

Estonian Judges' Code of Ethics

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Adopted on 13 February 2004 by the third regular court *en banc*.

Amended on 8 February 2019 by the eighteenth regular court *en banc*.

Bearing in mind that impartiality, independence and integrity of judges are to be unconditionally guaranteed in a rule of law society, considering that Estonia must observe the principles of fair trial and the practice of good conduct of judges and legal traditions developed in the world, being aware of the need to meet the standards set to the activities and qualification requirements of judges, taking into consideration that judges have a central role in safeguarding democracy and legal order, bearing in mind that high professional level and flawless conduct of judges constitute a condition and a guarantee of high authority of the court and administration of justice, considering that judges have been empowered to decide on freedom, rights, obligations and property of people, bearing in mind that the mission of the courts is to serve the people, being aware of the high moral and legal responsibility resting on judges we, Estonian judges, hereby establish for ourselves the following Code of Ethics and publicly undertake to observe it.

GENERAL PROVISIONS

1. A judge shall preserve the reputation of integrity and independence of the judiciary.
2. A judge shall fulfil the functions of his or her office impartially, without self-interest, carefully, and shall exercise the power vested in him or her in the best way possible.
3. A judge shall arrange his or her life and activities, including legal activities, so that the threat of a possible conflict with his or her judicial duties is minimal.
4. A judge may be engaged in law creation and improvement of the legal and judicial system, and in teaching and research.
5. A judge may also be active in citizens' associations and charitable organisations, while avoiding the conflict of interests and being taken advantage of against the interests of administration of justice. A judge may also participate in activities aimed at gaining profit, while respecting the practices of good conduct and fair business.
6. A judge shall avoid indecency in all his or her actions and statements. Being under public scrutiny a judge shall accept personal restrictions that may seem encumbering for an ordinary citizen. First of all, a judge shall behave in a manner compatible with the dignity of the judicial office.
7. A judge shall refrain from political activities and statements reflecting his or her political countenance.
8. A judge shall be a paragon of a law-abiding person observing legal order.
9. A judge shall point out to a colleague his or her indisputably indecent behaviour and the violation of the rules established in this Code and shall try to put an end to such behaviour. If need be, he or she shall inform the full court of Estonian judges or the chairman of the court of the incident.
10. The requirements of professional ethics shall be interpreted on the basis of law, decisions of the judges' disciplinary chamber, the established practice and among the judiciary, as well as the opinions of senior colleagues and the conscience of judges. A judge shall be guided by the said principles upon choosing his or her conduct in issues not covered by the Code of Ethics.

SPECIAL PROVISIONS

Courts and court procedure

11. A judge shall maintain his or her professional level and participate in in-service training. A judge shall share his or her professional knowledge and experience with colleagues.

12. A judge shall remain calm, composed and dignified in his or her work.

13. A judge shall be patient and polite with all participants in proceedings, colleagues and court employees, requiring the same attitude from others.

14. A judge shall be impartial and fair upon administration of justice and shall try to appear as such to a reasonable observer. For that purpose a judge shall treat participants in the proceeding equally, shall refrain from unnecessary and irrelevant comments or remarks. He or she shall avoid becoming irritated, getting angry, raising his or her voice, facial expression and body language revealing attitude, and other such behaviour that could leave the impression of partiality.

15. A judge shall resolve cases in reasonable time, avoiding hurrying and superficiality and refraining from delaying decision-making on formal and unreasonable grounds. A judge shall not allow the participants in a proceeding to abuse their rights or delay proceedings.

16. A judge shall refrain from passing remarks concerning pending or forthcoming proceedings and the possible outcomes thereof and shall request the same attitude from court employees. A judge shall not criticize publicly the proceedings or decision of another judge.

17. A judge shall preserve the confidentiality of information he or she has received in the course of court proceedings and shall require the same from other court employees. This rule does not exempt a judge from obligation, in the interests of legal order, to inform pertinent instances of committed offences.

18. A judge vested with administrative duties shall fulfil these carefully, maintaining professional competence and composure and facilitating the work of other judges and court employees. A judge shall set identical requirements to the work of his or her colleagues and court employees.

19. A judge shall not inform the public of the conflicts between colleagues or other internal issues of the judiciary.

Independence and impartiality

20. A judge shall avoid conflicts of interests. He or she shall not allow family, social or other relations to affect his or her work as a judge.

21. A judge shall be independent from fellow judges and judges of higher court instances in rendering judgements, except when the opinion of a higher court concerning interpretation of law is obligatory for the court re-examining a case.

22. *[repealed at the eighteenth court en banc on 8 February 2019].*

23. A judge shall refrain from political and business lunches and get-togethers with participants in a proceeding, if these may prejudice his or her impartiality and may give rise to a conflict of interests. In personal relations with the members of legal profession practicing regularly in court a judge shall avoid situations which could give rise to doubts of favouritism or impartiality or appear as such.

24. A judge shall not participate in political or profit-making associations as a leader or official thereof. He or she shall not either in speech or in writing support political movements or the candidates thereof and shall not request the support of foundations to these.

25. A judge shall remove himself or herself from a case when his or her impartiality could be questionable, he or she has a prejudice concerning a party; when he or she has close relations with participants or when he or she has private information concerning the facts related to

proceedings or when he or she has previously given legal counselling to the parties or when he or she is aware that the outcome may affect him or her or his or her family members.

26. A judge shall not ask or accept presents, bequests, loans or other favours in relation to what he or she has done, must do or avoid doing upon performance of judicial duties. Neither shall a judge allow his or her family members, court staff or other persons under his influence, discretion or power, to resort to the referred.

Extra-judicial activities

27. A judge shall use his or her powers and name only in an appropriate manner, avoiding the use of these for the purpose of personal gain or in an indecent manner. A judge shall not sacrifice his or her prestige and shall not allow others to take advantage thereof in private interests.

28. A judge shall participate in social and cultural life in conformity with the traditions of good conduct and shall mind that this does not prejudice the dignity of his or her office and is not in conflict with the duties of his or her office.

29. A judge may belong to professional organisations both as an ordinary member and an official.

30. A judge shall refrain from using narcotic substances and excessive usage of alcohol.

31. A judge shall behave properly and with dignity and shall avoid activities that may discredit the profession and administration of justice.

32. A judge contributes to the judiciary's open communication with the media and the public. The activities and decisions of the court shall be explained to the public in a comprehensible manner and as soon as possible after the need arises. In communicating with the media and the public, a judge does not damage the reputation of the court or the dignity of the judiciary.

Ethics council of judges

33. The ethics council of judges (hereinafter the council) is an advisory body. The judge may refer the matter to the council for an opinion on him or her. The council may also give general recommendations on its own initiative or on a proposal from the judges.

34. The opinions and recommendations of the council shall not be binding.

35. The opinions and recommendations of the council are published on the website of the Supreme Court, ensuring the anonymity of the appellant and other relevant persons.

36. The council shall consist of five judges elected by the court *en banc*, which may include judges of emeritus. The term of office of a member of the council is three years.

37. The council shall elect a chairman from among its members who shall manage the work of the council.

38. The council shall draw up opinions sitting with at least three members and recommendations sitting with five members. The opinions and recommendations of the council shall be formed by consensus. The council may call on an ethics expert to seek an opinion on a specific issue.

39. The technical support of the council is provided by the Supreme Court.

40. Upon the formation of the council, the court *en banc* shall elect two members to the council for a term of two years and three members for a term of three years. The duration of the mandate shall be decided by drawing lots.