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**Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

United Mexican States

1. Introduction: Overview of the legal and institutional framework of the United Mexican States (Mexico) in the context of implementation of the United Nations Convention against Corruption

Mexico signed the Convention on 9 December 2003. It ratified the Convention and deposited its instrument of ratification on 20 July 2004.

The Convention has the status of law and can be directly applied (art. 133 of the Constitution).

The legal system follows the civil law tradition, with a criminal procedure system combining elements of the accusatorial and inquisitorial systems. A constitutional reform in 2008 initiated the transition to accusatorial criminal proceedings.

Mexico is a federal State consisting of 31 States and a Federal District. The offences established in accordance with the Convention (corruption offences) are regulated in the Federal Criminal Code and in the criminal codes of States. Only 10 per cent of corruption cases are federal cases. The review refers to federal law. At the time of the visit, Mexico had not made any comparative study of the States' criminal laws regarding corruption.

The Federal Criminal Code contains a definition of public servant (arts. 212-213 bis) for the purposes of Title 10 of the Criminal Code.

The main authorities in the fight against corruption include the Ministry of the Public Service, the Office of the Attorney General of the Republic, the Ministry of Finance and Public Credit through the Financial Intelligence Unit, the Tax Administration Service, the Service for the Administration and Disposal of Property, and the National Banking and Securities Commission.¹

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active bribery of national public officials is covered by article 222 (II) of the Federal Criminal Code. The article does not explicitly cover advantages for other persons or entities, intangible advantages or the promise of advantages. It requires the advantage to have been offered without prior request.

¹ This report covers the situation at the time of the on-site visit. Later, a number of legislative reforms were made with regard to, inter alia, the legislation on bribery and the laundering of the proceeds of crime (money-laundering). On 27 May 2015, the Official Gazette published a decree amending, adding and repealing various provisions of the Political Constitution of the United Mexican States on combating corruption, setting forth provisions on the responsibilities of public servants and the fight against corruption, and establishing the agency responsible for combating corruption, which will be in charge of the prevention, investigation and punishment of administrative offences.

Passive bribery of public officials is covered by article 222 (I) of the Federal Criminal Code; intangible advantages are again not explicitly covered.

Transnational active bribery is covered in article 222 bis of the Federal Criminal Code, which applies only to the “development or conduct of international business transactions”; intangible advantages are not explicitly covered.

Transnational passive bribery is not criminalized.

Article 221 of the Federal Criminal Code establishes the offence of trading in influence, but does not take into account the triangular structure of the offence described in article 18.

Articles 386 and 387 of the Federal Criminal Code and article 114 of the Credit Institutions Act cover some aspects of passive bribery in the private sector.

Money-laundering, concealment (arts. 23 and 24)

Mexico criminalizes money-laundering in article 400 bis of the Federal Criminal Code. The possession and use of property knowing that such property is the proceeds of crime are not explicitly regulated.

All corruption offences committed inside or outside Mexican jurisdiction are predicate offences. Money-laundering is a separate offence; “self-laundering”, in which the offender commits both the predicate offence and the laundering of the proceeds of that offence, is criminalized.

Concealment is regulated in article 400 of the Federal Criminal Code.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement is regulated in article 223 of the Federal Criminal Code; reference is made to property belonging to the State or to a decentralized body.

The abuse of functions is criminalized in article 220 of the Federal Criminal Code. The article does not provide for the failure of a public servant to perform an act. It refers to legal instruments only, is limited specifically to economic advantages and includes third persons connected to the accused.

Illicit enrichment is criminalized in article 224 of the Federal Criminal Code, according to which the increase in assets shall occur “by virtue of an individual’s job, post or assignment in the public service” and the individual “is unable to prove the legitimacy of the increase in their assets or of the origin of the property in their name or the property for which they act as owner”. In its second paragraph, this article criminalizes the conduct of frontmen.

