



THE MEXICAN STATE UNDER REVIEW

June 2023

SIGNOS VITALES
EL PULSO DE MÉXICO



Is a non-profit, non governmental organization that is structured by a Council built up of people with an outstanding track record, with high ethical and professional level, which have national and international recognition and with a firm commitment to democratic and freedom principles.

The Council is structured with an Executive Committee, and Advisory Committee of Specialists and a Communication Advisory Committee, and a Executive Director coordinates the operation of these three Committees.

One of the main objectives is the collection of reliable and independent information on the key variables of our economic, political and sociocultural context in order to diagnose, with a good degree of certainty, the state where the country is located.

Vital Signs intends to serve as a light to show the direction that Mexico is taking through the dissemination of quarterly reports, with a national and international scope, to alert society and the policy makers of the wide variety of problems that require special attention.



Weak or absent pulse can have many causes and represents a medical emergency.

The more frequent causes are the heart attack and the shock condition. Heart attack occurs when the heart stops beating. The shock condition occurs when the organism suffers a considerable deterioration, which causes a weak pulse, fast heartbeat, shallow, breathing and loss of consciousness. It can be caused by different factors.

Vital signs weaken and you have to be constantly taking the pulse.

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Table OF CONTENTS

EXECUTIVE SUMMARY 7

CHALLENGES OF THE MEXICAN STATE 13

MEXICO'S PRESIDENCY:

MORE POWER TO THE MIGHTY 17

Budgetary power 21

Presidential influence in Mexican justice system 29

Presidential behaviour patterns 36

Lies and public threats 41

THE JUDICIARY AND THE SCJN 47

Judicial nepotism 59

The role of the Court in Mexico under the current
administration 61

THE LEGISLATIVE BRANCH IN DEFENSE MODE 70

The absence of congress as an oversight power 84

Conclusion 85

THE POLITICAL PARTIES 86

The popularity of political parties in Mexico and low
representativeness 89

Resources and opacity 97

CONSTITUCIONALLY AUTONOMOUS BODIES 104

INAI 107

INE 115

Questionable cases on electoral oversight 118

GOVERNORS AND STATE GOVERNMENTS 122

Confusion in the competencies by the level of government 125

Democracy and Rule of law in the federal states 134

ORGANIZED CIVIL SOCIETY 138

OVERALL CONCLUSION 147

REFERENCES 151

A person wearing a yellow and black jacket, blue sunglasses, and a hood is taking a photo of a volcano crater. The background shows a large white plume of smoke or ash rising from the crater against a blue sky. The person is holding a camera up to their eye, and the crater's rim is visible on the right side of the frame.

EXECUTIVE SUMMARY

Image: <https://gluc.mx/cultura/2020/7/22/youtuber-escala-el-popocatepetl-muestra-como-es-el-crater-del-volcan-23460.html>

EXECUTIVE Summary



As outlined in Signos Vitales reports, the dismantling and institutional destruction promoted by **THE CURRENT FEDERAL GOVERNMENT** have undermined the Mexican State's functioning over the past five years. We are immersed in a false promise of progress, reversal of damages of neoliberal governments, and lynching of any opponent to the regime, and López Obrador's administration has been unable to evidence a real change and direction of the country. The attrition and ideological subjugation to which officials at all levels have been subjected, as well as

the national institutions themselves, have affected the performance and performance of a Mexican State still in formation and the consolidation process.

Although the Mexican State continues to function as the most important political actor, it has become evident that it is diminished in its institutional capacities to solve problems in general. Although this administration continues to defend its campaign promises to the hilt, its limited and limited governmental achievements, as well as a deep national division and quantitative information from different agencies,

show an opposite picture to that of the government. Currently, the path to rescue the promised results seems more distant. Sinking in a cyclical and monotonous narrative, the government continues without understanding the formula to generate results while the State is in an entire decline.

The course of government that has characterized this administration has not only diminished progress in practically all areas with delays and enormous deficiencies but has also increasingly distanced the opportunity to provide real strategies to solve these deficiencies. The alternative of strengthening and reinforcing the Mexican State, at least with the evidence currently available, has failed. This report aims to gather, once again, the necessary information that will allow us to have a general overview of what is happening in national governance.

The report *The Mexican State under review* has extensive and detailed information that covers the most important issues that give shape and meaning to a government. It would be absurd to begin an analysis of this controversial administration without first delving into the immense budgetary power that

the President of Mexico has managed for himself, his influence on the administration of justice, and the presidential ways and means based on lies and public threats. Likewise, a critical weight is given to the political moment in the Legislative and Judicial Branches. In both cases, a common denominator is a servility with which the officials of each branch have acted in dealing with, managing, and processing issues of high impact and importance for the Mexican population. The high impact that the federal Executive has to influence, or at least try to influence, all those decisions that reverse or attempt to deviate from the course of the President's ideological policies is evident. Concerning the **JUDICIAL BRANCH**, not only issues related to nepotism and the low ethical level with which administrative matters are handled are addressed, but also a picture of the mediocre performance of the Court in past years is printed at a time when millions of Mexicans expect much more results and effectiveness from it.

Mainly in the **LEGISLATIVE BRANCH**, the undoubted obedience of the majority party members in favor of the President has been noted, even when this implies an illegitimate use of the laws or when the results of

the decisions made affect millions of Mexicans. The passivity of this wing of the government contrasts with the assumption of a strong and solid Congress that autonomously defends the course and destiny of the country. The opacity and servility with which the Deputies and Senators related to the President's party have handled themselves show the lamentable way and style of governing, which contrasts with the ideology they themselves promote.

Likewise, there are the **POLITICAL PARTIES** as a core part of the poor performance of the Mexican State. Despite these institutions' relevance for any democratic system, their popularity and reputation are particularly low in Mexico and worldwide. In Mexico, at least, political parties generate less trust than parties in other countries in the region. Likewise, issues such as the opacity with which millions of pesos are managed without being transparent and auditable for Mexicans are addressed. An essential component of this report is the state of the **CONSTITUTIONALLY AUTONOMOUS BODIES**. Here we address both those that have disappeared during the current administration and those currently functioning, highlighting the shortcomings, limitations, and deficiencies in

their institutional capacities. Undoubtedly, particular emphasis is placed on the INAI, a body that goes precisely against one of the characteristic emblems of this government, the lack of transparency and the obscurity with which they handle public issues. It also deals with a body that is undoubtedly fundamental for democracy in the country, the INE. In this case, the INE has been a victim of the vortex with which the Federal Executive has tried to colonize, destroy and influence its internal decisions. Instead of defending and strengthening it, they are trying to make it one more piece of the presidential chessboard to control and manipulate the democratic destiny of the country.

A fundamental element that gives shape and meaning to the national project is the performance of **STATE AND LOCAL GOVERNMENTS**. Although it can be affirmed that true federalism exists, it is tied, at least in the last five years, to the enormous influence unleashed by the national palace. However, these governments also lack controls over the budgetary management they exercise, institutions and competitive capacities that allow for tangible and formal results, and procedures that allow for transparency in every area where they exercise their power.

Finally, the report touches on a fundamental and transcendental issue for the democratic process in Mexico: **ORGANIZED CIVIL SOCIETY'S ROLE** in constructing and defining the country's direction. Despite its importance for strengthening national ties and thematic expertise, as well as for the structure of a more democratic and participatory society, organized civil society faces, as never before in Mexican history, a series of challenges and obstacles, including a lack of resources and funding, lack of access to information, stigmatization and repression by the authorities. Even with organizational shortcomings, targeted attacks, and enormous budgetary limitations, the organized work of society continues to be fundamental for the construction of a country seen as divided and lacking as never before.

The three public powers of the State: The Executive, the Legislative, and the Judiciary, present significant democratic deficits. The lack of respect for the Constitution and the laws by the Executive and the Legislature and the enormous inefficiencies of the Judiciary have left. As a result, a massive concentration of powers in the figure of the President, low levels of transparency and few controls between authorities,

as well as enormous levels of impunity and much opacity in the entire judicial body of the country.

The main threats facing the democratic State in Mexico are related to the federal Executive continuing to concentrate formal and informal powers, eliminating more counterweights, and managing to subordinate the Legislative and Judicial branches in the medium term. This threat is not minor because it threatens democracy, its foundations, and the separation of powers. Likewise, the lack of limits for the federal Executive puts the exercise of human rights at risk. The aggressions against all those who criticize the governmental exercise could escalate and threaten rights such as freedom of expression.

Some of the opportunities for improvement for the Mexican State are related to the possibility for the Court to demonstrate total autonomy in its rulings and decisions and become a constitutional control body that bases its decisions solely on legal reasoning. Likewise, the 2024 elections will serve as an examination of those who currently govern, and a new parliamentary formation may transform the Congress from a reactive power to an active one, which promotes reforms and policies without the need to

consult or receive orders from the federal Executive. In this sense, Congress can be more proactive.

The political complexity of the country currently is enormous, and the inability of the Mexican State to return to an adequate course has also become evident. Practically all the actors that make up the State have failed in one way or another. Some due to their own incapacity and others because they are surrounded by the immense one-dimensional power exercised from the national palace. This report shows the challenges and perspectives that the Mexican State faces in order to overcome the pothole in which it is stuck and which if it does not get out, will lay the foundations for a distant and painful return for Mexicans.

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CHALLENGES **OF THE MEXICAN STATE**

Image: <https://fititu.es/definicion/huelva/lepe/jalar-4/>

CHALLENGES of the Mexican state



The State as a form of political organization is today's paradigmatic model of association. Despite the accelerated globalization processes in recent decades that have given rise to new forms of governance, the national State remains the most important political actor. In this sense, evaluating the Mexican State as a whole is relevant to understanding the country's successes, opportunities, and challenges for the coming decades.

A State has three essential components: a territory, a population permanently residing in that territory, and a government or set of institutions of power. Mexico is a State that is territorially organized as a federation, meaning there is more than one level of government. In our case, there are three well-differ-

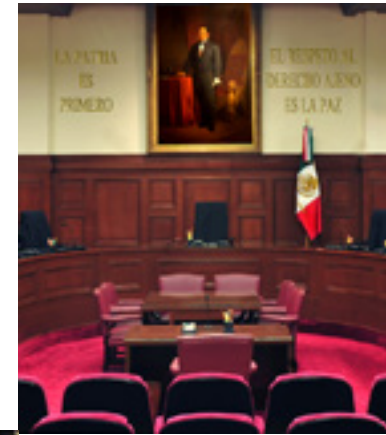
entiated levels of government. Mexico's population is one of the largest in the entire Latin American region, and its institutions of power have been democratizing, mainly in the last three decades.

Nevertheless, the challenges faced by the Mexican State as a whole are not minor. As far as the government is concerned, the slow process of democratization in Mexico has been full of vicissitudes that have increased during the last administration, in which there has been a marked concentration of power in the federal Executive, in contrast to the efforts of the previous decades in which the struggle for political liberalization focused on increasing the counterweights to the president of Mexico. Similarly,

the debts of the judiciary have been maintained over time, and the role of the Supreme Court of Justice of the Nation has not been exempt from multiple criticisms, partly due to periods of little autonomy from the Executive and partly due to rulings far from legal argumentation and anchored in political logic.

Another power reviewed in detail in this report is the legislative branch, which in addition to representing part of popular sovereignty, has the enormous responsibility of establishing the regulatory framework that governs all institutions and Mexican society in general. It is observed that this power has maintained little autonomy concerning the Executive; its actions have been characterized by the servile behavior of the majority group in relation to the President of Mexico. In this sense, Congress has not functioned as the main counterweight of power but rather as a transmission belt of the federal president, who, despite not having a constitutional majority, has modified the democratic rules by violating legislative procedures.

Other actors under close scrutiny are the political parties, perhaps the ones that have gained the worst reputation in Mexico despite playing a pivotal role in democracy. The lack of representativeness, corruption



Images:

<https://www.scjn.gob.mx/cronicas-del-pleno-y-de-las-salas>

<https://heraldodemexico.com.mx/nacional/2021/1/24/quien-suple-al-presidente-de-la-republica-mexicana-en-caso-de-muerte-248740.html>

https://es.wikipedia.org/wiki/Palacio_Legislativo_de_San_L%C3%A1zaro#/media/Archivo:LegPalaceDF.JPG

<https://www.portalpolitico.tv/cultura/senado-inaugura-semanacultural-de-malasia-en-mexico>

scandals, and the enormous resources they control have not provided confidence among the population but rather have distanced the electorate from democratic life, thus contradicting their fundamental task: to encourage political participation in the country.

Due to the particularity of the Mexican political system, which has been building institutions that counterbalance the three main public powers: the Executive, the Legislative, and the Judicial, this report reviews the relevance of constitutionally autonomous bodies. It mainly analyzes the challenges and opportunities of two of these that have been under social scrutiny and attack from the powers that be: INAI (Federal Institute for Access to Public Information and Data Protection for its acronym in Spanish) and INE (National Electoral Institute for its acronym in Spanish).

In territorial terms, Mexico has not been able to establish totally clear competencies, and the coordination mechanisms between the three levels of government have generated perverse fiscal and political incentives and have not led to greater transparency. Finally, we provide an overview of the relevance of organized civil society in the country, as well as the main challenges it faces for the next decade, which

can be summarized as achieving greater and ongoing funding to enable it to operate, as well as raising its standards of transparency both in origin and use of resources and in the recruitment processes.

The erosion and devastation suffered by Mexico's democratic institutions will mark this stage of government as a cataclysm never before experienced in the country. Contrary to the version that the 4T itself could argue, the institutional erosion will be such that the incoming government will have to work with much more democratic deficiencies and a high level of absurd concentration of power in the presidency and the Armed Forces. The next stage of reconstruction will be one in which all those actors that impact the life of Mexico will have to be involved.

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**MEXICO'S PRESIDENCY:
MORE POWER TO THE MIGHTY**

MEXICO'S PRESIDENCY: MORE POWER TO THE MIGHTY

Evaluating the distinctive characteristics of a Mexican State power has its level of complexity. First, because there is no general consensus on the main items that should be reviewed to know whether such a State organ fulfills its objectives and responsibilities, some propose considering the popularity of power as an indicator to evaluate its decisions. In contrast, others believe that measurable public policy results are better indicators. For this report, we propose to assess the federal executive branch in democratic terms, not because popularity and technical efficiency in the policies employed are not relevant, but because the objective presented here has

to do with the democratic or authoritarian nature of this branch. Ergo, the assessment is based on a review of the pillars of modern democracy: the rule of law, division of powers, transparency, and defense of human rights, including freedom of expression.

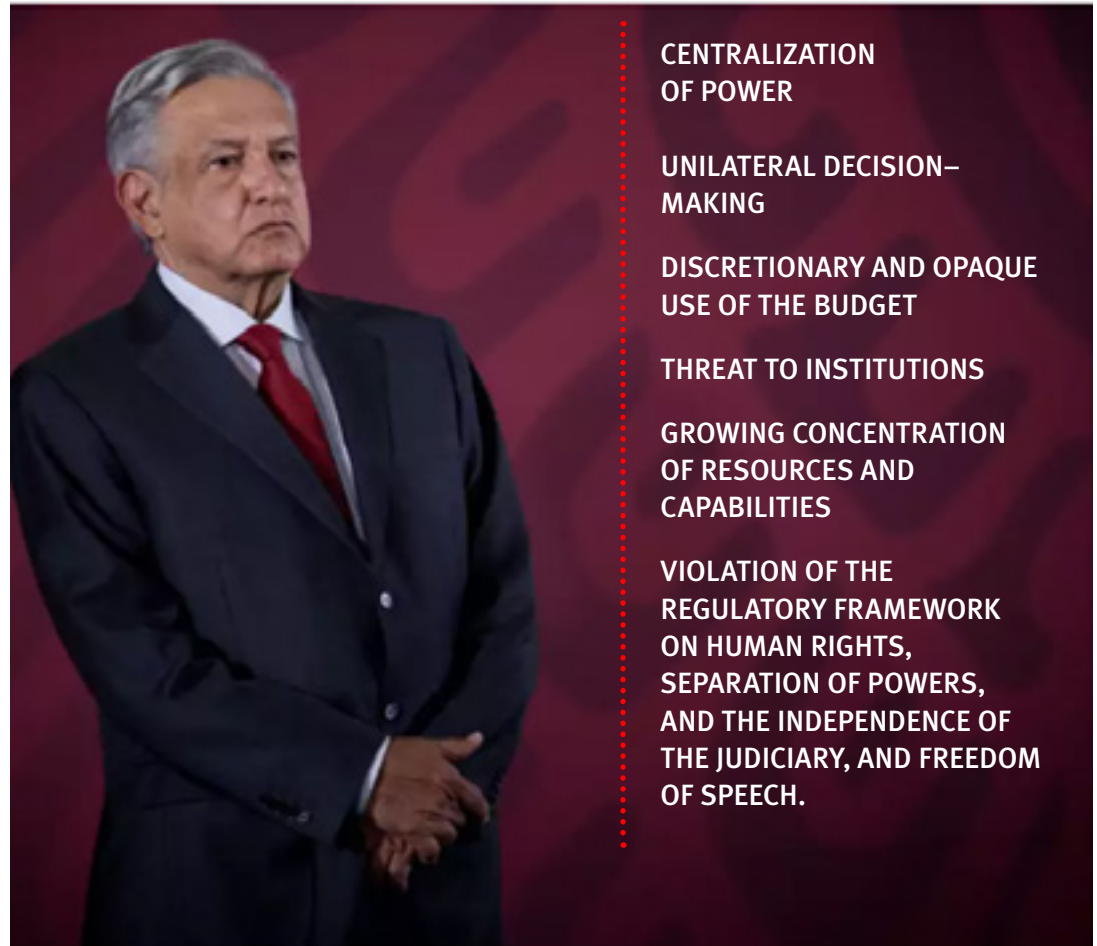
This chapter is divided into four sections that show the patterns that the current president of Mexico has followed to increase his capacities and powers of government, meddling in the decisions and responsibilities of other branches of government and autonomous institutions, lying regularly, as well as to impose his decisions even in violation of the Mexican

regulatory framework and the consequences that this has generated.

The presidency is the highest position of the executive branch in Mexico and is held by the republic's president. The president of Mexico is the head of the Mexican government and the Mexican State. Hence, an evaluation of the presidency as a central institution of the political system of our country is a democratic act fundamentally because of the number of responsibilities that are housed in the executive branch, ranging from directing the domestic and foreign policy of the country, commanding the Armed Forces and appointing or removing cabinet members, to ensuring compliance with the Constitution and the laws of the country, maintaining political, social and economic stability and presenting the initiatives and decrees necessary to fulfill a government plan. In this sense, the presidential institution plays a central role in the democratic life of Mexico.

During the administration of Andres Manuel Lopez Obrador, Mexico's presidency has been characterized by the centralization of power in the head of the federal executive. The President has been criticized for unilateral decision-making, the discretionary and opaque use of the budget, and the constant threat

LOPEZ OBRADOR'S GOVERNMENT CHARACTERISTICS:



CENTRALIZATION OF POWER

UNILATERAL DECISION-MAKING

DISCRETIONARY AND OPAQUE USE OF THE BUDGET

THREAT TO INSTITUTIONS

GROWING CONCENTRATION OF RESOURCES AND CAPABILITIES

VIOLATION OF THE REGULATORY FRAMEWORK ON HUMAN RIGHTS, SEPARATION OF POWERS, AND THE INDEPENDENCE OF THE JUDICIARY, AND FREEDOM OF SPEECH.

Image: <https://politica.expansion.mx/presidencia/2023/05/19/Lopez-Obrador-defiende-nuevo-blindaje-de-obras-la-corte-esta-en-nuestra-contr>

to institutions that could exercise counterweight to his power, such as constitutionally autonomous bodies. In addition, a growing concentration of resources and capabilities in the hands of the President has been reported, which has led to the weakening of oversight bodies and a lack of balance in the division of powers. Likewise, the violation of the Mexican regulatory framework by the federal executive branch and, specifically, by the presidency has been denounced, especially in matters related to respect for human rights, the separation of powers, the independence of the judiciary, and freedom of expression. Likewise, attempts to modify the law and the Constitution without respecting the existing procedures have been identified.

The main ways the President has sought to concentrate power have been threefold:

1. Public and private pressure on political actors, institutions, and branches of government,
2. Modification of the regulatory framework, and
3. Violation of the law.

Although the Mexican President's quest to re-concentrate power has been the main characteristic of this administration, this does not mean that, in all

cases, he has been successful. Although during the first half of the six-year term, the decrees, presidential agreements, and legal modifications that were carried out in violation of the Constitution remained in force, despite being controversial, in the second half of this presidential term, some of these reforms have been partially or totally reversed, and others are beginning to be studied by the corresponding control bodies, such as the Supreme Court of Justice of the Nation.

Democracy implies conversation between powers and negotiation between parties; these must be processed through strictly democratic means.

It is worth commenting that it is clear that democracy implies conversation between powers and negotiation between parties, in addition to empowering certain actors to modify legal and constitutional norms. However, all of this must be processed through strictly democratic means. On the contrary, Mexico serves as an example in which the conversation between powers often turns into submission of one power to another, negotiation between parties becomes a threat to those who oppose the most powerful, and legal reforms either do not comply with procedural requirements or violate the rights of individuals.

In this sense, it is important to point out that the concentration of capacities and the interference of one power in the tasks of another limit fundamental rights such as the control and supervision of governmental exercise, which includes demanding that the government complies with the law, use public resources transparently and rationally and defends human rights, whether of a civil, political, social or identity-related nature.

◀ Budgetary Power

As it is well known, Article 74, Section IV¹ of the Federal Constitution establishes that the Chamber of Deputies has the exclusive power to approve the PEF (The Federal Expenditure Budget for its acronym in Spanish), which means that, as in the rest of the democratic systems, it has a crucial role in defining how society's resources will be used, since it is the body in charge of discussing, analyzing and approving the draft budget presented by the Federal Executive. During the approval process, the Chamber of Deputies may propose modifications and adjustments to the proposed budget in order to adapt it to the country's needs and priorities. Once approved, the federal budget is a law that establishes the amounts and destinations of public resources for the corresponding fiscal year.

¹ Art. 74, section IV: Annually approve the Federal Expenditure Budget, after examining, discussing, and, as the case may be, modifying the Project sent by the Federal Executive, once the contributions that, in its judgment, must be decreed to cover it have been approved. Likewise, it may authorize in the said budget the multi-year disbursements for those infrastructure investment projects determined following the provisions of the regulatory law; the corresponding disbursements must be included in the subsequent Expenditure Budgets.

However, in practice, the President of Mexico has a very significant budgetary power that can even be considered above that of Congress. This is because the Federal Executive can exercise discretionary public spending, which allows him to make adjustments and adjustments to the budget approved by the Chamber of Deputies, depending on the needs and priorities that arise during the fiscal year. In addition, in some cases, the federal Executive has used austerity measures to reduce public spending without the need for prior congressional approval and without these unexercised resources having to be approved again in the lower house of the federation. Another common practice has been to present budgets with wide differences concerning the amounts actually collected so that the surpluses received by the Ministry of Finance and Public Credit do not necessarily go through the legislature to be earmarked for the budget.

In fact, so far in the 21st century, the federal government has always reported higher spending than budgeted. In the last two administrations alone, that is, between 2013 and 2021, on average, the federal executive has spent 6.9% more than it originally planned. This means that, in a period of nine years, the federal administration spent almost 2 trillion 321



AUSTERITY MEASURES OF LOPEZ OBRADOR'S GOVERNMENT TO REDUCE PUBLIC SPENDING

**PUBLIC SPENDING EXECUTED
DISCRETIONALLY.**

**UNEXERCISED RESOURCES NOT
HAVING TO BE APPROVED AGAIN
IN THE LOWER HOUSE OF THE
FEDERATION.**

**PRESENT BUDGETS WITH WIDE
DIFFERENCES CONCERNING
THE AMOUNTS ACTUALLY
COLLECTED.**

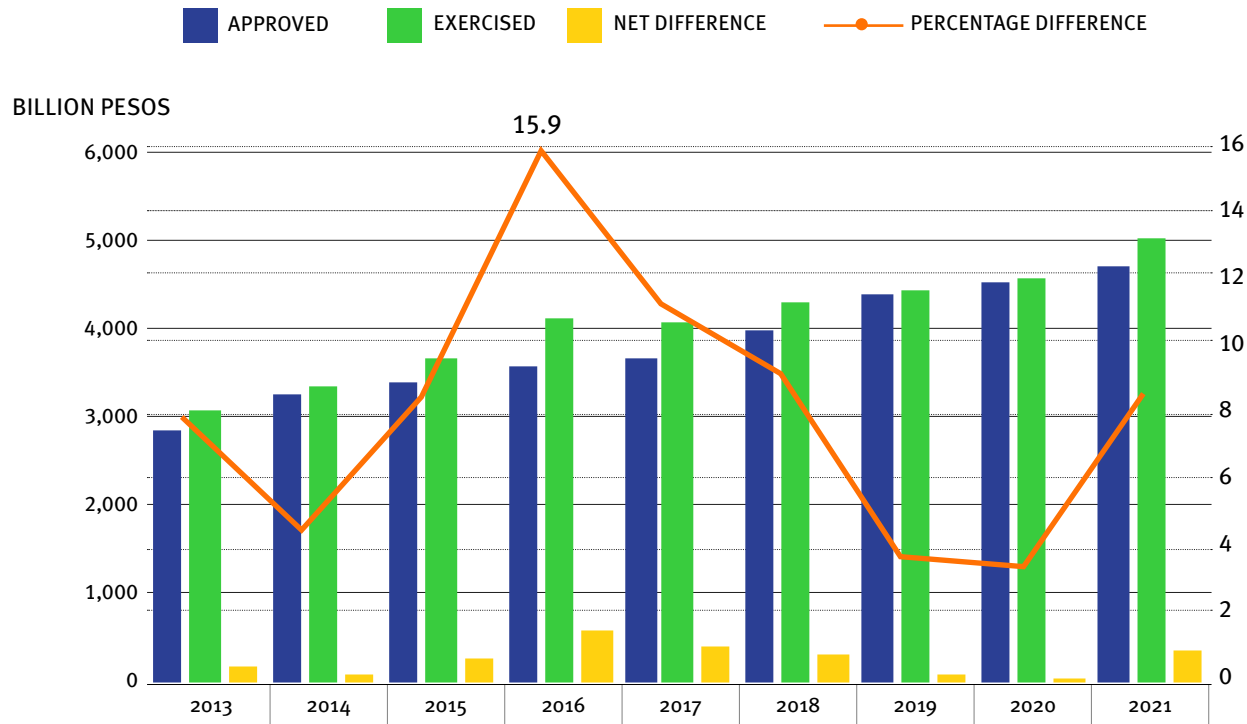
**SURPLUSES RECEIVED BY THE
MINISTRY OF FINANCE DE NOT
GO THROUGH THE LISGLATURE
TO BE EARMARKED.**

Image: Lack of maintenance in the Mexico City's underground at <https://www.elsoldemexico.com.mx/metropoli/cdmx/metro-incumple-metas-de-mantenimiento-7911627.html>

billion 308 million more than what was approved by the legislature (SHCP Department of Finance and Public Credit (Ministry of Finance) for its acronym in Spanish, 2013–2021).

It is worth recognizing that the proportions of these surpluses that are usually spent on opaque items have varied significantly each year and that the first two years of Lopez Obrador’s government were reduced by 47.7% compared to the first two years of Enrique Peña Nieto. But as of 2021 (the latest avail

GRAPH 1. APPROVED BUDGET IN THE CHAMBER OF DEPUTIES VS. EXPENDITURE BY THE FEDERAL EXECUTIVE BRANCH 2013–2021



Source: In-house elaboration with information from SHCP (2013 – 2021).

TABLE 1. NET DIFFERENCE BETWEEN APPROVED IN THE PEF AND THE AMOUNT SPENT

YEAR	NET DIFFERENCE BETWEEN APPROVED AMOUNT AND FISCAL YEAR (BILLION PESOS)
2013	193,523,679,194
2014	91,361,250,678
2015	254,037,673,464
2016	567,006,494,420
2017	390,565,939,774
2018	328,423,406,807
2019	80,620,943,982
2020	68,340,598,203
2021	350,872,557,268

Source: In-house elaboration with information from SHCP (2013 – 2021).

In April 2022, the SCJN invalidated Article 61 of the Federal Budget and Fiscal Responsibility Law, which granted the President of Mexico the power to use the savings generated through the Republican Austerity Law without having to justify their use to the Ministry of Finance (Signos Vitales, 2020). In this way,

the president could exercise absolute discretion in allocating resources without the need to account for their use. Previously, the Executive was obliged to present solid arguments to support the reorientation of resources so that they would be consistent with the National Development Plan.

In April 2022, the SCJN invalidated Article 61 of the Federal Budget and Fiscal Responsibility Law, which granted the President of Mexico the power to use the savings generated through the Republican Austerity Law without having to justify their use to the Ministry of Finance.

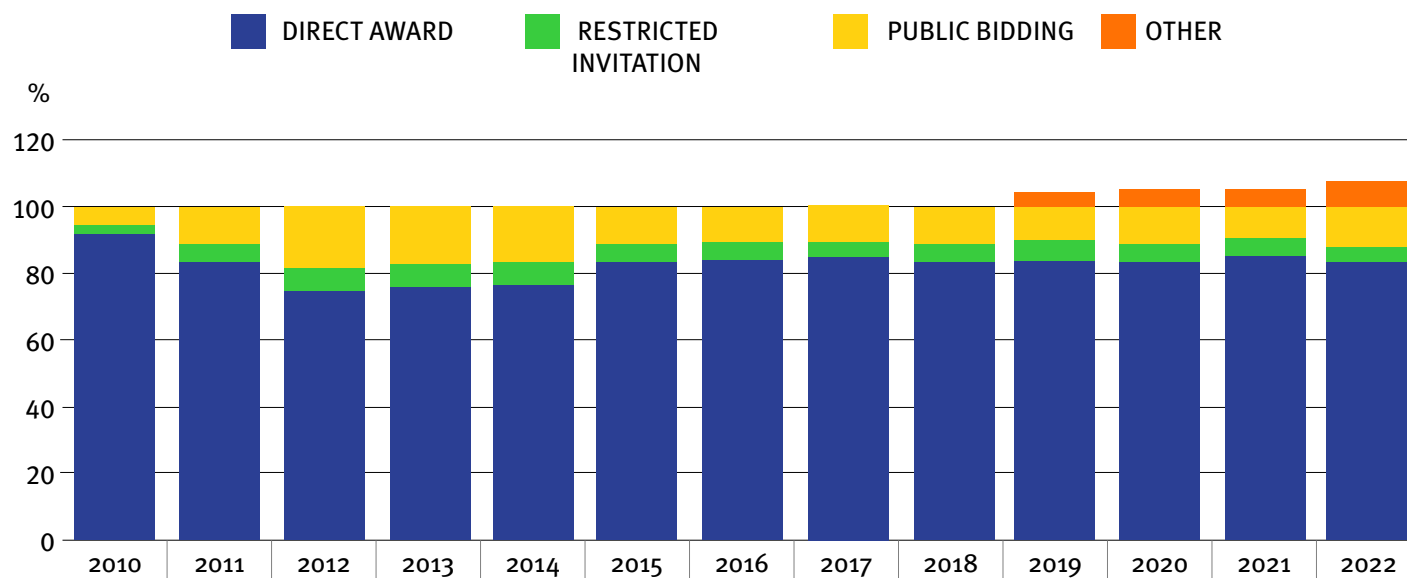
Another aspect of the federal executive's budgetary power concerns how public money is spent. In February 2023, the organization Mexicans Against Corruption and Impunity (MCCI for its acronym in Spanish) reported that the contracting methods most employed by the federal administration in 2022 were the most opaque. As established in Article 26 of the Federal Law of Acquisitions, Leasing, and Services of the Public Sector (LAASSP for its acronym in Spanish), federal government agencies and entities may enter into contracts through three mechanisms: 1) public bidding, 2) restricted invitations to at least three persons, and 3) direct award. As a rule, the latter must be used in very specific cases (MCCI, 2023).

Article 41 of the LAASSP establishes situations where agencies and entities may contract without public bidding. For instance, when there are no reasonable alternatives in the market or an emergency, there may be losses or significant additional costs, among others. In addition, it specifies in which cases the invitation procedure to at least three persons or direct award may be used (Chamber of Deputies of the H. Congress of the Union, 2021a).

Despite this, eight out of every ten contracts entered into by this government in the last year (2022) were assigned directly, only one was tendered, and one was assigned through a restricted invitation mechanism (MCCI, 2023). This has been a common practice in previous governments; the proportions were almost identical in the administration headed by Enrique Peña Nieto. Besides, not strictly adhering to the letter and spirit of the law contradicts the commitment Lopez Obrador made as a presidential candidate and as Mexico's president-elect (Graph 2).

In points 44 and 45 of the 50 general guidelines for the fight against corruption and the implementation of a policy of republican austerity signed by Lopez Obrador on July 15, 2018, the president pledged that government purchases would be made in a consolidated manner; through public bidding, with citizen observation and the UN transparency office, and that in addition government work contracts would be carried out through public bidding, with the participation of citizens and UN observers. The data show precisely the opposite (AMLO, 2018).

GRAPH 2. APF CONTRACTS IN COMPRANET (2010–2022)



Source: In-house elaboration with data from MCCI (Mexicans Against Corruptions and Impunity for its acronym in Spanish) (2023).

A review of the total amounts allocated through alternative mechanisms to public bidding, which according to Article 26 of the LAASSP, is the primary mechanism for procurement and leasing, shows that bidding is not the mechanism used as a rule to carry out public procurements. More than 50% of these purchases were made through direct awards, restricted invitations, or some other mechanism other than public bidding, that is, some 263,403 million

pesos of the 452,496 million pesos that the government spent on public purchases (MCCI, 2023).

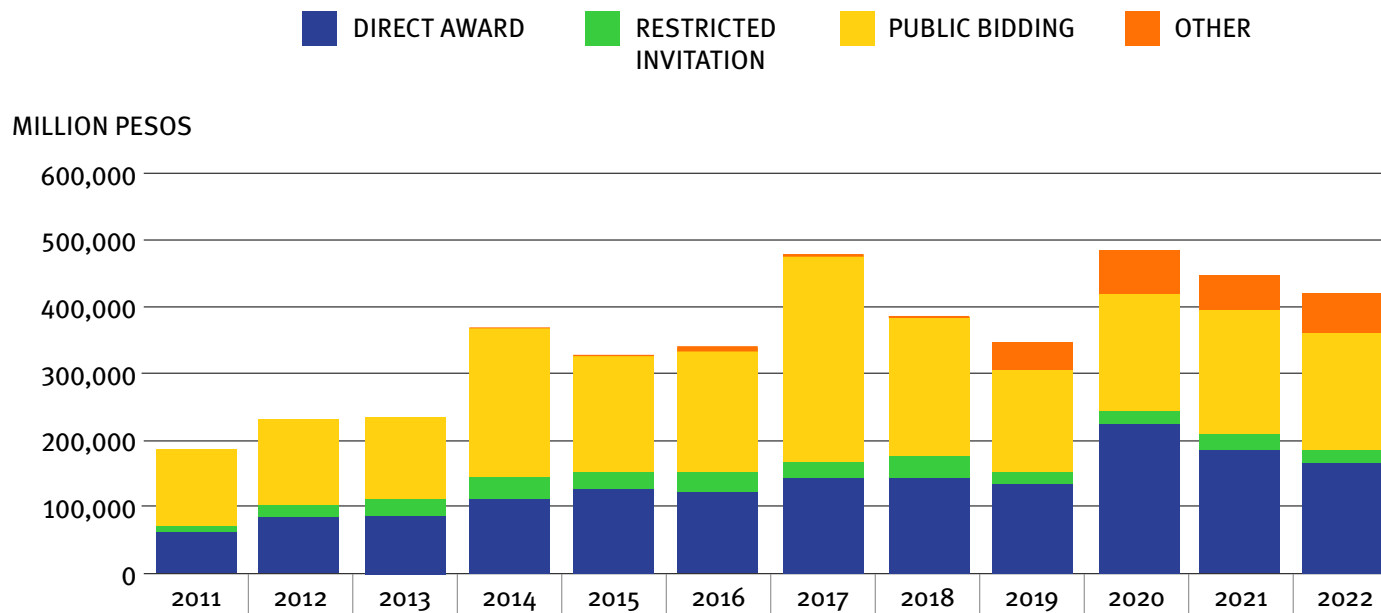
Mexicans Against Corruption and Impunity (MCCI) (2023) also shows that just over 1,700 contracts that the APF entered into in 2022 (out of a total of 174,202 contracts) exceeded the amount that the LAASSP allows for contracting or leasing using the figure of direct awards or that of restricted invitations. While

this represents a reduction of 43.9% concerning 2018, it is very striking that the federal government continues to violate the law.

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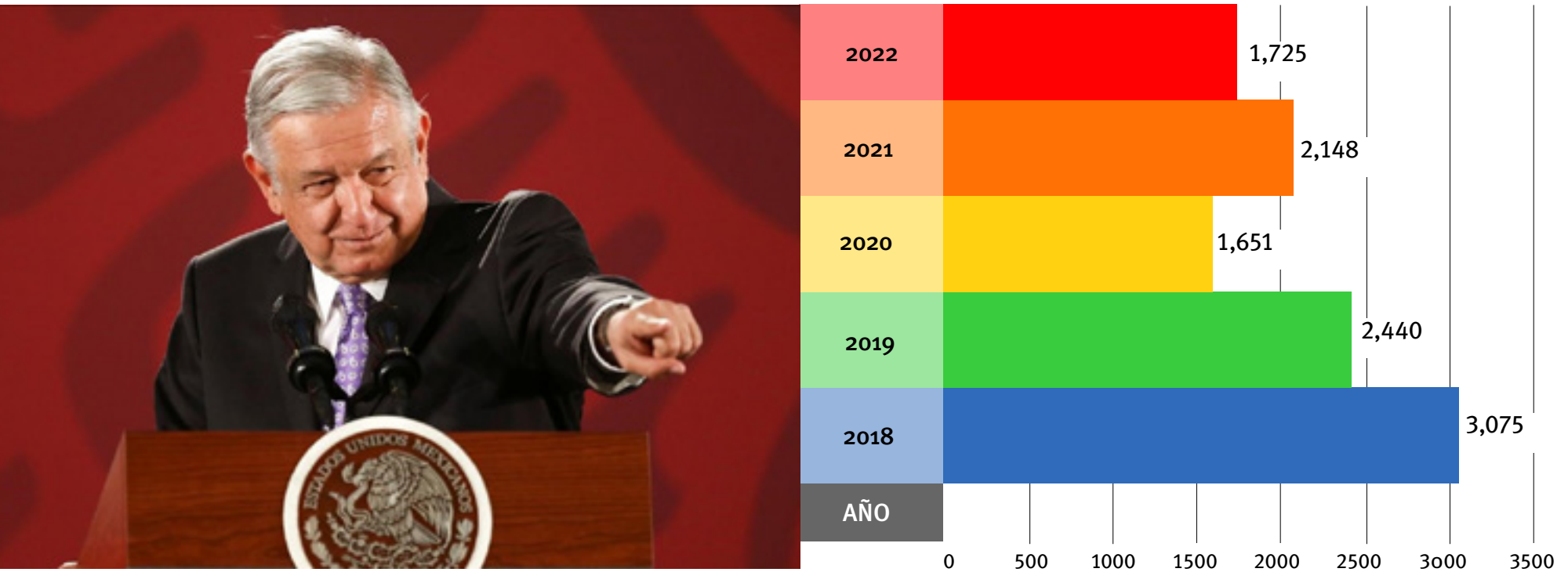
MCCI, 2023

GRAPH 3. AMOUNT IN MILLIONS OF PESOS BY TYPE OF CONTRACTING PROCEDURE



Source: In-house elaboration with information from MCCI (2023).

GRAPH 4. NUMBER OF CONTRACTS EXCEEDING THE MAXIMUM AMOUNT OF PERFORMANCE



Source: In-house elaboration with information from MCCI (2023).

Image: <https://www.energiaestrategica.com/Lopez Obrador-apunto-otra-vez-contra-contratos-leoninos-de-energias-renovables/>

Public bidding is the primary mechanism for procurement and leasing. More than 50% of the purchases were made through direct awards, restricted invitations, or some other mechanism other than public bidding, that is some 263,403 million pesos of the 452,496 million pesos that the government spent on public purchases.

MCCI, 2023

Presidential influence on the Mexican Justice system

In recent years, the president of Mexico, Andres Manuel Lopez Obrador, has been the target of criticism from some sectors of society and the political opposition due to his meddling intentions in the Judiciary and his attempt to influence court decisions. These questions have arisen from several episodes in which the president has been perceived as trying to pressure judges and magistrates to make decisions favorable to his government and political interests.

