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Mexico: Government efforts to combat corruption, including outcomes of investigations into incidences of corruption; efforts within the Office of the Attorney General of the Federal District (Procuraduria General de Justicia del Distrito Federal, PGJDF) to address corruption (2004 - 2006)
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While the federal government has continued to support and promote initiatives to combat corruption (*INCSR 2006* Mar. 2006, Sec. I; Mexico Mar. 2006a, 367-377), corruption-monitoring organizations maintain that incidents of corruption in Mexico persist (TI 9 Dec. 2005, 11; *ibid.* 14-15, *ibid.*, 19-23; *Transparencia Mexicana* 9 May 2006).

A nationwide study by one such corruption-monitoring organization, *Transparencia Mexicana*, which indexed bribes (*mordidas*) "paid by Mexican households in relation to 35 public services provided at municipal, state and national levels, and by private businesses," revealed that corruption levels in 2005 were slightly worse than those reported in the 2003 survey (*ibid.*). From its research, *Transparencia Mexicana* generates the *National Corruption and Good Governance Index*, on which Mexico registered a score of 10.6 in 2001. As "[a]n increase in the *Index* reflects a higher incidence of corruption in public services or procedures," Mexico's score of 8.5 in 2003 marked an improvement, whereas the 10.1 registered in 2005 signalled the opposite (*ibid.*).

The *Global Corruption Barometer 2005*, published by Transparency International (TI), likewise indicated high incidences of corruption in Mexico, with 31 to 45 per cent of survey respondents reporting that they had paid a bribe during the June 2004 to June 2005 period (9 Dec. 2005, 11). Broken down into graphs corresponding to survey questions, such as whether a bribe was offered or solicited, and for what end (TI 9 Dec. 2005, 14-15), the *Barometer* indicated that more than 50 per cent of respondents offered a bribe "to avoid a problem with the authorities" (*ibid.*, 14), while a little more than 20 per cent of respondents offered a bribe for a public service (*ibid.*, 15). In addition, the TI report showed that 40 per cent of Mexican survey respondents believe the level of corruption in their country increased over the past three years, while 29 per cent are of the opinion that it was about the same (*ibid.*, 21). For the purpose of comparison, Canadian results on TI's *Barometer* revealed that only 1 per cent of Canadians surveyed reported paying a bribe (*ibid.*, 23), and as for the perception of corruption levels in the country, 32 per cent think it increased in the past three years, whereas 33 per cent believe it remained the same (*ibid.*, 21). Among the sectors which survey participants in Mexico perceived as being particularly corrupt were political parties, the parliament, the police, and the judiciary (*ibid.*,

19).

Public surveys conducted in 2005 in Mexico City showed that police corruption continues to be of concern to residents (EFE 20 Oct. 2005; *El Universal* 15 Aug. 2005). "[m]ore than half of the participants" in an August 2005 survey by the Mexico City-based newspaper *El Universal* "said that they had been victimized by extortion or bribetaking by uniformed police officers" (ibid.). While several police agencies were deemed corrupt by survey respondents, especially the local Preventative Police, other policing bodies such as the Federal Agency of Investigation (Agencia Federal de Investigacion, AFI), were seen as being somewhat less so (ibid.). According to *The Economist*, the AFI is a "relatively clean" police force that "is proving to be more effective than any other police body has been in the past" (30 June 2005).

According to TI's *Corruption Perceptions Index* (CPI), a composite index measuring the degree to which corruption is perceived to exist in a given country and whose scores range from "10 (highly clean)" to "0 (highly corrupt)," Mexico scored 3.5 in 2005, placing it 66th out of the 159 countries surveyed (18 Oct. 2005). Over the span of five years, including 2005, Mexico's CPI score has not shown improvement: its 2001 score was 3.7 (TI 27 June 2001), whereas in 2002, 2003 and 2004 it remained at 3.6 (ibid. 28 Aug. 2002; ibid. 7 Oct. 2003; ibid. 20 Oct. 2004; ibid. 18 Oct. 2005).

In *Lost in Transition: Bold Ambitions, Limited Results for Human Rights Under Fox*, a May 2006 report about Mexico's efforts to address human rights issues, Human Rights Watch (HRW) noted that during Fox's tenure, the country "has pursued a course of unprecedented openness and transparency-- allowing international scrutiny of its rights practices and public access to information held by government agencies" (HRW May 2006, Chap. 1). However, the report concluded, that human rights abuses related to, for instance, law enforcement misconduct continue to exist, and so government initiatives, "while ambitious on paper, have largely failed to achieve their principal goals" (ibid.). As reported by EFE News Service on 17 May 2006, Ruben Aguilar, spokesperson for President Fox, said the government disagreed with HRW's findings, especially its assessment of the judiciary, yet "welcome[d] the report."

