



## **Report on Conference and Workshop**

### ***“Promoting Judicial Independence and Impartiality”*** **Tegucigalpa, Honduras – April 10-12, 2002**

**Organized by:**  
**The Supreme Court of Justice of Honduras**  
**The United States Agency for International Development (USAID)**  
**The International Foundation for Election Systems (IFES)**

#### **Introduction**

The program activity was divided into two separate events: The first two days, Wednesday and Thursday, were intended for a regional conference audience, while the last day, Friday, was designed for a national workshop for Honduran judges. The regional conference on “Promoting Judicial Independence and Impartiality” (day one and two) included participants from Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. In addition to regional speakers, presenters from Argentina, Chile, Colombia, and the United States took part in the event. The National Workshop for Honduran Judges (day three) gathered participants from the entire country.

The IFES team arrived in Honduras days before the event in order to ensure all preparations for the event were well underway. Mario A. Henriquez, IFES Senior Program Assistant, arrived on April 7 to work on the logistical arrangements of the event, which, among other responsibilities, included setting up an office at the venue of the conference. Alvaro Herrero, IFES Rule of Law Specialist, arrived on April 8 and worked mainly with the co-organizers of the event on the agenda and coordination of final details, including meetings with Vilma Cecilia Morales, President of the Supreme Court of Justice of Honduras; Paola Barragan, USAID/Honduras Rule of Law Team Leader; and Alberto Fortín, Director of the Judicial School of the Honduran Supreme Court. Ambassador James Michel, IFES Senior Representative, arrived in Tegucigalpa on April 9.

#### **The Regional Conference**

The program for the regional conference was designed to address issues of judicial independence affecting Central American countries and to present the

Spanish version of the new “Guidance for Promoting Judicial Independence and Impartiality.” In particular, the conference aimed at introducing Honduran participants to judicial independence reforms undertaken by neighboring countries at a time when a significant constitutional reform had just entered into force in Honduras and was still in the process of being implemented.

Following the introductory remarks by Ambassador James Michel and US Ambassador to Honduras Frank Almaguer, the heads of the three powers of the State signed a historic commitment for promoting judicial independence reforms in Honduras (see **Annex A**). The signing of this agreement by Ricardo Maduro, President of the Republic, Porfirio Lobo Sosa, President of Congress, and Vilma Cecilia Morales, was a major accomplishment for conference organizers. There is no other high-level commitment in the region to achieve judicial independence and impartiality.

The signing of the document by the heads of the three branches of government was witnessed by representatives of Honduran civil society. The impressive inaugural ceremony was followed by a press conference that received extensive coverage from the national media.

The presentations and discussions that took place during the first two days of the event contributed to a better understanding of the regional experience as well as current challenges to achieve judicial independence. Regional and international experts such as senior judges, lawyers and NGO representatives shared their expertise in promoting judicial independence reforms (see **Annex B**).

## **The National Workshop**

The National Workshop for Honduras Judges gathered 40 Honduran judges from around the country. The goal of the workshop was for judges to examine and debate their needs in terms of judicial independence reforms. In addition, judges were asked to discuss the newly drafted legislation on Judicial Council.

In the morning, there was a series of presentations by renowned international experts that had participated in the regional conference: Alberto Binder (INECIP, Argentina), Margaret Popkin (Due Process of Law Foundation, USA), and Luis Fernando Solano (Supreme Court of Justice, Costa Rica). Following each presentation, participants were able to comment and exchange ideas with the speakers during the question and answer session (see **Annex C**).

In the afternoon, the plenary of judges was divided into four discussion groups. Each group was assigned a specific set of questions related to the drafted legislation on Judicial Council. The goals were to identify both the positive and negative features of the drafted legislation and to propose other relevant judicial

independence reforms. Following the discussion groups, the plenary reconvened where each group’s reporter presented their conclusions.

In the closing ceremony, Chief Justice Vilma Morales highlighted the importance of this kind of event for improving judicial independence in Honduras and, based on requests from many participants, she expressed her intention to organize several follow-up activities. Finally, Vilma Morales extended her gratitude to USAID and IFES for their contribution to the success of both the regional conference and the national workshop.

