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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

BULGARIA

**CODE OF ETHICAL CONDUCT FOR BULGARIAN PROSECUTORS
AND INVESTIGATORS**

Translation from Bulgarian:

SUPREME JUDICIAL COUNCIL

CODE OF ETHICAL CONDUCT FOR BULGARIAN PROSECUTORS AND THE INVESTIGATORS

PROSECUTORS AND INVESTIGATORS WORKING IN THE JUDICIAL SYSTEM OF THE REPUBLIC OF BULGARIA, guided by the understanding that the rules of ethical conduct of magistrates are an important factor in

- building greater public confidence in the judiciary;
- protecting human rights and upholding the rule of law;
- preventing and reducing corruption in the judiciary, undertake as their commitment to

Bulgarian society the requirement to implement and enforce in their professional activities and in their personal lives the rules of ethical conduct set forth in this Code.

The Supreme Judicial Council as the supreme administrative and governing body of the judiciary in the Republic of Bulgaria approves the Code of Ethical Conduct for Bulgarian Prosecutors and Investigators and bears the main responsibility for the implementation of the rules of conduct in the official and non-official activities of magistrates.

APPLICABLE FIELD

The Code of Ethical Conduct is applicable to all prosecutors, investigators and members of the Prosecutorial College of the Supreme Judicial Council, referred to for the purposes of this Code as magistrates.

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, as well as all other national and international instruments which regulate the activities of magistrates in the Republic of Bulgaria.

Section I

BASIC PRINCIPLES

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

INDEPENDENCE

An independent magistrate within the meaning of the Code is a magistrate who, in the performance of his duties, is guided solely by his inner conviction and by the law, and who does

not succumb to pressure, threats, incentives, direct or indirect influence from representatives of any other authority, physical and legal persons or organisations.

IMPARTIALITY

An impartial magistrate is one who establishes the truth of the facts solely on the basis of an objective analysis of the evidence in the case, creates conditions of equality between the parties and their legal representatives, and avoids conduct that could be perceived as privileging, bias, prejudice or prejudice based on race, origin, ethnicity, gender, religion, education, beliefs, political affiliation, personal and social or property status.

FAIRNESS AND TRANSPARENCY

A just magistrate 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. Transparency in the actions and acts of the magistrate is a guarantee for the fairness of the decisions taken by him.

COURTESY AND TOLERANCE

A courteous magistrate is one who, through his actions and acts, always expresses the respect he owes to his colleagues, citizens, lawyers, parties and other participants in the process. A tolerant magistrate is one who is open and patient to hearing and accepting new or different arguments, opinions and points of view.

INTEGRITY AND DECENCY

A magistrate who does not accept material or immaterial benefits, whatever their nature and which may call into question his independence and impartiality, outside the framework of the law, is a magistrate of integrity. Decency is the abstention from any action that could compromise the honour of the magistrate in the profession and in society.

LOYALTY

A loyal magistrate is a magistrate who behaves in a manner aimed at establishing and improving the authority and reputation of the institution, expressed in a fair and honest attitude towards colleagues and respect for their opinions and privacy.

COMPETENCE AND QUALIFICATION

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

CONFIDENTIALITY

A magistrate is confidential when he 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 official duties.

Section II

RULES OF ETHICAL CONDUCT ARISING FROM BASIC PRINCIPLES

- 1 Rules of ethical conduct derived from the principle of Independence. Independence is a prerequisite for strengthening the rule of law and a guarantee for the protection of fundamental human rights and constitutional values.

APPLICATION

- 1.1 The magistrate shall exercise his powers and take his decisions solely on the basis of the law and his inner conviction;
 - 1.2 The Magistrate 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 magistrate shall be independent and shall not be influenced by the opinion of his colleagues, but shall not take any action which would prejudice their independence;
 - 1.4 By his/her actions and conduct outside the office, a magistrate should protect and promote in the society the notion of independence of the judiciary, not being influenced - directly or indirectly - by any other authority - public, private, external or internal to the judiciary;
 - 1.5 The magistrate shall inform the judicial authorities and the public of any attempt to undermine his or her independence.
- 2 Rules of ethical conduct derived from the principle of impartiality.
Impartiality is equally applicable to the acts of magistrates in the application of substantive and procedural law and derives from the right of the parties to the proceedings to be treated equally.

