

Tailored Justice:

Seven Indicators
to Assess the **Quality**
of the **Criminal Justice**
System in Mexico



MÉXICO
EVALÚA
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TABLE OF CONTENTS

2	I. Edna Jaime's Introduction to <i>Tailored Justice</i>
4	II. Executive Summary
5	1. Trust
7	2. Homicide Rates
8	3. Crime Reports
9	4. Fair Treatment of Victims
10	5. Presumption of Innocence
11	6. Fair Criminal Procedures
12	7. Decent and Safe Prisons

EDNA JAIME'S INTRODUCTION TO *TAILORED JUSTICE*

The Mexican people want a country founded on peace and justice, and this is what the parents of the 43 missing students from Ayotzinapa are calling for. This is what millions of Mexican citizens who have fallen victim to increasing violence are calling for. Our collective desire for peace and justice requires a coordination of efforts—a shared task that must take place across different fields simultaneously. Criminal justice is just one of those fields.

A reliable criminal justice system is essential for building a peaceful and safe country. Bearing this in mind, the Mexican people have taken important steps toward this goal.

On the one hand, we have approved a Constitutional Reform in criminal procedure in 2008. Through this reform, we aim to strengthen institutions in charge of enforcing and administering justice in Mexico. Its main purpose is to create a criminal justice system that is transparent and upholds human rights.

On the other hand, this country adhered to the *2030 United Nations Agenda* (aka Post 2015 Agenda), which constitutes 17 Sustainable Development Goals. Through Goal 16, Mexico and the rest of the signing countries have committed themselves to “promote peaceful and inclusive societies for sustainable development”, as well as to “provide access to justice easy for everyone, and to build effective, accountable and inclusive institutions at all levels”.

Both the 2008 Constitutional Reform and the 2030 Agenda demonstrate that Mexicans are committed to achieving a high-quality criminal justice system. At México Evalúa, we share the responsibility of guaranteeing that all of these proposals reach the ground—that they go from theory to practice, and to ensure that they get implemented in the best possible way. In order to do this, it is imperative to develop accurate indicators and effective evaluations that allow us to get thorough knowledge of both strengths and weaknesses of our criminal justice system. This way, we will be able to use our acquired knowledge to contribute to our legal framework and improve public policies addressing these issues.

With all this in mind, México Evalúa presents the document *Tailored Justice*. In this paper, we propose seven indicators in order to measure the quality of the criminal justice system in Mexico by considering the experience of its users, mainly victims and defendants using 1) trust, 2) homicide rates, 3) criminal complaints, 4) fair treatment of victims, 5) presumption of innocence, 6) a fair criminal procedure, and 7) decent and safe prisons.

These indicators are innovative because instead of measuring resources, crimes, offences, and detentions —as most indicators usually do— these metrics offer information from the point of view of the citizens who interact directly with these institutions and authorities. In this report we are talking about the perspective of the ordinary people who live through the criminal justice system procedures.

There are two main reasons for placing the regular citizen at the centre of this discussion. First, this approach makes it easier to evaluate the quality of the criminal justice system operations. Second, as explained in this document, in this way the criminal justice system gets “the responsibility of protecting the basic rights of individuals and [ensures that] they can assess how well the State accomplishes this purpose, based on their own experiences”.¹

In México Evalúa we firmly believe that to increase the quality of the criminal justice system it will require collective action which we all must commit to and uphold. Through this document, we want to reaffirm our commitment to this goal of creating a fair and transparent criminal system, one in which the respect for human rights is a priority.

We are aware that in order to achieve a high-quality justice system it will depend on both the strength of the legal framework and the success of the public policies implemented in this area. Our duty is to encourage a constant evaluation to accurately measure its impact and to exert the necessary changes for the benefit of all citizens. We are certain that the indicators hereby introduced will be of great relevance in the success of this important task.

Edna Jaime Treviño
General Director
México Evalúa

¹ México Evalúa, *Justicia a la medida: Siete indicadores sobre la calidad de la justicia penal en México* (2016), p. 5.

EXECUTIVE SUMMARY

In 2008, Mexico approved a Constitutional Reform related to Criminal Procedure.² As a result, our country has shifted from an inquisitive justice model toward an adversarial one—a model in which we can guarantee that: ‘Everyone is innocent until proven guilty.’ Its aim has been to modernize and strengthen the institutions in charge of enforcing and administering justice in Mexico, as well as to develop a transparent justice system observant of the human rights of both victims and defendants.

Because this reform entailed a huge transformation in the judicial system, the law allowed an eight-year grace period between its approval and its implementation. This year, from June 18th onwards, it is imperative that a sustained assessment begins so that the scope of these implemented changes can be thoroughly analyzed, the new system operations can be effectively monitored, and the need for additional reforms may be considered.

