



México

JUDICIAL INDEPENDENCE ASSESSMENT FEDERAL JUDICIARY



CYRUS R. VANCE CENTER
FOR INTERNATIONAL JUSTICE



LAWYERS COUNCIL
for CIVIL & ECONOMIC RIGHTS



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Cyrus R. Vance Center for International Justice
and
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I. Introduction and context

This document is part of a series of assessments on the judicial system's independence in Latin America, aimed at providing concrete and up-to-date information on various countries in the region, highlighting issues, and fostering productive dialogue with the national and international community. It seeks to present, on the one hand, the main structural, regulatory, and operational aspects of the judiciary and, on the other, the challenges related to judicial independence in this jurisdiction. It summarizes the key legal framework elements and addresses current challenges to judicial independence in this jurisdiction. This includes issues such as the selection and appointment of judges, evaluations, promotions, disciplinary processes, dismissals, the physical and legal security of judicial operators, interference from other branches of government in the administration of justice, cases of corruption, and the concentration of administrative and financial powers, among others. The report also examines the progress of adopting norms and policies to mitigate these challenges.

This analysis is not intended to be an exhaustive examination of the subject but rather to serve as a summary guide, providing analysis and research tools to anyone who consults it from any context and is updated by the *Cyrus R. Vance Center for International Justice* of the New York City Bar Association,¹ the National Association of Circuit Magistrates and District Judges of the Federal Judiciary (JUFED) and the Mexican Association of Women Judges A.C., as part of the Institutional Integrity program and efforts to strengthen the independent judiciary.

In the United Mexican States, Mexico's official name, there is a federal regime with a federal judiciary and a judicial branch for each of the 32 states. This paper focuses on the Federal Judiciary, which, although originally conceived as a justice system of exception, is now an additional instance for national-level litigation.

After a constitutional reform in 1994, the Federal Judiciary was strengthened to consolidate it as an independent branch of government, with a professionalized judicial civil service that has been a model in the region while still leaving room for improvement. Unfortunately, the federal judiciary has become the target of an attack campaign that seriously affects its independence and legitimacy.

This campaign of attacks reached its peak with the constitutional reform published in the Official Gazette of the Federation on September 15, 2024, which faced opposition from the national and international legal community, the judges themselves, and the international community. The reform impacted three areas: 1) it ended the appointment of all federal judges and called their replacement in 2025 and 2027, 2) it changed the selection rules for judges from a career-based system on a career to a semi-democratic popular selection system, and 3) it restructured and split the Federal Judiciary Council into an administrative body and a Judicial Discipline Tribunal.

After a controversial constitutional reform process, evidence showed how opposition legislators denounced pressure from MORENA² to vote in favor of the reform. Additionally, a last-minute vote was



obtained in the Senate chamber³, where a senator's absence was reportedly provoked by threats of imprisonment against his father⁴. Serious questions also arose regarding whether the necessary votes had been legitimately obtained in the House of Representatives, as a last-minute venue change prevented many congress members from being present at the time of the vote.⁵ This occurred in disregard of multiple judicial rulings that had ordered the suspension of the reform discussion due to various procedural irregularities.⁶

The process to replace the federal judges began the day after the reform was published. The first step was a lottery held on October 12, 2024.⁷ This lottery determined which half of the 1,647 incumbents⁸ in the Federal Judiciary (hereinafter, PJF) would be dismissed by 2025. The outcome was the dismissal of 464 magistrates and 386 district judges, who will face replacement in 2025⁹. According to the reform's transitory articles, the remaining half of the incumbents- approximately 797- will be dismissed in 2027. The lottery method was based on selecting even or odd numbers. The President of the Senate Board of Directors explained the simplicity of the process, stating, "you draw a number, the even numbers will go to 2025, the odd numbers to 2027".¹⁰ This entire process took place in the absence of opposition groups, primarily from the parliamentary groups of Movimiento Ciudadano and Partido Acción Nacional, who protested the judicial reform and held demonstrations outside the legislative headquarters.¹¹

This selection process by lottery was subsequently defended by President-elect Claudia Sheinbaum and the head of the Ministry of the Interior, who explained the lottery process as follows:

"What did the Senate do? It took four steps. One: it divided the lists of positions submitted by the Federal Judiciary Council into odd and even numbers based on the consecutive number assigned by the judiciary. Another step is that from the 711 positions, 359 and 361 district courts were selected randomly. In addition, 114 vacancies, resignations and/or programmed retirements of magistrates were taken into account, as well as 25 district judges who were directly integrated. It should be clarified that in both cases, magistracies and courts, the lists selected through a ballot box were odd-numbered. Four: a new drawing of lots was finally made to adjust the selected list to exactly half of all the positions of magistrates and judges. It should be clarified that in the case of those chosen in the raffle were completely random; impartiality was guaranteed as well as respect for the human rights at all times".¹²

Some media reported that within this first group of dismissed judges, there are at least 50 who oversaw high-profile cases and were frequently criticized by the former president during his press conferences.¹³ Other media reported that 39 out of 58 judges who publicly denounced alleged pressures from former Justice Arturo Zaldívar were among those subject to a popular vote in 2025¹⁴.

Although, as mentioned above, this analysis focuses on the federal judicial system in Mexico, there are also 32 state-level judicial branches, each with its challenges and opportunities. The number of judges at the state level is approximately 5,700.

The constitutional reform will also impact state judiciaries. The eighth transitory provision mandates that the states have a period of one hundred and eighty calendar days from the enactment of the Decree to make the necessary adjustments to their local constitutions. Additionally, it allows states to hold the election in either 2025 or 2027. Given that the number of judges at the regional level is



significantly higher than at the federal level, the scale of the reform's impact at the local level should not be underestimated.

Although the reform has been approved, questions remain regarding its implementation and the powers of the new disciplinary body. In Mexican and international circles, this reform has been described as a setback for judicial independence and a threat to the rule of law.

Different political parties filed challenges before the Supreme Court against the judicial reform. After extensive debate about the possibility of this reform being invalidated by the Supreme Court—since the Constitution does not explicitly provide mechanisms suggesting this power—on November 5, 2024, the Court decided to dismiss the actions of unconstitutionality and not address the substance of the matter.

Weeks earlier, the debate reached a high point of tension in which the ruling party proposed a constitutional reform that, on the one hand, eliminated the possibility of invalidating norms through conventionality control and, on the other, elevated the constitutional status of an explicit prohibition against judicial review of constitutional reforms. In response, the Inter-American Commission on Human Rights reminded the Mexican State of the importance of ensuring a broad, inclusive, and participatory debate and adhering to international human rights obligations.¹⁵ Following these initiatives, the ruling party decided to limit the reform by eliminating the non-application of conventionality control and solely elevating the prohibition on judicial review of constitutional reforms to constitutional status. The Senate approved this amendment in a fast-tracked manner on October 24, 2024, just days before the Court decided to dismiss the cases.

II. Judicial independence. External appearance

As one of the three branches of government, the federal judiciary, according to the Mexican Constitution, enjoys full independence and autonomy within the framework of inter-branch collaboration, including appointing its members. Since 1994, there have been unwritten conventions for appointing justices and maintaining a balance between federal judiciary members and legal experts from other areas of the profession; however, preference has always been given to career judicial attorneys. While tension between the executive and legislative branches is natural, respect for the judiciary had historically been a constant—until this was disrupted during the administration of President López Obrador.

The PJF became one of the most criticized institutions during former President López Obrador's term, from December 2018 to September 2024. Rather than addressing matters under his administration through the judiciary, the former president openly attacked members of the judiciary, claiming they failed to make decisions aligned with his government's agenda. According to his narrative, these attacks ultimately proved effective; in 2024, he secured a supermajority in Congress, enabling change to appoint judges, magistrates, and justices despite strong opposition from academia, the judiciary, civil society, and international organizations.



