

The Second Arab Justice Conference
“Supporting and Advancing Judicial Independence”
Cairo, Egypt
February 21-24, 2003

The Cairo Declaration on Judicial Independence

We, participants in the second Arab justice conference “Supporting and Advancing Judicial Independence” organized in February 21-24, 2003 in Cairo, Egypt, by the Arab Center for the Independence of the Judiciary and the Legal Profession, and in cooperation with the United Nations’ Office of the High Commissioner for Human Rights and the United Nations Development Program,

Taking into consideration the research findings of the conference papers on the status of judicial independence in Arab countries, including Egypt, Algeria, Tunisia, Morocco, Syria, Jordan, Lebanon, Iraq, Saudi Arabia, Yemen, and Bahrain,

Noting the lessons learned presented at the conference on the experiences in promoting judicial independence in various legal systems and traditions such as those of France, Costa Rica and other Latin American countries,

Guided by studies on judicial independence presented at the conference by international expert organizations such as IFES and the International Organization of Francophone Countries,

Agree that an independent judiciary is the main pillar supporting civil liberties, human rights, comprehensive development processes, reforms in trade and investment regimes, regional and international economic cooperation, and the building of democratic institutions.

Observe that:

1. The main cause for the lack of judicial independence in most Arab countries is the absence of an institutional approach, especially in the judiciary.
2. The absence of democracy and the rule of law have played an important role in constraining the principle of judicial independence.
3. The executive branch in most Arab countries often interferes in the functions and affairs of judicial authorities, including judicial appointments, transfers, promotions, discipline as well as management of the judicial profession.
4. The deterioration of legal education and the weakness of a judicial independence culture.
5. The negative impact on judicial independence of much legislation, especially those emanating from emergency laws, which do not provide enough guarantees for the rule of law.

Based on what has been discussed in the conference plenary and group discussions, we call upon all stakeholders, whether governmental or non-governmental, to take the necessary steps to:

1. Reaffirm commitments among the three branches of government to the basic United Nations principles and standards of judicial independence adopted by the General Assembly in 1985 and adopt measures to implement the principles judicial independence enshrined in the Beirut Declaration of 1999.
2. Adopt clear strategies, in the development of which members of the judiciary must participate, that are designed to implement constitutional provisions and other laws protecting judicial independence and providing for the separation of powers. Such strategies should include the following elements:
 - a. The creation of country commissions for judicial reform composed of representatives from the three branches of government and civil society and the functions of which are to identify and prioritize specific measures for the implementation of the UN basic principles for judicial independence and for systematic compliance with accepted international standards for judicial independence.
 - b. The development of a regional civil society network comprising all organizations and institutions active in the field of justice and judicial independence. The network's aim is to coordinate efforts that strengthen popular support for judicial independence strategies.
 - c. The creation of a regional network of judicial institutions and civil society organizations to monitor and analyze the state of judicial independence in each country and to issue regular reports on country-specific compliance with the principles of judicial independence.
 - d. The creation of a non-governmental organization tasked with facilitating regional cooperation, the exchange of expertise and support for judicial independence.
 - e. Efforts to guarantee the financial independence of judiciaries including accounting for budgetary allocations for the judiciary as separate line items in state budgets.
 - f. The development of communication mechanisms that provide the general public with information on the operations and decisions of the courts. Communication efforts must aim at disseminating legal and judicial information and facilitate interactions between civil society and judicial institutions.
 - g. Coordination of efforts with international organizations and institutions that promote judicial independence.
3. Reform the appointment, promotion, disciplinary and case assignment processes, so that they are transparent and objective, and transfer the authority over judicial affairs to high Judicial Councils.

4. Adopt a professional code of ethics consistent with the noble mission of the judiciary.
5. Support the freedom of judges to establish associations and clubs that permit judges to express their opinions and defend their independence and the interests of the judiciary.
6. Establish judicial institutes specialized in the education, training, and professional development of judges.
7. Promote necessary guarantees for the enforcement of court decisions to protect the credibility of the judiciary and the rights of adjudicates.
8. Abolish emergency laws and extra-judicial courts, which restrict freedoms and the rights of individuals, including their rights to legal representation, due process and judicial review.
9. Guarantee that no court decisions are to be exempt from judicial review.
10. Enhance the efficiency and simplicity of judicial procedures and avoidance of unnecessary delays in court decisions.
11. Restrict the jurisdiction of military courts, if they exist, to cases that concern only those who serve in the military.
12. Call upon Arab governments to adopt the voluntary protocols of the international agreement on civil and political rights and the international agreement on cultural, social and economic rights.
13. Undertake efforts to instill the culture of human rights through all levels of educational systems.

Agreed to unanimously by participants in the Second Arab Justice Conference this day, the 24th of February 2003