



## THEMIS 2012-ERFURT

### MAGISTRATES ETHICS AND DEONTOLOGY

# PROFESSIONAL CONDUCT, ETHICS AND ACCESS TO THE JUDICIARY: PROPOSALS FOR THE DEVELOPMENT OF COMMON JUDICIAL STANDARDS



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## **INTRODUCTION**

*“The Judiciary is one of the three powers of any democratic state. Its mission is to guarantee the very existence of the Rule of Law and, thus, to ensure the proper application of the law in an impartial, just, fair and efficient manner”<sup>1</sup>.*

**Mission of the Judiciary.** At a time when we are witnessing increasing attention being paid to the role and significance of the judiciary, which is seen as the ultimate guarantor of the democratic functioning of institutions at national, European and international levels, the question of the recruitment process and training of prospective judges before they take up their posts is of particular importance.

**Supranational framework.** The independence of the judiciary confers rights on judges of all levels and jurisdictions, but also imposes ethical duties. The latter includes duties listed in several international documents, in particular:

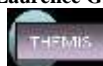
- The United Nations "Basic principles on the independence of the judiciary" (1985);
  - Recommendation No. R (94) 12 of the Committee of Ministers of the Council of Europe on the independence, efficiency and role of judges;
  - The European Charter on the Statute for Judges (1998) (DAJ/DOC(98) 23);
  - The Code of judicial conduct, the Bangalore draft ;<sup>2</sup>
  - Opinion no. 3 of the Consultative Council of European Judges to the attention of the Committee of Ministers of the Council of Europe on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality<sup>3</sup>
- This opinion covers the principles and rules governing judges' professional conduct, based on determination of ethical principles, which must meet very high standards and may be incorporated in a statement of standards of professional conduct drawn up by the judges themselves.

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<sup>1</sup> Magna Carta of Judges adopted by the CCJE 17-19<sup>th</sup> November 2010

<sup>2</sup> 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). List of values : independence, impartiality, integrity, propriety, equality, competence and diligence.

<sup>3</sup> CCJE (2002) Op. N°3, 19 November, 2002



Every document insisted on both judicial ethics and conduct by gathering core values and standards of judicial conduct to agree on. The purpose of the legal code of ethics is to oversee the activity of judges both on the bench and in society in general. They are designed to better identify the specific duties involved in the legal function.

**Influence of the European Convention on Human Rights.** The powers entrusted to judges are subject to the principles of international law and justice as recognized in modern democratic societies. This aim is expressed in Article 6 of the Convention which states that *"everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"*. Far from suggesting that judges are all-powerful, the Convention highlights the safeguards that are in place for persons on trial and sets out the principles on which the judge's duties are founded: independence and impartiality.

In recent years, the significance of the ECHR has been developed and felt through the case-law of the European Court in Strasbourg and national courts. Moreover, requirements of the ECHR are directly applicable in the states and the interpretive authority of judgments of the ECHR is less challenging. Thus, subject to the same framework to perform their judicial functions, it makes sense that judges are subject to the same obligations.

**Recruitment and initial training.** From this perspective, ensuring the highest quality of recruitment and initial training of judges is a key issue. What is at stake is preserving of the legitimacy of the judiciary and questioning what a good judge should be. This analysis reveals a more comprehensive trend that can be drawn from a very basic deontological framework set on legal skills to the development ethics requirements of future magistrates.

Having in mind the great diversity at European level in the matter of recruiting judges, this work aims to reconsider ethical standards in Europe. On the basis of a comparative approach, it emphasizes a possible way of alignment of judicial systems where the recruitment system should be correlated with the initial training program, as well as with the profile of the ideal magistrate.

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## **PART I – ETHICS AND PROFESSIONAL CONDUCT OF THE RECRUITMENT PROCESS**

The method of recruitment of judges are a sensitive issue because it may influence the independence of the Judiciary<sup>4</sup>. More generally, questions arise about the legitimacy of judges and the ways of increasing judicial awareness in the areas of ethics and professional conduct issues before judges take up their posts.

Therefore, three topics appear relevant here: the independence of the body in charge of recruitment, the issue of jury trial and the judicial oath.