In response to Transparencia Mexicana's 2005 *National Corruption and Good Governance Index*, Eduardo Romero Ramos, Secretary of the Public Service (Secretario de la Funcion Publica), commended President Fox's work against corruption, stating that governmental transparency and accountability are two of the top achievements of his presidency (Agencia NOTIMEX 8 May 2006). Ramos also pointed out that Transparencia Mexicana's *Index* was only a measure of the perception of bribery and not of its reality (ibid.).

Global Integrity, an independent non-governmental organization based in Washington (n.d.), conducts research on the "state of public integrity and corruption in 25 countries," of which Mexico is one, in order to compile its comprehensive *Country Reports* (29 Apr. 2004). In particular, "[t]hese reports, written and reviewed primarily by in-country experts, provide a probing look at national anti-corruption efforts" (Global Integrity 29 Apr. 2004). For each country's report, Global Integrity generates an "Integrity Scorecard" on which public institutions are divided into six categories: 1) Civil Society, Public Information and Media, 2) Electoral and Political Processes, 3) Branches of Government, 4) Administration and Civil Service, 5) Oversight and Regulatory Mechanisms, 6) Anti-Corruption Mechanisms and Rule of Law (ibid., 1). Overall,

Mexico scored a "moderate" rating on the Integrity Scorecard (ibid.). Some institutions, however, fared better than others: the "Electoral and Political Processes" category was deemed "very strong," while the "Administration and Civil Service" category was judged "very weak" (ibid.). Moreover, each of the Integrity Scorecard's six categories of public institutions are further divided into sub-categories, whose individual ratings are averaged so as to obtain the main category's overall rating (ibid.). So, for example, in the case of the "Anti-Corruption Mechanisms and Rule of Law" category, it scored an overall "moderate" rating even though two of its four sub-categories, "Rule of Law and Access to Justice" and "Law Enforcement" were deemed "weak" (ibid.). The complete Integrity Scorecard for Mexico is attached to this Request, along with a section of the country report entitled "Integrity Assessment," which provides an analysis of the six Integrity Scorecard categories.

Government efforts

Reports issued in 2006 by both the United States (US) and Mexico governments noted that the federal government continued to work on reducing corruption levels in Mexico by investigating and sanctioning employee misconduct (*INCSR 2006* Mar. 2006, Sec. III; Mexico Mar. 2006^a, 367-377). The US Department of State noted in its *International Narcotics Control Strategy Report 2006 (INCSR 2006)* that the government of Mexico continued to promote anticorruption efforts in 2005: "President Fox and other senior officials have demanded that all agencies, departments, and government institutions, including Mexican military services, adhere to strict enforcement of anticorruption measures" (Mar. 2006, Sec. III). These measures include, among other things, better employee selection procedures and improved remuneration and benefits (*INCSR 2006* Mar. 2006, Sec. III). In addition, from January to October 2005, federal authorities "conducted more than 4,512 investigations into possible misconduct by federal officers and government employees" (ibid.). According to the *INCSR 2006*,

[t]hese investigations resulted in the issuance of 68 warnings, 1,296 reprimands, suspensions of 918 employees, dismissals of 284 federal employees, dismissals of another 1,058 employees with re-employment sanctions or restrictions for service within the government sector, and 905 economic sanctions resulting in over 3 billion pesos (about \$300 million) in fines and recoveries. Most sanctions resulted from violation of laws or abuse of authority by public servants (ibid.).

Moreover, the government implemented a number of prevention and education programs for school-aged children aimed at "changing public attitudes regarding transparency and the rule of law," as well as training programs for police personnel (ibid.).

The federal government's *National Development Plan's Fifth Performance Report 2005 (Quinto Informe de Ejecucion 2005 del Plan Nacional de Desarrollo)* provides information on a number of initiatives aimed at reducing corruption throughout the country (Mexico Mar. 2006^a, 367-377; Mexico Mar. 2006^b, 310-346). The Inter-Secretarial Commission for Transparency and the Fight against Corruption (Comision Intersecretarial para la Transparencia y el Combate a la Corrupcion, CITCC) reportedly increased its operational coverage from 161 public institutions in 2004 to 236 in 2005 (Mexico Mar. 2006^a, 367-368). CITCC programs aim to promote and coordinate anti-corruption strategies in order to increase transparency in public management (ibid., 367). Through such

programs, the CITCC identified 1,839 potential areas of irregular conduct in 2005, and instigated 3,874 corrective actions (*acciones de mejora*), a 4.3 per cent increase in such actions from 2004 (*ibid.*, 368).

