

# **POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES**

## **Reorganized and Consolidated Version**

### **Foreword**

This Constitution is an expression of the Mexican People's will to create a democratic, social, secular Nation organized as a republic and in accordance to the principles of sovereignty, freedom, justice, equality, fairness, dignity and legal certainty. The objective of this Nation shall be the creation of a plural, educated and healthy society that enhances its wellbeing and abolish any exclusion. Its domestic governance and its international relations shall promote the development and protection of human rights, peace and solidarity among all people.

## **TITLE ONE**

### **CHAPTER I**

#### **On Human Rights**

#### **Article 1**

In the United Mexican States, all individuals shall be entitled to the Human Rights granted by this Constitution and the international treaties signed by the Mexican State, as well as to the guarantees for the protection of these rights. Such Human Rights shall not be restricted or suspended, except for the cases and under the conditions established by this Constitution itself.

The provisions relating to human rights shall be interpreted according to this Constitution and the international treaties on the subject, working in favor of the broader protection of people at all times.

All authorities, in their areas of competence, are obliged to promote, respect, protect and guarantee Human Rights, in accordance with the principles of universality, interdependence, indivisibility and progressiveness. As a consequence, the State must prevent, investigate, penalize and rectify violations to Human Rights, according to the law.

Slavery shall be forbidden in Mexico. Every individual who is considered as a slave at a foreign country shall be freed and protected under the law by just entering the country.

Any form of discrimination, based on ethnic or national origin, gender, age, disabilities, social status, medical conditions, religion, opinions, sexual orientation, marital status, or any other form, which violates the human dignity or seeks to annul or diminish the rights and freedoms of the people, is prohibited.

## **Article 2**

The Mexican Nation is sole and indivisible.

The nation is multicultural, based originally on its indigenous peoples, described as descendants of those inhabiting the country before colonization and that preserve their own social, economic, cultural and political institutions, or some of them.

Consciousness of indigenous identity will be the fundamental criteria to determine to whom apply the provisions on indigenous people.

An indigenous community is defined as the community that constitutes a cultural, economic and social unit settled in a territory and that recognizes its own authorities, according to their customs.

Indigenous people's right to self-determination shall be subjected to the Constitution in order to guarantee national unity. States' and Federal District's constitutions and laws must recognize indigenous peoples and communities, taking into account the general principles established in the previous paragraphs, as well as ethnic-linguistic and land settlement criteria.

This Constitution recognizes and protects the indigenous peoples' right to self-determination and, consequently, the right to autonomy, so that they can:

- I. Decide their internal forms of coexistence, as well their social, economic, political and cultural organization.
- II. Apply their own legal systems to regulate and solve their internal conflicts, subjected to the general principles of this Constitution, respecting the fundamental rights, the human rights and, above all, the dignity and safety of women. The law shall establish the way in which judges and courts will validate the aforementioned regulations.
- III. Elect, in accordance with their traditional rules, procedures and customs, their authorities or representatives to exercise their own form of internal government, guaranteeing the right to vote and being voted of indigenous women and men under equitable condition; as well as to guarantee the access to public office or elected positions to those citizens that have been elected or designated within a framework that respects the federal pact and the sovereignty of the states. In no case the communitarian practices shall limit the electoral or political rights of the citizens in the election of their municipal authorities.
- IV. Preserve and enrich their languages, knowledge and all the elements that constitute their culture and identity.
- V. Maintain and improve their environment and lands, according to this Constitution.
- VI. Attain with preferential use of the natural resources of the sites inhabited by their indigenous communities, except for the strategic resources defined by this Constitution. The foregoing rights shall be exercised respecting the forms of property ownership and land possession established in this Constitution and in the laws on the matter as well as respecting third parties' rights. To achieve these

goals, indigenous communities may form partnerships under the terms established by the Law.

VII. Elect indigenous representatives for the town council in those municipalities with indigenous population. The constitutions and laws of the States shall recognize and regulate these rights in the municipalities, with the purpose of strengthening indigenous peoples' participation and political representation, in accordance with their traditions and regulations.

VIII. Have full access to State jurisdiction. In order to protect this right, in all trials and proceedings that involve natives, individually or collectively, their customs and cultural practices must be taken into account, respecting the provisions established in this Constitution. Indigenous people have, at all times, the right to be assisted by interpreters and counsels, who are familiar to their language and culture.

The constitutions and laws of the States and the Federal District shall establish those elements of self-determination and autonomy that may best express the conditions and aspirations of indigenous peoples in each State, as well as the rules, according to which indigenous communities will be defined as public interest entities.

To promote the equal access to opportunities for the indigenous populations and to abolish any discriminatory treatment against them, the Federation, States and Municipalities shall establish the institutions needed and the required policies to ensure that the rights are respected and to guarantee the comprehensive development of their communities. The policies mentioned shall be designed in collaboration with these populations.

The law shall establish the obligations that each authority has to eliminate the scarcities and backwardness affecting indigenous towns and communities. In order to enforce the obligations set forth herein, the House of Representatives, the legislative bodies of the Federal District and the States, as well as the Municipal Councils, within the scope of their jurisdictions, shall establish specific budgets to comply with these obligations, as well as the procedures enabling communities to participate in the exercise and supervision of these procedures.

Any community comparable to indigenous peoples shall have the same rights as the indigenous people, according to the law, without detrimental to rights of natives, their communities and peoples established in this Constitution.

### **Article 3**

All people have the right of education. The State –Federation, States, Federal District and Municipalities– will provide preschool, elementary, middle and high education. Preschool, elementary and middle educations are considered as basic education; these and the high school education will be mandatory. All education that the State provides shall be free of charge.

In addition to the State duties mentioned in the previous paragraph, the State shall behold all the educational types and modes, including the preschool and professional educations

that are necessary for the development and progress of the Nation. The State shall promote scientific and technological research and shall foster the diffusion of our culture.

The State will guarantee the quality in mandatory education, in a way that educational material and methods, school organization, educational infrastructure and the suitability of teachers and principals ensure the highest learning achievement of students. The National Institute for the Evaluation of Education will be in charge of coordinating the National System for the Evaluation of Education.

Education provided by the State shall develop harmoniously all human abilities and will stimulate in pupils the love for the country, respect for Human Rights and the principles of international solidarity, independence and justice. It will behold the following provisions:

I. According to the Article 23 regarding the freedom of religion, the education provided by the State shall be secular, therefore, state education shall be maintained entirely apart from any religious doctrine.

II. The guiding principles for state education shall be based on scientific progress and shall fight against ignorance and its effects, servitude, fanaticism and prejudices.

Furthermore, state education shall:

a) Be democratic, understanding democracy not only as a legal structure and political regime, but also as a way of life grounded on the continuous economic, social and cultural development;

b) Be national, which means that, without hostility or exclusivism, state education shall cover national problems and the utilization of our resources, shall defend our political independence, assure our economic independence, and preserve and develop our culture;

c) Contribute to a better human coexistence, in order to strengthen the appreciation and respect for cultural diversity, human dignity, the integrity of the family, the convictions over society's general interest, the fraternity and equality of rights of all, avoiding privileges based on race, religion, group, sex or individuals, and

d) It shall be of quality, based on the constant progress and highest academic achievement of the students;

III. To fully comply with the provisions established in the fifth paragraph and under section II, the Federal Executive shall establish the syllabus for preschool, elementary and secondary education, as well as for teacher training colleges, to be applied throughout the country. To that end, the Federal Executive shall take into account the opinion of the States' and the Federal District's governments, as well as the opinions of civil society groups involved in education, teachers and parents, in accordance with the law.

IV. The admission to teaching positions and the promotions to management and supervisory positions in basic and medium education ran by the State shall be granted through competitive contest that shall guarantee that the knowledge and

abilities are suitable for the teaching position. The statutory law will set the criteria, terms and conditions of the mandatory evaluation for the admission, promotion, acknowledgment and continuance in the professional service with full respect to the constitutional rights of education workers. All admissions and promotions not granted according to law shall be deemed null and void. The provisions in this paragraph shall not be applicable to institutions referred to in the last paragraph of this article;

V. Private entities may provide all kinds of education. In accordance with the law, the State shall have powers to grant and cancel official accreditation to studies done at private institutions. In the case of pre-school, elementary and secondary education, as well as teacher training college, private schools must:

- a) Provide education in accordance with the same purposes and criteria established in fifth paragraph and section II, as well as to comply with the syllabus mentioned in section III; and
- b) Obtain a previous and explicit authorization from the authorities, under the terms provided by the Law.

In order to unify and coordinate education throughout the country, the Congress of the Union shall issue the necessary laws to allocate the social duty of education among the Federation, the States and the Municipalities, and shall establish the pertinent budget and the penalties applicable to those civil servants who fail to comply or enforce these provisions, and to any other offender thereof.

Universities and other higher education institutions, upon which the law has conferred autonomy, shall have both the powers and the duty to govern themselves. They must subject themselves to the principles established in this article to educate, do research and promote culture, respecting academic freedom, researching freedom, freedom to apply exams and to discuss ideas. These institutions shall develop their academic plans and programs; they shall establish the terms for admission, promotion and tenure of their academic personnel; and they shall manage their estate. Labor relationships between institution and academic and administrative personnel shall be governed by section A of article 123 of this Constitution, in accordance with the terms of the National Labor Act for a specially regulated work, without interfering with the autonomy, academic freedom, research freedom and the goals of the institutions referred herein,

#### **Article 4**

Men and women are equal under the law. The law shall protect the organization and development of the family.

Every person has the right to decide, in a free, responsible and informed manner, about the number of children desired and the timing between each of them.

Any family has the right to enjoy a decent and respectable house. The law will set the instruments and supports necessary to achieve such objective.

Boys and girls have the right to having their nutritional, health, educational and recreational needs satisfied for their proper development. This principle should guide the

design, enforcement, following up and evaluation of the public policies focused on childhood. The State, in all decisions it makes and all actions it carries out, will safeguard and comply with the principle of doing what is in the best interest of children, thus entirely guaranteeing their rights.

Ascendant relatives and guardians have the obligation of maintaining and demanding the compliance of these rights and principles. The State will grant aid to individuals in order to assist with the compliance of the rights of children.

## **Article 5**

All individuals have the following rights:

- I. To have an identity and to be registered immediately after their birth. The State shall guarantee the compliance of these rights. The competent authority shall issue, without any cost, the first certified copy of the birth certificate or registration.
- II. To nutritional, sufficient and quality nourishment.
- III. To health protection. The law shall determine the bases and terms to access health services and shall establish the competence of the Federation and the Local Governments in regard to sanitation.
- IV. To a healthy environment for his/her own development and wellbeing. Environmental damage and deterioration will generate a liability for whoever provokes them in terms of the provisions by the law.
- V. To access, provision and drainage of water for personal and domestic consumption in a sufficient, healthy, acceptable and affordable manner. The State will guarantee such right and the law will define the bases, subsidies and modality for the equitable and sustainable access and use of the freshwater resources, establishing the participation of the Federation, local governments and municipalities, as well as the participation of the citizens for the achievement of such purposes.
- VI. To enjoy the access to culture, to access the state's cultural services and to exercise their cultural rights. The State shall provide the means to spread and develop culture, taking into account the cultural diversity of our country in all its forms and manifestations, and respecting creative freedom. The law shall provide instruments that guarantee access and participation of any cultural expression.
- VII. To physical culture and the practice of sports. The State shall promote and stimulate this right by issuing laws on the topic.

## **Article 6**

No person may be prevented from performing the profession, industry, business or work of his choice, provided that it is lawful. This right may only be banned by judicial resolution, when third parties' rights are infringed, or by government order, issued according to the law when society's rights are infringed.

In each state, the law shall determine which professions require a degree to be practiced, the requirements for such degree and the appropriate authorities to issue it.

No one can be compelled to work or render personal services without obtaining a fair compensation and without his full consent, unless the work has been imposed as a penalty by a judicial authority, which shall be subjected to the provisions established in the Article 123, sections I and II. No one can be deprived of legal wages, except by a judicial ruling.

A work contract will oblige the person only to render the service mentioned in that contract during the term established by law, which may not exceed one year in detriment of the worker. The work contract cannot include the waiver, loss or damage of any political or civil right. In the event that the worker fails to fulfill said contract, he only may be subjected to civil liability, but never may be exerted any coercion on him/her.

Only the following public services may be mandatory, and always according to the respective law: military service, jury service, councilmen service and positions granted through the direct or indirect vote. Electoral and census duties shall be mandatory and free; however, those services performed professionally shall be paid as provided by this Constitution and any applicable laws. Social professional services shall be mandatory and remunerated according to the law and with the exceptions established in it.

Any contract, pact or agreement, which purpose is the demerit, loss or irrevocable sacrifice of a person's liberty is strictly prohibited by the State.

Likewise, any contract by which a person agrees to his own proscription or exile, or by which he temporarily or permanently waives his right to practice certain profession, industry or business shall not be authorized either.

The simple promise of truthfulness and fulfillment, subjects the person to the penalties established by law in the event of failing to fulfill them.

## **Article 7**

Freedom of speech, opinion, ideas and information through any means shall not be abridged. Said right shall neither be prevented through any indirect means, such as abuse of official or private control over paper, radio electric frequencies or any other devices used to deliver information, or through any other means of information technologies.

No statute or authority shall establish prior restraints, nor shall it abridge freedom of speech, except when the expression of ideas goes against the moral, privacy or the rights of third parties, causes perpetration of a felony, or disturbs the public order. The right of reply shall be exercised according to law. Under no circumstances shall the assets used for the transmission of information, opinions and ideas be subject to seizure on the grounds of being an instrument of a felony.

Every person shall be entitled to free access to plural and timely information, as well as to search for, receive and distribute information and ideas of any kind, through any means of expression. The State shall guarantee the right to information.

The Congress shall issue a general law to set the basic principles, basis and procedures for the exercise and interpretation of the right to access public information. Federal and local laws that regulate the matter shall be in accordance to the general law and shall behold the principle of maximum publicity. They shall also behold the following provisions:

- I. Every person shall have free access to public information without the necessity to argue interest or justification.
- II. The mechanisms to access information and expedite review procedures shall be established. These procedures must be formalized before specialized and impartial autonomous agencies established by this Constitution.
- III. The law shall determine the information that is considered as reserved or confidential and shall protect, according to the exceptions stated therein, the data that is considered private or that refers to personal data.

The State shall guarantee access to information and communication technology, access to the services of radio broadcast, telecommunications and broadband Internet. To that end, the State shall establish effective competition conditions for the provision of such services.

The broadcasting of publicity or propaganda presented as information coming from news or reports is prohibited. The conditions to be met by the content and the contracting of the service for its broadcasting to the public shall be established, including those relative to the liability of concessionaires with regard to the information broadcasted for thirds parties, without prejudice to the freedom of speech and broadcasting.

The law shall establish telecommunications users' and audience's rights, as well as the remedies for their protection.

## **Article 8**

Public officers and employees will respect the exercise of the right to petition provided that petition is made in writing and in a peaceful and respectful manner. Regarding political petitioning, only citizens have this right.

Every petition must be decided in writing by the authority to whom it was addressed, who has the duty to reply to the petitioner within a brief lapse of time.

## **Article 9**

The right to peacefully associate or assembly for any licit purpose cannot be restricted. Only citizens of the Republic may take part in the political affairs of the country. No armed meeting has the right to deliberate.

Meetings organized to make a petition or to submit a protest to any authority cannot be considered as unlawful, nor be broken, provided that no insults are uttered against the authority and no violence or threats are used to intimidate or force the decision of such authority.



## **Article 10**

The inhabitants of the United Mexican States have the right to keep arms at home, for their protection and legitimate defense, with the exception of those prohibited by the Federal Law and those reserved for the exclusive use of the Army, Navy, Air Force and National Guard. Federal Law will state the cases, conditions, requirements and places where inhabitants can be authorized to carry weapons.

## **Article 11**

Every person has the right to enter and leave the country, to travel through its territory and to move house without the necessity of a letter of safe passage, passport, safe-conduct or any other similar requirement. In the event of criminal or civil liability, the exercise of this right shall be subject to the judicial authority. Relating to limitations imposed by the laws on immigration, emigration and public health, or in respect to aliens residing in the country, the exercise of this right shall be subject to the administrative authority.

