



First Study Commission
Judicial Administration and Status of the Judiciary

Meeting in Valle de Bravo, 31 October - 4 November 2004

Conclusions

RULES FOR THE ETHICAL CONDUCT OF JUDGES, THEIR APPLICATION AND OBSERVANCE

1. Primary responsibility for good conduct and observance of ethical standards lies with the judge, himself or herself, so that his or her conduct, both public and private, is always seen to be consistent with judicial independence, impartiality and integrity.
2. In contemporary society, written ethical principles (including principles of conduct/ behaviour) constitute a useful means of giving helpful guidance to members of the judiciary. They are also useful in maintaining public confidence in the judicial system.
3. In some countries these ethical principles are laid down in legislation. In other countries they are set out in non-legislative codes prepared and adopted by judicial councils, judges' associations or other professional bodies.
4. Judges accept that if their independence is to be maintained, as a corollary they must abide by ethical principles, thereby protecting judicial independence from outside forces, both governmental and non-governmental. Such acceptance will also promote public confidence in an independent judiciary.
5. Any written ethical principles may advise against or even prohibit conduct or activities which are, in fact, lawful. Those principles do so in order to ensure that judges should be above any suspicion, and to encourage the observation of the highest standards.
6. It is essential not to confuse ethical principles with disciplinary matters. On the contrary, one must recognise that ethical principles derive from the professional experience of all judges and are laid down in order to advance justice generally and to contribute to the understanding of the work of judges. Ethical principles must also assist the development of a judicial culture which itself will contribute to social cohesion.
7. In principle any written ethical principles should be prepared and/or adopted by the judiciary. However judges may take account of statements by the international community concerning judicial ethics and also the concerns of their own national society.
8. The form and content of any written ethical principles should be a matter for each country or judicial system to decide in accordance with its own tradition and experiences. Codes of ethics or ethical guidelines which have been adopted by various countries may be a model or source of inspiration for other countries considering the introduction of a code of ethics or ethical guidelines. (In this regard we note among others the terms of the Charter of the Judges, adopted by the IAJ, at its meeting in Taiwan 1999 and the Bangalore Principles of Judicial Conduct 2002).

The topic of next year:
Economics, Jurisdiction and Independence

Valle de Bravo, November 3rd, 2004