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JUDICIAL CODE OF CONDUCT RULES 2010

Edited by Janine Ford LLB

**A publication of the Judiciary of Tonga
Nuku'alofa
Kingdom of Tonga**

**Printed by
Craigs Design and Print,
Invercargill
New Zealand**

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Judicial independence must be recognised and respected by all three branches of government. The judiciary in particular must recognise that judges are not beholden to the government of the day. They see governments come like water and go with the wind. They owe no loyalty to ministers, not even the temporary loyalty which civil servants owe. Judges are lions under the throne but that seat is occupied in their eyes not by the Prime Minister but by the law and their conception of the public interest. It is to that law and to that conception that they owe allegiance. In that lies their strength and their weakness, their value and their threat.

J A G Griffith, **The Politics of the Judiciary**, 3rd ed, 1985

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PREFACE

Section 30 of The Act of Constitution of Tonga embodies the creation of three separate branches of government with equal but different powers, namely the King, Privy Council and Cabinet (the Executive), the Legislative Assembly (Parliament), and the Judiciary.

Under the doctrine of the separation of powers the Executive is accountable to Parliament by the vote of no-confidence and to the court by the judicial review mechanism. Parliament is accountable to the electorate through the general election and its power can be checked by the Executive's right of dissolution. The judiciary is not accountable to either of the other branches of government but it is accountable to the Constitution and the law and it is responsible to the people on whose behalf it exercises judicial power to apply its powers honestly, independently and with integrity.

As Michael Kirby, former justice of the High Court of Australia, stated in a paper on "The Basic Principles of the Independence of the Judiciary" (June 1998):

"The judiciary being a public institution is subject to public scrutiny, therefore, for securing and maintaining the independence of the courts in judicial proceedings, the Judiciary needs to ensure that appropriate levels of performance are reached. For this to happen, minimum standards of diligence, competence and ethical conduct need to be upheld. All this is required to be demonstrated to the community whom the judges serve."

The principles of public accountability demand that the judiciary take the primary responsibility for the promotion and maintenance of high standards of judicial conduct so as to earn and retain the respect of the community.

In 2006 the United Nations Social and Economic Council, by resolution 2006/23, invited member States consistent with their domestic legal systems, to encourage the judiciaries to take into consideration the Bangalore Principles of Judicial Conduct (2002) when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary.

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The Bangalore Principles of Judicial Conduct are the undisputed international benchmark for the conduct of judiciaries. They take the form of six core values that should guide the exercise of judicial office, namely: independence, impartiality, integrity, equality, propriety and competence and diligence. The Principles go on to deal with specific considerations judges should be aware of in respect of each stated value. The judiciary in Tonga endorse and adopt the Bangalore Principles. They are attached as an Appendix. The rules in this code of conduct are to be seen as a supplement to the Bangalore Principles.

It is of fundamental importance that judges must at all times observe the highest ethical standards of conduct. This is essential for the maintenance of public confidence in the independence, impartiality, integrity and propriety of the judiciary and the administration of justice.

As stated in the report of the Judicial Integrity Group (March 2007):

"A judiciary of undisputed integrity is the bedrock institution essential in any society for ensuring compliance with democracy and the rule of law. Even when all other protections fail, it provides a bulwark to the public against any encroachments on its rights and freedoms."

Anthony D. Ford
Chief Justice
January 2010

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JUDICIAL CODE OF CONDUCT RULES 2010

ORDER 1: APPLICATION

O.1 Rule 1. Promulgation

- (1) These rules embody a code of conduct for the Judiciary in the Kingdom of Tonga. They have been voluntarily agreed to and adopted by all of the current sitting Magistrates and Supreme Court and Court of Appeal Judges.
- (2) The Judicial Code of Conduct shall come into effect on 1 January 2010 and shall be binding on all members of the Judiciary.

O.1 Rule 2. Citation

- (1) These rules may be cited as the Judicial Code of Conduct Rules 2010.

O.1 Rule 3. Situations not covered

- (1) If it appears in any given situation that no provision exists in these rules to give guidance as to the appropriate conduct to be followed and applied in a given situation then the decision of the Court Leader shall apply.
- (2) In the event of the situation in question involving a Court Leader then, in the case of the Chief Justice, he shall consult with his fellow Judge(s) on the Supreme Court and, in the

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case of the Chief Magistrate, he shall consult with the Chief Justice.

