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REPORT

MEXICO'S NATIONAL ANTI-CORRUPTION SYSTEM

A Historic Opportunity in the Fight against Corruption

By: Maureen Meyer and Gina Hinojosa

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"Mexico has a structure in place that, if implemented well, could make significant progress in anti-corruption efforts. Ultimately, however, the success of the National Anti-Corruption System will depend on the political will of current and future governments to ensure it has the resources and independence needed to get the job done."

INTRODUCTION

Widespread corruption will be a key issue as Mexicans head to the polls this July in what will be the country's biggest elections ever, with voters casting ballots for a new president, a new federal Congress, nine governors, and representatives for nearly 2,800 political positions at the state and local level.

At least 14 former or current governors are currently under investigation for corruption, some of them for colluding with the organized crime groups that are largely responsible for Mexico's rising violence.¹ In 2017, Mexico placed last among OECD countries in Transparency International's Corruption Perceptions Index, with an overall ranking of 135 out of 180 countries, putting it in the company of Honduras, Paraguay, Kyrgyzstan, Russia, and others.²

Although all of the presidential candidates have made comments about how they will combat corruption, a nascent structure for doing so already exists. A landmark anti-corruption reform package that created a **National Anti-Corruption System** (*Sistema Nacional Anticorrupción*, SNA) and laid the foundation for a tougher and more comprehensive approach to combating corruption entered into force in July 2016.³

The implementation of the system will be an important element of Mexico's transition from the federal Attorney General's Office (*Procuraduría General de la República*, PGR) to a new, autonomous National Prosecutor's Office (*Fiscalía General de la República*), which

will be separate from the executive branch and better equipped to carry out serious and impartial investigations into government misconduct.⁴

While President Enrique Peña Nieto's administration has not demonstrated the political will needed to make this system effective (having attempted to block several important anti-corruption probes from moving forward), the next Mexican government will be able to build upon this existing framework. The degree to which this happens, as well as the extent to which the incoming federal government commits to effectively implementing the new *Fiscalía General* and to supporting anti-corruption efforts at the state level, will be clear indicators of whether Mexico will at last be able to turn the tide on the rising number of corruption and criminal collusion cases that have shaken the country in recent years.



President Enrique Peña Nieto signs the National Anti-Corruption System into law in Mexico City (May 27, 2015)

THE IMPORTANCE OF THE NATIONAL ANTI-CORRUPTION SYSTEM

COMBATING CRIME AND VIOLENCE

Mexico's new National Anti-Corruption System can play an important role in rooting out corruption from the institutions charged with combating crime and violence and upholding the rule of law. In 2017, Mexico registered its highest number of homicides on record, with

more than 29,000 killings documented nationwide,⁵ as well as an increase in other crimes like disappearances⁶ and violent robberies.⁷ Recent arrests and extraditions of former governors and other officials for colluding with criminal groups demonstrate the prominent role of corrupt authorities in facilitating and perpetrating violence in Mexico.

A recent report by the Human Rights Clinic at the University of Texas School of Law sheds light on the intricate links between corruption and organized crime-related violence in the country. In analyzing first-hand testimonies of former Zeta cartel members in U.S. federal trials initiated between 2013 and 2016, the report documents the scores of kidnappings, killings, and disappearances carried out by this particularly brutal cartel in the Mexican border state of Coahuila, and exposes the nature and degree to which these crimes were purportedly allowed to take place with the consent, and sometimes direct assistance, of government officials and police officers.⁸

"At least 14 former or current governors are currently under investigation for corruption, some of them for colluding with the organized crime groups that are largely responsible for Mexico's rising violence."

According to the testimonies, the Zetas paid bribes, contributed to political campaigns, and integrated authorities into their hierarchy to ensure the cartel could operate without resistance and to secure impunity for violence and human rights abuses. The Zetas' control allegedly extended "over the entire state of Coahuila," from municipal police and state politicians all the way up to federal prosecutors and sectors of the Mexican Army and Federal Police.

