

**CODE**  
**OF**  
**ETHICAL CONDUCT FOR BULGARIAN JUDGES**

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## INTRODUCTION

**JUDGES WORKING IN THE JUDICIAL SYSTEM OF THE REPUBLIC OF BULGARIA**, guided by the understanding that the rules of ethical conduct of judges are an important factor for:

- building greater public confidence in the judiciary;
- protecting human rights and upholding the rule of law;
- preventing corruption in the judiciary,

Accept as their commitment to Bulgarian society the requirement to observe and apply in their professional activities and in their personal life the rules of ethical conduct set out in this Code.

The Supreme Judicial Council, as a supreme administrative and management body of the judiciary in the Republic of Bulgaria, upon the proposal of the Judges` College, adopts the **CODE OF ETHICAL CONDUCT OF BULGARIAN JUDGES**. The Judges` College of the Supreme Judicial Council bears primary responsibility for the implementation of the rules of conduct proclaimed therein in the official and non-official activities of judges, which adopts it by its decision.

## APPLICABLE FIELD

The Code of Ethical Conduct is applicable to all judges, members of the Judges` College of the SJC and inspectors from the Inspectorate at the SJC who, at the date of election, hold the position of a judge.

The Code recommends that, after being dismissed from office, judges, members of the Judges` College of the SJC and inspectors from the Inspectorate at the SJC, who held the position of a judge at the date of their election, comply with the requirements of integrity, decency, courtesy and confidentiality and avoid actions that may harm the reputation of the judiciary.

## SOURCES

The Code has been drafted in accordance with the Constitution of the Republic of Bulgaria, the Judiciary System Act, the recommendations of the Committee of Ministers of the Council of Europe on the status of judges, prosecutors and investigating authorities, Opinion No. 3/2001 of the Consultative Council of European Judges, Bangalore Principles of Conduct for Judges of 2002, United Nations Basic Principles on the Independence of the Judiciary (1985), International Association of Judges, Universal Charter of Judges (1997, updated 2017); International Bar Association, Minimum Standards of Judicial Independence (1982); Recommendation CM/Rec(2010)12 of the Committee of Ministers of Member States on Judges: Independence, Efficiency and Responsibilities; CCJE, Magna Carta of Judges (2010), Venice Commission, CDL-AD(2010)004, Report on the Independence of the Judiciary, Part I: The Independence of Judges, as well as all other national and international instruments regulating the

activities of judges in the Republic of Bulgaria.

## **SECTION I**

### **BASIC PRINCIPLES**

The basic principles set the standards and outline the framework for regulating the conduct of judges in and outside the office they hold.

#### **INDEPENDENCE**

An independent judge within the meaning of the Code is a judge who, in the performance of their duties, is guided solely by their inner conviction and the law, and is not subject to pressure, threats, incentives, direct or indirect influences from representatives of any other power - internal or external to the judiciary, from political and economic factors, as well as from other private entities.

#### **IMPARTIALITY**

An impartial judge is one who applies the law solely on the basis of the facts established in the case and their objective analysis, creating conditions of equality between the parties and their legal representatives and avoiding conduct that could be perceived as privileging, predisposing, biased or prejudiced on the basis of race, origin, ethnicity, sex, age, sexual orientation, disabilities, religion, education, beliefs, political affiliation, personal and social status or property status.

#### **JUSTICE**

A fair judge is one who, within the framework of the general and abstract norms of the law, takes into account the particularities of each concrete case and decides it on the basis of criteria related to common human values and the values of the democratic legal system. The guarantee of fairness in the actions and acts of the judge is transparency in their work.

#### **INTEGRITY**

Integrity corresponds to the general requirement of honesty. An honourable judge is one who, not only in the performance of their official duties, does not deceive or lie, does not accept material or immaterial benefits, regardless of their nature and their source, which may cast doubt on their independence and impartiality. With their conduct in private and public life, the judge sets an example of high morality and integrity.

