

JUDICIAL ETHICS AND THE STRUGGLE AGAINST CORRUPTION

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(Original text in English)

In a modern democratic society laws are produced by the representatives of the people and the control of the respect of the laws is entrusted to the judiciary. Such control concerns not only individuals, but also private corporations, public agencies, the State, rich and poor people, those who are powerful and those who are weak. "The law is equal for all", is written in many courtrooms and a weighing scale is often present in pictures representing justice.

In this context the independence of judges, who are subject only to the law and cannot receive orders or instructions from others, as well as their impartiality, constitute primary values for a correct and just application of the control of legality.

Corruption negatively affects the independence and impartiality of judges, since through the promise or the attribution of advantages it is aimed at obtaining a more favorable treatment than that which would have been given if the rules were correctly applied.

Corruption at the judicial level is therefore an extremely serious phenomenon that must be fought by every possible means.

First of all, judges must not be placed in a condition where they can be easy targets for corruption. For judges who receive a very low remuneration, which is not even sufficient to satisfy the fundamental economic needs of their family, it is more difficult to resist attempts of corruption. Therefore the first fundamental defense against corruption is to grant judges an adequate remuneration in order to free them from economic problems. Of course judges cannot expect to become rich with their profession. In many countries a successful lawyer earns much more than a judge. If an individual wishes to become rich, he/she would do better to choose another profession. The economic independence of judges is not only useful for fighting corruption, but it is also an essential condition to ensure their real independence in the exercise of their judicial functions. However the economic independence of judges does not eliminate the possibility of corruption.

Once judges receive an adequate and just remuneration, it is possible to be rigorous in requiring the respect of their duties.

Such duties are foreseen at different levels. The first is the deontological level, the second is the disciplinary and the third is the penal level.

Ethical Code

In Italy the deontological rules applicable to judges are contained in an ethical code approved by the Central Committee of the National Association of Judges in 1994, after a consultation of its members.