Further U.S. investigations into drug trafficking operations in Mexico provide a window into the level of collusion that exists between public officials and organized crime groups in the country. Tomás Yarrington, former governor of Tamaulipas—one of Mexico's most violent states, just south of the Texas border—was recently extradited to the United States to face charges of racketeering, money laundering, bank fraud, and drug smuggling.⁹ A federal indictment in Brownsville, Texas accuses Yarrington of having accepted large bribes from major drug trafficking organizations during his time as governor between 1999 and 2005 to allow unimpeded access of cocaine shipments into the port of Veracruz in southern Mexico and to facilitate the transfer of drugs into the United States.¹⁰

Another former governor of Tamaulipas, Eugenio Hernández Flores, was also indicted in the United States in 2015 for his involvement in a money laundering scheme.¹¹ In March 2017, the state attorney general of Nayarit was arrested when entering the United States at the San Diego port of entry because of an arrest warrant against him in New York for his involvement in international drug trafficking.¹²

RESTORING CITIZEN TRUST IN PUBLIC INSTITUTIONS

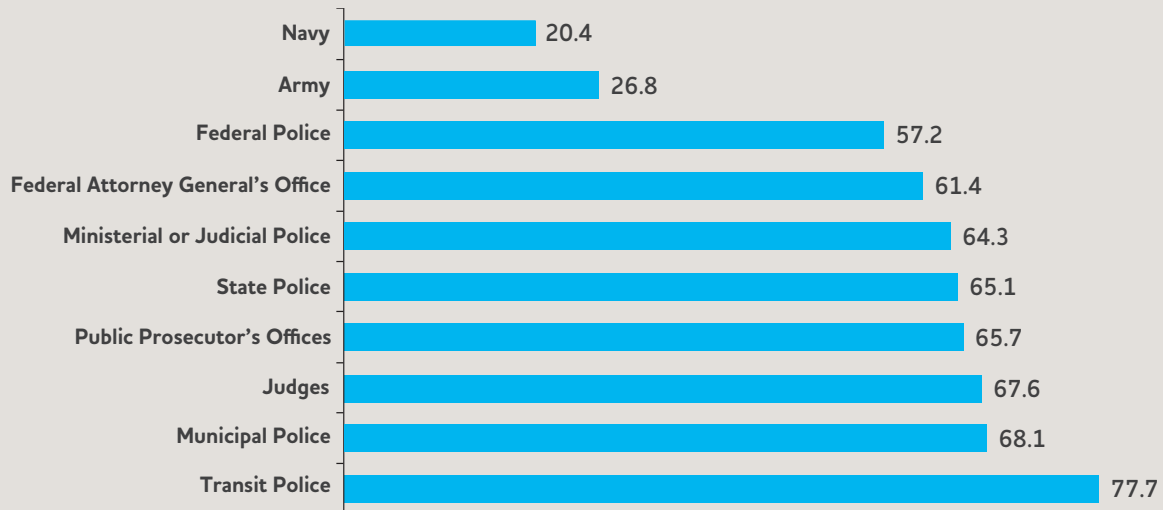
Blatant corruption and government abuse in a moment of such extreme violence has greatly weakened Mexicans' confidence in public institutions. A September 2017 Pew Research Center survey found corruption to be Mexicans' top public concern, with 84 percent of those surveyed saying corrupt political leaders were a "very big problem" in their country and 79 percent saying the same about corrupt police officers—up 12 and 9 percent, respectively, from 2015.¹³ High public perception of corruption extends into the judicial sector as well: as seen in Figure 1, Mexico's most recent national victimization survey suggests over 60 percent of the population perceives the country's prosecutors and judges as corrupt.¹⁴

According to the same victimization survey, an estimated 94 percent of crimes in Mexico are never reported or investigated, primarily because victims distrust authorities or because they believe reporting crimes is a waste of time.¹⁵ This fuels violence and impunity, as any crime that goes unreported also goes unpunished, allowing criminal groups and corrupt officials to perpetrate crimes without fear of being held accountable. In 2017, Mexico had the fourth highest impunity index on the Global Impunity Index, and it ranked first out of the 21 countries in the Americas that were analyzed.¹⁶

If implemented well, the National Anti-Corruption System's ability to coordinate the efforts of civil society and Mexican federal agencies to improve oversight, sanction corrupt businesses, and promote the prosecution of cases would send a clear message that corruption in Mexico will not be tolerated, and could help to repair the systems of collaboration between citizens and public institutions that are needed to effectively combat crime and violence.

