

1st Study Commission
October 31st to November 04th 2004
Report for Slovenia

Rules for ethical conduct of judges, their application and observance

1. Are there any ethical rules/rules of conduct for judges/magistrates explicitly expressed in the law?

☐ Yes

If your answer is positive, are these rules made in the shape of

☐ both

Quote some examples:

Judicial Service Act is the title of the act; title III. article 37. 43a. : judges duties and incompatibility of judicial office; judges must at all time act to safeguard the impartiality and independence of judging, the reputation of the judiciary and the independence of the judicial power

2. Are there ethical rules for judges/magistrates outside the law (e.g in a code of ethics, code of conduct etc.)?

☐ Yes

How is this "code" called?

CODE OF JUDICIAL ETHICS

3. Who did elaborate and enact/make the "code"?

The Association of Judges?

4. If you have both a code of ethics and legally fixed ethical rules for judges/magistrates in what way do they complement one another?

They are supplementing each other. The ethical principle in the Code together with the comment represent the interpretation guideline of the general principles presented by the Judicial Service Act.

5. If you don't have any code of ethics, are there plans in your country to introduce one?

B. Contents

6. Does your code of ethics include the following principles/aspects:¹

- | | | |
|---|-----------------------|-----|
| a) Independence | <input type="radio"/> | Yes |
| b) Impartiality in general | <input type="radio"/> | Yes |
| c) Impartiality and conduct of judges in the exercise of their judicial functions | <input type="radio"/> | Yes |
| d) Impartiality and extra-judicial conduct of judges | <input type="radio"/> | Yes |
| e) Impartiality and other professional activities of judges | <input type="radio"/> | Yes |
| f) Impartiality and the media | <input type="radio"/> | Yes |
| g) Party politics and judges | <input type="radio"/> | Yes |
| h) Propriety | <input type="radio"/> | Yes |
| i) Equality | <input type="radio"/> | Yes |
| k) Competence | <input type="radio"/> | Yes |
| l) Diligence | <input type="radio"/> | Yes |
| m) Others: | | |

In case your answer is “yes”, please give some examples.

- The judges shall respect the information considering personal, business and other data they get familiar with from their services.
- The judges makes respectable relationships with co-workers and clients.
- The judge with his personal conduct safeguards reputation of the judiciary.

C. Violation of the Code of Ethics

7. What happens if a judge/magistrate violates a duty explicitly stated in a provision of law?

The disciplinary procedure will occur.

8. What happens if a judge violates a duty stated in the Code of Ethics?

The Court of Honour can exclude the judge from the Association.

9. Is there any influence of the Code of Ethics on a disciplinary procedure?

Yes

The ethical principles in the Code together with the comments makes interpretation method in the disciplinary procedure under the Judicial Service Act.

10. Are violations of the Code of Ethics made public?

☐ Yes

It is published to the members of the Judges Association

D. Judicial Ethics

11. Is judicial ethics an issue among the judiciary? Why? Why not?

Yes.

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Issue is the extra judicial function, payable lecturing for judges, behaviour of the judges in the society. Impartiality, hidden bias, prejudices, personal views of judges and the influence on the decision making.

12. Is judicial ethics an issue in the public? Why? Why not?

Yes.

The general public view is that the judges are trying to enlarge their income by payable lecturing.

E. Analysis

13. Do you consider a code of ethics an useful institution for the judiciary? Why? Why no?

The Council for Judicial Ethics was established, which has an advisory function for judges, who may ask for opinion how to act or how not to act in a certain situation as regards the Code of Ethics. By hearing the opinion of the Council the judges are much more safeguarded against the public allegations that they were engaged in a non compatible activity.

14. Should the IAJ elaborate and adopt a code of ethics which could serve the national associations as a model? Why? Why not?

Such a model could be helpful to countries or association of judges which try to establish such a code, and also to unify the ethical standards for all judges on the international level.

15. If you have a code of ethics, give some practical hints to those who are willing to introduce one (what should they take care of etc.).

We state that the Code contains the declaration that its purpose isn't to barristers for making advantages for their clients during the judicial procedure.

16. Other remarks on the topic:

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**Please send the answers to this questionnaire by E-Mail to the presidency of the First Study Commission and to the Secretariat of the IAJ not later than by 30-06-2004
Mind the timetable sent to you on 02nd February 2004.**