

Code of Judicial Ethics

Adopted by the 8th All-Russia Congress of Judges on December 19th, 2012

The judicial protection of human rights and freedoms may only be guaranteed by competent and independent justice, based on the principles of fairness and impartiality. Such justice implies that every judge observes the rules of professional ethics, performs her/his duties honestly and conscientiously, shows due diligence in preserving her/his own honor and dignity, as well as the dignity and authority of the judiciary.

State guarantees of independence, immunity, irremovability of judges, prohibition to interfere with the activities of a judge, the high level of material and social support are not personal privileges of judges, but a measure aimed at securing the aims of justice – the adoption of lawful, well-substantiated and fair judicial decisions.

The judges of the Russian Federation, realizing their responsibility of due administration of justice before the society, based on the provisions of the Constitution of the Russian Federation, the legislation on the judicial system and on the status of judges of the Russian Federation, the universal principles and norms of the international law, developing and specifying them in order to guarantee everyone's right to a fair consideration of a case by a competent, independent and impartial court within a reasonable time, in order to set the standards of conduct of judges as a basis of public trust in the judiciary and in the quality of justice, do hereby adopt the Code of Judicial Ethics.

Chapter 1. General Provisions

Article 1. Subject Matter of Regulation

1. The Code of Judicial Ethics, being an act of the judiciary, sets the rules of conduct in the performance of professional activities in the administration of justice and in extrajudicial activities, that are obligatory for every judge and are based on high moral and ethical requirements, the provisions of legislation of the Russian Federation, the international standards in the sphere of justice and judicial conduct.
2. The duty to observe the Code of Judicial Ethics is determined by the status of a judge, by the sole fact of vesting a certain person with judicial powers – the powers to adopt the final decision in issues concerning the rights, freedoms and duties of persons applying for judicial protection.
3. The judges of the Russian Federation enjoy all the rights, stipulated in the Constitution of the Russian Federation, the federal laws, the universal principles and norms of international law, with regard to the limitations, established for them in the legislation of the Russian Federation.
4. The provisions of the Code of Judicial Ethics, stipulating increased moral and ethical requirements for judges, that are associated with their status, shall not be interpreted as limiting their citizens' rights and freedoms, guaranteed by the Constitution of the Russian Federation.

Article 2. Sphere of Application

1. The provisions of the Code of Judicial Ethics apply to all judges of the Russian Federation, including the retired judges.
2. Rules of professional conduct, stipulated in the Code of Judicial Ethics, also apply to persons drawn to the administration of justice in accordance with federal law, for the period of their engagement in the administration of justice.
3. In cases, when certain issues of judicial ethics are not regulated by the Code of Judicial Ethics, a judge should follow the universal principles of moral and ethical conduct in the society, as well as the international standards in the sphere of justice and judicial conduct.
4. The presidents of courts and judges are obliged to make the contents of the Code of Judicial Ethics known to the assistants of judges, court session secretaries and other members of court staff.
5. If a judge experiences difficulties in determining, whether her/his conduct in a certain situation in the administration of justice or in extrajudicial activities will comply with the requirements of professional ethics and the status of a judge, or if a judge is not certain, how to act in a complicated ethical situation in order to safeguard the independence and impartiality, he/she may address a corresponding clarification request to the Ethics Committee of the Council of Judges of the Russian Federation. The committee cannot refuse to answer the request.

Article 3. Notions Used in the Code of Judicial Ethics

The following notions are used in the Code of Judicial Ethics:

- close relatives: spouse, parents, children, adoptive parents, adopted children, siblings, grandparents, grandchildren;
- spouse of a judge – a person in a registered marriage;
- members of the judge’s family – spouse, parents, children, any other close relative, living together with the judge;
- persons drawn to the administration of justice in the manner, stipulated in law – jurors, commercial court assessors;
- final judicial act – a judicial act finalizing the consideration of a case on its merits in a court of the corresponding judicial instance.

