

Civic Engagement and the Judicial Reform: The Role of Civil Society in Reforming Criminal Justice in Mexico

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INTRODUCTION

Mexico has historically featured a relatively weak civil society, due to the influence of corporatist structures controlled by the Mexican state. Yet, with regard to the criminal justice system, as other reports in this series have discussed, Mexican civil society has recently shown some encouraging signs of engagement and activism in response to significant rule of law and security concerns. Specifically, with regard

NSJP and society have influenced one another. Through a qualitative approach, the author obtained primary and secondary materials in an effort to analyze and measure the influence of civil society in the reform process. Specifically, the author gathered information on civil society organizations (CSO) that were considered to be among the most involved, visible and influential in the creation of the NSJP.

From those organizations, the author interviewed key experts and civic leaders to learn more about their efforts to promote judicial reform. Through the insights pulled from interviews and analysis of articles and official documents focused on Mexico's judicial reform, the author developed a system to measure the influence of civic organizations on the NSJP. The influence of each CSO is shown visually through a diagram that aims to present the level of influence of each organization in a more clear and visual way to better understand the overall influence of civil society in the NSJP.

OVERVIEW OF THE JUSTICE SYSTEM REFORM

Contextual overview of the judicial system reform

The NSJP was incorporated into the Mexican legal framework on June 18, 2008, with the publication of a constitutional reform in the Official Journal of the Federation (*Diario Oficial de la Federación*, DOF). The reform consists of amendments to Articles 16 to 22, 73, 115, and 123 of the Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos, CPEUM) and contains provisions regarding criminal justice and public security.

The systemic change of 2008 is not new to Mexico. Starting in the 1980s, political reforms began to set the path for the modernization of the justice system. By the 1990s, institutional and legal reforms gave greater autonomy to the Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) and created an organism of control and oversight for the exercise of judicial functions within the judiciary, known as the Federal Judiciary Council (Consejo de la Judicatura

1 Specifically, the author wishes to thank the following interviewees for their contributions: Ernesto Canales, president of Renace and founder of the National Network of Civil Organizations in Support of Oral Trials and Due Process (Red Nacional de Organizaciones Civiles de apoyo a los Juicios Orales y el Debido Proceso [La Red]); Orlando Camacho, president of the Foundation México SOS; Miguel Sarre, professor at the Autonomous Technological Institute of Mexico (Instituto Tecnológico Autónomo de México, ITAM) and member of La Red; Ana Laura Magaloni, professor at the Center of Economic Research and Teaching (Centro de Investigación y Docencia Económicas, CIDE) and member of La Red; Eduardo Reyes, communications director of the Center of Research for Development (Centro de Investigación para el Desarrollo, A.C., CIDAC); Roberto Hernández, Immaker and founder of Lawyers with Cameras (Abogados con Cámaras [LWC]); Francisco Riquelme Gallardo, board member of the

Experts on Mexico's justice system tend to agree. One of the most prominent figures of the NSJP, Ernesto Canales (2013), believes that the traditional justice system has always been surrounded by uncertainty, corruption, deplorable conditions, neglected by the authorities, and an overall obstacle to the healthy development of the country. In his words, having a criminal case is like being "in no man's land, believing that any kind of arbitrary decisions could happen." The system is perceived to serve only the rich and the powerful, and used as political control by authorities.

Professor Miguel Sarre (2013), member of the National Network of Civil Organizations in Support of Oral Trials and Due Process (Red Nacional de Organizaciones Civiles de apoyo a los Juicios Orales y el Debido Proceso [hereafter La Red]), argues that there is no worthy aspect of the traditional system to highlight or exemplify. Rather, he points to its flaws, particularly the exorbitant cost involved in conducting criminal investigations. Sarre also highlights that a serious problem is the fact that the prosecutor who conducts the criminal investigation is not the prosecutor who then tries the case—meaning a new attorney who is unfamiliar with the case is brought on to try the case—which results in a duplication of efforts.

