

# CODE OF JUDICIAL CONDUCT AND ETIQUETTE

## Preamble

WHEREAS the **Preamble of the Belize Constitution** states that the Nation of Belize is founded upon, among other things, the principles of faith in human rights and fundamental freedoms and the dignity of the human person and the equal and inalienable rights to which all members of the human family are endowed;

WHEREAS **sections 3 and 6 of the Belize Constitution** stipulate the entitlement of every person in Belize to fundamental rights and freedoms without regard to race, place of origin, political opinions, colour, creed or sex and that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law;

WHEREAS the importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice;

WHEREAS an independent judiciary is likewise essential if the courts are to fulfil their roles as guardians of the rule of law and thereby to assure good governance;

WHEREAS the real source of judicial power is public acceptance of the moral authority and integrity of the judiciary;

AND WHEREAS it is essential that judges, individually and collectively, respect and honour judicial office as a public trust and strive to enhance and maintain confidence in the judicial system;

WE the members of the Judiciary of Belize hereby freely and voluntarily accept to be guided and bound by the values and principles stated in this Code of Judicial Conduct and Etiquette.

The values which this Code upholds are:

- Propriety
- Independence
- Integrity
- Impartiality
- Equality
- Competence and Diligence
- Accountability

I  
Value:  
**PROPRIETY**

Principle:

**Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.**

Code

- 1.1 A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.
- 1.2 As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge shall conduct himself or herself in a way that is consistent with the dignity of the judicial office.
- 1.3 A judge shall avoid close personal association with individual members of the legal profession, particularly those who practise in the judge's court, where such association might reasonably give rise to the suspicion or appearance of favouritism or partiality.
- 1.4 Save in exceptional circumstances or out of necessity, a judge shall not participate in the determination of a case in which any member of the judge's family represents a litigant or is associated in any manner with the case.
- 1.5 A judge shall avoid the use of the judge's residence and chambers by a member of the legal profession to receive clients or other members of the legal profession in circumstances that might reasonably give rise to the suspicion or appearance of impropriety on the part of the judge.
- 1.6 A judge shall refrain from conduct such as membership of groups or organisations or participation in public discussion which, in the mind of a reasonable, fair-minded and informed person, might undermine confidence in the judge's impartiality with respect to any issue that may come before the courts.
- 1.7 A judge shall, upon appointment, cease all partisan political activity or involvement. A judge shall refrain from conduct that, in the mind of a reasonable fair-minded and informed person, might give rise to the appearance that the judge is engaged in political activity.

- 1.8 A judge shall refrain from:
  - 1.8.1 Membership of political parties;
  - 1.8.2 Political fund-raising;
  - 1.8.3 Attendance at political gatherings and political fund-raising events;
  - 1.8.4 Contributing to political parties or campaigns; and
  - 1.8.5 Taking part publicly in controversial discussions of a partisan political character.
- 1.9 A judge shall not allow the judge's family, social or other relationships improperly to influence the judge's judicial conduct and judgment as a judge.
- 1.10 A judge shall not use or lend the prestige of the judicial office to advance the private interests of the judge, a member of the judge's family or of anyone else, nor shall a judge convey or permit others to convey the impression that anyone is in a special position improperly to influence the judge in the performance of judicial duties.
- 1.11 Subject to the proper performance of judicial duties, a judge may engage in activities such as:
  - 1.11.1 The judge may write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice and related matters;
  - 1.11.2 The judge may appear at a public hearing before an official body concerned with matters relating to the law, the legal system and the administration of justice or related matters; and
  - 1.11.3 The judge may serve as a member of an official body devoted to the improvement of the law, the legal system, the administration of justice or related matters.
- 1.12 A judge may speak publicly on non-legal subjects and engage in historical, educational, cultural, sporting or like social and recreational activities, if such activities do not detract from the dignity of the judicial office or otherwise with the performance of judicial duties in accordance with this code.
- 1.13 Confidential information acquired by a judge in the judge's judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to the judge's judicial duties.
- 1.14 A judge shall not practise law whilst the holder of judicial office in Belize.
- 1.15 A judge may form or join associations of judges or participate in other organisations representing the interests of judges to promote professional training and to protect judicial independence.

