciary, so that the people should be convinced that the justice is competent, independent, impartial and fair.

Clause 5. Requirements regarding the priorities in the judge’s professional activities

1. A judge shall assume that the administration of justice has the highest priority among other activities permitted by the laws on the status of judges.
2. A judge has no right to evade the consideration of the received claims, petitions and complaints or to refuse to perform their professional duties, except for the cases when self-disqualification is required.
3. During the whole term of office a judge must not carry out any activity which might give way to questioning their independence and impartiality and could lead to a conflict of interests.
4. In addition to performing the judicial duties, a judge is allowed to practice remunerable activities permitted by the law, including, but not limited to teaching, scientific research, creative work, so that it doesn’t interfere with the administration of justice.

Clause 6. Requirements imposed on the judge in order to guarantee their status

1. A judge shall be honest and act according to the highest moral standards and with dignity, value their honor and avoid anything which might undermine the authority of the judiciary or affect the judge’s reputation.
2. A judge shall execute their civil rights and fulfill civil responsibilities with good faith. He or she must not use their official position in order to obtain personal privileges in civil matters. A judge should avoid being engaged in contracts which produce financial responsibilities with the employees reporting to him or her, as well as with persons involved in the court proceedings conducted by this judge.
3. A judge must not use their status in order to receive goods, services, commercial benefit neither for himself or herself, nor for their relatives, friends, acquaintances (for example, the extension of credits or entering into contracts on conditions other than the normally applied). A judge should not demand or receive any benefits, payments or privileges not stipulated by the laws of the Russian Federation (such as credits, interest-free loans, services, compensation of expenses for entertainment, recreation and transport) and shall take reasonable measures to prevent their family members from receiving the mentioned benefits, payments or privileges, if they are granted in connection with the actions which the judge has taken or is intended to take, or with the act of omission regarding their duties committed by the judge.

A judge must not use their status when applying to the state authorities or the local government on private business.

A judge must not receive remuneration for the administration of justice from other sources than the federal budget and, in cases stipulated by the law, from the budget of the corresponding subject of the Russian Federation.

4. A judge shall be informed about their personal property and its sources, as well as take reasonable measures in order to obtain information regarding the property and the economic interest of their family members.

5. A judge shall not commit any acts or cause other persons to commit such acts which might lead to a conclusion that the judge was influenced when performing their duties or give way to questioning their independence and impartiality

Clause 7. Requirements regarding the acceptance of titles, awards and gifts

A judge can accept honorable and special titles, awards and other decorations, including those granted by foreign states, political parties, non-governmental organizations and other organizations, as well as the gifts presented in cases and according to the procedure established by the laws.

CHAPTER 3. PRINCIPLES AND RULES OF PROFESSIONAL CONDUCT OF JUDGES

Clause 8. The principle of independence

1. The independence of the judiciary is a constitutional principle which guarantees the supremacy of law when the justice is administered; it is the condition of impartiality and one of the foundations of a fair process. It is the responsibility of the judge to maintain the judiciary independent and to respect the principle of independence.

2. When considering a case, a judge shall act in an independent and impartial manner towards all the persons involved in the process. The judge must execute their judicial authority basing only on the consideration of the facts and legal aspects of the case, acting according their convictions and with due respect to the procedural rights of all the persons involved, and regardless of any influence, pressure, threats or other types of direct and indirect interference in the process produced by any of the parties due to any causes and with any objectives.

3. A judge must perform their professional activities in strict compliance with the law, basing on their convictions and resisting any influence. Public discussion of the judge's actions and criticism towards him or her shall not influence the lawfulness and relevance of the sentence pronounced.

Any attempts to influence the judge, to produce direct and indirect pressure on him or her in order to manipulate the decision rendered shall be reported to the Presiding judge, the community of judges and to the law-enforcement bodies.

4. A judge shall inform the persons involved in the process about any oral or written non-procedural requests received by him or her in connection with the case being tried, as well as about any circumstances which might lead to a conflict of interests.