One of the strategies that the president has used to exert influence over the judiciary has been through the appointment of judges and magistrates related to his government and his political project. It is not an unprecedented practice, since it has been carried out by all governments without exception. Since his rise to power in 2018, Lopez Obrador has had the power to appoint the members of the Federal Judicial Council, the body responsible for the administration, surveillance, and discipline of federal judges and magistrates. This has given him greater control over the selection of the magistrates and judges that integrate the federal courts, allowing him to exert further influence in their decisions.

Another way the president has tried to influence the Judiciary has been through his public statements on specific cases being tried in the courts, criticizing judges and magistrates for not making decisions that he considers favorable to his government. These public statements have generated controversy and have been criticized by some sectors of society and the political opposition, considering that the president is trying to pressure judges and magistrates to make decisions in his favor.

SOME WAYS THAT THE PRESIDENT LOPEZ OBRADOR HAS USED TO INFLUENCE THE JUDICIARY:

- APPOINTING JUDGES AND MAGISTRATES WHO SUPPORT HIS GOVERNMENT AND HIS POLITICAL PROJECT.
- PUBLIC STATEMENTS ON SPECIFIC CASES BEING TRIED IN THE COURTS.
- PUBLIC PRESSURES AND DISQUALIFICATIONS ON THE COURT AND JUDGES.

Public pressures and disqualifications on the Court and judges have been the rule rather than the exception. One of the most prominent cases was that of Judge Juan Pablo Gomez Fierro, who, in March 2021, granted provisional and then definitive stays against the application of the reform to the Electricity Industry Law promoted as a preferential initiative by the president. During a morning conference, the president personally disqualified the judge and sent a letter to the Judiciary Council requesting an investigation for corruption (Etcetera, 2021; El Financiero, 2022). The president also claimed that the judge had ties with actors he has considered corrupt and his political enemies, such as the Spanish company Iberdrola, Claudio X. Gonzalez, and retired minister Jose Ramon Cossio, whom he accused of corruption and complicity without presenting concrete evidence (Forbes, 2021). This can be considered political persecution since part of the Mexican State was mobilized to investigate a judge because he did not rule as expected by the federal government.

Although the President justifies his aggressions by calling them a “right of reply,” there is fear in some sectors of Mexican society for the possible consequences that his comments could have outside of institutional life. One example is the burning of a



Image: Justice Juan Pablo Gomez Fierro at <https://elpais.com/mexico/2021-04-23/gomez-fierro-el-juez-discreto-que-hace-enojar-a-lopez-obrador.html>

piñata simulating Minister Norma Piña. This act was carried out on March 19 by AMLO’s supporters during a mobilization called by the Mexican President himself, who, in the context of the succession of the Court’s presidency, considered Piña his political adversary. Once Norma Piña assumed the presidency of the Court, Lopez Obrador accused her of collusion with political actors such as Genaro Garcia Luna and Francisco Cabeza de Vaca, holding her responsible for unfreezing the accounts of Garcia Luna’s wife and leaving without effect the arrest warrant against the former governor of Tamaulipas. Several social network accounts, such as Twitter, almost immediately

spread death threats against the minister (El Financiero, 2023). Strictly speaking, the apology for crime has been promoted.

Perhaps the comments that best portray how the President understands the responsibility of the Court are those in which he openly accepted that he had made mistakes in appointing ministers because they had betrayed him by ruling against the causes of his government. The President assumed that when he sent the respective shortlists for ministers of the Court to the Senate of the Republic, those elected as members of the head of the Judiciary should serve him as employees and not as members of a power independent from the Executive and the Legislative.



Image: Threats to the Minister Norma Lucia Piña, President of the SCJN at <https://www.todo-nada.com/sucesos/presidente-del-senado-denuncia-intimidacion-y-amenazas-de-norma-pina-presidenta-de-la-corte/>

Although the President justifies his aggressions by calling them a “right of reply,” there is fear in some sectors of Mexican society for the possible consequences that his comments could have outside of institutional life.

Strictly speaking, the apology for crime has been promoted.



Image: <https://lopezdoriga.com/nacional/le-creo-zaldivar-amlo-denuncia-presidente-corte-presiones-caso-guarderia-abc/>

Likewise, the president promoted the creation of a new law for the Judicial Branch drafted exclusively by Arturo Zaldivar as president of the Court and his team, which, although it is expected to make the tasks within the federal Judicial Branch more efficient and more respectful of the rights of the people who work there, at the same time it could affect the independence of judges and magistrates (IMER Noticias, 2020; Lara, 2021). The law initiative seeks, among other things, to establish an evaluation and ratification process for judges and magistrates, which could generate more significant pressure on them and, therefore, affect

their independence in decision-making. In addition, the reform was promoted by the president's party without seeking a broad consensus with other political parties and civil society groups; it led to changes in the composition of the Federal Judiciary Council, increasing the politicization of this body and the possibility that it could be used to persecute judges who are not aligned with the government, and it does not establish precise mechanisms to guarantee the independence of judges and magistrates.

In addition to the reform of the Judiciary, Lopez Obrador has promoted constitutional and legal modi-

fications that take away the independence of the Judiciary. One that stands out for the consequences it derives is the one related to informal preventive detention. In 2019, the president motivated a legislative reform intending to expand the catalog of crimes that activate unofficial pre-trial detention. In addition to Article 19, the National Code of Criminal Procedures, the Tax Code, the General Law on Electoral Crimes, the General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals, and the National System for the Search for Persons, the Federal Law to Prevent and Punish Crimes Committed in the Area of Hydrocarbons, the Federal Law against Organized Crime, the Law on General Communication Roads and the Security Law were reformed (Signos Vitales, 2021).

Control judges carry out the automatic imposition of unofficial pre-trial detention without considering the parties' arguments when a person is prosecuted for certain crimes. This figure does not require the prosecution to demonstrate the need for the person to be incarcerated while facing trial, such as a risk of flight, obstruction of the investigation, or a danger to the victim, offended parties, or witnesses. Therefore, the defense does not have the opportunity to persuade



REFORMAS AL PODER JUDICIAL Y MODIFICACIONES CONSTITUCIONALES DE LOPEZ OBRADOR:

PROMOTED THE CREATION OF A NEW LAW TO ESTABLISH AN EVALUATION AND RATIFICATION PROCESS FOR JUDGES AND MAGISTRATES, WHICH COULD AFFECT THEIR INDEPENDENCE IN DECISION-MAKING.

INFORMAL PREVENTIVE DETENTION. TO PREVENT THOSE ACCUSED OF CERTAIN CRIMES FROM BEING ABLE TO JUSTIFY THE RELEVANCE OF FACING A JUDICIAL PROCESS IN FREEDOM BEFORE A JUDGE.

IN ADDITION TO ARTICLE 19, WERE REFORMED:

THE NATIONAL CODE OF CRIMINAL PROCEDURES, THE TAX CODE, THE GENERAL LAW ON ELECTORAL CRIMES, THE GENERAL LAW ON FORCED DISAPPEARANCE OF PERSONS, DISAPPEARANCE COMMITTED BY INDIVIDUALS, AND THE NATIONAL SYSTEM FOR THE SEARCH FOR PERSONS, THE FEDERAL LAW TO PREVENT AND PUNISH CRIMES COMMITTED IN THE AREA OF HYDROCARBONS, THE FEDERAL LAW AGAINST ORGANIZED CRIME, THE LAW ON GENERAL COMMUNICATION ROADS AND THE SECURITY LAW.

SIGNOS VITALES, 2021

the judicial authority not to apply it and to substitute it with precautionary measures at liberty.

In this way, the federal Executive attempted to take away from the justice system the ability to study the particularity of each case. In other words, this reform sought to prevent those accused of certain crimes from being able to justify the relevance of facing a judicial process in freedom before a judge. At the same time, their guilt or innocence is being decided. Everything indicates that this reform had a fundamentally political content since the vast majority of crimes in Mexico go unpunished (95%) (INEGI, 2022a); however, this legal framework enables the government to prosecute whomever it chooses without respecting the rights of legal security and due process. It should be noted that political opponents of the president who have been detained have not necessarily been sentenced but have been imprisoned under preventive detention.²

² For further information go to <https://www.elfinanciero.com.mx/nacional/2022/09/14/jorge-luis-lavalle-implicado-en-caso-odebrecht-obtiene-prision-domiciliaria/#:~:text=El%20exsenador%20Jorge%20Luis%20Lavalle%20Maury%20obtuvo%20prisi%C3%B3n%20preventiva%20despu%C3%A9s,para%20aprobar%20la%20reforma%20energ%C3%A9tica.>

It is striking that the Supreme Court has only declared informal preventive detention unconstitutional for crimes related to tax fraud and smuggling, which tend to be committed much more by people from the highest economic deciles of the country. On the contrary, the Inter-American Court of Human Rights (CoIDH for its acronym in Spanish) declared unconstitutional not only informal preventive detention but also arrest because they violate the presumption of innocence, one of the most basic human rights in any constitutional State under the rule of law. This led the Secretary of the Interior to disqualify the CoIDH (Villegas, 2023).

With preventive detention, the federal Executive attempted to take away from the justice system the ability to study the particularity of each case. In other words, this reform sought to prevent those accused of certain crimes from being able to justify the relevance of facing a judicial process in freedom before a judge. At the same time, their guilt or innocence is being decided.

One of the president's most recent public attacks against the court came after the declaration of unconstitutionality that the highest court declared regarding the transfer that Morena and its allies made of the National Guard, which was constitutionally created as a civilian institution but through legal reforms was administratively and operationally subordinated to Sedena (Secretariat of National Defense for its acronym in Spanish). During the presidential morning conference on April 20, 2023, the president said:

Eight ministers of the Supreme Court, except for three, acted in a factious manner and not with legal, but with political criteria, defending the old practices of the authoritarian and corrupt regime characterized by injustice, collusion, and subordination of the authorities to organized crime and white-collar crime. The ministers of the Court are acting in the style of the government of Felipe Calderon and his security secretary Genaro Garcia Luna.

Benitez, 2023

This is even though Article 21 of the Constitution states that public security institutions, including the National Guard, shall be civilian, disciplined, and pro-

fessional. It shall be attached to the Secretariat of Public Security, which shall formulate the National Public Security Strategy and the respective programs.



Image: "It is unconstitutional Lopez Obrador's reform on militarization of the National Guard" at <https://www.rtve.es/noticias/20230419/supremo-anula-militarizacion-guardia-nacional-lopez-obrador/2439527.shtml>

Presidential behavioral patterns

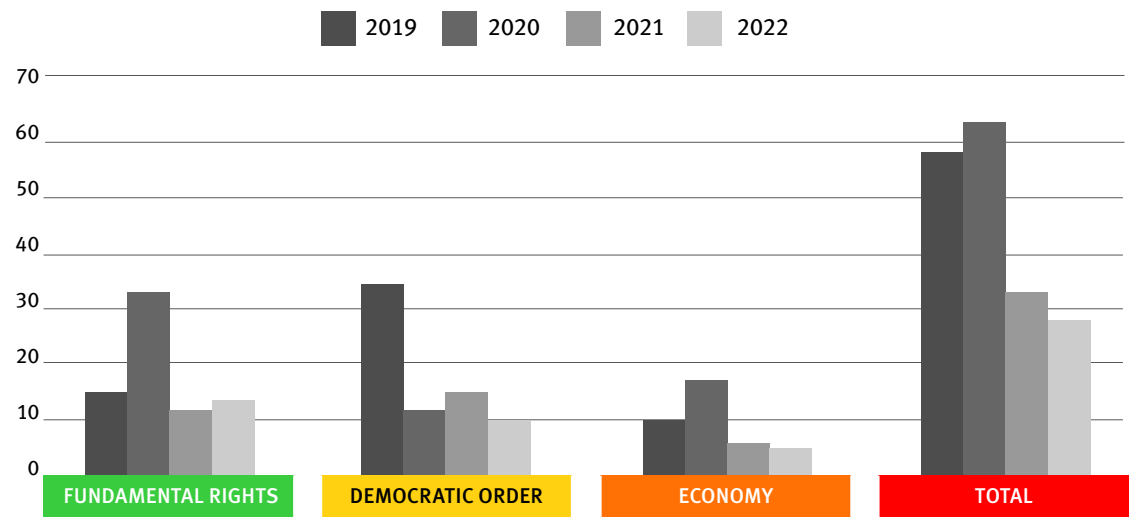
Anti-democratic political behavior patterns have characterized President Andres Manuel Lopez Obrador. It is true that all of Mexico's presidents have violated the law and the Constitution and that Mexico has never been characterized as a country where the rule of law is strictly enforced. However, Lopez Obrador has shown a personal style of governing that includes systematically violating the law, lying as a strategy to build a narrative detached from evidence, and directly and indirectly threatening those who criticize him, whether they are media, journalists, formal political opponents, activists, international organizations or academics. In addition, the president has habitually attempted to modify the regulatory framework in violation of established procedures.

The organizations MCCI and Causa en Comun reported that between December 1st, 2018, and the close of 2022, they had counted at least 182 allegedly illegal actions committed by the Executive branch, either in complicity with another organ of the State or unitarily (Casar & Morera, 2023). Due to the fact that during six years, the illegal acts committed by the heads of the Mexican State were not accounted for in this way,

it is not easy to make a numerical comparison. Even so, the frequency with which Lopez Obrador disregards the law has attracted attention.

Some of the illegalities committed by this government that are most striking have to do with severe matters and which the president mightily criticized when he was an opposition leader. The latest development is the discovery that the Armed Forces are spying on journalists, activists, and even government

GRAPH 5. ILLEGALITIES COMMITTED BY THE CURRENT ADMINISTRATION 2019–2022



Source: In-house elaboration with data from Casar & Morera (2023).

members. As a result of the hacking of Sedena's servers, numerous research works have been exposed in which it has been demonstrated, with expert and documentary evidence, that, contrary to what Lopez Obrador has assured in numerous morning conferences, the government, through an administrative body (the Army), violates the privacy of people who are not members of the Armed Forces, violates the privacy of people who have decided to exercise their professional and democratic rights by investigating the use of public resources by the military, potential acts of corruption by both Sedena and Semar (Marine Secretariat for its acronym in Spanish) or cases related to extrajudicial executions by the Armed Forces (Centroprodh, 2023; Jackson, 2023).

Although the president has tried to deny the fact by saying that his government does not spy but instead does intelligence work, no legal framework enables the Army to intercept private communications, much less without the corresponding judicial orders. Furthermore, these acts of espionage were carried out from a place whose existence was not disclosed: the Military Intelligence Center, which does not appear in any official organization chart and is not identified in any budget item, much less in any audit report. In

other words, it is an absolutely illegal center whose actions are outside the framework of the law.

In the morning conference of March 10, 2023, journalist Nayeli Roldan asked the president if he was aware of the espionage carried out by the Army, to which the federal executive responded that the military institutions do intelligence in order not to use force, but falling into multiple contradictions by saying that the law was not violated although no law enables the Army to intervene private communications and that there were no judicial orders to carry out these tasks. Not content with that, the president decided to criminalize one of the victims of espionage, the



Image: Journalist Nayeli Roldan asks the president at <https://www.yucatan.com.mx/mexico/2023/3/10/reportera-cuestiona-amlo-por-espionaje-le-responde-con-evasivas-acusaciones-video-390408.html>

activist Raymundo Ramos, who was allegedly linked to organized crime (Axis Negocios, 2023). Notably, according to the Citizen Lab's expert analysis results, Ramos' cell phone was tapped on dates when he was investigating an alleged extrajudicial execution by the Army in Tamaulipas (R3D, n.d.).

As with Ramos, the private communications of other journalists, activists, members of the current government, and even an opponent were illegally tapped with the Pegasus malware, which according to its creator, the Israeli company NSO Group, is only sold to governments in order to provide them with technological capabilities to fight terrorism and organized crime (Centroprodh, 2023; Jackson, 2023; R3D, n.d.). However, an investigation by Natalie Kitroeff and Ronen Bergman, published on April 18, 2023, in the New York Times, reveals that the Mexican government was the first client of NSO Group to contract Pegasus in 2011, first through the Army, whose secretary was General Guillermo Galvan Galvan, who along with President Felipe Calderon, witnessed live the malware's operation. Already in the government of Enrique Peña Nieto, in addition to Sedena, the PGR (Attorney General's Office for its acronym in Spanish) and CISEN (National Intelligence Centre for its acronym in Spanish) also contracted Pegasus. In



Image: Raymundo Ramos at <https://elpais.com/mexico/2023-03-07/el-ejercito-mexicano-espio-con-pegasus-al-activista-raymundo-ramos-para-interferir-en-una-investigacion-sobre-ejecuciones-extrajudiciales.html>

addition to investigating drug lords, drug traffickers, and other criminals, these institutions, throughout three different administrations, spied on those they considered enemies of the State for investigating, questioning, or litigating matters related to severe human rights violations (Kitroeff & Bergman, 2023).

The investigation assures that Mexico is the country where Pegasus is most used and warns of its power, stating that:

Many tools can infiltrate your digital life, but Pegasus is exceptionally powerful. It can infect your phone without any sign of intrusion and extract everything on it – every email, text message, photo, and calendar appointment – while monitoring everything you do with the device in real time. It can record every keystroke, even when using encrypted apps, and watch through the phone’s camera or listen in through its microphone, even if the device appears to be turned off.

Kitroeff & Bergman, 2023

After, in October 2022, the President ordered Sedena to hand over everything related to the contracting of Pegasus, and the Army refused to do so. The organization R3D won an appeal for review by which the INAI, on January 25, 2023, ordered all competent administrative units of Sedena to search for and hand over all information related to the contracting of Pegasus. They must include the contracting requests, technical opinions, the contracts entered into, the contracts, technical annexes, opinions or payment

invoices (R3D, 2017). Again, Sedena refused to hand over the information, thus entering into contempt. In response, the President of Mexico announced that he would reserve, for national security reasons, all data of the Armed Forces, arguing that his government does not violate human rights, does not spy, and is not a victim of espionage by U.S. agencies. The decision violates the sixth constitutional article (Investing, 2023).

To this fact are added illegal actions in economic, democratic and social rights areas. Among these are the abuses by the National Guard against migrants (many of which have been documented and recorded), the negligence in the protection of children and adolescents in immigration stations, one of the most notable being the protagonist of one of the greatest humanitarian tragedies of the century in Mexico, due to the death of at least 38 people in a fire in which the state authorities decided not to open the cells where the detained migrants were (Guillen, 2023). Illegal actions also include expropriations of individuals through non-transparent means, budget readjustment without the approval of the Legislature, and numerous decisions made outside of Mexican law and constitutional order, even going so far as to threaten non-compliance with court rulings (Guillen, 2023).

On January 25, 2023 the INAI ordered Sedena to hand over all information related to the contracting of Pegasus.

Again, Sedena refused to hand over the information, thus entering into contempt.

For instance, in the morning conference of November 25, 2022, Lopez Obrador said that he instructed officials, including the Secretariat of Security and Citizen Protection, to give arguments against the resolutions of the judges through written documents (Guerrero & Jimenez, 2022). Textually he said:

I have already told them in the Secretariat of Public Security that, if it is clearly an act of corruption, they should hold on, send a letter to the judge, telling him: I cannot, because I have other data and they should hold on.

Guerrero & Jimenez, 2022

More recently, after the declaration of unconstitutionality by the Court regarding the administrative and operational transfer of the National Guard to Sedena, the Secretary of the Interior assured that the Guard will continue to receive guidance and professional training from Sedena and also instructed the Secretary of Security to maintain retired General David Cordoba as commander of the National Guard. In short, the traditional saying seems to have been expressed: *Obey but do not comply.*



Image: Migratory station in Ciudad Juarez at <https://www.elheraldodechihuahua.com.mx/republica/sociedad/incendio-en-inm-de-cd.-juarez-28-de-los-migrantes-fallecidos-eran-guatemaltecos-9831198.html>

Lies and public threats

Other characteristic features of the behavior maintained by the Executive Branch, and specifically by its head, have been, on the one hand, the spreading of lies and, on the other hand, public threats against those who differ from the political project he heads. This occurs in a context of extreme violence in which almost one hundred people are murdered daily, Mexico is experiencing one of the largest waves of violence against politicians and public officials in its history, and journalists risk their lives to carry out their work.

According to the SPIN organization (n.d.), since the first day of his government and until the end of 2022, Lopez Obrador has lied at least 94,000 times, only counting the 1,000–morning conferences that took place during that period. In other words, the president lies, on average, 94 times per morning conference. Falsehoods cross almost any subject. The president assured that line 12 would be operational one year after its collapse, something that has not been fulfilled so far. On more than 30 occasions, he also assured that corruption is over in Mexico, even though he acknowledged the diversion of resources from Segalmex. Another well-known lie is when

Lopez Obrador assured that a report would be given on why Azucena Pimentel, who served as Carlos Loret de Mola's producer when the television montage of the Israel Vallarta and Florance Cassez case took place, was working for the Presidency of the Republic. Said report was never presented, not even after Pimentel, in March 2023, made a verbal aggression against journalist Jesus Esquivel, who demanded a response via Twitter (Aristegui Noticias & RC, 2023).

This is in a country where at least 37 journalists have been killed for reasons related to their work from January 1, 2018, to December 31, 2022 (Artículo 19, n.d.). The 12 murders registered in 2022 made Mexico the most lethal country for journalists worldwide. In addition, the organization Artículo 19 has reported that during the current administration, a record number of aggressions against the press have been recorded, 2022 being the one with the historical record, with 696. That is a documented aggression every 13 hours (Artículo 19, 2023b) (Table 2, Graph 6).

It is worth noting that 42.53% of the aggressions were perpetrated directly by State actors. The most frequent type of aggression during the current administration has been threats, intimidations, and harassment. Intimidation and harassment accounted

TABLE 2. JOURNALISTS MURDERED DURING THIS SIX-YEAR PERIOD

DATE	NAME	DATE	NAME
1/12/2018	Jesus Alejandro Marquez Jimenez	17/6/2021	Gustavo Sanchez Cabrera
20/1/2019	Rafael Murua Manriquez	22/6/2021	Saul Tijerina Renteria
20/2/2019	Samir Flores Soberanes	22/7/2021	Ricardo Lopez Dominguez
15/3/2019	Santiago Barroso	19/8/2021	Jacinto Romero Flores
2/5/2019	Telesforo Santiago Enriquez	28/10/2021	Fredy Lopez Arevalo
16/5/2019	Francisco Romero	31/10/2021	Alfredo Cardoso Echeverria
11/6/2019	Norma Sarabia	10/1/2022	Jose Luis Arenas Gamboa
30/7/2019	Rogelio Barragan	17/1/2022	Margarito Martinez
2/8/2019	Edgar Alberto Nava Lopez	23/1/2022	Lourdes Maldonado Lopez
2/8/2019	Jorge Celestino Ruiz Vazquez	31/1/2022	Roberto Toledo
24/8/2019	Nevith Condes Jaramillo	10/2/2022	Heber Lopez Vazquez
30/3/2020	Maria Elena Ferral	24/2/2022	Jorge Luis Camero Zazueta
16/5/2020	Jorge Miguel Armenta Ramos	4/3/2022	Juan Carlos Muñiz
2/8/2020	Pablo Morrugares Parraguirre	15/2/2022	Armando Linares Lopez
21/8/2020	Juan Nelcio Espinoza	5/5/2022	Luis Enrique Ramirez Ramos
9/9/2020	Julio Valdivia	29/06/2022	Antonio de la Cruz
9/11/2020	Israel Vazquez Rangel	11/8/2022	Alan Gonzalez
9/12/2020	Jaime Daniel Castaño Zacarias	16/8/2022	Juan Arjon Lopez
3/5/2021	Benjamin Morales Hernandez		

Source: In-house elaboration with information from Article 19 (n.d.).

for 181 cases (Article 29, 2023b). Article 19 (2023b) also warned in its report “Voces contra la indiferencia” (Voices against indifference) that in 2022 alone, the federal Executive poured stigmatizing comments to media, journalists, and civil society organizations on at least 176 occasions. Of these, 44 were configured as attacks against the press. Thirty-three of the latter were perpetrated by the President of Mexico personally (Graph 7).

Images:

https://es.wikipedia.org/wiki/Ernesto_Zedillo#/media/Archivo:Ernesto_Zedillo_Ponce_de_Leon_Official_Photo_1999.jpg;

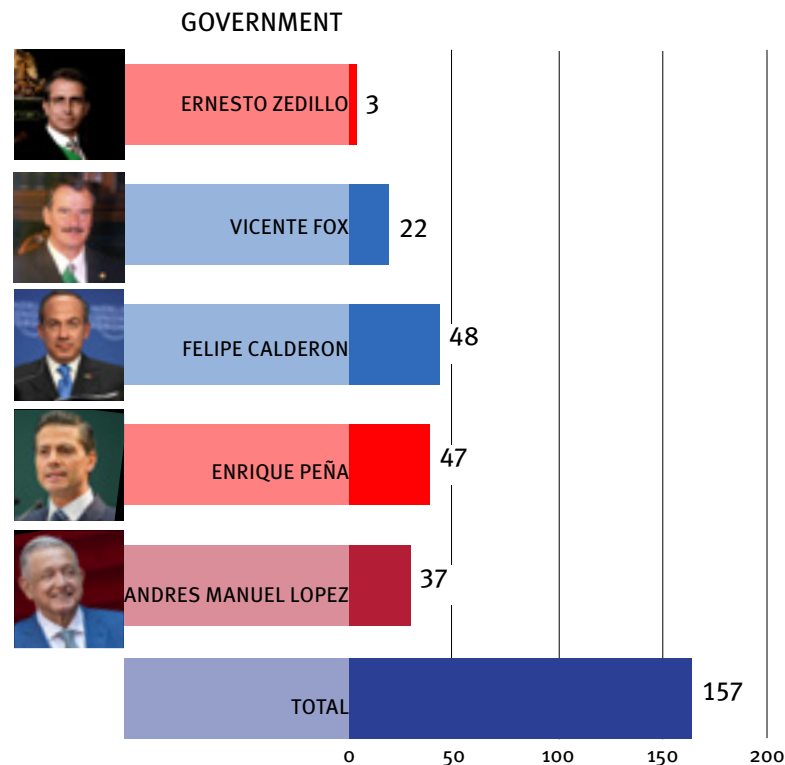
[https://es.wikipedia.org/wiki/Vicente_Fox#/media/Archivo:Vicente_Fox_Official_Photo_2000_\(Cropped\).jpg](https://es.wikipedia.org/wiki/Vicente_Fox#/media/Archivo:Vicente_Fox_Official_Photo_2000_(Cropped).jpg);

https://es.m.wikipedia.org/wiki/Archivo:Felipe_Calderon_20090130.jpg;

https://es.wikipedia.org/wiki/Investigaci%C3%B3n_por_conflicto_de_inter%C3%A9s_de_Enrique_Pe%C3%B1a_Nieto;

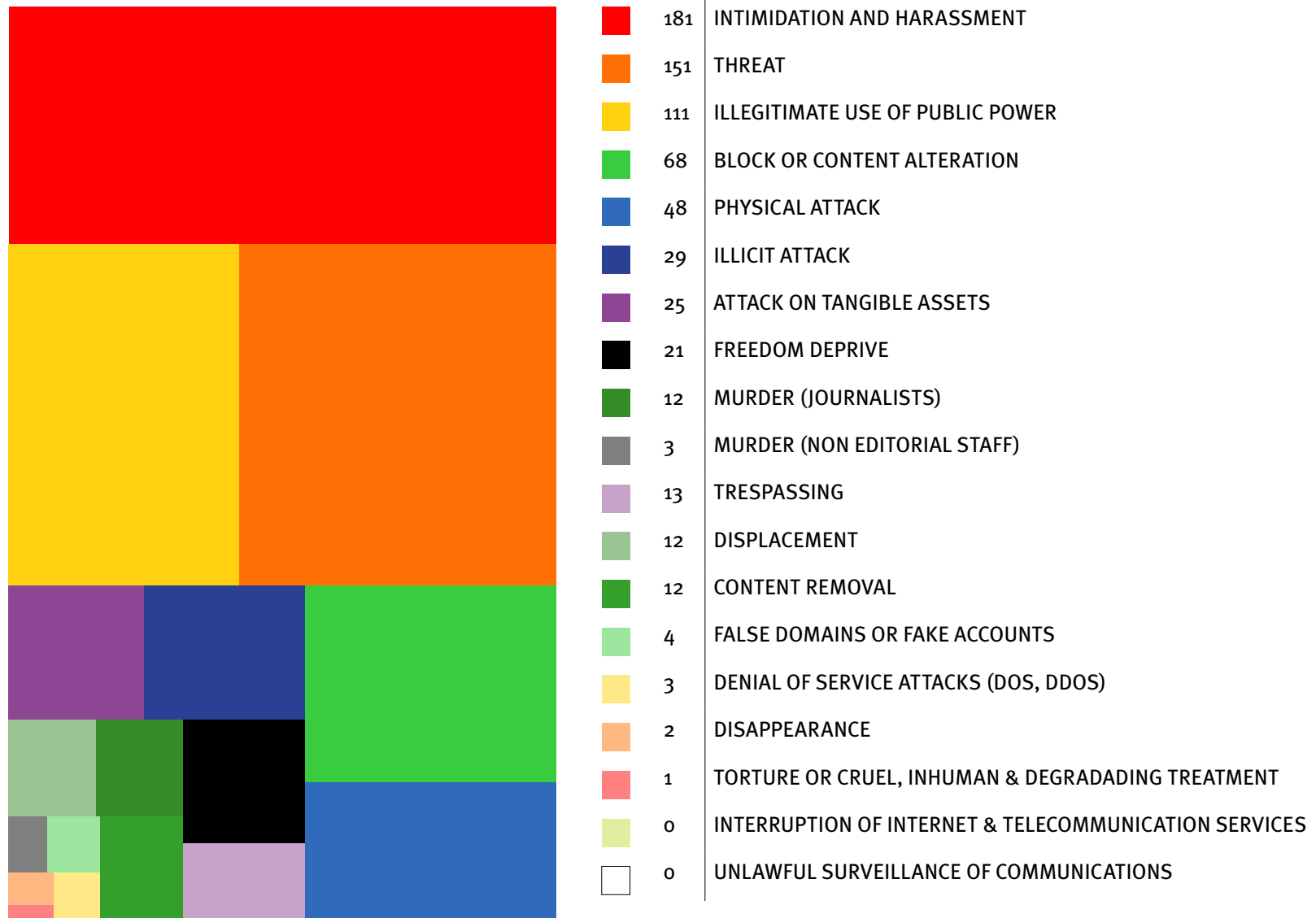
[https://es.wikipedia.org/wiki/Andr%C3%A9_Manuel_L%C3%B3pez_Obrador#/media/Archivo:P20230110AS-0665\(52644828441\)_cropped.jpg](https://es.wikipedia.org/wiki/Andr%C3%A9_Manuel_L%C3%B3pez_Obrador#/media/Archivo:P20230110AS-0665(52644828441)_cropped.jpg)

GRAPH 6. JOURNALISTS MURDERED BY SIX-YEAR PERIOD



Source: In-house elaboration with information from MCCI (2023).

GRAPH 7. AGGRESSIONS BY CATEGORY AGAINST THE PRESS IN 2022



Source: In-house elaboration with information from Article 19 (2023b).

TABLE 3. INCREASE IN AGGRESSIONS THROUGH CRIMINALIZATION, STIGMATIZATION, AND SMEARING

	2018	2019	2020	2021	2022
CRIMINALIZATION	0	2	3	7	2
STIGMATIZATION	1	18	19	17	66
SMEARING	50	52	50	62	41

Source: In-house elaboration with information from Article 19 (2023b).

All of the above, added to the control and discretionary use of official advertising, represents indirect censorship, understood as the government's use of financial incentives and sanctions to pressure the media, punishing critical reports and rewarding those that provide favorable coverage to the government. As previously reported, the amounts of official advertising allocated during the current administration have been considerably reduced compared with the previous government. Despite this, there are currently no adequate regulations governing the distribution of resources allocated to government advertising and establishing transparent and precise criteria in this regard. Due to this lack of regulation, the federal government has the power to discretionally and disproportionately allocate public resources

to the media and can impose sanctions without having clearly established parameters.

During 2022, 30.6% of the budget allocated to official advertising was directed to only three companies. Televisa, Demos (La Jornada), and TV Azteca benefited with 439 million 668 thousand 17.80 pesos. The ten media companies that received the most government money alone accounted for 54.8% of this budget. On the other hand, 399 companies as a whole obtained 45.2% of the total budget for this item (Article 19, 2023b) (Table 4).

In conclusion, it can be observed that the federal executive branch, headed by the president of the republic, has always been characterized by attempts to concentrate power. During the current adminis-

TABLE 4. THE 10 JOURNALISTIC COMPANIES THAT RECEIVED THE MOST RESOURCES IN 2022

LEGAL NAME	AMOUNT (MXN)	%
Televisa, S. de R. L. de C. V	\$154 640 876	10.76%
Demos Desarrollo de Medios, S. A. de C.V	\$148 002 617	10.30%
TV Azteca, S. A. de C. V	\$137 024 524	9.54%
Estudios Churubusco Azteca, S. A.	\$75 036 614	5.22%
Agencia Digital, S. A. de C. V	\$72 281 779	5.03%
Cadena Tres I, S. A. de C.V	\$53 271 951	3.71%
La B Grande, S. A. de C. V.	\$51 611 322	3.59%
Medios Masivos Mexicanos, S. A. de C. V	\$40 687 407	2.83%
Teleformula, S. A. de C. V	\$27 428 541	1.91%
Compañía Editora del Mayab, S. A. de C. V	\$27 395 670	1.91%

Source: In-house elaboration with information from Article 19 (2023b).

Televisa, Demos (La Jornada) and TV Azteca, benefited with 439 million 668 thousand 17.80 pesos. The ten media companies that received the most government money alone accounted for 54.8% of this budget.

tration, these attempts have been particularly evident, and illegal mechanisms have been resorted to, both in form and in substance, but this has not been successful on all occasions, partly due to the activation of institutional counterweights, but on many other occasions due to the social resistance that has arisen.

However, the consequences of the undemocratic spirit of the federal government have not been minor and range from non-compliance with legal procedures and constitutional disobedience to the violation of human rights. In this sense, assessing the damages derived from the presidential actions, which do not seem to cease in the immediate future, is worthwhile.





THE JUDICIARY
AND THE SUPREME COURT OF JUSTICE

THE JUDICIARY

AND THE SUPREME COURT OF JUSTICE

The Judicial Branch of the Federation in Mexico is one of the three branches of government in charge of interpreting and applying laws and administering justice in the country. It comprises various bodies and courts in charge of resolving conflicts and legal disputes between individuals or legal entities, including the Executive and Legislative branches. The main functions of the Judiciary may be enumerated in five tasks:

1. The federal courts and tribunals have the task of guaranteeing access to justice for all persons, regardless of their social status, gender, race, or beliefs.
2. The Federal Judiciary is responsible for resolving all types of conflicts and legal disputes arising

between individuals, individuals, and the State or between State bodies.

3. The federal courts have the function of interpreting and applying the laws, intending to ensure that the fundamental rights of individuals are respected.
4. The Judiciary has the task of protecting the human rights enshrined in the Constitution and the international treaties signed by Mexico.
5. One of the most critical functions of the Judiciary is to control the constitutionality of laws and the Executive and Legislative branches' actions to prevent abuses of power and ensure respect for the rule of law.

In this sense, the Federal Judiciary in Mexico is a crucial institution in the Mexican justice system. Its

work is critical to the maintenance of constitutional order, respect for the rule of law, and guaranteeing that individuals in Mexican society have to exercise their rights fully. As is well known, Mexico has suffered a significant deterioration in the incidence of crime during the last fifteen years, which has called into question the actions of the Judiciary. As has been repeated on numerous occasions, high-impact crimes, mainly intentional homicide, have experienced sustained growth. While in 2007, the rate of intentional homicides per one hundred thousand inhabitants was 8.1; by 2009, it was already 18, and by 2022 it was 25 (INEGI, National Institute of Statistics and Geography for its acronym in Spanish, 2021b).

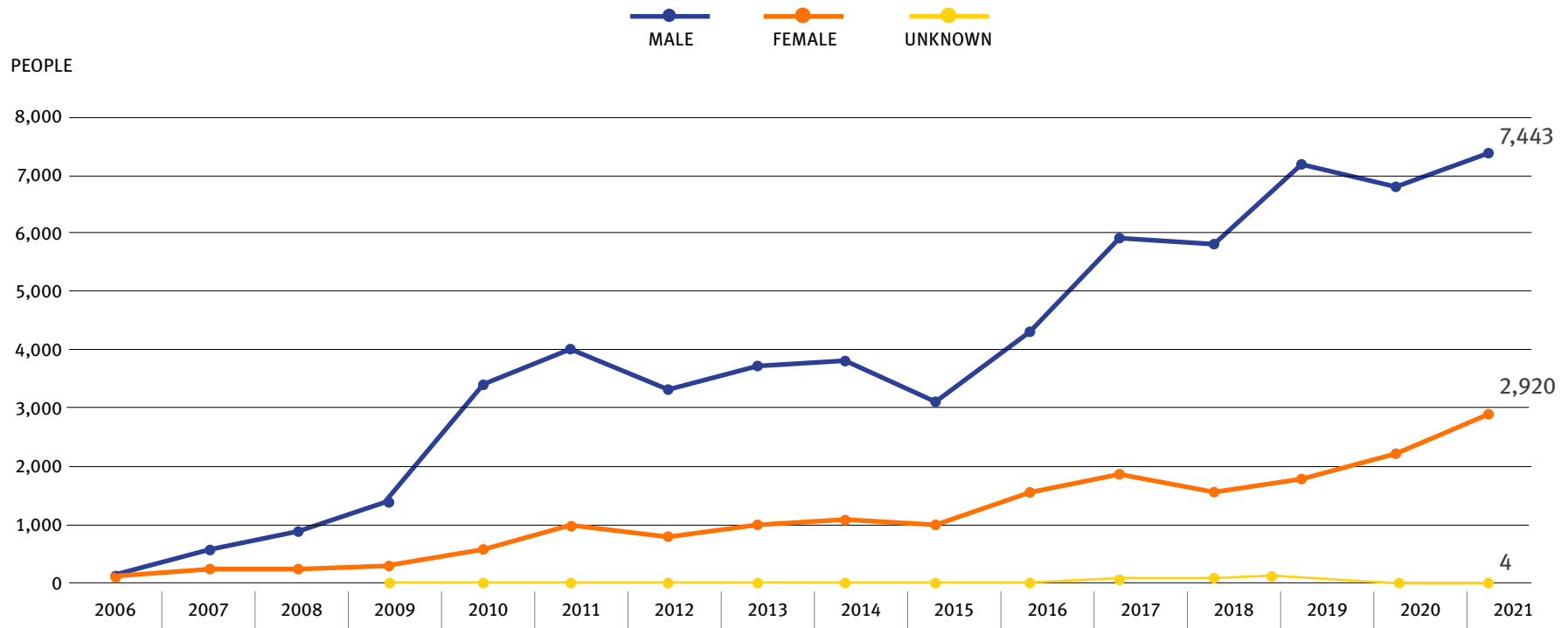
In addition, between December 2018 and March 2023, the Executive Secretariat of the National Public Security System reported the commission of at least 8,793,72 crimes, including 121,636 intentional homicides. In addition, in 2022, the number of missing persons exceeded 100,000. According to official data from the Ministry of the Interior, more than 30 thousand cases of disappearance have been reported between 2019 and 2022 (SESNSP, 2023). If the trend continues, the six-year term could end with more than 60,000 missing persons records (Graph 8).

Notwithstanding the dimension of the crisis, no significant progress has been observed in terms of security and justice, which has generated a substantial deficit in the response and protection of victims. The report “Voices Against Indifference” by the organization Article 19 reveals that, from January 2020 to December 2022, 1,504 people were registered in the local registry of victims in Mexico City. However, only 186 received economic support from the Fund for Aid, Assistance, and Integral Reparation of the capital (Article 19, 2023b).

The judiciary has left an almost total deficit of efficiency and trust facing this situation. In the labyrinth of justice, it is not only judges, magistrates, and ministers responsible for enormous impunity. It is clear that prosecutors and public ministries play a crucial role in the fight against crime and impunity. However, removing the responsibility from those who impart justice is impossible. The entire chain of justice procurement, administration, and enforcement has maintained levels of impunity close to one hundred percent, regardless of which party or person governs the country.