For further information on the specific attacks by former President Lopez Obrador, please refer to the original version of this report, published in September 2023, on pages 3-11.¹⁶

A. PJF Budget

One of the essential aspects of judicial independence is the budget, a process in which other branches of government are typically involved. Unlike other countries in the region, such as Honduras, Paraguay, Panama, and El Salvador, the Mexican Constitution does not mandate a fixed percentage of the gross domestic product, the general budget, or any predetermined parameter for the judiciary's budget. Instead, it is negotiated annually, leaving the judiciary vulnerable to these negotiations.

The judiciary's budget is proposed by each of the three main bodies that make up the Federal Judicial Branch (the Supreme Court of Justice of the Nation, the Electoral Tribunal, and the Federal Judiciary Council), which submits it to the Chief Justice of the Supreme Court. The Chief Justice must then forward it, without modifications, to the House of Representatives for debate.

Federal judges themselves do not participate in determining the judicial branch's budget; instead, they are indirectly represented in the budgetary process by the magistrates and judges on the Federal Judiciary Council (from now on CJF). Currently, no formal mechanism allows them to express their opinions on the Judicial Branch's budget.

No judicial body- whether a court, tribunal or other judicial entity- receives a specific budget allocation. The Federal Judiciary Council oversees and manages the budget of the Federal Judicial Branch, except for the Supreme Court of Justice, which is authorized to administer its budget through its respective administrative bodies.¹⁷ In general, the Federal Judiciary Council directly adjudicates and executes the budget allocations at its discretion. Notably, 86.1% of the Judicial Branch's budget is allocated to salaries for its over 55,800 members.

Former President López Obrador's administration was highly critical of public servants' salaries, particularly those in the judiciary. In 2018, with a majority from the ruling party, Congress enacted the Federal Law of Remuneration of Public Servants. Among other issues, such a law sets a salary cap across government branches based on the President's salary. This law was later declared unconstitutional by the Supreme Court in the action of unconstitutionality 105/2018 and its related cases.¹⁸

To avoid political conflict, the three bodies of the Federal Judicial Branch proposed budget reductions, with Supreme Court justices and Electoral Tribunal magistrates even voluntarily reducing their salaries. This marked a departure from the historical trend of steady increases in the judiciary's budget.

However, tensions persisted and escalated significantly on October 17, 2023, when the House of Representatives approved a bill to dissolve 13 of the 14 trusts held by the Federal Judicial Branch, impacting its financial stability.¹⁹ Civil society organizations argued that this decision was based on a flawed understanding of the funds' accumulated resources, emphasizing that, although there were



administrative shortcomings, these funds primarily came from investment returns and contributions by judiciary employees rather than the judicial budget.²⁰ This measure was legally challenged, and a district court ordered a suspension, later upheld by the Supreme Court's Second Chamber, temporarily halting the trust dissolution.²¹

This constitutional reform of September 2024 altered this suspension. The reform's transitory provisions required that the Federal Judicial Branch take the necessary steps within ninety days to dissolve funds, trusts, mandates, or similar agreements not established in secondary law, integrating these resources into the Treasury of the Federation or the states, as applicable.

Today, the Constitution mandates consolidating these resources in the Treasury, with their allocation overseen by the Ministry of Finance to fund the constitutional reform, including the extraordinary election process establishment of the new Federal Judicial Branch areas.

A recurring element of the reform is the reduction of judges' salaries. An austerity rule was added to Articles 94, 116, 122 and the seventh transitory article, specifying that the highest-level judges shall receive adequate, non-waivable remuneration, which may not exceed that of the President of the Republic. However, determining the exact remuneration of the President remains unclear, complicating an objective salary calculation, as the Supreme Court has previously ruled that the remuneration includes not only the gross salary listed in the expenditure budget but also "all the benefits in kind inherent to the position, among others, food, transportation, housing, household goods, security, health services, among others."²²

The 2025 budget bill, approved by a majority vote on October 24, 2024, implemented these cuts to the judiciary. According to some sources, the approved budget reflects a 1.4% reduction from the total authorized by the House of Representatives for 2024, including cuts in the remuneration of high-ranking officials.²³ Other sources calculated the salary reduction of justices, dropping from 5.5 million pesos gross to 2.8 million pesos gross annually, alongside reductions for 330 other senior officials in the judiciary.²⁴ A minister who opposed the budget, arguing the cuts were insufficient, noted that "the unconstitutional remuneration of justices is maintained" and that "the totality of the concepts that comprise it is not transparent".²⁵

In an official statement dated October 24, 2024, the Supreme Court reported that it requested a 2025 budget of 5,922.9 million pesos, a 1.4% real-term reduction (considering inflation projections by the Bank of Mexico for year-end 2024) and a 23.7% real-term decrease from the 2018 fiscal year budget. The Court further highlighted that it was "important to note that, for 2024, the House of Representatives made the largest cut in at least the last ten years to the resources requested by the Supreme Court, equivalent to 321.9 million pesos (5.3% of what was requested)" and that "despite this, with a policy of rationality, austerity and containment of spending, this High Court has been able to expand the services it offers and meet its growing demand, improving the efficiency of spending. Thus, in the last five years, the Supreme Court has spent almost 99% of the budgets authorized by Congress."²⁶



Finally, the new rules, alongside the adjustments mentioned, retain the jurisdiction of the Supreme Court, the Electoral Tribunal, and the new judicial administration body to prepare their respective budget and submit it for inclusion in the draft Federal Expenditure Budget.

B. Constitutional reform of 2024

In February 2024, former President Andrés Manuel López Obrador introduced a constitutional reform initiative aimed at 1) reshaping the Supreme Court of Justice of the Nation (SCJN), 2) implementing popular election for justices, judges and magistrates, 3) replacing the Federal Judiciary Council (CJF) with a Judicial Discipline Tribunal and an administrative body, and 4) enacting new procedural regulations.²⁷

Public reaction from academia, civil society, and the private sector immediately raised concerns about the reform's potential impact on judicial independence.²⁸

The U.N. Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, issued comments and suggestions on July 29, 2024 (OL MEX 11/2024), regarding the reform package presented by the former President.

The Rapporteur noted her concern about the context in which the reform was proposed considering recent alleged intimidation and verbal attacks of judges by the Executive and the Legislature against certain incumbents that had been occurring in recent months (previously addressed in AL MEX 5/2024).

Concerning judicial reform, the Rapporteur noted the following concerns:

- a. First, she argued that the reform could undermine the independence of the Mexican judiciary by including popular elections for judges without establishing procedures to regulate campaigns. She noted that while international law does not require a specific procedure for appointing and selecting judges, it does require that any procedure guarantees institutional and individual judicial independence and subjective and objective impartiality.
- b. Additionally, since the reform lacks procedures governing conduct during campaigning, popular elections could increase the risk that judicial candidates may prioritize pleasing voters or sponsors to secure reelection rather than basing their decisions exclusively on principles and legal standards.
- c. Regarding the new appointment durations, she expressed concern about the lack of security of tenure resulting from short judicial terms or legislation allowing removal through potentially politicized processes that can be politically manipulated, as short terms can weaken the judicial system.
- d. Given that the reform implied the early removal of all federal judges, the Rapporteur noted that this constituted a clear violation of judicial tenure. She also emphasized that the immediate



removal of approximately 1,800 judges would lead to delays in administering justice for ordinary citizens and violate their right to a fair trial.

Former President Andrés Manuel López Obrador dismissed these criticisms, asserting that Mexico's Constitution governs the nation, independent of the U.N. Intervention.²⁹

Subsequently, on August 21, 2024, the New York City Bar Association voiced concerns³⁰ over the reform's proposal for judge elections and a new disciplinary tribunal, focusing on two issues: 1) the election of judges and 2) the new sanctioning body.

