**Submissions of best practices that link anti-corruption measures with the realization and protection of human rights**

**A. National Human Rights Commission of Mexico (CNDH).**

1. The National Human Rights Commission of Mexico has an Internal Control, which monitors the fulfillment of its duties, essentially, through:

a) The audit of the administrative management of the substantive bodies and administrative units of the National Commission, based upon control and monitoring systems of established goals in the work programs;

b) Verification of adherence to the law of public servers in the performance of their duties, implementing necessary administrative tools and applying corresponding administrative sanctions to enforce the guiding principles of public service within the framework of respect for human rights of its staff, and

c) The imposition of sanctions to public servers of the Organizacion, on public procurement.

2. On August 10 of 2015, the President of National Human Rights Commission of Mexico (CNDH), signed the Agreement A002/2015, "By which the specifics are disclosed for the presentation of the Declaration of Interests" where it is established the various assumptions in which public servers of National Commission must submit their declaration of interests; the formats to be used, and the intervention of Internal Control for training, counseling and / or support for public servers that require it, and for compliance monitoring.

**B. Strategies of the Mexican State.**

3. The National Human Rights Program, 2014-2018 (PNDH) establishes on its Chapter III, called El *Programa Nacional de Derechos Humanos 2014-2018 (*PNDH) establishes, in its Chapter III, called *Objectives, strategies and lines of action,* the Strategy 1.5 *Review the impacts of the process of implementing the constitutional reform of human rights* on its Line of Action 1.5.1 requires: ***To establish mechanisms for accountability and access to information, regarding the implementation of the reform*** and Strategy 3.1, Ensuring human rights approach in the management of the Federal Public Administration, of same chapter, line of action 3.1.4: ***Institutionalize human rights approach in programs to fight:*** ***violence, corruption, poverty, hunger and*** ***inequality*** **[[1]](#footnote-1)**

4. In the area of fighting corruption at international level, the Mexican State has signed and ratified, among other international instruments:

a) ***United Nations Convention against Corruption***, it is established the obligation to ensure the existence of a specialized body against corruption, with the necessary independence to carry out its function effectively and without any undue influence;

b) ***Inter-American Convention against Corruption***, which promotes and strengthens the development of States to prevent, detect, punish and eradicate corruption in the performance of their duties.

c) ***The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,*** which considers punishable anyone who intentionally offers, promises or give any undue pecuniary or any advantage, directly or through an intermediary, to a foreign public server for his behalf or a third party, in order that that official acts or refrain from doing, in fulfillment of his official duties, in order to obtain or retain a business or other improper advantage, in making international business.

5. With the Constitutional Reform on Human Rights published on June 10, 2011, the Mexican Government fully embraced responsible for the promotion, protection, defense, education and monitoring of human rights. The scope of protection of individuals was expanded when it was incorporated under the constitutional protection those human rights recognized in international instruments of which our country is a party with the amendment and / or addition of several articles of the Federal Constitution.

6. In general terms, it should be noted that some provisions will surely contribute to transparency, accountability and therefore to fight against corruption.

**The Constitutional Reform of May 27, 2015** on fight against corruption, established:

1. Article 73, paragraph XXIV, gives the Union Congress the attribution of issuing the general law establishing the bases for coordination of National Anti Corruption System, and in paragraph XXIX-H, the issuance of a law providing of autonomy to Federal Court of Administrative Justice.
2. The name of Title Four was reformed “About responsibilities of Public Servers and Patrimonial of the State” now: “About responsibilities of Public Servers, Individuals linked to serious administrative offenses or acts of corruption and Patrimonial of the State”.
3. In that Title, it was added in Article 108, the obligation of public servers to file its financial statement to the competent authorities, which was only provided for in the Federal Law of Administrative Responsibilities of Public Servers.
4. Article 109, was reformed to replace the term "warnings" to "sanctions" of public servers and individuals, when they fall into responsibility to the State. It was included also that commission of offenses by any **public server** or **private on corruption**, shall be punished in accordance with applicable criminal law. Similarly, the administrative penalties were added for cases in which acts or omissions of public officials affect the legality, honesty, loyalty, impartiality and efficiency that must be observed in the performance of their jobs, positions or commissions, and consists in warning, suspension, dismissal and disqualification as well as economic sanctions, to be established according to the economic benefits, if any, has obtained the responsible, and the damage and injury caused to property.

