

# MEXICO<sup>1</sup>

## General Information

According to its Constitution, the United States of Mexico is a federal country composed of thirty-one states and the Federal District—the national capital with an urban population of 8,605,239. Each of these federated entities<sup>2</sup> is divided into municipalities, which number 2,443 in total, as well as the sixteen political delegations of the Federal District. As a Federal Republic, Mexico has two levels of government—state and federal—, each of which has its own laws, although both are involved in certain matters. Mexico's 2000 census recorded a total population of 97,483,412 and an average annual population growth rate of 1.9% per year for 1990–2000.<sup>3</sup> The Supreme Court reported a population of 103,032,352 in 2003.<sup>4</sup>

ECLAC reports that 73.4% of all Mexicans lived in urban areas in 1995. This rate rose to 75.4% in 2000, and again to 77.2% in 2005. In effect, the country's urban population grew by 5.17%<sup>5</sup> during the decade 1995–2005. According to the same source, average annual population growth was 1.6% for 1995–2000, dropping to 1.4% between 2000 and 2005.<sup>6</sup>

Population distribution in 2000 was estimated as follows: 33.1% between 0 and 14 years of age; 37.4% between 15 and 34; 16.2% between 35 and 49; 8.5% in the 50 to 64 age group; and 4.7% over 65.<sup>7</sup> Illiteracy among the adult (fifteen and over) population in 2000 was 8.8% and is expected to drop to 5.2% by 2015.<sup>8</sup>

Life expectancy at birth in Mexico for 1995–2000 was 72.4 years, rising to 73.4 years for 2000–2005.<sup>9</sup> Those living in poverty accounted for 52.9% of the population in 1996, but dropped to 41.1% in 2000, and 39.4% by 2002. The extreme poverty rate also decreased, from 22.0% in 1996 to 15.2% in 2000 and further to 12.6% by 2002.<sup>10</sup>

Mexico's GDP growth rate rose from 0.7% in 2002 to 1.3% by 2003.<sup>11</sup> Per capita income in 2002 was US\$5,940 and rose by 4.9% to US\$6,230 in 2003,<sup>12</sup> the latter with a purchasing power parity of US\$8,980.

## Judicial System Highlights

- In March 31, 2004 the Federal Executive presented to Congress an initiative to reform the public security and criminal justice system through both constitutional and legal modifications. In the procedural area, a series of reforms were proposed along with the dispatch of a new Federal Criminal Procedure Code with the aim of establishing a predominantly adversarial criminal procedure that was consistent in its two main stages: preliminary investigation and court proceedings.
- In 2004 procedural reforms were passed in the state of Nuevo León, introducing an oral, adversarial criminal procedure system for crimes involving negligence. This reform also introduced a series of discretionary measures to be exercised by the Public Prosecutor's Office (*Ministerio Público*).
- The Federal Attorney General's Office budget (*Procuraduría General de la República*) increased by 4.7% between 2002 and 2004.<sup>13</sup>
- During the same period, the number of prosecutors increased by 15%. In 2004, 30% of prosecutors were women.
- The average caseload of each Supreme Court justice was 278 in 2002 and rose by 77% to 491 in 2003. The Court's clearance rate dropped from 119% in 2002 to 109% in 2004.
- The number of matters that enter the Supreme Court decreased by 38% between 2002 and 2004. The number of cases disposed decreased by 46%.
- Between 1995 and 1999 the holding capacity of Mexico's prisons increased 19% from 91,422 to 108,808. Over the same period prison population rose by 53%, from 93,574 inmates to 142,800. Overcrowding also increased, from 2.35% in 1995 to 31.24% in 1999.
- Figures for 1999–2004 indicate increases of 23% in prison holding capacity and 23% in prison population. As a result, overcrowding decreased from 27.76% to 25.59%.
- Overall, prison holding capacity grew by 66% from 1995 to 2004, while the prison population grew by 104% over the same period.

<sup>1</sup> This chapter is based on information supplied by the *Procuraduría General de la República*, as well as data from the JSCA project "Generating Indicators and Judicial Statistics," which was financed by the IDB.

## 1. Institutions

The Federal Judicial Branch is headed by the Supreme Court and includes the following jurisdictional bodies: the collegiate circuit courts (*Tribunales Colegiados de Circuito*); the unipersonal circuit courts (*Tribunales Unitarios de Circuito*); district courts (*Juzgados de Distrito*) and the Electoral Court (*Tribunal Electoral*).<sup>14</sup> Each state has its own judicial branch.<sup>15</sup> Other justice institutions include the Federal Judicial Council (*Consejo de la Judicatura Federal*) and state judicial councils (*Consejos de la Judicatura de la Justicia Local*); the autonomous federal or state judicial branch courts (*Tribunales Autónomos del Poder Judicial Federal* and *Poderes Judiciales Locales*); the Attorney General's Office (*Procuraduría General de la República*) and State Attorney's Offices (*Procuradurías Generales de Justicia de los Estados*); the Federal Public Defender's Office (*Instituto Federal de la Defensoría Pública*) and State Public Defender's Offices (*Defensorías Locales*); the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*) and the State Human Rights Commissions (*Comisiones Estatales de Derechos Humanos*); and the police.

### **Federal Judicial Branch**

The Federal Judicial Branch has jurisdiction over protection remedies (*amparo*) and may review the legality and constitutionality of the actions of any public authority, including other federal and state courts, whether judicial or administrative. The precedents issued by this body are binding for all of the country's judicial authorities.

This government branch is comprised of the Supreme Court, collegiate circuit courts, unipersonal circuit courts, district courts, the Federal Citizens' Jury and the Electoral Court.

### **Supreme Court**

Since the reforms implemented in 1995, the Supreme Court has consisted of eleven justices, who are elected by the Senate from a shortlist proposed by the President.<sup>16</sup> The Supreme Court is the highest body of the Federal Judicial Branch, and operates in plenary or in specialized chambers. Every four years the plenary elects the Chief Justice from among its members;<sup>17</sup> this

official does not sit<sup>18</sup> in the Court's chambers, each of which is composed of five justices.

The Supreme Court is empowered to:

- Process appeals for review of sentences handed down against direct protection matters (*amparos directos*) by circuit tribunals or sentences handed down by district courts in cases of indirect protections (*amparos indirectos*); and categorically resolve the constitutionality of federal or local laws and regulations, and international treaties objected to on the basis of protection (*amparo*).
- Resolve in single instance constitutional disputes<sup>19</sup> and actions of unconstitutionality<sup>20</sup> related to parts I and II of Article 105 of the Constitution.<sup>21</sup>
- Hear, on its own initiative or in response to a petition of the corresponding unitary circuit court or Attorney General of the Republic, appeals against sentences handed down by district judges in actions in which the Federation is a party and the interest and importance of the case merits the attention of the Supreme Court.<sup>22</sup>

The 2004 Supreme Court budget was 2,206,313,904<sup>23</sup> pesos, or US\$191,853,384.<sup>24</sup>

### **Collegiate Circuit Courts**

These tribunals deal primarily with direct protection measures lodged against final sentences handed down by federal or state judicial and administrative courts; reviews of final rulings of the Federal Tribunal of Fiscal and Administrative Justice; jurisdictional disputes between district courts and unipersonal circuit courts when these are related to protection measures, impediments, disqualifications (*excusas*) and challenges to these same courts, and also in the case of *amparo* trials. They also resolve different types of objections to rulings handed down by the district courts in indirect protection cases.