FIGURE 1

PERCENTAGE OF THE MEXICAN POPULATION THAT PERCEIVES EACH INSTITUTION AS CORRUPT, 2017



Source: INEGI, ENVIPE 2017

INCREASING ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS

Corruption has also had a devastating impact on human rights in Mexico. In the emblematic case of the 43 students from Ayotzinapa, Guerrero who were forcibly disappeared in September 2014, evidence gathered by a team of five independent experts working on the case revealed various degrees of government complicity and direct involvement in the crime.¹⁷

The Interdisciplinary Group of Independent Experts, which was appointed by the Inter-American Commission on Human Rights (IACHR) to provide technical assistance to the Mexican government in its investigation of the case, uncovered strong evidence implicating several security forces from all three levels of government in the events that unfolded on the night of the students' disappearance. One of the Group of Experts' major findings was that members of the municipal police forces that detained and disappeared the students were working on behalf of the organized criminal group *Guerreros Unidos*.

In their final report about their findings, the experts revealed strong evidence to suggest that Mexican au-

thorities obstructed justice and impeded the Ayotzinapa investigation by withholding evidence, denying access to important witness testimony, and coercing confessions from suspects through torture to corroborate the government's official version of what happened to the students—that they were murdered and incinerated at a trash dump in the town of Cocula, Guerrero by members of the *Guerreros Unidos*.¹⁸ While numerous forensic analyses have concluded that this version of events is scientifically impossible,^{19,20} the Mexican government has refused to discard this theory.²¹

A March 2018 report from the UN Office of the High Commissioner for Human Rights supports the Group of Experts' findings on the use of torture in the Ayotzinapa investigation. The report finds strong grounds to believe that at least 34 individuals prosecuted in connection to the students' disappearance were arbitrarily detained and tortured to coerce confessions. The UN revealed that all of the human rights violations it documented in the context of the Ayotzinapa investigation occurred after October 2014, when the PGR took over the case.²²

The Ayotzinapa case has come to symbolize Mexico's broader human rights crisis. For example, in the state of

Veracruz, Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) issued a recommendation in September 2017 for grave human rights violations that occurred in the state,

concluding that municipal police from Papantla worked for the Zetas, and that they had forcibly disappeared three young men in order to hand them over to the criminal group to be violently killed.²³

BOX 1

PROTECTING THE INTEGRITY OF MEXICO'S ELECTORAL PROCESSES

Allegations of voter intimidation, vote buying, illegal campaign financing, and other electoral offenses frequently call into question the integrity of Mexico's electoral processes. Several allies close to the Peña Nieto administration, including a former deputy from Mexico's ruling party—the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI)—are currently under investigation in connection to a nationwide embezzlement scheme aimed at funneling tens of millions of dollars in public funds into PRI campaigns in Mexico's 2016 gubernatorial elections. According to testimonies and official documents reviewed by the *New York Times* and the Mexican newsmagazine *Proceso*, the money was sent to PRI governors in states across the country, who created phony government contracts with front companies that later sent the money back to fund PRI campaigns in states where the party was likely to lose control. In the state of Chihuahua alone, at least \$14 million were allegedly diverted away from public education services in the embezzlement scheme.²⁴

In October 2017, Santiago Nieto Castillo—then-head of the Special Prosecutor's Office for Electoral Crimes (*Fiscalía Especializada para la Atención de Delitos Electorales*, FEPADE)—was fired while conducting an investigation into the case. At the time of his firing, Nieto Castillo was also investigating a corruption scandal involving Emilio Lozoya, who served on President Peña Nieto's presidential election campaign in 2012.²⁵ In 2012, Peña Nieto named Lozoya CEO of Mexico's national oil company (PEMEX). During his time as CEO between 2012 and 2016, Lozoya allegedly received at least \$10 million in bribes from the Brazilian conglomerate company Odebrecht, which has been accused of paying hundreds of millions of dollars in bribes to public officials across Latin America to secure government contracts. Some \$4 million of the bribes Lozoya received were supposedly used to finance Peña Nieto's presidential campaign. In March 2018, Nieto Castillo told the *Wall Street Journal* that after he was fired, the Mexican government tried to bribe him to keep silent, and when he declined, he faced numerous threats and extortion attempts.²⁶

With a total of 3,416 positions up for grabs in the upcoming July 1 elections, 2018 will be the biggest election year in Mexico's history, and the electoral monitoring work of the National Anti-Corruption System will be paramount in ensuring the integrity of the elections. In December 2017, the system's Citizen Participation Committee (*Comité de Participación Ciudadana*, CPC) and Mexico's National Electoral Institute (*Instituto Nacional Electoral*, INE) signed a letter of intent to collaborate on monitoring campaign financing flows in the elections.²⁷