## **Conclusions and Recommendations**

Overall, the conference succeeded in generating awareness about the importance of judicial independence for improving the rule of law in Honduras and Central America. It also allowed international participants to share their expertise and know-how in promoting judicial independence reforms in the region.

Further, it introduced local judges to the main judicial independence reforms that have been fostered in the region and encouraged them to articulate their needs as magistrates in terms of judicial independence.

The signing of the agreement by all three powers of the State to promote judicial independence and impartiality represents a significant interest at the highest level of the Honduran government in judicial reform.

Feedback received from numerous conference participants highlighted the great quality of the Guide, the solid content of the presentations and discussions, and the engagement by the participants on the issues. Many participants commended the logistical arrangements and complimented the structure of the program agenda and the timing of the event. IFES staff members were approached by several international participants interested in working with IFES toward the organization of similar events in their respective countries.

The conference received extensive press coverage (see **Annex D**), particularly during the signing of the agreement by the three branches of government and during the two press conferences. Local newspapers, TV and radio featured several stories on the regional conference and the national workshop.

The current administration of Ricardo Maduro has shown a great deal of interest and commitment in promoting judicial independence reforms in Honduras. The recent process of selection of the new members of the Supreme Court, which was conducted through nominations with broad civil society participation, has been a major first step. The IFES/USAID Honduras Conference has increased and broadened interest in this issue.

There are a number of steps that can be taken to reinforce and consolidate the achievements of the Honduras Conference with those who attended. Follow-up steps can capitalize on the current high-level political interest in judicial reform, extend knowledge of the issues addressed in the event to a broader audience, and build upon and further raise the public profile of judicial independence issues. Toward these ends, the following activities are recommended:

1. Organize follow-up activities aimed at establishing a collaborative dialogue among civil society, political and judicial representatives to discuss and promote judicial independence reforms.
2. Since the Supreme Court of Justice has demonstrated a great deal of leadership and commitment in building consensus for judicial reform, it would be desirable to engage the tribunal in new activities that could help to maintain the attention on the importance of judicial independence reforms. Such activities may include:
  - workshops with judges, prosecutors and public defenders;
  - Training for legal aid organizations, university professors and bar members;
  - workshops for judges and journalists specialized in covering legal issues;
  - seminars and workshops with judges and legislators.
3. Encourage the distribution of the proceedings of the first two days of presentations to Honduran judges, particularly to those who attended the third-day national workshop.
4. Encourage a broad distribution of the Spanish version of the Judicial Independence Guide to all who were invited, as well as to key Honduran political and judicial leaders and civil society representatives.

IFES could play a valuable role in coordinating these programs, based on its solid experience in organizing judicial independence-related activities and drawing on the Judicial Independence Guide as a source of broad international experience.

**Annexes:**

- A. Agreement for the Strengthening of Judicial Independence and Impartiality
- B. Regional Conference Agenda and Speakers
- C. National Workshop Agenda and Speakers
- D. Press Coverage

**Agreement entered into by the Three branches of government  
Before the Honduran People to  
Strengthen Judicial Independence and Impartiality**

**CONSIDERING:** That the Government of Honduras in the present century have been advocating reforms of government structure and the improvement of citizen relations in order to strengthen their governance.

**CONSIDERING:** That Judicial Independence and Impartiality is a key component of governance that can only be achieved through political vision and will and be shared by all three branches of government.

**CONSIDERING:** That the power to render justice emanates from the people and is rendered free of charge by independent judges and magistrates subject only to the Constitution and Laws.

**CONSIDERING:** That Judicial Independence and Impartiality require the Judiciary to:


- Contribute to the bounds of power and the institutional power, protecting individual rights and the security of person and property;
- Guarantee legal certainty to attract investment and ultimately contribute to the economic development of the country and the reduction of poverty;
- Fight public and private corruption which will improve its credibility before its citizens.


Therefore, we recognize the need that the Executive and Legislative powers give their full support to the Judicial Power, in order to achieve Independence and Impartiality in the administration of Justice; which will lead to the creation of an adequate environment of legal certainty and to the strengthening of the Rule of Law.

