



**INTERNATIONAL ASSOCIATION OF JUDGES  
UNION INTERNATIONALE DES MAGISTRATS  
UNIÓN INTERNACIONAL DE MAGISTRADOS  
INTERNATIONALE VEREINIGUNG DER RICHTER  
UNIONE INTERNAZIONALE DEI MAGISTRATI**  
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Rome, August 2024

## **IAJ PRESIDENCY COMMITTEE STATEMENT ON MEXICO**

The Presidency Committee of the International Association of Judges has been informed of recent developments in the Republic of Mexico concerning the status of judges.

I. Our understanding, as drawn from numerous media reports, is that the executive branch plans to change the system of appointing judges to affect not only new appointees, but existing sitting judges as well. Under the plan, judicial candidates would be nominated by the executive, legislative and judicial branches of the government. They would then be vetted by special committees created by each branch to ensure they have the credentials required to serve. Finally, the candidates would be put to a popular vote.

The main proposed changes are:

- a. The Supreme Court: Justices would be directly elected by popular vote beginning in 2025, following a 60-day campaigning period. Their number would decrease from 11 to 9, and their term reduced from 15 years to 12.
- b. Election of judges by popular vote: The scope of the popular vote for judges has yet to be defined. It may only affect the federal judiciary, which includes about 1,600 judges. Federal judges will end their terms when newly elected officials take office. The main proposal is to replace the technical and exam-based judicial career track, which would lower standards for selecting future judges. Details such as professional qualifications for nominees and election procedures, including funding and campaigning, remain unclear.
- c. Substitution of the Federal Judiciary Council (CJF): The CJF, which oversees the supervision and discipline of judges and ensures autonomy, objectivity and professionalism, would be replaced by two new bodies: i) the Judicial Administration Body comprised by five members appointed by the president to oversee the judicial branch's administration, judicial career, and internal control; and ii) the Court of Judicial Discipline, consisting of 5 members elected by popular vote for 6-year terms to investigate and sanction public servants within the judiciary, constituting itself as an agent of political control with the power to remove and constrain judges.

II. In light of the scope of the proposed reform, the IAJ Presidency Committee feels it necessary to refer to international documents which have already established standards for major issues of judicial independence.

1. **Basic Principles on the Independence of the Judiciary** Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985 it is stated as follows:

“Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.” (Para 10)

And

“The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.

Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists.

Promotion of judges, wherever such a system exists, should be based on objective factors, in particular ability, integrity and experience. (Para 11.-13.)”

2. **The Statute of the Iberoamerican Judge** adopted at The VI Iberoamerican summit of Presidents of Supreme Courts and Tribunals of Justice, held in Santa Cruz de Tenerife, Canarias, on the 23rd, 24th and 25th of May 2001 also concluded as follows:

“The other powers of the State and, generally speaking, all the national or international authorities, institutions and organisms, as well as the various groups and social, economic and political organisations, must respect and make the independence of the Judiciary efficient. (Art.2.)

The processes of selection and appointment have to be realised through organs predetermined by the law, which also apply predetermined and public processes assessing objectively the professional knowledge and merits of the applicants. (Art.11.)

The mechanisms of selection shall be adapted to the necessities of each country and shall be directed, in any case, to the objective determination of the applicants’ suitability. (Art.12.)

In the selection of judges, there shall be no discrimination on grounds of race, sex, religion, ideology, social origin, economic situation or other which could violate the right to equality protecting the applicants. The nationality requirement of the concerned country shall not be considered as discriminatory. (Art.13.)

As a guarantee of their independence, the judges cannot be removed from the moment in which they acquire the said category and join the Judicial Career, in the terms established by the Constitution. (Art.14.)

Nevertheless, they can be suspended or separated from their position for physical or mental handicap, negative evaluation of their professional duty in the cases established in the law or separation of the position in the case of criminal or disciplinary responsibility, by the organs legally established, through procedures guaranteeing the respect of the due process and, in particular, the one of the rights of hearing, defence, contradiction and legal resources, as appropriate. (Art.15.)