There are two types of protection remedies: direct and indirect or bi-instance. The first applies to procedural violations that have affected a court ruling and where the right was not imminent during the process. Indirect protections are used in defense of violated rights when ordinary appeals have been exhausted and the complaint has not been properly addressed.<sup>25</sup> As with direct protection remedies, all other appeals must be exhausted first.

### ***Unipersonal Circuit Courts***

These courts are empowered to resolve appeals and other remedies against first instance rulings by the district courts in federal civil, commercial or criminal cases; in actions for impediments, recusals and challenges to these courts, except in cases of protection actions; and to judge indirect protection actions where the authority named responsible is another unipersonal circuit court.

### ***District Courts***

The district courts have jurisdiction over indirect protection cases in any area (criminal, administrative, labor and civil).<sup>26</sup>

They are also empowered to process the following:

- Civil disputes based on compliance with and application of federal laws or international treaties<sup>27</sup>
- Disputes regarding the application of federal laws, when there is question of the legality or the continuation of an action by an authority or of a procedure carried out by administrative authorities
- Commercial competitions
- Federal criminal offenses<sup>28</sup>
- International extradition procedures
- Requests for intervention in private communications<sup>29</sup>

### ***State Judicial Branches***

State judicial branches generally have the same structure. For example, the Nuevo León Judicial Branch has a Superior Court that sits *en banc* and in individual chambers. The Chief Justice is elected every two years does not sit in chambers.

Nuevo León has eleven different second instance bodies (five civil, five criminal and one family), whose task is to hear appeals and other petitions lodged against rulings handed down by first instance courts. There are fifty-five first instance courts in all, which are separated into civil, family, criminal or mixed (civil and criminal) divisions. Each one has an administrative headquarters based in one of the State's twelve judicial districts. There are also nine lower courts (*juzgados menores letrados*) with professional judges that hear small claims civil and commercial matters. These are based in

the judicial district of the Monterrey metropolitan area. The reform approved in 2004 introduces the option of the different chambers sitting *en banc* to hear certain disputes, and grants more powers to the Court Plenary to hear constitutional disputes.

### ***Federal Judicial Council***

Created following the introduction of the reforms in 1994, this Council forms part of the Federal Judicial Branch, and has technical and administrative independence in its decisions.

Its role is as follows:

- To carry out the administration, oversight, discipline and judicial career of the Federal Judicial Branch, except for the Supreme Court and the Electoral Tribunal.
- To establish the division, territorial jurisdiction and subject matter specialization of circuit tribunals, unipersonal circuit courts, and district judges, and to hire, appoint, ratify and remove magistrates and judges.
- To safeguard at all times the autonomy of Federal Judicial Branch bodies, and the independence and impartiality of that Branch's members.

The Council consists of the Supreme Court Chief Justice, two magistrates, a district court judge, and three jurists. Two jurists are nominated by the Senate and the third by the President.

The Council has different standing and ad hoc commissions that vary in their composition. The most important are Administration, Judicial Career, Discipline, New Judicial Bodies and Appointments. All commissions are established by the Council plenary.

The Council is assisted by the following bodies: the Judicial Institute (*Instituto de la Judicatura*); the Court Inspection Office (*Visitaduría Judicial*); the Judicial Branch Superintendent (*Contraloría del Poder Judicial de la Federación*); the Public Defender's Office (*Instituto Federal de Defensoría Pública*); and the Institute of Commercial Competition Specialists (*Instituto Federal de Especialistas de Concursos Mercantiles*), which operates under the Commercial Competition Law.

### State Judicial Councils

Local judicial councils are only found in fifteen states, and differ in both composition and attributions. In Nuevo León, the Judiciary Council is formed of three councilors. One is appointed by the President, one is elected by the Supreme Court plenary and one is elected by Congress. The attributes of local judiciary councils are similar to those of their Federation counterparts, but are limited to their particular territories. Before the 2004 reform, local council members were not empowered to make definite rulings for matters under their jurisdiction, but had to submit their recommended ruling to the Supreme Court plenary, where definitive decisions were taken. This is no longer the case, and councilors are now empowered to make definitive rulings.

### Autonomous Courts

Mexico has a series of jurisdictional agencies that exist outside of the judicial branches and exercise powers in areas such as land, labor and contentious-administrative justice.<sup>30</sup>

Some of these courts (e.g. the Land Court) enjoy full autonomy from the Executive Branch, even in budgetary matters. Others, such as the Federal Tribunal of Financial and Administrative Justice, have autonomy in their rulings but their budgets must be approved by the respective federal or local executive. Finally, bodies such as the Special Federal Conciliation and Arbitration Board or local conciliation and arbitration boards (*Juntas Federales o Locales de Conciliación y Arbitraje*) form part of the Federal or State Public Administration Labor or Social Welfare Offices and have no budgetary autonomy. The Presidents of the conciliation and arbitration boards<sup>31</sup> are appointed by the Secretary of Labor and Social Welfare, by State governors or by the Governor of the Federal District. Such appointments are not submitted for the consideration of any other government body, though on the other hand these office holders have no official term or tenure.

Table 1  
Federal Judicial Branch Human Resources, 2004<sup>32</sup>

Authority	Total	Percentage women
Federal Judicial Branch Staff	901	18.53%
Supreme Court Justices	11	18.18%
Members of the Federal Judicial Council	7	14.28%
Magistrates of the Federal Electoral Court	7	14.28%
Magistrates of the Regional Electoral Court	15	13.33%
Judges of the Collegiate and Unipersonal Courts	575	16.17%
District Judges	286	23.77%

Table 2  
Number of Courts in the Federal Judicial Branch<sup>33</sup>

Court	Total
Collegiate Courts	172
Unipersonal Courts	67
District Courts	286

### Attorney General's Office<sup>34</sup>

The main role of this Federal Executive Branch agency is to investigate and prosecute federal crimes. Under the Constitution and the *Ley de Amparo*, the Public Prosecutor's Office is a party in all protection actions and can bring actions of unconstitutionality under Part II, Article 105 of the Constitution against federal, local and Federal District laws, and against international treaties signed by the Mexican State.

The Attorney General directs this office and its auxiliary bodies, the investigative police and corps of special investigators. He or she is appointed by the President and confirmed by the Senate or, when this body is in recess, by the Standing Congressional Commission.

Federal crimes are investigated by the Federal Investigation Agency, which reports to the Attorney General. There is also a special investigations department (*Servicios Periciales*).

