

Professional ethics of judges in the Czech Republic

Abstract

This thesis addresses professional ethics of judges, aiming to present its foundations and current regulations, including the challenges and shortcomings that the current framework faces. Through the case law of disciplinary panels, it analyses the limits that professional ethics impose on the private lives of judges.

The first chapter provides an introduction to the basic concepts and terminology. The second chapter presents the foundations from which the profession of judges and their professional ethics are derived. It focuses on the administration of justice, disciplinary responsibility, and disciplinary proceedings, which are crucial for enforcing professional ethics but are not ideally resolved in respect of fulfilling the constitutional requirement of judicial independence.

The third chapter offers an analysis of the regulation of judicial professional ethics, primarily addressing the legally binding aspects resolved substantively in Act No. 6/2002 Coll., on Courts and Judges, and procedurally in Act No. 7/2002 Coll., on Proceedings Concerning Judges, Public Prosecutors, and Court Bailiffs. The non-binding part of the regulation is addressed through ethical codes, which currently exist in two forms: one from the Czech Judges' Union in 2005 – Ethical Principles of Judges' Conduct, and the other from the Supreme Court in 2020 – Judges' Code of Ethics.

The final chapter, based on the analysis of the case law of the disciplinary panel of the Supreme Administrative Court, delineates selected limits that professional ethics impose on the private lives of judges. It introduces the restrictions and limitations on privacy concerning the obligation to share information about health status, the right to informational self-determination, and the right to property and the conduct of business activities.

Key Words:

professional ethics, judges, private live