

**SKOPJE, 2020**

Handbook

ON IMPLEMENTATION OF THE CODE OF ETHICS FOR JUDGES AND lay judges.

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Part 1: Introductory remarks

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| **I. GENERAL REMARKS REGARDING THE JUDICIAL ETHICS** |

## **1. JUDICIARY, INDEPENDENCE AND INTEGRITY**

The judicial system is undoubtedly a key factor in the overall legal system. Namely, it would be impossible to achieve the ideal of justice, that is to say, it is impossible to have existence of rule of law in a given state if the judicial system does not operate on the principles of integrity, independence, impartiality, expertise and liability.Courts play a key role in promoting human rights and freedoms, equality and legal certainty. However, judicial ethics is interpreted as ensuring independence, impartiality and the integrity of courts and judges, and these have always been recognized as essential values ​​in any democratic society, as it isexpectedfrom the judiciary to have them in reality.Ethics establish and ensure the principles of professional conduct of judges.This also increases confidence in the legal system, which is even more important in view of the increased globalization of disputes and the wider circulation of judgments. In a state that is governed by the rule of law, the public has the right to expect general principles of conduct to be established and the very principles should be compatible with the fair trial concept and the guarantee of fundamental rights.The ethical rules for judges and lay judges are established in order to guarantee their impartiality and effectiveness of their actions."The creation of ethical rules and standards of justice has been recognized as one of the measures to combat corruption by implementing Article 11 of the United Nations Convention against Corruption and to increase the efficiency of courts and reduce corruption initiatives and opportunities in the judiciary.

**“Thepromotionofthejudicialsystemanditsfunctioningrepresents a keypreconditionfortheEuro-AtlanticintegrationoftheRepublicof NorthMacedoniaaswellasforitsdevelopmentas a democraticstate, governedbytheruleoflaw, whereit’scitizensareequalintheenjoymentoftheirfreedomsandrightsin a multiculturalsociety.”**

**Excerpt from the introduction of the Judicial Sector Reform Strategy (2017-2022)[[1]](#footnote-2)**

Bearers of judicial authority in the Republic of North Macedonia are the courts – 26 basic courts, 4 courts of appeal, the Administrative Court, the Higher Administrative Court and the Supreme Court.

The judiciary is autonomous and independent, in other words it is separate from the legislative and executive branches.In fact, the separation of powers has been stipulated from the very beginning of the Constitution[[2]](#footnote-3)as one of its fundamental values referred to ​​in Article 8, paragraph 1, indent 4. In addition, in the country, the very legal framework has been constructed in such a way that the independence of the judiciary is raised to a level of being a basic judicial system principle.Courts render justice and base their decisions on the Constitution, laws and international treaties that are ratified in accordance with the Constitution.[[3]](#footnote-4)Furthermore, numerous provisions referred to in the Law on Courts, the Law on the Judicial Council[[4]](#footnote-5) and other relevant regulations contain guarantees for the independence and integrity of courts. It is of particular importance that the control over the operation of courts, the election and dismissal of judges and the disciplinary liability of judges are the responsibility of the Judicial Council, which is an autonomous and independent judicial organ composed of 15 members, the majority of whom are judges.

**2. PRINCIPLES ON THE FUNCTIONING OF THE JUDICIARY AS REFERRED TO IN THE LAW OF COURTS**

The Law on Courts represents a systemic regulation that regulates the judicial system in the Republic of North Macedonia.The goals and functions of the judicial power are prescribed in the very beginning of the law (Article 3).

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| **The goals and functions of the judicial power shall include:**   * **impartial application of law, regardless of the position and capacity of the parties;** * **protection, respect and promotion of human rights and fundamental freedoms;** * **provision of equity, equality, non-discrimination on any grounds, and** * **provision of legal certainty based on the rule of law.** |

Hence, it is evident that the essence of the judiciary is the human rights and freedoms, in other words the equality and (ultimately) the justice.The very Law on Courts is constructed in such a way that the court represents a public service of justice.[[5]](#footnote-6)Namely, the court:

* is an independent arbitrator between the government and the individual;
* applies the law and renders just verdicts free from the influence of politics, which are embodied through a continuing pressure that political parties exercise on the legislative and executive branches of government.[[6]](#footnote-7)

In order to achieve these goals and functions of the judiciary, the Law on Courts (Article 10) underlines the principles on whose basis courts operate or the procedure is applied in the very courts.

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| **Court proceedings shall be regulated by law and shall be based on the following principles:**   * **legality and legitimacy;** * **equality of parties;** * **trial within a reasonable period of time;** * **fairness;** * **publicity and transparency;** * **contradiction;** * **two instance procedure;** * **sitting in a panel;** * **oral hearings;** * **directness;** * **right to defence, that is, representation;** * **free evaluation of evidence, and** * **economy** |

Therefore, every judge should be aware of his role in society. The goals and functions that are prescribed in the Law on Courts, namely the principles of the judiciary, should represent a basic guiding idea in the decision-making in each individual case, as well as a basis for undertaking independent and impartial action, free from any external pressure or influence.

**3. ETHICAL DILEMMAS AND CHALLENGES**

However, even despite all guarantees of judicial independence and impartiality, that is, regardless of all legal provisions that are aimed at protecting judicial integrity, members of the judiciary in general - hence the judges - face life-long situations in which certain ethical dilemmas and challenges arise. In this direction we can show numerous (hypothetical) examples:

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| **Example 1:**  **A judge should be deciding on a case in which his daughter has taken part as a professional associate of the public prosecutor's office. One might pose the question whether the judge in this case should recuse himself?**  **Example 2:**  **A judge acting on litigation proceedings is called to celebrate the birthday of an attorney representing a party to the same dispute.Photos of the celebration are posted on social media (Facebook, Instagram and similar).The photos, among others, include the judge and the attorney.Will the opposing party in the dispute be able to rely on the independence and impartiality of the judge?**  **Example 3:**  **The judge owns business premises that he lease to a commercial bank in the state. The very bank shall appear as a party to the proceedings. How should the judge act and should he recuse himself from the dispute?**  **Example 4:**  **After having repaired his vehicle, the car service does not charge the judge for the repair service. While doing that, the owner of the car service is aware that his client exercises a judicial office. Is it acceptable to receive such a service free of charge?** |

Although the above 4 examples are hypothetical, a number of identical or similar situations may arise in practice.In doing so, not only judges but also lay judges and other persons working in courts, who may influence the case directly or indirectly, may appear in them.

Part 2: Code of Ethics for Judges and Lay judges

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| **I. ADDOPTION OF THE CODE AND ITS GOAL** |

## **1.CODE ADOPTION**

Before coming into force of the 2019 Law on Amending the Law on Courts[[7]](#footnote-8), the Code of Ethics for Judges and Lay Judges (hereinafter: Code) was adopted by the Association of Judges (hereinafter:Association). So, in the past, a code was adopted in 2014 and amended in 2016.

