LAWYERS COUNCIL FOR CIVIL AND ECONOMIC RIGHTS

SUPPORT OF THE SELECTION PROCESS OF SUPREME COURT AND APPELLATE COURT JUDGES IN GUATEMALA

REPORT OF AUGUST 2019 MISSION
Members of the Lawyers Council for Civil and Economic Rights

Carolina Zang, Argentina | Zang, Bergel & Vines Abogados
José A. Martinez de Hoz (Jr.), Argentina | Martinez de Hoz & Rueda
Luciana Tornovsky, Brazil | Demarest Abogados
Roberto Quiroga, Brazil | Mattos Filho
Pablo Guerrero, Chile | Barros & Errázuriz
Paula Samper Salazar, Colombia | Gómez-Pinzón Abogados
Vivian Liberman, Costa Rica | BLP
Mary Fernández, Dominican Republic | Headrick Rizik Álvarez & Fernández
Hernán Perez Loose, Ecuador | Coronel & Perez Abogados
Alfonso Carrillo, Guatemala | Carrillo & Asociados
Carlos Del Río, Mexico | Creel, García-Cuellar, Aiza & Enríquez
Valeria Chapa, Mexico | Assistant Vice President, Senior Legal Counsel AT&T México
Ramón Ricardo Arias, Panama | Galindo, Arias & López
Alberto Rebaza, Peru | Rebaza, Alcázar & De Las Casas
Antonia Stolper, United States | Shearman & Sterling
Todd Crider, United States | Simpson Thacher & Bartlett
Marcela Hughes, Uruguay
Fernando Pelaez-Pier, Venezuela | Hoet Pelaez Castillo & Duque
Jaime Chavez Alor, Coordinator | Vance Center for International Justice

The Lawyers Council for Civil and Economic Rights brings together private practice law professionals in the Americas to support the rule of law, combat corruption and to support the work of the civil society. The membership of the Lawyers Council consists of lawyers who have distinguished in the private practice in their respective countries and who have demonstrated constant civic commitment in their careers. The Lawyers Council is managed by the Cyrus R. Vance Center for International Justice.

The Vance Center promotes global justice by engaging legal professionals around the world to support the work of civil society and an ethically active legal profession. It is a non-profit program of the New York City Bar Association that brings together leading law firms and other partners around the world to promote international justice initiatives and provide pro bono legal representation to civil society organizations that fight for social justice.

Please send questions and comments to lawyerscouncil@nycbar.org
I. INTRODUCTION

The Lawyers Council for Civil and Economic Rights, a multi-jurisdictional group of lawyers in private practice supports the selection process of Supreme Court of Justice and Appellate Court judges in Guatemala, identifying key considerations to comply with international and regional standards for the selection of senior officials of the justice system.

The administration of an impartial and independent justice that safeguards the rule of law is the foundation of an effective and lasting democracy. The Lawyers Council has identified that Guatemala's process for the renewal of the Supreme Court and Appellate Court is a relevant event for the rule of law in this country and the region. In Guatemala, the situation of corruption, impunity and systematic violations of human rights, which resulted in the establishment of the International Commission Against Impunity in Guatemala (CICIG, by its acronym in Spanish) in 2006 by an agreement between Guatemala and the United Nations, stresses the importance of the provision of justice in Guatemala being independent and free from undue influence.

The well-being of a society depends on the proper functioning of the rule of law, a basis for the exercise of civil and economic rights, and a prosperous national economy. In the absence of legal guarantees, both economic development and the exercise of human rights are affected and can deteriorate dramatically. The State has the responsibility of ensuring equal, independent, and influence-free administration of justice, based on the laws that the state itself enacts, and human rights international rules and standards.