During 2021 (latest data available from INEGI), only 6.8% of the crimes committed were reported. There

GRAPH 8. MISSING AND UNACCOUNTED-FOR PERSONS BY YEAR



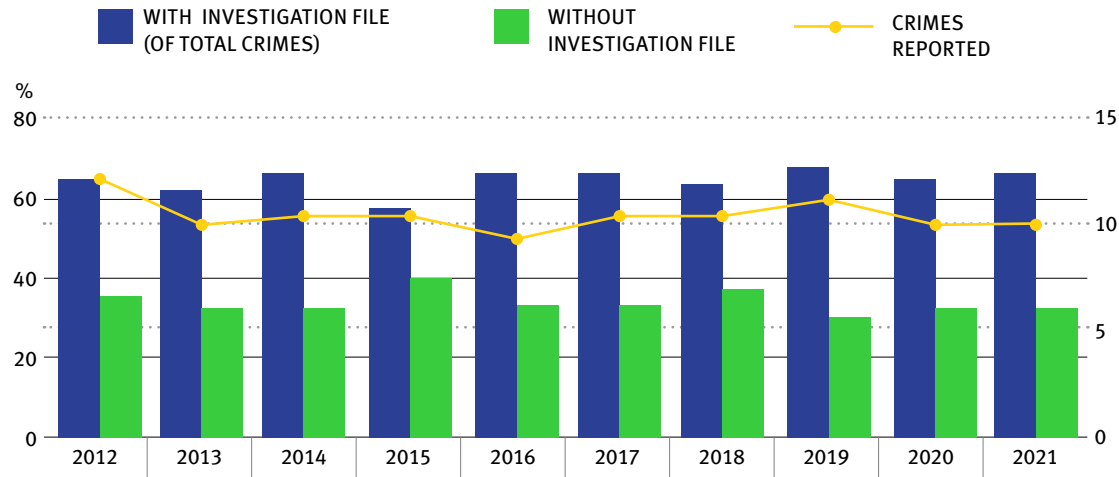
Source: In-house elaboration with information from Impunidad Cero (2022).

is a black figure of 93.2%; 93 out of every 100 crimes were not reported, or an investigation was not initiated. Of these 100 percent reported crimes, only 14 out of every 100 are solved. In other words, crime in Mexico is very cheap because the probability of justice is only 0.9%. (INEGI, 2022b) (Graph 9, 10 and Table 5).

In 50.8% of all the investigation files that a public prosecutor or prosecutor's office initiated, nothing happened, or the investigation was not continued. In only 4.8% of the cases, the alleged offender was brought before a judge, and in only 2.1% of the cases was, reparation of damages obtained (INEGI, 2022b). Access to justice is a fundamental pending issue in the country (Graph 11 and 12).

If the trend continues, the six-year term could end with more than 60,000 missing persons records.

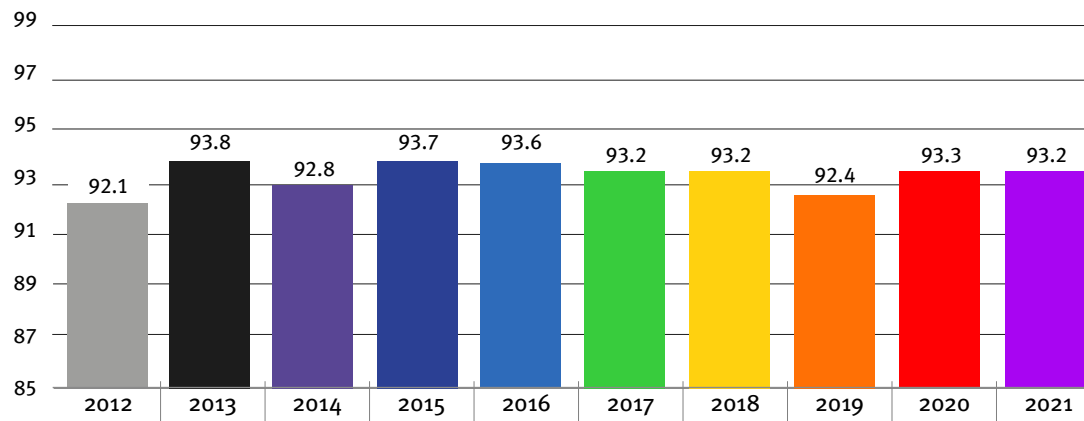
GRAPH 9. PERCENTAGE OF CRIMES REPORTED TO THE PUBLIC PROSECUTOR'S OFFICE OR STATE ATTORNEY'S OFFICE



Source: In-house elaboration with data from INEGI (2022b).

Crime in Mexico is very cheap because the probability of justice is only 0.9%.

GRAPH 10. CRIME BLACK FIGURES



Source: In-house elaboration with data from INEGI (2022b).

TABLE 5. PERCENTAGE BY TYPE OF CRIME (2020–2021)

TYPE OF CRIME	PERCENTAGE 2021	PERCENTAGE 2022
Extortion	97.9	97.4
Other felonies °	95.4	97.3▶
Abduction	98.6	96.9
Fraud ›	96.7	96.3
Partial vehicle theft	94.4	94.2
Other theft	92	94.1
Robbery or assault in the street or on public transport	94.4	94.1
Residential burglary	90.6	89.0▶
Verbal threats	88.6	88.9
Injuries	84.4	81.6
Total vehicle theft	37.9	41.3

° Violation, harrasment or sexual molesting and other crimes.

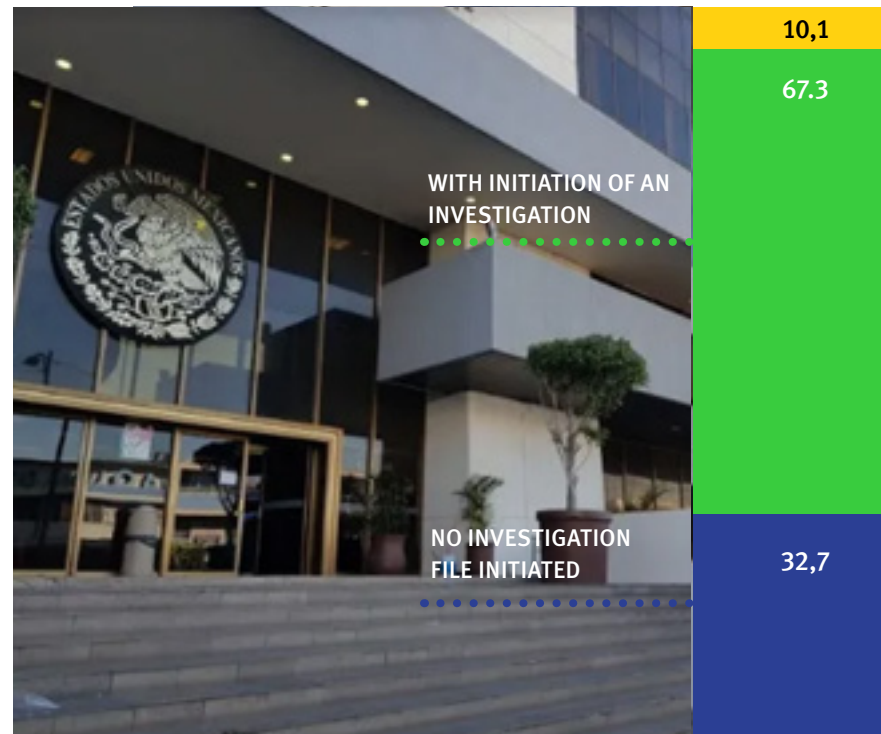
› Includes bank fraud and consumer fraud

▶ In these cases it exists a significant statistical change in relation to the previous years.

Note: Due to the sanitary contingency of COVID–19, data collecting for ENVIPE 2020, in reference to 2019, was done from March 17–31 and July 27 to September 4.

Source: In–house elaboration with information from INEGI (2022b).

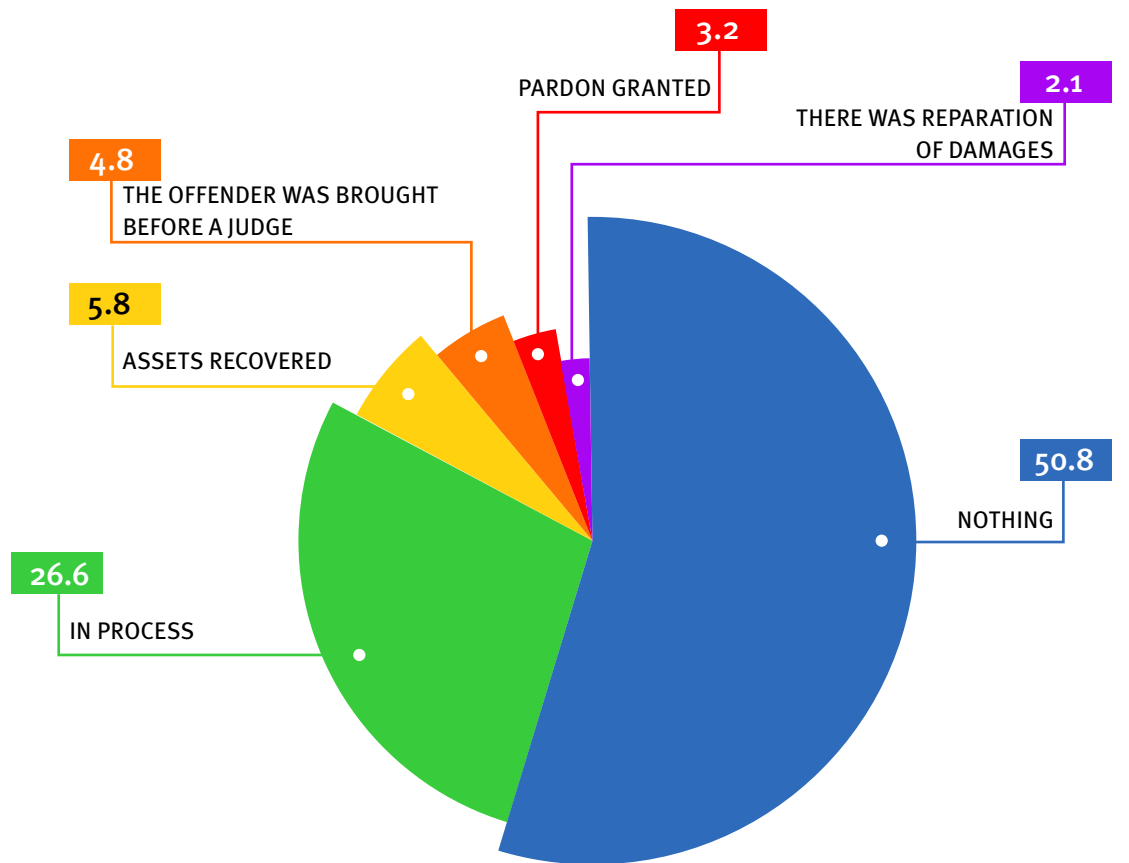
GRAPH 11. PERCENTAGE OF CRIMES REPORTED TO THE PUBLIC PROSECUTOR'S OFFICE OR STATE ATTORNEY'S OFFICE



Source: In–house elaboration with information from INEGI (2022b).

Image: <https://www.cabecera.mx/obtiene-fgr-en-jalisco-vinculacion-contra-una-persona-por-delitos-federales/>

GRAPH 12. OUTCOME OF THE INVESTIGATION FILE



Source: In-house elaboration with information from INEGI (2022b).

Even the most severe crimes present alarming levels of impunity. Impunidad Cero (2022) reported that only seven of every 100 homicide cases had been solved, and less than half of the registered femicides have resulted in a conviction. A particularly alarming fact that reflects the lack of interest of public ministries and judges in enforcing the rule of law is that between 2006 and 2022, 15,848 preliminary inquiries and investigation files have been opened for the crime of torture in Mexico. However, only eight convictions have been recorded since 1991 (CMDPDDH, Mexican Commission for the Defense and Promotion of Human Rights for its acronym in Spanish, n.d.).

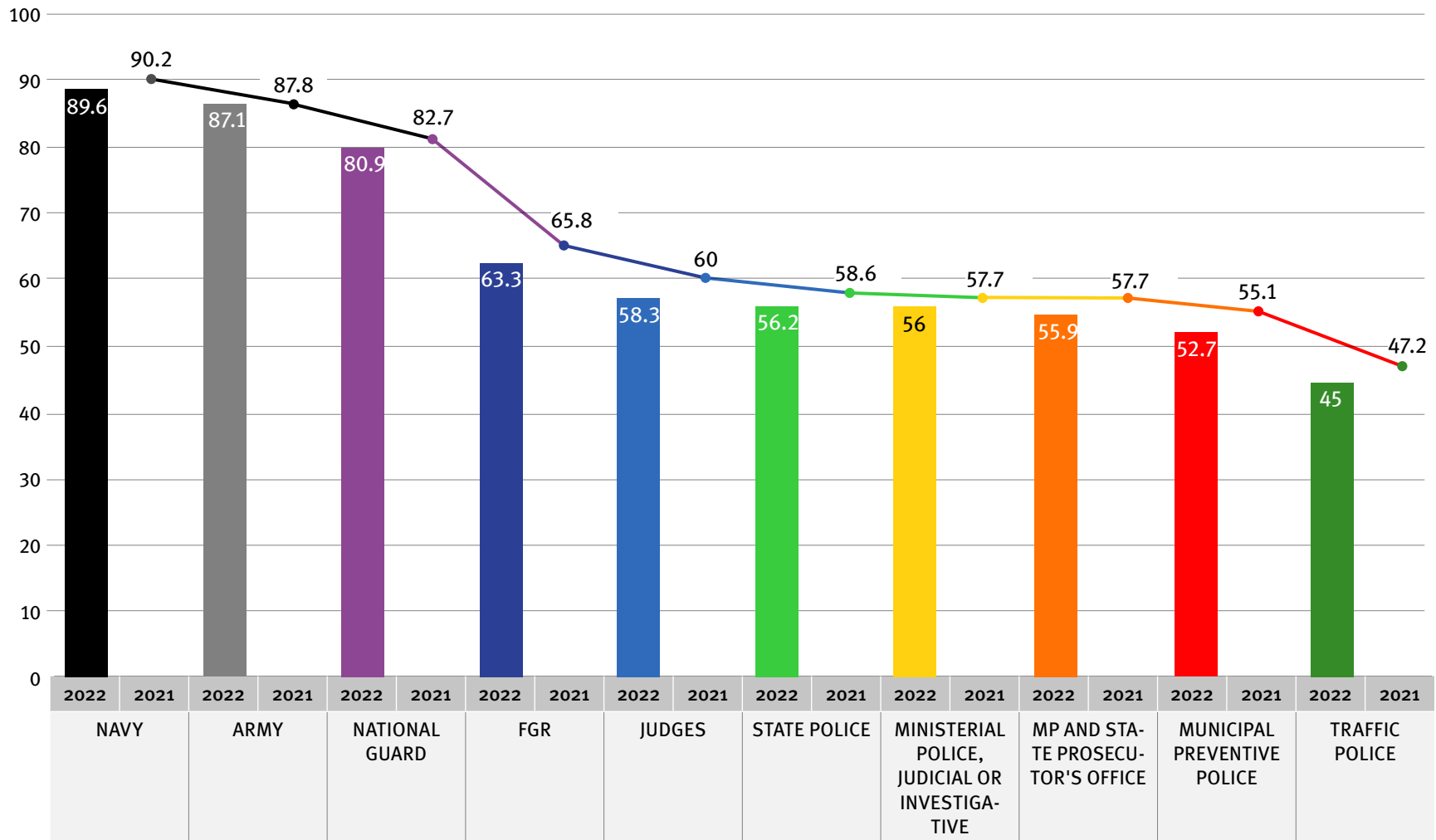
This is both a product and a cause of citizens' minimal trust in the institutions in charge of procuring, administering, and imparting justice. The level of trust in public security, national security, law enforcement, and justice authorities is barely 53% among the population 18 years and older. Among these institutions, judges are not the highest rated. While the Navy and the Army have the highest confidence, with 89.6% and 87.1%, respectively, judges are approved by 58.3%. They fail (Graph 13).

TABLE 6. OUTCOME OF THE INVESTIGATION FILE

YEAR	NONE OR UNRESOLVED
2012	53.2
2013	49.9
2014	53.8
2015	45.9
2016	49
2017	55.9
2018	55.1
2019	44.5
2020	48.4
2021	50.8

Source: In-house elaboration with information from INEGI (2022b).

GRAPH 13. LEVEL OF PERCEPTION OF SOCIETY'S TRUST IN AUTHORITIES



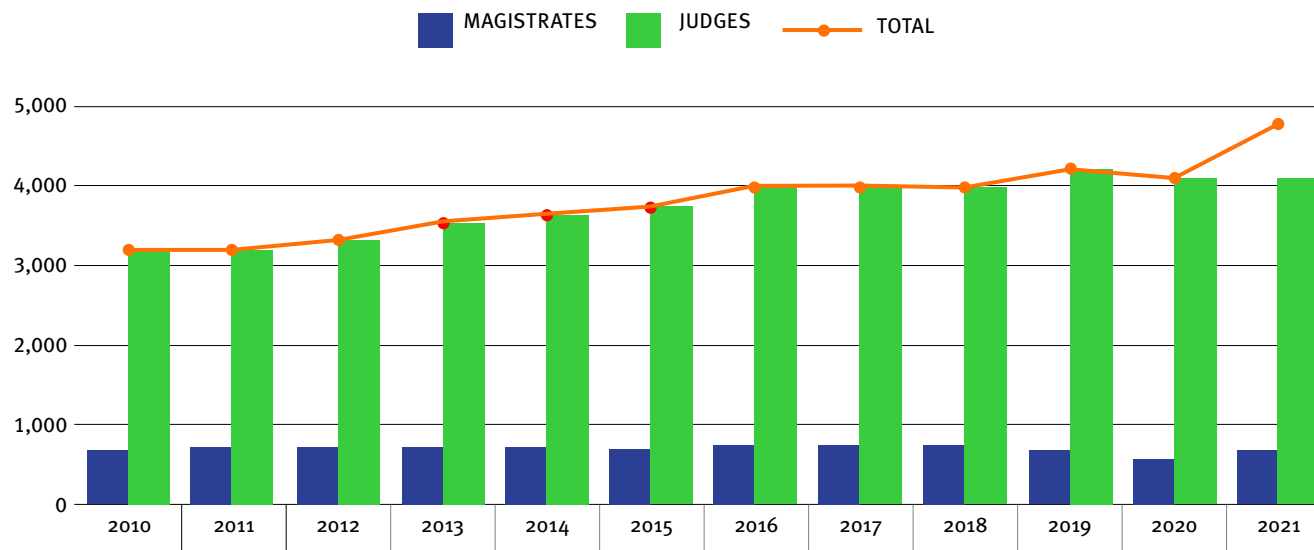
Source: In-house elaboration with information from INEGI (2023b).

This may partly be due to the country’s shortage of judges. Mexico has 4.36 judges per 100,000 inhabitants, according to the 2022 Global Impunity Index, four times less than the world average of 17.8 per 100,000 inhabitants (Le Clerq et al., 2022). As shown by INEGI’s National Census of State Justice Delivery 2022 (2023b), at the close of 2021, 4,801 public servants with the position of magistrates or judges in jurisdictional bodies were reported. It is recognized

that this represents an increase of 14.5% concerning 2020, but the number does not seem sufficient. It is also worth mentioning that the inclusion of women has increased, and up to 2021, they represented 42.8% of these public servants (Graph 14).

Another challenge faced by the Judiciary involves transparency and accountability to Mexican society. However, it is recognized that there has been some

GRAPH 14. MAGISTRATES AND JUDGES IN THE JUDICIAL BODIES OF THE STATE JUDICIAL BRANCHES, BY POSITION



Source: In-house elaboration with information from INEGI (2023b).

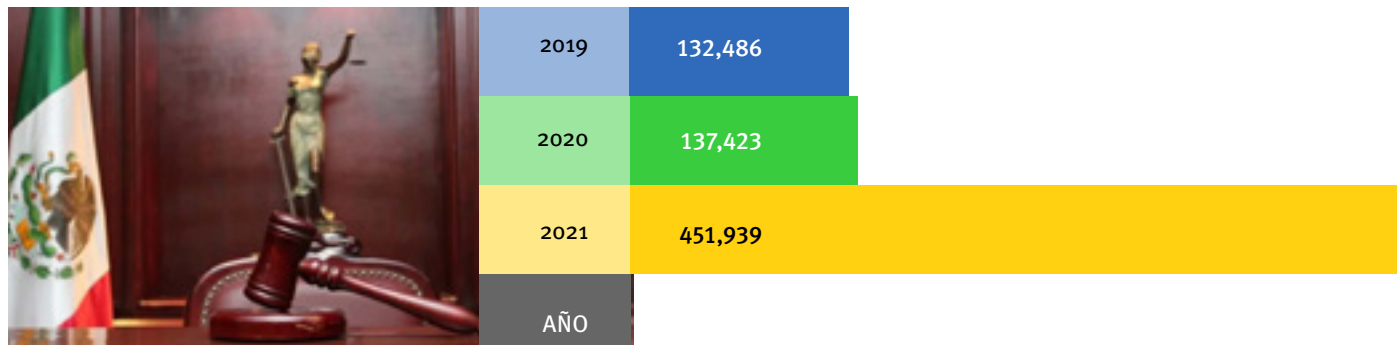
progress, such as the publication of more sentences issued. The obligation of the Mexican Judiciary to publish its sentences was established through a constitutional reform (Equis justicia para las mujeres, 2020). Before this reform, the rulings issued by courts and tribunals were not publicly accessible and could only be consulted by the parties involved in the case (Equis Justicia para Mujeres, 2020).

The constitutional reform established that all rulings issued by courts and tribunals must be publicly available online. In addition, it was established that

judgments had to be reasoned. They had to explain the legal grounds and facts supporting the judge's or court's decision. This reform sought to strengthen transparency and accountability in the Judiciary and guarantee citizens' right of access to information and justice. The publication of judgments online also facilitates the work of lawyers, researchers, journalists, and citizens interested in knowing the state of justice in the country.

The National Census of State Justice Delivery 2022 shows that during 2021, state judiciaries published

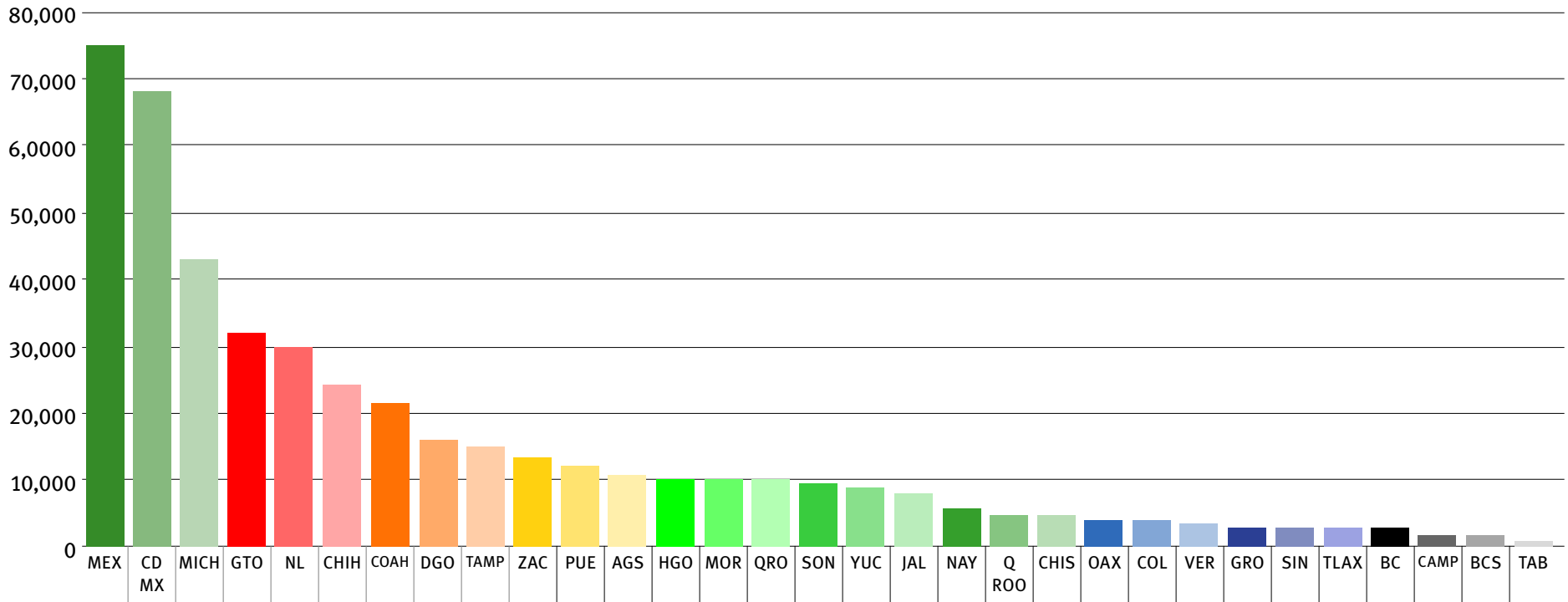
GRAPH 15. RULINGS ISSUED PUBLISHED BY STATE JUDICIARIES ON THEIR WEBSITES



Source: In-house elaboration with information from MCCI (2023).

Image: <https://www.alcaldesdemexico.com/notas-principales/en-11-estados-los-poderes-judiciales-ya-estan-obligados-a-publicar-sus-sentencias/>

GRAPH 16. JUDGMENTS ISSUED PUBLISHED BY STATE JUDICIARIES ON THEIR WEBSITES BY STATE 2021



Source: In-house elaboration with information from INEGI (2023b).

451 thousand 939 judgments issued by jurisdictional bodies on their websites, representing an increase of 228.9% compared to the previous year (INEGI, 2023b).

However, although the mandatory publication of judgments is a step forward in terms of transparen-

cy, there are still challenges in the implementation of this reform, such as the need to improve the quality and accessibility of online platforms and to promote a culture of transparency and accountability in the judiciary (Graph 15 and 16).

Judicial Nepotism

Nepotism in Mexico's judiciary is a persistent problem that has been the subject of criticism and scandal. It is the practice of granting public positions or favors to relatives or close friends instead of selecting the most qualified and competent candidates.

In the case of the Mexican judiciary, nepotism has manifested itself in various ways, such as the assignment of positions and posts to relatives of judges and magistrates, the selection of close lawyers and paralegals to perform key functions within the justice system, or the preference for certain law firms that have political or family connections with the judicial authorities.

Unlike the Executive and Legislative branches, the Judiciary is not composed of popular elections because it seeks to guarantee the independence and impartiality of judges and magistrates in their decisions. The objective is that judges make objective decisions based on the law and the facts presented in each case without being subject to political or social pressures. Popular elections could lead to judges being influenced by political or popular interests, which could compromise the integrity and objectivity of their work.

In addition, the popular election system may not guarantee the selection of the most qualified and experienced candidates for the position. For these reasons, the judiciary in Mexico is formally selected through a public competition process that evaluates the candidates' capacity, experience, and integrity and guarantees the independence and impartiality of judges and magistrates in their decisions.

The technocratic and sometimes unpopular nature of the judiciary has led to widespread nepotism that undermines the democracy of the judiciary, limits the rights of those who, without connections, wish to work in the field of justice, and diminishes the confidence in the impartiality of the sentences. In fact, nepotism in the Judiciary has raised questions about notable judicial decisions, since there is a fear that judges and magistrates favor their relatives and friends to the detriment of other citizens, and that meritocracy is not the main criterion in personnel selection.

It is important to note that nepotism in the judiciary is not a problem exclusive to Mexico and has also been reported in other countries. However, in our country, genuinely alarming levels have been observed regarding these practices that, at the same

time, reduce citizens' trust in judicial institutions. Since 2018, the organization Mexicans Against Corruption and Impunity has alerted the Federal Judiciary Council of the scandalous levels of nepotism (Duran *et al.*, n.d.).

The essay “Deficit meritocratico en el poder judicial” (Meritocratic Deficit in the Judiciary,) signed by Julio Rios (n.d.), shows how judges can control their judicial careers. Fifty–one percent of judges and magistrates have at least one family member in the Judiciary, in a context in which only 5 of the 11 positions of jurisdictional function (i.e., people who work in the production of sentences) are judicial careers. The positions that are not judicial career positions have very low entry requirements, and that is where the judges' relatives enter the Judiciary. Over time, they acquire the experience to compete for a position as a judge. In other words, the judicial career is based on personal and family relationships. In addition, it is worth mentioning that the selection processes artificially restrict the universe of possible candidates for judgeships. Only two positions, judge and magistrate, are obtained through a tough competition, but the competitions are biased toward people who already work in the Judiciary since most of the calls are open only for its personnel.

This trend has not changed in recent years. In fact, there are paradigmatic cases of judicial nepotism, such as that of Olga Sanchez Cordero, retired minister and former Secretary of the Interior of the federal government. Sanchez Cordero has at least five relatives working in key bodies of the Judiciary, such as the Federal Judiciary, the Supreme Court, and the Electoral Tribunal of the Federal Judiciary. In another work on judicial nepotism, signed by Valeria Duran, Dulce Gonzalez, and Raul Olmos and published by MCCI, it is shown that “at least 500 judges and magistrates throughout the country have wives, children, fathers, nephews, uncles, brothers–in–law and even mothers–in–law working in courts and tribunals. These clientelistic networks extend to more than 7,000 public servants in 31 circuits who also have family members on the payroll” (Duran *et al.*, n.d.). In the same work, grotesque cases are observed, such as a magistrate with 17 relatives working in the Judiciary (Duran *et al.*, n.d.).

“At least 500 judges and magistrates throughout the country have wives, children, fathers, nephews, uncles, brothers–in–law and even mothers–in–law working in courts and tribunals.”

Duran et al., n.d. MCCI

This is possible thanks to the complicity between judges and magistrates who recommend each other to hire relatives and friends, sometimes going to extremes. For example, MCCI reported that in the sixteenth circuit corresponding to Guanajuato, 38 of 46 incumbents have family members working there, 82.61% (Duran *et al.*, n.d.).

ABUSES OF THE JUDICIAL POWER

FIFTY-ONE PERCENT OF JUDGES AND MAGISTRATES HAVE AT LEAST ONE FAMILY MEMBER IN THE JUDICIARY.

THE JUDICIAL CAREER IS BASED ON PERSONAL AND FAMILY RELATIONSHIPS.

JULIO RIOS (N.D.)

38 OF 46 INCUMBENTS HAVE FAMILY MEMBERS WORKING IN THE 16 CIRCUIT IN GUANAJUATO, THAT CORRESPONDS TO 82.61%

DURAN *ET AL.*, N.D.

The role of the Court in Mexico under the current administration

The Supreme Court of Justice of the Nation (SCJN) is Mexico's highest constitutional court, and its main function is to interpret the Constitution and ensure its compliance. This institution has the power to declare unconstitutional laws and governmental acts that violate the fundamental rights of citizens, as well as to guarantee equality before the law and access to justice. In this sense, this body guarantees the protection of human rights and fundamental freedoms established in the Constitution and the international treaties ratified by Mexico.

The SCJN is composed of 11 justices, who are appointed by the President of Mexico and approved by the Senate. The justices hold office for fifteen years and may only be removed in specific misconduct cases. In addition to its constitutional interpretation function, the SCJN also has the power to resolve controversies between the federal powers, the federal entities, and the municipalities and resolve conflicts between individuals involving constitutional issues.

This highest court also has both the power to exercise constitutional control over the laws and acts of lower

courts, which means that it may review and annul the decisions of other courts when they violate the Constitution and the responsibility to resolve conflicts arising between federal, state and municipal powers. In addition, it has the power to issue jurisprudence binding on the lower courts.

From the preceding, it is easy to derive that the SCJN is a key organ of the Judiciary in Mexico, in charge of guaranteeing legality and protecting human rights. Its function is essential for the maintenance of a democratic rule of law. However, the Court has not always enjoyed a good reputation. During the non-competitive period in Mexico, the Court did not maintain total independence from the executive branch. It was not until the reforms of the 1990s that the SCJN was modernized and acquired some autonomy. However, despite being considered one of Mexico's most important and autonomous powers, the Supreme Court of Justice of the Nation (SCJN for its acronym in Spanish) has certain weaknesses vis-à-vis the other branches of government.

One of its main weaknesses is its lack of capacity to enforce its decisions, as it lacks its own enforcement apparatus. The Court can issue rulings and declare specific laws or governmental acts unconstitution-

al. However, its ability to enforce these decisions is limited by the Executive branch's will and the lower courts' ability to implement them. Another weakness of the SCJN is its dependence on political power, especially in appointing its ministers. Although efforts have been made to guarantee a transparent and impartial process in the selection of justices, the reality is that many times decisions are made by the political parties in power and, specifically, by the presidents of the republic, which can call into question the independence and impartiality of the Court. Although it must be acknowledged that there are numerous cases in which ministers have acted against the will of the executives who nominated them, the Court's independence and impartiality can be questioned.

Finally, the SCJN also faces financial and administrative constraints that may hinder its work. The budget allocated to the Court is limited and may affect the institution's ability to perform its job efficiently and effectively. In addition, the Court's workload is high, which can lead to long waiting times for the resolution of cases and limit its ability to address all of the crucial issues that require its attention.

The Court has experienced the renewal of four justices during the current administration. The first of

A weakness of the SCJN is its dependence on political power, especially in appointing its ministers.

Another main weakness is its lack of capacity to enforce its decisions. The Court is limited by the Executive branch's will and the lower courts' ability to implement them.

these renewals exposed a flank, as it was the result of the resignation of Minister Eduardo Medina Mora. The minister was under investigation by the Financial Intelligence Unit, which froze his bank accounts and those of his family for allegedly receiving unexplained multimillion-dollar amounts. Once the resignation was accepted, the same day, the Financial Intelligence Unit instructed the National Banking and Securities Commission to unfreeze the accounts and stop the investigation. In other words, the BV was instructed first to freeze and then to unfreeze the minister's accounts, a clear sign of intimidation.

In 2022, the FGR declared that the criminal action was not executed. It should be noted that the resignation of the former minister occurred in violation of the constitutional framework. Although Article 98 of the Constitution establishes that the resignations of the Ministers of the Supreme Court of Justice will only proceed for serious causes, they will be submitted to the Executive and, if the Executive accepts them, they will be sent to the Senate for approval. The Court did not demand an explanation from Medina Mora, and he did not offer any beyond personal reasons, while the Senate approved his resignation without asking for further explanation (Monroy, 2022).

Since then, in the highest Court there has been a pattern of behavior in which unconstitutionality actions and constitutional controversies filed against laws and government acts carried out by the current administration were put in the freezer. Between 2019 and 2022, at least 113 unconstitutionality actions and constitutional controversies were filed, but only 44 were resolved. Among the pending challenges were issues of utmost relevance, such as the National Guard Law, the reform to Article 19 of the Constitution in matters of informal preventive detention, or the National Law on the Registration of Detentions. In other words, for three years, the Court did not even give itself the possibility of debating such relevant issues for the democratic life of the country.

In addition to avoiding going into the depths of critical issues for the country, it was observed how some ministers maintained a tandem with the federal Executive, calling into question their independence and, therefore, the independence of the Court. One of them was the one who served as president of Mexico's highest Court between January 2, 2019, and December 31, 2022, Arturo Zaldívar, in his capacity as president of the Court, delayed important debates and issued truly striking votes given his professional biography. The most recent one that has drawn atten-



EDUARDO MEDINA MORA

Image: Photo: Cuartoscuro at <https://www.elsudcaliforniano.com.mx/mexico/politica/ultimas-noticias-renuncia-medina-mora-para-atender-denuncias-en-su-contra-amlo-conferencia-matutina-presidente-andres-manuel-lopez-obrador-4269632.html>

tion has to do with the operational and administrative transfer of the GN (National Guard for its acronym in Spanish) to Sedena. Although in 2018, during the debate on the constitutionality of the Internal Security Law, Zaldivar explicitly commented that this was an attempt to fraud the constitution since it passes off as internal security, what in reality is public security and textually said:

Article 21 of the Constitution is clear in establishing that the authorities in charge of public security must have a civilian character.

SCJN, 2018, p. 33

In contrast, during the debate on the constitutionality of the transfer of the NG to Sedena, Zaldivar argued that Article 21 of the Constitution was not violated since although the head of Sedena is a military officer and the head of Semar is a marine, both agencies are civilian because they are subordinate to the supreme commander of the Armed Forces, who is the President of the Republic, in other words, a civilian (Aristegui Noticias & Fierro, 2023). The gibberish with which the minister defended the President's reform confirmed part of what had been previously reported: that some ministers do not rule based on a legal analysis but rather on a political slogan.

This erratic behavior can be explained due to the Judicial Branch reform approval that was promoted by Zaldivar himself, which in public opinion, was read as a consideration from the Federal Executive. In fact, in transitory article 13 of the Organic Law of the Judiciary (the mentioned reform), it was determined that to implement the constitutional reform to the Judiciary of the Federation was published in the Official Gazette of the Federation on March 11, 2021. The regulatory laws referred to in this Decree, the person who, upon its entry into force, occupies the Presidency of the Supreme Court of Justice of the Nation and of the Council of the Federal Judiciary will remain in that position until November 30, 2024. In other words, a transitory provision was intended to extend Arturo Zaldivar's term as President of the Court. Due to the public scandal that resulted from such a transitory provision, the Court declared it unconstitutional, such provision, which violated Article 97 of the Mexican Constitution.

Another paradigmatic case of the weakness of the Court during the current administration is that of Minister Yasmin Esquivel, whom the Senate appointed at the request of President Lopez Obrador in 2019. As reported by the newspaper Reforma, among the little more than twenty challenges related to the pres-



ARTURO ZALDIVAR

Image: At <https://diarioabcdemichoacan.com.mx/lasnoticias/abre-consulta-arturo-zaldivar-abre-consulta-sobre-legalidad-de-ampliacion-de-su-mandato/>

ident's political project that she has had to debate and vote on, only in two cases has she not taken the side defended by the president (Hernandez, 2022).

The Minister defended that the question regarding the popular consultation carried out in 2021, which was publicly promoted as the referendum to decide whether or not to prosecute the former presidents, should keep the names of the former leaders. In the same way, she supported that the question asked in the consultation to revoke Lopez Obrador's mandate included whether the electorate wanted him to continue in the Presidency of the Republic until the end of his term, thus asking not only for a revocation but also for a ratification of mandate (Hernández, 2022). Despite the fact that the fifth article of the Federal Law on Revocation of Mandate, published in the Official Gazette of the Federation on September 14, 2021, clearly establishes that the revocation of the mandate will be understood as the citizen's determination of the early conclusion in the performance of the position of the Presidency of the Republic, from the loss of confidence. Article 19 of the same law, in its fifth section, establishes that "The question that is the object of the process must be: Do you agree that the President of the United Mexican States should have his mandate revoked due to loss of confidence?

Or continue in the Presidency of the Republic until the end of your term? (Chamber of Deputies of the H. Congress of the Union, 2021b, p.5).

The minister also pronounced in favor of the INE taking charge of the organization of the recall referendum amid a confrontation between the ruling party and the INE, which demanded more resources to fulfill this task. The last of the decisions, which would attract a great deal of attention in other conditions, has to do with the transfer of the GN to the Sedena. Although the full Court declared that provision unconstitutional with eight votes, Minister Esquivel defended the government's position, despite the obvious unconstitutionality of the norm (Hernandez, 2022). This pattern can be explained, as with Zaldivar, by the President's interference in the affairs of another branch of government. Initially, it is known that Esquivel had a strong conflict of interest with Lopez Obrador, being married to one of the leading contractors of the governments headed by the current President. Later, as the Court approached the succession of its President, Esquivel was discovered to have plagiarized her undergraduate and doctoral theses. Despite the seriousness of the act, the President publicly defended her.



YASMIN ESQUIVEL

Image: at <https://www.excelsior.com.mx/nacional/ministra-esquivel-demanda-por-plagio/1560747>

The consequences of this behavior are not minor because human rights are violated, as in the case of unofficial pre-trial detention. In 2019, the president motivated a constitutional reform to expand the list of crimes that merit unofficial pre-trial detention (Signos Vitales, 2021). The act was challenged, and after a little more than three years, the Court upheld the constitutionality of the figure except for cases related to tax crimes. The official pre-trial detention violates the presumption of innocence, an elementary right of any democratic state under the rule of law. This measure affects thousands in Mexico. The number of people in prison as of December 2022 reached 228,530, of which 91,821 are without a conviction. That is, 40.1% of all inmates are incarcerated while presumed innocent since all people are innocent until proven guilty (SSPC. Security Secretariat and Citizen Protection for its acronym in Spanish, 2022).

After the renewal of the Court's presidency, this pattern was partially modified. After Lopez Obrador failed to extend Zaldivar's term, the Court renewed its presidency, and Norma Piña became the first woman to head the Mexican judiciary in history. Her arrival was not without tensions with the President of Mexico, who used the tribune of the National Pal-

TABLE 7. MINISTER YASMIN ESQUIVEL'S VOTES	
CASES	VOTES
Popular consultation to judge former presidents	In favor
Maintain mandate ratification question	In favor
Constitutionality of superdelegates	In favor
Constitutionality of Electricity Industry Law	In favor
Discretionary management of budgetary savings by the Executive	In favor
Constitutionality of drug purchase reform	In favor
Tax fraud as a serious crime	In favor
Order INE to proceed with the recall of the mandate	In favor
Reduction of state broadcasting time	In favor
Use of Armed Forces in public safety	Against
10-year lockout for officials to work in IP	Against
Operational and administrative transfer of the National Guard to the Secretariat of National Defense (Sedena)	Against

Source: In-house elaboration with information from Hernandez (2022).

ace to attack the new president, accusing her of operating in favor of criminals without giving any proof whatsoever.

