

NVvR Code of Conduct for Judges 2026

I. Introduction

An independent judiciary constitutes one of the foundations of a democratic state governed by the rule of law. Citizens must be able to rely on being protected by law: rules laid down in statutes and other regulations. Judges supervise compliance with those rules. They assess whether both citizens and public authorities act in accordance with the law.

Judges are required to decide individual cases on the basis of the facts and within the limits of the law. Because their judgments may, and sometimes must, be enforced coercively, judges exercise public authority. That authority has been conferred upon them by society. It is therefore essential that citizens maintain confidence in the manner in which judges perform their duties. This has implications for the way judges conduct themselves both in office and in private life. They are required to adhere to high standards.

This Code sets out standards that judges impose upon themselves. It does not contain enforceable rules, but serves as guidance for professional conduct inside and outside the courtroom. The Code provides a framework for reflection and dialogue among judges on the meaning of judicial office and the proper exercise of their profession. It also serves to inform others of the standards of conduct they may expect from judges.

The NVvR Code of Conduct for Judges is not the only guideline governing judicial conduct. Various national and international instruments set out essential core values for judges. A list of those instruments is included in the Annex to this Code. The NVvR Code aims to safeguard the core judicial values and stands independently.

2. Core values

Judges fulfil different roles: they form part of the third branch of government (the judiciary), they operate within an organisation, they decide independently in individual cases, and, like everyone else, they are citizens in a complex society. In each of these roles, the following core values run as a common thread throughout this Code:

- Independence
- Impartiality
- Integrity
- Expertise
- Professionalism

2.1 Independence

Judges render independent decisions in individual cases and thereby resolve disputes. They form their own judgment on the basis of the law and the facts presented by the parties or generally known. While they may depart from earlier case law, they must provide adequate reasoning for doing so. Judges resist any form of external pressure (from social organisations, the press, or political actors) as well as internal pressure (from colleagues, presiding judges, or court management).

2.2 Impartiality

Impartiality means that a judge has no (personal or close) relationship with a party involved in the proceedings and does not hold a predetermined preference for (the position of) any party without hearing both sides. Judges do not hear cases in which they themselves harbour doubts about their impartiality or where an appearance of bias could arise. They withdraw from a case when a party has objectively justified doubts as to their impartiality. Judges treat all parties equally and remain aware of their own potential biases. Parties must be able to trust that judges are neutral and are not guided by personal convictions or preferences.

2.3 Integrity

As judges oversee compliance with the law by others, they are under a duty to set an example. Integrity is essential for maintaining public authority and citizens' trust. This entails that judges comply with the law, are not susceptible to corruption, and do not misuse the authority entrusted to them. Judges treat confidential information obtained in the performance of their judicial duties with discretion and observe their duty of confidentiality. They do not comment publicly on their own cases or those of colleagues. Exceptions may arise, for example in the context of education or public information, but even then judges exercise restraint. In current cases, designated press judges may, where necessary, provide further explanation.

In individual cases, integrity requires that judges treat all parties with respect. Integrity also entails openness to advice and feedback on one's own conduct and the willingness to address colleagues regarding behaviour inconsistent with judicial office.

2.4 Expertise

Judges maintain their legal knowledge and regularly pursue further training in conduct and skills. They consult with colleagues on developments in the law and remain attentive to the societal context and social relations. Judges recognise the importance of consistency in case law, but may question established jurisprudence when, in their view, sufficient grounds exist. They are willing to specialise when this enhances substantive quality within the court.

2.5 Professionalism

Judges work diligently, expeditiously, and with dedication. They carefully balance substantive quality against the importance of timely adjudication. At hearings, judges ensure orderly and transparent proceedings. They communicate clearly and respectfully and guarantee the right to be heard. They provide oral or written reasoning for their decisions in a manner that is understandable to the parties and other interested persons.

3. The judge and judicial power

In a properly functioning democracy, a balance exists between the three branches of government: the legislative branch (government and parliament), the executive branch (administration), and the judiciary. They hold equal status, each with distinct tasks and responsibilities. Mutual respect for their respective roles within the rule of law is essential. The rule of law means that no one, including those democratically elected, may disregard the law. In a democratic society governed by the rule of law, there is no place for the law of the strongest. No one is above the law.

An independent judiciary is one of the three pillars of the democratic constitutional state: without courts, there is no rule of law. To safeguard judicial independence, judges are appointed (for life), as stated in the Constitution. Only the Supreme Court of the Netherlands may dismiss them under strict conditions before they reach retirement age. This safeguard is crucial, as judges also review whether public authorities comply with the law. Life tenure prevents the executive from dismissing judges due to disagreement with their rulings.

Judicial proceedings are, in principle, public, enabling public and media scrutiny of judicial independence and impartiality. Judges are subject to disciplinary jurisdiction exercised by fellow judges. In this manner, judicial independence vis-à-vis the other branches of government is protected, while judges remain accountable to independent judicial peers for their professional conduct. A party who disagrees with a judicial decision may generally lodge an appeal. Another court will then independently reassess the case.