### **I. Ensuring the independence of the body in charge of recruitment**

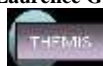
The independence of the body in charge of recruiting judges is an essential matter. Considering the diversity of means to access the Judiciary in European countries, it is not possible to apply in a similar way the same principles for a judge and a public prosecutor in the same way.

There are great differences among European countries and these differences can in part be related to particular features of the different judicial systems. Regardless of the methods of recruitment, it is important that the authorities competent for the recruitment of judges have a certain degree of independence. There are countries where the recruitment of judges is only in the hands of a

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<sup>4</sup> Appendix 1 and 2 for the modalities of recruitment of judges/prosecutors in Europe

Several methods of recruitment can be found in the Members States of the Council of Europe. Countries may recruit judges using a competitive exam or choose them on the basis of work experience in the legal field. There are also countries where there is a combination of competitive exams and appointment of judges on the basis of experience. The methods are presented in the following figure. The variances may be noted in the methods are of a cultural nature and find their roots in the history of each country. Common law countries favour the recruitment of judges on the basis of working experiences whilst the majority of the continental European countries often prefer a competitive exam. Recruitment by competitive exam rests on graduate conditions (for example a Law degree) and personal capacities of the candidate, which must be evaluated by an independent jury not exclusively composed of judges.



(panel) of judges, whilst in other countries it can be a mixed authority of judges and non-judges. In a limited number of countries the recruitment of judges is the responsibility of non-judges.

Concerning the recruitment of judges more specifically<sup>5</sup>, some countries have chosen to appoint their judges amongst citizens or, in the case of specialized courts, representatives of an enterprise/company. This is for example the case for Switzerland. Also in France, judges of labour courts responsible for disputes between employers and employees concerning employment contracts are selected from enterprises/companies.

In England and Wales for instance, access to the profession of judge is reserved for (legal) professionals having significant experience in the legal area (such as a lawyer or a barrister). The Judicial Appointments Commission (JAC) is an independent non departmental public body (NDPB), set up by the Constitutional Reform Act in 2005, to select candidates for judicial office. Selection is on merit, through fair and open competition, from the widest range of eligible candidates

As it is the case with the recruitment of judges, there are three or four different modalities of recruitment of public prosecutors: competitive exams, recruitment on the basis of working experience, a combination of both or even other modalities. With respect to the different systems (prosecution on the basis of legality or opportunity), the role and the modalities of recruitment of prosecutors may vary. There are systems where prosecutors are recruited after finishing Law school and a training period (Finland, Luxembourg, Ukraine), after making a request to the General Prosecutor (Hungary), by a final decision (not appeal able) of a superior body ( Monaco) or of the Parliament( Montenegro). In many countries the conditions for entering the profession of the public prosecutor are different compared to the recruitment and appointment of judges.

- **Proposals**

**Beyond the diversity of the methods of recruitment of judges in European countries, common guidelines could command selection in access to the Judiciary.**

**The independence of the body responsible for the recruitment of judges is of key importance.**

**In order to ensure a proper selection, the transparency of the recruitment process should be guaranteed.**

**The recruitment process should rely on objective criteria.**

## **II. Questioning jury trial: an expression of distrust in judiciary?**

The recent and controversial reform in France to introduce jurors to criminal offense trials tackles a judge-only trial approach.

The jury system provides a means of interjecting community norms and values into judicial proceedings and of legitimizing the law by providing opportunities for citizens to validate criminal statutes in their application to specific trials.

Development of alternative trial systems may be considered as a lack of trust in professional judges, often accused of acting too lax and not meeting the expectations of the people while jurors are supposed to reflect folk wisdom and diversity of political opinions<sup>6</sup>.

Actually, jury trial is now a widespread practice in Europe that shows this system is worth preserving, even if a few States are trying to limit its use in order to reduce the costs of justice<sup>7</sup>.

The existence, alongside judges, of competent staff with defined roles and a recognized status is an essential condition for the efficient functioning of the judicial system. The effectiveness of this mixed system must be guaranteed by guard-rails in terms of ethics and professional conduct such as legal training and taking the oath. Jurors must be aware of their duties, among which impartiality and secrecy should stand as major ones<sup>8</sup>.

