

Mexico

Western Hemisphere / **Central America**

CAPITAL Mexico City	TERRITORY 1,943,950 km ²	POPULATION (2020) 128,932,753.00	GDP TOTAL (2020) \$1.076T USD	GDP PER CAPITA (2020) \$8,346.70 USD	INCOME GROUP Upper middle income
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Convention Implementation

69.7

In progress

7th of 31 western hemisphere
2nd of 8 Central American countries

Prevention

65.4

In progress

Criminalization and law enforcement

63.9

In progress

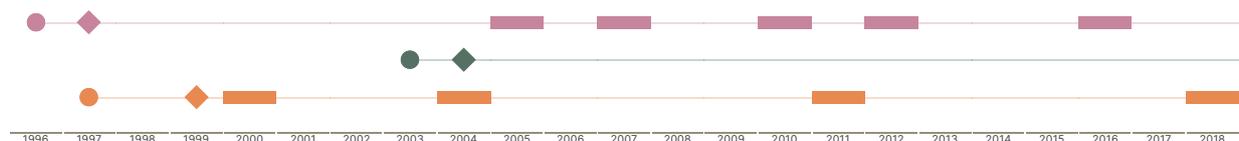
International cooperation

82.2

Implemented



Anti-corruption conventions timeline



CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

Prevention

In progress

65.4

✓ Adoption 82.5 ✎ Design 78.3 ⌚ Enforcement 78.3

Standards of Conduct In progress 66.4 ✓ 50.0 ✎ 83.3 ⌚ 83.3	Enforcement of Standards of Conduct In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Training of Public Officials In progress 50.0 ✓ 75.0 ✎ 66.7 ⌚ 66.7	Asset and Conflicts of Interests Declarations In progress 71.1 ✓ 75.0 ✎ 83.3 ⌚ 83.3	Transparency in Government Contracting Core-deficient 43.0 ✓ 50.0 ✎ 50.0 ⌚ 83.3
Elimination of Favorable Tax Treatment In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Oversight Bodies In progress 59.4 ✓ 75.0 ✎ 66.7 ⌚ 83.3	Measures to Deter Domestic and Foreign Bribery In progress 53.1 ✓ 100.0 ✎ 66.7 ⌚ 66.7	Encouraging Participation by Civil Society Implemented 85.9 ✓ 100.0 ✎ 100.0 ⌚ 83.3	Study of Other Preventive Measures Implemented Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0

Criminalization and law enforcement

In progress

63.9

✓ Adoption 75.0 ✎ Design 64.7 ⌚ Enforcement 86.7

Protection of Those who Report Acts of Corruption Core-deficient 35.9 ✓ 50.0 ✎ 33.3 ⌚ 100.0	Scope No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Jurisdiction: Offense-in-Territory Implemented 82.8 ✓ 75.0 ✎ 83.3 ⌚ 100.0	Jurisdiction: Offense-by-National In progress 64.1 ✓ 50.0 ✎ 66.7 ⌚ 100.0	Jurisdiction: Offender-in-Territory In progress 50.0 ✓ 50.0 ✎ 50.0 ⌚ 100.0
Passive Public Bribery Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Active Public Bribery Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Abuse of Functions In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Money Laundering In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0	Participation and Attempt Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Active Foreign Bribery In progress 50.0 ✓ 75.0 ✎ 66.7 ⌚ 66.7	Illicit Enrichment In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Use of State Property Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Illicit Acquisition of a Benefit In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Public Embezzlement Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0
Passive Foreign Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Bribery Core-deficient 21.9 ✓ 50.0 ✎ 33.3 ⌚ 50.0	Private Embezzlement In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Obstruction of Justice In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0	Liability of Legal Persons Core-deficient 43.0 ✓ 50.0 ✎ 50.0 ⌚ 83.3
Statute of Limitations In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Prosecution, Adjudication and Sanctions In progress 68.8 ✓ 75.0 ✎ 66.7 ⌚ 100.0	Consequences and Compensation Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Cooperation With Law Enforcement In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Asset Recovery In progress 64.1 ✓ 50.0 ✎ 66.7 ⌚ 100.0

International cooperation

Implemented

82.2

✓ Adoption 86.7 ✎ Design 86.7 🔄 Enforcement 94.4

Assistance Without Criminalization
Implemented
85.9
✓ 100.0 ✎ 100.0 🔄 83.3

Inclusion in Extradition Treaties
Implemented
82.8
✓ 75.0 ✎ 83.3 🔄 100.0

Convention as Legal Basis for Extradition
Implemented
85.9
✓ 100.0 ✎ 100.0 🔄 83.3

Automatic Application Without Treaty
In progress
71.1
✓ 75.0 ✎ 83.3 🔄 83.3

Prosecution Without Extradition
In progress
50.0
✓ 50.0 ✎ 50.0 🔄 100.0

Custody
Implemented
100.0
✓ 100.0 ✎ 100.0 🔄 100.0

Assistance
Implemented
78.1
✓ 50.0 ✎ 100.0 🔄 83.3

Impossibility of Claiming Bank Secrecy
Implemented
85.9
✓ 100.0 ✎ 100.0 🔄 83.3

Limited Use of Information
Implemented
85.9
✓ 100.0 ✎ 83.3 🔄 100.0

Nature of Act
Implemented
100.0
✓ 100.0 ✎ 100.0 🔄 100.0

Designate Central Authorities
Implemented
100.0
✓ 100.0 ✎ 100.0 🔄 100.0

Responsibilities of Central Authorities
Implemented
100.0
✓ 100.0 ✎ 100.0 🔄 100.0

