

+THE WELS DECLARATION OF ETHICS

In the year 2003, the Association of Austrian Judges initiated in the city of Wels a discussion process that all Austrian judges could participate in. In the further development of the principles of the Salzburg Resolution of 1982, the following Declaration of Principles was resolved on November 8th 2007:

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The Austrian Judges declare to be guided in their work by the following ethical principles:

Art. I. Fundamental Rights:

Human rights and fundamental freedoms form the basis of our democratic constitutional state. As guarantors of the rule of law, we let our behavior and our decisions be guided by these fundamental rights. We decidedly oppose every attempt to question the democratic and constitutional order of our Republic.

Art. II. Independence:

We decide exclusively on the basis of statutory law and our free inner conviction. We reject any form of unlawful exertion of influence, invitations and gifts, and disclose all attempts to intervene. Judicial independence serves the protection of people seeking of justice, and may never be abused as a pretext for arbitrariness or for behavior that is intellectually or socially detached from reality. In selecting and evaluating fellow judges, we are guided according to the criteria of the Richterdienstgesetz (Austrian Judicial Services Act) by their professional and social abilities, and reject any patronage.

Art. III. Self-control and Organization:

We are aware of the fact that the development of a judge's personality has no definite end, but requires constant further education in all fields of professional and personal qualification for our profession. We carefully reflect where we stand, so that we can critically scrutinize our own point of view. Our cooperation with our co-workers is borne by appreciation, honesty, and sincere interest for their concerns. We organize our own work and, as far as we are authorized to do so, the work of our employees proactively and with commitment.

Art.IV. Education:

Committed educational work is an essential part of the optimal selection process, but is also vital for a positive image of justice in the general public. We train those whose education is entrusted to us conscientiously and thoroughly, and do not abuse their labor for easing our own workload.

Art.V. Administration of Justice:

Within the framework of the duties of judicial administration assigned to us, we work for the cause of independent jurisdiction. We endeavor to provide and maintain the best possible organizational conditions for independent judicial work. We strive to acquire all abilities necessary for our organizational and managerial work.

Art. VI. Fairness:

Judicial impartiality also includes the ability to recognize one's own prejudices and to pay attention to the effect one's words and actions have on others. We encounter all parties objectively, respectfully, and equidistantly, and grant everyone a fair hearing. Discriminating attitudes and statements during the proceedings are unconditionally rejected.

Art. VII. Decision making:

Every person that applies to the court or stands before the court as a defendant may expect from us to enter into a case with full commitment and to take a high-quality decision. To this end, we take as much time and decide as quickly as our working circumstances may allow. We avoid inflicting the parties with unnecessary disadvantages by exaggerated scepticism and immaterial formalities.

Art. VIII. Publicity and Comprehensibility:

From time to time, jurisdiction will release a socio-political impulse, or an impulse for legal policy, that goes beyond an individual case. This needs the perception by the general public. We therefore strive to be generally intelligible in all our oral and written statements. Art.

IX. Private Behavior:

We scrutinize carefully and critically whether our actions or statements are suitable to make us dependent on someone, or could even only give the appearance thereof. This also applies to our off-duty activities, as far as we can expect that this may compromise our credibility as judges or cause our credibility to be questioned. We are convinced that being a member of a political party or being politically active within such a party can be detrimental to the credibility of independent jurisdiction that is unswayable by political parties and not bound to any interest groups and lobbies.

Art. X. Social Influences:

The judicial office is a fundamental part of our political and social structure. Judicial work can influence this structure, but is also influenced thereby. We are aware that judicial decisions can have profound and existential repercussions for the way of life of the affected people. In exercising our office, we therefore always consider these coherencies and handle our responsibility conscientiously.