

LIMA DECLARATION ON JUDICIAL INDEPENDENCE

The rule of law requires an independent and impartial justice system. The value of equality – to the achievement of which aspires a democratic society – finds in independent judges possessing the objective conditions of impartiality an essential path for its achievement. This objective is, sometimes, hindered by a corporative culture closed to the public and weak in opposing a political system which instead of guaranteeing the independence of judges creates the conditions for their subordination. Instead of this closed and self-concerned culture, experience shows that judges with ties to the public and open to civil society possess a legitimacy which favors their independence and their capacity to control power. Judicial independence is an aspiration and an effort of citizens that judges must not waste. Bearing in mind this objective, it is necessary to:

1. ***Create the conditions for a judicial profession with a sense of its independence and conscious of the importance of its function.*** A transparent selection system based on objective criteria which guarantee the ability of judges, their unrestricted loyalty to the law and free them from the subordination to political and economic interests will contribute to this.
2. ***Strengthen the legitimacy of judges.*** To this aim, it is necessary to guarantee the plurality in debates within the judiciary, reduce the cultural and communication gaps between members of the judiciary and the public, welcoming, especially, cultural and social diversity, guarantee the publicity of judgments and decentralize the administration of justice to bring it closer to local cultures.
3. ***Guarantee the internal independence of judges.*** To reach it, it is necessary to separate the review of jurisdictional decisions from the review of disciplinary proceedings, to exercise this disciplinary review with full respect of the due process of law, to evaluate the performance of judges based on impersonal criteria balanced with objective indicators, and not interfere with the exercise by judges of their rights as citizens, especially the freedom of association and the freedom of speech.
4. ***Guarantee the adequate allocation of resources to the justice system.*** It will help the achievement of this objective to give judges the capacity necessary to determine their own budget, conceiving it as a managerial tool with a strategic sense directed towards enabling the rule of law, discussing its budgetary allocation on an equal footing with the other branches of government, plan an autonomous and decentralized budgetary execution, and institute en ex post control system in which, with indicators as its basis, citizens and the public power can evaluate the performance of judges.



MAKING DEMOCRACY WORK

Finally, we wish for the continuation in Peru, host country of this event, of efforts to build an independent and impartial judiciary, possessing the necessary conditions to avoid economic and political interferences which infringe the rule of law.

IDL, Judges for Justice and Democracy, International Foundation for Election Systems (IFES), Due Process of Law Foundation (DPLF) and Center of Judicial Studies of the Americas (CEJA).

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