

STATE JUDICIAL ADMINISTRATION OF UKRAINE  
COUNCIL OF JUDGES OF UKRAINE

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# **RULES OF CONDUCT FOR COURT EMPLOYEES**



**with Commentary**

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Kyiv – 2013

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State Judicial Administration of Ukraine  
Council of Judges of Ukraine

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The Rules of Conduct for Court Employees was developed as part of cooperation between the United States Agency for International Development (USAID) Ukraine Rule of Law Project and the Council of Judges of Ukraine and the State Judicial Administration of Ukraine in 2010. This publication is a reprint prepared by the USAID FAIR Justice Project – successor of the USAID Ukraine Rule of Law Project.



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## INTRODUCTION

The internationally recognized Bangalore principles state that, “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.”<sup>1</sup> This means that courts need public trust.

Especially important in winning such trust is judicial independence and impartiality, avoidance of conflict of interests, deciding cases exclusively on the basis of law, and the principles of openness and equality of all persons before the law. Judges have restrictions regarding additional or part-time work and they have a special status in the form of authority to act on behalf of the government when administering justice.

Court employees are called to assist judges in exercising this authority and thus have a higher responsibility in the light of the special status and the nature of judicial work. Each employee of any court of any level or jurisdiction should be aware of and accept such responsibility. The most effective way to achieve this is to develop and adopt rules of conduct, while ensuring their unified interpretation and application.

The State Judicial Administration of Ukraine (SJA) initiated the development of Rules of Conduct for Court Employees to complement the General Rules of Conduct for Civil Servants (General Rules of Conduct for Civil Servants, endorsed by the Coordination Council on State Service under the President of Ukraine, approved by Order of Golovderzhsluzhba #58 of October 23, 2000 and registered with the Ministry of Justice #783/5004 on November 7, 2000). The USAID Ukraine Rule of Law Project (UROL) supported this effort beginning with a conference held in Kyiv on February 5 and 6, 2008 with the participation of international experts **Markus B. Zimmer**, Chair of the Advisory Council, International Association for Court Administration (IACA); **Marilyn J. Holmes**, Associate General Counsel, Administrative Office of the United States Courts (Retired), **Judge Joseph Nadeau**, Associate Justice of the New Hampshire Supreme Court (Retired), **Thomas Speedy Rice**, Professor of Law, Washington and Lee School of Law, Virginia, **P.J. Fitzpatrick**, Chief Executive Officer, Courts Service, Ireland, **Noel G. Rubotham**, Director of Reform and Development, Courts Service, Ireland, **Alexander Shibanov**, Chief of Party, USAID Russian-American Judicial Partnership.

At the conference, Ukrainian participants created a working group that included court employees and representatives of the SJA, namely, **Olga Bulka**, Deputy Head of the SJA, **Lesya Grabovetska**, Consultant at Tlumatski Raion Court in Ivano-Frankivska Oblast, **Nadiya Luschak**, Chief of Staff of the Ivano-Frankivsk

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<sup>1</sup> The Bangalore Principles of Judicial Conduct, UN Economic and Social Council Resolution 2006/23 of November 27 2006.

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Oblast Court of Appeals, **Olena Panchenko**, Chief of Staff of Donetsk Oblast Court of Appeals, **Nataliya Khytruk**, Chief of Staff of Odessa District Administrative Court, **Judge Valentyna Lisova**, Chief Judge of the Donetsk Oblast Court of Appeals, **Judge Tamara Badakhova**, Chief Judge of Donetsk Appellate Administrative Court, **Judge Anatoly Babiy**, Head of Qualification Commission of Judges of the Odessa Appellate Circuit, Deputy Chief Judge of Odessa Oblast Court of Appeals, **Judge Viktor Sokolenko**, Chief Judge of Pervomaiskiy Raion Court in Kharkiv Oblast. With support from the UROL project team, **David Vaughn**, Chief of Party, **Natalia Petrova**, Deputy Chief of Party, **Natalia Balandina**, Court Operations Specialist, **Viktor Stetskevych**, Financial Manager, **Oleksandra Glukhovska**, Strategic Activity Fund Coordinator and **Yulia Zhmurko**, Interpreter, the working group compiled recommendations from the conference and drafted the Rules of Conduct for Court Employees (hereinafter – Rules).

These Rules are based on constitutional provisions regarding the separation of powers and the accountability and transparency of the judicial system.<sup>2</sup> Introduction of the Rules also contributes to better application of laws, including the Law on Civil Service,<sup>3</sup> the Law on the Judiciary,<sup>4</sup> and the Law on Basic Principles for Preventing and Combating Corruption.<sup>5</sup>

The Council of Judges of Ukraine formally approved the Rules by Decision No. 33 of February 6, 2009. Following approval of the Rules, the working group drafted commentary to the Rules to support application and interpretation of the Rules.

In an effort to further advance the Rules, the working group, with support from UROL, developed a curriculum on human resource management for court managers with an emphasis on professional ethics.

These documents were developed in an atmosphere of mutual respect and understanding, which at times required the need to persuade some skeptics of the utility of the documents. Most objections centered on doubts regarding the need for the Rules of Conduct for Court Employees, because court employees, as civil servants, are covered by General Rules of Conduct for Civil Servants. However, everyone ultimately agreed that the General Rules of Conduct for Civil Servants should be complemented by specific Rules of Conduct for Court Employees because of the unique nature of working in courts which represent a separate and independent branch of government. First and foremost these unique features include openness and exceptionally public manner of the work of

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<sup>2</sup> Constitution of Ukraine, June 28, 1996, #254к/96-BP//Vidomosti Verkhovnoyi Rady Ukrainy (Information Bulletin of Ukrainian Parliament) - 1996. -N30. -p.141.

<sup>3</sup> Law on Civil Service, Law of Ukraine #3723-XII of December 16, 1993 // Vidomosti Verkhovnoyi Rady Ukrainy/ - 1993. - N 52. - p. 90.

<sup>4</sup> Law on the Judiciary, Law of Ukraine # 3018-III of February 7, 2002 // Vidomosti Verkhovnoyi Rady Ukrainy/ - 2002/ -N27-28/ - p.80

<sup>5</sup> Law on Basic Principles for Preventing and Combating Corruption, Law of Ukraine #1506-VI of June 11. 2009 //Vidomosti Verkhovnoyi Rady Ukrainy. - 2009/ -N 45/ -p. 91.

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courts, where citizens derive their impression of the courts based on interaction with court employees.

The Rules have been prepared for all court employees. We thank all those who contributed their knowledge, experience, efforts, and enthusiasm in helping them come to fruition.

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Dear Friends, Colleagues,

You are one of the first to have an opportunity to become familiar with “Rules of Conduct for Court Employees” with commentary.

These Rules establish standards of moral integrity and appropriate conduct for court employees, which is a highly important step in furthering judicial and legal reform.

Today, when representatives of the public and politicians complain about the operations of the judicial system, it is extremely important for court employees to not only perform their duties well, but also behave appropriately both inside and outside courts.

