



Human Rights
Institute

United Nations Human Rights Council

Item 3: General debate on promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

18 September 2024

Oral Statement

The International Bar Association's Human Rights Institute (IBAHRI) welcomes the report on Mexico of the Working Group on Arbitrary Detention and expresses grave concerns about the recent constitutional reform enacted by President Obrador, which significantly undermines the independence of the judiciary. The following provisions are particularly troubling:

1. The amendments to the judicial selection process, including for Supreme Court justices, introducing a popular vote system;
2. The reduction of judges' term of office, undermining the crucial guarantee of stability of tenure and aligning judicial terms with the presidential term;
3. The establishment of a popularly elected Judicial Disciplinary Tribunal, whose members' terms mirror the President's term and whose decisions will be unchallengeable;
4. The imposed cap on judicial remuneration at all levels, preventing it from exceeding the President's salary, curtailing the guarantee of financial independence of the judiciary.

This reform will significantly politicize the judiciary in Mexico, making it vulnerable to vested interests, including those of the organized crime. For the Rule of Law system to function effectively, judges must be independent of majorities, especially Supreme Court justices, who need to uphold Constitutional limits, even when they are contrary to the interests of the majorities.

The IBAHRI further shares the Working Group's concerns regarding the widespread use of arbitrary detention and the shortcomings in the criminal justice system. We call on Mexican authorities to implement the Working Group's recommendations. Moreover, the IBAHRI calls on the international community to closely monitor the independence of the judiciary in Mexico.

Thank you.

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