Any person has the right to seek asylum in cases of persecution for political motives; asylum shall be granted for humanitarian reasons. The law shall regulate the grounds to request the asylum as well as the exceptions.

## **Article 12**

No titles of nobility, nor prerogatives and hereditary honors shall be granted in the United Mexican States. Furthermore, those granted by any other country shall have no effect.

No one can have special legal privileges. No person or corporation can enjoy emoluments, other than those given in compensation for public services and which must be established by the law.

Military courts under no case and for no circumstance can extend their jurisdiction over persons who are not members of the Armed Forces. Civilians involved in military crimes or faults shall be presented to the competent civil authority.

## **Article 13**

The United Mexican States does not allow agreements of international treaties for extradition when the person to be extradited is politically persecuted, or accused of ordinary crime while having the condition of a slave in the country where he/she committed the crime, as well as the agreements or treaties that alter the human rights established by this Constitution and the international treaties signed by the Mexican State.

## **Article 14**

No law will have retroactive effect in detriment of any person.

No one can be deprived of his freedom, properties, possessions or rights without a trial before previously established courts, complying with the essential formalities of the proceedings and according to those laws issued beforehand.

No one can be tried under special laws or special courts.

In regard to criminal trials, it is forbidden to impose any penalty which has not been expressly decreed by a law applicable to the crime in question, arguing mere analogy or majority of reason.

In civil trials, final sentence must be in accordance to the textual statement or the law or its legal interpretation. In the case of lack of the appropriate law, sentence must be based on the general principles of law.

## **Article 15**

The Federation, the States and the Federal District shall establish, within the field of their respective powers, an integral justice system for minor offenders that shall be used for those persons that have been found guilty of committing or participating in a crime as stated by the law and that their age ranges from twelve years old and less than eighteen years old. The system shall guarantee the human rights recognized by this Constitution for every person, as well as those specific rights that due to their status as a person under development have been granted to children.

People under twelve years of age who have been found guilty of committed or participated a crime as stated by the law shall only be subjected to social assistance.

In each level of government, the management of this system will be organized by institutions, courts and authorities specialized on justice administration and legal proceedings regarding teenagers. The system shall use advice, protection and treatment methods that apply on each particular case following the principles of comprehensive protection and superior interest of the teenager.

The judicial process for teenager's justice shall be through an oral adversarial system in which due process shall be strictly followed as well as the principle of independence among authorities in charge of the process or the conviction. Measures imposed to teenagers shall be proportional to the misconduct and shall seek teenager's social and family reintegration, as well as the complete development of his person and capabilities. Confinement shall only be used as an extreme measure and for the briefest period of time that applies to the case. Confinement can be applied only to teenagers above fourteen years old who have committed or participated in an act that the law describes as a crime.

If appropriate, alternative forms of justice should be used in this system

## **Article 16**

No person shall be disturbed in his private affairs, his/her family, papers, properties or be invaded at home without a written order from a competent authority, duly explaining the legal cause of the proceeding.

All people have the right to enjoy protection on his personal data, and to access, correct and cancel such data. All people have the right to oppose the disclosure of his data, according to the law. The law shall establish exceptions to the criteria that rule the handling of data, due to national security reasons, law and order, public security, public health, or protection of third party's rights.

Only judicial authority can issue an arrest warrant. Such arrest warrant shall always be preceded by a formal accusation or charge of misconduct considered as criminal offence, punishable with imprisonment, provided that there is evidence to prove that a crime has been committed and that the defendant is criminally liable or participated in the criminal activity.

The authority executing an arrest warrant shall bring the accused before the judge without any delay and under its sole responsibility. Fail to comply with this provision will be punished under criminal law.

In cases of *flagrante delicto*, any person may arrest the offender, turning him over without delay to the nearest authorities, which in turn, shall bring him before the Public Prosecution Service as briefly as possible. A record of such arrest must be done immediately.

The Public Prosecution Service may order arrest of the accused, explaining the causes of such decision, only when it is an urgent case of a serious crime as described by the law and when there is a reasonable risk that the suspect can escape to avoid justice. This may only apply when by reason of the time, place or circumstance, the accused cannot be brought before judicial authority.

In cases of urgency or flagrancy, the judge before whom the prisoner is presented shall immediately confirm the arrest or order his release, according to the conditions established in the law.

No accused person shall be held by the Public Prosecution Service for more than forty-eight hours. After this term, his release shall be ordered or he shall be brought before a judicial authority. Such term may be duplicated in the cases described by the law. Any abuse shall be punished by criminal law.

In the case of organized crime, and at the request of the Public Prosecution Service, judicial authority can order to put a person into hold restraint whenever necessary for the success of the investigation, the protection of people or legal goods, or when there is reason to believe that the accused could avoid the action of justice. This action must comply with the terms of time and place established by law and without exceeding forty days. The forty days term can be extended, provided that the Public Prosecution Service proves that the causes that originate hold restraint still remain. In any case, the hold restraint shall not last more than eighty days.

Only a judicial authority can issue a search warrant at the request of the Public Prosecution Service. The law shall establish the requirements and procedures to do the search.

Private communications shall not be breached. The law shall punish any action against the liberty and privacy of such communications, except when they are voluntarily given by one of the individuals involved in them. A judge shall assess the implications of such communications, provided they contain information related to the perpetration of a crime. Communications that violate confidentiality established by law shall not be admitted in any case.

Only the federal judicial authority can authorize telephone tapping and interception of private communications, at the request of the appropriate federal authority or the State Public Prosecution Service. The authority that makes request shall present in writing the legal causes for the request, describing therein the kind of interception required, the individuals subjected to interception and the term thereof. The federal judicial authority can authorize telephone tapping nor interception of only in criminal cases. No authorization shall be granted to tap or intercept the communications between an accused and his/her lawyer.

Control judges shall, immediately and by any means, solve the precautionary measures requests and investigation techniques, ensuring compliance with the rights of the accused and the victims. A comprehensive registry of all the communications between judges and the Public Prosecution Service and other competent authorities shall be kept.

The results of telephone tapping and interception of communications that do not comply with the above mentioned requirements will not be admitted as evidence.

Administrative authorities shall have powers to search private households only in order to enforce sanitary and police regulations. Administrative authorities can require the accounts books and documents to corroborate compliance with fiscal provisions, following the procedures and formalities established for search warrants.

The sealed correspondence circulating through the mail shall be exempt from any search and the violation thereof shall be punishable by the law.

During peacetime, no member of the Army can be quartered in a private house against the owner's will, nor can the army member impose any requirements to the owners of the house. During a war, soldiers can demand lodging, baggage, food and other requirements in the terms set forth by the applicable martial law.

## **Article 17**

Nobody can take justice into their own hands, nor to exercise violence to enforce his rights. No one can be imprisoned in reason of exclusively civil debts.

All people have the right to enjoy justice before the courts and under the terms and conditions set forth by the laws. The courts shall issue their rulings in a prompt, complete and impartial manner. Court's services shall be free, judicial fees are prohibited.

Federal and local laws shall provide the necessary means to guarantee the independence of the courts and the full enforcement of their rulings.

The sentences by which an oral proceeding ends shall be explained to the parties in a public hearing.

The laws shall provide alternative mechanisms to resolve controversies. Regarding to criminal matter, the laws shall regulate application of such mechanisms, ensure redress or retribution and establish the cases in which judicial supervision is required.

The Federation, the States and the Federal District must guarantee the existence of a quality public defender office and shall provide the conditions for a professional career service for the defenders.

The Mexican Congress shall enact laws to regulate class actions. Such laws shall establish the cases in which each law applies, as well as the judicial proceedings and the remedies for redress. Only the federal judges have jurisdiction on these proceedings.

## **Article 18**

Preventive custody shall be reserved for crimes punishable by imprisonment. Preventive prisons shall be completely separated from the prisons used for convicted persons.

Prison system shall be organized on the basis of the respect for human rights. The system shall consider the principles of work, training, education, health and sports as a means to achieve inmate's social rehabilitation and pursuing that the inmate will not commit a crime again, following the benefits that the law establishes for him/her. Women and men shall be imprisoned in separate places.

Convicts may serve their sentence in the penitentiaries closer to their home, in order to encourage their reintegration to the community. This provision shall not be applicable to organized crime and to inmates who require special security measures.

Special centers shall be created for preventive imprisonment and for penalties regarding organized crime. The competent authority can restrict communication between accused person or prisoner and third parties in the event of organized crime, except for defender. The authority also can impose measures of special surveillance on these inmates. This provision can be applied to other inmates who require special security measures.

The Federation, the States and the Federal District can make and execute agreements to send the inmates convicted for crimes under its jurisdictions to serve their sentence in other prisons under a different jurisdiction.

Mexicans who are serving imprisonment penalties in foreign countries may be brought to the United Mexican States to serve their sentences according to the rehabilitation systems provided in this article. Foreigners who are serving imprisonment penalties may be transferred to their countries, in accordance with international treaties. Prisoner must grant his/her consent for the transfer.

## **Article 19**

Any detention before a judicial authority in excess of 72 hours is prohibited without presenting formal charges indicating the crime, place, time and circumstances of such crime; as well as the evidence of the crime and of the probable liability of the accused. The time for detention is counted from the moment the accused is presented to the authority.

The Public Prosecution Service can request the judge preventive prison only when other precautionary measures are not enough to ensure the presence of the accused in his trial, the development of the investigation, the protection of the victim, witnesses or community, as well as when the accused is on trial or had been previously convicted for having committed an intentional crime. Also, the judge will order preventive prison, by its own motion, in cases of serious crimes as stated by the law.

The law shall establish the cases in which the judge can revoke liberty granted to the individuals subjected to trial.

The term to issue the association order may be extended only at the request of the accused, according to the procedure set forth by the law. Prolonging the detention shall be sanctioned by penal law. The authority in charge of the establishment where the accused is shall attract the judge's attention if it does not receive a copy of the detention order or the extension request in the term indicated above as soon as the term ends. If the authority does not receive the detention order within the next three hours, the accused shall be freed.

Every proceeding will treat only the crime or crimes mentioned in the detention order. If within the course of proceedings, another crime appears, it shall be charged on a separate investigation. Charge accumulation may be ordered, if appropriate.

In the event that the accused evades the justice or is transferred to a foreign judge, after the detention order has been issued for an organized crime charge, the trial and the expiry date of the criminal action will be suspended.

Any mistreatment during the arrest or imprisonment, any annoyance without legal justification, any tax or contribution in jails, constitute an abuse which the law shall correct and the authorities shall repress.

## **Article 20**

The judicial authority can, exclusively, impose penalties, modify them and state the pertinent term for them.

No criminal trial shall have more than three instances. No one can be tried twice for the same crime, regardless if he/she was acquitted or convicted. Acquitting from the instance is prohibited.

Criminal proceedings will be oral and adversarial. It shall be ruled by the principles of open trial, contradiction, concentration, continuity and contiguity, and shall comply with the regulations set forth by the law.

A. Every person accused has the following rights:

- I. The defendant is innocent until proven guilty through a sentence issued by a judge.
- II. From the moment of his arrest and during his/her statement before the judge or the Prosecutor, the defendant shall be informed about the charges against him and the rights that assist him/her. The judicial authority can approve that the name and data of the plaintiff shall be treated as reserved data according to the circumstances stated by the law.
- III. Accused has the right to remain silent, which cannot be used against him. Any confession made without the assistance of a defender shall have no weight as evidence. All forms of intimidation, torture and lack of communication are forbidden and shall be punished by the law. The law shall establish benefits for the accused or convicted person who provides effective assistance in the investigation of felonies according to the provisions set forth by the law.
- IV. Witnesses and any other evidence submitted by the defendant shall be admitted. To that end, the law will establish the time frame considered as necessary and the judicial authority shall assist defendant to enforce appearance of those witnesses whose testimony he may request, in the terms set forth by the law.
- V. The defendant has the right to be provided with all the information on record in the proceeding for his defense in the terms established by the law.
- VI. Defendant shall be judged in an open trial by a judge or court. This provision may only be restricted for exceptional reasons described by the law.
- VII. The accused shall be tried within a term of four months in the case of crimes punishable with a maximum penalty of two years of imprisonment; and within a period of one year if the crime is punishable with a penalty exceeding such term, unless he requests a longer term to prepare his defense.
- VIII. Defendant has the right to a lawyer, whom he shall freely choose even from the moment of his arrest. If he does not want a lawyer or cannot appoint one at the moment of request, the judge shall appoint a public defender. The defendant has the right that his lawyer appears in every acts of the process. Defendant's lawyer is obliged to appear in all the acts related to defendant's proceeding.

Prison or arrest cannot be extended due to the lack of money to pay lawyer's fees or any other monetary cause, civil liability or any other similar motive.

Preventive prison cannot exceed the time established by law as maximum punishment for the crime in question. In no case, preventive prison shall exceed the term of two years, unless defendant asks for a longer time to prepare his defense. If after said term a sentence has not been pronounced, the defendant shall be freed immediately while the trial continues. However, other precautionary measures may be used.

The duration of detention will count for the sentence term.

B. Victim's rights:

- I. The victim has the right to be informed about the rights that this Constitution grants to his/her favor; and whenever he should so require it, to be informed about the state of the criminal proceedings
- II. The victim has the right to receive legal counsel.
- III. To assist the Public Prosecution Service, which shall receive all the evidence submitted by the victim during the preliminary criminal inquiry as well as during proceedings. The Public Prosecution Service must motivate and substantiate all the refusals to review some of the possible evidence provided.
- IV. The victim has the right to intervene in the trial and to use the legal instruments according to the law.
- V. The victim has the right to receive urgent medical and psychological assistance from the moment the crime was committed.
- VI. The victim has the right of reparation. Whenever it should be legally admissible, the Public Prosecution Service is obliged to require redress. The victim also can request such redress by himself.  
The judge cannot acquit the convict of redress in the case of conviction. The law shall set forth agile procedures to enforce redress sentences.
- VII. The victim has the right to the safeguarding of his/her identity and data in the cases described by the law.  
The Public Prosecution Service shall ensure the protection of victims, offended parties, witnesses and all others who take part in the trial. The judges are obliged to oversee proper compliance with this obligation.
- VIII. The victim can request the necessary precautionary measures to protect his rights.
- IX. The victim can contest, before the judicial authority, the Public Prosecution Service's omissions in the criminal investigation, as well as the resolutions with reservation, lack of exercising, abandonment of criminal prosecution or proceeding suspension when redress has not been completed.

**Article 21**

It is the Public Prosecution Service's responsibility to investigate crimes together with police bodies, who shall work under the Public Prosecution Service's command.

The exercise of the criminal prosecution before the courts is exclusive to the Public Prosecution Service, which may consider the opportunity criteria to that effect given the provisions stated by the law.

The law shall define the cases in which civilians can exercise criminal prosecution before the judicial authority.

The President of the Mexican Republic can accept the jurisdiction of the International Criminal Court, provided that he has obtained Senate's approval.

Penalties of death, mutilation, infamy, marks, physical punishments, torture, excessive fines, confiscation of assets, and other cruel punishments are prohibited. Every penalty shall be in proportion to the crime committed and to the legally protected interest.



Appropriation of assets shall not be considered as confiscation when such appropriation is ordered by the authority for the payment of taxes, fines or civil liability. Appropriation in the following cases shall not be deemed as confiscation: appropriation of property ordered by the judicial authority under the terms provided by Article 110 in case of illicit enrichment; appropriation of seized goods that were abandoned by the owner; and appropriation of goods, which ownership has been declared extinct by a sentence. The law shall establish the crimes and properties to which this may apply, as well as the legal instruments by which people that consider themselves as affected by this appropriations may challenge the judicial action and prove the legal precedence of the properties and that they acted under good will.

## **Article 22**

It is the administrative authority's responsibility to apply the penalties for breaking government or police regulations. Such penalties may be fines, arrest up to thirty-six hours or community work. The fine may be exchanged by the appropriate incarceration term, which shall never exceed thirty-six hours.

If the offender is a laborer, worker or employee, he may not be fined for an amount exceeding one day of wage or income.

## **Article 23**

Every person has the right to have freedom of ethical convictions, of conscience and of religion, and to have or to adopt, as the case may be, the one of her preference. Such freedom includes the right to participate, individually or collectively, in both public and private ceremonies, worship or religious acts of the respective cult, as long as they are not a felony or a misdemeanor punished by law. No person is allowed to use these public acts of religious expression with political ends, for campaigning or as means of political propaganda.