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<sup>6</sup> For instance in Sweden, non-professional jurors are elected for a four-year term by the municipal councils and in general a proportion that reflects the composition of local political forces. Since 2007, twenty jurors have been appointed by the extreme right "Sweden Democrats" party participating in the migration court in Malmö who decides the fate of asylum seekers.

<sup>7</sup> In the United Kingdom, Tony Blair and Jack Straw, in 2000 and 2005, tried unsuccessfully to reform the system to that purpose.

<sup>8</sup>Examples of oaths: in France: "*You swear and promise to examine with the most scrupulous attention the charges that are pending against X, to betray neither the interests of the accused nor those of society that accuses him, nor those of the victim; not to communicate with anyone until after your return, not to listen to hatred or malice, nor fear or affection remind you that the accused is presumed innocent and that doubt must benefit him; you decide on the charges and defenses, according to your conscience and your*

### **III. Taking the oath**

The judicial oath is for each judge a key-moment at the beginning of his profession. It is the ritual sentence that marks the threshold of another life. In this new life, the person takes on new responsibilities, not only personal but also judicial ones. Once the oath is pronounced, the person is not just a person any more, but belongs to a consecrated institution.

Oaths are required in quite a few professions, following the example of the Hippocratic oath for doctors. The judicial oath is radically different, since the judiciary is invested with sovereignty. This is the reason why in each European country judges make a different declaration. Two common points can be noted though: an oath is a commitment, and sets out fundamental principles.

#### **A. The oath as a commitment**

Pronouncing the oath, the new judge takes on common rules he has not chosen. He accepts to observe an institutional system, and the oath sets out the way it has to be.

Depending on the country, the political system may nor may not be mentioned in the oath. In monarchies, judges mention the Realm or the Sovereign, as can be expected. British judges, for instance, swear to “serve the Sovereign in the office of...”, while members of the Spanish judiciary swear to be loyal to the Crown. In Germany, the republican form of government is important enough to be mentioned in the judicial oath too.

In other countries, such as Poland, the oath can refer to the nation. However, the oath is pronounced in public. Which means the judge commits himself before society as a whole. The oath is the expression of his responsibility. Even without any Ethical Code, the oath is an agreement between judges and society.

Since the oath is so fundamental, and because it is supposed to be self-sufficient, it is usually invested by a sacred authority. In many European countries, judges can swear before God. Therefore

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*personal conviction with the impartiality and the firmness appropriate to an honest and free man, and to maintain secrecy of deliberations, after leaving your job”.*

*In Germany, before taking office, jurors must take an oath of loyalty "to the duties of the honorary position, in accordance with the Constitution and its laws, and judging science and conscience, regardless of the person to judge, as well as serve truth and justice, with the help of God."*





this mention is not compulsory; actually, faith is not a federative notion in our countries anymore, so it cannot constitute a strong common base. But religion still has a sacred dimension that fits the judicial oath. In non-religious countries, this sacred dimension can be found in the value of the law, especially a Basic Law or a Constitution, as if Positivism could succeed Religion.

This sacred dimension is necessary, because nothing can justify the required trust in judges. Trust is a wager, almost like Pascal's. Judicial ethics in personal life may be granted by recruitment methods, but nothing but the oath can grant that ethics will endure.

### **B. The oath as a statement of principles**

The assertion of the oath differs depending on the country. What is expected of the judiciary system is revealed in each one. That is also why a common sentence would underline the federation of different European countries on the basis of common standards.

Some of the current oaths remain silent on the ways that Justice has to be administered. The French one, for example, demands nothing but “well and faithfully do my office, religiously keep the secret of deliberations, and act in everything as a worthy and loyal judge”. This oath insists only on the behaviour of the person that has to be beyond reproach. Justice also remains in appearances, “it has to be done but also to be seen to be done”. What “office” or “worthy and loyal judge” means is explained. Indeed an oath has to give general assertions, since it has to meet the requirements of any situation. Therefore, other countries insist on specific standards of office.