As private practicing lawyers, the Lawyers Council recognizes the paramount importance of the rule of law for economic development and to attract foreign investment. Although also relevant to national actors, the rule of law is particularly important when companies consider investing outside their country at the international level. All investment analysis involves a comparative assessment between potential investment destinations on existing legal guarantees, the degree of reliability of the rule of law, if it is a country that ensures citizen security, as well as the ability to adjudicate disputes with reasonable certainty that there would be no undue influence. In other words, in addition to developing a business plan with return of capital objectives, when choosing between different countries for such investments,
an analysis of the judicial systems is required to determine whether they provide sufficient mitigation of the so-called political risks, such as official corruption, excessive delay or unpredictability in regulatory and judicial decision-making, as well as other divergences in the rule of law. Political risks of this kind raise the perceived cost of doing business in a country; and, therefore, require companies to invest only in more profitable companies and to give up investing if higher returns are not available, which coincide with the highest risks. At the very least, a country with higher risks will be affected by reduced direct investments compared to neighboring countries, and the investments that do occur are lower related to other comparable businesses in countries with a higher level of rule of law.

Since the vulnerability of judicial independence is a regional problem, and in particular, concerning the process of appointing senior authorities to the justice system, Guatemala's process will be an important benchmark for the entire region, for better or worse. Guatemala's particular context requires an actively transparent, public process, open to society, and legitimate, that can guarantee an autonomous judiciary system that can face the challenges in the justice system. To the extent that these factors are absent, reforms should be evaluated to strengthen, in the future, the proper functioning of the judges' selection process.

II. CONTEXT IN GUATEMALA

The year 2019 was particularly complex for Guatemala since, for the first time in 33 years, the renewal processes of the three branches of government coincided: executive, legislative, and judicial. The 160 members of Congress and the Central American Parliament were elected, and after two rounds of elections, the President and Vice President were chosen. Additionally, the process of renewing all 13 Supreme Court Justices, and the 270 judges of the Appellate Court began in June.

Additionally, in 2019 the work of CICIG came to its conclusion. Created on December 12, 2006, when the United Nations and Guatemala signed a treaty-level agreement, CICIG was established as an independent body to provide support to the Attorney General’s Office, the National Civil Police, and other state institutions in the investigation of sensitive and difficult cases. The ultimate goal of CICIG’s work was to strengthen national judicial institutions, to enable them to continue fighting illegal groups and organized crime. Over the past 12 years and with significant assistance from CICIG, Guatemala experienced an unprecedented volume of criminal investigations and convictions of individuals in the public and private sectors accused of bribery, influence-trafficking, and other corruption crimes. The most prominent case ended with the imprisonment of former President Otto Pérez Molina.

Guatemala's judiciary system encompasses the Constitutional Court, the Supreme Court, the Appellate Court, the Courts of First Instance, and the Peace Courts. The peace judges and the judges that integrate the Courts of First Instance are officials members of the judicial career; however, the judges of Appellate Chambers and the Supreme Court are renewed in their entirety through a political process.
The Supreme Court of Justice is comprised of thirteen judges, who are elected by the Congress of the Republic for five years, of a list of twenty-six candidates proposed by a Nominations Commission. In turn, the judges of the Appellate Court are elected by the Congress of a list containing twice the number of persons to be elected, proposed by a Nominations Commission. The Appellate Court consists of 270 Judges distributed in 45 Chambers of the Appellate Court.

In the World Justice Project (WJP), Rule of Law Index, Guatemala is ranked regionally in site 25 of 30, and 96 of 126 worldwide. In terms of factors that measure the justice system, Guatemala is well below the average in the Latin American region. In the factor that measures criminal justice, it got a rating of 0.32 over 1; while in the factor that measures civil justice, it got a score of 0.37 over 1.

According to the Transparency International Corruption Perceptions Index of 2018, corruption in Guatemala worsened compared to the previous year, despite the efforts of the government and the CICIG.

In a report by the Americas Society and the Council of the Americas (AS/COA) and Control Risks on the ability to fight corruption, eight countries in the region were evaluated, and Guatemala was rated 4.55 only above Venezuela, the lowest country in the hemisphere.