Ordinarily, all religious acts will be practiced in temples, and those that extraordinarily are practiced outside temples must adhere to the statutory law.

Congress cannot dictate laws that establish or abolish any given religion.

## **Article 24**

In case of invasion, serious civil unrest or any other event which may place society in severe danger or conflict, only the President of the Republic can suspend, throughout the country or in a certain region, those constitutional rights and guarantees which may constitute obstacles for the State to face the situation easily and rapidly as required by the emergency. For this purpose, the President must obtain the Congress of the Union's approval, or in the recess, the Permanent Committee's approval. Such suspension of constitutional rights and guarantees shall be temporary through general provisions, never a suspension can be applied on a single person. If suspension of constitutional rights and guarantees is requested within the period when the Congress is working, it shall grant the

necessary authorizations for the President to cope with the situation. However, if suspension is requested during the Congress recess, the Congress will be convened immediately so it can agree about the authorizations required.

However, the decrees enacted under the situations described in the previous paragraph cannot restrict or suspend the exercise of the following rights and principles: the right to non-discrimination, the right to legal personality, the right to life, the right of personal integrity, the right of protection to the family, the right to have a name, the right to have a nationality, the children's rights, the political rights, the freedom of thought, the freedom of religion, the principles of legality and retroactivity, the prohibition on the death penalty, the prohibition on slavery and servitude, the prohibition of disappearance and torture, nor the judicial guarantees that are necessary to protect these rights and principles.

Restriction or suspension of constitutional rights and guarantees should be based and justified on the provisions established by this Constitution, should be proportional to the danger, and should behold the principles of legality, rationality, notification, publicity and non-discrimination.

When the restriction or suspension of the constitutional rights and guarantees ends, because the deadline was met or the Congress so ordered, all legal and administrative measures taken during the restriction or suspension will be void immediately. The President of the Republic cannot make comments to the decree, through which the Congress revokes the restriction or suspension of the constitutional rights and guarantees.

The decrees enacted by the President of the Republic, during the restriction or suspension of the constitutional rights and guarantees, shall be immediately reviewed by the Supreme Court of Justice of the Nation, which shall rule on their constitutionality and validity as soon as possible.

## **CHAPTER II**

### **On the Agencies Responsible for the Protection and Promotion of Human Rights**

#### **Article 25**

The Congress of the Union and the state legislatures, under their respective jurisdictions, shall establish agencies directed to protect the human rights which are recognized by the Mexican legal system. Such entities shall receive all the complaints against administrative actions or omissions committed against human rights by any public office or employee, except for the officials working for the federal judicial branch. These agencies shall not have jurisdiction over electoral and jurisdictional matters.

These agencies shall issue public recommendations, which shall not be compulsory. They also shall file accusations and complaints with the appropriate authorities. All public servants are obliged to answer the recommendations issued by these agencies. When the authorities or public servants responsible do not accept or enforce these recommendations, they must substantiate such refusal and make their refusal public. In addition, the Senate, the Permanent Committee or the state legislatures, as appropriate,

may call, at the request of these agencies, the authorities or public servants responsible to appear and explain the reasons of such refusal.

The entity created by the Mexican Congress, shall be called National Human Rights Commission. It shall have managerial autonomy, legal personality and endowed with its own patrimony.

The election of the President of the National Human Rights Commission and the members of the Board of Advisors shall be subject to a public consultation procedure, which shall meet the requirements established by law.

The President of the National Human Rights Commission shall submit an annual report of activities according to the terms provided by the law.

The National Human Rights Commission can investigate serious violations of human rights when it considers so or at the request of the President of the Republic, the Senate, the House of Representatives, a governor, the Head of the Federal District Government, or a state congress. Likewise, The National Human Rights Commission shall hear complaints against the resolutions, covenants and omissions made by the state human rights commissions.

The state constitutions and the Federal District Charter shall establish and guarantee the autonomy of the agencies that protect the human rights and their members shall be elected through a public consultation procedure in the terms described by the law.

## **Article 26**

The Congress of the Union shall regulate the creation, organization, functioning and responsibilities of the agencies in charge of the protection and promotion of the Human Rights referred in this Article. It shall behold the following provisions:

- A. The National Institute for the Evaluation of Education will be an autonomous public agency, with legal personality and its own patrimony. The Institute shall evaluate the quality, performance and results of the national educational system in the preschool, elementary, junior high and high school in the terms set forth by the law. The Institute shall govern its activities according to the principles of independence, transparency, objectivity, pertinence, diversity and inclusion. The law shall establish the necessary mechanisms and actions to allow efficacious cooperation and coordination between the Institute and the federal and local education authorities. The Governing Board will be the managing body of the Institute. The law shall establish the requirements, terms, proceedings and other conditions related to the election, functions and substitutions of the board members, as well as the election of its president.
  
- B. The National Institute for Transparency, Access Information and Protection of Personal Data shall be an autonomous, specialized agency with legal personality and endowed with its own patrimony. This agency is responsible to guarantee the right of access to public information and the protection of personal data. This agency will be governed by the principles of certainty, legality, independence, impartiality, efficiency, objectiveness, professionalism, transparency and

maximum publicity. It shall also be granted with full technical and managerial autonomy, as well as autonomy to control its budget.

The autonomous transparency agency has competence to receive inquiries related to the right of access to public information and the protection of personal data from any authority, entity, organism or agency that belongs to any of the Executive, Legislative or Judicial Powers, as well as any autonomous agency, political parties public trusts and public funds, or any other person, group, union or organization that receives or use public resources or that exercise authority at the federal domain with exception of those issues that correspond to the jurisdiction of the Federal Supreme Court, in which case the a committee of three Supreme Court Justices would decide the issue.

The autonomous transparency agency has, also the competence to receive the inquiries from individuals in regard to the resolutions issued by the local autonomous specialized transparency agencies and the Federal District transparency agency that ruled the inexistence, reserve, and confidentiality of information or that refuses to disclose information according to the terms established by law. Likewise, the National Institution for Transparency, Access Information and Protection of Personal Data *ex officio* or by substantiated petition of the local agency from the States or the Federal District may receive or analyze the inquiries that due to its importance or transcendence are in the interest of the agency.

The resolutions of the National Transparency Agency are mandatory, definitive and indisputable for the obligors. Only in the cases that the resolutions may be considered to attempt to public security according to the law in the matter, the Legal Councilor of the Federal Government may present a review inquiry to the Supreme Court.

Every authority and public servant is compelled to help the National Institution for Transparency, Access Information and Protection of Personal Data to ensure the adequate performance of the Agency. The law will establish the alternative measures and procedures that the Agency could implement to guarantee the fulfillment of its decisions.

The law shall establish the requirements, terms, proceedings and other conditions related to the election, functions and substitutions of the commissioners, its president and the consultation board members.

The Institute shall coordinate its activities with government agencies and authorities to improve the accountability procedures of the Mexican Government.

- C. The Public Broadcasting System of the Mexican State shall be a decentralized public agency with technical, operative and managerial autonomy, that shall provide non-profit broadcasting to secure access to the population at large in each

and every one of the Federation's jurisdictions, to media contents that promote: national integration; educational, cultural and civic training; gender equality; supply of impartial, timely and truthful information about national and international news, allowing for the broadcasting of independent productions, as well as the expression of diverse and pluralistic opinions that strengthen societal democratic life.

The law shall establish the requirements, terms, procedures and other conditions related to the nomination, responsibilities and substitution of the president and the members of the citizen council. The council shall have the responsibility to guarantee the independence of the system and that it has an impartial and objective editorial policy.

The president of the System shall present an annual report to the Executive and Legislative Powers according to the terms described by the law.

### **CHAPTER III**

#### **On Democratic Planning and the Economic and Social Regime**

##### **Article 27**

- A. The Nation has direct dominance on all minerals and substances that are in seams, layers, masses or deposits and that have a nature different from the components of the soil, such as minerals from which metals and metalloids are extracted; beds with gemstones or salt; salt mines formed by seawater; the products derived from rock breaking, when their exploitation requires underground works; minerals or organic deposits susceptible to be utilized as fertilizers; solid mineral fuels; petroleum and all solid, liquid or gaseous hydrocarbons; all the natural resources of the continental shelf and the seabed of the islands; and, the space located over national territory, according to the extension and terms established by International Law.

The following elements are the property of the Nation, according to the extension and terms established by International Law: waters of the territorial sea; internal sea waters; waters of lagoons and estuaries permanently or intermittently connected with the sea; waters of natural lakes which are directly connected with streams constantly flowing; rivers, from the site where the first permanent, intermittent or torrential waters start to flow, to the mouth in the sea, lakes, lagoons or estuaries owned by the nation; waters of the continuous or intermittent currents and their direct or indirect affluent, whenever their bed serves as border of national territory or between two states, or when they flow from one state to another or cross the country's border; waters of lakes, lagoons or estuaries, which vessels, zones or shores are crossed by borderlines dividing one or more states or between the country and a neighboring country, or when the shoreline serves as a

border between two states or between the country and a neighboring country; waters of springs flowing from beaches, maritime areas, streams, vessels or shores; waters extracted from mines; and the internal beds, shores and banks. Underground waters may be freely extracted by artificial works and may be appropriated by the owner of the land. However, when the public interest so requires or whenever other uses are affected, the President of the Republic may regulate extraction and use of underground waters and, even, establish prohibited zones. The same criteria shall apply to other waters belonging to the nation. Any other waters not included in the foregoing list, shall be considered as an integral part of the land through which they flow. Nevertheless, if such waters are located in two or more properties, their use shall be considered as public, complying with provisions issued by the states.

In the cases referred to in the two previous paragraphs, the dominion by the State shall be inalienable and imprescriptible, and the exploitation, use or development of those resources, be that by individuals or by corporations incorporated in accordance with Mexican laws, shall not be carried out but through concessions granted by the Federal Executive in accordance with the rules and requirements so established by the laws; exception be made of broadcasting and telecommunications concessions, which shall be granted by the Federal Telecommunications Institute. Legal norms regarding works or efforts to exploit minerals and others substances referred to in paragraph four shall govern the execution and oversight of those carried out, or that ought to be carried out as of their entry into force, regardless of the granting date of the concessions, and the breach thereof shall result in the termination of the concessions.

The Federal Government is empowered to establish and repeal national reserves. Such declarations shall be made by the Executive in those cases and under the conditions set forth by the laws.

The Nation has sovereign rights and jurisdiction on the exclusive economic zone, situated outside and beside the territorial sea. The exclusive economic zone stretches from the seaward edge of the country's territorial sea out to two hundred nautical miles. In cases where said zone should produce a superposition over the exclusive economic zones of other countries, fixing of the boundaries shall be done through agreements with such countries.

- B. The property of all land and water within national territory is originally owned by the Nation, who has the right to transfer this ownership to particulars. Hence, the Nation establishes the private property.

The Nation shall at all-time have the right to impose on private property such restrictions as the public interest may demand, as well as to regulate, for social benefit, the use of those natural resources which are susceptible of appropriation, in order to make an equitable distribution of public wealth, to conserve them, to achieve a balanced development of the country and to improve the living conditions of rural and urban population. Consequently, appropriate measures shall be issued to put in order human settlements and to define adequate provisions, reserves and use of land, water and forest. Such measures shall seek

construction of infrastructure; planning and regulation of the new settlements and their maintenance, improvement and growth; preservation and restoration of environmental balance; division of large rural estates; collective exploitation and organization of the farming cooperatives; development of the small rural property; stimulation of agriculture, livestock farming, forestry and other economic activities in rural communities; and to avoid destruction of natural resources and damages against property to the detriment of society.

The legal capacity to own Nation's lands and waters shall be governed by the following provisions:

- I. Only Mexicans by birth or naturalization and Mexican companies have the right to own lands and waters, and to obtain exploitation licenses for mines and waters. The State may grant the same right to foreigners, provided that they agree before the Ministry of Foreign Affairs to consider themselves as Mexicans regarding such property and not to invoke the protection of their governments in reference to said property, under penalty of forfeiting the property in favor of the country. Foreigners cannot acquire properties within the zone that covers one hundred kilometers along the international borders and fifty kilometers along the beach. By no means, foreigners can acquire direct dominance rights over lands and waters.

The State can authorize foreign States to acquire real estate for their embassies or legations in the same city where federal government powers reside, in accordance to the principle of reciprocity and to the national public interest and at consideration of the Foreign Affairs Ministry.

- II. Religious associations, created in accordance with the terms provided in Article 130 and its regulatory law, can acquire, possess or manage properties essential for their religious activities.
- III. Public and private charitable institutions, devoted to public assistance, scientific research, education, mutual assistance to their members, or any other lawful purpose cannot acquire other real estate than that which is essential to fulfill their objective, according to the regulatory law.
- IV. Corporations based on shares can own rural lands, but only in the extension necessary to fulfill their objective, according to the law.
- V. Duly authorized banks, in accordance with the credit institutions law, can have capital imposed on urban and rural properties, but they cannot hold in property or in management, any more real estate than that which is entirely necessary to fulfill their direct objective.
- VI. The Federal District, the States and Municipal Councils shall have full legal capacity to acquire and possess all the real estate required for public services.

VII. The legal personality of farming cooperatives and communal land is recognized and their ownership over the land is protected, whether for human settlements or for productive activities. The law shall protect the wholeness of the indigenous groups' lands.  
Restitution of lands, forests and waters to rural communities shall be done according to the terms provided in the law.

- VIII. The following actions are null and void:
- a. All appropriation of lands, waters and mountains from towns, villages, settlements or communities, made by political chiefs, governors or any other local authority in contravention of the law published on June 25, 1856, and other applicable laws and provisions;
  - b. All concessions, arrangements or sales of lands, waters or mountains, made by the Secretariat of Public Works, the Department of the Treasury or any other federal authority from the first day of December, 1876, to this date, which have illegally invaded farming cooperatives, indigenous land or lands of any other kind belonging to towns, villages, or communities.
  - c. All demarcation procedures, transactions, transfers or auctions performed during the period mentioned in previous paragraph and made by companies, judges or federal or state authorities, which have illegally invaded farming cooperatives, indigenous land or lands of any other kind belonging to towns, villages, or communities.

The only lands excepted from the nullity herein mentioned are those which have been distributed in accordance with the Law published on June 25, 1856, and have been owned for more than ten years, provided that the area does not exceed fifty hectares.

IX. Division or distribution made with error or vice among neighbors of a rural settlement may be annulled at the request of the three quarters of the neighbors who possess one quarter of the lands in question; or at the request of one quarter of the neighbors who possess three quarters of the lands in question.

X. Large rural estates are prohibited in the United Mexican States. The law shall establish the land extension in hectares that do not exceed the small farming property per individual and their equivalence to the irrigated lands, seasonal lands, pasture lands, mountain or forest lands. Likewise, it will also establish the extension of the land that is dedicated to a specific crop. The law shall establish the land extension for breeder activities that do not exceed the small farming extension in terms of the number of animals according to the species that the land can properly hold. If the owner or user of a small breeding property improves the land the area so



utilized shall not exceed the limits established in the corresponding law and that correspond to the type of lands that were registered before the improvement.

- XI. Federal and State Congresses shall enact laws establishing the procedures to transfer and divide out into plots large areas of land exceeding the limits set forth under sections IV and X of this Article.

Excess land shall be partitioned and sold by the owner within a term of one year from the date of notification. If at the end of such term the excess land has not been transferred, it shall be sold by public auction. Under equal conditions, the right of preference established in the Statutory Law shall be respected.

Local laws shall organize the family estate, establishing which properties and goods must compose it. Family estate shall be inalienable and nontaxable.

- XII. All contracts and concessions executed by previous governments, since 1876 to date, which have resulted in monopolization of national lands, waters and natural resources, under one sole person or company are subject to review by the President of the Republic and he is empowered to declare any of them null and void whenever they imply a serious damage to public interest.
- XIII. Based on this Constitution, the State shall establish the measures required to provide agrarian justice in a prompt and honest manner, in order to guarantee legal certainty in land ownership, farm ownership and small property. The State shall provide legal advisers for farm workers. The law shall establish agrarian courts.
- All conflicts that could arise or are pending between two or more communities related to land limits or land ownership, are under federal jurisdiction.