Importantly, the Mexican army commonly assists the Public Prosecutor's Office and the Federal Investigation Agency in investigating and prosecuting crimes affecting public health, mainly those involving drug trafficking by criminal organizations.

Table 3  
Attorney General's Office Budget

Period	Original	Adjusted	Executed
<b>2002</b>			
(Thousands of pesos)	6,932,584	6,893,987	6,991,865
<b>2002</b>			
(US\$)	611,242,000	607,839,000	616,468,000
<b>2003</b>			
(Thousands of Pesos)	7,154,274	7,296,064	7,267,047
<b>2003</b>			
(US\$)	630,788,000	643,289,000	640,731,000
<b>2004</b>			
(Thousands of Pesos)	7,256,508	7,347,814	6,094,783
<b>2004</b>			
(US\$)	639,802,000	647,852,000	537,373,000

The Attorney General's Office executed budget increased by 4.7% between 2002 and 2004.<sup>35</sup>

Table 4  
Attorney General's Office Resources

Item	2004	2003	2002
Computers	9,002	9,592	8,979
Computers with Internet connectivity	4,422	ND	ND
Prosecutors	2,297	2,284	2,001
Female prosecutors	30.6%	30.21%	30.08%

The number of prosecutors in Mexico increased by 15% between 2002 and 2004. No increase was observed areas such as the number of computers. In 2004, 30% of prosecutors were women.

### ***Important Recent Legal and Institutional Changes***

A reform project to dispatch a new Criminal Procedure Code is currently under discussion in Congress. It would grant constitutional autonomy to the Public Prosecutor's Office and create a Public Prosecutor's Office (*Fiscalía General de la Federación*) for the federal justice system. This office would be independent of all federal branches and would be directed by a Prosecutor General (*Fiscal General*) appointed by the Federal Executive and ratified by the Senate. Under the proposed reform, this official would be irremovable and would serve for a five year period with the option of reconfirmation for another period.

There is also a proposal to give the Federal Executive supervision over the Secretary of the Interior, which would take charge of special investigators and the new Federal Police, which was formed by the merger of the Federal Preventive Police and the Federal Investigation Agency.

### ***State Attorney General Offices***

Each state has an Attorney General's Office that investigates and prosecutes ordinary crimes. These bodies are directed by a State Attorney General (*Procurador General*) who is appointed by the governor. State offices have a very similar structure and include police investigators and special investigators.

### ***Federal Public Defender's Office***

This body is charged with providing public defense in the federal jurisdiction, thus

guaranteeing the right to defense in criminal matters and access to justice through legal guidance, advice and representation for administrative, financial and civil matters.

The institute's head is the Director General, who is appointed by the president of the Federal Judiciary Council. The Director is appointed for a three-year term and may be reconfirmed. The *Instituto Federal de la Defensoría Pública* is part of the Federal Judicial Branch and Judicial Council, though it is only linked to these bodies through its administration and budget.

The Office provides criminal defense services and legal advice for civil, financial and administrative matters across the country through its regional delegations.

According to figures provided by the office, in late 2002 it had a staff of 1,712, 686 of whom were attorneys. The rest of the personnel were divided into support staff (506); auxiliary staff (625); and staff members who worked exclusively on cases (581). Each public defender had an average caseload of 250.<sup>36</sup>

### ***State Public Defender's Offices***

There is one such body in each state and the Federal District. The Mexican Constitution<sup>37</sup> states that every person accused of a crime has the right to a proper defense. These offices generally are called *Defensorías de Oficio*. In some States they come under the Supreme Court, though in most cases they are part of the State's Public Administration Office (*Secretaría de la Administración Pública Estatal*). In some states they are decentralized.

### ***National Human Rights Commission***

This body's mission is to protect, monitor, promote, study and disseminate human rights as provided for under Mexican law. It has administrative and budgetary autonomy and its own capital, and carries out the functions of an Ombudsman's Office.

The Commission has a ten-member Advisory Council, presided over by the Commission's President. This official is elected by a two-thirds majority vote of all members of the Senate or, during its recesses, by the Standing Congressional Commission under the same voting requirements. In order to investigate and resolve complaints presented to the Commission, the

President is supported by a number of general inspectors (*visitadores generales*) and special inspectors (*visitadores especializados*) who focus on certain areas (e.g. prisons).

This body has exclusive jurisdiction over complaints against administrative acts or omissions of any federal authority or public servant (except those within the Federal Judicial Branch) that may have violated a human right established in the Mexican legal system. The Commission has no authority over electoral, labor or jurisdictional matters.

If the Commission considers that a person's human rights have been violated, it makes a recommendation to the responsible authority, notwithstanding any additional complaints that may be presented. Its recommendations are not legally binding.

The National Human Rights Commission also acts as a second instance for resolving appeals of plaintiffs against rulings issued by state-level human rights' commissions.

### ***State Human Rights Commissions***

Mexico's Constitution requires<sup>38</sup> states to establish bodies to safeguard human rights. As a result, each State and the Federal District has a State Human Rights Commission.

### ***Police***

In Mexico, the investigating police are assigned to and form part of the National Attorney General's Office or the respective State offices, though their names may vary: *agencia federal de investigaciones*, *policía judicial*, or *policía ministerial*, to name a few.

Peace officers (*policías preventivas*) exist at all three levels of government; thus, there are federal, state, and municipal peace officers.

## **2. Procedures**

### ***Federal Justice System***

#### ***Criminal Cases***

The initial stage for criminal cases in Mexico is the preliminary investigation, which is carried out by the Public Prosecutor's Office (*Ministerio Público*) from its administrative headquarters. If

evidence of a crime and probable responsibility is found, the agency initiates prosecution by requesting an indictment or charges before the district judge.

When the district judge receives the request, he or she assigns it a file number. If a suspect is in custody, the judge must obtain an unsworn statement from the defendant no later than forty-eight hours after notification of indictment. The defendant's legal situation is established no more than seventy-two hours after this time.<sup>39</sup> The judge then decides whether to order the defendant into custody, initiate criminal procedures, or dismiss the charges for lack of merit and release the defendant.

If the indictment has been processed but the person charged is not in custody, the district judge will accept or deny the prosecutor's request for an arrest warrant or court appearance. If one is granted, the Public Prosecutor's Office is given an order to enforce it. Once the individual has been apprehended and placed at the disposal of or brought before the district judge, procedures proceed as described in the previous paragraph.

The investigative stage begins once the formal custodial order or processing has been pronounced and parties offer evidence<sup>40</sup> over the course of a series of hearings. Once evidence has been presented by the parties or by those ordered to do so by the judge, the investigative stage closes and the trial stage begins.

The trial begins with a written presentation of the findings by the prosecution and the defense, after which a hearing date is set for the parties to read pertinent evidence from the case file and present arguments. After the hearing, the judge has ten days to pass sentence, which is written and only submitted to parties. A second instance process may be initiated with a motion to appeal. In order to challenge an appeal, a direct protection action against the infringement of fundamental rights and freedoms may be presented to a circuit court.