The need to develop standards of conduct for court employees has been growing for a long time and finally thanks to joint efforts by the Council of Judges of Ukraine, the State Judicial Administration of Ukraine, court employees, in cooperation with the United States Agency for International Development (USAID) Ukraine Rule of Law Project, a text of general and detailed rules has been assembled, the knowledge and application of which will make the daily work of court employees easier.

The Rules of Conduct for Court Employees will help many court officials find solutions to difficult situations and will become a source of information regarding ethical issues and moral standing.

I am convinced that this publication will contribute to the creation of user friendly courts, the professional growth of the majority of its readers, and will become an important resource for many of them.

I would like to wish the authors and readers inspiration and success in achieving the highest levels of professionalism.

Respectfully,  
Head of the State Judicial Administration  
of Ukraine



I. Balaklytsky



# COUNCIL OF JUDGES OF UKRAINE

February 6, 2009

City of Kyiv

## DECISION No. 33

On approving the Rules  
of Conduct for Court Employees

Having heard the information provided by Olga Bulka, Deputy Head of the State Judicial Administration of Ukraine, and Oleksandr Volkov, Deputy Head of the Council of Judges of Ukraine, regarding the Rules of Conduct for Court Employees, in line with Article 103, Part 5 of Article 116 of Law of Ukraine “On the Judiciary”,  
**The Council of Judges decided to:**

approve Rules of Conduct for Court Employees, as attached.

**Deputy Head of  
Council of Judges of Ukraine**

**V.I. Gumeniuk**





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## Rules of Conduct for Court Employees<sup>6</sup> with Commentary

### Preamble

These Rules are aimed at establishing standards of moral integrity and appropriate conduct for court employees on the basis of observance of personal, professional and organizational ethics in order to uphold the authority, independence, and efficiency of the judiciary and to enhance public confidence in the courts.

These Rules establish the general conduct requirements by which court employees must be guided when performing their official duties, as well as their behavior outside of the court.

Conduct requirements for individual court employee categories must comply with the requirements established by these Rules.

Standards (from English standard – established norm, example, and benchmark/model) should be understood as an example, model that is accepted as the primary point of reference to compare other similar objects to. These Rules establish minimal standards of conduct for court employees which they should follow in their daily activities.

The Rules and the Commentary are a reference point for court employees, as well as a mechanism to guarantee compliance of court employees' conduct with values inherent to an independent and impartial judiciary.

Additionally, the Rules facilitate better understanding of and support for the judiciary by the general public, as well as demonstrate to citizens the type of conduct they are entitled to expect from court employees.

Service within the judiciary is based on public trust. Court employees should strive to uphold that trust by acting at all times in accordance with the ideals and values of the judiciary, i.e., honesty, integrity, impartiality, fairness, accessibility, accountability, effectiveness, and responsiveness. When faced with conflicting loyalties, court employees should first seek to justify the public trust.

These Rules of Conduct represent a personal and professional pledge to serve the public and uphold the independence of the judiciary<sup>7</sup>.

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<sup>6</sup> Approved by Decision No. 33 of the Council of Judges of Ukraine of February, 6, 2009.

<sup>7</sup> One of the main tasks of the Committee on Professional Ethics created by the Council of Judges of Ukraine (hereinafter referred to as Committee) is to consider requests and questions from court staff regarding the appropriateness of their conduct, give advisory opinions concerning the application and interpretation of these Rules, as well as the values and principles that underpin them.

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## Chapter I. General Provisions

1.1. These Rules shall apply to any person working in a court except for judges. Apart from these Rules, state employees of courts shall also be subject to the General Rules of Conduct for Civil Servants.

Commentary:

These Rules should concern all court employees (civil servants, clerks). These Rules shall apply to part-time employees, contracted service providers (those who provide services based on agreement, contract) unless otherwise determined by the chief judge of the court. Corresponding provisions regarding mandatory observance of these Rules should be included in contracts (agreements) for such workers.

For example, when a court concludes an agreement for provision of technical support for court computer equipment and copying services with an expert, this agreement should include the scope of application of the Rules of Conduct for Court Employees to the service provider, i.e., his/her personal ethics, respect for others, tolerance, compliance with standards of conduct (lawfulness, professionalism, appearance, calmness, confidentiality of information, etc.).

At the same time, it is worth noting that these Rules do not apply to judges, as they are guided in their activities by the **Code of Judicial Ethics**<sup>8</sup>.

1.2. These Rules are a supplementary document to the policies, procedures and provisions of court employee employment agreements.

Commentary:

A person who intends to participate in a competition to fill a civil service position, or any other person who would like to work at a court, should in advance become acquainted with the Rules of Conduct for Court Employees, which is incor-

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Court employees should consult with their supervisor and/or chief judge for guidance on questions concerning these Rules and their applicability before requesting an advisory opinion from the Committee on Professional Ethics. In assessing the propriety of proposed conduct, a court employee should consider all relevant provisions of these Rules and other applicable statutes, rules, procedures, and policies. Should questions remain after consultations with the leadership, the affected court employee, or the chief judge, may request an advisory opinion from the Committee. (The Committee's mailing address is 18/5, Lypska Street, Kyiv-01021, [www.court.gov.ua](http://www.court.gov.ua).)

<sup>8</sup> Approved by the Vth Congress of Judges of Ukraine on October 4, 2002.

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porated into the employment agreement. It would be appropriate to mention it in court vacancy announcements, as well as announcements posted on information stands in courts. In addition, it is advisable to inform any interested persons about the key provisions of the Rules, and include references to where one can become acquainted with the full text of the Rules, for example, court website address or printed publications.

**1.3. The Rules shall be part of employment conditions, an integral part of job descriptions, provisions and agreements regulating the employment of court employees after they confirm that they are familiar with the rules and give their consent to observe them from the moment of being employed by the court according to the legislation of Ukraine.**

Commentary:

Familiarizing candidates with standards of integrity and appropriate norms of conduct of court employees shall be a necessary condition for employment of persons described in Clause 1.1 of these Rules and the Commentary to it.

To ensure effective work of the court and prevent unethical conduct of court employees, a court employee's job description should give clear information about the employee's legal status, as well as set forth specific tasks and obligations, rights and responsibilities. Also, the job description should include a court employee's obligation to follow the Rules of Conduct of Court Employees.

Should a chief judge determine that these Rules as a whole (or to a certain extent the application) shall affect non-staff court employees or service providers on contractual basis, then this should be reflected in corresponding documents. In this case, signing an agreement containing these clauses sets limitations stating that the employee has committed to follow the Rules (as a whole or in part).

Every court employee at the time of his/her appointment should be provided with a copy of the Rules for personal use. In addition, it would be reasonable for newly appointed employees to take a special training course on the Rules, for example, as part of ongoing training programs at the Academy of Judges of Ukraine or its regional branch.

**1.4. A court employee shall maintain high standards of conduct to ensure the independence of the judiciary.**

Commentary:

The independence of courts is an important guarantee for every person to have a fair trial of his/her case and is a basic principle in administering justice by the state.

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The beliefs and conduct of specific court employees may affect the authority of the judiciary, and are an important factor for maintaining the public's trust in the judiciary.