UPHOLDING THE FREEDOM OF EXPRESSION

Corruption in Mexico also poses a grave threat to freedom of expression, a hallmark of a free and democratic society. A journalist was attacked every 17 hours in the country last year, with public officials believed to be involved in nearly half of all documented cases.²⁸ In a February 2018 report, the UN Special Rapporteur on the situation of human rights defenders highlights the role of Mexican authorities in perpetrating crimes against activists and media workers, documenting a clear pattern of intimidation, harassment, physical violence, and arbitrary arrests and detentions of journalists and human rights defenders as a means to “silence dissident voices and curb social movements.”²⁹

Journalists covering corruption are particularly vulnerable to censorship and attacks. Prominent journalist Carmen Aristegui has exposed several high-profile corruption scandals implicating President Enrique Peña Nieto’s inner circle, including a conflict of interest scandal in 2014 involving the First Lady’s purchase of a multimillion-dollar mansion, commonly called *Casa Blanca*, from a government contractor.³⁰ In March 2015, Aristegui helped launch a digital tool called “Méxicoleaks,” an anonymous whistleblowing platform that accepts tips and leaks about corruption and government malfeasance.³¹ Days after the platform was released, Aristegui and two reporters that worked with her on Méxicoleaks and the *Casa Blanca* investigation were fired from the radio station MVS Radio, in what freedom of expression groups deemed a clear act of retaliation and attack on press freedom.³²

Attacks against journalists in Mexico can be fatal: at least 12 journalists were murdered in the country in 2017.³³ The Committee to Protect Journalists (CPJ)’s investigations into the motives behind journalist killings in Mexico have so far confirmed that in at least six of these cases, the journalist was targeted in reprisal for their work, making Mexico the deadliest country in the world to practice journalism outside of war zones like Syria and Iraq.³⁴

In the first journalist killing of 2018, reporter Carlos Domínguez Rodríguez was murdered in the border city of Nuevo Laredo, Tamaulipas in January.³⁵ Domínguez had recently been investigating a network of shell companies that were allegedly used to divert public funds during the administration of former Nuevo Laredo mayor Carlos Canturosas Villarreal.³⁶ Six suspects

have been arrested in relation to the killing, including Canturosas’ nephew.³⁷ Canturosas is now believed to be living in the United States.³⁸

The Mexican government has consistently failed to investigate and sanction public officials who violate freedom of expression, including in cases that have garnered international media attention and widespread outcry. Investigations carried out in 2017 by several digital rights groups,³⁹ and made public by the *New York Times*,⁴⁰ revealed that government-owned spyware had been used to illegally surveil prominent journalists, including Carmen Aristegui, as well as anti-corruption activists and human rights lawyers in Mexico. Later reports revealed that the spyware had also been used against members of the Interdisciplinary Group of Independent Experts while they were preparing their final report on the case of the 43 forcibly disappeared Ayotzinapa students.⁴¹ The PGR opened an investigation into the spyware attacks in July 2017, but in ten months, no significant progress has been made in the inquiry.⁴²

ADDRESSING THE ECONOMIC IMPACTS OF CORRUPTION

As corrupt officials divert millions of dollars in government funds away from the public and into their own pockets, their actions have serious social and economic consequences. Graft, embezzlement, and corrupt business practices stall foreign investment, hinder economic growth, and fuel inequality.

"Mexican families living on one minimum-wage salary spend an average of 33 percent of their annual household income on bribes to public officials and other acts of corruption."

In Standard and Poor’s August 2016 announcement that Mexico was at risk of a credit rating cut, the company mentioned that the benefits of President Peña Nieto’s widely-praised economic reforms had been “limited by weaknesses in governance and perceptions of corruption.”⁴³

The World Economic Forum ranks corruption as the single most problematic factor for doing business in Mexico,⁴⁴ and a comprehensive study conducted by the Mexican Institute for Competitiveness (*Instituto*

Mexicano para la Competitividad, IMCO) indicates that corruption reduces foreign investment in Mexico by five percent each year, as companies looking to operate abroad find conducting business in the country too costly.⁴⁵ Of the entrepreneurs surveyed in the IMCO study, 63 percent said they believe corruption and bribes are necessary for conducting business in Mexico, 54 percent said these practices affect the daily operations of their company, and 65 percent said they had lost an opportunity to a competitor who paid a bribe. As a way to accelerate anti-corruption efforts in their country, members of the Mexican business community played a leading role in the creation of the National Anti-Corruption System and strongly supported an anti-corruption clause in the current NAFTA renegotiation.⁴⁶