Federal crimes are set out in the Federal Criminal Code or in other federal bodies of law, such as the Electoral Procedure Code, the Intellectual and Industrial Property Law, the Law against Organized Crime, the Environmental Protection Law, and the Law to Prevent Discrimination and Financial Crimes, among others. The offender may be a public servant or private individual and the offense must be covered under federal law or have been committed in federal territory such as a public roadway or at a power supply source. Federal crimes also include

those that affect the interests of the federation, depending on the degree of seriousness and the law that has been violated. The Federal Criminal Code classifies as federal crimes those against national security (treason, espionage, sedition, rioting, rebellion, terrorism, etc.); crimes violating international law (violation of immunity or neutrality); crimes against humanity, authority, and public health, among others.<sup>41</sup>

The Mexican Constitution establishes<sup>42</sup> that crimes with a maximum sentence of two years in prison shall be ruled upon in less than four months where possible, and if not, in less than one year unless the defendant requests more time for his or her defense. However, neither the Constitution nor the laws establish the point at which this period begins and federal criminal procedure does not set a maximum period for concluding the investigation.

On March 31, 2004 the Federal Executive presented to Congress a reform to the public security and criminal justice system that involved both constitutional and legal modifications.<sup>43</sup> A series of procedural reforms and the enactment of a new Federal Criminal Procedure Code were proposed in order to establish a predominantly adversarial procedure system with two main stages: preliminary investigation and court proceedings.

In the first, the Public Prosecutor's Office is charged with gathering evidence to establish which crime has been committed and the defendant's guilt or innocence. If he or she is thought to be guilty, the case is remitted to the judge. The second consists of four hearings usually known as the initial, preliminary, main and sentencing hearings. They are governed by the principles of orality, immediacy, publicity, contradiction and concentration.

In the initial hearing the judge determines whether the person in question should be charged with a crime; in the preliminary hearing the courts establish the evidence that may be presented in the trial (main hearing); in the main hearing the parties present their evidence and argue their cases as equals before the judge, who issues a ruling at the end of the hearing, based on the evidence presented. If the defendant is found guilty, the judge presiding the sentencing hearing determines the sentence, including any reparatory action.

The reform proposes the establishment of the defendant's constitutional right to professional, qualified legal defense, with the provision that all attorneys wishing to be public defenders would have to obtain certification from the Federal Judicial Branch.

### **Civil Suits**

Civil actions follow an essentially written process, and begin when the plaintiff files the suit and the defendant responds. This is followed by a thirty-day stage for presenting and analyzing evidence and a hearing in which parties offer testimony and conclusions. The final stage consists of the presentation of the ruling. Sentences may be issued during the hearing stage if the nature of the matter so allows. Otherwise, the sentence must be passed within ten days of the above-mentioned hearing after which point the parties may appeal. The appeal decision may be challenged through a direct protection action, and, in the event of non-compliance, may lead to mandatory enforcement of the sentence.

### **State Justice Systems**

Each state or federated entity has its own civil and criminal. The following is a brief description of current ordinary civil and criminal procedure codes in Nuevo León (NL).

### **Criminal Cases**

In general, state crimes are defined under each state's criminal code. A number of reforms have been proposed in Nuevo Leon, including the addition of a chapter introducing rules for oral, adversarial criminal proceedings whose central element is an oral, public, concentrated, continuous, contradictory and immediate hearing, applicable to less serious crimes only. Other chapters were also added that establish and govern shortened proceedings, stay of proceedings, and conciliation. These reforms required modifications to the State Judicial Branch Statutes to create the preliminary hearing and oral hearing courts, and also to grant prosecutors powers to oversee criminal investigations during the preliminary stage. The reforms also granted prosecutors new discretionary powers for: deciding not to prosecute; conditional dismissal (called *suspensión del ejercicio de la acción penal a prueba*), and for staying proceedings (*archivo provisional*).<sup>44</sup>

### **Civil Suits**

The NL Civil Procedure Code establishes ordinary civil procedures and special procedures for areas

such as executory, inheritance and child custody. Under the Code, ordinary civil trials are basically written (only evidence is presented in hearings), and dispositive, in the sense that the advancement of the suit rests entirely with the parties.

The process is divided into four main stages:

- Application - *postulatoria*, which includes the filing of the suit, summons and response (including counterclaims and counter-response, where appropriate)
- Evidence - *probatoria*, which has a time limit of twenty-five days and is subdivided into a five-day period for offering evidence and twenty days for collecting it.
- Arguments – *alegatos*, presented in writing
- Deliberation and ruling - *resolutiva*, which follows termination of arguments.

In general, judgment must be handed down in writing within fifteen days after the closing of legal arguments.

A final judgment may be challenged; the second-instance ruling may also be challenged by a direct protection action.

### 3. Case Volume and Movement

In 2004, the Supreme Court accepted 4,335 matters for substantive consideration. Added to the cases pending from 2003, the total number of cases before this body in 2004 was 5,405, of which it disposed 4,735.

**Table 5**  
**Cases Accepted and Disposed by the Supreme Court<sup>45</sup>**

Item	2002	2004	Annual Variation
Cases Accepted	2,080	4,335	108%
Cases Pending	973	1,070	10%
Total	3,053	5,405	77%
Cases Disposed	2,473	4,735	91%

On average Supreme Court justices had a caseload of 278 each in 2002, and 491 in 2003, a 77% increase over the one-year period. The clearance rate dropped from 119% in 2002 to 109% in 2004, an 8% decrease.

The number of matters entering the Supreme Court Plenary dropped by 38% from 2002 to 2004, while cases disposed by this body have also decreased, by 46%.

**Table 6**  
**Cases Accepted and Disposed by the Supreme Court<sup>46</sup>**

Type of Matter	2002	2004	Annual Variation
Constitutional disputes	67	107	60%
Action for unconstitutionality	35	30	-14%
Cases of non-compliance with financial coordination agreements	5	4	-20%
Appeals	61	98	61%
In process	460	149	-68%
<b>Total</b>	<b>628</b>	<b>388</b>	<b>-38%</b>
<b>Disposed</b>	<b>526</b>	<b>282</b>	<b>-46%</b>

**Table 7**  
**Cases Filed in the Federal Courts in 2003<sup>47</sup>**

Jurisdiction	First Instance	Percentage of the total	Second Instance	Percentage of the total
Civil	68,070	20%	72,055	26%
Criminal	151,187	45%	78,573	28%
Contentious-Administrative	91,078	27%	75,875	27%
Labor-Social	23,750	7%	55,405	20%
<b>Total</b>	<b>334,085</b>	<b>100%</b>	<b>281,908</b>	<b>100%</b>

An additional 1,657 cases should be added to this total for constitutional oversight cases.

