



MEXICO REPORT

Follow-up on the Lima Agreement, Citizen Corruption Observatory



Country: Mexico

— Local partner: Transparencia Mexicana



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The organizations participating in Mexico cooperate with information in the spirit of contributing to the fulfillment of Mexico's international commitments, and to the national and regional public debate. The results of this research are public.





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Document Acronyms

CCO = Citizen Corruption Observatory

LACND = Latin American and Caribbean Network for Democracy

CFA = Citizen Forum of the Americas

CSPSA = Civil Society Participation in the Summit of the Americas

CSO = Civil Society Organizations

OAS = Organization of American States

NGO = Non-Governmental Organization

EPPS = Electronic Public Procurement System

NADS = National Administrative Department for Statistics.

SDG = Sustainable Development Goals

SNA = National Anti-Corruption System

CPC = Citizen Participation Committee

SEA = State Anti-Corruption Systems

INEGI = National Institute of Statistics and Geography

INAI = National Institute of Transparency, Access to Information and Protection of Personal Data.

SESNA = Executive Secretariat of the National Anti-Corruption System

INE = National Electoral Institute

TEPJF = Electoral Tribunal of the Judicial Power of the Federation

UNOPS = United Nations Office for Project Services

SHCP = Ministry of Finance and Public Credit





Introduction

The main purpose of the project entitled “Citizen Corruption Observatory (CCO) - Follow-up on the Lima Agreement” is to strengthen the Citizen Forum of the Americas (CFA) by co-creating, together with the Latin American and Caribbean Network for Democracy (REDLAD, by its Spanish initials) and the Citizen Forum of the Americas (CFA), an observatory that provides technical support for the implementation of the Project entitled: “Civil Society Participation in the Summit of the Americas (PASCA, by its Spanish initials). Within the framework of the activities developed by the CCO, the progress of the Lima Agreement was monitored using a methodology that took into account both policy and practical developments, and which was based on the participatory discussion of different civil society organizations in each of the 19 countries participating in this process.

In this context, the CCO is made up of a coalition of civil society organizations and social actors of the continent, created to follow up on compliance with the agreements adopted by the governments of the hemisphere at the VIII Summit of the Americas held in 2018 in Lima, Peru. The Lima Agreement, "Governance against Corruption," a document resulting from the Summit, provided an opportunity to endorse and ratify previous international commitments on anti-corruption issues.

In this sense, the national report aims to present a summary of the results and conclusions of the follow-up on the progress and/or fulfillment in Mexico of the commitments of the VIII Summit of the Americas 2018, built from the follow-up on the Lima Agreement methodology document¹ and the review of information carried out by 7 Mexican civil society organizations. All information collected within the framework of follow-up can be consulted on the CCO website².

The follow-up on the Lima Agreement methodology allows civil society to assess the progress and/or compliance with the 19 commitments prioritized³ by the CCO for follow-up on each of the countries participating in this observatory. The follow-up is based on the review of developments at both the normative⁴ and practical levels made by national governments over the last two years in respect of the commitments made in the fight against corruption.

At the normative level, the current legislation was reviewed, based on 75 guiding questions regarding constitutional, legislative and jurisprudential developments. The analysis of practice consists of the review of concrete measures taken by the government in response to the commitments made. For this purpose, 64 questions were constructed, which were answered

¹ The methodology is available at: <https://occ-america.com/metodologia/>

² Available at: <https://occ-america.com/>

³ The 19 commitments were prioritized considering the possibility to perform compared analyses in all CCO participating countries.

⁴ CCO built a first balance sheet on regulatory indicators at the regional level. The document is available at: <https://occ-america.com/2021/07/29/primer-informe-del-observatorio-ciudadano-de-corrupcion-revela-avances-y-retos-normativos-para-la-lucha-anticorrupcion-en-la-region/>



through requests for information, interviews, reference to media reports, reports and research on the subject, among others. This information is the basis for evaluating each commitment in terms of effectiveness, efficiency and sustainability⁵.

Participating Organizations

Seeking a diverse participation from civil society, in this follow-up on the Lima Agreement, various Mexican civil society organizations, networks and even academic centers were invited to participate actively in the methodology and also to be interviewed within the framework of their experience and specialty, including organizations of the Citizen Forum of the Americas. The following 7 Mexican civil society organizations participated actively:



Transparencia Mexicana⁶, a civil society organization engaged in effective corruption control in Mexico. Under a human rights approach, it generates concrete proposals to reduce corruption risks and strengthen the capacities of both public and private sectors to address the causes and effects

of this problem. Its experience ranges from measuring the impact of corruption on public procedures and services to the specific analysis of corruption risks in sectors, such as public procurement or the energy sector. It is Transparency International's Chapter in Mexico.



Impunidad Cero⁷, a civil society organization that measures, analyzes and points out impunity in order to combat it. For several years, it has addressed the problem of impunity in Mexico, mainly through the preparation of studies and

research analyzing structural problems of impunity and various cases of daily impunity, as well as the generation of public policy recommendations and proposals for improvement for various institutions at the state and federal level.



Kybernus Michoacán⁸, a Program of the Ricardo Salinas Pliego Center that identifies and promotes, from the local level, youth leaders in the 32 states of the country, which positively affect their communities and generate environments conducive to creating inclusive prosperity.

⁵ The methodological aspects of this rating will be presented in greater detail in the report.

⁶ Organization website: <https://www.tm.org.mx/>

⁷ Organization website: <https://www.impunidadcero.org/>

⁸ Organization website: <https://kybernus.org/>



From the group in Michoacán, a network of allies has been built from civil society that follows up on actors that make decisions in the fight against corruption and open government, which are important as one of the causes at the local level.



Morelos Rinde Cuentas, Centro de Investigación⁹ is a civil association that carries out studies and analyses about public institutions in the state of Morelos to evaluate their performance and make proposals to improve them. The research they carry out is independent, timely and truthful to contribute to the development, quality of life and strengthening of citizenship in Morelos.



+Integridad Puebla, a collective of citizens located in the capital of Puebla that began activities in January 2021. Its mission is to consolidate the issues of Open Government and anti-corruption in the public agenda of the state. +Integridad arose from the need to work from civil society on the aforementioned issues because, from their experience as activists, their skills and knowledge, they saw an opportunity to develop projects for the benefit of society in Puebla.



