**SEMINAR ORGANISED BY THE FRENCH COUNCIL OF STATE
IN COOPERATION WITH ACA-EUROPE**

***ETHICS AND RECRUITMENT
OF MEMBERS OF THE SUPREME ADMINSTRATIVE COURTS AND COUNCILS OF STATE***

Questionnaire

The Versailles seminar will address two related topics: ethics and recruitment.

The first topic will be discussed on Friday morning, 29 November, in two round tables. The first will focus on the legal and institutional framework. The second, based on practical cases, will address the content of ethical rules.

The second topic will be addressed on Friday afternoon during the third round table.

Ethics for magistrates was discussed at the seminar organised by AIHJA/IASAJ in September 2020 in Athens. It was also discussed at a meeting of the European Association of Administrative Judges (AEAJ) in May 2023 focusing on the freedom of expression of magistrates. Some of the questions below repeat those asked in the Athens questionnaire. You can, of course, use the answers you provided in 2020 to respond to this questionnaire.

I Ethics: Legal and institutional framework

1.1. General framework

1.1.1. Are the ethical obligations of public officials in general enshrined in your country's positive law?

☒Yes

☐No

If yes, they are enshrined (please check all applicable answers):

☒in the Constitution

☒in the law

☒in a regulatory text

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☒in a Charter of Ethics or a Collection of Ethical Principles

☐other

Please explain if necessary:

Ethical standards and provisions for public officials are outlined in both general and specific laws. The Constitution of the Republic of Lithuania serves as the foundation for the work of civil servants, encapsulating fundamental principles and values guiding individuals in the civil service. The Constitution of the Republic of Lithuania upholds principles such as service to the people, equal treatment of citizens, and equality, which should be upheld in practice by civil servants.
Regarding the ethical aspects of civil servants' activities, the Law on Civil Service outlines fundamental ethical principles. Art. 4 of the Law on Civil Service lays down the main principles of civil servants' ethics, including responsibility, openness, effectiveness, creativity, flexibility, loyalty to the state, selflessness, honesty, impartiality, decency, respect for individuals and the state, political neutrality, professionalism, justice, publicity, and transparency.
The Law on Public Administration enumerates basic principles (supremacy of law, objectivity, proportionality, non-abuse of power, efficiency, subsidiarity) related to the ethical aspects of public servants' professional activities.
Another specific law addressing ethical conduct is the Law on the Adjustment of Public and Private Interests. Additionally, the Prevention of Corruption Law regulates ethical aspects of civil servants' activities.
In addition to the aforementioned general and specific laws governing public officials' conduct in their professional capacities, various codes of ethics/conduct in the public sector of the Republic of Lithuania should be noted, such as the Code of Ethics for Judges, Code of Ethics for Prosecutors, Code of Ethics for Bank of Lithuania Officials, and Code of Ethics for Police Officers.

1.1.2. Are the ethical obligations of members of your institution specifically enshrined in your country's positive law?

☒Yes

☐No

If yes, they are enshrined (please check all applicable answers):

☐in the Constitution

☒in the law

☒in a regulatory text

☒in a Charter of Ethics or a Collection of Ethical Principles

☒other

Please explain if necessary:

The essential requirements for judges are delineated in both the Law on the Courts and the Code of Ethics of Judges of the Republic of Lithuania.
The Judicial Council approved, on 28 June 2013, a practical guide appended to the Code of Ethics of Judges. This guide discusses each principle and gives practical examples and recommendations based on decisions of the Judicial Ethics and Discipline Commission, the Judicial Court of Honour, the Supreme Court. In December 2022, the Judicial Ethics and Disciplinary Commission updated the Practical Guide to the Code of Ethics of Judges, based on an assessment of the gathered material.

1.2. Charter of Ethics

1.2.1. Does your institution also have a Charter of Ethics or a Collection of Ethical Principles?

☒Yes

☐No

If the answer is yes: On which date was this document adopted?

The Code of Ethics of Judges of the Republic of Lithuania, adopted by a General meeting of the Lithuanian Judges on June 28, 2006 (hereinafter – the Code of Ethics). The Code of Ethics applies equally to the judges of all tiers and all instances.

1.2.2. Is the adoption of this document an obligation for your institution?

☒Yes

☐No

Please explain if necessary:

The Code of Ethics applies equally to the judges of all tiers and all instances. There are no specific rules, the rules of the Code of Ethics apply equally to all the judges at all instances.

In accordance with Art. 43(1) of the Law on Courts "Duties of a Judge", a judge must adhere to the Constitution of the Republic of Lithuania and other laws, and comply with the requirements of the Code of Ethics for Judges.