- i. Election of judges: The proposal aims to change the current method of appointing judges from Senate appointments to a popular and secret election of Supreme Court justices and federal judges. However, concerns have been raised about the lack of clarity in the selection criteria and the political influence, which could compromise judicial independence. The Inter-American Court has established that judges should be selected based on merit and through transparent procedures- requirements the proposed reform does not fully guarantee.
- ii. New sanctioning body: The reform also proposes the establishment of a Judicial Discipline Tribunal to replace the current Federal Judiciary Council in sanctioning judges. The popular election of its members and the ambiguity surrounding the grounds for sanctions could politicize its operations, raising concerns about violations of international standards for judicial independence. Furthermore, civil society organizations and international bodies have feared that this reform may negatively impact judicial impartiality.

The New York City Bar Association urged former President López Obrador and President-elect Claudia Sheinbaum to acknowledge the importance of an independent judiciary and uphold judicial independence per international law and Mexico's international commitments. They emphasized the need to consider all concerns raised by civil society, academia, and national and international experts, including the U.N. Special Rapporteur. Additionally, they called for a broad and transparent discussion process to evaluate the merits of proposed changes to the judiciary.

On August 22, 2024, U.S. Ambassador Ken Salazar warned that electing judges by popular vote could compromise judicial independence and expose judges to political and organized crime influences. In addition, he cautioned these elections would affect confidence in the Mexican legal framework and the U.S.-Mexico trade relationship. Salazar highlighted joint economic and security achievements but stressed that strengthening the judiciary must be a priority to maintain stability and justice.³¹

Faced with the constitutional reform, workers of the PJF closed court facilities nationwide on August 19, 2024, and decided to go on a national strike.³² On August 29, the protest escalated, and they shut down the SCJN offices.³³ On September 1, thousands of university students joined demonstrations in Mexico City, opposing potential judicial capture under the reform.³⁴



In September 2024, less than a month before the Lopez Obrador administration ended, the reform was approved amidst a process full of protests and legislative irregularities. The reform was planned to be discussed in the main building of the House of Representatives; however, given the demonstrations of thousands of Mexicans outside the facilities, it was decided to move the venue to a gymnasium in a different location. At this site, the opposition reported that the necessary quorum was never met, that there were failures in the roll call since it was done manually and not in the computer system, and that there was no certainty about how many legislators were present.³⁵

When the constitutional reform was discussed in the Senate, the formal numbers between the opposition and the coalition of the government party indicated that the qualified majority to approve the constitutional reform would not be achieved since only one vote was missing.³⁶ During the days between the approval in the House of Representatives and the discussion in the Senate, several senators reported being threatened to vote in favor of the judicial reform.³⁷

Finally, on September 11, 2024, the discussion was held in the Senate Chamber³⁸; an opposition senator from the PAN party unexpectedly changed his vote after a day of absence and spending several hours without communication with his party.³⁹ In addition, another senator from the opposition absented himself from the vote, stating that he was held incommunicado for twelve hours in a criminal court in the city of Merida under threat of criminal prosecution of his father.⁴⁰

Once approved by the Senate, according to the rules of constitutional reform, it must be approved by at least 17 state legislatures. By September 12, 2024, the legislatures of 17 states had already made their decision in record time.⁴¹

During different stages of the reform procedure, different judges issued resolutions to suspend the procedure due to all the irregularities that citizens and civil organizations reported. The suspensions totaled 70 resolutions, which the bodies in charge of the reform did not comply with.⁴²

The reform was finally published in the Official Gazette of the Federation on September 15, 2024.⁴³ This act of publication was the last one for a reform to be considered part of the Constitution. After the reform, the federal courts continued with their strike.

On October 1, 2024, President Claudia Sheinbaum, Mexico's first female president, publicly supported the constitutional reform in her first speech, claiming that "it means more autonomy and independence of the Judicial Power." The judicial branch workers requested to communicate with the new president-elect; however, in a protest that same day, they were encapsulated by riot police.⁴⁴

On October 8, 2024, Ricardo Monreal, the coordinator of the Morena party in the House of Representatives, acknowledged contradictions within the Constitution between Articles 94 and 97, which outline two completely different processes for electing the president of the SCJN and establishing the terms for this presidency. On one hand, Article 94 states that the SCJN presidency should be renewed every two years based on the number of votes obtained. On the other hand, Article 97



specifies that the plenary should elect the SCJN presidency every four years through a collegiate decision.⁴⁵

On October 10, 2024, President Sheinbaum reiterated in the morning briefing that the constitutional reform was valid, asserting it was a decision by the people of Mexico. She emphasized that the reform contained no contradictions and addressed serious corruption issues within judicial institutions, initiating a democratization process where citizens would elect their judges and justices.⁴⁶

On October 12, 2024, a selection process was conducted by lottery to determine the first half of the judges who would be removed for the initial ballots in 2025.⁴⁷ On October 14, 2024, secondary laws governing the first election of judges were approved.⁴⁸

Some analysts report non-compliance with judges' rulings has increased in the first weeks of the new president's term, with around 140 against the judicial reform remaining unfulfilled.⁴⁹

Institutional tension escalated significantly when President Sheinbaum consulted the Senate on whether to comply with a federal judge's order requiring her to withdraw the publication of the judicial reform from the Official Gazette of the Federation. With 81 votes in favor and 31 against, the government's coalition in the Senate authorized the decision to disregard the court ruling submitted for its consultation.⁵⁰

As of this now, several constitutional lawsuits remain filed before the SCJN challenging the constitutional reform, including the Constitutional Controversy 286/2024, Unconstitutionality Action 164/2024, and files related to ongoing consultations 4/2024, 5/2024, and 7/2024.

On October 30, 2024, eight Supreme Court justices Norma Lucía Piña Hernández (Chief Justice), Ana Margarita Ríos Farjat, Jorge Mario Pardo Rebolledo, Alberto Pérez Dayán, Juan Luis González Alcántara Carrancá, Javier Laynez Potisek, Alfredo Gutiérrez Ortiz Mena and Luis María Aguilar Morales,⁵¹ submitted their resignations, effective August 2025, to the Senate following the seventh transitory article of the judicial reform.⁵² Their resignations came amid criticism from President Sheinbaum, who accused them of seeking to protect their "retirement assets"⁵³ and under threats from some legislators to reject their resignation and deprive them of this right granted under the reform itself.⁵⁴ In their resignation letters, the justices also declined to participate in the 2025 extraordinary election process.

On the same day, 867 judges and magistrates- 349 judges and 518 magistrates- resigned and declined the opportunity to participate in the 2025 election. Some media outlets report that this number represents more than half of the judges within the federal judiciary.⁵⁵

On October 31, 2024, a constitutional reform prohibiting judicial review of constitutional reforms was submitted to the President for publication in the Official Gazette of the Federation, following record approval by the House of Representatives, the Senate, and 23 local congresses.⁵⁶ This action was a response to a proposed draft ruling by Minister González Alcántara Carrancá, which sought to invalidate



the constitutional reform because it altered the basic structure of the Constitution.⁵⁷ President Sheinbaum publicly opposed this proposed ruling, accusing the SCJN of attempting to override the people's will.⁵⁸

On the same day, the names of the members of the Evaluation Committees proposed by the executive, legislative, and judicial branches- responsible for selecting candidates to be included in the voting ballots - were made public.⁵⁹

Political parties, organizations, and states filed constitutional lawsuits before the SCJN against the judicial reform published on September 15, 2024. On November 5, 2024, the SCJN ruled the unconstitutionality action 164/2024 and other cases where it failed to achieve the necessary majority to decide the substantive question and choose to dismiss the case. A majority of seven justices voted in favor of the admissibility of the actions but lacked the qualified vote of eight needed to invalidate these articles.⁶⁰

III. Integration

Currently, the Judicial Branch of the Federation (hereinafter PJF) includes the following bodies:

- I. Supreme Court of Justice of the Nation (hereinafter SCJN);
- II. The Electoral Tribunal (hereinafter TEPJF);
- III. Circuit Regional Plenaries;
- IV. Circuit Courts;
- V. Courts of Appeals;
- VI. District Courts;
- VII. Judicial administration body;
- VIII. Court of Judicial Discipline.