III. RENEWAL OF COURTS PROCESS

To appoint the Judges of the Supreme Court of Justice and the Appellate Court, Nomination Commissions are formed for each of the processes, comprised of 37 members as follows:

- **Supreme Court**
  1) A representative of the rectors of the country’s universities, who chairs.
  2) Twelve deans of Law Schools.
  3) Twelve representatives of Appellate Judges, who must be elected by a summons of the Institute of Judges of the Appellate Court.
  4) Twelve representatives of the Bar Association, through an election held by that guild.

- **Appellate Court**
  1) A representative of the rectors of the country’s universities, who chairs.
  2) Twelve deans of Law Schools.
  3) Twelve representatives of the judges of the Supreme Court of Justice.

---

1 World Justice Project. Rule of Law Index 2019 [http://data.worldjusticeproject.org/#/groups/GTM](http://data.worldjusticeproject.org/#/groups/GTM)
2 Effectiveness, efficiency, impartiality, corruption, due process respect, and independence
3 Accessibility, discrimination, corruption, independence, efficiency, and effectiveness.
4 Americas Society/ Council of the Americas. The Capacity to Combat Corruption Index [https://www.as-coa.org/articles/capacity-combat-corruption-index](https://www.as-coa.org/articles/capacity-combat-corruption-index)
4) Twelve representatives of the Bar Association, through an election held by that guild.

The Judges must be Guatemalan citizens of recognized honorability, in exercise of their citizens' rights, and members of the Bar. In addition, to become a Judge of the Appellate Court, the candidate must be over 35 years old and have been a trial judge or have practiced law for more than five years.

To be appointed judge of the Supreme Court of Justice, it is also required to be over 40 years old and have served a full term as a magistrate of the Appellate Court, or to have practiced law for more than ten years.

Following the Nomination Commissions Act, Congress called to integrate the Nomination Commissions on June 12th, 2019, and after integrating the groups of representatives mentioned above, on August 13th, 2019, the members of these Committees were sworn in.

These Committees approved the profile of the professionals for the position, a grading table of applicants' qualifications, a list of candidates who met the requirements provided by law and began to assign each participant a score according to the gradation.

On September 16, 2019, the Constitutional Court issued a decision determining the suspension of the process carried out by the Committees, and ordered to restart the entire procedure for the appointment of the Supreme Court judges, and restart the process to appoint Appeal Judges after the reception of the candidates' files. This ruling was a response to two amparos promoted by civil society organizations, ordering the Judicial Career Council to comply with the provisions of the Judicial Career Act and carry out the evaluation of judges and magistrates, and submit it to the respective committee.6

IV. SUPPORT AND CONSIDERATIONS FOR THE PROCESS

After a preliminary research of the appointment process background in Guatemala and supported by a series of study and research visits made by Lawyers Council’s Coordinator Jaime Chávez Alor, a document was published setting out a series of considerations based on the fundamental criteria of Guatemala's national law and jurisprudence, international standards and comparative experience, at each of the key stages of the appointment process. This document is available in the following link: http://bit.ly/VCLCGuate

The immediate objective of this support is to engage with key actors of the Guatemalan legal profession to assist and monitor the actions of the Nomination Commissions and Congress, as well as to identify key considerations for these actors to comply with national and international standards for the selection of judicial officials. Moreover, as a medium-term objective, it seeks to contribute to the

---

discussion of the process by which the judges are appointed and necessary reform of the justice system to guarantee true judicial independence.

The delegation’s visit to Guatemala was based on the research carried out and on the knowledge and experience of each one of the participants. This visit also allowed new approaches and opportunities for collaboration with stakeholders in Guatemala.