Karewa¹⁰ is a civil society organization, which has been working since August 2016 with the aim of preventing corruption in public procurement processes through the promotion of proactive transparency with the Monitor Karewa platform. In addition, with its social comptroller exercises called Rally Karewa, the organization works on issues such as citizen participation and accountability.

Both projects are implemented not only in the municipality and state of Chihuahua but also replicated by other organizations in various municipalities nationwide.



Red Mexicana para el Servicio Público¹¹ is a civil association that seeks to promote a new generation of public actors with a true vocation for service, committed to democracy, transparency, and accountability in Mexico. Specifically, they provide training opportunities to train future decision-makers on the values, knowledge and skills

⁹ Organization's website: <https://morelosrindecuentas.org.mx/>

¹⁰ Organization's website: <https://www.karewa.org>

¹¹ Organization's website: <https://mexicoenred.org>





needed to lead public sector transformation. As members of the Sustainable Development Solutions Network (SDSN) of the United Nations, their efforts seek to contribute to the fulfillment of the goals established in Sustainable Development Goal 16: Peace, Justice and Strong Institutions.

Context of Mexico

Controlling corruption in Mexico

In Mexico, thanks to the promotion of the alliance between civil society, academia, and the private sector, in 2014 the Political Constitution was amended to create the National Anti-Corruption System (SNA, by its Spanish initials). Its function is to dismantle corruption networks through coordination of the different agencies and institutions that contribute to some of the stages of an anti-corruption policy¹². Coordination of these agencies and institutions is made through a citizen committee, the Citizen Participation Committee (CPC) of the National Anti-Corruption System (SNA), and through the citizen committees of each anti-corruption system of the 32 federal entities.

In order for the SNA to begin its functions, it was necessary to modify five normative systems and create two others. This first package of anti-corruption laws comprised the creation of the General Law of the National Anti-Corruption System and the General Law of Administrative Responsibilities, and the amendments to the Organic Law of the Federal Court of Administrative Justice, the Organic Law of the Federal Public Administration, the Law on Oversight and Accountability, the Criminal Code, and the Law on the Attorney General's Office. However, more than 30 regulatory systems have been identified that need to be modified in coming years.

Mexico is a federation composed of a Federal Government, 32 state governments and 2,469 municipalities or towns. Given that the effective control of corruption in the country cannot be comprehended without the efforts and actions of different federal, state, and municipal agencies, the National Anti-Corruption System ordered the creation of peers at the state level, the State Anti-Corruption Systems (SEA, by its Spanish initials), to seek intergovernmental coordination between autonomous institutions and those attached to different powers at the local level. Thus, the responsibility of promoting the functioning of anti-corruption systems was attributed to citizen components, and Citizen Participation Committees (CPC) in asymmetric management conditions before state bodies.

Controlling corruption in Mexico during the COVID-19 pandemic

Since the beginning of the COVID-19 pandemic, there have been controversies on how the Federal Government and state governments exercised public resources to address the health crisis and its social and economic consequences, as well as controversies around the

¹² According to Transparencia Mexicana, the cycle of an anti-corruption policy consists of at least six stages: prevention, detection, investigation, sanction, recovery of assets, and reparation of damage to victims of acts of corruption.





prosecution of justice and the functions of legislative bodies in the midst of a pandemic that required sanitary and social distancing measures. Transparencia Mexicana and Tojil installed the Follow-up Mechanism to Plans, Funds, Programs and Actions within the framework of COVID-19, better known as #SusanaVigilancia.

According to this mechanism, in Mexico, only 13¹³ of 32 federal entities published the acquisitions made due to the COVID emergency on their official microsite. With regard to the administration of justice in Mexico, 18 judicial branches of the federal entities suspended the deadlines and accepted only urgent cases. In terms of the use of technology, the Judicial Branch of the Federation allowed processing cases online, and, at the state level, 16 judicial powers allowed remote filing of lawsuits or applications.

#SusanaVigilancia has also analyzed the actions of the 34 legislative bodies in terms of their powers to monitor public resources. More than two months into the pandemic, only one of Mexico's 33 high-level oversight bodies had initiated special audits to address issues related to the pandemic. One hundred days after the publication of the emergency declaration¹⁴, only two local legislative bodies, that of Sonora and Coahuila, had created special commissions to specifically follow up on issues related to COVID-19.

Results for Mexico

As a result of the VIII Summit of the Americas 2018, a process in which the Citizen Forum of the Americas had an active participation, the countries of the region signed the Lima Agreement, entitled "Democratic Governance against Corruption," which established 57 commitments, in order for member states to implement concrete actions to build citizen's trust in institutions and reduce the negative impact of corruption on the effective enjoyment of human rights and sustainable development of the peoples in the American hemisphere.

For follow-up, four criteria were taken into account to select the commitments: they should be representative to analyze the anti-corruption actions in the countries of the region; they should be actions that are sustainable over time and offer the possibility of institutionalization; they should include new approaches into anti-corruption actions; and they should include the perspective of a population in a condition of vulnerability. As a result, 19 commitments were selected, classified into 5 specific topics:

- A. Reinforcement of Democratic Governance.
- B. Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.
- C. Financing of Political Organizations and Election Campaigns.
- D. Prevention of Corruption in Public Works and Public Procurement and Contracting.

¹³ Mexico City, Chihuahua, Coahuila, Colima, State of Mexico, Guanajuato, Jalisco, Nuevo León, Puebla, Quintana Roo, Sinaloa, Sonora and Zacatecas.

¹⁴ Agreement declaring the epidemic generated by the SARS-CoV2 virus (COVID-19) as a health emergency due to force majeure: https://www.dof.gob.mx/nota_detalle.php?codigo=5590745&fecha=30/03/2020



