

Superior Council of Magistracy ROMANIA

DEONTOLOGICAL CODE for judges and prosecutors

Chapter I General provisions

Art. 1 – The Deontological code for judges and prosecutors establishes the standards for their conduct, according to the honor and dignity of their profession.

Art. 2 - (1) The respecting of the provisions included in the present deontological code represent a criteria for evaluation of the efficiency of their activity, as well as for the integrity of judges and prosecutors.

(2) The evaluations are accomplished by competent bodies, according to the law.

Chapter II Independence of justice

Art. 3 - (1) Judges and prosecutors are bound to protect the independence of justice.

(2) Judges and prosecutors must exercise their profession with objectivity and impartiality, acting only by law, without any attention to exterior pressure and influence of any kind.

(3) Judges and prosecutors may address to the Superior Council of Magistracy for any action that could infringe upon their independence, impartiality or professional reputation.

Art. 4 - (1) In exercising their professional duties judges and prosecutors shall not be influenced by political doctrines.

(2) Judges and prosecutors must not militate in favor of other persons' adhering to a political party, must not participate in fund collecting for political parties and cannot allow the use of their prestige or image to such aims.

(3) Judges and prosecutors must not give any support to a candidate to a political type public function.

Art. 5 - (1) Judges and prosecutors may not use the actions that they carry out in their professional duties for expressing their political beliefs.

(2) Judges and prosecutors may not participate in political meetings.

Art. 6 - (1) Judges and prosecutors may participate to the elaboration of publications, can publish articles, specialized studies, literary or scientific studies and can participate in media transmissions, except those with political subjects or those that can infringe upon the image of justice.

(2) Judges and prosecutors may be members of examination commissions or for elaborating normative acts, internal or international documents.

(3) Judges and prosecutors may be members of civil or academic societies, as well as other private law moral persons without patrimonial purpose.

Chapter III Promoting the supremacy of law

Art. 7 – Judges and prosecutors have the duty to promote the supremacy of law, the rule of law and to defend the fundamental rights and liberties of citizens.

Art. 8 - Magistrates are bound to protect citizens' equality in front of law, to ensure a non-discriminatory juridical treatment, to respect and defend dignity, physical and moral integrity of all persons involved in any quality to judicial procedures.

Chapter IV

Impartiality of judges and prosecutors

Art. 9 - (1) Judges and prosecutors must be impartial in exercising their duties, being committed to decide objectively, free of any influences.

(2) Judges and prosecutors should abstain from any action and behavior that could infringe upon the trust in their impartiality.

Art. 10 – In case of incompatibility, judges and prosecutors are bound to restrain themselves, according to law.

Art. 11 - (1) Judges and prosecutors are allowed to give judicial assistance, according to law provisions, only in their personal cases, of their ancestors, descendants or their legal partner, and for those of the persons under their tutelage or trusteeship. Even in those situations, magistrates are not allowed to use their status to infringe upon the solution pronounced by the court or the public prosecution office and they must avoid giving the impression that they could infringe in any way upon the solution that will be pronounced.

(2) Social and family relations of judges and prosecutors should not affect the solutions adopted by magistrates in exercise of their professional duties.

(3) Judges and prosecutors are forbidden from intercede for solutioning of some claims, to request or accept the solving of personal interest or those of family members or other persons, in other way than the legal way. The interference in the activity of other judges or prosecutors is forbidden.

Chapter V

Exercise of professional duties

Art. 12 – Judges and prosecutors are bound to fulfill their professional duties with competence and honesty and to respect the administrative obligations mentioned in laws, regulations, and internal orders.

Art. 13 – Judges and prosecutors must make all efforts to fulfill as fast as possible the cases given to them accordingly to the repartition, with respect to legal terms, and when the law does not provide, they must react within reasonable terms.

Art. 14 – Judges and prosecutors must impose order and solemnity when solving cases, and they have to adopt a respectable, civilized and impartial attitude towards the litigants, lawyers, witnesses, experts and other persons and to require from those mentioned a proper conduct.

Art. 15 - (1) Judges and prosecutors must not reveal or use for other purposes than those strictly related to the exercise of profession the information obtained in this respect.

(2) When documents are confidential, as provided by law, magistrates are bound to keep those documents within the court or public prosecutor's office and to allow the study of the materials only within the framework of law and regulation.

Art. 16 - (1) When exercising leading positions, judges and prosecutors must be concerned towards organizing the activity of the staff and using material means with maximum efficiency, and must show initiative and responsibility. When taking decisions, they must always give priority to court's or public prosecutor office's interests and to good administration of justice.

(2) Magistrates exercising leading position can not use their prerogatives to interfere in the development of the pending trials and the solutioning of cases.

Chapter VI

Dignity and honor of the profession of judge or prosecutor

Art. 17 – Judges and prosecutors have the duty to restrain from any actions that can compromise their dignity in profession and society.

Art. 18 - (1) The relations of judges and prosecutors within the collective community where they carry their duties must be fair, based on respect and good faith, regardless of their position.

(2) Judges and prosecutors can not express their opinion regarding moral and professional integrity of any colleagues.

Art. 19 – Judges and prosecutors can publicly express their opinion in exercising the right to rejoin, If defamatory assertions addressed to them were published in mass media.

Art. 20 – Judges and prosecutors can not perform actions that, by their nature, financing origin or execution, could, in any way, infringe upon the fulfillment of their professional duties, with impartiality, honesty and within legal terms.

Chapter VII

Activities incompatible with the judge or prosecutor position

Art. 21 - (1) Judges and prosecutors can not add to this dignity any public or private function, except didactic functions in superior teaching system.

(2) Judges and prosecutors are allowed to participate as trainers in the National Institute of Magistracy and National School of Clerks accordingly to the schedule assigned by those and the management of the courts and prosecutors offices where trainers carry out their activity.

Art. 22 – Judges and prosecutors are forbidden to participate directly, or by the use of other persons, in pyramidal scheme games, games of fortune or investment systems not assuring transparency of funds as required by the law.

Art. 23 – Judges and prosecutors are bound to restrain, according to law, from any activity, from any activity related to the act of justice in which there is conflict of interests between theirs and the public interest of achieving the act of justice or protecting society's general interests.