The Rules of Conduct establish standards of conduct related to all fields of activity of court employees, i.e., organizing court's operations, communication with citizens, sending mail regarding court cases, verification of parties' presence and reasons for their absence during court hearings, ensuring appropriate conditions inside the court house, enforcement of court decisions, etc. Court employees must comply with these high standards to ensure the incorruptibility and independence of the court system, as well as reflect in their professional activity the idea of commitment to serve the public.

The Rules should be interpreted and implemented in a way that would facilitate achieving these goals.

However, it is worth noting that the application of the standards set forth by these Rules should not affect or obstruct the application of other more stringent standards stipulated by legislation already in force.

**1.5. A court employee shall require of other employees under his/her supervision to observe these Rules.**

Commentary:

Court leadership should be a role model for their subordinates. The conduct and character of the leadership should play an important role in the prevention of unethical and/or corrupt actions and other corruption-related law infringements.

At the same time, leadership shall be obliged to require proper conduct from their subordinates and persons whose work they coordinate, in order to maintain independence of judges and a positive image and authority of courts. Corresponding job descriptions or orders determine the subordination and coordination of court employees' work. Should a subordinate employee violate the Rules, his/her supervisor should immediately take appropriate action to discontinue such violation.

Attestation (performance evaluation which takes place every three years) of civil servants who are in leadership roles, as well as annual evaluation of their performance, shall be carried out with consideration of their commitment to the course of ensuring that their subordinates follow these Rules. Additionally, analysis and evaluation of compliance with the Rules are necessary conditions for career promotion and receiving positive recommendations (See Rule 4.1).

In the same manner, a division head or chief of staff should require their subordinate to immediately stop his/her actions should they learn that the employee uses office equipment or services (such as copying, faxing, downloading information from the Internet, etc.) for his/her personal purposes. At the same time, using an

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office library at non-working hours should be acceptable if only it does not interfere with court's operation and if the court does not incur any expenses as a result of such use.

In case a court employee has free time during his/her working hours after he/she has accomplished set tasks, he/she may not use it for his/her personal matters but dedicate it to self-education, personal and professional growth. At the same time, it should be noted that pursuant to Article 10 of the Law of Ukraine on Combating Corruption should division heads expose or become aware of corrupt actions by their subordinates or violations of special limitations imposed by Article 5 of this Law, they are obliged to take measures within their mandate to stop such actions and to inform law enforcement bodies thereof.<sup>9</sup>

## Chapter II. Personal Ethics

### 2.1. General Provisions

The ethical conduct standards for a court employee shall be based on the norms of life in society and on respect for human dignity.

A court employee may lose dignity through any act disgracing his/her dignity as a human being and negatively impact the professional prestige and trust in him/her as a court employee and in the court as a specific state establishment and an institution of the judiciary in general.

#### Commentary:

The country's historic development and specific features of professional activity lead to the development of diverse relationships between people and create specific ethical requirements for representatives of different professional communities. Members belonging to certain professional groups share a specific professional outlook, psychology, and establish specific behavioral traits, nevertheless, ethical conduct standards are based on societal norms and, of course, respect for human dignity as the highest societal value.

The highest social and personal value of ethical conduct of a court employee lies in their humanity. It is worth noting that should there arise a conflict between general ethical and specific professional principles, general ethical values should prevail.

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<sup>9</sup> Law on Combating Corruption, Law of Ukraine #356/95-VR// Vidomosti (Information Bulletin) of VR – 1995. #34, p.266



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For example, an elderly person has been standing for a long time in line waiting to file her claim in court, but still failed to do so before the beginning of the lunch break of the court. The woman asked a court employee to register her documents as she could not wait for another hour because she was not feeling well and she would not be able to get back home because there would be no transportation after the lunch break. A court employee showed understanding of the situation and compassion for the old woman, stayed in the office, and started his/her lunch break later.

Understanding and awareness of general ethical and professional principles will make a court employee's experience at work more meaningful.

It is worth noting that "dignity" denotes the subjective value of a person, his/her understanding of social value as a human.

Every court employee should act with decency and avoid any deeds that demean them and have a negative impact on the image of the court that they work for and the judiciary as a whole.

A court employee's conduct outside of his/her working hours should not have any negative impact on the authority of the court.

For example, in order to enhance her socializing opportunities, a court secretary uploaded informal photos on a social network website, together with personal information that included her place of work and position. The chief judge of the court, having accidentally found her webpage, demanded that the young lady immediately remove the photos or information about her place of work. The chief judge's justification for such a demand was that the content and form of the posted information were damaging the renown of the court.

In another situation, a chief judge thought it appropriate to direct his/her employees to totally abstain from registering at social network sites.

While in the first case the actions of the chief judge were justified, in the second case it was an interference into the personal life of subordinates.

## 2.2. Respect for Court Visitors

Each court employee shall:

- Treat all court visitors, employees and users in a polite and respectful manner;
- Remember that each person applying to court has the right to respectful treatment, assistance and attentive service and that his/her problems cannot be regarded as burdensome.

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Commentary:

A court employee should show patience, be respectful, and courteous to all persons that the court employee deals with in his/her official capacity.

In communication with visitors, a court employee should display moderation and not to demonstrate irritation or dissatisfaction with any persons when working with them.

For example, if a visitor has impaired hearing, a court employee should show understanding and repeat again the information. In case a plaintiff has difficulty in comprehending the bank account details placed on the information stand to pay court fees, it is advisable to prepare and provide the visitor with such information in writing.

However, it is worth noting that should a visitor treat court employees in offensive and disrespectful manner (for example, shout, curse, manifest aggression), the head of the department must discover the reasons for this behavior and apologize in the case it was provoked by undue attitude of court employees. A standard of acceptable conduct is the attentive and respectful communication with any court visitor.

The court employees within their official capacity have to be ready to assist every court visitor, and not only the parties to a case.

A good example of avoiding conflict situations at the court may be a mission statement for the court displayed at the entrance of the court house:

Dear citizens!

The court staff will do their best to make you feel comfortable.

Please be polite in return!

Thank you!

### 2.3. Respect for Colleagues

A court employee shall be obliged to:

- Respect the experience, knowledge and professional opinion of his/her colleagues;
- Be open to cooperation aimed at the improvement of the quality of services;
- Avoid non-constructive criticism of colleagues and assume individual responsibility for public criticism of their work;
- Avoid spreading deliberate rumors or using abusive words;
- Strive for new knowledge and experience through exchange of information with colleagues and other specialists to improve their professional qualifications;
- Discuss violations of ethics with his/her team members.

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Commentary:

Court employees must recognize that relationships with their colleagues should be based on mutual respect, benevolence and awareness of the consequences of inappropriate behavior, and thus they should be given the same level of respect and consideration as the court visitors. At the same time, court employees should be respectful towards the values and beliefs of their colleagues.

Each court employee should try to provide high quality and efficient services to court visitors. To achieve this, cooperation with other court employees should be practiced, but this cooperation should be established within the scope of work of each employee.

For example, a chief judge assigns a court consultant to consider and draft a response to a citizen's inquiry concerning the procedure that the chancery department follows to archive cases, the timeframes of their storage, and the procedure for destruction of documents. To ensure a high-quality response to this inquiry, it would be advisable for the court consultant to work together with a court secretary and an archivist, who would be able to give information as to regulations they are guided by in their work. The court consultant may use this information in the process of drafting the response after studying the regulations.