Chapter 2. General Requirements of Judicial Conduct

Article 4. Requirements to Observe the Legislation and the Code of Judicial Ethics

1. When performing the duties of administration of justice, a judge should proceed from the premise that the judicial protection of human and citizen’s rights and freedoms defines the meaning and the matter of activities of judicial bodies.
2. Both in their professional activities and off duty, judges must observe the Constitution of the Russian Federation, the federal constitutional laws, the federal laws, must be governed by the Law of the Russian Federation “On the Status of Judges in the Russian Federation”, the norms of procedural legislation, other normative legal acts, as well as the principles and rules of conduct, stipulated in the Code of Judicial Ethics, the universal norms of morals and ethics, must unflinchingly follow the judicial oath.
3. The observance of the Code of Judicial Ethics must be the judge’s inner conviction, the judge’s rule of life, should promote the public trust in the judicial system, the public’s conviction that justice is administered in a competent, independent, impartial and fair way.

Article 5. Requirements of Priority of Professional Activities

1. A judge should proceed from the premise that the administration of justice is of a higher priority for her/him, than any other activity that the judge may engage in, in accordance with the legislation on the status of judges.
2. A judge has no right to evade from considering the applications, motions and appeals or to otherwise refuse to perform professional duties, except for cases, requiring self-recusal.
3. During the whole term of office, a judge must not engage in any activities which might cast doubt upon the judge’s independence and impartiality and lead to a conflict of interest.
4. Apart from exercising judicial powers, a judge may engage in other remunerated activities, permitted by law, including teaching, scientific and artistic activities, if those activities do not hinder the administration of justice.

Article 6. Requirements Aimed at Securing the Status of a Judge

1. A judge should observe the high standards of morals and ethics, be honest, preserve personal dignity in any situation, value her/his honor and avoid anything that may diminish the authority of the judiciary or harm the reputation of the judge.
2. A judge should enjoy civil rights and fulfill civil obligations in good faith. A judge must not use her/his professional position in order to gain personal advantages in civil law relations. A judge should avoid entering into contracts, giving rise to financial obligations, with persons that are subordinate to the judge, and also with persons that are participants of judicial proceedings in cases that are under the consideration of that judge.
3. A judge must not use her/his status in order to receive any kind of goods, services, commercial or other gains for her-/himself or the judge’s relatives, friends or acquaintances (*e.g.* receipt of a credit, execution of contracts on terms differing from those stipulated for other persons); must not demand or accept allowances, payments and advantages, not stipulated in the legislation of the Russian Federation (*e.g.* gratuitous loans, interest-free loans, services, coverage of expenses for entertainment, holidays and transportation). A judge is obliged to take reasonable measures so that the aforementioned allowances, payments and advantages cannot be accepted by the members of the judge’s family, if that is caused by the actions performed or to be performed by the judge, or by the judge’s failure to act in the performance of professional duties.

A judge should not use her/his status when addressing different state bodies and local self-government bodies on personal issues; receive remuneration for the performance of duties in the administration of justice from sources other than the federal budget or, in cases, stipulated in law, the budget of the corresponding constituent entity of the Russian Federation.

4. A judge should be well-informed of her/his personal property and the sources of its formation, should take reasonable measures in order to obtain information about the property and the material interests of the members of the judge's family.

5. A judge must not commit any actions or give other persons reasons to commit such actions that might suggest the possibility of exerting influence over the performance of duties by the judge and might cast doubt upon the judge's independence and impartiality.

Article 7. Requirements regarding the Acceptance of Special Ranks, Awards, Presents

A judge may receive honorary titles and special ranks, awards and other decorations, including those from foreign states, political parties, non-governmental organizations and other organizations; may receive presents in cases and in the manner, stipulated in legislation.

Chapter 3. Principles and Rules of Professional Conduct of a Judge

Article 8. Independence Principle

1. The independence of the judiciary is a constitutional principle of securing the rule of law in the administration of justice, a prerequisite of impartiality and the main guarantee of a fair trial. It is the duty of a judge to uphold the independence of the judiciary and to follow the independence principle.

2. When considering a case, a judge must be independent from and impartial towards all participants of proceedings. The judge must exercise judicial powers only based on the appraisal of factual and legal circumstances of the case, in accordance with the judge's inner conviction and with respect to the procedural rights of all the persons participating in the case, independent from any outside influence, pressure, threats or other direct or indirect interference with the process of consideration of the case, from whoever it may come and whatever motives and aims it might have.

3. A judge must engage in professional activities in strict accordance with the law, based on inner conviction and not yielding to anybody's pressure. Public discussion of the judge's activities, critical rhetoric regarding the judge must not influence the lawfulness and substantiation of the adopted decision.