According to Ana Laura Magaloni (2013), another member of La Red, the traditional system lacks any kind of democratic control or checks and balances. In her opinion, the system has only worked well when used as an instrument of political pressure. She explains it as follows:

The traditional justice system is understood as the system of criminal persecution of an authoritarian country, and works for an authoritarian paradigm. ... The rationality of the system is to convert criminal persecution in a credible threat to the detractors of power ... and that required great margin of decision and much political influence in the system, and lack of any control proper of democracies.

Roberto Hernández (2013), director of the documentaries *The Tunnel* and *Presumed Guilty* (Presumed Guilty) says that a criminal case under the traditional system is a trial without evidence and without a judge.

According to Canales, among the most important issues that could explain the malfunctions of the traditional system, are:

1. The judge's absence during the presentation of the evidence, and thus not knowing the accused and not being familiar with the circumstances of the case;
2. The prosecutor's predominant role in the trial, meaning, for instance, that the prosecutor's power to decide what evidence is introduced and integrated in the case could decide the course of the trial; and

3. The judge's inability to contradict or question the evidence provided by the prosecutor in the proceedings.

Canales and his organization Renace developed one of the first sets of statistics with a scientific approach to study what happens in a criminal case in the traditional trial. What they found was a startling low level of crime reporting in Mexico, with only 15% of victims actually reporting a crime to authorities, and of all cases that actually reach trial, a guilty verdict is reached in 90% of the cases.

Given the serious flaws and inefficiencies in the traditional system, the 2008 constitutional reforms and the new criminal justice system break significantly from the notorious system described above. The NSJP establishes adversarial criminal justice with equal parties and an impartial and independent judge, introduces oral and public hearings, and incorporates alternative justice systems. Additionally, there is a strong emphasis on transparency and credibility within the judicial processes, and the introduction of a dynamic procedure that is less prone to the fabrication of cases (Sarre), provides checks and balances critical to the functioning of a democratic system, establishes a system of due process, is able to professionalize its operators, and removes the menacing power of the state (Magaloni).

With the introduction of oral and public hearings, the accumulation of enormous records that amasses under the traditional system is also addressed with the introduction of videotaping and electronic filing of all proceedings during the trial under the new system. In addition, due to the inclusion of alternative justice systems in the NSJP, many cases can be solved before they reach trial, which results in the court system not being overwhelmed and saturated with too many cases, working at a more efficient pace, and allowing judges and court staff to adequately manage all cases (Rodríguez 2012).

Another important feature of the new system is the existence of different judges for different stages of the trial. A judge—*jefe de audiencia* or *jefe de sala*—oversees the constitutional rights of the accused during the detention and investigation, and decides on the application of precautionary measures. A trial judge or panel of judges—*tribunal*—then takes over and leads the trial until the sentencing stage, where a third and final judge—*presidente de sala*—oversees and resolves all issues related to the execution and enforcement of the sentence.

Criminal investigations are modified as well under the NSJP, given that the prosecutor loses some of his or her *de facto* powers and has to build solid cases

A single piece of evidence is no longer enough to sentence an accused individual. All evidence must also be collected and preserved in a uniform fashion so it can be presented in trial and thus open for contradiction by the defense. Overall, this raises the bar for better-quality investigations and evidence gathering. Additionally, all detentions and apprehensions must be carried out according to due process with respect for human rights, and are subject to being judicially challenged if needed. Such changes aim to make the investigation phase in the NSJP more transparent and compliant with meeting fundamental rights of those involved.

There is also a relevant part of the reform that deals with public security issues, principally organized crime. This so-called “special regime for organized crime” includes measures of special confinement and prison conditions, certain process rules, a special detention regime called *carcel preventiva*,⁷ asset disposition by the authority called *recurso de amparo*, and certain exceptions to the due process rights granted by the same reform. Critics have questioned this “special regime” in the reform given that it limits some of the overall beneficial provisions of the NSJP, despite doing so with the big picture goal of combating organized crime and its influence.