1.2.3. Was this document adopted in response to a particular event that stirred public opinion?

☐Yes

☒No

If yes, please explain the legal and political context that led to the adoption of this text:

1.2.4. Who drafted this document?

☐A working group composed exclusively of members of your jurisdiction

☐A working group expanded to include outside persons

☐A working group involving associations of administrative judges

☒Other

Please explain if necessary:

Working group consisting of representatives of Supreme Court of Lithuania; the Supreme Administrative Court of Lithuania; the Court of Appeals of Lithuania; the Vilnius Regional Court; the Vilnius Regional Administrative Court; the Vilnius City 2nd District Court; and Representative of the Judges' Association of the Republic of Lithuania.

1.2.5. Which authority signed and enacted this document?

☐The president of your institution

☐A collegiate body of your institution

☒Other

Please explain if necessary:

Code of Ethics was approved by the decision No. 12 P-8 of the General Judges' Assembly of June 28, 2006.

1.2.6. Has this document undergone one or more revisions?

☐Yes

☒No

Please explain the purpose of these revisions if necessary:

1.2.7. What is the legal value of this document?

☐This document contains binding legal rules (hard law)

☐This document contains soft law standards

☒Other

Please explain if necessary:

In the final provisions of the Code of Ethics, it is noted that judges undertake to comply with the requirements of this code. Judges voluntarily acknowledge the requirements associated with the peculiarities of their social status. For instance, litigants may lodge a request to initiate disciplinary proceedings with the Judicial Ethics and Disciplinary Commission if they believe that a judge has violated the rules of ethics.

1.2.8. Please attach this document to your response, if possible in a French or English translation, in the form of an attached document or a web link.

The Code of Ethics is freely accessible to the general public through various internet sites, in Lithuanian as well as in English. To access the Code of Ethics in English please follow the link: https://www.teismai.lt/en/self-governance-of-courts/judicial-ethics-and-discipline-commission/about-commission/667.

1.3. Scope of application of ethical rules:

1.3.1. Whether a Charter of Ethics or equivalent text has been adopted or not, do the ethical rules applicable to members of your supreme court apply identically to magistrates in the lower courts of your judicial system?

☒Yes

☐Partially

☐No

Please explain if necessary:

The Code of Ethics determines the basic principles of conduct of judges of the Republic of Lithuania. The Code regulates the conduct of judges during the fulfilment of direct as well as indirect duties. It applies universally to all judges without exception both within and outside their duties.

1.3.2. To whom do these ethical rules apply?

☒To members of your institution who are active within it

☐To members of your institution who are temporarily not serving there, under secondment or availability arrangements, in other administrations or in the private sector

☐To resigning members

☐To retired members

☐To administrative staff (referendary judges, legal assistants, clerks, interns, etc.) assisting members of your institution

☐Other

Please explain if necessary:

The Code of Ethics specifically applies to judges in its entirety. Court clerks, typically civil servants, adhere to the principles outlined in the Law on Civil Service and the Law on Public Administration in their roles. The Code of Ethics does not extend to the family members of judges. It pertains only to judges actively engaged within the judicial body.

1.3.3. In the event that your institution exercises both a judicial and a consultative function, do the ethical obligations imposed on members exercising one or the other of these functions differ?

☐Yes

☐No

☒Not applicable

Please explain if necessary:

1.3.4. If there is a duality of jurisdiction in your country distinguishing an administrative jurisdictional order and a judicial jurisdictional order, are the ethical rules applicable to magistrates of these two orders different?

☐Yes

☐Partially

☒No

Please explain if necessary:

1.3.5. If the ethical rules are wholly or partly different for magistrates of these two orders, please indicate one or more examples of obligations that apply to magistrates of only one order or that apply differently to magistrates of each order of jurisdiction:

NA

1.3.6. If the magistrates who make up your institution belong to several different categories (for example, a bench and a public prosecutor's office), are they subject to different ethical rules?

☐Yes

☐No

☐Partially

☒Not applicable

If these ethical rules are wholly or partly different for magistrates of different categories, please give an example.

1.4. Relationship between ethical and disciplinary rules:

Is a breach of ethical obligations necessarily an offence that may result in disciplinary action?

☒Yes

☐No

If not, please give an example:

A disciplinary action may be brought against a judge for violations of the Code of Ethics (Art. 83(2) of the Law on Courts of the Republic of Lithuania). The Judicial Ethics and Discipline Commission (hereinafter – the Commission) is an institution of judicial self-governance that decides on the initiation of disciplinary proceedings against judges and ensures the promotion of judicial ethics.

