

## LEGAL SYSTEM OF MEXICO

Mexico's supreme legal instrument is the Political Constitution of the United Mexican States (referred to hereinafter by the Spanish-language acronym "CPEUM"). According to this document, it is the will of the Mexican people to establish a representative, democratic, federal Republic, comprising of states that are free and sovereign internally but united in a Federation created according to the principles of the Constitution. The basis for the territorial division of the states and of their political and administrative organization is the "free municipality".

With respect to the federal order, the Supreme Power of the Federation is divided, for its exercise, into:

- The Legislative Branch, comprising of a bicameral General Congress – Chamber of Deputies and Chamber of Senators. Because of its importance to the subject matter of this report, special mention is made of the office of the Higher Auditor of the Federation (ASF), which is the Federation's top ranking oversight agency, governed by the Chamber of Deputies (Articles 50 and 79, CPEUM).

- The Executive Branch, in the person of the President of the United Mexican States, is responsible for executing the laws enacted by the Congress of the Union and ensuring their due observance in the administrative arena and for matters of an administrative nature, is supported by the agencies of the Centralized Public Administration – Secretariats of State, Administrative Departments, and legal advisories – as well as the assistance of the entities that make up the Parastate Public Administration – decentralized bodies, corporations with state participation, national credit institutions, national insurance and guarantee institutions, and public trusts (Articles 80, 89:I, and 90, CPEUM). For the purposes of this report, it should be noted that the Centralized Public Federal Administration includes the Civil Service Secretariat (SFP), which is the agency responsible for preventing, detecting, identifying and punishing acts of corruption within the Federal Public Administration, applying to that end the provisions contained in the Federal Law on the Administrative Responsibilities of Civil Servants (LFRASP).

- The Judicial Branch is represented by a Supreme Court of Justice, an Electoral Tribunal, single- and multi-member circuit courts and district courts. The judiciary's function is to resolve disputes in the terms set forth in the Constitution and to interpret the laws enacted by Congress. The administration, oversight, and disciplining of the Judicial Branch of the Federation with the exception of the nation's Supreme Court of Justice, is the responsibility of the Federal Judicature Council (CPEUM, Article 94).

The Mexican State also has public bodies that, because of the tasks they perform, are granted autonomy under the Federal Constitution. These bodies are not a part of the branches of government. Nevertheless, on account of their public nature, they are subject to the legal framework applicable thereto. This is the case of the Federal Electoral Institute (CPEUM, Article 41(III)), the National Human Rights Commission (CPEUM, Article 102(B)), and the Bank of Mexico (CPEUM, Article 28).

With respect to the normative framework, the Government of the Republic permanently strives to ensure that the mechanisms for preventing and combating corruption are kept up-to-date. Of particular note in this regard is the new Federal Law on the Administrative Responsibilities of Civil Servants (LFRASP), the basic purpose of which is to strengthen the prevention of administrative infractions and which offers a series of innovations over the previous Federal Law

of Responsibilities. The law also provides the authorities with new legal instruments whereby they can exercise their disciplinary powers more effectively.

Mexico also has a Federal Law on Transparency and Access to Governmental Public Information (LFTAIPG), together with its corresponding Regulations. Its main objective is to implement a powerful tool for combating corruption by strengthening the system of public responsibilities; this is because the principles of transparency and public openness set out in its provisions are intended to counteract anonymity in the exercise of state functions and help identify the authorities' actions, providing what is necessary in guaranteeing access by all persons to information held by the government's different Branches, autonomous constitutional bodies, and any other federal agencies.

Based on Article 33 of the Federal Law on Transparency and Access to Governmental Public Information (LFTAIPG), the Federal Institute for Access to Public Information (IFAI) was established as a body of the Federal Public Administration, enjoying autonomy in its operations, budget, and decision-making and charged with promoting and disseminating the right of access to information at the federal level, resolving refusals to furnish access to information and protecting personal data held by the offices and entities of the Federal Public Administration. Its nature and specific functions are described in a later section.

Also worthy of note is the recent enactment of the Law on the Professional Career Service in the Federal Public Administration (LSPCAPF). Article 2 of this law provides for the existence of a professional career service as a mechanism to guarantee equal opportunities of access to the civil service based on merit, with the aim of encouraging the development of the civil service for the benefit of society. Thus, the law defines legality, efficiency, objectivity, quality, impartiality, equality and merit-based competence as the basic principles of the professional career service, seeking the professionalization of the civil service in order to secure more capable and suitable civil servants for performing the tasks they are assigned to under their positions.