3. **The Universal Charter of the Judge**, adopted at IAJ Central Council meeting in Santiago de Chile 2017, setting up principles of independence of judges and based on other international documents such as:

- Recommendation 94/12 of the Committee of ministers of the Council of Europe, elaborated in 1994 and updated in 2010 (Recommendation CM/Rec(2010)12 on judges: independence, efficiency and responsibilities);
- European Charter on the statute for judges, elaborated by the Council of Europe in 1998;
- The various opinions of the Consultative Council of European Judges since 2001 and particularly the “Magna carta of European judges,” which is a compilation of the above-mentioned opinions, drafted in 2010;
- The Bangalore principles on judicial conduct (2002) and the resolution 2006/23 of the Economic and Social Council of the UN;
- The report of the Venice Commission on the independence of the judicial system (study n. 494/2008)
- The Kiev recommendations on the independence of the judiciary in Eastern Europe, adopted in 2010;
- The opinions of the European Network of Councils of Justice.
- Other associations, such as the Commonwealth Association of Judges, have adopted as well standards aiming at assuring the independence of the judiciary (in particular the “Victoria Falls Declaration” in 1994, or the statute of Commonwealth judges in 2013)

declares:

“Judges - once appointed or elected - enjoy tenure until compulsory retirement age or termination of their mandate.

A judge must be appointed without any time limitation. Should a legal system provide for an appointment for a limited period of time, this could happen only under previously determined conditions, provided that judicial independence is not endangered.

No judge can be assigned to another post or promoted without his/her agreement.

A judge cannot be transferred, suspended or removed from office unless it is provided for by law and then only as the effect of disciplinary proceedings, under the respect of the rights of defence and of the principle of contradiction.

Any change to the judicial obligatory retirement age must not have retroactive effect. (Art.2.2.)

- In order to safeguard judicial independence a Council for the Judiciary, or another equivalent body, must be set up, save in countries where this independence is traditionally ensured by other means.

The Council for the Judiciary must be completely independent of other State powers.

It must be composed of a majority of judges elected by their peers, according to procedures ensuring their largest representation.

The Council for the Judiciary can have members who are not judges, in order to represent the variety of civil society. In order to avoid any suspicion, such members cannot be politicians. They must have the same qualifications in terms of integrity, independence, impartiality and skills of judges. No member of the Government or of the Parliament can be at the same time member of the Council for the Judiciary.

The Council for the Judiciary must be endowed with the largest powers in the fields of recruitment, training, appointment, promotion and discipline of judges.

It must be foreseen that the Council can be consulted by the other State powers on all possible questions concerning judicial status and ethics, as well as on all subjects regarding the annual budget of Justice and the allocation of resources to the courts, on the organisation, functioning and public image of judicial institutions. (Art.2.3.)

- The recruitment or selection of judges must be based only on objective criteria, which may ensure professional skills; it must be done by the body described in Article 2.3.

Selection must be done independently of sex, ethnic or social origin, philosophical and political opinions, or religious beliefs. (Art.4.1.)

III. In light of the afore-mentioned principles as applied to the reforms under consideration by the executive in Mexico, the Presidency Committee of the International Association of Judges, representing 92 association of judges on virtually every continent states as follows:

- Introducing popular vote as final and decisive decision in the process of appointing judges is in contravention of the principle that judges should be appointed on the base of merit and objective criteria respecting their professional skills, and can not provide appointment based on those principles,
- The proposed reform potentially interferes with the principle of security of tenure and that term of office of a judge can be terminated only as a result of disciplinary process or in the procedure where judge would be found unfit for holding its position,
- Judicial reform must be consistent with well-established and universally-accepted principles of independence of justice to preserve the right of citizens to access to independent court and to enjoy freedoms which only can be protected by independent judges free from external of pressures and fears,
- We ask the Mexican executive branch to reconsider its current “Reform plan” in light of the ideas and principles set forth above and the international community to join the IAJ in its efforts to protect the independence of judges.