The arrival of Norma Piña reactivated the debate on unconstitutionality actions related to the federal Executive, some of which had been in the freezer for a long time. As has already been commented on several occasions in this report, the unconstitutionality of the transfer of the GN to Sedena marked an important difference with the government. It was read in public opinion as an act of independence of the Judiciary. Despite this change, some rulings continue to attract much attention, especially those related to the Armed Forces.

One of these is the ruling of the Court that accepts as constitutional the use of the GN for migratory tasks, specifically the surveillance of international migratory flows passing through the national territory, arguing that this institution is the only one capable of guaranteeing the security of migrants. This is even though the GN has documented numerous cases of abuse in conjunction with the National Migration Institute. The latter ranked in 2021, as the third most reported institution for alleged human rights violations, only after the IMSS (Mexican Social Security

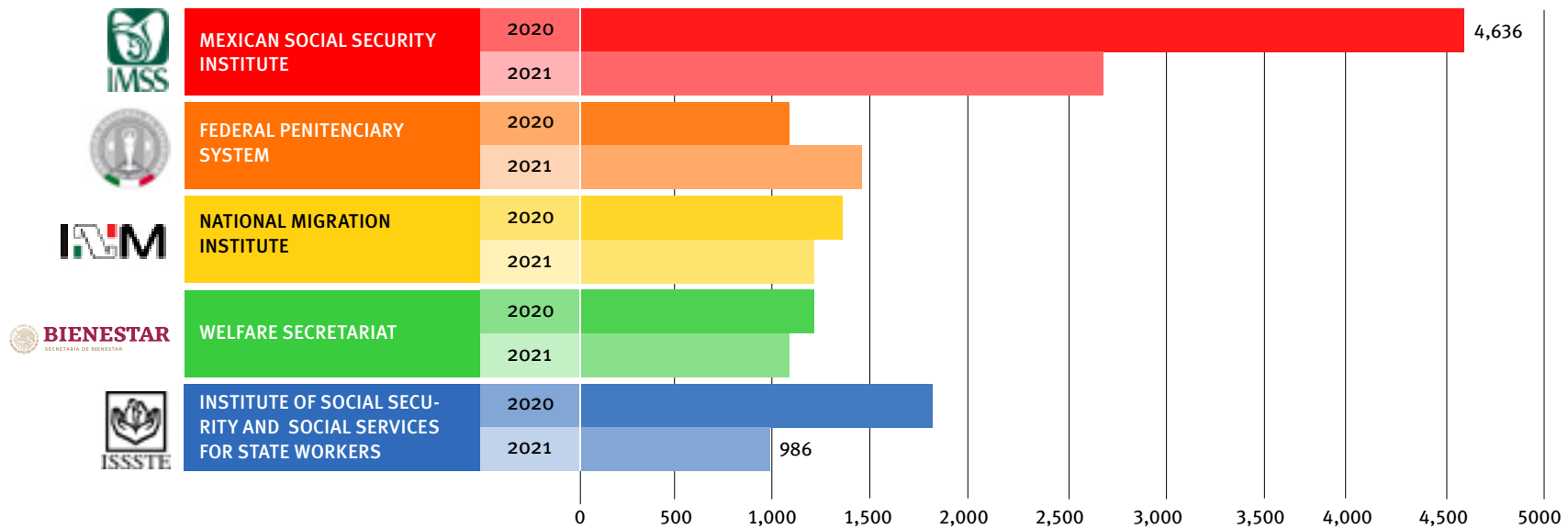
Institute for its acronym in Spanish) and the Federal Penitentiary System (INEGI, 2023) (Graph 17).

Furthermore, in 2023 the CNDH reported that complaints against the INM reached their highest point since 2014, reaching 2,141. In this sense, the Court did not rule in favor of migrants but instead in favor of a hyper-containment and, given the integration and performance of the GN, a militarized immigration policy that is the product, as previously reported, of pressure from the US government (Torres, 2023) (Graph 18).

The National Migration Institute ranked in 2021 as the third most reported institution for alleged human rights violations, only after the IMSS and the Federal Penitentiary System.

INEGI, 2023

GRAPH 17. MAIN INSTITUTIONS IDENTIFIED AS LIKELY RESPONSIBLE IN COMPLAINTS FILED WITH THE CNDH, ACCORDING TO NUMBER OF FILES



Source: In-house elaboration with information from INEGI (2023b).

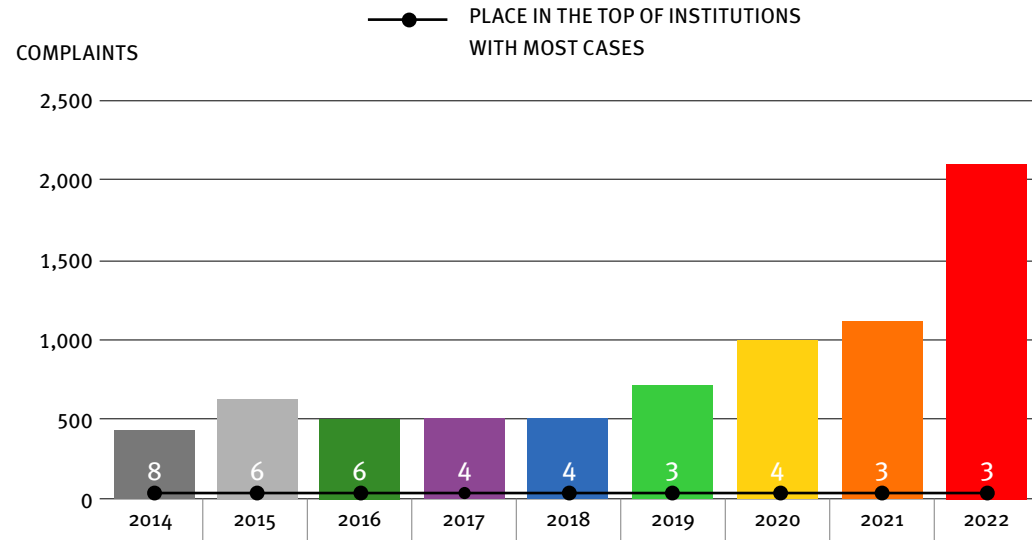
In conclusion, it can be observed that the central task of the Judiciary has not been fully accomplished; on the contrary, justice is more of a chimera than a reality in the country. The levels of impunity, the lack of transparency, nepotism, and the lack of full independence of the SCJN suggest that this power requires a

major reform to streamline the application of justice, introduce elements of citizen evaluation and provide full autonomy to judges, magistrates, and ministers in decision making, regardless of the actors that may affect its decisions.



Image: Mistreatment of migrants. Photo: Eduardo Miranda at <https://www.proceso.com.mx/reportajes/2021/12/20/las-mil-quejas-contramigracion-277805.html#&gid=1&pid=1>

GRAPH 18. COMPLAINTS AGAINST INM BY YEAR



Source: In-house elaboration with information from Rojas (2023).

In 2023 the CNDH reported that complaints against the INM reached their highest point since 2014, reaching 2,141. The Court did not rule in favor of migrants but instead in favor of a hyper-containment and, given the integration and performance of the GN, a militarized immigration policy that is the product, as previously reported, of pressure from the US government.

Torres, 2023





**THE LEGISLATIVE BRANCH
IN DEFENSE MODE**

THE LEGISLATIVE BRANCH IN DEFENSE MODE

The Legislative Branch in Mexico is one of the three branches of government. It creates laws and regulates the country's political, social, and economic activity. It comprises two chambers: the Chamber of Deputies and the Senate of the Republic.

The Chamber of Deputies represents the citizens and approves the federal government's income and expenditure budget. The Senate of the Republic is responsible for representing the states and territories of the country and for approving or rejecting appoint-

ments of important officials, such as magistrates of the Supreme Court of Justice of the Nation and ambassadors. It also has the function of reviewing and approving laws sent by the Chamber of Deputies or acting as the chamber of origin. The Legislative Branch in Mexico plays a fundamental role in the country's decision-making and the balance of power between the Executive and Judicial Branches.

◀ The Legislative branch in defense mode

There are several techniques to measure the level of control that the executive has over the legislature. For example, Polsby (1986, as cited in Puente, 2015) proposes the categories: transformers and debate forums to refer to the type of legislatures that exist, where the former refers to those that “possess the independent capacity, frequently exercised, to modify law initiatives, regardless of their origin.” These are controlled within the legislature with autonomy from their respective party leaders, with strong and autonomous committees. The latter “serve as a space for the coexistence and debate of the most significant political forces of a political system” and are controlled from the outside by party leaders who dictate guidelines “from outside” the legislature. For their part, Norton and Mezey (1979, as cited in Puente, 2015) present a model that allows defining legislatures according to their capacity to influence public decisions and the level of support that the legislature obtains, which is based, on the one hand, on the linkage with voters and, on the other, the connection with the elites of public power, including the military. According to Mezey, legislatures are classified according to two variables:

1. Public policy formulation capabilities
2. Supporting legitimacy

Thus, legislatures can be vulnerable, marginal, active, reactive, or minimal, as shown in the table below.

TABLE 8. MEZEY LEGISLATIVE CLASSIFICATION		
POLICY-MAKING CAPABILITIES OF STRENGTH	SUPPORT LEVEL	
STRONG	LOW	HIGH
MODERATE	VULNERABLE	ACTIVE
WEAK	MARGINAL	REACTIVE
		MINIMUM

Source: Puente (2015) (p.4).

During Mexico’s single-party regime, which spanned from the 1930s and began to dismantle in the mid-1960s, the congress was controlled entirely by a single political party: the Institutional Revolutionary Party (PRI for its acronym in Spanish). This meant that all legislative decisions made in the country were in the hands of the party in power and, therefore, answered to the president of Mexico. Congress

became just another tool of the presidency, which limited the independence and autonomy of the legislative branch of the government.

In this context, Congress became a merely decorative body, where decisions were made in private meetings of the ruling party members and not in open and democratic discussions. Moreover, the control of Congress allowed the president of Mexico to impose his political agenda and prevent conversations or actions that were not aligned with his interests. Consequently, the actual decision-making was left in the hands of the president and the party leaders and not in the hands of the people's representatives.

This unitary regime was transformed in the 1960s, thanks to various political and electoral reforms that allowed parties other than the PRI to occupy positions of power within the Mexican State until 1997, when the PRI lost its absolute majority in the Chamber of Deputies for the first time. Those reforms that evened out the electoral contests made it challenging to form majorities; for example, a single party cannot obtain a majority by institutional design in the Senate. Since then, no party has had a constitutional majority in both federal chambers, with which it can modify the laws and the country's magna carta.

Nevertheless, Mexican legal and constitutional reformism has been greater than when a single-party system existed. This has resulted from partisan negotiation and the creation of temporary parliamentary majorities and not necessarily of majorities obtained exclusively at the ballot box.

This trend, although it did not change completely, acquired specific nuances with the arrival of Morena to the presidency of the republic and obtaining absolute majorities in both federal chambers, which it achieved thanks to its inter-party coalition. Some of the changes that were observed have to do with the central role of the president of Mexico in the legislative process. Naturally, all of Mexico's presidents seek to advance their political platform by making legal and constitutional reforms, especially when those presidents are more ambitious. What has not been common during the 21st century is for a president to be unwilling to negotiate with the opposition in order to achieve these transformations.

Lopez Obrador has distinguished himself by not giving Congress considerable relevance. He has managed to pass his reforms in Congress without major resistance. But when he has faced obstacles, he has used his absolute majority to reform laws in spite of

the fact that they may contravene the Constitution. Indeed, during his first three years of government, Lopez Obrador did not encounter major complications to implement his reforms as he had ample majority. But after the integration of a new House in 2021, it was noted that the approval of his initiatives presented in the Chamber of Deputies as chamber of origin decreased drastically, from 96.2% to 47.8% (Table 9 and 10).

Nevertheless, on the night of Tuesday, April 25, and early morning of April 26, 2023, the majority group (Morena, PVEM, Green Ecologist Party of Mexico for its acronym in Spanish, and PT Labor Party for its acronym in Spanish) approved nine reforms, twenty legal ordinances with which 15 laws were modified. All this was done at record speed, dispensing with the procedures of the legislative process and voting on opinions that were being discussed in parallel in commissions and the plenary of the lower chamber (Animal Politico, 2023).





Under Mezey's classification, the current legislation could be considered reactive or minimal since it maintains sufficiently good levels of popular support, but its capacity to formulate policies is really low. Without counting the initiatives presented by

the entire Executive branch, in the LXIV that was in session between September 1, 2018, and August 31, 2021, 11 thousand 37 initiatives were presented, of which only 622 were approved and turned to the Executive or local congresses (Segob, n.d.). In other words, the approval rate was 5.6%, one of the lowest in the last century.




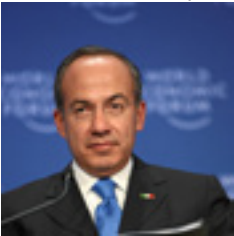

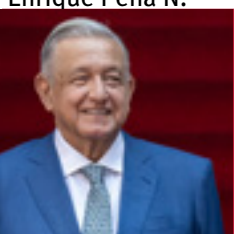
Image: session in the Chamber of Deputies at <https://elpais.com/mexico/2023-04-27/el-congreso-mexicano-discute-una-lluvia-de-reformas-ante-el-cierre-del-periodo-de-sesiones.html>

TABLE 9. PRESIDENTIAL INITIATIVES APPROVED USING THE CHAMBER OF DEPUTIES AS THE CHAMBER OF ORIGIN

PRESIDENT	LEGISLATURE	PRESENTED	APROVED	REJECTED	PENDING	AVERAGE APPROVAL TIME (DAYS)	APPROVAL PERCENTAGE
 Vicente Fox Q.	LVIII (2000–2003)	63	55	5	3	104 days	87.3%
	LIX (2003–2006)	49	31	17	1	311 days	63.2%
 Felipe Calderon H.	LX (2006–2009)	42	38	4	0	64 days	90.4%
	LXI (2009–2012)	32	26	4	2	99 days	81.2%
 Enrique Peña N.	LXII (2012–2015)	50	43	1	6	73 days	86.0%
	LXIII (2015–2018)	29	23	3	3	142 days	79.3%
 A.M. Lopez O.	LXIV (2018–2021)	27	26	0	1	136 days	96.3%
	LXV (2021–2024)	23	11	2	10	85 days	47.8%

Source: In-house elaboration with data from Segob (Government Secretariat for its acronym in Spanish) (n.d.).

TABLE 10. PRESIDENTIAL INITIATIVES APPROVED USING THE CHAMBER OF SENATORS AS THE CHAMBER OF ORIGIN

PRESIDENT	LEGISLATURE	PRESENTED	APROVED	REJECTED	PENDING	AVERAGE APPROVAL TIME (DAYS)	APPROVAL PERCENTAGE
 Vicente Fox Q.	LVIII (2000–2003)	23	16	2	5	126 days	69.5%
	LIX (2003–2006)	27	20	3	4	205 days	74.07%
 Felipe Calderon H.	LX (2006–2009)	29	21	0	8	239 days	72.4%
	LXI (2009–2012)	23	16	2	5	273 days	69.5%
 Enrique Peña N.	LXII (2012–2015)	29	21	0	8	99 days	72.4%
	LXIII (2015–2018)	14	10	0	4	392 days	71.4%
 A.M. Lopez O.	LXIV (2018–2021)	6	5	0	1	177 days	83.3%
	LXV (2021–2024)	1	1	0	0	87 days	100%

Source: In-house elaboration with information from Segob (n.d.).

TABLE 11. AMENDMENTS APPROVED FAST-TRACK IN CHAMBER OF DEPUTIES APRIL 25–26, 2023 1/2

NATURE OF THE AMENDMENT	CONTENT
TRANSFERER OF SHCP COMPTROLLERS' OFFICES TO SFP	Various provisions of the Organic Law of the Federal Public Administration are amended, added, and repealed to transfer the administration and auditing units of the Secretaries of State, which were under the organizational structure of the Ministry of Finance, to the Ministry of Public Administration.
ALVAREZ–BUYLLA LAW	The General Law on Humanities, Science, Technology, and Innovation is enacted, and the Federal Law of Parastatal Entities and the Planning Law are amended and added.
ELIMINATION OF FINANCIERA RURAL	The Financiera Rural is extinguished, and the Organic Law of the National Agricultural, Rural, Forestry and Fishery Development Financial Institution, published in the Official Gazette of the Federation on December 26, 2002, is repealed.
FONATUR–MAYA TRAIN	Various provisions of the Federal Law of Rights and the General Law of Tourism are amended, added, and repealed so that 80% of the collection of the "Visitor without permission to perform remunerated activities" right is destined to the planning, studies, projects, and investment in infrastructure in charge of the parastatal entity of the federal public administration whose purpose is the administration, operation, and rendering of airport, aeronautical, railway, tourist, cultural services, among others of diverse nature.
LAW MONTADEUDAS	The Law of Credit Institutions has been amended to prohibit credit institutions from requesting access to private information, such as contacts, photographs, and videos in digital media.
ANTI-CORRUPTION LAW	Amendments to various provisions of the General Law of National Assets regarding price, transparency, and timeliness in public bids. The objective is to "comply with the constitutional mandate to manage public resources with efficiency, effectiveness, economy, transparency, and honesty."
AIRSPACE MILITARIZATION	The organic laws of the Federal Public Administration, the Mexican Army and Air Force, the Airports Law, and the Civil Aviation Law were amended, added, and repealed, giving the Army greater control over Mexican airspace.

TABLE 11. AMENDMENTS APPROVED FAST-TRACK IN CHAMBER OF DEPUTIES APRIL 25–26, 2023 2/2

NATURE OF THE AMENDMENT	CONTENT
DIRECT ALLOCATIONS	Various provisions of the General Communication Roads Law, the Railroad Service Law, and the Federal Law of Federal Entities are amended and added to establish that the Federal Executive will exercise its powers through the Ministry of Infrastructure, Communications, and Transportation (SICT, for its acronym in Spanish), in the case of granting, interpretation and compliance of assignments. It mentions that the head of the Executive may directly assign to parastatal entities the rendering of public services, as well as the use, exploitation, and exploitation of assets subject to the public domain regime of the Federation, for reasons of public utility and interest, general interest, social interest or national security, when it does not contravene its corporate purpose.
INSABI DISAPPEARS	Various provisions of the General Health Law are amended, added, and repealed in order to regulate the Wellness Health System. With this reform, the Instituto de Salud para el Bienestar, which became operational on January 1, 2020, disappeared, and its functions are integrated into IMSS-Bienestar.

Source: In-house elaboration with information from Animal Politico (2023).

After the mid-term elections of 2021, this trend was not reversed; on the contrary, the percentage of approval of legislative initiatives from the beginning of the current legislature until April 26, 2023, not counting those presented by the entire federal Executive, decreased to 1.5%. That is to say that of the 6,245 initiatives presented; only 94 were approved and passed to the Executive or the local congresses (Segob, n.d.) (Table 12 and 13).

Of the 6,245 initiatives presented; only 94 were approved and passed to the Executive or the local congresses.

Segob, n.d.

TABLE 12. INITIATIVES OF THE LXIV LEGISLATURE

PRESENTERS	INICIATIVAS LXV					
	PRESENTED	APPROVED AND FORWARDED TO THE EXECUTIVE OR LOCAL CONGRESSES LOCAL (A)	APPROVED AND FORWARDED TO COLEGISLATOR (B)	DISCARDED (C)	ATTENDED (D)	WITHDRAWALS (E)
PRI (Institutional Revolutionary Party)	1,202	68	194	26	0	66
PAN (National Action Party)	1,909	117	124	49	0	73
PRD (Democratic Revolution Party)	1,112	32	269	34	0	92
PVEM (Green Ecological Mexican Party)	346	16	50	8	0	29
PT (Workers Party)	693	37	32	42	0	28
Convergencia (Convergence)	0	0	0	0	0	0
PANAL (Alliance Party)	0	0	0	0	0	0
MC (Citizens' Movement)	1,164	53	87	47	0	94
Morena	3,403	201	329	134	0	199
Encuentro Social	662	38	72	27	0	109
No Party	53	4	3	1	0	14
Citizens	5	0	0	1	0	0
Independent legislators	0	0	0	0	0	0
Executive Power	36	28	2	0	1	0
Legislative Committees	23	4	8	0	0	0
Government Bodies	14	12	0	0	0	0
Local Congresses	332	8	8	21	0	0
Miscellaneous	119	32	21	5	0	4
TOTAL	11,073	650	1,199	395	1	708

Source: In-house elaboration with information from Segob (n.d.).

TABLE 13. INICIATIVAS OF THE LXV LEGISLATURE

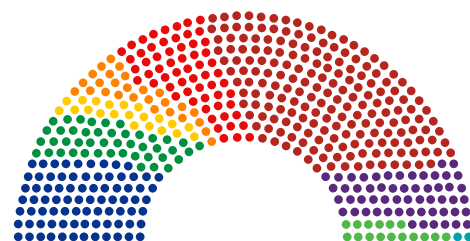
PRESENTERS	INICIATIVAS LXV					
	PRESENTED	APPROVED AND FORWARDED TO THE EXECUTIVE OR LOCAL CONGRESSES LOCAL (A)	APPROVED AND FORWARDED TO COLEGISLATOR (B)	DISCARDED (C)	ATTENDED (D)	WITHDRAWALS (E)
PRI (Institutional Revolutionary Party)	795	9	38	44	0	50
PAN (National Action Party)	1,507	14	75	49	0	86
PRD (Democratic Revolution Party)	273	1	18	7	0	53
PVEM (Green Ecological Mexican Party)	366	4	33	10	0	6
PT (Workers Party)	569	9	22	19	0	46
PANAL (Alliance Party)	0	0	0	0	0	0
MC (Citizens' Movement)	512	4	18	21	0	26
Morena	1,964	41	159	87	0	134
Encuentro Social	23	0	1	0	0	0
No Party	54	0	2	0	0	0
Citizens	1	0	0	0	0	0
Independent Legislators	34	13	3	2	0	0
Executive Power	11	3	3	0	0	0
Legislative Committees	1	1	0	0	0	0
Government Bodies	3	2	0	0	0	0
Local Congresses	124	3	1	3	0	0
Miscellaneous	59	5	5	1	0	1
TOTAL	6,296	109	378	243	0	402

Source: In-house elaboration with information from Segob (n.d.).

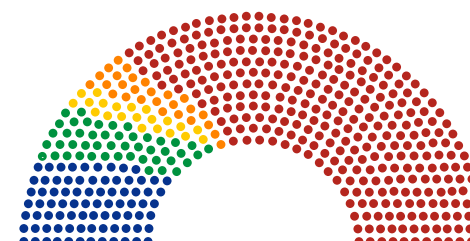
These facts show two behaviors. On the one hand, the opposition has progressively focused on voting against everything proposed by the president, so much so that on June 9, 2022, PRI, PAN, and PRD announced a constitutional moratorium, which, as its name implies, indicated the refusal of these parties to approve any constitutional reform of the president of Mexico.

On the other hand, we observe the behavior of the majority bloc, unwilling to negotiate minimally with the opposition. They pass over the rest in the typical majoritarian style when they have had enough votes. However, when they do not have the required majorities (usually constitutional majorities), they resort to public disqualification and to what Carlos Bravo Regidor (2021) called “The legislative narco tunnel,” which is nothing more than carrying out legal or regulatory amendments to modify the constitution.

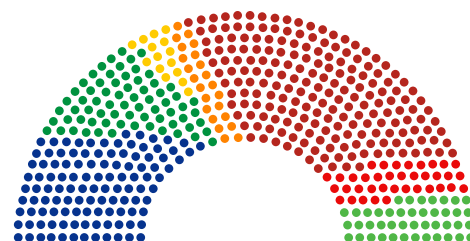
However, very particular cases have attracted attention due to the undemocratic methods of obtaining majorities. One that stands out is the one that concerns the constitutional reform of the transitory provision that enables the Armed Forces to perform public security tasks until 2028. Although the opposition bloc (not counting Movimiento Ciudadano) declared



2018 CONGRESS CONFIGURATION



2020 CONGRESS CONFIGURATION



2021 CONGRESS CONFIGURATION



Image: configuration of the Congress in three different moments.

that they would not approve any of the constitutional reforms that had to do with the three issues that the President marked as priorities after the mid-term elections of 2021, the PRI led by Alejandro Moreno, modified its initial position. It approved the extension of the period in which the Armed Forces can perform public security tasks after a direct political attack by the governor of Campeche, Layda Sansores, who disseminated numerous audios in which the PRI leader is heard accepting criminal behavior ranging from threats to journalists, the illegal use of resources for electoral purposes, or the purchase of luxury cars (Aristegui Noticias & ES, 2022).

When going exclusively into the parliamentary groups of Morena, the absolute subordination to the orders of the federal Executive has been identified as a characteristic feature of these groups, both in terms of initiatives and appointments. The initiatives sent by the President, with exceptions (such as the reform that gave rise to the National Guard in 2019), have not undergone significant modifications in the Legislative. In fact, the President has publicly demanded that his initiatives be approved without any changes, such as, for example, the electricity reform for which the necessary votes were not obtained.



Image: deputies from PRI at <https://www.infobae.com/america/mexico/2022/10/13/no-estamos-trabajando-con-Morena-alito-moreno-nego-declaraciones-de-adan-augusto-lopez/>



Image: Interior Minister with Alejandro Moreno at <https://elpais.com/mexico/2022-09-11/anatomia-de-un-abrazo-el-gesto-que-desato-el-hundimiento-de-la-alianza-opositora-mexicana.html>

Another example that confirms the total subordination of the majority parliamentary groups to the president is the indication that the Secretary of the Interior, Adan Augusto Lopez, gave to the Morenista senators so that, contrary to what is established in Article 6 of the Constitution, the commissioners of the INAI that should have taken office would not be appointed. This information became known due to the audio leak where the person in charge of Mexico's internal policy externalizes the indication that he assures comes from the republic's presidency. Later, in the legislative session of April 12, 2023, in the Senate's plenary session, legislator Felix Salgado Macedonio ironized that the commissioners of INAI will be appointed whenever they want. His textual words were:

And when has the transparency body been working, when? Ah, it is going to be paralyzed! No, it will not be paralyzed; they are earning twice as much as the President of the Republic and will be there. When are they going to be appointed? Do you know when? When we say so because now we are the majority.

Nacion321, 2023

Her words refer to the fact that the commissioners of INAI have not been able to meet, so the body is paralyzed to comply with certain obligations, mainly with the resolution of appeals filed by citizens due to the refusal of an obligated subject to deliver the information requested. In fact, the president of this body informed that as of April 26, 2023, the institute has more than 3 thousand appeals for review pending. In other words, 820 obligated subjects have not delivered the requested information (Castillo, 2023).

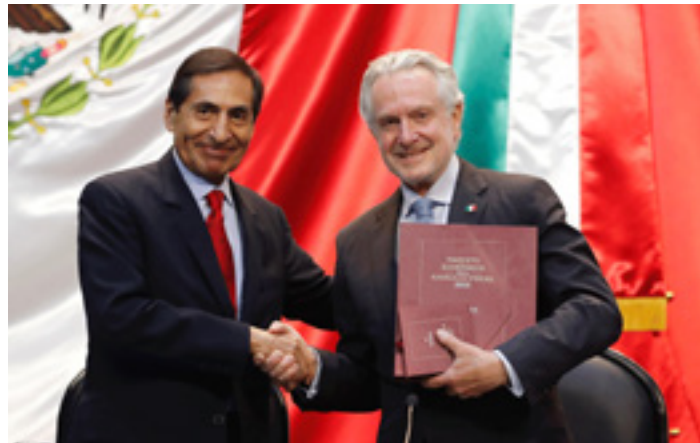
The president has publicly demanded that his law initiatives should be approved without any change "I am not willing to change, not even a comma, to the initiative of Electricity Industry Law."

El Universal, 9 April 2021

The absence of Congress as an oversight power

Another task of the Legislative Branch, which has nothing to do with approving laws, is related to the accountability of other branches and organs of the Mexican State. Two facts stand out here that reflect Congress's weakness vis-à-vis the executive branch. The first is that although the Chamber of Deputies is empowered to approve the budget every year, as well as the public account in which public spending is evaluated, as established in Section IV of Article 74 of the Constitution, in fact, the lower chamber approves a budget that is always subsequently modified without the Legislative Branch commenting on it. Neither is the factual spending information presented in the public account considered for the debate and approval of the next Federal Expenditure Budget. However, the budgetary adjustments, the surpluses in income, and the under-expenditures represent thousands of millions of pesos.

Even so, each PEF is debated and approved based on the previous budget, although it does not reflect how public resources are actually used. In other words, the legislature has renounced an essential obligation: to oversee the use of the budget by the Mexican government.



Images:
Ramirez de la O, secretary of Finance and Santiago Creel, president of the Congress at <https://comunicacionsocial.diputados.gob.mx/revista/index.php/abc-legislativo/que-es-el-paquete-economico->



Photo TW @Miguelsamanop at <https://tucochinito.com/noticias/economia/diputados-aprueban-el-presupuesto-de-egresos-de-la-federacion-2023/>

The second worrying fact is that in the context of the progressive militarization of the country, the Secretaries of Defense and the Navy have refused to appear before the Mexican Congress. Although the Armed Forces maintain administrative, operational, and budgetary control of all institutions involved in public security tasks, they have disregarded the Legislative in its task as political overseer of the country.

In fact, after the cyber-attack suffered by Sedena's servers, which became known as "the GuacamayaLeaks," the defense committee of the Chamber of Deputies summoned the head of Sedena to explain the scope of the breach and the measures being taken in the matter. General Sandoval refused to attend the lower chamber and summoned the legislators to his office on October 18, 2022, a date unilaterally chosen by him. Later, the defense secretary canceled the meeting, arguing that Deputy Sergio Barrera Sepulveda of the Movimiento Ciudadano parliamentary group had sent him a disrespectful letter, even though the letter was published, and Sandoval's qualification was denied (Perez, 2022).

The gesture was not minor since an administrative branch of the Executive Branch, which is in no way above the Mexican Congress, in the face of a matter of national interest, demonstrated that it is not interested in being accountable and that it has sufficient political power not to do so, and Congress accepted it.

Conclusion

It can be observed that although the existence of a plural system of parties in Mexico is still in force, so much so that no political party by itself has a qualified majority, at the same time, the legislature has limited itself to reacting to the actions of the federal executive. There has been no active behavior with which to formulate policies beyond the interests of the head of the Mexican State. Likewise, the existence of a unified government and a president with very high levels of popularity for the first time in many years have encouraged an iron discipline within the parliamentary groups of the official party.

Likewise, the legislative branch's discreet role in budgeting and oversight leaves much to be desired. It reaffirms the idea that presidential power, in reality, has positioned itself above other branches of government. In sum, it can be said that although Mexico currently has a multiparty political system, the control of Congress by the ruling party limits the counterbalancing nature of both chambers. Although measures have been implemented to guarantee the independence and autonomy of the legislative branch, the president's influence on legislative decisions continues to be a reality.





THE POLITICAL PARTIES

THE POLITICAL PARTIES

Political parties are organizations that represent a series of ideas, principles, and political proposals seeking to achieve public power and make decisions for the benefit of society. They are a fundamental element of democracy since they allow citizens to group around ideologies and political programs and actively participate in the country's decision-making process.

Among their primary functions are representing citizens in electoral processes, presenting candidates for public office, and seeking to win the trust and

vote of citizens. In addition, political parties also perform a function of control and oversight of public power, ensuring that the decisions made by the authorities are in line with the interests of society and not private interests.

As has been well studied, the current Mexican party system is the product of a long history of struggles to establish a plural electoral arena where citizens can freely associate with competing democratically for public power. This was not possible in most of the 20th century due to the hegemony of the PRI.

The transition to democracy, which occurred through changes in electoral regulations, took place progressively, step by step. In this sense, civil and political rights in Mexico were not fully guaranteed until the last years of the previous century.

Experts see the 1977 electoral reform as the beginning of the constant process of reforms of the Mexican electoral system since it brought the first significant changes in the country's legal and institutional regulation of political competition. The registration of political parties, as well as their functions and scope, was the central issue of this reform. Article 41 of the Constitution was amended to define political parties' nature, functions, and prerogatives. In addition, new rules and requirements were established for creating and registering political parties, which gave them greater legitimacy and official recognition. From then on, parties would be considered entities of public interest, and the regulation of their participation in electoral processes was left to the secondary law.

With subsequent reforms, mainly those that took place in the 1990s, the obligations and prerogatives of political parties were regulated, thus opening the door to greater political plurality and fairer competition in elections, not only by allowing the partici-

pation of new political parties but also by providing them with sufficient resources to win in elections.

Currently, the third article of the General Law of Political Parties establishes that political parties are entities of public interest with their own legal personality and assets, whose purpose is to promote the participation of the people in democratic life, to contribute to the integration of the organs of political representation and, as citizens' organizations, to make possible their access to the exercise of public power. In other words, they are the institutes responsible for offering political platforms and alternatives to society, which they will carry out if they obtain public administration.

The transition to democracy, which occurred through changes in electoral regulations, took place progressively, step by step. In this sense, civil and political rights in Mexico were not fully guaranteed until the last years of the previous century.

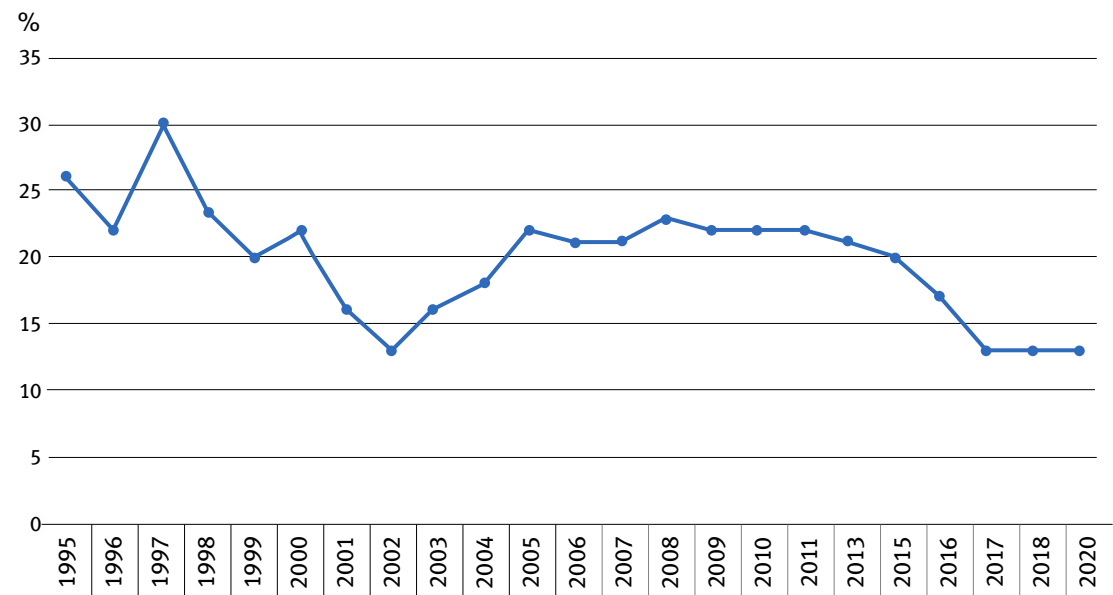
The popularity of Political Parties in Mexico and low representativeness

Despite these institutions' relevance for any democratic system, their popularity and reputation are particularly low in Mexico and worldwide. Much has been said about the crisis of political parties, which has brought to power leaders who do not come from formal political formations or who, while belonging to them, present themselves as actors far removed from formal party politics. The most famous cases in the Western world in recent years are those of Emmanuel Macron in France, who formed his own political movement to compete in the French general elections, and Donald Trump, who, despite competing representing the Republican Party, did not have a previous political career and presented himself to the electorate as an outsider. This was possible due to the primary election system that exists in the United States.

In Mexico, political parties generate less trust than parties in other countries in the region. The *Latinobarometro* (2021) shows that political parties are the worst-evaluated institutions in Latin America, even more than the Congress or the Judiciary, and continue to decline compared to previous years. Of

the 18 countries studied, none reached a score of fifty percent confidence. The closest is Uruguay, with 33%, and Mexico ranks sixth with 13% citizen trust, behind countries such as Nicaragua and Venezuela (Graph 19 and 20).

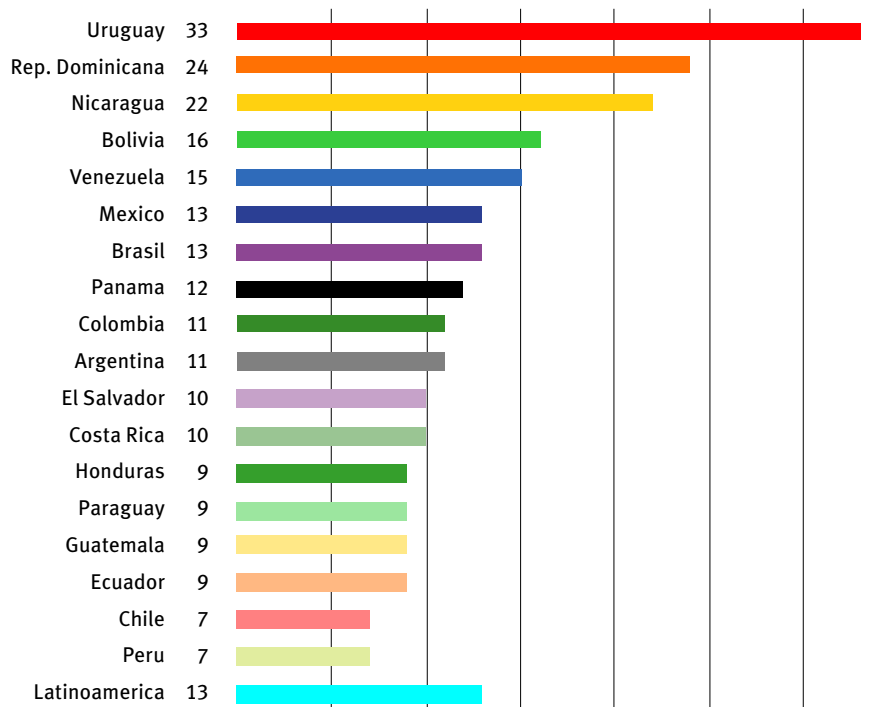
GRAPH 19. CONFIDENCE IN POLITICAL PARTIES IN LATINAMERICA 1995–2020



Source: In-house elaboration with information from *Latinobarometro* (2021).

The aforementioned has led to significant fragmentation of party systems in Latin America, where it is common to find countries in which numerous formal political forces appear and disappear between elections. Brazil and Peru are good examples of this phenomenon. Mexico does so to a lesser extent, partly because our country's requirements for creating new parties are exceptionally high.

GRAPH 20. CONFIDENCE IN POLITICAL PARTIES IN LATIOMERICA BY COUNTRY



Source: In-house elaboration with information from Latino-barometro (2021).

TABLE 14. NUMBER OF POLITICAL PARTIES TOTAL BY COUNTRY 2020

COUNTRY	NO. OF POLITICAL PARTIES
Brasil	25
Peru	21
Venezuela	20
Chile	14
Bolivia	13
Ecuador	12
Colombia	12
Argentina	11
Costa Rica	10
Uruguay	10
Guatemala	9
Mexico	8
Rep. Dominicana	6
Paraguay	6
El Salvador	5
Nicaragua	4
Honduras	4
Panama	4

Source: In-house elaboration with information from Latino-barometro (2021).

Despite the low levels of trust in Mexican political parties, Morena seems to have captured much of the discontent with a party system seen as corrupt and unrepresentative. Some polls show that despite society's widespread dissatisfaction with these political institutions, the ruling party still enjoys a high preference level. Mitofsky reported in June 2022 that Morena is the preferred party of the electorate, with a 30% national preference, followed by the answer "none" with 17.3%, the PAN with 14%, and the PRI with 10%. When looking at party preference at the sub-national level, Morena remains the preferred party in 27 of the 32 states, and in some of these, it is close to 50% preference, such as in Baja California and Guerrero.