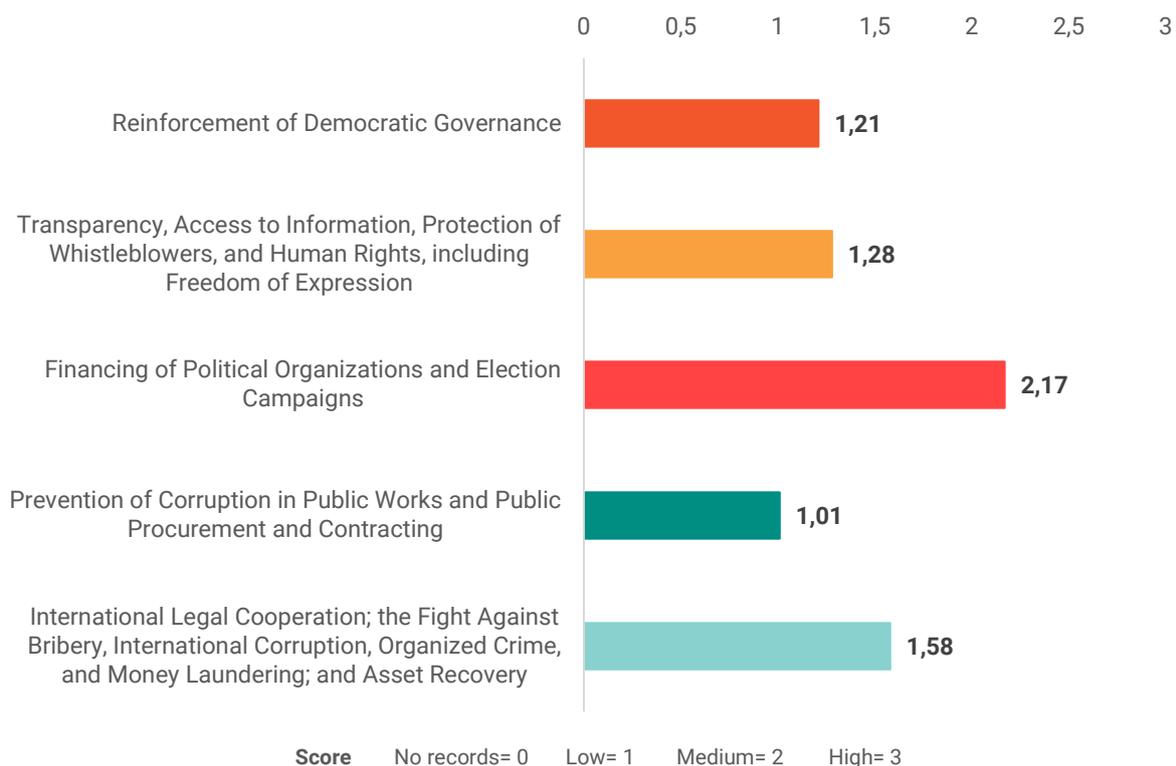
E. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.

These commitments were analyzed by identifying policy and practical developments which were rated on a scale¹⁵ of 0 to 3, taking into account the follow-up criteria below:

- **Effectiveness:** Establishes to what extent the actions developed by the government as a result of the Lima Agreement contribute to the fight against corruption in the country.
- **Relevance:** Establishes to what extent the actions developed by the government are timely, convenient and adequate according to the economic, institutional and/or social context of the country.
- **Sustainability:** Determines to what extent the actions carried out to fulfill the commitment will have continuity over time.

Graph 1 shows the overall results obtained for Mexico in the five topics in which the commitments are classified:

Graph 1¹⁶. Results by topic of the Lima Agreement.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

¹⁵ Rated on a scale from 0 to 3: 0= no records, 1=low, 2=medium, and 3=high

¹⁶ The colors used in the graphs of this document are based on the colors assigned to each of the thematic axes by the CCO and do not correspond to a numerical scale.

According to the follow-up methodology, only one of the thematic axes reached an average rating. This is despite the fact that the First Balance Sheet on Regulatory Indicators of the CCO (2021) highlighted Mexico as one of the countries in the region with the greatest regulatory development for the fulfillment of the Lima Agreement. It is worth mentioning that this rating is based on the execution of the commitments since the moment they were signed in April 2018. To look in greater detail at the level of regulatory development and practical implementation of the Lima Agreement in the country, below is a more detailed account of the results regarding the commitments classified in each topic.

1. Reinforcement of Democratic Governance

Graph 2. Result of Commitments Related to Reinforcement of Democratic Governance.



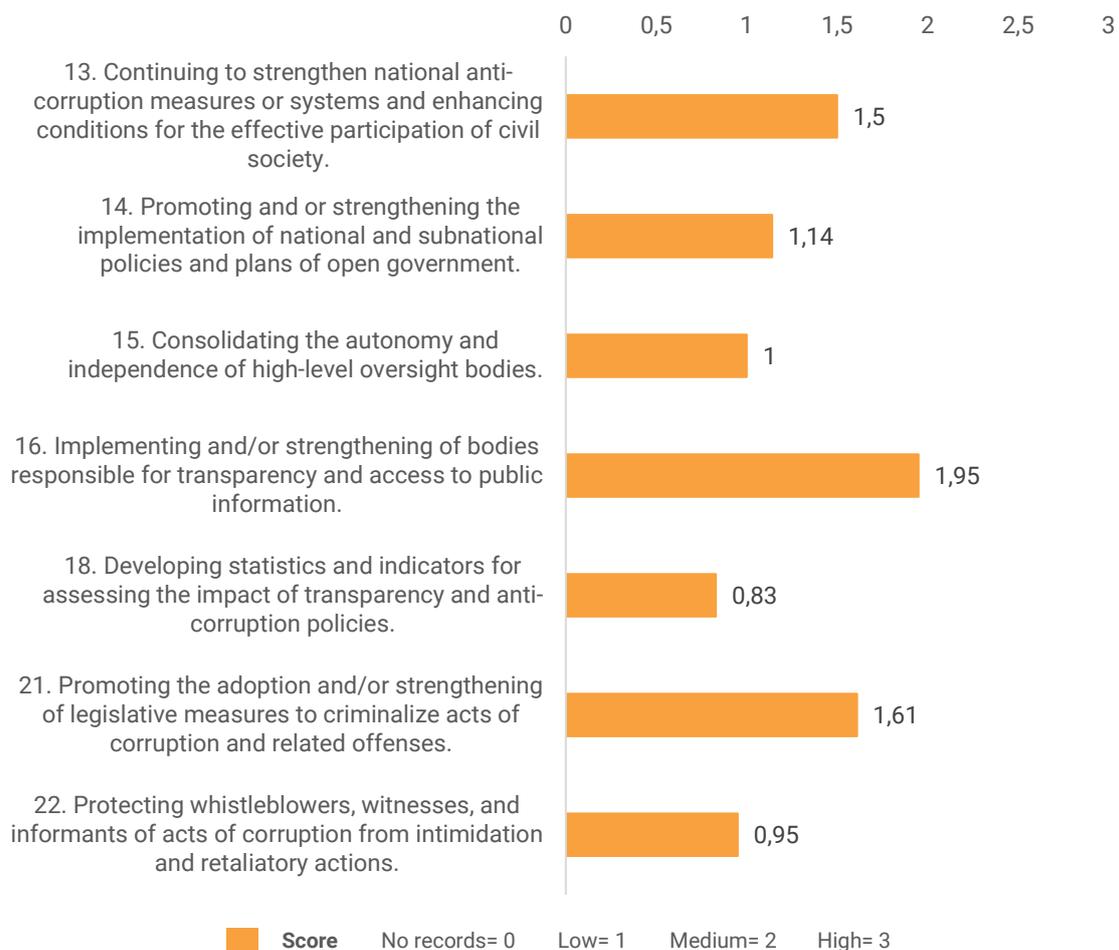
Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