A judge should inform the president of the court, the judiciary and the law enforcement about any attempts, direct or indirect, to influence the judge, aimed at affecting the decision to be adopted.

4. A judge should inform the persons participating in a case about any non-procedural addresses, oral or written, that the judge receives in connection with the consideration of the case, and also about the existing circumstances which might put the judge in a situation of a conflict of interest.

Article 9. Objectiveness and Impartiality Principle

1. The objectiveness and impartiality of a judge are the necessary requirements for the due administration of justice. The conduct of a judge during the proceedings and outside of court should promote the public trust and the trust of the participants of proceedings in the objectiveness and impartiality of the judge and of the judicial bodies.

2. When performing professional duties, in order to consider the case objectively, a judge must be free of any preferences, prejudice or bias and should strive to exclude any doubt of impartiality.

3. A judge should abstain, where possible, from performing such actions which may later cause a conflict of interest or serve as other grounds for excluding the judge from judicial proceedings.

4. A judge must refrain from considering a case if there are grounds for the judge's recusal, stipulated in law, or if a conflict of interest may arise, or if a situation may arise, which will cast doubt upon the judge's impartiality, including the following cases:

a) the judge's spouse or a person, who is a close relative of either the judge or the judge's spouse, is a person participating in the case or another participant of the judicial proceedings at hand;

b) the judge or the judge's spouse, or a person, who is a close relative of either the judge or the judge's spouse, is interested in the outcome of the case under consideration, may significantly influence the course of proceedings or works in an organization that is a participant of proceedings, or the court decision may significantly influence their interests;

- c) the judge has information, according to which that judge may become a witness on the merits of the dispute at hand;
 - d) pressure is exerted upon the judge or the members of the judge's family, threats are issued or other outside influence is exerted, casting doubt upon the judge's ability to adopt an objective judicial act in the case. Herewith, the judge may refuse to consider the case in order to ensure her/his personal security and the security of the judge's close ones, if the judge has taken all the safety measures, depending on the judge and aimed at ensuring her/his personal security and the security of the judge's close ones, and the corresponding security measures were not taken by the competent agencies within a reasonable time.
5. A judge must avoid situations, in which the personal relations with the participants of proceedings may raise reasonable suspicion or create the appearance of any preferences or bias. If such a situation arises, the judge should inform the persons participating in the case about it.

Article 10. Equality Principle

1. Guaranteeing equal treatment for all persons participating in the case is a requirement of an objective and impartial administration of justice, of a fair trial.
2. When performing her/his duties, a judge should be guided by the equality principle, should sustain the balance between the parties, ensuring equal opportunities for every party, showing objectiveness and impartiality; should treat all the participants of judicial proceeding equally, independent from their gender, race, nationality, language, origin, social and economic status, place of residence, religious beliefs, views, affiliation with non-commercial organizations and from other circumstances.
3. A judge is entitled to demand from persons participating in the case and from other participants of proceedings to abstain from showing their partiality or prejudice towards any person, except when such conduct is related to the establishment of facts, has legal significance for the subject matter of proceedings and may be legally justified.
4. A judge must behave ethically when communicating with citizens, respect the moral customs and traditions of peoples, act with regard to the cultural sensitivities and other features of different ethnic and social groups and denominations, promote the interethnic and interreligious concord, prevent conflict situations, which may harm the reputation of the judge or the authority of the judicial power.
5. A judge in the performance of judicial duties must not demonstrate her/his religious affiliation.
6. A judge must perform professional duties without any preference and without actual or perceived bias or discrimination, securing the necessary conditions for the parties to perform their procedural obligations and enjoy their rights, ensuring a fair trial within a reasonable time.