According to the latest amendments to the Law on Courts, the Supreme Court adopts the Code at a general session, upon a proposal made by the Association of Judges. The Supreme Court adopted the Code at a general session in September 2019.

The adopted Code represents a significant step towards fulfilment of the goals and functions of the judiciary, i.e. a mechanism for re-operationalization of the legal provisions that are related to the principles of work of the courts.

## **2. CODE GOALS**

The primary purpose of this, as well as of any code in general, is to affirm moral and ethical values, that is, to send a specific message to every judge and lay judge in terms of their daily conduct. The Code turns international standards and legal provisions into simple rules of conduct.The second goal of the Code, however, is to provoke self-reflection in those persons that are concerned (i.e., judges / lay judges), in other words to motivate them to assess their own attitudes and conducts.The Code also offers the opportunity to resolve moral and ethical dilemmas and issues by contacting the Judicial Ethics Advisory Body.Consequently, the Code is a powerful tool in direction of affirming the integrity of the judiciary, i.e. the integrity of every judge and lay judge.

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| **II.CODE CONDUCT** |

## **1. PREAMBLE**

The Preamble to the Code reflects the idea of its creation.There is no doubt that as a document the Code should contribute to the respect for the fundamental human rights and freedoms. Namely, the Universal Declaration of Human Rights is given in the very beginning of the Code, i.e. the basic human right that everyone should be publicly heard by an independent and impartial tribunal when determining the rights and obligations in relation to any indictment.In addition, the Code is based on the International Covenant on Civil and Political Rights, the European Charter on the Status of Judges, the Opinion no. 3 of the Consultative Council of European Judges (CCEJ) and the Recommendation no. (94) 12 of the Committee of Ministers of the Council of Europe on Judges - Independence, Efficiency and Responsibilities of Judges, as well as the recommendations from the Second GRECO Report adopted at the 80th plenary session in 2018.

This Code recognizes the direct correlation between the respect for human rights and freedoms and the independent, legal and impartial treatment exercisedby courts.Furthermore, the Preamble mentions the public confidence in the judicial system as a key challenge to the development of a democratic society. In other words, the Code itself is created on the basis of the latest theoretical considerations and strategic determinations of the state.

**“Havinginmindthattheimportanceofanindependent, impartialandlegallyestablishedcourtisespeciallyhighlightedinrelationtotheprotectionofhumanrights […]”**

The Code Preamble further reads that "The Code provides guidance to judges and lay judges and provides a structure for regulating the conduct that is manifested by a high level of responsibility and ethics, as it is expectedfromjudicial officers".In other words, it is clear from the very Preamble that the Code is a document that should serve as a guide for judges and lay judges in their daily work and conduct. The rule of law represents *spiritusmovens* of every sound judicial system, and every judge and lay judge has his own contribution to achieving that fundamental value from the Constitution.

**Excerpt from the Code Preamble**

## **2. PRINCIPLES AND CODE IMPLEMENTATION**

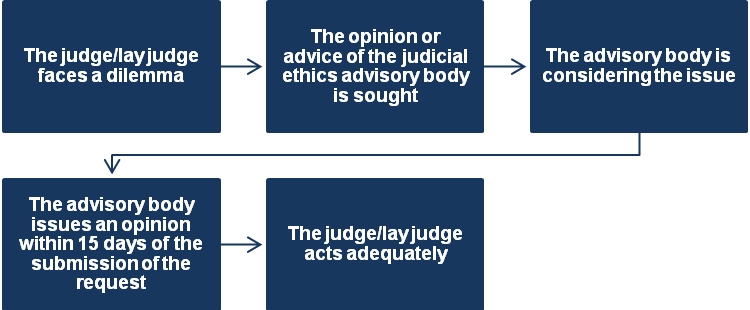
Immediately after the Preamble, the Code sets out the principles establishing standards for ethical conduct of judges and lay judges. As established, such principles provide guidance to judges and lay judges by creating a framework for regulating their conduct. The Code contains the following principles:

* Independence
* Impartiality,
* Integrity,
* Decency,
* Equality,
* Expertise and conscientiousness.

These principles will be elaborated more in detail hereinafter. In this context, in terms of implementation, the very Code stipulates that any breach of the Code principles will be considered as a violation of the Code.However, given the multifaceted and unpredictable nature of life situations, in other words the fact that it is quite expected in practice to come across situations in which a judge/ lay judge cannot assess whether certain conduct is contrary to the Code or not, the Code provisions envisage establishment of a Judicial Ethics Advisory Body.

### **2.1. Judicial Ethics Advisory Body**

The Judicial Ethics Advisory Bodyis established within the Association. As the name suggests, this body is an advisory one.Namely, upon a request made by a judge, lay judge, court president, court session or the very Association, the advisory body expresses advisory opinions and advice on one or more issues related to the ethical conduct of judges / lay judges.The opinion of the advisory body is of a preventive and advisory nature, indicating to the judge whether his conduct iscontrary to the principles of the Judicial Code.The decisions of the ethics advisory body cannot be used as a basis for initiating disciplinary proceedings.In other words, if the Judicial Ethics Advisory Bodyunderlines that a particular judge / lay judge has violated the Code, it does not mean in itself that he is to be sanctioned.The Code envisages a period of 15 days from the date of receipt of the request within which the Judicial Ethics Advisory Bodyis supposed to respond to it, on the basis of specific facts and circumstances.



The Judicial Ethics Advisory Body, put differently, does not exist for the purpose of repressing judges and lay judges facing dilemmas with respect to the implementation of the Code, but it serves as an advisory body – a place, where they can resolve their dilemmas.

The Judicial Ethics Advisory Bodyis composed of a President and 6 members, comprising: one judge of the Supreme Court of the Republic of North Macedonia, one judge of the High Administrative Court or Administrative Court, one judge from each appellate area, all enjoying the confidence of judges on the basis of their personal integrity and dignity in the exercise of their judicial office, and one member from among lay-judges.The president of the advisory body is elected from among the members.

#### 2.1.1. Publication of advisory opinions of the Judicial Ethics Advisory Body

The obligation to publish the advisory opinions of the Judicial Ethics Advisory Bodyis of especial importance for implementation of the Code as well as for having the judiciary achieve highest standards. Thus, the Code envisages that all opinions should be published on the web site of the Association and the web site of the Supreme Court of the Republic of North Macedonia.