Expropriation is authorized only where appropriate in the public interest and subject to payment of compensation.

Federal and State laws, according to their respective jurisdiction, shall establish the cases in which expropriation of private property is necessary for the public welfare, issuing the corresponding statement. Compensation for expropriation shall be based on the property value registered in the records of the land registry or Tax collector's office, regardless such value has been defined by the owner or by the State and tacitly accepted by owner when paying taxes. Only the increased or decreased value of said private property, due to any improvements or deteriorations made after the tax appraisal, can be subjected to assessment by experts and to judicial resolution. Objects, which value is not fixed in tax collector's office, can also be subjected to assessment by experts and to judicial resolution.

The Nation shall execute the actions established in this Article through judicial proceedings. During said proceedings and under the appropriate court's order, which shall be issued within one month, administrative authorities shall occupy, manage, auction or sell the lands or waters in question along with their appurtenances. In no case may such actions be revoked by the corresponding authorities before the execution sentence is pronounced.

## **Article 28**

The State shall command the development of the Nation to: be integral and sustainable; strengthen national sovereignty and democracy; and, through competitiveness, fostering economic growth, employment rates and a fair distribution of income and wealth, to allow the full exercise of liberty and dignity to individuals, groups and social strata, which security is protected by this Constitution. Competitiveness shall be understood as those conditions necessary to generate increased economic growth while promoting investment and job creation.

The State shall plan, conduct, coordinate and direct national economic activity and shall carry out the regulation and promotion of the activities required by public interest within the frame of liberties established by this Constitution.

The State shall promote the stability of public finances and of the fiscal system to create favorable conditions for economic growth and employment. The National Development Plan, the states and municipals development plans shall follow this principle.

The public, social and private sectors shall contribute to the national economic development, with social responsibility, without detriment to other forms of economic activity that contribute to the development of the country.

- A. The public sector shall exclusively be in charge of the following strategic areas and these shall not be considered as monopolies:
  - I. Post, telegraph, radiotelegraphy
  - II. Radioactive minerals and fuels used for nuclear power generation. Nuclear energy will be used only for peaceful goals. No concessions shall be given in relation to radioactive minerals
  - III. Planning and control of the national power system and the public power transmission and distribution systems. These activities shall not be granted as concessions regardless that the State can make agreements with corporations or individuals in the terms provided by the law. The law shall establish the mechanisms and roles in which private parties can participate in activities related to the electric industry.
  - IV. The exploration and exploitation of oil and other hydrocarbons. This activities are not subject to concessions. In order to obtain revenue for the State and contribute to the long-term development of the Nation, the State shall explore for and exploit oil and other hydrocarbons through assignment to productive state-owned

companies, or through contracts to be executed with them or private parties, in accordance with the implementing law. To fulfill the purpose of said allocations and contracts, the productive state-owned companies may enter into contracts with private parties. In any event, subsoil hydrocarbons shall remain property of the Nation and it shall be so expressed in the allocation and contracts.

The State shall have a public trust denominated Mexican Oil Fund for Stabilization and Development, which fiduciary agent shall be the Central Bank, that will be tasked, under the terms set forth by the laws, with receiving, managing and distributing revenues, taxes excluded derived from allocations and contracts referred in the last paragraph.

- V. Coining and note printing through the activities of the Central Bank
- VI. Other activities that are established in the laws issued by the Mexican Congress

The State shall have the agencies and companies required to efficiently manage the strategic and priority areas, where it may participate alone or together with the private and social sectors. The Federal Government shall always retain the property and control over those agencies and companies. In the aforementioned cases, a law shall establish the rules concerning the administration, organization, functioning, procurement and other legal acts to be executed by the State-owned companies, as well as the remuneration regime for the personnel, to guarantee its efficiency, efficacy, honesty, productivity, transparency and accountability in accordance with best practices; the law shall also determine other activities that they may carry out.

Likewise, the State may, alone or together with the social and private sectors, stimulate and organize such areas, which are a priority for development, in accordance with the law. Satellite communications and railroads are priority areas for national development; the State shall protect national security and sovereignty when exercising its ruling power and, when granting concessions or permits, it shall maintain or establish its dominion of the means of communication in accordance with applicable laws.

Social and private sector enterprises shall be supported and fostered under criteria of social equity, productivity and sustainability, subject to the public interest and to the use of the productive resources for the general good, preserving them and the environment.

The Law shall establish mechanisms to facilitate organization and expansion of economic activity of the social sector: farming cooperatives (*ejidos*), workers' organizations, cooperatives, rural communities, enterprises which are majority or exclusively owned by workers and, in general, all the different social organizations for production, distribution and consumption of such goods and services that are necessary for society.

The State shall provide good conditions to achieve total development in rural communities, for the purpose of creating jobs, guaranteeing welfare of the peasant population and their participation in national development. The State shall

stimulate agricultural, livestock and forestry activities for optimal uses of the land through infrastructure works, supply of raw materials, credits, training and technical support. The State shall also issue the statutory law for planning, organization, industrialization and marketing of agricultural and livestock production, since these are activities of public interest, as well as laws to guarantee the sufficient and timely supply of basic nourishment foods as established by law.

The law shall promote and protect economic activities carried out by private parties and it shall also generate those conditions necessary to foster private sector growth leading to the benefit of national economic development, promoting competitiveness and implementing a national policy aimed at industrial development that shall include sectorial and regional components, according to the terms set forth by this Constitution.

- B. The State shall organize a democratic planning system to support national development, which shall provide solidity, dynamism, competitiveness, continuity and equity to economic growth for the political, social and cultural independence and democratization of the nation.

National objectives included in this Constitution shall determine national planning. National planning shall be democratic and deliberative. Through the democratic participation mechanisms, the planning system shall collect the different aspirations and demands from the whole society to include them into the development programs and to the National Development Plan. All the programs carried out by the federal government must be subjected to the National Development Plan.

The law shall empower the President of the Republic to establish the appropriate procedures of popular participation and consultation for the national democratic planning system, as well as the criteria to prepare, implement, control and assess the development plan and programs. The law shall determine which agencies shall be responsible for the planning process and shall also determine the basis upon which the President of the Republic shall coordinate, through agreements with state governments and through agreement with private parties, the activities intended to prepare and implement the National Development Plan. The National Development Plan shall take into consideration the continuity and necessary adaptations of the national policy for the industrial development, paying attention to sectorial and regional considerations.

The law shall define the intervention of the Mexican Congress in the democratic planning system.

The State shall have a National System of Statistical and Geographical Information, which shall provide official data. All data contained in this system shall be use mandatorily for the Federation, the States, the Federal District and the Municipal Councils, according to the law.

## **Article 29**

In the United Mexican States, all monopolies, monopoly practices, state monopolies and tax exemptions are prohibited. Protectionist policies are also prohibited in the terms described by the law.

Consequently, the law shall severely punish, and authorities shall efficaciously police, all concentration or hoarding of articles deemed of necessary consumption in one or few hands, which purpose is to generate a price increase; every contract, procedure or combination of producers, industrialists, traders or service entrepreneurs resulting in restraint of free trade and competition among themselves, or forcing consumers to pay unreasonable prices, and, in general, any action resulting in an exclusive, unwarranted advantage in favor of one or many determined persons with prejudice for the general public or a social class.

Unions and workers associations will not be considered monopolies, which have been constituted to protect their own interests. Producers' cooperatives or associations will not be considered monopolies either, provided that their objective is to sell directly in foreign markets the domestic and industrial products which are the main source of wealth in the region where they are produced or which are not essential products. Such associations shall always be under the supervision or protection of federal or state government and shall obtain the previous authorization from the appropriate legislative body. Such legislative bodies can repeal any authorization granted to constitute the associations in question, by themselves or by the President of the Republic's request.

Privileges granted for a given period of time to authors and artists for them to produce their pieces of work and to inventors and those individuals who improve inventions will not be considered monopolies.

The laws shall establish bases to set maximum prices for articles, commodities or products considered as essential for the country's economy or for popular consumption. Such laws shall also define distribution of said articles, commodities and products, in order to prevent that unnecessary or excessive intermediation cause shortage or price increases. The law shall protect and promote the organization of consumers for the better protection of their interests.

The State can grant concessions for the provision of public services or for the exploitation and use of property owned by the Nation, except for the exceptions established by the law. The laws shall set forth the requisites and conditions to guarantee that licensed services will be efficient and goods will be used for society's interest and will prevent concentration activities that go against public interest.

Agreements to public service regimes shall follow the provisions stated by this Constitution and only may be done by law.

Subsidies can be granted to economic key activities, provided that such benefits general and temporary and do not impact substantially the Nation's finances. The State shall supervise application of subsidies and evaluate their results.

### **Article 30**

The Mexican Congress shall regulate the integration, organization, tasks and functioning of the State agencies and offices that are needed in order to fulfill the objectives and provisions stated in this chapter. This agencies shall behold the following principles:

- A. The State shall have a Central Bank, called *Banco de Mexico*, which shall be autonomous in the exercise of its functions and its administration. Its primary objective shall be to attain the stability of the purchasing power of the national currency, strengthening the guiding role of the State with regard to national development. No authority can order the Central Bank to provide financing. The Central Bank shall regulate exchange rates, as well as banking and financial services, in accordance with the law and with the intervention of any competent authorities. The Central Bank shall have all the necessary powers to carry out said regulation and the enforcement thereof.

The law shall establish the requirements, terms, procedures and other conditions related to the nomination, duties, and staggered substitution of all the executive directors of the Central Bank.

- B. The State shall have a Federal Economic Competition Commission, which shall be autonomous, shall have legal entity and endowed with its own property. It shall guarantee free competition and maximize turnout to the marketplace, as well as prevent, investigate and police monopolies, monopolistic practices, economic concentrations and any other restrictions to the efficient operation of markets, in accordance with the Constitution and the law. The Commission shall have all the necessary powers to: efficaciously accomplish its task, including the power to issue orders to remove competition barriers and free access to the marketplace; regulate access to essential raw materials; and order divestment of certain assets, rights, stakes or shares of economic agents, in the proportion needed to remove anti-competitive effects.

The Federal Telecommunications Institute shall be autonomous, shall have legal entity and endowed with its own property. It shall aim for the efficacious development of the broadcasting and telecommunications sector in the Nation, according to the provisions set forth by the Constitution and the laws. To that end, it shall regulate, promote and oversee the use, enjoyment and exploitation of the radio electric spectrum, the networks and the performance of broadcasting and telecommunication services, as well as the access to active and passive infrastructure and to other essential materials, to guarantee the following principles:

I. The State shall guarantee the integration to the information and knowledge society of its population through a policy of universal digital inclusion crafted with annual and sexennial goals.

II. Telecommunications are deemed as public services of general interest and, therefore, the State shall guarantee that they are offered under competitive conditions, with quality, plurality, universal coverage, interconnection, convergence, continuity, free access, and free from arbitrary interferences.

III. Broadcasting is deemed as public services of general interest and, therefore, the State shall guarantee that it be offered with quality and under competitive conditions, to deliver the benefits of culture to the population, preserving plurality and veracity of the information so broadcasted, as well as the promotion of national identity values, contributing to the goals established in Article 3 of this Constitution.

The Federal Telecommunications Institute shall also be the authority in charge of economic competition for the broadcasting and telecommunications sectors. The Institute shall exclusively exercise the powers established in this article and the laws in favor of the Federal Economic Competition Commission.

The Institute shall have the power to grant, revoke, as well as authorize assignment, changes of control, ownership or operation of legal entities in connection with broadcasting and telecommunications concessions.

All concessions of radio electric spectrum shall be granted through a public call for bids, according to the principles and mechanisms that the law describes. The Institute shall provide for an effective punitive scheme that will include, as grounds for revoking the concession and the mechanism to do so.

The Federal Telecommunications Institute shall guarantee that the Federal Government is awarded with all necessary concessions for the discharge of its functions.

The Federal Economic Competition Commission and the Federal Telecommunications Institute shall be independent agencies in their functioning and decision-making processes, professional in the performance of their roles, and impartial in their proceedings. They shall follow the principles and basis established by law.

The executive bodies of both the Institute and the Commission shall be formed by the number of commissioners set forth by the law. The law shall establish the requirements, terms, procedures and other conditions relative to their nomination, duties, staggered substitution, as well as the designation of its president.

C. The National System of Statistical and Geographical Information shall have technical, and management autonomy, legal personality and its own assets. It shall be responsible to rule and coordinate the National System of Statistical and Geographical Information and shall have the necessary power to regulate data

collection, processing and publication of information, as well as to enforce its rulings.

The organism shall have a Board of Government. The law shall establish the requirements, terms, procedures and other conditions relative to the number, nomination, tasks and staggered substitution of its members, as well as the nomination of its president.

The law shall define the organization and functioning of the National System of Statistical and Geographical Information, according to the principles of access to information, transparency, objectivity and independence.

- D. The State shall establish a National Council for the Evaluation of the Social Development Policy, that shall be an autonomous entity with legal personality and own assets. This Council shall be responsible for the poverty measurement and the evaluation of programs, objectives, goals, actions of the policies related to social development, the Council may also issue recommendations according to the terms established by law, which also states the coordination mechanisms between this entity and the federal, local and municipal authorities to exercise its functions.

The Council shall be formed by the number of councilors that the law determines. The law shall establish the requirements, terms, procedures and other conditions relative to the number, nomination, tasks and staggered substitution of its members, as well as the nomination of its president.

Each year, the President of the National Council for the Evaluation of the Social Development Policy shall present a report of activities before both Chambers of the Congress according to the law provisions.

- E. The Executive Branch shall have coordinated regulatory agencies for the energy sector, denominated National Hydrocarbons Commission and Energy Regulatory Commission, in accordance with the terms set forth by the law.

## **CHAPTER IV**

### **On Public Safety**

#### **Article 31**

Public security is a responsibility of the Federation, the Federal District, the States and the Municipal Councils. Public security includes prevention of crimes, investigation and prosecution, as well as punishment for breaking the administrative rules, according to the law and the respective provisions stated in this Constitution. Performance of the institutions in charge of public security shall be ruled by the principles of legality, objectivity, efficiency, professionalism, honesty and respect to the human rights acknowledged by this Constitution.



Institutions in charge of public security shall be of a civil nature, disciplined and professional. The Public Prosecution Service and the police forces of three government levels shall coordinate each other to guarantee public security, these institutions shall constitute the Public Security National System. The law shall establish the basis for this system to operate.

## **CHAPTER V**

### **On the Mexican Nationality**

#### **Article 32**

A. Mexican nationality is acquired by birth or by naturalization.

- I. The Mexican nationals by birth are:
  - a) Those born in the Mexican territory, regardless of their parents' nationality;
  - b) Those born in a foreign country which are sons/daughters of Mexican parents born in national territory, of Mexican father born in national territory, or of Mexican mother born in national territory;
  - c) Those born in a foreign country which are sons/daughters of Mexican parents by naturalization, of Mexican father by naturalization, or of Mexican mother by naturalization
  - d) Those born on board of Mexican military or merchant vessels or aircrafts.The Mexican nationality by birth shall never be revoked.
- II. The Mexicans by naturalization are:
  - a) Those aliens who obtain a naturalization card from the Ministry of Foreign Affairs.
  - b) Any foreign woman or man who marries a Mexican man or woman and establishes residence inside the Mexican territory, provided that foreigner complies with the other requirements set forth by the law for that purpose.

B. Mexican nationality by naturalization can be revoked in the following cases

- a) If the person voluntarily acquires a foreign nationality, pretends to be foreign citizen when subscribing any public document, uses a foreign passport or accepts or uses nobility titles which imply submission to a foreign State.
- b) If the person lives abroad for five years in a row.

C. The law shall regulate the exercise of the rights that the Mexican legislation grants to its citizens that also have a second nationality and shall issue norms to avoid double citizenship conflicts.

The government positions and offices that by the terms established in this Constitution require to be a Mexican citizen by birth shall be reserved to those citizens that meet this criteria and that do not acquire another nationality. This provision shall also apply to the cases stated by other laws enacted by the Mexican Congress.

During peacetime, foreigners shall neither serve in the Army nor in the police or security bodies. During peacetime, only Mexicans by birth can serve in the Army, in the Navy or in the Air Force as well as perform any employment or commission within such corporations.