V. THE LAWYERS COUNCIL AND MEMBERS OF THE DELEGATION

The Lawyers Council, comprised by 18 lawyers chosen due to their recognized professional career and commitment to the pro bono work and the support of civil society, representing 14 countries of the continent, constitutes an effort to organize private lawyers to participate and proactively contribute in concerted responses to key challenges in our societies through far-reaching multi-jurisdictional collaborative strategies. The Lawyers Council acknowledges that within the diversity of the regional experience, many of the main challenges are similar from one country to another and that the joint and international action offers advantages in responding to these challenges for the well-being and prosperity of our societies.

The Lawyers Council benefits from the support and sustenance of the Cyrus Vance Center for International Justice www.vancecenter.org of the New York City Bar.

The delegates were: 7

1) S. Todd Crider, United States | Simpson Thacher & Bartlett
2) Vivian Liberman, Costa Rica | BLP Abogados
3) Carlos Del Rio, Mexico | Creel, García-Cuellar, Aiza & Enriquez
4) Hernán Perez Loose, Ecuador | Coronel & Perez Lawyers
5) Jaime Chavez Alor, Coordinator | Vance Center for International Justice

Lawyers Council members participate strictly as individuals, not as representatives of their employers or clients, voluntarily, on a pro bono basis, and exercise their own independent judgment. Their sole interest is to support the rule of law in the region and Guatemala.

---

7 Two other members of the Lawyers Council, Pablo Guerrero of Barros and Errázuriz in Chile, and Antonia Stolper of Shearman & Sterling in New York, participated in the preparations for the visit and traveled to Guatemala but due to professional and personal emergencies on the eve of the meetings, were unable to participate in the meetings.
VI. **DELEGATION ACTIVITIES**

The Delegation of the Lawyers Council sought to meet with a wide range of participants interested in the advancement of the rule of law in Guatemala, and in particular with the most important sectors of the legal community in Guatemala who in some way participate in or are involved in the process of the judges’ appointment.

These meetings were aimed at emphasizing the importance and significance of this process at the regional level, supporting and strengthening the participation of the legal community in this process, presenting particular considerations to strengthen it, as well as to understand in-depth the challenges and opportunities for cooperation. This support does not consider political issues or positions but focuses on the characteristics of the rule of law that underpin the judicial function.

The participants were members of the following organizations:

1) Frente Ciudadano contra la Corrupción (Citizen Front Against Corruption)
2) Pacto Ciudadado (Citizen Pact)
3) Demos
4) Asociación Familiares y Amigos contra la Delincuencia y el Secuestro (Family and Friends Association Against Crime and Kidnapping)
5) Acción Ciudadana (Citizen Action), Guatemalan Chapter of Transparency International
6) Comisión Internacional de Juristas (International Commission of Jurists)
7) Juristas por Guatemala (Jurists for Guatemala)
8) Instituto de Estudios Comparados en Ciencias Penales (Institute for Comparative Studies in Criminal Sciences)
9) Representatives of 12 media outlets
10) Comisión Internacional Contra la Impunidad de Guatemala (CICIG) – (International Commission Against Impunity in Guatemala)
11) Asociación Guatemalteca de Jueces por la Integridad (Guatemalan Association of Judges for Integrity)
12) Members of the judiciary system
13) Colegio de Abogados y Notarios de Guatemala (Guatemala Bar Association)
14) Fundación Pro Bono Guatemala (Guatemala Pro Bono Foundation) (in constitution) that brings together more than 10 major law firms in Guatemala and the Central American region.

Various actions were taken to meet with deans participating under law mandate in the Nominations Commissions; however, no positive response was obtained to schedule meetings.

Among the main topics expressed by the participants, are:
1) Participants presented efforts made so far for the process to be conducted in strict adherence to the law. In addition, important actions were presented to monitor the rest of the process, as well as to raise awareness of its importance.

2) Concern was expressed about the process, as according to some of the participants, prior arrangements related to certain persons that will hold the positions already exist, as allegedly happened in the 2014 process.

3) Concern was expressed in respect to a repetition of events that happened during the 2014 process, where there were much-questioned actions by the Nomination Commissions.