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| **Obligation to publish advisory opinions on the web pages of the Association and the Supreme Court of the Republic of North Macedonia:**  **“The advisory body publishes its advisory opinions on the website of the Association of Judges and the Supreme Court of the Republic of North Macedonia, as well as the facts and circumstances on which they are based, by appropriately anonymizing persons, places and other data which could lead to identification.The advisory body sessions are confidential.**  **The published redacted (anonymous) opinions of the advisory body are available to all judges in order to provide guidance to other judges facing similar issues.**  **[…] legal opinions and advice on certain issues related to the exercise of judicial office, the prevention of conflicts of interest of judges / lay judges, the manner of how one has at his own disposal protocol gifts obtained during official visits, receptions and celebrations, and the prohibition that isimposed on giving / receiving gifts to/by a judge and a lay judge shall be delivered in person, electronically or by mail to the applicant who has filed a request for obtaining advice.“** |

This obligation is especially important due to the fact that it allows for a broader dissemination of opinions of the Judicial Ethics Advisory Body, thus leading to an easier establishment of practices in interpreting the Code and the standards concerning its application. Namely, any judge / lay judge, who is in a dilemma vis-à-vis the Code, will be able to visit the websites of the Association and the Supreme Court to see how it has been acted on similar cases, in other words what kind of opinions have been provided.

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| **As to the opinions of the Judicial Ethics Advisory Body, they are brief, concise and have a preventive and advisory nature. They indicate whether some judicial conduct is in breach of the provisions of the Code of Ethics.**  **Example 5:**  **Question posed to the Judicial Ethics Advisory Body:**  **Does the judge act in an unprofessional way by demonstrating lack of calm, kindness, courtesy to the parties in the case?**  **Opinion:**  **Every judge must apply justice in accordance with the standards of judicial ethics set out in the Code of Ethics for Judges and Lay Judges.Any other act that is contrary to the very standards of judicial ethics represents a breach of the Code provisions.**  **Example 6:**  **Question posed to the Judicial Ethics Advisory Body:**  **Are the provisions of the Code of Ethics for Judges and Lay Judges breached if in his conduct and work the judge places religious symbols and objects in the courtroom?**  **Opinion:**  **In accordance with the principle of independence of the judge, the judge is obliged to avoid every situation inside and outside the courtroom that might lead the parties to doubt his impartiality.Apart from the state coat of arms and flag, any other symbols placed in the courtroom might cause the parties to have a feeling that the judge is not being impartial towards them.**  **Example 7:**  **Question posed to the Judicial Ethics Advisory Body:**  **Can a judge / lay judge participate in a reality program and can he post photos on social networks (Facebook, Instagram and similar)**  **Opinion:**  **The Code of Ethics must be respected by every judge and lay judge as they are subject to a constant public scrutiny. By exercising their judicial office, judges voluntarily accept that personal limitations are imposed on them by the judicial office; in accordance with the principle of decency –the judge is obliged to improve the reputation and dignity of the court through his actions.Any participation in reality shows is contrary to the provisions of the Code of Ethics.In terms of posting photos on social networks, this is in line with the Code of Ethics for as long as the photos are not political in nature, explicit or referring to a particular case.** |

However, it is important to point out that the publication of opinions of the Judicial Ethics Advisory Body is not enough by itself.Namely, in addition to publishing opinions, it is necessary to develop a tool (software) that will allow for an easy search of published posts. In other words, judges/ lay judges and all other persons who are interested in the opinions of the Judicial Ethics Advisory Body should be able to find the desired opinion in an easy and straightforward manner. So, the websites of the Association and the Supreme Court should make it possible for visitors to:

* search for opinions by typing a keyword or phrase;
* search for opinions according to the time (date) of their adoption;
* search according to a principle the Code refers to.

In addition, opinions should be published according to the standards for openness - in an open and readable format, enabling visitors to do searches in the very document. It goes without saying that just a scanned form of the post is not enough, i.e. the post should be in another format (.docx, etc.) that will be easy to use (user-friendly).

If this obligation is properly fulfilled, every judge and every other person will be able to easily answer their own dilemma by only reading the practice of the advisory body.In addition, the very Judicial Ethics Council will be relieved of unnecessary burden by being able to refer (in cases with identical or similar factual situation) interested parties to opinions that have already been given to judges / lay judges and other parties.

### **2.2. Disciplinary liability**

Any gross violation of the Code provisions may also be sanctionable in accordance with the Articles of the Law on Courts referring to disciplinary liability of judges.So, Article 74, paragraph 1 envisages that any judge who has committed a serious disciplinary violation shall be dismissed from the judicial office. More serious disciplinary violations are as follows:(1) a more serious violation of the public order and other more serious forms of inappropriate conduct that demean the image of the court and the reputation of the judge; (2) any serious influence and interference with the performance of the judicial office of another judge; (3) refusal to submit a statement of assets and interests in accordance with the law or submission of a statement containing false data; (4) obvious violation of the recusationrules in cases in which the judge has known or should have known of existence of some grounds for recusation. Numerous violations of the Code provisions envisaging judicial ethics principles may be processed in accordance with these provisions.

In addition, violations of the Code may also be subject to the provisions of Article 76 envisaging what constitutes unprofessional and reckless exercise of judicial office.

Ultimately, judges who act contrary to the Code provisions may also be subject to a disciplinary measure such as a written warning, public reprimand or a salary decrease in the amount of 15% to 30% from the monthly salary of a judge for a period of one to six months.In regard to this, such measures can be pronounced for (1) a minor violation of the public order or another lighter form of misconduct demeaningthe image of the court and the reputation of the judge; (2) taking advantage of the judicial office for private interests; (3) failing to perform mentoring duties; (4) violation of the rules for absence from work; (5) failing to attend compulsory training; (6) failing to wear a judicial toga during trials.

### **2.3. Independence principle**

The principle of independence is undoubtedly an essential one in terms of the work of courts. In other words, although the significance of each individual principle cannot be quantified and measured, it is evident that only if there is judicial independence one can discuss about application of the other remaining principles.

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| **The independence principle in the Code:**  **“The independence of the judiciary is a precondition for the rule of law and is a basic guarantee of a fair trial. Therefore, every judge and lay judge should support and exemplify the judicial independence, both in terms of individual and institutional aspects."“** |

The principle of independence is taken from the Law on Courts.In the Law we can locate several provisions referring to the judicial independence.Article 1, paragraph 2 of the Law on Courts envisages that courts shall be autonomous and independent state organs. Furthermore, Article 6, paragraph 2 directly transposes the guarantee from the Universal Declaration of Human Rights and it establishes that ”[…]everyone shall be entitled to fair and public trial before an independent and impartial court established by law within a reasonable period of time.”Article 11 envisages a prohibition on every form of influence on the independence, impartiality and autonomy of the judge […].

The very Code is an emanation of the principle of independence in the sense that Article 51 of the Law on Courts envisages free formation of associations of judges being aimed at promoting their independence.Precisely therefore the Association plays an essential role in the implementation of the Code. In the text above we have already discussed the Judicial Ethics Advisory Body that is formed within the Association and which represents an advisory service to judges, in other words a place where they can seek guidance in resolving their own moral and ethical dilemmas.

