

## International Commission of Jurists Code of Ethics

Last modification	Authorized by	Scheduled for review
April 2025 (v. 5)	Executive Committee	April 2028

### I. Preamble

1. The International Commission of Jurists, the ICJ, believes in the intrinsic dignity of every person, celebrates difference and aims to create relations of mutual respect wherein the rights and dignity of every person are respected.
2. The Statute of the ICJ, the declarations and resolutions of the ICJ Congresses and published decisions of the Executive Committee, and this Code of Ethics define the mission, objectives and values of the ICJ.
3. This Code of Ethics shall be made publicly available and known to all those with whom the ICJ engages.
4. The implementation of this Code shall comply with the laws of each country in which the ICJ carries out its activities, provided those laws comply with international human rights standards.
5. This Code shall apply to the ICJ itself, its Executive Committee, its Commissioners, the Secretary General and those employed by the secretariat (“staff”) wherever they may be located, as well as to any person carrying out missions or trial observations and to any person or corporation, appointed or engaged to carry out any function of the ICJ.
6. The National Sections and Affiliated Organizations of the ICJ are encouraged to adopt this Code as binding on them.
7. References in this Code to the ICJ shall include each of the persons or corporations set out in paragraph 5 unless the context otherwise requires.
8. Everyone to whom this Code applies is encouraged to report any potential breaches of this Code to a member of management, the ICJ Ombudsperson or relevant external authorities depending on the circumstances of the breach, whether or not they have been directly affected.

## **II. Function of the Code of Ethics**

9. The ICJ, in adopting this Code, commits to:
  - 9.1. Meeting the highest standards of integrity, accountability and transparency which are essential to the implementation of the ICJ mission, objectives and values;
  - 9.2. Effective and efficient management and improvement of its performance; and
  - 9.3. Ensuring public trust and confidence in the ICJ.

## **III. Binding Principles of Ethics**

10. The ICJ binds itself to uphold and give effect to the following principles:

### ***Rule of law, judicial independence and human rights***

11. The ICJ shall uphold and promote adherence to the rule of law, the independence of the judiciary and the legal profession and internationally accepted norms of human rights and international humanitarian law. In so doing, the ICJ shall ensure social justice and afford equal rights to every individual.

### ***Independence***

12. The ICJ is a non-profit organization. It shall at all times act independently of governments, governmental organizations, non-governmental organizations and bodies, corporations and donors, and shall be free from any political or religious affiliations. The ICJ shall not act or appear to act as an instrument of any government, international or national organization or non-state actor.

### ***Integrity, openness and transparency***

13. The persons to whom this Code applies shall at all times act with integrity and uphold the highest ethical standards as set out in this Code, both in their professional work and in their personal lives, where breaches of these standards might reflect on or adversely affect the work or reputation of the ICJ.
14. The ICJ is accountable to the legal community, programme participants and others on whose behalf the organization works. The ICJ is also accountable to those who fund its activities and programs. This accountability shall not compromise the ICJ's independence or integrity.

15. The ICJ shall be open and honest about its activities and shall publish its activities and reports on its website: [www.icj.org](http://www.icj.org), as authorised by the relevant internal structures.

### ***Conflicts of interest***

16. Those persons to whom this Code applies shall not permit, and shall avoid, conflicts of interest, and shall disclose conflicts, when required.

### ***Human resources***

17. The ICJ shall only engage or employ, in accordance with the ICJ's due recruitment process,<sup>1</sup> appropriately qualified persons who understand and agree to adhere to the mission, objectives and values of the ICJ and this Code of Ethics. In the course of such engagement or employment they shall adhere to the ICJ's binding principles of ethics set out in this Code.

18. The ICJ rejects all forms of nepotism. Those with the power on behalf of the ICJ to employ or engage others with whom there is a close relationship shall ensure that in any relevant recruitment process any such relationships are declared.

18.1. Failure to declare a relationship with applicants shall lead to disciplinary measures as set out in the ICJ's Discipline Policy.

### ***Advocacy***

19. The ICJ shall be independent, accurate and honest in its advocacy before courts, tribunals and international and national bodies and its submissions or publications shall adhere to the highest standards of legal ethics and professionalism.

### ***Confidentiality***

20. The persons to whom this Code applies shall protect from disclosure, confidential information about those on whose behalf the organization works, those representing or affiliated with the ICJ, the organization itself and its partners. Confidential information may include, but is not limited to, sensitive information that may put individuals or groups at risk.

### ***Discrimination, bullying and harassment***

21. Discrimination, bullying and harassment in any form will not be tolerated by any persons to whom this code applies.<sup>2</sup>

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<sup>1</sup> Where required, ICJ Human Resources can provide further details on the ICJ's recruitment process.