It is also imperative for this research to be focused on assessing the quality of the criminal justice system—specifically from the victims and defendants points of view, since they are its direct users.

Why is this relevant? Because the aim of the criminal justice system does not lie in increasing the number of policemen and patrol cars but on its ability to bring justice to the people. The reason for placing the perspective of common citizens at the middle of the discussion is to grant the criminal justice system the responsibility of

protecting human rights.³ The users are the ones who should have the power to evaluate to what extent the State fulfils its purpose as they have experienced the system first hand.

In parallel to our National context, the Mexican government recently committed itself to promote justice through the *2030 Agenda for Sustainable Development*, which was approved by the General Assembly of the United Nations in September 2015. This agenda contains different issues, such as specific goals linked to justice (through Goal 16)⁴ that require immediate attention in order to guarantee the existence of developed societies. In this regard, we agree on the idea that social development needs transparent institutions, as well as legal procedures capable of solving conflicts in an impartial, predictable, regular and fair way.

For all these reasons, in México Evalúa we wrote *Tailored Justice: Seven Indicators to Assess the Quality of the Criminal Justice System in Mexico*. This document contains a series of proposed metrics that include the experiences and perceptions that users have about the criminal justice system in Mexico. This is an effort that springs from the will of those providing evidence which can then be transformed into public policies aimed at improving the performance of justice institutions and operators in our country.

The seven indicators hereby proposed to measure the quality of the criminal justice system that stems from its users’ own experiences are the following:

² “Decree through which different dispositions from the Mexican United States Political Constitution are reformed and added”, June 18 2008. (DOF in Spanish). Available in: http://www.diputados.gob.mx/LeyesBiblio/ref/dof/CPEUM_ref_180_18jun08_ima.pdf (Date of reference: May 23rd 2016).

³ This obligation derives from a human rights’ theory that has been expressed constitutionally in our system from 2011. See “Decree through which denomination of Chapter I from First Title gets modified, and different dispositions from the Mexican United States Political Constitution are reformed”. Available in: http://dof.gob.mx/nota_detalle.php?codigo=5194486&fecha=10/06/2011 (Date of reference: May 23rd 2016).

⁴ “Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.” This resolution was approved in the United Nations General Assembly on September 25th 2015. Available here: <http://www.un.org/sustainabledevelopment/peace-justice/> (Date of access: May 2nd 2016).

1. Trust

2. Homicide rates

3. Crime Reports

4. Fair Treatment of Victims

5. Presumption of Innocence

6. Fair Criminal Procedures

7. Decent and Safe Prisons

Each indicator is based on public information, in some cases data is already available; in others, we still need to promote the collection of that information so we can better assess specific issues.

Our index proposal measures what we call net trust, which is the difference between “a lot” and “no trust at all.” Thus, in the states in which the result is negative, there are more citizens who have no trust at all in their authorities than those who have a lot of trust.

Seven Aspects to Measure Quality

The following are the seven indicators we propose, the main findings of our analysis, as well as our policy recommendations:

1. TRUST: THE CORNERSTONE OF THE JUSTICE SYSTEM

Institutions that are more trustworthy, according to citizens, are those that reach an effective balance between efficacy and legitimacy. Therefore, it is important to know to what extent citizens trust the authorities involved in the criminal justice system—such as state police, ministerial police, the Prosecutors’ Office, and judges.

This data is collected from the Victimization Survey (*Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública*, or *Envipe* in Spanish) conducted by the National Institute of Statistics and Geography (*Inegi* in Spanish) which allows us to differentiate among four levels of trust: a) a lot b) some, c) a little, and d) no trust at all.

Our indicators propose a system to assess criminal justice from the citizens’ point of view.

Trust: Main Findings

- Most Mexicans do not trust their criminal justice system. The average Trust Index from 2011 to 2015 is -6.9.
- In 2015, Criminal Justice Institutions earned credibility among citizens when compared to the 2011 survey results. However, there are still more people who have no trust at all in these institutions than there are those who trust them a lot. Thus, in this period, the trust index grew from -11.7 to -3.2.
- State-level analysis shows that states with a higher ranking in the citizen-trust index (as an average result

Figure 1. States Ranked According to Criminal-Justice Trust Index (2011 – 2015 average) %



Source: Report prepared by México Evalúa with data derived from Envepe’s results from 2011, 2012, 2013, 2014, and 2015.
Note: The Criminal Justice Trust Index includes state police, ministerial police, judges and Public Prosecutor’s Office. This index reflects net trust, which refers to the difference between the levels of “a lot of trust” and “no trust at all”.

from 2011 to 2015) were Yucatán (12.1) Zacatecas (6.9), and Guanajuato (6.8). On the other hand, the states with the lowest ranking were Mexico City (-27.3), the State of Mexico (-19.6), and Morelos (-14.7). (Figure 1)

- Between 2011 and 2015, some states improved notably in their trust levels, such as Chihuahua (which in 2015 was -7.1 compared to -25.9 in 2011) or Nuevo León (which went from -6.7 to 11.2 in the same period).