The same condition applies to captains, pilots, skippers, ship engineers, flight engineers and, in general, to every crew member in a ship or an airplane carrying the Mexican flag. In the same way, only Mexicans by birth can be port harbor masters, steersman and airport superintendents.

Mexicans shall have priority over foreigners, under equal circumstances, for all kind of concessions, employments, positions or commissions of the government in which the status of citizenship is not indispensable.

### **Article 33**

Obligations of the Mexicans are:

I. To make their children or pupils attend to the public or private schools to receive preschool, elementary, middle and higher education and the military education under the terms set forth by the law.

II. To assist at the date and time established by the Municipal Council of their place of residence, to have civic and military training in order for them to be able to exercise their citizen rights and to have the appropriate knowledge about military discipline and firearms handling.

III. To join the Nation Guard, according to the pertinent organic law, in order to defend and assure the Nation's independence, territory, honor, rights and interest, as well as to maintain the domestic peace and order.

IV. To contribute to the public expenditures of the Federation, the Federal District, the States or the Municipalities in which they have residence in the proportional and equity manners that the law has established.

## **CHAPTER VI**

### **On Foreigners**

### **Article 34**

The individuals that do not meet the criteria established in Article 32 of this Constitution shall be considered as foreigners. They shall be entitled to the human rights and guarantees conferred by this Constitution.

The President of the Republic, having a previous hearing, shall have the power to expel from national territory any foreigner on the grounds that the law provides. The law shall establish the administrative procedure for this purpose, as well as the place where the foreigner should be detained and the time that the detention lasts.

Foreigners may not in any way participate in the political affairs of the country.

## **CHAPTER VII**

### **On Mexican Citizens**

#### **Article 35**

- A. Mexican citizens shall be those individuals who are considered as Mexicans and fulfill the following conditions:
- I. To be at least 18 years old, and
  - II. To have an honest way of life.
- B. Mexican citizenship can be revoked in the following cases:
- I. If the person accepts or uses nobility titles issued by foreign governments.
  - II. If the person voluntarily provides services to or performs an official function for a foreign government without approval of the Federal Executive.
  - III. If the person accepts or uses foreign decorations without approval of the Federal Executive.  
The President of the Republic, Senators and Representatives and Supreme Court Justices may freely accept and use foreign decorations.
  - IV. If the person accepts titles or employment from other country's government without approval of the Federal Executive, except by literary, scientific or humanitarian titles, which can be freely accepted.
  - V. If the person helps a foreigner or foreign government against the Nation in any diplomatic controversy or international court.
  - VI. In any other cases as prescribed by the laws.

#### **Article 36**

The following are rights of all citizens:

- I. Right to vote in popular election;
- II. To be elected for all popular election positions, having met all the requirements set by the law.  
The right to request registration as candidates before the electoral authority corresponds to the citizens that request it in an independent manner, given that they meet all the requirements, conditions and terms set by the law;
- III. Right of assembly in order to peacefully participate in the country's political affairs.
- IV. Right to join Army or National Guard in order to defend the country and its institutions, in the terms set forth by the law;

- V. Right to petition in any kind of matters;
- VI. To be appointed for any job or commission of the public service, having the qualities set by the law;
- VII. To initiate laws, according to the terms and requirements established by this Constitution and the Law that governs the Congress. The National Electoral Institute will have the faculties granted in this matter by law; and,
- VIII. To vote in the referendum about national importance topics, in accordance to the provisions considered in this Constitution and in the laws.

### **Article 37**

The responsibilities of Mexican citizens are:

- I. To register at the respective tax office, declaring his/her property and the professional activities or work that he/her performs. Likewise, every citizen must register in the National Citizen Register, according to the law. The National Citizen Register, its organization and permanent functions, as well as the issuance of the document that certifies the Mexican citizenship are public services under the State and citizen responsibility according to the provisions stated by the law;
- II. To join the National Guard;
- III. To vote in the elections and the referendum under the terms set by the law;
- IV. To hold a federal or state elective office, which shall never be unpaid;
- V. To be councilor, electoral assistant and jury in the municipal council in the municipality of residence.

### **Article 38**

Citizens' rights can be suspended in the following cases:

- I. Unjustifiably failure to comply with the duties imposed by Article 37. This suspension shall last for one year and shall be imposed along with any other punishment which can be applied for such failure under the law.
- II. If the person is on trial for a crime that deserves physical punishment. In such a case suspension starts from the date the detention order was issued.
- III. If the person is serving time in prison.
- IV. Due to vagrancy or customary inebriation, declared according to the law provisions.
- V. If the person is a fugitive, from the moment in which the detention order has been issued to the moment when prosecution has expired.
- VI. As a result of a sentence that imposes this suspension.

The law shall define the ways in which citizens' rights will be revoked or suspended, as well as the recovery procedures.

## **TITLE TWO**

## **CHAPTER I**

### **On National Sovereignty and National Government**

#### **Article 39**

The national sovereignty is vested, originally and essentially, in the people. Public power comes from the people and it is institutionalized for the people's benefit. People, at all times have the inalienable right to change or modify its form of government.

#### **Article 40**

Is in the will of the Mexican people to constitute into a representative, democratic, secular, federal, Republic, made up by free and sovereign States in everything related to its domestic regime, but united in a federation established according to the principles of this fundamental law.

People exercise its sovereignty through the Powers of the Union and the state powers, according to the distribution of jurisdictions established in this Constitution and the respective States' Constitutions. The states' constitution, by no means shall challenge the stipulations and premises of the federal pact.

## **CHAPTER II**

### **On Elections and Referendums**

#### **Section I**

#### **Elections**

#### **Article 41**

The legislative and the executive branches of Federal Government shall be renewed by the means of free, authentic and periodical elections, according to the basis and terms that this Constitution and the laws establish.

- A. The law shall establish the requirements and the procedures to the selection and nomination of candidates to positions subject to popular election. Likewise, it shall establish the regulations for the run-up campaigns and the political campaigns. Independent candidates shall have access to the campaign prerogatives in the terms considered by the law.
- B. The National Electoral Institute shall be the only authority to manage media time for the State in radio and television to fulfill its own means and for the national political parties to exercise its rights, according to the law.  
Political parties or candidates cannot, in any time, buy airtime on television or radio by themselves or through third persons.

No private individual or legal entity can buy airtime on television or radio to influence political preference, or to promote or attack certain candidate or party. Such kind of media messages that have been contracted in a foreign country cannot be transmitted in the Mexican territory.

The States and the Federal District shall behold the provisions established in the two previous paragraphs according to the corresponding legislation.

For electoral aims in the Mexican States, the National Electoral Institute shall allocate and manage the airtime in radio and television in stations and channels with coverage in the given state, according to the terms established by law.

If the National Electoral Institute considers that total airtime in radio and television granted by this and the previous paragraphs were not enough for its own purposes, for another electoral authority's purposes or for the independent candidates, it can issue orders to cover the deficit within the powers vested to it.

- C. In the political and electoral campaign advertising, the political parties and candidates cannot use terms or expressions that denigrate or slander people.

During federal and local election campaigns until the election day, all governmental advertising shall be suspended, regardless that it belongs to federal, state or municipal government, or to the Federal District government or to any other governmental agency. The only exceptions shall be: informative campaigns carried out by electoral authorities, educational and health campaigns and civil protection campaigns in the event of emergencies.

The National Electoral Institute, through expedite proceedings described by law, shall investigate the transgressions of these dispositions and will produce a file of these violations to present it before the Electoral Court of the Federal Judicial Power for their knowledge and consideration. During this procedure, the Institute may establish precautionary procedures such as the immediate cancellation or suspension of any message transmitted by radio or television, as established by the law.

- D. A judicial appeal system shall be established in accordance to this Constitution and to the law in order to protect the constitutionality and the legality principles, under which electoral decisions and resolutions must be made. Such system shall provide definitive resolutions in every stage of election process and shall protect the citizens' political right to vote, right to be elected and right to assembly, according to the Article 100 of this Constitution.

In the electoral matters, legal or constitutional appeals will not result in the suspension of the appealed resolution or act.

The law will establish the electoral nullification system for the local and federal elections due to serious, fraudulent and determinant violations according to the following cases:

- I. The campaign expenses exceed five percent of the total amount authorized;
- II. Informative coverage or airtime in radio or television were bought without regard to the postulates specified in the law;
- III. Public resources or resources from illicit origin are received or used for the campaign finance

The previous violations shall be presented in a physical and objective manner. Violations shall be presumed to be determinant when the voting difference between the first and second candidate is less than five percent.

In case a nullification of the election, an extraordinary election shall be announced and the rebuked person will not be able to run for office.

The federal and local electoral laws shall be enacted and issued at least ninety days before the electoral process begins given that these laws will be applied. During the electoral process there shall not be any fundamental legal modifications.

## **Section II**

### **On the Electoral Agencies**

#### **Article 42**

The State is responsible for the electoral organization. It is organized by the National Electoral Institute and by the local electoral institutes, according to the norms established by this Constitution.

- A. The National Electoral Institute is an autonomous entity, which is endowed with legal personality and endowed with its own assets. The legislative branch, the national political parties and the citizens shall participate in the integration of the governing bodies of the Institute, according to the terms provided by law. The basic principles that guide the functions and performance of the Institute are: certainty, legality, independence, impartiality, objectivity and maximum publicity.

The National Electoral Institute shall have electoral jurisdiction and independent character regarding its decisions and functioning, and its performance shall be professional. National Electoral Institute structure shall include managerial, executive, technical and surveillance organs. The General Council will be the directive and executive body, it will be formed with the number of Electoral Councilors that the law establishes. The law shall also establish the requirements, terms, procedures and other conditions relative to the nomination, tasks, and substitution of the Councilors, as well as the nomination procedure for the president and the executive secretary positions.

The law shall establish the rules for the organization and functioning of the organs, the hierarchical relationship between them the relationships with the local electoral agencies.

An internal comptroller office, with technical and managerial autonomy, shall be in charge of the audits to all income and expenses of the Institute. The Comptroller has be nominated according to the law.

The surveillance organ of the voter's register must be formed mainly with representatives of the national political parties. During the Election Day, citizens must be in charge of the directive organs at the poll stations.

All the sessions of the directive and collegiate organs in the institution shall be public in the terms described by the law.

The Institute shall have an electoral office that is legally vested with public trust to attest for any electoral acts. The law will describe its attributions, powers and functioning.

The internal working relations and procedures with the public servants shall be regulated by the dispositions in the electoral law and the statute that the General Council approves.

B. The National Electoral Institute shall have the following attributions according to the terms established by this constitution and the laws:

I. For the federal and local electoral processes:

- a) Electoral training;
- b) Electoral geography as well as the design and delimitation of the electoral districts and the division of the territory into electoral sections;
- c) The electoral registration list.
- d) The location of electoral polls and the designation of the functionaries at the directive board for each poll station;
- e) The criteria, guidelines, formats and rules for the preliminary results program, the opinion or result surveys, electoral observation, rapid counts, document printing and production of any electoral materials;
- f) The accountability for income and expenses of the political parties and candidates;
- g) And any other that the law establishes.

II. For the federal electoral processes:

- a) The rights and prerogatives that the candidates and political parties have access to;
- b) The preparation for the election day;
- c) Document printing and the production of electoral material;
- d) The count and scrutiny of the votes according to the terms established by law;
- e) Declaring the validity of the election and issuing the electoral certification for the elected deputies and senators;
- f) The count of the votes for President of the Mexican United States in every uninominal electoral districts;



g) Others established by law.

The National Electoral Institute may assume, by agreement with the competent authorities at the local entities that ask for, the organization of the local electoral processes in the terms that the applicable legislation states. By petition of the political parties and using their monetary prerogative, the institute may also organize their internal elections to elect their leadership.

The financial accountability and supervision of the political parties and the candidates' campaigns shall be responsibility of the General Council of the National Electoral Institute. The law shall detail the General Council attributions for that specific function as well as the creation of the technical organs, dependent of it, in charge of the surveillance and proceedings to establish the corresponding sanctions. For the accomplishment of this function, the General Council is not limited by banking, fiscal or fiduciary secrecy and shall be supported and assisted by the local and federal authorities.

In case that the National Electoral Institute delegates the accountability and supervision functions, its technical organ shall be entitled to the attributions of the previous paragraph to avoid the limitation of its functions.

- C. In the Mexican states the local elections shall be responsibility of the Local Public Organs in the terms that this constitution establishes and shall execute the corresponding functions in regard to the following subjects:
- I. The rights and prerogatives that the candidates and political parties have access to;
  - II. Civic education;
  - III. Preparation for the election day;
  - IV. Document printing and the production of electoral material;
  - V. Count and scrutiny of the votes according to the terms established by law;
  - VI. Declaring the validity of the election and issuing the electoral certification for the elected local officers;
  - VII. Count and scrutiny for the election of the local executive power;
  - VIII. Preliminary results, opinion and results surveys, electoral observation and rapid counts according to the guidelines established in the previous part;
  - IX. Organization, development, count and announcement of the results in the corresponding civic participation means provided by the local legislation;
  - X. Every other function not reserved to the National Electoral Institute;
  - XI. Others that the law establishes.

According to the provisions stated by the law and with approval of the majority votes of the Electoral Council that the law established, the Institute might assume directly the electoral activities that correspond to local electoral organs or delegate in them some of the functions stated in fraction I part B of this article regardless of its right to reassume its functions at any moment. The Institute might also bring to its attention any case or issue that is in the jurisdiction of the local electoral organs given that this issue is important or relevant to create an interpretation precedent.

- D. The National Electoral Professional Service shall include the selection, hiring, training, professionalization, promotion, evaluation, personnel rotation, permanence and discipline of the public servants of the executive and technical organs at the National Electoral Institute and the local public organs at the federative entities in regard to electoral matters. The National Electoral Institute shall standardize the organization and functioning of the Professional Service.

### **Section III**

#### **On Political Parties**

#### **Article 43**

Political parties shall be considered as entities of public interest. The legislation shall specify the norms and requirements for their legal registry and their participation in the electoral process, as well as their rights, duties and prerogatives entitled to them.

The political parties' main objectives shall be to promote people's participation in democracy; to contribute to the integration of national representative entities; and, as citizens' organizations, to allow citizens to access public power. These objectives shall be in accordance to political parties programs, principles and ideas, and they should do so through universal, free, secret and direct vote, as well as the rules to guarantee gender equality of candidates to local and federal Congress. Only citizens can form a political party and may join, individually and freely to them. The intervention of labor unions, social associations or any other group affiliation with different objective than the creation of political parties is prohibited.

The national political party that does not obtain, at least, three percent of the total valid votes emitted in any elections held for the renewal of the Federal Executive or the renewal of either the Senate or the Chamber of Deputies will have its registration cancelled.

The national political parties will have the right to participate in the federal, local and municipal elections. Likewise, they will have the right to use the social communications media in a permanent manner.

The law shall fairly provide national political parties with all necessary resources to carry out their political activities. The law shall also regulate financing system for the parties and their campaigns, so that public funding prevails over private funding. The law shall also establish the basis and amounts to grant public finance that shall consist of public

financing directed to cover the expenses generated by their ordinary and permanent activities, public financing for electoral activities during electoral processes and public financing for specific purposes.

The law shall define limits for spending in the internal process for candidate selection, as well as for electoral campaigns. The law shall also establish maximum limits for monetary contributions provided by sympathizers and affiliates. The law shall also establish procedures to control and monitor the origin and use of financial resources of the parties and the funding received for the campaigns. The law shall also determine the measures to punish the noncompliance to these norms.

The law shall establish procedures to help parties to pay their liabilities in the event that they lose their registration and the cases in which the remaining properties or assets shall be seized by the State.

Electoral authorities can intervene in the internal issues of political parties only within the scope of the law and this Constitution.

## **Section IV**

### **On Referendums**

#### **Article 44**

The referendums about national interest topics referred in fraction VIII article 36 of this Constitution shall behold the following provisions:

- I. They will be called by the Congress of the Union at the request of:
  - a) The President of the Republic;
  - b) The equivalent to thirty three percent of the members of any of the Chambers of the Congress of the Union; or
  - c) The citizens, in an equivalent number, at least, to two percent of those subscribed in the voting registration list, under the terms set by the law.

With the exception of the hypothesis mentioned in item c) above, the petition should be approved by the majority of each Chamber of the Congress of the Union.