The legislation provides for the offences of theft (art. 380 of the Federal Criminal Code), abuse of trust (art. 382) and fraud (art. 388), partially covering the conduct known as embezzlement in the private sector.

Obstruction of justice (art. 25)

Certain conduct relevant to the conduct described in article 25 (a) is criminalized in articles 219, 225 (XII) and 247(III) of the Federal Criminal Code. Article 219 does not provide for physical force, threats or intimidation to induce false testimony, and only applies to public servants. The general offence of threats may cover some of

the cases. Bribery of a witness or expert is regulated with regard to false testimony, but not to interference in the giving of testimony or the production of evidence.

The conduct described in article 25 (b) of the Convention is criminalized in articles 180 and 181 of the Federal Criminal Code.

Liability of legal persons (art. 26)

The criminal liability of legal persons is not provided for, although there is a general rule on criminal liability (art. 11 of the Federal Criminal Code). Mexico has established the civil liability (art. 32(IV) and (V) of the Federal Criminal Code) and administrative liability (arts. 1, 2, 8 and 27 of the Federal Act against Corruption in Public Procurement) of legal persons.

Participation and attempt (art. 27)

Mexico has criminalized the participation (arts. 13 and 64 bis of the Federal Criminal Code), attempt (arts. 12 and 63 of the Federal Criminal Code) and preparation for an offence (art. 13 (I) of the Federal Criminal Code).

Knowledge, intent and purpose as elements of an offence (art. 28)

Mexico addresses this issue on the basis of articles 168, third paragraph, and 206 of the Federal Code of Criminal Procedure.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The Federal Criminal Code establishes sanctions that may be adjusted to the gravity of the offence.

Mexico has established absolute immunity for a broad range of public servants, including deputies, senators and senior officials with State powers (arts. 13 and 61 of the Constitution), which may be lifted by a majority vote of the Chamber of Deputies (art. 111 of the Constitution).

Criminal proceedings are compulsory; however, the Constitution recognizes certain discretionary legal powers relating thereto, although there is no regulation on the matter.

Articles 399 and 399 bis, 411 and 418 of the Federal Code of Criminal Procedure regulate pretrial release. This does not apply to serious crimes, and has a requirement to first ensure compensation for damage.

Articles 84 and 85 of the Federal Criminal Code regulate parole but not the criteria for its implementation. With regard to offences committed by public servants, it only applies when compensation for damage has been effected, and is excluded in money-laundering offences.

The Federal Act on the Administrative Liabilities of Public Servants (art. 21 (V)) provides for the suspension of accused public servants if appropriate for the conduct of investigations; their removal or reassignment are not regulated.

Disqualification is an accessory penalty (art. 24 (13) of the Federal Criminal Code) for most corruption offences. It has not been established for the holding of office in a public company.

Criminal proceedings and disciplinary proceedings are separate (art. 109 of the Constitution).

Persons who cooperate with law enforcement authorities benefit from a reduction of their sentence but are not granted immunity (Federal Act against Corruption in Public Procurement). They may be considered witnesses and benefit from the relevant protection.

Protection of witnesses and reporting persons (arts. 32 and 33)

The protection of witnesses is regulated in article 2 of the Federal Code of Criminal Procedure and the Federal Act for the Protection of Persons Involved in Criminal Proceedings. This Act applies to organized crime and serious crimes and thus to many, but not all, corruption offences. The Act provides for all of the protection measures mentioned in the Convention, and is the basis for the Federal Protection Programme.

Mexico has no agreements or arrangements with other States for the international relocation of witnesses.

Mexico has a Victims Act, which provides for protective measures and regulates the role of victims in criminal proceedings.

