

VI Recommendations

Before making recommendations on the ground of what has been established during the drafting of this short report, we shall remind on preconditions for the efficient implementation of ethical standards, according to which the adoption of ethical code is only one in a series of important elements of the consistent relationship with the principles they establish. This approach recommends that, besides the *Code of conduct*, it is also important to provide:

- transparency of their implementation,
- provision of trainings,
- clear communication strategy for their promotion,
- directives for implementation and resolving of ethical dilemmas,
- efficient filing of complaints,
- supervision of its implementation,
- independence of bodies for the monitoring of implementation of ethical standards.¹

For the full implementation of the Code of Ethics for Public Prosecutors, we recommend:

- that the records from Article 172 of the Law on Public Prosecutor's Office, besides data on disciplinary responsibility and dismissal of prosecutors, should contain defined violations of the Code of Prosecutorial Ethics, which will rise the responsibility for violation of ethical principles to the level of more serious impact;
- that the specifying of Articles 88 and 90 of the Law on Public Prosecutor's Office should take into consideration all violations of the Code while assessing prosecutors, not only violations of the Code related to the relationship of a judge with parties, colleagues, and employees at the Public Prosecution Office;
- standardization of reasons for dismissal and procedure of dismissal of all members of the Commission on the Code of Ethics of Public Prosecutors, reasons of the recuse and the recuse procedure, and replacement in case of recuse;
- amending of the Rulebook on work of the Commission for determining of the minimum number of sessions per month;
- that the Commission should make more initiatives in submitting of proposals for disciplinary proceedings in all cases, where it is assessed that the violation is suitable to description of disciplinary violation;
- that the right to complaint on decision of the Commission should be allowed to all submitters of the initiative for determining of violation of the Code, not only to prosecutors against whom the proceedings have been initiated, in order to ensure the control of its work in case of superficial access;
- consistent acting of the Commission in obligations from the Action Plan for the Chapter 23 and the Action Plan for implementation of the Strategy for the judicial reform 2014-2018, with the development of annual analysis on respect of the Code of Ethics, with the special part on respect of rules on the conflict of interests of prosecutors;

¹ Gilman, S.C. Ethics codes and codes of conduct as tools for promoting an ethical and professional public service: Comparative successes and lessons, Prepared for the PREM, the World Bank Washington, DC, 2005

- that the Commission should support the proactive work on ethical shaping of all bearers of prosecutorial function, indicating on all types and forms of violation of the Code, necessity of cooperation between leaders and public prosecutors with the Commission for the purpose of exchange of data and prevention of violation of the Code.

For the full implementation of the Code of Ethics of Judges we recommend:

- that the records from Article 130 of the Law on Judicial Council and Judges, in addition to information on disciplinary responsibility and dismissal of judges, should also contain established violations of the Code of Judicial Ethics, thus bringing the responsibility for violations of ethical principles to a level of more serious impact;
- that the specifying of Articles 89 and 91 of the Law on Judicial Council and Courts, as well as Article 20 Rules on the assessment of judges and court presidents, ensure that all violations of the Code are taken into account in the promotion of the judge, and not only violations of the Code in relation to the judge's attitude towards the parties, colleagues and employees of the court;
- standardization of reasons for the dismissal and the process of dismissal of all members of the Commission for the Code of Ethics of Judges, the reasons for the recuse and the recuse procedure and the replacement in case of recuse;
- that the Commission should show more initiative in submitting proposals for initiation of disciplinary proceedings in all cases where it assesses that the violation corresponds to the description of the disciplinary offense;
- that the right to complaint on Commission's decision should be allowed to all submitters of the initiative for determining of the violation of the Code, and not only to the judges against whom the proceedings were initiated, in order to ensure the control of its work in case of superficial access;
- that the Commission consistently comply with the obligations set out in the Action Plan for Chapter 23 and the Action Plan for the implementation of the Judicial Reform Strategy 2014-2018, by producing annual analysis on the respect of the ethical code, with the particular part on respect the rules on conflict of interests of judges;
- that the website of the Judicial Council should indicate the instruction for filing an initiative for determining the violation of the Code of Judicial Ethics on the visible place;
- that the Commission should affirm proactive work on the ethical shaping of all bearers of judicial functions, by pointing out on possible types and forms of code violations, the necessity of cooperation of judges with the Commission for the purpose of exchanging data and preventing violations of the Code.

For the full implementation of the Code of the Police Ethics we recommend:

- provision of finances for the spatial, organizational, and staff conditions that are important for the functioning of the Board, which would impact on the strengthening of its efficiency and independence;
- that the Rulebook on work of Ethical Board should be accessible to the public, and should be adopted in case it has not been adopted so far;

- standardization of criteria for the selection of all members of the Board, the reasons for dismissal and dismissal procedure, reasons for the recuse and the recuse procedure, and the replacement in case of recuse;
- in case of issuing an opinion on violation of the Code, it should be stipulated that the Board is obliged to submit a proposal for determining of disciplinary responsibility of a police officer;
- that the minister should be informed directly with the opinion of the Board on violation, in order to make a final decision on disciplinary responsibility of the officer;
- that the Board should start with the practice of publishing the annual work reports, but also analysis on respect of ethical standards and rules on conflict of interest;
- that the website of the Ministry of Internal Affairs should provide instructions for filing a complaint (initiative) for determining the violation of the Code of Police Ethics;
- that the Board should affirm proactive work on ethical shaping of police officers by pointing out on possible types and forms of violations of the Code, the necessity of cooperation with the Board for the exchange of data and prevention of violations of the Code;
- improvement of cooperation with the authorities responsible for conducting disciplinary proceedings, especially in cases when the Board assesses that the violation corresponds to the description of the disciplinary offense, that is, the disciplinary authorities, in determining liability, indicate that the violation indicates on violation of the Code.