

THE STATE OF JUDICIAL REFORM IN MEXICO

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- I. ABOUT JUSTICE IN MEXICO
- II. WHY JUDICIAL REFORM?
- III. WHAT JUDICIAL REFORM?
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- VIII. NEXT STEPS



Justice in
Mexico



ABOUT JUSTICE IN MEXICO

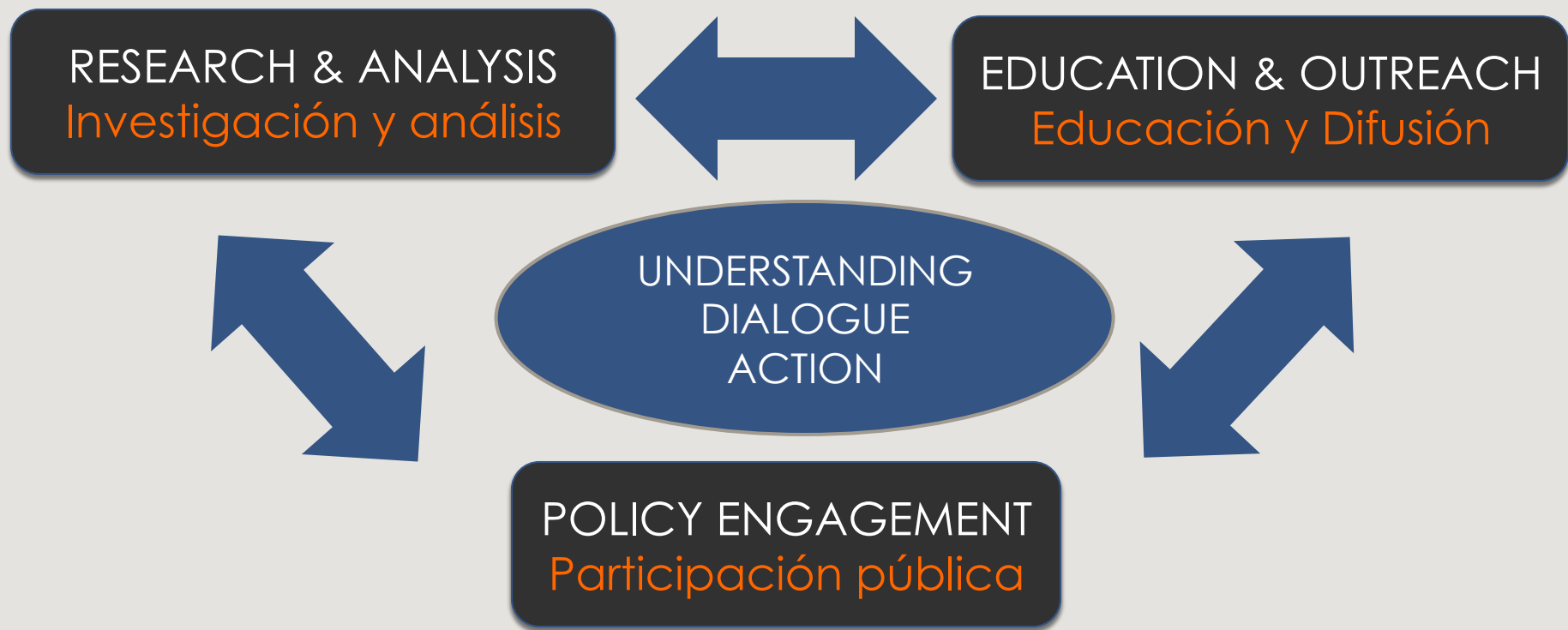




JUSTICE IN MEXICO



Mission: Working to improve citizen security, strengthen the rule of law, and protect human rights in Mexico.



Misión: Trabajar para mejorar la seguridad ciudadana, fortalecer el estado de derecho y proteger los derechos humanos en México.



JUSTICE IN MEXICO

Founded in 2001 /
Establecido en el 2001

Underwritten by /
Patrocinado por:

- Hewlett Foundation (2001-2012)
- Tinker Foundation (2004-2011)
- Open Society Foundation (2010-12), USAID (2010-12)
- MacArthur Foundation (2012-15)
- U.S. State Department (2014-2017)



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Selected Deliverables

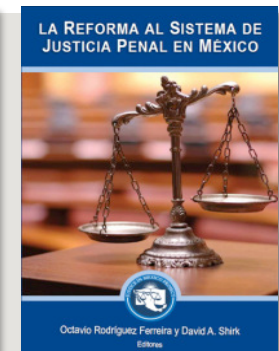
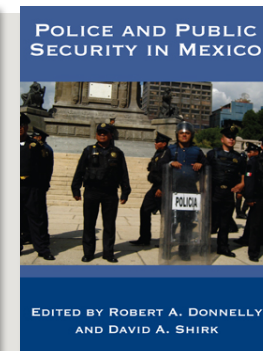
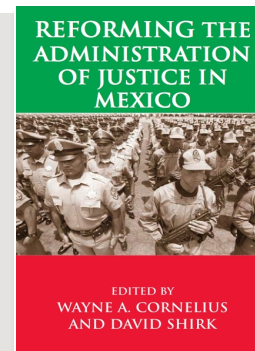
Algunos Trabajos Entregados

Cutting edge research,
analysis, & publications

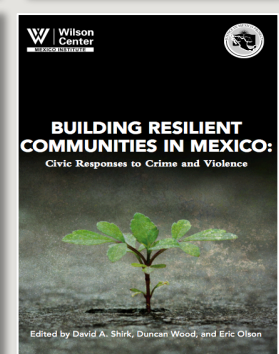
Policy Briefings



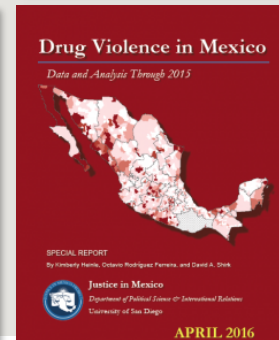
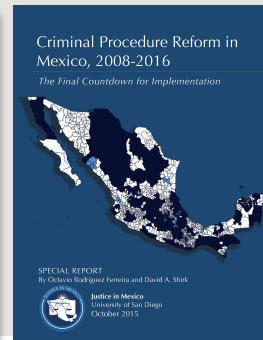
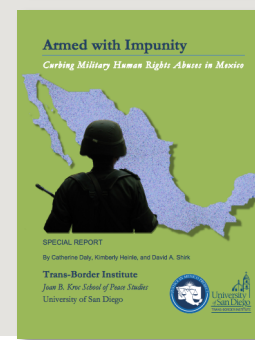
Publicly Accessible Data Sets



Books



Monographs



Reports

PERCEPCIONES DEL SISTEMA



- Justiciabarómetro se encarga de recabar las percepciones de los operadores sobre el sistema de justicia.

2009

Guadalajara
Policia municipal
(4,200+ part.)



79% respuesta

2010

9 Estados
Jueces, MPs, DPs
(280+ part.)



24% respuesta

2011

Cd. Juárez
Policia municipal
(2,400+ part.)



79% respuesta

2014

Tijuana
Policia municipal
(1,900 part.)



89% respuesta

2016

11 Estados
Jueces, MPs, DPs



35% respuesta

Criminal Procedure Reform in Mexico, 2008-2016

The Final Countdown for Implementation



SPECIAL REPORT

By Octavio Rodríguez Ferreira and David A. Shirk



Justice in Mexico

University of San Diego

October 2015

THE STATE OF JUDICIAL SECTOR REFORM IN MEXICO, 2008-2016 (JUL 2016)

CRIMINAL PROCEDURE REFORM IN MEXICO, 2008-2016 (OCT 2015)



July 25, 2016

JUSTICE IN MEXICO POLICY BRIEF

The State of Judicial Sector Reform in Mexico

By Nancy Cortés, Kimberly Heinle, Octavio Rodríguez Ferreira, and David A. Shirk

A NEW BEGINNING FOR MEXICO'S JUSTICE SYSTEM

It is well known that Mexico currently faces an extraordinary security and rule of law crisis, including elevated levels of crime and violence. Mexican law enforcement and military forces have been ineffective at best and, in the worst cases, are believed to have committed serious human rights abuses against civilians. Amid these developments, Mexican authorities have been engaged in a nearly decade-long effort to shift to a new model of criminal justice that went live throughout the country on June 18th, 2016.¹ Along with countless other organizations, Justice in Mexico at the University of San Diego has been working to advance the prospects for criminal justice reform since well before this new model, which was initially approved by the Mexican Congress in 2008. With Mexico's New Criminal Justice System (Nuevo Sistema de Justicia Penal, NSJP) now in effect, in this policy briefing we provide an assessment of Mexico's judicial sector reforms, the Mexican government's implementation efforts, and the remaining challenges and concerns. This policy briefing draws on previous and recent findings of Justice in Mexico to provide a concise overview and some of the policy recommendations that can help ensure the long-term success of recent reform efforts.

THE BASICS OF CRIMINAL JUSTICE REFORM IN MEXICO

Over the last three decades, a series of reforms to the criminal justice system have been implemented in Mexico. Beginning in 1980s, revelations of deeply rooted problems of police corruption led to a series of ongoing efforts to restructure Mexico's police and public security structures in search of a more professional model of law enforcement. In the 1990s, an era of newfound political uncertainty in Mexico, the federal government worked to strengthen the judiciary by introducing higher professional standards for judges, stronger powers of judicial review, new standards for judicial precedent, and greater judicial independence, as well as new criminal statutes to deal with the mounting threat of organized crime.