Mexico has no legislation on the protection of reporting persons, with certain exceptions, such as the Federal Code of Criminal Procedure and the National Public Security System Act. There are no protective measures relating to employment. At the time of the visit, there was a draft decree on the matter.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Mexican legislation provides both for confiscation as a criminal sanction (art. 24 of the Federal Criminal Code) and for termination of ownership (Federal Act on Termination of Ownership), which is civil in nature and applies only in cases of organized crime, crimes against health, abduction, vehicle theft and trafficking in persons (art. 22 (II) of the Constitution).² Confiscation applies to products and instrumentalities used in the offence, but not to those destined to be used in the offence.

Property may be secured by the authorities in accordance with article 181 of the Federal Code of Criminal Procedure and articles 12 and 13 of the Federal Act on Termination of Ownership.

The Service for the Administration and Disposal of Property administers secured and confiscated property and property liable to termination of ownership.

Confiscation depends on the object. This does not include the proceeds of crime which have been transformed or converted into other property, the value of property which has been intermingled with property acquired from legitimate sources, or

² Since the reform of 2015, it also applies to illicit enrichment.

income or other benefits derived from proceeds of crime in cases of securing, confiscation or termination of ownership of property.

While bank secrecy does not present an obstacle to seizure or confiscation, problems may arise with the seizure of original banking documents. However, financial entities may provide certified documentation and make available to the experts original documents on their own premises.

Mexico does not reverse the burden of proof in the area of confiscation.

Property may be secured even if it is in the possession of bona fide third parties (art. 182-L of the Federal Code of Criminal Procedure). The protection of third parties with regard to confiscation is guaranteed in article 40 of the Federal Criminal Code.

The judicial authorities may request banking information directly, and other authorities may do so through the National Banking and Securities Commission.

Statute of limitations; criminal record (arts. 29 and 41)

The statute of limitations periods are set out in articles 100 to 115 of the Federal Criminal Code. Most corruption offences have a statute of limitations period of three years, while some are of seven or eight years. The periods are doubled for persons located outside Mexican territory (art. 101 of the Federal Criminal Code).

International recidivism is regulated in article 20 of the Federal Criminal Code.

Jurisdiction (art. 42)

Mexico has established its jurisdiction over offences committed in its territory. Under certain circumstances, jurisdiction over offences committed on board national vessels or aircraft, and in respect of offences committed against or by a Mexican, is established in article 4 of the Federal Criminal Code. Mexico has not established its jurisdiction over offences committed by a stateless person who has his or her habitual residence in Mexico or over crimes against the State.

Article 2 of the Federal Criminal Code establishes jurisdiction where a treaty contains an obligation to extradite or prosecute (art. 42 (3)); it does not establish jurisdiction in cases where Mexico does not extradite a person (art. 42 (4)).

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Mexico has legislation (for example, art. 15 of the Public Sector Procurement, Leases and Services Act) which states that instruments, contracts and agreements entered into in contravention of the Act shall be null and void.

The monetary penalty includes a fine and compensation for damage (arts. 29 and 30 of the Federal Criminal Code).

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The Office of the Attorney General of the Republic has a Specialized Unit for the Investigation of Offences Committed by Public Servants and Against the Administration of Justice.

Mexico has mechanisms for the inter-agency exchange of information, including the Inter-ministerial Commission for Transparency and the Fight Against Corruption

and the National Banking and Securities Commission's Assistance System for Authority Requirements.

The authorities cooperate with the private sector, inter alia through campaigns to raise awareness. Citizens are encouraged, through informative leaflets, posters, e-mails, as well as telephone hotlines and webpages, to report acts of corruption.

2.2. Successes and good practices

General

- While Mexico has separate systems for compiling crime statistics nationwide and in each State, the National Public Security System collects all information relating to crime.

Criminalization and law enforcement:

- Efforts have been made to establish dissuasive sanctions in criminal matters for legal persons, such as suspension and liquidation (art. 26);
- The Service for the Administration and Disposal of Property has been established as a specialized body devoted to the administration of embargoed, seized or confiscated property (art. 31 (3));
- A specific law on victims has been adopted addressing issues of greatest concern to victims (art. 32 (5));
- Mexico has made efforts to train the staff of specialized authorities, particularly through continuous training in workshop-based courses (art. 36);
- The Assistance System for Authority Requirements has been established to address banking information requirements in an efficient and timely manner (arts. 38 and 40).