The purpose of the NSJP is to restructure the way criminal justice has traditionally been conceived in Mexico. This reform is moving the criminal system toward a more democratic and transparent practice, which is more respectful of human rights and more efficient. Nevertheless, provisions regarding organized crime are more vague and obscure, and in some cases contradict the overall purpose of the NSJP. While the system tends to be more respectful of constitutional rights, the special regime for organized crime limits them; whereas the process tends to be more democratic and transparent, the special regime makes it somehow opaque and authoritarian.

In addition to provisions made under the special regime for organized crime, the NSJP has a number of other concerning areas. Among the main weaknesses of the new system identified by experts and members of the civil society

1. The lack of a broad understanding of the reform, where a large segment of society is still not aware of the existence of the new system.
2. The limited knowledge on the part of state authorities responsible for implementing the new system’s provisions.

6 In the past, a sole confession, even if the defense attorney was not present, could be considered to adjudge the culpability of the accused.

7 *Carcel preventiva* is a special detention measure that allows suspects to be detained during the preliminary investigative phase of a case, before probable cause is established or the detainee is made aware of the charges being brought against him.

8 This list was generated based on responses during the interviews.

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3.

include its concerns in the political agenda of the country, setting the groundwork for the Mexican civil society of today.

“[C]ivil society and NGOS have become fundamental structural agents reformulating how cultures and economies can do something national. What we are seeing now is a process of reorganization of Mexican society resting on two forms: *organizaciones civiles* and NGOS. *Organizaciones civiles* are groups organized to participate in the dissemination of ideas on some aspect of politics, such as multinationals or the law. They are very close to NGOS, but they are recognized by the state. The growing influence of NGOS in Mexican political and social life during the last fifteen years can be seen in different spheres of society. Slowly but steadily NGOS are reformulating the complex relations between the state and civil society.” (Thelen 1999, 694)

Ilan Semo (Thelen 1999, 697) suggests that Mexican NGOs are reshaping the relations between the state and society, despite still lacking a tradition of autonomous forms of organization. Nonetheless, the emergence of organizations gave a new dimension to Mexican society—showing the limits of traditional institutions and experimenting with forms of organization that enrich the capability of civil society to react to problems and conflicts—yet they are finding ways to link political and ideological pluralism with a pluralist form of social action.

Nevertheless, thus far there is a critical lack of analysis on civil society in Mexico in general, and especially on the role it has played in the justice system reform, since both the reform and the consolidation of civil society are quite new, some of the current debate in this regard has been focused mainly on society’s criticism against public policies, or on society’s lack of action, or on the perceptions among judicial system operatives and the general public.

In short, there has been a tendency to ignore or at least underplay the importance of civic actors that have contributed to the reform effort. This is a

10 In Mexico, the exact number civil society organizations is unclear, but estimates range from 20,000 to 35,000, a small number in terms of population size, but with substantial growth and recognition in the public arena. Regarding their distribution by area of focus, 45% are concentrated in social support and/or aid services, about 18% in community development, and 8% in health; the rest focus on education, research, the environment, and human rights. Most of the organizations concentrate in the 20 most populous cities of Mexico. (Mexican Centre for Philanthropy, A.C.; Citizens’ Initiative for the Promotion of a Culture of Dialogue, A.C.; Social Administration and Cooperation, A.C. 2011, 29).

11 There is a consensus among scholars that Mexican civil society is still very young, and it has “been marked by the political and social dynamics created by institutions as well as the unwritten rules of the party that governed for more than 70 years” (Mexican Centre for Philanthropy, A.C.; Citizens’ Initiative for the Promotion of a Culture of Dialogue, A.C.; Social Administration and Cooperation, A.C. 2011).

12 Caballero (2010) states that the reform has not had much impact on society, that organized civil society has focused more on questioning certain policy issues than on the reform process, and that the challenge is to influence public opinion. Studies such as the *Perceptions of the Judicial System* survey of operators of the judicial system conducted by the Justice in Mexico Project summarize the findings on the profile and opinions of judges and lawyers working in the Mexican criminal justice system. The survey includes a variety of questions on demographic characteristics, professional profile, perceptions of judicial system functioning, perceptions of lawfulness, corruption, due process, and the criminal justice reform of 2008 (JMP 2011).

potentially dangerous tendency, given that civic actors and organizations—private attorneys, bar associations, and legal scholars—should be primary protagonists in shaping the implementation of the reforms. Therefore, it is fundamental to generate more studies to gauge the involvement of society in the reform and to have a better sense of the actual role of civil society and the organizations that are generating social capital while advocating for the justice reform.