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| **“1.1 The judge / lay judge performs the judicial function independently, on the basis of a personal assessment of facts and in accordance with a conscientious understanding and application of the law, free from any outside influence, prejudices, pressures, threats or interference, irrespective of whether they are direct or indirect and regardless of their origin and reason therefore.**  **1.2 The judge / lay judge is independent in his relation with society and in his relation with particular parties in a particular dispute on which he is supposed to render justice.**  **1.3. The judge / lay judge shall not be under the influence of the executive and legislative branch and he shall at all times defend the independence of the court against political pressure and influence.**  **1.4 The judge/lay judge shall encourage and support the safeguard mechanisms when exercising judicial duties in order to maintain and improve the institutional and operational independence of the judiciary.**  **1.5 In the exercise of his judicial office, the judge/lay judge practices high standards of conduct, thereby strengthening the public confidence in the judiciary, being a base of judicial independence and the rule of law.“** |

According to how the items concerning the application of the independence principle are formulated in the Code we can reach a conclusion that the very Code is broad and a comprehensive one.Namely, the independence of the judiciary, that is, the independence of judges and lay judges is understood as them being free to exercise the judicial office without any outside influence, prejudices, pressure, threat or interference by any party and for whatever reason that might be. The judge and the lay judge have to be independent from all the parties that participate in a particular dispute and, what is even more important, they must not be influenced by the executive and legislative branches.

What is of exceptional importance is the fact that the judge/lay judge is under obligation, according to item 1.4, to much more than to a simple respect for the independence.Thus, they not onlyshould be independent but they should also encourage and support the safeguard mechanisms in the performance of their judicial duties.In this respect, the question arises as to the practical significance of this segment of the principle of independence? The fact that the judgenot only should be independent but also support the safeguard mechanisms in the performance of his judicial duties can result into numerous implications.

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| **Example 5:**  **A judge asks court officials to provide him with records on a case in which he does not act, i.e. where he is not part of the council.**  **Implication from item 1.4. of the Code :**  **In this case the judge will bring the independence principle into question.His interest in a case on which he does not act raises serious doubts as to whether he will be further attempting to influence the decision of the trying judges.** |

Judges may find themselves in a number of other situations involving individuals, companies, political parties and the like, who/which can seriously influence the proceedings and/or have excellent financial related opportunities.

In addition, supporting the mechanisms that protect the independence of judges and lay judges means that none of them should interfere with the work of others.

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| **Example 6: A judge, against whom a criminal investigation is being conducted, publicly and in front of the media is commenting against the prosecutor’s office and the police.**  **Implication from item 1.4. of the Code :**  **In doing so, the judge fails to respect the mechanisms for protection of the independence of the judiciary and directly violates the Code. Namely, in such a situation the judge negatively affects the public perception of both organs: the public prosecutor’s office and the court.In such a case, the judge should refrain from any public comment until the proceedings against him have been completed.** |

According to item 1.5., the judge/lay judge practices high standards of conduct.The Code correctly reads that it affects public confidence in the court. This means that the judge not onlyshould be independent but also he should set an example of conduct in society.This provision is closely linked to the principle of decency. Only one example will be given on this occasion.

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| **Example 7:**  **A judge is loudly commenting with his colleagues on the quality of work of another judge/ public prosecutor / attorney and this happens during the break in a courtroom where the parties have access as well.**  **Implication from item 1.5. of the Code :**  **By doing so, the judge conducts himself inappropriately and such conductadversely affects the public perception of the judiciary in general and hence the independence.**  **Example 8:**  **The judge is facing a situation in which he is about to pass a verdict that is a proper one according to the legal provisions, but is not popular according to the public opinion.**  **Implication from item 1.2. of the Code**  **The judge performs his duties independently of social relations.Public opinion must not be a criterion for the outcome of proceedings.An important element in the decision-making of the judge is whether the law allows for such a penalty to be imposed?The public opinion does not replace the constitutional duty of the court to try on the basis of the Constitution, the laws and the international agreements without any fear and predisposition.** |

The independence of the judiciary inevitably appears as a basic precondition for fulfilment of its role as a public service of justice. Not surprisingly, the independence is the first Code principle, especially given the fact that even the international standards adhere to this principle as well (for example, the Recommendation No. (94) 12 of the Committee of Ministers of the Council of Europe on the Independence, Efficiency and Role of Judges dedicates its first 25 items to the independence).

### **2.4. Impartiality principle**

Impartiality, as a principle, is closely linked to the independence, in fact they are so closely linked that they often resemble each other.It is incumbent on the judge to exercise his judicial function impartially, both in the process of making decisions and when conducting proceedings.Furthermore, when this principle is applied it indicates that the judge impartially exercises his judicial function without any prejudice. In relation to the conduct of the judge, both outside and inside the court, it contributes to maintaining or increasing the public confidence in the legal profession as well as to increasing the confidence of the parties in the impartiality of the judge and the judiciary.

 Perhaps the best explanation of the connection between these two principles is the following: a judge who is not independent cannot be impartial, but, on the other hand, a judge can be partial despite the fact that he is independent.

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| **The impartiality principle in the Code:**  **“Impartiality is essential for a proper exercise of the judicial office.It is incumbent on the judge to exercise his judicial function impartially, both in the process of making decisions and when conducting proceedings.“** |

Thus, impartiality is the second morally ethical but also a professional principle that is dealt with in the Code. Judges are ex-officio obliged to be careful and make sure not to eventually become biased when deciding on a particular case.Impartiality has a strong effect on the general public increasing their confidence in the judiciary; if every judge is careful not to prejudiceor favour a particular party, then public confidence will be on the court's side.

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| **“2.1 The judge/lay judge shall perform the judicial function without bias and prejudice.**  **2.2 With his conduct, both outside and inside the court, the judge/lay judge contributes to maintaining or increasing the public confidence in the legal profession as well as to increasing the confidence of the parties in the impartiality of the judge and the judiciary.**  **2.3 The judge/lay judge pays attention and asks for his recusation in cases in which he is not able to impartially decide on a particular case, in other words he cares not to make the impression that he is not in state to impartially render justice.**  **2.4. Any judge/lay judge, who is not able to reach a decision in unbiased manner, shall recuse himself from participating in the proceedings. Such proceedings include, but are not limited to cases where:**  **2.4.1. The judge/lay judge shows a substantial bias or prejudice towards some of the parties or has a personal knowledge of the disputed evidential facts that are of interest to the proceedings;**  **2.4.2. If the judge / lay judge is a party in the proceedings or has participated as a pre-trial judge, attorney, co-owner,regress obligor or has been a material witness in the disputed issue;**  **2.4.3 The judge/lay judge is always obliged to recognize the cases that are determined by the law and case law and then to request his recusation from a case that has been assigned to him or on which he has been assigned to act;**  **2.5 During proceedings and during future proceedings, the judge/lay judge must not make any public or different comments that may affect the outcome of the proceedings or which may mar the fairness of proceedings.“** |

The impartiality of judges and lay judges is regulated in more detail starting from item 2.1 up to 2.5. When drafting the Code it was taken into account that personal knowledge is a reality in the life of every individual, and thus the same applies to the judge. No person, not even a judge/lay judge is immune to prejudice, personal opinions and similar.

