Hallazgos 2021
Assessment of the Criminal Justice System in Mexico
Mistrust in the institutions of Justice: 33.5% did not report it because they considered it a waste of time. 14.8% for distrusting authority.

Dark Figure: 93% without having changed even one percentage point in more than a decade.
+ Levels of registered crimes are increasing

Recovery to pre-pandemic levels and with upward trends

**Average daily crime:**
5,044 (2020) vs. 5,600 (2021)

**Main increases:**
- Rape (+28.1%)
- Family violence (+15.3%)
- Human trafficking (+12%)
- Theft in transport (+12%)
- Extortion (+10%)
- Injuries (+10%)

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+ Lethal violence

- 35,625 male homicides in 2021: **rate of 28 per hundred thousand inhabitants**
- 3,991 homicides of women in 2021: 11 women are murdered daily.
- 22,266 **disappeared persons** in 2021
  (for May of this year we have already accumulated more than 112 disappeared persons: **rate of 80 per hundred thousand inhabitants**
Distribution of the Total Budget of the Local Justice System in 2021

From 2020 to 2021, public spending to criminal justice system increase in 0.07%. The system, which is responsible for preventing, investigating and prosecuting 98% of crimes in the country.

Most affected: institutions that exist to protect the rights of both victims and defendants: Victims’ Commissions and Public defenders.

For each MXN$1 to Public Security, Attorney General Office gets $0.44
For each MXN$1 to the Public Defender gets $0.05
For each MXN$1 to the Victims’ Commission gets $0.57

Source: Own elaboration with data obtained from public information requests| @mexevalua.
+ Public policy conditions

- The ranking shows the gap we face as a country, with a standard for 2021 of 1,200 points, national average barely reaches 539 points.

- Widening gaps: while in 2018, the difference between the state with the highest score in the ranking and the one with the lowest was 296%. For 2021 this difference was 350%.

- Criminal justice institutions barely collaborate among each other.
Limited installed capacities and excessive workload

**Installed capacity**
Rates per 100,000 population

- Crime investigation police: 21.1
- Prosecutors: 12.8
- Forensic services personnel: 8
- Judges: 1.2
- AGO Facilitators (Alternative Dispute Resolution Mechanisms): 1.04
- Judiciary Facilitators (Alternative Dispute Resolution Mechanisms): 0.5
- Public Defenders: 1.8
- Victim legal advisors: 1.61

**Workload**

- Prosecutors: 169
- Forensic services personnel: 356
- Judges: 180
- Public Defenders: 271
- Victim legal advisors: 157
State response diminish rights and liberties

- List (broader) of crimes that apply pre-trial detention or automatic prison
- Significant increase in convictions for summary proceedings
- Abandonment and elimination of civilian police, a route to militarization without controls
- Attorney General Offices with deficient criminal investigation and working under old paradigms

Social claim against the levels of violence and impunity has led to the formulation of initiatives in order to "improve efficiency", but these point to a punitive approach and reduction of rights, violating the principle of presumption of innocence and reviving practices authoritarian.
Cases known by the criminal justice system

Opened Investigation Files

2,050,072 (92%)

With detainee: 270,835 (13.2%)

With no detainee: 1,779,237 (86.8%)

Procedures derived from the investigation files opened

3,061,744 (100%)

In the investigation process (Prior to established probable cause)

1,528,467 (49.9%)

Established probable cause

65,216 (2.1%)

Determinations

1,188,524 (38.8%)

Temporary File

585,531 (49.3%)

Derived ADRM (Court)

248,279 (8.1%)

Lawsuits and Complaints

2,236,977

With detainee: 270,835 (13.2%)

With no detainee: 1,779,237 (86.8%)

Source: Monitoring and Evaluation Model in the Consolidation of the Criminal Justice System. SESGO. https://svoe.xcgob.gob.mx/InvestigacionesClosedInJanuary2020toDecember2020

Disclaimer: The information reported by the Monitoring and Evaluation Model includes files in the investigation process with a lag, for this, additional information on files in process that were prior to 2020 was obtained from the National Census of Justice Process of the Ministry of Justice and Development, for the purpose of establishing the number of detainees, determinations, dismissals by the magistracy judge, established probable cause and in investigation process.

#Hallazgos
Pretrial detention as a rule, not as an exception

In Mexico, there are units to guarantee that criminal proceedings are carried out in freedom, with a high level of effectiveness, but even so, the deprivation of liberty is privileged.
Global Impunity Index 2021 per state

National average of Impunity: 91.8%

10 of 32 states upper 90%

Lowest level: 69.5% (Yucatan)
Highest level: 98.4% (Mexico City)
Impunity Index 2021 in Specific Crimes

- Intentional Homicide: 96.9%
- Femicide: 88.1%
- Enforced Disappearance: 98.9%
- Rape: 96.4%
- Extortion: 98.2%
- Kidnapping: 82.4%
- Domestic Violence: 97.1%
- Drug dealing: 95.7%
- Simple Robbery: 97%
Some of our concerns

1. What should we minimally expect from the criminal justice system? Are there tolerable levels of impunity?

2. To what degree the problems of criminal justice in Mexico are similar to those of other countries? How have they responded?

3. How to make an institutional and mindset transformation of the operators effective?

4. What is the reasonable maturation time? And what are the factors to accelerate?

5. Faced with political-electoral incentives, is there a way to limit punitive populism?

6. What would be some of the main bets to be more effective and gain citizen trust?
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