The role of civil society in reforming criminal justice

The prevailing opinion amongst experts and members of civil society is that civic engagement has been a clear and key factor for the achievement of the NSJP. Ernesto Canales (2013) believes the reform was generated from the particular to the general, or from the ground up, which is unlike most of the reforms in Mexico that are generated at the upper levels of government and society downward, or, using Canales's language, from the general to the particular. Canales mentions that it was a movement, initiated completely by the citizenry, that united to create a voice that could not have been ignored or not heard—a movement that made politicians and decision makers meet the demands of the society. Most important, says Canales, is that it was a campaign of persuasion, and not confrontation.

Indeed, organized civil society was instrumental in the approval process of the judicial reform, and exemplified how civil society could and should operate in other areas (Magaloni 2013). As Magaloni mentions, the context in which the judicial reform was approved was extremely complicated given the security situation of the country and the corresponding political discourse under Calderón administration; however, civil society managed to develop a strong presence and was able to achieve its approval. Since the reforms were initially conceived, civil society has been incredibly influential in pushing authorities to finally consider, approve, and implement the changes to the judicial system (Sarre). Without civil society, the NSJP reforms would not have been developed, enacted, or achieved, considering the role civil society played in promoting it and in keeping it on the radar of policy makers (Camacho), bringing together not only members of organized civil society, but also businesspeople and academics into the discussion (Reyes).

Nevertheless, the influence of civil society in the actual implementation of the NSJP has been less apparent. The presence of civil society is much weaker in the

MEASURING CIVIC ENGAGEMENT IN THE JUSTICE REFORM

It is clear that civil society was a key factor for the achievement of the NSJP. As previously mentioned, many organizations became main actors of this change, directly or indirectly involved in the reform process with different backgrounds, scopes, geographical location, and activities, but contributing in some ways to the implementation efforts nationwide. Though, in order to develop this analysis, the author identifies some organizations from the vast array that have influenced and promoted the NSJP, for being considered amongst the most influential, while taking into account their geographic presence, size, prestige, visibility, and the type of activities they carry out.

As previously mentioned, the purpose of this research is to show the presence of each CSO through a diagram that represents their level of influence on certain indicators, which encompass the diverse activities civil society conducts vis-à-vis the NSJP. This analysis took a qualitative approach by asking a representative of each CSO to

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TABLE 1: INDEX OF KEY CIVIL SOCIETY ORGANIZATIONS INFLUENTIAL TO THE NEW CRIMINAL JUSTICE SYSTEM

Organization	Place and date of creation	Main activities
Ac A.C.	México, 1994	Organización de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría; 2) Seguimiento a la justicia; 3) Acciones de litigio; 4) Asesoría a la justicia; 5) Organización de talleres de capacitación.
México SOS A.C.	México, 2008	Organización de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría, representación y litigio; 2) Instituto de Estudios y Promoción de la Reforma Judicial; 3) Investigación y promoción de la reforma judicial; 4) Organización de talleres de capacitación.
Centro de Estudios y Promoción de la Reforma Judicial A.C.	México, 1984	Organización de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría, representación y litigio; 2) Instituto de Estudios y Promoción de la Reforma Judicial; 3) Investigación y promoción de la reforma judicial; 4) Organización de talleres de capacitación.
Organización Nacional de Abogados de la Justicia A.C.	México, 2005	Organización de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría, representación y litigio; 2) Instituto de Estudios y Promoción de la Reforma Judicial; 3) Investigación y promoción de la reforma judicial; 4) Organización de talleres de capacitación.
Las Leyes y las Cajas	México, 2010	Organización de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría, representación y litigio; 2) Instituto de Estudios y Promoción de la Reforma Judicial; 3) Investigación y promoción de la reforma judicial; 4) Organización de talleres de capacitación.
Barra Mexicana de Abogados A.C.	México, 1922	Asociación de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría, representación y litigio; 2) Instituto de Estudios y Promoción de la Reforma Judicial; 3) Investigación y promoción de la reforma judicial; 4) Organización de talleres de capacitación.
Instituto Nacional de Abogados de México A.C.	México, 1760	Asociación de abogados que brinda asistencia legal gratuita a víctimas de delitos; sus actividades principales son: 1) Asesoría, representación y litigio; 2) Instituto de Estudios y Promoción de la Reforma Judicial; 3) Investigación y promoción de la reforma judicial; 4) Organización de talleres de capacitación.