- II. When the total participation corresponds, at least, to forty percent of the citizens subscribed in the voter's registration list, the result will be binding for the Federal Executive and Legislative powers and for the competent authorities;
- III. The restriction of the human rights considered in this Constitution, the principles of article 40 therein; the electoral matter; State income and expenses; national security and the organization, operation and discipline of the permanent Army, may not be subject to popular consultation.

The Supreme Court of Justice of the Nation will resolve about the constitutionality of the consultation matter, once the Congress of the Union request its opinion.

- IV. The National Electoral Institute will be directly in charge of verifying the requirement set in item c) of item I of this paragraph, as well as the organization, development, account and declaration of results;
- V. Referendum will be done on the same day than federal elections;
- VI. The rulings of the National Electoral Institute may be challenged under the terms stated in this Constitution and the laws.

Laws will set the necessary provisions to make this section effective.

### **CHAPTER III**

#### **On National Territory and the Composition of the Federation**

##### **Article 45**

National territory is composed of:

- I. The territory belonging to the members of the Federation;
- II. The territory of islands, including the reefs and cays in adjacent seas;
- III. The territory of the islands of Guadalupe and Revillagigedo located in the Pacific Ocean;
- IV. The continental shelf and the seabed of the islands, cays and reefs;
- V. The waters of the territorial seas in the extension and under the terms established by the International Law and domestic maritime laws;
- VI. The air space located above national territory, in the extension and with the particularities established by the International Law.

Federal government shall be in charge of the parts comprised in items II to VI of this article with exception of the islands under the jurisdiction of the States.

##### **Article 46**

The Mexican territory is comprised of the following states: Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila de Zaragoza, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, State of Mexico, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán, Zacatecas and the Federal District.

##### **Article 47**

The Mexico City is the Federal District and the capital of the United Mexican States. Mexico City is seat of the federal government and the Powers of the Union. It shall be integrated by the current territory of the Federal District and in the event that federal government has to be moved to another place, Mexico City will be a part of the State of Valle de México. The Congress shall set down the limits and territorial extension for the new State.

#### **Article 48**

The States can arrange with their respective limits by friendly agreements among each other at any time; however, these arrangements will not be effective without the approval of the Senate.

Should there not be an agreement referred in the above paragraph, and at the request of any of the conflicting parties, the Supreme Court of Justice of the Nation will know, substantiate and resolve with an incontestable capacity, disputes on territory limits that take place between States, and under the terms of section I of article 105 of this Constitution.

### **TITLE THREE**

#### **CHAPTER I**

#### **On the Division of Powers**

#### **Article 49**

The political authority or power is divided into the Executive, the Legislative and the Judiciary branches.

Two or more of these powers cannot be united in one single person or corporation, nor shall the legislative branch be vested in one single person, except for the case where extraordinary powers to legislate are granted to the President of the Republic as provided in Article 24 and the second paragraph of article 131.

#### **CHAPTER II**

#### **On the Legislative Power**

#### **Article 50**

The legislative power of the United Mexican States is vested in the Congress of the Union, which shall consist of a Senate and House of Representatives.

#### **Section I**

## **On the Elections and Inauguration of the Congress**

### **Article 51**

The House of Representatives is composed by representatives of the nation. All of them shall be elected every three years. For each representative, a substitute shall be elected.

### **Article 52**

The House of Representatives shall be integrated by three hundred members, who shall be elected according to the principle of majority voting through the uninominal voting system in all the electoral districts; and the remaining 200 members shall be chosen according to the principle of proportional representation, using a system of regional lists voted in multimember districts.

### **Article 53**

The borders separating the three hundred uninominal electoral districts from each other shall be set down after dividing the country's population by the number of districts, taking into account the most recent general census. Each state shall have at least two representatives elected under the principle of majority voting.

In order to elect two hundred representatives under the principle of proportional representation, using a system of regional lists, the law shall set the number and territorial division of the multimember districts.

### **Article 54**

The election of two hundred representatives under the principle of proportional representation and the system of regional lists shall be subjected to the law.

No political party shall have more than three hundred representatives, regardless the principle by which they have been elected. Nor shall they have a number of representatives by both principles, which considered in percentage of the House, exceeds by eight points the percentage they have obtained in vote. This restriction shall not be applied to the political party that, due to its electoral victories at uninominal districts, obtains a percentage of seats greater than the addition of the percentage obtained in national vote plus eight percent.

### **Article 55**

Requirements to be a Representative:

- I. To be a Mexican national by birth in the full exercise of his rights;
- II. To have attained to the age of twenty-one years on the election date;
- III. To be a native or resident of that state in which he/she shall be chosen for at least six months before the election date.

In order to qualify for registration in the regional lists of multimember districts, the candidate must be a native of one of the states included in such multimember district, or be a resident of that district for at least six months prior to the date of the election.

Residence is not lost in cases where absence is because he/she has been elected to a public office;

- IV. To be free of duties at the Army or law enforcement agencies with jurisdiction over the electoral district in which the election is going to take place, at least ninety days before the election date;
- V. Not to be Secretary or Under Secretary of State or being in charge of one of the organs, granted with autonomy by this Constitution. Not to be in charge of one of the decentralized organs of the federal government or the equivalents in the local public administration of the States or Municipalities unless the candidate is definitely separated from his duties at least 90 days before election date takes place.

State Governors and the Federal District Mayor cannot be elected to represent the states over which they have jurisdiction during their term in office, even though they definitely separate themselves from their duties;

- VI. Not to be Justice of the Supreme Court of Justice, Magistrate, Secretary at the Electoral Court of the Judicial Power, nor being an executive director in any of the electoral organs, unless the candidate has definitely separated from his duties at least three years before election date takes place.

Magistrates, federal judges, state judges or judges in the Federal District shall not be elected in the states over which they have jurisdiction unless they definitely separate from their duties at least ninety days before the election takes place;

- VII. To be unaffected by the inabilities established under article 58.

## **Article 56**

The Senate shall be composed of 128 senators. Each State and the Federal District shall have two Senators elected by the principle of majority voting and one Senator shall be apportioned to the largest minority, in the terms described by the law.

The remaining thirty-two senators shall be elected under the principle of proportional representation, through the system of lists voted in one sole national multimember district. The law shall establish the regulations and formalities that shall be applied for these purposes.

For each Senator a substitute shall be elected.

The Senate shall be totally renewed every six years.

## **Article 57**

The Senators shall fulfill the same requirements than the Representatives, except by the age. All senators must be at least 25 years old on the election date.

## **Article 58**

Senators may be elected up to two consecutive periods and the deputies of the House of Representatives may be elected up to four consecutive periods. The candidate may only be nominated by the same party by which the congressmen/women was elected or by any of the parties that formed the coalition by which the congressmen/women was elected, unless that they had resigned or lost their membership to the party in the first half of their mandate.

## **Article 59**

The National Electoral Institute, in accordance to this Constitution and what the law establishes, shall declare the validity of the elections for both, representatives and senators, issue the respective certificates and allot the Senate seats to the largest minority.

The resolutions made on the validity of the election, on awarding certificates and on the appointed representatives or senators can be appealed before the regional courts of the Electoral Court of the Judicial Power, according to the procedures established by law.

The regional court's rulings may be reviewed only by the High Court of the same Electoral Court of the Judicial Power, through the appeals submitted by political parties, if such offences could modify the electoral result. The verdicts given by the High Court of the Electoral Court of the Judicial Power shall be definitive and irrefutable. The law shall regulate this appeal system.

## **Article 60**

Representatives and senators shall be above criticism related to their opinions in the performance of their duties, they may never be questioned for such opinions.

The speaker of each House shall be responsible for enforcing respect to House members' constitutional immunity and to the inviolability of the place where the House of Representatives meets.

## **Article 61**

During the time for which he/she was elected, no Senator or Representative shall perform any federal or local position or commission that grants a wage without a license granted by the respective House. In such case, representative duties shall be suspended for as long as their new occupation lasts. The same rule shall be applied to the substitute representatives and senators if they have been called to service. Removal from office shall be the punishment imposed on any offender of this article's rules.

## **Article 62**

In order to open sessions and to exercise the duties of the offices, the House of Representatives and the Senate shall have more than fifty percent of attendance of the total number of their members. Those present shall compel the absentees to attend within



the next thirty days, under the condition that if they do not present themselves the Chamber shall understand that they do not accept their office. In such case, the substitutes shall be called, they must appear within the next thirty days. In the event that substitute does not appear either, the seat shall be declared vacant. Regarding Representatives or Senators elected under the principle of majority voting, the respective House shall call extraordinary elections. Regarding representatives or senators appointed by the principle of proportional representation, the next candidate in the regional or national list of the party in question shall fill vacancy. Regarding Senators appointed by the principle of largest minority, vacancy shall be filled by the second candidate in the list of the party in question of the respective state.

Any Representative or Senator who have been absent from his duties for ten days in a row without license or justified cause shall not be allowed to take his seats back until the opening of the following period of sessions. In such a case, substitutes shall be called to service.

In the event of lack of quorum in either House to inaugurate the Congress or to exercise their duties, the substitute shall be called immediately to attend and fulfill their duties.

Those Representatives or Senators that being elected do not present themselves to fulfill their duties and without a justified cause for the absence during the term described in the first paragraph, shall be liable and subjected to the penalties established by the law. National political parties shall also be liable and subjected to the penalties set forth by the law if they agree with their candidates not to appear in the respective House to perform their duties.

Representatives and Senators who, unjustifiably and without a permit, are absent from one session, shall not be entitled to claim any wage for that particular day.

### **Article 63**

The Congress shall assemble on two ordinary period of session each year. The first period of sessions begins on September 1<sup>st</sup>, except for the year when the President of the Republic begins his term in office on the date described in the Article 83 of this Constitution. In this case the Congress shall meet from August 1<sup>st</sup> for the first period of sessions and the Congress shall meet on February 1<sup>st</sup> for the second ordinary period of sessions.

In both periods of sessions, the Congress shall study, discuss and vote the bills of law submitted thereto and shall resolve any other affairs pertaining to it according to this Constitution. The Congress shall preferably devote itself to the issues established by its Organic Law.

At the opening of an extraordinary period of sessions of the Congress, or only of one of the Houses, the Speaker of the Permanent Committee shall inform about the reasons leading to such extraordinary period of sessions.

### **Article 64**

Each ordinary period of sessions shall last as long as necessary to solve the affairs mentioned at the previous article. The first period cannot be extended beyond December 15 of the respective year, except on those years when according to Article 83, a new President of the Republic is going to be inaugurated. In such a case, sessions may be extended until December 31. The second period shall not be extended beyond April 30 of the respective year.

In the case that both Houses cannot reach an agreement about the closing dates of the sessions, the President of the Republic shall settle the dispute.

### **Article 65**

The Congress or just one of the Houses, when dealing with an issue under its exclusive jurisdiction, shall assemble in extraordinary period at the Permanent Committee's request. In such case, the Congress shall only resolve the issue or issues submitted by the Permanent Committee and indicated in the notification.

### **Article 66**

Both Houses shall be located at the same place and shall not be moved to a different state without a previous agreement in regard to the moving, period and procedure to do so. Both Houses must reside in the same site. Given the agreement on the moving is reached but there is no decision about the time, procedures or place, the President of the Republic must settle the issue by choosing one of the alternatives. No House shall adjourn sessions for more than three days without the explicit consent from the other one.

### **Article 67**

Every year, at the opening of the first ordinary period of sessions, the President of the Republic shall provide a written report, indicating the state of the country's public administration.

Each of the Houses shall analyze the report and can request the President of the Republic to expand on the information through written questions. The Houses can summon the Secretaries of State and the chairmen of the decentralized entities, who shall appear before the Congress to report under oath to tell the truth. The law and regulations of the Congress shall rule this attribution.

During the first year of his term in office and in the opening ceremony of the second period of ordinary sessions, the President shall present before the Senate the National Strategy for Public Safety for its approval and shall present an annual report about its status.

### **Article 68**

All the resolutions of the Congress shall have force of law or decree. Laws and decrees shall be communicated to the President of the Republic by a document signed by the

Speakers of both Houses and by one Secretary of either. Laws and decrees shall be enacted according to the provisions stated by law.

The Congress shall issue a law that will regulate its internal structure and functioning. Such a law is not subject to veto nor require to be enacted by the President of the Republic in order to enter into force.

The law shall specify the methods and procedures to allow associations between representatives and senators according to their party affiliation in order to protect the freedom of speech of all ideological trends represented at the Congress.

## **Section II**

### **On the Legislative Process**

#### **Article 69**

The right to propose laws or decrees belong to:

- I. The President of the Republic
- II. The Representatives and Senators of the Mexican Congress
- III. The State Legislatures
- IV. To citizens in an equivalent number of, at least, zero point thirteen percent of the voters' registration list, according to the terms set by the law.

The Law of the Congress will determine the procedure for the initiatives.

The opening day of each ordinary session period, the President of the Republic may present up to two initiatives for preferential procedure, or under such character appoint up to two initiatives that had already been presented in previous periods, when ruling pending. Each initiative should be discussed and voted by the Plenary of the Chamber of origin on a maximum of thirty calendar days. Otherwise, the initiative under its terms and without any further procedures will be the first matter that will be discussed and voted in the next plenary session. If approved or modified by the originating Chamber, the respective bill of law or decree will immediately be passed to the reviewing Chamber for discussion and vote on the same period and under the mentioned conditions.

Bills that addition or reform this Constitution and the Constitutional Development Law, mentioned in the next paragraph, shall not be presented for preferential procedure

The Congress shall issue laws to develop the content of the constitutional norms. This laws may be proposed by any of the Chambers and their approval requires the vote of two thirds of the present members in each House of the Congress. The President of the Republic shall not make any observations in relation to the laws of constitutional development. Before the laws are enacted, the Speaker of the Congress shall request that the Supreme Court of Justice rule about the constitutionality of the respective law. The Supreme Court of Justice shall make the ruling within a thirty natural days term.

#### **Article 70**

Every single bill or decree shall be discussed successively at both Houses, except for those bills or issues that are within the exclusive jurisdiction of one of the Houses. They shall behold the methods, periods of time and debating and voting procedures established by the Congress Act and its regulations.

- A. After being approved by the House of origin, every bill shall be submitted to the other one in order to be discussed there. If the second House approves it, the bill shall be submitted to the President of the Republic who, after having not more observations, shall publish it without delay.
- B. All the bills submitted to the President of the Republic that are not returned by him with his objections to the House where it was originated within 30 calendar days of the receipt, shall be considered as approved. After such term, the President of the Republic shall publish the law or decree within the following 10 calendar days. After this second term, the law or decree shall be deemed enacted; then, in the following 10 calendar days, the President of the House, where the bill was originated, shall order publication of the law or decree in the Official Gazette of the Federation, without requiring endorsement. These deadlines shall not be suspended if the Congress closes or adjourns its sessions. In this case, the President of the Republic shall return the bill to the Permanent Committee.
- C. Any bill rejected partially or totally by the President of the Republic shall be returned with the respective corrections to the original House. The bill shall be discussed again in such House and, if confirmed by a two-thirds majority of votes, it shall be submitted again to the reviewer House. If a two-thirds majority of votes supports the bill at the second House, it shall be considered as enacted law or decree and shall be sent to the President of the Republic in order to be published. Voting for enacting laws or decrees shall be nominal.
- D. If any bill is rejected in whole by the reviewing House, it shall be returned to the House where it was originated with the appropriate objections. The bill shall be again discussed in said House and, if approved by the absolute majority of its present members, it shall return to the House that rejected it, which shall analyze it again. If the second House approves the bill by the same majority, it shall be submitted to the President of the Republic, who has to comply the purposes of paragraph A. If the second House does not approve the bill, it shall not be reintroduced in the same period of sessions.
- E. Any bill partially rejected, modified or added by the reviewing House, the new discussion in the original House shall be focused on the rejected, reformed or added parts, leaving the already approved articles unchanged. If the additions or reforms made by the reviewing House are approved by absolute majority in the original House, the whole bill shall be submitted to the President of the Republic to follow the provisions established in paragraph A. If the additions or reforms made by the reviewing House were rejected by majority of the members attending the original House, the bill shall be returned to the reviewing House, which shall study the reasons and concerns of the first House. If those additions or reforms are rejected again after a second review, the part of the bill approved by both Houses shall be sent to the President of the Republic, who has to observe the provisions established in paragraph A. If the absolute majority of the attending members at the reviewing Hose insists on enacting the additions and reforms, the whole bill

shall be postponed until the next period of sessions, unless the absolute majority of attending congressmen at both Houses agrees on enacting only the approved articles of the bill and on submitting additions or reforms to the next period of sessions.