Trust: Our Policy Recommendation

We found that among all the state authorities included in our index, the Prosecutor’s Office (*Ministerio Público* in Spanish) is the authority with the greatest variance in citizen-trust levels. This means that policy innovations at this level would render the greatest impact in the overall measure of trust, thus, we should stress the importance of reforms that improve crime victims’ early treatment as well as reduce corruption in the public Prosecutor’s Office.

2. HOMICIDE RATES: WHEN THE STATE DOES NOT PROTECT HUMAN LIVES

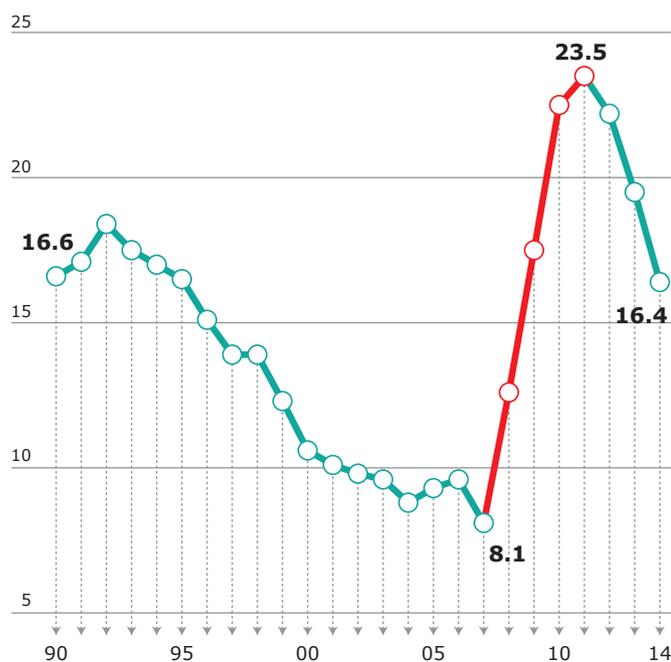
Peace is one of the fundamental characteristics of a State that practices Rule of Law, and the manifestation of extreme violence is a consequence of a failed Rule of Law. Therefore, we propose an indicator to measure homicide rates as a means to quantify violence, and thus assess the strength of criminal justice institutions.

To analyze homicide rates, we have used data from the administrative records on mortality published yearly by Inegi.⁵

Homicide Rates: Main Findings

- We have analyzed the homicide rates per 100,000 inhabitants in Mexico from 1990 to 2014 according to Inegi's published data. 2007 was the year with the lowest homicide rate in the last 25 years in Mexico (8.1 per 100,000 inhabitants) a number that came as a falling

Figure 2. Death Rates related to Homicide per 100,000 Inhabitants in Mexico (1990-2014)



Source: Report prepared by México Evalúa with data derived from Inegi and Conapo.

trend from 1990. However, this reduction pattern was reversed after 2007 followed by an upward trend that reached an average of 23.5 homicides per 100,000 inhabitants in 2011 in Mexico—the highest rate during this period. From that year onwards, the homicide rate decreased to 16.7 in 2014, a number that is still high when compared to year 2007 data (see **Figure 2**).

- Trends in homicide rates between 2007 and 2011 stem from the extreme violence that took place in a handful of states. Chihuahua showed the most dramatic fluctuation in this period and went from 15.3 homicides per 100,000 inhabitants in 2007 to 182.1 in 2010.

- Apart from Chihuahua, at least six other states increased the average homicide rate at a national level between 2007 and 2011: Sinaloa (where the homicide rate grew from 14.4 to 68.3), Guerrero (from 22.8 to 69), Durango (from 11.1 to 64.2), Tamaulipas (from 6.1 to 32.5), Nayarit (from 10.4 to 51.5), and Nuevo León (from 6.2 to 44.8).

- When we analyzed homicide rates at a state level from 1990 to 2014, we found that Guerrero is the most disquieting case as it reports high homicide rates systematically. Guerrero is a state with a perpetually high violence rate that has not diminished with time and does not respond to a particular trend or cycle. Violence in this southern Mexican state has been constant.

- By contrast, there are states in which the homicide rate averages between 1990 and 2014 seem almost null. In this group we find Yucatán (2.6) followed by Aguascalientes (3.8), Hidalgo (5.1), Tlaxcala (5.6), and Querétaro (5.6).