The Federal Judiciary Council (CJF), established by the judicial reform of 1994, serves as the specialized body for the administration, oversight, and discipline of the PJF. One of the significant advances of the 1994 reform was creating a judicial civil service system, which the Council is responsible for managing. However, as of September 2024, the Federal Judiciary Council has been divided into a judicial administrative body and a Judicial Discipline Tribunal. With the new regulations, the administration of the judicial civil service now falls under the recently established judicial administrative body. However, its structure is not yet fully defined, as the elections for the heads of both bodies are still pending.

Previously, the judicial civil service system included judges and magistrates; however, the constitutional reform of September 2024 changed the appointment method to a popular election process. Although the judicial civil service system remains in effect, it now includes only the three traditional levels of Mexico's judicial civil service: officers, clerks, and secretaries. The administration of the SCJN is the responsibility of the SCJN itself rather than the Judicial Administration Body. However, the Judicial Discipline Tribunal (TDJ) has the authority to review and sanction the conduct of the SCJN's Justices and



other members of the PJF. Given the absence of secondary legislation, it is still unclear how the TDJ will interact institutionally with the SCJN.

Under the new 2024 rules, the SCJN will have nine members and operate in plenary sessions. The presidency of the SCJN will be elected every two years on a rotating basis, determined by the number of votes received in the election. As mentioned, the reform has sparked considerable debate due to contradictions between Articles 94 and 97 of the Constitution. Article 94 states that the presidency of the SCJN will be decided based on the votes obtained in the election. In contrast, Article 97 specifies that the plenary will elect the president from among its members every four years, with the stipulation that the president cannot be reelected for the immediately following term under the previous system. These contradictions highlight the haste with which the reform was discussed in September 2024 and the emerging regulatory gaps. Under the new rules, the term of office of justices will be 12 years, and they will not be eligible for reelection.

A complex selection process was created for the election of these positions. First, the Senate will issue a call for nominations, specifying the stages of the procedure, the dates, and the positions. The three branches (legislative, executive, and judicial) will nominate up to three candidates for each position. Each branch will form an Evaluation Committee of five individuals to evaluate and select these nominations. According to the Constitution, these members must be "persons recognized in the legal activity," they will assess the constitutional and legal qualifications to identify the best candidates.

The reform failed to specify the procedure for appointing the members of these Committees, even though their role is crucial in selecting suitable candidates to fill judicial vacancies. Additionally, it did not outline how to divide how many of the five committee members will be appointed by the Senate and how many will be appointed by the House of Representatives.

These Committees will compile a list of the ten highest-rated candidates for each position. This list will be sent to the Senate, which will receive the nominations and forward them to the National Electoral Institute (INE), responsible for organizing the public and federal election process.

This process also applies to the magistrates of the TEPJF and the Judicial Discipline Tribunal members. The TEPJF has the authority to rule on the validity of nearly any election held in the country, including presidential elections and elections for SCJN justices.

Currently, the seven seats on the CJF include the Chief Justice, who also serves as President of the Council; three members appointed by the Supreme Court from among federal judges and magistrates; two appointed by the Senate; and one by the Presidency of the Republic. However, because of the September 2024 reform, this Judiciary Council will be dissolved once the members of the Judicial Discipline Tribunal and the judicial administration body are elected. The reform includes a provision stating that, during the transition period, the Judiciary Council will develop a work plan to transfer material, human, financial, and budgetary resources. This transfer will provide the Judicial Disciplinary Tribunal with resources for discipline and internal control over PJF members. At the same time, the



judicial administration body will assume responsibilities for administrative tasks and the judicial civil service system.

The Judicial Discipline Tribunal will consist of five members elected by the citizens, each serving for a six-year term without the possibility of reelection. Meanwhile, the judicial administration body will also have five members, each serving a single, non-renewable five-year term.

Under the new rules, SCJN's membership was reduced from eleven justices to nine, and their term length was shortened from fifteen years to only twelve.

IV. Judicial civil service

In Mexico, the federal judicial civil service, until 2024, included the positions of Judges and Magistrates, along with several preliminary roles. However, with the constitutional reform approved in September 2024, the selection of judges will no longer rely on the judicial civil service but instead be determined by popular vote.

Under these new rules, the new Judicial civil service is now composed only of the following categories in descending hierarchical order: I. Secretary General of the Supreme Court or the Superior Chamber of the Electoral Tribunal; II. Assistant Secretary General of Agreements of the Supreme Court or the Superior Chamber of the Electoral Tribunal; III. Secretary of Study and Account of the Minister; IV. Secretary of Study and Account, as well as Instructor of the Superior Chamber of the Electoral Tribunal; V. Secretary of Agreements of the Chamber; VI. Undersecretary of Chamber Agreements; VII. Secretary of the Circuit Court; VIII. Secretary of Study and Account of the Regional Chambers of the Electoral Tribunal; IX. Assistant of records and registry of the Court of Appeals; X. Clerk of the Circuit Court; XI. District Court Clerk; XII. Assistant for the records and registry of the Control Judge or Trial Judge; as well as the instructing, records, hearings, agreements, proceedings, and instruction secretaries of the labor courts; XIII. District Court Clerk or Clerk of the District Court; XIV. Actuary of the Federal Judicial Branch; and XV. Judicial Officer.⁶¹

The new administration body, soon to be created, will oversee the administration of the judicial civil service. According to the currently applicable legislation, the purpose of the judicial civil service is to: (i) Guarantee the independence, impartiality, suitability, stability, professionalization, and specialization of the public officials who are part of it; (ii) Promote the permanence and improvement of its members, based on expectations of personal development through a career as public servants in the Judicial Branch of the Federation; (iii) Develop a sense of identity and belonging to the Federal Judicial Branch; (iv) Contribute to the excellence and efficiency of the administration of justice; (v) Guarantee the legitimacy of the jurisdictional bodies that make up the Federal Judicial Branch, and (vi) Link the fulfillment of institutional objectives with the performance of responsibilities and the professional development of public servants.



It is important to note that the judicial civil service is guided by certain principles- which will serve as an interpretative basis for the Judicial civil service Law of the Federal Judiciary and its applicable scenarios- such as excellence, professionalism, objectivity, impartiality, independence, seniority, and gender parity.

A. Nomination, selection, and appointment of magistrates and judges.

As noted earlier, in 2024, the appointments of judges were substantially modified. They are now subject to a complex popular vote. Previously, magistrates and judges were selected through competitive examinations. The selection process involves multiple stages with participation from Congress, the Judiciary, the Presidency, and the citizenry.

As a first step, the Senate issues a call to compile the list of candidates for the positions. The three branches of government will nominate different candidates, each of whom must meet certain requirements outlined in Article 95 of the Constitution, as follows:

- I. Be a Mexican citizen by birth, fully exercising his political and civil rights.
- II. Repealed.
- III. Possess on the day of the publication of the call mentioned in Section I of Article 96 of this Constitution a legally issued professional degree in law, a general grade point average of at least eight points or its equivalent and nine points or its equivalent in the subjects related to the position for which he/she is applying in the bachelor's, specialty, master's or doctorate degree, and professional practice of at least five years in the practice of law;
- IV. Have a good reputation and not have been convicted of a crime punishable by more than one year of imprisonment; but if it is theft, fraud, forgery, breach of trust or any other crime that seriously damages the good reputation in the public opinion, he/she shall be disqualified for the office, regardless of the penalty.
- V. To have resided in the country during the two years prior to the date of publication of the call mentioned in section I of article 96 of this Constitution; and
- VI. Not to have been Secretary of State, Attorney General of the Republic, senator, member of congress, or head of the executive branch of any federal entity, during the year prior to the date of publication of the call mentioned in section I of Article 96 of this Constitution.