The Commission shall institute disciplinary proceedings against a judge, when there is a ground to do so. Grounds for disciplinary liability include: 1) for an action demeaning the judicial office; 2) for violation of other requirements of the Code of Ethics of the Judges; 3) for non-compliance with the limitations on the work and political activities of judges provided by law (Art. 83(2) of the Law on Courts). Disciplinary proceedings against the judge in the Commission may be instituted by judges (e. g. President of the court, where the judge adjudicates, President of the court of a higher instance), judges' self-governance institutions (e. g. the Judicial Council and the Commission itself) as well as any other person, who becomes aware of an abovementioned offence (Art. 84(4) of the Law on Courts). If the Commission decides that there are grounds to initiate disciplinary proceedings, the case then is transferred to the Judicial Court of Honor, which decides on the merits of the case. The decision of the Commission may not be appealed.

The Judicial Court of Honor, after review of a disciplinary action may by its judgement: 1) dismiss a disciplinary action because of the absence of grounds for disciplinary liability; 2) dismiss a disciplinary action because of lapse of time; 3) limit itself to the review of a disciplinary action; 4) impose a disciplinary sanction. The Judicial Court of Honour may impose one of the following disciplinary sanctions: 1) censure; 2) reprimand; 3) severe reprimand. The Judicial Court of Honour may also, by its judgement: 1) suggest the President of the Republic or the Seimas to dismiss the judge from office according to the procedure established by law; 2) suggest to the President of the Republic to apply to the Seimas to institute impeachment proceedings against the judge. In a case, when an appeal against the decision of a Judicial Court of Honor is not lodged, the sanction imposed by the Judicial Court of Honor becomes effective ten days after it was imposed and is effective one year. A decision of the Court of Honour, which resolves a disciplinary case, may be appealed to the Supreme Court of Lithuania within ten days from its adoption in accordance with the procedure established by the Law on Courts. If the decision of the Court of Honour is appealed, the disciplinary sanction shall take effect from the date of the decision of the Supreme Court of Lithuania and shall be valid for one year.

1.5. Training on ethical rules:

Are members of your institution made aware of or trained in ethics?

☒Yes

☐No

If yes, how and how often?

The final provisions of the Code of Ethics provide that the self-governance institutions and the officials of courts administration shall take necessary measures to ensure that the moral and ethics norms that are laid down in the Code of Ethics, Law on Courts, international legal acts would be known to every judge and the candidate to a judge.

Therefore, all newly appointed judges have to undergo initial trainings, which encompass also the training on ethical issues. The judges also have continuous training every year, where an opportunity to have a training on ethical issues also exists. The initial training is compulsory, the training on ethical issues in the form of continuous training is optional and depends on the needs of specific group of judges.

Judges may also obtain advice on issues relating to conflicts of interest, prohibition or restriction of certain activities, declarations of assets, income and interests from the State Tax Inspectorate and the Chief Official Ethics Commission. Since 2013, the Judicial Ethics and Discipline Commission also has a consultative role and can provide official or informal advice on ethical issues.

The Ethics and Discipline Commission of Judges regularly updates the electronic Practical Guide to the Code of Ethics for Judges (Code of Ethics for Judges of the Republic of Lithuania. Practical Guide).

1.6. The College of Ethics

1.6.1. Has your institution created or does it have a collegiate body or a single authority responsible for answering ethical questions that may arise for members of your institution?

☒Yes

☐No

1.6.2. If yes, how is it appointed?

See below the response to question 1.6.3.

1.6.3. If yes and in the case of a collegiate body, how is it composed?

Th Judicial Ethics and Discipline Commission is one of the bodies of self-governance of courts, which decides on the institution of disciplinary proceedings against judges, but also provides consultations on the matters of judicial ethics (Art. 6 of the Regulations of the Judicial Ethics and

Discipline Commission, approved by Judicial Council on the 25 January 2019 Resolution No 13P-10-(7.1.2)).
The Commission is composed of seven members, appointed for four years. Two members are appointed by the President of the Republic, one by the Speaker of the Seimas and four by the Judicial Council; the members appointed by the President of the Republic and the Speaker of the Seimas are lay members (representatives of the public), while the members appointed by the Judicial Council are judges. Members of the Judicial Ethics and Discipline Commission may not be members of the Judicial Council, the Judicial Court of Honour, officials having the right to institute disciplinary actions or judges who are serving a valid disciplinary penalty.

For more information please visit: https://www.teismai.lt/en/self-governance-of-courts/judicial-ethics-and-discipline-commission/about-commission/667.

