



IBERO-AMERICAN CODE OF JUDICIAL ETHICS

Adopted on 22nd June 2006 by the XIII Ibero-American Summit held in Santo Domingo, Dominican Republic and modified on 2nd April 2014 and on 22nd September 2023 during the XVII and XXI Plenary Assemblies of the Ibero-American Summit, held in Santiago de Chile and Lima (Peru), respectively.

I. The present status of Judicial Ethics in Ibero-America

Our cultural and geographical region has in recent years witnessed the sanctioning of Codes of Judicial Ethics or specific analogous regulatory systems (to date these have been established in 15 countries) with a diversity of institutional content and design. The Ibero-American Judicial Summit has provided support to this endeavour by including a chapter dedicated specifically to “Judicial Ethics” in the “*Statute of the Ibero-American Judge*” approved in the Canary Islands in 2001. In line with these actions the *Charter of Citizens’ Rights to Justice in the Ibero-American Judicial Area* (Cancún 2002) recognises “*the fundamental right of the population to obtain access to an independent, impartial, transparent, responsible, efficient, effective and fair form of justice*”. This reality led to the Copán-San Salvador Declaration of 2004 in which the Presidents of the Parliaments and Supreme Courts of Justice and of the Judiciary Councils of the states of Ibero-America approved the following declaration:

One: To reiterate the basic ethical principles for Ibero-American judges already established in the Second Ibero-American Summit of the Supreme Courts and Tribunals of Justice as reflected in the Statute of the Ibero-American Judge and in the Charter of Citizens’ Rights in terms of justice.

Two: To make all the necessary efforts to approve and implement those principles in the regulations of all Ibero-American Countries, in particular in those which do not yet possess a Code of Ethics, thus encouraging the creation of one.

Three: To revise the text of the Codes of Ethics already in existence for the purpose of ensuring that the regulations governing the ethics of judges are in line with the principle of independence in respect of any other authority and in respect of any of the parties involved in the specific judicial processes and the principles deriving therefrom.

Four: To create awareness in the respective judiciaries of the ethical principles laid down in each judicial Code of Ethics and to integrate them in the training programmes of each country.

Five: To disseminate these Codes of Ethics among citizens through various means of communication in an endeavour to increase the confidence and moral authority of judges.

Six: To promote the creation of a Model for a Ibero-American Judicial Code of Ethics

II. The Model Code resulting from the regional development of judicial ethics

Ibero-American identity has extensive visible features and historical explanations but in particular, in the present globalised state of the world, Ibero America appears as an area which, while interacting with other cultures, retains the characteristics and features which make the area so special. Within this framework the Ibero-American Judiciaries have continued the arduous but successful task of building a reality which by extending beyond national particularities indicates common aspects from which it is possible to define policies which will benefit all the countries. The Ibero-American judicial ethic has features common to other analogous experiences in different cultural areas but it also has distinctive characteristics which express its particular identity. The creation of a *Ibero-American Model Code* is a

further development in the path taken so far and enables the region to present itself to the world, not only from its traditional perspective, but also as an ongoing project which, without suppressing the national individuality of the region's nations, also reveals and presents a wealth of common experience.

III. The Model Code as an institutional commitment to excellence and as an instrument for strengthening the legitimacy of the Judiciary

Despite this decision of the Ibero-American Judicial Summit, and the aforementioned context which supports it, since sceptical judicial voices or at least doubting ones continue to be heard, it has become necessary to justify this endeavour by approving a *Ibero-American Model Code of Judicial Ethics*. Ultimately, it is a question, based on the requirements which the law itself raises in the courts, of taking an in-depth look at these requirements and adding others, with a view to achieving what could be termed as the “best” judge possible for our societies. Judicial ethics include legal requirements referring to the most significant conduct for social life but such ethics also attempt to ensure that compliance therewith responds to an acceptance of these ethics due to their intrinsic value, that is, based on moral grounds; in addition, these duties are complemented by others which, though they may appear less compelling, they nevertheless contribute to defining judicial excellence. From which it follows that judicial ethics presuppose the rejection of both the standards of conduct proper to a “bad” judge and those of a merely mediocre judge who conforms to the legally required minimum.

