



CYRUS R. **VANCE CENTER**
FOR INTERNATIONAL JUSTICE



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**GUATEMALA SELECTS JUDGES BASED ON POLITICS RATHER THAN MERIT
AN EXCEPTION AMONG LATIN AMERICAN COUNTRIES
VANCE CENTER, WINSTON & STRAWN REPORT FINDS**

New York, March 26, 2020 – Guatemala is an exception among Latin American countries because it continues to select judges based on politics, rather than merit, a [report](#) by the Cyrus R. Vance Center for International Justice and the international law firm Winston & Strawn has found. The Spanish-language report, *The Judicial Profession in Latin America*, compared the judicial systems of Guatemala with those in Argentina, Brazil, Colombia, Mexico, and Spain.

The Guatemalan Association of Judges for Integrity commissioned the report for its effort to strengthen the independence and ethical practices of the Guatemalan judiciary. The Association is a voluntary group of judges, including several in the "high-risk" courts of Guatemala, hearing cases of alleged high-level corruption and organized crime.

The Vance Center in October 2019 conducted a workshop for 50 judges of the Association on how multinational companies conduct transnational business, including how they avoid, identify, and redress corrupt practices. The Chubb Rule of Law Fund sponsored the workshop, and lawyers from Chubb, Walmart, General Electric, Novartis, Chevron, Winston & Strawn, Cleary, Dentons, and Simpson Thacher participated.

The report followed the workshop and focused on key challenges to the Guatemalan judiciary, especially how judges are appointed. The system purports to give a role to various sectors of the legal profession, but the report found that it lacks transparency and merit-based criteria. Indeed, the Guatemalan Constitutional Court recently suspended the judicial appointments process because of organized crime infiltration.

The Vance Center conducted delegations of U.S. and Latin American business lawyers to Guatemala in 2013 and 2014 to consider how the Guatemalan judiciary comports with internationally-recognized rule-of-law practices, and in August 2019 the Lawyers Council for Civil and Economic Rights in the Americas, led by the Vance Center, specifically [examined](#) the judicial selection process.¹

The report identified other areas where Guatemala's judicial system differs from others. While other countries appoint judges for indefinite terms, ending only at retirement, Guatemala limits appointments to five years. On matters like conflicts of interest, Guatemala, like Brazil, Colombia, and Mexico, is less strict than Argentina and Spain, the report found.

Read the full report here: <https://bit.ly/2xrXEoc>

About the Vance Center

The Cyrus R. Vance Center for International Justice of the New York City Bar Association advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession. The Vance Center is a unique collaboration of international lawyers catalyzing public interest innovation that brings together leading law firms and other partners worldwide to pioneer international justice initiatives and provide pro bono legal representation to social justice NGOs. www.vancecenter.org/

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. www.nycbar.org/

¹ Lawyers Council for Civil and Economic Rights, *Acompañamiento del proceso de nombramiento de Magistrados de la Corte Suprema de Justicia y Corte de Apelaciones de Guatemala*, August 5-6, 2019, <https://bit.ly/2xoPYTD>