Renace

Renace has been very involved in the NSJP reform and implementation from the beginning, so much so that Renace's founder, Ernesto Canales, can be considered the father of the NSJP. Even more, the organization can claim credit for the

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forward above all else. SOS promoted the reform through public forums with the purpose of keeping it on the public agenda and on the authorities' radar. SOS also

La Red¹⁵

In the same way that Renace can claim credit for the reforms in Nuevo León, La Red can claim it for the national reform. La Red is believed to be decisive

every day. It has a strong component of policy influence, since it tries to influence policy and legislation by exposing the flaws of the traditional system. More recently, LWC is holding dialogues with political actors promoting the reform, in particular lobbying for the adoption of indicators to measure different aspects of the system.

The work of LWC has indeed relied on actual research; aside from its documentaries, Negrete and Hernández have a strong research agenda that analyzes issues regarding due process and the justice system in general. While their deliverables are not numerous, most of their time is dedicated to academic research.

The organization participated in 12 519.0(r)-4(cL)58(W)37.6(C i)-20.2(s25.2(a)7.6(w)-21

drafting of the project to reform the criminal justice system. After the reform was approved in 2008, INCAM met frequently with representatives of the executive branch and of both chambers of Congress to monitor the implementation process. Additionally, the organization has been involved in the implementation of secondary legislation, especially in the initiative of a unified criminal code, which was approved in 2014.

INCAM is constantly participating and organizing forums and conferences about the new system, and partners with other institutions in the discussion of various issues regarding the reform. Most recently INCAM has been participating in litigation skills discussions and trainings with the American Bar Association Rule of Law Initiative (ABA ROLI) and Universidad Panamericana.

Despite not having a defined research agenda, at the Criminal Law section of INCAM, its members analyze constantly court decisions and legislation regarding the new adversarial system, as well as other relevant issues.

ANADE

The National Association of In-House Counsel Attorneys (Asociación Nacional de Abogados de Empresa, Colegio de Abogados, ANADE) is a Bar Association with a corporate law approach, meaning that its members are both independent researchers and in-house counsel.

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promotion and dissemination, primarily within the business sector. Since 2008, ANADE's Criminal Law Committee has conducted forums and discussions, and participated in events organized by various government agencies such as the