In this respect it should be pointed out that the present reality of political authority in general and that of judicial authority in particular shows a clear crisis in legitimacy which means that those who exercise the profession need to ensure that citizens recover their trust in the institutions of the law. The adoption of a Code of Ethics implies a message conveyed by the Judiciaries to society, acknowledging the concern caused by this weak legitimacy and the efforts made in assuming a strong commitment to excellence in the provision of the services of justice. It is appropriate to point out that despite having recourse to a terminology which is extensive in the world of law, such as “code”, “tribunal”, “liability”, “sanction”, “duty” etc., that terminology should not be assumed to carry that meaning but rather as terms which can be used in the field of ethics with the particularities pertinent to that subject.

IV. Judicial ethics and the need to harmonise the values present in the judicial function

It is important to recall that in a State of Law the judge is required to endeavour to reach a fair solution in accordance with that law in the legal action for which he/she has competence, and that this power and *imperium* exercised by the judge proceeds from the same society which, through established constitutional mechanisms, selects the judge for this clear and requisite social function on the basis of having accredited some specific appropriate measures. The power conferred on each judge implies specific requirements which would be inappropriate for the common citizen exercising private powers; acceptance of the judicial function brings benefits and advantages but also liabilities and disadvantages. From this perspective of a governing society it is understood that the judge must not only be concerned with “being” according to the dignity proper to the power conferred, but also with “appearing” in a manner which will not raise legitimate doubts in society regarding the manner in which the judicial service is carried out. Law should be oriented towards the general good or interest; however, in the scope of the judicial function, certain interests of those subject to justice, as well as lawyers and others working in the service of justice acquire a special importance which must necessarily be taken into consideration. Judicial ethics should be proposed and applied from a weighted logic which seeks a reasonable point of balance between values: if you will, between the values of the judge as a citizen and also as the holder of power, the exercise of which has repercussions on the good and the interests of both specific individuals and on society in general.

V. Judicial ethics as a call to the judge's intimate commitment to excellence and rejection of mediocrity

The Law may be seen as the regulation of conduct by legitimised authorities, which includes the *ex post facto* use for formally judging those types of conduct which infringe the law. Ethical rules may also be used for this purpose; however, in ethical "trials" there is no motive which an accused person could put forward as an offence against ethics which would be outside deliberation. In other words, the Ethics Court can accept grounds or motives which would be unacceptable if it were acting as a normal legal court. Whereas in Law the general forms by which liability is determined are unavailable and are essentially oriented towards the past, in ethics they become flexible since it is essential to modify the judge's future conduct and achieve excellence. For professional ethics it could be said that rather than discovering a malfunction in the course of their duty, it is more important to obtain a firm and intimate adhesion to that duty in order to ensure that an excellent service is provided. If professionals were firmly and fully aware of the ethic there is no doubt that numerous legal duties would become irrelevant.

VI. The Model Code as an explicit expression of judicial excellence and complement to legal requirements in the service of justice

Traditionally, in the older established professions when indicating who was authorised to exercise their trade and how the services provided should be carried out, calls for awareness of professional ethics filtered through, and thus respective infringements of professional duty implied losing the possibility of continuing to provide them. This was the origin of the judicial task having an ideal ethic, and mechanisms were put in place for dismissal when the duties were not carried out correctly. Exercise of the judicial function should not be obviously arbitrary; however, on occasion it is inevitable that the judge should exercise discretionary power. That judicial discretionary power implies undeniable risks which cannot be resolved simply with legal regulations, but which require ethical support. It would therefore seem that when proposing the appointment or promotion of the judges or when testing their conduct as judges, those qualities or behaviour which characterise professional excellence and which go beyond the mere compliance with legal regulations should be taken into account. Contemporary constitutions contain a general framework for that ethical dimension implied in judicial service, particularly when they indicate who may become judges or when their dismissal is called for. Thus, judicial ethics encounter constitutional support in respect of the explicitness of those constitutional statements.