- Of the six commitments related to the reinforcement of democratic governance, the lowest rating is 0.28 out of 3 possible points for the commitment regarding the inclusion of various groups in vulnerable situation in anti-corruption measures, while the highest rating is 1.89 out of 3 possible points for the commitment that seeks to adopt measures that prevent conflicts of interest.

- One of the modifications reached with the approval of the first package of anti-corruption laws in Mexico was the obligation of public officials to present and publish annually their declaration of assets and interests through the Assets Evolution System in the Executive Secretariat of the National Anti-Corruption System.
- The commitment that presents the greatest challenges is that of the inclusion of vulnerable groups in the definition of measures to strengthen governance and combat corruption. Although the National Anti-Corruption Policy reflects the risk of corruption of vulnerable populations, there is no mechanism for vulnerable groups to participate in the definition of anti-corruption measures.
- An identified challenge is the need for greater judicial autonomy and independence.

2. Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression.

Graph 3. Result of Commitments Related to Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

- At a general level, the commitments related to issues of transparency and access to information obtained low and medium ratings in the criteria of effectiveness, relevance and sustainability, taking into account that this is an exercise in the application of these commitments since 2018 and that it is a national rating in a federation, where the fulfillment and progress of the commitments depend on each order of government and power of the State.
- Commitments No. 15, No. 18, and No. 22, related to autonomy and independence of high-level oversight bodies (1.0/3.0), the preparation of statistics to evaluate transparency policies (0.83/3.0) and the protection of whistleblowers, witnesses and informants of acts of corruption (0.95/3) had the lowest scores. On the other hand, the highest score goes to commitment No. 16 in terms of strengthening transparency bodies and access to public information (1.95/3).
- The rating of commitment No. 15 on autonomy and independence of control bodies by national civil society organizations and federal entities indicates that, during the last two years, no reforms have been developed or public policies been implemented at the federal or local level to provide greater autonomy to internal control bodies or comptrollers. In the 2019 Public Account, there were ratings on decisions made by the current administration that were questioned and even posed a threat of replacement of the Senior Auditor of the Federation by the Congress. Likewise, in many state and municipal legislatures, the internal control bodies or comptroller's offices continue to have budgetary and operational dependence on the agencies they monitor, so that, although these bodies have technical and management autonomy, they do not have budgetary independence, even lacking, in some cases, political independence.
- It is recognized that there are metrics, surveys and indices that have been developed with public resources, both those prepared by national government agencies and entities, as well as by public research centers or federal entities¹⁷. However, there is a need to generate statistics and timely information on corruption and anti-corruption. In this sense, the Executive Secretariat of the National Anti-Corruption System (SESNA, by its Spanish initials), in conjunction with the National Institute of Statistics and Geography (INEGI, by its Spanish initials) and members of the Coordinating Committee

¹⁷ Some of them are the National Institute of Statistics and Geography (INEGI), the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI) on the degree of knowledge of the rights of access to information and protection of personal data, as well as the mechanisms to exercise and guarantee them. There are also statistics on requests for access to information and personal data addressed to the Obligated Subjects of the Federal Order and the appeals for review filed to INAI. Moreover, the research and metrics made for example by the Center for Economic Research and Teaching (CIDE, by its Spanish initials).

of the SNA¹⁸ have argued that they will work to promote the production of data and measurements on the phenomenon of corruption and institutional capacities to control it through the Specialized Technical Committee on Information concerning Corruption.

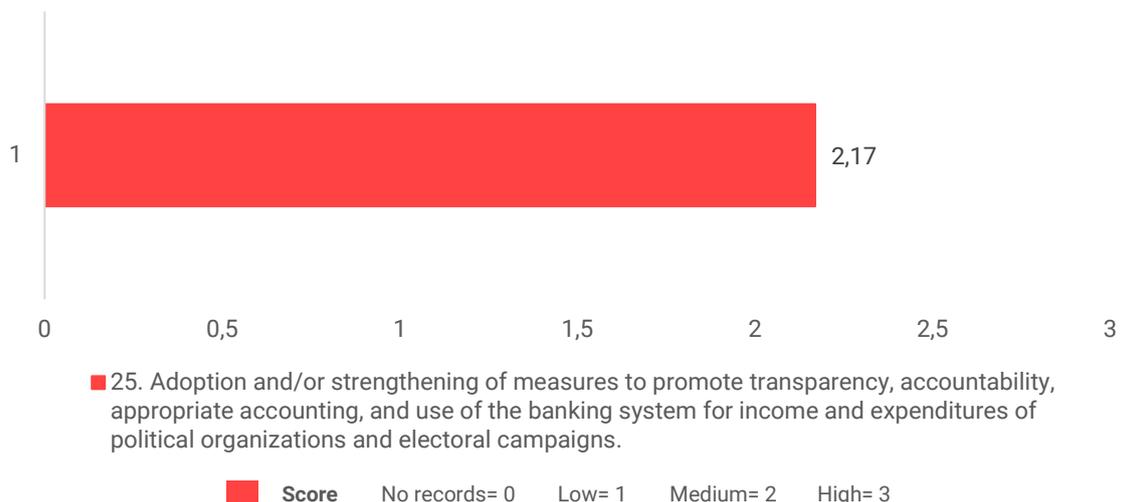
- Regarding commitment No. 22 on the protection of whistleblowers, witnesses and informants of acts of corruption, it is argued that there have been advances at the federal level in the administrative field with the development of tools, such as the Internal and External System of Citizens and Whistleblowers of Corruption, the publication of the Protection Protocol for Whistleblowers of Corruption that considers a methodology and procedures to carry out risk assessment, and the preparation of a draft General Law on Whistleblowers, including citizens. However, there are still no results on the efficiency, operation, or results of these tools. Civil society has denounced that, without a comprehensive reform of public policies and concrete mechanisms for the protection of informants, whistleblowers, as well as indirect victims or witnesses who denounce corruption, no progress can be reported in this commitment.
- With respect to commitment No. 16 on implementing and/or strengthening transparency bodies and access to public information based on applicable international best practices, it was the best rated (1.95/3). The rating indicates that there are mechanisms, formats or channels to monitor compliance with the law on public information since the National System of Transparency, Access to Public Information and Protection of Personal Data has been the space to coordinate a public policy in the matter to consolidate this objective. Likewise, there are autonomous bodies that act mostly to monitor, promote, and guarantee access to government information, such as the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI, by its Spanish initials), which is the autonomous constitutional body, guarantor of compliance with the fundamental rights of access to public information and the protection of personal data, as well as state institutes in the 32 federal entities. Nevertheless, there is still a gap in the action between INAI and state transparency bodies. Also, the use of technologies has been improved through the National Transparency Platform and the system of complaints for non-publication of information. Local organizations have emphasized the need to improve communication and information on basic issues between national and state guarantor bodies, as well as to improve forms of evaluating and monitoring citizens on their actions.