Regarding the sanction of acts of impunity and corruption, the 2005 *National Development Plan Report* noted that 4,079 public servants were cited with 5,597 administrative penalties for employee misconduct, which marked an 8.6 per cent decrease from the number of employees likewise charged in 2004 (*ibid.*, 372).

The federal government also offers a number of services for citizens to denounce corruption in the public service, including online assistance (Sistema Electronico de Atencion Ciudadana, SEAC), direct assistance from Internal Control offices (Organos Internos de Control, OIC), and a telephone helpline (Sistema de Atencion Telefonica a la Ciudadania, SACTEL) (*ibid.*, 376). Statistics compiled for 2005 showed that of the 27,147 online requests received by the SEAC, 12,431 were complaints and denunciations (*quejas y denuncias*) (*ibid.*, 376). As for direct assistance, of a total of 128,488 requests heard by various government offices, 92,372 were made at central federal departments and 15,133 were filed directly at OIC offices (*ibid.*, 376). The SACTEL responded to 144,157 phone calls about various services and procedures within the federal government (*ibid.*, 376). Moreover, regional supervisors conducted 493 investigations of various public agencies, resulting in 34 complaints and denunciations, 548 follow-ups for irregularities (*seguimientos de irregularidades*), and 490 immediate corrective actions (*acciones de mejora inmediatamente*) (*ibid.*, 376).

The 2005 *National Development Plan Report* also indicated that the National Registry of Public Security Personnel (Registro Nacional de Personal de Seguridad Publica) was nearly complete, reportedly containing the names of 427,418 active public security agents from across the 32 states of Mexico, as well as those of 46,191 private security agents (Mexico Mar. 2006b, 324). Effectively, the registry enables background checks for prior misconduct among personnel to be performed in order to reduce police corruption (*ibid.*, 324). Other efforts to deter corruption in the police forces include psychological evaluation and drug testing, economic incentives for good performance, education and training opportunities, disciplinary action, regulatory reviews by Internal Affairs (Asuntos Internos), and investigations and prosecutions by the OIC of the Secretary of Public Security (Secretaria de Seguridad Publica, SSP) (*ibid.*, 321-322).

Also in 2005, news sources reported on the efforts of authorities to rid state and local-level law enforcement of corruption (EFE 15 June 2005; AP 17 May 2005). In May 2005, the new governor of Guerrero state announced the dissolution of the "notorious" State Transit and Public Safety Police, which was reportedly "known for corruption and arms trafficking" (*ibid.*). In June 2005, ushering in "Operation 'Safe Mexico'," an initiative to combat drug-trafficking and police corruption, "federal and state authorities carried out a massive purge of police in the border city of Nuevo Laredo, firing 400 municipal officers" (EFE 15 June 2005).

PGJDF

Within the Office of the Attorney General of the Federal District (Procuraduria General de Justicia del Distrito Federal, PGJDF), the position of inspector general (*visitaduria general*) has existed since 1977 (Mexico n.d.a.).

The inspector general investigates and monitors complaints against the Public Ministry (Ministerio Publico) and its judicial police agents in order to [translation] "combat corruption and impunity head-on, respect human rights and restore the public's trust" (Mexico n.d.b). According to an activity report for the period of January to March 2004, the inspector general conducted 4,268 visits and undertook 10,978 examinations of PGJDF personnel, which resulted in proceedings against a number of PGJDF employees, including 147 public ministry agents, 111 official secretaries (*oficial secretario*), 46 agency heads (*responsable de agencia*), 17 judicial police officers, and 13 experts (*peritos*) (Mexico 2004).

In October 2004, Bernardo Batiz, the Attorney General of the Federal District, noted that while the PGJDF housed an Internal Inspection Unit (Unidad de Inspeccion Interna) that specifically monitors judicial police agents, the office lacked an adequate internal control mechanism to safeguard against administrative personnel committing acts of corruption (SUN 22 Oct. 2004). Overall, however, Batiz explained that whoever commits illegal acts within the PGJDF would be subject to prosecution and imprisonment (*ibid.*). Such was the case for an officer, mentioned in the same article in which Batiz was quoted, who was arrested and jailed on kidnapping charges (*ibid.*).

In press statements made to the EFE News Service in April 2006 upon the release of its annual report, the Human Rights Commission of the Federal District (Comision de Derechos Humanos del Distrito Federal, CDHDF), without providing details as to which police agency was involved, reported that arbitrary arrests in Mexico City had increased "13 per cent over the previous year" (EFE 15 Apr. 2006). In particular, the CDHDF stated that in 2005 "1,352 people lodged complaints about illegal detentions and that, of those, it investigated 666 cases, up from 586 in 2004 and 441 in 2003" (*ibid.*). The CDHDF also called on "Mexico City police and prosecutors to assume a public commitment and show political will to eliminate all forms of illegal privation of liberty" (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Attachments

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