4) The process of appointing Commissioners and appointing judges does not adequately value the judicial career despite its relevance in connection with the positions. It was discussed the difficulty that exists for actors in the legal community -other than those who traditionally participate-, to be involved and influence the process, including career judges and limiting the potential for the advancement of the most highly qualified and evaluated judges at the first instance.

5) Some sectors indicated they wouldn't participate in the process to become members of the Commissions, or become candidates for judges posts, as it is a very consuming process.

6) Concern was expressed on the number of candidates that will have to be analyzed, as it will not allow an in-depth analysis of such profiles. It was mentioned that the Nominations Commission for the Appellate Court would receive more than a thousand files.

7) There was talk of a lack of clarity regarding the way to improve the process, whether it has to be through legislative change, or only by changing the implementation of the law.

8) The participants expressed frustration that a proposed constitutional reform couldn’t be completed in 2017, due to lack of political will for real change.

9) In several meetings, there was a discussion on the need for constitutional reforms to modify the selection process. In some meetings, the participants mentioned they are interested in working on and promoting these reforms, and in other meetings, it was discussed that there were no intentions of working on constitutional reform.

10) There are concerns that the need for comprehensive reform to the justice system has become an ideological issue when in reality, it is a fundamental element of the rule of law.

11) The departure of CICIG, although we note that this is an issue that generates diverse opinions, causes much anxiety about the future of the justice system, the follow-up on CICIG cases, and investigation and follow-up of other cases or circumstances including the judicial appointment process.

12) There is concern about the transfer, or lack of a transfer plan, of CICIG’s professional human resources and technical research capabilities to the Prosecutor General’s Office.

13) Concerns were emphasized by several sectors, because there could be a setback in the justice system after CICIG’s departure, and if there is no guarantee that the best profiles will be chosen to fill the court posts.

14) Several participants indicated the importance of working on the legality culture, which may have an impact on raising awareness of the importance of the work of judges. In particular,
to generate a greater impact on the significance of what is at stake when selecting judges for the rule of law and the country’s development.

15) Participants mentioned the importance of working with youth and being optimistic about the possibility of a change in the justice system.

16) The lack of clarity regarding the application of the Judicial Career Act for the selection process, as well as the criteria to be used to give preference to judicial careers, was discussed.

17) Participants mentioned their concern about the existing separation of the interests between various sectors of society, which does not allow unity to face and make concrete changes in the way the appointment process is conducted, or to enact a more thorough reform.

VII. Observations of the Delegation

The members of the Delegation greatly appreciated the considerations expressed by the participants, allowing a better understanding of the complexity of the current situation in Guatemala.

The Delegation noted in general terms that unlike other countries in the region with which the Lawyers Council had worked, the complexity present in Guatemala is twofold. On the one hand, there is a design problem in the justice system and on the other hand, an underlying problem related to corruption. Changing the process by which the judges are appointed will be very complicated, as long as the level of corruption continues, and the problem of corruption cannot be solved if such a high level of impunity persists, which is partially permitted due to the lack of an independent judiciary.

Based on the sustained meetings and the previous research carried out, the delegation presents the following considerations:

A. On the design of the judicial system in Guatemala

1) Although most of the region has tended to expand and strengthen the judicial career, in Guatemala, it is minimal as it includes only judges of the peace and judges of the first instance. As a regional trend, the judicial career is accessed from the lowest levels (in some countries such as Argentina, Brazil or Mexico, the judicial career includes some judges’ auxiliary staff) and a scheme of professionalization and incentives are generated to ascend to high-ranking judicial posts.

2) The fact that the appellate judges are appointed through a process perceived as more political than technical moves away from the tendency to establish selection mechanisms within the judiciary system itself, based on technical criteria and the performance of the judicial career.