¹ Juan Montes, "Mexico Recasts Its Criminal Justice Process," *The Wall Street Journal*, May 31, 2016, <http://www.wsj.com/articles/mexico-recasts-its-criminal-justice-process-1464734884>.

LATEST PUBLICATIONS



of Journalists and Media-Support Workers Killed in Mexico
(January 2006-December 2015)

Four journalists killed in Mexico during first third of 2016

May 7, 2016

National and international voices immediately condemned Pacheco's murder and called on authorities to investigate and hold accountable those responsible. "The endless cycle of violence against... [+](#)



Ayotzinapa Disappeared 43 Students Case Remains Unsolved

May 2, 2016

05/2/16 (written by elefavour) -In 608 pages of discoveries, the Interdisciplinary Group of Independent Experts (Grupo Interdisciplinario de Expertos Independientes, "GIEI") of the... [+](#)

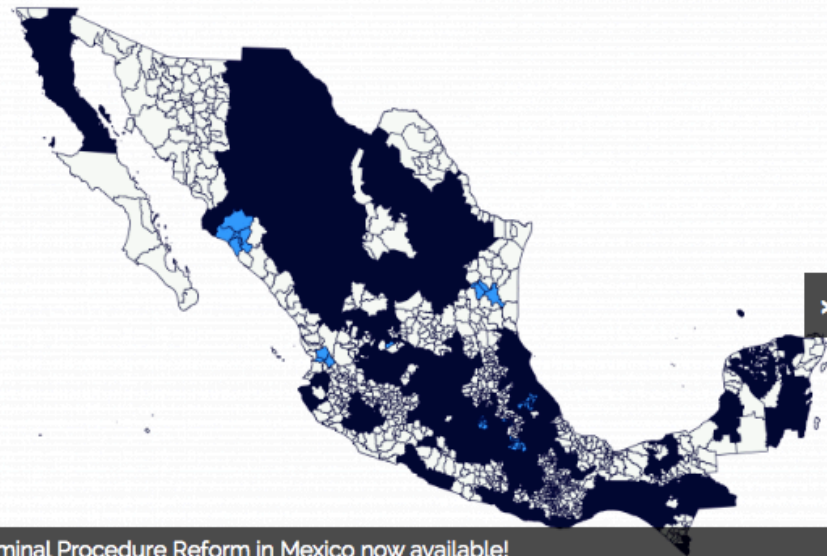


Drug Violence in Mexico

Data and Analysis Through 2015

JIM releases annual "Drug Violence in Mexico: Data and Analysis Through 2016" special report

April 29, 2016



Criminal Procedure Reform in Mexico now available!

1 2 3 4

Latest Publications

Drug Violence in Mexico

Data and Analysis Through 2015



Tweets by @JusticeinMexico



Justice in Mexico
@JusticeinMexico



WHY JUDICIAL REFORM?





THE PROBLEM OF IMPUNITY

EL PROBLEMA DE LA IMPUNIDAD

All Crime / Todos los crímenes

Reported Crime / Crimenes reportados

Only 25 of 100 crimes are reported (25%)

Investigated / Investigados

4.6 of 25 reported crimes (18%)

Prosecuted / Procurados

1.6 of 4.6 investigated crimes (35%)

Brought to trial / Llevados al juicio

1.2 of 1.6 prosecuted crimes (75%)

Sentenced / Sentenciados

1.1 of crimes tried (91%)

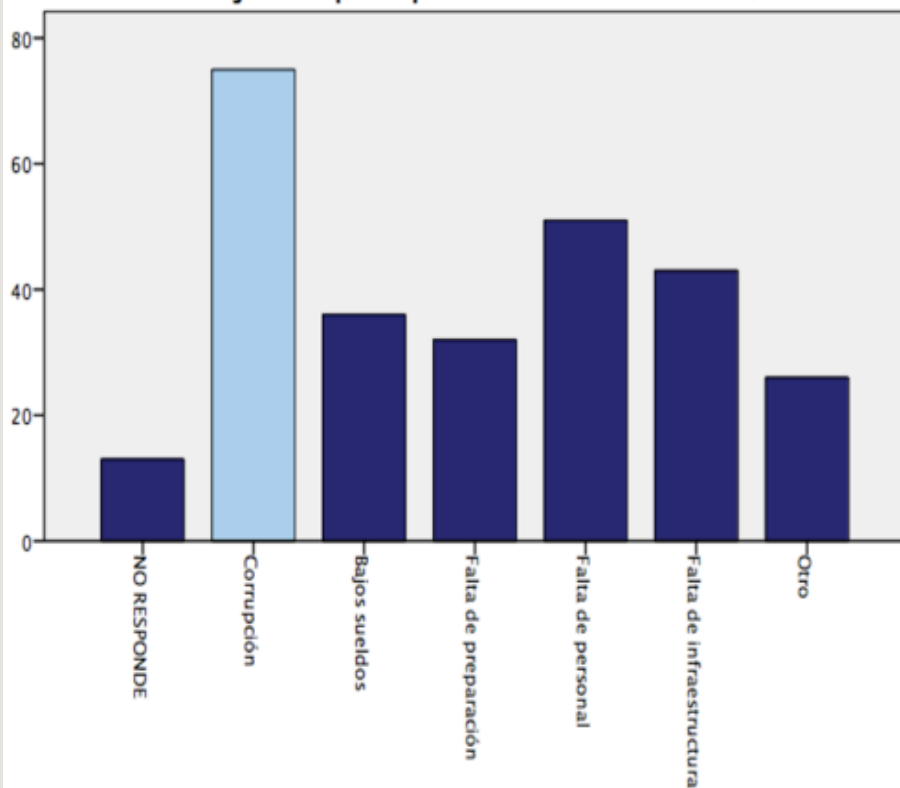


THE PROBLEM OF CORRUPTION

EL PROBLEMA DE LA CORRUPCIÓN

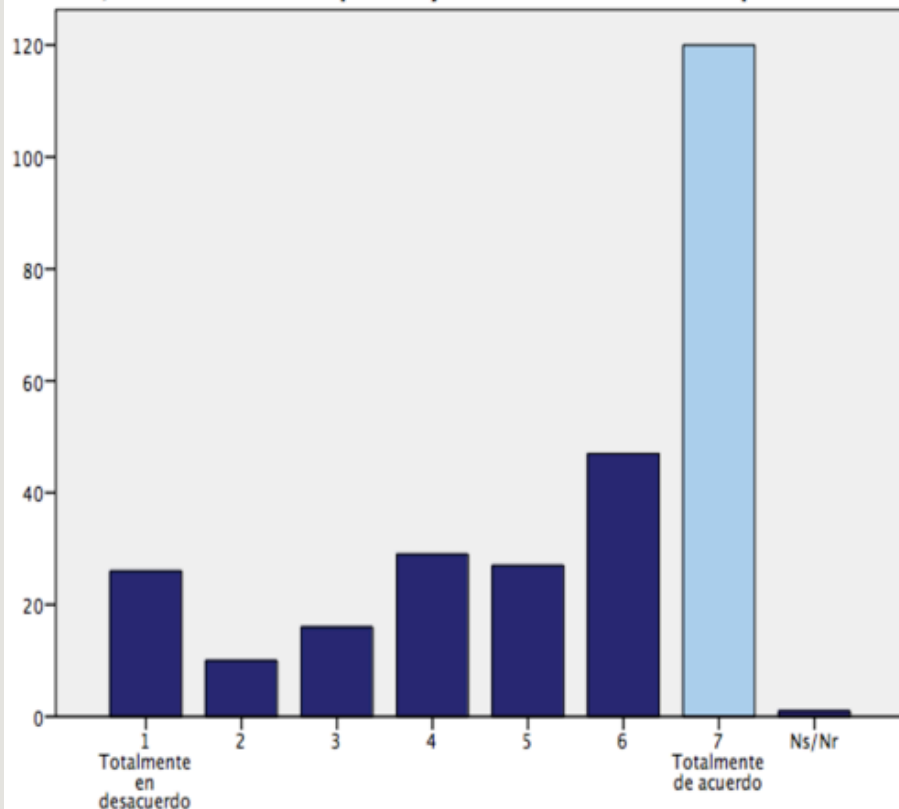
2010 Judicial Survey—Principal Problem of Old Criminal Justice System

I.2b1) ¿Cuál cree que es o haya sido el principal problema dentro del sistema de justicia penal previo a la reforma de 2008?