At first glance, and moreover according to a long philosophical tradition, judges have to implement the legal system. Common Law countries and countries of civil law have different ways of asserting this same principle. Indeed the written law is rarely the only one to appear in the oaths. The British one refers to “Law and usages”, the Spanish one to “the Constitution”, the Romanian one to the Constitution, laws, and “personal rights and fundamental liberties”.

Since judges have to obey the law and ensure that the law is obeyed, they refer to the political and legal system in several countries, but rarely to their independence. What is more common is precision on the place of the judge in relation to persons subjects to trial. Impartiality appears in almost all the oaths in Europe. It is actually a common standard, just like scales are a symbol of Justice.



These principles seem to be based on a strong, simple consensus. But in this raw way, they are very abstract and utopic too. Judges cannot be the simple “mouth of the law”, they have to give it significance in order to protect fundamental principles from distortion, and prefer sense to words. This nuance figures especially in the German oath that says “Wissen und Gewissen”, for “knowledge and conscience”. This is why personal ethics are so important for judges, since they are effective actors of the law.

The Law cannot be without humanity. And judges are a way for the law to find its human application. Rigour does not mean harshness, and “without consideration *of* the person” does not mean “without consideration *for* the person”.

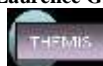
- **Proposals**

Since the oath is full of symbols, and in particular symbols of sovereignty, states a reluctant not to determine themselves its wording. Thinking of a common oath can be interesting though.

First, in fact, European judiciaries have already to submit to common rules. The European Convention on Human Rights laid down a right to a fair trial in its sixth article, and this text specifies few principles relating to the tribunal. This has to be “independent”, “impartial” and “established by law”. The interpretation by the European Court of Human Rights clarifies how to understand this article. This Convention has a direct authority on national systems of law, and the European case law is becoming established, and nowadays enforced by national courts. So national judiciaries now practice in a common framework and are legally compelled to get more similar, at least on fundamental principles.

Then, in an abstract point of view, a common oath seems to be a strong symbol for an agreement on those fundamental principles. The Rule of Law is not only determined at a national level, and the European Council strives to set out standards without undermining the sovereignty of states. It seems that taking a common oath would reinforce the feeling of serving that Rule of Law before to serve a particular state. That is why a European oath could be taken by magistrates from every European country, if necessary before a national oath.

**Regarding these observations, common standards in Europe could demand that judges do their duty “*faithfully, honourably, impartially and conscientiously*”, as said in the oath for the International Penal Court. Considerations for law on the one hand and for humanity on the other could be added.**





Requirements and expectations have evolved. Today, legal skills appear to be insufficient to recruit judges. One's personality, personal qualities and background are essential to the exercise of judicial function. Beyond legal competency –which is a core principle of judicial conduct-, judicial ethics are to be considered from the recruitment stage.

### **I. Ethics in the recruitment process: an outline of a specific “judicial profile”?**

We mentioned that the recruitment process is very different among European countries. However, the development of “personal criteria” appears more and more efficient in access to the Judiciary<sup>10</sup> and poses the question of the emergence of a specific “judicial profile”.

More specifically, the introduction of psychological aptitude tests and the requirement of good character/reputation of candidates has given rise to a debate in European countries.

#### **A. Psychological aptitude tests of candidates: a relevant mechanism?**

Psychological aptitude tests are very controversial. There are hot debates in Europe about whether or not these tests are deemed necessary and their impact on the recruitment process.

Psychological aptitude tests are not considered necessary in countries with common law systems. The process of judicial selection and appointment among legal practitioners in these countries normally includes a number of references of the candidates' aptitudes and character from different sources (other legal practitioners, practising judges, etc.), which would eventually deal with psychological problems of the applicants. On the other hand, the interview of candidates by panels in charge of selection of judges also contributes to the assessment of the psychological aptitude of the applicants.

In countries with civil law systems, psychological aptitude tests are applied in various ways. In Austria or France for instance, the psychological assessment of candidates consists of a personality test (standardized written or computer based test) and an interview with a psychologist.