VII. The Model Code as an instrument for clarifying judicial ethical conduct

The creation of a code of Judicial Ethics may be a very important source of clarification of conduct. Obviously because a Code of Judicial Ethics, just like any system, presupposes a division of the conduct which it aims to regulate into legal and illegal and in this way serves as a guide for those to whom it is addressed. However, also because at times, within the confines of ethically admissible conduct, the Codes opt, on the grounds of opportunity and coordination, for a particular course of action selected from among various possibilities; for example, despite the fact that in principle there could be various options for establishing the means by which it is ethically authorised for the judge to meet with the lawyers of the parties in a case, the fact that the Code chooses one of these dispels any doubts which might legitimately be raised among those to whom they are addressed.

VIII. The Model Code as a support to permanent training of the judge and as vehicle for claiming the means for its fulfilment

At the same time as the Code clarifies types of conduct it also provides them for the judge as support in their actions, thus avoiding the risk of complaints from those who may suffer as a result. Not only does the judge know what to abide by, but also those who are involved in his/her service. However, given that ethics cannot demand impossible types of conduct, the Code simultaneously constitutes a source of motives and grounds to which the judge may appeal in compliance with requirements. Thus, if a Code requires training, the means should be found to ensure that those who require it receive said training; if such means do not exist it would be difficult to demand liability for any possible non-compliance.

IX. The Model Code as a stimulus for strengthening the judge's motivation and as an objective guideline for ethical quality in the service of justice

The Code may also be seen as an instrument for strengthening the judge's motivation in that it determines types of conduct and creates possible ethical liabilities in the event of infringement. In addition, since it provides criteria and specific measures with which it judges the ethical quality of the service, the Code provides the concept of "judicial excellence" with a degree of objectivity. This is not just the case of the judges themselves but also for society, which has conferred the power in question and which may, on the basis of the Code, ethically assess judges both in terms of reproaching their conduct as well as recognising their excellence.

X. From the Model Code of Judicial Ethics to the ethics of other legal professions

A Judiciary which has a Code of Ethics is better equipped to require from other professions in its service an equivalent response for its members. It is obvious that, beyond the centrality of the judge in the service of justice, ethical excellence in that service also depends on other professions, and therefore it is both consistent and appropriate to extend this concern beyond the strictly judicial context. The lack of judicial ethics at times refers to lawyers, public prosecutors, procurators and even legal academics; an integral call for excellence should be incorporated in these other professional areas, and the Judicial Code of Ethics ensures that the same Judiciary will provide this impetus.

XI. A Model Code as the result of rational and pluralist dialogue

The Code of Judicial Ethics proposed seeks voluntary adhesion of the various Ibero-American judges in view of the professional awareness which the present times dictate, and therefore attempts to present itself as the result of a "rational dialogue" in which considerable weight has been attached to reasoning from the already existing codes. It would not be appropriate for the present Code to be seen as an undertaking without roots in time and space or as a mere act of motivation of an authority with competence to do so. On the contrary, its strength and effectiveness will depend on the prudent rational force which manages to translate in its articulation and on whether it will subsequently be able to mobilise intimate adhesion, based on the goods and interests to which the judicial practice is committed. The Code should be a permanent and dynamic appeal to the conscience of those for whom it is designed so that, based on a commitment to excellence, it becomes historically manifested in those who have agreed to provide a service required by society.