¹⁸ Made up of the Presidency of the Secretariat of Public Function, and members of the Anti-Corruption Prosecutor's Office; the Financial Intelligence Unit (FIU); the Court of Administrative Justice (TJA, by its Spanish initials); SESNA, INAI and the Vice-Presidency of the Governing Board of INEGI.

- Additionally, new reforms have been generated to expand specific transparency obligations, especially for the Federal Judiciary and that of each of the federal entities, where all the judgments they issue must be published, protecting at all times the personal data of the parties. The Congress of the Union and local Congresses must make changes to their laws to establish this as part of the transparency obligations of courts and tribunals. However, this legislation still needs to be harmonized in some states.
- After the pressure to disintegrate autonomous bodies, promoted by the President of the Republic, in states like Oaxaca, in April 2021, an initiative was approved for the extinction of the Institute for Access to Public Information and Protection of Personal Data and the Council for Citizen Participation of the State Anti-Corruption System, to instead create what would be called “Guarantor Body of Transparency, Protection of Personal Data and Good Governance.” On June 1, 2021, the Congress of Oaxaca published the reform to the state constitution by which the disappearance of the IAIP was approved and the Guarantor Body of Transparency, Protection of Personal Data and Good Governance was created.

3. Financing of Political Organizations and Election Campaigns

Graph 4. Result of Commitments Related to Financing of Political Organizations and Election Campaigns.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

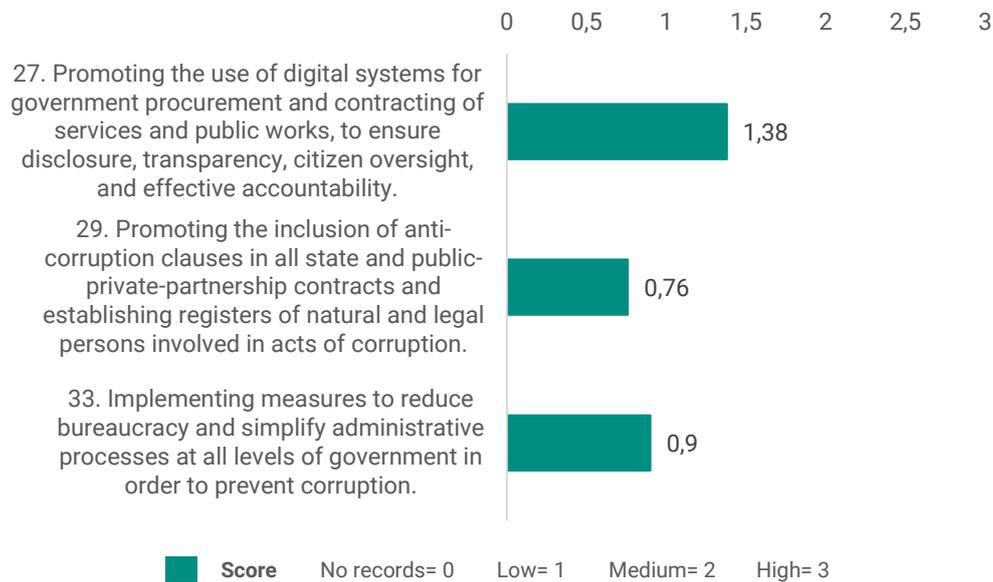
- The political financing axis had a rating of 2.17 out of 3 points due to the degree of institutionality of transparency and accountability procedures in election campaigns and the development of the National Electoral Institute (INE) and state institutes.
- The average weighting of the commitment is attributed to the audit that is carried out during election processes through INE’s online platform, which publishes information

on the accountability and control of campaigns, as well as due to compliance with regulations related to the control of spending on campaigns, as well as the timely exercise of applicable legislation in case of omissions to the reports submitted to the National Electoral Institute. During the latest Ordinary Federal Electoral Process 2021, compliance with judgments issued by the Electoral Tribunal of the Judicial Power of the Federation (TEPJF, by its Spanish initials) was carried out to sanction candidates and parties that committed irregularities.

- Among the areas that need to be strengthened are those related to unobservable spending, resources that are usually undetectable by the mechanisms of the Technical Inspection Unit of the National Electoral Institute. Cash contributions, intended to finance aspects that are not very visible in the campaign, grant access to resources through illicit sources. In response, the national autonomous body has increased its capacity to exercise oversight during elections, and in the 2021 electoral process, it began to collaborate with the Ministry of Finance and Public Credit, through the National Banking and Securities Commission, and the Financial Intelligence Unit, to more efficiently prevent and detect illicit operations linked to electoral processes. Nevertheless, it is necessary to strengthen the investigation and sanctions that derive from the illicit use of resources.
- Another aspect that has been identified as a risk factor for the strengthening of the thematic axis and the commitment in particular is the pressure of the federal executive branch to dissolve the National Electoral Institute, or extinguish its autonomy, through the incorporation into an entity of the federal executive power, which is a national body. Such a change in the electoral model would imply the development of constitutional reforms, where a new legal framework would have to be outlined and whose capacity to effectively regulate the analyzed item is unknown.

