



Strengthening Rule of Law and Addressing Violence in Mexico

By Ernesto Canales Santos
Renace IBP CEO

January 13, 2012



- a) National movement to transform the Mexican Legal System;

- b) Covers Criminal Law, Family, Minors, Housing and Commercial leasing.

- Renace was established as Non Profit Organization to defend persons with no means who were unjustly in prison.

- Some emblematic cases encountered:
 - a) The Judge did not meet or see the person accused and as a consequence he could not consider his physical impediment;
 - b) Seven years for stealing diapers for her baby;
 - c) Fourteen years for robbing two kilos of beef barbecue.

- a) More than twenty thousands of cases reviewed by Renace;

- b) The Laws allowed that injustices were committed permanently.

- Single Political Party in the Country for Seventy years characterized Mexican Legal System:
 - a) The Criminal Laws were enacted to maintain total political control;
 - b) Criminal authorities were granted discretionary powers to imprison anyone;

- a) To attain such objective the laws were written as to permit Police, District Attorney and Judges to act arbitrarily;

- b) Once Democracy has been installed in the Country, these discretionary powers have lost their political control objective and are at the use or misuse of anyone with power, specially State Governments.

- Examples of these rules that have created such an injustice Criminal System:
 - a) Evidences presented by District Attorney have to be taken as fully valid;
 - b) Very limited rights for the Accused and the Victims;
 - c) No need for investigative work;
 - d) Judges are not required to preside over the process;
 - e) Presumed Guilty is the rule.

- a) Justice has been at the service of money or favors;
- b) Corruption has been Institutionalized;
- c) Criminal System is outside of the Rule of Law in Mexico.

- How do we jumped from a view held by few to a National Movement?
 - a) A simple three pages letter signaling the faults and solutions with a wide distribution;
 - b) A limited and timid Criminal Reform for the State of Nuevo Leon in 1994;
 - c) A wide range of support from the Academic world;
 - d) In 2008 a Constitutional Reform adopting the Oral System for the whole country to be implemented in 8 years.

- The War against Drugs and its Criminal Organization and the Criminal Reform.
 - a) It hinders Authorities to win over this War;
 - b) Focus on protection of Human Rights.

- a) Only transparency and efficiency can bring credibility to a Criminal System;

- b) Discretionary powers can easily be at the service of criminal organizations.

- Preparatory actions taken to implement the Reform.
 - a) National Police and some State Polices have been restructured;
 - b) Public opinion has been worked out extensively;
 - c) Twelve States have enacted new Laws adopting the Oral System;
 - d) An Initiative for new Federal Criminal Process Law is being discussed at Congress;
 - e) Other fields of Law have been changed to incorporate the principles of the Oral System.



- A mayor “chunk” of the life of Mexican Citizens shall be liberated from corruption.