

Ethical principles for judges

Judges are independent in accordance with the Danish Constitution and have to comply with the law.

Courts' and judges' affairs are regulated, first and foremost, in the Danish Administration of Justice Act, which, inter alia, contains rules about when a judge should not preside over a case due to a conflict of interest (disqualification). The judge's affairs are also governed by other legislation, including the Danish Civil Servant Act Section 10, after which a judge must conscientiously abide by the rules that apply to the position, and both within and outside the service prove worthy of the esteem and trust such a position demands. Furthermore, the Danish Criminal Code contains rules on the duty of confidentiality, just as according to Section 144 of the Criminal Code, it is forbidden for a judge to wrongly receive gifts or other benefits.

The Association of Danish Judges attaches great importance to the fact that the Danish courts enjoy the highest degree of trust among the population, which is essential in a democratic society.

To ensure this, and in the light of, inter alia, the Council of Europe's recommendation R (2010) 12 of 17 November 2010 on judges' independence, effectiveness and responsibility, the Association of Danish Judges has decided to write down the following guiding ethical principles for judges.

The principles are a codification of that already applicable to judges and they are a supplement to the legislation's general rules on courts' and judges' affairs. The principles do not repeat rules, etc., that in general are already imposed by law.

Independence, impartiality and integrity

1. A judge must abide by the law and exercise the judicial profession independently of the parliament and the executive powers.

In their work, a judge must not take into account unauthorised public and private interests, including of an economic, political or media-related character.

2. A judge must be and appear to be impartial and exercise the judicial profession in such a way that no reasonable doubts can be raised about the judge's neutrality.

3. A judge must act in a way that is suitable to preserve the general confidence in the courts' and judges' affairs, and such, that there is a correlation between the court's values and the judge's actions.

4. A judge, like any other, has constitutional rights, including freedom of expression and freedom of association. In the exercise of their rights, a judge must be aware of the courts' and judges' special role in society.

Respectful treatment and discretion

5. A judge must treat everybody properly and with respect, and they must have an understanding of diversity.

6. A judge must, in addition to complying with their duty of confidentiality, exercise the necessary discretion on matters that the judge becomes aware of in their work.

Quality

7. A judge must carry out their duties with the highest possible quality by dealing with cases with the professionalism, thoroughness and efficiency that the cases and the interests of the parties require.

8. A judge must maintain and develop their professional competencies in order to be able to carry out their duties with the highest possible quality.

Openness

9. A judge must be open and receptive to the public interest to familiarise themselves with the work of the Court.

Accountability

10. A judge must show accountability for legal and judicial matters, including in cooperation with other judges.

These ethical principles are taken up for discussion and possible revision on an ongoing basis, including in the light of the development of society and Denmark's international obligations.

The Association of Danish Judges

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