- 1.16 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties.
- 1.17 A judge may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if such payments do not give the appearance of influencing the judge in the performance of judicial duties or otherwise give the appearance of impropriety.

II  
Value  
**INDEPENDENCE**

Principle:

**An independent judiciary is indispensable to impartial justice under law. A judge should therefore uphold and exemplify judicial independence in both its individual and institutional aspects.**

Code

- 2.1 A judge shall exercise the judicial function independently on the basis of the judge's assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.
- 2.2 A judge shall reject any attempt to influence his or her decision in any matter before the judge for decision where such attempt arises outside the proper performance of judicial duties.
- 2.3 In performing judicial duties, a judge shall, within the judge's own court, be independent of judicial colleagues in respect of decisions which the judge is obliged to make independently.
- 2.4 A judge shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.
- 2.5 A judge shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence which is fundamental to the maintenance of judicial independence.

III  
Value  
**INTEGRITY**

Principle:

**Integrity is essential to the proper discharge of the judicial office.**

Code:

- 3.1 A judge shall ensure that his or her conduct is above reproach in the view of reasonable, fair-minded and informed persons.
- 3.2 The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.
- 3.3 A judge, in addition to observing personally the standards of this Code, shall encourage and support their observance by others.

IV  
Value  
**IMPARTIALITY**

Principle

**Impartiality is essential to the proper discharge of the judicial office. It applies not only to the making of a decision itself but also to the process by which the decision is made.**

Code

- 4.1 A judge shall perform his or her judicial duties without favour, bias or prejudice.
- 4.2 A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.

- 4.3 A judge shall, so far as is reasonable, so conduct himself or herself as to minimise the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
- 4.4 A judge shall not knowingly, while a proceeding is before, or could come before the judge, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue.
- 4.5 A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which a reasonable, fair-minded and informed person might believe that the judge is unable to decide the matter impartially.
- 4.6 A judge shall disqualify himself or herself in any proceedings in which there might be a reasonable perception of a lack of impartiality of the judge including, but not limited to, instances where:
  - 4.6.1 The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
  - 4.6.2 The judge previously served as a lawyer or was a material witness in the matter in controversy;
  - 4.6.3 The judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy.
- 4.7 A judge who would otherwise be disqualified on the foregoing grounds may, instead of withdrawing from the proceedings, disclose on the record the basis of such disqualification. If, based on such disclosure, the parties, independently of the judge's participation, agree in writing or on the record, that the judge may participate, or continue to participate in the proceedings, the judge may do so.
- 4.8 Disqualification of a judge is not required if necessity obliges the judge to decide the matter in controversy including where no other judge may lawfully do so or where, because of urgent circumstances, failure of the judge to participate might lead to a serious miscarriage of justice. In such cases of necessity, the judge shall still be obliged to disclose to the parties in a timely way any cause of disqualification and ensure that such disclosure is included in the record.

- 4.9 Save for the foregoing, a judge has a duty to perform the functions of the judicial office and litigants do not have a right to choose a judge.

V  
Value  
**EQUALITY**

Principle:

**Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.**

Code

- 5.1 A judge shall strive to be aware of, and to understand, diversity in society and differences arising from various sources, including but not limited to race, colour, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes (“irrelevant grounds”).
- 5.2 A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.
- 5.3 A judge shall carry out his or her duties with appropriate consideration for all person (for example, parties, witnesses, lawyers, Court staff and judicial colleagues) without unjust differentiation on any irrelevant ground, immaterial to the proper performance of such duties.
- 5.4 A judge shall not knowingly permit court staff or others subject to the judge’s influence, direction or control to differentiate between persons concerned, in a matter which is before the judge, on any irrelevant ground.
- 5.5 A judge shall require lawyers in proceedings before a court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant grounds. This requirement does not preclude legitimate advocacy where any such grounds are legally relevant to an issue in the proceedings.
- 5.6 A judge shall not be a member of, nor associated with, any society or organisation that practises unjust discrimination on the basis of any irrelevant ground.

