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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

BULGARIA

CODE OF ETHICAL CONDUCT FOR BULGARIAN JUDGES

Translation from Bulgarian:

CODE OF ETHICAL CONDUCT FOR BULGARIAN JUDGES

JUDGES WORKING IN THE JUDICIAL SYSTEM OF THE REPUBLIC OF BULGARIA, guided by the understanding that the rules of ethical conduct of judges are an important factor for:

- building greater public confidence in the judiciary;
- protecting human rights and upholding the rule of law;
- preventing corruption in the judiciary,

Accept as their commitment to Bulgarian society the requirement to observe and apply in their professional activities and in their personal life the rules of ethical conduct set out in this Code.

The Supreme Judicial Council as the supreme administrative and governing body of the judiciary in the Republic of Bulgaria establishes the **CODE OF ETHICAL CONDUCT FOR BULGARIAN JUDGES** and is primarily responsible for the application of the rules of conduct promulgated therein in the official and non-official activities of judges.

APPLICABLE FIELD

The Code of Ethical Conduct is applicable to all judges and members of the College of Judges of the Supreme Judicial Council.

SOURCES

The Code has been drafted in accordance with the Constitution of the Republic of Bulgaria, the Judiciary Act, the recommendations of the Committee of Ministers of the Council of Europe on the status of judges, prosecutors and investigating authorities, Opinion No. 3/2001 of the Consultative Council of European Judges, the Bangalore Principles on the Conduct of Judges of 2002, as well as all other national and international instruments regulating the activities of judges in the Republic of Bulgaria.

SECTION I

BASIC PRINCIPLES

The Basic Principles set the standards and outline the framework for regulating the conduct of judges in and outside the office they hold.

INDEPENDENCE

An independent judge within the meaning of the Code is a judge who, in the performance of his duties, is guided solely by his inner conviction and the law, and is not subject to pressure, threats, incentives, direct or indirect influences from representatives of any other authority - internal or external to the judiciary, from political and economic factors, as well as from other private entities.

IMPARTIALITY

An impartial judge is one who applies the law solely on the basis of the facts established in

the case and their objective analysis, creating conditions of equality between the parties and their legal representatives and avoiding conduct that could be perceived as privileging, predisposing, biased or prejudiced on the basis of race, origin, ethnicity, gender, religion, education, beliefs, political affiliation, personal and social status or property.

JUSTICE

A fair judge is one who, within the framework of the general and abstract norms of the law, takes into account the particularities of each concrete case and decides it on the basis of criteria related to common human values and the values of the democratic legal system. The guarantee of fairness in the actions and acts of the judge is transparency in his work.

HONOUR

A judge of integrity is one who does not accept, outside the limits of the law, material or immaterial benefits, whatever their nature and whatever their source, which may call into question his independence and impartiality.

DECENCY

Decency is refraining from any action that might compromise the honour of the judge in the profession and in society.

COURTESY AND TOLERANCE

A courteous judge is one who, through his actions and acts, always expresses the respect he owes to his colleagues, court officials, citizens, lawyers, parties and other participants in the process.

A tolerant judge is one who is open and patient to hearing and accepting new or different arguments, opinions and points of view.

COMPETENCE AND QUALIFICATION

A competent and qualified judge is a well-trained judge who is familiar with the legal framework of the Republic of Bulgaria, the law of the European Union and international law, who has developed abilities and skills for their correct application and is constantly improving. Competence and qualification are a prerequisite for the proper performance of a magistrate's duties and for his professional development.

CONFIDENTIALITY

A confidential judge is a judge who is discreet and keeps as official secrets the facts or information which have come to his knowledge in the course of or in connection with the performance of his duties.

SECTION II

RULES OF ETHICAL CONDUCT DERIVED FROM THE FUNDAMENTAL PRINCIPLES

1. Rules of ethical conduct derived from the principle of Independence

1.1. The judge shall exercise his powers and take his decisions solely on the basis of the law and his inner conviction.

1.2. A judge shall not allow or submit to any external influence, pressure, threats, direct or indirect interference in his/her work, regardless of their source, occasion or cause.

1.3. In making decisions, the judge shall be independent and shall not be influenced by the opinion of his colleagues, but he shall not take any action which would impair their independence.

1.4. By his/her actions and conduct outside the office, the judge should protect and promote in the society the notion of independence of the judiciary, by not succumbing to influences - direct or indirect, from any other authority - internal or external to the judiciary, from political and economic factors, as well as from other private law entities.

1.5. In the event of any attempt to undermine his independence, the judge shall inform the competent authorities.

2. Rules of ethical conduct derived from the principle of Impartiality

2.1. A judge shall not tolerate preference, prejudice or bias based on race, descent, ethnicity, gender, religion, education, belief, political affiliation, personal and social status, or property status, either in the performance of his or her official duties or outside the office.

2.2. The judge should also assert his impartiality in cases of strong public sentiments of sympathy or antipathy towards participants in proceedings pending before him, deciding the case solely on the basis of the facts and the law.

2.3. A judge may not make public statements or comments in proceedings pending before him or her by which he or she would commit himself or herself to the ultimate outcome of the case or by which he or she would create the appearance of bias or prejudice. Outside hearings, he may not discuss such proceedings before the parties, their legal representatives, other participants therein or third parties, except in the cases provided for by law.

2.4. A judge should conduct himself in a manner that does not directly or indirectly warrant his recusal in particular cases.

2.5. The judge must respect the right of all parties and their legal representatives to make submissions and objections, to make submissions and to make representations in the proceedings in which they are participating.

2.6. The judge does not give advice on legal matters.

3. Rules of ethical conduct derived from the principle of Justice

3.1. The judge shall only give his decisions when he is satisfied that, within the law, they are fair to all parties to the proceedings. He is particularly careful in dealing with issues relating to the dignity, honour and freedoms of citizens.