3) The lack of separation of administrative work from the Supreme Court is a highlight. In the majority of countries in the region, there are bodies responsible, among other issues, for the administration of the judiciary and the judicial career. Argentina, Brazil, Colombia, Costa Rica, Ecuador, Mexico, and the Dominican Republic have created such bodies.
4) The lack of judicial career emphasizes the short duration of appellate judges. Compared to the five years in Guatemala, in most countries in the region, it is sought that these judges who will be the last instance in most cases are granted permanent positions until they reach an age of retirement (usually between 70 and 75 years).

5) The short-term of the appointment period also expose judges to undue influences, as they must advocate for continuity of their posts or apply for other professional opportunities after the conclusion of their term, undermining impartiality and creating conflicts of interest.

6) On the process foreseen in the Constitution for the appointment of Judges for the Supreme Court, the delegation notes that most countries continue to maintain political mechanisms for appointment, so the process in Guatemala can be considered a good practice if certain aspects of the process are secured for the process, or certain conditions of transparency and access to information are guaranteed.

7) Regarding the appointment period of Judges of the Supreme Court, the term in office is minimal compared to other jurisdictions. In some countries, the duration is based on age; for example, in Argentina and Chile, the judges remain in the position until they are 75 years old. In other countries such as Colombia or Mexico, they establish a fixed term, 8 and 15 years respectively. To avoid undue influence, these positions generally do not allow re-election.

8) It is striking that both the Appellate Chambers and the Supreme Court are renewed in their entirety, which results in the loss of institutional experience every five years. In other countries, this has been solved with the staggering (programmed or naturally) of the appointments.

9) Other important elements of the judicial career include mechanisms of evaluation, membership, and discipline, which, although covered by the Judicial Career Act, the specific regulations to implement these rules have not been issued.

B. Judges selection system

1) As a result of the problems that the process has presented in the past, and the lack of expression of political will to modify it, the model of selection is exhausted. What began as a model that sought to technify the selection of judges ended up being a model perceived as political and subject to manipulation and corruption and produces apathy in participating in some sectors, as well as deception and resignation with respect to expected results.

2) Part of the perceived resignation arises from the fact that the process that takes place, in its structure and forms, is consistent with the Constitution and the Law. Another part arises from the lack of political will to give civil society a more participatory role in the process.

3) There has been no political will to address vices that affect the legitimacy of the process. For example, it is very striking for the delegates the fact that law schools that exist only on paper can participate in the Nomination Commissions, appearing to a neutral observer as a potential fraud of the law and inconsistent with the purpose of the Constitution.  

---

4) There is a concerning perception of the possibility that the selection process may be, to some extent, and for certain candidates, the formalization of prior agreements between interest groups, even before candidates have registered to participate in the process. This perception, and the possible reality of such agreements, seriously affects the legitimacy of the process and confidence in the independent and impartial judiciary.

5) The number of participants expected to apply for appellate judges posts denotes shortcomings in the same process and makes it even more difficult for the Commissions and civil society to conduct a proper evaluation of the profiles of such applicants.

C. On the underlying issue related to corruption and lack of legitimacy

1) Overall, the delegation noted distrust on the independence of the judiciary system, as a result of a high-level perception of corruption and a perceived lack of legitimacy in the process of selecting judges.

2) The delegation emphasized there is still confidence in actions to protect constitutional rights against violations, and in particular, before the Constitutional Court. However, it is also true that the need for protection before the Constitutional Court is an indication of constant violations of the law by authorities.

3) Despite an atmosphere of concern and discouragement about the current situation in Guatemala, the delegation welcomes the commitment of many individuals and organizations that work in favor of the justice system, as a fundamental factor of the rule of law, and the driving force of change in terms of the impunity situation in the country.

4) The delegation noted with concern the use of (allegedly unfounded) criminal charges against judges and other reformist actors mechanism to attack judicial independence, which also calls for a comprehensive reform to allow the establishment of appropriate mechanisms to ensure the discipline of judges and reduce vulnerability of manipulation by others of the justice system, under standards of independence.