- In Mexico, men are the main homicide victims. According to Inegi, there were 20,006 homicides in 2014 across the country; from which 17,500 corresponded to men (87.5 percent) and 2,407 to women (11.5 percent).⁶

Homicide Rates: Our Policy Recommendation

- A key policy recommendation is to maintain an appropriate and systematic monitoring of homicide rates, as well as to analyze how adequately public policy responds to the reported homicide rates at the local level.

⁵ Data from Inegi are complemented with data obtained from preliminary investigations for intentional homicides in the common jurisdiction of the Executive Secretariat of the Public Security National System (SESNSP in Spanish).

⁶ The remaining 99 homicides that took place in 2014 (0.5 percent from the total amount) correspond to victims whose sex was not specified according to the administrative registers of deaths by homicide from Inegi.

3. CRIME REPORTS: THE DOOR OF THE CRIMINAL JUSTICE SYSTEM

A criminal justice system relies mainly on crime reports in order to initiate the justice administration machinery, which is why it is important to assess if victims have adequate and accessible means to submit formal crime reports.

States with higher percentages of formal crime reports, when compared to all crimes committed, reflect a criminal justice system that results in better and easier access to justice for its victims. It also reflects a state with better procedures to obtain crime statistics and, at least in theory, a better position to prosecute crimes.

The idea of a formal complaint that we use in this indicator is wider than the one commonly used, since we not only consider those complaints submitted by the victims before the Prosecutors Office, but we also include any means used by a citizen to make authorities aware of the crime or offence that a person witnessed or has been victim to. We use data derived from *Envipe* to build this indicator.

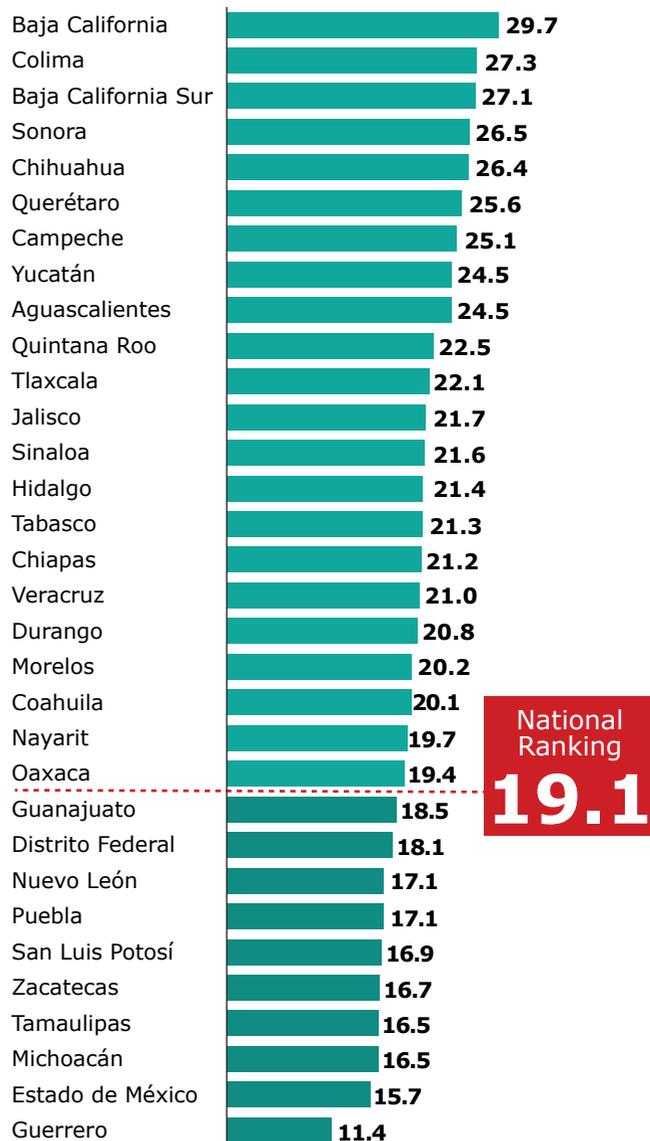
Crime Reports: Main Findings

- Nationally, between 2010 and 2013, we can see a falling trend of the percentage of crime reports submitted in relation to the total amount of crimes committed (the index went from 22.5 percent to 15.5 percent). However, in 2014 the index rose to 17.1 percent.
- The states with better results —the highest percentage of crime reports submitted in relation to the total amount of crimes— on average (2010-2014) are Baja California (29.7), Colima (27.3), Baja California Sur (27.1), Sonora (26.5), and Chihuahua (26.4). By contrast, the states with the lowest rates were Guerrero (11.4), the State of Mexico (15.7), Michoacán (16.5), and Tamaulipas (16.5) (See **Figure 3**).
- In most cases, the absence of formal complaints can be explained by the lack of capacity and reliability in the criminal justice institutions (i.e. it is very time consuming, procedures are considered too difficult, and authorities are perceived as hostile).