2010 Judicial Survey—New Criminal Justice Reforms Will Help Reduce Corruption

III.9) El nuevo sistema penal ayudará a reducir la corrupción

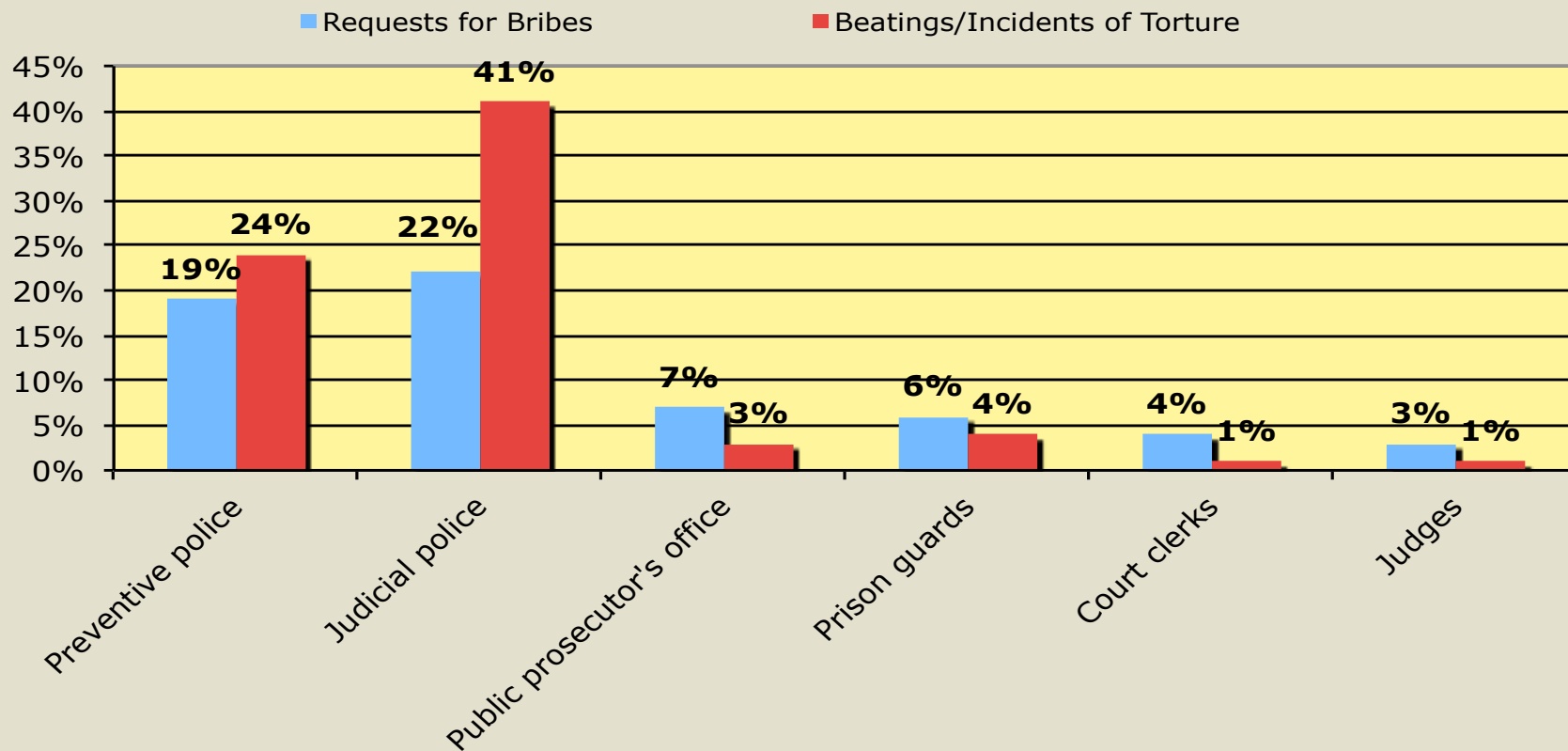




THE PROBLEM OF TORTURE

EL PROBLEMA DE LA TORTURA

Incidents of Bribery and Torture in the Mexican Justice System reported in 2002 Prisoner Survey



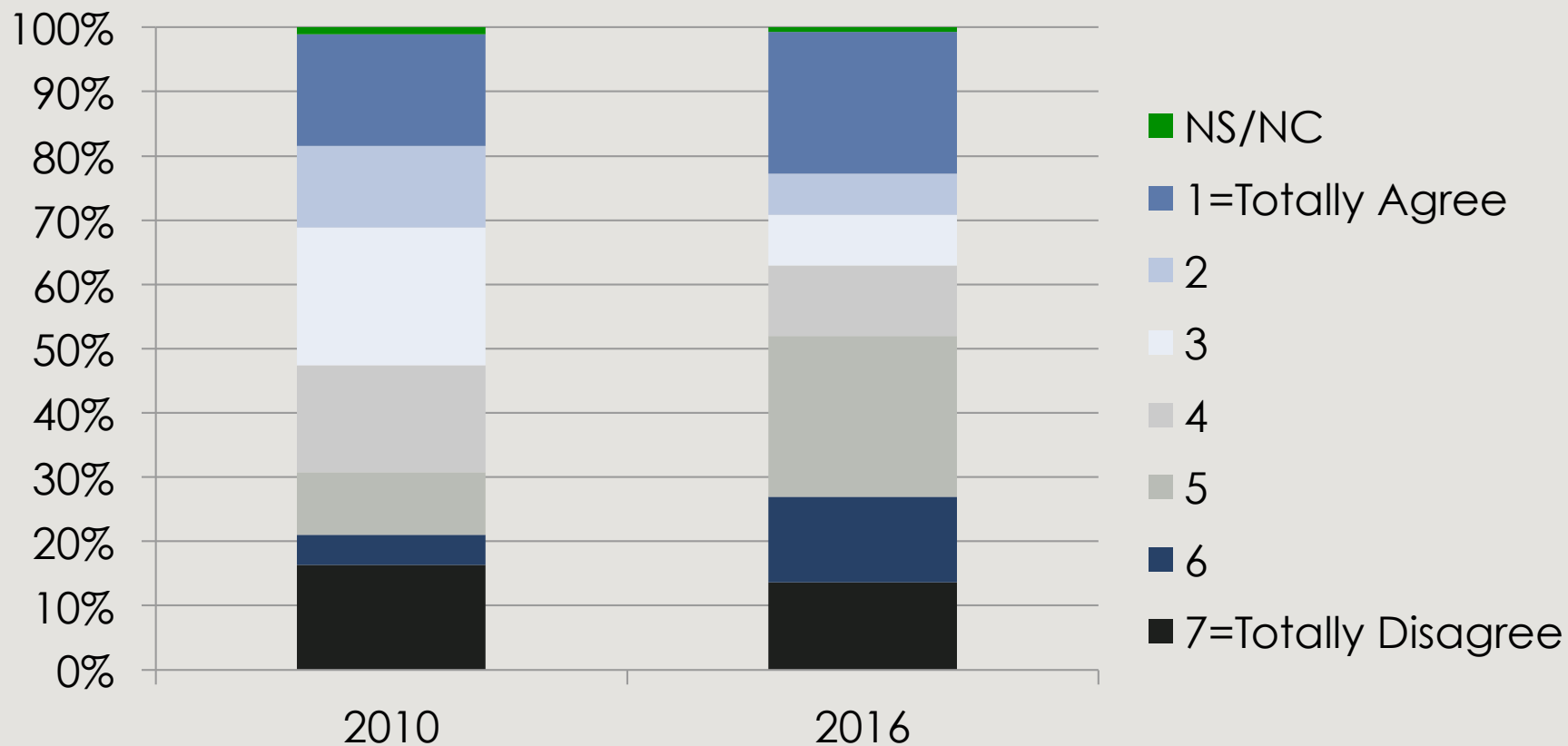
PERCEPTIONS OF OLD SYSTEM

PERCEPCIONES DEL SISTEMA TRADICIONAL



THE TRADITIONAL CRIMINAL JUSTICE SYSTEM WAS EFFECTIVE & EFFICIENT

El sistema de justicia tradicional era eficaz y eficiente



En el 2016, 68% están totalmente de acuerdo de que el sistema tradicional necesitaba reformarse.

WHAT JUDICIAL REFORM?



PRINCIPALS OF CRIMINAL PROCEDURE/ PRINCIPIOS DE PROCEDIMIENTO PENAL



INQUISITORIAL

“PUBLIC FAITH”
FE PÚBLICA



ADVERSARIAL

“CHECKS & BALANCES”
PESOS Y CONTRAPESOS

2004 JUDICIAL REFORM / REFORMA DE LA JUSTICIA PENAL DE 2004

- Fox administration proposed a major judicial reform, including a new oral adversarial criminal procedure and a unified national police force, but this effort stagnated in Congress.



ORAL
TRIALS /
JUICIOS
ORALES

REFORMA
POLICIAL /
POLICE
REFORM

2008 JUDICIAL REFORM / REFORMA DE LA JUSTICIA PENAL DEL 2008

- Approved by congress in June 2008 by multi-party agreement
- New federal code of criminal procedure approved in March 2014
- Articles 16-22, fraction XXI y XXIII of Art. 73, fraction VII of Art. 115, and fraction XIII of paragraph B of Art. 123
- Oral, adversarial criminal procedure (Art. 20)
- Right to adequate legal defense (Art.17, pár. 6º)
- Victims rights (Art. 20, apart. C; Art. 21, pár. 2º))
- Police Investigations and professionalism (Art. 21, pár. 1º; 10)

New Elements of Criminal Procedure



1st Phase / 1^{ra} FASE
(juez de garantía)



2nd Phase / 2^{do} FASE
(juez de sentencia)



3rd Phase / 3^{ra} FASE
(juez de ejecución)

Alternatives to trial

Principio de oportunidad, negociación
de sentencia, o mediación

Public oral trial

Juicio oral

Execution of sentence

Ejecución de sentencia

Prosecutorial discretion, prohibition of torture and unsupervised confessions ° Procurador puede decidir no procurar un caso menor. La confesión y la tortura son prohibidos.

