



+G20 Anti-Corruption Working Group

Accountability Report Questionnaire 2014

SUMMARY OF NATIONAL PROGRESS

1. Please provide a high-level summary of the most significant Anti-Corruption measures or initiatives that your country has introduced or implemented since the last progress report. (maximum 1 paragraph).

The 2013 Progress Report can be accessed at http://en.g20russia.ru/docs/g20_russia/materials.html

1. On December 2013 a major Tax Reform was enacted. Among other provisions, it enhances transparency and promotes modernization of the tax administration.
2. On January 10, 2014 the "Decree amending, supplementing and repealing various provisions in financial matters and the Law to Regulate Financial Groups", the also called "Financial Reform" was published in the Official Gazette of Mexico. One of the most important changes to the financial regulation after the Financial Reform is the obligations for financial institutions to immediately suspend the activities, transactions or services provided to customers or users listed on the Ministry of Finance and Public Credit (SHCP) report list of blocked people, which will be confidential. Such list intends to prevent and detect acts, omissions or transactions presumed to be related with money laundering or terrorism financing.
3. On February 10th 2014, an amendment to various articles of the Constitution of the United Mexican States was enacted. Through this reform it is created the Attorney General of the Republic, whose major advance over the current the Attorney General's Office (PGR by its acronym in Spanish, is the budgetary and operational autonomy granted directly by the Constitution.
4. On March 4th 2014 it was enacted the decree by which the National Code of Criminal Procedures is issued, which shall enter into force throughout the Republic no later than June 18th 2016.
5. On March 4th 2014 it was submitted to the Congress an amendment initiative to Articles 222 and 222 bis of the Federal Penal Code and Article 13 of the Federal Law for the Protection of Persons Involved in the Penal Procedure, regarding the criminal definitions of bribery and bribery of foreign public officials, respectively, and the protection of persons at risk for involvement in criminal procedures.

UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

2. Has your country ratified the UNCAC?

YES NO

If no, is there a process underway to ratify the Convention?

3. Since the last progress report, has your country proposed or implemented any changes to its legislation to comply with the UNCAC?

YES NO

If yes, please provide details.

4. Has your country begun the UNCAC peer review process as a country under review?

YES NO

If yes, please indicate what stage of review your country has completed and the date.

On January 31st 2013 Mexico sent to the Secretariat of the United Nations Office on Drugs and Crime (UNODC), the document your Self-Assessment Checklist on the implementation of Chapter III (Criminalization and Law Enforcement) and IV (International Cooperation) of the United Nations Convention against Corruption.

From August 19-23 of 2013, an on-site visit by assessors from Azerbaijan and Peru, as well as by representatives of the Secretariat of the UNODC, was held in Mexico City in the framework of the activities of the review process of our country.

Currently the Mexican Government is waiting for the UNODC to send the Draft Report of the Evaluation.

5. If yes, has your country made use of any of the UNCAC peer review voluntary options, or committed to do so (if the review is not already started)?

- | | | | |
|---------------------------------|---|-----------------------------|---|
| a. Publication of full report | YES <input type="checkbox"/> | NO <input type="checkbox"/> | COMMITTED TO DO SO <input type="checkbox"/> |
| b. Involvement of civil society | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | COMMITTED TO DO SO <input type="checkbox"/> |
| c. Involvement of business | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | COMMITTED TO DO SO <input type="checkbox"/> |
| d. Allowing country visits | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | COMMITTED TO DO SO <input type="checkbox"/> |

If yes, please provide details (e.g., Web link for published report, how and when civil society / business was engaged during the review process, date of country visit)

During the discussion boards in which was organized the on-site visit to Mexico by the assessor team (August 19-23 2013, Mexico City), two panels were reserved for the exchange of information between the examiners and representatives of civil society and private sector. In these segments, they had the opportunity to give the reviewers their opinion and perspective on the work of the government institutions in the fight against corruption and the actions undertaken to contribute to said objective.

6. Has your country taken steps to respond to recommendations identified in its UNCAC peer review report?

YES YES TO SOME NO NOT YET RECEIVED THE REPORT

If yes, please indicate what steps your country has taken / is taking.

7. If you have responded to all or some of the recommendations, have you made those responses publicly available?

YES NO NOT YET

8. Has your country taken measures to promote, facilitate and support technical assistance in the prevention of and fight against corruption?

If yes, please provide a short overview indicating in which regions and topics you have provided technical assistance.

BRIBERY

Note - questions relating to implementation of the G20 *Principles on the Enforcement of the Foreign Bribery Offence* endorsed by Leaders in 2013 and the OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* are included in a separate questionnaire. The questions below concern other aspects of bribery not covered by this set of principles.

9. Has your country criminalized the domestic offer or payment of bribes (active bribery)?

YES NO

10. Has your country criminalized the domestic solicitation or acceptance of bribes (passive bribery)?

YES NO

11. If no, is your country taking steps to criminalize active and/or passive bribery?

YES NO

If yes, please provide details.

12. Has your country instituted measures to discourage the solicitation of bribes?

YES NO

If yes, please provide details.