- (3) These rules do not affect the obligations of Judges under their conditions of service or under the law.

O.1 Rule 4. Review

- (1) These rules may, with the consent of the Chief Justice, be reviewed by the Judiciary from time to time.

ORDER 2: DEFINITIONS

Unless the context otherwise requires:

"Court Leader" means, in the case of the Magistrate's Court, the Chief Magistrate and, in any other case, the Chief Justice.

"Judicial Officer" includes the Chief Registrar, any Registrar, the Anti-Corruption Commissioner and any qualified Mediator.

"Judge" and "Judiciary" includes a Judge of the Court of Appeal, the Supreme Court a Magistrate and any other Judicial Officer.

ORDER 3: GUIDING PRINCIPLES

O.3 Rule 1. Requirements of office

- (1) In order to maintain public confidence in the Judiciary and the administration of justice, it is of fundamental importance that Judges do their utmost to:

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- (a) observe the highest standards of conduct;
- (b) uphold the independence of the judiciary, and
- (c) maintain the impartiality of the judiciary.

O.3 Rule 2. Consultation

- (1) Where different views might reasonably be taken as to the appropriate course of action in a given situation a Judge should consult with his colleagues.
- (2) If any doubt persists, the Judge should consult with his Court Leader.

ORDER 4: OBSERVING THE HIGHEST STANDARDS OF CONDUCT

O.4 Rule 1. Conduct out of Court

- (1) Judges must have scrupulous respect for the law and its observance. What in others may be seen as a relatively minor transgression may well attract publicity, bringing the Judge into disrepute and raising questions regarding his integrity.
- (2) As the conduct of Judges is subject to public scrutiny a Judge should conduct himself, both in and out of Court, in a way that maintains the standing and dignity of the judicial office.
- (3) A Judge should consider whether in the eyes of a reasonable fair-minded and well-informed member of the community, the proposed conduct would be likely to call his integrity into question or to diminish respect for him as a

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Judge. If so, the proposed course of conduct should be avoided.

- (4) Judges should refrain from membership in or association with political organisations or activities.
- (5) Judges should not use their judicial office for personal advantage or for the benefit of family and friends or to extricate themselves from legal or bureaucratic difficulties.
- (6) In general, judicial stationery should be used only when a Judge wishes to write in an official capacity or for a letter of reference when the Judge's personal knowledge of the individual concerned has arisen in the course of judicial work.
- (7) A Judge should not give legal advice, however, in the case of close family members or close friends, he may offer personal advice on a friendly, informal basis, without remuneration, even on a matter having legal implications provided he makes it clear that he must not be treated as giving legal advice and that if legal advice is needed the person should be referred to a law practitioner.
- (8) Judges are free to participate in community non-profit making organisations of various types by becoming members of the organisation but not if the organisation's objects are political or if its activities are likely to involve it in frequent litigation or expose the Judge to public controversy.
- (9) Judges should not hold directorships in commercial companies (public or private) whose objects are profit related.
- (10) Judges may act as executors or trustees of estates of family members or close friends

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(whether or not they are beneficiaries of the estate) provided they do so without remuneration.

- (11) Judges should be circumspect about becoming involved in personal litigation and should not instigate legal action without consulting the Court Leader.
- (12) A Judge should not accept free legal advice and should pay at a proper rate for all legal services except for services provided by a spouse or close relative.
- (13) In general it would not be appropriate for a Judge to have social contact with a law practitioner who is currently appearing or is in a case due imminently to be heard before him but if such contact does take place talk of the case should be avoided.
- (14) A Judge should avoid expressing views in public on controversial political or legal issues which may come before the courts in one way or another.

O.4 Rule 2. Conduct in the discharge of judicial duties

- (1) A Judge should maintain order and decorum in all proceedings in his Court and should be patient, dignified and courteous towards litigants, witnesses, lawyers and other persons whom he deals with in an official capacity and he should require similar conduct from counsel and others who are subject to his influence, direction or control.
- (2) Judges should perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
- (3) There should be no communication concerning

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a case between the Judge and any of the parties or counsel in the absence of the others unless the consent of those absent has first been obtained.