#### **DECENCY**

Decency is refraining from any action that might compromise the honour of the judge in the profession and in society.

## **COURTESY AND TOLERANCE**

A courteous judge is one who, through their actions and acts, always expresses the respect he/she owes to their colleagues, court officials, citizens, lawyers, parties and other participants in the process.

A tolerant judge is one who is open and patient to hearing and accepting new or different arguments, opinions and points of view.

## **COMPETENCE AND QUALIFICATION**

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

## **CONFIDENTIALITY**

A confidential judge is a judge who is discreet and keeps as official secrets the facts or information which have come to their knowledge in the course of or in connection with the performance of their duties.

## **SECTION II**

### **RULES OF ETHICAL CONDUCT DERIVED FROM THE FUNDAMENTAL PRINCIPLES**

#### **1. Rules of ethical conduct derived from the principle of Independence**

1.1. The judge shall exercise their powers and take their decisions solely on the basis of the law and their inner conviction.

1.2. A judge shall not allow or submit to any external influence, pressure, threats, direct or indirect interference in their work, regardless of their source, occasion or cause.

1.3. Cooperation between judges when difficulties arise is important for maintaining professional standards. At the same time, in making decisions, a judge shall be independent and shall be not influenced by the opinions of their colleagues and shall not take actions that would impair their independence.

1.4. By their actions and conduct outside the office, the judge shall protect and promote in the society the notion of independence of the judiciary, by not succumbing to influences - direct or indirect, from any other authority - internal or external to the judiciary, from political and economic factors, as well as from other private legal entities.

1.5. In the event of any attempt to undermine their independence, the judge shall inform the competent authorities.

## **2. Rules of ethical conduct derived from the principle of Impartiality**

2.1. The judge shall not tolerate preference, prejudice or bias based on race, origin, ethnicity, sex, age, sexual orientation, disabilities, religion, education, belief, political affiliation, personal and social status, or property status, either in the performance of their official duties or outside the office.

2.2. The judge should also assert their impartiality in cases of strong public sentiments of sympathy or antipathy towards participants in proceedings pending before them, deciding the case solely on the basis of the facts and the law.

2.3. The judge may not make public statements or comments on proceedings pending before them by which they would commit themselves to the ultimate outcome of the case or by which they would create the appearance of bias or prejudice. Outside hearings, they may not discuss such proceedings before the parties, their legal representatives, other participants therein or third parties, except in the cases provided for by law.

2.4. The judge should conduct themselves in a manner that does not directly or indirectly warrant their recusal in particular cases.

2.5. The judge must respect the right of all parties and their legal representatives to make submissions and objections, to make submissions and to make representations in the proceedings in which they are participating.

2.6. The judge shall not give advice on legal matters constituting activities included in the lawyers' profession. The prohibition on giving advice on legal matters does not include comments on legal matters with a different legitimate context, communication with colleagues, family members, scientific and academic events and within professional organizations.

## **3. Rules of ethical conduct derived from the principle of Justice**

3.1. The judge shall issue their decisions only when they are convinced that, within the law, they are fair to all parties to the proceedings. He/she shall be particularly careful when deciding issues related to the dignity, honor and freedoms of citizens.

3.2. In cases where the law gives the judge the discretion to decide certain issues, the guiding principle is the requirement of fairness.

3.3. The judge should meet the legitimate legal expectations of citizens through clearly reasoned decisions. He/she shall express their opinion through the reasons for their judicial decisions in the cases they hear. The judge may present to the public the reasons for their decisions on cases of public interest. When judges or their decisions are unreasonably criticized, they receive institutional support from the administrative head, professional organizations and the Judges' College of the SJC, including under the Mechanism for Action of the Judges' College of the SJC in Cases of Violation of Independence and/or Attempts to Exert Pressure on Judges and the Court.

3.4. Within the limits of the law, the judge shall ensure the publicity of their actions

and decisions, taking care that the legitimate rights and interests of the parties and participants in the proceedings are not prejudiced.