Crime Reports: Our Policy Recommendation

- We recommend strengthening crime reporting mechanisms, as well as establishing new channels

Figura 3. Percentage of Crimes Reported (average 2010-2014)



Source: Report prepared by México Evalúa with data derived from Inegi: Envipe 2011, 2012, 2013, 2014, and 2015. For the period 2012-2014, we have excluded “vandalism” as part of the offences list to make data comparable.

Nota: We calculate the percentage of crime reports by including crime reported at the Prosecutor Office and any other authority—whether it was submitted verbally, by phone or via Internet.

to submit complaints, such as the ability to submit formal complaints by phone, online, and through social digital media; these improvements would facilitate access to the criminal justice system for victims and witnesses.

4. FAIR TREATMENT OF VICTIMS

A criminal justice system that is not designed to benefit the citizens to whom it serves is a system that will lack credibility. Moreover, a system that mistreats victims is less trustworthy and will receive fewer crime reports. As we have previously discussed, crime reporting is critical to the effective operation of the criminal justice system. Therefore, taking into account data from *Envipe*, we propose a survey and evaluation by the victims themselves about their experience with the criminal justice system when they submit a formal complaint in a public Prosecutor's Office to be considered as an indicator for the quality of justice.

International law outlines what can be considered as fair treatment of a crime victim. These laws require victims to be treated with compassion, respect and dignity; to have access to mechanisms of justice; to be informed about their rights; to be able to comment on and to express their views and concerns; to obtain proper assistance during legal procedures, as well as to receive a prompt compensation for the damage caused, as it is stated in the *Fundamental Principles of Justice for Victims of Crime and Abuse of Power* adopted by the United Nations on November 29th 1985.

Mexico has incorporated into its legal framework some of these internationally recognised victims' rights. In Article 20 of Mexico's Political Constitution the following rights are stated: a victim has the right to receive legal advice, to be informed about his/her rights and about the development of the criminal procedure, to take part in the procedure, to receive medical and psychological urgent treatment, to obtain compensation for the damage caused, to keep his/her identity and other personal information safeguarded, to have his/her protection guaranteed, as well as the right to contest before a criminal authority, and any omission (shortcoming) attributed to the prosecutor during the investigation of the committed crimes. The *Victims General Law* —published in January 2013— describes with more detail the victims' rights and includes further concepts about the correct treatment victims should receive from the authorities.

Fair Treatment of Victims: Main Findings

- At a national level, from 2012 to 2014, 50.5 percent of victims who reported a crime said they were fairly treated (either "excellent" or "good").

Figure 4. Fair Treatment of Victims in the Prosecutors' Offices at the State Level (average from 2012-2014) %



Source: Report prepared by México Evalúa with data derived from *Envipe* 2013-2015.

Note: Please notice that in questions about formal complaints and victimization, the surveys refer to a previous year of it being conducted. Thus, *Envipe* 2013 will show information about what happened during 2012, and so on.

• The states with the highest levels of perception were Chihuahua and Sinaloa, where more than 70 percent of the victims that reported a crime said they received either a “good” or “excellent” treatment at the Prosecutor’s Office. On the other hand, in the State of Mexico and Mexico City there was a lower proportion of positive perceptions, with only 37.2 percent and 40.6 percent (respectively) of the victims who went to declare before a public Prosecutor affirmed to have been treated in a fair way (Figure 4).

Fair Treatment to Victims: Our Policy Recommendation

• Ideally, public policy recommendations should be directed toward an improvement of the administration of crime and offences investigations, as well as a simplification of criminal complaints procedures. Likewise, civil servants must inform the victims about their rights, as well as about the expectations of the investigation at various stages.

The Formal Complaint and Fair Treatment of Victims Indicators collect part of the perception and experiences from criminal justice systems most frequent users: the crime victims.

5. PRESUMPTION OF INNOCENCE: EVERYONE IS INNOCENT UNTIL PROVEN GUILTY

Presumption of innocence is the main difference between an inquisitorial criminal system (innocence must be proven) and an adversarial criminal system (guilt must be proven). The latter being a way to be safeguarded against possible arbitrariness from the State.

Presumption of innocence is a human right that is recognised in treaties such as The Universal Declaration of Human Rights, The American Declaration of the Rights and Duties of Man, The Standard Minimum Rules for the Treatment of Prisoners, The International Covenant on Civil and Political Rights, and The American Convention on Human Rights. In Mexico, the presumption of innocence was incorporated into the Constitution in 2008.

Presumption of innocence is a concept that includes several rights in itself: evidence must be presented by the prosecution; the person to whom a crime is being attributed has the right to remain silent (i.e. not to declare anything during the legal procedure); the detainee cannot be presented as guilty before the media without an according ruling; and pre-trial detention must be an exception. Our indicator is focused on the use of pre-trial detention because it is, in our view, the acid test of the presumption of innocence.

