SLOVAKIA

Rules for ethical conduct of judges, their application and observance

(2004)

A. General Aspects

1. Are there any ethical rules/rules of conduct for judges/magistrates explicitly expressed in the law?
   O Yes  O No

   If your answer is positive, are these rules made in the shape of
   O a catalogue O a general wording O both

   Quote some examples:
   Act about judges, article 30: 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.)?
   O Yes  O No

   How is this "code" called?

   PRINCIPLES OF JUDICIAL ETHICS.

3. Who did elaborate and enact/make the "code"?
   Judiciary Council of the Slovak Republic (constitutional body).

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.

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
      Yes
b) Impartiality in general
Yes

c) Impartiality and conduct of judges in the exercise of their judicial functions
Yes

d) Impartiality and extra-judicial conduct of judges
Yes

e) Impartiality and other professional activities of judges
Yes

f) Impartiality and the media
Yes

g) Party politics and judges
Yes

h) Propriety
Yes

i) Equality
Yes

k) Competence
Yes

l) Diligence
Yes

m) Others:

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

In regard of independence and impartiality of performed judicial function a judge is obliged to mainly:

a) implement and defend independence of judiciary and goodwill of judiciary,

b) to refuse any impact, pressure, influence or request the aim of which would threat the independence of judiciary,

c) not to be influenced by interests of political parties, political movements, public opinion or media,

d) to behave impartially and in regard with the parties or participants of the court procedure to avoid economic, social, racial, ethnical, sexual or religious prejudices,
e) to care with his/her behavior that his/her impartiality was not reasonably doubted,
f) to obey the rules of judicial ethics.

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 shall occur.

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

The disciplinary procedure can occur.

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

Yes

Violation of the ethical principles can cause disciplinary procedure.

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

Yes.

D. Judicial Ethics

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

Yes. Issue is the extra judicial function, behavior 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 only trying to enlarge their income.

E. Analysis

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

The Judicial Council of the Slovak Republic after agreement with the minister of justice defines ethical rules for judges. Public has the option to know what is fundamental for performance of judicial function.

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 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.).

It is very important to define clear rules and we do not consider proper that a judge is automatically punished for violation of ethical rules. There should be a body where a judge may require an advice if his/her intended action may and in what way breach ethical principles of judicial function.