**Table 8**  
**Caseload in the Federal Courts in 2003<sup>48</sup>**

Jurisdiction	Filed	Pending	No. of <sup>49</sup> Judges	Case load per Judge
1st Instance				
Civil Justice	68,070	13,605	559	146
2nd Instance				
Civil Justice	72,055	9,008	334	243
1st Instance				
Criminal Justice	151,187	24,060	545	322
2ns Instance				
Criminal Justice	78,573	10,363	303	294
1st Instance				
Contentious-Administrative Justice	91,078	14,374	295	357
2nd Instance				
Contentious-Administrative Justice	75,875	11,481	263	332
1st Instance				
Labor-Social Courts	23,750	2,663	218	121
2nd Instance				
Labor-Social Justice	55,405	7,440	251	250

Each Supreme Court justice was also responsible for 157 Constitutional matters.

**Table 9**  
**Number of Cases Disposed by the Federal Courts in 2003<sup>50</sup>**

Jurisdiction	First Instance	Percentage of the total	Second Instance	Percentage of the total
Civil	69,434	21	72,335	26
Criminal	148,978	45	77,101	28
Contentious-Administrative	91,200	27	71,340	26
Labor-Social	23,381	7	53,139	19
<b>Total</b>	<b>332,993</b>	<b>100%</b>	<b>273,915</b>	<b>100%</b>

The federal courts had an average clearance rate of 98.5% in first and second instance; however, only the civil courts managed to reduce the number of cases pending, from 13,605 to 12,241 in first instance, and from 9,008 to 8,728 in the second. Despite the criminal court clearance rate, the number of cases pending grew from 24,060 cases at the start of 2003 to 26,269 cases pending at the end of that year. This situation was repeated in the second instance contentious-administrative ambit, where the cases pending increased from 11,481 to 16,016 processes over the same period.

**Table 10**  
**Clearance Rate in the Federal Courts in 2003<sup>51</sup>**

Jurisdiction	Clearance Rate, First Instance	Clearance Rate, Second Instance
Civil	102%	100%
Criminal	99%	98%
Contentious-Administrative	100%	94%
Labor-Social	98%	96%
<b>Total</b>	<b>100%</b>	<b>97%</b>

#### 4. Crime Rates

In absolute terms, the number of crimes has not increased, except in the Federal District, where there was a 4% increase in crimes reported. The number of common crimes has not increased, but federal crimes increased by 10%. Between 2001 and 2003 there was a 1% increase in the number of ordinary crimes reported in the Federal District and a 48% increase in the number of federal crimes.

Complaints of federal offenses received by the Public Prosecutor's Office are broken down by category in the table below:

**Table 11**  
**Crimes Reported to the Public Prosecutor's Office at State and Federal Levels, by Jurisdiction. 2001-2003<sup>52</sup>**

Entity	Total		State Justice		Federal Justice	
	Absolute number	Rate per 1,000 inhabitants	Absolute number	Rate per 1,000 inhabitants	Absolute number	Rate per 1,000 inhabitants
<b>2001</b>						
United States of Mexico	1,512,448	14.9	1,438,335	14.1	74,113	0.7
Federal District	182,870	20.8	171,469	19.5	11,401	1.3
<b>2002</b>						
United States of Mexico	1,516,029	14.7	1,442,226	14	73,803	0.7
Federal District	189,145	21.5	178,090	20.2	11,055	1.3
<b>2003</b>						
United States of Mexico	1,517,899	14.6	1,436,669	13.8	81,230	0.8
Federal District	189,750	21.5	172,827	19.6	16,923	1.9
<b>Evolution - All States</b>	0%		0%		10%	
<b>Evolution - Federal District</b>	4%		1%		48%	

**Table 12**  
**Criminal Complaints Received in the Federal Ambit<sup>53</sup>**

Offense	2001	2002	2003	Evolution 2000-2003
Against Health	23,232	23,588	28,645	23%
Firearm Possession	16,271	16,080	15,123	-7%
Attack on Lines of Communication	1,763	1,813	1,394	-21%
Public Servants	1,381	10,401	1,596	16%
Criminal Association	27	10	32	19%
<b>Total</b>	<b>74,113</b>	<b>73,803</b>	<b>81,230</b>	<b>10%</b>

Table 13  
Criminal Complaints Received at the State Level<sup>54</sup>

Offense	2001	2002	2003	Evolution 2000 - 2003
Robbery	ND	514,551	515,122	0% <sup>55</sup>
Injury	258,783	253,972	247,906	-4.2%
Murder	31,185	29,140	28,330	-9.1%
Rape	12,972	14,373	13,996	7.9%
Fraud	52,361	60,122	61,970	18.3%

The figures presented above show a 10% increase in the number of federal crimes reported between 2001 and 2003. In contrast, the number of murders dropped by 9% over the same period. The Secretary for Public Security reported a total of 1,510,125 criminal complaints in 2003, 5.37% of which were for federal crimes.

Studies conducted in Mexico indicate that the number of crimes rose by 88% from 809,000 in 1991 to 1,517,000 in 2001. The crime rate per 1,000 inhabitants was 16.18 in 1997, dropped to 14.26 in 2000 and rose again to 15.1 in 2002. The highest crime rates are found in Baja California, the Federal District and Quintana Roo. Victimization surveys indicate that unreported crimes have also increased. According to these sources, between 70% and 80% of the crimes that occurred between 1996 and 2003 went unreported.<sup>56</sup>

## 5. Prison Population

Mexico has a total of 451 penitentiary centers, distributed as follows: six federal prisons, ten prisons in the Federal District, 365 state prisons and seventy municipal prisons.<sup>57</sup>

At the end of 2003 there were a total of 191,890 individuals imprisoned in Mexico, 4.5% of whom were women and 95.5% of whom were men. In 2003, there was a rate of 183 inmates per 100,000 inhabitants, 23% of whom are housed in the Federal District and State of Mexico.<sup>58</sup>

In mid-2004 there were a total of 190,509 individuals in prison in Mexico, or 195.51 inmates per 100,000 inhabitants. Between 1995 and 1999, the prisons' holding capacity increased by 19% from 91,422 to 108,808 and the prison population rose by 53%, from 93,574 to 142,800 inmates. Overcrowding, which is measured as percentage of inmates over holding capacity, rose from 2.35% in 1995 to 31.24% in 1999. Between 1999 and 2004 holding capacity increased by 25% and the prison population grew by 23%, causing a drop in overcrowding from 27.76% to 25.59%. In general, prison holding capacity grew by 66% between 1995 and 2004, while prison population increased by 104%.