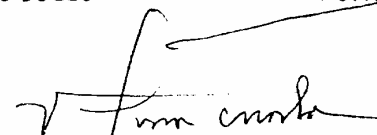
Consequently, We **Agree to:**

1. Undertake all necessary effort to allocate to the Judicial power the budgetary resources which are necessary and consistent with the reform of the administration of Justice;
2. Promote the adoption of all the necessary laws which derived from the constitutional reform that initiated this historical transformation of this branch of government;
3. Strongly support the processes pertaining to the technical and scientific evaluation as well as the transparent selection of all justice actors and for the institutional strengthening of the judicial system;
4. Respect the independence of all Magistrates, Judges, and Judicial employees of the Republic;
5. Contribute to the implementation the actions identified by the Judicial Power in the strategic Plan for Judicial Independence.

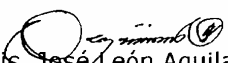
In witness thereof, the Presidents of all Three Branches of the Government endorsing the present document, and as witnesses of the members who form the Coalition for the Strengthening of Justice, this day the tenth of April of the year two thousand and two, in the City of Tegucigalpa, Republic of Honduras.


  
 Ricardo Maduro Joest

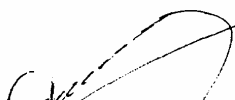

  
 Porfirio Lobo Sosa


  
 Vilma Cecilia Morales M.

#### Witnesses of Honor: Coalition for the Strengthening of Justice



  
 Lic. José León Aguilar  
 Presidente de la Coalición


  
 Cardenal Oscar A. Rodríguez  
 Presidente Conferencia Episcopal


  
 Lic. Guadalupe León  
 Director Ejecutivo AMHON


  
 Lic. Alberto Galeano H.  
 Representante FIDE


  
 Lic. Reina Rivera Joya  
 Directora Ejecutiva CIPRODEH


  
 Dr. Ramón Custodio  
 Comisionado Nacional de los  
 Derechos Humanos

**Regional Conference**  
**“Promoting Judicial Independence and Impartiality”**  
**Tegucigalpa, Honduras**  
**April 10-11, 2002**

**Wednesday, April 10**

8:15-9:00      **REGISTRATION: CONTINENTAL BREAKFAST**

9:00-9:25      **Welcoming Comments and Overview of the Conference and its Objectives**

**James Michel**, IFES, Former US Ambassador to Guatemala and Former USAID Advisor

**Frank Almaguer**, US Ambassador to Honduras

**Porfirio Lobo Sosa**, President of the Congress of the Republic of Honduras

**Wilma Cecilia Morales**, President of the Honduras Supreme Court

**Ricardo Maduro**, President of the Republic of Honduras

- (i)      Sharing Lessons Learned and Best Practices Across Borders;
- (ii)     Implementing Emerging International and Regional Judicial Independence Norms and Obligations;
- (iii)    Prioritizing Regional and Country Judicial Independence Issues and Challenges; and
- (iv)    Building Broad-based Constituencies and Targeted Strategies for Reform and Monitoring Progress.

9:25-9:40      **BREAK**

9:40-9:45      **Overview of the Program: Participation and Recommendations**

**Henry N. Schiffman**, USAID/Washington

9:45-10:45    **International Experts Panel Discussion**

9:45-10:00    **James Michel**

10:00-10:15   **Margaret Popkin**, Executive Director of the Due Process of Law Foundation

10:15-10:30   **Luis Fernando Solano**, President of the Constitutional Chamber of the Supreme Court of Costa Rica

10:30-10:45   **Luciana Sánchez**, Program Director of the Justice Studies Center of the Americas (CEJA)

**Facilitator: Henry N. Schiffman**

“Highlights from *Guidance for Promoting Judicial Independence and Impartiality* (USAID 2001): Key Priority Issues; Strategic Challenges and Barriers to Reform from a Global and Regional Development Perspective”