- (4) If the Court receives any such private communication the other parties must be fully and promptly informed.
- (5) A Judge should not alter the substance of reasons for any decision given orally or of the transcript of any summing up to a jury.
- (6) A Judge should not communicate privately with an appellate Court or appellate Judge in respect of any pending appeal from that Judge's determination.
- (7) A Judge should not enter into any contentious correspondence with the author of any letter or other communication criticising a judicial decision but the Court Leader may authorise the Registrar to acknowledge the communication in a noncontentious manner.
- (8) Judges should speak only through their judgments in dealing with the case being decided and a Judge should refrain from answering media criticism of a decision.
- (9) If there is media misreporting of Court proceedings or a judgment and a Judge considers that the error should be corrected then he should consult the Court Leader and the Judiciary may issue a press release (preferably through the Chief Registrar) to state the factual position or take steps for an appropriate correction to be made.

ORDER 5: UPHOLDING THE INDEPENDENCE OF THE JUDICIARY

O.5 Rule 1. In relation to other branches of government

- (1) The Judiciary must be and must be seen to be independent of the executive and legislative branches of government. The relationship between the Judiciary and the executive and legislative arms of government should be one of mutual respect, each recognising and respecting the proper role of the other.
- (2) The responsibility for dealing with the other branches of government on behalf of the Judiciary rests with the Chief Justice and/or Attorney General.

O.5 Rule 2. In carrying out judicial functions:

- (1) Judges shall perform their constitutional duty of adjudicating disputes impartially without fear or favour.
- (2) Judges must ensure that their conduct, both in and out of Court, does not undermine judicial independence or give the appearance of doing so.
- (3) Judges must reject any extraneous attempt, direct or indirect, to influence them by any means. If appropriate, any such attempt should be reported to the Court Leader who can consider any necessary action.
- (4) In the exercise of his judicial function, a Judge must be immune from the effects of media publicity or outside influence regarding a case before him.

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- (5) Judges should act fearlessly, irrespective of popular acclaim or criticism.
- (6) It is permissible for a Judge to "pick the brain" of a colleague but it must be remembered at all times that judicial decision-making is the responsibility of the individual Judge, including each Judge sitting in a collegiate appellate Court.

ORDER 6: IMPARTIALITY

O.6 Rule 1. Fundamental quality

- (1) Impartiality is the fundamental quality required of a Judge.
- (2) Judges should conduct themselves in and out of Court in a way that maintains confidence in their impartiality and that of the Judiciary.
- (3) Justice must be done and must be seen to be done. Impartiality must exist both as a matter of fact and as a matter of reasonable perception. The perception of impartiality is measured by the standard of a reasonable, fair-minded and well-informed person.
- (4) Occasions may arise when the fundamental principle requiring the Court to be, and to be seen to be, impartial may operate to disqualify a Judge from sitting.

O.6 Rule 2. Actual bias

- (1) Where a Judge is affected by actual bias, disqualification must follow.
- (2) Actual bias includes a situation where the Judge's decision would lead to the promotion of

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a cause in which he is involved in promoting together with one of the parties.

O.6 Rule 3. Presumed bias

- (1) Bias is presumed and the Judge is automatically disqualified if he has a pecuniary or proprietary interest in the outcome of the case.
- (2) Presumed bias includes the situation where the Judge has a substantial shareholding in one of the parties and the outcome of the case might be such as could realistically affect the Judge's interest.

O.6 Rule 4. Apparent bias

- (1) A Judge is disqualified from sitting if the circumstances are such that they would lead a reasonable, fair-minded and well-informed observer to conclude that there is a real possibility that the Judge would be biased.
- (2) Consideration only needs to be given to the question of disqualification if the circumstances present a real possibility that the apparent bias test set out in subclause (1) may apply.
- (3) A Judge should not yield to tenuous, trivial or frivolous grounds and should not accede too readily to suggestions of apparent bias because in doing so he may encourage parties to believe that by seeking disqualification, they may be able to have their case transferred from a Judge whom, for one reason or another, they may wish to avoid.
- (4) If after applying the apparent bias test in subclause (1) the Judge is satisfied that disqualification is not required then no disclosure to the parties is necessary and the judge should proceed to hear the case.