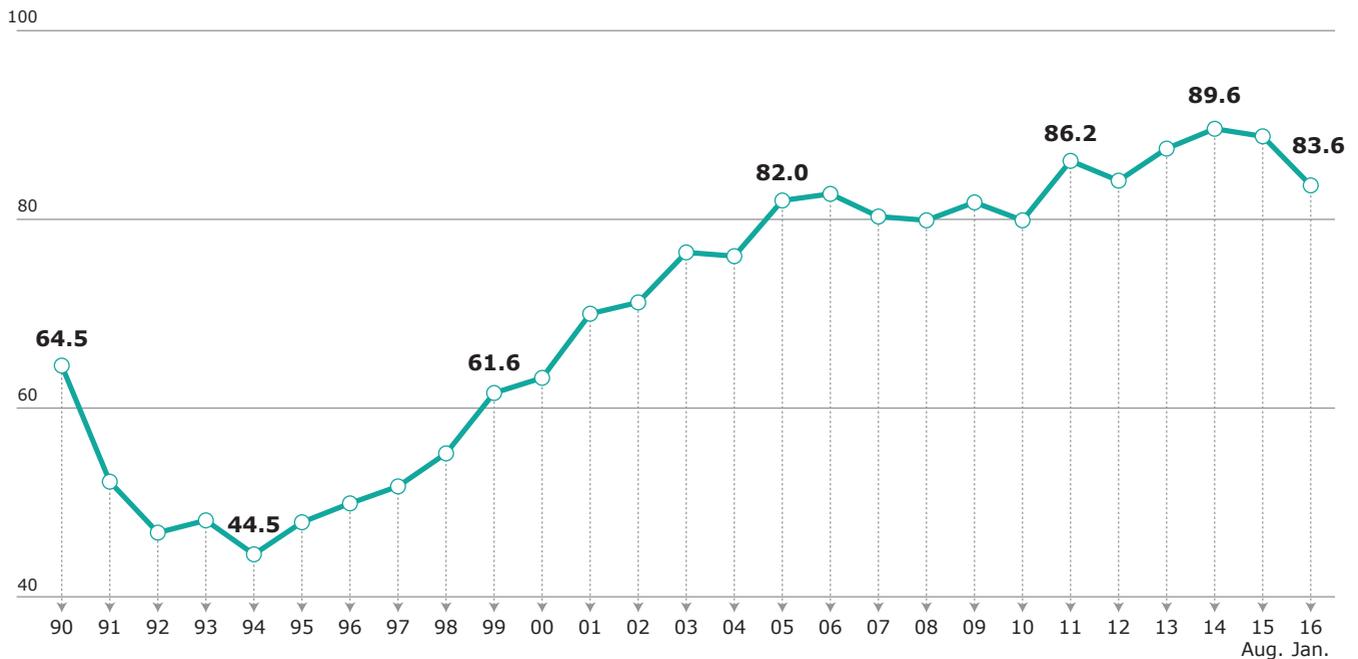
Pre-trial detention measures are normally based on the amount of incarcerated people who are not yet convicted, or the percentage of pre-trial detainees. However, we consider that the right to presumption of innocence is more complex, which is why we introduce a basket of indicators to measure the use of preventive detention for those who are attending a criminal legal procedure. The indicator basket was designed by the Pretrial Justice Latin American Network, and recommended by the Inter-American Commission on Human Rights. The basket includes five categories:

- a. The probability of a person under arrest to be forced to remain in pre-trial detention
- b. Frequency and motivation of the use of pre-trial detention as a precautionary measure
- c. Alternative precautionary measures of compliance
- d. Pre-trial detention length
- e. Legitimacy in the use of pre-trial detention

Currently, in Mexico we do not have enough information to systematically measure all these elements. Therefore, we recommended the adoption of the National Prison Law because it contemplates the creation of a National System of Prison Information; also it includes the methods that would allow us to get the necessary information. It must be noted this Law was approved by Congress on June 14th.

From all these indicators, the only information available to us at the moment is the rate of people who have been held in pre-trial detention per 100,000 inhabitants.

Figure 5. People in Pre-trial Detention per 100,000 Inhabitants (1990-2016)



Source: Report prepared by México Evalúa with information derived from the 6th governmental report during the presidency of Felipe Calderón (data from 1990-2010); the Ministry of the Interior (Segob in Spanish: 2011-2016), and the National Population Council (Conapo in Spanish).