It is not acceptable for court employees to spread deliberate rumors and make negative public statements, or manifest negative attitude towards judges and their colleagues in the presence of court visitors.

The consideration and discussion of issues related to ethical problems should be held within internal meetings, with detailed analysis of the situation regardless of persons involved. Admonishing and moralizing team members in public should be avoided. This would help both to uphold the authority of the leader and respect the dignity of the junior employee.

Court employees should also avoid conflict triggers such as non-constructive criticism. Should there be a conflict between court employees, proper measures need to be taken to mitigate destructive consequences. In every case, a chief of staff of the court has to identify reasons that caused the conflict and should submit to the chief judge proposals regarding conflict resolution in line with legislation, respecting at the same time the dignity of the inequitable employee. It is appropriate for the manager to praise employees in public, while criticizing them in private.

Each court employee is entitled to respectful and dignified treatment not only from his/her colleagues but also from managers, judges and visitors. It is not acceptable for a court or unit manager to raise his/her voice or dishonor an employee.

To avoid such incidents in the long run, as well as to avoid violations of ethics,

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a chief of staff should facilitate tolerant discussion of conduct issues among court staff focusing on situations, not persons.

Ethical concerns arise when court employees take the liberty of criticizing or ridiculing court decisions in public.

Private discussions between spouses or official exchange of thoughts between colleagues in their offices and during meetings should not be considered as violations of ethics.

It is worth remembering that as opposed to constructive criticism, which should always focus on areas for improvement, non-constructive criticism usually concerns personal characteristics of the persons involved in the conflict. The best way is not to provoke such situations, but if they do take place - find an appropriate solution without taking the side of either party to the conflict.

Court employees should remember that their primary task at the office is to perform their duties.

Laws and rules for court operation undergo constant changes due to changes in legislation, court decisions, or introduction of new technologies. Court employees should respect the practical experience of their colleagues, take advantage of this experience to advance their knowledge, keep up their professional competencies, and provide better services.

Court employees should actively take advantage of continuous education opportunities to improve their professional skills in order to provide higher quality services. They should also strive to advance their qualifications, primarily via continuous advanced training activities: professional in-service training programs, self-education, participation in the annual all-Ukrainian contest "The Best Civil Servant", attend on-going seminars, short-term seminars, trainings, internship opportunities within governmental bodies that are covered by the Law of Ukraine on Civil Service and abroad.

As to the civil servant's duty to advance their qualifications/training as the pre-condition for further career promotion, please, see Articles 10, 27 and 29 of Law of Ukraine on Civil Service.<sup>10</sup>

## 2.4. Tolerance

**A court employee shall:**

- Perform his/her duties with respect for human rights and freedoms;
- Treat all and everyone without bias or discrimination (by word or action) on the grounds of race, religion, ethnicity, gender, political affiliation, social origin, proprietary or official status, language of communication or other circumstances;

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<sup>10</sup> Law on Civil Service, Law of Ukraine #3723-XII // Vidomosti Verkhovnoyi Rady Ukrainy. - 1993. -N 52. - p. 90

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- Grant no advantage to any non-governmental or religious associations, professional or social groups, organizations, companies, or citizens; and
  - Show respect for the customs and traditions of peoples taking into consideration cultural and other specific features of different ethnic or social groups or religious confessions.

Commentary:

Tolerance is the respect, acceptance and understanding of diverse cultures of our world, forms of self-expression and self-identification of a human personality. The acquired knowledge, awareness of no acceptance of discrimination, open communication and freedom of thought, conscience and beliefs should contribute to the formation of court employees' tolerance.

A fair system of justice should be grounded in equal treatment of all persons who come before the courts.

Court employees should assist court visitors on a day-to-day basis and should provide excellent service regardless of a person's race, religion, sex, national origin, disability, age, social and economic status, or other personal characteristics.

It should be noted that there are two definitions of discrimination – (1) different treatment of persons who are under the same circumstances or (2) similar treatment of those who are in different circumstances or situations. Discrimination comes in varying forms (e.g., in speech, conduct, ignoring the needs of a person or instances of disrespect, etc.), and court employees should be aware that no form of discrimination is acceptable when performing their official duties.

Tolerant behavior of a court employee as established by these Rules is based on the Constitutional provisions stating that no limitations should be imposed on citizens based on their religious and other beliefs, ethnic and social origin, and place of residence, language or other characteristics.

## Chapter III. Standards of Court Employee Conduct

### 3.1. Legality

In his/her professional and personal activities, each court employee shall be obliged to:

- Observe the Constitution of Ukraine and the laws of Ukraine;
- Strive to be informed of all requirements of laws, bylaws, rules and procedures regarding his/her official duties and steadily observe them.

Commentary:

The judicial system is a separate branch of power that functions within society.

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Court employees, as officials, are obligated to act only on the basis and within their mandate and in a manner set forth by the Constitution and laws of Ukraine.

The trust of society for the judiciary shall also be upheld and enhanced by the conscious desire of each court employee to meet this standard.

It is the duty of court employees to take into account legal limitations and to avoid acting in a manner they know to be or that appears to be illegal, improper, or unethical, or for which they lack legal authority.

Court employees' performance of official duties is governed, together with respective job descriptions, by a number of general provisions outlined in legal acts. Among them are the Constitution of Ukraine,<sup>11</sup> Law on the Judiciary,<sup>12</sup> Law on Civil Service,<sup>13</sup> Law on Basic Principles for Preventing and Combating Corruption,<sup>14</sup> General Rules of Conduct for Civil Servants.<sup>15</sup> This list of regulations is not exhaustive but sets forth some of the more significant provisions that court employees should be familiar with.

Employees who have doubts about the legality of a particular action in the course of official duties should consult the court chief of staff or the chief judge for guidance.

Every court employee should put all their efforts to become acquainted with new pieces of legislation and study new rules and procedures. To achieve this, it would be expedient to arrange training in each court.

### 3.2. Professionalism

A court employee shall:

- Perform his/her official duties fairly and conscientiously, according to the job description, at a high professional level, in a timely and efficient manner;
- Personally complete tasks related to his/her official functions in a highly organized, exacting and principled way;

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<sup>11</sup> Constitution of Ukraine, June 28, 1996, #254к/96-BP//Vidomosti Verkhovnoyi Rady Ukrainy (Information Bulletin of Ukrainian Parliament) - 1996. -N30. -p. 141.

<sup>12</sup> Law on the Judiciary, Law of Ukraine # 3018-III of February 7, 2002 // Vidomosti Verkhovnoyi Rady Ukrainy/ - 2002/ -N27-28/ -p.80.

<sup>13</sup> Law on Civil Service, Law of Ukraine #3723-XII of December 16, 1993 // Vidomosti Verkhovnoyi Rady Ukrainy/ - 1993. - N 52. - p.90.

<sup>14</sup> Law on Basic Principles of Preventing and Fighting Corruption, Law of Ukraine #1506-VI of June 11. 2009 //Vidomosti Verkhovnoyi Rady Ukrainy. - 2009/ -N 45/ -p. 91.