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- (5) If a question of apparent bias arises, a Judge may wish to consult colleagues and the Court Leader for their views but it is the ultimate responsibility of the Judge to decide for himself, applying the criteria in subclause (1) above, whether disqualification is required.
- (6) A Judge may wish to have the assistance of submissions from the parties on the facts or the law before deciding whether disqualification is required and in such case the relevant circumstances should be disclosed to the parties prior to the presentation of their submissions.
- (7) In any case where the question of bias arises for the first time after the hearing has begun, the approach in subclauses (4), (5) and (6) above (as relevant) should be followed but the conclusion that disqualification is considered necessary should not lightly be reached given its implications in terms of expense and disruption.

O.7 Rule 5. Waiver

- (1) In any situation of actual, presumed or apparent bias, a party may waive his right to object.
- (2) Any waiver must be clear and unequivocal and made with full knowledge of all relevant facts.
- (3) A Judge should not give any impression of exerting any pressure on the parties to consent to his hearing the matter.
- (4) Even if there is a waiver, it is ultimately for the Judge to decide whether to sit.

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APPENDIX

THE BANGALORE PRINCIPLES OF JUDICIAL CONDUCT 2002

(The Bangalore Draft Code of Judicial Conduct 2001
adopted by the Judicial Group on Strengthening Judicial
Integrity, as revised at the Round Table Meeting of Chief
Justices held at the Peace Palace, The Hague,
November 25-26, 2002)

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Preamble

WHEREAS the Universal Declaration of Human Rights recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations and of any criminal charge.

WHEREAS the International Covenant on Civil and Political Rights guarantees that all persons shall be equal before the courts, and that in the determination of any criminal charge or of rights and obligations in a suit at law, everyone shall be entitled, without undue delay, to a fair and public hearing by a competent, independent and impartial tribunal established by law.

WHEREAS the foregoing fundamental principles and rights are also recognized or reflected in regional human rights instruments, in domestic constitutional, statutory and common law, and in judicial conventions and traditions.

WHEREAS the importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice.

WHEREAS a competent, independent and impartial judiciary is likewise essential if the courts are to fulfil their role in upholding constitutionalism and the rule of law.

WHEREAS public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society.

WHEREAS it is essential that judges, individually and collectively, respect and honour judicial office as a public trust and strive to enhance and maintain confidence in the judicial system.

WHEREAS the primary responsibility for the promotion and maintenance of high standards of judicial conduct lies with the judiciary in each country.

AND WHEREAS the United Nations Basic Principles on the Independence of the Judiciary are designed to secure and promote the independence of the judiciary, and are addressed primarily to States.

THE FOLLOWING PRINCIPLES are intended to establish standards for ethical conduct of judges. They are designed to provide guidance to judges and to afford the judiciary a framework for regulating judicial conduct. They are also intended to assist members of the executive and the legislature, and lawyers and the public in general, to better understand and support the judiciary. These principles presuppose that judges are accountable for their conduct to appropriate institutions established to maintain judicial standards, which are themselves independent and impartial, and are intended to supplement and not to derogate from existing rules of law and conduct which bind the judge.

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Value 1:

INDEPENDENCE

Principle:

Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

Application:

- 1.1 A judge shall exercise the judicial function independently on the basis of the judge's assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.
- 1.2 A judge shall be independent in relation to society in general and in relation to the particular parties to a dispute which the judge has to adjudicate.
- 1.3 A judge shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to a reasonable observer to be free therefrom.
- 1.4 In performing judicial duties, a judge shall be independent of judicial colleagues in respect of decisions which the judge is obliged to make independently.
- 1.5 A judge shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.
- 1.6 A judge shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary

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which is fundamental to the maintenance of judicial independence.

Value 2:

IMPARTIALITY

Principle:

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

Application:

- 2.1 A judge shall perform his or her judicial duties without favour, bias or prejudice.
- 2.2 A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.
- 2.3 A judge shall, so far as is reasonable, so conduct himself or herself as to minimise the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
- 2.4 A judge shall not knowingly, while a proceeding is before, or could come before, the judge, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue.
- 2.5 A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter

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impartially. Such proceedings include, but are not limited to, instances where

- 2.5.1 the judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
- 2.5.2 the judge previously served as a lawyer or was a material witness in the matter in controversy; or
- 2.5.3 the judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy:

Provided that disqualification of a judge shall not be required if no other tribunal can be constituted to deal with the case or, because of urgent circumstances, failure to act could lead to a serious miscarriage of justice.