APPLICATION

- 2.1 The Magistrate, both in the performance of his duties and off duty, shall respect the dignity of every person and shall not tolerate preference, prejudice or bias based on race, origin, ethnicity, gender, religion, education, belief, political affiliation, personal and social status or property;
- 2.2 The magistrate 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 In proceedings pending before him, the magistrate may not make public statements or comments by which to commit himself to the ultimate outcome of the case or to create an appearance of bias or prejudice. Outside of court hearings, he may not discuss such proceedings before other participants, lawyers or third parties, except in the cases provided by law;
- 2.4 The magistrate should conduct himself in a manner that does not directly or indirectly warrant his recusal in particular cases;

- 2.5 The magistrate must respect the right of the parties to express their views, arguments and objections in the proceedings in which they are parties;
- 2.6 The magistrate does not give advice on legal matters;
- 3 Rules of ethical conduct derived from the principle of fairness and transparency.
The requirement of fairness arises from the impossibility to regulate with legal norms all cases and legal relations arising in life. The requirement for transparency stems from the constant need of the public to be convinced of the legality and fairness of the acts and actions of magistrates.

APPLICATION

- 3.1 The magistrate shall give his decisions only when he is satisfied that, within the limits of the law, they are fair to all parties to the proceedings. He is particularly careful when dealing with issues of citizens' liberty and reputation.
- 3.2 Where the law gives the magistrate the discretion to decide certain matters, the guiding principle is the requirement of fairness;
- 3.3 In accordance with the requirements of the law, the magistrate should provide the public with useful, timely, understandable and appropriate information;
- 3.4 Within the framework of the law, the magistrate shall ensure the publicity of his actions and decisions, while taking care not to prejudice the legitimate rights and interests of participants in the proceedings;
- 3.5 In cases of high public interest, the magistrate shall state the reasons for his or her decisions to the public, in accordance with the law.
- 4 Rules of conduct derived from the principle of courtesy and tolerance
The requirements of courtesy and tolerance are based on the inherent morality and manners of the magistrate and contribute both to the better performance of his duties and to the more efficient functioning of the justice system itself.

APPLICATION

- 4.1 The magistrate's conduct in public should be based on good manners and good behaviour, and in public and official contacts he should be courteous and polite;
- 4.2 The magistrate must be honest, fair and courteous, both in his work and in his private life, and must treat people with respect by respecting their rights and freedoms;
- 4.3 Collegial relations between magistrates and judicial officers, regardless of their place in the hierarchy, must be based on mutual respect and tolerance by refraining from any behaviour that damages the reputation of the judiciary.
- 5 Rules of conduct derived from the principle of integrity and decency
Integrity and decency are fundamental to a magistrate's credibility, authority and overall performance.

APPLICATION

- 5.1. The magistrate 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;

- 5.2. An honest magistrate does not denounce or intrigue against his colleagues and officials, but openly expresses his position;
 - 5.3. The magistrate must avoid actions and conduct contrary to the established social notions of decency
 - 5.4. In his public and official contacts, a magistrate may not take advantage of his official position or use his powers for personal gain;
 - 5.5. By his personal conduct and sense of responsibility in his official and non-official activities, the magistrate must set an example of high morality and integrity;
 - 5.6. The Magistrate should refrain from any action which might compromise the honour of his profession and the public;
 - 5.7. The magistrate must have an impeccable reputation;
 - 5.8. The magistrate must be consistent and firm in observing legal and ethical standards;
 - 5.9. In his career advancement, a magistrate must not use personal contacts (connections, intercessions) and take actions that undermine his dignity.
6. Rules of conduct derived from the principle of loyalty.
Loyalty - behaviour aimed at establishing and improving the authority and reputation of the institution.

APPLICATION

- 6.1. The magistrate should have a fair and honest attitude towards colleagues and the institution.
 - 6.2. The Magistrate shows respect for the opinions and privacy of his colleagues.
- 7 Rules of conduct derived from the principle of competence and qualification.
The requirement of competence and continuous qualification of magistrates stems from the right of the participants in the process, and of society as a whole, to receive lawful legal acts.

APPLICATION

- 7.1. The magistrate shall perform his/her duties in preference to any other activity;
 - 7.2. The magistrate 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.
8. Rules of conduct arising from the principle of confidentiality.
Confidentiality arises from the need to protect the rights of the parties and their relatives from improper use of information and data.