To discourage or inhibit bribes or small gifts to public officials (facilitation payments), the Mexican government has implemented the following measures:

- Adjust the regulations so that the behaviors in question are criminally and administratively punished.
- Transform the Attorney General's Office (PGR) in General Attorney of the Republic, which is endowed with autonomy, legal personality and its own assets.
- Create the Special Prosecutor on Offences related to Acts of Corruption.
- Have a monitoring body within the PGR itself, which is the General Inspectorate (VG), with which it is intended that the performance of public servants meets the principles of certainty, legality, objectivity, impartiality, efficiency, professionalism, honesty, loyalty, discipline and respect for human rights.
- Have a monitoring body within the PGR itself, which is the General Inspectorate (VG), with which it is intended that the performance of public officials meets the principles of certainty, legality, objectivity, impartiality, efficiency, professionalism, honesty, loyalty, discipline and respect for human rights.
- Having a specialized unit responsible for investigating crimes related to corruption such as the Special Prosecutor for Combating Corruption in the Institution, attached to the VG.

Next are described each of these actions and how they are related to the fight against corruption, and in particular to the combat of the practice of bribery.

To Adjust Regulations

In Mexico bribery is an offence that is committed when a public official by themselves or through another person, improperly receives or requests for themselves or for another, money or any other gift, or accepts a promise to do or not do something fair or unfair related to their duties or when someone spontaneously gives or offers money or any other gift so that any public official acts or fails fail to carry-out a fair or unfair act related to their duties.

This criminal definition is established in Article 222 of the Federal Penal Code and includes a penalty ranging from three months to fourteen years in prison, from thirty to a thousand fine days and dismissal and disqualification from three months to fourteen years to perform another public employment, position or commission. The penalty will depend on the amount or value of the gift or promise.

The bribery of foreign public officials is also criminalized, and is committed by the person who for the purpose of obtaining or retaining for themselves or for another person undue advantages in the development or conduction of international business transactions, offers, promises or gives, by

themselves or through another person, money or any other gift, either in goods or services:

I. – To a foreign public official or a third party determined by him, for such public official arranges or refrains from arranging the the proceedings or the resolution of matters related to the inherent functions of his job, position, or commission,

II -. To a foreign public official, or a third party determined by him, for such public official arranges the processing or resolution of any matter that is outside the scope of the duties attached to his employment, position or commission, or

III-. To any person to appear before a foreign public official and requires or propose him to carry out the processing or resolution of any matter relating to the functions inherent to employment, position or commission of the latter.

Also, in the framework of the Federal Law of Administrative Responsibilities of Public Officials , the Secretary of Public Service issued the agreement establishing the procedure for the receipt and disposition of gifts, donations or benefits in general, received by the public officials of the Federal Public Administration, which states that the public officials during the performance of their duties and for one year after concluding it, shall not request, receive or accept for himself, goods or services, free or by sale to a lower price than in the regular market, from natural or legal persons whose professional, commercial or industrial activities are directly linked, regulated or supervised by their powers vested in the employment, position or commission, and that involve conflicting interests. This obligation is enshrined in Article 8 , Section XII of the aforementioned Law and its breach gives rise to a procedure and the appropriate sanctions in accordance with the provisions of the same Law.

Transforming the PGR into the Attorney General of the Republic

Regarding the transformation of the PGR in an autonomous body, last February through an amendment to Article 102, Paragraph A of the Constitution of the United Mexican States, it was established the basis for the institution to become an Attorney General of the Republic that will be an autonomous public body with legal personality and assets of its own. With this, benefits are obtained in two important ways, first it is obtained independence in decision making, as well as objectivity and impartiality in the investigation of crimes, helping in the work of reducing impunity, second, it gives an opportunity to change the social perception and to increase public confidence in the law enforcement body. Winning public trust allows that in the moment that a public official attempts to corrupt a citizen, he denounces the conduct for its possible sanctions. A public official who is in an environment, in which misconduct is effectively punished, decreases its intention to commit any irregularity or offence.

Special Prosecutor on Crimes related to Acts of Corruption

On March 12th 2014, it was created within the PGR, the Special Prosecutor on Crimes related to Acts of Corruption which aim is the investigation and prosecution of crimes related to acts of corruption at the federal level, as well as any other crime committed by a federal public official in the performance of their employment, position or commission. The creation of this Special Prosecutor is a measure to improve the combat of the acts of corruption in the Federal Public Administration,

including bribery, once that the existence of a specialized unit in the prosecution of these crimes increases the ability to investigate them and punish them, which prevents that this type of behavior goes unpunished and, therefore, the behaviors are inhibited.

Control Body within the PGR

The PGR has the Inspectorate General (VG) which is a monitoring body of the agents of the Public Prosecutor, the agents of the Federal Ministerial Police, of the ministerial officers, experts and other public officials of the PGR, regarding their functions as auxiliaries of the Public Prosecutor, as well as being responsible for investigating the crimes in which they incur; and performs this task verifying that said public officials fulfill their law enforcement obligations.

