Beginning in 2015, Mexico has been promulgating sweeping anticorruption legislation. Mexico first laid the groundwork with amendments to the Federal Constitution that created the National Anticorruption System. Then in 2016, Congress passed the National Anticorruption System’s implementing legislation through a series of new laws and important amendments to existing ones.

The architects behind the National Anticorruption System believed that the battle against corruption is not won with stricter anticorruption laws alone; to win, they thought, high-powered weaponry were needed and high-powered weaponry they got. The National Anticorruption System created contains five essential elements: (i) coordination between federal state and local governments; (ii) independent anticorruption agencies, prosecutors and judges; (iii) increased transparency; (iv) the involvement and active participation of the citizenry; and (v) stricter anticorruption laws.
The stricter anticorruption laws include amendments to the Federal Criminal Code and the new General Law of Administrative Responsibility. These laws, which broaden public and personal liability and expand the scope of those subject to anticorruption prosecution, will be the subject of the next post. The first four aspects of the National Anticorruption System, discussed above, will be set aside for now as these elements are still in the “growing pains” stage.

Like most far-reaching reforms, this one has proven difficult to fully implement. The specialized anticorruption judgeships and the anticorruption prosecutor positions remain vacant pending Senate confirmation, and the citizen committee appears to be less effective than originally thought. These delays further hamper implementation because the amendments to the Federal Criminal Code do not go into effect until the special anticorruption prosecutor position is filled. Scandal after scandal and an ever more vocal public opinion (including #VamosPorMas, a grouping of anticorruption ONGs) continue to push the administration of President Peña Nieto and Congress to turn political rhetoric into action and fully implement the National Anticorruption System. This pressure will be amplified as the presidential campaigns heat up, making these delays the opposition’s “exhibit one” for the ruling party’s lack of commitment to fight corruption.

The starting point, of course, is that corruption in Mexico is not improving. Transparency International’s Corruption Perception Index – mirroring public opinion – ranks Mexico 135 of 180 countries with an upward trend that you have to see to believe.

![Mexico Corruption Perception Index](image)

*Chart created by Squire Patton Boggs with numbers obtained from Transparency International.*

This is not an accident of time. Yes, the Mexico of 1996 (ranked 38/54) is very different from the Mexico of today. According to the Banco de Mexico, foreign direct investment went from less than USD $2,500 Million in 1996 to USD $20,800 Million in 2013. NAFTA brought significantly more direct investment, and with it, more opportunities to bribe and be bribed. Fortunately, this negative trend has led to
more media scrutiny, increased calls for transparency and pressure for substantive reform.

Jose Martin contributed to this article.

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