These Committees will generate a list of the highest-rated profiles, from which candidates will be elected through a public drawing (insaculación). Subsequently, the Senate will forward the lists of selected candidates to the Electoral Institute, which will organize the elections, allowing the citizens to vote freely, directly, and secretly.

There is a 60-day campaign period during which neither public nor private financing is allowed. Appointments are made for an initial term of nine years. While there is no ratification process, individuals may be consecutively reelected each time their nine-year term concludes.

B. Promotions

Under the most recent reform, the promotion system only applies to the three basic ranks within the judiciary (judicial officer, clerk, secretary), is conducted through internal competitive examinations. The individual with the best qualification in the exam secures the position they are competing for. In



addition to meeting the specific requirements for the position (which vary in each case), candidates must achieve the highest score in the corresponding competitive examination. Although the regulations set out the requirements for these positions, most promotions depend on the availability of a vacancy and whether the incumbent (judge, magistrate, or similar) chooses a candidate from the database of officials who have already passed the relevant examinations.

C. Evaluation of judges' work

After the constitutional reform of September 2024, although the existing rules prior to the reform continue to apply, secondary legislation is expected to be introduced to fully outline the methods for evaluating the work of judges under the new paradigm of popular elections. This is particularly important, as the Constitution mandates an evaluation by the Judicial Discipline Tribunal during the first year of a judge's term. Secondary Legislation will establish the methods, criteria, and indicators applicable to this evaluation.

Until now, the Federal Judiciary Council, through general agreements, has established criteria and mechanisms for evaluating the effectiveness and efficiency of jurisdictional functions according to each category of the judicial civil service. It also defines the duration of the evaluation, the subjects to be assessed, the bodies responsible for the evaluation, and the follow-up on the results.

The CJF determines the criteria used for evaluation for each specific judicial civil service position.⁶² Additionally, the CJF is authorized to review its resolutions to ensure they align with the applicable legal framework to evaluate and potentially sanction judges.⁶³ A poor evaluation may result in being deemed ineligible for further advancement in the judicial civil service or, in certain cases, removal from the position in question.

D. Training

The Federal School of Judicial Training (belonging to the CJF) and the Legal Culture Houses of the Supreme Court of Justice of the Nation are the entities responsible for the training of judicial personnel. They offer various courses and workshops for continuous professional development. Their goal is to cultivate a new judicial profile that upholds the highest technical standards and human quality through academic programs of excellence and the rigorous, impartial administration of competitive examinations for the judicial civil service.

The plans and programs are designed and implemented based on the specific needs identified by the Federal Judicial Training School, using evaluations and surveys conducted periodically.

Generally, all judicial personnel have access to training. There are training courses open to all interested members of the public. However, it is the responsibility of public officials to participate in the courses offered by the judicial school and pass the performance evaluations required for their continued progression and development within their judicial civil services.



Some judges believe that the training provided by the school is of high quality, as its educational programs are designed to enhance and strengthen the knowledge, skills, and values essential for the effective exercise of judicial function. The programs feature distinguished speakers, both nationally and internationally.

Judicial associations, such as the Association of Federal Judges JUFED, collaborate in this training through agreements with educational institutions, particularly universities, as well as various themed national and international conferences. These include an Annual Congress that addresses topics of common interest for the national legal community.

Among the areas of opportunity, judges recognize the need to review the training workload to ensure that it, along with their regular duties, does not negatively impact their daily lives.

Justice operators can assign the training the Judicial Training School offers to their teams based on the service's needs. If specialized courses are required in any subject, the head of the institution can even request the corresponding course from the school.

E. Compensation

The remuneration assigned to judges, magistrates, and justices of the various courts is approximately as follows:

- District Judge: US\$5,000 per month.
- Circuit Magistrate: US\$6,000 per month.
- Minister of the Supreme Court of Justice of the Nation: US\$10,000 monthly.

These compensations will be modified in accordance with the 2024 constitutional reform, which was part of a broader debate on austerity policies in the Judiciary. This reform is enshrined in the Constitution, establishing that judges, magistrates, and justices will receive adequate and inalienable remuneration, which may not exceed the salary of the President of the Republic and cannot be reduced during their term in office. As noted in the section on the judiciary's budget, the salaries of the justices have already decreased by less than 50% due to the impact of the reform. While the budget for the SCJN was discussed and approved on October 24, 2024, it is expected that similar adjustments will be made to the salaries of all judges. Additionally, the reform mandates the elimination of trusts and prohibits the maintenance of funds, trusts, mandates, or similar contracts not explicitly authorized by law.

In addition, the prohibition on having other sources of income (not even from academic activities) and the explicit ban on working in litigation after leaving the position were maintained.



F. Conditions for withdrawal

Retirement is mandatory at 75 years of age in the Mexican Judicial Branch. Early retirement is possible, as judges may request voluntary retirement upon reaching 65 and completing 25 years of service.⁶⁴

The forced retirement pension amount must be such that, when combined with the pension provided under general social security conditions applicable to all federal public servants, it totals 80% of the judge's net monthly income from their last position in the Federal Judicial Branch. In no case may the total retirement pension exceed this percentage, nor may it be less than 25% of the net salary received by active circuit magistrates or district judges.

The early retirement pension is calculated on an ascending scale that fairly considers years of service and age, following an incremental progression.

The constitutional reform introduced some atypical transitory articles that did not preserve the retirement benefits of the SCJN justices and were directed at a specific individual. The seventh transitory article specified that SCJN Justices concluding their term of office due to not running or not being elected in the extraordinary election 2025 would not qualify for a retirement bonus. However, if they submit their resignation before the deadline set in Section I of Article 96 of this Decree- effective August 31, 2025- they will be eligible for a retirement bonus proportional to the time served in office.

This transitory article required justices who wished to receive their lifetime retirement payment to submit an early resignation while remaining in office until August 31, 2025, one day before the new SCJN members take office. This same transitory provision, however, notably affected Minister Luis María Aguilar, former chief justice, as it excluded him from receiving retirement benefits because his term ends in November 2024, well before the August 2025 deadline.⁶⁵ Meanwhile, Justice Ana Margarita Ríos Farjat described this transitory requirement as "a strange dark wish," highlighting the unusual and adverse nature of announcing the resignation in advance to retain retirement pay. She argued that the measure undermines the justices' personal and institutional dignity.⁶⁶

V. Physical security of members of the judiciary

Protocols for ensuring the security of judicial personnel are set by the Federal Judiciary Council (CJF) through general agreements tailored to the specific circumstances of each case. The CJF allocates a dedicated budget for these security measures.

The specialized area responsible for implementing security protocols is the Security Coordination of the Federal Judiciary, which operates under the direct supervision of the Federal Judiciary Council. The CJF members appoint the head. However, security is generally provided by the Executive Branch.



Security measures are usually provided to judges, but these are determined case-by-case in coordination with the beneficiary, ensuring the protection aligns with their specific needs and circumstances.

There have been cases of attacks against judicial personnel. For example, on June 16, 2020, District Judge of the Federal Criminal Justice Center Uriel Villegas Ortiz and his wife were murdered in Colima. Several armed men attacked the couple in their home after the Ministry of Finance reported a significant blow to the Jalisco cartel by blocking nearly 2,000 bank accounts containing at least 900 million dollars.⁶⁷ In 2022, Judge Roberto Elías Martínez of the State of Zacatecas was assassinated on the orders of individuals imprisoned as a result of judicial proceedings carried out by the judge. Following this tragedy, Judge Arturo Nahle noted that more than one hundred judges have been killed in connection with violence and drug trafficking cases.⁶⁸

Until then, at least a hundred individuals who administer justice had some form of special protection. The continuous attacks by the executive and legislative branches of government increase the risk of attacks on the physical security of judges and magistrates.