2.3. Challenges in implementation

General

It is recommended that Mexico:

- Undertake a comparative study of Federal and State law on the issues in Chapters III and IV of the Convention and, where there are differences, open a space for dialogue between the Federation and States in order to ensure the implementation of the Convention at all State levels;
- Analyse whether it would be useful to harmonize its various definitions of the concept of public servant and formulate a definition based on the individual's role, and that it be of general application to all anti-corruption criminal legislation.

Criminalization and law enforcement:

It is recommended that Mexico:

- Amend its legislation to include in active bribery advantages for other persons and to remove the "without prior request" (*espontáneamente*) element (art. 15 (a));

- Ensure that the “promise” (*promesa*) is criminalized under the concept of “offering” (*ofrecer*) (art. 15 (a)); that the terms used for third party beneficiaries in passive bribery, transnational active bribery, embezzlement, or those that may be introduced into active bribery, are applied such as to include a legal person or entity (arts. 15 (a) and (b), 16 (1) and 17); and that the term “bribe” (*dádiva*) may be interpreted as covering intangible advantages (art. 15 (a) and (b), art. 16 (1)). In the event that, in the future, the courts do not interpret the law in that way, it may be necessary to clarify the law through legislative reform;
- Amend the legislation on transnational active bribery to include undue advantages in relation to the conduct of any international business transactions (art. 16 (1));
- Consider the possibility of criminalizing passive transnational bribery (art. 16 (2));
- Include all categories of private property in the offence of embezzlement (art. 17);
- Consider the possibility of harmonizing article 221 of the Federal Criminal Code with article 18;
- Consider the possibility of removing the list of abusive acts in the offence of abuse of functions and the exhaustive list of third-party beneficiaries, as well as the requirement of damage, and broadening the offence to actions and omissions (art. 19);
- Consider the possibility of amending its legislation on illicit enrichment to remove the requirement of connection with the relevant individual’s employment, and ensure that the offence may not be used to avoid the stricter offence of money-laundering by the frontman. In the event that, in the future, the courts do not interpret the law in that way, it may be necessary to clarify the law through legislative reform (art. 20);
- Consider the possibility of criminalizing bribery in the private sector (art. 21);
- Consider the possibility of amending the law to include all elements of embezzlement in the private sector (art. 22);
- Amend its legislation to explicitly include the possession and use of property, knowing that such property is the proceeds of crime (art. 23 (1) (b) (i));
- Amend its legislation to cover all elements not currently covered, and to clarify the term “evidence” (*prueba*) (art. 25 (a));
- Consider the possibility of adopting legislation on the criminal liability of legal persons which removes the elements “with the resources [...] provided by those entities” (*con los medios que ... las ... entidades le proporcionen*); take steps to make the authorities aware of the possibility of prosecuting legal persons on the basis of the existing law; broaden administrative measures beyond public procurement, and civil liability beyond damage caused by staff who are not partners or managing directors; ensure that all actions taken have effective, proportionate and dissuasive sanctions, and establish statistical monitoring thereof (art. 26);

- Analyse whether the statute of limitations period of three years is sufficiently long; and evaluate the requirement to double the limitation periods when the relevant individual is located outside Mexican territory (art. 29).