Clause 9. The principle of neutrality and impartiality

1. The neutrality and impartiality of the judge are the essential conditions of the due administration of justice. The judge's conduct during the process and outside the court shall contribute to the confidence in the neutrality and impartiality which the community and the persons involved have regarding the judiciary.

2. In order to provide a neutral consideration of the case, a judge shall perform their professional duties regardless of any preferences, prejudices or bias, and shall not give way to any doubts of their impartiality.

3. Whenever possible, a judge should avoid actions which can lead to a conflict of interests in future or serve as a reason for disqualification.

4. A judge shall refuse to consider the case, if there are reasons for disqualification stipulated by the law or if a conflict of interests is possible, or if a situation questioning the judge's impartiality can occur, including, but not limited to the following:

a) the judge's spouse or a close relative of one of them is a party of the process or otherwise involved in it;

b) the judge, the judge's spouse or a close relative of one of them is interested in the case being tried, or can produce a substantial influence on the process, or works in the organization which is a party of the process, or if the decision rendered can affect their interests;

c) the judge has an information according to which he or she can act as a witness regarding the facts of the case considered;

d) the judge or the judge's family are under pressure, receive threats or are being affected by influence, which can arouse doubts regarding the capacity of the judge to deliver an objective judicial act. In such situations the judge can refuse to consider the case in order to guarantee his or her personal security or the one of their relatives, on the condition that the judge has already taken all possible safety measures for himself or herself and for their relatives, and the corresponding safety measures have not been taken by the law-enforcement bodies in a reasonable period.

5. A judge shall avoid situations when personal relations with the parties of the process can arouse reasonable doubts or make an impression that the judge has preferences or is biased. As such situations take place, the judge shall inform the persons involved in the process.

Clause 10. The principle of equal protection of the law

1. The guarantee of equal attitude towards all persons involved in the process is an essential condition of a neutral and impartial administration of justice and a fair process.
2. In the course of performing their duties a judge shall base on the principle of equality, maintain the balance between the parties, provide equal possibilities to both parties, be neutral and impartial and attend to all the persons involved regardless of their sex, race, nationality, language, origin, financial position and official capacity, place of residence, attitude towards religion, convictions, membership in non-governmental organizations and other circumstances.
3. A judge has the right to require that the parties and the persons involved in the process abstain from bias and prejudice towards any person, except the situations when the facts are being detected, or the mentioned manifestations are important legal matters and can be legally justified.
4. A judge shall treat the persons involved with politeness, respect moral customs and traditions of different nations, take into account cultural and other characteristics of ethnic and social groups and confessions, promote understanding between nations and confessions and avoid conflicts, which can affect the judge's reputation and undermine the authority of the judiciary.
5. A judge must not show their religious views while performing their professional duties.
6. A judge shall perform their professional duties without any preferences or bias, neither real nor apparent, avoiding discrimination, providing the necessary conditions for the parties to comply with their procedural obligations and execute their rights and assuring that the case is considered fairly and in a reasonable period.

Clause 11. Competence and bona fides

1. Competence and bona fides are indispensable conditions for a judge to duly perform the administration of justice.
2. A judge shall perform their duties in good faith and in a highly professional way, as well as to take measures for considering the case promptly and professionally and promote reconciliation between the parties and peaceful settlement of the dispute.
3. A judge should take measures which guarantee the right of everyone to a fair process carried out in a reasonable period; should duly organize and hold sessions without making several appointments for the same time; should not suspend sessions often and with no grounds, these including improper preparation.
4. A judge shall constantly improve his or her qualification, broaden professional knowledge, accumulate experience and develop personal qualities needed for the due performance. In order to do this, the judge should use every opportunity for self-learning, as well as undergo state skill conversion courses regularly.
5. A judge must be aware of the latest updates in the laws of the Russian Federation, international law, including international conventions and other documents regarding human rights; should study law practice on a regular basis, including the practice of the Constitutional court of the Russian Federation, the Supreme court of the Russian Federation, the Supreme Arbitration court of the Russian Federation and the European court of human rights.
6. A judge has no right to disclose information received during the performance of professional duties. The confidential data disclosed to the judge due to his or her official position shall not be used by the judge or disclosed to anyone for purposes different from the performance of their judicial duties.
7. A judge should observe high standards of conduct during the process, maintain order at the sessions, act decently, have patience, be polite when attending the parties and other persons involved.