Victim has right to demand prosecution ° La víctima puede demandar al procurador por no procurar.

Stronger legal defense, requires attorney ° Fortelece la defensa —debe ser abogado— durante el proceso penal.

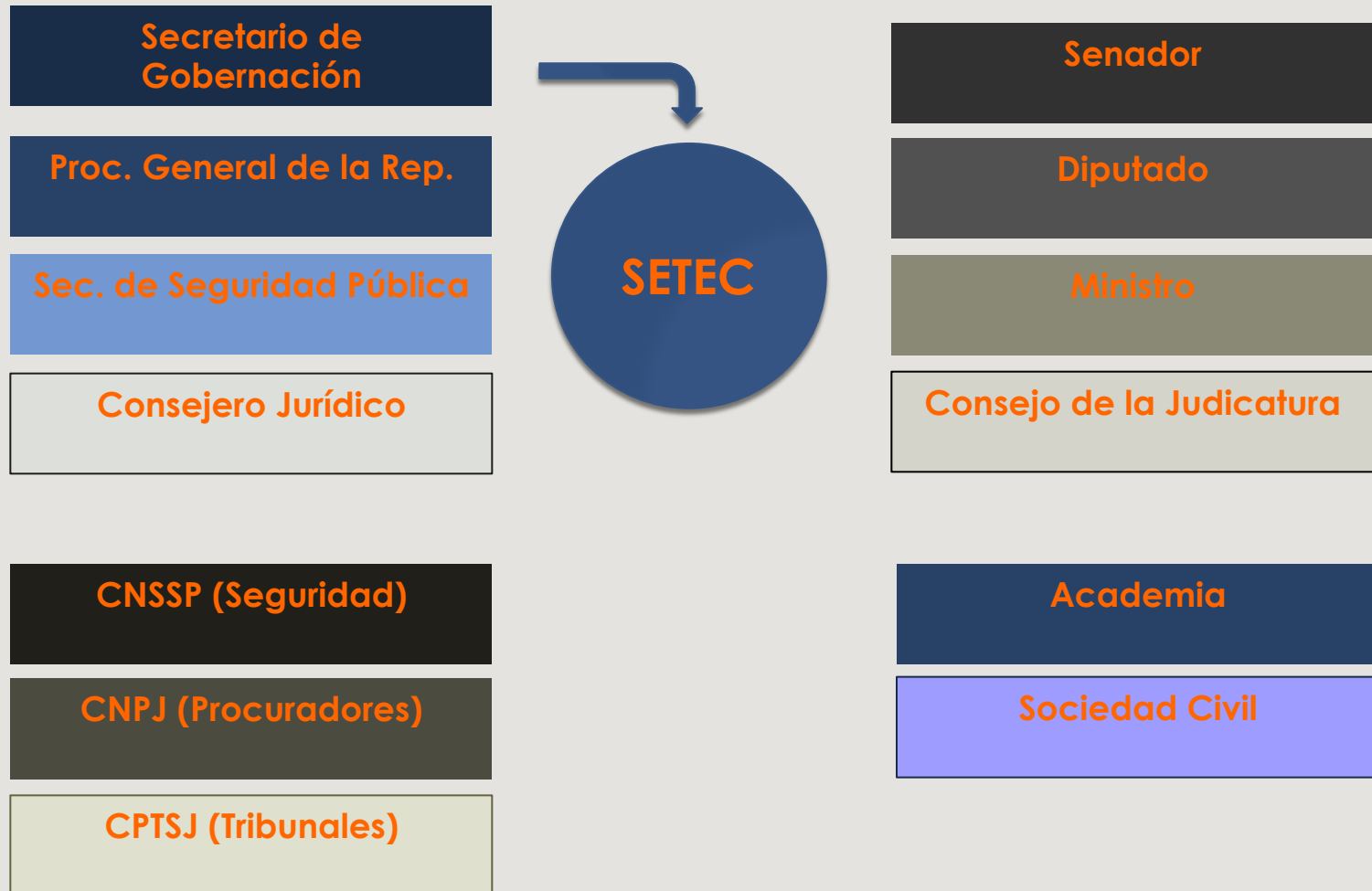
Police investigative capacity, discovery ° La policía puede investigar, y ambos lados pueden utilizar la evidencia en el juicio.

HOW JUDICIAL REFORM?