#### **4. Rules of conduct derived from the principle of Integrity**

4.1. The conduct of the judge must be consistent with the high moral qualities that are a criterion for holding a judicial position. Through their personal conduct and sense of responsibility in their official and non-official activities, a judge must set an example of high morality and integrity and strive to embody in their professional and personal life the ideas of honesty and truth that the judicial system upholds.

4.2. The judge may not receive a benefit from a third party which would reasonably be perceived as resulting from a compromise of their integrity and fairness in the performance of their professional duties.

4.3. In their public and official contacts, the judge may not take advantage of their official position or use their powers for personal benefit. In their private life, judges must conduct themselves with integrity and in a manner worthy of respect.

4.4. In their career advancement, a judge should not use personal contacts (connections, intercessions) and take actions that undermine their dignity.

#### **5. Rules of conduct derived from the principle of Decency**

5.1. The judge must avoid actions and conduct contrary to the established social notions of decency.

5.2. The judge should accept personal restrictions that might be seen as oppressive by the ordinary citizen, and should do so freely and willingly without coercion or reluctance. The judge must conduct themselves in a manner consistent with the high standing of the judicial profession.

5.3. The judge does not snitch or scheme against their colleagues and officials, but openly expresses their position. For the purposes of reporting violations, judges use confidential reporting channels in accordance with the rules of the Law on the Protection of Persons Filing Signals or Publicly Disclosing Information on Violations.

5.4. The judge must require lawyers and parties to proceedings before the court to refrain from expressing, by word or demeanor, any bias or prejudice except what is of legal relevance to a given matter in the proceedings, and to maintain decorum in the courtroom by preventing manifestations of disrespect.

#### **6. Rules of conduct derived from the principle of Courtesy and Tolerance**

6.1. A judge's conduct in society should be based on good manners and good behaviour. In public and official contacts, as well as in their personal life, he should be polite and courteous.

6.2. The judge must maintain the order and dignity of the debate in all proceedings before the court and be patient, dignified and courteous to the parties to the case, the jury, witnesses, lawyers and other participants in the trial. The judge requires similar conduct from all participants in the trial.

6.3. A judge must treat people with esteem, respecting their rights and

freedoms. A judge must not make inappropriate or offensive remarks towards parties, lawyers and other participants in the process, and must avoid comments, expressions, gestures or behaviour that could reasonably be interpreted as impolite or a display of insensitivity or disrespect.

6.4. Collegial relations between judges and judicial officials, regardless of their place in the hierarchy, must be based on mutual respect and tolerance by refraining from any conduct that damages the prestige of the judiciary.

## **7. Rules of conduct derived from the principle of Competence and Qualification**

7.1. The judge shall perform their duties in preference to any other activity. The judge may carry out other activities permitted by law only if this does not hinder the quality and timely administration of justice.

7.2. The judge must work with due effort and diligence, so as to meet the requirement to render decisions within a reasonable time.

7.3. The judge must strive to improve their professional qualifications and training and must take the necessary measures to maintain and improve their knowledge, skills and personal qualities for the proper exercise of their powers.

7.4. The judge should keep themselves informed of relevant developments in national, European and international law.

7.5. The judge shall freely engage in activities outside their official duties, including those that are an expression of their civil rights, except in cases prohibited by law and this Code and when such extra-judicial activities are incompatible with the trust placed in the judge, or with their impartiality or independence, or with the requirement that he/she be available to deal with the cases assigned to them with due care and within a reasonable time.

## **8. Rules of conduct arising from the principle of Confidentiality**

8.1. The judge may not make improper use of information which has come to their knowledge in the exercise of their functions.

8.2. The judge shall observe complete discretion and professional secrecy in their social intercourse and private life concerning facts or information which have come to their knowledge in the course of or in connection with the performance of their duties.

8.3. The judge who is a member of a collegial body shall keep the deliberations of the office confidential.

8.4. The judge may discuss matters of principle of law, and in such cases he shall keep the particular facts of the cases confidential, and shall not disclose information concerning the privacy of citizens or such as is prejudicial to the interests of persons or their reputation.