The judge shall require the same conduct from the persons involved in the process and from all who are present at the session, including the court administration employees.

Clause 12. Rules of conduct applied to the performance of administrative duties

1. A judge's professional activity includes not only the duty of holding court sessions and delivering the verdict, but also the performance of other tasks and execution of powers regarding the administration of the court. Still, the administration of justice is the primary function of a judge when compared to other activities.
2. A judge who is vested with administrative powers with regard to other judges (the presiding judge, the deputy presiding judge) shall not only perform their judicial duties, but also execute the assigned administrative duties, maintain a high professional level of court administration and promote skill improvement among other judges and the administrative staff of the court.
3. In the course of executing their administrative powers the Presiding judge (the deputy presiding judge) has no right neither to permit actions (acts of omission) which limit the judges' independence and produce pressure upon them, nor to use other methods of administrative influence, which are aimed at manipulating the judges' judicial activity.

4. The administration of justice is impossible without a well-organized work of the court administration, and the failure to organize properly both the judicial and administrative activities brings discredit to the court and undermines the authority of the judiciary.

The Presiding judge (the deputy presiding judge) shall take all the necessary measures in order to provide for a prompt and efficient performance by the judges of their duties, including organizational, financial, economic and social measures.

5. The Presiding judge shall control the distribution of the workload among the judges and the administrative staff.

6. The Presiding judge shall execute his right to arrange personnel matters in good faith, thus meaning that he or she should avoid unreasonable appointments, patronage and clanship. In the course of executing their administrative powers the Presiding judge shall be polite, sober-minded in their communication with the judges and other persons reporting to him or her, be tolerant to the criticism in connection with their actions, and must not permit direct or indirect persecution of anyone for criticism towards the judge.

It is unacceptable to favor anyone unlawfully (unreasonable reward, extraordinary promotion, other actions not caused by the needs of the service), conniving indifference (failure to take measures for neglect or infractions committed at work, failure to react to wrongful acts).

7. A judge is entitled to require from the assistant, the court secretary and other administrative staff that they comply with the general principles of the corporate conduct established for the civil officers and determined by the regulations, that they maintain their professional level high, act according to ethical rules, respect prohibitions and limitations, perform duties stipulated by the laws of the Russian Federation regarding the civil service.

8. A judge cannot request or instruct the administrative staff to take actions which would be considered the breach of the Code of judicial ethics if they were committed by the judge.

Clause 13. Interaction with the mass media

1. The efficiency of the administration of justice depends on the confidence in it that the community has and on the due understanding by the community of the legal motives which lead to the decisions rendered.

In order to provide objective, true and prompt information to the community regarding the court's activities, the judge shall interact with the mass media.

2. A judge shall contribute to a professional coverage by the media of the activities performed by the court and its judges, as it develops legal awareness of the community, enhances confidence in the judiciary, builds up its authority and helps the media to perform their important social function of informing the people about all significant events.

3. When a judge comments on the court's activities through the media, he or she should be careful and not cover the merits of the cases not determined yet by a final act. Still, the judge has the right to comment on the procedural stages of the case. As to the adjudicated cases, the judge has the right to explain in oral or written form the pronounced act.

4. A judge shall be neutral and correct while commenting on the rulings passed by his or her colleagues. The judge has the right to explain or comment on the decision rendered by himself or herself, give their opinion regarding the substantive law and/or procedural law practice.

As a member of the community of judges, a judge can express disagreement with the conduct of their colleagues in order to eliminate defects in the judiciary, to prevent and improve the breach of constitutional and international principles of publicity of court proceedings.