Images:

<https://www.infobae.com/america/mexico/2021/05/23/elecciones-2021-pan-suspendera-campanas-en-sur-del-estado-de-mexico-por-clima-de-inseguridad/>

<https://elpais.com/mexico/elecciones-mexicanas/2021-06-12/la-doble-cara-del-pri-en-su-batalla-por-la-supervivencia.html>

<https://www.elsoldelcentro.com.mx/local/cierra-prd-campanas-politicas-en-aguascalientes-6782609.html>

<https://www.forbes.com.mx/noticias-Morena-ganon-cdmx-gastos-campana-2021/>



TABLE 15. PREFERENCE BY PARTY AND STATE 1/2

STATE	PAN	PRI	PRD	MC	MORENA	PT	PVEM	CAND. IND	NINGUNO	N/R	TOTAL
AGS	21.1	9.9	3.7	7.8	13.3	0.6	2.3	0.1	19.5	21.7	100
BC	8.7	0.5	0.1	2.3	23.6	0.1	0.9	0.2	32.5	31.1	100
BCS	13.8	2.2	0.1	14.6	47.8	1.6	2.1	0.1	7.4	10.3	100
CAM	5.4	21.7	0.1	11.6	35.4	2	0.2	0.3	15	8.3	100
COA	9	29.6	1.1	2.2	22.4	0.3	1.1	1.7	25.3	7.3	100
COL	12.4	10.3	1	8.6	38.9	0.3	1.3	0.1	15.6	11.5	100
CHIS	7.2	12.3	1.9	6.7	38.8	1	5.1	1.7	17.2	8.1	100
CHIH	22.6	8.1	0.7	4.5	29.1	0.4	0.1	0.1	18.8	15.6	100
CDMX	25.7	5.8	0.8	6	34.7	1.5	0.3	1.1	13.9	10.2	100
DGO	14	34.8	5.9	6.8	19.8	1.8	5.6	0.1	6.7	4.5	100
GTO	26.5	4.4	0.7	5.6	23.4	0.4	3.8	1.9	23.7	9.6	100
GRO	7.9	11.1	1.5	3.4	47.3	0.6	1	0.2	14.3	12.7	100
HGO	5.5	16.3	5.4	4.2	26.8	2.1	3.8	0.1	27.9	7.9	100
JAL	11.1	13.9	2.8	24.3	21.5	0.4	1.2	3.7	11.3	9.8	100
MEX	13.7	13.4	0.7	5.3	35.6	1.4	0.6	1.3	6.7	21.3	100
MICH	16.9	12.3	7.4	3.9	34.4	0.6	0.8	0.1	8	15.6	100
MOR	8.8	6.7	3.4	5.3	30.5	0.9	0.7	0.7	24	19	100

TABLE 15. PREFERENCE BY PARTY AND STATE 2/2

STATE	PAN	PRI	PRD	MC	MORENA	PT	PVEM	CAND. IND	NINGUNO	N/R	TOTAL
NAY	4	7	3.9	6.9	33.7	3.9	0.7	0.1	28.8	11	100
NL	13.8	12.2	1.2	25.8	20	0.5	0.1	1.2	0.4	24.8	100
OAX	3.3	23.9	4.3	5	30.7	3.4	3.9	0.4	12.9	12.2	100
PUE	16.7	7.6	0.3	3.3	34.3	0.6	0.5	0.1	27.2	9.4	100
QRO	26.6	5.7	0.1	1.5	25.4	0.8	0.3	2.4	19	18.2	100
QROO	9.8	4.5	5.4	10.6	19.8	1.8	27.7	0.1	13.7	6.6	100
SLP	11.6	7.3	0.6	3.6	19	1.2	10.3	3.2	23.4	19.8	100
SIN	11.1	7.4	0.1	5	41.3	1	0.2	0.1	11.1	22.7	100
SON	7.6	13.8	0.3	7.3	32.5	0.8	0.1	0.4	8.7	28.5	100
TAB	7.6	5.6	3.2	4.7	56.3	0.8	0.3	0.2	6.1	15.2	100
TAM	21.9	10.2	5.7	4.3	26.9	0.2	0.1	0.2	20.8	9.7	100
TLAX	5.8	6.9	0.4	2.8	29	0.5	0.2	3	33.9	17.5	100
VER	17.9	4	0.3	8.5	25.6	0.3	0.9	0.7	22.5	19.3	100
YUC	20	14.6	0.1	5.1	31.9	0.6	0.5	0.1	18.3	8.8	100
ZAC	12.7	15	1.8	11.3	25.2	1	0.1	0.1	21.1	11.7	100
NAL	14	10.8	2	7	30	1	2	1	17.3	14.9	100

Source: In-house elaboration with information from Mitofsky (2022).

The low confidence in political parties is associated with the feeling of low representativeness experienced by a vital part of the citizenry, which is reflected in high levels of abstentionism, which increased between 1991 and 2009 and then was maintained in the general elections of 2012 and 2018 and the mid-term elections of 2015 and 2021 (INE, n.d.a).

Likewise, the perception of parties as undemocratic institutions on the inside affects their acceptance. And although there is an intense debate on the relevance of intra-party democracy, the behavior of these institutions, as if they were private clubs with access to state funding, has strongly weakened the relationship with militants and the electorate.

It is worth mentioning that, as discussed by Cross and Katz (2013), there is no consensus on how democratic parties should be when choosing their leaders and candidates, understanding intraparty democracy as the inclusion of more actors in the selectorate body and the existence of impartiality on the part of the electoral authority, whether internal or external to the party (the more individuals can participate fairly and freely in the selection of leaders and candidates, the more democratic the selection process is considered to be).

TABLE 16. ABSTENCIONISM IN ELECTIONS FOR FEDERAL DEPUTIES 2000–2021

ELECTION YEAR	NOMINAL LIST	PARTICIPATION	% OF PARTICIPATION	ABSTENTION	% OF ABSTENTION
2000	58,782,737	37,286,664	63.43%	21,496,073	36.57%
2003	64,710,596	26,695,285	41.25%	38,015,311	58.75%
2006	71,374,373	41,315,566	57.89%	30,058,807	42.11%
2009	77,470,785	34,619,134	44.69%	42,851,651	55.31%
2012	79,492,286	49,909,298	62.79%	29,582,988	37.21%
2015	83,536,377	39,872,757	47.73%	43,663,620	52.27%
2018	89,250,881	55,967,433	62.71%	33,283,448	37.29%
2021	93,328,771	49,151,320	52.66%	44,177,451	47.34%

Source: In-house elaboration with information from National Electoral Institute (INE) (n.d.a).

TABLE 17. ABSTENCIONISM IN SENATORIAL ELECTIONS 2000–2018

ELECTION YEAR	NOMINAL LIST	PARTICIPATION	% OF PARTICIPATION	ABSTENTION	% OF ABSTENTION
2000	58,782,737	37,390,097	63.61%	21,392,640	36.39%
2006	71,374,373	41,571,581	58.24%	29,802,792	41.76%
2012	79,492,286	50,106,783	63.03%	29,385,503	36.97%
2018	89,250,881	56,237,841	63.01%	33,013,040	36.99%

Source: In-house elaboration with information from National Electoral Institute (INE) (n.d.a).

Some scholars such as Hazan and Rahat (2010) consider that despite being elementary components of the democratic apparatus as a whole, parties do not have to align themselves with general democratic principles, such as the impartiality of the electoral authority, the guarantee of the secrecy of the vote, or the fairness of the competitors in the contest since greater intra-party democracy implies higher electoral and administrative costs.

For example, it is known that opening the internal competition for candidacies and party leaderships tends to divide the parties and radicalize the positions of the competitors as well as of the members and sympathizers of the parties, besides weakening the winners in the face of the general elections in which they will compete against candidates of other political parties. In this sense, this position justifies the means to fulfill the democratic end. Likewise, Rahat (2013) argues that the legitimacy of the competitor is recovered, at least partially, in the general elections in which all citizens can vote.

On the other hand, there is the position that defends that political parties should be more democratic within themselves (Van Biezen, 2000) since their relationship with their bases depends on including

TABLE 18. ABSTENCIONISM IN PRESIDENTIAL ELECTIONS 2000–2018					
ELECTION YEAR	NOMINAL LIST	PARTICIPATION	% OF PARTICIPATION	ABSTENTION	% OF ABSTENTION
2000	58,782,737	37,601,618	63.97%	21,181,119	36.03%
2006	71,374,373	41,791,322	58.55%	29,583,051	41.45%
2012	79,492,286	50,143,616	63.08%	29,348,670	36.92%
2018	89,250,881	56,611,027	63.43%	32,639,854	36.57%

Source: In-house elaboration with information from National Electoral Institute (INE) (n.d.a).

these bases in the most relevant selection processes in the party. In addition, it is common for parties, especially in systems without significant public subsidies, to need donations, often from their members and supporters, to fulfill their tasks and responsibilities. Therefore, it is natural to expect that those who participate in party financing will increasingly demand more rights to participate in party decisions.

What has been observed in Mexico during the 21st century is that political parties have lost interest in their militancy since they do not need it to obtain financing, and the Mexican electoral system allows them to remain in the electoral arena by getting at

least 3% of the total valid vote cast. With such a percentage, a party acquires state prerogatives representing millions of pesos annually for national and sub-national headquarters and access to radio and television time. Although the permanence requirements are lower in other countries, the parties do not receive the amount of public resources they do in Mexico.

In addition to the preceding, in recent years, there has been a particular phenomenon in the country that has to do with the real restriction that some national executive committees have placed on citizens for them to join their parties. The most notorious examples are the PAN and Morena. With the purpose of controlling the internal roles, the leadership has hindered the right of every citizen to join one of these political institutions, violating the second article of the General Law of Political Parties, which clearly establishes that among the political-electoral rights of citizens is the right to freely and individually affiliate to political parties.

In the case of the PAN, the former president of Mexico, Felipe Calderon, accused the then leader of the PAN, Gustavo Madero, in 2016, of massively inflating the party's electoral roll with people allied to him to

later prevent more people from becoming affiliated and thus control the internal processes that include the selection of candidates for representative positions. Later Marko Cortes was accused of following the same practice (La Denuncia, 2015).

With the purpose of controlling the internal roles, the leadership of PAN and Morena have hindered the right of every citizen to join one of these political institutions, violating the second article of the General Law of Political Parties, which clearly establishes that among the political-electoral rights of citizens is the right to freely and individually affiliate to political parties.

Party resources and opacity

Since the 1990s, party financing has been regulated in exceptional detail. In fact, the most extended constitutional article is Article 41, which handles public and private funding for political parties. This is a sign of the political class's interest in the subject. The argument used to promote the inclusion of public money in electoral life was that through it, more significant equity could be built in the contests.

The democratic systems established after the third wave of democratization, including Mexico, paid particular attention to the fairness with which parties and candidates compete in the electoral arena. It was taken for granted that the force in government, having more resources, had a greater chance of winning elections. In response, in most countries, it was decided to grant public resources to political parties to guarantee that all of them would be able to maintain permanent administrative activities, train cadres and militants, and carry out propaganda activities to obtain votes.

Despite this trend, 72% of the world's countries allow private donations, and only 18.3% establish ceil-

ings on subsidies from individuals and companies (IDEA International, n.d.). In Latin America, no country prohibits private contributions, although most countries significantly restrict this type of financing. For example, in Mexico, private financing cannot represent more than 10% of the public financing of parties. In Bolivia, donations from individuals or natural persons are prohibited, and in almost all countries in the region, donations from abroad are forbidden. Venezuela is the only country that eliminated restrictions on the source of private financing, so parties and candidates may receive, without a ceiling, money from unions, individuals, and companies (IDEA International, n.d.).

On the contrary, 54% of the countries contemplate public money for parties, although in most cases, there are various filters for accessing these resources (IDEA International, n.d.). The allocation of public money usually depends on the parties' electoral performance. Likewise, in 100% of the countries that contemplate the direct or indirect delivery of public resources to parties, criteria for granting and rules for distribution and use are established in their respective legislations. In Latin America, 94% of the countries contemplate allocating public money to

parties, and two countries, Mexico and Colombia, established the preponderance of public over private resources (IDEA International, n.d.).

Due to the formula for allocating public resources for parties in Mexico, they have received significant amounts in recent years. By 2023, all national parties will receive 6 billion 233 million 510 thousand 798 pesos and a similar amount at the state level. The contradiction is that these enormous amounts have not discouraged political actors from using illegal resources for electoral purposes (INE, 2022).

Already since 2018, MCCI and Integralia Consultores have reported the inflow of illegal resources in political campaigns in massive amounts. They warned that for every peso reported, there are 10 pesos not reported. And when observing the real accounting, i.e., the second accounting that candidates and parties usually have, that proportion increases to 25 illegal pesos for every peso legally reported (Casar and Ugalde, 2018). In this sense, it should not be strange to learn of numerous cases of electoral corruption, which have occurred recurrently throughout the century.

Cases of illegal income for political parties and campaigns abound in Mexico. From the famous Ode-

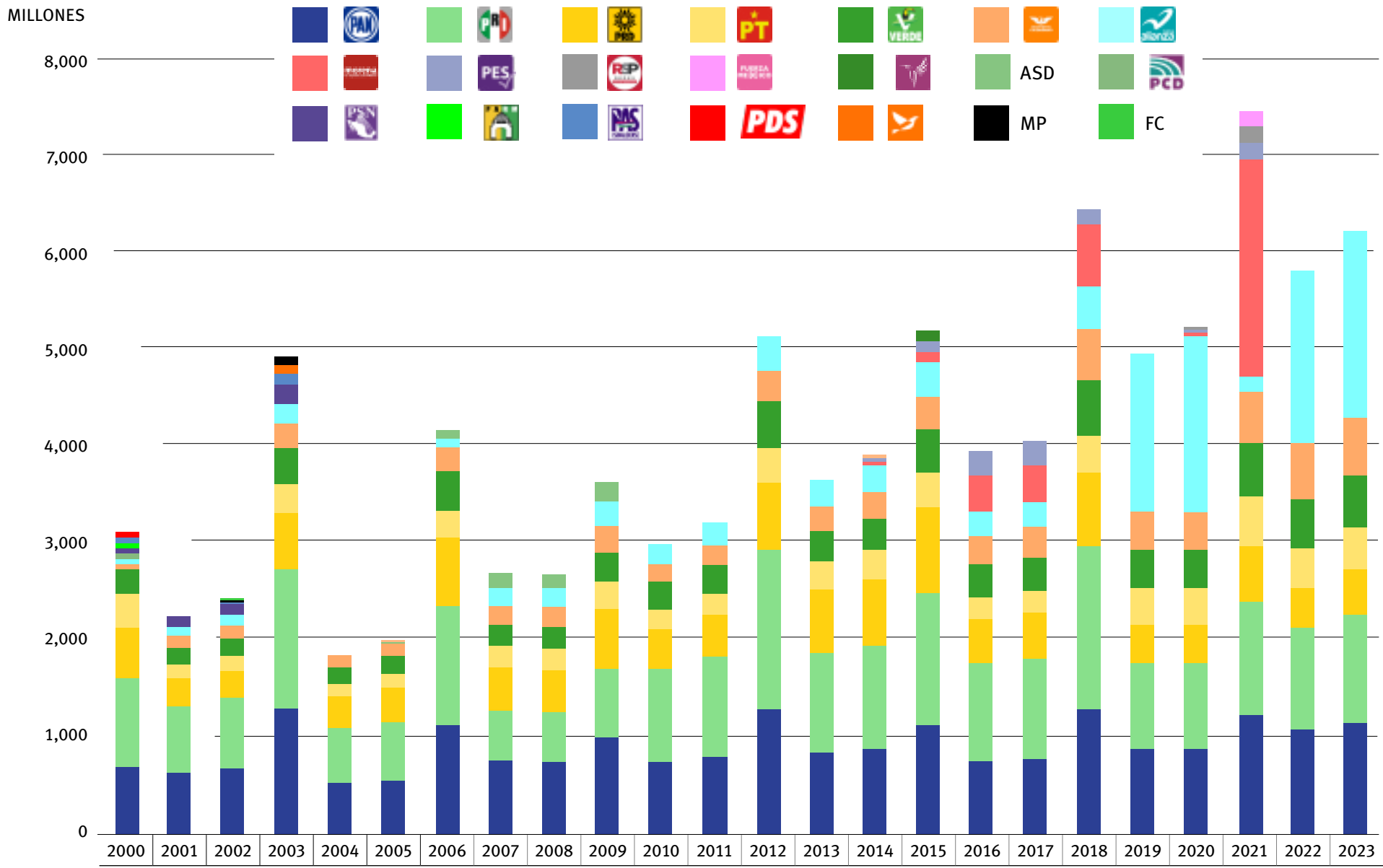
brecht case to one of the most recent that attracted much attention involving Delfina Gomez, former mayor of Texcoco, former Secretary of Public Education, and current candidate for governor of the State of Mexico. Even though the electoral crime was proven, the sanctions seem discreet.

TABLE 19. NATIONAL FUNDING FOR POLITICAL PARTIES IN 2023

PUBLIC FINANCING ITEM	ANNUAL AMOUNT OF PUBLIC FINANCING
Support for ordinary permanent activities	\$5,936,016,484
Specific activities	\$178,080,495
Postal franchise	\$118,720,329
Telegraphic franchise	\$693,490
TOTAL	\$6,233,510,798

Source: In-house elaboration with information from INE (2022).

GRAPH 21. NATIONAL FUNDING OF POLITICAL PARTIES 2000–2023



Source: In-house elaboration with information from INE (n.d.c).

As shown in the timeline, Delfina Gomez, while serving as mayor, withheld, for at least three years, money from the city hall workers to direct it to the Morena party. Following the PAN's complaint, the INE initiated an investigation, culminating in verifying more than 2 million pesos that had been deducted from public servants. This resulted in a fine of 4 million 529 thousand pesos INE to Morena, ratified by the Electoral Tribunal (General Council of INE, 2021).

On the expenditure side, there are well-documented cases, such as the trust created by Morena that was promoted as a fund to help people affected by the earthquake that occurred on September 19, 2017. Although Article 25 paragraph 1, paragraph n) of the General Law of Political Parties establishes that among the obligations of political parties is that of applying the financing available to them for the purposes for which they have been given, Morena assured that it would cede part of its financing to contribute to the victims of the earthquake.

Ramon Tonatiuh Medina denounced Morena and Andres Manuel Lopez Obrador for violations of electoral regulations regarding the origin and application of resources. The INE ruled in favor of Medina on July

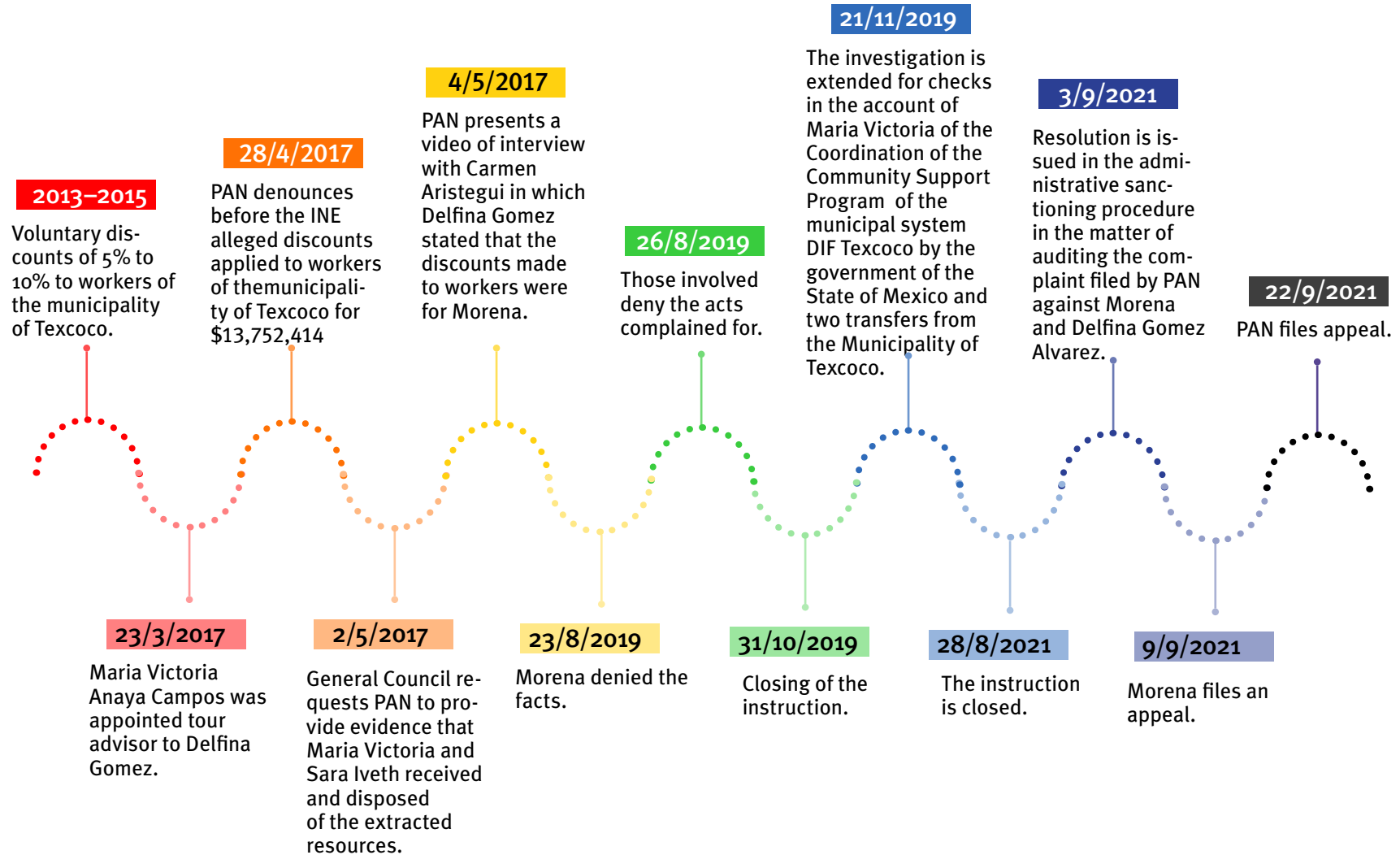


Image: Delfina Gomez Alvarez, former mayor of Texcoco municipality, former secretary of Education, elected governor of the State of Mexico at <https://www.puntoporpunto.com/secciones/cdmx-en-punto/delfina-gomez-maestra-del-engano-la-corrupcion-y-la-crueldad/>

Delfina Gomez, while serving as mayor, withheld for at least three years, money from the city hall workers to direct it to the Morena party

It was verified that more than 2 million pesos had been deducted from public servants.

GRAPH 22. DELFINA GOMEZ ALVAREZ VS PAN CASE
TIMELINE



Source: In-house elaboration with information from General Council of INE (2021).

18, 2018, and Morena's representative filed an appeal. Although the interest of one of the appeals was denied for being promoted by the trustors, Morena created a trust to transfer resources destined for political campaigns. It was sought to verify whether it is valid to channel resources from Morena to the trust, and the authority did not find elements to validate that resources had been transferred to the trust (General Council of INE, 2018).

The trust's income in the period from September 26, 2017, to the following May 31, 2017, was in the amount of 78 million 818 thousand 566 pesos, of which 44 million 407 thousand 82 pesos were cash contributions and 34,411,483.88 entered by checks, transfers, and SPEI. Of the total, 64 million 481,760 pesos were withdrawn by cashier's checks. Regarding the delivery of support to the affected persons, the authority observed that there is no specific information in the trust contract or any of the amendment agreements. INE concluded that there were persons directly linked to Morena who received the amount of 64 million 481 thousand 760 pesos, of which 21 million 831 thousand 200 pesos, that is 33.85 % of the resources that make up the total assets, were withdrawn by Morena officials (General Council of INE, n.d.).



INE considered that Morena violated the electoral oversight model by generating and operating a “parallel financing” scheme due to the following irregularities:

- » Cash contributions from unidentified persons (Articles 55 of the Ley de Partidos and 121, paragraph 1, item I) of the Regulations).
- » Cash contributions above 90 UMAs (Article 104, numeral 2, paragraph 1 of the Regulations).
- » Contribution from an impeded entity (Article 25, numeral 1, paragraph i) concerning Article 54, numeral 1, paragraph f) of the Law of Parties). SUP-RAP-209/2018 and cumulative 20
- » Omission to report the opening of the trust account (Articles 57, numeral 1, subsection a) of the Law on Parties and 64, numeral 1 of the Regulations).

Image: Lopez Obrador opens banking account for those affected by the earthquake at <https://www.eluniversal.com.mx/nacion/politica/amlo-abre-cuenta-bancaria-para-damnificados-por-sismo/>

» Omission to report expenses (Articles 78, numeral 1, paragraph b), section II of the Law of Parties and 127 of the Regulations).

For the previous, it imposed on Morena a sanction equivalent to 250 % of the amount involved, that is, 197 million 46 thousand 415.92 pesos. Following Morena's challenge, the Electoral Court revoked INE's measure, considering that it was impossible to prove the electoral nature of the political party's participation in the trust. In other words, the electoral jurisdictional authority does not deny the disappearance of the money, but because the withdrawals were mostly made in cash, it cannot be affirmed that Morena used that money in a specific activity (General Council of INE, n.d.).

By way of conclusion, it can be said that political parties, although being indispensable institutions for a modern representative democracy, do not enjoy high levels of trust and popularity, partly because they do not represent the citizenry very well and partially because they maintain low levels of democracy within them and are constantly involved in corruption scandals. The seriousness lies in the fact that parties are the backbone of representative democracy, and their poor reputation affects the general acceptance of democracy. A profound reform of the party system in Mexico is still pending, strengthening the relationship between parties, militants, and voters, increasing transparency in electoral life, and introducing efficient citizen oversight tools.





Images: <https://www.infobae.com/mexico/2023/04/15/transparencia-en-mexico-inai-presento-controversia-ante-la-corte-para-seguir-funcionando/>; https://portalanterior.ine.mx/archivos2/portal/galeriaFotografica/2015/Sesiones/Marzo/CGex201503-01_01/CGex201503-01.html

CONSTITUTIONALLY AUTONOMOUS BODIES

The constitutionally autonomous bodies in Mexico are State entities established in the country's Constitution and have the independence and autonomy to perform their functions and make decisions without being subject to the supervision of other branches of government, such as the Executive, the Legislative, or the Judiciary.

The creation of constitutionally autonomous bodies in Mexico dates back to the 1990s when various constitutional and legal reforms were initiated to strengthen democracy and the rule of law in the

country. In particular, the process of political transition to democracy in Mexico made it necessary to establish autonomous bodies to guarantee transparency, accountability, and respect for human rights without being subject to interference from political or economic power.

Another factor that contributed to the creation of these bodies was the need to guarantee competition and free enterprise in strategic sectors of the economy, such as telecommunications, energy, and economic competition, which led to the creation of

entities such as the Federal Telecommunications Institute (IFT) and the Federal Economic Competition Commission (Cofece).

The emergence of these bodies has not been free from multiple political, social, and academic criticisms. For starters, even though the Constitution does not speak of a fourth public power, these institutions make up an independent power from the three public powers outlined in the Constitution. This fact has opened a long-standing debate on the relationship between the constitutionally autonomous bodies (CABs) (OCAs for its acronym in Spanish) and the rest of the Mexican State, who oversees them politically, and how solid their legitimacy of origin is since their members are not popularly elected as in the Judicial Branch.

Nevertheless, the OCAs have played a relevant role in Mexican democracy. Some examples of constitutionally autonomous bodies in Mexico are the National Electoral Institute (INE for its acronyms in Spanish), the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI for its acronym in Spanish), the National Human Rights Commission (CNDH for its acronym in Spanish), the Energy Regulatory Commission (CRE for its acronym



in Spanish), the Federal Telecommunications Institute (IFT for its acronym in Spanish) and more recently the Attorney General's Office (FGR for its acronym in Spanish).

The creation of bodies such as the CNDH and the INAI responded to the need to guarantee respect for human rights and access to public information in Mexico.

In this sense, the creation of bodies such as the Federal Electoral Institute (IFE for its acronym in Spanish) in 1990, in charge of organizing elections and guaranteeing transparency in the financing of political parties which later became the current National Electoral Institute (INE), has played a key role in the Mexican democratic system, since it took away from the Executive the power to organize elections and thus increase the certainty with which elections are carried out, and citizens' votes are counted.

Despite these institutions' role throughout the 21st century, there is still room for improvement. Paradoxically, these opportunities for improvement have been squandered during the current administration. The government has endeavored to further weaken these bodies, mainly through four ways: the disappearance, the reduction of their budgets, the coloni-

zation of their governing bodies, and disabling them. Although very worrisome, all of this does not mean that these bodies already had significant room for improvement. The following is a general examination of two constitutionally autonomous bodies: INE and INAI, under solid public attack and social scrutiny.

INAI

The National Institute for Transparency, Access to Information, and Protection of Personal Data (INAI) is a constitutionally autonomous agency in Mexico in charge of promoting and guaranteeing the right of access to public information and protecting personal data held by authorities, individuals, and organizations. It was created in 2014 by merging two pre-existing agencies and replacing the former IFAI. It has specific attributions and powers to ensure transparency and accountability in the public and private sectors.

Among INAI's primary responsibilities is to guarantee access to public information in Mexico, which involves receiving requests for information, reviewing the responses of authorities and individuals, imposing sanctions in case of non-compliance, and promoting a culture of transparency and accountability.

The current administration has been squandering the opportunities for improvement of the autonomous bodies. The government has endeavored to further weaken these institutions.

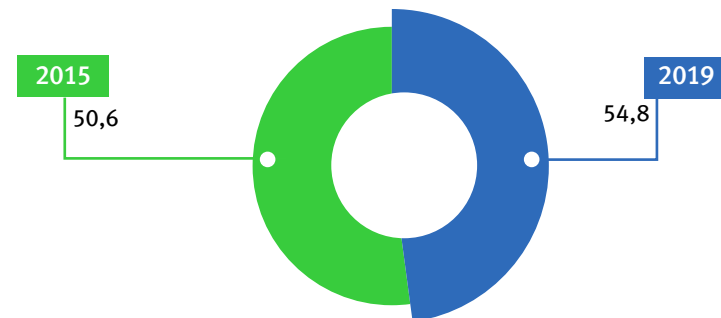
In addition, INAI is also tasked with protecting personal data, regulating its treatment, and ensuring its privacy and confidentiality. In this sense, INAI has the power to receive complaints and sanction those who violate the law in this matter. In this sense, it is clear that this institute is a crucial body for the consolidation of democracy and the rule of law in Mexico by ensuring the right to information and the protection of personal data of individuals, rights that are elementary in any modern democracy.

INAI has indeed been one of the leading institutional actors that have allowed numerous corruption scandals to come to light in the country, increasing the citizenry's political oversight of governments. Some examples of political corruption scandals in Mexico that became known thanks to journalistic investigations that used information requested from INAI are "La casa blanca" (the White House), "La estafa maestra" (the master swindle), and more recently, the embezzlement in "Segalmex."³ However, over the years, some areas for improvement have been identified in the institute that are not minor.

³ For further information go to <https://contralacorrupcion.mx/web/estafamaestra/> and <https://contralacorrupcion.mx/el-desfalco-en-segalmex-ya-supero-los-15-mil-millones/#:~:text=La%20Auditor%C3%ADa%20Superior%20de%20la,mil%20308%20millones%20de%20pesos.>

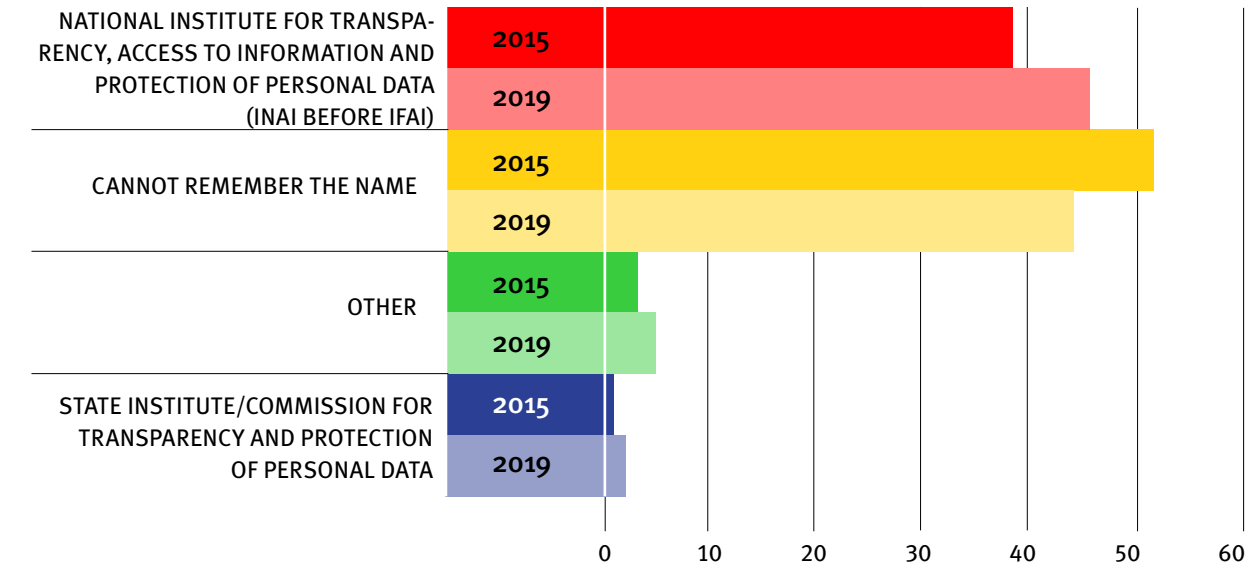
The first has to do with the socialization of the right to information and of the body in charge of enforcing the right to information and protecting the personal data of the members of society. As reported in the latest National Survey on Access to Public Information and Protection of Personal Data, less than half of Mexicans know the existence of the INAI and its constitutional responsibilities (INEGI, 2020).

GRAPH 23. KNOWLEDGE OF THE EXISTENCE OF A GOVERNMENT INSTITUTION



Source: In-house elaboration with information from INEGI (2020).

GRAPH 24. GOVERNMENT INSTITUTION THAT GUARANTEES THE RIGHT OF ACCESS TO INFORMATION AND THE PROTECTION OF PERSONAL DATA



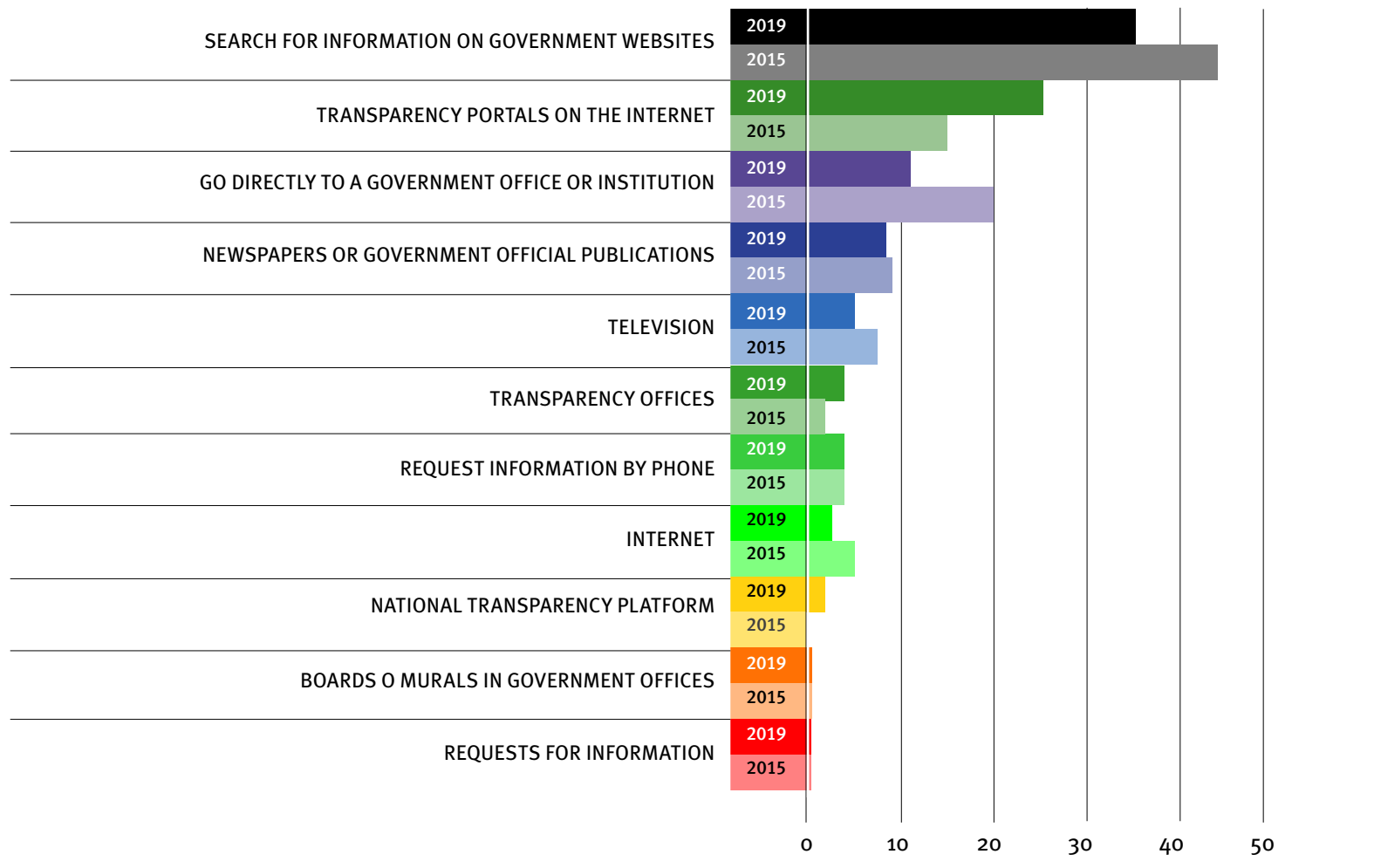
Source: In-house elaboration with information from INEGI (2020).

When observing the means the population identifies to obtain government information, it is alarming that only 2.1% identify the national transparency platform, and 4.8% identify transparency offices (INEGI, 2020). The internet is the general government information most recognized by the population.

Less than half of Mexicans know the existence of the INAI and its constitutional responsibilities.

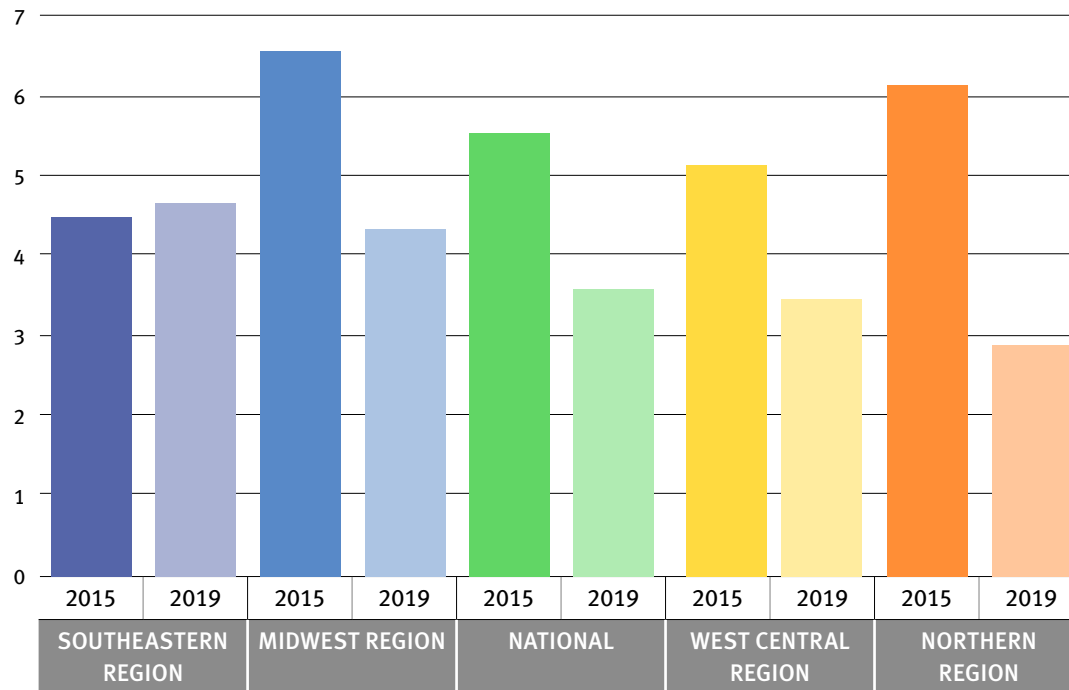
INEGI, 2020

GRAPH 25. MEANS THAT THE POPULATION IDENTIFIES TO OBTAIN INFORMATION FROM THE GOVERNMENT



Source: In-house elaboration with information from INEGI (2020).

GRAPH 26. MAKING A FORMAL REQUEST FOR INFORMATION



Source: In-house elaboration with information from INEGI (2020)

In addition, the percentage of people who go to INAI through a request for information related to any authority was only 3.6% in 2019.