4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Graph 5. Results of Commitments Related to Prevention of Corruption in Public Works and Public Procurement and Contracting.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

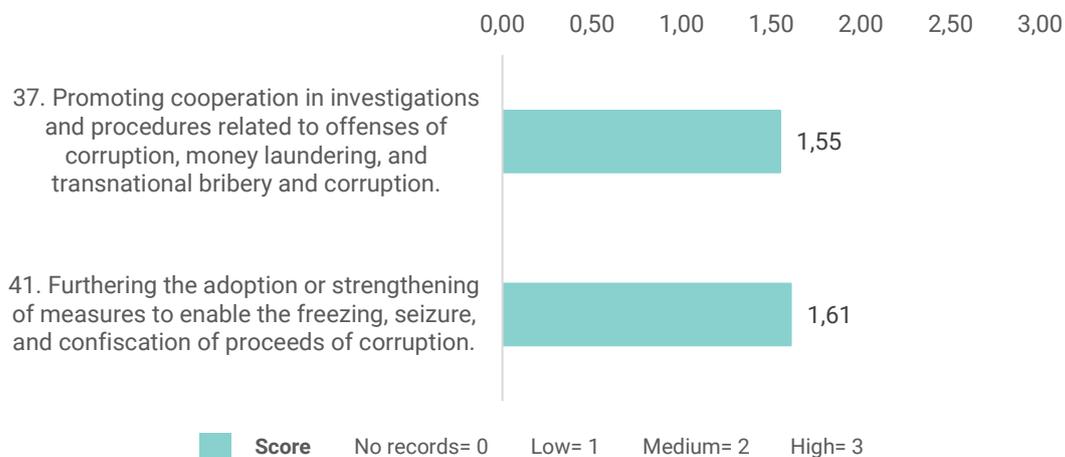
- The three commitments related to the prevention of corruption in public works are: the one that refers to the use of electronic systems for government procurement and contracting, which obtained 1.38 out of 3 possible points; the one that refers to the inclusion of anti-corruption clauses in all State contracts, rated with 0.76 out of 3 possible points; and the one that refers to the implementation of measures for the reduction of bureaucracy, with 0.9 out of 3 possible points.
- Mexico has an electronic system of public procurement procedures, which has been in place since 1996. The purchases reported in Compranet¹⁹ are those procedures, federal and state-wide, that involve federal resources. However, procurement by the United Nations Office for Project Services (UNOPS), incorporated through a recent reform to the Law on Procurement, Leasing and Public Sector Services, or between governments of countries, is not recorded in any electronic system. Although Compranet records the information of the procedures, it is not possible to have real-time information on all contracting stages, from market studies to delivery and audits carried out in each of the processes.
- The commitment with the worst rating on this matter is the one that refers to the inclusion of anti-corruption clauses in all State contracts. The Law on Procurement, Leasing and Public Sector Services and its regulations do not stipulate this obligation.

¹⁹ Ministry of Finance and Public Credit - Compranet <https://compranet.hacienda.gob.mx/web/login.html>

The inclusion of this clause could have the effect of building a register of natural and legal persons linked to acts of corruption and money laundering, and thus avoid public procurement from those who are in such a register. Mexico has a directory of disabled companies. However, journalistic investigations have reported cases in which companies registered in the aforementioned directory have been hired.

5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Graph 6. Result of Commitments Related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

- In terms of international legal cooperation, commitment No. 37 seeks to promote the widest cooperation between judicial authorities, police, prosecutors' offices, financial intelligence units and administrative authorities, in investigations and procedures related to the crimes of corruption, money laundering, bribery and transnational corruption. This commitment achieved 1.55 out of 3 possible points.
- In Mexico, the Coordinating Committee of the National Anti-Corruption System, made up of seven public bodies and the citizens' committee, the General Prosecutor's Office (FGR, by its Spanish initials), the Ministry of Finance and Public Credit (SHCP), and the Financial Intelligence Unit (FIU), are the agencies in charge of cooperating on these issues and must be coordinated in a transversal manner in accordance with the provisions established in the Law on the National Anti-Corruption System. Currently, the Financial Intelligence Unit is part of Egmont Group, a recognized international body that brings together more than 150 Financial Intelligence Units to promote cooperation and the exchange of information on knowledge, impact, and best practices.

- Within the framework of the National Anti-Corruption System, the agreement by which the Coordinating Committee of the National Anti-Corruption System approves the dissemination and releases the Protocol to prevent, detect, investigate, prosecute, and punish International Bribery in any of its modalities was issued. To monitor the purpose of the Protocol, the authorities involved in the prevention, detection, investigation, prosecution, and punishment of bribery by Foreign and National Public Officials may enter into coordination agreements in order to establish mechanisms for cooperation and exchange of information, as well as for the design and execution of training programs on the matter. However, in practice, the mechanisms have not been used to their full potential.
- According to Transparency International's Exporting Corruption Report 2020, for the 2016-2019 period, Mexico ranks among the countries that do not sanction transnational corruption, both in the case of global corporations that do business in Mexico and in the case of Mexican companies that do business abroad. Based on the public information available from the Attorney General's Office, three investigations have been initiated in Mexico during this period; they have not been presented to the judiciary and, consequently, the alleged responsibility or sanction and, therefore, the recovery of assets have not been identified.
- With respect to commitment No. 41, related to the adoption of measures to allow preventive freezing, forfeiture as a result of corruption, it was rated with 1.61 out of 3 possible points. In this regard, the National Anti-Corruption System establishes the principles, general bases, public policies, and procedures for coordination between the authorities of all levels of government in the prevention, detection and punishment of administrative offenses and acts of corruption, as well as in the supervision and control of public resources.
- Recent actions, such as the publication of the National Law on Forfeiture, published in 2019, has aimed to regulate the forfeiture of assets in favor of the State through the Federal Government and Federal Entities, the corresponding procedure; the mechanisms for authorities to administer the assets subject to the forfeiture process and for authorities to carry out the disposition, use, usufruct, alienation and monetization of the assets subject to the process; as well as the criteria for the destination of the goods whose domain is declared extinct in judgment and, where appropriate, the destruction thereof. Nevertheless, its implementation has not been brought to its ultimate consequences. What is new is the institutional obligation to report annually to the Senate on the progress in terms of forfeiture at the national level.
- The federal government adjusted the Service of Administration and Disposition of Assets (SAE, by its Spanish initials) of the Ministry of Finance and Public Credit (SHCP, by its Spanish initials) and turned it into the National Institute to return Stolen Goods to the People (INDEP, by its Spanish initials), which is the agency in charge of giving

destination to goods and companies unproductive for the State and facilitating the purchase of goods from private individuals for citizens, both from public officials in service and former officials, allegedly acquired through illicit activities. However, it is not possible to identify in a timely manner the goods or assets that are seized by acts of corruption and the specific updated information of the resources and their destination. For its part, the Financial Intelligence Unit (FIU) keeps the statistics of frozen assets, and the Tax Administration Service (SAT, by its Spanish initials) carries the statistics on tax evasion and avoidance.