Article 11. Competence and Conscientiousness of a Judge

1. Competence and conscientiousness are necessary requirements for the due performance of duties in the administration of justice by the judge.
2. A judge must perform her/his duties conscientiously, on a high professional level, taking all the necessary measures for a timely and qualified consideration of the case, and should assist the parties in reaching reconciliation, a peaceful resolution of the dispute.
3. A judge must take measures, aimed at ensuring everyone's right to a fair trial within a reasonable time; duly organize and conduct court sessions, preventing the appointment of several cases for the same time, preventing numerous and unreasonable postponements of judicial proceedings, including postponement in connection with undue preparation.
4. A judge must sustain her/his qualification on a high level, broaden the professional knowledge, improve the practical experience and personal qualities, necessary for the due performance of duties. In pursuing these aims, the judge must both use the opportunities for individual study and systematically undergo retraining within the state system of further education.
5. A judge should know about the changes in the legislation of the Russian Federation, about the norms of international law, including the international conventions and other documents in the sphere of human rights, systematically study the practice of application of legal norms, including the judicial practice of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation, the European Court of Human Rights.
6. A judge has no right to divulge information, received in the performance of duties. Confidential information, which became known to the judge as a result of her/his official position, cannot be used by the judge or disclosed to anyone for purposes, unrelated to the performance of judicial duties.

7. A judge must uphold the high cultural standards of conduct in proceedings, maintain order in a court session, act with dignity, patience, courtesy towards the participants of proceedings and other persons attending the court session.

A judge must demand that the participants of proceedings and all persons attending the court session, as well as the members of the courts staff, act the same way.

Article 12. Conduct in the Performance of Organizational and Managerial Powers

1. Professional activities of a judge include not only the performance of duties of consideration of cases and adoption of judicial decisions, but also the performance of other tasks and exercise of other powers, including those in the sphere of organization and management, related to the work of the court. Herewith, the performance of judicial functions has priority over other types of activities.

2. In professional activities, a judge, who has organizational and managerial powers over other judges (a president, a deputy president of a court), must not only perform the duties of the administration of justice, but also support a high level of professional qualification in the sphere of judicial administration and promote the other judges and members of court staff in performing their duties more effectively.

3. When exercising organizational and managerial powers, a president (deputy president) of a court has neither the right to act (fail to act) in restriction of the independence of judges, nor to exert pressure upon them, nor to use other administrative methods in order to influence the activities of judges in the administration of justice.

4. As administration of justice is impossible without an efficiently organized work of the court staff, undue organization of work of the court and its staff undermines the public trust in the court and diminishes the authority of the judiciary.

A president (deputy president) of a court is obliged to take all the necessary measures to ensure a timely and effective performance of duties by the judges. This includes organizational, financial, material and social welfare measures.

5. A president of a court must ensure a balanced workload distribution among the judges and court staff.

6. A president of a court must use her/his right to resolve personnel issues conscientiously, avoiding arbitrary appointments, favoritism and nepotism. When exercising organizational and managerial powers, a president of a court must behave in a correct and reserved way towards the judges and other subordinate persons, should tolerate the criticism of her/his actions and avoid retaliation, direct or indirect, for critical attitude to her/his own person.

Both unlawful favoritism (undeserved commendation; arbitrary promotion; performance of other actions, not caused by service needs) and connivance (absence of measures, following neglect or violations, committed in service activities; lack of reaction to unlawful actions) are inadmissible.

7. A judge is entitled to demand from the judge's assistant, a court session secretary and other members of court staff to observe the general principles of service conduct of state civil servants, established in the position instructions, to uphold a high professional level, to observe the due conduct ethics, prohibitions and limitations, and to perform the duties stipulated in the legislation on the state civil service of the Russian Federation.

8. A judge must not assign or instruct members of the court staff to perform actions that would be considered a violation of the Code of Judicial Ethics, were they to be performed directly by the judge.

Article 13. Cooperation with the Mass Media

1. The effectiveness of judicial activities depends on the public trust, on the due understanding by the society of the legal motives of decisions, adopted by the court.

In order to inform the society about the work of the court in an objective, trustworthy and timely way, a judge should cooperate with representatives of the mass media.

2. A judge should promote the professional representation of work of the court and judges in the mass media, as this not only helps form the legal awareness of citizens and strengthen the authority of justice, but also helps the mass media in performing their important public function of informing the citizens of all socially significant events.

3. When judicial activity is represented in the mass media, a judge should act with discretion, must not comment on the merits of a case, in which a final judicial act has not yet been passed. However, this does not deprive the judge of the right to provide information about the procedural stages of

consideration of the case. In an already considered case, a judge is entitled to give oral or written clarifications on an adopted judicial act.

4. A judge should act in a reserved and correct way when commenting on decisions of fellow judges. A judge may clarify or comment decisions adopted by that judge, voice her/his opinion on the established practice of application of material and/or procedural law norms.