XII. Ethical principles as the core of judicial ethics

From a comparative reading of the Codes of Judicial Ethics in force it is possible to identify certain central requirements which show an important concentration of the way in which the provision of the service of justice in an excellent and competent manner is the aim. These core aspects of judicial ethics have different

names; however, it would seem advisable - in conformance with already approved Ibero-American documents - to make use of the term "principles", given that they claim a certain intrinsically valuable profile which historically is subject to possibilities and circumstances of time and place. The "ethical principles" make up the repertory of the core requirements of judicial excellence, but as such they may justify different regulations which specify different types of conduct in relation to specific circumstances. Thus, for example, independence is unequivocally one of those "principles" and from there it is possible to outline regulations which in a more specific manner provide models for the types of conduct required. These principles, since they attempt to model the ideal of the best judge possible, not only require certain types of conduct but they also endeavour, having reiterated such principles, to ensure that they will be rooted in beneficial customs which will facilitate the respective types of conduct required as well as providing a source for a more consolidated trust and confidence on the part of citizens.

XIII. Projection of principles in ethical Regulations

The *Ibero-American Model Code of Judicial Ethics* thus offers a catalogue of principles which have largely been incorporated in current Codes in force in Ibero-America. These principles order in a generic and concentrated manner judicial excellence and make it possible for other regulations to specify this ideal depending on the changing and varied circumstances of time and place. It should be pointed out that these principles may be reconstructed with language proper to virtues -as is the case in some Ibero-American codes- in that the customary nature of the pertinent conduct establishes provisions for the excellence of the judicial service.

XIV. The Ibero-American experience in matters of ethical fault and judicial ethical advice

Irrespective of the fact that it is deemed appropriate to encourage and ensure that the requirements of Ethical Codes are not provided solely for the motivations of those for whom they are destined, a comparative reading of the various systems currently in force in Ibero-America in matters of judicial ethics enables the possibility of stating the existence of a very diversified treatment. Thus there are countries which have opted to establish *ad hoc* Courts of Judicial Ethics which judge faults in regard of their own Ethical Codes on a particular basis, while other Ethical Courts are restricted simply to declaring the existence of an ethical fault, and leave any final decision to the customary disciplinary bodies. In addition, there are countries in which ethical faults are included within the disciplinary legal system applied by the competent administrative or judicial bodies. And finally, others who entrust effectiveness of the code to the voluntary motivation of those for whom it is designed. Moreover, in addition to the Ethical Courts, some Codes have provided for the existence of Ethical Consultation Committees to which queries or questions may be put for the purpose of obtaining an opinion which may or may not be reserved; in this way whilst providing an advisory service, the general ethical requirements established through principles are also enriched and defined.

XV. Ibero-American Committee for Judicial Ethics.

On the basis of this diverse institutional experience, the *Model Code* proposes the creation of a Ibero-American Committee of Judicial Ethics. Its main functions are to advise the various Judiciaries when these so require and to create a forum for discussion, dissemination and development of judicial ethics within the Ibero-American context. The Committee will comprise nine members who should be linked directly or indirectly with the judicial profession.

PART I

Principles of Ibero-American Judicial Ethics

CHAPTER I

Independence

Article 1.- The institutions which, within the framework of the State, ensure judicial independence are not designed to place the judge in a privileged position. Their purpose is rather to guarantee citizens the right to be judged with legal parameters as a means of preventing arbitrariness, realising constitutional values and safeguarding fundamental rights.

Article 2.- The independent judge is one who, based on the Law in force, determines a just decision, without any influence, either real or apparent, outside the Law.

Article 3.- The judge with his attitudes and conduct should indicate that he/she is in no way influenced - either directly or indirectly- by any other private or public power, either external to or within the judicial system.

Article 4.- Judicial independence implies that the judge is ethically prohibited from participating in any way in any party political activity.

Article 5.- The judge may claim recognition of his/her rights and provision of the means to facilitate his independence.

Article 6.- The judge has the right and the duty to denounce any attempt at disruption of his/her independence.

Article 7.- Not only is the judge required to be ethically independent but nor should he/she interfere in the independence of other colleagues.

Article 8.- The judge should exercise the power which accompanies the judicial function with moderation and prudence.

CHAPTER II

Impartiality

Article 9.- Judicial impartiality is based in law on the right of those to be judged to receive equal treatment and therefore not to be discriminated against in respect of the implementation of the judicial function.