<sup>15</sup> General Rules of Conduct for Civil Servants supported by Coordination Council on state service under the President of Ukraine, approved by Order of Golovderzhsluzhba #58 of October 23, 2000 and registered with Ministry of Justice #783/5004 on November 7, 2000.

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- Abstain from actions preventing other court employees from performing their official duties; and
  - Not assume any responsibilities beyond the scope of official duties unless directed otherwise by his/her supervisor.

A court employee's professional approach to working with colleagues and visitors may be demonstrated through his/her expedient efforts to reach a result, good written and verbal communication skills, punctuality, observance of norms of etiquette, polite telephone conversations, willingness to do the work, teamwork skills, continuous training (systematic approach to improve personal professionalism and cultural level, mastering new communications means), demonstration of respect for others, compliance with the professional dress code.

#### Commentary:

Court employees should demonstrate a high level of respect, competence and professionalism through their actions. A court employee should perform work promptly, diligently, efficiently, thoroughly, accurately, honestly, and transparently. Court employees exercise their right to work by freely choosing and having agreed to work at a court. They receive salaries from the state budget and should not demand or accept any compensation or fee for their work beyond wages received at court.

Courts draw upon state resources, property and funds transferred to them for their disposal, which should be done in the most efficient manner.

Court employees must ensure rational use of funds allocated for business trips, office transportation, and other similar expenses, both regarding themselves and regarding their subordinates.

Improper use of court resources includes making personal telephone calls at court expense, the use of office supplies for personal needs, as well as using computers and vehicles for non-business purposes.

### 3.3. Social Responsibility

A court employee shall:

- Be impartial and just, perform all his/her duties in the best way, skillfully, justly and with understanding of his/her social responsibility;
- Treat citizens, experts, witnesses, lawyers, prosecutors, judges, and other employees in a respectful manner, be patient, polite and benevolent;
- Avoid expressing his/her own views and comments regarding court decisions.

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Commentary:

In the course of fulfillment of their duties, court employees should avoid committing actions that may be perceived by the public as biased. Even if a court employee's actions fall within the legal framework, he/she should follow conduct norms, which would exclude suspicion of his/her dishonesty, giving preference not envisaged by legislation to certain legal entities or natural persons, etc.

A court employee should ensure that his/her conduct, both inside and outside court facilities, would support and strengthen the belief of the public, society, experts, and lawyers, parties to cases in the impartiality of both the individual court employee and the judiciary as a whole.

A court employee, in the course of fulfillment of his/her duties should not be biased by personal, family or other considerations. At the same time, he/she shall be obliged to notify the chief of staff or the chief judge about any private interests that might influence the performance of his/her duties, and to take action to solve any disagreements in a manner that would promote protection of public interests. Court employees should avoid expressing their personal opinion about the lawfulness and legitimate nature of published court decisions. They are not allowed to comment or to give interpretations of any court decision, at the same time, if allowed by a chief judge a court employee may make public statements within his/her mandate, as well as may provide explanations as to court procedures on a case according to his/her professional duties.

The use of any court documents or case materials to support any other activities outside one's duties at court<sup>16</sup> or to demonstrate one's political views is unacceptable.

### 3.4. Appearance

**A court employee should be tidy, wear decent business attire and avoid extravagance; wear a badge indicating his/her name and identify himself/herself at the first request of court visitors.**

Commentary:

A court employees' appearance is important and influences the public's attitude towards the judiciary. Proper and professional attire is an external sign of an employee's personal culture, of respect for the public, the court and the judges.

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<sup>16</sup> For instance, it would be unethical if a chief of staff, being a local city council deputy, would demonstrate copies of court decisions or other court materials at the city council meetings if he/she gained access to such materials by means of breaching established procedures.



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Employment at court requires following a dress code of formal attire, classic business attire style is the most appropriate. Extravagance<sup>17</sup>, disregard for seasonal change and simple untidiness are those characteristics that have a negative impact on a court employee's image. Court employees should wear decent clothes and should always make sure that their clothes are tidy, clean and well-pressed, pantyhose should be of either light or dark coloring and not have any excessive patterns, shoes should be polished and repaired on time (employees should avoid wearing open-toe shoes and beach-style outfits even during the summer). It is also important to follow personal hygiene, avoid using sharp-smelling deodorants; hair should always be well tended (clean and timely trimmed); men and women should take care of their hands, nail polish should not be of bright colors, long artificial nails should not be used; makeup has to be appropriate for office work; perfume should be fresh and light.

Court employees should always remember that they come in contact not only with their colleagues, but with the citizens that turn to them with different requests, such as requests for the provision of information, copies of documents, etc. But because of court employees' improper dress and unprofessional appearance, citizens might have doubts as to their ability to provide necessary services.

To facilitate communication with court visitors, court employees should wear badges with their names and positions.

Rules of business culture require that when speaking on the phone with citizens, representatives of institutions and companies greet them kindly and introduce themselves.

A court employee complying with the above listed requirements should expect support and respective incentives from his/her managers as it is envisaged in Chapter IV of these Rules.

In addition to maintaining one's own professional image by means of appropriate appearance, court employees should pay attention to the proper condition of their work place, which should be orderly and well organized.

### 3.5. Communication Culture

**A court employee shall:**

- **maintain a high standard of communication with citizens, participants in court proceedings, judges, and his/her colleagues;**
- **be friendly, communicate in a smooth, calm tone of voice, avoid excessive gesturing;**

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<sup>17</sup> Extravagance. 1. excessive or unnecessary expenditure or outlay of money. 2. unrestrained or fantastic excess, as of actions or opinions. 3. an extravagant action, notion, etc.: the extravagances one commits in moments of stress. (<http://dictionary.reference.com/browse/extravagance>)

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- not respond to insults, accusations or criticism from citizens, participants in court proceedings or other court employees in a similar way or through other manifestation of aggression which disgraces the honor and dignity of a person;
  - apologize and accept apologies of others in order to mitigate potential conflicts.

Commentary:

Tolerant and conscientious court employees shall receive support and understanding from the court's management in case of conflicts. The positive image and respect of the judiciary within society is, inter alia, based on high standards of communication with court visitors, colleagues and leadership.

From the first contact with a visitor, it is important to politely offer to him/her assistance. A court employee should refrain from asking questions such as "What do you want?" or "What's your business here?" as well as giving answers like "I don't know" or "That's not my business". In the course of communication with problem visitors, court employees should demonstrate restraint and be amiable. It is absolutely forbidden to show arrogance, or use language that would be perceived by visitors as insulting and disdainful.

In their communication with judges, court employees should be respectful and address a judge as "Your Honor" during hearings, and refer to judges as "Judge (last name)" during conversations with third parties, in other cases, it is acceptable to address judges using their name and patronymic name.

Talking to each other in the presence of court visitors, court employees should avoid familiarity.

Court employees should not interfere with their colleagues work and matters, and avoid loud discussions in offices. Conversations should be held in a low voice in order not to interfere with work of their colleagues.

### 3.6. Confidentiality of Information

A court employee shall:

- At the first request, provide information according to the law, rules and requirements related to the court at which he/she works;
- Take measures to ensure confidentiality of information which he/she disposes of, and use it in a lawful way;
- Not try to get unauthorized access to information which he/she is not authorized to have;

The duty of court employee to maintain confidentiality of information is not limited in time and goes beyond working hours or the employment period.