10:45-11:30   **Questions and Comments from Attendees and Summary Analysis**

- 11:30-12:30 **International and Regional Experts Panel Discussion**  
“Key Priority Issues, Strategic Challenges and Barriers to Judicial Independence Reform Confronting Targeted Central American Countries”
- 11:30-11:45 **César Barrientos**,  
11:45-12:00 **Helen Mack**, Director of the Myrna Mack Foundation  
12:00-12:15 **Carlos Enrique Marín**, Magistrate of the Judicial Council (*Consejo Superior de la Judicatura*) of Colombia  
12:15-12:30 **José Eduardo Gauggel**, Magistrate of the Central American Court of Justice  
**Facilitator: Paola Barragán**, USAID/Honduras
- 12:30-1:15 **Questions and Comments from Attendees and Summary Analysis**
- 1:15-2:30 **LUNCH**
- 2:30-3:45 **International and Regional Experts Panels**
- 2:30-2:50 **Miguel Estrada**, Judicial Nominee to the Court of Appeals of the District of Columbia  
2:50-3:10 **César Barrientos**  
“International Experts: Striking a Balance between Judicial Independence and Accountability”
- 3:10-3:25 **Luis Fernando Solano**  
3:25-3:45 **Carlos Enrique Marín**  
**Facilitator: Álvaro Herrero**, IFES Rule of Law Specialist  
“The Diverse Roles of Judicial Councils; the Selection, Promotion and Disciplinary Process”
- 3:45-4:30 **Questions and Comments from Attendees and Summary Analysis**
- 4:30-4:45 **BREAK**
- 4:45-5:15 **Regional Experts Panel**
- 4:45-5:00 **Francisco Álvarez**  
5:00-5:15 **Helen Mack**  
5:15-5:30 **Albane Prophette**, INECIP – Central America  
**Facilitator: Margaret Popkin**  
“Building Coalitions for Judicial Independence Reform and a Rule of Law Culture”
- 5:30-6:15 **Questions and Comments from Attendees and Summary Analysis**
- 6:15-7:30 **RECEPTION**



**Thursday, April 11**

- 8:00-9:00      **CONTINENTAL BREAKFAST**
- 9:00-9:45      **International and Regional Experts Panel**
- 9:00-9:15      **José Eduardo Gauggel**  
9:15-9:30      **Luis Fernando Solano**  
9:30-9:45      **Miguel Estrada**  
                 **Facilitator: Carlos Alberto Marín**
- “Promoting Judicial Independence through Constitutional Courts and Judicial Review”
- 9:45-10:15      **Questions and Comments from Attendees and Summary Analysis**
- 10:15-10:30      **IFES Experts: Announcements and Discussion of Conference Survey Results**
- “Priority Judicial Independence Issues and Barriers to Reform”
- James Michel**  
                 **Álvaro Herrero**
- 10:30-10:45      **BREAK**
- 10:45-11:45      **International Experts Panel**
- 10:45-11:05      **Margaret Popkin**  
11:05-11:25      **Henry N. Schiffman**  
11:25-11:45      **Luciana Sánchez**  
                 **Facilitator: James Michel**
- “International Judicial Independence Obligations and Emerging Norms: Emerging Methodologies for Diagnosing and Monitoring Judicial Reforms”
- 11:45-12:00      **Questions and Comments from Attendees and Summary Analysis**
- 12:00-12:30      **International and Regional Experts Panel**
- 12:00-12:15      **Alberto Binder**, Executive Director of INECIP  
12:15-12:30      **Helen Mack**  
                 **Facilitator: Paola Barragán**
- “The Effect of Criminal Justice Procedure Reforms on Judicial Independence (The Role of Judges and Civil Society)”
- 12:30-1:00      **Questions and Comments from Attendees and Summary Analysis**
- 1:00- 2:15      **LUNCH**

2:15-4:00	<b>Simultaneous Working Groups: Central American (Cross-Country) Experience in Judicial Reforms</b>
Group I	Building Coalitions for Reform and the Role of the Media <b>Facilitator: Francisco Álvarez</b>
Group II	Judicial Selection <b>Facilitator: Luis Fernando Solano</b>
Group III	Increasing Judicial Transparency and Efficiency <b>Facilitator: Henry N. Schiffman</b>
Group IV	Judicial Councils: Membership and Functions <b>Facilitator: Paola Barragán</b>
4:00-4:15	<b>BREAK</b>
4:15-5:30	<b>Discussion of the Working Group Recommendations</b> <b>Facilitator: Paola Barragán</b>