Coordinating Council for Implementation of the New Criminal Justice System

Consejo de Coordinación para la Implementación del Sistema de Justicia Penal



ELEMENTS OF IMPLEMENTATION

ELEMENTOS DE LA IMPEMENTACIÓN

REFORM

Reformas legislativas y
constitucionales

TRAINING

Capacitación
profesional

INFRASTRUCTURE

Modificación de
tribunales

PUBLIC EDUCATION

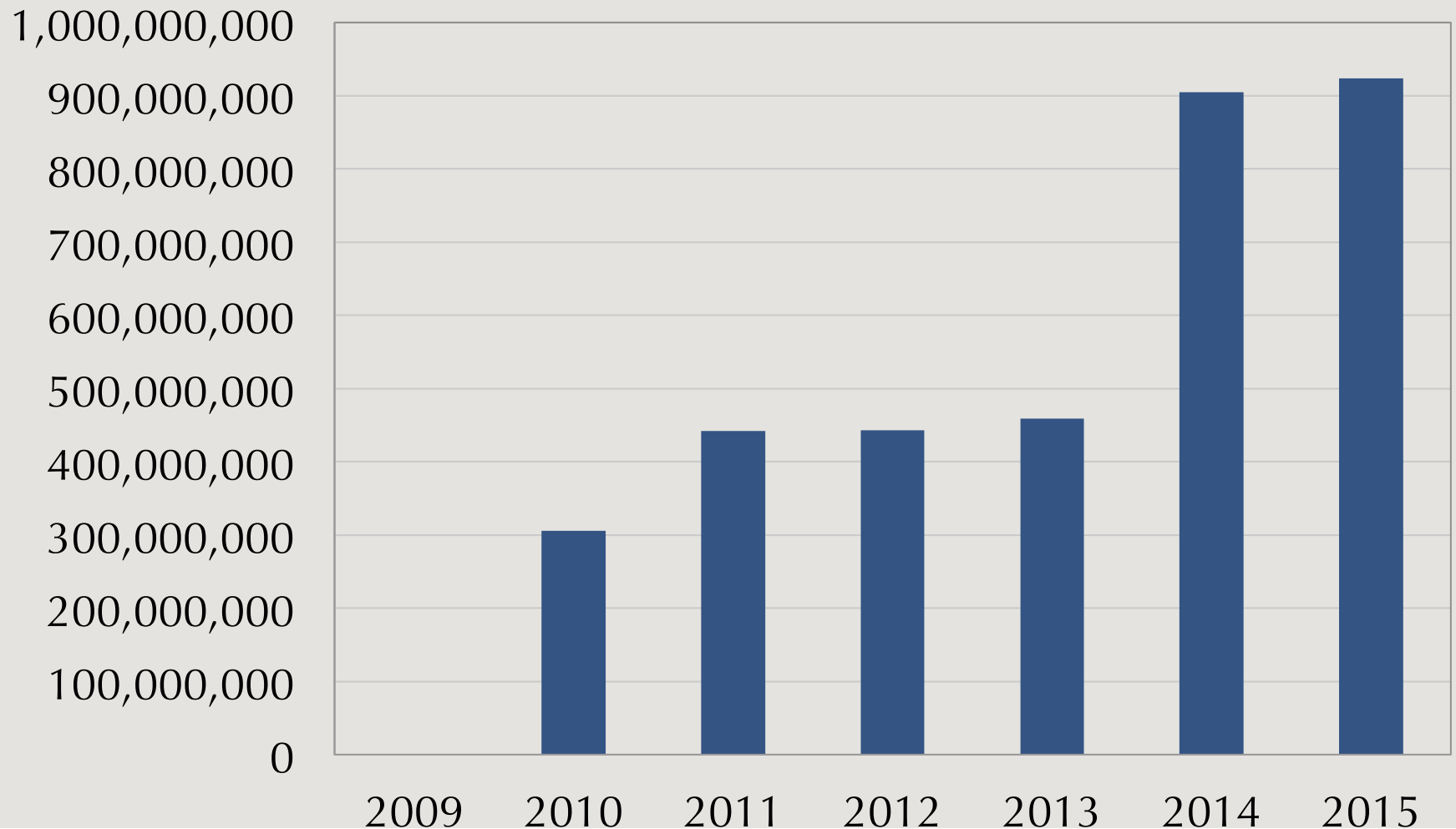
Educación del
público

EVALUATION

Evaluación de
resultados

SUPPORT FROM FEDERAL BLOCK GRANTS

APOYO FEDERAL PARA LOS ESTADOS

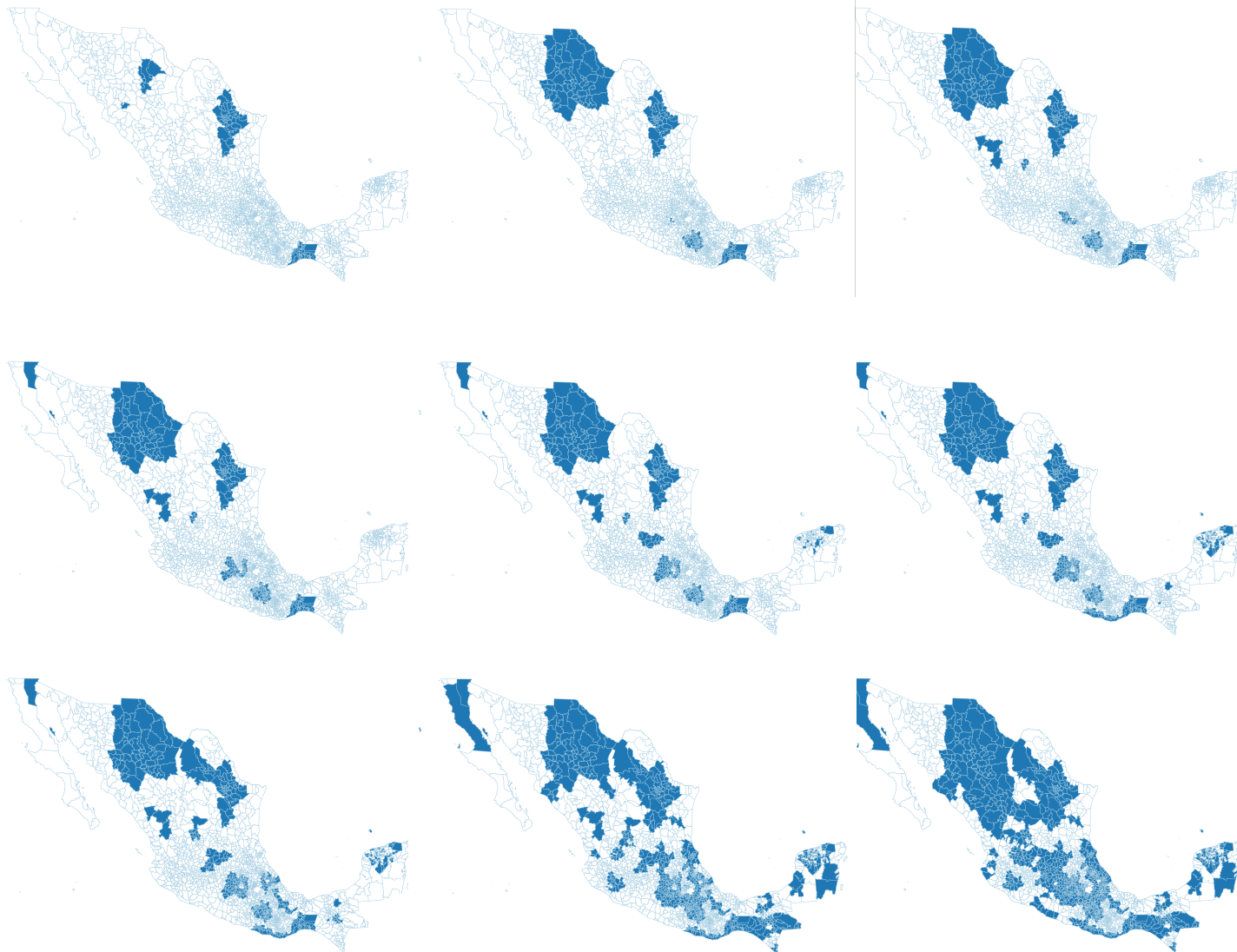


WHERE JUDICIAL REFORM?