In this direction the Code principle of impartiality represents an emanation of the rules for recusation of judges. They are contained in separate (procedural) laws such as the Law on Criminal Procedure and[[8]](#footnote-9) the Law on Litigation Procedure.[[9]](#footnote-10)The Code does not go deeper into establishing the grounds for recusation of judges but sets out a framework rule in items 2.3 and 2.4. Namely, the judge/lay judge should be careful and recuse himself when he is unable to reach an impartial decision. More examples can be given in this direction.

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| **Example 9:**  **A judge should be deciding on a case in which his daughter has taken part as a professional associate of the public prosecutor's office. The question arises whether the judge in this case should recuse himself?**  **Implication from item 2.3. and 2.4. of the Code**  **There is no doubt that in this case the question of the judge's bias will be raised. It is almost impossible to expect that the judge will be able to look indifferently to the fact that the success of the prosecutor’s office in the given case also means success of his daughter who has worked on the case.Although there is no absolute reason for a recusation in this case according to the Law on Criminal Procedure, the judge, being careful not to violate the Code, should address the Judicial Ethics Advisory Body and ask for an opinion on the particular case.**  **Example 10:**  **A higher court judge is expected to rule on a verdict reached by a lower instance court judge, but both are members of the Management Board of the Academy for Judges and Public Prosecutors – “PavelShatev”.As members of the Management Board they are often in direct communication and decide on a number of issues related to the work of the Academy for Judges and Public Prosecutors.**  **Implication from item 2.3. and 2.4. of the Code**  **Although there is no absolute reason for a recusation in this case, the judge, being careful not to violate the Code, should address the Judicial Ethics Advisory Body and ask for an opinion on the particular case.** |

The sub-items in item 2.4.explicitly stipulate that the judge should act with increased caution, that is, he and the lay judge are obliged to always recognize, according to the law and case law, the cases in which it is prescribed that the judge should recuse himself. This increased attention, along with the ability to seek an advisory opinion, means that the judge/lay judge could not justify his failure to recuse himself in the event of him being potentially biased.

Ultimately, the Law on Courts, in Articles 3 and 6, explicitly envisages that the law shall be applied impartially and independently of the position and capacity of the parties, i.e. that everyone has the right to a fair and public trial within a reasonable period of time before an independent and impartial tribunal established by law.

### **2.5. Integrity principle**

The Code specifies integrity as a fusion of honesty and fairness - two internally moral categories – and it requires the judge to have integrity in both the work and his private life.The principle of integrity of the judge / lay judge is a complex and crucial one in the exercise of judicial office. In this respect, the American comparative experience, in other words Article 3.13 of the American Federal Code of Conduct for Judges imposes a prohibition on receipt of gifts or any benefits if the very receipt of gifts or benefits is explicitly prohibited by law, or if a reasonable person could doubt the impartiality of judges.

According to Opinion no. 21 (2018) of the Consultative Council of European Judges (CCEJ), it is necessary to establish systematic safeguards to avoid situations in which a judge decides in a case in which there are direct or indirect personal or financial interests that may be affected by the outcome of the proceedings.Any acceptance of a gift in connection with the exercise of judicial duties may leave a negative impression of the judge as being influential in a particular case.For this reason, most member states of the Council of Europe have provisions on the acceptance of gifts and other privileges for judges (and other officials) in the exercise of their profession. (Objectively) low value thresholds on the one hand and the definition of acceptable hospitality on the other hand can give judges clear and understandable guidance, especially when combined with recommendations as to how one should handle inappropriate gifts.The CCEJ further welcomed the GRECO recommendations to Member States concerning the adoption and / or refinement of provisions on acceptance of gifts and other privileges by judges, specifically referring to the definition of non-pecuniary benefits as well as the maximum protocol gift value.

The United Nations Office on Drugs and Crime (UNODC) has launched the Doha Declaration Global Programme to assist member states in implementing the Doha Declaration adopted in 2015 by the thirteenth United Nations Congress on Crime Prevention and Criminal Justice.The Declaration reaffirms the commitment of Member States to "*make every effort to prevent and combat corruption and to implement measures aimed at enhancing the transparency of public administration and promoting the integrity and accountability of our criminal justice systems, in accordance with the United Nations Convention against Corruption.”*The importance of the principle of integrity of judges is evident in international activities that are related to this principle. Namely, in April 2018, the Global Judicial Integrity Network was established for the first time through educational and related activities aimed at developing the integrity of judges and other persons working in the judiciary. On the other hand, regional experiences point to the same interpretation of the prohibition on accepting /giving gifts and non-pecuniary benefit that is imposed on judges.The 2006 Code of Judicial Ethics of the Republic of Croatia, in Article 8, entitled "Dignity of the Judicial Profession", imposes on the family members of judgesa prohibition against accepting gifts: ... *The judge cannot use the reputation of his profession to pursue or promote his or her private interests, those of his or her family members or any other interests.“*The judge must not allow a family member, his or her family, a court employee or any other person, whileunder the jurisdiction of the judicial office, to accept a gift, loan, or service as an exchange for what the judge would do or would fail to do in the exercise of his duty.Namely, according to the same article, the judge is obliged to develop standards of conduct that contribute to preserving the reputation and dignity of the court and the judicial profession by exercising judicial duties and activities outside the court. The judge has to avoid any conduct that is inappropriate and that gives the impression of an inappropriate exercise of the office of a judge.

Further in the Guidelines for Interpretation and Implementation of the 2006 Code of Judicial Ethics of the Republic of Croatia, it is further stated that the receipt of gifts, services and loans is prohibited and the Code repeats the legal prohibition on receiving gifts or any other benefit by judges, irrespective of whether they do that within the boundaries of their judicialwork, stressing that such a conduct not only represents a criminal act, but also a serious and unfair breach of the high standards established in the Judicial Ethics Code.

However, there are exceptions to this rule with regard to protocol gifts. So, for example, any judge is allowed to receive compensation or remuneration for publishing a professional or scientific article or for attending a professional meeting or for a similar law related activity outside the court, for as long as such award is reasonable and proportionate.In any case, as it is stated in the Guidelines, the judge has toavoid receiving gifts, services, loans or any other benefits from persons (their relatives or close friends as well) who appear before him as participants in proceedings or appearin proceedings in the same court were the very judge performs his judicial duty.