1.6.4. Who can refer to this body?

☒A member of your institution for an ethical question concerning them

☒A magistrate from the lower courts for an ethical question concerning them

☒The president of your institution

☒Other members of your institution

☒A litigant who believes that a magistrate has disregarded their ethical obligations

☐This body can refer to itself

☐Others

Please explain if necessary:

As far as the promotion of ethics is concerned, the Commission shall provide consultations and recommendations on specific issues of judicial ethics, inform about the decisions made by the Commission, initiate and organize trainings, discussions and otherwise promote the activities of the Commission and promote the ethical awareness of judges. The Commission shall consider requests for consultations made by judges, self-governance institutions and commissions of courts as well as public organisations that unite judges in meetings of the Commission. The consultation shall be published on the website of the National Courts Administration within 10 days after its signing without breaching the requirements for the protection of State, official, commercial, professional secrets and the secrets protected by other laws, as well as in line with other restrictions and prohibitions provided for in laws. Therefore, the act hereby taken is a consultation (recommendation).

Judges may also obtain advice on issues relating to conflicts of interest, prohibition or restriction of certain activities, declarations of assets, income and interests from the State Tax Inspectorate and the Chief Official Ethics Commission.

As for the Commission's power to initiate disciplinary proceedings, please refer to the information provided under question 1.4.

1.6.5. Are the opinions given by this body made public?

☒Yes

☐No

1.6.6. If yes, are the published opinions anonymised?

☒Yes

☐No

1.6.7. Can these opinions be challenged before the court?

☐Yes

☒No

Please explain the legal scope of these opinions:

See above the response to question 1.6.4.

1.7. Declaration of interests

1.7.1. Must members of your institution complete a declaration of interests?

☒Yes

☐No

If yes, please briefly describe the modalities of its submission:

Judges have to submit three declarations, in accordance with the Law on the Declaration of Assets of Residents, the Law on Personal Income Tax and the Law on the Adjustment of Public and Private Interests. Declarations of private interests have to be filled in electronically within one month of entry into office and updated as necessary when changes occur. They cover the judge's interests and those of her/his spouse or partner, except if they are not cohabiting. Judges' declarations of private interests are published by the Chief Official Ethics Commission and may be consulted on its website.

1.7.2. Is there a specific procedure or *ad hoc* body responsible for examining conflicts of interest that may arise when a member of your institution leaves for the private sector?

Art. 15-18 of the Law on the Adjustment of Public and Private Interests contain general restrictions that apply to judges, like other persons in the civil service, in case they leave judicial office. Art. 15 contains a one-year cool-off period regarding the conclusion of employment contracts for the management of entities over which the former civil servant had a power of supervision or control or in favour of which she/he participated in decision-making for obtaining state orders or financial assistance, during the year immediately prior to the end of his/her functions. Art. 16 provides for a one-year limitation to enter into contracts with the judge's former employer and Art. 17, for a one-year limitation of representation of and official relations with natural or legal persons of their former court. The civil servant's former colleagues must promptly notify their superior of such official relations.
Exemptions to the above-mentioned restrictions may be decided by the Chief Official Ethics Commission in specific cases, when the application of limitations may be detrimental to the interests of the community or the state (Art. 18).
Compliance with the rules on declarations of private interests and the other provisions of the Law on the Adjustment of Public and Private Interests by judges is controlled by the Chief Official Ethics Commission and the President of the court at which the judge works or his/her authorised representative. Court Presidents also supervise compliance by judges with the requirements of the Code of Ethics (Art. 103 of the Law on Courts).

1.8. The oath

Do members of your institution have to take an oath?

☒Yes

☐No

If yes, what does this oath consist of and how is it taken?

The person appointed a judge, before assuming his duties, shall, in a solemn ceremony, swear an oath to the President of the Republic of Lithuania or the Seimas who have appointed him. The person sworn in has the right to choose one of the following texts of the oath:

1) "I, judge (name, surname) solemnly swear my allegiance to the Republic of Lithuania, to perform my duties in good faith, to administer justice in accordance with the Constitution and laws of the Republic of Lithuania, to protect human rights, freedoms and lawful interests, to be impartial, honest and humane, to protect the state secrets entrusted to me and always conduct myself as befits the judge
So help me God.";
2) "I, judge (name, surname) solemnly swear my allegiance to the Republic of Lithuania, to perform my duties in good faith, to administer justice in accordance with the Constitution and laws of the Republic of Lithuania, to protect human rights, freedoms and lawful interests, to be impartial, honest and humane, to protect the state secrets entrusted to me and always conduct myself as befits the judge"

When swearing the oath, the judge shall wear his gown. The judge shall sign the text of the oath. The text of the oath shall be held in the judge's personal file. After the oath the President of the

Republic or the Chairman of the Seimas shall hand to the judge a badge with the State emblem of Lithuania as a symbol of the judicial authority. A judge shall swear the oath to the President of the Republic or the Seimas only once unless his powers have been suspended.

