



2024 INTERNATIONAL BAR ASSOCIATION ANNUAL CONFERENCE

Centro Citibanamex, Av del Conscripto 311, Lomas de Sotelo, Hipódromo de las Américas, Miguel Hidalgo, 11610 Ciudad de México, CDMX, MEXICO

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Norma Lucía Piña Hernández **Chief Justice of the Supreme Court of Justice of the Nation (SCJN)**

OPENING CEREMONY **SPEECH**

Distinguished Ms. Almudena Arpón de Mendivil, President of the International Bar Association; Distinguished participants in this Annual Conference; Ladies and gentlemen, a very good afternoon.

I am grateful for the generous invitation extended to me by the International Bar Association, through its president, to participate in this opening ceremony of its Annual Conference.

It is very significant that this ceremony coincides with the celebration of the International Day of Democracy, which, as the United Nations maintains, is an opportunity to remember that democracy must be centred in the people. In this international framework, it is encouraging and gratifying to participate in this meeting of the leading organization of legal professionals, founded in 1947, just shortly after the creation of the United Nations.

I wish to express my deepest appreciation to all its members for their persistent work in protecting the rule of law; in supporting the independence of the judiciary and the right of lawyers to practice our profession without interference.

With its noble work over several decades, the IBA keeps alive the spirit of the 1990 Preamble to the Basic Principles on the Role of Lawyers: "...adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession".

In this context, I receive on behalf of my institution, with great honor and gratitude the recognition that this International Association extends to the Supreme Court of Justice of the Nation for its "impressive, courageous and generous activity in the defense of the rule of law".

As a representative of our Highest Court, I am pleased to receive this First IBA Impact Award, conceived to "give maximum visibility to those entities and individuals who make a particularly positive contribution in this field, as is clearly the case of the Supreme Court".

Thank you very much for the recognition that, in my opinion, should go to all the public servants in the Federal Judiciary who, in these crucial moments that will shape the future of Mexico, have acted with the utmost integrity. Thank you very much!

In recent weeks, we have witnessed a wide and diverse range of pronouncements, both nationally and internationally, regarding the implications and repercussions of the judicial reform promoted, approved and published, just today, by the Government of the Republic. These voices, coming from different sectors and with different perspectives, have enriched the public debate, underlining the transcendence of this process and the need for an in-depth analysis of the impact of the reform on the administration of justice and the rights of individuals.

It has been said that the establishment of the election and re-election of federal judges and magistrates, departing from the judicial career system and professionalism built over three decades, and exposing them to constant political pressures to ensure their re-election, brings to mind the words of Tocqueville, in the sense that: "... by thus diminishing the independence of the magistrates, not only has the judiciary been attacked, but the democratic Republic itself" .

It has also been said that human rights are at permanent risk when power cannot be contained, restrained and controlled; that one of the purposes of an independent judiciary is to protect human rights and to be a counterweight to the power that could threaten such rights. It has been heard, that in any democracy, the path to strengthening the rule of law must be evaluated, debated and enriched, and that when multiple voices are raised in a chorus of warnings, it is prudent to pay attention.

It has also been said that the judicial reform, by establishing the election of judges, magistrates and ministers of the Supreme Court of Justice of the Nation by ballot, violates and fails to comply with international commitments assumed by Mexico. Furthermore, it has been heard on several occasions that such reform reduces the likelihood that the best profiles will exercise the judicial function.

Personally, and assuming the enormous responsibility of being the President of the Supreme Court of Justice of the Nation and of the Council of the Federal Judiciary, I have maintained, time and again, and with the greatest possible emphasis in recent days, that justice is not only a matter of laws and courts; justice is a matter of human rights, equity, ethics and dignity that involves all the authorities of the different levels of government.

Justice is not a monopoly of the Judiciary. Reforming the Judiciary implies, at the very least, reflecting on the role it plays as a cornerstone for maintaining peace and cohesion by impartially and independently resolving conflicts that arise in a democratic society.

I maintain and recognize that a reform is needed; but a comprehensive one, one that strengthens the entire justice system and its key actors, in order to provide a better service to society, in a prompt and expeditious manner. If our justice system does not have a solid foundation, no matter how many modifications are implemented, the structure will eventually give way.

I reiterate that judicial independence, as a heritage of humanity, is directly linked to the very essence of the constitutional character of democratic societies. The independence and accountability of judges are fundamental elements in fostering and maintaining society's confidence in the judiciary.

Constitutional democracy implies governing a community of citizens in freedom; it is a whole of majorities and minorities, and it must guarantee the fundamental, universal, interdependent, indivisible and progressive rights of humankind.

Ladies and Gentlemen:

It is paradoxical that, precisely during these dates, we are commemorating the bicentennial of the Federal Constitution of 1824, whose promulgation was the founding moment of Mexico, reaching, as Emilio Rabasa said in 1912: "the highest point to which the people could aspire as a political institution, establishing the division and separation of public powers, the organization of the Legislative and the Judiciary as strong and autonomous entities".

After two centuries, the panorama of Mexican constitutionalism seems to be changing. In the face of this, we must remain faithful to our convictions and continue working for the independence and autonomy of this branch of government from our own trenches. Access to prompt, complete and impartial justice is a right of all people: millions of them are today waiting for their conflicts to be resolved, through sentences that involve what is important for their lives; to live with dignity, with freedom, with full confidence that justice is and must be at their service, regardless of the most pernicious upheavals.

The struggle for the Law is incessant; it exists at all times. We know, today more than ever, that the trees we have nurtured for many years can be uprooted with the blow of an axe. But even in the most difficult times - as Judge Aharon Barak said - we must remain true to ourselves.

Circumstances compel us to publicly demonstrate the essence of our work and to reaffirm our conviction to serve Mexicans with professionalism, excellence, integrity and, above all, with a deep sense of responsibility. Judges "also speak through their sentences", and we have spoken a lot.

There is what we have done. There is our legacy, with the sensitivity to listen and be empathetic to the criticisms made about us, but, at the same time, with the pride of being able to walk upright, and

to look in the face, yes, in the face and in the eyes of each person, of society, in the present and in the immediate future that will have to ponder our actions.

Thus, Mexican society has become aware of how the Federal Judiciary has spoken through its rulings, resolutions that, recognizably, have protected rights and freedoms. There are our rulings on effective judicial protection; pre-trial detention; the right to an adequate defense; personal liberty and the presumption of innocence; religious freedom; the free development of personality; economic, social, cultural and environmental rights; the rights of members of the LGBTQI+ community; the best interests of children; the rights of Afro-descendant and Afro-Mexican individuals, peoples and communities; comprehensive reparation; equality and non-discrimination; intellectual property; the right to assembly; the gender perspective; women's reproductive autonomy; the right of access to information; individuals' right to privacy; the rights of persons with disabilities; indigenous peoples and communities, among many others.

Therein lies the invaluable legacy for which the judges of the Republic have spoken. There is the history we have written. And the rights are there, in the Supreme Law that governs us. Let us continue to defend them. For my part, I will work for it until my last available breath. For love of the law. For love of the investiture that comes with dispensing justice. For love of judicial independence. But above all, for the enormous love I have for my country, which I will always defend. As I have said and I reiterate, no one has a monopoly on love for their country.

In any case, for the good of the people, -and radically paraphrasing José María Morelos- I only hope that: "everyone who complains with justice will not have the misfortune of running into a court that is controlled by the strong and the arbitrary".

Thank you very much.

Norma Lucía Piña Hernández

Chief Justice of the Supreme Court of Justice of the Nation (SCJN)