In order to reduce corruption within the institution and to discourage the request of bribes and small facilitation payments, the VG conducts the following processes:

- Receives and investigates the complaints and allegations filed against the agents of the Public Prosecutor, police officers, ministerial officials and experts for any possible conduct constituting cause of administrative responsibility and determines the temporary suspension of the public official under investigation, when data appear that suggest the possible commission of a serious administrative offence.
- Practices visits of inspection, supervision, monitoring, investigation and technical- legal assessment to the administrative units and organs of the institution, in order to verify that public officials adjust their performance to the Constitution, laws on the matter and principles of certainty, legality, objectivity, impartiality, efficiency, professionalism, honesty, loyalty, discipline and respect for human rights.
- Gives instructions and technical-legal recommendations to address the deficiencies identified during the visits, and verifies its compliance and monitoring.
- Formulates complaint or reports, as appropriate, for the conducts probably constituting administrative or criminal liability by the public officials of the PGR, of which it has knowledge through visits or investigations.
- Integrates investigation files from complaints and reports that are formulated against the agents of the Public Prosecutor, police officers, ministry officials and experts for possible conducts constituting cause of administrative liability.
- Instructs the removal proceedings of public officials who commit acts qualified as serious and cancels their certificate of public officials of the Institution.
- Integrates preliminary inquiries when the offences are committed by public officials of the PGR assigned to institutions of Mexico City and public officials holding medium to high positions and similar.
- Exercises the power of attraction of the offences committed by public officials that are competence of the Delegations, when appropriate according to the following criteria: by the personal circumstances of the public officials involved, by the presumption of partiality in the investigation, by the institutional, national, regional or social impact that causes the offence; when

the probable benefit exceeds five thousand times the minimum wage and when the circumstances and characteristics of the offence deems appropriate.

FECCI (by its acronym in Spanish)

The VG has the Special Prosecutor for Combating Corruption in the Institution (FECCI) which is responsible for investigating and prosecuting acts related to corruption committed by public officials of the PGR, aiming or translating into an undue benefit or advantage to its author or to another, as in the case of bribery.

In the period from March 2013 to March 2014, the FECCI has obtained the following results in regard to the offence of bribery:

- 58 criminal investigations were initiated and 36 were determined.
- In said period criminal action was exercised in 20 preliminary inquiries, in which 33 people were consigned.

13. Does your country provide support for/work with business in resisting solicitation?

YES NO

If yes, please provide details.

14. Has your country instituted measures to discourage facilitation payments?

YES NO

If yes, please provide details.

All public officials in Mexico, including the employees of the Tax Administration Service (Servicio de Administración Tributaria, SAT), are governed by the Federal Law of Responsibilities of Public Servants and the Federal Law of Administrative Responsibilities of Public Servants. Both laws explicitly prohibit facilitation payments.

Public Servants Responsibilities Law

Article 47. All public officials have the following obligations to preserve the legality, honesty, loyalty, fairness, and efficiency that must be observed in the course of their employment, position or commission.

XV. In the exercise of their functions, abstain to solicit, accept or receive directly or through an intermediary, money, objects obtained at significantly lower price than that in the market, or any donation, occupation, position or commission for themselves or for the persons referred to in section XIII, that proceed from any person or entity whose professional, commercial or industrial activities are directly linked, regulated or supervised by the public official and that may cause conflict of interests. This caution applies up to one year after the public official has left the job,

position or commission.

Similar provision is provided in the Federal Law of Administrative Responsibilities of Public Servants, Article 8 Fraction XII.

The SAT does additional efforts to discourage these behaviours. All new and active public officials (~ 35,000) are compelled to study the tutorial on the Code of Conduct that promotes the institutional values: honesty, respect, commitment, and responsibility. The course also communicates the Code of Ethics of the Federal Public Service that, among other values, promotes: integrity, truthfulness, justice, transparency, and accountability.

ANTI-MONEY LAUNDERING

15. Since the 2013 progress report, has your country taken any measures to implement the revised FATF standards on anti-money laundering?

YES NO

If yes, please provide details.

We have previously reported the publication of the Federal Law for the Prevention and Identification of Transactions with Criminal Proceeds (Ley Federal para la Prevención e Identificación de Operaciones con Recursos de Procedencia Ilícita, LFPIORPI) on October 17, 2012. This Law entered into force on July 17, 2013 and the LFPIORPI's main objectives are:

- (a) to confirm that all financial institutions are subject to an AML/CFT preventive regime,
- (b) to establish that several non-financial activities and professions that are vulnerable to money laundering and terrorist financing in terms of FATF Recommendations and the international experience must also be subject an AML/CFT preventive regime, and
- (c) to restrict the use of local and foreign cash, as well as precious metals, in certain service or purchasing transactions.

Article 12 of the LFPIORPI establishes that competent authorities shall have the authority to issue additional regulation that allows for the adequate implementation of the Law. The Regulations to the LFPIORPI were published on August 16, 2013, and the General Rules to the LFPIORPI were published on August 23, 2013.

The LFPIORPI and its secondary regulation provide the FIU with the explicit authority to issue AML/CFT preventive mechanisms to be enforceable upon the financial sector and non-financial activities and professions that are vulnerable to money laundering and terrorist financing.

Furthermore, the Secretariat of Finance and Public Credit amended the General Provisions applicable to credit institutions, which establish an important part of the AML/CFT legal framework, on April 25, 2014.

16. Since the last progress report, have changes to your country's anti-money laundering legislation been proposed or implemented?

YES NO

If yes, please provide details.

Mexico presented its 7th Follow-Up Report before the Plenary of the Financial Action Task Force at its February 2014 meeting. The enhanced follow-up report provided an overview of Mexico's progress regarding all Core and Key Recommendations that were rated partially or non-compliant in the mutual evaluation report (October 2008). The draft analysis indicated that Mexico has sufficiently addressed all FATF core and key Recommendations.