Within the judicial community, a judge may voice disagreement with the conduct of fellow judges in order to rectify defects in the administration of justice, prevent and eradicate the violations of constitutional and international law principles of publicity of judicial proceedings.

5. If the activity of a judge is represented in the mass media in such a way that a disrupted image of the work of courts and judges appears, every judge should choose the form of reaction to such reports on her/his own, based on the legal means that judge has as a citizen. Personal application of a judge for honor and dignity protection to the law enforcement or personal application to the mass media for a public answer to criticism only seems appropriate when all other methods of reaction are exhausted or when it seems impossible to resort to them.

6. When answering public criticism, a judge should act in a reserved and discrete way. In cases, when the authority and impartiality of justice may be harmed as a result of unfounded criticism of actions of a judge in the mass media, the preferred form of answer to the criticism is a publication in the mass media of a commentary of the press service of the court and/or of a body of the Judicial Department at the Supreme Court of the Russian Federation, and of a body of the judiciary.

Chapter 4. Conduct of Judges in Extrajudicial Activities: Rules and Principles

Article 14. Principles of Extrajudicial Activities

1. In extrajudicial activities and extrajudicial relations, a judge must avoid anything that may diminish the authority of the judicial power, cast doubt upon its impartiality and fairness.

2. A judge may engage in different types of extrajudicial activities, including scientific, teaching, artistic, public, charity and other types of activities, and may participate in different public events, if this is not inconsistent with the legislation on the status of judges in the Russian Federation and does not harm the interests of justice.

3. A judge should not engage in those types of extrajudicial activities and participate in those public events, that hinder the judge from performing professional duties, negatively influence the independence and impartiality of the judge, lead to frequent applications for recusal or self-recusals of the judge or exceed the limits, established in the legislation on the status of judges in the Russian Federation.

Article 15. Participation in Activities Related to the Development of Law and Legislation

1. A judge may participate in events, directed at the development of law and the improvement of legislation, of the judicial system and justice.

2. A judge may give public speeches and lectures, participate in public hearings, scientific forums and conferences, write articles and books, engage in scientific and teaching activities, including remunerated ones, and may engage in other types of activities in the sphere of law, legislation, justice, if this is not inconsistent with the legislation on the status of judges.

3. A judge may freely express her/his mind and participate in public discussions, including those regarding the effectiveness of judicial activities, may clarify the legal motives of judicial decisions, adopted by that judge or her/his colleagues. Herewith, when making statements (commentaries), the judge should act with reserve and discretion, be impartial towards other persons participating in the case and preserve loyalty to the judiciary.

Article 16. Limitations Related to Legal Practice

1. A judge has no right to practice law, as an attorney or otherwise, to perform legal services while holding the judicial office. Herewith, a judge may represent her-/himself, as well as other persons (in cases of legal representation^[1]), may offer legal advice and render other legal assistance to the member of the judge's family.

2. Limitations, established in Item 1 of this Article, apply to retired judges, unless otherwise stipulated in federal law.

Article 17. Participation in Public Activities

1. A judge may participate in public activities if it does not harm the authority of the court and does not hinder the due performance of the judge's professional duties.
2. A judge may be a member of non-commercial public organizations, including professional, charity, educational and other similar organizations, if the limitations, stipulated in Items 3, 4 and 5 of this Article, are observed.
3. A judge must not offer legal advice to the organizations, referred to in Item 2 of this Article, render them legal assistance on issues which may become subject matter of court proceedings.
4. In order to prevent a possible conflict of interest, a judge, who is a member of a non-commercial public organization, should follow the requirements of not acting as an agent or representative in the interests of private or legal persons.
5. A judge must neither act in fundraising for a public organization, nor call upon other members of the organization to participate in the fundraising, if such appeals may be regarded as coercion or, in their nature, be an additional measure for the increase of funds. A judge must not use or allow others to use her/his official authority for the abovementioned purposes.