Value 3:

INTEGRITY

Principle:

Integrity is essential to the proper discharge of the judicial office.

Application:

- 3.1 A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.
- 3.2 The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

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Value 4:

PROPRIETY

Principle:

Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.

Application:

- 4.1 A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.
- 4.2 As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge shall conduct himself or herself in a way that is consistent with the dignity of the judicial office.
- 4.3 A judge shall, in his or her personal relations with individual members of the legal profession who practise regularly in the judge's court, avoid situations which might reasonably give rise to the suspicion or appearance of favouritism or partiality.
- 4.4 A judge shall not participate in the determination of a case in which any member of the judge's family represents a litigant or is associated in any manner with the case.
- 4.5 A judge shall not allow the use of the judge's residence by a member of the legal profession to receive clients or other members of the legal profession.
- 4.6 A judge, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but in exercising such rights, a judge shall always conduct himself or herself in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.

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- 4.7 A judge shall inform himself or herself about the judge's personal and fiduciary financial interests and shall make reasonable efforts to be informed about the financial interests of members of the judge's family.
- 4.8 A judge shall not allow the judge's family, social or other relationships improperly to influence the judge's judicial conduct and judgment as a judge.
- 4.9 A judge shall not use or lend the prestige of the judicial office to advance the private interests of the judge, a member of the judge's family or of anyone else, nor shall a judge convey or permit others to convey the impression that anyone is in a special position improperly to influence the judge in the performance of judicial duties.
- 4.10 Confidential information acquired by a judge in the judge's judicial capacity shall not be used or disclosed by the judge for any other purpose not related to the judge's judicial duties.
- 4.11 Subject to the proper performance of judicial duties, a judge may:
 - 4.11.1 write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice or related matters;
 - 4.11.2 appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;
 - 4.11.3 serve as a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with the perceived impartiality and political neutrality of a judge; or
 - 4.11.4 engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.
- 4.12 A judge shall not practise law whilst the holder of judicial office.
- 4.13 A judge may form or join associations of judges or participate in other organisations representing the interests of judges.

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- 4.14 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties.
- 4.15 A judge shall not knowingly permit court staff or others subject to the judge's influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done in connection with his or her duties or functions.
- 4.16 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

Value 5:

EQUALITY

Principle:

Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

Application:

- 5.1 A judge shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, colour, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes ("irrelevant grounds").
- 5.2 A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.

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- 5.3 A judge shall carry out judicial duties with appropriate consideration for all persons, such as the parties, witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.
- 5.4 A judge shall not knowingly permit court staff or others subject to the judge's influence, direction or control to differentiate between persons concerned, in a matter before the judge, on any irrelevant ground.
- 5.5 A judge shall require lawyers in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant grounds, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy.

Value 6:

COMPETENCE AND DILIGENCE

Principle:

Competence and diligence are prerequisites to the due performance of judicial office.

Application:

- 6.1 The judicial duties of a judge take precedence over all other activities.
- 6.2 A judge shall devote the judge's professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.
- 6.3 A judge shall take reasonable steps to maintain and enhance the judge's knowledge, skills and personal qualities necessary for the proper performance of judicial duties, taking

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- advantage for this purpose of the training and other facilities which should be made available, under judicial control, to judges.
- 6.4 A judge shall keep himself or herself informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms.
- 6.5 A judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
- 6.6 A judge shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. The judge shall require similar conduct of legal representatives, court staff and others subject to the judge's influence, direction or control.
- 6.7 A judge shall not engage in conduct incompatible with the diligent discharge of judicial duties.

IMPLEMENTATION

By reason of the nature of judicial office, effective measures shall be adopted by national judiciaries to provide mechanisms to implement these principles if such mechanisms are not already in existence in their jurisdictions.

DEFINITIONS

In this statement of principles, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

"*Court staff*" includes the personal staff of the judge including law clerks.

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Appendix

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"*Judge*" means any person exercising judicial power, however designated.

"*Judge's family*" includes a judge's spouse, son, daughter, son-in-law, daughter-in-law, and any other close relative or person who is a companion or employee of the judge and who lives in the judge's household.

"*Judge's spouse*" includes a domestic partner of the judge or any other person of either sex in a close personal relationship with the judge.

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