At the household level, the consequences of corruption are particularly acute. In all of Latin America, bribery and “extra-official” payments are most common in Mexico, where 51 percent of Mexicans report having had to pay a bribe to access a government service within the past year.⁴⁷ This poses a serious barrier to basic services like health care and education, especially for the country’s poorest. According to *Transparencia Mexicana*, Mexican families living on one minimum-wage salary spend an average of 33 percent of their annual household income on bribes to public officials and other acts of corruption.⁴⁸

Corruption in Mexico has had a devastating impact on the government’s role in providing essential services to its citizens. In Veracruz, federal auditors found evidence of diverting over \$150 million in federal funds meant for public health in 2014 that remain unaccounted for.⁴⁹ Other irregularities in the state included allegations of replacing chemotherapy medicine meant for children cancer patients with a solution that was little more than diluted water.⁵⁰

Another federal audit found that only 7 percent of over \$30 million in funds that the federal Ministry of Social Development (*Secretaria de Desarrollo Social*, SEDESOL) allocated for Mexico’s National Crusade Against Hunger in 2013 were actually used to purchase food baskets. The audit found no evidence that the programs benefited the poor.⁵¹

An investigation carried out by the media outlet *Animal Político* and the organization Mexicans against Corruption and Impunity (*Mexicanos Contra la Corrupción y la Impunidad*, MCCI) found evidence of fraud in over \$123 million in SEDESOL funds that went through universities for anti-poverty programs. The funds were funneled through 20 companies, including several shell companies and others plagued with irregularities, with no real reporting on how the funds were actually spent.⁵²

MEXICO'S 2016 ANTI-CORRUPTION REFORMS

On July 18, 2016, under immense pressure from Mexican civil society and amid a string of corruption scandals involving his administration, Mexican President Enrique Peña Nieto signed a broad anti-corruption reform package into law.⁵³ The sweeping piece of legislation represents a historic step forward in Mexico’s fight against the widespread corruption at the heart of many of the country’s key economic and security challenges.

The reforms establish specific sanctions for acts of corruption and take a tougher stance on administrative misconduct. They are largely the result of an unprecedented civil society initiative that brought together actors from all sectors of Mexican society—from

academics to activists to business leaders—to exert pressure on the Mexican government to better address rampant corruption.⁵⁴

If implemented effectively, the reform package will play a critical role in bolstering Mexico’s institutional capacity to combat corruption by installing anti-corruption systems at the federal and state levels (and establishing mechanisms for coordinating between them), demanding greater government transparency, expanding auditing powers, reducing political influence over investigations into government misconduct, and making citizens active stakeholders in the fight against corruption.

The reforms created the National Anti-Corruption System, which will serve as a coordinating entity to bring together institutions that were already in place to combat corruption but were impeded by a lack of clear coordination and autonomy, as well as new offices that were created as part of the system. Some of the key aspects of the system include:

THE COORDINATING COMMITTEE

The new anti-corruption system is headed by a Coordinating Committee charged with designing and implementing anti-corruption policies and establishing a framework for coordination between the more than 96 entities at the federal, state, and municipal levels charged with combating corruption.⁵⁵

The Coordinating Committee is made up of representatives from the following seven Mexican institutions:

1) Superior Auditor of the Federation (*Auditoría Superior de la Federación*)

2) Special Prosecutor's Office for Combating Corruption (*Fiscalía Especializada en Combate a la Corrupción*)

3) Ministry of Public Administration (*Secretaría de la Función Pública*)

4) Federal Tribunal of Administrative Justice (*Tribunal Federal de Justicia Administrativa*)

5) National Institute for Transparency, Access to Information, and Personal Data Protection (*Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales*)

6) Federal Judicial Council (*Consejo de la Juridicatura Federal*)

7) Citizen Participation Committee (*Comité de Participación Ciudadana*)

FIGURE 2

INSTITUTIONS THAT COMPRISE THE NATIONAL ANTI-CORRUPTION SYSTEM

The **Coordinating Committee** coordinates between each structure and institution responsible for preventing, investigating, and sanctioning corruption at all three levels of government.



The **Citizen Participation Committee** liaises between civil society and the institutions that comprise the system, and monitors the system's compliance with objectives.