VI. Legal security of the members of the judiciary

Members of the SCJN, the TEPJF, and the CJF have constitutional immunity, which protects them from criminal prosecution during their term of office. The House of Representatives must remove the procedural immunity to be criminally prosecuted. Other members of the Federal Judiciary do not have constitutional immunity but must be impeached for their removal and disqualification.

Although there are no recent cases of removal of immunity by political bodies, congress members from the President's party have already filed formal requests for impeachment proceedings against SCJN justices.⁶⁹

A. Disciplinary Regime

Judges are subject to a regime of administrative discipline; with the constitutional reform of September 2024, these responsibilities will fall under the jurisdiction of the Judicial Discipline Tribunal. This TDJ will become effective on the date when its members are elected in the extraordinary election to be held in 2025.

This reform also added a provision for the expeditious handling of prosecutorial cases, establishing that they must be resolved within a maximum of six months. In non-compliance, the responsible parties must notify the Judicial Discipline Tribunal. Article 97 establishes that any person or authority may report to the Judicial Discipline Tribunal facts that could involve administrative or criminal liability committed by any public servant of the PJF, including justices, magistrates, and judges, so that they may



be sanctioned and investigated. This makes the TDJ a body that can review the conduct of the SCJN justices, placing it in a hierarchical position above the SCJN.

The discipline includes the institutions of SCJN, the TEPJ, and the other federal judges, magistrates, and justices who were previously part of the CJF and now make up the rest of the judicial circuits.

The Constitution establishes the TDJ is a technical, managerial, and ruling independent body. It will function both in plenary and in commissions. The plenary will be the substantive authority established by law and will resolve matters within its competence in the second instance. As designed at the constitutional level, the TDJ acts as both an investigative body (by investigating offenses) and a sanctioning body (by resolving in plenary the matters brought before it). In other words, it functions as both judge and party in matters of judicial discipline. The commissions will conduct administrative liability proceedings in the first instance, and the plenary will resolve any challenges to these resolutions by a majority of four votes.

The administrative liability procedure, from the investigation to the compliance and execution of the sanction, will be established following the principles and rules outlined in the General Law of Administrative Responsibilities. This procedure has not been modified by the constitutional reform of September 2024; therefore, it is understood that the sanction regime continues in the same terms.

All investigations and proceedings will be conducted with respect to the presumption of innocence and will guarantee the right to a hearing for the people involved. The gender perspective will be applied throughout the investigation and the final resolution of the cases, ensuring that the processes have a restorative dimension in relevant cases following the criteria defined in the general agreements.

Investigations may be initiated as a result of:

- a) Complaints filed by individuals or authorities, whether or not belonging to the Federal Judicial Branch.
- b) Audit, monitoring, or internal supervision procedures.

The General Unit for the Investigation of Administrative Responsibilities is the investigating authority, except for matters related to the follow-up of the evolution of the net worth situation of public officials.

As a general rule, the Comptroller's Offices of the Federal Judiciary shall be the substantive authorities in disciplinary proceedings. However, in the case of public servants who perform jurisdictional functions in bodies other than the Supreme Court of Justice and the Electoral Tribunal, the Executive Secretariat of Discipline will officiate to that effect.

In case of a proceeding of this nature, the resolution authorities will be modified once the secondary laws that define the attributions of the TDJ are issued, according to the sixth transitory article. In summary, this article states that during the transition period, the CJF will implement a work plan to



transfer material, human, financial, and budgetary resources to the TDJ regarding the functions of discipline and internal control of the members of the PJF. However, up to this moment, the authorities are determined according to the following:

1. The Judicial Discipline Tribunal is responsible for hearing any type of facts that could be subject to administrative or criminal liability, committed by any public servant of the PJF, including justices, magistrates and judges (pursuant to Article 97, paragraph four of the CPEUM).
2. The Supreme Court of Justice of the Nation, in the case of misconduct of the justices and serious misconduct committed by its public servants;
3. The Chief Justice, in the case of public servants of this body and who are not among those who correspond to the plenary;
4. The Superior Chamber of the Electoral Tribunal of the Judiciary of the Federation, in the case of misconduct of the magistrates assigned to it;
5. The Plenary of the Council of the Federal Judiciary, in the case of serious misconduct by circuit magistrates and district judges, when the applicable sanctions are dismissal or temporary disqualification from holding jobs, positions or commissions in the public service;
6. The Administration Commission of the Electoral Tribunal of the Federal Judiciary with respect to its public servants, except those who hold the position of magistrate; and
7. The Disciplinary Commission, in cases involving personnel of a jurisdictional nature not covered above, and the Comptroller's Office are responsible for the remaining cases.

As he pointed out, points 2 to 7 are subject to the powers to be determined for the TDJ in the secondary legislation, which could be broad following the provisions of Article 97, fourth paragraph of the CPEUM.

In the case of non-serious administrative offenses, the penalties shall consist of:

- I. Private or public reprimand;
- II. Suspension from employment, position, or commission;
- III. Dismissal from their employment, position, or commission; and
- IV. Temporary disqualification from holding jobs, positions, or commissions in the public service.

In the case of serious administrative offenses, the penalties shall consist of:

- I. Suspension from employment, position or commission;
- II. Dismissal from employment, position, or commission;
- III. Financial penalty; and
- IV. Temporary disqualification to perform jobs, positions, or commissions in the public service and to participate in acquisitions, leasing, services, or public works.

Sanctions related to non-serious offenses may be challenged through an appeal for revocation, filed and resolved by the same authority that issued the corresponding resolution. It has been pointed out that this issue may present a problem of conventionality, as the same authority resolves the appeal.



On the other hand, those related to serious misconduct shall be resolved through a jurisdictional procedure before the competent court of the corresponding jurisdiction.

Those who administer justice have highlighted the importance of reviewing and strengthening the rules governing the responsibilities of judicial personnel, as they can be used as a pressure mechanism.

VII. Integrity and transparency mechanisms

A. Transparency mechanisms

All deliberations are public, and all drafts analyzing the constitutionality of general rules must be made public before discussion (art. 17 of the Amparo Law).

The calendar of the discussion sessions is public. It is published and updated daily on the Judiciary Council and Supreme Court websites. Additionally, it is printed and posted daily in the courts' buildings.

Cases are assigned to the different offices or departments based on subject matter and through a random rotation system.

By law, all judgments at the federal level must have a public version in which sensitive or personal data of the parties is redacted.

There are easy-to-read formats, but they are not mandatory. The Supreme Court started this practice in 2013 with a case involving a person with intellectual disability (Amparo en Revisión 159/2013⁷⁰). However, their use is not mandatory. Recently, these formats have been used in cases involving children or adolescents when the judge considers it prudent to create an easy-to-read version.

Regarding judgment summaries, Mexican legal practice has had a tradition since the mid-20th century of issuing a document called a "thesis." Since the creation of the Collegiate Circuit Courts around 1950, Mexican justice began to grow significantly in the number of cases being resolved, which made it necessary to establish a system that would allow people (mainly litigants and judicial operators) to easily and quickly access many precedents.

Thus, summaries of the rulings began to be made in the form of theses composed of headings, text, and location data. These theses are published weekly in the Judicial Weekly of the Federation, divided into periods that do not follow an established criterion but correspond to changes or legal events that have been considered relevant. All thesis criteria can be consulted on the *Semanario Judicial de la Federación* website: <https://sjf2.scjn.gob.mx/busqueda-principal-tesis>

Since there is a public judicial civil service system and the Federal Judicial Branch is subject to the Federal Law of Transparency and Access to Public Governmental Information, the professional information of all judges can be requested and provided to anyone who requests it.



The Federal Judiciary Council, and if applicable, the judicial administration body and the Supreme Court of Justice must publish their budget and how it is administered and allocated.

B. Anti-corruption mechanisms

All officials of the Judiciary of the Federation are required to complete declarations of assets and interests annually. These declarations are publicly accessible and are published on the internet portal, with only sensitive data redacted.

