

## **INDICATIVE QUESTIONS**

### **ANSWERS TO BE INCLUDED IN THE OPINIONS PREPARED BY THE LOCAL ETHICS COMMITTEES IN DEFINING THE CHARACTER REFERENCES OF THE CANDIDATES**

(adopted by protocol No 09/28.02.2011 of the Committee for Professional Ethics and Prevention of Corruption, amended and supplemented by protocol No 32/28.07.2014)

**I. In competitions for promotion, transfer of a judge, prosecutor and investigating magistrate within the bodies of the judiciary and in the election of an administrative head.**

#### **1. Is the magistrate independent?**

In the meaning of the Code of Ethics, independent shall be a magistrate who in the course of performing his/her official duties is guided solely by his/her inner conviction and the law and does not succumb to pressure, threats, incentives, direct or indirect influence by representatives of any other power – public or private, internal or external to the judicial system.

#### **2. Is the magistrate impartial?**

In the meaning of the Code of Ethics, a magistrate who establishes the truth of the facts solely on the basis of an objective analysis of the evidence in the case, creates conditions for equality between the parties and their procedural representatives and avoids behaviour which might be accepted as offering privileges, predisposition, bias or prejudice based on race, origin, ethnicity, gender, religion.

#### **3. Is the magistrate fair?**

In the meaning of the Code of Ethics, fair shall be a magistrate who, within the general and abstract norms of the law, takes into consideration the specificities of every individual case and decides it on the basis of criteria related to the general human values and the values of the democratic legal order.

#### **4. Is the magistrate civil?**

In the meaning of the Code of Ethics, civil shall be a magistrate who through his/her actions and acts always expresses the respect he/she owes his/her colleagues, citizens, lawyers, parties and the other participants in the proceedings.

**5. Is the magistrate tolerant?**

In the meaning of the Code of Ethics, tolerant shall be a magistrate who is open and patient to hear and perceive new or different arguments, opinions and points of view and who has an open and communicative approach to his/her relations with external public organisations to the judicial system.

**6. Is the magistrate honest?**

In the meaning of the Code of Ethics, honest shall be a magistrate who outside the law does not accept tangible or intangible favours of whatever nature, which might place in doubt his/her independence and impartiality and who is loyal to the judiciary, showing trust and respect for his/her employer and colleagues, and involvement and commitment of the relevant institution in which the magistrate works to the judiciary.

**7. Does he/she observe the propriety requirements?**

In the meaning of the Code of Ethics, propriety means refraining from any actions that might compromise the magistrate's honour and reputation in the profession and in society.

**8. Is the magistrate competent and qualified?**

In the meaning of the Code of Ethics, competent and qualified shall be a magistrate who is well-trained, who knows the normative framework of the Republic of Bulgaria and the European Union law and who has developed capacities and skills to apply them correctly, who is responsible for the proper implementation of the magistrate's responsibilities and decision-making, who is capable of working in a team and is motivated to improve his/her professional and personal qualities.

**9. Is the magistrate confidential?**

In the meaning of the Code of Ethics, confidential shall be a magistrate who is discreet and keeps as official secret the facts or information that he/she has become aware of in the course of the implementation of his/her official duties.