MACCIH Proposes Constitutional Reform to Strengthen Guarantees and Independence of Judges in Honduras

The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) of the Organization of American States (OAS) on Tuesday sent to the National Prosecutor's Office and UGAR-MACCIH Coordinator, Dr. Lidia Estela Cardona, and to the president of the Supreme Court of Justice, Dr. Rolando Argueta, a draft amendment to article 319 of the Constitution of the Republic for the establishment of guarantees of judges and magistrates.

The reform set forth by MACCIH proposes guarantees for:

- the independence of judges in the exercise of their jurisdictional decisions and functions
- stability and tenure in their positions or functions
- "ad hoc" tenure
- adequate compensation
- promotion
- freedom of opinion and jurisdictional decision
- freedom of association;
- personal and family security.

This draft reform, which takes as its basis the classic guarantees for Judges and Magistrates of Latin American countries, Spain and Portugal, seeks to strengthen the conditions of Judges and Magistrates so that their professional practice does not suffer from any type of pressure that affects the judgments, thus generating the best conditions for the independence of these high officials.

The spokesman of the MACCIH, Luiz Antonio Guimarães Marrey, said that "for the MACCIH, it is important to reinforce the independence of the magistrates at the constitutional level, as an indispensable requirement for the true Rule of Law."

Moreover, the proposed amendment will comply with the provisions of the Inter-American Court of Human Rights (CorteIDH) in the judgment on the merits of the López Lone vs Honduras case, where it establishes the obligation of the State of Honduras to adopt the necessary measures to guarantee the stability and tenure of judges and other guarantees as mechanisms to ensure their independence.

The full text of the proposal is available here.

More information about the MACCIH is available at www.oas.org/maccih.