Based on the actions taken by the Government of Mexico regarding the observations identified in the Mutual Evaluation, the FATF considered that Mexico has reached a level of, at least, Largely Compliant on all Core and Key Recommendations and, thus, has been removed from the FATF follow-up process for the Third Round. This is relevant to the implementation of the revised standards, to be assessed under the Fourth Round of Mutual Evaluations, as the relevant measures included in Core and Key recommendations have been carried forward to the new revised Recommendations. This provides Mexico with an already high standard regarding its AML/CFT regime to build upon, thus ensuring that issues that remain important under the revised standards are already covered.

DENIAL OF ENTRY

17. Have any changes to your country's legislation, regulations or powers to deny entry to foreign officials charged with or convicted of corruption offences been proposed/implemented since the last progress report?

YES NO

If yes, please provide details.

If no, is such legislation under consideration?

YES NO

If yes, please provide details.

INTERNATIONAL COOPERATION

18. Is your country's administration of mutual legal assistance consistent with the G20 High Level Principles?

YES NO

If your country's approach is not yet consistent, are you taking steps to implement the Principles?

YES NO

If yes, please provide details.

[Empty text box]

19. Are you aware of your country having used one or more of the G20 country Guides to Mutual Legal Assistance?

If yes, please provide details.

[Empty text box]

20. Are you aware of non-G20 members having used the G20 Guide to Mutual Legal Assistance to request mutual assistance from your country?

If yes, please provide details.

[Empty text box]

21. Have any changes to your country's legislation related to international cooperation been proposed since the last progress report?

YES NO

If yes, please provide details.

[Empty text box]

22. Has your country either used UNCAC, or stated that it will allow the use of UNCAC, as the treaty basis for mutual legal assistance (MLA) and/or extradition?

- a. Has used as the treaty basis for MLA YES NO
- b. Will allow use as the treaty basis for MLA YES NO
- c. Has used as the treaty basis for extradition YES NO
- d. Will allow use as the treaty basis for extradition YES NO

23. Do domestic authorities in your country cooperate and share information with the integrity offices of international organizations?

- a. Cooperate and share information
- b. Could cooperate, but has not been asked
- c. Cannot cooperate

If you cannot cooperate, please provide details.

[Empty text box]

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Comment [1]: In November 2013 it was received in the General Direction of International Procedures (DGPI) of the PGR, a request for legal assistance (passive) made by the Federative Republic of Brazil by the office of corruption; under which, the Requesting State invoked the UN Convention against Corruption (UNCAC) as legal framework.

It must be stressed that this request was successfully attended by the competent authorities.

24. Has your country designated an appropriate authority responsible for mutual legal assistance and law enforcement requests relating to asset recovery (a point of contact)?

YES NO

If yes, to which organizations:

- a. UNODC
- b. StAR/Interpol Focal Point Initiative
- c. Camden Asset Recovery Network
- d. Other(s)

If yes to 'Other(s)', please provide details.

Asset recovery

ASSET RECOVERY

25. Does your country have legislation allowing for asset recovery by foreign authorities or is such legislation proposed?

YES NO

If yes, please provide details.

In Mexico, the ideal legal figure for the recovery of assets is the non-conviction based forfeiture, said action will be executed when the goods are abroad or subject to the jurisdiction of a foreign State and is necessary for Mexico the action of non-conviction based forfeiture; or when a foreign Government needs to exercise in this country said action; in both cases the procedure will be performed by means of international legal assistance and in accordance with the provisions of Articles 63 to 70 of the Federal Law of Non-Conviction Based Forfeiture, regulatory of Article 22 of the Constitution of the Mexican United States.

It is important to note that currently, the application of that law is limited since it can only be used in the case of objects, tools or proceeds related to the following offences: organized crime, crimes against health, human trafficking, kidnapping and vehicle theft.

26. Has your country established a specialist/dedicated unit for the recovery of the proceeds of corruption?

YES NO

If yes, please provide the name of the specialist unit and contact details.

27. Does your country publish or otherwise make publicly available details of amounts frozen, seized, recovered or returned?

YES NO

If yes, please provide details.

28. Is your country providing technical assistance to developing countries aimed at helping the recovery and return of proceeds of corruption?

YES NO

If yes, please provide details.

TRANSPARENCY OF LEGAL ENTITIES

29. Does your country have transparency requirements for legal persons, including companies, bodies corporate, foundations and partnerships?

YES NO

If yes, please provide details.

30. Does your country require that the beneficial ownership and company formation of all legal persons organized for profit be reported by the legal person?

YES NO

If yes, to whom is it reported?

31. If yes, is this information available to the public?

YES NO

32. If this information is not available to the public, is it available to law enforcement?

YES NO

WHISTLE BLOWER PROTECTION

33. Does your country have legislation to protect whistleblowers:

a. In the public sector YES NO

b. In the private sector YES NO

34. Have changes to whistleblower protection legislation been proposed or implemented since the last monitoring report?

YES NO

If yes, please provide details.

On March 4th 2014 it was presented before the Union Congress an amendment Initiative to Article 13 of the Federal Law for the Protection of Persons Involved in the Criminal Procedure, relating to the protection of persons at risk for participating in criminal procedures. This amendment intends that the whistleblower protection applies not only in cases of serious crimes or organized crime, but also when the provisions of international treaties to which the Mexican government is a party, expressly establish the obligation to provide such protection. With this modification, the aforementioned law would also apply in cases of corruption offences, such as foreign bribery.