It was included that public federal bodies, must have internal control bodies with the capacities provided by law for prevent, correct and investigate acts or omissions of administrative responsibilities; to sanction those different from the competence of the Federal Court of Administrative Justice; to check the income, egress, management, custody and application of federal public resources and federal contributions, and complaints by facts that constitute an offense against the Special Prosecutor on Fighting Corruption.

It was established that state and municipal authorities, as well as the Federal District and its territorial boundaries, will have internal control bodies that have in their local areas, the authority to which the preceding paragraph, and courts of administrative justice will impose on individuals involved with acts linked to serious administrative faults with independence of other kind of responsibilities, among others, economic sanctions.

1. It was incorporated on Article 113, the creation of National Anti-corruption System, as the responsible body for coordination between the authorities of all orders of Government competent in prevention, detection and punishment of administrative responsibilities and acts of corruption, as well as the monitoring and control of public resources.
2. In Article 114 the term “not less than seven years” was added for prescribing administrative responsibility for actions or serious omissions.
3. In Article 116 was established the obligation for the appropriate state bodies of the State legislatures, to supervise the actions of the States and Municipalities in terms of funds, local resources and public debt and the character of *public* was given to the audit reports of state audit institutions.

7. The Federal Penal Code establishes various kinds of offenses in which it is required that the perpetrator has the status of public server, such as illicit enrichment; bribery of public officials, domestic and foreign; peculation; influence peddling; authority abuse; intimidation; coalition of public servers; improper exercise of public service and crimes against the administration of justice, for the purpose of establishing criminal liability for public officials who commit offenses in question.

8. On November 19, the Senate of the Mexican Republic approved the Federal Law of Transparency and Public Information Access and it was referred to the Chamber of Deputies.[[2]](#footnote-2)

9. Also, from May 2015, the Ministry of Public Administration (SFP) included in the formats for the declaration of start, conclusion and modification assets of public servers, a section called "Declaration of Possible Conflicts of Interest" in order to transparent the exercise of public service and prevent corruption.

By mandate, for Ministry of Public Administration (SFP) 2 Units, one Unit in charge of Policy of Transparency and International Cooperation (UPTCI) and another **Unit of Specialization in Ethics and Prevention of Conflicts of Interest (UEEPCI).**

The **Unit in charge of Policy of Transparency and International Cooperation (UPTCI)** has within its powers, to formulate draft policies, strategies and criteria for impulse the actions on transparence, accountability and citizen participation for the prevention of corruption in the departments, entities and the Attorney General's Office (PGR).

Also to coordinate, monitor and evaluate the actions undertaken by departments, organizations and the Attorney General’s Office (PGR) on transparency, accountability and citizen participation for prevention of corruption, pursuant to the provisions of the National Development Plan, the programs which are derived therefrom and International Conventions Anti-Corruption ratified by the Mexican Government.

To promote the preparation, publication and, where appropriate, dissemination of materials and awareness programs on transparency, accountability and citizen participation in preventing corruption.

To propose and, where appropriate, implement, in coordination with the General Directorate of Social Communication the campaigns of dissemination of this Secretariat on transparency of public administration, accountability and public participation in preventing corruption, among others, (Article 17, paragraphs I, II, V y VIII from Internal Regulations of the Ministry of Public Administration).

Among the powers of the **Unit of Specialization in Ethics and Prevention of Conflicts of Interest (UEEPCI)** are the formulation of draft policies, guidelines, strategies and other general instruments, to set actions on ethics and integrity in order to prevent behavior contrary to the provisions governing the exercise of public function, as well as conflicts of interest of public servers of the Federal Public Administration, in the exercise of their functions (Article 17 BIS from Internal Regulations of the Ministry of Public Administration).

1. National Program of Human Rights 2014-2018. http://www.dof.gob.mx [↑](#footnote-ref-1)
2. http://www.jornada.unam.mx/ultimas/2015/11/19/aprueba-senado-ley-federal-de-transparencia-2935.html [↑](#footnote-ref-2)