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Commentary:

To ensure the openness and transparency of courts as state authorities, court employees shall not conceal, deliberately delay or hinder the provision to citizens on information which should be given through free access according to the law.

The provided information must be reliable and complete.

Court employees within the scope of their responsibilities must provide citizens with complete information regarding their cases/matters in court.

Court employees should not attempt to answer those questions of court visitors, which are outside their knowledge and experience, provide legal advice, or impose the services of private attorneys, but employees should be prepared to provide information regarding the location of bar associations or organizations providing legal aid, especially free legal aid.

Certain information received by court employees in the course of performing their duties might be private in nature or confidential and, thus, should be protected, including protection from unauthorized access, deliberate or inadvertent disclosure.

The category "protected information" includes information which constitutes state secrets or other secrets protected by law as well as confidential information (i.e. information in court's official possession, use or disposal), as well as information about the personal life of citizens obtained in the course of fulfilling official court duties.

The category "protected information" also includes restricted information entrusted to the employee as stipulated by law of Ukraine "On Information".<sup>18</sup> Disclosure of this information to third parties may be possible only upon prior consent of the judge adjudicating the case.

Particular care should be taken to safeguard information concerning the private affairs of citizens or concerning the commercial affairs of companies or organizations, in cases where the information has been submitted in connection with official court business on condition, or on the reasonable assumption, that it would remain confidential.

A court employee does not have the right to disseminate among third persons information about personal and family life, home address and phone numbers of co-workers and other civil servants without prior permission thereof.

Court employees never should use confidential information or any other information that they receive access to in the course of their business activities for their own purposes or purposes of other persons by giving them recommendations or advice based on such information.

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<sup>18</sup> Law of Ukraine #2657-XII // Vidomosti Verkhovnoyi Rady Ukrainy. - 1992. -N 48. - p. 50.

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A former employee should comply with the same restrictions on disclosure of confidential information applied to current employees.

Violation of the rules on information use shall entail liability in accordance with the Ukrainian legislation.

### 3.7. Comprehension and Assistance

A court employee should:

- Perform his/her functions taking into account the level of knowledge of the person who turned to him/her for help and use the terminology that this person can understand;
- Provide assistance regarding the information on standard court procedures without giving any advice of legal nature while doing so.

#### Commentary:

Citizens of different social status, age and gender apply to courts, all of them seeking to solve their problems. There are no standard solutions to a court employee's work regarding their choice of actions in a specific situation, and how to communicate with different visitors. However, communication is one of the most important and sometimes most difficult aspects of the courts' work.

The court employee should listen carefully to his/her interlocutor, understand the subject of the matter, determine how to meet the visitor's request, and at the same time avoid conflict and be able to find a compromise.

In their interactions with visitors, court employees should respect visitors' time as well as their own and take into account their limitations and possibilities, knowledge and experience (or lack thereof), their emotions and fears, as well as respect their dignity.

Quite often visitors put questions of a legal nature or require legal advice. This is particularly problematic when visitors describe an actual situation and ask what they should or should not do.

Court employees should not give legal advice, this is due to the nature of their duties. They are obliged, however, to help court visitors and provide contact information of legal services providers that are closest to the court, as well as bar associations or legal clinics.

### 3.8. Consistency

A court employee shall be obliged to act at all times in a manner that maintains and promotes public confidence in the integrity, impartiality and effectiveness of the judiciary.

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Commentary:

Being civil servants, court employees are not allowed to participate in strikes and to commit any other actions that might interfere with normal operations of government agencies.

A court employee should not engage in any activities that would question the propriety of the court employee's conduct in carrying out his/her duties in court. This requires court employees to avoid violating ethical norms and doing anything that appears as violations of both professional and personal conduct. Such professional conduct requires that employees treat court visitors, legal entities and colleagues with respect and that they skillfully perform their duties showing adherence to principles and in good faith. Additionally, professional ethics requires that employees avoid conduct undermining the court's authority.

### **3.9. Prevention of Conflict of Interest**

**3.9.1. Conflict of interest – a conflict between private interest of a civil servant and his/her official duties, which may impact the objectivity and impartiality of decision-making, as well as actions or failure to act in the course of performing his/her official duties.**

Commentary:

Conflict of interest arises when a court employee has private interests that come in conflict with the interests of justice or that may impede the proper fulfillment of court employees' duties.

It is worth noting that a conflict of interest arises when a court employee knows that this or that court case may affect his/her personal (or his/her family members') situation in such a manner that a reasonable person with knowledge of those circumstances would question the court employee's ability to perform official duties in an impartial manner.

This provision is important not only as an ethical norm. Articles 12 and 16 of the Law of Ukraine "On Civil Service" impose restrictions regarding the appointment and service of civil servants, including cases which may lead to conflict of interests and it is required that candidates inform about potential conflicts of interest before being appointed.

**3.9.2. Private interests – any interests of a civil servant conditioned by personal, family, friendly or any other personal relations with other persons including personal property interests and non-proprietary interests.**

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Commentary:

Conflicts of interest arise from personal, family, or business relationships, current or past employment, associations with private organizations, financial interests, and many other similar factors. Conflicts of interest can arise not only in connection with judicial functions but in connection with court administration as well, such as entering into agreements about procurement of goods or provision of services. Examples of private interests that could cause conflict situations in relation to a court employee who:

- previously served as an attorney or advisor for the given case;
- was personally involved in the dispute between the parties;
- personally (or a close relative) has a financial (or other) interest that could be substantially affected by the case;
- personally (or a close relative, or friend) is a party to a dispute;
- is a close relative or friend who works for or does business with a party or an attorney involved in the case;
- personally (or a close relative, or friend) owns or works for a company that plans to enter into contractual relationships with the court and seeks information from the court that would provide a competitive advantage.

### 3.9.3. Mitigation of Conflict of Interest

A court employee shall be obliged to:

- avoid any situations which might cause a conflict of interest;
- not resort to any actions which might be beneficial to any of the parties to a case or lawyers taking part in the proceedings;
- not use his/her office/position to achieve personal benefits for himself/herself or others.

Commentary:

A conflict of interest is a violation of ethical norms that undermines the public's confidence and trust in the court system. For this reason, the Rules of Conduct require court employees to avoid actions or statements that give the appearance of a conflict of interest or favoritism. An employee should perform official duties in a fair, impartial, and objective manner and refrain from participating in any case/matter in which he/she has a conflict of interest. A court employee shall promote and strengthen trust in the impartiality of the judiciary through his/her actions.

When a court employee becomes aware of a possible conflict of interest, the employee must take steps to avoid such a conflict. One of the possible approaches

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is to disclose to the chief judge or chief of staff the existence of the conflict, who can assess the conflict's gravity and take appropriate steps to resolve the situation.

A conflict may be resolved by limiting the employee's official duties or suspending him/her from performing these duties.

To facilitate the identification of conflicts, court employees should know about their financial interests, and make reasonable efforts to be informed about the financial interests of their close relatives. Employees should also regularly disclose financial information as a useful way to dispel concerns about alleged favoritism/preferential treatment or partiality.