- F. Regarding reforms or repeal of laws or decrees, the same formalities established for enacting them shall be observed.
- G. Any bill rejected in the House of origin shall not be reintroduced in the remaining sessions of the same year.
- H. Either of the two Houses can propose a law or decree, except by the bills about debenture loans, taxes or conscription, which shall be discussed first at the House of Representatives.
- I. The initiatives or bills shall be first discussed preferably in the House they were presented, unless the Consultative Commission of the first House delays to present an opinion about the bill for more than one month, then the bill can be submitted to the other House for discussion.
- J. The President of the Republic cannot make comments on the resolutions of the Congress or any of the Houses when they act as electoral body or jury, as well as when the House of Representatives charges a top-ranking official with official crimes.

The President of the Republic cannot make comments on the decree of call for extraordinary period of sessions issued by the Permanent Committee.

### **Section III**

#### **On the Powers of the Congress**

##### **Article 71**

The Congress shall have the power to:

- I. Lay and collect taxes in order to fund the national budget;
- II. Establish the following taxes or contributions:
  - a) Foreign trade;
  - b) The use and exploitation of natural resources mentioned in the first and second paragraph of Article 27
  - c) Credit institutions and insurance companies;
  - d) Public services either provided by concessionaires or directly provided by the government;
  - e) The Congress shall have the power to lay and collect special taxes on:
    - 1. Electrical energy;
    - 2. Production and consumption of carved tobacco;
    - 3. Gasoline and other products derived from oil;
    - 4. Matches;
    - 5. Maguey juice and its products;
    - 6. Forest exploitation;
    - 7. Production and consumption of beer;

The states shall receive, under federal legislation, a percentage of the revenue generated by the special taxes. Local legislatures shall set the percentage corresponding to municipalities, in their income from tax over electric power service;

- III. Legislate Nationwide on:
  - a) Hydrocarbons;
  - b) Mining;
  - c) Chemical substances;
  - d) Explosives;
  - e) Pyrotechnics;
  - f) Cinematographic industry;
  - g) Commerce;
  - h) Activities regarding bets and raffles;
  - i) Intermediation and financial services;
  - j) Electrical and nuclear energy;
- IV. Issue the statutory labor laws in regard to the Article 123;
- V. Enact laws that assess quality of maritime and land dams, and the maritime legislation that shall be applied at both, peacetime and wartime;
- VI. Support and maintain the country's armed forces: Army, Navy and Air Force. The Congress shall have the power to regulate organization and service of these armed forces;
- VII. Make rules and regulations that organize, arm and discipline the National Guard. However, citizens participating in the National Guard shall appoint its chiefs and officers, and the states shall train its own National Guard;
- VIII. Enact laws on:
  - a) Nationality and citizenship;
  - b) legal status of foreigners and naturalization;
  - c) Colonization, migration and immigration;
  - d) Public health in the Nation;
  - e) Means of communication;
  - f) Information technology and communications;
  - g) Broadcasting;
  - h) Telecommunication, including broadband and Internet;
  - i) Post and mail; and,
  - j) The use and enjoyment of federal jurisdiction waters;
- IX. Enact laws to regulate the Mexican diplomatic and consular members.
- X. Issue:
  - a) General laws that establish, at a minimum, types of criminal offenses and its respective sanctions in regard to kidnapping, enforced disappearances, others types of illegal restrictions to freedom, human trafficking, torture, and other cruel or dehumanizing treatments, as well as electoral crimes. General laws shall also regulate the distribution of competences and the way to coordinate efforts among the Federation, the States, the Federal District and the Municipalities;

- b) Legislation to determine felonies and misdemeanors against the Federation, the sanctions to be imposed, as well as legislation in regard to organized crime;
- c) Unified legislation to regulate criminal procedure, alternative dispute resolution mechanisms, sentencing execution and teenagers' criminal justice at the federal or ordinary jurisdiction.

Federal authorities may hear cases involving ordinary felonies when said cases are connected to cases involving federal felonies, or felonies against journalists, people or infrastructure that affect, limit or abridge the right of access to information, freedom of speech or freedom of press.

In those areas of concurrent jurisdiction set forth in this Constitution, federal laws shall determine the cases in which ordinary courts may hear and decide cases involving federal felonies;

- XI. Enact the laws that organize the powers of the Federal Auditing Office and those laws that regulate the management, control and evaluation of the Powers of the Union and the federal agencies;
- XII. Establish:
  - a) The Teaching Professional Service in terms of Article 3rd of this Constitution;
  - b) Throughout the Republic, rural, elementary, junior high, high and professional schools; scientific research, fine arts and technical instruction institutions; practical agricultural, mining and arts & crafts schools; museums, libraries, observatories and other institutions related to the general culture of the nation's' inhabitants and to legislate in the fields related to these institutions; archeological, artistic and historical monuments, which preservation be deemed as of national interest;
- XIII. Enact laws oriented to conveniently allocate among the Federation, the States and Municipalities the responsibilities of the educational function and economic contributions corresponding to that public service, aiming to unify and coordinate education throughout the Republic, and to ensure the fulfillment of educational purposes and their continued improvement, in a framework of inclusion and diversity.  
Degrees issued by these establishments shall be recognized throughout the Republic;
- XIV. Legislate on:
  - a) fossil remains;
  - b) archeological, artistic and historical monuments, which preservation be deemed as of national interest; and,
  - c) copyright and other types of intellectual property;
- XV. Enact laws to regulate public accounts, the submission of financial reports and reports on revenues and expenditures, as well as patrimony reports, which shall apply to the Federation, the States, the Municipalities, the Federal District, and all the political-administrative organs that correspond aiming for a homogeneous and harmonized procedures for public accounts;
- XVI. Regulate characteristics and use of the national flag, anthem and coat of arms;

- XVII. Enact laws that guide the planning in regard to national economic and social development, as well as laws about statistical and geographical information;
- XVIII. Enact laws for programming, promotion, covenants and implementation of economic measures, especially those related to supply, as well as those intended to achieve adequate and timely production of goods and services, considered as socially necessary;
- XIX. Enact laws to promote Mexican investment, to regulate foreign investment, the transfer of technology, and to regulate generation, spreading and implementation of scientific and technological knowledge necessary for the country's development;
- XX. Enact laws that creates the Federal Administrative Tribunal in the terms considered in Article 108, part B of this Constitution;
- XXI. Enact laws that establishes the following:
- a) The coordination between the Federal Government, the states and the municipalities to assort human settlements, complying this way with the goals established the Article 27, part B, second paragraph of this Constitution.
  - b) The concurrence of the Federal Government, the states and the municipalities, within their respective jurisdictions, on matters concerning protection of the environment, as well as preservation and restoration of ecological balance;
  - c) The basis for the coordination between the Federation, the Federal District, the states and the municipalities, as well as to create and organize the institutions related to public safety at the federal level, according to Article 31 of this Constitution;
  - d) The basis by which the federal government, the states, the Federal District and the municipalities coordinate their actions in regard citizen protection;
  - e) The concurrent attributions of the Federal Government, the states, the Federal District and the municipalities and, the participation of the private and social sectors in regard to fishing and aquaculture;
  - f) The basis on which the Federal Government, the states, the Federal District and the municipalities, coordinate their policies concerning culture. This excludes the section XII, item b of this article. This law shall also define the mechanisms by which social and private sectors shall participate in this topic, complying this way with the goals indicated in the Article 5, item VI of this Constitution;
  - g) The concurrence of the Federation, the states, the Federal District and the municipalities, in their respective competencies, on the subject of the rights of girls, boys and teenagers, considering, at all times, their best interest and complying with international agreements that Mexico may be a part of on this subject;
- XXII. Legislate in regard to physical culture and sports with the purpose of complying with that which is outlined in Article 5, item VII of this Constitution. The law shall establish the concurrence between the Federation, the states, the Federal District and the municipalities, as well as the participation of social and private sectors in this matter;



- XXIII. Legislate on matters concerning tourism, establishing general bases to coordinate the concurrent attributions of the Federal Government, the states, the Federal District and the municipalities; as well as the participation of the private and social sectors;
- XXIV. Enact laws in regard to national security, establishing the requirements and limits to the corresponding investigations;
- XXV. Issue laws regarding the formation, organization, functioning and suppression of cooperatives. These laws shall establish the bases to coordinate the concurrent attributions of the Federal Government, the states, the Federal District and the municipalities regarding promotion and sustainable development of cooperatives;
- XXVI. Enact laws in regard to fiscal responsibility in order to achieve the sustainable management of public finance at the Federal, Local and Municipal levels including the Federal District, according to Article 28 of this Constitution;
- XXVII. Legislate in regarding the protection of personal data handled by private entities;
- XXVIII. Legislate over citizens' initiatives and referendums;
- XXIX. Issue a general statutory laws to harmonize and homologize the organization and operation of the real estate and legal entities, public registries of the federative entities, and municipal authorities responsible for property tax;
- XXX. Issue general regulating laws that establish the principles and basis related to government transparency, access to information and protection of personal data held by authorities, entities or government agencies at all levels of government;
- XXXI. Issue a general law that establishes a homogenous and coordinated system to organize and manage all the files and documents at the federal, local and municipal level including the Federal District and its political subdivisions. This law must describe the organization and functions of the National Archives System;
- XXXII. Issue the general laws that allocates the competences between the federation and the federative entities related to the political parties, electoral organs and electoral processes according to the specifications of this Constitution.
- XXXIII. Issue:
  - a) The general law that allocates the competences between the Federal, Local and Municipal governments to establish the administrative responsibilities to public servants, their obligations and applicable sanctions for the acts and omissions that infringe the law and that relates the public servants to serious administrative faults, as well as the procedures for the application of these sanctions; and,
  - b) The general law that establishes the basis for the coordination of the National Anticorruption System according to the article 113 of this Constitution.

## **Article 72**

The Congress shall have the power to:

- I. Admit new states into the Union;
- II. Create new states within the limits of the existing ones. For this purpose, the following requirements must be met:

1. The fraction or fractions that intend to become a new state must have at least one hundred and twenty thousand inhabitants.
2. The fraction or fractions that intend to become a new state shall substantiate before Congress that it possess enough elements to assure the new state's political existence.
3. The legislatures of the states involved shall submit a report to the Congress, within the six months after they received the corresponding notification, about the suitability or inappropriateness of creating the new state.
4. The President of the Republic must submit a report to the Congress within the seven days after notification about the suitability s or inappropriateness of creating the new state.
5. The proposal about the creation of a new state shall obtain the two-thirds of the votes in each House.
6. Majority of the state legislatures shall ratify the ruling pronounced by the Congress after a careful review of the corresponding file, provided that the legislatures of the affected states have approved such ruling.
7. In the event that legislatures of the affected states do not consent creation of a new state, then ratification mentioned in the previous paragraph requires that two-thirds of the legislatures of the rest of the states approve the proposal;

III. Move the residence of the Federal Branches;

IV. In regard to public debt to:

1. Establish the basis for the President of the Republic to celebrate loans and grant guarantees based on the country's credit, to approve such debenture loans, to accept the foreign debt and to order payment of such foreign debt. Only credits producing an increase in public revenue shall be contracted or, according to the respective law, those acquired for monetary regulation purposes, for debt restructuring or refinancing. These last credits shall be guided by the principle of the best market conditions, as well as those acquired to face an emergency stated by the President of the Republic according to the Article 24.
2. Each year, the Congress shall have the power approve debt amount that in each case requires the Government of the Federal District and the government agencies, these debt amount shall be included in the Revenue Law according to the applicable law. The President of the Republic shall submit to the Congress an annual report about the spending of the debt. For this purpose, the Federal District Mayor shall submit to the President a report about the use of that debt corresponding to the Federal District. The Federal District Mayor shall also inform the Federal District Assembly about such spending together with the general report of the public administration.
3. The Congress shall establish the general basis about the loan agreements, the loan limits and the schemes of debt that the States, the Federal District and the Municipalities could acquire as well as the mechanisms that allow them to modify their participations and budgets to cover the corresponding

payments. The States, the Federal District and the Municipalities must register and publish the total amount of debt and the payment schemes in the unique public registry in a timely and transparent manner. The Congress shall also establish an alert system about the debt management and the applicable sanctions to public officers that do not comply with these dispositions. These laws shall first be discussed at the House of Representatives according to the Article 70 section H of this Constitution;

- V. Prevent restrictions to State-to-State commerce;
- VI. Create and cut public jobs in federal government, as well as to establish, increase or decrease salaries for such jobs;
- VII. Declare war, based on the information submitted by the President of the Republic;
- VIII. Establish the treasury [mints] and regulate them, as well as to make rules to determine exchange rate;
- IX. Adopt a general system of weights and measures;
- X. Regulate occupation and alienation of wasteland and the price thereof;
- XI. Grant an amnesty for federal crimes;
- XII. Grant a leave to the President of the Republic or accept his/her resignation;
- XIII. Constitute itself into an Electoral College under the terms of articles 84 and 85 of this Constitution;
- XIV. Enact all laws required to make effective the foregoing powers and any other powers vested by this Constitution on the Powers of the Union.

### **Article 73**

The Constitution grants the House of Representatives several exclusive powers:

- I. The power to issue the Solemn Edict in order to inform the whole country that the Electoral Court of the Judicial Power has issued a declaration acknowledging that a new President of the Republic has been elected;
- II. The power to coordinate and evaluate the performance of the Federal Auditing Office, according to the law and without any damage to its own technical and managerial autonomy;
- III. To ratify the appointment made by the President to the Secretary of the Treasury, unless when a coalition government was formed, in which case would be under the specifications of the article 76 fraction III of this Constitution, as well as the executive employees at the Secretary of the Treasury;
- IV. The power to annually approve the Nation's budget, after assessment, discussion and, if applicable, modification of the project submitted by the President of the Republic, and after approval of taxes and contributions to cover such budget;
- V. The power to approve or object criminal proceedings against public servants who have committed an offense according to the Article 112 of this Constitution;
- VI. The House of Representatives shall be notified about the charges against public employees mentioned in the Article 111 of this Constitution. The House shall have the power to become an accusing organ in impeachments against civil servants;
- VII. The power to review the public accounts corresponding to the previous year, in order to assess the results thereof, to check observance of the criteria stated in the

- approved budget, and to verify achievement of the objectives indicated in the several programs;
- VIII. Approve the National Development Plan within the time limit established by law. In case that the House of Representatives does not decide about the plan within the time given it would be considered as approved;
  - IX. Appointed, by the vote of two-thirds of its present members, the heads of the internal control organs of those entities granted with autonomy by this Constitution and that use public resources stated in the Federal Budget;
  - X. Other exclusive powers conferred by this Constitution.

#### **Article 74**

The President of the Republic shall submit to the House of Representatives his proposal of the Income Act and the Expenditure Budget no later than September 8 and the pertinent Secretary shall appear before the House in order to clarify the accounts. The House of Representative shall approve the Budget no later than November 15.

When the President of the Republic begins his term on the date stated by the Article 83, he shall submit to the House of Representatives his proposal of the Income Act and the Expenditure Budget no later than November 15.

The President of the Republic can request an extension to submit his proposal of the Income Act and the Expenditure Budget, justifying the causes to the House of Representatives or the Permanent Committee. The pertinent Secretary shall appear before the House to inform about the reasons for extension.

The House of Representatives shall indicate, in the Expenditure Budget, the wages for all public employments created under the law. In the event that the House fails to indicate such wages, the wages established in the previous Budget or in the law that created the job shall be in force. Nonetheless, remunerations must be established beholding the provisions of the Article 127 of this Constitution and the applicable laws.

In any given Budget, the House of Representatives may authorize multi annual expenditures for investment on infrastructure projects according to the corresponding statutory laws. The subsequent budgets shall include these multi annual expenditures.

Only the absolutely necessary secret items may be included in the Expenditure Budget. The Secretaries shall use such secret items under written consent of the President of the Republic.

The federal executive, legislative and judicial branches, as well as autonomous bodies recognized in this Constitution, and which use public resources from the Federal Budget, shall include in their draft budgets detailed tables of remunerations proposed for their public servants.