IMPLEMENTATION BY FEDERAL DISTRICT

IMPLEMENTACIÓN POR DISTRITO JUDICIAL

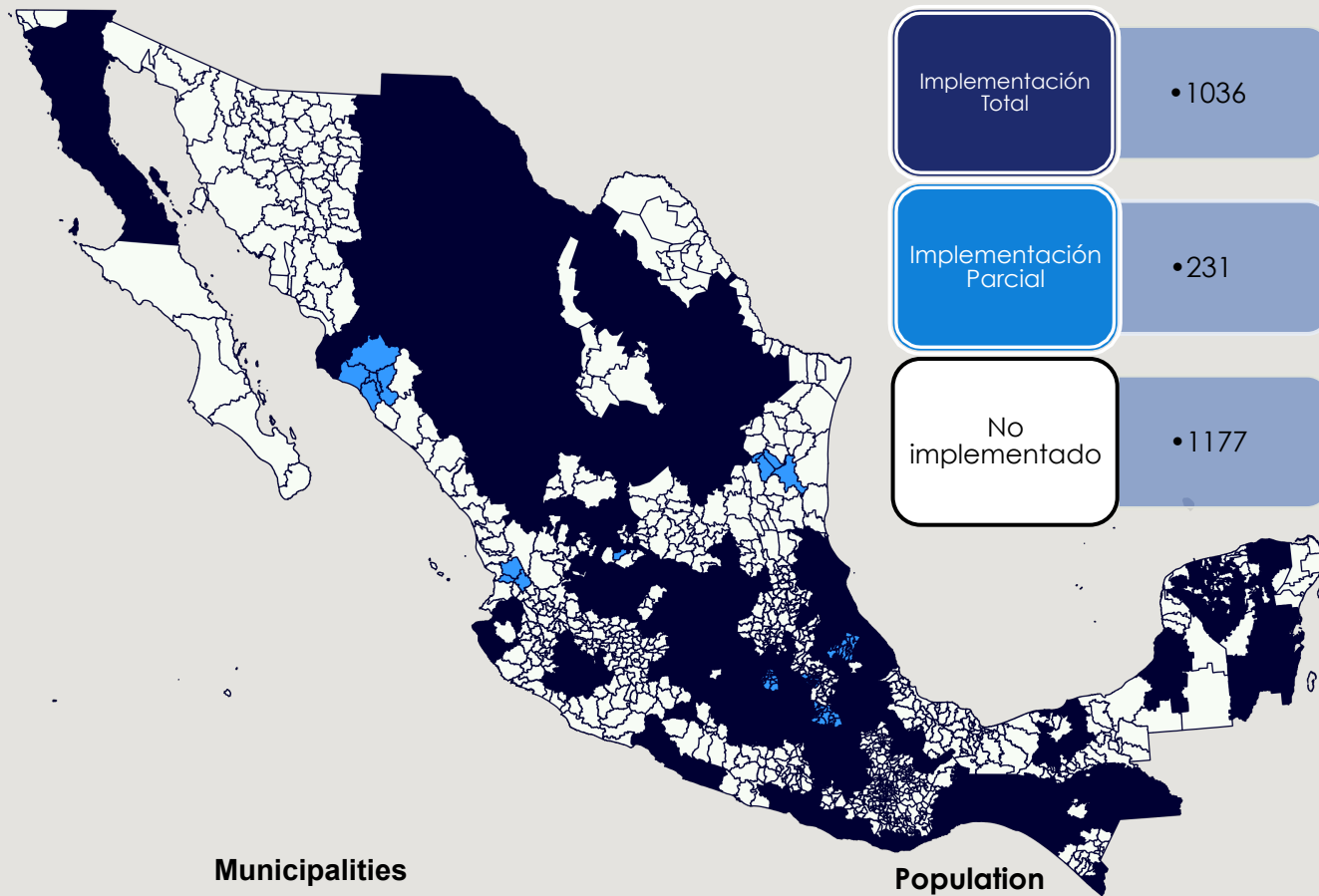


MAPS OF
STATE LEVEL
APPLICATION
OF JUDICIAL
REFORM

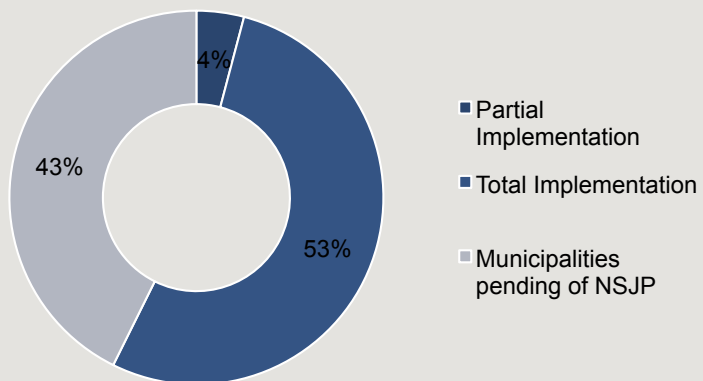
BASED ON
SETEC DATA

2007-2015

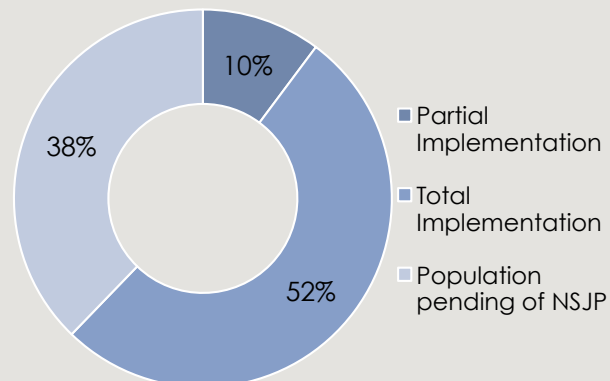
JANUARY 2016



Municipalities

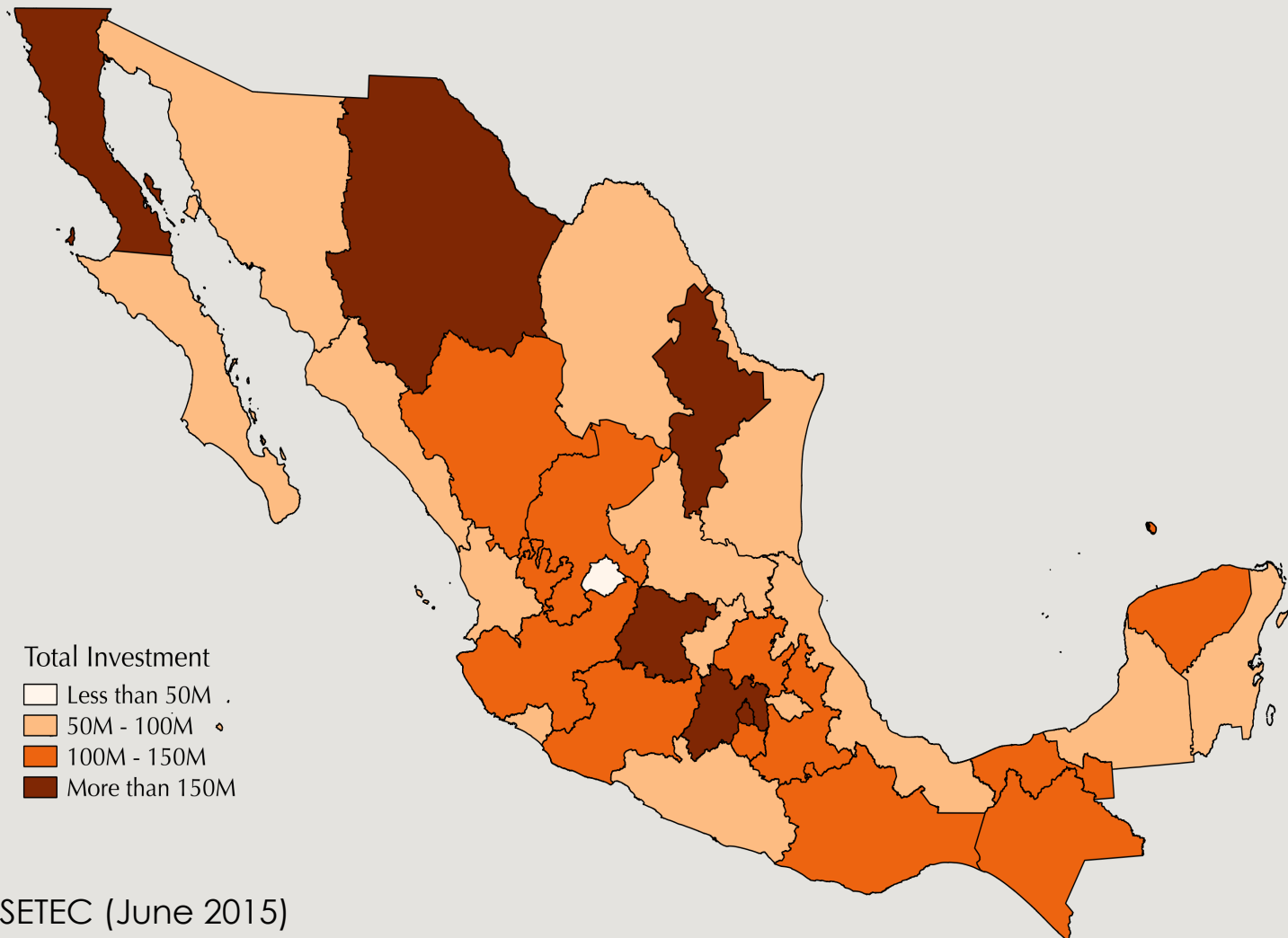


Population



SUPPORT FROM FEDERAL BLOCK GRANTS

APOYO FEDERAL PARA LOS ESTADOS



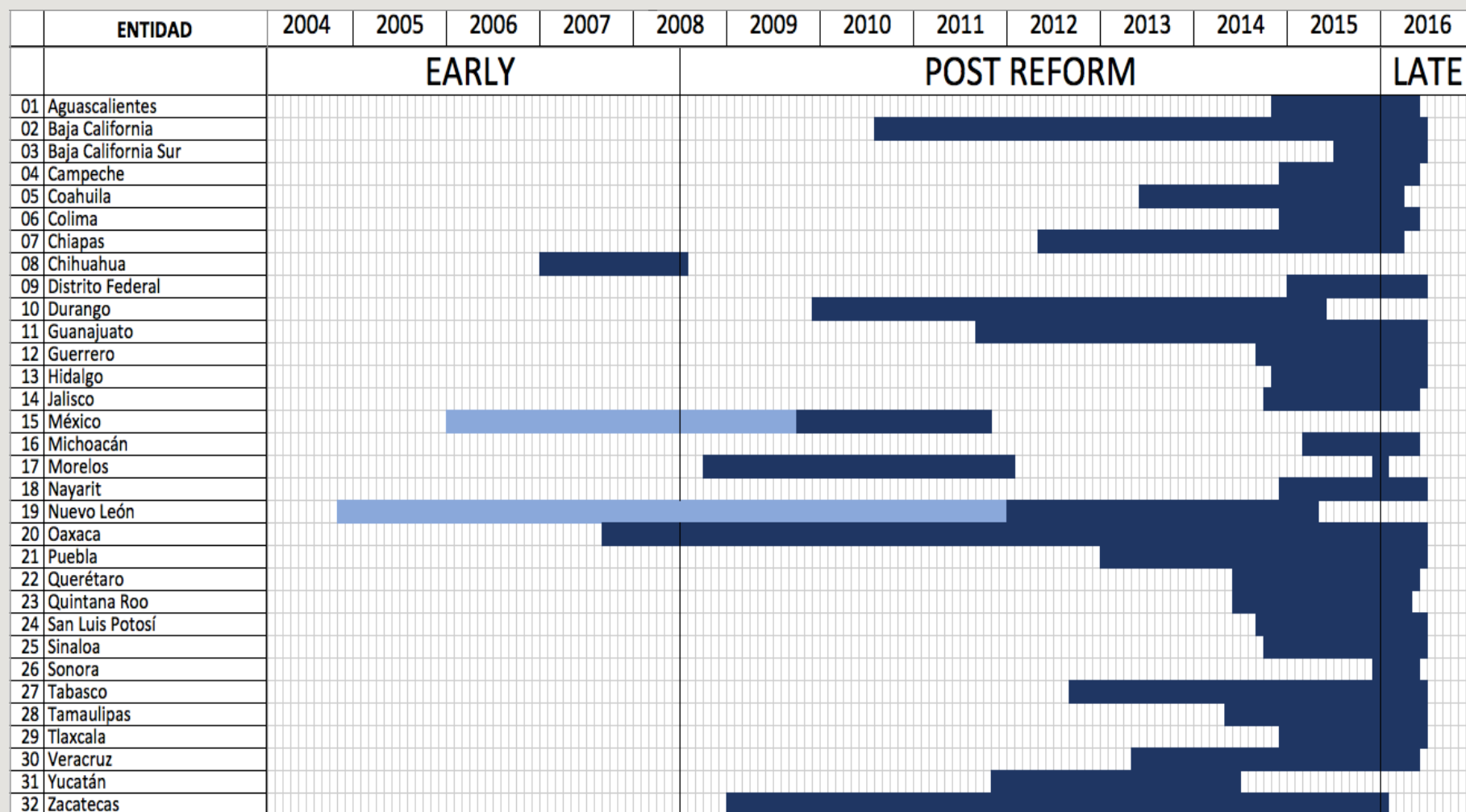
Data from SETEC (June 2015)

WHEN JUDICIAL REFORM?