The Secretary of Public Security reports that 44% of those in custody in 2003 were awaiting sentencing, with the remaining percentage serving sentence.<sup>61</sup>

Local studies indicate that the average overcrowding rate in Mexican prisons is 35%, though in some states this rate exceeds 100%. According to the National Human Rights' Commission the situation is critical in Baja California, Nayarit, Chiapas, Sonora, Tamaulipas, Oaxaca, Puebla and the Federal District.<sup>62</sup>

Reports indicate that this growth is due to harsher sentences rather than improved law enforcement and state that longer sentences have led to a population explosion in the country's prisons.<sup>63</sup>

Table 14  
Evolution of the Prison Population<sup>59</sup>

Year	Holding Capacity	Prison Population		Absolute Overcrowding	Percentage Over Holding Capacity	
		Total	Federal Jurisdiction State Jurisdiction			
1995	91,422	93,574	23,286	70,288	2.152	2.35%
1996	97,565	103,262	26,341	76,921	5,697	5.84%
1997	99,858	114,341	28,441	85,900	14,483	14.50%
1998	103,916	128,902	31,852	97,050	24,986	24.04%
1999	108,808	142,800	37,119	105,681	33,992	31.24%
2000	121,135	154,765	41,647	113,118	33,630	27.76%
2001	134,567	165,687	44,594	121,093	31,120	23.13%
2002	140,415	172,891	47,776	125,115	32,476	23.49%
2003	147,809	182,531	49,160	133,371	34,722	23%
2004 (P) <sup>60</sup>	151,692	190,509	49,396	141,113	38,817	25.59%

## 6. Related Areas

### *Alternative Dispute Resolution*

Under Mexican law, ADR is provided for only in certain cases. In labor disputes, for example, conciliation must occur before the defendant responds to the lawsuit; in civil and commercial law only judicial conciliation is provided for. The Nuevo León Criminal Procedure Code establishes that the parties may reach an out-of-court settlement in crimes that carry a maximum sentence of three years or less.

Only the Mexican states of Quintana Roo and Baja California Sur have mediation laws in place. In October 2004, the Law on Alternative Dispute Resolution Methods was passed. In Baja California, the mediating body forms part of the Superior Court. Some municipalities employ mediation in conflicts between neighbors, and certain chambers of commerce, such as that in Mexico City, operate mediation centers. Universities also offer mediation services to resolve disputes between students and teachers or the administration.

In 2001, USAID Mexico and the American Bar Association launched a project to boost the effectiveness of mediation in Mexico and to generate resources to this end. The project is being implemented in eleven states and has resulted in the formulation and probable approval of a number of bills, which are currently under discussion in state congresses.

### *Race and Justice Administration*<sup>64</sup>

Mexico's Constitution recognizes the multicultural nature of the country as a result of the presence of indigenous peoples,<sup>65</sup> and this is a central criterion for determining which individuals are subject to indigenous legal norms. The Mexican Constitution guarantees indigenous peoples and communities the right to: "Apply their own legal systems in regulating and resolving internal disputes, subject to the general principles of this Constitution, respecting individual guarantees, human rights and, most importantly, women's dignity and integrity. The law shall establish cases and procedures that are valid for the corresponding judges and/or courts. (*Aplicar sus propios sistemas normativos en la regulación y solución de sus conflictos internos, sujetándose a los principios generales de esta Constitución, respetando las garantías individuales, los derechos humanos y, de manera relevante, la dignidad e integridad de las*

*mujeres. La ley establecerá los casos y procedimientos de validación por los jueces o tribunales correspondientes).*"<sup>66</sup> These communities have bodies responsible for the administration of justice that are not part of any judicial branch or other federal or local entity, though the right of individuals to recur to these jurisdictions is also upheld. In all trials and procedures involving indigenous parties, whether collective or individual, their specific customs and cultural norms must be taken into account unless they conflict with the Constitution. Indigenous peoples also have the right to be assisted by staff members who are familiar with their language and culture.

### *Legal Profession*

Mexico's National Institute of Statistics, Geography, and Informatics (*Instituto Nacional de Estadística, Geografía e Informática de México*) reported that the country had 191,000 attorneys, or 196 per 100,000 inhabitants, in 2004.<sup>67</sup> While membership in a bar association is not compulsory, countless such entities group together attorneys in each city or state. The first was the *Barra Mexicana, Colegio de Abogados*. Disciplinary matters are handled by the courts, though each bar association also has its own disciplinary bodies that impose sanctions for member misconduct.<sup>68</sup>

In 2003, 241,182 students entered the country's university and technological institutes, 47,803 of whom (19%) were registered in a law program, making this the most popular major that year.<sup>69</sup> The year before, 32,219 students completed law school and 17,937 received their degree. In all, 12.15% of university graduates are attorneys.

## 7. Judicial Reform and International Cooperation Projects Underway

### *State Judicial Modernization Project*<sup>70</sup>

The World Bank Executive Board approved a loan for US\$30 million to finance a state court modernization project to support access to justice. The aim of this project is to support the judicial reform efforts in Aguascalientes, Guanajuato, Jalisco and Puebla, through a loan program for court modernization administered by the State Bank for Public Works and Services (*Banco Nacional de Obras y Servicios Públicos-BANOBRAS*).

This new loan will support:

- Access to equitable justice, with a special focus on women, youth and indigenous groups
- Strengthening of institutional capacities, organizational culture and knowledge of judicial services
- Improvements in the efficiency and effectiveness of judicial services
- The enhancement of judicial transparency

Two main project objectives are to improve service to clients of the state courts and promote access to justice among economically and socially vulnerable groups.

The loan is to be paid back over fifteen years and carries a five-year grace period. The project is valued at US\$37.5 million, which includes US\$7.5 million in co-financing by BANOBRAS and other public entities.

## 8. Websites

### Supreme Court

[www.scjn.gob.mx](http://www.scjn.gob.mx)

This website offers access to official Supreme Court reports with statistics on case filings and dispositions, specific statistics for the First and Second Chambers, bidding processes, and publications on the justice sector. It also provides essential information on the structure and functions Court, a section for online queries and a database with a directory of ministries, jurisprudence, federal legislation, agreements, session records, and other information. News and press releases and links to related websites are also included. Spanish language only.

### State of Nuevo León Judicial Branch

[www.pjenl.gob.mx](http://www.pjenl.gob.mx)

This website provides information on the progress of approval of the procedural reforms and follow-up on oral trials.

### Federal Judicial Council

[www.cjf.gob.mx](http://www.cjf.gob.mx)

This website, which was created by the Council as part of its modernization strategy, offers users information on the background, structure and functions of the institution, as well as access to minutes and decisions, bidding processes, and

progress reports submitted by the Council and other judicial branch organizations. Services include searches of agreements, lists of decisions and council sessions, a directory of judges, and a list of hirings and public calls for applications. News and links are also available. Spanish language only.

### Attorney General's Office

[www.pgr.gob.mx](http://www.pgr.gob.mx)

The website provides access to information on the institution's organization, structure and functioning, as well as comprehensive data on each area and a classification of crimes processed by this organization. Users may review information on the administration of resources, development and institutional innovation, staff selection, training and education, and the organization's communicational strategy. The website also contains a *Decálogo* of work, statistics, links, news and up-dated newsletters and a special site for children. Available in flash and HTML. Spanish and English.

### Mexico City Prosecutor's Office

<http://www.pgjdf.gob.mx>

This website contains data on the history, function, objectives and structure of the institution, statistics on prosecution, and a complete section of services including a temporary shelter for children and a victims' assistance program.