This partly is because the procedures to request information from INAI require a level of technical

knowledge that most of the population does not have. This, coupled with the fact that regular internet access has not reached full coverage in the country. In addition, if any obligated subject does not deliver the requested information, the filing of a review appeal also requires a set of minimum knowledge that

goes from knowing how to use the national transparency platform to understanding the deadlines and terms to carry out this task and obtain a final response.

The seriousness of this fact is not minor since the construction of INAI and the budgetary cost assumed by Mexican society for it to exist and operate have not been minor. The fact that the vast majority of Mexicans do not fully exercise their right to access public information takes place in a context in which most of the population does not trust the information provided by the government.

In addition to the deficient levels of knowledge that the population has of INAI and the even lower levels of use that society gives to the national transparency platform, there is a pending debt related to proactive transparency, i.e., making information public without the need for the population to request it. Although the obligated subjects must publish data and information, INAI cannot verify the information they share in their transparency platforms. This institute is obliged to verify compliance with transparency obligations, as established in Articles 85 and 88 of the General Law of Transparency and Access to Public Information. The latter expressly states that

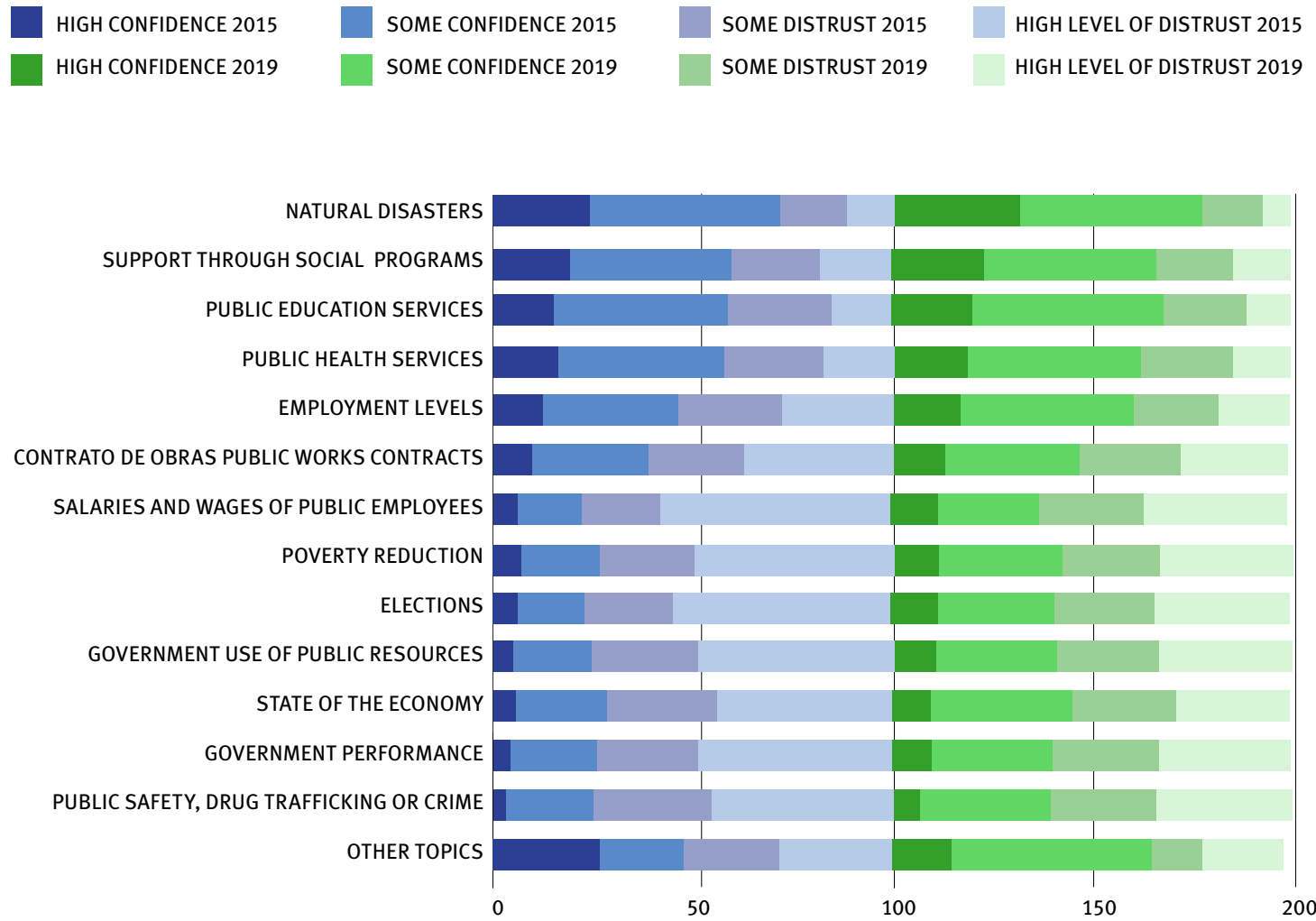
INAI's responsibilities are to verify that the information is complete, published, and updated in due time and form. However, the volume of data processed is such that this authority has done nothing more than supervise that the obligated subjects publish the information they claim to have, although, in reality, we do not know how much information the government generates.

This is how the Ministry of the Interior or the Ministry of Defense have obtained perfect scores in their



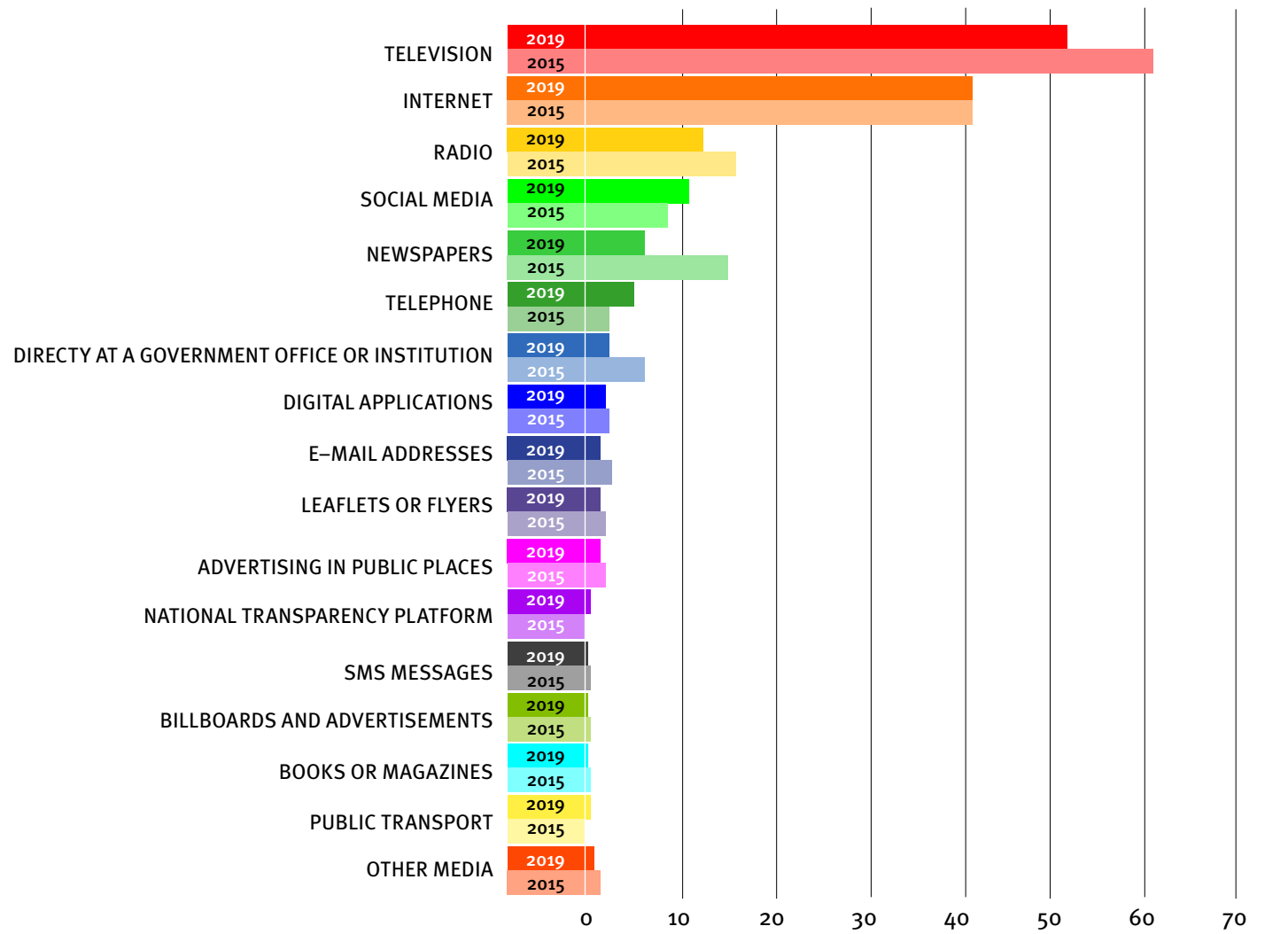
Image: General Sandoval. Photo: Daniel Augusto/Cuartoscuro at <https://www.infobae.com/mexico/2023/04/20/analistas-tundieron-a-amlo-por-viajes-de-lujo-de-luis-cresencio-sandoval-mas-fifi-que-la-mafia-del-poder/>

GRAPH 27. CONFIDENCE IN THE INFORMATION PROVIDED BY THE GOVERNMENT



Source: In-house elaboration with information from INEGI (2020).

GRAPH 28. MEDIA IN WHICH GOVERNMENT-GENERATED INFORMATION CAN BE DISSEMINATED



Source: In-house elaboration with information from INEGI (2020).

transparency obligations, even though the opacity with which these agencies operate is well known. A paradigmatic case concerns the denial and subsequent concealment of the contracts to hire Pegasus by the Mexican Army.

Finally, some of the challenges that INAI will face, if it survives the government's onslaught, have to do with protecting personal data obtained through the Internet for advertising purposes.

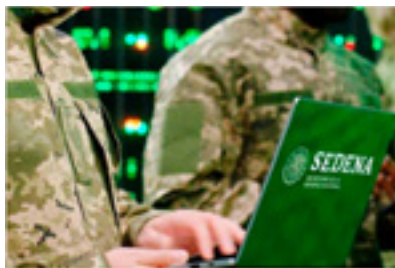


Image: https://aserto.mx/nota/el_espionaje_del_ejercito_mexicano_genera_temor

INE

The National Electoral Institute (INE) is an autonomous public body in charge of guaranteeing the organization of free, fair, and equitable elections in Mexico. It is one of the three electoral authorities at the federal level. Its nature is administrative since the jurisdictional and criminal authorities are the Electoral Tribunal of the Judiciary of the Federation (TEPJF for its acronym in Spanish) and the Specialized Prosecutor's Office for the Attention of Electoral Crimes (Fepade for its acronym in Spanish), respectively.

The INE was created in 2014 through constitutional reform to replace the former Federal Electoral Institute (IFE). INE's primary responsibilities are organizing elections, registering political parties and candidates, auditing campaign income and expenses, promoting civic education and conducting research studies on electoral and political issues. INE has a General Council integrated by electoral counselors, who are in charge of making the most important decisions of the institute and guaranteeing transparency and impartiality throughout the electoral process. In addition, this institute has delegations and representations in all the states of Mexico, which allows it to

TABLE 20. RATING OF FEDERAL REGULATED ENTITIES

SECRETARIAT	SCORE INAI	% OF UNPUBLISHED CONTRACTS	% UNPUBLISHED CALL FOR TENDERS	% UNPUBLISHED OPENING MINUTES	% UNPUBLISHED CLARIFICATION MEETINGS	% UNPUBLISHED AWARD CERTIFICATES
Interior	100.00%	1.9	0	0	0	0
Foreign Affairs	100.00%	0	0	0	63.9	0
Treasury and Public Credit	100.00%	16	0	0	0	0
National Defense	100.00%	65.2	0	0	3.6	0
Agriculture and Rural Development	100.00%	34.4	0	9	32.8	8.2
Communications and Transport	92.30%	31.1	0	0	2	0
Economy	100.00%	6.3	4.5	4.5	25	4.5
Public Education	100.00%	0	0	0	37.5	0
Health	100.00%	9.1	0	0	2.2	0
Navy	99.90%	15.9	0	0	4.5	0
Labor and Social Security	100.00%	20.9	2.8	2.8	33.3	5.6
Agrarian, Territorial and Urban Development	100.00%	0.5	0	0	0	0
Environment and Natural Resources	100.00%	17.4	0	0	0	0
Energy	100.00%	6.1	0	0	0	0
Welfare	76.62%	38.6	1.7	12.2	39.5	10.5
Tourism	100.00%	0.09	0	0	3.9	0
Civil Service	99.16%	1.1	0	0	23.3	0
Security and Citizen Protection	100.00%	71.3	0	0	14.3	0

Source: In-house elaboration with information from INAI and IMCO (s.f).

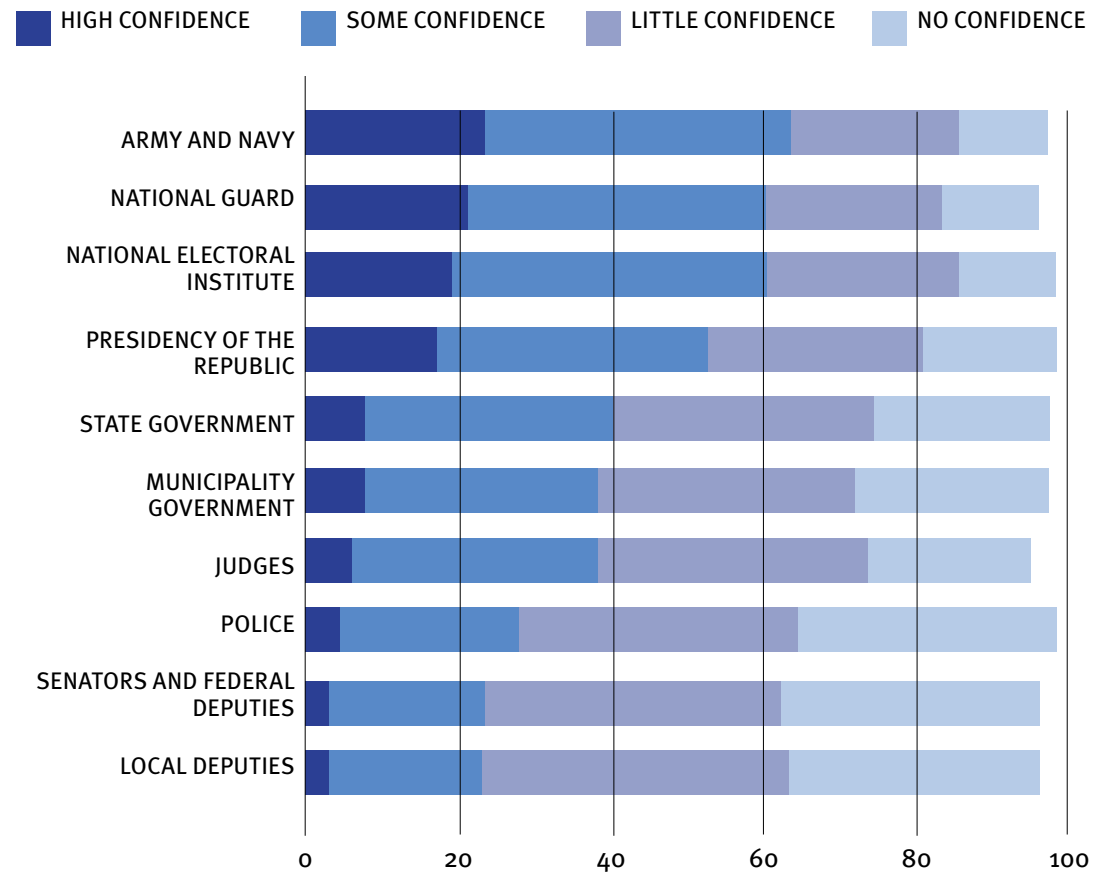
have a national presence and to be in direct contact with citizens and political parties.

Since the emergence of INE as a national body, with exclusive capacities even over sub-national jurisdictions, such as appointing the members of the local councils and taking charge of the entire auditing process of all elections held in the country, in Mexico, the rate of alternation has been 65%, the highest in history, which in itself is a good indicator of its work, given the national history that shows the existence of a single party in power during most of the twentieth century.

This performance has been rewarded by citizens, who consider INE the third most trusted institution, only after the Armed Forces and the National Guard. 59.6% of citizens have some or a great deal of confidence in INE, while only 13% express no confidence in this institution (INEGI, 2021a).

Despite this good assessment, it has been observed that INE has behaved questionably in several cases related to electoral auditing.

GRAPH 29. CONFIDENCE IN INSTITUTIONS



Source: In-house elaboration with information from INEGI (2021a).

Questionable cases of electoral oversight

The most famous case of illegal campaign financing in recent years is that of Odebrecht. As documented in several journalistic works, among which Raul Olmos' work stands out, this Brazilian oil company managed to build an international corruption scheme that approached governments through high-level officials to make corrupt exchanges with presidents and ministers. On most occasions, Odebrecht, through an office exclusively in charge of these illegal deals, granted bribes to high-level officials and politicians and, in exchange, received multimillion-dollar contracts from those governments.

Mexico was part of this international corruption network, and three different governments were involved: Vicente Fox's, Felipe Calderon's, and Enrique Peña Nieto's. As has been documented, the latter not only participated in corrupt deals while he was in office but also transferred resources from Peña Nieto's campaign to the campaign committee. The last, as has been documented, not only participated in corrupt dealings while he was in office but from Peña Nieto's campaign, resources were transferred from the Brazilian company to the PRI campaign



committee to finance electoral expenses. This was confirmed by Emilio Lozoya himself, who at the time was in charge of international relations for Peña's campaign (MCCI, n.d.a).

MCCI (n.d.a) documented that between 2009 and 2012, Odebrecht, through phantom companies, delivered 9 million dollars to Mexican officials and politicians. In addition, Lozoya accepted that the bribes for the 2012 elections provided by the oil company exceeded 100 million pesos. Naturally, this scheme violates several legal provisions that regulate the financing of campaigns in Mexico, where the use of resources from abroad is prohibited, private money is capped, and all donations must be reported to INE.

Image: <https://www.dw.com/es/m%C3%A9xico-inhabilita-por-cuatro-a%C3%B1os-a-la-filial-de-odebrecht/a-41751002>

Despite the substantial illegal resources used in the 2012 PRI presidential campaign, INE did not identify any of these flows and declared the race results as valid. It can be argued that the electoral authority does not have enough mechanisms to scrutinize the parties intensely and that it usually limits itself to reviewing the expense reports the parties are obliged to submit. But what is really striking is that on April 30, 2023, the General Council of INE, despite receiving a technical report from the auditing unit, decided to dismiss two cases of electoral corruption widely documented in the investigative media: the case mentioned above of Odebrecht, and the case regarding the diversion of public resources to finance PRI electoral campaigns, which became popularly known as Operacion Safiro⁴ (Operation Sapphire).

In the Odebrecht case, the majority of the council argued that it was not possible to decide because the FGR had refused to hand over information on the issue, arguing ministerial secrecy, even though for investigations of this type, the INE faces neither ministerial secrecy nor banking secrecy. Despite the

⁴ For further information go to <https://www.ejecentral.com.mx/ine-desecha-investigaciones-de-odebrecht-y-operacion-safiro/> and <https://centralelectoral.ine.mx/2023/03/30/ine-imposibilitado-para-sancionar-a-partidos-por-el-caso-odebrecht-y-la-operacion-safiro/>

court order for the prosecutor's office to turn over information, the latter failed to do so. In the second case, Operation Safiro, the board determined that it was impossible to prove that the diverted resources were used in electoral campaigns.⁵

The Safiro case, extensively documented by the organization MCCI, shows a corruption network that diverted resources from at least six states to the national executive committee of the PRI, which at that time was headed by Manlio Fabio Beltrones for alleged campaign expenses. The amount reached nearly 650



Image: MCCI research at <https://contralacorrupcion.mx/operacionsafiro/>

⁵ For further information go to <https://centralelectoral.ine.mx/2023/03/30/ine-imposibilitado-para-sancionar-a-partidos-por-el-caso-odebrecht-y-la-operacion-safiro/>

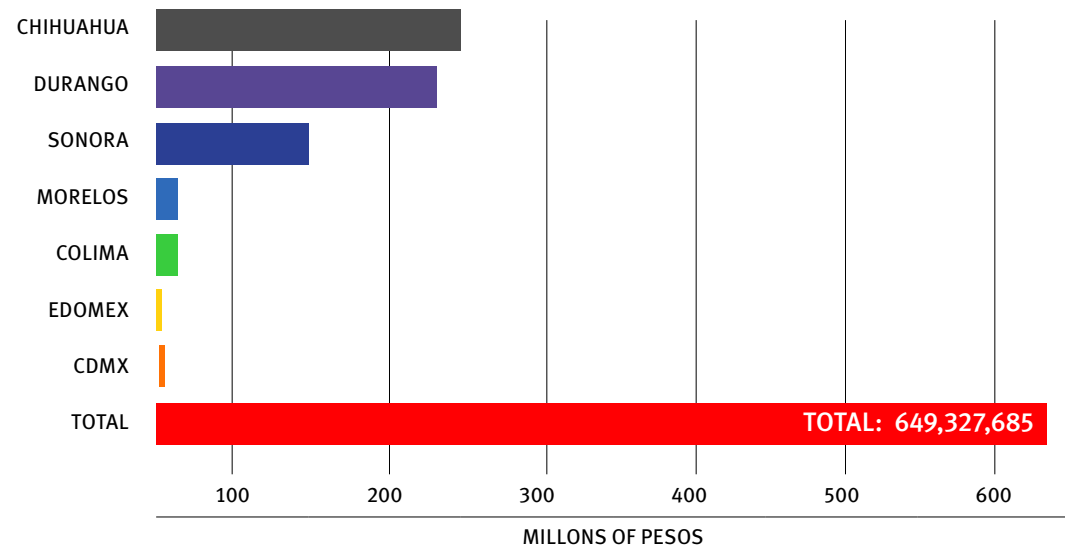
The General Council of INE decided to dismiss two cases of electoral corruption widely documented in the investigative media: the case of Odebrecht and "Operacion Safiro".

million pesos and was triangulated through contracts with the Federal Ministry of Finance and Public Credit, then headed by Luis Videgaray (MCCI, n.d.b). As reported by this organization, in 2016, transfers totaling \$36 million were registered that came from five states governed by the PRI: Chihuahua, Durango, Sonora, Colima, and State of Mexico, as well as from the Morelos Congress and the Milpa Alta delegation in Mexico City (MCCI, n.d.b).

Another criticism that has been made of INE, especially during the last four years, has to do with its cost. Undoubtedly, the budget of the administrative electoral authority has not been lower, but this is a product, on the one hand, of the electoral system that was built due to the generalized distrust of society towards electoral results, and on the other hand, the number of responsibilities that INE must comply with. In particular, the cost of keeping the electoral roll updated and issuing voter credentials fell on INE, and its budget also considers the financing of political parties.

The 2014 electoral reform that gave rise to INE partially centralized electoral tasks by granting INE 74 new local powers. Although the autonomous nature of the institute was preserved and the local electoral

GRAPH 30. AMOUNT OF RESOURCES DIVERTED TO A NETWORK OF SHELL COMPANIES USED FOR THE ALLEGED ILLEGAL FINANCING OF PRI CAMPAIGNS



Source: In-house elaboration with information from MCCI (n.d.b)

institutes were maintained with constitutional autonomy, they were normatively subordinated to the former to withdraw from the local congresses the power to appoint the electoral councilors of the highest governing body of the OPLs, so that instead they would be appointed by INE (Solis, 2018).

The main national functions of INE are the following:

- » Electoral roll and voters' rolls
- » Issuance of voting credentials
- » Administration of the State's radio and TV times
- » Electoral geography
- » Election training
- » Location of polling places
- » Designation of polling places
- » Auditing
- » Rules: PREP, polls, surveys, polls, observation, quick counts, the printing of documents, and production of electoral materials.
- » National Electoral Professional Service

On the other hand, INE's functions at the local level are:

- » Election and removal of OPL electoral councilors.
- » Assuming and delegating powers and functions of OPLs
- » Organizing internal party elections
- » Popular consultations
- » To issue criteria for citizen participation

In conclusion, it is observed that the OCAs are institutions of maximum relevance for the Mexican State and guarantee fundamental rights such as the right to information or the right to passive and active voting. It is recognized that they are under direct threat from the federal Executive, which has weakened them to the extent of its possibilities to reduce their counterbalances. Even so, the OCAs, in case they survive these governmental attacks, have several aspects, not minor, to improve. Two examples have been presented here, but future installments will show the strengths and weaknesses of other institutions of this type.



GOVERNORS AND STATE GOVERNMENTS

As is well known, Article 40 of the Constitution establishes that Mexico is a federal state. Despite this, for much of the 20th century, this was more of a formalism, as political power was centralized in the presidency. However, with progressive democratic reforms, the states began acquiring greater autonomy and functioning as a counterweight to the federal executive branch. This was consolidated in 1983 when the attributions and sources of financing for municipalities were specified, which allowed subnational governments to have new attributions and their own resources (Hernandez, 2008).

Currently, states and municipalities in Mexico are clearly differentiated levels with their own political agendas and powers with an important margin of independence. This has turned subnational governments into active counterweights capable of influencing the dynamics of the political system as a whole. However, the decentralization process has also brought new challenges, especially in terms of the distribution of public policy responsibilities and the allocation of resources, which has generated tensions between the different levels of government.

The lack of clarity of competencies at the constitutional and legal levels has been a distinctive feature of Mexican federalism compared to other federations worldwide.

Today it can be said that federalism has been strengthened throughout the 21st century, eliminating the idea that state governments respond to central interests and lack autonomy since the states have greater powers than before, which are differentiated. In addition, they have more resources for their governance and governability, have their own agendas, and influence political dynamics as a whole.

However, this increase in federalism has often been understood as a capacity for excesses and corruption by governors. Fiscal imbalances have been generated by the lack of accountability and distribution of responsibilities, making Mexican federalism inefficient (Srithongrungs and Sanchez-Juarez, 2015). Which in turn causes disruptions or anomalies such as:

1. Not having democratic controls over governors.
2. Lack of clear responsibilities, i.e., no certainty about whom I have to hold accountable for social policy's design, processes, and results. This generates fragmented public policies, duplicated and

tied to each other without a deliberate strategy, leaving populations unattended. In addition, there is a lack of co-responsibility and little institutionalization.

3. Serious fiscal imbalances, since the federation collects the vast majority of revenues, while spending is distributed more proportionally between the subnational levels and the federal government.

The lack of revenue collection by the states allows for political control from the federal executive branch, although this same condition means that governors do not assume the political cost of collection and are not subject to citizen oversight scrutiny.

The distribution of public policy responsibilities and the allocation of resources, which has generated tensions between the different levels of government.

Confusion in the competencies by the level of government

In the field of competencies and public policy, there is great confusion about the inescapable responsibilities of each level of government because of the twenty areas of public policy outlined in the Magna Carta. Six have regulations that are shared by the federal, State, and local levels, which often are not precise or contradict each other. These are the cases of public safety policy, environment, urban planning, social policy, housing policy, and policies concerning cleaning, collection, transfer, treatment, and final disposal of waste. Likewise, justice policies and those related to drinking water, drainage, sewage, wastewater treatment, and disposal are tasks shared by the federation and the states (Table 21).

As a result of the above, political oversight, i.e., the ability of citizens to hold those in power accountable and evaluate them, has been distorted since individuals hardly know who is responsible for each aspect of public policy and if they feel affected by a decision, they are not clear about whom to hold accountable. Similarly, state governments, as can be seen in the table, do not fulfill any constitutional task alone but

always share their competencies either with the federal level or with the municipal level so that it is easy to accuse the latter of bad governmental results, as in the area of security, and to appropriate the good results. In other words, governors have tended to govern without assuming the costs of doing so.

This is even though local governments maintain enormous public spending and minimal tax collection. Its low tax collection already characterizes Mexico. Among OECD countries, Mexico is the country that collects the least in proportion to GDP. In 2020, the latest available data, the country gathered an equivalent of 17.8% of its GDP, well below the OECD average of 33.6% (OECD, n.d.).

In addition, subnational revenue collection in Mexico represents just under 5% of the total revenue of the Mexican State. On the expenditure side, the proportion is drastically different. Between 2000 and 2021, the Federal Supreme Audit Office reported that, on average, federalized spending represented 33.4% of total net spending (ASF, 2021) (Graph 31).

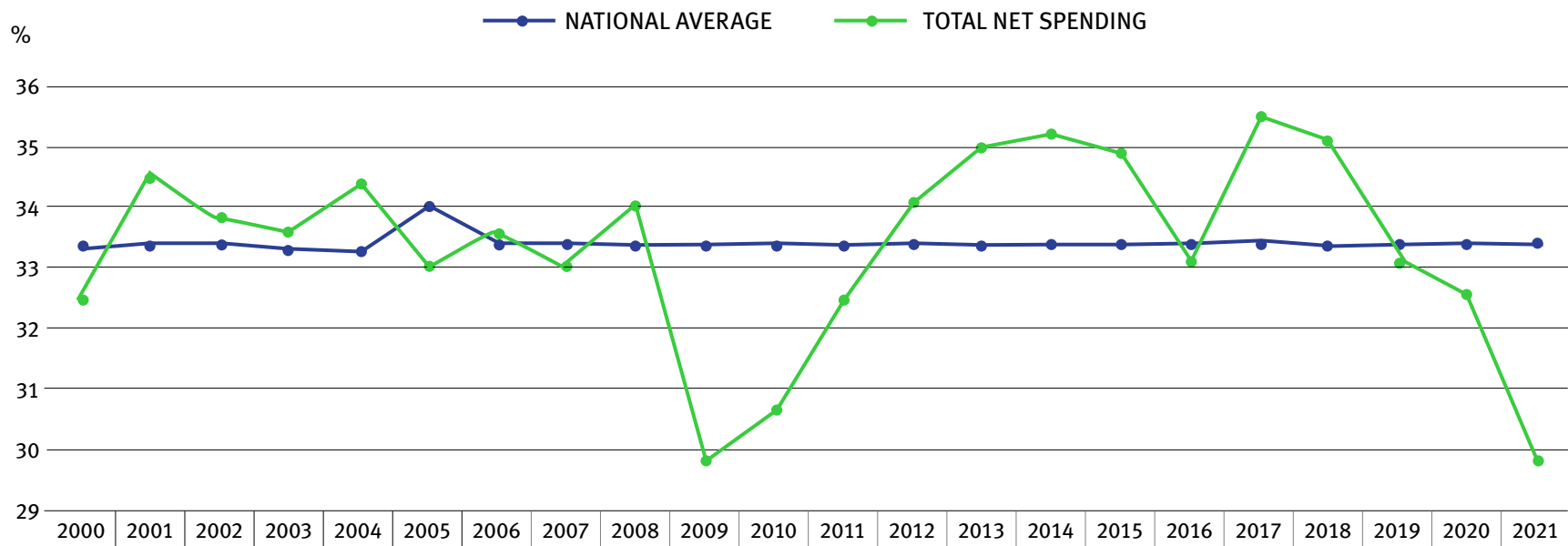
It should be noted that since the beginning of this administration, programmable federalized spending decreased, even though participation increased

TABLE 21. DISTRIBUTION OF COMPETENCIES OF THE LEVELS OF GOVERNMENT IN MEXICO

POLITICY AREA	RESPONSIBLE FOR REGULACION			RESPONSIBLE FOR THE PROVISION OF SERVICES		
	FEDERAL	STATE	MUNICIPAL	FEDERAL	STATE	MUNICIPAL
Defense	X	-	-	X	-	-
Foreign policy	X	-	-	X	-	-
Migration policies	X	-	-	X	-	-
Internacional trade	X	-	-	X	-	-
Trade regulation	X	-	-	N.A.	-	-
Monetary policy	X	-	-	X	-	-
Justice	X	X	-	X	X	-
Education	X	-	-	X	X	X
Health	X	-	-	X	X	X
Public safety and security	X	X	X	X	X	X
Environmental policy	X	X	X	X	X	X
Urban planning	X	X	X	X	X	X
Social policy	X	X	X	X	X	X
Housing policy	X	X	X	X	X	X
Drinking water, drainage, sewerage, wastewater treatment, and disposal	X	X	-	-	X	X
Limpia, recoleccion, traslado, tratamiento y disposicion final de residuos	X	X	X	-	-	X
Cleaning, collection, transfer, treatment, and final disposal of waste	-	-	X	-	-	X
Public lighting	-	-	X	-	-	X
Public transport	-	X	X	-	-	X

Source: In-house elaboration with information from Flamand, L. (2010).

GRAPH 31. FEDERALIZED SPENDING: SHARE OF TOTAL NET SPENDING, 2000–2021 (PERCENTAGES)



Source: In-house elaboration with information from ASF (2021).

and in 2021 reached the figure of 1 trillion 96 billion 812 million pesos, which was equivalent to 54.5% of total federalized spending (ASF, 2021). Despite the proportional drop in federalized spending in recent years, it can be observed that governors have concentrated more and more budgetary resources in the first twenty-one years of the 21st century. The average growth rate of this type of spending between 2000 and 2021 was 2.7% (ASF, 2021).

In contrast to the volume of resources in the hands of governors, transparency has not been the pattern of behavior of these leaders. The ASF's annual report (2021) revealed that 13 thousand 29.1 million pesos were found without verification as a result of the auditing process. Of these, 10 thousand 286.1 million pesos gave rise to observation statements, and the remaining 2 thousand 743 million requests for clarification were formulated. On the other hand,

1,500.9 million pesos were recovered in favor of the treasury (Graphs 32 & 33).

Municipalities' dependence on the federation in budgetary terms is also relevant. 72.1% of their total income comes from the federation, and there are cases where more than 90% of the revenue is transferred directly from the highest level of government (ASF, 2021) (Graph 34).

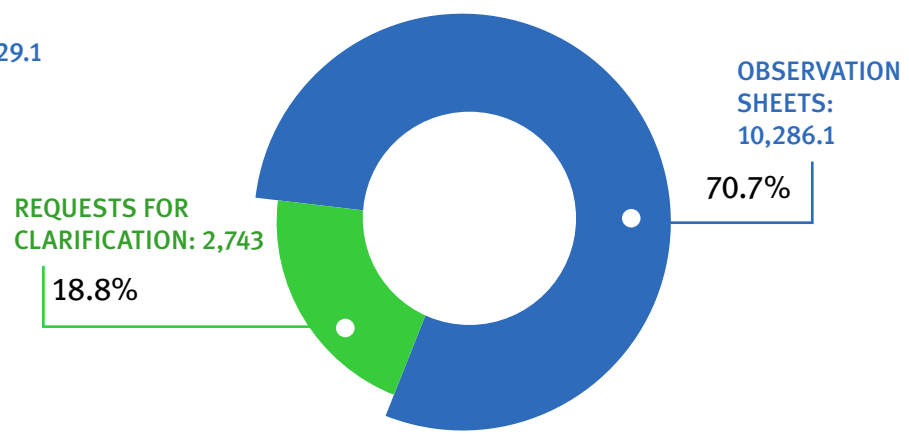
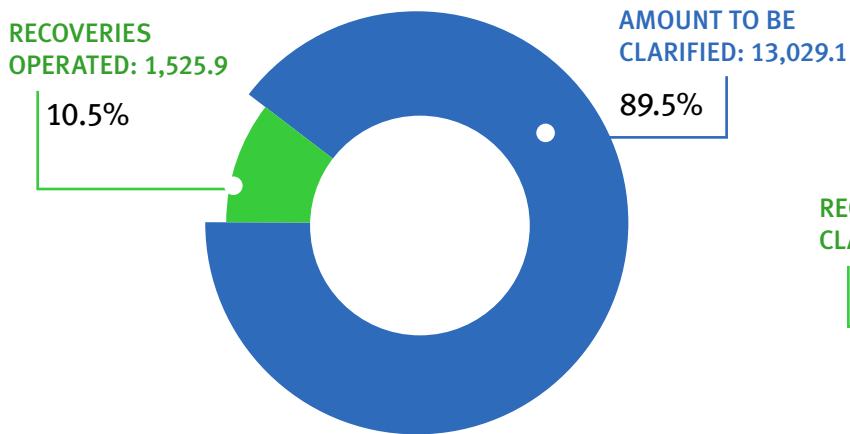
After federal resources, the primary sources of revenue for municipalities are the taxes they collect

themselves and the duties, but they barely reach 24.6% of the total (ASF, 2021).

The funds and programs that accounted for the most unverified money were federalized spending contracts, the health care program and free medicines for the population without social security, and support for education centers and organizations (Table 22).

The entities with the highest proportion of the amount to be clarified were Nayarit, Michoacan, and Coahuila, with 23.1%, 18.3%, and 11.1% of the total

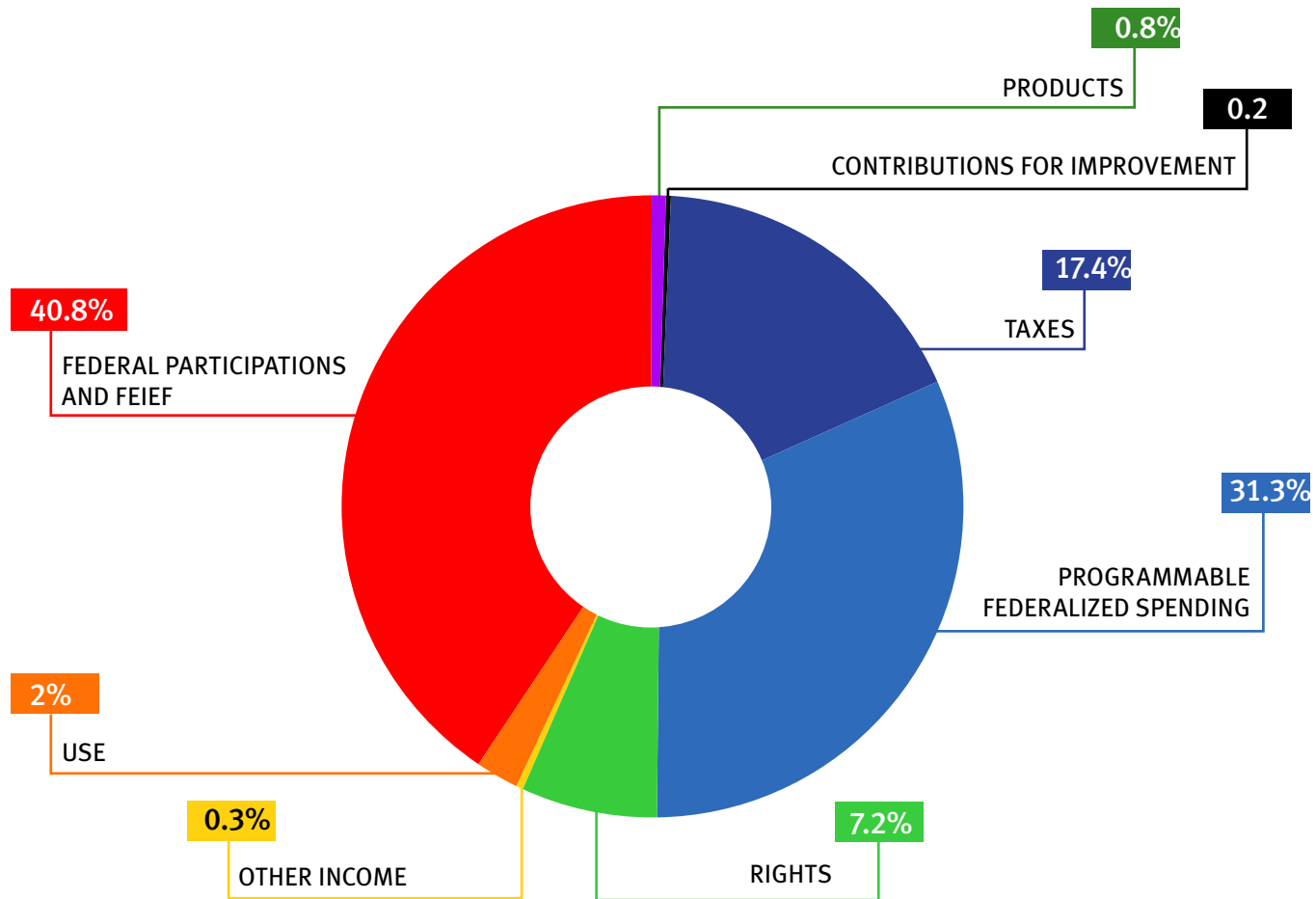
GRAPH 32 & 33. PROGRAMMABLE FEDERALIZED SPENDING: COMPOSITION OF THE TOTAL AMOUNT OBSERVED – PUBLIC ACCOUNT 2021 (MDP Y PORCENTAJE)



Source: In-house elaboration with information from ASF (2021).