TIME FROM APPROVAL TO IMPLEMENTATION

TIEMPO DE APROBACIÓN A IMPLEMENTACIÓN



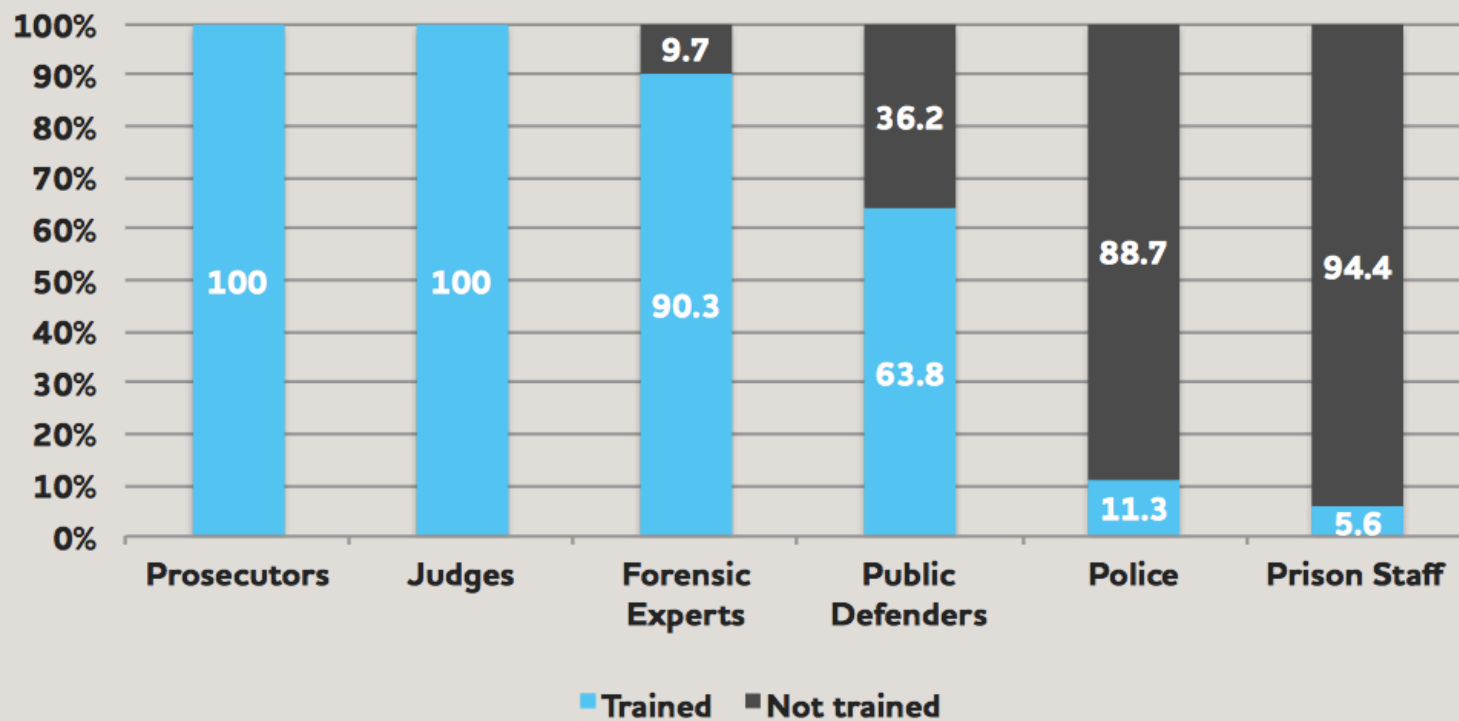
WHO REFORM?



TRAINING OF JUDICIAL SECTOR OPERATORS

CAPACITACIÓN PARA OPERADORES DEL SISTEMA

PERSONNEL TRAINED VS. NOT TRAINED ON MEXICO'S NEW JUSTICE SYSTEM [AS OF SEPTEMBER 2015]

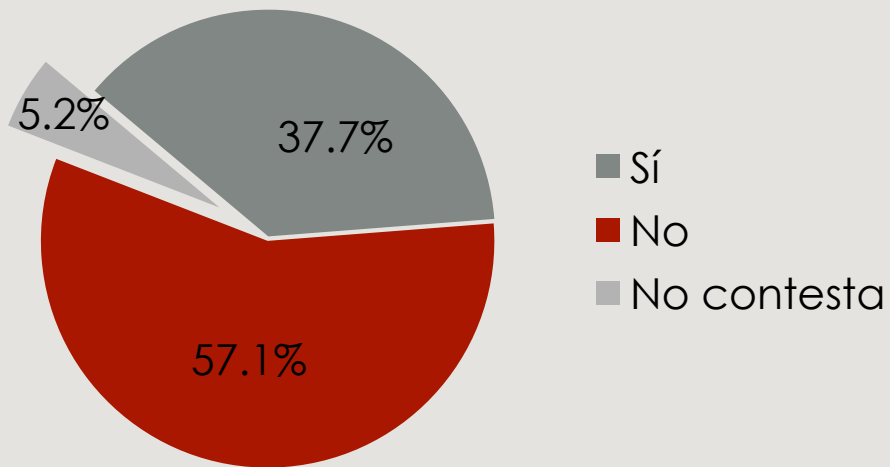


Maureen Meyer and Ximena Suárez Enríquez
Mission Unaccomplished (July 2016)

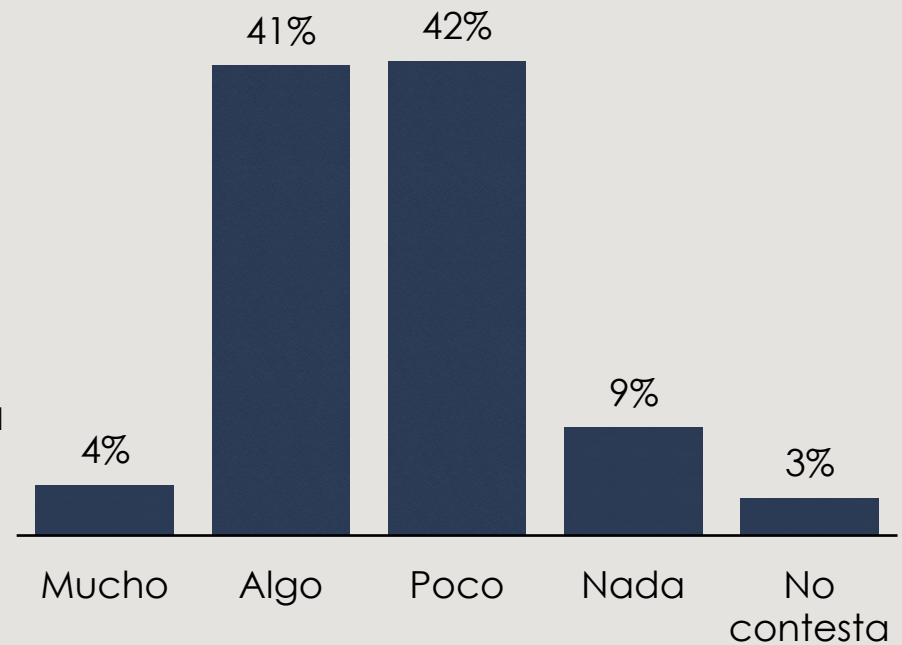
Source: <http://bit.ly/1T4fSzY>

ENCUESTA A POLICIAS 2015

**¿Consideras que estás
preparado para operar en el
nuevo sistema de justicia
penal? (Tijuana)**



**¿Qué tanto conoces el nuevo
sistema de justicia penal?
(Tijuana)**



NEXT STEPS



RECOMMENDATIONS / RECOMENDACIONES

- Institutionalization of Change
Institucionalización del cambio
- Professionalization /
Profesionalización
- Monitoring performance /
Monitoreo de desempeño
- Additional support /
Apoyo adicional