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<sup>10</sup> This issue was particularly underlined during the reform of the competitive exam in France.

The assessment is only used for information purposes and does not bind the decision of the body in charge of recruitment.

The Italian case is interesting as there has been some discussion on this topic. Nonetheless the introduction of psychological aptitude tests was rejected due to the difficulty in defining psychological problems of candidates, which do not constitute mental illness, and the difficulty to assess the psychological aptitude of candidates at the beginning of this process. Additionally, the system of periodical evaluation of professional performance of Italian judges and prosecutors also helps assess the psychological balance of practising judges.

Another interesting example is the system introduced by the Netherlands. The psychological test takes an important place during the recruitment process. According to the practice of the Netherlands the psychological test is an additional tool for assessing candidates' judicial skills. Furthermore the results of the test are not binding for the panels in charge of the selection process.

- **Proposals**

**Many judges have expressed their views against this type of evaluation of the candidate<sup>11</sup>. Considering the European countries where psychological aptitude exists, it has to be taken into account that the psychological assessment does not bind the body in charge of recruitment.**

**Regarding the debate over psychological aptitude tests, it is difficult to wish for a common standard in this matter.**

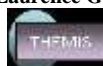
**Nonetheless, some European countries set interesting examples. In the Netherlands, for instance, psychological tests are not only about detecting the possible pathologies of candidates but they give information about the motivation and personality of the candidates.**

**The French “situational role-play”<sup>12</sup> is also an interesting way of assessing candidates as it reveals their personalities and their ability to interact with each other.**

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<sup>11</sup> For instance in Italy where psychological aptitude tests were debated.

<sup>12</sup> The « *mise en situation* » consists in describing a random situation to four candidates. The candidates, through discussion, are supposed to find solutions in order to respond adequately to the issues raised by the situation.



## **B. Requirement of good character/reputation**

There are different ways of assessing the requirement of good character or reputation of candidates in European countries.

In many countries (such as Italy<sup>13</sup>, France, Spain<sup>14</sup>, Belgium, Romania, Austria, Lithuania or the Netherlands) a previous criminal record or conviction would disqualify candidates from participation in the selection process, unless the criminal record has already lapsed

In common law countries such as Scotland, a previous criminal record would disqualify a candidate from appointment. Moreover, there is a specific requirement of “good character” of candidates to apply for appointment by the Judicial Appointments Board for Scotland, which makes access to the information provided by bar associations or Law societies on disciplinary records of advocates and solicitors necessary.

References regarding good reputation of candidates to judicial posts by bar associations, practising lawyers and other members of the legal community are also used in Norway, Sweden and Belgium.

In France, in addition to the criteria of a clean criminal record, the police make a public inquiry<sup>15</sup> about the candidates to the state competitive exam.

- **Proposals**

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<sup>13</sup> Moreover, in Italy an additional requirement applies as regards candidates who are already civil servants or practising lawyers, for they are disqualified if a disciplinary action against them has been taken.

<sup>14</sup> In Spain the good character or reputation of candidates for specific judicial posts (Presidents of Courts and justices of the Supreme Court) is assessed by the relevant bodies of the General Council for the Judiciary. This assessment can be done by means of the personal interview of the candidates by the panel in charge of making proposals for appointment (Qualification Committee of the General Council) and on the basis of the reports and references on the candidates provided by the regional Bar associations.

<sup>15</sup> This public inquiry is called “*enquête de moralité*”. The police is allowed, more particularly, to interview candidates to the state competitive exam.

Considering the criteria of good character/reputation, a common European standard would require that candidates having a previous criminal record that has not already lapsed would be disqualified from participation in the selection process.

The requirement of “good reputation” consisting in specific references posted by law associations or other members of a legal community appears to be closely related to the features of the some judicial systems. However, these mentions should not weigh heavily in the selection process.

#### I. Level of knowledge of judicial ethics and conduct in the recruitment process

What level of knowledge of judicial ethics and conduct should be expected from the candidates during the recruitment process and how should it be evaluated?

