

Remarks
Ambassador Michael D. Kirby
November 1st, 2007
Press conference on Judicial Ethics in Moldova

Judge Smith,
Judge Clima,
Distinguished members of the press,
Ladies and gentlemen:

I am pleased to have this opportunity to welcome Judge D. Brooks Smith to Moldova and to host this discussion of judicial ethics, progress made by the Government of Moldova and the Moldovan Judiciary and assistance that the United States Government is providing to our Moldovan partners in this area.

Before I go any further, I would like to introduce the co-hosts of this event.

Judge Nicolae Clima, chairman of the Superior Council of Magistrates and member of the Supreme Court of Justice of Moldova. Judge Clima has been instrumental in advancing judicial reform in Moldova. As the chairman of the working group that drafted a new Code of Judicial Ethics for Moldova, he has demonstrated his personal commitment to stricter regulations for judges' conduct.

Judge D. Brooks Smith of the United States Federal Court of Appeals for the Third Circuit. President George W. Bush appointed Judge Smith to the Third Circuit in September 2001. Judge Smith has extensive experience in judicial ethics and is a member of the American Law Institute, the American Judicature Society, and the Federal Judges Association. Judge Smith has come to Moldova to take part in a training on judicial ethics organized by the Superior Council of Magistrates and the Moldova Governance Threshold Country Program and we are very lucky to have him here.

The importance of an accountable, independent and competent judiciary cannot be understated.

The public's confidence in the judicial system depends to a great extent on the public's perception of its judges. The level of trust in the judiciary is high when people believe that judges act independently and with integrity.

The fact that judges should be independent, however, does not mean they should be able to act arbitrarily or not be subject to regulation. Quite the contrary. A judge's status in society imposes an increased responsibility on their legal and ethical actions.

Although Moldovan law provides for an independent judiciary, various reports and surveys show that official pressure and corruption within the judicial system remain problems. The Transparency International 2006 Corruption Perception Index reported that the public sees the judiciary as the second-most corrupt institution in the country.

The Government of Moldova has committed to address this situation and the US Government is committed to help. Last December, the U.S. Millennium Challenge Corporation approved Moldova's Threshold Country Program and provided \$24.7 million to fight corruption and improve transparency and accountability in Moldova.

Under the Threshold Country Program, the Government of Moldova pledged to adopt a new and improved set of ethical regulations for the judiciary. If properly drafted and enforced, they would help ensure impartiality and transparency in the activity of judges – a key factor for preventing corruption.

In October, the Superior Council of Magistracy turned commitment into action by adopting a new Code of Judicial Ethics in its first reading. The Code will, for the first time in Moldova, limit judges' activities to prevent conflicts of interest and fraud.

The adoption and, more importantly, the enforcement of this new Judicial Code of Ethics will encourage judges to follow more strictly the norms of judicial conduct, and will contribute to increasing the public's trust in its judiciary.

I am pleased that the U.S. Government is participating in and supporting the process of bringing about reform in judicial ethics. We remain committed to continuing our partnership and to strengthening and deepening reform in Moldova.