Law enforcement

It is recommended that Mexico:

- Assess whether the criterion of absolute immunity and the categories of officials benefiting therefrom might affect the effectiveness of the investigation, prosecution and adjudication of corruption offences, in which case it should be replaced with functional immunity; and regulate the suspension of the statute of limitations period for the entire duration of the service of public officials enjoying immunity (art. 30 (2));
- Ensure that discretionary legal powers are exercised to maximize the effectiveness of law enforcement measures, if it is decided to regulate such criteria (art. 30 (3));
- Establish decision-making criteria for the consideration of parole (art. 30 (5));
- Consider the possibility of establishing procedures to remove or reassign public officials accused of corruption (art. 30 (6));
- Consider the possibility of establishing disqualification for all corruption offences, and disqualification from holding office in an enterprise owned in whole or in part by the State (art. 30 (7));
- Regulate the confiscation of instrumentalities destined for use in corruption offences (art. 31 (1));
- Regulate the securing and confiscation of proceeds of crime which have been transformed or converted, in part or in full, into other property, of income or other benefits derived from such proceeds or of property into which it has been transformed or converted, and the confiscation of the value of proceeds of crime which have been intermingled with property acquired from legitimate sources (art. 31 (4) to (6));
- Clarify its legislation on the seizure of bank, financial or commercial records (art. 31 (7));
- Mexico may consider the possibility of requiring that an offender demonstrate the lawful origin of property liable to confiscation (art. 31 (8));
- Ensure that legislation and the witness protection programme apply to all witnesses, experts and persons close to the protected person, and to all corruption offences (art. 32 (1) and (2));
- Consider the possibility of entering into agreements and arrangements with other States for the relocation of witnesses (art. 32 (3));
- Consider the possibility of broadening the application of the Victims Act to all corruption offences (art. 32 (4));
- Consider the possibility of taking measures to protect reporting persons and measures for reinstating reporting persons in their position of employment; adopt the relevant draft decree and ensure that it is of a broad nature (art. 33);

- Consider the possibility of allowing the mitigation of punishment of persons who cooperate with law enforcement authorities in cases of corruption in general, and the possibility of providing them with judicial immunity; ensure, in the context of a reform of witness protection, that this is applicable to persons who cooperate with law enforcement authorities; consider the possibility of entering into agreements or arrangements in accordance with article 37 (5) (art. 37);
- Strengthen measures for cooperation between its investigating authorities and the private sector (art. 39 (1));
- Continue its efforts to expedite requests for financial information (art. 40);
- Establish its jurisdiction over offences committed on a national vessel or aircraft located in foreign territory or airspace (art. 42 (1) (b));
- Mexico may establish its jurisdiction when the offence is committed by a stateless person who has residence in its territory, over crimes against the State and when Mexico does not extradite the alleged offender (art. 42 (2) (b) and (d) and art. 42 (4));
- Ensure that its channels of communication are used to coordinate actions where several States are exercising their jurisdiction (art. 42 (5)).

2.4. Technical assistance needs identified to improve implementation of the Convention

A summary of good practices and on-site assistance from an anti-corruption expert would help to improve implementation of the Convention (arts. 15, 17, 18, 19 and 20).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

The legal framework of extradition is regulated in the Constitution, in the 32 bilateral treaties and multilateral conventions to which Mexico is party, as well as in the International Extradition Act and the Federal Criminal Code.

The extradition procedure is a combined administrative and judicial procedure in which the Ministry of Foreign Affairs (passive procedure) and the Office of the Attorney General of the Republic (active procedure) play the central role. The positive judicial decision and the administrative decision may be challenged in amparo proceedings.

Mexico requires dual criminality (art. 6 of the International Extradition Act, bilateral treaties).

For an offence to be extraditable it must have an average sentence of imprisonment of at least one year. Some bilateral treaties do not cover all corruption offences. Corruption is not considered a political offence (art. 144 of the Federal Criminal Code).

Mexico does not make extradition conditional on the existence of a treaty, but may extradite on the basis of reciprocity.

The International Extradition Act establishes time limits in order to expedite the procedure, and in practice those limits are met. The procedure may be shortened if the requested individual consents to extradition. The Supreme Court of Justice clarified, within the framework of a specific bilateral treaty, that it is not necessary to demonstrate the existence of an offence.