### National Commission of Superior Courts

<http://www.cntsj.gob.mx>

This website offers users access to all legislation passed by the Mexican government, resolutions emitted by different jurisdictional bodies, judicial criteria, and recent news in the justice sector. Spanish language only.

### Office of the Presidency

<http://www.presidencia.gob.mx/>

This website provides information on the President and first lady and their respective schedules. Users may also review sections on cabinet members, speeches and reports, as well as live television transmissions on the President's activities. The site includes a list of links to news agencies and an educational portal for children. Spanish language only.

**National Public Defender's Institute**

www.ifdp.cjf.gob.mx

This website includes information on the organization's history, legal framework, objectives and structure. It also contains agreements, progress reports, fora and news. Spanish language only.

**National Human Rights Commission**

www.cndh.org.mx

This website contains information on the Commission's organization, background and operation, as well as special reports and information on activities. It also provides a definition and description of human rights and access to publications, legal information, and press releases as well as special sections on issues related to crime victims, women, children and the family. Spanish language only.

**Institución RENACE ABP**

www.renace-abp.org

RENACE ABP, which is located in Monterrey, was founded in 1995 to offer legal assistance to the poor who have been wrongly accused of committing a crime. The organization also works to prevent recidivism in first-time offenders convicted of less serious crimes and promotes the implementation of a new criminal justice system in Mexico. The website offers institutional information, as well as extensive documentation on the New Criminal Justice System Program, including RENACE's criminal procedure code reform in Nuevo León. It also contains a specialized bibliography and information on comparative law, fora and seminars, reform processes in other countries and reforms in Nuevo León.

The page also contains links and related topics of interest, donors and contact information. There are also up-to-date news, opinions and an open survey. Spanish language only.

**National Association of Universities and Institutes of Higher Education**  
(*Asociación Nacional de Universidades e Instituciones de Educación Superior*)

www.anuies.mx

ANUIES is a pluralistic, non-governmental association that focuses on comprehensive improvement in the fields of education, research and the promotion of culture and service. The association has 139 members, including institutes

of higher education from establishments across the country, accounting for 80% of all undergraduate and graduate students enrolled in degree programs. The website provides statistical data on higher education in Mexico.

**9. Basic Directory****Suprema Corte de Justicia de la Nación**

Address: Pino Suarez N°2, P.B., Centro Histórico.

DF

Phone: (52) 5-5522-8439

Fax: (52) 5-5130-1649

**Consejo de la Judicatura Federal**

Address: Insurgentes Sur 2417, San Angel. Del. Alvaro Obregón

C.P. 01000, D.F.

**Procuraduría General de la República**

Address: Reforma Norte n°75, 2° piso

Col. Guerrero Del. Cuauhtémoc, DF

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Fax: (52) 55-5346 0102

E-mail: spsaij@pgr.gob.mx

**Instituto Federal de Defensoría Pública**

Address: Tonalá N° 10, Mezzanine,

Colonia Roma Del. Cuauhtémoc, D.F.

Phone: (55) 11-19-46 01800

**Comisión Nacional de los Derechos Humanos**

Address: Av. Periférico Sur 3469, 5° piso

Colonia San Jerónimo Lídice, Delegación Magdalena Contreras

C.P. 10200, D.F.

Phone: (54) 90 74 00 al 49 5681 81 25

**Notes**

<sup>2</sup> These are the states of Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán, and Zacatecas, and the Federal District.

<sup>3</sup> INEGI, Instituto Nacional de Estadística Geográfica e Informática de México. *Censo de Población y vivienda del año 2000*.

<sup>4</sup> Submitted to JSCA by the Supreme Court for "Generating Indicators and Judicial Statistics," *Op.cit.*

<sup>5</sup> ECLAC, *Anuario Estadístico de América Latina y el Caribe 2003. Primera Parte: Indicadores del Desarrollo Socioeconómico de América Latina y el Caribe*.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

- <sup>11</sup> World Bank, *World Development Indicators*, at <http://devdata.worldbank.org/data-query/>.
- <sup>12</sup> *Ibid.*
- <sup>13</sup> Calculated using the U.S. dollar amount.
- <sup>14</sup> *Ley Orgánica del Poder Judicial de la Federación* (hereafter Judicial Branch Organic Law), Article 1.
- <sup>15</sup> Each of Mexico's thirty-one states has its own judicial branch with a similar jurisdictional structure.
- <sup>16</sup> *Constitución Política* (hereafter, Constitution), Article 96.
- <sup>17</sup> Judicial Branch Organic Law, Article 12
- <sup>18</sup> *Ibid.*, Article 2.
- <sup>19</sup> In accordance with the cited Article 105 of the Constitution, such disputes are those arising in all but electoral matters between: a) the Federation and a state or the Federal District; b) the Federation and a municipal authority; c) the Executive Branch and Congress, any of its chambers, or the Standing Commission, whether federal bodies or entities of the Federal District; d) two different states; e) a state and the Federal District; f) the Federal District and a municipal authority; g) municipal authorities of different states; h) two powers of the same state in regard to the constitutional validity of their acts or general provisions; i) a state and one of its municipalities, on the constitutional validity of its actions or general provisions; j) a state and the municipal authority of another state, related to the constitutional validity of their acts or general provisions; and k) two government bodies of the Federal District, related to the constitutional validity of their acts or general provisions.
- <sup>20</sup> Under Article 105, Part II of the Constitution, actions of unconstitutionality aim to determine potential contradictions between this and a general norm. These actions may be brought by the following public bodies: a) the equivalent of 33% of the members of the national Chamber of Deputies, against federal laws or those of the Federal District that have been issued by Congress; b) the equivalent of 33% of the Senate, against federal laws or laws of the Federal District issued by Congress or through international treaties signed by the Mexican State; c) the national Attorney General, against federal, State or DF laws, as well as against international treaties adhered to by the Mexican State; d) the equivalent of 33% of the legislative assembly of a given State, against laws issued by that body itself; e) the equivalent of 33% of the Federal District Legislative Assembly, against laws issued by the assembly itself; and f) political parties registered with the Federal Electoral Institute, brought by its national officials, against federal or local electoral laws; and state-registered political parties, through their leaders, exclusively against electoral laws issued by the State legislative body wherein they are registered.
- <sup>21</sup> The essential difference between protection remedies against a given law and an action of unconstitutionality is that the first may only be brought by the wronged individual and the latter may only be brought by those public bodies provided for under Part II of Article 105 of the Constitution, and the invalidity decreed by the Supreme Court in such cases is effective *erga omnes*.
- <sup>22</sup> Article 105, Part III of the Constitution.
- <sup>23</sup> See the official Supreme Court website, <http://www.scjn.gob.mx/inicial.asp>.
- <sup>24</sup> Exchange rate used for 2004 = 11.50 pesos per US\$.
- <sup>25</sup> Under the *Ley de Amparo*, this indirect protection remedy may be requested before the district judge in the following cases: Against federal or state laws, international treaties, rules issued by the President of the Republic under Part I of Article 89 of the Constitution, rules regarding state laws issued by state governors, or any other generally applicable rules, decrees, or agreements that have harmed the complainant by their entry into force or first application; against actions other than those of the judicial, administrative or labor courts. In these cases, when the action in question derives from a court proceeding, the protection remedy may only be filed against the final ruling, for violations in the ruling itself or during proceedings, where these have denied the complainant a proper defense or his/her legal rights, and where the protection remedy was not filed by a third party; against actions of judicial, administrative or labor courts exercised out of court or after termination of proceedings. Where the remedy is brought against the enforcement of sentence, the indirect protection remedy may only be brought against the last ruling handed down in the respective proceeding, with any other violations that occurred during said proceedings allowable within the same appeal. In the case of the auctioning of assets, trial may only be used to decide a definitive sentence in order to approve or forbid such action; against acts during proceedings that have an irreparable effect on an individual or property; against acts conducted in and out of court that affect uninvolved third parties, where the law does not provide said affected party with means of appeal or defense to mitigate or nullify such effects, as long as it is not a trial involving a third party claim to ownership; against resolutions of the Public Prosecutor's Office confirming the decision not to prosecute or to withdraw charges as provided for under Article 4, paragraph 4, of the Constitution.
- <sup>26</sup> Some circuit courts specialize in hearing *amparos* only for certain subject matters, for example, criminal or administrative.
- <sup>27</sup> Nevertheless, the Constitution (Article 104, Part I) and the Judicial Branch Statutes (Article 53, Part I) hold that when such disputes affect only individual interests, they also fall under the jurisdiction of State and Federal District judges and courts.
- <sup>28</sup> Federal crimes are defined in Article 50, Part I, of the Judicial Branch Statutes.
- <sup>29</sup> Some circuits have district courts that specialize in federal civil and federal criminal matters and resolve cases of international extradition (civil) and requests for intervention in private communications (criminal).
- <sup>30</sup> Labor disputes occasionally are handled by federal jurisdictional agencies (*Juntas Especiales Federales de Conciliación y Arbitraje*) and local jurisdictional agencies (*Juntas Especiales Locales de Conciliación y Arbitraje*), depending on the employer's field of work.
- <sup>31</sup> These bodies function as arbitrators in disputes between workers and company owners, among workers, or among company owners. They operate in panels formed by a representative of the company owners, another of the workers, and a president designated by the Government (Labor Secretary or the Governor).
- <sup>32</sup> INEGI, *Estadísticas Judiciales sobre los funcionarios del Poder Judicial Federal por tipo según sexo*, 2004. See <http://www.inegi.gob.mx/est/contenidos/espanol/tematico/>. The percentage was calculated using statistics from this website and data from the *Consejo de la Judicatura*