Source: In-house elaboration with information from ASF (2021).

GRAPH 34. MUNICIPAL REVENUES BY SOURCE TYPE



Source: In-house elaboration with information from INEGI (2022b).

TABLE 22. PROGRAMMABLE FEDERALIZED SPENDING: AMOUNT TO BE CLARIFIED BY FUND OR PROGRAM – PUBLIC ACCOUNT 2021 (MILLION PESOS (MP) & PERCENTAGE)

FUND OR PROGRAM	AMOUNT TO BE CLARIFIED MP	%
Federalized expenditure contracts	1,904.7	14.6
Health care and Free medicines program for the population without social security for the labor force	1,727.3	13.3
Support to education centers and organizations	1,708.7	13.1
FASSA	1,589.5	12.2
Federal subsidies for decentralized state organizations	1,274.4	9.8
FORTAMUN–DF	1,093.7	8.4
FISMDF	987.7	7.6
Federalized expenditure resources transferred to State public universities	722.8	5.5
Health care program	526	4
FISE	450.3	3.5
FONE	262.7	2
Other 11 funds and programs	781.3	6
TOTAL	13,029.1	100

Source: In-house elaboration with information from ASF (2021).

amount, respectively. The states of Guanajuato and Queretaro were the only ones in which no observations were determined due to the ASF audit (ASF, 2021) (Table 23 and Graph 35).

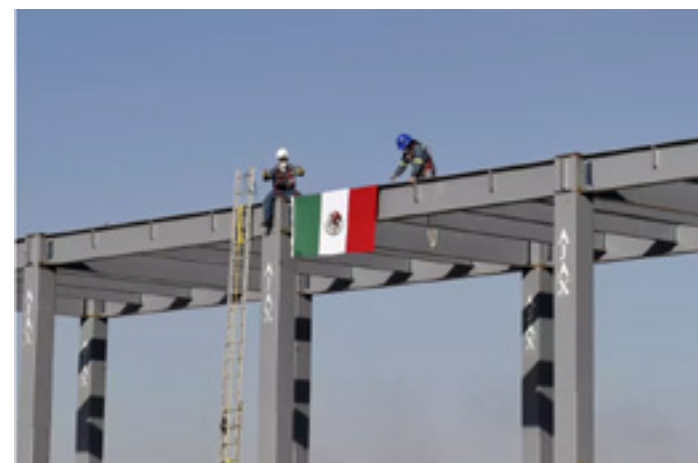


Image: State governments spend in infrastructure at <https://obras.expansion.mx/construccion/2021/04/26/construccion-recuperacion-mexico-inegi>

TABLE 23. AMOUNT TO BE CLARIFIED BY STATE AND TYPE OF AUDITED ENTITY – PUBLIC ACCOUNT 2021 (MILLION PESOS (MP) & PERCENTAGE) 1/2

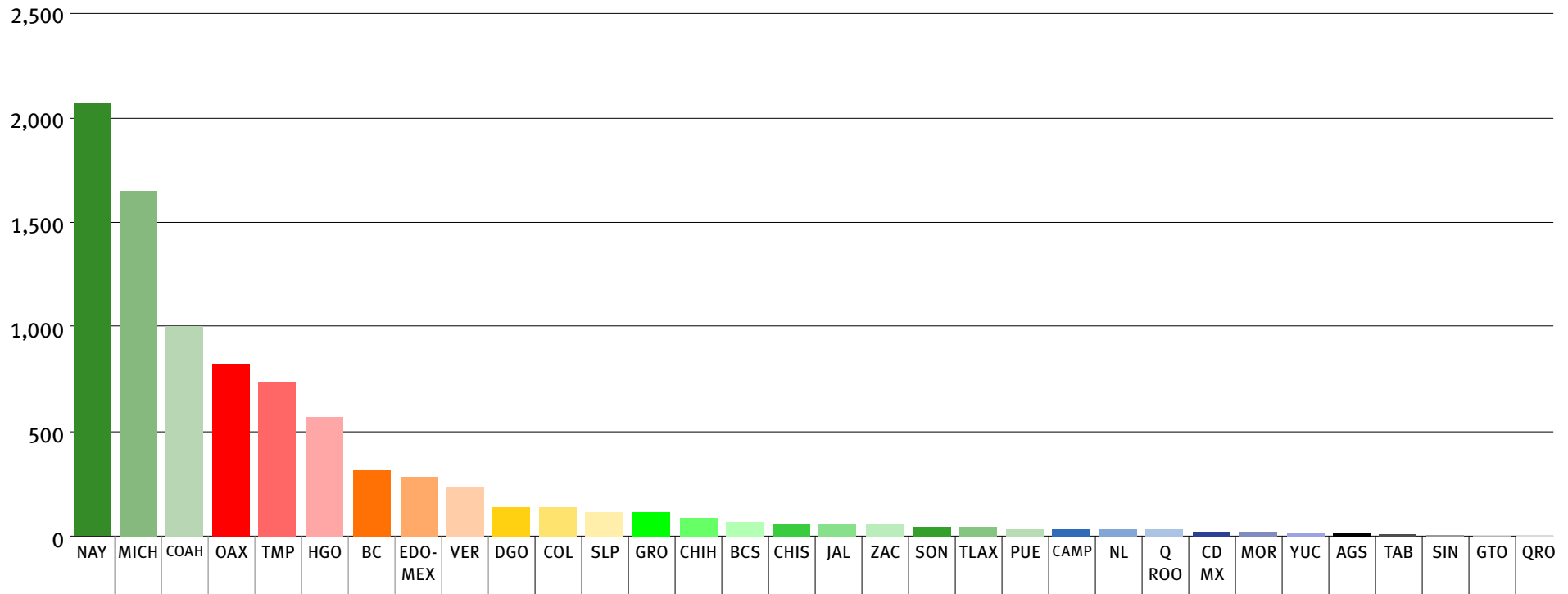
STATE	STATE GOVERNMENTS MP	%	MUNICIPAL GOVERNMENTS MP	%	HIGHER EDUCATION INSTITUTIONS MP	%
Aguascalientes	16.7	0.2	5.1	0.2		
Baja California	284.8	3.2	22.3	1		
Baja California Sur	106.1	1.2	20.8	1	7.1	0.4
Campeche	44.4	0.5	21.2	1	31.2	1.9
Chiapas	98.4	1.1	486.4	22.5	67.3	4.2
Chihuahua	124.6	1.4	18.8	0.9	0.1	0
Mexico City	30.3	0.3	273.6	12.6		
Coahuila	994.2	11.1	12.2	0.6	695.7	43.5
Colima	162.4	1.8				
Durango	169.8	1.9			119.8	7.5
State of Mexico	245.7	2.7	201.3	9.3		
Guanajuato						
Guerrero	152.4	1.7	325.7	15		
Hidalgo	575.4	6.4	0.2	0	183.9	11.5
Jalisco	86	1	36.7	1.7	0.8	0
Michoacan	1631.2	18.3	27.6	1.3	29.5	1.8
Morelos	27.5	0.3	3.7	0.2		
Nayarit	2065.6	23.1	6.2	0.3	326.8	20.4
Nuevo Leon	40.9	0.5	28.9	1.3	81	5.1

TABLE 23. AMOUNT TO BE CLARIFIED BY STATE AND TYPE OF AUDITED ENTITY – PUBLIC ACCOUNT 2021 (MILLION PESOS (MP) & PERCENTAGE) 2/2

STATE	STATE GOVERNMENTS MP	%	MUNICIPAL GOVERNMENTS MP	%	HIGHER EDUCATION INSTITUTIONS MP	%
Oaxaca	796.7	8.9	232.7	10.7	7.6	0.5
Puebla	46.2	0.5	25.1	1.2		
Queretaro						
Quintana Roo	37.1	0.4	14.1	0.6	0.3	0
San Luis Potosi	156	1.7	84.2	3.9		
Sinaloa	3.9	0	39.3	1.8		
Sonora	57.9	0.6	21.9	1		
Tabasco	9.1	1	6.5	0.3	6.4	0.4
Tamaulipas	628.8	7	77.1	3.6		
Tlaxcala	48.8	0.5	34.4	1.6	41.9	2.6
Veracruz	212.2	2.4	71.8	3.3	1.3	0.1
Yucatan	16.8	0.2	45.3	2.1		
Zacatecas	66.6	0.7	21.8	1		
TOTAL	8,936.5	100	2,164.8	100	1,600.6	100
GOVERNMENTAL AGENCIES	FEDERAL GOVERNMENT MP	%				
AEFCM	11.5	3.5				
INSABI	315.7	96.5				
TOTAL	327.1	100				

Source: In-house elaboration with information from ASF (2021).

GRAPH 35. PROGRAMMABLE FEDERALIZED EXPENDITURE: AMOUNT TO BE CLARIFIED IN AUDITS OF THE GOVERNMENTS OF THE FEDERAL ENTITIES 2021 (MILLION PESOS (MP))



Source: In-house elaboration with information from ASF (2021).

The 2021 ASF's annual report on the governors' public expenditure revealed that 13 thousand 29.1 million pesos were found without verification as a result of the auditing process. Of these, 10 thousand 286.1 million pesos gave rise to observation statements, and the remaining 2 thousand 743 million requests for clarification were formulated. On the other hand, 1,500.9 million pesos were recovered in favor of the treasury.

Democracy and Rule of law in the federal states

Regarding democracy and the rule of law, the federal entities do not score well. On the one hand, the 2022 Subnational Democratic Development Index shows that the average democracy in Mexico is only 4.26 on a scale of 10, where the best score is given to the best-qualified State, which in this case is Yucatan. In contrast, states such as Puebla are close to zero, while Chiapas, Guerrero, and Morelos score below 2 (Konrad Adenauer Stiftung *et al.*, 2022) (Graph 36).

As shown in the Signos Vitales reports dedicated to the different regions of the country, the best democratic scores tend to be concentrated in the north, although it is this region that at the same time has severe security problems that affect part of its democratic health. On the other hand, the Mexico Rule of Law Index 2021–2022 of the World Justice Project (2022) shows that all states are failing in civil and criminal justice. Queretaro, Yucatan, and Guanajuato are the top-ranked states in the index, but none reach even half the possible score (Table 24).

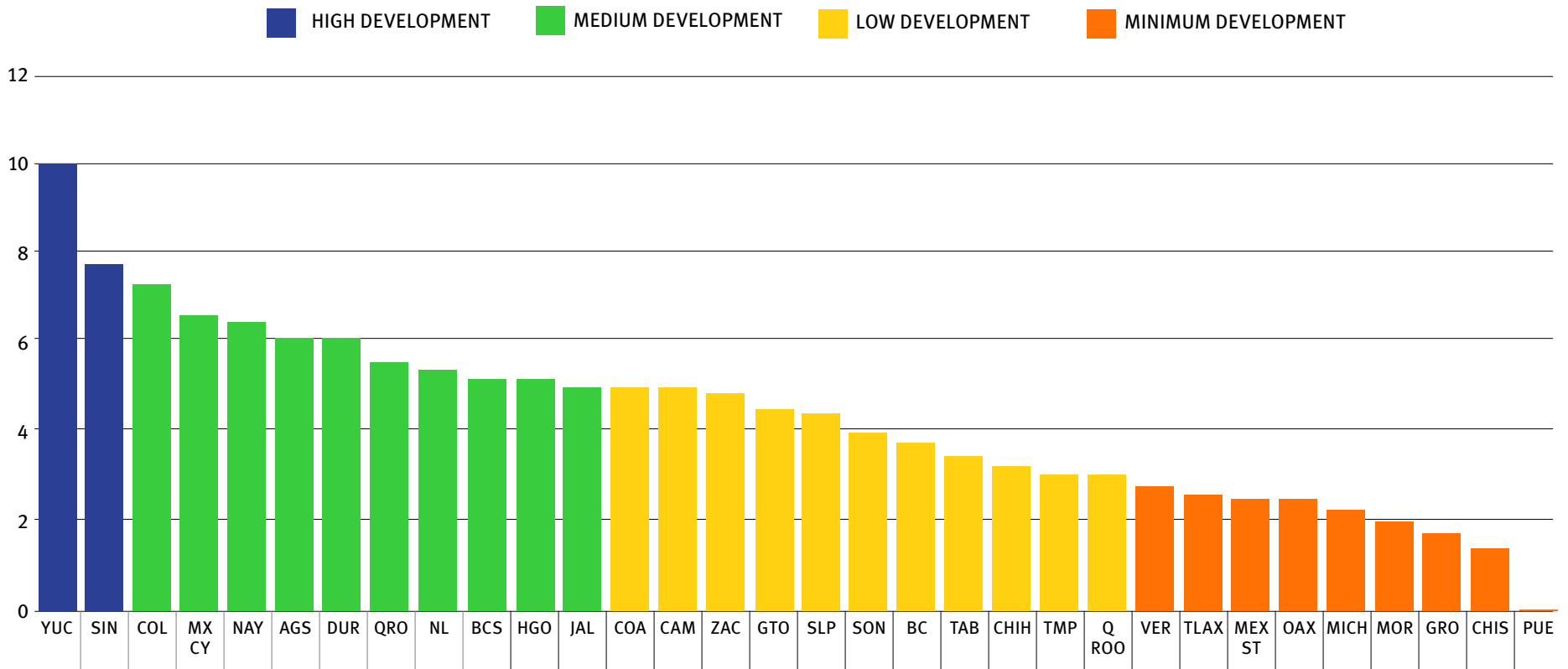
These data reveal that democratic conditions and the rule of law at the subnational level in Mexico are rep-

rehensible. Despite this, there has been no genuine interest on the part of governors and mayors to guarantee the human rights of their societies, respect the law and take charge of their constitutional responsibilities.

In conclusion, it can be observed that although the country faces numerous challenges at the national level, not only in democratic but also in economic and social matters, the states, in general, are going through multiple crises ranging from public safety to respect for the regulatory framework. The authorities have shown no interest in improving conditions in their states, which may be partly due to the fiscal laziness they maintain and the lack of clarity with which they operate so as not to assume concrete responsibilities (Graph 36).

The states, in general, are going through multiple crises ranging from public safety to respect for the regulatory framework. The authorities have shown no interest in improving conditions in their states.

GRAPH 36. RANKING IDD-MEX



Source: In-house elaboration with information from ASF (2021).

The 2022 Subnational Democratic Development Index shows that the average democracy in Mexico has failed with 4.26 on a scale of 0–10.

Despite this, there has been no genuine interest on the part of governors and mayors to guarantee the human rights of their societies, respect the law and take charge of their constitutional responsibilities.

TABLE 24.SUBNATIONAL RULE OF LAW INDEX BY FACTOR 2021-2022 1/2

STATE	RANKING	SCORE	LIMITS TO GOVERNMENT POWER	ABSENCE OF CORRUPTION	OPEN GOVERNMENT	FUNDAMENTAL RIGHTS	ORDER AND SECURITY	REGULATORY COMPLIANCE	CIVIL JUSTICE	PENAL JUSTICE
AGS	4/32	.46/1.00	0.46	0.41	0.57	0.52	0.49	0.4	0.4	0.41
BC	16/32	.41/1.00	0.41	0.37	0.55	0.52	0.31	0.38	0.37	0.39
BCS	9/32	.44/1.00	0.44	0.36	0.47	0.52	0.6	0.39	0.36	0.39
CAM	11/32	.43/1.00	0.42	0.37	0.45	0.47	0.58	0.42	0.38	0.33
COA	25/32	.38/1.00	0.37	0.32	0.39	0.44	0.60	0.26	0.31	0.32
COL	12/32	.42/1.00	0.47	0.36	0.53	0.52	0.36	0.38	0.40	0.37
CHIS	29/32	.36/1.00	0.38	0.30	0.55	0.47	0.27	0.30	0.31	0.29
CHIH	10/32	.44/1.00	0.37	0.38	0.49	0.52	0.59	0.35	0.42	0.39
MXCY	17/32	.40/1.00	0.39	0.37	0.48	0.51	0.32	0.38	0.40	0.38
DGO	6/32	.45/1.00	0.47	0.35	0.50	0.51	0.32	0.38	0.41	0.35
GTO	28/32	.36/1.00	0.39	0.30	0.49	0.45	0.26	0.37	0.35	0.30
GRO	3/32	.46/1.00	0.48	0.43	0.66	0.48	0.32	0.49	0.45	0.41
HGO	32/32	.34/1.00	0.39	0.31	0.35	0.41	0.35	0.32	0.30	0.31
JAL	14/32	.42/1.00	0.42	0.35	0.54	0.49	0.51	0.34	0.36	0.35
MEX	24/32	.38/1.00	0.42	0.32	0.48	0.47	0.33	0.34	0.32	0.34
MICH	18/32	.40/1.00	0.40	0.34	0.46	0.48	0.45	0.34	0.36	0.35
MOR	31/32	.35/1.00	0.40	0.30	0.46	0.44	0.26	0.35	0.34	0.29

TABLE 24.SUBNATIONAL RULE OF LAW INDEX BY FACTOR 2021-2022 2/2

STATE	RANKING	SCORE	LIMITS TO GOVERNMENT POWER	ABSENCE OF CORRUPTION	OPEN GOVERNMENT	FUNDAMENTAL RIGHTS	ORDER AND SECURITY	REGULATORY COMPLIANCE	CIVIL JUSTICE	PENAL JUSTICE
NAY	13/32	.42/1.00	0.41	0.37	0.49	0.47	0.58	0.34	0.35	0.38
NL	7/32	.45/1.00	0.51	0.42	0.44	0.56	0.40	0.41	0.43	0.39
OAX	20/32	.39/1.00	0.39	0.33	0.37	0.45	0.49	0.35	0.30	0.40
PUE	27/32	.37/1.00	0.38	0.33	0.51	0.41	0.32	0.39	0.33	0.27
QRO	1/32	.49/1.00	0.51	0.49	0.49	0.57	0.46	0.47	0.40	0.51
QROO	30/32	.36/1.00	0.35	0.31	0.52	0.44	0.26	0.33	0.33	0.31
SLP	21/32	.38/1.00	0.41	0.33	0.47	0.47	0.33	0.36	0.37	0.34
SIN	5/32	.46/1.00	0.45	0.40	0.55	0.55	0.51	0.38	0.38	0.44
SON	22/32	.38/1.00	0.41	0.35	0.52	0.44	0.29	0.34	0.37	0.34
TAB	26/32	.37/1.00	0.39	0.33	0.48	0.49	0.25	0.30	0.35	0.37
TAMP	15/32	.42/1.00	0.43	0.38	0.47	0.50	0.49	0.40	0.34	0.37
TLAX	19/32	.40/1.00	0.46	0.32	0.39	0.51	0.43	0.36	0.35	0.36
VER	23/32	.38/1.00	0.36	0.34	0.46	0.39	0.53	0.38	0.28	0.29
YUC	2/32	.47/1.00	0.47	0.39	0.44	0.51	0.82	0.38	0.35	0.42
ZAC	8/32	.45/1.00	0.43	0.45	0.5	0.48	0.42	0.43	0.44	0.42
NAL		.41/1.00	0.42	0.36	0.48	0.48	0.43	0.37	0.36	0.36

Source: In-house elaboration with information from World Justice Project (2022).





ORGANIZED CIVIL SOCIETY

Image: <https://gatopardo.com/noticias-actuales/marchaine-jose-ramon-cossio-discurso/>

ORGANIZED CIVIL SOCIETY

Organized civil society in Mexico refers to a group of organizations and groups that, independently from the government and political parties, seek to promote social, economic, political, and cultural changes in the country. These organizations can be diverse in nature, from activist groups fighting for human rights to organizations that focus on environmental, educational, and gender issues, among others.

Organized civil society organizations are diverse regarding their objectives, working methods, and organizational structures. They may be small and operate

at the local level, or they may be large and national or even international in scope. In many cases, these organizations are made up of volunteers, although some have paid staff.

Organized civil society in Mexico plays a vital role in building a more democratic and participatory society. Through their work, these organizations seek to encourage citizen participation and public debate, promote respect for human rights and civil liberties, and promote public policies that improve the population's quality of life. In recent years, organized

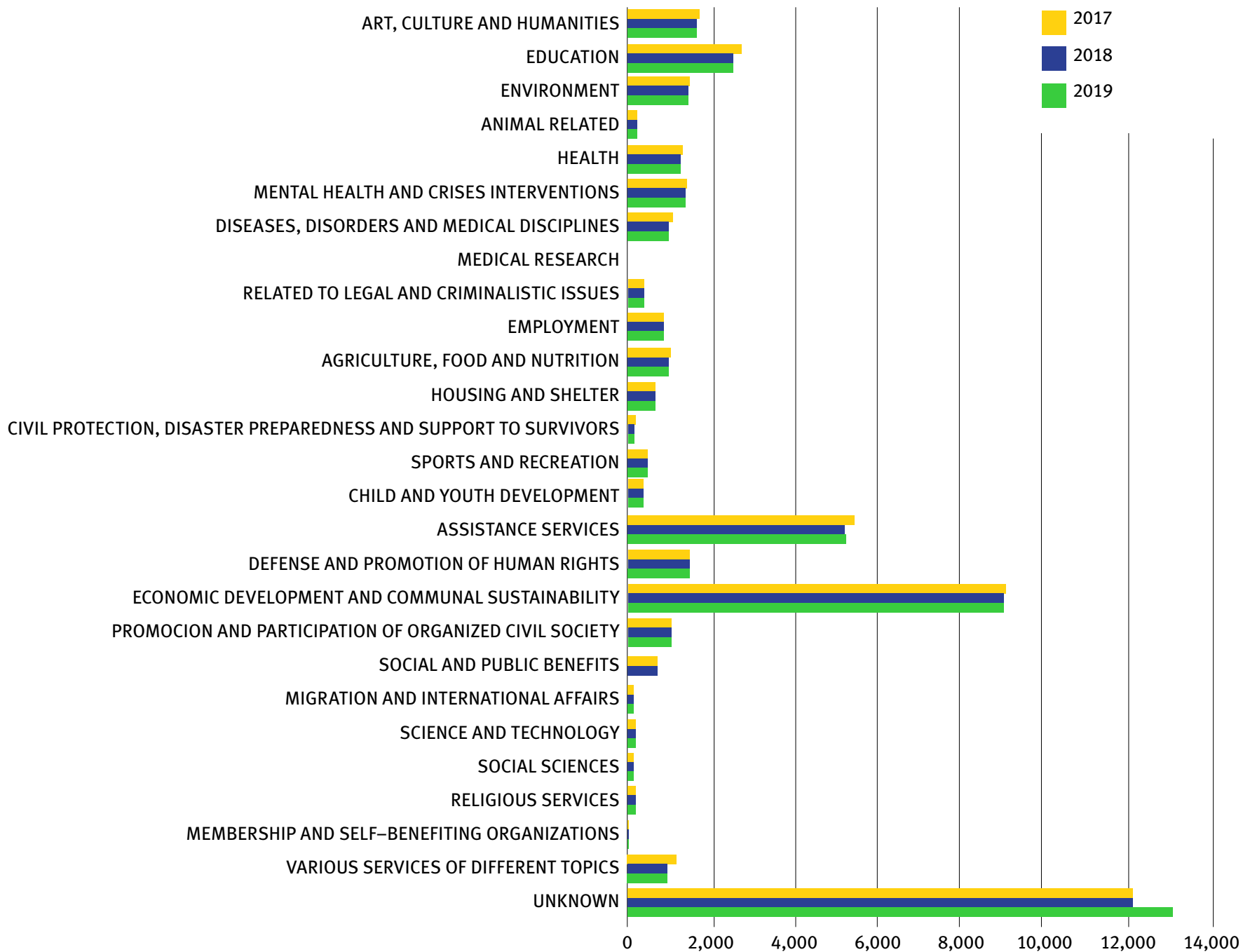
civil society in Mexico has played an essential role in denouncing and fighting corruption and demanding greater transparency and accountability from the authorities. In addition, it has actively defended the rights of vulnerable groups such as women, indigenous peoples, and people with disabilities, among others.

However, organized civil society also faces several challenges and obstacles in Mexico, including a lack of resources and funding, lack of access to information, stigmatization, and repression by authorities. Despite this, their work remains fundamental to building a more just and equitable society. As of December 2021 (the latest data available at the time of this report), 43,690 civil society organizations were registered in the federal registry of CSOs, and 47,469 are registered in the database of the organization Alternativas y Capacidades. This is a comparatively small figure since in Argentina, a country with a third of the Mexican population, there are at least 100 thousand, and in Uruguay, a country with fewer people than most Mexican entities, there are at least 160 thousand (Government of Mexico, 2021; Fondos a la vista, n.d.1).

Taking as a reference the accounting of Alternativas y Capacidades, of the 47,469 civil society organizations registered in Mexico, only 10,258 are authorized donors, and in 2021 (latest available data), they received a total of 211 million 419 thousand 19 million pesos. Although this figure represents a growth of 4.2% over the previous year, the absolute figure is still low, given the activities carried out by CSOs. It is worth mentioning that many organizations work without official registration and perform crucial tasks for Mexican society (Fondos a la Vista, n.d.2.) (Graph 37 and 38).

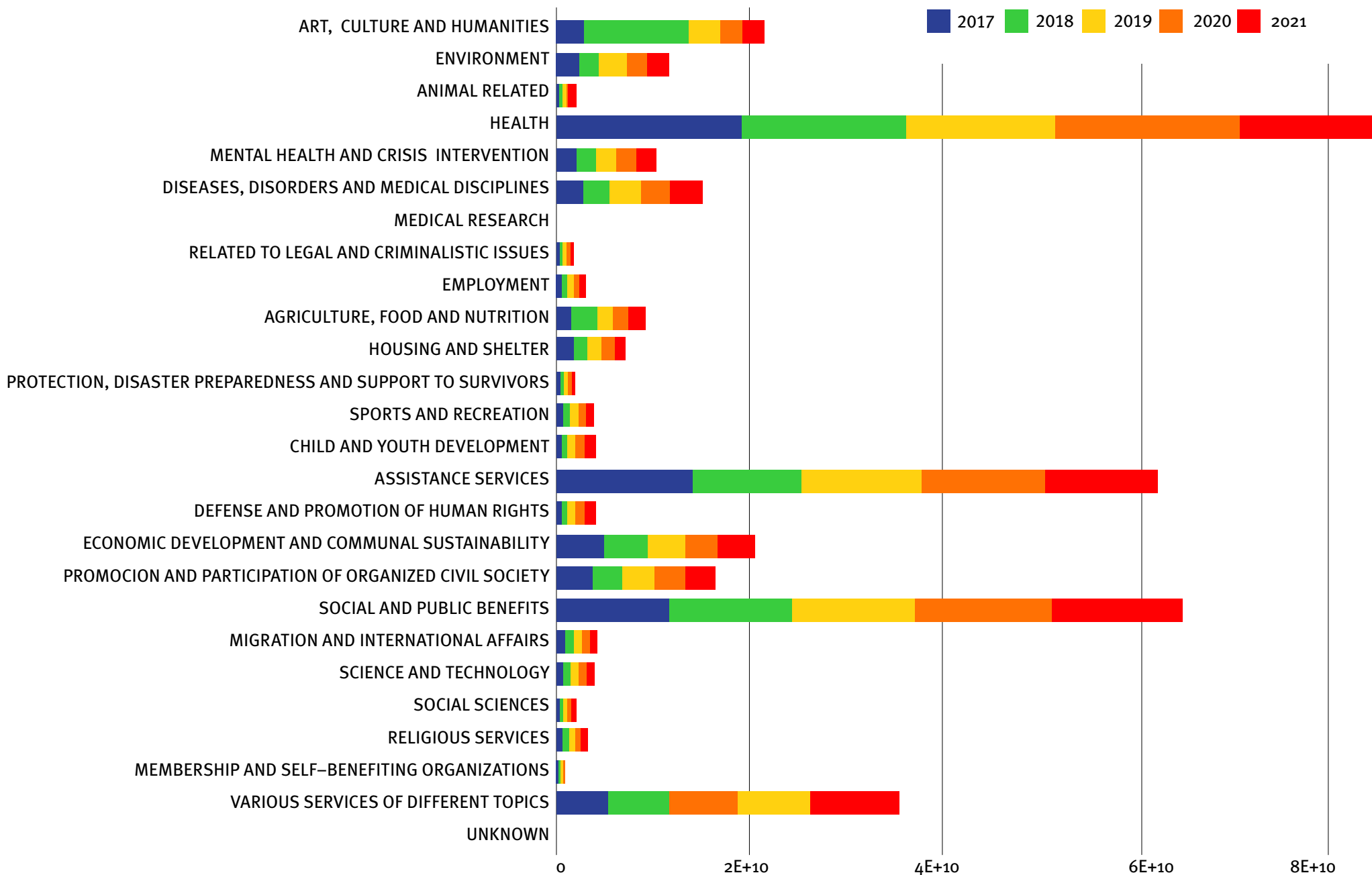
As of December 2021 (the latest data available at the time of this report), 43,690 civil society organizations were registered in the federal registry of CSOs, and 47,469 are registered in the database of the organization Alternativas y Capacidades.

GRAPH 37. EVOLUTION OF CSO IN MEXICO



Source: In-house elaboration with information from Fondos a la vista (n.d.1)

GRAPH 38.EVOLUTION OF AUTHORIZED DONORS' ECONOMIC REVENUES



Source: In-house elaboration with information from Fondos a la vista (n.d.2)

Public resources allocated to CSOs are minimal, and most of them go to the famous “gongos,” which are non-governmental, governmental organizations, such as Conade, sports federations, or INEA. Despite this, CSOs generate around 3% of the national GDP and maintain transparency and accountability obligations while generating 1.5 million jobs (Fondos a la Vista, n.d.2). A worrisome indicator is that most of these organizations are located in Mexico City. As reported by Alternativas y Capacidades, 20.8% of the total number of CSOs registered in the country are located in the capital.

Civil society organizations have been gaining more and more specific weight, better-overseeing government actions and proposing public policies in almost any area, from identity rights to environmental defense, including the health agenda and public safety. Its influence has had positive externalities for society in multiple dimensions, ranging from providing services, as in the case of shelters for migrants operated by civil society groups (most of them religious), to providing information with high democratic value, such as the work of organizations like Mexicanos Contra la Corrupcion y la Impunidad, Mexico Evalua, and IMCO.

In fact, much of the information related to cases of government corruption has come to light thanks to these organizations and not necessarily because of the oversight and investigation work of the authorities. Some of the most famous cases are “La Estafa Maestra,” the Segalmex embezzlement, and the investigations related to governmental espionage on activists, journalists, and politicians. All these investigations have served as helpful information for the electorate to make formal decisions, such as voting for a candidate or a party.

CSOs have also provided valuable services such as legal protection. One of the most recognized organizations in this area is the Agustin Pro Juarez Human Rights Center, which has litigated paradigmatic cases in the country where people have been tortured, murdered, or disappeared. Undoubtedly the most mediatic case is that of the 43 students from Ayotzinapa. This organization has followed up on the case, advised the families of the disappeared.

Finally, it is worth mentioning that part of Mexican civil society has become a kind of opposition to public power, not necessarily in electoral terms, but certainly in public policy. In the absence of other institutional controls, such as the legislature, some

organizations, and collectives have carried out an essential task of political oversight through the study and analysis of government reforms and actions, as well as concrete public policy proposals in various areas, including public security, militarization, social development, and scientific and educational development.

In this sense, although the Mexican OCS is small in size, its work has significantly impacted the country's society and politics in recent years. Its work has supplemented part of the government's work and has served to increase the protection of certain human rights. SCO has delivered positive results without access to substantial resources, whether of welfare, human rights, or research nature.

It is worth mentioning that most civil society organizations are concentrated in the country's capital and the State of Mexico, while some entities barely register these types of organizations. The decentralization of civil action is a pending issue for the following years in the country (Graph 39).

CIVIL SOCIETY ORGANIZATIONS: OPPOSITION TO PUBLIC POWER IN THE ABSENCE OF INSTITUTIONAL CONTROLS

**STUDY AND ANALYSIS OF GOVERNMENT REFORMS
AND ACTIONS.**

**PROPOSAL OF PUBLIC POLICIES IN ISSUES SUCH
AS: SECURITY, MILITARIZATION, IDENTITY RIGHTS,
ENVIRONMENTAL DEFENSE, SOCIAL DEVELOPMENT, AND
SCIENTIFIC AND EDUCATIONAL DEVELOPMENT.**

PUBLIC ACCOUNTABILITY OF GOVERNMENT ACTIONS.

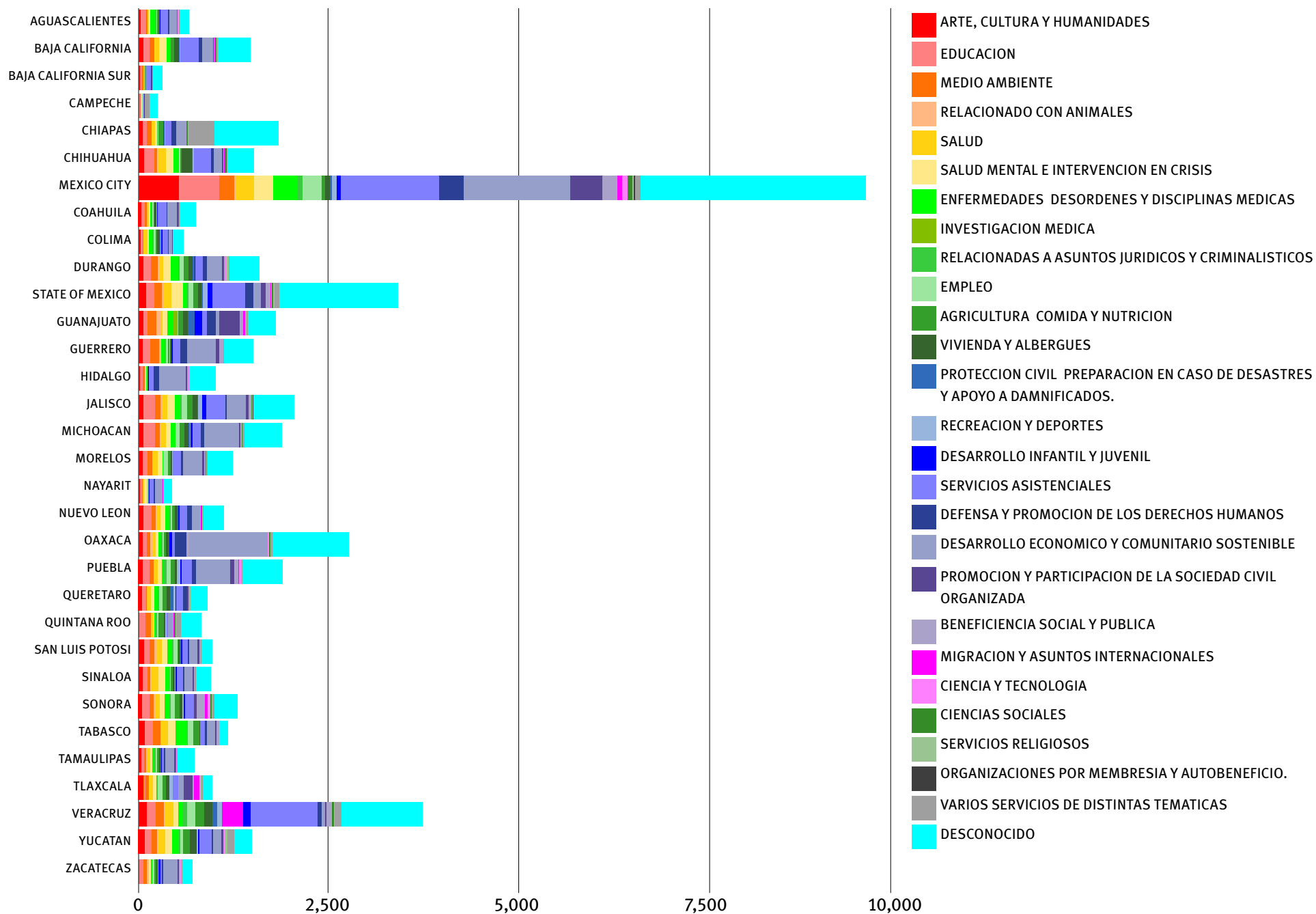
**PROVIDE SERVICES, AS SHELTERS FOR MIGRANTS, OR
PROVIDE INFORMATION WITH HIGH DEMOCRATIC VALUE,
AS LEGAL PROTECTION.**

**DEVELOPMENT OF INVESTIGATIONS RELATED
TO GOVERNMENTAL ESPIONAGE ON ACTIVISTS,
JOURNALISTS, AND POLITICIANS.**



Image: <https://presshub.mx/quintana-roo/sociedad-civil/2022/04/19/por-que-nos-oponemos-al-tren-maya-sociedad-civil/>

GRAPH 38. ORGANIZATIONS IN MEXICO



Source: In-house elaboration with information from Fondos a la vista (n.d.3)

However, it should not be overlooked that an increasing demand towards civil organizations involves the transparency of their resources and contracting processes. Although it is not known precisely how many collectives, civil associations, and NGOs are 100% transparent about the origin and use of resources, and although in the case of non-donatories, there is no obligation to do so, cases have been identified in which there is opacity. Similarly, contracting processes are not always standardized and often do not follow internationally recognized best practices.

In conclusion, it must be said that CSOs are fundamental actors within Mexican democracy. Their accelerated growth in recent years has served as a great stimulus for social participation, and they have played critical roles that include demanding greater accountability from public authorities and complementing tasks that the State does not thoroughly fulfill. In addition, these organizations boost the country's economy and serve as promoters of initiatives that contain demands from Mexican society. However, their limited funding and the challenges in terms of transparency are pending issues that must be addressed in the coming years if CSOs are to consolidate themselves as legitimate actors in society, capable of overseeing and influencing people's lives.

ORGANIZATIONS OF CIVIL SOCIETY ARE FUNDAMENTAL ACTORS WITHIN DEMOCRACY

» ARE GREAT STIMULUS FOR SOCIAL PARTICIPATION

HAVE PLAYED CRITICAL ROLES:

» DEMANDING GREATER ACCOUNTABILITY FROM PUBLIC AUTHORITIES

» COMPLEMENTING TASKS THAT THE STATE DOES NOT THOROUGHLY FULFILL

THESE ORGANIZATIONS:

» BOOST THE COUNTRY'S ECONOMY

» ARE PROMOTERS OF INITIATIVES


FACE:

» LIMITED FUNDING

» CHALLENGES IN TERMS OF TRANSPARENCY

» ACOSO DESDE EL GOBIERNO



A close-up photograph of a hand holding a golden scale of justice. The hand is positioned at the top, gripping the central beam of the scale. The scale consists of a horizontal beam with two pans hanging from it by chains. The pans are empty and appear to be in a state of balance. The background is a dark, textured surface. The image is overlaid with a semi-transparent dark grey horizontal band across the middle, and a solid green rectangular block is visible in the bottom right corner.

**OVERALL
CONCLUSION**

OVERALL CONCLUSION

As has been reviewed, the general evaluation of the Mexican State is not the best possible. Although positive aspects are recognized in some institutions, such as the general performance of constitutionally autonomous bodies, as well as the relevance of organized civil society in the democratic framework of the country, at the same time, opportunities and threats that must be addressed are identified.

As mentioned in the body of this report, the three branches of government: the Executive, the Legislative, and the Judiciary, present substantial democrat-

ic deficits. The lack of respect for the Constitution and the laws by the Executive and the legislature and the enormous inefficiencies of the judicial branch have left. As a result, a massive concentration of powers in the figure of the president, low levels of transparency, and few controls between branches, as well as enormous levels of impunity and much opacity in the entire judicial body of the country.

It is worth clearly commenting that the main threats facing the democratic State in Mexico have to do with the federal Executive continuing to concentrate

formal and informal powers, eliminating more counterweights, and managing to subordinate the Legislative and Judicial branches in the medium term. This threat is not minor because it threatens democracy and its foundations, such as the separation of powers. Likewise, the lack of limits for the federal Executive puts the exercise of human rights at risk. The aggressions against all those who criticize the governmental exercise could escalate and threaten rights such as freedom of expression.

Likewise, the debts of the Judiciary represent one of the main threats to the full exercise of rights. The levels of impunity and the low access to justice for broad groups of society call into question the rule of law. The consequences are plain to see. The rates of intentional homicide, femicide, and human rights abuses are partly fueled by the absence of the State, which is incapable of procuring justice and punishing those who violate the law.

On the other hand, political parties, the central institutions of Mexican democracy, show low levels of trust by the citizenry due to the low representativeness they maintain, as well as the corruption scandals and the opacity with which they operate. Political parties, although necessary to conduct a

democratic system, are the least appreciated institutions in the country, and the cost they represent for citizenship is not minor. This public financing, although it has evened out the electoral competition, has at the same time weakened the relationship between parties and militants.