APPLICATION

- 8.1. The magistrate shall observe absolute discretion and professional secrecy in his or her social intercourse and private life concerning facts or information coming to his or her knowledge in the course of or in connection with the performance of his or her duties and shall require the same of judicial officers;

8.2. The magistrate may not make improper use of information which has come to his knowledge in the performing of his functions;

8.3. The magistrate may discuss questions of principle of law, and in such cases shall keep confidential the particular facts of the files and cases, and shall not disclose information concerning the privacy of citizens or such as is prejudicial to the interests of persons or their reputation;

8.4. The Magistrate shall not be entitled to express a preliminary public opinion on specific files and cases;

8.5. The magistrate shall be free to express his or her personal opinion in the mass media on all matters for which there is no express legal prohibition;

8.6. A magistrate who is a member of a collegial body shall maintain the secrecy of the official conduct.

Section III

SPECIFIC RULES OF ETHICAL CONDUCT FOR ADMINISTRATIVE MANAGERS

9.1. The magistrate in a managerial position shall treat the magistrates and judicial officers under his or her authority with respect and regard for their personal dignity and without assuming or giving the appearance of favouritism;

9.2. The magistrate in a managerial position shall not yield to pressure or inducements of any nature, made in a manner not permitted by law, in cases of appointment, transfer or career advancement of subordinate magistrates. Transparency in its actions in this regard is a guarantee of fairness, objectivity and best selection;

9.3. The magistrate in a managerial position shall take care of the organisation and operation of the office entrusted to him 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. The magistrate in a managerial position shall endeavour to keep himself informed of everything that is happening in the office which he manages in order to be able to make sound management decisions and assume responsibility. He does not tolerate and promptly suppresses acts of snitching and scheming;

9.5. The magistrate in a management position shall ensure that the acts of his colleagues, administrative staff and officials are drawn up in a timely manner and shall take the necessary measures within his powers;

9.6. The magistrate in a managerial position is the main guarantor in affirming the independence of magistrates in decision-making and in respecting the principle of random distribution of files and cases.

Section IV

RULES FOR THE PREVENTION OF CONFLICTS OF INTEREST

10.1. The magistrate shall not be permitted to participate in proceedings where there is a conflict of interest. If such a conflict is suspected, he shall declare the facts and, if necessary, withdraw;

10.2. The magistrate does not participate in any way in party-political activities and does not intervene in political or business circles of influence;

10.3. The magistrate may not hold any other office, perform any activity or exercise any profession outside those provided for in the Judiciary Act;

10.4. The magistrate may not use his or her official conduct to influence a private interest;

10.5. The magistrate shall declare incompatibilities and private interests in the cases and within the time limits provided for in the Judicial Power Act;

10.6. The magistrate shall declare his/her income and property in the manner and within the time limits provided for in the Judiciary Act.

Section V

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 magistrates themselves through their conviction, commitment and voluntary acceptance and application of the ethical rules of conduct.

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 updating and updating the rules it provides for. The Professional Ethics Committee of the Prosecutorial College of the Supreme Judicial Council and the Professional Ethics Committees in the Prosecution System of the Republic of Bulgaria shall exercise direct and immediate control over the implementation of and compliance with the Code of Ethics. 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 VI

FORMATION AND STATUS OF THE COMMITTEES FOR PROFESSIONAL ETHICS IN THE PROSECUTION SYSTEM OF THE REPUBLIC BULGARIA

The formation, organization and activities of the Professional Ethics Committees in the system of the Prosecution of the Republic of Bulgaria shall be governed by Rules adopted by the Prosecutorial College of the SJC.

NOTES:

Magistrates within the meaning of this Code are prosecutors, investigators and members of the Prosecutorial College of the SJC. Other relatives within the meaning of this Code are relatives in the direct line as well as those in the consanguineous line up to IV degree.

§ 1. The Code of Ethical Conduct of Bulgarian Prosecutors and Investigators was adopted pursuant to Article 30, paragraph 5, item 23 of the Law on the Judiciary by Decision under Protocol No. 39 of 25.10.2023 of the Prosecutorial College of the Supreme Judicial Council and approved by Decision under Protocol No. 30 of 30.10.2023 of the Plenum of the Supreme Judicial Council.