(Art. 59 of the Law on Courts)

II Ethics: Content of rules

2. 1. Independence, impartiality and prevention of conflicts of interest

2.1.1. In which circumstances should a member of your institution abstain from sitting or risk being disqualified from a judgement panel?

☒In cases of familial ties that may link the magistrate with a party

☒In cases of friendly ties that may link the magistrate with a party

☒Due to previous functions performed by the magistrate

☒Other

Please explain, citing any relevant jurisprudential examples

According to Art. 44 of the Law on the Administrative Procedure, the judge may not participate in the hearing of the case and must disqualify themselves or be disqualified if she/he is directly or indirectly interested in the disposition of the case or there are other circumstances which give reasons to doubt the impartiality of the above persons. The judge may not participate in the hearing of the case if: 1) she/he participated in the legal proceedings initiated prior to his involvement in the case in the capacity of a witness, specialist, expert, interpreter, representative, the prosecutor, the recording clerk of the court hearing; 2) she/he is in family relationship with the parties, other participants in the proceedings or judges of the chamber; 3) she/he himself or his relatives have a direct or indirect interest in the disposition of the case or if there are circumstances which give reason to doubt his impartiality; 4) if she/he has performed judicial mediation in this case and the parties to the dispute failed to conclude a settlement during the judicial mediation. If there are circumstances specified in this Article, the judge shall make a request for her/his disqualification. The participants in the proceedings may request her/his disqualification on the above-stated grounds. Disqualification must be justified and requested prior to the commencement of the hearing of the case on the merits. Subsequently, the request for disqualification shall be admissible only if the person submitting the request gets knowledge of the grounds on which it is made after the commencement of the hearing of the case on the merits. A repeated disqualification cannot be reasoned on the same arguments used to reason the disqualification that had been rejected.

2.1.2. If your institution exercises both a jurisdictional function and an advisory function, what individual measures does it implement to comply with the *Procola* case law of the European Court of Human Rights dated 28 September 1995, according to which the fact that certain members successively exercise, regarding the same decisions, advisory and jurisdictional functions is likely to compromise the structural impartiality of the institution?

☐Prohibition of a member's participation in the judgement of an appeal directed against an act taken after advisory opinion from your institution if they participated in the deliberation of that opinion

☐Prohibition for members of a judgement panel to consult the files of advisory panels

☐Other

Please explain if necessary:

2.1.3. If your country allows members of your institution to temporarily leave to take up other functions in the public or private sector, what ethical rules govern such a departure and, when the time comes, such a return?

☐Obligation to abstain, before departure, from participating in any deliberation involving a future employer from the moment the individual enters into negotiations with them

☐Prohibition for the members concerned, during this temporary period outside the institution, from intervening in cases they became aware of in the exercise of their jurisdictional activities

☐Prohibition for a member practising as a lawyer from submitting requests and briefs and appearing in court before your institution for a specified period

☐Obligation to abstain, if applicable for a specified period after the return, from participating in the judgement of disputes concerning decisions taken by the authority with which the member previously served

☐Other

Please explain if necessary:

2.1.4. Can a member of your institution receive gifts?

☐Yes

☒Yes, under certain conditions

☐No

Please explain if necessary:

Art. 12.5 of the Code of Ethics sets forth that, according to the principles of honesty and disinterest, a judge must be incorruptible and must not accept gifts, money, gratuitous services or other preferential benefits, special privileges and discounts or other services from natural and legal persons, if this can raise a conflict of interests or have an impact on the progress of a pending case.
A similar prohibition is established in the Law on the Adjustment of Public and Private Interests. Art. 13 (2) provides exceptions to this prohibition for gifts of the value not higher than EUR 150 accepted pursuant to the international protocol or customs usually connected with the official duties of the person in the civil service and the gifts for representation purposes bearing the symbols of the State, the institution and other symbol or where the services are used for official purposes. If the value of the gift exceeds EUR 150, the gift shall be considered the property of the state or municipality. Such gifts shall be evaluated and kept in the manner established by the head of the institution or body.

2.1.5. Can a member of your institution receive an honorary decoration from their country or a foreign country?

☐Yes

☒Yes, under certain conditions

☐No

Please explain if necessary:

In accordance with legal and regulatory requirements regarding publicity, a judge may receive a symbolic gift, award, or benefit on certain occasions, provided that the gift, award, or benefit is not perceived as an attempt to influence the judge or give rise to suspicion of bias (§ 4.15 of the Practical Guide to the Code of Ethics of Judges on the application of the principle of justice in the Code of Ethics).