Federal and Tribunal Electoral del Poder Judicial de la Federación.

<sup>33</sup> *Ibid.*

<sup>34</sup> Response to the questionnaire by the Attorney General's Office (*Procuraduría General de la República*.)

<sup>35</sup> Calculated using the U.S. dollar amount.

<sup>36</sup> Information submitted to JSCA by the *Instituto Federal de Defensoría Pública* at the *First Inter-American Meeting of Public Defender's Offices*, held in Santiago in November 2001.

<sup>37</sup> Article 20, Section A, Part IX, the Constitution.

<sup>38</sup> Article 102, Section B, the Constitution.

<sup>39</sup> Article 19 of the Constitution provides that this period can be doubled at the request of the defendant or his/her defender for the purpose of offering evidence during this stage.

<sup>40</sup> In practice, the defense offers evidence because the Federal Criminal Procedure Code and Supreme Court case law recognize the authoritative value of evidence presented by the prosecutor during preliminary investigation.

<sup>41</sup> *Código Penal Federal* (Federal Criminal Code)

<sup>42</sup> Article 20, Section A, Part VIII, the Constitution.

<sup>43</sup> Response to the questionnaire by the Attorney General's Office.

<sup>44</sup> More detailed information can be found on the State Judicial Branch website, <http://www.pjenl.gob.mx/>.

<sup>45</sup> Figures for 2002 were taken from the JSCA's *Report on Judicial Systems in the Americas 2002-2003*, which were provided by Mexico's Supreme Court. Figures for 2004 were gathered from the SC annual report: *Compendio del Informe Anual de Labores de la Suprema Corte de Justicia de la Nación*, 2004.

<sup>46</sup> *Ibid.*

<sup>47</sup> From the JSCA project "Generating Indicators and Judicial Statistics," *Op.cit.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Approximate figure, as it includes judges in specialized and mixed courts.

<sup>50</sup> From the JSCA project, "Generating Indicators and Judicial Statistics," *Op.cit.*

<sup>51</sup> Calculated using information from the JSCA project, "Generating Indicators and Judicial Statistics," *Op.cit.*

<sup>52</sup> INEGI, *Estadísticas sobre temas de violencia*. See <http://www.inegi.gob.mx/est/contenidos/espanol/tematico/>.

These statistics refer to complaints presented to the Public Prosecutor's Office, which prompt an initial investigation.

<sup>53</sup> *Secretaría de Seguridad Pública de México* (Secretary of Public Security), with data from the Attorney General's Office.

<sup>54</sup> *Secretaría de Seguridad Pública*, with data from State and DF Attorney General Offices.

<sup>55</sup> Evolution between years available.

<sup>56</sup> Bergman, Marcelo, "Cárceles en México: Un Estado de Situación." Report presented for the project: *Prisons in Crisis: Understanding Latin America's Most Explosive Problem*.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> Based on figures from the *Secretaría de Seguridad Pública*, "Órgano Administrativo Desconcentrado de Prevención y Readaptación Social (Prevention and Social Reintegration Department).

<sup>60</sup> Preliminary figures as of June 2004.

<sup>61</sup> Calculated using statistical data from the *Secretaría de Seguridad Pública*.

<sup>62</sup> Bergman, Marcelo, "Cárceles en México: Un Estado de Situación," *Op.cit.*

<sup>63</sup> *Ibid.*

<sup>64</sup> Constitution.

<sup>65</sup> Indigenous peoples are defined as descendents of groups that inhabited the country's current territory at the beginning of colonization and that preserve their social, economic, cultural and political institutions, or parts thereof. Indigenous communities form part of an indigenous community that is a social, economic and cultural unit, is territorially settled and recognizes their authorities in accordance with their uses and customs.

<sup>66</sup> Article 1, Section A, Part II, the Constitution.

<sup>67</sup> See <http://www.inegi.gob.mx/inegi/contenidos/espanol/prensa/contenidos/estadisticas/2004/abogados04.pdf>.

<sup>68</sup> See [www.bma.org.mx](http://www.bma.org.mx).

<sup>69</sup> If we include returning students the total number of law students was 203,086. There were 1,865,475 university students in all programs.

<sup>70</sup> See <http://web.worldbank.org/external/projects/>.