35. Since the last progress report, has your country implemented any measures to protect journalists reporting incidents of corruption?

If yes, please provide details

While the following information includes data previous to the requested by the G-20, it is considered important that the Group's is aware of it, since in previous questionnaires it was not required information on the protection of journalists who report incidents of corruption:

As background, the Attorney General by the agreement A/118/03, established the institutional guidelines to be followed both by the agents of the Public Prosecutor and the federal police investigators, regarding the conditions to be met as measures to protect journalists when they are required as witnesses in the integration of a preliminary investigation; the agreement A/136/05 issued the general guidelines to be observed by the State Delegations of the Institution for the attention of crimes against journalists.

On February 15th 2006 through the agreement A/031/06 of the Attorney General it was created the Special Prosecutor for the Attention of Crimes against Journalists (FEADP by its acronym in Spanish) to prosecute the offences committed in the exercise of journalism, the same that on July 5th 2010, it was replaced by the agreement A/145/10 with which the Special Prosecutor for the Attention of Crimes against Freedom of Expression (FEADLE by its acronym in Spanish) was created. This Special Prosecutor was granted with larger powers and responsibilities than to its predecessor, to coordinate and supervise the investigations and, where appropriate, the prosecution of crimes committed against those exercising journalism.

The constitutional amendment on human rights, published in the Official Journal of the Federation (DOF) on June 10th 2011, indicates the obligation of all the authorities, within the scope of its

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Comment [2]: The Federal Law for the Protection of Persons Involved in Criminal Procedures, published in the Official Journal of the Federation on June 8th 2012, applies to victims, plaintiffs, witnesses, cooperating witnesses, experts, police officers, prosecutors, judges and members of the judiciary, who have effectively collaborated in the investigation or in the process and others whose relationship is by blood or close to those mentioned. However, it should be noted that such legislation is applicable to the cases of people related to a criminal procedure regarding serious offences (corruption offences are not classified as serious) or organized crime.

powers, to promote, respect, protect and ensure the human rights in accordance with the principles of universality, interdependence, indivisibility and progress. Consequently, the State must prevent, investigate, punish and redress human rights violations in the terms established by law. Likewise it states that the interpretation of those norms at all times promote the broadest protection of individuals.

On May 25th 2012, through the agreement A/109/12 issued by the Attorney General, by which the agreements A/024/08 and A/145/10 are amended and added, the FEADLE attachment was modified from the Office of the Deputy Attorney for Human Rights, Attention of Victims and Community Services, in order to exercise the powers granted under the Constitution of the Mexican United States and the compliance with international instruments in this matter and other applicable provisions.

On June 25th 2012, it was published in the DOF, the Decree adding the second paragraph of section XXI of Article 73 of the Political Constitution, which empowers the federal authority to know and investigate ordinary crimes when they are related to federal crimes or crimes against journalists, persons or facilities that affect, limit or impair the right to information or freedom of expression or press.

On the same date, it was published the Decree that issued the Law for the Protection of Persons Defenders of Human and Journalists Rights, in which participated the Attorney General's Office and which objective is to establish the cooperation between the Federation and Federative Entities to enforce and operate measures that guarantee the life, integrity, liberty and safety of people who are at risk due to the defense and promotion of human rights and the exercise of freedom of expression and journalism.

This law creates a Protection Mechanism for Persons Defenders of Human and Journalists Rights in order to protect the State responsibility of protecting, promoting and warranting human rights.

Subsequently, on November 30th 2012, it was published in the DOF the regulation of this law, through which are established the operation, coordination, organization and procedures to be met by the organisms, institutions and the Attorney General's Office, which are involved in the implementation of the Mechanism for the for the Protection of Persons Defenders of Human and Journalists Rights, operated by the Ministry of Interior and is composed by the Board of Governors, an Advisory Council and a National Executive Coordination

On the other hand FEADLE , in order to comply with the Federal Constitution, international treaties and applicable regulation on human rights and protection of freedom of expression, created in November 2012 the Early Warning System (SAT / FEADLE), which aim is, among others, to contribute to the management and monitoring of the precautionary measures granted by the Public Prosecutor of FEADLE in favor of direct and indirect victims of crimes against freedom of expression , before the Mechanism for the for the Protection of Persons Defenders of Human and Journalists Rights; as well as teaching courses on prevention of crimes against freedom of expression for journalists and public prosecutors offices or prosecutors in the states.

Also, the National Development Plan 2013-2018 sets as a target , "Bringing Mexico to its full

potential " through five National Goals , the first of which is a " Mexico in Peace" which is achieved ensuring respect and protection of human rights; an effective, expeditious and impartial Justice System; and prevent crime and strengthen the institutions.

In this sense, on May 3rd 2013 , was published in the DOF a decree amending and supplementing various provisions of the Federal Code of Criminal Procedure, of the Organic Law of Judicial Power of the Federation of the Organic Law of the Attorney General's Office and the Federal Penal Code; this being the secondary legislation regulatory of Article 73 section XXI of the Constitution, which is a major advance on the matter, under the circumstances establishing that the Public Prosecutor exercises its power of attraction of offences of ordinary courts, committed against journalists , persons or facilities that affect , limit or impair the right to information or freedom of expression or press.