Presumption of Innocence: Main Findings

- At a national level, the rate of pre-trial detention per 100,000 inhabitants has increased constantly since the mid 1990s. It reached the figure of almost 90 people per 100,000 inhabitants in 2015 (Figure 5).
- At a state level, from 2012 to 2015, the entities that presented a greater number of people in pre-trial detention (per 100,000 inhabitants) were Colima (270.3), Baja California (220.4), and Sonora (199.6). These rates are 20 to 30 times greater than the national average for the same period (89.3). In the opposite side we find Guanajuato with an average of 29.9.

Presumption of Innocence: Our Policy Recommendation

- We congratulate Mexico on the adoption of the National Prison Law, which considers the creation of a National System of Prison Information, and includes

the methods that would allow us to get the necessary information about: a) The probability of a person under arrest to be forced to remain in pre-trial detention, b) The frequency and motivation of the use of pre-trial detention as a precautionary measure, c) Measures for alternative precautionary compliance, d) Pre-trial detention length, and e) Legitimacy in the use of pre-trial detention.

6 FAIR CRIMINAL PROCEDURES: THE MELTING POT WHERE JUSTICE IS FORGED

The criminal procedure represents the arena where the administration of justice takes place. It involves the rules of the game, the power conferring of judges, and the dynamics in which prosecutor and defendant interact within the court context.

According to literature in the social psychology area, there are at least three fundamental elements for a trial to be considered fair: respect, voice, and neutrality.⁷ In

⁷ John Thibaut and Laurens Walker, "A Theory of Procedure", *California Law Review*, Vol. 66, 3 (1978): 541-566. Available in: <http://scholarship.law.berkeley.edu/californialawreview/vol66/iss3/2/>

their turn, each one of these elements has a clear legal reference, which is part of those rights recognised in international treaties signed by the Mexican government, as well as in the national legislation, such as the right to not being tortured, the right to legal counsel, and the right to an impartial judge.

To evaluate how fair a criminal justice procedure is, it is important to use the indicators derived from the perception surveys filled out by the justice system users. In this way, the indicators that we propose in order to evaluate a criminal justice procedure according to its fairness are directly linked to the fundamental concepts of the due process of justice: respect, voice, and neutrality.

a. Respect corresponds to the right to not be tortured.

b. Voice corresponds to the right of having an effective legal counsel.

c. Neutrality corresponds to the right of having access to an impartial judge.

Prisons should be organized on the basis of respect for human rights of all persons deprived of liberty.

This document does not show specific data regarding fair criminal procedures. However, we propose how each one of these perception indicators can be measured. Thus, we present a series of considerations and conditions to produce a measure of: a) torture incidence; b) the right of proper defence; and c) the right to an impartial judge. All these indicators may be obtained through a national survey applied to inmates, as proposed in the National Prison Law, recently approved by Congress.

Fair Criminal Procedure: Main Findings

- As we have stated before, we do not present specific data regarding this issue.

Fair Criminal Procedure: Our Policy Recommendation

- We recommend the making of a national inmate survey, as the one proposed in the National Prison Law. This would allow us to have data concerning: a) torture incidence; b) the right to have proper legal counsel; and c) the right to an impartial judge.

7. DECENT AND SAFE PRISONS: TO KNOW A NATION BY THE QUALITY OF ITS PRISONS

Prisons are a fundamental part of the criminal justice system, because for someone to be deprived of his/her liberty or the possibility of being deprived of it, is what differentiates the criminal justice from other justice procedures. In order to evaluate the conditions of our prisons it is essential to measure the quality of our criminal justice system.

We believe that for prisons to be considered high quality, they must guarantee decent conditions for inmates, as well as security and governability in their buildings. This is particularly relevant in Mexico given the recent reforms on criminal procedure (2008) and human rights (2011).

After these reforms, it was stated in Article 18 of the Mexican Constitution that the penitentiary system's main objective is the social reintegration of inmates—something that must be organized around human rights protection.