Another threat identified is the opacity with which governors govern, which calls into question subnational democracy and respect for the rule of law. The challenge regarding subnational political oversight is not minor and is a requirement to increase democracy at the national level. Most efforts to strengthen institutional platforms have been directed at the highest level of government, and until recently, the federal entities did not attract much attention.

Some of the opportunities for improvement for the Mexican State are related to the possibility that the Court has to demonstrate total autonomy in its rulings and decisions and become a constitutional control body that bases its decisions solely on legal reasoning. Likewise, the 2024 elections will serve as an examination of those who currently govern, and a new parliamentary confirmation may transform the Congress from a reactive power to an active one, which may promote reforms and policies without the

need to consult or receive orders from the federal Executive. In this sense, Congress can be more proactive.

Finally, civil society organizations play a crucial role in demanding greater accountability from public authorities and helping with tasks that the State cannot cover. However, the size of civil society organizations in the country is small compared to the rest of the countries in the region. In addition, the civic culture in the country is still in the construction phase, so CSO funding is limited. Nevertheless, this sector's role has been key to politically overseeing the authorities, pushing for more transparency, and defending human rights.

As has been reviewed, the general evaluation of the Mexican State is not the best. The Executive, the Legislative, and the Judiciary, present substantial democratic deficits.

The main threats facing the democratic State in Mexico have to do with the federal Executive continuing to concentrate formal and informal powers, eliminating more counterweights, and managing to subordinate the Legislative and Judicial branches.



REFERENCES

Image: <https://www.meer.com/es/61093-regalar-la-biblioteca-del-difunto>

REFERENCES

- Alamilla, S. (July 20, 2022). *Con AMLO se disparan las negativas a dar información por estar "reservada" o "clasificada"*. [With AMLO, refusals to give information as it is "reserved" or "classified" rocketed.] EME EQUIS. Available at: <https://www.m-x.com.mx/investigaciones/con-amlo-se-disparan-las-negativas-a-dar-informacion-por-estar-reservada-o-clasificada>
- AMLO. (2018). *50 general guidelines for the fight against corruption and the application of a republican austerity policy*. AMLO. Available at: <https://lopezobrador.org.mx/2018/07/15/50-lineamientos-generales-para-el-combate-a-la-corrupcion-y-la-aplicacion-de-una-politica-de-austeridad-republicana/>
- Animal Politico. (2023). *Maraton legislativo: estas fueron las reformas aprobadas en 'fast track' por la Camara de Diputados*. [Legislative Marathon: These were the reforms approved in 'fast track' by the Chamber of Deputies.] Available at: <https://www.animalpolitico.com/politica/reformas-fast-track-camara-diputados>
- Appleseed Mexico. (n.d.). *¿Cual es el financiamiento promedio de las organizaciones civiles en Mexico? [What is the average funding for civil organizations in Mexico?]* Available at: <https://appleseedmexico.org/centro-de-ayuda/entorno-de-la-sociedad-civil-en-mexico/cual-es-el-financiamiento-promedio-de-las-organizaciones-civiles-en-mexico/#:~:text=%E2%80%9CLas%20OSC%20mexicanas%20financian%20sus,como%20ingresos%20autogenerados%20y%20externos.>
- Aristegui Noticias. (March 28, 2023a). *Narra Jesus Esquivel acoso por parte de funcionarios de AMLO*. [Jesus Esquivel narrates harassment by AMLO officials.] Aristegui Noticias. Available at: <https://aristeguinoticias.com/2803/mexico/narra-jesus-esquivel-acoso-por-parte-de-funcionarios-de-amlo/>
- Aristegui Noticias. (April 21, 2023b). *'Ni les contesten el telefono': AMLO a SCJN tras propuesta de aplazar fallo de Corte sobre Guardia Nacional*. [Don't even answer the phone': AMLO to SCJN after proposal to postpone Court ruling on National Guard.] Aristegui Noticias. Available at: <https://aristeguinoticias.com/2104/mexico/no-se-puede-acatar-fallo-de-corte-sobre-guardia-nacional-amlo/>
- Aristegui Noticias. (April 18, 2023c). *"Ya tome esa decision", dice AMLO sobre reservar informacion de FA*. ["I already made that decision," AMLO says of reserving FA information.] Aristegui Noticias. Available at: <https://aristeguinoticias.com/1804/mexico/ya-tome-esa-decision-dice-amlo-sobre-reservar-informacion-de-fa/>

- [cias.com/1804/mexico/estamos-siendo-objeto-de-espi-naje-del-pentagono-amlo/](https://www.articulo19.org/mexico/estamos-siendo-objeto-de-espi-naje-del-pentagono-amlo/)
- Aristegui Noticias and ES. (August 10, 2022). *Layda Sansores difunde audio de ‘Alito’ Moreno en sus redes sociales y esquivó amparo.* [Layda Sansores broadcasts audio from ‘Alito’ Moreno on her social networks and eludes writ of protection.] Aristegui Noticias. Available at: [Layda Sansores difunde audio de ‘Alito’ Moreno en sus redes sociales y esquivó amparo | Aristegui Noticias](https://www.articulo19.org/layda-sansores-difunde-audio-de-alito-moreno-en-sus-redes-sociales-y-esquiva-amparo/)
- Aristegui Noticias and RC. (March 28, 2023). *Narra Jesús Esquivel acoso por parte de funcionarios de AMLO.* [Jesús Esquivel narrates harassment by AMLO officials.] Aristegui Noticias. Available at: [Narra Jesús Esquivel acoso por parte de funcionarios de AMLO | Aristegui Noticias](https://www.articulo19.org/narra-jesus-esquivel-acoso-por-parte-de-funcionarios-de-amlo/)
- Aristegui Noticias and Fierro, J. (April 17, 2023). *Ministro Zaldivar justifica adscripción de Guardia Nacional a Sedena.* [Minister Zaldivar justifies National Guard assignment to Secretariat of National Defense (Sedena).] Aristegui Noticias. Available at: [Ministro Zaldivar justifica adscripción de Guardia Nacional a Sedena | Aristegui Noticias](https://www.articulo19.org/ministro-zaldivar-justifica-adscripcion-de-guardia-nacional-a-sedena/)
- Article 19. (n.d.). *Periodistas asesinadas/os en México.* [Journalists killed in Mexico.] Available at: [Periodistas asesinadas/os \[Journalists killed – Article 19 \(articulo19.org\)\]](https://www.articulo19.org/periodistas-asesinadas-os-journalists-killed/)
- Article 19 (2023a). *Sedena debe entregar toda la información sobre contratos con proveedora de Pegasus.* [Sedena must provide all information on contracts with Pegasus supplier.] Available at: <https://articulo19.org/Sedena-debe-entregar-toda-la-informacion-sobre-contratos-con-proveedor-de-pegasus/>
- Article 19. (2023b). *Voces contra la indiferencia: Informe anual 2022 de ARTICLE 19.* [Voices against indifference: Article 19 Annual Report 2022.] Available at: <https://articulo19.org/voces-contra-la-indiferencia/>
- Auditoría Superior de la Federación [Superior Audit of the Federation (SAF).] (2021). *Informe del resultado de la fiscalización superior de la cuenta pública 2021.* [Report of the result of the superior audit of the public account 2021.] Available at: [IR ASF – 2021](https://www.irsaf.gob.mx/)
- Axis negocios. (May 09, 2023). *López Obrador presionado por periodista, recurre a conocidas excusas.* [López Obrador, pressured by a journalist, uses well-known excuses.] Axis noticias. Available at: [López Obrador presionado por periodista, recurre a conocidas excusas – \(axisnegocios.com\)](https://www.axisnegocios.com/lopez-obrador-presionado-por-periodista-recurre-a-conocidas-excusas/)
- Benítez, D. (April 20, 2023). *AMLO ‘acata’ decisión de la Corte, pero deja mando militar en GN.* [AMLO ‘abides’ the Court’s decision, but leaves military command in GN.] El Financiero. Available at: [AMLO ‘acata’ decisión de la Corte, pero deja mando militar en GN – El Financiero](https://www.el-financiero.com.mx/AMLO-acata-decision-de-la-corte-pero-deja-mando-militar-en-gn/)
- Bravo, C. (June 17, 2021). *¿Un ‘narcotúnel’ constitucional?* [A constitutional ‘narco-tunnel’?] Reforma. Available at: [¿Un ‘narcotúnel’ constitucional? \(reforma.com\)](https://www.reforma.com/¿un-narcotunel-constitucional-?)
- Chamber of Deputies of the H. Congress of the Union. (2021a). *Ley de adquisiciones, arrendamientos y servicios del sector público.* [Law on acquisitions, leases, and public sector services.] Available at: https://www.diputados.gob.mx/LeyesBiblio/pdf/14_200521.pdf
- Chamber of Deputies of the H. Congress of the Union. (2021b). *Ley federal de revocación de mandato.* [Federal law on revocation of mandate.] Available at: [Ley Federal de Revocación de Mandato \(diputados.gob.mx\)](https://www.diputados.gob.mx/LeyesBiblio/pdf/14_200521.pdf)
- Chamber of Deputies of the H. Congress of the Union *Ley general de partidos políticos.* [General law of political parties.] Available at: <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGPP.pdf>

- Casar, M. and Ugalde, L. (2018). *Dinero bajo la mesa financiamiento y gasto ilegal de las campañas políticas en Mexico.* [Funding and illegal spending of political campaigns in Mexico.] MCCI e Integralia Consultores. Available at: [Dinero-Bajo-la-Mesa.-Financiamiento-y-Gasto-Ilegal-de-las-Campañas-en-Mexico.pdf](#) (dinerobajolamesa.org)
- Casar, M. & Morera, M. (2023). *Ilegalidades... ‘Si, ¿y que?’.* [Illegals... ‘Yes, so what?'] Mexicans against corruption and impunity. Available at: [Ilegalidades... ‘Si, ¿y que?’ – Mexicanos Contra la Corrupcion y la Impunidad](#) (contralacorrupcion.mx)
- Castillo, J. (May 01, 2023). *Atoradas tresmil resoluciones de solicitudes de informacion en el INAI* [Three thousand resolutions of requests for information stuck at the INAI.] Mediatik. Available at: [Atoradas 3 mil resoluciones de solicitudes de informacion el INAI | Mediatik](#)
- Centro Prodh. (2023). *Ejercito espia: realidad innegable.* [Spy army: Undeniable reality.] Available at: [Ejercito espia: realidad innegable – Sistema Integral de Informacion en Derechos Humanos 4.0](#) (centroprodh.org.mx)
- Comision Mexicana de Defensa y Promocion de los Derechos Humanos (CMDPDH) Mexican Commission for the Defense and Promotion of Human Rights (MCDPHR). (n.d.). *Impunidad en Mexico.* [Impunity in Mexico.] Available at: <https://cmdpdh.org/project/no-mas-impunidad/>
- General Council of the National Electoral Institute (NEI). (2018). *Resolucion del Consejo General del Instituto Nacional Electoral Respecto del procedimiento sancionador en materia de fiscalizacion, instaurado en contra del partido politico Morena y su entonces presidente del comite ejecutivo nacional, el C. Andres Manuel Lopez Obrador, identificado con el numero de expediente INE/Q-COFUTF/93/2018.* [Resolution of the General Council of the National Electoral Institute regarding the sanctioning procedure in matters of inspection, instituted against the Morena political party and its then president of the national executive committee, the C. Andres Manuel Lopez Obrador, identified with file number INE/Q-COFUTF/93/2018.]
- General Council of the National Electoral Institute (NEI). (2021). *Sentencia en el recurso de apelacion al rubro indicado, en el sentido de revocar lisa y llanamente la resolucion INE/CG638/2018 emitida por el Consejo General del Instituto Nacional Electoral en el proceso administrativo sancionador en materia de fiscalizacion identificado con el numero de expediente INE/Q-COFUTF/93/2018.* [Sentence in the appeal to the indicated item, in the sense of revoking plainly resolution INE/CG638/2018 issued by the General Council of the National Electoral Institute in the administrative sanctioning process in matters of inspection identified with file number INE/Q-COFUTF/93/2018.]
- Mexican Council of Social Sciences (COMECESO). (2022). *Indice Global de Impunidad Mexico 2022.* [Global Impunity Index Mexico 2022.] Available at: <https://www.comeceso.com/publicaciones/indice-global-de-impunidad-mexico-2022>
- Cross, W. and Katz, R. (2013). *The Challenges of Intra-Party Democracy.* Oxford, U.K.: Oxford University Press.
- Cullell, J. (August 19, 2020). *Mexico se estanca entre los diez paises con mayor impunidad.* [Mexico stagnates among the ten countries with the highest impunity.] El Pais. Available at: <https://elpais.com/mexico/2020-08-19/mexico-se-estanca-entre-los-diez-paises-con-mayor-impunidad.html>
- Daen, A. & Aguirre, S. (January 19, 2021). *Informacion bajo llave: Gobierno de AMLO reserva documentos de proyectos y casos clave.* [Information under lock: AMLO's government reserves project documents and key cases.] Animal Politico. Available at: <https://www.animalpolitico.com/>

[verificacion-de-hechos/te-explico/gobierno-amlo-reserva-documentos-casos-proyectos-clave](#)

De la Rosa, Y. (June 09, 2022). *PAN, PRI y PRD anuncian ‘paro constitucional’: no aprobaran reformas de AMLO.* [P.A.N., P.R.I., and P.R.D announce ‘constitutional strike’: They will not approve AMLO reforms.] Forbes. Available at: <https://www.forbes.com.mx/pan-pri-y-prd-anuncian-paro-constitucional-en-el-congreso-no-aprobaran-reformas-de-amlo/>

Dina, E. (April 13, 2023). *“Se aguantan”: Felix Salgado Macedonio advierte que nombramientos en Inai seran cuando ellos digan.* [“Put up with it”: Felix Salgado Macedonio warns that appointments in INAI will be when they say.] El Universal. Available at: <https://www.eluniversal.com.mx/nacion/se-aguantan-felix-salgado-macedonio-advierte-que-nombramientos-en-inai-seran-cuando-ellos-digan/>

Duran, V., Gonzalez, D. & Olmos, R. (n.d.). *El poder familiar de la federacion. Mexicanos contra la corrupcion y la impunidad.* [The family power of the federation. Mexicans against corruption and impunity.] Available at: <https://contralacorrupcion.mx/web/magistrados/>

El Financiero. (July 19, 2022). *Juez Gomez Fierro esta siendo investigado por ‘salvar’ de multa a Iberdrola:* [Judge Gomez Fierro is under investigation for ‘saving’ Iberdrola from fine:] AMLO. El Financiero. Available at: [Juez Gomez Fierro esta siendo investigado por ‘salvar’ de multa a Iberdrola: AMLO – El Financiero](#)

El Financiero. (March 19, 2023). *Norma Piña: queman piñata con rostro de ministra de la Suprema Corte en mitin de AMLO.* [Norma Pina: Pinata with the face of a Supreme Court minister burned at AMLO rally.] El Financiero. Available at: [Norma Piña: queman piñata con rostro de ministra de la Suprema Corte en mitin de AMLO – El Financiero](#)

Equis justicia para las mujeres (Equis justice for women.) (2020). *Ya es ley: todas las sentencias judiciales seran publicas.* [It is already law: All judicial sentences will be public.] Available at: [Ya es ley: todas las sentencias judiciales seran publicas – EQUIS](#)

Etcetera. (April 21, 2021). *Ataca AMLO al juez Fierro por amparo “de las tarjetas telefonicas”.* [AMLO attacks Judge Fierro for protection “of the telephone cards”.] Etcetera. Available at: [Ataca AMLO al juez Fierro por amparo “de las tarjetas telefonicas” \(etcetera.com.mx\)](#)

Fondos a la vista. (n.d.1). *Evolucion de las OSC en Mexico.* [Evolution of CSOs in Mexico.] Available at: <https://fondosalavista.mx/organizaciones-en-el-tiempo>

Fondos a la vista. (n.d.2). *Evolucion de los ingresos economicos de las Das.* [Evolution of the economic income of the Ags (Authorized Grantees).] Available at: <https://fondosalavista.mx/evolucion-ingresos>

Fondos a la vista. (n.d.3). *Organizaciones en Mexico.* [Organizations in Mexico.] Available at: <https://fondosalavista.mx/organizaciones-en-mexico>

Forbes. (2021). *AMLO pide investigar a juez que suspendio Ley Electrica.* [AMLO requests to investigate a judge who suspended the Electric Law.] Available at: <https://www.forbes.com.mx/politica-amlo-investigar-juez-ley-electrica/>

Flamand, L. (2010). *Sistema federal y autonomia de los gobiernos estatales: Avances y retrocesos.* [Federal System and Autonomy of State Governments: Advances and setbacks.] En Ordorica, M. & Prud’homme, J. (EDS.), Mexico City.: El Colegio de Mexico, 2010. (pp 495–522).

Fundar. (2014). *La censura indirecta plantea peigros significativos para la liberad de prensa en Mexico.* [Indirect censorship poses significant dangers to freedom of the press in Mexico.] Available at: <https://fundar.org.mx/la-censura->

indirecta-plantea-peligros-significativos-para-la-liber-tad-de-prensa-en-mexico/

Government of Mexico. (2021). *Directorios de organizaciones de la sociedad civil inscritas en el Registro Federal de las OSC al 31 de diciembre de 2021.* [Directories of civil society organizations registered in the Federal Register of CSOs as of December 31, 2021.] Datos Abiertos. Available at: [Datos Abiertos de Mexico – Registro Federal de las Organizaciones de la Sociedad Civil](#)

Guerrero, C. & Jimenez, B. (November 25, 2022). *Ordena AMLO a SSPC desobedecer a jueces.* [AMLO orders the Secretariat of Citizen Security and Protection (SSCP) to disobey judges.] Reforma. Available at: https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?__rval=1&urlredirect=/ordena-amlo-a-sspc-desobedecer-a-jueces/ar2510466

Guerrero, D. (January 16, 2021). *Falso que gobierno de AMLO no haya reservado informacion.* [False that AMLO government has not kept information.] Verified. Available at: <https://verificado.com.mx/falso-que-gobierno-de-amlo-no-haya-reservado-informacion/>

Guillen, B. (March 28, 2023). *Al menos 38 muertos en un incendio en un centro del Instituto Nacional de Migracion en Ciudad Juarez.* [At least 38 dead in a fire at a National Migration Institute center in Ciudad Juarez.] El Pais. Available at: [Al menos 38 muertos en un incendio en un centro del Instituto Nacional de Migracion en Ciudad Juarez | EL PAIS Mexico \(elpais.com\)](#)

Hazan, R. and Rahat, G. (2010). *Democracy within parties: candidate selection methods and their political consequences.* [Democracy within parties: candidate selection methods and their political consequences]. Oxford, U.K.: Oxford University Press.

Hernandez, R. (2008). *El centro dividido. La nueva autonomia de los gobernadores.* [The divided center. The new autonomy of governors.] Mexico City: Colegio de Mexico.

Hernandez, E. (2022). *Vota Ministra Yasmin Esquivel con Gobierno.* [Minister Yasmin Esquivel votes with the Government.] Reforma. Available at: https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?__rval=1&urlredirect=https://www.reforma.com/vota-ministra-yasmin-esquivel-con-gobierno/ar2526948?referer=--7d616165662f3a3a-6262623b727a7a7279703b767a783a-

https://www.inegi.org.mx/sistemas/olap/consulta/general_ver4/MDXQueryDatos.asp?proy=

Hiriart, P. (September 14, 2022). *Jorge Luis Lavalle, implicado en caso Odebrecht, obtiene prision domiciliaria.* [Jorge Luis Lavalle, implicated in Odebrecht case, gets house arrest.] El Financiero. Available at: [Jorge Luis Lavalle, implicado en caso Odebrecht, obtiene prision domiciliaria – El Financiero](#)

IMER noticias (February 12, 2020). *Arturo Zaldivar presenta proyecto de Reforma Judicial.* [Arturo Zaldivar presents Judicial Reform Project.] IMER noticias. Available at: [Arturo Zaldivar presenta proyecto de Reforma Judicial. – IMER Noticias](#)

Impunidad Cero. (2022). *Impunidad en homicidio doloso y feminicidio 2022.* [Impunity in intentional homicide and femicide 2022.] Available at: <https://www.impunidadcero.org/uploads/app/articulo/175/contenido/1669895146115.pdf>

Institute for Democracy and Electoral Assistance (IDEA). (n.d.). *Informes.* [Reports.] Available at: [CATALOGO | IDEA](#)

- Instituto Mexicano para la Competitividad, A.C. (IMCO). (n.d.). *Compras publicas en Mexico. [Public procurement in Mexico.]* Available at: <https://imco.org.mx/riesgosdecorrupcion/transparencia/>
- National Institute of Transparency, Access to Information and Protection of Personal Data. (n.d.). *Obligaciones de Transparencia. [Transparency obligations.]* Available at: https://home.inai.org.mx/?page_id=3330
- National Electoral Institute (INE). (2021). *Si algo hemos hecho bien en este pais en los ultimos 30 años, ha sido crear un Sistema Electoral que permite alternancias: [If we have done something right in this country in the last 30 years, it has been creating an Electoral System that allows alternations:]* Lorenzo Cordova. Central Electoral. Available at: <https://centralelectoral.ine.mx/2021/05/18/si-algo-hemos-hecho-bien-en-este-pais-en-los-ultimos-30-anos-ha-sido-crear-un-sistema-electoral-que-permite-alternancias-lorenzo-cordova/>
- National Electoral Institute (INE). (2022). *Aprueba INE financiamiento a los partidos politicos para 2023 con formula establecida en la Constitucion. [NEI approves financing to political parties for 2023 with formula established in the Constitution.]* Available at: <https://centralelectoral.ine.mx/2022/08/10/aprueba-ine-financiamiento-a-los-partidos-politicos-para-2023-con-formula-establecida-en-la-constitucion/>
- National Electoral Institute (I.N.E.). (n.f.d.). *Computos Distritales 2018. Elecciones Federales. [District counts 2018. Federal Elections.]* Available at: <https://computos2018.ine.mx/#/presidencia/nacional/1/1/1/1>
- National Electoral Institute (I.N.E.). (n.d.b.). *Eleccion del presidente de los Estados Unidos Mexicanos. [Election of the President of the Mexican United States.]* Available at: <https://portalanterior.ine.mx/documentos/RESELEC/esta2000/inipres.htm>
- National Electoral Institute (I.N.E.). (n.d.c.). *Financiamiento Publico. [Public funding.]* Available at: <https://ine.mx/actores-politicos/partidos-politicos-nacionales/financiamiento-publico/>
- National Institute of Statistics and Geography (INEGI). (2020). *Encuesta Nacional de Acceso a la Informacion Publica y Proteccion de Datos Personales (ENAIID) 2019. [National Survey on Access to Public Information and Protection of Personal Data (ENAIID) 2019.]* (inegi.org.mx). Available at: https://www.inegi.org.mx/contenidos/programas/enaid/2019/doc/enaid_2019_principales_resultados.pdf
- National Institute of Statistics and Geography (INEGI). (2021a). *ENCUCI. National Survey of Civic Culture (ENCUCI).* Available at: https://www.inegi.org.mx/contenidos/programas/encuci/2020/doc/ENCUCI_2020_Presentacion_Ejecutiva.pdf
- National Institute of Statistics and Geography (INEGI). (2021b). *Mortalidad. [Mortality.]* Available at: [Defunciones por homicidios \(inegi.org.mx\)](https://inegi.org.mx/contenidos/programas/mortalidad/2020/doc/Mortalidad_2020_Presentacion_Ejecutiva.pdf)
- National Institute of Statistics and Geography (INEGI). (2022a). *Censo Nacional de Imparticion de Justicia Estatal 2022. [National Census of State Justice Delivery 2022.]* Available at: [Censo Nacional de Imparticion de Justicia Estatal 2022 \(inegi.org.mx\)](https://inegi.org.mx/contenidos/programas/censo-justicia-estatal/2022/doc/Censo_Nacional_de_Imparticion_de_Justicia_Estatal_2022.pdf)
- National Institute of Statistics and Geography (INEGI). (2022b). *Encuesta Nacional de Victimization y Percepcion sobre Seguridad Publica (ENVIPE) [National Survey on Victimization and Perception on Public Security (ENVIPE) (2022).]* Available at: https://www.inegi.org.mx/contenidos/programas/envipe/2022/doc/envipe2022_presentacion_nacional.pdf
- National Institute of Statistics and Geography (INEGI). (2023). *Censo Nacional de Derechos Humanos Estatal y Federal 2022. [State, National, and Federal Human Rights Census 2022.]* Available at: https://www.inegi.org.mx/contenidos/programas/cndhe/2022/doc/cndhe_2022_resultados.pdf

- National Institute of Statistics and Geography (INEGI). (2023b). *Censo Nacional de Impartición de Justicia Estatal 2022. [National Census of State Justice Delivery 2022.]* Available at: https://inegi.org.mx/contenidos/programas/cnije/2022/doc/cnije_2022_resultados.pdf
- Investing. (2023). *Sedena niega entregar información de contratos con Pegasus. [Sedena refuses to provide information on contracts with Pegasus.]* Available at: [Sedena niega entregar información de contratos con Pegasus Por El Capitalino](https://www.investing.com/news/politics-government/sedena-niega-entregar-informacion-de-contratos-con-pegasus-por-el-capitalino) (investing.com)
- Jackson, L. (March 21, 2023). *Cuando el ejército de un país espía los celulares de los ciudadanos. [When a country's army spies on citizens' cell phones.]* The New York Times. Available at: [Cuando el ejército de un país espía los celulares de los ciudadanos – The New York Times](https://www.nytimes.com/2023/03/21/world/americas/cuando-el-ejercito-de-un-pais-espia-los-celulares-de-los-ciudadanos.html) (nytimes.com)
- Kitroeff, N. & Bergman, R. (April 18, 2023). *Como México se convirtió en el mayor usuario del programa de espionaje más conocido del mundo. [How Mexico became the largest user of the world's best-known spy program.]* The New York Times. Available at: <https://www.nytimes.com/es/2023/04/18/espanol/pegasus-mexico-gobierno-ejercito.html>
- Konrad Adenauer Stiftung, Polilat, INE, CEPOS & USEM. (2022). *Índice de Desarrollo Democrático de México. [Democratic Development of Mexico Index.]* Available at: [Índice de Desarrollo Democrático de México – Índice de Desarrollo Democrático de México](https://www.inegi.org.mx/contenidos/programas/idd-mex/2022/idd-mex.html) (idd-mex.org)
- La DENUNCIA. (2015). *Estalla el P.A.N.; en la dirigencia trabajan para sí mismos: [The P.A.N. breaks out; in the leadership, they work for themselves: Calderon.]* Available at: <https://ladenunciaonline.com/2015/01/29/estalla-el-pan-en-la-dirigencia-trabajan-para-si-mismos-calderon/>
- Lara, R. (April 23, 2021). *Ley Zaldivar: dos presidentes y un poder. [Zaldivar Law: Two Presidents and One Power.]* El País. Available at: [Ley Zaldivar: dos presidentes y un poder | Opinión | EL PAÍS México](https://www.elpais.com/es/2021/04/23/ley-zaldivar-dos-presidentes-y-un-poder/) (elpais.com)
- Lastiri, D. (March 02, 2023). *Tras críticas de AMLO atacan en redes a la ministra Norma Piña. [After criticism of AMLO, Minister Norma Pina is attacked on networks.]* Proceso. Available at: <https://www.proceso.com.mx/nacional/2023/3/2/tras-criticas-de-amlo-atacan-en-redes-la-ministra-norma-pina-302975.html>
- Latinobarometro. (2021). *Informe 2021. [Report 2021.]* Available at: <https://www.latinobarometro.org/lat.jsp>
- Le Creq, J., Chaidez, A. and Rodriguez, G. (2022). *Estructura y Función de la Impunidad en México IGI-MEX. [Structure and Function of Impunity in Mexico IGI-MEX.]* (Global Index of Impunity) UDLAP. Available at: [IGI MEX 2022 – UDLAP](https://www.igi-mex.org/)
- Lopez, J. (March 25, 2022). *AMLO pide a legisladores aprobar reforma eléctrica sin modificaciones. [AMLO calls on lawmakers to approve electric reform without modifications.]* Energy 21. Available at: <https://energy21.com.mx/politica-y-normatividad/2022/03/25/amlo-pide-legisladores-aprobar-reforma-electrica-sin-modificaciones>
- Lopez, M. (September 14, 2021). *Amarra Cortes reelección en el PAN; acusan cochinerero. [Cortes secures re-election within the PAN; they accuse of "mess".]* Mural. Available at: https://www.mural.com.mx/aplicacioneslibre/preacceso/articulo/default.aspx?_rval=1&urlredirect=https://www.mural.com.mx/amarra-cortes-reeleccion-en-el-pan-acusan-cochinerero/ar2258801?referer=---7d616165662f3a3a6262623b727a7a7279703b767a783a-
- Mexicanos Contra la Corrupción y la Impunidad (MCCI). [Mexicans against Corruption and Impunity (MCCI).] (n.fda). *La negra historia de Odebrecht en México. [Odebrecht's dark history in Mexico.]* Available at: [LA NEGRA HISTORIA DE ODEBRECHT](https://www.contralacorrupcion.mx/) (contralacorrupcion.mx)
- Mexicanos Contra la Corrupción y la Impunidad (MCCI). (n.d.b). *Operación Safiro. [Mexicans against Corruption and Impunity (MCCI). Safiro Operation]* Available at: <https://contralacorrupcion.mx/operacionsafiro/>

- Mexicanos Contra la Corrupcion y la Impunidad (MCCI). [Mexicans against Corruption and Impunity (MCCI).] (2022). *Analisis De La Reforma Al Poder Judicial De La Federacion.* [Analysis of the Reform of the Judicial Power of the Federation.] Available at: <https://contralacorrupcion.mx/wp-content/uploads/2022/01/analisis-reforma-poder-judicial-de-la-federacion.pdf>
- Mexicanos Contra la Corrupcion y la Impunidad (MCCI). [Mexicans against Corruption and Impunity (MCCI).] (2023). *LA excepción como regla: abusos e irregularidades de las compras del gobierno 2022.* [The exception as a rule: abuses and irregularities of government purchases in 2022.] Available at: La excepción como regla: abusos e irregularidades de las compras del gobierno en 2022 | Nuestro Dinero [The exception as a rule: Abuses and irregularities of government purchases in 2022 | Nuestro Dinero (contralacorrupcion.mx)]
- Mitofsky. (2022). *Mexico hacia la eleccion #MX24.* [Mexico towards election #MX24.] Available at: [Parties and alliances by state heading to 2024 \(June 2022\) \(mitofsky.mx\)](https://partiesandalliances.com)
- Monroy, J. (April 05, 202). *Elimina SCJN opacidad en uso de ahorros por Ley de Austeridad.* [Supreme Court of Justice of the Nation eliminates opacity in use of savings by Austerity Act.] El Economista. Available at: <https://www.economista.com.mx/politica/Suprema-Corte-invalida-que-AMLO-pueda-redireccionar-ahorros-a-discrecion-20220405-0098.html>
- Monroy, J. (February 22, 2022). *FGR determina el no ejercicio de una accion penal contra el ex ministro Eduardo Medina Mora.* [Attorney General determines the non-exercise of a criminal action against former minister Eduardo Medina Mora.] El Economista. Available at: <https://www.economista.com.mx/politica/FGR-determina-el-no-ejercicio-de-una-accion-penal-contra-ex-ministro-Eduardo-Medina-Mora-20220221-0121.html>
- Nacion 321. (April 13, 2023). *Nombramientos del INAI seran cuando Morena diga; advierte Salgado Macedonio.* [National Institute of Access to Information appointments will be when Morena says; warns Salgado Macedonio.] Noticias 321. Available at: [Nombramientos del INAI seran cuando Morena diga; advierte Salgado Macedonio \(nacion321.com\)](https://nacion321.com)
- Noticias en la mira. (December 22, 2021). *Olga Sanchez Cordero y la transformacion del nepotismo.* [Olga Sanchez Cordero and the transformation of nepotism.] Noticias en la mira. Available at: <https://noticiasenlamira.com/politica/olga-sanchez-cordero-y-la-transformacion-del-nepotismo/>
- Organization for Economic Cooperation and Development (OECD). (n.d.). *Base de datos global de estadísticas tributarias.* [Global database of tax statistics.] Available at: [Base de datos global de estadísticas tributarias – OECD](https://data.oecd.org/tax)
- Perez, M. (October 13, 2022). *Titular de Sedena rechaza comparecer en San Lazaro por hackeo; cita a los legisladores a su oficina.* [Sedena head refuses to appear in San Lazaro for hacking; he meets lawmakers in his office.] El Economista. Available at: <https://www.economista.com.mx/politica/Titular-de-Sedena-rechaza-comparecer-en-San-Lazaro-por-hackeo-cita-a-los-legisladores-a-su-oficina-20221012-0135.html>
- Proceso. (October 18, 2022). *El general Sandoval cancelo comparencia para explicar hackeo a Sedena por una carta "irrespetuosa".* [General Sandoval canceled an appearance to explain Sedena hacking due to a "disrespectful" letter.] Proceso. Available at: <https://www.proceso.com.mx/nacional/2022/10/18/el-general-sandoval-cancelo-comparencia-para-explicar-hackeo-Sedena-por-una-carta-irrespetuosa-295336.html>
- Puente, K. (2015). *El Congreso mexicano: de la sumision a la emancipacion.* [The Mexican Congress: From Submission to Emancipation.] In Barbara Schröter, the political system of Mexico. Germany. Springer VS.

- R3D. (n.d.). *Ejercito espia. [Spy army]*. Available at: [Ejercito espia | Capitulo III – Ejercito Espia \(r3d.mx\)](#)
- R3D. (2017). *#GOBIERNOESPIA: vigilancia sistemática a periodistas y defensores de derechos humanos en Mexico. [#GOBIERNOESPIA: systematic surveillance of journalists and human right defenders in Mexico.]* Available at: [#GobiernoEspia: vigilancia sistematica a periodistas y defensores de derechos humanos en Mexico | R3D: Red en Defensa de los Derechos Digitales](#)
- Ramos, C. & Avila, Y. (March 20, 2019). *¿De que vive la sociedad civil? No de recursos publicos. [What does civil society live on? Not from public resources.]* Animal Politico. Available at: <https://www.animalpolitico.com/sociedad/osc-dinero-publico-financiamiento-gongos>
- Rios, J. (n.d.). *El deficit meritocratico. Nepotismo y redes familiares en el Poder Judicial de la Federacion. [The meritocratic deficit. Nepotism and family networks in the Judicial Power of the Federation.]* Mexicanos contra la corrupcion y la impunidad. [Mexicans against corruption and impunity.] Available at: <https://drive.google.com/file/d/1gZcaQPID-QDLlJSXjLLS9rRbpy-R4dAIR/view>
- Rojas. (2023). *Crecen 72.8% quejas contra el INM por violaciones a derechos. [Complaints against National Institute of Migration grow 72.8%.]* El Economista. Available at: <https://www.eleconomista.com.mx/politica/Crecen-72.8-quejas-contra-el-INM-por-violaciones-a-derechos-20230219-0073.html>
- Saldierna, G. & Mendez, E. (October 06, 2022). *Citan a comparecer en San Lazaro al secretario de la Defensa por el hackeo. [Secretary of Defense appointed to appear at San Lazaro due to the hack.]* La Jornada. Available at: <https://www.jornada.com.mx/notas/2022/10/06/politica/citan-a-comparecer-en-san-lazaro-al-secretario-de-la-defensa-por-el-hackeo/>
- Secretary of the Interior. (n.d.). *Sistema de Informacion Legislativa (SIL). [Legislative Information System (L.I.S.).]* Available at: <http://sil.gobernacion.gob.mx/Numeralia/Iniciativas/>
- Ministry of Finance and Public Credit (SHCP). (2013). *Cuenta Publica. [Public Account.]* Available at: [Cuenta de la Hacienda Publica Federal 2013](#)
- Ministry of Finance and Public Credit (SHCP). (2014). *Cuenta Publica. [Public Account.]* Available at: [CP | 2014 \(hacienda.gob.mx\)](#)
- Ministry of Finance and Public Credit (SHCP). (2015). *Cuenta Publica. [Public Account.]* Available at: <https://www.cuenta-publica.hacienda.gob.mx/es/CP/2015>
- Ministry of Finance and Public Credit (SHCP). (2016). *Cuenta Publica. [Public Account.]* Available at: <https://www.cuenta-publica.hacienda.gob.mx/es/CP/2016>
- Ministry of Finance and Public Credit (SHCP). (2017). *Cuenta Publica. [Public Account.]* Available at: <https://www.cuenta-publica.hacienda.gob.mx/es/CP/2017>
- Ministry of Finance and Public Credit (SHCP). (2018). *Cuenta Publica. [Public Account.]* Available at: <https://www.cuenta-publica.hacienda.gob.mx/es/CP/2018>
- Ministry of Finance and Public Credit (SHCP). (2019). *[Public Account.]* Available at: <https://www.cuentapublica.hacienda.gob.mx/es/CP/2019>
- Ministry of Finance and Public Credit (SHCP). (2020). *[Public Account.]* Available at: <https://www.cuentapublica.hacienda.gob.mx/es/CP/2020>
- Ministry of Finance and Public Credit (SHCP). (2021). *Cuenta Publica. [Public Account.]* Available at: <https://www.cuenta-publica.hacienda.gob.mx/es/CP/2021>
- Secretariat of Security and Citizen Protection (SSPC). (2022). *Cuaderno Mensual de Informacion Estadistica Penitenciaria*

- Nacional. [Monthly Report of National Penitentiary Statistical Information.] Available at: [CE_2022_12.xlsx \(www.gob.mx\)](#)
- Executive Secretariat of the National Public Security System (SESNSP). (2023). *Incidencia delictiva. [Criminal Incidence.]* Government of Mexico. Available at: [Incidencia delictiva | Secretariado Ejecutivo del Sistema Nacional de Seguridad Publica | Gobierno | gob.mx \(www.gob.mx\)](#)
- Signos Vitales. (2020). *La pandemia en Mexico Dimension de la tragedia. [The Pandemic in Mexico Dimension of the Tragedy.]* Available at: [Signos Vitales Mexico | Reporte 1: La pandemia en Mexico \(signosvitalismexico.org.mx\)](#)
- Signos Vitales. (2021). *Balance Negativo Los Derechos Humanos en Mexico. [Negative Balance Human Rights in Mexico.]* Available at: [Reporte-4-2021-2.pdf \(signosvitalismexico.org.mx\)](#)
- Solis Acero, F. (2018). *Reforma Politico Electoral. [Electoral Political Reform.]* Mexico: F.C.E.
- SPIN (n.d.). *Conferencias matutinas de AMLO. [AMLO morning lectures.]* Infografias. Available at: [Infografias – Analisis de Conferencias Matutinas de Andres Manuel \(spintcp.com\)](#)
- Srithongrung, A. and Sanchez-Juarez, I. (2015). *Fiscal Policies and Subnational Economic Growth in Mexico.* International Journal of Economics and Financial Issues. 5, No. 1, United States, ECONJOURNALS, January-April.
- Supreme Court of Justice of the Nation (SCJN). (2018). *Versión taquigráfica de la sesión pública ordinaria del pleno de la Suprema Corte de Justicia de la Nación, celebrada el martes 13 de noviembre de 2018. [Shorthand version of the ordinary public session of the plenary session of the Supreme Court of Justice of the Nation, held on Tuesday November 13, 2018.]* Available at: [NUMERO \(scjn.gob.mx\)](#)
- Torres, M. (May 02, 2023). *Las quejas contra el INM por presuntas violaciones a derechos humanos se disparan 200% en el sexenio de AMLO. [Complaints against the INM for alleged human rights violations soared 200% in AMLO's six-year term.]* Animal Politico. Available at: [Quejas contra INM por presuntas violaciones a DH crecen 200% \(animal-politico.com\)](#)
- Van Biezen, I. (2000). *On the Internal Balance of Party Power: Party Organizations in New Democracies.* March 2021, from Party Politics website: https://www.researchgate.net/publication/249731369_On_the_Internal_Balance_of_Party_Power
- Villegas, J. (n.d.). *Suprema Corte de Justicia de la Nacion aprueba eliminar prision preventiva oficiosa para delitos fiscales. [Supreme Court of Justice of the Nation approves the elimination of informal preventive detention for tax crimes.]* ACPM Abogados. Available at: [SUPREMA CORTE DE JUSTICIA DE LA NACION APRUEBA ELIMINAR PRISION PREVENTIVA OFICIOSA PARA DELITOS FISCALES. – ACPM Abogados](#)
- World Justice Project. (2022). *Indice de Estado de Derecho en Mexico 2021–2022. [Rule of Law Index in Mexico 2021–2022.]* Available at: [Indice de Estado de Derecho en Mexico 2021–2022 \(worldjusticeproject.mx\)](#)



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