Article 10.- The impartial judge is one who pursues objectivity based on the evidence and truth of the facts, maintaining throughout the whole process an equivalent distance from the parties, their lawyers and avoiding any type of conduct which could indicate favouritism, bias or prejudice.

Article 11.- The judge is required to refrain from intervening in any causes which would compromise his/her impartiality or in which a reasonable observer may deem that there is motive to believe that this would be the case.

Article 12.- The Judge should endeavour to avoid situations which directly or indirectly would justify his/her distancing from the case.

Article 13.- The judge should avoid all manifestations of preferential or special treatment with lawyers and those being judged, arising from his/her own conduct or that of the other members of the judicial profession.

Article 14.- The judge and other members of the courts are not allowed to receive gifts or benefits of any type which would not appear justified from the perspective of a reasonable observer.

Article 15.- The judge should endeavour not to hold meetings with one of the parties or their lawyers (in their office, or with greater reason, outside it) which the counterparts and their lawyers may reasonably consider unjustified.

Article 16.- The judge should respect the right of the parties to affirm and contradict within the framework of the due process.

Article 17.- The judge's impartiality obliges the judge to generate rigorous habits of intellectual honesty and self-criticism.

CHAPTER III

Motivation and grounds

Article 18.- The obligation to provide grounds for decisions is oriented towards ensuring the judge's legitimacy, the excellent operation of a system of procedural claims, the adequate control of the power invested in the judges and, ultimately justice in judicial decisions.

Article 19.- Motivation or grounds presupposes expressing, in an ordered and clear manner, legally valid reasons, appropriate for justifying the decision.

Article 20.- A decision lacking grounds is, in principle, an arbitrary decision, only tolerable to the extent that an express legally justified provision permits it.

Article 21.- The requirement of grounds acquires maximum intensity in respect of custodial judgments or those which are restrictive of rights or when the judge exercises a discretionary power.

Article 22.- The judge should motivate his/her decisions both in terms of the facts and of the law.

Article 23.- In matters of facts the judge should proceed with analytical rigour in the treatment of evidence. Each means of proof should be specifically demonstrated in order to subsequently make an overall evaluation.

Article 24.- Grounds in matters of Law cannot be restricted to invoking applicable regulations particularly in decisions on the merits of a case.

Article 25.- Motivation should extend to all the allegations made by the parties or to the reasons produced by judges who have heard the case, provided that, they are relevant to the decision.

Article 26.- In courts with several judges, deliberations should be made and the grounds expressed in respectful terms and within the margins of good faith. The right of each judge to dissent from the majority opinion should be exercised with moderation.

Article 27.- Grounds should be expressed in a clear and concise style, without making use of unnecessary technical details and with a conciseness which is compatible with the full comprehension of the reasons explained.

CHAPTER IV

Knowledge and skills

Article 28.- The requirement of permanent skills and knowledge of judges is based on the right of those judged and society in general to obtain a quality service in the administration of justice.

Article 29.- The well-trained judge is aware of the law in force and has developed the technical skills and adequate ethical attitudes to apply it correctly.

Article 30.- The requirement of the ongoing training of judges extends both to specifically legal matters and to knowledge and techniques which may promote a greater degree of fulfilment of judicial functions.

Article 31.- Knowledge and skills of judges acquires a special intensity in respect of matters, techniques and attitudes which lead to maximum protection of human rights and development of constitutional values.

Article 32.- The judge should, as far as is possible, encourage and facilitate training of other members of the legal profession.

Article 33.- The judge should maintain an attitude of active collaboration in all activities conducive to judicial training.

Article 34.- The judge should endeavour to contribute, with his/her theoretical and practical knowledge to the improved development of Law and the administration of justice.

CHAPTER V

Justice and equality

Article 35.- The ultimate purpose of judicial activity is to administrate justice by means of the law.

Article 36.- The requirement of fairness derives from the need to temper using the criteria of justice unfavourable, personal, familiar or social consequences arising from the inevitable abstraction and generality of the laws.