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| **The principle of integrity in the Code:**  **“Integrity is an attribute of honesty and fairness.The judge/lay judge, always, - not only when he performs official duties -, acts honestly and in a manner that is beneficial to the proper exercise of the judicial office. “** |

Integrity is a very broad principle, in other words it covers many issues as a principle.The very principle covers the judge's conduct in his professional and private life, the level of possibility that he would abuse his judicial office to satisfy his private interests, receiving gifts, and the like.

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| **"3.1 The judge/lay judge conducts himself impeccably from the point of view of any reasonable observer.**  **3.2 The conduct of the judge / lay judge in both his professional and private life affirms people's confidence in the integrity of the judiciary.**  **3.3 The judge / lay judge must not take advantage of the reputation of the judicial office in direction of satisfying his private interests or the interests of a family member or anyone else. The judge / lay judge must not allow others to get the impression that someone is in a special position to inappropriately influence a judge in the exercise of his judicial office.**  **3.4 The judge/lay judge, the members of his family or persons living in the same household must not receive or request any gifts, loans or other services from parties or persons who have or might have some interest in a particular case, as well as delivery of products or services to the court, in relation to something that the judge could do or could fail to do in connection with the exercise of his judicial office, except for protocol gifts acquired during official visits, receptions or celebrations.**  **3.4.1. The prohibition on receiving gifts applies to tangible gifts and intangible benefits.**  **3.4.2. Tangible gift means money, securities, objects, rights and other services offered to a judge or lay judge or his close relatives for undertaking or failing to undertake certain action while performing the judicial function.**  **3.4.3. Non-pecuniary benefit is any benefit given to a judge/ a lay judge that is provided to him without payment in order for him to act or refrain from acting with regard to his duties or to perform his duties contrary to the official duties and provisions referred to in this Code. Non-pecuniary benefit also includes discounts on prices and services given as a result of the function of the judge / lay judge, as well as a free professional advice given to the judge / lay judge.**  **3.4.4. Protocol gifts mean gifts received from officials or international organizations, given during visits, receptions, or celebrations, the value of which does not exceed 3,000 MKD in a given year.**  **3.4.5. The president of the court maintains a registry of data on protocol gifts in which he records: the type of gift, the value of the gift, the gift giver, the gift recipient, the time and place of receipt. The president of the court sends the protocol gifts registrydata to the Judicial Ethics Advisory Body.**  **3.5 The judge/lay judge shall know his financial interests as well as the financial interests of his family members.“** |

Each of these provisions is essential to preserving the integrity of judges, building trust in the judiciary and the development of the state in general.The first three items are generic ones and set out general rules that speak of integrity. They are quite connected with the rules of impartiality and independence, that is to say, one part of them focuses on theiradditional operationalization and refinement. However, this section of the Code also contains the most important rules for receiving gifts. So, item 3.4 sets out the general prohibition on receiving and requesting gifts, as well as loans and other services from parties or persons who have or could have some interest in a particular case.This rule is adjusted in sub-items from 3.4.1. to 3.4.4.

Generally speaking, no judge / lay judge can receive a tangible gift (money, securities, object, rights and services) or non-pecuniary benefit (such as discounts on prices and services).We mentioned a hypothetical case in the introductory part of this Handbook in which a judge is offered not to pay for the repair of his vehicle due to the fact that the owner of the car service is aware of the fact that the judge exercises a judicial office.Precisely according to these Code items it is clear that such a service has to be paid by the judge, in other words the benefit must not be accepted. However, in reality we can have a lot of such examples. In any such case, it is incumbent on the judge/ lay judge to reject the benefits, in other words to return the objects and other material assets to the person. When there is a dilemma as to how one should act in a given case, the judge / lay judge has to consult the Judicial Ethics Advisory Body, in other words he needs to ask for an opinion.At the same time, the judge/lay judge should also pay attention to the conduct of his immediate family members; more precisely he is supposed to let them know that they too should act with more care.

The Code for judges and lay judges of the Republic of North Macedonia only allows the reception of so-called protocol gifts.In order for one gift to be protocol related two preconditions should be fulfilled. First, the gift should be received from an official or international organization during a visit, reception or celebration.Second, the gift should not exceed 3000 MKD in a given year. The value of these gifts is determined in such a way that it corresponds to the maximum values ​​prescribed in the Law on Public Sector Employees.[[10]](#footnote-11)Although judges are not considered as public employees, but as office-bearers, it is important that one take into account the same approach.

The Law on Prevention of Corruption and Conflict of Interest (Article 58, paragraph 1) also envisages prohibition on receiving gifts.[[11]](#footnote-12)However, even according to this law there is a possibility of lawfully receiving gifts, and the Law on Public Sector Employees is also directly mentioned.

Hence, judges and lay judges can receive protocol gifts. However, the Code goes a step further and envisages obligation that a registry containing protocol gifts data should be maintained comprising information such as type of gift, value of gift, gift giver, gift recipient, time and place of receipt.Such a registryshall be kept by every court president.According to the Code, he should send the registry data to the Judicial Ethics Advisory Body, and according to the Law on Prevention of Corruption and Conflicts of Interest (Article 58, paragraph 2), he is obliged to submit the very data to the State Commission for Prevention of Corruption once a year, not later than March 31st in the current year, for the previous year.

In order to successfully implement the above mentioned provisions and introduce controls on the receipt of gifts, it is necessary that each judge regularly report on the protocol gifts he receives during his official visits.In other words, when receiving a gift, it is necessary that the judge/lay judge should write a statement / report, which he would then submit to the court president.With regard to this, the internal rules of every court should explicitly envisage that any judge/lay judge who has received a protocol gift is under obligation to report on the very gift to the court president within the precisely prescribed time limit.An example of how a proper statement might look like is given in Annex 1 to this Handbook.

Finally, the principle of integrity envisages that the judge/lay judge should be aware of the financial interests of his family. Practically speaking, according to this provision the judge/lay judge is obliged to exert an increasing influence on the financial interests and activities of his family members in order to avoid situations in which his judicial office might be abused.