Mandatory declarations of assets and interests are the main anti-corruption mechanism, along with the oversight carried out by the Federal Judiciary Council.

Public and judicial personnel may report acts of corruption; these disciplinary proceedings may be initiated through a complaint or grievance.

Several federal judges were recently dismissed for their involvement in opening irregular casinos in Monterrey, Nuevo León. The mayor ordered the closure of several casinos after finding evidence that they were linked to organized crime and presented an initiative to prohibit these businesses throughout the state, claiming that the casinos had been distorted and were being used for money laundering.⁷¹

The Judiciary Council deals with these cases; however, statistics show that corruption rarely results in sanctions, as it involves other authorities. According to records, between 2010 and 2021, the CJF filed criminal complaints against 11 judges and 14 magistrates for alleged acts of corruption, illicit enrichment, and other misconduct. During the same period, another 82 judicial officers in lower-level positions faced complaints for conduct, including presenting fake credentials, offering positions in exchange for money, sexual abuse, and nepotism.⁷²



C. Mechanisms against nepotism

The Federal Judiciary Council issued in 2020 a Plan to Combat Nepotism. This plan includes the following key points:

It is made up of the following lines of work.

- I. The creation of a register of family relationships.
- II. Strengthening the rules for the judicial civil service based on a meritocratic approach.
- III. The definition of the contracting assumptions that generate administrative responsibility.
- IV. The creation of an integrity committee to evaluate contracting.
- V. The implementation of a complaint box for nepotism.
- VI. The linkage of the above actions with the secondment policy.
- VII. The institutionalization of corrective and preventive measures against this practice.



VIII. Gender equality

The Federal Judiciary Council implemented a gender equality policy in 2010 (gradually through various actions throughout that year) that primarily seeks to increase the number of women in decision-making positions in the Federal Judiciary. Although progress is still being made, in 2022, the Supreme Court of Justice and the Council of the Federal Judiciary received the Inter-American Award for Best Practices for Women's Leadership in the framework of the Summit of the Americas. The current percentage of women in the different positions and levels of the judiciary is 45%.

On May 4, 2010, the Interinstitutional Committee for Gender Equity of the Federal Judiciary was formed, later becoming the current Interinstitutional Committee for Gender Equality of the Federal Judiciary. This committee serves as a high-level management body representing the three entities that make up the Federal Judiciary: the Supreme Court of Justice of the Nation, the Federal Judiciary Council, and the Electoral Tribunal of the Federal Judiciary.

Since its creation, this committee has been responsible for unifying the general criteria for planning, follow-up, and evaluation of the efforts to institutionalize and mainstream the gender perspective at all three levels of the PJF and for strengthening links with relevant sectors, organizations, and individuals in this area.

To date, it is composed as follows: Chief Justice Norma Lucía Piña Hernández (SCJN), who chairs it; Counselor Eva Verónica de Gylvés Zárate (CJF) and Magistrate Mónica Aralí Soto Fregoso (TEPJF).

The Technical Secretariat of the Committee is headed by the Head of the General Unit of Scientific Knowledge and Human Rights of the Supreme Court of Justice of the Nation, established by a General Administration Agreement published on March 31, 2023. The same agreement states that this Unit is created:

"to concentrate and execute both the tasks of promotion, study and dissemination of such fundamental rights, as well as those related to the institutionalization and mainstreaming of the gender perspective in the Supreme Court of Justice of the Nation; as well as to consolidate zero tolerance to gender violence within the Supreme Court, through a specialized general directorate that works exclusively for the eradication of gender violence, from an interdisciplinary approach".

In July 2019, the Federal Judiciary Council issued the first competition exclusively for women to appoint 25 female district judges (federal judges), including tie-breaking criteria with a gender focus. It was determined to give preference to the candidate who: (i) had a disability; and (ii) was a female public servant who was the head of a family. In cases where the tie continued, even considering these factors, preference was given to the public servant with more seniority in the judicial civil service categories.

Finally, as a central element to eliminate the inhibition of women's participation, it was determined that the place of assignment where the public servants would serve as judges would preferably be in their



place of residence or the location indicated in their registration form, taking into account vacancies and the needs of the service.

The Judicial Training School constantly offers courses on judging with a gender perspective, tools for judging in cases of harassment and sexual harassment, gender as a tool for equality, and creating violence-free spaces.

Additionally, within judicial associations, attention has been given to gender equality through the Mexican Association of Women Judges and other judicial associations such as JUFED.

The recent constitutional reform of September 2024, in Article 96, section II, paragraph c) establishes that the Evaluation Committees responsible for selecting the best-evaluated candidates for all positions must purge and prepare a list through public drawing, ensuring gender parity. Furthermore, for the next vacancies, article 98 establishes that only the person of the same gender who obtained second place in the election ballots for the incumbent positions will fill the vacancy. Gender parity is intended to be considered by INE during the electoral process. Gender parity was also included in the secondary legislation issued on October 14, 2024. For example, Article 500 of the General Law of Electoral Institutions and Procedures establishes that the Evaluation Committees shall purge the list through public drawing to adjust it to the number of nominations for each position in each branch, considering its subject matter specialty and ensuring gender parity. Similarly, Article 503 states that INE is responsible for the organization, development, and computation of the election of judges, guided by the principles of certainty, legality, independence, impartiality, maximum publicity, objectivity, and gender parity.⁷³

However, the Mexican Association of Women Judges (AMJAC) expressed, through the communiqué P25/2024, its condemnation of the tombola process as well as of the call for elections,⁷⁴ arguing that it violates women's rights and does not guarantee gender parity in the Federal Judiciary. The women judges pointed out that the Senate did not heed the request for no female judge to be included in the public draw on October 12, 2024, as the percentage of current female judges (30%) would be drastically reduced, creating a significant gap that must be closed with strong affirmative actions.

Some activists filed lawsuits against the omission to incorporate affirmative actions for LGBTTIQ+ rights in the reform and its implementation for positions subject to popular election within the federal judiciary.⁷⁵





IX. Endnotes

¹ The **Cyrus R. Vance Center for International Justice** promotes global justice by engaging legal professionals around the world to support civil society and an ethically active legal profession. It is a non-profit program of the New York City Bar Association that brings together leading law firms and other partners around the world to promote international justice initiatives and provide pro bono legal representation to civil society organizations fighting for social justice.

The **Lawyers Council for Civil and Economic Rights** brings together legal professionals working in the private sector in the Americas. Its purpose is to support the rule of law in the countries of the continent, fight corruption and assist and encourage the work of civil society. The Lawyers Council is comprised of lawyers who have distinguished themselves in the private practice of law in their respective countries and who have demonstrated a consistent civic commitment throughout their careers. The Lawyers Council is administered by the Cyrus R. Vance Center for International Justice.