Article 37.- The fair judge is one who without transgressing the law in force, takes into account the peculiarities of the case and resolves it based on criteria consistent with values of the system and which may be extended to all substantially similar cases.

Article 38.- In the discretionary contexts provided by Law, the judge should be guided by the considerations of justice and fairness.

Article 39.- In all processes the use of fairness will be specially oriented to achieving effective equality for all before the law.

Article 40.- The judge should feel bound not only by the text of current legal regulations but also by reasons on which they are based.

CHAPTER VI

Institutional responsibility

Article 41.- Effective operation of judicial institutions in general is a necessary requirement in order for every judge to carry out his/her duties in an adequate manner.

Article 42.- The institutionally responsible judge is one who, in addition to fulfilling his/her specific individual obligations also assumes an active commitment to the efficient operation of the entire judicial system.

Article 43.- The judge is required to promote an attitude in society, rationally based, of respect and trust in the administration of justice.

Article 44.- The judge should be prepared to respond voluntarily for his/her actions or omissions.

Article 45.- The judge should denounce to the appropriate authority any serious non-compliance on the part of his/her colleagues.

Article 46.- The judge should avoid encouraging irregular or unjustified promotion or advancement of other members of the justice service.

Article. 47.- The judge should be prepared to promote and collaborate in everything that implies a more efficient functioning of the administration of justice.

CHAPTER VII

Courtesy

Article 48.- The duties of courtesy are based on morals and compliance therewith contributes to improved operation of the administration of justice.

Article 49.- Courtesy is a means of externalising respect and consideration which the judges owe to their colleagues, to other members of the judicial profession, to lawyers, witnesses, those to be judged, and in general, all those concerned with the administration of justice.

Article 50.- The judge should provide as much explanation and clarification as required in that such measures are appropriate and do not infringe any legal regulations.

Article 51.- Within the scope of his/her court the judge should maintain good relations with civil servants, auxiliary staff and employees in general without showing -or appearing to show favouritism or any other type of arbitrary conduct.

Article 52.- The judge should show a tolerant and respectful attitude towards any criticisms of his decisions and conduct.

CHAPTER VIII

Integrity

Article 53.- The integrity of the judge's conduct outside the strict confines of jurisdictional activity contributes to a well-founded trust on the part of citizens in the judiciary.

Article 54.- The integral judge should not behave in a manner in which a reasonable observer would consider this to be a serious threat to the predominant values and sentiments of the society in which he/she works.

Article 55.- The judge should be aware that exercise of the jurisdictional function presupposes requirements that are not impossible on other citizens.

CHAPTER IX

Transparency

Article 56.- The transparency of the judge's actions is a guarantee of the justice of his decisions.

Article 57.- The judge should endeavour to offer without infringing the law in force, useful, pertinent, comprehensible and reliable information.

Article 58.- Although the law does not require it, the judge should document, insofar as is possible, all actions taken and allow them to be made public.

Article 59.- The judge should behave, in respect of social communication media, in a fair and prudent manner, and above all ensure that the legitimate rights and interests of the parties and the lawyers are not undermined or harmed.

Article 60.- The judge should avoid behaviours or attitudes which may be construed as unjustifiably or disproportionately seeking social recognition.

CHAPTER X

Professional secrecy

Article 61.- Professional secrecy is based on safeguarding the rights of parties and those close to them from misuse of the information obtained by the judge in carrying out his/her functions.

Article 62.- Judges are obliged to maintain strict confidentiality and professional secrecy in respect of cases in progress with the facts and information heard in the exercise of their duties.

Article 63.- Judges who belong collegiate bodies should ensure the secrecy of the court's deliberations unless the legal regulations in force stipulate any exception to this fact and **in accordance with the agreements issued on the publicity of its sessions, maintaining a fair balance between professional secrecy and principle. of transparency in the terms provided in the legislation of each country.**¹

Article 64.- Judges shall solely make use of the legitimate means provided by the system and regulations when seeking the truth of facts in the cases heard.