2.2. Exercise of individual liberties

2.2.1. Are there limits placed on the freedom of expression and opinion of members of your institution?

☒Yes

☐No

Please explain if necessary:

As far as the freedom of speech of judges is regarded, there are Rules on the provision of information to the media, which cover the instances of the provision of information on courts' decisions, but some of the principles may be adapted to the relationship with media in general. There is also a guide on Courts' Communication with the Media, which also sets out the main principles of communication and certain practical advice.

The rules require to inform the President of the court about the foreseen participation in the media or radio broadcast.

2.2.2. In particular, is the use of social media by members of your institution regulated?

☒Yes

☐No

Please explain if necessary:

The Code of Ethics does not establish rules and requirements for judges regarding behaviour on social networks. Instead, recommended guidelines, known as the Optional Guidelines for Judicial Communication on Social Networks, were developed during the second World Judicial Integrity Network Forum. This global event, known as the Global Integrity Forum, was launched from February 24th to 27th, 2020, in Doha. § 6 of these guidelines emphasizes that judges should be mindful of and consider the practicalities of online expression and association.
Regarding the potential behaviour of judges on social networks, one notable case involves the Judicial Ethics and Disciplinary Commission being asked to assess whether a judge violated the rules of the Code of Ethics by communicating on Facebook and publicly expressing views. In its decision to initiate disciplinary proceedings, the Commission emphasized that judges must always exercise responsibility when expressing opinions publicly, considering the meaning and potential consequences of their words. In this instance, the judge expressed her opinion, commented on, and assessed public events in an insolent, impolite, incorrect, tactless, disrespectful, and even abusive manner. The text submitted contained derogatory epithets directed towards judges. The Commission concluded that such public statements foster distrust in the judicial system and the judiciary. Additionally, the judge's tolerance of disrespectful comments about judges was found to contravene the requirements of the Code of Ethics regarding respect for human dignity, decency, and the principles of exemplary behaviour. The judge was reprimanded by a decision of the Judicial Court of Honour. In its ruling, the Judicial Court of Honour explained that the judge herself made the summary assessments. As a public official, she was subject to additional restrictions on freedom of expression and was bound by a duty of loyalty to the State. She was also required to assess the impact of her statements on the public's perception of the authority and impartiality of the judiciary. Following an appeal against the decision of the Judicial Court of Honour, a panel of judges from the Supreme Court of Lithuania provided important clarifications in this case, particularly regarding the pattern of participation and behaviour of judges on social networks. The panel of judges from the Supreme Court emphasized that ethical conduct and adherence to the requirements of judicial ethics are fundamental elements of judicial activity. Given the exceptional role of the judicial profession in the State and society, judges are held to high standards of conduct, not merely ordinary ones. Upon assuming the role of a judge,

individuals voluntarily accept the responsibilities associated with that status, including ethical requirements that must be observed both in their direct judicial functions and in all other aspects of their roles. The ethical requirements for judges, detailed in the Code of Ethic, have been adopted by decision of the General Meeting of Judges. This Code serves as a self-regulatory instrument, established on the principle of judges for judges. The values and principles of judicial ethics are formulated and adopted independently by the judicial community itself, recognizing its role and responsibility to society. It is essential that all judges are familiar with and adhere to these values and principles of judicial ethics.
The panel of judges from the Supreme Court emphasizes that, as outlined in the aforementioned Optional Guidelines on Judicial Communication on Social Media, judges should not be prohibited from participating in social media in this era of electronic communication. However, it is essential to strike a balance between such participation or engagement and the imperative to uphold public confidence in the judiciary, the right to a fair trial, impartiality, and the integrity and independence of the judiciary as a whole (§ 1 of the Guidelines). The individual use of social media by judges should uphold the moral authority, integrity, decency, and dignity of their judicial duties (§ 5 of the Guidelines) (Ruling of the Supreme Court of Lithuania Case No. GT1-11/2021, 28.03.2022).

2.2.3. As an example, can a member of your institution participate in a public debate of general scope (for example, on immigration or euthanasia), provided that they do not specifically mention a particular case they may have been involved in judging?

☐Yes

☒Yes, under certain conditions

☐No

Please explain if necessary:

The participation in the public debate is not highly regulated. The Rules on the provision of information to the media foresee that information may be provided through participation in the television and radio broadcasts. The president of the court has to be informed in advance of such an intention. There is also a guide on Courts' Communication with the Media, which in plain language sets out the main principles and practical advice to those dealing with the media, for example – to clearly formulate the main message to the media, to speak in short, clear sentences and other.

2.2.4. Can a member of your institution write and publish an article or a book? Can they teach at a public university or a private educational institution?