Article 18. Interaction with Public Authorities and Local Government Bodies

1. A judge may interact with legislative and executive bodies, local government bodies regarding the issues of law, legislation, the judicial system, the judicial practice inasmuch as this is perceived as a statement of the judge's own position, based on personal experience and knowledge in the field, in which the judge is specializing. The judge must avoid anything that may cast doubt upon the judge's independence, impartiality, or may make the judge vulnerable to influence of the officials of the said bodies.
2. A judge must abstain from making public statements, assertions or appraisals regarding the activities of state bodies and local government bodies, as well as the activities of the heads of those bodies.
3. A judge may participate in the activities of committees and commissions, formed by state bodies and local self-government bodies, unless their activity is unrelated to the improvement of legislation, the legal and judicial systems, or the participation in their activity will hinder the judge in due performance of professional judicial duties or will undermine the public trust in the authority of the judiciary, cast doubt upon the independence and impartiality of the judge.
4. A judge may represent the Russian Federation, a constituent entity of the Russian Federation at ceremonial meetings or in connection with historical, educational or cultural events.

Article 19. Limitations Related to Entrepreneurial Activities

1. A judge may not engage in entrepreneurial activities, in person or through vicarious agents; this includes participation in the management of economic entities, independent of their organizational and legal forms.
2. A judge may invest funds and dispose of the judge's property, including real property, and may derive profits from other sources, *e.g.* from rental activity, unless such activities presuppose the use of judicial status.
3. A judge should avoid activities related with frequent deals, long-term business relations with persons, who are parties or representatives in cases under the consideration of the court, in which the judge holds office.
4. A judge may act as a testamentary executor or other vicarious agent only regarding the property and person of a member of the judge's family. When acting as a vicarious agent, the judge should act within the framework of limitations, stipulated for judges acting in their own name.

Article 20. Remuneration for Extrajudicial Activities

A judge may receive remuneration and coverage of expenses for performing extrajudicial activities, when this is not inconsistent with the legislation on the status of judges in the Russian Federation, and if the source of the remuneration does not create the appearance of influence on the execution of the judge's professional duties, and the volume of the judge's remuneration is comparable to the volume of remuneration received by other persons for similar activities and does not exceed reasonable limits, in particular the volume of monetary remuneration, received by the judge for performing the judge's professional activities.

Article 21. Limitations Related to Political Activities

1. A judge must not participate in political activities.
2. A judge must neither be a member, nor head of any kind of a political organization, nor occupy any position within such an organization. A judge must neither support political organizations, nor a candidate for an elective position; nor publicly support or oppose a candidate for an elective position; nor participate in fundraising, make contributions or render financial assistance to a political organization or a candidate; nor visit events, sponsored by a political organization or candidate; nor publicly state her/his political views, participate in marches and demonstrations of political nature or in other political actions.

Article 22. Freedom of Opinion

1. Every judge has a right to freely state her/his opinion. This right includes the freedom to adhere to her/his opinion, receive and spread information and ideas without any intervention of the public authorities and independent of state boundaries.
2. A judge should exercise her/his right to freedom of opinion in a way that is compatible with the limitations related to the judge's status. Herewith, the judge should act with reserve in all cases, when doubts may arise regarding the authority of the court and the impartiality of justice. A judge should abstain from making public statements or remarks that may harm the interests of justice, the judge's independence and impartiality.

Article 23. Participation in Professional Organizations

1. A judge is free to create associations of judges or other professional associations and has a right to enter such associations in order to protect her/his rights and the interests of justice, to improve the status of judges, professional education and to preserve judicial independence.
2. Professional organizations of judges, participation in which is voluntary, must promote the protection of rights, granted to judges in accordance with their status, before the public authorities, participating in the adoption of decisions regarding the judicial system and the status of judges.
3. The opinion of judges on issues of alteration of their status, of their remuneration and social protection must be heard at sessions of bodies of the judiciary.

Chapter 5. Final Provisions

Article 24. Entry of the Code of Judicial Ethics into Force

1. The Code of Judicial Ethics enters into force from the day of its adoption by the 8th All-Russia Congress of Judges.
2. From the day of entry of this Code into force, the Code of Judicial Ethics, adopted on December 2nd, 2004, by the 6th All-Russia Congress of Judges, is repealed.

[1] Translator's Note: In this context, legal representation (Russian: *законное представительство*) means representation of rights and lawful interests of a person, who is legally incapable, legally impaired or legally capable, but unable to represent her-/himself in person due to health conditions. Normally, a legal representative is a parent, a foster parent or a legal guardian.