- 5.7 Without authority of law and notice to, and consent of, the parties and an opportunity to respond, a judge shall not engage in independent, personal investigation of the facts of a case.
- 5.8 Without authority of law and notice to, and consent of, the parties and an opportunity to respond, a judge shall not, in the absence of the other parties to the proceedings, communicate with any party to proceedings in the judge's court concerning such proceedings.

VI  
Value  
**COMPETENCE AND DILIGENCE**

Principle

**Competence and diligence are prerequisites to the due performance of judicial office.**

Code

- 6.1 The judicial duties of a judge take precedence over all other activities.
- 6.2 A judge shall devote his or her professional activity to judicial duties. Such duties are broadly defined and include not only the performance of judicial duties in court and the making of decisions but other tasks relevant to the court's operations or to the judicial office.
- 6.3 A judge shall take reasonably steps to maintain and enhance the judge's knowledge, skills and personal qualities necessary for the proper performance of judicial duties.
- 6.4 A judge shall keep himself or herself informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms and, within any applicable limits of constitutional or other law, shall conform to such norms as far as is feasible.
- 6.5 A judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
- 6.6 A judge shall maintain order and decorum in all proceedings in which the judge is involved. He or she shall be patient, dignified and courteous in relation to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. The judge shall require similar conduct



of legal representatives, court staff and others subject to the judge's influence, direction or control.

- 6.7 A judge shall not engage in conduct incompatible with the diligent discharge of judicial duties.
- 6.8 A judge shall not be swayed by partisan interests, public clamour or fear of public criticism, in arriving at decisions.

VII  
Value  
**IMPLEMENTATION AND ACCOUNTABILITY**

Principle

**Implementing these principles and ensuring the compliance of judges with them are essential to the effective achievement of the objectives of this Code consonant with judicial independence and propriety.**

Code

- 7.1 Institutions and procedures for the implementation of this Code shall provide a publicly credible means of considering and determining complaints against judges without eroding the essential principle of judicial independence.
- 7.2 By the nature of the judicial office judges are not, except in accordance with law, accountable to any organ or entity of the state for their judicial decisions but they are accountable for their conduct to institutions that are established to implement this Code.
- 7.3 The institutions and procedures established to implement this Code shall be transparent so as to strengthen public confidence in the judiciary and thereby to reinforce judicial independence.
- 7.4 Ordinarily, except in serious cases that may warrant removal of the judge from office, proceedings established to implement this Code shall be conducted in confidence.
- 7.5 The implementation of this Code shall take into account the legitimate needs of a judge, by reason of the nature of the judicial office, to be afforded protection from vexatious or unsubstantiated accusations and due process of law in the resolution of complaints against the judge.

- 7.6 The judiciary and any institution established to implement this Code shall promote awareness of these principles and of the provisions of the Code.
- 7.7 The institutions established by the Belize Constitution shall bear the foregoing in mind in the implementation of this Code.

## VIII DEFINITIONS

In this Code, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

“Court staff” includes the personal staff of the judge including Marshals and Bailiffs.

“Judge” includes a magistrate and any person exercising judicial office, however designated.

“Judge’s family” includes a judge’s spouse, the judge’s son, daughter, son-in-law or daughter-in-law. It also includes any other close relative or person who is a companion or employee of the judge and who lives in the judge’s household.

“Judge’s spouse” includes a domestic partner of the judge or any other person of either sex in a close personal relationship with the judge.

**DONE** in Belize City this 31<sup>st</sup> day of March, 2003.