



Presidency of Italy  
Council of Europe  
November 2021 - May 2022  
Présidence de l'Italie  
Conseil de l'Europe  
Novembre 2021 - Mai 2022



## Judicial Ethics

Course CP/2022/03 - P22022

Date: 16-18 March 2022 (Scandicci, Villa Castel Pulci)

Members of the SSM Board: Lorenza Calcagno, Fabrizio Di Marzio, Gianluca Grasso

Senior Trainer: Giuseppe Campanelli

*The protection of the rule of law is a growing issue of interest in many European countries. In recent years, concerted efforts have been made at the European level to prevent the weakening of the rule of law through measures aimed at the proper functioning of national judicial systems.*

*The Council of Europe's (CoE) Action Plan to strengthen the independence and impartiality of the judiciary - CM (2016)36 final - states that "only an independent and impartial judiciary can provide the basis for a fair and just resolution of legal disputes, particularly those between the individual and the State. In this context, it is recalled that all Member States have committed themselves under Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms to ensure access to independent and impartial courts and tribunals, whenever rights or obligations are at stake or criminal charges have to be determined; and in respect to which the European Court of Human Rights has developed an extensive body of case law. (...) It is of paramount importance that the independence and impartiality of the judiciary exists in fact and are guaranteed by law, and that public confidence in the judiciary, where it has been lost, could be restored and maintained."*

*Among other measures, the Action Plan requires states to ensure comprehensive and effective training of the judiciary on judicial ethics.*

*At European Union (EU) level, the Rule of Law Report 2020 stated that "effective judicial systems are essential to upholding the rule of law. Independence, quality and efficiency are the defined parameters of an effective justice system, whatever the model of the national legal system and the tradition in which it is anchored. (...) The independence of national courts is fundamental to*



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*ensuring such judicial protection. (...) Despite reform efforts in several Member States to improve judicial independence, developments raise concerns in some of them”.*

*Judges, prosecutors and lawyers occupy a critical and sensitive place in society; the way they conduct themselves has a direct impact on public confidence and the administration of justice. Therefore, they have a duty to maintain the highest ethical behaviour.*

*There are international standards that provide guidelines on the ethical conduct and fundamental principles of these professions. Independence, impartiality and integrity are the basis of the rule of law in a healthy democracy and ensure the protection of human rights.*

*The course, starting from the international and european framework (CoE and EU) and relevant case law of the European Court of Human Rights and the Court of Justice of the European Union aims to deepen knowledge and understanding of professional tools and develop skills, based on practical examples, to address ethical dilemmas in the exercise of professional functions.*

Italian/English interpretation is provided for all plenary sessions

## Programme

Wednesday 16 March 2022

3.00 p.m. *Opening remarks*

Giorgio Lattanzi, President of the School for the Judiciary, President Emeritus of the Italian Constitutional court

Michele Giacomelli, Ambassador, Permanent Representative of Italy to the Council of Europe

3.15 p.m. *Presentation of the course by the Members of the SSM Board and the Senior Trainer*

3.30 p.m. *Ethics and deontology of judges and prosecutors: the constitutionalist perspective*

Roberto Romboli, Professor of Constitutional Law at the University of Pisa



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4.10 pm *Ethics and deontology of judges and prosecutors: the supranational perspective and international principles*

Raffaele Sabato, Judge of the European Court of Human Rights

4.50 pm Debate

5.10 p.m. *The current discipline in the Italian legal system: the code of ethics of 1994, the Statute of the National Association of Judges and Prosecutors and the new regulation among substantive and procedural aspects*

Gabriella Luccioli, former President of the Chamber of the Court of Cassation

5.50 p.m. Debate

6.00 p.m. End of the session

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**Thursday 17 March 2022**

9.15 a.m. *Ethics, deontology, judicial and prosecutorial functions: between efficiency, perception and effectiveness*

Antonio Mura, Attorney General at the Court of Appeal of Rome and member of the CCPE Working Group

Giuseppe Ondeï, President of the Court of Appeal of Milan

Stefano Scarafoni, Deputy Head of Cabinet, Ministry of Labour and Social Policies

10.45 a.m. Debate

11.15 a.m. Break



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### 11.30 *Ethics, deontology and functions between participation and communication*

Maria Masi, President of the National Forensic Council

Luigi Ferrarella, Journalist from "Corriere della Sera".

12.30 p.m. Debate

1 p.m. End of the session

### 2 p.m. *Working groups: Ethics, deontology and accountability: a fine line*

5 working groups with practical cases on ethics and deontology of judges and prosecutors:

- Relations with the Head of the Office, with representatives of the Court, with the administrative staff, with the public, with the parties in court
- Relations with the press by media
- Relations with bodies and associations (WWF, Rotary, etc.): lawfulness and limits for the judges and prosecutors to join them
- Hospitality and participation in social events
- Extra-judicial assignments
- Use of social networks
- The right to criticise and comment on judicial decisions

#### 1. GROUP A

Domenico Airoma, Public Prosecutor at the Court of Avellino

#### 2. GROUP B

Ms Maria Laura Aversano, Judge on secondment to the European Court of Human Rights.

#### 3. GROUP C



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Marco Dall'Olio, Deputy Public General Prosecutor at the Court of Cassation

4. GROUP D

Umberto Giacomelli, Judge at the Court of Belluno

5. GROUP E

Nicola Piacente, Public Prosecutor at the Court of Como

4.00 p.m. Plenary session to resume work, with presentation of the main issues that emerged during the group work.

4.30 p.m. Debate.

5.00 p.m. End of the session.

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Friday 18 March 2022

9.00 a.m. *Ethics, deontology and comparative perspective. Comparing voices: France, the United Kingdom and Armenia (with a focus on consultative bodies)*

Guillame Tusseau, Professor of Public Law, Member of the Institut Universitarie de France

Philip Rostant, Employment Judge, Director of Training for Tribunals and Joint Dean of Faculty, Judicial College of England and Wales

Arsen Nikoghosyan, Judge of the Criminal Court of Appeal of Armenia

10.00 a.m. Debate



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10.15 a.m. *Round Table on the perspectives of ethics of the judiciary and the necessary perception of a new international dimension*

Giorgio Lattanzi, President of the Scuola Superiore della Magistratura, President Emeritus of the Constitutional Court

Nina Betetto, Member of the Working Group of the Consultative Council of European Judges (CCJE)

Filippo Donati, President European Network of Councils for the Judiciary (ENCJ)

12.30 p.m. Debate

1.00 p.m. End of the session