Policy/Legislation

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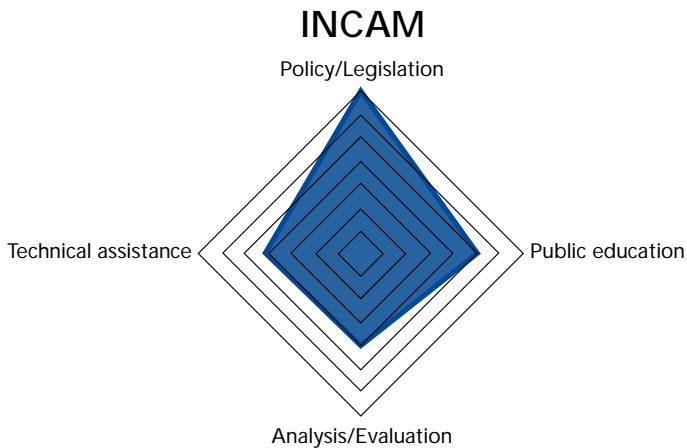
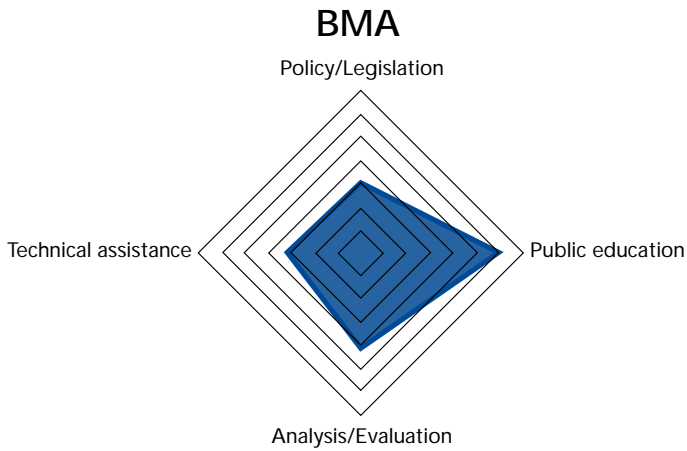
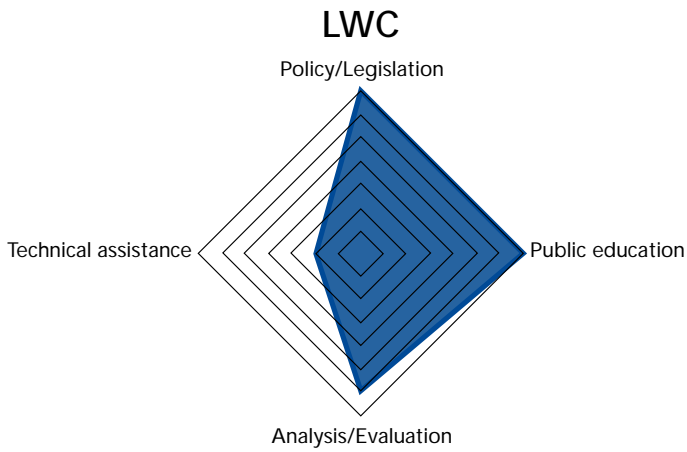
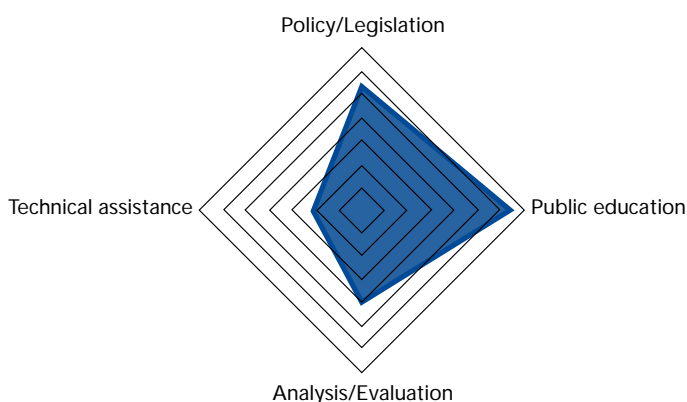


TABLE 4: DIAGRAM OF AVERAGE INFLUENCE OF KEY CIVIL SOCIETY ORGANIZATIONS WITH REGARD TO THE NEW CRIMINAL JUSTICE SYSTEM



Even though this analysis is far to present the general picture of the influence of civil society in the NSJP, it rather looks at individual organizations' impacts taken collectively. Nonetheless, the analysis did find that the level of involvement of these organizations somehow represent the general influence of civil society in all the processes of the NSJP. Considering that the diagram was generated based only on the information of a small number of CSO, it probably does not show fairly the level of influence of civil society in general, but does represent a trend that this research found, a very high impact in policy and legislation; an enormous influence through public education, especially through forums, traditional and social media; moderate influence in the generation of academic analysis and evaluation, with academia more involved in that regard; and finally a relatively weak involvement in technical assistance, especially in training, in which governments and academic institutions have been taking the lead.