Communication Between Central Authorities
Implemented
100.0
✓ 100.0 ✎ 100.0 🔄 100.0

Special Investigative Techniques
No implementation
7.8
✓ 50.0 ✎ 0.0 🔄 100.0

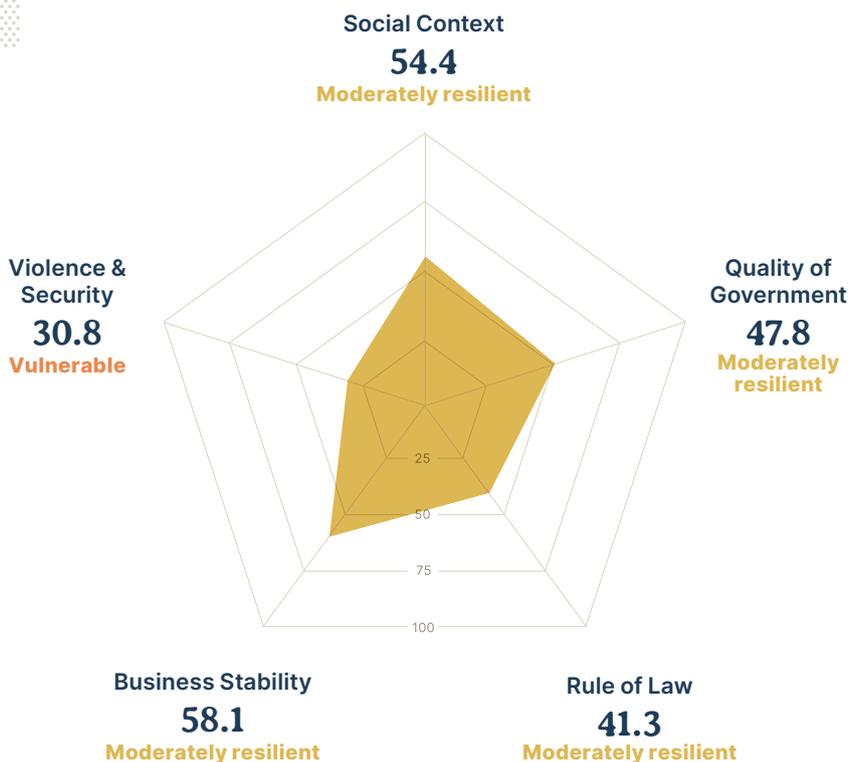
Technical Cooperation
Implemented
100.0
✓ 100.0 ✎ 100.0 🔄 100.0

Corruption Resilience

46.5

Moderately resilient

24th of 31 western hemisphere
5th of 8 Central American countries



Analysis

Convention Implementation

Mexico signed the Inter-American Convention Against Corruption (IACAC) on March 29, 1996, and ratified it on May 27, 1997. It is a State Party to the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) since June 4, 2001. The country also signed the United Nations Convention Against Corruption (UNCAC) on December 9, 2003, and subsequently ratified it on July 20, 2004. Mexico is also party to the OECD Anti-Bribery Convention (OECD-ABC), having signed it on December 17, 1997, and deposited the instrument of ratification on May 27, 1999. Accordingly, Mexico has undergone six rounds of review under MESICIC (of which only the first five were considered here, as the final report for the sixth round was only adopted on September 16, 2021), two rounds of review under the UNCAC review mechanism (of which, for comparability purposes, only the first one was considered here), and four phases of evaluation by the OECD Working Group on Bribery.

Mexico's record in implementing its commitments to IACAC, UNCAC, and OECD-ABC exhibits a number of successes and very few failures. With an overall score of 69.7, the measures adopted place the country at the upper middle point of compliance with international norms, surrounded by Cuba (69.3), Antigua and Barbuda (69.5), Brazil (69.8), and Chile (70.5). Despite achieving higher success in regard to international cooperation (as is the case throughout the region) all but one preventive measure is found to be in progress or implemented. Furthermore, contrary to the regional pattern, Mexico evidences higher performance in the implementation of measures pertaining to the prevention of corruption rather than criminalization and law enforcement. Mexico's efforts are generally well distributed across all three sections.