**A court employee must not:**

- Influence or try to influence the process of consideration of cases by judges;
- Allow his/her personal, family, social or other relations to influence his/her official activities;
- Use his/her official position for personal gain/benefit or in the private interests of others.

Proper administration of justice requires that court employees do not use their office for personal gain.

Commentary:

Article 126 of the Constitution of Ukraine prohibits influence upon judges in any way. A court employee may not use his/her official position to advance his/her or others' private interests, and should not convey or permit others to convey the impression that they are in a special position to influence the employee in the performance of official duties. For example, a court employee should never influence or attempt to influence the assignment of cases to judges or create the appearance that he/she is in a position to do so. A court employee should not perform court functions in a manner that improperly favors either party, its attorney, or other persons who cooperate with the court. Nor should court employees use their official positions to secure unwarranted privileges or benefits for themselves or others.

Often external relationships create temptations for the employee to provide or withhold service. Court employees should not allow their official actions to be affected by family, social, or other relationships, or the rank, position, or influence of any person.

Discriminatory treatment of persons in these situations has a negative impact upon the moral integrity of other employees and deteriorates public trust in the judiciary. To assess the propriety of an action, employees should consider how opposing parties and the public are likely to view the situation.

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3.9.4. Court employees shall be prohibited from deliberately promoting or recommending their close relatives to be employed by the court, bypassing the established procedure.

Commentary:

The Law of Ukraine “On Civil Service” governs the recruiting for public service in court. It also regulates decisions concerning promotions within public service. Civil servants and workers shall be hired in accordance with the effective labor legislation and general provisions by means of concluding an employment agreement.

To prevent undermining the authority of the court as a government agency, court employees shall be prohibited from knowingly promoting to a higher position or recommending for court employment their close relatives by approaching the chief judge or competition board without observance of the established procedures.

For example when a vacant position of a trial secretary was opened, the court HR consultant informed only one of the three persons registered on the reserve list, and that one person was the consultant’s relative. This person was afterwards hired for the position of a trial secretary without any competition.

In this case the consultant violated not only the standards of conduct for court staff regarding conflict of interest but also the provisions of legislation on preventing corruption.

The behavior of the employee was influenced by family relations and in this situation he/she did not perform his/her duty in a proper manner, because having learned how many candidates were on the reserve list he/she had to present all three of them to the chief judge or competition board to select the best for the vacant position.

A court employee should not use his/her position at the court to give privileged employment to a close person or relative<sup>19</sup>. At the same time, it does not mean that if there are open vacancies, a court employee may not inform his/her relative about such opportunities, but he/she in no way should give reasons to believe that his/her position at the court may help this person get the job without competition should there be other candidates.

Wherever circumstances require a court employee to work directly with a relative, it is a good practice for the court employee to disclose these circumstances to chief judge.

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<sup>19</sup> According to Art.1 of Law of Ukraine “On basic principles of preventing and fighting corruption” close persons are: spouses, children, sisters, brothers, grandparents, grandchildren, the adopted, those who adopted, as well as other persons provided they permanently reside together with the subject (the person in question) mentioned in part one Article 2 of this Law and keep the house.



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### 3.10. Incompatible External Interests

#### 3.10.1. A court employee must act in a politically neutral way.

A court employee shall be prohibited from receiving, both directly and indirectly, gifts from legal entities or individuals:

- for decisions, actions or failure to act in their interests;
- if acceptance of such a gift might cause a conflict of interest or create an impression of such a conflict;
- if the person presenting the gift is subordinated to the employee in question;
- in the event of other motives which would not emerge should the person receiving the gift not been a civil servant.

#### Commentary:

Court employees individually, and the judiciary as a whole, must maintain impartiality and neutrality in political issues. At the same time, court employees, according to their interests and beliefs, may be members of political parties, election blocks, other associations, as well as civil society organizations, but they have to separate their political activities from their official duties.

In no case may a court employee demonstrate his/her political views or commit other actions that in any way might attest to his/her personal attitude toward certain political parties, blocks, or other unions, or create an impression of such attitude in the course of fulfilling his/her official duties. Court employees should in a proper manner fulfill their duties with regard to court visitors, colleagues or others that he/she is dealing with irrespective of their affiliation with political parties and their political views.

Court employees shall not use their office or attempt to influence other court employees to become members of any political associations or to participate in any political movements.

A court employee must ensure and support the public's confidence that his/her actions, membership in political bodies or NGOs in no way interfere with his/her fulfillment of official duties in an unbiased and impartial manner.

A court employee may not entice to give, demand or accept directly or indirectly gifts, which can influence or convey the impression of influence on his/her impartiality in fulfillment of his/her duties, or which constitute a reward for fulfillment of his/her official duties. This provision does not fall within instances of conventional hospitality or official invitations to attend solemn events, or the receipt of small gifts on condition that the value/cost of one gift does not exceed the size of one tax social benefit (Law of Ukraine "On Preventing and Fighting Corruption"), courtesies (flowers on occasion of birthday, postcards, photographs, calendars, pens, etc.).

It should be mentioned that a "gift" means any benefit (money or other property, rights, advantages, privileges, services of material or non-material nature),

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including hospitality, which a court employee receives from natural persons or legal entities free of charge or at less than its actual value. It includes services, tangible items, commercial discounts, travel, food and hospitality. In determining whether something is a gift, the financial value of the item should be taken into consideration. Court employees may accept souvenirs of modest value (e.g., calendars, pens) but should decline gifts of more significant value and should not accept cash, checks, or their equivalent under any circumstances.

Thus, gifts are prohibited in the following circumstances:

- when the gift is based upon any understanding, either explicit or implicit, that official court decisions or actions would be influenced;
- when the gift is a reward for past or future court services;
- when the donor is a person seeking official action from the employee;
- when the donor is a company doing business with the court or the office/unit the employee serves;
- when the donor is a subordinate who is subject to the direction and control of the court employee;
- when the donor is anyone whose personal or financial interests could be substantially affected by the performance (or nonperformance) of the employee's official duties;
- when the value of a gift or the frequency of multiple gifts would cause a reasonable person to believe that the public office is being used for private gain.

Requesting a gift also reflects poorly on the court and the employee, therefore employees should not solicit gifts from any person.

Should a court employee believe that he/she might be influenced by certain circumstances, he/she should discuss the situation with his/her supervisor, chief of staff or chief judge.

**3.10.2. A court employee who believes that there is an attempt to force him/her to act in a way which is unlawful, inappropriate or unethical, related to mala fide administration or contradicts provisions of these Rules in any other manner, then he/she must immediately report this to the relevant body or to a person designated by the chief judge.**

Commentary:

Court employees that have doubts with regards to the legality of certain actions that they are required to commit within the scope of their mandate should redirect the problem to their supervisor, chief of staff or any other person authorized to resolve contentious matters. This provision does not prevent a court employee from reporting a crime or illegal conduct of persons to law enforcement bodies.

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3.10.3. Gifts shall not include any benefits received not only by the court employee but also by other subjects, which are not the reason for granting of illegitimate benefits or advantages to certain persons by the subject, and are not perceived as a reward for certain actions or failure to act of the court employee in the interests of other persons.