<sup>2</sup> See Annex 1 for further clarification.

22. The ICJ shall also promote the enjoyment of human rights and fundamental freedoms in private, political, economic, social, cultural or other fields of public life, without discrimination on any grounds.

### ***Sexual misconduct***

23. Sexual misconduct in any form shall not be tolerated by any persons to whom this code applies.<sup>3</sup>

24. "Sexual misconduct" encompasses different types of violations, namely: (i) sexual exploitation, including providing payment in exchange for sex acts; (ii) sexual abuse or violence and (iii) sexual harassment. It can occur in any gender configuration, i.e. between persons of the same or different genders, and regardless of actual or perceived gender and/or gender identity.<sup>4</sup>

### ***Responsible use of social media***

25. When using social media for personal purposes, staff shall ensure that they are not purporting to speak on behalf of the ICJ. Staff shall add a disclaimer in their social media profiles that views shared are personal and do not necessarily reflect those of the ICJ.

25.1. ICJ staff shall not post or share any content that discloses confidential information. This prohibition includes reference to grievance or disciplinary matters.<sup>5</sup>

### ***Fundraising***

26. The ICJ shall only accept funding or assistance in kind or advice that does not compromise and is consistent with its mission, objectives, values and this Code. The ICJ shall disclose all contributions, donations and gifts received on an annual basis.

### ***Acceptance of Gifts***

27. The persons to whom this Code applies shall not offer, solicit or accept any gifts, hospitality, or expenses if such acceptance could be perceived to affect the impartiality of the ICJ's work.<sup>6</sup>

28. All gifts received in the course of or related to ICJ work shall be declared to the line manager of the recipient/s. Acceptance of a gift over a value of 100 CHF shall be subject to authorisation by the line-manager who shall consider issues around conflict of interest. Gifts over a value of 100 CHF shall in any event be duly registered with the Human Resources office.

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<sup>3</sup> See Annex 1 for further clarification.

<sup>4</sup> See Annex 1 for further clarification.

<sup>5</sup> Whistleblowing is covered under the ICJ Anti-Corruption and Anti-Fraud Policy.

<sup>6</sup> Further information can be found in the ICJ's Anti-Corruption and Anti-Fraud Policy.

### ***Ethical partnerships***

29. The ICJ shall take all possible steps to ensure that partners, contractors and consultants also meet the highest standards of integrity, transparency and accountability. In the course of such engagements the ICJ will share and make known this Code. The ICJ shall conduct its procurement practices in a fair and transparent manner.

### ***Safeguarding individuals and abuse of power***

30. Persons to whom this Code applies commit to ensuring that they do not, for the exploitation of others, abuse any powers available to them, including, but not limited to, positions of authority, trust or situations of vulnerability.

## **IV. Complying with the Code of Ethics**

### ***Reporting***

31. Persons to whom this Code applies shall refer any breach of the Code of Ethics that they suspect or are aware of via the ICJ's Grievance Policy or via the whistleblowing procedure set out in the ICJ's anti-corruption policy, or directly to a member of management, to the ICJ Ombudsperson or to the relevant external authorities, depending on the circumstances of the breach.
32. External parties may report any breach of the Code of Ethics that they suspect to any authority within the ICJ, including, but not limited to, senior managers, the Secretary-General, members of the Executive Committee and the ICJ Ombudsperson.
33. The ICJ is committed to protecting any individual who reports in good faith a violation of the Code of Ethics from any form of retaliation or reprisal.

### ***Investigating potential breaches***

34. Those that are suspected of being in breach of this Code of Ethics may be subject to investigation in ICJ disciplinary proceedings in compliance with the organization's internal Discipline Policy or in proceedings before the ICJ Ombudsperson.<sup>7</sup>
35. Where a breach that may amount to criminal conduct is referred to the relevant authorities these authorities shall undertake their own investigations.

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<sup>7</sup> See the ICJ's Discipline Policy and the ICJ Ombudsperson Terms of Reference for further details of the processes involved.

## ***Consequences of breaching the Code of Ethics***

36. Those that are found to be in breach of this Code of Ethics may be subject to any or all of the following consequences:

36.1 Termination of association or affiliation with the ICJ, which may include:

36.1.1 Removal of status of Commissioner;

36.1.2 Termination of employment or consultancy with the ICJ;

36.1.3 Termination of partnership or other affiliation with the ICJ;

36.1.4 Termination of involvement in an ICJ programme/project.

36.2 Referral of potential criminal conduct to the relevant authorities.

# **Annexes to the Code of Ethics**

## **Annex 1: Definitions**

### **Conflict of Interest**

1. A conflict of interest arises when an ICJ commissioner, employee or consultant has competing professional obligations or personal, private or financial interests which can influence their behavior and/or decision making in a way that is counter to the best interest of the ICJ. The private interest can include financial and other relevant business interests of commissioner, employee or consultant. It could include connections with family and other relatives, friends, clubs, societies or political parties which an ICJ commissioner, employee or consultant belongs to or is associated with, private business interests, investments and shareholdings, or anyone to whom a favor is owed.