Article 65.- The judge should attempt to ensure that civil servants, auxiliary staff or employees in the judicial profession comply with professional secrecy in respect of the information relating to the cases within his/her jurisdiction.

Article 66.- The requirement of confidentiality and professional secrecy incumbent on the judge extends not only to institutional means of information but also in the strictly private context.

Article 67.- The requirement of confidentiality and professional secrecy corresponds both to the procedures and judgments made in respect of cases.

CHAPTER XI

Caution

Article 68.- Caution is oriented towards self-regulation of the decision-making power of judges and to strict compliance with the jurisdictional function.

Article 69.- The cautious judge is one who attempts to ensure that his/her behaviour, attitude and judgment are the results of a rationally justified reasoning, having considered and evaluated the arguments and counter-arguments available within the framework of applicable law.

Article 70.- The judge should maintain an open and patient attitude in order to listen to or recognise new arguments or criticisms in respect of confirming or amending criteria or points of view assumed.

Article 71.- When taking decisions, the judge should analyse the various alternatives offered in law and assess the different consequences each of these options would have.

¹ Added by the reform of 2014.

Article 72.- Cautious judgement requires that the judge should be comprehensive and endeavour to be objective.

CHAPTER XII

Diligence

Article 73.- The requirement of diligence is designed to avoid the injustice of a delayed judgment.

Article 74.- The judge should attempt to ensure that the cases in his/her jurisdiction are resolved within a reasonable term.

Article 75.- The judge should avoid or in any event penalise dilatory activities or those which in some way obstruct the good procedural faith of the parties.

Article 76.- The judge should attempt to ensure that procedural actions are held with maximum punctuality.

Article 77.- The judge should not contract obligations which disrupt or prevent appropriate compliance with their specific functions.

Article 78.- The judge should have a positive attitude to the systems for assessing the exercise of his/her duty.

CHAPTER XIII

Professional honesty

Article 79.- Honesty in the judge's conduct is essential to strengthen citizens' trust in justice and contributes to its prestige.

Article 80.- The judge is prohibited from receiving benefits apart from those corresponding to him under law or to abuse or appropriate the means entrusted to him for the fulfilment of his office.

Article 81.- The judge should behave in such a way that no reasonable observer may conclude that he/she makes illegitimate, irregular or incorrect use of the work of the remaining personnel of the judicial office.

Article 82.- The judge should take the necessary measures to prevent any reasonable doubts arising from the legitimacy of his/her income and estate.

CHAPTER XIV²

Gender equality and non-discrimination

Article 82bis. The principle of gender equality and non-discrimination will advise how the judicial profession is exercised, both in terms of the relationships within the Judiciaries as well as in the exercise of jurisdiction, thereby guaranteeing the population's access to justice.

² Added by the reform of 2023.

Article 82ter. The judiciary must administer justice without gender bias, gaps or stereotypes when explaining and deciding cases. It is essential that judges incorporate gender perspective and intersectionality as tools for analysis in order to adequately perform their jurisdictional function.

Article 82quater. Judges must conduct themselves in their work in a way that is respectful of the rights of people and must not engage in gender-based discrimination or gender-based violence in any of their roles.

CHAPTER XV³

New technologies

Article 82quinquies. The judiciary must be cognisant of the instrumental importance of new technologies in exercising the judicial function and of the limits that these impose on the fundamental rights of the individual, particularly in as far as the effective protection of their rights is concerned. The use of social networks by those who make up the judiciary must not compromise their independence and impartiality, nor call into question the integrity of the exercise of the judicial function.

PART II

The Ibero-American committee of Judicial Ethics

Article 83.- The Ibero-American Committee of Judicial Ethics proposes to:

- a) Advise the various Judiciaries and Councils of the Judiciary or the Judicial Summit itself when their representatives so request. **It will also resolve the queries that Commissioners or Delegates formulate regarding whether or not the behaviour of public servants of organs that impart justice respect Judicial Ethics, as well as when internal Judicial Ethics bodies of each nation have resolved issues of this nature and the Ibero-American Committee is asked for its opinion.**⁴
- b) Facilitate discussion, diffusion and development of the judicial ethic through publications or through courses, seminars, diplomas and other academic events.
- c) Increase awareness of judicial ethics of those involved in administering Ibero-American justice.