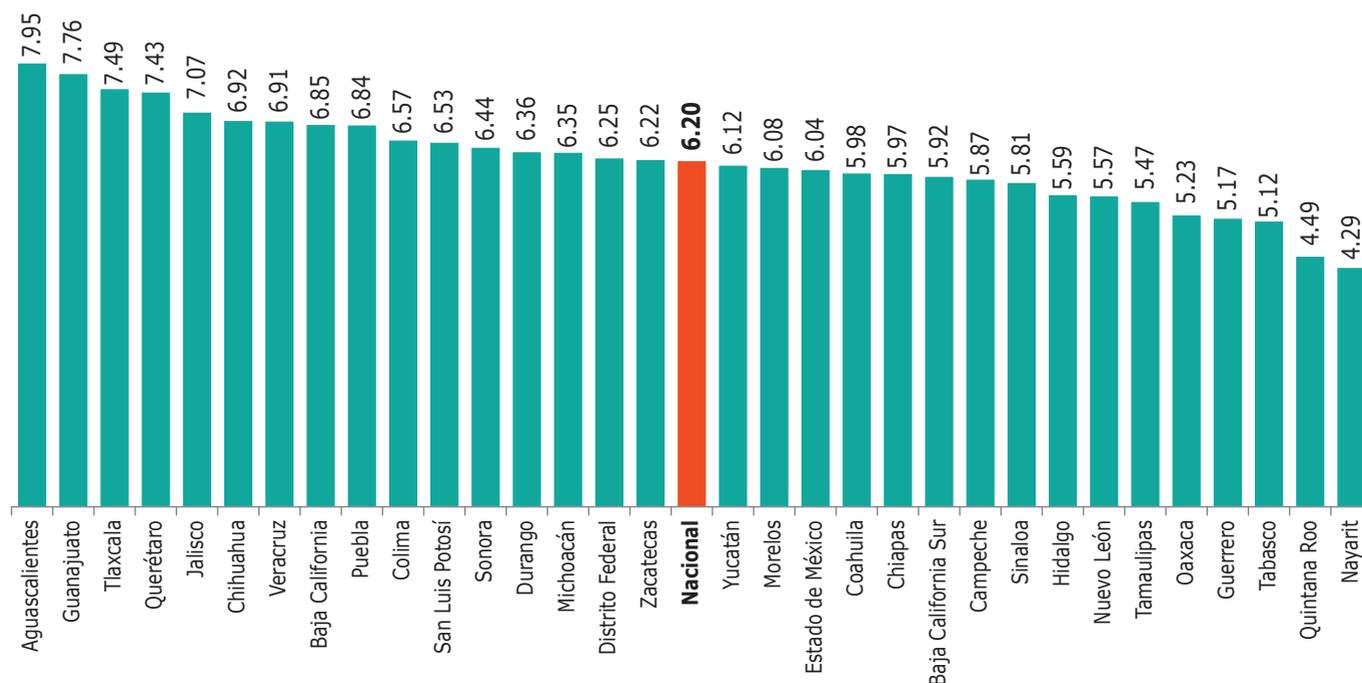
The most accurate measurement of the quality of prisons is conducted yearly by the National Human Rights Commission (CNDH in Spanish) through the National Diagnostic Prison Oversight (DNSP in Spanish).

Decent and Safe Prisons: Main Findings

- At a national level, from 2011 to 2015, the DNSP Index regarding respect for human rights and governability has been barely above 6 (on a scale of 1-10). This index reflects the balance between the respect for human rights of those whose liberty has been deprived and conditions of governance in prisons.

- From 2011 to 2015, the states with the highest average index values of their penitentiary system were Aguascalientes (7.95), Guanajuato (7.76), and Tlaxcala (7.49). All of them are above the national average (6.2). On the other hand, the states with the lowest index values were Nayarit (4.29), Quintana Roo (4.49), and Tabasco (5.12) (See **Figure 6**).

Figure 6. National Diagnostic Prison Oversight at the State Level (average 2011-2015)



Source: Report prepared by México Evalúa with information based on DNSP 2011-2015, CNDH.

According to CNDH, in the 130 penitentiary centres visited in 2015, the most frequently reported problems relate to a lack of separation between pre-trial inmates and convicted inmates (they share sleeping confinements and common areas), a shortage of prison staff, and permanent overpopulation. They also detected self-governance conditions (or conditions in which the inmates are responsible or participate in activities and services which are a task of the authorities) in 71 penitentiary centres.

Decent and Safe Prisons: Our Policy Recommendation

- We welcome the recent approval of the National Prison Law, which aims to improve governability in prisons as well as the quality of life of inmates. Under this law we may also develop information that will let us know who is in prison, under what circumstances, for which crime or offence, as well as his/her social and family history. This same statistical system will provide information about the way Mexican defendants evaluate their contact with the criminal justice system.

WHEN MEXICO EVALUATES, MEXICO IMPROVES

At México Evalúa we believe that only way to tackle problems in the criminal justice system in Mexico is through diagnosis based on robust evidence. This is the main objective of the indicators hereby proposed in *Tailored Justice*—to count on relevant and reliable information in order to assess the quality of justice in Mexico, and to propose more and better solutions to the problems that we are facing on this issue.

Choosing indicators is a delicate policy in itself, as methods for measuring may incentivize new behaviours.

The way state activity is measured may give us some clues regarding the civil servants' behaviour and, sometimes, even the citizens' behaviour. The measurement of the quality of the criminal justice system is a regular task that can be modified to incorporate or to reflect new concepts, principles, or legal procedures. Therefore, we keep an open door for experts, academics, civil society representatives or for anybody who is interested in the assessment of justice, to discuss these issues with us in an open and constructive conversation aimed to improve the way we measure criminal justice in Mexico.

México Evalúa, Centro de Análisis de Políticas Públicas, A.C.

June, 2016

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