In some European countries these issues are considered as part of initial training (France, for instance), while in other countries, knowledge of judicial ethics and conduct is evaluated in the recruitment process. Many mechanisms exist in order to assess knowledge of judicial ethics and conduct during the recruitment process: questions on judicial ethics and conduct during an oral test, or written test about judicial ethics and conduct;

- Proposals

**Judicial ethics and conduct are both theoretical and practical matters. Beyond the diversity of the recruitment process among European countries a reinforced exchange between European countries on matters of judicial ethics and conduct would be advisable.**

## II. Diversifying the legal background and qualification in the recruitment process

The recruitment process should not consist in assessing only the legal skills of candidates but should also take into consideration the need for social awareness and an extensive understanding of different subjects reflecting the complexity of life in society.

Diversifying the legal background and qualification is a key issue that the European countries have taken into account by combining different types of recruitment. In countries such as France or Belgium, there are several ways of accessing the Judiciary.<sup>16</sup>

In common law countries previous legal practice is required. In other civil law system countries, the work experience in a legal field takes place at different stages of the recruitment process and initial training: it is not obligatory before taking the state exam -(but is considered as part of initial training) in some states like France.

- Proposals

**While it does not seem possible to impose a single model everywhere, the adoption of a system combining various types of recruitment may have the advantage of diversifying judges' backgrounds. Diversifying the legal background and qualification should be a common aim of European countries.**

### CONCLUSION

*« The trust citizens place in the judicial system will be strengthened if judges have a depth and diversity of knowledge which extend beyond the technical field of law to areas of important social concern, as well as courtroom and personal skills and understanding enabling them to manage cases and deal with all persons involved appropriately and sensitively » (Opinion N°4 (2003) of the Consultative Council of European Judges).*

Ethics and professional conduct seem to be the foundation of a judiciary in which people can trust. A professional conduct code enables to draw a disciplinary grantee in the judiciary. Ethics, as it

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<sup>16</sup> In Belgium for instance, a specific exam exists for experienced jurists. Regarding this issue, the French example is interesting as there are three state exams, the “*intégration directe*” mechanism and a “*concours complémentaire*”.





reveals the human dimension of the engagement of a judge, looks more difficult to be defined. Our work led to admit that the manner of recruiting is as decisive as the evaluation of the ethical skill of applicants. Moreover, as the european level of the framework of the judiciary is gaining in importance, it looks now essential to define common base for trials in Europe while saving the sovereign part of the judiciary. Even though a comparative study has given prominence to differences between several recruiting processes, a few common guidelines can be drawn concerning ethics *of* the recruitment process but also *in* the recruitment process :

- The independence of the organ in charge of the recruitment shall be ensured,
- The recruiting process shall rely on objective criteria,
- Competence and ethics of jury trial shall be guaranteed by legal training and taking the oath,
- European judges shall take an only oath, setting out common standards as faith, honour, impartiality, conscience, knowledge, and humanity,
- Psychological aptitude, motivation and personality of the candidates shall be evaluated as well as his legal skills,
- Ethics and professional conduct shall be the subject of a test in the recruitment process,
- Diversified legal background or qualification shall be represented in the panel of recruited judges.

Moreover, Ethics has also to be often reinforced. That is why a continued professional education shall be required, based on regular seminars which would allow each judge to think about social expectations and about his role. Those seminars shall also be an opportunity to refine European standards, which are still very light even if already fundamental.

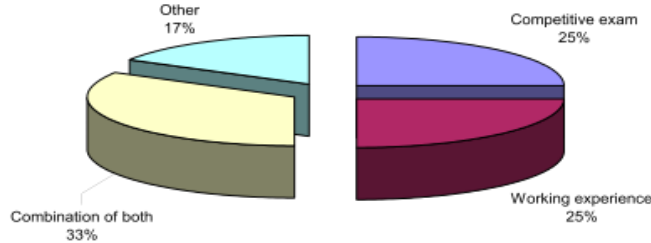


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**Appendix 1: Modalities of recruitment of the judges in Europe<sup>17</sup>**