² See: <https://www.infobae.com/mexico/2024/09/09/alito-moreno-denuncia-presion-a-legisladores-priistas-por-el-crimen-organizado-a-favor-de-la-reforma-al-poder-judicial/>

³ See: <https://elpais.com/mexico/2024-09-11/mexico-aprueba-la-reforma-judicial-que-somete-al-voto-popular-la-eleccion-de-jueces.html>

⁴ See: <https://www.infobae.com/mexico/2024/09/18/daniel-barreda-asegura-que-fue-amenazado-junto-con-su-padre-previo-a-la-votacion-de-la-reforma-al-poder-judicial-estuve-incomunicado/>

⁵ See: <https://es-us.noticias.yahoo.com/oposici%C3%B3n-busca-tumbar-reforma-judicial-000045420.html>

⁶ See: <https://www.eluniversal.com.mx/nacion/se-fractura-el-pif-ven-violacion-al-estado-de-derecho/>

⁷ See: <https://elpais.com/mexico/2024-10-12/el-senado-mexicano-sorteo-los-cargos-judiciales-que-seran-sometidos-a-voto-popular-en-2025.html>

⁸ See: https://www.inegi.org.mx/contenidos/programas/cnijf/2023/doc/cnijf_2023_resultados.pdf

⁹ See: <https://animalpolitico.com/politica/senado-sorteo-tombola-cargos-poder-judicial>

¹⁰ See the words of the President of the Senate Board of Directors:

<https://comunicacionsocial.senado.gob.mx/informacion/prensa/9903-version-estenografica-del-mensaje-en-redes-del-presidente-de-la-mesa-directiva-del-senado-de-la-republica-gerardo-fernandez-norona-sobre-el-proceso-de-insaculacion-para-determinar-cuales-seran-los-cargos-de-las-personas-juzgadoras-que-se-elegiran-el-primer-domingo-de-junio-de-2025>

¹¹ See: <https://www.elfinanciero.com.mx/nacional/2024/10/12/como-en-la-loteria-asi-quedaron-los-resultados-de-la-tombola-judicial-para-2025/>

¹² See: <https://www.infobae.com/mexico/2024/10/14/gobierno-defiende-tombola-de-vacantes-para-eleccion-del-poder-judicial-en-2025-todos-los-fueron-al-azar/>

¹³ See: <https://www.proceso.com.mx/nacional/2024/10/16/la-tombola-del-senado-barrio-con-54-jueces-incomodos-para-amlo-estos-son-unos-de-ellos-338602.html>

¹⁴ See: <https://animalpolitico.com/politica/puestos-jueces-zaldivar-voto-popular-2025>

¹⁵ Ver: <https://x.com/CIDH/status/1849534239231943092>

¹⁶ <https://www.vancecenter.org/wp-content/uploads/2023/09/Mexico.-Diagnostico-independencia-sistema-judicial-final-sept-2023.pdf>

¹⁷ See section XXX of article 84 of the Organic Law of the Federal Judiciary.

¹⁸ Available at <https://www2.scjn.gob.mx/ConsultaTematica/PaginasPub/DetallePub.aspx?AsuntoID=247070>.

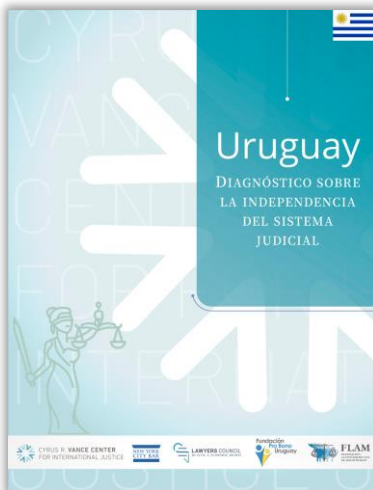
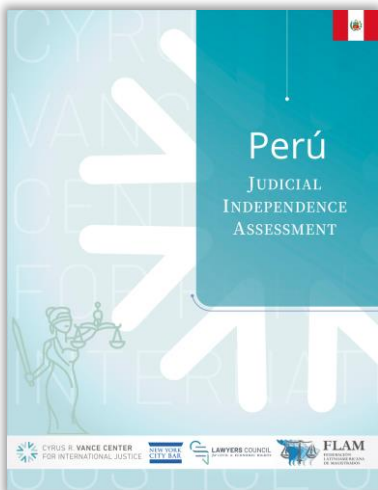
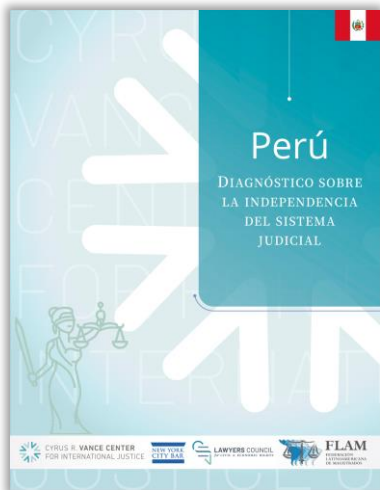
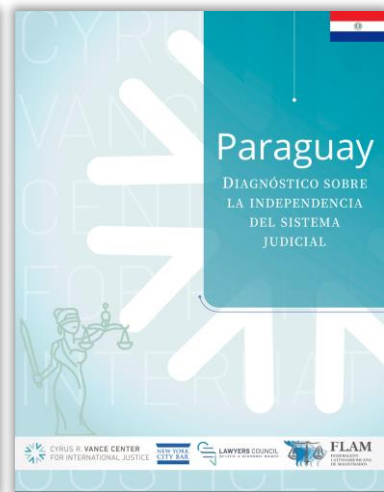
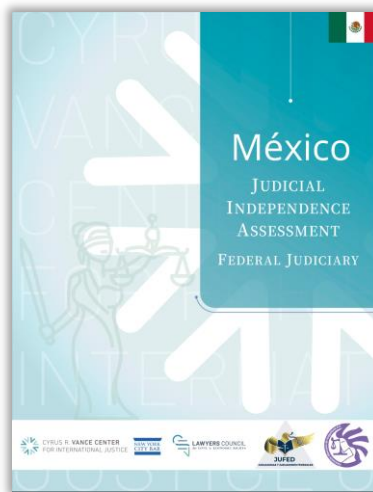
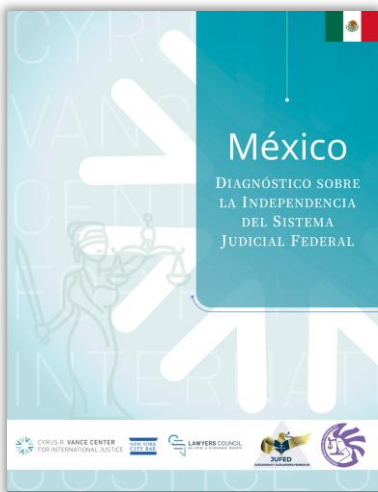
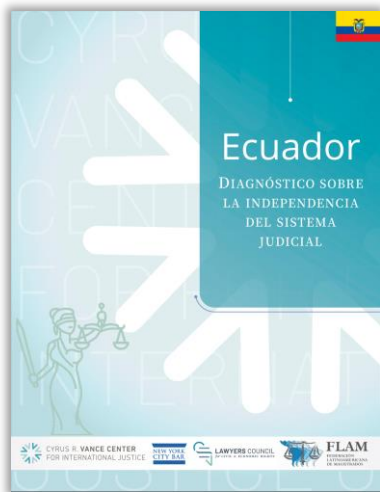
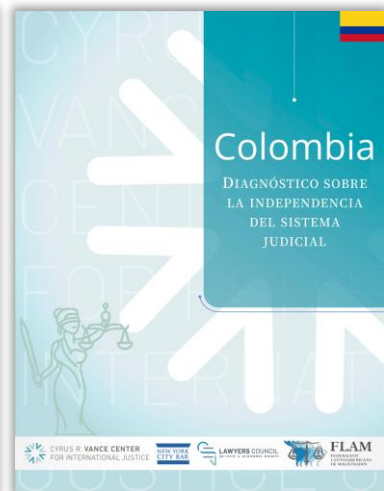
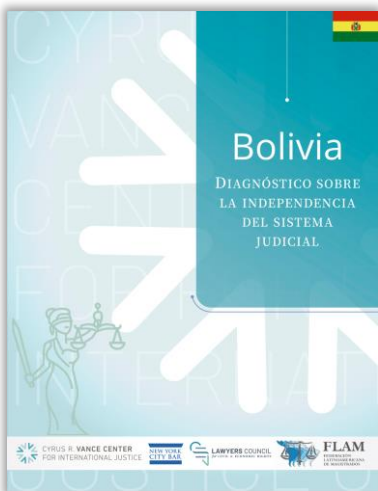
¹⁹ See: <https://www.economista.com.mx/politica/AMLO-concreta-eliminacion-de-13-fideicomisos-del-PJF-tras-publicacion-en-el-Diario-Oficial-20231027-0100.html>



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