

# **CODE OF ETHICS OF THE JUDGES OF THE REPUBLIC OF LITHUANIA**

(adopted by a General meeting of the Lithuanian judges on June 28, 2006)

## **I CHAPTER GENERAL PROVISIONS**

### **Article 1. The purpose of Code**

This Code of ethics of the judges of the Republic of Lithuania (hereinafter – the Code) determines the basic principles of conduct of judges of the Republic of Lithuania. The Code regulates the conduct of judges during the fulfillment of direct as well as indirect duties.

### **Article 2. The objective of the Code**

The objective of the Code – to determine the principles of activities and conduct, which are to be followed by a judge during the fulfillment of duties which are laid down by the law and leisure time from the exercise of the direct duties; to fix that justice and other universal human values in the activities of the courts takes priority; to enhance the trust of public in the courts and judges, to increase their authority.

### **Article 3. The use of Code**

This Code is applicable to all judges without reservation.

### **Article 4. The sources of Code**

The Code is prepared according to the Constitution of the Republic of Lithuania, the Law on Courts, the basic principles of judicial impartiality of the United Nations, the recommendations of the Committee of Ministers of the Council of Europe, the Universal Charter of the Judge, also the European Charter on the statute for judges, other national and international acts which regulate the activities of the courts and judges.

## **II CHAPTER BASIC PRINCIPLES OF CONDUCT OF JUDGES**

### **Article 5. Basic principles of conduct of judges**

Basic principles of conduct of judges are these:

- 1) respect for human;
- 2) respect and loyalty for the State;
- 3) justice and impartiality;
- 4) independence;
- 5) confidentiality;
- 6) transparency and publicity;
- 7) honesty and selflessness;
- 8) decency;
- 9) exemplarity;
- 10) dutifulness;
- 11) solidarity;

12) the improvement of qualification.

#### **Article 6. Respect for human**

In accordance with the principle of respect for human a judge shall observe these rules:

- 1) to respect the human, his rights and freedoms;
- 2) to respect the law and always act in such a way that principles of justice would not be infringed;
- 3) respectfully hear participants of the legal proceedings the way the law requires, react to their requests and proposals attentively and deny unfounded requests tactfully; however the judge has to be demanding to those who violate the order of the legal proceedings;
- 4) to observe the schedule of hearing the cases and in case it was changed, explain the reasons of the change to the participants of the legal proceedings;
- 5) while performing his duties, he shall respect the human rights and dignity of the participants of the legal proceedings, under no form and conditions shall discourage them to depart from and infringe the law and other legal acts.

#### **Article 7. Respect and loyalty for the State**

In accordance with the principle of respect and loyalty for the State a judge shall observe these rules:

- 1) to obey the oath of a judge;
- 2) to behave politically neutrally and correctly, shall not imply his political convictions, shall not engage in agitation;
- 3) consider that publicly represented personal opinion about the concrete cases can be regarded as official;
- 4) to exploit the official certificate, mantle, symbols only in the exercise of duties in accordance with the requirements of the legal acts, to appreciate and protect them.

#### **Article 8. Justice and impartiality**

In accordance with the principle of justice and impartiality a judge shall observe these rules:

- 1) shall not discriminate individual persons or groups of the society on gender, sexual preference, age, race, religion or believes, the color of skin, nationality or dependence on ethnics, social status by language, actions, decisions and shall undertake the legal actions to eliminate the noticed discrimination;
- 2) shall have no personal prejudice while taking the decisions and shall not represent preconception on the questions of the pending case;
- 3) shall not demonstrate their sympathy or antipathy and exclusive attention to individual persons or their groups, participants of the legal proceedings;
- 4) while considering cases the judge can not submit himself to the influence of government or public authorities, officials, media, public and individuals;
- 5) to act impartially, search for the most objective and fair decision in conflict situations;
- 6) to keep oneself aloof from the case, when there is a conflict of interests or there is information that personal circumstances can harm the investigation of the case;
- 7) shall not consult people in legal questions when the law does not provide for it;
- 8) shall avoid public speeches when it can be foreseen the result of the case, also can not consider the pending case with participants of the legal proceedings outside the proceedings in the court;

9) shall not represent in the court, except the representation defined by the law, shall inform the President of the court in case the case of a judge or his family members, relatives is amenable to that court, where the judge works in order to decide upon the question of transmitting the case to the other court or if the case is pending in the Supreme Court, the Supreme Administrative Court or the Appeal Court – to secure the impartiality;

10) in the communication with public and media the judge shall not express personal view on concrete cases.

### **Article 9. Independence**

In accordance with the principle of independence a judge shall observe these rules:

1) when administering the justice shall respect the independence, which was granted by the Constitution of the Republic of Lithuania for the courts and judges;

2) shall avoid any unlawful influence from the outside which can influence the decision making procedure, shall not tolerate the unlawful interference with the administration of justice, shall also take all necessary measures to interrupt such activities;

3) shall not take commitments or undertake activities that could disturb the full fulfillment of duties of a judge or restrict his, as a judge, actions;

4) when performing his duties the judge has to observe its commitment to be independent and to have no personal interest;

5) shall protect the image of the independence of judges and courts in the public;

6) when taking the decisions he should be separate and independent from the view of other judges that was declared under the conditions not defined by the law.