Commentary:

It is difficult to unambiguously define a list of benefits that are not considered gifts and that would be applicable to all life situations. We believe that benefits received by court employees for their professional achievements, and awards received on the occasion of professional holidays (valuable gifts, awards, credentials, etc) or objects intended not for an individual but for the court staff as a whole on occasion of professional holidays from local self-governance bodies (new building, computers and office equipment) may be on such a list.

3.10.4. Gifts shall be recognized as having been presented in an indirect way if:

- the gift was received by persons who are close relatives of the subject of fair conduct or by other individuals or legal entities related to him/her, if the subject of fair conduct was aware or should have been aware of it;
- the gift was presented to any other individual or legal entity upon consent, recommendation or through other similar manifestation of the will of the subject of fair conduct.

Commentary:

A gift that is given indirectly, via another person who represents a court employee, violates Section 3.10.1, as if the gift were given to the employee directly. It is wrong for employees to allow or arrange for others to receive gifts that would be improper if accepted directly by the employee. Also, a court employee should endeavor to prevent family members from accepting gifts that the court employee himself/herself would not be permitted to accept.

### 3.11. Conduct of a Court Employee

A court employee's out-of-court conduct must neither cause any doubt as to his/her decency and honesty nor have a negative impact on the operation or reputation of the court.

A court employee should avoid situations which might endanger the health or security of his/her colleagues; avoid causing harm to the environment.

During non-working hours, a court employee should behave so as not to undermine the dignity of his/her profession or the public confidence in the judiciary.

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Commentary:

During non-working hours a court employee under any circumstance should maintain his/her dignity and avoid anything that might undermine the authority of the judiciary, damage the court's reputation, cause doubt to his/her impartiality and the independence in performing functions of administering justice.

A court employee should avoid establishing any personal connections that might harm his/her reputation, or put his/her dignity under question.

Court employees have the right to engage in any activities outside of their official duties or perform any paid work as long as that does not create a conflict of interest and does not constitute a violation of the professional ethics and the requirements set forth in the Law of Ukraine "On Civil Service" and the Law of Ukraine "On Battling the Corruption". At the same time, a court employee's outside activities (specifically, charitable activity, religious, professional, cultural and related to recreation) and performance of other paid work such as teaching, research work, creative work, as well as his/her conduct outside the court should not put his/her dignity and integrity into question and should not have a negative effect on his/her work in court or reputation of the court as a whole.

Court employees should refrain from activities that might interfere with other court employees' proper performance, or present a threat to the health or safety of their colleagues, or the environment.

Court employees have to follow labor safety rules, fire safety rules, and meet sanitary and hygiene norms. They shall be prohibited from bringing weapons to court facilities (with the exception of persons authorized to do so by the Regulation on Admission of Persons to Court Premises and Vehicles to Court Territory), as well as explosives, inflammables, toxic substances, and to use non-standard electrical appliances.

It shall be prohibited for court employees to smoke in places that are not designated and equipped for smoking, to be present under the influence of alcohol, drugs or other toxic substances at court facilities.

## Chapter IV. Incentives

**4.1. In the event of conscientious observance of these Rules, based on annual evaluation (attestation) results, each court employee can expect support, appropriate incentives from the administration, and/or career promotion, etc.**

Commentary:

The level of a court employee's qualifications and skills, his/her adherence to the official duties, shall be determined by his/her immediate supervisor and chief

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of staff. The chief of staff has the authority to submit requests for awarding higher ranks to civil servants (including pre-term awarding), establishing bonuses for court employees, and determines the possibility to transfer an employee to a higher position.

Additionally, according to Clause 8 Article 11 of Law of Ukraine "On Civil Service" civil servants have the right to be promoted, taking into consideration his/her qualifications and abilities, conscientious fulfillment of official duties and participation in competitions for vacancies of a higher category.

For diligent and continuous service in state bodies, with exemplary fulfillment of one's duties, civil servants who continuously worked as civil servants in one or several bodies of state power for at least 10 years will get monetary rewards. It should be mentioned that a monetary reward shall be given once in five years provided he/she has set an example of fulfilling official duties and did not commit any violations of labor discipline, and taking into consideration the results of annual performance evaluations of the civil servant.

## Chapter V. Responsibility

**5.1. Improper observance by a court employee of his/her duties or exceeding of his/her authority, depending on the nature of the offence, as well as violation of the requirements of these Rules, can serve as a basis for disciplinary, administrative or criminal liability. The liability shall occur within the limits and according to the procedures established by the current legislation.**

### Commentary:

Civil servants, as well as other citizens, may incur criminal, administrative, civil or disciplinarily liability in the manner established by law.

According to Article 14 of the Law of Ukraine "On Civil Service", a civil servant shall be disciplined for failure to fulfill, or improper fulfillment of his/her official duties, or exceeding his/her authority, violating restrictions related to civil service, as well as for the actions discrediting him/her as a civil servant or discrediting the state body for which he/she works, as well as for violating other norms stipulated in general rules of conduct for civil servants. Disciplinary actions, including termination, shall be applied to civil servants in the manner established by the Labor Code of Ukraine<sup>20</sup> and the Law on "Civil Service".

In addition to disciplinary actions envisaged by current labor legislation, such disciplinary actions as the giving of a warning about incomplete conformity with

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<sup>20</sup> Law of Ukraine #322-VIII of December 10, 1971 // Vidomosti Verkhovnoyi Rady Ukrainy/ - 1971. – annex to N 50. – p.375

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qualifications requirements for the position held, and the postponing for up to a year the awarding of a higher rank or promotion, may be applied.

For any law infringement (including certain violation of Rules, specifically corruption actions) a civil servant in the order established by law shall be held liable according to Articles 18, 19 of the Law of Ukraine "On Preventing and Fighting Corruption".

As an example, according to Article 7 of the Law of Ukraine "On Fighting Corruption", in a case it does not constitute a crime, a corruption action of a civil servant shall entail administrative liability by way of a fine.

According to Article 9 of the same law, the violation of requirements regarding income disclosure (failure to submit or the submission of incomplete information about income or financial liabilities) by a person authorized to fulfill functions of the state, shall entail administrative liability by way of a fine and shall serve as a basis for rejecting promotion, and for depriving the right to run for office as a local or people's deputy or for any other elected position in public agencies.

## Chapter VI. Final Provisions

6.1. These Rules shall be an additional resource for interpreting the official duties of a court employee and a part of (supplement to) the standard rules of internal labor regulations.

6.2. These Rules shall take effect on the date of their approval. Within a month the Rules shall be made known to court employees who at the time of the Rules' approval will be in legal labor relations.

6.3. Each court employee shall familiarize himself/herself with the Rules and sign the statement (see Appendix 1). The statement must be handed over to the personnel unit to be archived. The employee shall keep a copy of the statement for themselves.



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**Appendix No. 1**  
**to Rules of Conduct for Court Employees**

I,

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(Last name, first name, patronymic)

have familiarized myself with the Rules of Conduct for Court Employees and  
agree to observe them.  
I have received a copy of the Rules.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_





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