- There has been significant progress in preventive seizures or blockings of bank accounts executed by the Financial Intelligence Unit. Also, a joint strategy between FGR and FIU was recently announced to apply forfeiture to investigations for drug trafficking and corruption. Even so, there is a long way to go to amplify the effectiveness of forfeiture and questions remain about whether these preventive blockings will finally be transferred to the public treasury after a judgment of conviction.

Conclusions

The Lima Agreement was an opportunity to endorse previous international commitments assumed by the Mexican State, as well as to identify scenarios conducive to the discussion, preparation, and implementation of anti-corruption measures in the country. Furthermore, progress and weaknesses are as follows:

Progress in the Fight against Corruption.

The Lima Agreement took place in a context where Mexico came from a series of constitutional reforms in terms of anti-corruption. Since 2018, the following progress can be highlighted:

- Entry into force of the legal reforms that give constitutional autonomy to the General Prosecutor's Office.
- Adjustment in the federal anti-corruption strategy with the inclusion of the Financial Intelligence Unit and the Tax Administration Service of the Ministry of Finance as boosters in the effective control of corruption.

Weaknesses in the Fight against Corruption

- Anti-corruption efforts have focused on the preparation and application of tools that seek to prevent and identify cases of corruption. However, the country has lagged behind in the application of fair sanctions, the recovery of assets diverted by corruption, and the reparation of damage to victims.
- The political discourse of the fight against corruption has gained strength. However, the technical agenda for the implementation of public policies has lagged.



Calls to Action

Within the framework of the follow-up on the progress or fulfillment of the Lima Agreement in Mexico, developed in a participatory manner with different Civil Society Organizations, calls to action to the Government of Mexico in terms of the effective control of corruption stand out:

Reinforcement of Democratic Governance

- Mexico must consolidate its National Anti-Corruption System, mainly at the state level, focusing, on the one hand, on providing results through fair judgments, recovery of diverted assets and reparation of damage to victims; and, on the other hand, on the modification of the legal systems necessary to improve the functioning of the SNA.
- Strengthen and demand more from institutions of the anti-corruption system, especially the Superior Audit Office of the Federation (ASF, by its Spanish initials), the National Institute of Transparency, Access to Public Information and Protection of Personal Data (INAI) and state institutes specialized on the matter.
- Ensure the implementation of regulatory developments. Although legislative instruments become vitally important as they are consolidated as framework instruments for the government's agenda, the issuance of norms is not a sufficient measure to consolidate the effective control against corruption. So, it is necessary for the governments of the three levels of government and the three branches of government to create practical tools for the effective fulfillment of the strategies already considered in the norm.
- Ensure the independence and autonomy of the General Prosecutor's Office, the institutions responsible for the delivery of justice and the units responsible for detecting, investigating, and punishing acts of corruption through effective democratic controls that prevent their selective or political use.
- Apply fair and final judgments and sanctions in cases of corruption crimes, and dismantle the networks related to such cases.
- Citizen participation in the construction, discussion, and implementation of anti-corruption measures. Since the impact of corruption is not focused, it is necessary that the measures implemented by the different levels of government and the three powers consider spaces for citizen participation, both in the construction -to identify the needs- and in the implementation of the measures required for effective control of corruption.
- Include groups in vulnerable situations in the definition of measures to strengthen governance and combat corruption, as well as mechanisms for participation in the definition of anti-corruption measures.





- Work on improving the processes of public appointments to avoid the capture of public office.

Transparency, Access to Information, Protection of Whistleblowers and Human Rights, including Freedom of Expression

- Maintain the political and budgetary independence of high-level oversight bodies, as well as their evaluation and control mechanisms.
- Follow up on and monitor high-level oversight bodies from Congresses, both Chamber of Deputies, state legislatures, and evaluation and control units.
- Keep the autonomy of bodies related to transparency, access to information, organization of electoral processes and transparency, accountability, and oversight of political campaigns.
- Prepare the legal and practical conditions of the institutions of the three Branches of the Mexican State to avoid the suspension of deadlines and guarantee access to rights in emergency situations, such as the pandemic caused by COVID-19:
 - In terms of public procurement and transparency, the publication of the origin and destination of the resources to be implemented in periods of reactivation and economic recovery, as well as the publication of information related to the credit and financial instruments contracted by the federation²⁰.
 - Regarding the monitoring of public resources, the use of constitutional and legal powers of legislative bodies, such as the installation of special commissions, the activation of special audits, and the convening of officials to public appearances²¹.
- Have a comprehensive reform of public policies and concrete mechanisms for the effective protection of informants, whistleblowers, indirect victims, or witnesses who denounce corruption.

Financing of Political Organizations and Election Campaigns

- Strengthen investigation and sanctions related to the illicit use of resources by political organizations and electoral campaigns.
- Preserve autonomy and independence in the organization of electoral processes, mainly of autonomous constitutional bodies in charge on the matter, such as the National Electoral Institute and State bodies.

²⁰ Transparencia Mexicana and Tojil. "#SusanaVigilancia will follow up on the actions and resources exercised by states and the Federation in the transition from the health emergency and the post-Covid period." <https://www.tm.org.mx/susanavigilancia-postcovid-deudaycreditos/>

²¹ Transparencia Mexicana and Tojil. Congresses: are you taking advantage of the figure of special commissions for COVID-19? <https://www.tm.org.mx/susanavigilancia-comisionesespecialesencovid19/>





- Strengthen actions related to the control of non-observable expenditure, mainly cash contributions since they give a guideline to obtaining resources through illicit sources.

Prevention of Corruption in Public Works and Public Procurement and Contracting

- Apply statutory obligations in public procurement and contracting and in terms of transparency at the three levels of government.
- Conduct open contracting at the three levels and powers of government with a common standard, the Open Contracting Standard (EDCA, by its Spanish initials).
- Publish contracting at all levels of government in the form of open and interoperable data, mainly in agreements related to health emergency and post-COVID-19 economic recovery.
- Apply the same standards of transparency and accountability of national legislation to procurement between governments and through international mechanisms.