Some practical examples are as follow:

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| **Example 11:**  **A judge has been invited to attend a professional debate outside his place of residence on the state of affairs in the judiciary. His travel costs and accommodation costs are covered. The organiser offers the judge to cover the travel and accommodation costs for his spouse if he wishes to be accompanied.**  **Implication from the Code integrity provisions:**  **It is incumbent on the judge to refuse to cover the costs of his spouse, that is, if he chooses to be accompanied on his journey, he should inform the organiser of the professional debate that he will cover the travel and accommodation costs by himself.**  **Example 12:**  **When visiting an international organisation a judge receives a gift that obviously has a value higher than 3000 MKD.**  **Implication from the Code integrity provisions:**  **The judge is immediately obliged to inform the gift giver that the object will become a permanent property of the court; upon his return, the judge shall report about the gift and hand it over to the court permanently.**  **Example 13:**  **The judge's son needs legal services for his trade company. The law firm offering the services states that it will not charge him for them.**  **Implication from the Code integrity provisions:**  **The judge's son or the judge himself should reject the free advice and service offer of the law firm and he should ask to be charged in accordance with the attorney tariff list and rules for providing adequate services.**  **Example 14:**  **A judge/lay judge is a great fan of car fairs. The owner of the company who is in a legal dispute with his business partner finds out this information about the judge. Although the judge is not competent in his case, the owner learns that the judge, who is a neighbourto his brother, is one of the closest friends of the judge who is competent in his case. Taking advantage of this, he arranges a visit to the most famous car fair in Germany and includes, seemingly unrelated, that judge, who is neighbourto his brother, to go and visit the car show free of charge.** |
| **Implication from the Code provisions:**  **The judge is obliged to gather information on the conditions for the organized visit and the free-of-charge related treatment. The free-of-charge related treatment in this case can be interpreted as a non-pecuniary benefit for the judge, in other words a privileged treatment only because he is a judge.He should immediately refuse to participate in the fair as it is a violation of the integrity provisions of the Code in the process of exercising the judicial office.**  **Example 15**  **The judge, while actively performing his function, is invited to participate in a TV Debate Show regarding the constitutional position of the judiciary, and he is offered a fee for his participation.**  **Implication from the Code provisions:**  **A judge may apply to the Judicial Ethics Advisory Body to get an opinion on his participation in debate shows to discuss the constitutional position of the judiciary and to prevent negative influences thereon. A judge may participate in TV and debate shows, but he should be careful not to comment on active cases or political and legal developments that could lead to having his impartiality questioned. As a result of that he must not accept any engagement that is subject to a fee.** |

### **2.6. Decency principle**

The Code, seeing the judicial function as a subject to constant observation, requires judges to accept personal restrictions on their conduct in the name of dignity and decent conduct.

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| **The decency principle in the Code:**  **“The decency and the proper - cultured conduct of a judge/lay judge are essential to the performance of all activities that are related to the judicial office."“** |

Practically speaking, the Code recognizes that, unlike other citizens, the judge/lay judge is subject to additional supervision and control with respect to his conduct in and out of the "court premises".The Code interferes with the judge's private life because it requires his family, social and other relationships not to improperly influence the judicial office.

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| **“4.1 The judge/lay judge avoids indecency and everything else that implies indecent conduct when performing his activities as a judge.**  **4.2 The judge/lay judge, as a subject to constant public scrutiny, freely and voluntarily accepts personal restrictions that ordinary citizens may consider as an excessive burden.The judge/lay judge acts in a manner consistent with the dignity of the judicial office.**  **4.3. In his personal relationships with certain members of the legal profession who regularly work in his court, the judge/lay judge shall avoid situations that could lead someone to doubt his impartiality.**  **4.4 The judge/lay judge must not allow his residence to be used contrary to the principles of this Code.**  **4.5 The judge/lay judge, as any other citizen, has the right to freedom of expression, belief, association and assembly, but, while exercising these rights, he shall always act in a manner that preserves the dignity of the judicial office and impartiality and independence of the judiciary.**  **4.6 The judge/lay judge must not allow family, social or other relationships to have an improper impact on his conduct in the process of exercising his judicial function.“**  **4.7 Other than for purposes related to the exercise of judicial duties, the judge / lay judge must not use or disclose confidential information that he has acquired in the performance of his judicial function for whatever purpose that might be.** |

In all of these items it is made clear that the judge/lay judge is not equal to other citizens.However, some significant limitations are underlined here that could contribute to increasing confidence (which is already fragile) in the judiciary. For example, a judge, like anyone else, has the right to express his opinion freely. He may publicly state his views on the situation in the justice sector, the state and the like, but he is obliged to make sure that his reputation is not compromised.It would be quite acceptable for a judge to point out that it is necessary to reform the justice system, but on the other hand, it is unacceptable for him to say that the necessary reform steps are contained in a given political party's program and that such a program should be supported in future elections.

Item 4.8., however, envisages that judges and lay judges can:

* write, teach, participate in activities related to the law, the legal system, the administration of justice, and the like;
* appear in public debates before an official body on matters related to the law, the legal system, the administration of justice and the like;
* be members of an official body or another government commission, committee or advisory body, provided that such membership is not inconsistent with their impartiality and political neutrality;
* engage in other activities that do not adversely affect the dignity of the judicial office, in other words provided that the very activities do not impede the performance of judicial duties.

Although the Law on Courts has repeatedly regulated the provision of legal assistance, both domestically and abroad, the Code explicitly prohibits the judge from dealing with providing legal aid while exercising his judicial office.In this section, it is noteworthy that the Code should have emphasized that this prohibition relates to provision of "private" legal aid since the same professional activity represents one of the judge’s working tasks, in other words it is a procedural activity that is already prescribed by law.

In this section, the Code envisages another prohibition, i.e. the impossibility that a judge could be associated in any way with a private legal entity if that causes a conflict of interests with the profession of a judge.

What is interesting is item 4.8. where it is envisaged that judges / lay judges can perform activities that are related to the law, the legal system, the administration of justice, and the like. Hence, there would be no problem in terms of the Code if a judge becomes part of a public debate in the Parliament of the Republic of North Macedonia concerning amendments to the Law on Courts or another regulation in a relevant sphere. However, a judge should not, at least not without the opinion of the Judicial Ethics Advisory Body, accept participation in a public debate that refers to a completely different matter – for example, a law regulating the termination of pregnancy, a law related to transport in road traffic, and the like.

### **2.7. Equality principle**

The equality principle is closely related to the impartiality principle. The application of this principle requires the judge to treat all the parties equally in any proceedings, regardless of the differences that are evident among people.

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| **The equality principle in the Code:**  **"Ensuring equality in court proceedings for all is essentialto a proper exercise of the judicial office."“** |

The Code uses the term "irrelevant grounds" in order to bring all the types of sources of inequality to one group.

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| **“5.1 The judge/lay judge is aware of and understands the diversity in society and the differences arising from a variety of sources, including but not limited to race, colour, sex, religion, national origin, special needs, age, marital status, sexual orientation, social and economic situation and similar.**  **5.2 In the performance of his judicial duties, the judge/lay judge must not demonstrate in words or conduct any bias against any person or group on irrelevant grounds.**  **5.3 The judge/lay judge shall perform the judicial function by virtue of the law, properly targeting all persons, in other words parties, witnesses, attorneys, court staff and court colleagues, without making any distinction on irrelevant grounds, being non-essential to the proper performance of his duties.**  **5.4 The judge shall ask the attorneys in the court proceedings to refrain from showing in words or conduct sympathy or prejudice on irrelevant grounds, unless that is legally relevant to the issue that is subject to proceedings, in other words the issue that might be subject to a legitimate legal representation.**  **5.5 No judge/lay judge can be a member of any discriminatory organization.“** |

Here again, the role of the court, in other words the judge or lay judge, as part of the public service of justice is emphasized. Judges not only should not have prejudices and discriminate anyone on whatever grounds, but they should also take care that other participants in the proceedings and persons in the court act in accordance with the principle of equality.