In the framework of the National Law Enforcement Program 2013-2018, published in the DOF on December 16th 2013, the investigative activity in the FEADLE develops through Rapid Response Cell, comprised of various stakeholders: prosecutors, Federal Ministerial Police and experts. This has allowed the rapid, timely and professional attention on the integration of the investigations related to offences against freedom of expression.

PROCUREMENT

36. Does your country publish online any of the following?

a. Procurement laws and policies including any legislation defining the use of exceptions YES NO

b. Selection and evaluation criteria YES NO

c. Awards of contracts and modifications of contracts YES NO

Please provide details.

In the address <http://www.funcionpublica.gob.mx/unaopsf/unaop1.htm> is posted all the legislation on public procurement.

Is important to notice that there is a methodology of evaluation of proposals, applicable when using the mechanism of points or percentages, which are included in the "guidelines for the application of the criteria of evaluation of proposals through the mechanism of points or percentages in procurement procedures", which can be consulted in the formerly designated e-mail address. Based on these guidelines, the specific criteria are defined by public bodies for each procurement of goods, services and works.

The concept of awards of contracts does not exist in the Law of Acquisitions, Leases and

Services of the Public Sector Act and the Public Works and Related Services, however they foresee the possibility of instrumentalities and entities of the Federal Public Administration to determine amounts less than the guarantees of contracts that should be given to suppliers and contractors taking into account this background of contracts of the same. At that point, the 'guidelines for the reduction of the amount of guarantees of compliance should constitute the suppliers and contractors' need guidelines so that based on the favourable record of compliance of suppliers and contractors, they can reduce the amounts of the guarantees of fulfilment of contracts which have agreed. He currently works in the systematization of this benefit to suppliers and contractors, through the development of a module incorporated into CompraNet, which is the electronic tool that integrates the information from public procurement.

The modifications to the contract are incorporated by agencies and entities that subscribe them to CompraNet, conceived by the laws of matter as the electronic system of government public information about acquisitions, leases, services, public works and services related to the same.

37. Since the last progress report, have any new initiatives to promote public procurement transparency and integrity been proposed or implemented?

From April 2013, the following advances have been obtained:

- Implementation in CompraNet of the functions established by the law on public-private partnerships, to make public information concerning the federal public-private partnership projects.
- Incorporation of strategies and lines of action in the field of public procurement in the special program called "Program for a close and modern government 2013-2018" (*Programa para un Gobierno Cercano y Moderno*), compliance with which is mandatory for public organizations.
- Realization of actions with civil society to comply with open government initiative.
- Development of a module of KPIS (Key Performance Indicators) CompraNet compliance record.

If yes, please provide details.

In November 2013 was put into operation an electronic module which functionalities are implemented in CompraNet, which tells you the law of PPPs, same which allows you to have the information for the public in general the data needed to fully identify the operations carried out through the scheme of associations-private and allow analysis on the feasibility of the project; information to identify the annual programmes in the field of instrumentalities and entities; unsolicited projects; documents generated in the procedures of public tender for the award of projects; the single registry of developers, and data of corresponding contracts and their modification agreements.

In August 2013 was issued the program to a close, modern government 2013-2018, which is

given to learn, among other things, the national strategy to improve public management, through obtaining better conditions in the procurement of goods, services and public works. In this program were established two goals of compliance for public entities, to effect of contributing to the strengthening of the system of public procurement in the area of competence and administrative efficiency:

- 70% of competitive procedures (public tenders and invitations to when at least three people) are able to receive proposals electronically through CompraNet (mixed and electronic procedures).
- Carrying out at least 2 strategies of procurement (contracts, subsequent offers of discount or consolidated purchases) annually.

Derivative works that during 2013 were held between the Government, civil society and academia in the field of public procurement, established two commitments to cooperation within the framework of the Open Government Partnership:

- Incorporate CompraNet further information regarding the procurement in accordance with the principles of open government.
- Evaluate the performance of the entities and organizations in public procurement.

During the present and next year, will work in the fulfilment of these commitments, as well as the mitigation of the possible risks associate.

Currently Mexico is working on the systematization of a CompraNet module to measure the degree of compliance of the contracts signed by suppliers and contractors in public bodies, which will be released to all citizens the behaviour, performance, and compliance of companies that provide goods and services to the Federal Government, as well as those suppliers and contractors to concerned the reduction of your warranty, serving in this way transparency and promotion of competition.

38. Are there regulations and procedures for public procurement officials to govern conflicts of interest?

YES NO

If yes, please provide details.

39. Are companies that have been found to be involved in corrupt contracting practices excluded from future participation in public tenders?

YES NO

If yes, please provide details.

40. If yes, is the debarment list of International Financial Institutions taken into account?

YES NO *

*Although the relationship of companies excluded from participating in future tenders is disseminated publicly and is therefore likely to be known by the International Financial Institutions, it is unknown to what degree is taken into account by them.

41. Are the names of companies excluded from future participation in public tenders made publicly available?

YES NO

If yes, please provide details.

DISCLOSURE BY PUBLIC OFFICIALS

42. Does your country require disclosure by public officials of:

- | | | |
|--------------------------|---|--|
| a. Income | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| b. Assets | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| c. Conflicts of interest | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| d. Gifts | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| e. Other | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

If yes, please provide details.