The legislative and executive branches must respect judicial decisions. Judges, in turn, remain mindful of the respective domains of the legislature and the executive. A strict separation is not always present: judges are appointed by Royal Decree under ministerial responsibility. Judges review decisions, policy measures and acts of public authorities against legal norms and procedures, applying legal criteria rather than political considerations. In some cases, judges may find that legislation produces manifestly unjust outcomes in comparable cases, yet are unable to remedy this through adjudication. In such instances, they may signal this in their judgments, for example to the legislature.

4. The judge and the organisation of the judiciary

Judges share responsibility for the proper organisation of their work and respectful cooperation with fellow judges, judicial officers and other staff. They consult one another and their presiding judge regarding the allocation of work and contribute to efficient and effective procedures without compromising their independence in individual cases. In addition to adjudicating cases, judges may participate in local or national working groups and committees and may assume additional responsibilities to improve working methods, accessibility, quality and timeliness of judicial decisions. Where requested, judges contribute to the training and supervision of newly appointed colleagues.

Where judges identify misconduct within their organisation, they first address it internally. If the misconduct persists, it may become necessary to raise the matter externally.

5. The judicial office

Upon being assigned a case, judges assess whether they maintain sufficient distance from the parties to adjudicate independently, impartially, competently and with integrity. They ensure that personal views or prejudices do not influence proceedings. Judges prepare hearings thoroughly and, where necessary, cooperate with colleagues and supporting legal staff, while retaining ultimate responsibility for their judgments.

At hearings, judges explain the course of proceedings, treat all participants with respect, allow parties to present their positions, and listen attentively. They adopt an open and inquisitive approach, taking into account not only strictly legal aspects but also the broader context and underlying interests of the parties. Where appropriate, judges explore the possibility of an amicable settlement. If settlement is not feasible, they render a decision.

Judges strive to balance adequate opportunity for parties to be heard with efficient time management. They aim to ensure that parties feel heard and acknowledged, and remain aware of the societal significance of their office. Judges base their decisions on the information presented in the case file and at the hearing, applying the relevant legal rules while considering legal certainty, consistency, equality before the law, and the broader societal context. They strive to achieve justice.

Judges endeavour to deliver judgments within a reasonable time. In reasoning their decisions, they consider the general confidence in the judiciary and formulate their judgments clearly and in comprehensible language. They remain aware of the advantages and risks associated with media and social media communication and bear personal responsibility for safeguarding public confidence in judicial independence and impartiality.

Professional conduct also entails a willingness to reflect on the impact of one's conduct and to engage in reflection with both judges and non-judges in order to enhance quality and consistency in the administration of justice.

6. The judge as a citizen

Judges are also citizens and may exercise, in their private lives, all rights enjoyed by other citizens. However, their conduct and public expressions may affect their position as neutral, impartial and independent judges and the public perception of the judiciary. Judges must remain aware of this. Both in office and in private life, judges are free to explain to others how the legal system functions and what independent adjudication means for society. In doing so, they contribute to maintaining and strengthening public confidence in the judiciary.

Where the democratic constitutional order is under pressure or the separation of powers is not respected, every judge has the right to speak publicly on the matter.¹ Judicial bodies and professional associations have a duty to speak out in such circumstances.

¹ In its judgment of 15 December 2025 (no. 16915/21), the European Court of Human Rights once again addressed the position of judges within the public sphere. Reference may also be made to Opinion No. 25 (2022) of the Consultative Council of European Judges (CCJE), which sets out further principles concerning the freedom of expression of judges.

Annex

The NVvR Code of Conduct for Judges is not the only guideline governing judicial conduct. At the international level, various instruments set out essential core values.

The Consultative Council of European Judges (CCJE) adopted the *Magna Carta of Judges*, which enshrines fundamental values such as independence and impartiality. The European Network of Councils for the Judiciary (ENCJ) has likewise formulated standards on judicial independence. The United Nations adopted the *Basic Principles on the Independence of the Judiciary* (1985), later elaborated in the *Bangalore Principles of Judicial Conduct*. The Committee of Ministers of the Council of Europe provided further clarification of judicial independence in Recommendation CM/Rec(2010)12.

At national level, relevant provisions are contained, inter alia, in Articles 116 and 117 of the Constitution, Articles 7, 12, 23, 24 and 96 of the Judiciary Organisation Act, and Articles 19, 44, 46c and 46l of the Judicial Officers (Legal Status) Act. Since 2014, the *Guideline on Impartiality and Ancillary Positions in the Judiciary* has applied. In 2024, the Council for the Judiciary published the *Code of Conduct for the Judiciary*, setting standards for civil servants working within the judiciary.

The NVvR Code seeks to safeguard the core values of judges and stands independently.