### **Discrimination**

2. The ICJ shall apply principles of human diversity, inclusiveness and dignity and may not exercise any form of discrimination.
3. Discrimination means any distinction, exclusion, preference or restriction based on colour, race, sex, language, disability, political opinion, nationality, ethnicity or social origin, sexual orientation and gender identity, birth or other status or the ownership or control of property.
4. Not every differentiation of treatment will constitute discrimination if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the ICJ's Code of Ethics and other policies and is proportionate to that purpose.

### **Bullying and harassment**

5. Bullying is:
  - 5.1 Repeated and unreasonable behaviour directed toward anyone representing or affiliated with the ICJ or that otherwise engages with the organization including programme participants and others on whose behalf the organization works.
    - 5.1.1 Repeated behaviour can involve a range of actions over time.
    - 5.1.2 Unreasonable behaviour means actions that a reasonable person in the same circumstances would consider to be unreasonable. It includes, but is not limited to, victimizing, humiliating, intimidating or threatening a person.
    - 5.1.3 This behaviour can take place within or outside of a formal workplace setting.

6. Bullying may also include harassment, discrimination, violence or threats of violence.
7. Bullying and harassment are not:
  - 7.1 One-off instances of thoughtlessness, rudeness or tactlessness.
  - 7.2 The setting of high performance standards.
  - 7.3 Constructive feedback and legitimate advice or peer reviews.
  - 7.4 The requirement of a manager that reasonable verbal or written work instructions to be carried out.
  - 7.5 The warning or disciplining of individuals in compliance with the ICJ's Discipline Policy or Code of Ethics.
  - 7.6 Reasonable management actions delivered in a reasonable way.
  - 7.7 Differences in opinion or personality clashes that do not escalate into bullying, harassment or violence.

### **Sexual Misconduct**

8. "Sexual misconduct" encompasses different types of violations, namely:
  - 8.1 "Sexual exploitation" refers to an abuse of authority, trust or a situation of vulnerability for sexual ends in exchange for money, work, goods or services. It is also understood as any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes. Any payment (through cash or any other commodity or favor) to an affected person for sexual services is considered exploitative and thus constitutes sexual exploitation.
  - 8.2 "Sexual abuse or violence" refers to acts of a sexual nature committed against any person by force, threat of force or coercion. "Coercion" must be understood broadly as not just consisting of a show of physical force but also any act that causes duress or fear of violence or detention, or that constitutes psychological oppression or abuse of power, or that takes advantage of a coercive environment or of a person's incapacity to give genuine consent. Sexual activity with minors (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
  - 8.3 "Sexual harassment" refers to any sexual behaviour that is not wanted by the person to whom it is addressed and that violates his or her dignity. Sexual harassment can take the form of words, gestures or acts. In concrete terms, this can include but is not limited to any of the following:
    - i. insinuating and suggestive remarks about the appearance of a person
    - ii. sexist comments and jokes about sexual characteristics, sexual behaviour and the sexuality of a person
    - iii. whistling or staring
    - iv. unwanted bodily contact
    - v. stalking colleagues at work or outside work, through lying in wait, monitoring or repeatedly pursuing contact in person or through a medium of communication, such as letters, email, text messages, or telephone calls

- vi. phone-calls, text messages or emails with obscene or sexual content.

8.4 Sexual misconduct may take place within or outside of a formal workplace setting.

### **Whistleblowing**

9. The ICJ defines “whistleblowing” as the act of reporting in good faith an act of corruption or other breach of the ICJ Code of Ethics to someone who is in the position to rectify the wrongdoing. This may involve revealing without authorization private, confidential, or privileged information concerning the ICJ.

9.1 Acts of whistleblowing may include but are not limited to the following:

9.1.1. Reporting a criminal offence;

9.1.2 Reporting sexual exploitation, abuse and harassment;

9.1.3 Reporting of act of corruption as defined in the Anti-Corruption and Anti-Fraud Policy;

9.1.4 Reporting covering up of wrongdoing;

9.1.5 Reporting health and safety risks that endanger lives or health;

9.1.6 Reporting any other serious breach of an ICJ policy or the ICJ Code of Ethics.

## **Annex 2. Associated Policies**

1. Discipline Policy
2. Grievance Policy
3. Anti-Corruption Policy
4. Ombudsperson's Terms of Reference
5. Prevention of Sexual Misconduct Policy