



STATEMENT

Paris, December 6, 2018

UIA Supports Independence of Mexican Judiciary

On November, 2018, the Mexican Congress, passed legislation, the *Ley Federal de Remuneraciones de los Servidores Públicos (LSRFP)*, which intends to decrease judicial salaries to a level that does not exceed the salary of the President. To this end, President-elect Obrador has noted that he will work for a substantially reduced salary; namely, less than half of the typical judicial salary. As a result, the salaries of most judges will be significantly reduced, and many, if not most of them, will be unable to afford to continue working as judges – especially because benefits available to the president are not available to judges.

The Mexican Constitution specifically provides that the judiciary is a separate and distinct branch of government independent from the Executive and Legislative branches. Also, the judiciary is entitled to establish the budget for its ministers, judges and magistrates. Additionally, the Constitution specifically provides that such remuneration paid to ministers, judges and magistrates cannot be decreased during the term of their mandates.

The recently enacted LSRFP appears to directly contravene the Constitution's protections of judicial remuneration, and consequently, the independence of the judiciary. The UIA is concerned that the legislation, combined with the establishment of such a low salary by a president, could become a mechanism for pressuring judges to resign. If such legislation is allowed to stand, it could be used and abused by the executive and legislative branches to impact not only the composition, but also the decision-making, of the Mexican courts. In other words, it could be used as a means to “clean house” of current judges and populate the court with loyalists of the executive or legislative branches, or to improperly influence decisions issued by judges or magistrates. In either case, the independence of the judiciary would thereby be infringed. LSRFP should be revoked.

UIA recognizes that having an independent judiciary is essential to any democracy, but particularly in Mexico, where it is indispensable to the fight against corruption that President-Elect Obrador has promised to wage.

Therefore, the UIA respectfully urges the legislature to act quickly and decisively to:

1. Uphold the Constitutional protections on the independence of the judiciary; and
2. Immediately revoke any legislation that does or may (1) decrease salaries of the judiciary during the term of their mandates; (2) infringe on the right of the judiciary to set its own budget; and/or (3) be used by the executive and/or legislative branches to influence judicial decision-making or the composition of the courts.

Respectfully,



Issouf Baadhio
President of the International Association of Lawyers (UIA)

More about the UIA

UIA is the global and multi-cultural organisation for the legal profession, established in 1927 and 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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