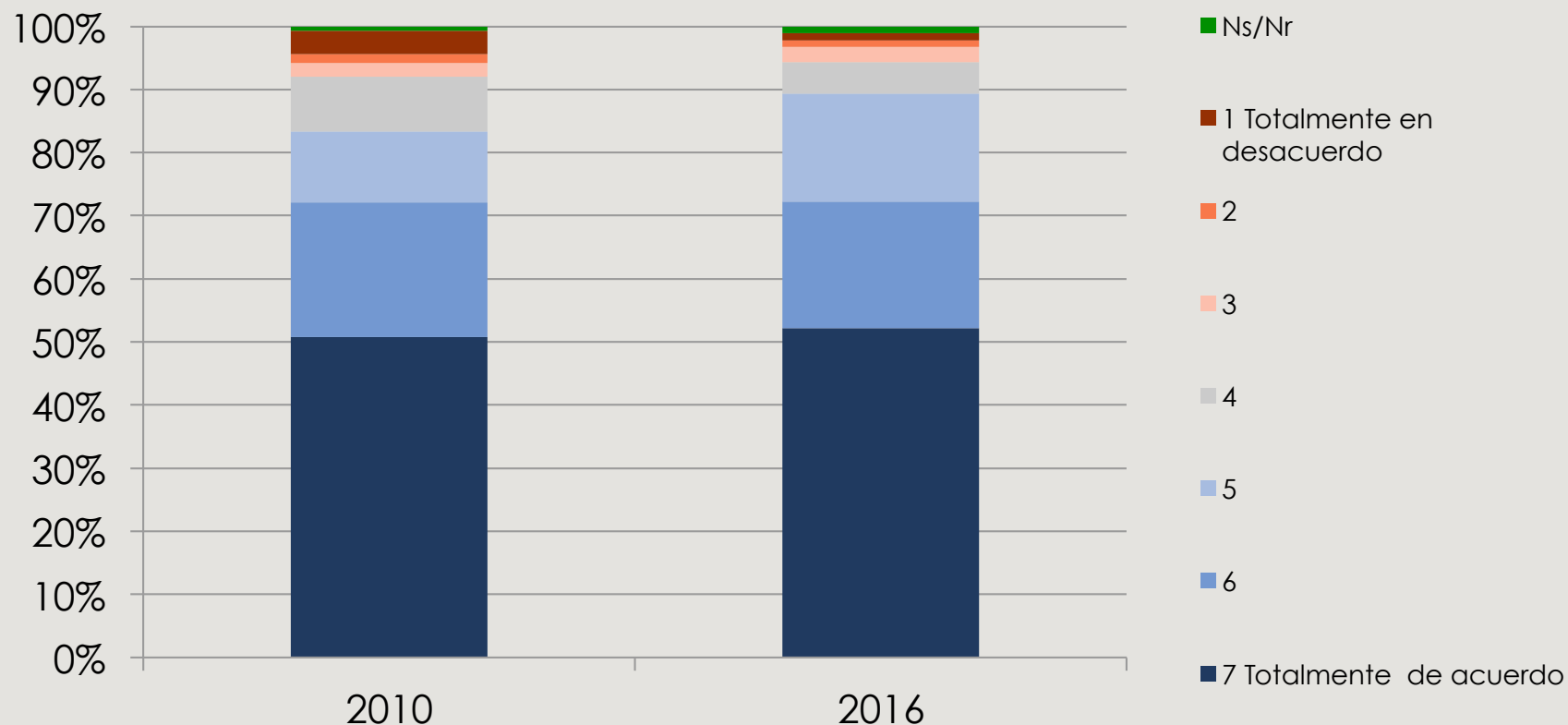
APPROVAL OF NEW SYSTEM

APROBACIÓN DEL SISTEMA NUEVO



AGREEMENT/DISAGREEMENT WITH NEW CRIMINAL JUSTICE SYSTEM

Acuerdo/desacuerdo con el nuevo sistema de justicia penal





justiceinmexico.org

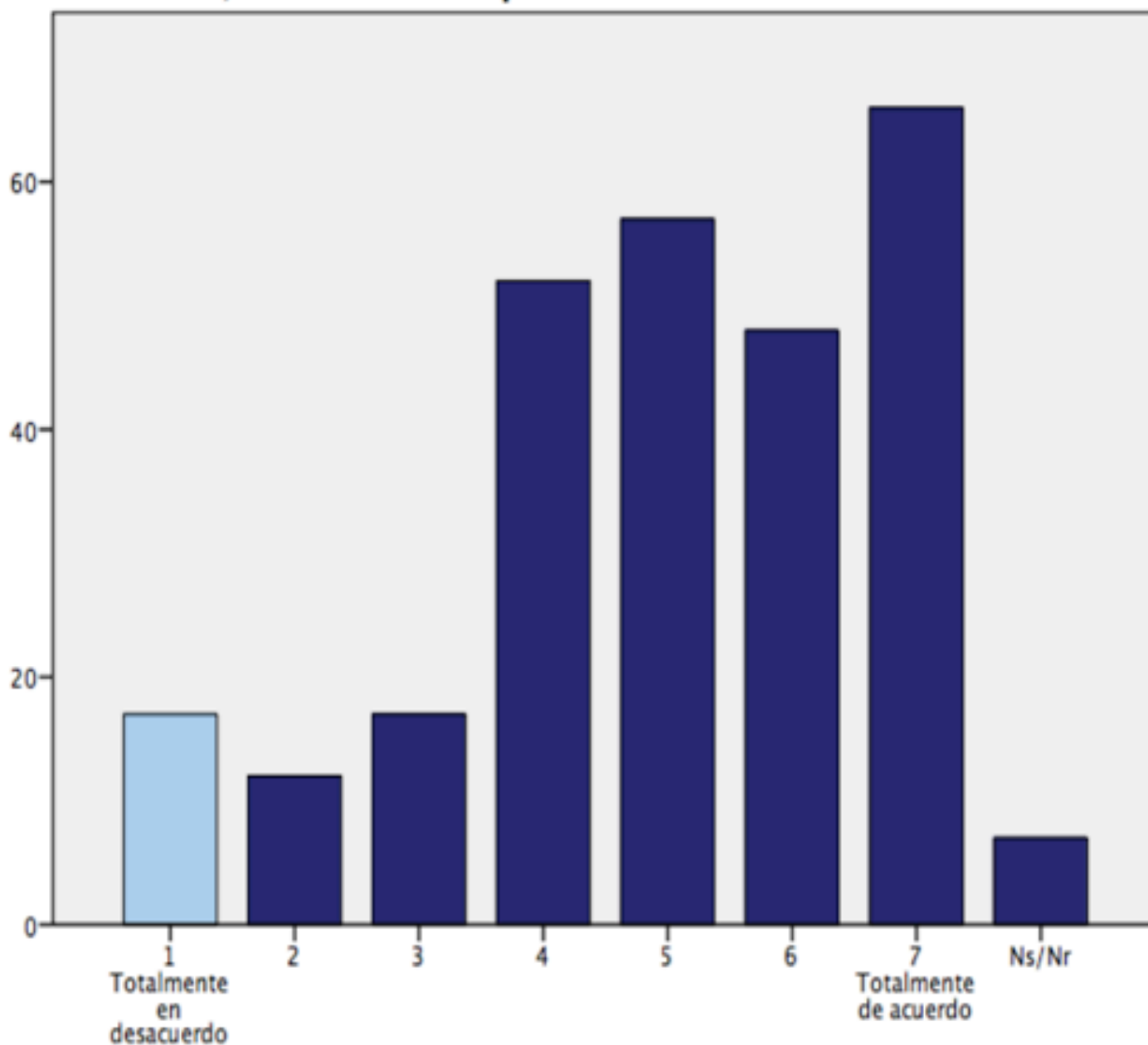
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THANK YOU
¡GRACIAS!



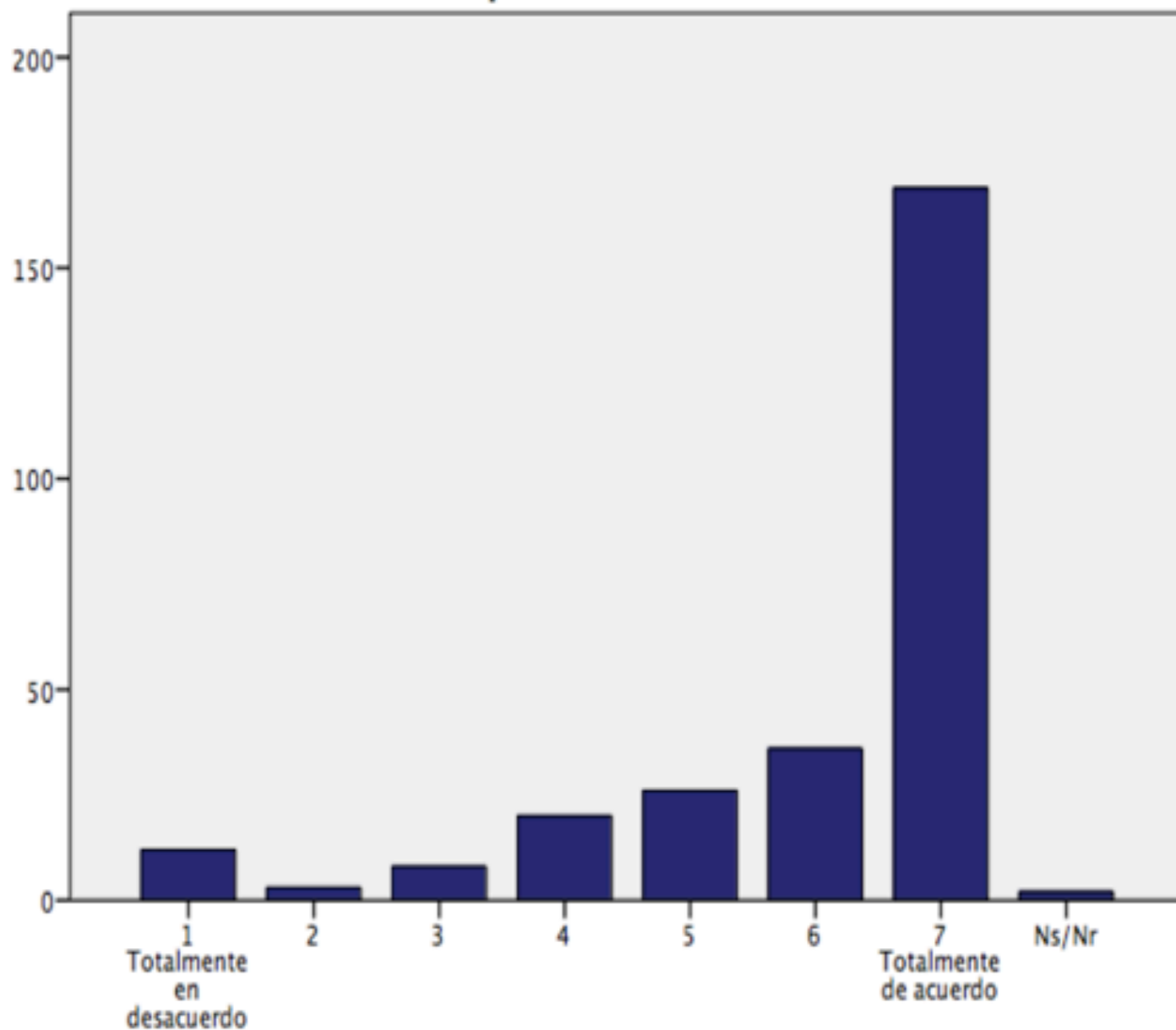
ENCUESTA A OPERADORES DEL SISTEMA 2010

III.2) Los resultados que ha mostrado la reforma



ENCUESTA A OPERADORES DEL SISTEMA 2010

III.7) El nuevo sistema penal permitirá incrementar la celeridad de los procesos.



CAPACITACIÓN EN HABILIDADES DE LITIGIO ORAL OASIS-UNAM

Progreso en el conocimiento de habilidades de litigio