8.5. The judge is not allowed to express publicly a preliminary opinion on specific cases.

8.6. The judge is free to express their personal opinion in the mass media and social networks on matters for which there is no explicit legal prohibition. When



expressing a personal opinion, a judge is obliged to comply with the principles and rules in this code, by showing prudence, preserving the dignity of the position and taking into account their obligation of restraint.

### **SECTION III**

#### **SPECIFIC RULES OF ETHICAL CONDUCT FOR ADMINISTRATIVE MANAGERS AND THEIR DEPUTIES**

9.1. The judge in a managerial position shall treat judges and judicial officers with respect and regard for their personal dignity, without assuming or giving the appearance of favouritism.

9.2. The judge in a managerial position shall not be subject to pressure or inducements of any nature relating to the exercise of their powers.

9.3. The judge in a managerial position shall take care of the organisation and operation of the court he/she presides over in such a way as to achieve the best results. They shall also ensure the best possible cooperation with other judicial authorities and public services, while respecting the specific competences of each of them.

9.4. The judge in a managerial position makes an effort to be informed about everything that is happening in the court they are managing in order to be able to make good management decisions and take responsibility. He/she does not tolerate and promptly suppresses the acts of snitching and scheming.

9.5. If, in connection with the performance of their work or in the performance of their official duties, they become aware of a crime of a general nature committed by a judge, they shall take the appropriate actions to file a report in accordance with the procedure established by law.

9.6. The judge in a managerial position is the main guarantor in promoting the independence of judges in decision-making and in respecting the principle of random distribution of cases.

9.7. When judges or their decisions are unfairly criticized, it is the institutional duty of the judge in a managerial position to clarify the facts so that the image of an authoritative and independent judiciary is preserved in public debate.

### **SECTION IV**

#### **GUARANTEES OF COMPLIANCE WITH THE ETHICAL RULES OF CONDUCT ESTABLISHED BY THIS CODE**

The main guarantor of compliance and application of the rules of this Code are the judges themselves through their conviction, commitment and voluntary acceptance and application of the ethical rules of conduct.

The Judges` College of the Supreme Judicial Council shall exercise overall control on the implementation of and the compliance with the Code of Ethics and shall periodically take action to renew and update the rules provided for therein. The Professional Ethics Committee of the Judges` College of the Supreme Judicial Council

and the Professional Ethics Committees of the Judicial Authorities shall exercise direct and immediate control over the implementation of and compliance with the Code. The professional associations of magistrates shall take the action provided for in their statutes in any case of violation of these ethical rules of conduct.

The relations between the judiciary and other powers should be based on mutual respect, with each recognizing the role of the others.

Training in ethical issues builds a culture of integrity in the judiciary and serves as a guarantor of compliance with ethical rules of conduct. Participation in such forms of training should be mandatory for every judge, regardless of their age and seniority.

Judges are free to form and join professional organizations whose objectives are to guarantee their independence, protect their professional interests and contribute to the rule of law.

## **SECTION V**

### **FORMATION AND STATUS OF THE PROFESSIONAL ETHICS COMMITTEES IN THE JUDICIARY**

The formation, organisation and activities of the professional ethics committees in the courts shall be governed by rules adopted by the Judges' College of the SJC.

§ 1. The Code of Ethical Conduct for Bulgarian Judges is adopted on the basis of Article 30, para. 2, item 23 of the Judicial Code of Conduct by a decision of the Judicial Collegium of the SJC under Protocol No. 34/24.10.2023 and approved by a decision of the Plenum of the SJC under Protocol No. 30/30.10.2023.

§ 2. The Code of Ethical Conduct of Bulgarian Judges is adopted on the basis of Art. 30, para. 2, item 23 of the JSA by a decision of the Judges' College of the SJC under Protocol No. 46/10.12.2024 and is approved by a decision of the SJC Plenum under Protocol No. 15/12.12.2024.