*Will change to the *Fiscalía General*

Source: *Incorruptible*

THE CITIZEN PARTICIPATION COMMITTEE

An essential component of the new anti-corruption system is the Citizen Participation Committee, which is made up of five civil society leaders appointed by the Senate. The role of this citizen oversight body is to serve as a bridge between civil society and Mexican institutions, to oversee the functioning of the system, and to propose anti-corruption policies, methodologies, and indicators of evaluation. It works closely with the Coordinating Committee and the technical secretary of the National Anti-Corruption System to ensure a citizen component in reports, recommendations, and public policies related to the system.

For example, in March, the Citizen Participation Committee issued a statement about the importance of abiding by a series of criteria when designating individuals to occupy posts that are key to the functioning of the system, such as the first national prosecutor (*fiscal general*), a national anti-corruption prosecutor, and the head of the Superior Auditor of the Federation.⁵⁶

While the Committee plays an essential role within the National Anti-Corruption System, its members assert that the Mexican government has consistently undermined its efforts by refusing to share key information regarding some of the country's biggest corruption cases and by blocking any serious investigations into government misconduct.⁵⁷

AN AUTONOMOUS ANTI-CORRUPTION PROSECUTOR

To reduce political influence over investigations into government malfeasance, the anti-corruption reforms included the creation of an autonomous Special Prosecutor's Office for Combating Corruption, headed by an independent prosecutor specializing in investigating and prosecuting corruption cases.⁵⁸ The special prosecutor will form part of the new independent National Prosecutor's Office, which is meant to replace the current Attorney General's Office but whose implementation has stalled in Mexico's Congress.⁵⁹ To date, there has been no movement to name this special prosecutor.

IMPLEMENTING THE FEDERAL AND STATE-LEVEL ANTI-CORRUPTION SYSTEMS

The Mexican government has so far failed to implement several important aspects of the anti-corruption reform package that are necessary for making the National Anti-Corruption System fully operational. One problem is that the Senate has yet to appoint several key actors in the system, including the special prosecutor and 18 magistrates of the Federal Court of Administrative Justice specialized in investigating and prosecuting corruption cases. Moreover, systems meant to coordinate anti-corruption efforts at the state level have not yet been implemented in most states.

LOCAL ANTI-CORRUPTION SYSTEMS

Under the reforms, mandatory local anti-corruption systems (*sistemas locales anticorrupción*) were supposed to be in place by July 2017. While most states have not yet fully implemented the state-level systems, some have made important headway in taking a tougher stance on corruption.

As of April 2018, 18 states have passed the legislation necessary to formally create anti-corruption systems at the local level. Of those states, seven have also installed the state prosecutor's offices, administrative justice tribunals, citizen participation committees, and other bodies and institutions that must comprise the state systems. Those seven states—Sonora, Coahuila, Tamaulipas, Querétaro, Michoacán, Puebla, and Tabasco—have also selected the special prosecutors, technical secretaries, and other officials responsible for heading these bodies.⁶⁰

STATE-LEVEL INVESTIGATIONS INTO CORRUPTION

The success of anti-corruption efforts in Mexico will depend as heavily on having the appropriate legislative and institutional framework in place to fully implement the National Anti-Corruption System, as it will on Mexican authorities demonstrating the political will to

make the system effective and to support corruption investigations at the state and federal level.

The current governor of Chihuahua, Javier Corral of the National Action Party (*Partido de Acción Nacional*, PAN), made combating corruption a key element of his political campaign. Since taking office in October 2016, his government has demonstrated a strong commitment to fulfilling this pledge.

Beginning in March 2017, the state of Chihuahua's Attorney General's Office has issued 10 arrests warrants against former governor Cesar Duarte from the ruling PRI party for crimes he committed while in office between 2010 and 2016. The charges against Duarte include embezzlement, aggravated embezzlement, and electoral crimes.