**Honduras Country Workshop**  
**“Promotion of Judicial Independence and Impartiality”**  
**Tegucigalpa, Honduras**  
**April 12, 2002**

<i>08:00 – 08:30 am</i>	<b>REGISTRATION OF PARTICIPANTS</b>
<i>08:30 – 10:30 am</i>	<b>INTERNATIONAL EXPERTS DISCUSSION PANEL</b>
<i>08:30 – 08:45 am</i>	<b>James Michel</b> , Former US Ambassador to Guatemala and Former USAID Mission Director
<i>08:45 – 09:00 am</i>	<b>Margaret Popkin</b> , Executive Director of the Due Process of Law Foundation
<i>09:00 – 09:15 am</i>	<b>Carlos Enrique Marín</b> , Magistrate of the Judicial Council ( <i>Consejo Superior de la Judicatura</i> ) of Colombia
<i>09:15 – 09:30 am</i>	<b>Luis Fernando Solano</b> , President of the Constitutional Chamber of the Supreme Court of Costa Rica
<i>09:30 – 11:00 am</i>	<b>Questions and Comments from Attendees and Summary Analysis</b>
<i>10:30 – 10:45 am</i>	<b>BREAK</b>
<i>12:00 – 01:30 pm</i>	<b>LUNCH</b>
<i>01:30 – 03:30 pm</i>	<b>SIMULTANEOUS WORKING GROUPS:</b>
Group I	Composition and selection process of the Judicial Council <b>Facilitator: TBD</b>
Group II	Attributions of the Judicial Council <b>Facilitator: TBD</b>
Group III	Selection of judges and judicial career <b>Facilitator: TBD</b>
Group IV	Strategic framework to strengthen judicial independence in Honduras <b>Facilitator: TBD</b>
<i>03:30 – 04:30 pm</i>	<b>DISCUSSION OF THE WORKING GROUP RECOMMENDATIONS</b>
<i>05:00 – 06:00 pm</i>	Reception

## PRESS RELEASE

### REGIONAL CONFERENCE ON “THE PROMOTION OF JUDICIAL INDEPENDENCE AND IMPARTIALITY”

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FOR IMMEDIATE DISTRIBUTION

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#### **Organizations Team for Regional Conference on Judicial Independence in Honduras**

**TEGUCIGALPA, Honduras – April 12, 2002** – The Supreme Court of Justice of the Republic of Honduras, the United States Agency for International Development (USAID), and the International Foundation for Election Systems (IFES) held the Regional Conference on “The Promotion of Judicial Independence and Impartiality” on April 10 and 11, 2002 in Tegucigalpa, Honduras.

The inauguration ceremony began with the signatures of the “Agreement to Strengthen Judicial Independence and Impartiality” by Mr. Ricardo Maduro, President of the Republic; Mr. Porfirio Lobo Sosa, President of the National Congress; and Mrs. Vilma Cecilia Morales, President of the Supreme Court of Justice. This important agreement represents the commitment of the three branches of government to the promotion of judicial independence and impartiality. The Coalition for the Strengthening of Justice, comprised of the Episcopal Conference, FOPRIDEH, AMHON, FIDE, CIPRODEH, and the Human Rights Commissioner witnessed the signatures.

Panelists discussed key issues related to the improvement of judicial independence and impartiality in Central America. Prominent panelists and experts of the region discussed the achievements and pending challenges of ensuring the effective independence and impartiality of judges.

The panelists emphasized the importance of judicial independence for the creation of the Rule of Law, the achievement of a stable political environment, and its contribution to economic and social development. Likewise, experts from various countries (Argentina, Chile, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Nicaragua, and the United States) noted that judges must be chosen based on how well they meet objective criteria. They remarked that transparency must be the common denominator in all aspects of the process of nomination, promotion, and dismissal of judges, and that the judiciary must act free of political pressures.

Finally, panelists stressed the need to rely on civil society participation to promote and defend its right to an independent and impartial judiciary. The meeting stands as a landmark in the investment and technical assistance that USAID has lent to the promotion of judicial reform in Honduras and Latin America.

For more information about the “Promotion of Judicial Independence and Impartiality” conference, please contact Keenan Howell, IFES Press Officer, by calling 202-496-4186 or by email at khowell@ifes.org.