In accordance with the provisions of Article 8, Section XV, 36, 37, 38 and 39 of the Federal Law of Administrative Responsibilities of Public Officials, public officials required to file his disclosure of financial position, declared among other things, the income received by their public position, the movable and immovable property as part of their heritage.
Also, public servants are impeded from receiving goods or services involving conflict of interests, in accordance with Articles 8, Section XII and 45 of the Federal Law of Administrative Responsibilities of Public Officials.

PUBLIC OFFICIALS' IMMUNITIES

43. Does your country provide immunities from prosecution to individuals holding public offices for corruption related offences?

- a. All public office holders YES NO
- b. Certain public office holders YES NO
- c. No immunities available to public office holders YES NO
- d. While in office YES NO
- e. Permanently YES NO

If yes, which public office holders are immune and if immunity is limited, please explain.

In Mexico exists the figure of immunity, which according to its genesis, it's a privilege given to certain public officials to hold the balance in the powers of the State, in democratic regimes and to safeguard them from any unfounded accusations, so it is necessary to promote against the public official with the immunity, the called "trial of origin", in order to remove him from his job and begin a criminal procedure against him for the crime he is charged with.

In accordance with the provisions of Articles 13 and 61 of the Constitution, the only constraint that might exist to effectively proceed with the investigation and prosecution, are the war privileges (to the responsible for crimes and infractions against military discipline) and constitutional privilege (for Deputies and Senators) and the constitutional of high officials of the executive, legislative and judicial branch of the Federation and States.

The constitutional privilege constitutes a limitation to the exercise of penal action, which can be overcome by the origin declaration or removal of immunity, under Article 111 of the Federal Constitution in order to criminally proceed against the public officials mentioned in said provision, for the commission of offences committed during the time of his order

The effect of the declaration of origin against the public officials would be to separate him from his assignment while he is under a criminal procedure. If it ends in acquittal, the public official can have its position again. If the person was declared guilty and it was a crime committed during the performance of his duty, there won't be a clemency.

No origin declaration will be required from the Chamber of Deputies when any of the mentioned public officials commits a crime during the time in which he is separated from his duties.

EDUCATIONAL INITIATIVES

44. Is your country involved in any of the following international anti-corruption educational initiatives?

- International Anti-Corruption Academy YES NO
- UNODC Anti-Corruption Academic Initiative YES NO
- Other international anti-corruption educational initiative(s) YES NO

If yes, please provide details.

Mexico signed the Agreement Establishing the International Anti-Corruption Academy (IACA) as an International Organization on September the 2nd 2010, it was published in the Official Journal of the Federation (DOF) on June 22nd 2011 and entered into force on December 13th 2011.

45. Does your country provide anti-corruption educational/training programs for officials, including public office holders?

YES NO

If yes, please provide details.

According to recommendations made by the OECD Working Group on Bribery, related to the training of tax auditors, several SAT's administrative areas carried out commendable efforts to train relevant public officials. For instance, the General Administration for Federal Fiscal Audits (AGAFF) has trained in the period 2008-2013 more than 11,000 public officials on detection of foreign and domestic bribery. The 2013 training included the new OECD Bribery and Corruption Awareness Handbook for Tax Examiners and Tax Auditors (published in 2013), and for the first time public officials from the General Administration of Evaluation (AGE) participated in the training. Also, the OECD Handbook was translated to Spanish in order to be distributed among tax auditors from AGAFF.

In the same fashion, since 2012 to date, the General Administration of Large Taxpayers (AGGC) instructed nearly 1,000 relevant public officials (Auditing, Regulation, Litigation, and Strategic Coordination areas) on "Detection of Domestic and Foreign Bribery". The main aim was to inform the obligation to report acts of domestic or foreign bribery, to generate awareness on the foreign bribery crime, and to teach applicable techniques on detection of bribery cases.

Additionally, AGE is developing a project to include a tutorial on corruption and its consequences to be mandatory for all new and active SAT's public officials, which will be launched in the second half of 2014.

Is important to mention that also the PGR carries out different training activities for all the employees (administrative, police, ministerial and expert), in order to ensure that the activities undertaken are governed by the principles of legality, objectivity, efficiency, professionalism, honesty and respect for human rights.

An example of this, is the "Course on Foreign Bribery", held in Mexico City on October 29th and 30th 2013, which was mainly directed to the Agents of the Public Prosecutor assigned to the Specialized Crimes Committed by Public Officials Unit and against the Administration of Justice (UEIDCSPCAJ) of the Deputy Attorney Specialized Investigation of Federal Crimes (SEIDF).

The objective of this course, taught by national and international experts, was to provide to 43 agents of the Public Prosecutor and 15 public officials of administrative units competent in this issues, with theoretical and practical tools to improve capabilities of detection, investigation and prosecution of the offence of foreign bribery.

46. Does your country or business associations in your country promote anti-corruption training for the private sector?

YES NO

If yes, please provide details.

47. Has your country disseminated G20 products and documents developed by the group with relevant domestic authorities?

YES NO

If yes, please provide details.

JUDICIARY

48. Has your country taken any measures to promote and disseminate the Bangalore Principles for Judicial Integrity?

If yes, please provide details

Although the only promotion that it's been given to the Bangalore Principles by the Supreme court of Justice has been their publication on the institution's website, but also, there are many programs about de independence, delivering reports, correction, impartiality and integrity of the judges. In the next answer we will explain more about them.