5. If a judge's activity is covered by the media so that the community gets a biased impression about the work of courts and judges, each of these judges shall choose a form of reaction to such declarations basing on the legal means he or she has as a citizen. The judge can request the law-enforcement bodies to defend their honor and dignity or address the media in order to publish his or her response to the criticism only in situations when other forms of reaction have been exhausted or it is impossible to use them.

6. When giving their response to a public criticism, a judge shall be neutral and careful. In cases when an unreasonable criticism of the judge's actions by the mass media can affect the authority and the impartiality of the judiciary, it is preferable that an answer to the criticism be published in the media by the court press service and/or the Justice Department and a body of the community of judges.

CHAPTER 4. PRINCIPLES AND RULES TO BE OBSERVED BY THE JUDGE IN EXTRAJUDICIAL ACTIVITIES

Clause 14. Principles established for extrajudicial activities

1. In their extrajudicial activities and relations the judge should avoid anything that might undermine the authority of the judiciary and arouse doubts regarding its impartiality and fairness.

2. A judge can practice different types of extrajudicial activities, such as scientific research, teaching, creative work, social activities, charity and other, if it does not violate the laws on the status of judges of the Russian Federation and does not affect the interests of the judiciary.

3. A judge shall not practice such types of extrajudicial activities or take part in such public events which place obstacles for the judge to perform their professional duties, affect the independence and the impartiality of the judge, lead to frequent disqualification or self-disqualification of the judge or exceed the limits established by the laws on the status of judges of the Russian Federation.

Clause 15. Participation in the development of law and law-making

1. A judge has the right to take part in activities aimed at the development of the law, judicial system, and the administration of justice.

2. A judge can present public reports and deliver lectures, participate in public hearings, scientific forums and conferences, write articles and books, carry out research work and teach, including the work realized on a paid basis, and also practice other activities related to the law, legislation, administration of justice if it does not breach the laws on the status of judges.

3. A judge has the right to express their opinions freely and take part in public discussions regarding, among other topics, the efficiency of the courts, the legal foundations of the decisions rendered by this judge or their colleagues. Still, in his or her comments the judge shall be neutral and careful, impartial towards the persons involved in the process and remain loyal to the judiciary.

Clause 16. Limitations imposed on the legal practice

1. A judge cannot practice law and render legal services during the term of their office. Still, the judge can act in their own name and in cases when he or she is a legal representative of other persons in the judicial authorities, the judge can consult and provide legal assistance to their family members.

2. The limitations set forth by Clause 16.1 are applicable to the retired judges as well, unless otherwise is stipulated by the federal law.

Clause 17. Participation in public life

1. A judge can take part in public life, if it does not undermine the authority of the judiciary and does not interfere with the performance of professional duties by the judge.

2. A judge can be a member of non-governmental organizations, including professional, charity, educational and other similar types of organizations, with the limitations envisaged by Clauses 3, 4, 5 of this article.

3. The judge cannot provide consultations to the organizations mentioned in Clause 17.2 or render legal services to them regarding the issues which can become the object of a process.

4. In order to prevent a possible conflict of interests a judge, who is a member of a non-governmental organization shall comply with the requirement which prohibit that a judge act as a fiduciary or an attorney of individuals and entities.

5. A judge shall not take part in fund raising for a non-governmental organization or call its members to contribute, if such appeals might be considered as coercion or if they are a measure for increasing the amounts raised; neither shall the judge use or let other persons use his or her authority for the mentioned purposes.

Clause 18. Interaction with the state authorities and local government

1. A judge has a right to cooperate with state legislative and executive authorities, local government regarding issues of law, legislation, judicial system and court practice and only till such extent that it is considered the expression of the judge's position based on the personal experience and knowledge in the area of specialization; still, the judge shall avoid anything that could raise doubts of their independence and impartiality or expose him or her to the influence of the officials of the mentioned authorities.

2. A judge shall abstain from public comments, speculations and assessment regarding the work of the state authorities and the local governments, as well as their senior officials.