3.2. In cases where the law gives the judge the discretion to decide certain issues, the guiding principle is the requirement of fairness.

3.3. As required by law, the judge should provide the public with objective, timely and understandable information. The judge shall state to the public, in person or through the media, the reasons for his or her decisions in cases of public interest.

3.4. Within the limits of the law, the judge shall ensure the publicity of his actions and decisions, taking care that the legitimate rights and interests of the parties and participants in the proceedings are not prejudiced.

4. Rules of conduct derived from the principle of Integrity

4.1. A judge must set an example of high morality and integrity by his or her personal conduct and sense of responsibility in official and non-official activities.

4.2. A judge may not receive a benefit from a third party which would reasonably be perceived as resulting from a compromise of his integrity and fairness in the performance of his professional duties.

4.3. In his public and official contacts, a judge may not take advantage of his official position or use his powers for personal gain.

4.4. In his/her career advancement, a judge should not use personal contacts (connections, intercessions) and take actions that undermine his/her dignity.

5. Rules of conduct derived from the principle of decency

5.1. The judge must avoid actions and conduct contrary to the established social notions of decency.

5.2. A judge should accept personal restrictions that might be seen as oppressive by the ordinary citizen, and should do so freely and willingly. A judge must conduct himself in a manner consistent with the high standing of the judicial profession.

5.3. The judge does not denounce or intrigue against his colleagues and officials, but openly expresses his position.

5.4. The judge must not allow the use of the court premises for meetings between representatives of other legal professions with the parties and other participants in the court proceedings.

6. Rules of conduct derived from the principle of courtesy and tolerance

6.1. A judge's conduct in society should be based on good manners and good behaviour. In public and official contacts, as well as in his personal life, he should be polite and courteous.

6.2. A judge must treat people with respect, respecting their rights and freedoms.

6.3. Collegial relations between judges and judicial officials, regardless of their place in the hierarchy, must be based on mutual respect and tolerance by refraining from any conduct that damages the prestige of the judiciary.

7. Rules of conduct derived from the principle of competence and Qualification

7.1. A judge shall perform his or her duties in preference to any other activity. The judge may carry out other activities permitted by law only if this does not hinder the quality and timely administration of justice.

7.2. A judge must strive to improve his professional qualifications and training and must take the necessary measures to maintain and improve his knowledge, skills and personal qualities for the proper exercise of his powers.

7.3. The judge should keep himself informed of relevant developments in domestic, European and international law.

8. Rules of conduct arising from the principle of confidentiality

8.1. A judge may not make improper use of information which has come to his knowledge in the exercise of his functions.

8.2. A judge shall observe complete discretion and professional secrecy in his social intercourse and private life concerning facts or information which have come to his knowledge in the course of or in connection with the performance of his duties.

8.3. A judge who is a member of a collegial body shall keep the deliberations of the office confidential.

8.4. The judge may discuss matters of principle of law, and in such cases he shall keep the particular facts of the cases confidential, and shall not disclose information concerning the privacy of citizens or such as is prejudicial to the interests of persons or their reputation.

8.5. The judge is not allowed to express publicly a preliminary opinion on specific cases.

8.6. A judge is free to express his or her personal opinion in the mass media and social networks on matters for which there is no explicit legal prohibition. In expressing a personal opinion, a judge is bound to comply with the principles and rules in this Code.

SECTION III

SPECIFIC RULES OF ETHICAL CONDUCT FOR ADMINISTRATIVE MANAGERS AND THEIR DEPUTIES

9.1. A judge in a managerial position shall treat judges and judicial officers with respect and regard for their personal dignity, without assuming or giving the appearance of favoritism.

9.2. A judge in a managerial position shall not be subject to pressure or inducements of any nature relating to the exercise of his powers.

9.3. A judge in a managerial position shall take care of the organisation and operation of the court he or she presides over in such a way as to achieve the best results. It shall also ensure the best possible cooperation with other judicial authorities and public services, while respecting the specific competences of each of them.

9.4. A judge in a managerial position makes an effort to be informed about everything that is happening in the court he or she is managing in order to be able to make good management decisions and take responsibility. He does not tolerate and promptly suppresses the acts of snitching and scheming.

9.5. The judge in a leading position is the main guarantor in promoting the independence of judges in decision-making and in respecting the principle of random distribution of cases.

SECTION IV

GUARANTEES OF COMPLIANCE WITH THE ETHICAL RULES OF CONDUCT ESTABLISHED BY THIS CODE

The main guarantor of compliance and application of the rules of this Code is the judges themselves through their conviction, commitment and voluntary acceptance and application of the ethical rules of conduct.

The College of Judges of the Supreme Judicial Council shall exercise overall control over the implementation of and compliance with the Code of Ethics and shall periodically take action to update and update the rules provided for therein. The Professional Ethics Committee of the Judicial College of the Supreme Judicial Council and the Professional Ethics Committees of the Judicial Authorities shall exercise direct and immediate control over the implementation of and compliance with the Code. The professional associations of magistrates shall take the action provided for in their statutes in any case of violation of these ethical rules of conduct.

SECTION V

FORMATION AND STATUS OF THE PROFESSIONAL ETHICS COMMITTEES IN THE JUDICIARY

The formation, organisation and activities of the professional ethics committees in the courts shall be governed by rules adopted by the Judicial Collegium of the SJC.

§ 1. The Code of Ethical Conduct for Bulgarian Judges is adopted on the basis of Article 30, paragraph 2, item 23 of the Law on the Judiciary by a decision of the Judicial Collegium of the SJC under Protocol No. 34/24.10.2023 and approved by a decision of the Plenum of the SJC under Protocol No. 30/30.10.2023.