49. Has your country taken other measures to promote the accountability and independence of the Judiciary?

If yes, please provide details

President of the Supreme Court of Justice, minister Juan N. Silva Meza in his work report 2013 noted that the requirement of judicial independence and autonomy as a precondition has the obligation to comply with all concerned to improve public service delivery of justice is done facing our society.

Dissemination policy and proactive transparency, has been a constant. In the Supreme Court of Justice has strengthened the institutional support to the Judicial TV channel, which is already a must for anyone interested in pursuing discussions regarding Live Plenum.

Throughout this year, the Supreme Court of Justice resolved many issues, some of which merited more attention from the public. Given the interest and opinion that many of these decisions aroused in society, it is appropriate to emphasize that the Supreme Court is and will always be open to receive and evaluate the views make our work from the public.

Another survey tool, transparency and reliable information on issues of human rights, gender justice and implementation of reforms in criminal matters, injunction and human rights, the Supreme Court updated its 2 microsites created for this purpose: the Coordination of Counselling and Human Rights of the Presidency of the Supreme Court, which recorded 190.225 visits during the reporting period; and the Gender Equality Unit of the Supreme Court. Meanwhile, the website of the High Court recorded a total of 7'037, 579 visits made in that period.

To strengthen the performance of the institutional responsibilities for transparency, access to information, protection of personal data and files, the Committee on Access to Information and Protection of Personal Data of the Supreme Court of Justice held a meeting on 17 occasions through which, resolved 97 classifications and 27 executions. For its part, the Liaison Unit received and processed 50,425 requests for access to information, of which 48.233 were answered and 2,192 on summary procedure by ordinary process.

In addition, 1,732 inquiries from members of the Judicial Power of the Federation were answered; free and compulsory disclosure of information set out in response to requests for 1,427 persons deprived of their liberty; 34 technical visits were made to access modules information installed in 30 houses of the Legal Culture of different cities and 4 modules of information access were installed in various itinerant Jurisdictional bodies inside the country, with an influx of 1,596 people.

On judicial ethics, the Plenum of the Supreme Court of Justice has established the Institute of Jurisprudence Research and Promotion and Dissemination of Judicial Ethics, which since its launch has endorsed the commitment that the Supreme Court itself Mexican society has to contribute in building a solid, efficient, reliable and ethical judiciary that guarantees each of its acts, effective update of justice, indispensable value for real and effective community development.

The Institute has among its main objectives the following:

1. Conduct research on the origin, approach, discussion and adoption of the jurisprudential thesis and isolated more importance in society, issued by the courts, especially the Supreme Court of Justice and the Circuit Courts and organize, promote and publish studies on these topics, and

2. To promote, develop and disseminate studies and programs on the values, ethical principles and virtues of the judge, mainly contained in the Code of Ethics of the Judicial Power of the Federation; propose and, where appropriate, coordinate the establishment of institutional linkages on these values with other national and international organizations issues and the Code of Ethics of the Judicial Power of the Federation contains much of the securities covered by the Bangalore Principles of Judicial Conduct. The website of this institute, where you can find more information about it is: <http://www.sitios.scjn.gob.mx/instituto/>

SECTOR-SPECIFIC TRANSPARENCY INITIATIVES

50. Is your country supporting or implementing any sector-specific initiatives?

Extractive Industries Transparency Initiative (EITI)

Implementing

YES

NO

Support

YES

NO

Construction Sector Transparency Initiative (CoST)

Implementing

YES

NO

Support

YES

NO

Other (specify below)

Implementing

YES

NO

Support

YES

NO

Please provide details on other sectoral initiatives supported by your country, or domestic measures taken in relation to specific sectors.

51. Does your government have integrity pacts with the business sector?

YES

NO

If yes, please provide details.

FISCAL AND BUDGET TRANSPARENCY

52. Has your country taken steps to implement the IMF Good Practices in Fiscal Transparency?

YES

NO

If yes, please provide details.

Mexico has implemented the IMF budgetary structure and has presented a budget transparency website (www.transparenciapresupuestaria.gob.mx). This website presents detailed information on income an expenditure, as well as macroeconomic projections.

Statistics are presented in open data formats and are updated in a monthly basis or every trimester or with the quarterly reports (<http://www.transparenciapresupuestaria.gob.mx/ptp/contenidos/?id=5>).

Another important step taken is the publication of budgetary information in citizen language. In this regard, since 2011 and 2012 respectively, Mexico has presented de "Citizen Budget" (<http://www.transparenciapresupuestaria.gob.mx/ptp/ServletImagen?tipo=pdf&idDoc=934>) and the "Executive Budget Proposal" (<http://www.transparenciapresupuestaria.gob.mx/ptp/ServletImagen?tipo=pdf&idDoc=887>) in citizen language according to international standards. In addition, since 2013 Mexico started publishing the "Year-end Report: Citizen Version" (EG. 2014: <http://www.apartados.hacienda.gob.mx/ptp/cpc/2013/index.html>).

53. Has your country taken steps to implement the OECD Best Practices on Budget Transparency?

YES NO

If yes, please provide details.

See question above.

Thank your for your time in completing this questionnaire.