### **Article 10. Confidentiality**

In accordance with the principle of confidentiality a judge shall observe these rules:

1) strictly observe the requirements of security of state or service secrets and other information that is not publicly available, shall not disclose the confidential information that was obtained during the legal proceedings;

2) shall not in violation of the law apply the information that was received in the legal proceedings in his social activities and private life.

### **Article 11. Transparency and publicity**

In accordance with the principle of transparency and publicity a judge shall observe these rules:

1) as far as the law establishes, he shall secure the publicity of his actions and decisions, shall submit the motives for the decisions to the public himself or through media;

2) shall avoid public and private conflict of interests;

3) in accordance with the requirements and conditions of the law shall submit information to the public.

### **Article 12. Honesty and selflessness**

In accordance with the principle of honesty and selflessness a judge shall observe these rules:

1) shall act in such a way that family, public, social and other relations would not harm the fulfillment of the direct duties of the judge;

2) shall not abuse his official status in order to influence the decisions of other people;

3) shall not use the property of the court and provided opportunities for the activities other than official activities, also shall avoid the unqualified use of state assets and finances in the exercise of his duties;

4) shall not seek benefit for himself, his family, relatives or friends when using his official status;

5) shall be incorruptible, shall not accept gifts, money, unrequited services or other amiable signs, special privileges and discounts or other services from natural and legal persons, if this can raise the public and private conflict of interest, influence the legal proceedings;

6) shall not participate in the financial or commercial activities when using his office.

### **Article 13. Decency**

In accordance with the principle of decency a judge shall observe these rules:

1) shall be of irreproachable character and shall secure it;

2) shall not use the mistakes or ignorance of other person;

3) shall act honestly, correctly, politely, fair in the work and other public activities, also in private life;

4) shall not tolerate harassment or humiliation of the person;

5) shall not minify the work of other colleagues, shall act respectfully with them and other people, solve the conflict situations peacefully and politely, do not speak with scorn, do not in dignify, abuse, use the force;

6) shall restrain from public speeches about the cases which are heard by other judges;

7) shall not otherwise humiliate the name of a judge and the courts by his actions.

### **Article 14. Exemplarity**

In accordance with the principle of exemplarity a judge shall observe these rules:

1) shall show the example through his conduct, language, discipline, presence, according to the universally established moral norms and ethics requirements not to diminish the name of a judge in his professional activities and in private life;

2) shall secure the honor and prestige of his profession;

3) shall be tolerant, punctual and helpful;

4) shall not exhibit his temper, anger, avoid raising his voice during the court proceedings;

5) shall not moralize the participants of the legal proceedings during the court proceedings;

6) shall be official, patient and polite during the court proceedings;

7) shall always act professionally and humanely;

8) shall acknowledge his mistakes and shall correct them;

9) can not abuse alcohol and use of psychotropic substances, shall not use narcotic substances for other than medical purposes;

10) shall improve his own culture of speech and communication;

11) shall conduct his private life in such a way, that the interests of courts and reputation of judges would not suffer.

### **Article 15. Dutifulness**

In accordance with the principle of dutifulness a judge shall observe these rules:

1) shall not violate the Constitution of the Republic of Lithuania, international agreements, law and other legal acts;

2) shall make procedural documents in such a way that they would be in accordance with the law and the requirements of the national language;

3) shall fulfill his duties perfectly, timely, professionally and matter-of-factly;

- 4) shall analyze the essence of the pending cases, avoid hurrying and superficiality, but without delaying the court proceedings;
- 5) react to the violations of the law and professional ethics committed by other judges, prosecutors and advocates.

#### **Article 16. Solidarity**

In accordance with the principle of solidarity a judge shall observe these rules:

- 1) the relations between the judges should be grounded by confidence, honesty, tolerance, discretion and politeness;
- 2) shall help each other in the professional activities, exchange of the experience and knowledge;
- 3) help each other to defend oneself from slander in the media, inadequate critics or professional defamation.

#### **Article 17. The improvement of qualification**

In accordance with the principle of the improvement of qualification a judge shall observe these rules:

- 1) shall constantly improve his qualification;
- 2) shall not seek that there would be made special privileges for the career.

### **III CHAPTER FINAL PROVISIONS**

Judges undertake to obey the requirements of this Code.

Judges voluntarily admit the requirements of the peculiarities of their social status.

The self-governance institutions and the officials of courts administration shall take necessary measures to ensure that the moral and ethics norms that are laid down in this Code, Law on Courts, international legal acts would be known to every judge and the candidate to a judge.

Judges shall be answerable according to the law of the Republic of Lithuania.

This Code comes into force from the date of its adoption.