

Statement on the Judicial Reform Planned in Mexico

The International Association of Lawyers, together with its Mexican collective members -the Consejo General de la Abogacía Mexicana, A.C.; the Ilustre y Nacional Colegio de Abogados de México, A.C.; the Barra Mexicana, Colegio de Abogados, A.C; and the Asociación Nacional de Abogados de Empresa, Colegio de Abogados, A.C., and also with the other adherent national and international institutions, collectively express ourselves firmly and respectfully regarding the recently proposed bill for the reform of the Judicial Branch in Mexico, noting particularly its significance with respect to the validity of the Rule of Law in Mexico and potential global repercussions.

We appreciate and value the review exercise of its judicial system that Mexico carries out, with a desire to improve conditions of equality and justice. Such a review seems a necessary and pertinent exercise, if we consider that, according to the Institute for Management Development of Switzerland (IMD), Mexico is ranked 56th out of 67th, (only 11 places above Venezuela) in the competitiveness index. Mexico has indicated that its main challenge for 2024 is to improve its business climate by reducing uncertainty and improving justice and security, as well as its democratic system. Likewise, International Transparency considers that the lack of judicial independence promotes impunityⁱ.

At the same time, we point out the importance of carrying out not only a review of the judiciary but also an integral review of the entire local and federal justice system (police forces, district attorneys, public defenders, prosecutors and judges at local and federal levels), since reducing impunity and generating conditions of security and justice involve all related groups and necessarily also requires a review of the Executive Branch authorities.

Given the legislative proposal presented on February 5, 2024, we note here our concerns and, as a foundational principle, we urge respect for the Rule of Law.

Regarding the concerns, we note the timing with which the government intends to proceed with these very important reforms. Such important reforms should be considered carefully and at great length. This has been espoused by the elected President of Mexico, who has invited consultation and a broad dialogue to be carried out on the different aspects of the initiative so that all opinions truly will be addressed. A premature analysis based on perceptions rather than facts will result in erroneous and costly systemic decisions that could violate international human rights treaties to which Mexico is a signatory. Let us remember that both the Universal Declaration of Human Rights and the American Convention on Human Rights (San José Agreement) establish the right of every person to have recourse before competent, independent and impartial courts.

We consider it important to note that the right to have a competent, independent and impartial judicial system is a human right, and not a right of those who administer justice.

Any modification must start from an objective social analysis of how to improve the impartiality, competence and expertise of the judges and the independence of the Mexican judicial system. Such an approach will undoubtedly fulfill the objective of improving people's living conditions and creating a positive environment for economic development; to do otherwise will weaken the rule of law in Mexico, thereby impacting negatively Mexico's economic competitiveness, its democratic system and the balance of power. Reform based on incomplete and inaccurate facts and considerations will certainly increase uncertainty, instability, and lack of confidence, not only in the justice system, but also in economic and financial markets, with the resulting withdrawal of foreign investors and a dramatic increase in impunity, inequality, and poverty in Mexico.

We further express our concern regarding the proposal to review the entire federal and local judicial system without a gradual plan that guarantees continuity in the operation of the justice bodies. The consequences of an interruption in the administration of justice will be profound and irreversible.

Moreover, with respect to the proposals set forth in the presidential initiative regarding the Judiciary, which are currently being discussed in the forums convened by the Congress, we emphasize the importance of maintaining the fundamental principles that guarantee effective judicial protection and access to justice for all people. In this regard we note the following:

a) Judicial independence: this principle is an indispensable condition for the adequate functioning of the entire judiciary in a country; it requires, among other aspects, budget autonomy, and ability to be governed by its own determinations.

b) Respect, balance and separation between powers.

c) The autonomy of judges: This is one of the most important aspects of the impartial administration of justice, and necessitates, among other things, autonomy in the mechanisms for appointing those who will adjudicate.

d) Professional preparation and merit: Judges should always be chosen based on merit fairly and adequately remunerated. They also must have access to proper training and preparation to perform their essential functions properly and competently.

The previous principles are based on the Basic Principles Relating to the Independence of the Judiciary, adopted by the United Nations in 1985 and on the experience of other democratic regimes in the world.

We also emphasize that any reform undertaken must adhere to and comply with all of Mexico's international obligations, including in matters of human rights, economy, and international cooperation; these are contractual obligations to which Mexico is legally bound, and Mexico's compliance benefits Mexican society.

Finally, as associations that comprise legal professionals in the world, we express our willingness to participate and collaborate in this fundamental process at this crucial historic moment in Mexico.

**Union Internationale des Avocats
(UIA – International Association of Lawyers)**



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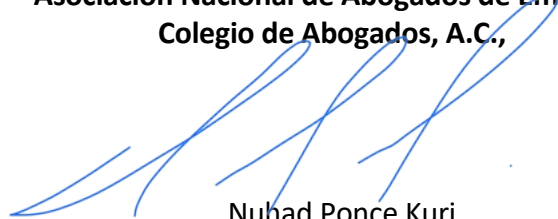
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UIA is a global and multi-cultural organisation for the legal profession, established in 1927, now with members in 110 countries, which provides professional development, learning, promotes the rule of law, defends the independence and freedom of lawyers worldwide, and emphasizes friendship, collegiality and networking among members.

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