Mexico may detain a person for the purpose of extradition (art. 119 of the Constitution, arts. 17 and 18 of the International Extradition Act).

Mexico does not extradite its nationals, save in exceptional cases at the discretion of the Executive Branch (art. 14 of the International Extradition Act). In recent years the extradition of nationals has almost been the rule. The obligation to extradite or prosecute is regulated in article 32 of the International Extradition Act. There are no provisions on the enforcement of a foreign criminal judgement in Mexico.

The reasons for refusal (arts. 7 to 9 of the International Extradition Act) do not include discrimination, but Mexico may apply the Convention directly. Extradition cannot be refused on the ground that the offence involves fiscal matters. Before refusing extradition, Mexico consults with the requesting State.

Mexico may proceed with the transfer of convicted persons on the basis of the Convention, its 16 bilateral treaties and the Council of Europe Convention on Transfer of Sentenced Persons, and on the basis of reciprocity.

It may also, without a formal legal basis or using the Convention as a basis, transfer criminal proceedings.

Mutual legal assistance (art. 46)

Mutual legal assistance is regulated in articles 58 to 60 of the Federal Code of Criminal Procedure, Circular C/005/99 of the Attorney General and in the 30 bilateral treaties and three multilateral treaties to which Mexico is party, in addition to the Convention. Mexico affords assistance on the basis of reciprocity and good faith.

Assistance may be afforded in respect of crimes committed by legal persons, in direct application of the Convention.

Mexico may afford the types of assistance provided for in the Convention. There are problems in providing original banking documents, and there is no legal basis for cooperation for the purpose of confiscating and recovering assets.

The Mexican authorities may provide information without prior request. Where they receive information without prior request, the accused person shall have access to the relevant files (art. 15 of the Federal Code of Criminal Procedure).

Bank secrecy is not a ground for refusal of a request for assistance.

Dual criminality is only a requirement for providing assistance in the case of coercive measures, unless a treaty regulates the issue differently. There is no impediment to an arrested person being transferred in order to give testimony in a foreign territory.

The central authority is the Office of the Attorney General of the Republic, which receives directly the vast majority of applications. These must be made in writing in Spanish or English. In urgent cases, requests can also be made orally or via the International Criminal Police Organization (INTERPOL).

Criminal procedural law does not regulate the use of videoconferencing. However, article 180 (1) of the Federal Code of Criminal Procedure provides that anything may be admitted as evidence, and various special laws and treaties mention the possibility of using videoconferencing.

Article 180, paragraph 3 of the Federal Code of Criminal Procedure provides for the principle of speciality. Requests for assistance are confidential, but are accessible to the accused and the other persons referred to in article 16, paragraph 2 of the Federal Code of Criminal Procedure.

The grounds for refusing mutual legal assistance provided for in the law and treaties are consistent with the Convention. Several treaties contain rules stating that assistance may not be refused on the ground that the offence also involves fiscal matters, that reasons must be given for any refusal of mutual legal assistance and that requests should be addressed promptly and are subject to domestic law. It is unclear whether the time frames for execution of the requests are proportionate and whether they apply when the request is made pursuant to the Convention.

The safe conduct of a person who consents to give evidence may be granted for the time that the person is required to remain in the territory of the requesting party or for the time that a treaty provides for such a purpose.

Mexico bears all costs relating to the execution of requests, wherever that is possible, barring the exceptions set out in the treaties.

Cooperation in law enforcement, joint investigations; special investigative techniques (arts. 48, 49 and 50)

The Office of the Attorney General of the Republic has the power to cooperate with foreign authorities (art. 52 of the Organic Law of the Office of the Attorney General of the Republic). There are no inter-agency memorandums at the international level. The Mexican Federal Police cooperate through INTERPOL, and the Financial Intelligence Unit is a member of the Egmont Group. Mexico participates in the Global Focal Point Network on Asset Recovery established by StAR/INTERPOL and may exchange information through the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition and the Ibero-American Network for International Legal Cooperation. The Office of the Attorney General of the Republic is part of the Ibero-American Association of Public Prosecutors. Mexico may use the Convention as a legal basis for law enforcement cooperation.