3. A judge can participate in committees and commissions constituted by the state authorities and the local governments, except for the cases when their activities are not connected with the improvement of the legislation, legal and judicial system and will interfere with the performance of the judge's professional duties, affect the confidence in the judiciary, arouse doubts of the independence and impartiality of the judge.

4. A judge can represent the Russian Federation or its subject at ceremonies and acts connected with historical, educational and cultural events.

Clause 19. Limitations imposed on business activities

1. A judge can neither be involved in business himself or herself or through attorneys, nor take part in the administration of an economic entity regardless of its business legal structure.

2. A judge has a right to invest funds and dispose of their property, including the real estate, as well as to derive a profit from other sources, such as letting out the real estate for lease, unless this activity supposes the use of their status as a judge.

3. A judge shall avoid activities which include frequent transactions or long-term business relations with the parties or the attorneys of the parties to the cases considered by the court where the judge works.

4. A judge can be a testamentary executor or an authorized representative only with regard to the property or personality of a family member. In the course of performing the duties of an authorized representative the judge shall observe the same limitations which apply to his or her activities carried out in the judge's own name.

Clause 20. Remuneration for extrajudicial activities

A judge has a right to receive remuneration and compensation of expenses for their extrajudicial activities, unless it breaches the laws on the status of judges of the Russian Federation and unless the source of financing creates an impression that the judge is being influenced in their professional performance. The amount of such remuneration shall be similar to the amounts received for these activities by other persons and can exceed neither a reasonable level, nor the amount paid to the judge for the performance of their professional duties.

Clause 21. Limitations applied to political activity

1. A judge must not participate in politics.

2. A judge shall not chair political organizations, be a member of such or work there; a judge can neither advocate for a political organization or a candidate to an elective position, nor speak in favor or against a candidate to an elective position; a judge shall not take part in fund raising, pay contributions or provide financial support to a political organization or a candidate; a judge shall not visit the events sponsored by political organizations or candidates; a judge cannot express in public their political views or participate in processions or demonstrations or other political acts.

Clause 22. Freedom of expression

1. Every judge has a right to express their opinions freely. This right includes the freedom to hold to an opinion, receive and circulate information and ideas without any interference by the public authorities and regardless of the state borders.

2. A judge should execute their freedom of expression in a way that would be compatible with the limitations imposed by the judge's status. Still, the judge shall measure their speech in cases when the authority of the court and the impartiality of the judiciary might be questioned. The judge must abstain from public declarations or remarks which might affect the administration of justice, its independence and impartiality.

Clause 23. Participation in professional organizations

1. A judge has a right to constitute associations of judges or other professional organizations, to be a member of such organizations in order to defend their interests and the judiciary, develop the legal aspects of the status of judge, promote skill improvement and protect the independency of the judges.

2. Professional organizations of judges with a voluntary membership shall promote the rights granted to the judges according to their status and defend them before the state authorities which take the decisions regarding the judicial system and the status of judges.

3. The judges' opinions about changes in their status, the conditions of remuneration and social support shall be granted a hearing at the sessions of the community of judges.

CHAPTER 5. FINAL PROVISIONS

Clause 24. Entry into force of the present Code of judicial ethics

1. The present Code of judicial ethics shall enter into force on the day it is approved by the VIIIth Russian Conference of Judges.
2. From the day of approval of the present Code the Code of judicial ethics approved by the VIth Russian Conference of Judges on December 2, 2004 shall become void.

СТАТЬИ ПО ТЕМЕ:

Summary report of the Chairman of the Council of Judges of the Russian Federation Federation Y.I. Sidorenko to the VIII All-Russian Congress of judges

In the Council of judges of the Russian Federation the order of the Government of the Russian Federation from August 3rd, 2011 № BB-II4-5478 is discussed.

A seminar meeting of chairmen of regional councils of judges of the Russian Federation took place in Moscow Code of judges ethics

Approved by VIth All-Russia Congress of Judges on Dec. 02, 2004

The Resolution of the Presidium of the Council of judges of the Russian Federation from March 24, 2011 and the Conclusion of Comission on ethics from December 1, 2010