International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

- Investigate and punish cases of international bribery, both acts of corruption by foreign companies that occurred in Mexico or involving Mexican public officials and acts of corruption involving Mexican companies that occurred abroad.
- Publish and update as open data information on cases, investigations and sanctions related to international bribery.
- Continue to promote cooperation and the exchange of information on knowledge, impact, and best practices in terms of international bribery, organized crime, and money laundering.
- Strengthen mechanisms for stolen assets to be recorded as open data and returned to the State's coffers.
- Apply the already developed *Protocol to prevent, detect, investigate, prosecute, and punish international bribery*.



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- Bohórquez, Eduardo (May 2021). Executive Director, Transparencia Mexicana.
- Camacho, Nancy (May 2021). Executive Secretariat, National Anti-Corruption System.
- Checa, Itzel (June 2021). Coordinator of Observatory, Public Designations.
- González, Romel (April and July 2021). Coordinator of thematic axis Democracy and Development; Training Coordinator, CRIXP.
- López Presa, José (April 2021). Former President, Citizen Participation Committee.
- Miranda, Mariel (May 2021). Project Coordinator, Transparencia Mexicana.
- Moreno, Roberto (May 2021). Head of Risk and Public Policy Unit, Executive Secretariat of National Anti-Corruption System.
- Nieto, Fernando (June 2021). Scientist; Professor at Center for International Studies, El Colegio de México. With the participation of Escalante, Alejandro.
- Pichardo Estrada, Mitzi Alethia (May 2021). Coordinator of Regulatory and International Affairs, Financial Intelligence Unit.
- Salgado Perrilliat, Ricardo (April 2021). Technical Secretary, Executive Secretariat of National Anti-Corruption System.
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Annexes

Annex 1 Rating of the Lima Agreement in Mexico

Table 1. Follow-up Criteria for Commitments related to Reinforcement of Democratic Governance.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
2. Strengthening judicial autonomy and independence following applicable inter-American and universal standards on this matter to promote respect for the Rule of Law and access to justice, as well as to promote and encourage policies of integrity and transparency in the judicial system.	1.50	1.50	1.33	1.44
7. Promoting gender equity and equality and women's empowerment as a cross-cutting goal of our anti-corruption policies, through a task force on women's leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies.	1.00	1.00	1.00	1.00
8. Including different vulnerable groups in defining measures to strengthen governance and combat corruption, recognizing their serious impact on these populations.	0.33	0.17	0.33	0.28
9. Ensuring transparency and equal opportunities in the selection processes of public officials, based on objective criteria, such as merit, equity, and aptitude.	1.17	1.17	1.17	1.17
10. Promoting the adoption of measures to prevent conflicts of interest, as well as the submission of declarations of assets and financial information by public officials, as appropriate.	1.83	1.83	2.20	1.89
11. Furthering codes of conduct for public officials that contain high standards of ethics, probity, integrity, and transparency, using as a point of reference the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas" and urging the private sector to develop similar codes of conduct.	1.83	1.50	1.17	1.50

Table 2. Follow-up Criteria for Commitments related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
13. Continuing to strengthen national anti-corruption measures or systems and enhancing conditions for the effective participation of civil society, social organizations, academia, the private sector, citizens, and other social actors in monitoring government performance, including the development of prevention mechanisms, channels for reporting possible acts of corruption and facilitating the work of watchdogs, including other citizen oversight mechanisms, and incentivizing the adoption of digital means of participation.	1.50	1.17	1.83	1.50
14. Promoting and/or strengthening the implementation of national and subnational policies and plans of open government, digital government, open data, fiscal transparency, open budgeting, digital procurement systems, public contracting, and a public registry of State suppliers, considering towards that end the participation of civil society and other social actors.	1.00	1.29	1.14	1.14
15. Consolidating the autonomy and independence of high-level oversight bodies.	1.17	0.83	1.00	1.00
16. Implementing and/or strengthening of bodies responsible for transparency and access to public information, based on applicable international best practices.	1.83	2.17	1.83	1.94
18. Developing statistics and indicators in our countries for assessing the impact of transparency and anti-corruption policies and advancing government capacity in this field.	1.00	0.83	0.67	0.83
21. Promoting the adoption and/or strengthening of legislative measures to criminalize acts of corruption and related offenses consistent with the United Nations Convention against Corruption (UNCAC), the United Nations Convention against Transnational Organized Crime, and the Inter-American Convention against Corruption (IACAC).	1.33	1.83	1.67	1.61
22. Protecting whistleblowers, witnesses, and informants of acts of corruption from intimidation and retaliatory actions.	1.17	1.00	0.67	0.94

Table 3. Follow-up Criteria for Commitments related to Financing of Political Organizations and Election Campaigns.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
25. Encouraging adoption and/or strengthening of measures to promote transparency, accountability, appropriate accounting, and use of the banking system for income and expenditures of political organizations and parties, especially those related to their electoral campaigns, in order to guarantee the licit origin of the contributions and penalizing anyone involved in accepting illicit contributions.	2.17	1.83	2.50	2.17

Table 4. Follow-up Criteria for Commitments related to Prevention of Corruption in Public Works and Public Procurement and Contracting.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
27. Promoting the use of digital systems for government procurement and contracting of services and public works, to ensure disclosure, transparency, citizen oversight, and effective accountability.	1.57	1.29	1.29	1.38
29. Promoting the inclusion of anti-corruption clauses in all state and public-private-partnership contracts and establishing registers of natural and legal persons involved in acts of corruption and money laundering with a view to ensuring that they are not contracted.	0.86	0.71	0.71	0.76
33. Implementing measures to reduce bureaucracy and simplify administrative processes at all levels of government in order to prevent corruption.	1.29	0.71	0.71	0.90

Table 5. Follow-up Criteria for Commitments related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
37. Promoting the broadest possible cooperation among judicial, police, and prosecutorial authorities, financial intelligence units, and administrative authorities in investigations and procedures related	1.50	1.67	1.50	1.56

to crimes of corruption, money laundering, and transnational bribery and corruption.				
41. Furthering the adoption or strengthening of measures through relevant institutions to enable the prejudgment attachment, seizure, and confiscation of proceeds of corruption.	1.83	1.33	1.67	1.61