Only the Public Prosecutor's Office and the police have the powers to investigate and prosecute crime. Mexico could participate in joint investigation teams on the basis of the United Nations Convention against Transnational Organized Crime.

The use of special investigative techniques is not permitted in regard to corruption offences. Certain covert activities are used in administrative investigations and the results may be admitted within the framework of criminal prosecutions if the person is arrested in flagrante delicto.

3.2. Successes and good practices

- Mexico has a statistical information system that facilitates the provision of disaggregated information on extradition (art. 44);
- Mexico's central authority maintains close communication with other central authorities and has established a single e-mail account for assistance requests. It also encourages the disclosure of records as soon as they are obtained and sends and receives requests in advance via e-mail (art. 46 (13));
- Mexico receives requests for mutual legal assistance in Spanish and English (art. 46 (14)).

3.3. Challenges in implementation

It is recommended that Mexico:

- Strengthen direct communication between extradition authorities (art. 44 (1));
- Mexico may grant extradition in the absence of dual criminality and, if the request is not enforced on the basis of a relevant treaty, it could grant it where the extradition request includes several related crimes, some of which are not extraditable due to the minimum penalty permitted (art. 44 (2) and (3));
- Consider all corruption offences as extraditable offences in any extradition treaty (art. 44 (4), sentence 1);
- Further clarify that the existence of a crime need not be demonstrated for extradition purposes in regard to all extradition treaties (art. 44 (9));
- Consider the possibility of enforcing the sentence imposed or the remainder thereof in conformity with domestic law, if extradition sought for the purpose of enforcing a sentence is refused on the basis of nationality (art. 44 (13));
- With regard to the right to appeal and acknowledging that a positive decision on extradition may be challenged in amparo proceedings for violations of individual guarantees, assess the possibility of establishing full judicial control over the relevant resolutions (art. 44 (14));
- Regulate explicitly the refusal to grant assistance on the ground of justified suspicion of discrimination (art. 44 (15));
- Clarify in its legislation that the relevant authorities may request the seizure of bank documents, and provide assistance relating to the confiscation and recovery of assets (art. 46 (3));
- Ensure that it can maintain the confidentiality of information received without prior request (art. 46 (5));
- Apply the Convention directly in the absence of treaties or when bilateral treaties contain stricter rules, for example on issues related to dual criminality, the obligation to provide reasons for the refusal of assistance, safe conduct and costs (art. 46 (9), (23), (27) and (28));
- Consider the possibility of limiting the accused person's access to relevant information or inform the requesting State if it has to lift confidentiality (art. 46 (20));

- Execute mutual legal assistance requests as soon as possible and compile statistics on deadlines (art. 46 (24));
- Consider the possibility of explicitly regulating the transfer of criminal proceedings (art. 47);
- Strengthen cooperation between law enforcement entities, including through the exchange of personnel, and use the Convention as a legal basis in practice (art. 48(1));
- Consider the possibility of concluding agreements on joint investigation teams or agreements on a case-by-case basis or using the Convention as a legal basis (art. 49);
- Regulate the use of special investigative techniques for corruption offences (art. 50 (1)) and conclude arrangements or agreements for the use thereof within the framework of international cooperation insofar as they have been regulated, or take decisions on the use of such techniques at the international level on a case-by-case basis (art. 50 (2) to (4)).

3.4. Technical assistance needs identified to improve implementation of the Convention

Technical assistance that would help Mexico to implement the chapter under review:

- Art. 44: On-site assistance from an anti-corruption expert, training programmes, development of an action plan;
- Art. 50: Summary of good practices and lessons learned; training programmes for the authorities responsible for the design and use of special techniques and international cooperation in this regard; legal advice and model agreements and contracts.