



Ethical Principles of Lay and Honorary Judges

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Preamble

Recognising the different judicial systems and jurisdictions in Europe;

Conscious of the equal status of honorary and professional judges;

Taking into account the principles laid down in the „European Charter of Lay Judges”;

Based on the legal principles of the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union

the European Network of Associations of Lay Judges (ENALJ) adopts the „Ethical principles of lay and honorary judges” as follows:

Article 1 – Basics

1. Participation of lay and honorary judges in the justice system is a defining feature of most European countries with a democratic legal system.* They are the cornerstones of a fair and humane judiciary and help to make the law and court proceedings more transparent, understandable, and accessible to the public to strengthen confidence in justice administration.
2. The principles of independence, integrity and respect, diligence and competence, equality and impartiality together define the role of lay and honorary judges of today.

Article 2 – Independence

1. The independence of lay and honorary judges always requires behaviour corresponding to the importance of the office and the task of jurisdiction.
2. Lay and honorary judges decide solely on the basis of the facts in every single case and free of extraneous influences or expectations.
3. Personal independence is a necessary component of the independence of the office, not a personal privilege. Lay and honorary judges are aware of the influence of their own experience, values, and personal and social development on the decision-making process. They have the courage to defend their own views, even against the spirit of the times, and the willingness to be convinced by arguments. They are not swayed by media coverage.
4. Lay and honorary judges must resist improper attempts to influence their decisions.

Article 3 – Impartiality

1. Lay and honorary judges are impartial and unbiased in the exercise of their office. They disclose immediately any circumstances that reasonably give rise to any appearance of bias.
2. Lay and honorary judges avoid raising doubts about their impartiality through their behaviour or appearance as well as in their communications on social media. Statements or visible symbols of support, particularly in the context of court proceedings should be avoided.
3. Lay and honorary judges who are appointed to office based on membership of a particular social group or organisation shall maintain the necessary impartiality towards parties with competing interests.

Article 4 – Integrity

1. Lay and honorary judges behave in a respectful and restraint manner towards all involved in a court hearing. They carry out their duties with equality and refrain from any form of discrimination or prejudice.
2. They maintain the confidentiality of consultations, closed-door hearings, and obligations of secrecy in accordance with the law.

* These principles apply to all kinds of lay and honorary judges, honorary substitute prosecutors and arbitrators.

3. Lay and honorary judges may not accept any advantages or privileges that could be interpreted as influencing the exercise of their judicial duties.
4. In collegial courts they work together in a confident, objective, and solution-orientated manner.

Article 5 – Responsibility

1. Lay and honorary judges are aware of their role and responsibility in a justice system based on the principles of the rule of law and its power to shape and restrict rights and living conditions. Their participation contributes to fair and transparent proceedings.
2. The responsibility of the judicial office requires diligence and conscientiousness both in establishing the facts relevant to the decision and in evaluation of evidence.
3. Lay and honorary judges are aware of the legal and practical consequences of their decisions for the future lives of those affected.
4. Before taking office, they familiarize themselves with their rights and duties as well as the opportunities to participate in and shape the court proceedings. They shall regularly undergo further training in matters relating to the judicial office.

Article 6 – Social Competences

1. Judging other people requires social skills based on life or/and professional experience, as well as an understanding of human behaviour. Lay and honorary judges possess empathy, communication skills, the ability to judge and to deal with conflict and criticism, as well as a sense of responsibility and self-discipline – even in emotionally challenging situations.
2. With these important skills, they contribute to fair decisions that are not solely determined by the correctness of legal rules.

Article 7 – Extrajudicial Behaviour

1. Lay and honorary judges strengthen public trust in the judiciary by serving as approachable and principled representatives of the justice system, fostering a constructive dialogue with civil society.
 2. Even outside court hearings, lay and honorary judges shall conduct themselves in such a way that neither their independence and neutrality nor their loyalty to the constitutional principles of democracy and the rule of law can be called into question.
 3. In public statements – for example in social media – and activities, lay and honorary judges ensure that the dignity of other people is not violated.
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