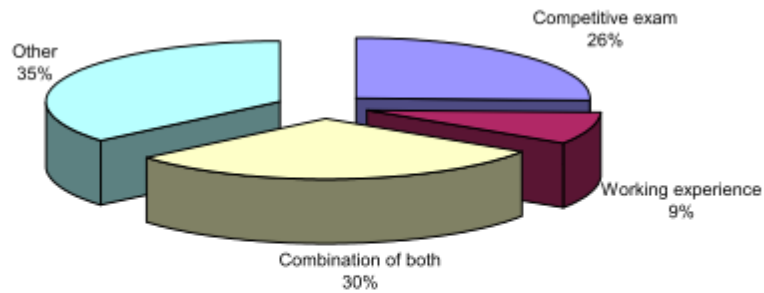


<i>Modalities of recruitment</i>			
<b>Competitive exam</b>	<b>Working experience</b>	<b>Combination of both</b>	<b>Other</b>
Andorra	Cyprus	Albania	Finland
Austria	Croatia	Armenia	Hungary
Bulgaria	Ireland	Azerbaijan	Luxembourg
Czech Republic	Iceland	Belgium	Montenegro
Greece	Malta	Bosnia and Herzegovina	Serbia
Italy	Norway	Denmark	Slovenia
Lithuania	Slovakia	Estonia	Sweden
Moldova	UK-Northern Ireland	France	Switzerland
Portugal	UK-Scotland	Georgia	
Spain	UK-England and Wales	Germany	
Turkey		Latvia	
Ukraine		Monaco	
		Netherlands	
		Poland	
		Romania	
		Russian Federation	
		Macedonia	

<sup>17</sup> Council of Europe, Committee of Ministers. CM (2008) 127 addendum 2. 1 september 2008.1037 Meeting 8 october 2008)  
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## Appendix 2: Modalities of recruitment of prosecutors in the European countries<sup>18</sup>



<i>Modalities of recruitment</i>			
Competitive exams	Working experience	Combination of both	Other modalities
Andorra	Croatia	Albania	Cyprus
Armenia	Germany	Belgium	Finland
Austria	Iceland	Bosnia and Herzegovina	Hungary
Azerbaijan	Ireland	Estonia	Luxembourg
Bulgaria	Norway	France	Malta
Czech Republic	Russian Federation	Georgia	Monaco
Denmark	Switzerland	Netherlands	Montenegro
Greece	FYROMacedonia	Poland	Serbia
Italy	UK-England and Wales	Romania	Ukraine
Latvia		Slovakia	
Lithuania		Slovenia	
Moldova		Sweden	
Portugal		UK-Northern Ireland	
Spain		UK-Scotland	
<b>Turkey</b>			

<sup>18</sup> Council of Europe, Committee of Ministers. CM (2008) 127 addendum 2. 1 september 2008.1037 Meeting 8 october 2008)  
[https://wcd.coe.int/ViewDoc.jsp?Ref=CM\(2008\)127&Language=lanEnglish&Ver=add2&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CM(2008)127&Language=lanEnglish&Ver=add2&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

**Appendix 3: Judicial oath in several European countries**

<i>Country</i>	<i>Political mention</i>	<i>Religious mention</i>	<i>Legal mention</i>	<i>Standards</i>
<b>France</b>	∅	∅	∅	“worthy and faithful” secret
<b>Germany</b>	Federal Republic of Germany	optional	Basic Law + law	Knowledge and conscience, truth and justice, without consideration for the person
<b>Italy</b>	Republic of Italy + its chief	∅	Laws	Consciously
<b>Norway</b>	∅	∅	∅	Right and justice
<b>Poland</b>	President of the Republic + Polish nation	∅	Law + duties	Justice, impartiality, conscience, secret, dignity and honesty
<b>Romania</b>	“the country”	optional	Constitution + laws  + personal rights and fundamental liberties	Honour, conscience, impartiality
<b>Spain</b>	Realm + “all” (nation)	∅	Constitution + legal system	“right and impartial”
<b>Sweden</b>	Realm	∅	laws	Honour, conscience, impartiality, without consideration of the person
<b>UK</b>	“our Sovereign Lady Queen Elizabeth”	optional	Law and usages	“Without fear or favour, affection or ill will”