### **2.8. Principle of expertise and conscientiousness**

Although the Code speaks of one principle of expertise and conscience, it is evident that these are two separate principles.Expertise implies that the judge/lay judge should have a certain degree of knowledge, whereas conscientiousness is again a moral category implying existence of an internal sense of fairness in a given activity.Conscientiousness is closely linked to integrity, decency and impartiality as well.

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| **2.8. Principle of expertise and conscientiousness in the Code:**  **“Expertise and conscientiousness are preconditions for a proper exercise of the judicial function. “** |

Practically speaking, the judge needs to constantly upgrade himself or expand his knowledge.The principle of expertise in this context is a reflection of the current development of the legal system, namely the international and national law. However, the principle of expertise should not be interpreted so narrowly as to apply exclusively to the study of new legal norms.Judges are obliged to inform themselves about other issues that are relevant to their work as well.For example, a judge dealing with organized crime and corruption cases would need to constantly monitor the technologies used for the purpose of committing financial frauds and the so called money laundering.

On the other hand, conscientiousness is seen in two directions: (1) being aware of the need for one's own upgrading; and (2) showing conscientiousness towards participants in proceedings.

These two principles are contained in the Law on Courts. As a moral-ethical value, conscientiousness is envisaged in Article 50, according to which every judge, when taking office, must make a solemn statement in which, among other things, he swears that he will exercise his function conscientiously.On the other hand, Article 54 of the Law envisages the obligation that every judge should be constantly trained in order to improve and preserve the quality of his work.

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| **“6.1 The judicial duties of judges / lay judges shall take precedence over all other activities.**  **6.2 The judge/lay judge shall devote his professional activity to the performance of judicial duties, which not onlyinclude the exercise of judicial functions and obligations in the court and decision-making, but also other tasks that are appropriate to the judicial position.**  **6.3 The judge/lay judge endeavours to improve his professional competence, knowledge and skills on the basis of a continuing professional training and education.**  **6.4 The judge/lay judge shall be informed of any relevant amendments to the international law, including international conventions and other instruments guaranteeing human rights.**  **6.5 The judge/ lay judge shall perform the judicial function industriously, efficiently, fairly and with reasonable diligence.**  **6.6 During court proceedings the judge/lay judge shall be patient, dignified and courteous in dealing with parties, jurors, witnesses, attorneys and other persons with whom he co-operates officially. The judge shall request similar treatment by legal representatives, court staff, lay judges and other persons that are under his competence, i.e. control.**  **6.7 The judge/lay judge must not engage himself in a conduct that is incompatible with a conscientious performance of the judicial duties.“** |

When it comes to the conscientiousness of judges, it is important to emphasize that the judge is given an active role in the implementation of this principle with respect to other persons as well.Item 6.6. of the Code highlights that the judge should request legal representatives, court staff, lay judges and all other persons that are under his competence, influence and control to conduct themselves in accordance with the principle of conscientiousness.

### **2.9. Conflict of interests, corruption and violation of principles**

This part of the Code stipulates the obligation on judges to know the Code, in other words to act in accordance therewith.Most of the items in the Code represent a kind of repetition of the principles that have already been established in the above part of the very Code, but what is crucial is that in item 7.1. judges are encouraged to turn to the Judicial Ethics Advisory Body in all cases in which they have some dilemma about the Code provisions.

Part 3: Annexes

## **ANNEX NO.1**

- Statement of receipt of a protocol gift -

On the basis of items 3.4. and sub-items 3.4.1. to 3.4.4. of the Code of Ethics for Judges and Lay Judges, on \_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_\_ , **I submit**:

**GIFT REPORT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a judge in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, report a gift received from the donor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the address / seat of the organ or legal entity \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on (date)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on the occasion of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and during\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The gift received is composed of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The gift’s value is lower / higher than the one that is envisaged in the Code of Ethics for Judges and Lay Judges and therefore I will keep / will not keep it as a personal gift, i.e. I will hand it over to the court permanently.

Date, Recipient of the gift

place Judge

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## **ANNEX NO 2**

Request for an advisory opinion from the Judicial Ethics Advisory Body

Pursuant to items 9.4 of the Code of Ethics for Judges and Lay Judges and Article 6,7,8 of the Rules of Procedure of the Judicial Ethics Advisory Body, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_\_, I submit the following to the Judicial Ethics Advisory Body within the Association of Judges of the Republic of North Macedonia:

**A REQUEST FOR ADVISORY OPINION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a judge in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the address / seat of the organ or legal entity \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on (date)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on the occasion of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, present the following facts and circumstances before the Judicial Ethics Advisory Body:

Date, Applicant Place

## **ANNEX NO.3**

Advisory opinion form

**Judicial Ethics Advisory Body**

Opinion no. ------- as of ----------202------------

**Facts and circumstances related to the request:**

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**Opinion:**

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**Explanation:**

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1. Available on: <http://www.pravda.gov.mk/Upload/Documents/Strategija%20i%20akciski%20plan_MK-web.pdf>. [↑](#footnote-ref-2)
2. Official Gazette no. 52/1991. [↑](#footnote-ref-3)
3. Law on Courts, Official Gazette no. 58/2006, 62/2006, 35/2008, 150/2010, 83/2018 and 198/2018, 96/2019. [↑](#footnote-ref-4)
4. Official Gazette no. 102/2019. [↑](#footnote-ref-5)
5. Kambovski V, Court Law, „2nd of August“ –Shtip, Skopje, 2010, page. 103. [↑](#footnote-ref-6)
6. Ibid,page. 104. [↑](#footnote-ref-7)
7. Official Gazette no. 96/2019. [↑](#footnote-ref-8)
8. Official Gazette no. 150/2010, 100/2012, 142/2016 and 198/2018. [↑](#footnote-ref-9)
9. Official Gazette no. 79/2005, 110/2008, 83/2009, 116/2010 and 124/2015. [↑](#footnote-ref-10)
10. Official Gazette no. 27/2014, 199/2014, 27/2016, 35/2018 and 198/2018 and„Official Gazette of the Republic of North Macedonia no. 143/2019 and 14/2020. [↑](#footnote-ref-11)
11. Official Gazette no. 12/2019. [↑](#footnote-ref-12)