There are many other associations and individuals that are and have been extremely influential to the reform, such is the case of academic institutions, whose contribution is vast, and would therefore deserve a separate analysis. However, for the purposes of the report, it was necessary just to mention and highlight the tremendous work of several universities throughout Mexico, which are still very active in the promotion of the reform and are the main leaders of the training of operators and students in the new accusatorial system.

FINAL CONSIDERATIONS AND RECOMMENDATIONS

are still taking place, especially now that a unified legislation has been approved and there is just need to fully implement the system.

Address shortcomings of the reform

As much as this reform represents a triumph of civil society, it is important to keep in mind that the federal government was able to include in the reform proposal a component designed to combat organized crime, which in its very nature is contrary to the spirit of the reform. Measures such as *caracoles* and *caracoles* have been viewed as contrary to human rights and due process. It is important to note that organizations such as SOS consider such measures as necessary until better strategies are put in place (Camacho 2013), though other experts—Magaloni and Sarre—argue that no measure contrary to due process in any circumstance should be carried out in democratic regimes.

There is a role for civil society in trying to address the downsides of the reform. If civil society had the strength to get the reform approved, it has the power to address the issues that are considered contrary to due process, especially since the Peña Nieto administration (2012–2018) seems to be more receptive to discussing and addressing the shortfalls of the reform than the Calderón administration.

Increase social awareness

In 2008, the NSJP became a reality nationwide, but while some states had started the process before (i.e., Nuevo León, Chihuahua, Oaxaca, Estado de Mexico, Morelos and Zacatecas), the majority was not prepared for such a change. There are many issues that have to be addressed, one of which is the lack of awareness by society in general and even by certain authorities. When the citizenry is not informed about a political or reform process and the government is not particularly committed to the public's education on the topic, it creates a great opportunity for civil society to engage and to foster and enhance the processes of reform and political change. "Civil society participation ... inevitably prevents hasty, *top-down* implementation of reform proposals," (Grajzl and Murrell 2009, 3) and it is therefore necessary to take action in promoting the change to the public and pressuring political actors to make the changes.

Change is ineffective if the public's knowledge on the topic is lacking. As Hernández says, it is important that the people are aware of the problem, and that the problem itself is defined so concrete actions can be developed.

is a significant need for a broader “socialization” campaign of the “problem” of the Mexican justice, but also for the reform to reach the general public, as well as law students, professionals, and authorities with various levels and depth of content. Social media and video campaigns, such as those modeled in CIDAC’s series, or more informational yet visual products such as *La Justicia* by LWC, appear to be a largely effective tool in this regard.

Dialogue with opposition

Despite great advances being made with the new judicial system, critics, opposition, and movements against the NSJP have become more vocal and present as its implementation continues to advance. Known as “Counter Reform,” these movements intend to modify the reforms already in place, such as in Chihuahua (Ríos Espinosa and Cerdio 2012), which was one of the first states to implement the system, and thus became a role model for other states to follow. Some of these movements against the reform even have political support. The increasing discontent with the new system is natural and at some point is needed

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society, another challenge arises in that there must be better communication

Welcome international support

The weaker involvement of Mexican civil society in the implementation processes, particularly with training, has been supplemented by a number of international organizations, particularly from the United States, many of them funded by the Merida Initiative. Some international organizations have been very active in this regard, such as the Conference of Western Attorney Generals (CWAG) that has been training prosecutors—largely, but not exclusively—in oral litigation skills; the American Bar Association through its Rule Of Law Initiative (ABA ROLI) has partnered with Mexican institutions to conduct similar trainings; and many academic institutions from the United States, such as the University of San Diego through its Justice in Mexico Project, or Emory University, among others, which have partnered with their Mexican counterparts—the Autonomous University of Baja California (Universidad Autónoma de Baja California, UABC) and Universidad Panamericana (UP), Tec de Monterrey, among others—to develop technical assistance courses, and to train public defenders, prosecutors, judges, and even private attorneys on the new judicial system, particularly on oral trials.