VIII. Delegation Recommendations

Based on the above considerations and observations, the Lawyers Council reiterates the following recommendations:

A. Recommendations in the short term- current process of selection of judges\(^9\)

Although the importance of having a new process for the selection of judges has been mentioned, a process is currently being performed, and the fundamental objective of this support is to influence its development. The following is emphasized:

---

1) The legal community and civil society must monitor the quality, independence, and commitment of the persons elected as members of the Commissions. In particular, it is very important to pay attention to the conflicts of interest that may arise.

2) In the call for candidates issued by the Nomination Commissions, preference must be clearly established for the members of the judicial career. To the extent possible, given the importance of prior experience as a judge, the judicial career and evaluations of such professional development should receive priority attention.

3) It is essential to establish a detailed profile according to the importance of the judicial function, which will act as a pre-filter to receive a much more manageable number of applications.

4) The approved grading table must reflect the evaluation criteria relevant to the high-ranking judge position, being as specific and clear as possible.

5) For this process, it is essential to establish a mechanism for receiving and analyzing the information submitted by civil society, which can assist the Nominations Commissions in carrying out a verification of the information provided by the candidates, and in verifying the honorability of the participants.

6) To the extent possible, and taking into account the high number of candidates, conduct interviews with the finalists to allow a complete evaluation of the profiles.

7) The Lawyers Council emphasizes, in particular, the importance of maximizing the transparency of the process, involving not only access to the information provided by candidates, but also access to information regarding the actions of commissioners to understand the analysis made for each candidate, and the grades each commissioner gave to the individuals they evaluated. Knowing this information will allow the observation of significant deviations in the way candidates were evaluated and the scores assigned.

8) To conduct a process that society can observe as legitimate, and since each of the 37 commissioners can't review all the files, the sub-groups appointed to carry out this assessment must be randomly integrated, depending on the representation of each Committee, and the allocation of the files must also be made randomly.

B. Recommendations for the medium and long term- comprehensive reform of the justice system

As professionals engaged in private practice, a good business climate and domestic and foreign investment will depend on the legal certainty and security that a strong judiciary can ensure with independent judges who can guarantee the full exercise of civil and economic rights. The deterioration of legal certainty is often accompanied by deterioration of economic prospects.

1) The judges’ selection process in Guatemala is exhausted and detached from the constitutional vision process, representing not only an opportunity for the legal community to resume a discussion on comprehensive justice reform but also an ethical responsibility to initiate such discussion and reform effort.
2) The renewal of authorities in Guatemala provides an opportunity for civil society actors and the legal community who are working to strengthen the justice system, to find an echo and materialize political will to bring about structural changes.

3) It is recommended that a comprehensive reform consider the following aspects:
   a. Integration of appellate judges into the judicial career (without necessarily eliminating external candidates).
   b. Creation of a body responsible for the administration of the judiciary system.
   c. Strengthening the judicial career in general, including rules on entry, promotion, membership, education and training, and discipline of judges and auxiliary staff.
   d. Consideration on the appointment term and staging for the renewal of judges.
   e. Other guarantees of judicial independence, such as budget, economic compensation, retirement, security, removal processes, incompatibility regime, among others.

4) How to establish these aspects in legislation are questions that do not have a single answer, but existing international criteria and comparative experience can guide the process.
IX. FOLLOW-UP

The Lawyers Council for Civil and Economic Rights and the Vance Center for International Justice will follow-up the appointment process of Supreme Court and Appeals Court judges and other activities and considerations derived from the visit.

We emphasize the willingness of the Lawyers Council to support efforts to implement the recommendations, efforts to modernize and strengthen the justice system, as well as to combat corruption and strengthen the legal profession. This support could include collaboration with private or public organizations in Guatemala to produce comparative studies on structures and processes used in other countries concerning the selection and supervision of judges. Knowing the best (and worst) practices in other countries always allows for a broader view of the options and mechanisms available to adapt to the national reality.