Article 84.- The Committee will comprise nine members and an executive secretary elected for a four-year period with the possibility of re-election. All offices held will be honorary. **There will also be Delegates, whose designation and powers will be established in the Statute of the Delegate to the Ibero-American Commission on Judicial Ethics.**⁵

Article 85.- Each body in the Ibero-American Judicial Summit shall propose a candidate for each vacant place on the Committee and shall submit the respective curriculum vitae of the candidate.

Article 86.- Candidates shall be directly or indirectly linked with the judicial profession and shall have considerable professional experience and renown. They may come from the magistracy, or they may be lawyers or involved in academic activity and may be either actively practising their profession or retired.

³ Added by the reform of 2023.

⁴ Added by the reform of 2014.

⁵ Added by the reform of 2014.

Article 87.- The Ibero-American Judicial Ethics Committee shall comprise those candidates who obtain consensus in the Plenary Assembly of the Judicial Summit, and if this is not possible, those attaining the greatest number of votes of the members present.

Article 88.- The Permanent Secretariat of the Ibero-American Judicial Summit shall propose to the Plenary Assembly its candidate for Executive Secretary of the Ibero-American Committee of Judicial Ethics and shall obtain the consensus or the majority of votes referred to in the previous article.

Article 89.- The candidate for the Executive Secretariat of the Ibero-American Committee of Judicial Ethics may be of any nationality from any Ibero-American country and shall comply with the same requirements as the Committee members.

Article 90.- The Executive Secretary of the Committee shall have the following functions:

- a) Propose and convene ordinary and extraordinary sessions of the Ibero-American Committee of Judicial Ethics.
- b) Receive, process and maintain applications for advice, consultations or any other documents. **These requests, in addition to the provisions of Article 92, may be made by the Executive Secretary or by any commissioner on abstract cases related to Judicial Ethics in Ibero-America for resolution by the Commissioners or even for the preparation of manuals of good practices related to the purposes of the Committee.**⁶
- c) Keep a record of the Committee sessions.
- d) Be accountable to the Committee at the ordinary meeting that shall be called annually and to the Ibero-American Judicial Summit, in writing, each year, and by appearing when the Summit takes place, and at each opportunity that is requested. **The meetings of the Committee shall be attended by the Delegates of the countries that are not at that time Commissioners, under the terms of the Statute of the Delegate. Regional workshops may be convened, at the initiative of one or more Commissioners, to discuss issues related to the functions of the Committee.**⁷
- e) Coordinate with the Permanent and *Pro-tempore* Secretaries.
- f) Enforce and notify decisions of the Ibero-American Committee of Judicial Ethics.
- g) Participate in the deliberations of the Ibero-American Committee with voice but without vote.

Article 91.- The Ibero-American Committee for Judicial Ethics shall have the same domicile as the Executive Secretariat.

Article 92.- The applications for advice or any other request from the different bodies which make up the Ibero-American Judicial Summit or those of the Judicial Summit itself **as well as the Ibero-American Commission on Judicial Ethics or its members, should be addressed to the Executive Secretariat.**⁸

Article 93.- Having received an application or request, within a term of 72 hours the Executive Secretary shall inform the members of the Ibero-American Committee for Judicial Ethics.

⁶ Added by the reform of 2014.

⁷ Added by the reform of 2014.

⁸ Added by the reform of 2014.

Article 94.- The Ibero-American Committee shall issue a decision within 90 calendar days from the date of reception of the application or request.

Article 95.- The opinions, recommendations, advice or declarations of the Ibero-American Committee shall under no circumstances have any binding force for the Judiciaries or Councils of the Judiciary or for the Judicial Summit itself.
