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**EUROPEAN GUIDELINES ON ETHICS
AND CONDUCT FOR PUBLIC PROSECUTORS**

„THE BUDAPEST GUIDELINES”

Adopted by the Conference of Prosecutors General of Europe on 31 May 2005

Introduction

1. Public prosecutors play a key role in the criminal justice system and, furthermore are in some jurisdictions assigned other tasks in the field of for example commercial, civil or administrative law as general upholders of legality.
2. Bearing this in mind The Conference of Prosecutors General of Europe is convinced that the definition of common principles for public prosecutors should be encouraged and the Conference has, at its plenary session in Budapest in May 2005, approved the following European Guidelines on Ethics and Conduct for public prosecutors.
3. According to the Recommendation Rec (2000) 19 of the Committee of the Ministers of the Council of Europe on the Role of Public Prosecution in the Criminal Justice System, the founder document of the Conference of the Prosecutors General of Europe, the public prosecutors are public authorities who on behalf of society and in the public interest ensure the application of the law where the breach of the law carries a criminal sanction taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system.
4. In all criminal justice systems, public prosecutors decide whether to initiate or continue prosecutions; conduct prosecutions before the courts and may appeal or conduct appeals concerning all or some court decisions.
5. The guidelines are not binding on the different national prosecution services but should be seen as containing widely accepted general principles for public prosecutors in the performance of their duties and which can be considered as guidance at national level concerning ethical and similar questions.
6. The guidelines set out standards of conduct and practice expected of all prosecutors working for or on behalf of a public prosecution service.
7. In order to ensure that public prosecutors are able to carry out their professional responsibilities autonomously and in accordance with these guidelines, the Conference notes the safeguards embodied in §§ 4 to 10 of Recommendation Rec (2000) 19 on the role of public prosecution in the criminal justice system.

I. Basic duties

Public prosecutors should at all times and under all circumstances

- perform their duties, including the duty to take action, always in accordance with relevant national and international law,
- carry out their functions fairly, impartially consistently and expeditiously,
- respect, protect and uphold human dignity and human rights,
- take into account that they are acting on behalf of society and in the public interest,
- strive to strike a fair balance between the general interests of society and the interests and rights of the individual.

II. Professional conduct in general

Public prosecutors should at all times adhere to the highest professional standards and

- a. at all times maintain the honour and dignity of their profession,
- b. always conduct themselves professionally,
- c. at all times exercise the highest standards of integrity and care,
- d. exercise their functions on the basis of their assessment of the facts and in accordance with the law, free of any undue influences,
- e. keep themselves well-informed, trained and abreast of relevant legal and social developments,
- f. strive to be – and to be seen to be - impartial and consistent, including by adopting and publishing general guidelines, principles and criteria, as referred to in §36 a. of

- Recommendation Rec (2000) 19, which should guide them in the individual and collective performance of their duties, seeking to ensure, where appropriate, dialogue and team work,
- g. perform their duties fairly and without fear, favour or prejudice,
 - h. remain unaffected by individual or sectional interests and public and media pressures,
 - i. respect the right of all persons to be held equal before the law and abstain from discrimination against any person on any ground such as gender, race, colour, language, religion, political or other opinion, sexual orientation, national or social origin, association with a national minority, property, birth, health, handicaps or any other status,
 - j. preserve professional confidentiality,
 - k. consider the views, legitimate interests, privacy and possible concerns of individuals they meet in their professional capacity,
 - l. seek to ensure that individuals are properly informed of their rights and legal position insofar as the public prosecutor is competent to do so,
 - m. discharge their duties with the courts, the police and other public authorities as well as with other members of the legal profession with respect and courtesy,
 - n. render assistance to public prosecutors and public authorities of other jurisdictions in accordance with the law and in order to further international co-operation to the largest possible extent,
 - o. not allow the public prosecutor's personal or financial interests or the public prosecutor's family, social or other relationships improperly to influence the public prosecutor's conduct as a public prosecutor. In particular, they should not act as public prosecutors in cases in which they, their family or business associates have a personal, private or financial interest or association.

III. Professional conduct in the framework of criminal proceedings

When acting within the framework of criminal proceedings public prosecutors should at all times:

- a. uphold the principle of fair trial as enshrined in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Case-law of the European Court of Human Rights,
- b. carry out their functions fairly, impartially, objectively and, within the framework of provisions laid down by law, independently,
- c. seek to ensure that the criminal justice system operates as expeditiously as possible, being consistent with the interests of justice,
- d. respect the principle of the presumption of innocence,
- e. seek to ensure that all necessary and reasonable investigations and enquiries are being or have been made before taking a decision to prosecute or not or before taking other decisions that may affect the course of justice,
- f. have regard to all relevant circumstances of a case including those affecting the suspect irrespective of whether they are to the latter's advantage or disadvantage,
- g. not initiate or continue proceedings when an impartial investigation shows the charge to be unfounded,
- h. prosecute the case firmly, but fairly and not beyond what is indicated by the evidence,
- i. examine proposed evidence to see if it has been lawfully obtained,
- j. decline to use evidence reasonably believed to have been obtained through unlawful methods which constitute grave violation of the suspect's or other person's human rights, against anyone other than those who applied such methods,
- k. seek to ensure that appropriate action is taken against those responsible for using those methods,
- l. safeguard the principle of equality of arms in particular by disclosing information to the accused and his or her counsel in accordance with the law and the principle of fair trial,
- m. take proper account of the interests of witnesses and victims,
- n. assist the court to reach a just verdict,
- o. take decisions based upon an impartial and professional assessment of the available evidence.

IV. Private conduct

- a. Public prosecutors must not compromise the actual or the reasonably perceived integrity, fairness and impartiality of the public prosecution service by activities in their private life.
- b. Public prosecutors shall respect and obey the law at all times.
- c. Public prosecutors should conduct themselves in such a way as to further and retain public confidence in their profession.
- d. Public prosecutors must not use any information to which they have had access during the course of their employment to further unjustifiably their own private interests or those of others.
- e. Public prosecutors must not accept any gifts, prizes, benefits, inducements or hospitality from third parties or carry out any tasks which may be seen to compromise their integrity, fairness and impartiality¹.

¹ The present guidelines have been inspired by , in particular :

- the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- Recommendation Rec (2000) 19 on the role of public prosecution in the criminal justice system,
- Recommendation Rec (2000) 10 on codes of conduct for public officials.
- Guidelines for the Role of Prosecutors adopted by the 8th United Nations Congress on the prevention of crime and the treatment of offenders (Havana, 27 August-7 September 1990)
- other relevant ethical or professional codes, proposed or adopted by public bodies or private and international associations.