In several instances, Duarte instructed his cabinet to create fake government contracts to divert state funds for personal enrichment. This included the illegal authorization of an agreement favoring the sale of properties owned by the State Housing, Land, and Infrastructure Commission of Chihuahua (*Comisión Estatal de Vivienda, Suelo e Infraestructura de Chihuahua*, COESVI)—which were intended for the development of affordable housing projects—to a company called “Grupo Industrial y Constructor, S.A. de C.V.” for a price

well below the properties' real value, embezzling over \$13 million dollars.⁶¹

As mentioned previously, one of the most important investigations into Duarte's misconduct involves electoral crimes carried out by members of the PRI party at the national level. In this case, a fake government contract with a company called “EXTERIOR, S.A. de C.V.” was created for the purpose of diverting over \$14 million in state funds meant for education. The funds were instead used to pay for public advertising for PRI political candidates in several states across the country. In December 2017, the attorney general of Chihuahua arrested former PRI deputy Alejandro Gutiérrez for his connection to the case, and also began investigating other Chihuahua officials for their involvement in the scam.⁶² The federal Attorney General's Office is also investigating Duarte for electoral crimes.⁶³

The state of Chihuahua's efforts have not come without a cost. The probe into PRI-linked corruption has brought significant pressure on Governor Corral and the Chihuahua state prosecutor. For over a month, the federal government withheld millions of dollars in federal funds meant to cover budget shortfalls in Chihuahua,⁶⁴ and it also delayed the extradition request for Cesar Duarte, who is believed to be in the United States.⁶⁵

BOX 2

U.S. SUPPORT FOR MEXICO'S ANTI-CORRUPTION EFFORTS

For the past decade, U.S. assistance under the Merida Initiative has provided significant support for judicial reform efforts at the state and federal levels in Mexico.⁶⁶ The U.S. Agency for International Development (USAID) is currently implementing a five-year justice project (2014–2019) worth \$68 million that promotes the implementation of the adversarial justice system.⁶⁷ This system replaces the previous inquisitorial system that was characterized by secrecy and corruption with a more transparent, open system that requires criminal hearings to be public. An additional \$26 million in funds for 2016–2020 are designated to support civil society's efforts to “protect human rights, combat corruption, and promote transparency and accountability in the implementation of the reform.”⁶⁸

This involves support for the implementation of the National Anti-Corruption System, including the citizen participation committees at the federal and state level, and the Ministry of Public Administration. USAID provides support for the public outreach efforts of state governments, businesses, and civil society organizations, and supports their efforts to develop codes of ethics and conduct for public servants and the private sector. Additional areas include assistance to civil society organizations

to promote transparency and accountability in government public procurements and to advocate for the establishment of the special anti-corruption prosecutors at the state and federal level. In addition, USAID opened a \$6 million dollar grant opportunity for investigative journalism in Mexico to improve journalists' ability to investigate issues related to corruption in select Mexican states and municipalities.⁶⁹

The U.S. Department of State's 2019 budget justification for Mexico includes support for reforms of the national anti-corruption and accusatorial criminal justice systems. Another portion of U.S. funds will assist with Mexico's efforts to combat money laundering.⁷⁰ Members of Congress have also been monitoring Mexico's efforts to address corruption: a resolution on the importance of the U.S.-Mexico partnership that passed the U.S. House of Representatives in December 2017 expresses support for Mexico's efforts to "strengthen the rule of law, reduce corruption, and advance civil and human rights,"⁷¹ a sentiment that was also included in a bipartisan resolution introduced in the U.S. Senate in March 2017.⁷²

CONCLUSION

With corruption so ingrained in multiple facets of Mexico's political system, and with real risks for public servants who refuse to accept bribes or collude with criminal groups, reducing corruption in Mexico will be no small feat. However, the failure to act will only further the prevalence of corruption in the country and do little to assuage problems like crime, violence, human rights concerns, and the lack of citizen trust in public institutions.

Establishing the National Anti-Corruption System was an important first step, but it will not be effective unless there is clear communication and coordination amongst all of the institutions involved, and unless serious investigations into corruption are allowed to move forward. The members of the Citizen Participation Committee must be included in key discussions about corruption cases, and they should be provided with information regarding progress made on investigations.

The Mexican president and Senate should also move to fill the nearly two dozen vacant positions that are necessary for the full implementation and functionality of the National Anti-Corruption System. These positions include the first national prosecutor who would lead Mexico's new *Fiscalía General*, as well as 18 anti-corruption judges and a special anti-corruption prosecutor. These candidates must be selected via a transparent process that establishes high standards for independence and impartiality.

Mexico has a structure in place that, if implemented well, could make significant progress in anti-corruption efforts. Ultimately, however, the success of the National Anti-Corruption System will depend on the political will of current and future governments to ensure it has the resources and independence needed to get the job done.

ENDNOTES

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ABOUT THE AUTHORS

Maureen Meyer is WOLA's Director for Mexico and Migrant Rights. Gina Hinojosa is WOLA's Program Assistant for Mexico.

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