☒Yes

☐Yes, under certain conditions

☐No

Please explain if necessary:

Art. 113 of the Constitution of the Republic of Lithuania and Art. 48 of the Law on Courts contain strict provisions on incompatibilities, according to which a judge may not hold any other elected or appointed office, may not work in any business, commercial or other private establishments or enterprises. She/he may not receive any remuneration other than for teaching and creative activities. A judge may also not be a member of a political party or organisation, nor participate in the activities of such bodies. The judge may, in accordance with the procedure prescribed by law, act as a representative of the Republic of Lithuania at international organisations. A judge may participate in the activity of the institutions of judicial self-governance, in which case her/his workload will be reduced accordingly. A judge may be a member of committees drafting laws, international agreements or other legal acts, if such activities do not interfere with her/his judicial duties. The exercise of the abovementioned authorised accessory activities is subject to declaration by the judge in her/his declaration of private interests and to notification of the President of the court.

2.2.5. If yes, must they seek prior authorisation from the head of your institution?

☒Yes

☐No

Please clarify if necessary:

See above the response to question 2.2.4.

2.2.6. Are members of your institution allowed to engage in political activities?

☐Yes

☐Yes, under certain conditions

☒No

Please explain if necessary:

Judges in the administration of justice courts shall be independent from other government institutions, officials, political parties, political and public organizations and other persons (Art. 2 of the Law on Courts). The judge may not participate in the activities of political parties and any other political organizations (Art. 48(5) of the Law on Courts).

2.2.7. Can members of your institution run for elections?

☐Yes

☐Yes, under certain conditions

☒No

Please explain if necessary:

See above the response to question 2.2.6.

2.2.8. If a member of your institution is elected, can they continue to perform their functions in your institution?

☐Yes

☐Yes, under certain conditions

☐No

Please explain if necessary:

NA

2.2.9. If a member of your institution is elected, can they, in the event of full-time elective office, rejoin your institution upon the expiration of their mandate?

☐Yes

☐Yes, under certain conditions

☐No

Please explain if necessary:

NA

2.2.10. Can a member of your institution sign a petition?

☐Yes

☒Yes, under certain conditions

☐No

Please explain if necessary:

Like any other citizen, a judge has the right to freedoms of speech, religion, association, and assembly. However, in exercising these rights, a judge must always uphold the dignity of their office and maintain the impartiality and independence of the judiciary (the Practical Guide to the Code of Ethics of Judges).
The primary requirement for judges in their activities outside the courtroom and legal system is to uphold the principles of impartiality and independence while avoiding any appearance of a conflict of interest. The principle of judicial independence obliges judges not to undertake commitments or activities that would interfere with the proper performance of their judicial duties or restrict the exercise of their judicial functions. Similarly, the Bangalore principle of fairness in the conduct of the judiciary stipulates that a judge may engage in any other activity that does not bring their judicial office into disrepute or interfere with the performance of their judicial duties in any other way (the Practical Guide to the to the Code of Ethics of Judges).

The Code of Ethics provides that it determines the principles of activities and conduct, which are to be followed by a judge during the fulfilment of her/his duties and during the leisure time from the exercise of the direct duties (Art. 2). Therefore, the same principles and norms apply. Furthermore, in accordance with the principle of exemplarity, the judge shall conduct her/his private life in such a way, that the interests of courts and reputation of judges would not suffer. (Art. 14 of the Code of Ethics).

2.2.11. Can a member of your institution participate in a demonstration?

☐Yes

☒Yes, under certain conditions

☐No

Please explain if necessary:

See above the response to question 2.2.10.

2.2.12. Can a member of your institution invoke a "conscience clause" to refuse to apply the law – for example, by refusing to sanction a doctor who, in violation of the provisions obliging him to do so, failed to inform his patients about the possibility of terminating their pregnancy?

No. In accordance with the laws of the Republic of Lithuania, judges administer justice impartially and adhere strictly to the law. In adherence to the principle of dutifulness (Art. 15 of the Code of Ethics), a judge must refrain from violating the Constitution of the Republic of Lithuania, international treaties, laws, and other legal acts.

2.3. Case studies

To add substance to our discussion, the organisers of the symposium would like to discuss specific questions that you have encountered and on which your College of Ethics, if you have one, would have pronounced.