International support has proven to be instrumental in the reform. Moving forward, it is therefore important from the Mexican perspective to welcome and embrace this support, setting aside cultural sensitivity to the matter. After all, it is best to learn from those who already have experience in the field who can share their best practices despite if they come from Chile, Colombia, or the United States.

Sensitive international approach

Contractors for the United States Agency for International Development (USAID)—initially PRODERECHO and later Management Systems International (MSI)—have been active in all stages of the reform, including the implementation processes. While international support—largely coming from the United States—has been instrumental to the implementation processes, the approach often has not been the most adequate and has sometimes been perceived as aggressive, which led to certain criticism from some sectors.

International governments and institutions have to be aware that many of the problems affecting their relationship with Mexico could be addressed if a better justice system is in place. It is therefore not only necessary that there be a continuous effort to keep promoting the development of the system, but also that efforts and support continue to increase over the coming years until a strong, stable, and efficient justice system is rooted. The better the judicial system, the more likely it will be able to help address some of the other problems—e.g., corruption, public security crises, criminal organizations—Mexico faces at this time.

Nevertheless, it is important for international support for the NSJP to remain as respectful and supportive as possible, and avoid being aggressive and patriarchal, as that could affect Mexicans' outlook and trust of foreign support, particularly that from the United States.

More federal involvement

As mentioned before, the NSJP has somehow been neglected by the federal government, which has given little support to institutions in charge of the implementation oversight, such as SETEC. As Castro mentions, there has been a lack of political will on the part of federal authorities, and their attitudes have been contradictory — on the one hand they have promoted the reform, but on the other they have not taken the necessary steps for its correct implementation, and the institutions responsible for promoting the process have serious difficulties. Overall, there is still a lack of funding, promotion, and training.

Additionally, for several years the lack of a federal code to incorporate the reform at the federal level left the states with no guidance for the implementation, which was a major obstacle to the national consolidation of the system, and needed to be addressed. Nevertheless, our interviewees see the benefits of the approach taken by the Peña Nieto administration with regard to the NSJP, specifically his inclusion of it on the list of priorities for the federal government (JMP 2012). Also, in December 2012, President Peña Nieto sent a positive message with regard to security and justice when he unveiled the “Pact for Mexico” (Pacto México), an agreement signed with representatives from Mexico's major political parties that itemized a list of policy and reform priorities set forth in several areas related to security and justice issues (Molzahn, Rodríguez Ferreira and Shirk 2013). Likewise, with civil society playing again a significant role, the initiative of President Peña Nieto for a unified legislation for the country was approved by the Chamber of Deputies in February 2014, setting the basis for a definite implementation of the system at the federal and state levels.

It was important for the federal government to be part of the effort, however late; it showed the will to change and to generate the guidelines some states need for their own implementation processes. Whether it was the best solution or not, the national code will indeed serve as a model for and solve discrepancies among states in the implementation process. In these respects, the federal judiciary and the Supreme Court have to take a more proactive role, and SETEC has to be granted more functions and duties in order to positively increase its influence and control on the judicial system reform. Nonetheless, the code's approval is just the first step,

Oversight and evaluation

One of the main issues remaining for the entire implementation process to succeed is to define performance indicators to measure the development of the process and the system in general. Oversight and evaluation have been a concern for all actors and stakeholders in the reform, but have not been clearly addressed or advanced. While SETEC has developed a method to evaluate the performance of the system—an important and exemplary step others should follow—the levels of evaluation for the system nationwide are weak or even nonexistent.

Moreover, it is not yet clear if the methodology followed by SETEC is the most adequate to measure and evaluate, and there does not seem to be a coordinated effort by actors involved to set forth a generalized methodology to evaluate the performance of the NSJP. That is why civil society, authorities, and academia have to become more involved in analyzing the current evaluation systems, such as the one developed by SETEC, and develop an adequate and standardized way to evaluate the system that could be replicated by all the states. Such efforts would lead to similar indicators with similar values used in the review process, and therefore allow for easier cross-references and evaluations from those overseeing the system.

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