The prevention of corruption is undergoing, classified as "in progress" by its average score and with only one measure found somewhat deficient—transparency in government contracting (43.0). Regarding this, among the problems identified by MESICIC during the second round and that remained largely unresolved in the fifth round, it was reported that "[although] applicants for a position in the House [of Deputies] must meet the necessary requirements and undergo the psychometric, knowledge, and skills tests required for the profile of the position in question, no kind of merit-based selection procedure is provided to fill the career staff vacancies." A similar issue was found regarding the federal judicial branch: "there is no merit-based selection procedure for choosing persons [from the list of successful applicants] to fill vacancies". On the other hand,

prominent measures within this section are given a score above 60, including the standards of conduct and their enforcement, and the systems for registering asset and conflict of interests' declarations; and the state of oversight bodies receives a score of 59.4. Indeed, almost three quarters of all preventive measures are considered to be in progress; and the initiatives to encourage the participation of civil, as well as the study of preventive measures related to equitable compensation, are considered to be implemented. These results reflect the generally satisfactory distribution of progress.

In terms of criminalization and law enforcement, Mexico shows slightly lower results than those regarding prevention, although significant measures are found implemented. Among other measures, the country has taken satisfactory actions to criminalize active and passive bribery in the public sector, embezzlement in the public sector, and extended forms of involvement in the commission of corruption offenses such as participation and attempt. On the other hand, significant measures were found to be deficient or unimplemented: the criminalization of passive bribery of foreign officials, the criminalization of bribery in the private sector (21.9), the liability of legal persons (43.0) (all three of which are required by UNCAC), and the protection of those who report acts of corruption (i.e., whistleblower protection) (35.9). Other measures remain in progress.

Finally, Mexico is found only partially compliant with its commitments to establish jurisdiction over the offenses covered by the conventions. The UNCAC review mechanism reports that "Mexico has not established its jurisdiction over offenses committed by a stateless person who has his or her habitual residence in Mexico or over crimes against the State." Furthermore, "it does not establish jurisdiction in cases where Mexico does not extradite a person". That being said, the overall level of the country's commitments regarding international cooperation shows a favorable result, with an average section score of 65.7 and over two thirds of all measures within this section found implemented.

Corruption Resilience

Mexico's social context indicator score for 2020 declined by a marginal 0.03 points from the previous year, resulting in a score of 54.4, which fails to meet the region average of 64.9 by 10.5 points. The country's indicator score falls within the bottom percentile and ranks among the lowest scores of the Western Hemisphere and Central American regions. Throughout the decade, Mexico's indicator score has fluctuated, where it achieved the highest score in

2010 with 59.4 and its lowest score of 51.2 in 2012. The country's decade range is 8.2 points. Mexico's social context indicator for 2020 is mainly influenced by limited civil liberties and political rights within the country. When journalists report on organized crime, drug trafficking, and corruption concerning press freedom, the media faces threats and violence. According to Reporters Without Borders, the collusion between organized crime and government officials has posed a serious challenge for the media. It has further increased the threat and violence they face within the country.

With regard to the quality of governance and institutions, the country's indicator has increased by a marginal 0.03 from the previous year. Despite the marginal increase in the country's indicator score, Mexico's indicator has been consistently within the 40 and 50 range. Mexico's indicator score falls within the 25th percentile for the Western Hemisphere countries. The indicator average for the Western Hemisphere in 2020 was 50.6, and Mexico falls below the average by 2.8 points. Throughout the decade, Mexico's indicator score has varied, where its highest score was 56.2 in 2010, and its lowest score was 47.8 in 2019. Mexico's indicator score is primarily influenced by widespread corruption, a lack of impartial administration, and weak checks on government power within the country.

Mexico's rule of law indicator declined by a marginal 0.02 points from the previous year, resulting in a score of 41.3 for 2020. Over the last ten years, Mexico's rule of law score has steadily declined by approximately 2-3 points annually. The country's score is grouped within the 25th percentile for the Western Hemisphere countries and falls 9.8 points below the regional average for the rule of law indicator. During the decade, the minimum and maximum

scores for Mexico were 40.9 (2013) and 45.6 (2010), with a range of 4.7 points. Mexico's indicator score is mainly attributed to the country's serious deficit in the rule of law. The 2008 constitutional reforms have only resulted in minor improvement within the judicial system, and inefficiencies, delays, and corruption plague the judicial system in Mexico.

In terms of the country's business stability, Mexico's score declined in 2020 by 1.8 points from the previous year. Unlike previous indicators, Mexico's business stability indicator surpasses the Western Hemisphere average of 50.5 by 7.6 points. Despite exceeding the regional average, Mexico's score has declined since 2010. Over the last ten years, the minimum and maximum scores for Mexico were 58.1 (2020) and 64.6 (2011), with a range of 6.5 points. The country's business stability score for 2020 is primarily attributed to corruption, and a lack of efficiency and transparency in regulations.

Mexico's violence and security indicator for 2020 increased by 0.4 points from the previous year, resulting in a score of 30.8. Despite this marginal increase in score, Mexico still suffers from serious challenges concerning violence and security. Mexico's score is substantially below the Western Hemisphere average of 55.0 and fails to meet the threshold by 24.2 points. The country's score has varied throughout the decade but has consistently remained low compared to its regional counterparts. During the decade, the minimum and maximum scores for Mexico were 18.8 (2014) and 36.6 (2011), with a range of 17.8 points. The country's violence and security indicator score for 2020 is primarily impacted by the serious challenges the country faces from organized crime and drug trafficking.