The French Council of State proposes four questions to you, as an example:

- On impartiality: Can a consultant judge (*rapporteur public*) of the Council of State [responsible for presenting to the members of the judgement panel the case before them, the legal issues it raises, and proposing a solution] receive a gift from a third party, not a party to the litigation, for the direction of the findings he has made in a case concerning the euthanasia of an elephant? (Opinion no. 2013/4 of 17 June 2013)

- On conflicts of interest: Which cases can a head of jurisdiction assign to a magistrate whose spouse is one of the most important members of the French Government? (Opinion no. 2017/4 of 18 September 2017)

- On conflicts of interest: Under what conditions can a former administrative magistrate practise as a lawyer? (Recommendation no. 2017-1 of 15 November 2017)

- On the obligation of discretion and freedom to produce intellectual works: Can a judicial magistrate seconded to the Council of State, during their secondment period, publish a historical essay on the *Ranucci* case, which had caused a stir and led to one of the last capital executions in France in 1976? (Opinion no. 2016/4 of 17 January 2017)

III. Recruitment of members

3.1. Who can be recruited in your institution?

3.1.1. How many members do you recruit on average each year in your institution?

The Supreme Administrative Court is composed of the President, the Vice-president and other judges. At present there are twenty-one judges serving at the Court.

The President of the Republic of Lithuania appoints the judges, as well as the President and Vice-President of the Supreme Administrative Court of Lithuania, with the advice of the Judicial Council. The appointments for the President and Vice-President of the Supreme Administrative Court of Lithuania are made for five-year terms.

3.1.2. Are all new members recruited at the same rank, or are the members of your institution divided into several ranks for which different recruitment methods exist? Please explain:

All judges are equal in terms of rank.

3.1.3. Are age conditions set for the recruitment of these new members?

☐Yes

☒No

Please explain if necessary:

Judges are appointed to their office until the age of retirement, namely 65. However, there is no minimum age requirement for becoming a judge.

3.1.4. Are diploma conditions set for the recruitment of these new members?

☒Yes

☐No

Please explain:

Candidates to a judicial office have to fulfil the following requirements: Lithuanian nationality, good repute, good health, and they have to meet the requirements established by law for security clearance or equivalent requirements. Different requirements regarding their university degree and past work experience also apply, depending on the office they are seeking. Candidates to the Supreme Administrative Court must be entered in the register of persons seeking judicial office

or have a Doctor in Law degree and at least eight years' experience as a judge and/or a university teaching experience in law (Art. 67 of the Law on Courts).

3.1.5. Is it possible to become a member of your institution directly after completing university studies or, if applicable, after a training college?

☐Yes

☒No

Please explain:

See above the response to question 3.1.4.

3.1.6. Are conditions of prior professional experience required to become a member of your institution?

☒Yes

☐No

Please explain:

See above the response to question 3.1.4.

3.1.7. Can members of the lower courts become members of your institution?

☒Yes

☐No

Please explain:

See above the response to question 3.1.4.

If yes, what is their proportion in the number of new members?

Most of the judges of the Supreme Administrative Court of Lithuania started their careers in lower instance courts.

3.1.8. How old is the youngest of your colleagues?

The youngest judge of the Supreme Administrative Court of Lithuania is 39 years old.

3.1.9. Are the members of your institution recruited without a time limit - that is, for a career that will end with retirement - or for a fixed-term contract?

Judges are appointed to their office until the age of retirement, namely 65.

3.2. How does the recruitment procedure work in your institution?

3.2.1. Does the executive branch intervene in the recruitment procedure for members of your institution?

☒Yes

☐No

Please explain:

The President of the Republic of Lithuania appoints the judges, as well as the President and Vice-President of the Supreme Administrative Court of Lithuania.

3.2.2. Does the recruitment procedure for members of your institution involve an individual interview?

☒Yes

☐No

3.2.3. If yes, is this interview an opportunity to assess the candidate's motivation as well as their legal knowledge?

☒Yes

☐No

3.2.4. Does the recruitment procedure vary depending on the rank the candidate is applying for - in the event that recruitments in your institution may be made at different ranks (cf. above 3.1)?

☐Yes

☐No

Please explain if necessary:

NA

3.3. What is the procedure for appointing members of your institution?

3.3.1. The appointment of members of your institution results from a decision:

☒by the executive branch (for example, a presidential decree)

☐by the judicial branch (by the president of your institution or a panel of independent judges)

☒other

Please explain if necessary:

See above the response to question 3.1.1.

3.3.2. Can the appointment of members of your institution be challenged in court?

☒Yes, through an action at the time of the appointment of said members

☐Yes, as an exception regarding the regularity of the composition of the members of the judgement panel

☐No

If yes, before which judge?

Applicant who participated in the selection for judicial position in the Supreme Administrative Court or the positions of the Court President, Vice-President, has the right to lodge a complaint with the Supreme Court within seven days of being informed of the results of their individual assessment by the Selection Commission or after the conclusions of the Selection Commission have been announced, regarding significant procedural violations that could have influenced the objective evaluation of the candidates who participated in the selection (Art. 55^7 (1) of the Law on Courts).

3.3.3. If your institution is competent to hear this litigation, how does it ensure respect for the right to a fair trial?

NA