#### **Article 75**

The House of Representatives shall review the public accounts through the Federal Auditing Office mentioned in Article 80. If this office finds out discrepancies related to revenues or expenditures, or if it finds out inaccuracy or unjustified revenues or

expenditures, it shall establish the corresponding liabilities according to the law. Regarding achievement of the objectives stated in the several programs, the Federal Auditing Office may only issue a recommendation in accordance to the law.

Public account shall be submitted to the House of Representative no later than April 30 of the next year. This term may be extended only in the case mentioned in paragraph III of the previous article. Extension shall not exceed 30 days. In such case, the Federal Auditing Office shall have the same extension to present the respective report.

The House of Representatives will complete the review of the Public Account, the latest, on October 31 of the following year after presentation. This final review will be based on the analysis of the content and technical conclusions of the result report of the Federal Auditing Office regardless that the observation procedures, recommendation and actions filed by the Federal Auditing Office will continue under the terms provided in Article 79 of this Constitution.

The House of Representative will evaluate the performance of the Federal Auditing Office and may require a report about the progress of auditing works.

## **Article 76**

The Constitution grants the Senate several exclusive powers:

- I. Power to analyze the foreign policy developed by the President of the Republic, based on the annual reports submitted to the Senate by the President and the Secretary of Foreign Affairs;
- II. The Senate shall have the power to approve the international treaties and conventions subscribed by the President of the Republic, as well as the decision to end, condemn, suspend, modify, amend, withdraw reservations and make interpretative declarations related such treaties and conventions;
- III. Ratify the Presidential appointments of the Secretaries of State given that a government coalition is formed, with exception of: the Secretaries of National Defense and the Navy; the Secretary responsible for internal control of the Federal Executive; the Foreign Affairs Minister; the Ambassadors and General Consuls; the directive employees of the Foreign Affairs Ministry; the members of the collegiate organs responsible of the regulations about telecommunications, energy and economic competitiveness; and, coronels and other high ranking members of the Army, Navy and Air Force, according to the terms that the law establishes;
- IV. Power to authorize the President of the Republic to allow departure of Mexican troops outside the country, passing of foreign troops through the country and stay of foreign troops for more than one month on Mexican waters;
- V. Power to authorize the President of the Republic to dispose the National Guard outside its respective states, and to determine the necessary number of officers;
- VI. . In the event that all constitutional powers of one state disappear, the Senate shall have the power to appoint a provisional governor, who shall call elections according to the Constitution of the state in question. The President of the Republic shall propose three candidates to become provisional governor. The

- two-thirds of the present Senators or, given a recess, the Permanent Committee shall approve one of the candidates. The provisional governor cannot participate as candidate in the extraordinary elections mentioned above. This provision shall govern whenever the constitutions of the states do not provide otherwise;
- VII. Power to resolve the political disputes that arise between the powers of a state when one of the parties submits the case to the Senate, or in the event that such disputes have generated an armed conflict. In such a case, the Senate will pronounce a resolution based on the Federal Constitution and the constitution of the state in question.  
Law shall regulate the exercise of this and the previous powers;
  - VIII. Power to become ruling jury in the impeachments against public servants in the cases of faults or omissions that damage the public interest, according to the Article 111 of this Constitution;
  - IX. Power to appoint the Justices of the Supreme Court of Justice of the Nation among the three candidates proposed by the President of the Republic. The Senate has the power to approve or reject leaves or resignations of Supreme Court Justices;
  - X. Power to appoint and dismiss the Head of the Federal District Government, in the cases provided by this Constitution;
  - XI. Power to authorize amicable covenants made by the states regarding their borders. Such covenants shall be authorized by the two-thirds of the members present in Senate;
  - XII. To approve the National Public Safety Strategy within the time limit that the law provides, if the Senate does not decide in the time limit the strategy will be considered as approved;
  - XIII. To provide a list of candidates to be nominated as Federal Attorney General, appoint that public servant and present an objection if the President asks for the removal of the Federal Attorney General according to Article 94 of this Constitution;
  - XIV. Other exclusive powers conferred by this Constitution.

### **Article 77**

Each of the Houses may, without the intervention of the other one:

- I. Pronounce resolutions regarding its internal economic affairs;
- II. Communicate with the other House and with the President of the Republic through internal committees;
- III. Appoint the employees for its own secretary's office and issue regulations for it;
- IV. In the event of a vacancy of a seat awarded according to the principle of majority voting, the House in question shall call to extraordinary elections within the 30 days after the vacancy appears. Elections shall be carried out within the 90 days after the call according to Article 62 of this Constitution. Except in the cases that the vacancy occurs within the last year of the term.

## **Section IV**

### **On the Permanent Committee**

## **Article 78**

During recesses of the Congress of the Union, there shall be a Permanent Committee composed of 37 members, 19 shall be Representatives and 18 shall be Senators. Their respective House shall appoint these members the day before the closing of the ordinary period of sessions. A substitute shall be appointed for each member of the Permanent Committee.

Besides the powers conferred by this Constitution, the Permanent Committee shall have the following powers:

- I. To consent the use of National Guard in the cases described in the Article 76, paragraph V;
- II. To receive the President of the Republic's oath, if applicable;
- III. To receive bills, comments to the bills made by the President of the Republic, and bill proposals during the Congress Recess. All the items received shall be dispatched to the appropriate commission so they can be resolved in the next ordinary period of sessions;
- IV. Agree by its own means or by proposal of the Executive the call for an extraordinary period of sessions in one or both Houses of the Congress. The call shall be approved the vote for two-thirds of the present congressmen/congresswomen. The call shall clearly state the reasons and objectives for the extraordinary sessions. When the reason for the extraordinary call is because the General Congress needs to become an Electoral College to appoint the interim or alternate president, the approval for the call shall only require the votes of the majority of the present members;
- V. To grant a leave for up to sixty natural days to the President of the Republic;
- VI. Ratify appointments made by the President to ambassadors, general consuls, high-ranking officers of the Treasury, members of the collegiate bodies in charge of regulating energy matters, generals and other chiefs of the National Army, Navy and Air Forces, according to the terms set by the law;
- VII. To receive and resolve requests of leaves submitted by congressmen/congresswomen.

## **Section V**

### **On the Federal Auditing Office**

## **Article 79**

The auditing function shall be exercised according to the principles of legality, definitiveness, impartiality and reliability. This function is responsibility of the Federal Auditing Office mentioned in the next article.

The Federal Auditing Office shall begin with the auditing process on the first working day of the next fiscal year, without any detriment to the observations or recommendations emitted that related to the definitive information presented in the public account.

Regarding to the planning stage of any audit, the Federal Auditing Office may ask for information about the current fiscal year related to finished process.

The Federal Auditing Office shall be responsible for:

- I. Auditing, in a posterior manner: revenues, expenditures and debts; loans, that in the case, are granted by the Federal Government to local and municipal governments; and, management, safekeeping and use of funds and resources belonging to the Powers of the Union and to the federal agencies. The Federal Auditing Office shall audit, as well, the fulfillment of the objectives included in the several federal programs, using the reports submitted according to the law.  
The Federal Auditing Office shall also supervise directly the management or use of federal resources made by the States, Municipalities, the Federal District and the political-administrative organs within their territories, except by federal contributions. In case that the States and Municipalities have loans granted by the Federal Government, the Federal Auditing Office shall oversight the management and use of the corresponding resources. This Office will also supervise the use of federal resources granted to any public or private entity or individual, those transferred to trusts, mandates, funds or any other legal instrument, in accordance with the procedures established by law and without damage to other authorities' jurisdiction and to the user's' rights.  
Entities that are subjected to fiscal supervision according to the previous paragraph, shall accurately do and register their accounts, report the use of federal patrimony and detail the use of the budget transferred to them, in accordance with the criteria established by law.  
The law shall establish the cases and the procedures by which the Federal Auditing Office may review the information of previous fiscal years. This audit shall deliver a specific report to the House of Representatives and, in the case, it shall promote the corresponding actions to the competent authorities.
- II. The investigation of actions or omissions related to irregularities or illicit conducts about income, expenditures, management, safekeeping and use of funds and federal resources. The Federal Auditing Office can make home visits only to review the books, documents and files necessary for the investigation, in accordance to the law and formalities.
- III. As a result of its investigations, the Federal Auditing Office shall establish the liabilities to the corresponding public servants, and according to the second paragraph of the item I of this article to the corresponding public servants of the states, municipalities, Federal District or its administrative divisions or even to the individuals involved.

The different Powers of the Union, the states and the government agencies subjected to revision shall assist the Federal Auditing Office in carrying out its work. This provision applies also to federal and local employees, as well as to any private or public entity, trust, mandate or fund that uses public federal resources. This provision does not damage the jurisdiction of other authorities nor the user's rights of the banking system. Refusal to assist the Federal Auditing Office with the information required shall be punished according to the law.



The president of the Republic shall apply an administrative proceeding to enforce payment of compensations and pecuniary penalties defined in the item III of this article.

### **Article 80**

The Federal Auditing Office, which belongs to the House of Representatives, shall have autonomy regarding technical and managerial matters, as well as regarding its internal organization, functioning and decisions, according to the law.

The Head of the Federal Auditing Office shall be appointed by the two-thirds of the members present in the House of Representatives, in accordance with the procedure established for this purpose. The head of the Federal Auditing Office is appointed to serve for a period of eight years and may be appointed again only for one more period. He/she may be removed, exclusively for serious misdemeanor described in the law, by the vote of two-thirds of the members present in the House of Representatives. He may be also removed due to the causes established in the Fourth Title of this Constitution.

To qualify for the position of Head of the Federal Auditing Office, it is necessary to fill the requirements established in paragraphs I, II, IV, V and VI of the Article 96 of this Constitution, as well as the other requirements established by the law. While holding the office, the Head of the Federal Auditing Office cannot join any political party nor perform any other job, position or assignment, except for unpaid services in scientific, educational, cultural or altruistic institutions

## **CHAPTER III**

### **On the Executive Power**

#### **Section I**

### **On the President of the United Mexican States**

### **Article 81**

The power of the Executive Branch is vested in one single person, the President of the United Mexican States.

The President of the United Mexican States is directly elected in accordance to the electoral law.

### **Article 82**

The requirements to be President are

- I. To be a natural born citizen, with legal capacity to exercise his rights, born of Mexican father or mother and must have lived in the country for at least 20 years;

- II. The candidate for the Presidency must be at least 35 years of age on the election date;
- III. The candidate for the Presidency must have lived in the country for a full year prior to the day of the election. Absences for up to 30 days do not interrupt residence;
- IV. The candidate should not be in active duty in the Army at least six months before the day of the election;
- V. The candidate should not be Secretary of State or Under-Secretary, Federal Attorney General, Governor or Head of the Federal District Government, unless he resigns his position six months before the election date;
- VI. To be unaffected by the inabilities established under the Article 83.

### **Article 83**

The President will begin his tenure on October 1<sup>st</sup> and will last six years in office. In no case, the citizen who had performed as President of the Republic under any circumstance or has provisionally taken the office of the Federal Executive, may perform again this position.

### **Article 84**

In case of a complete absence of President of the Republic, the Minister of Interior will provisionally take the office of the Executive Power while the Congress appoints an interim or alternate president in a term no longer than sixty days. In this case, sections II, III and V of Article 82 of this Constitution will not be applicable.

Whoever provisionally occupies the Presidency will not be able to withdraw or appoint State Secretaries without the previous authorization of the Senate. Likewise, he will present to the Congress a report of activities within the next ten days period after his commission ends.

When there is complete absence of President during the two first years of the respective period, if the Congress of the Union were in sessions and at least two thirds of the total number of members of each Chamber were attending, the Congress shall immediately constitute itself in the Electoral College. The Electoral College through secret ballot and by the vote of the absolute majority shall appoint an interim president under the terms set by the Law of the Congress. The same Congress will issue, within ten days following such appointment, a call for the election of President that should end the respective period. Between the date of the call for elections and the Election Day there shall be no less than seven months and no more than nine months. The elected president will begin his/her term in office and swear before the Congress seven days after the electoral process has ended

When the complete absence of President happens in the last four years of the respective period, if the Congress of the Union is in session, it will appoint an alternate president, who will complete the period, following in that capacity, the same procedure as in the case of the interim president.

If the Congress were not in sessions, the Permanent Commission will immediately call for extraordinary sessions so that the Congress can comply with the previous paragraphs.

### **Article 85**

If before starting a constitutional presidential period the election was not made or declared as valid, the President whose office has ended will cease and the interim president will be appointed by the Congress under the terms of the previous Article.

If when starting a constitutional period there is a complete absence of President of the Republic, the position will be provisionally taken by the President of the Senate, while the Congress appoints the interim president, in accordance to the previous Article.

When the President requests a leave to separate from the office up to sixty natural days, once the permission is granted the Minister of Interior will provisionally take the office of the Executive Power.

If a temporary absence of the President becomes into an absolute absence, the Congress shall act as indicated in the previous article.

### **Article 86**

The President of the Republic can resign his position only due to a serious cause, which shall be evaluated by the Congress, to whom the resignation shall be submitted.

### **Article 87**

The President, upon taking office, takes the following oath before the Congress, or before the Permanent Committee during the recess of the Congress: "I swear to observe and uphold the Political Constitution of the United Mexican States and the laws that emanate from it, and to loyally and patriotically perform the position of President of the Republic, which the people have conferred upon me, pursuing the welfare and prosperity of the country; and if I do not fulfill these obligations, may the Nation demand it of me."

If by any circumstance the President could not take the oath under the terms of the previous paragraph, he will do so immediately before the Executive Boards of the Houses of the Congress. If this were not possible, the President must do so before the President of the Supreme Court of Justice of the Nation.

### **Article 88**

The President of the Republic can leave the national territory up to seven days, previously notifying his reasons to the Senate or the Permanent Committee, as applicable. For absences longer than seven days, the President shall request a permit from the Senate or the Permanent Committee.

The President of the Republic shall inform about the activities done while visiting foreign countries.

## Article 89

The powers and duties of the President of the Republic are the following:

- I. To enact and execute the laws issued by the Congress of the Union providing in the administrative field its compliance;
- II. To freely appoint and remove the State Secretaries, to remove the ambassadors, general consuls and directive employees of the Treasury, and to freely appoint and remove the rest of the employees of the Union, whose appointment or removal is not otherwise set in the Constitution or laws.  
The Secretaries of State and high-ranking employees of the Treasury and Foreign Affairs Ministry shall begin their functions on the date of their appointment. If they were not ratified in the terms established by this Constitution they will cease their functions.  
  
According to the postulates about the ratification of the Foreign Affairs Minister and the Treasury Minister, if there is no coalition government in functions and the respective House does not ratify in two occasions the appointment of the nominated Minister then the person selected by the Federal Executive shall occupy the office;
- III. To appoint, with approval from the Senate, the ambassadors, general consuls, executive employees of the Treasury, and the members of the collegiate bodies in charge of regulation in the matters of telecommunications, energy and economic competence;
- IV. To appoint, with approval from the Senate, Coronels and other chiefs of the National Army, Navy and Air Forces, according to the laws;
- V. To appoint, according to the law, the rest of the officers of the Army, Navy and Air Force;
- VI. To guarantee national security, in accordance to the applicable law. For this purpose, the President of the Republic can make use of the permanent armed forces for homeland security and defense of the federation against foreign threats;
- VII. For these same objective, the President can make use of the National Guard, observing the provisions established in section V article 76;
- VIII. To declare war in the name of the United Mexican States, having the previous authorization of the Congress;
- IX. To mediate in the appointment and removal of the Federal Attorney General, in the terms provided by Article 94 of this Constitution and the respective law;
- X. To lead the foreign policy; to make and execute international treaties; as well as to end, condemn, suspend, modify, amend, withdraw reservations and make interpretative declarations relating such treaties and conventions, requiring the authorization of the Senate. For these purposes, the President of the Republic shall observe the following principles: the right to self-determination; non-intervention; peaceful solution of controversies; outlawing the use of force or threat in international relations; equal rights of States; international cooperation for development; the respect, protection and promotion of human rights; and the struggle for international peace and security;

- XI. To call the Congress to an extraordinary period of sessions at Permanent Committee's agreement;
- XII. To provide the Judicial Branch with all the assistance necessary for the prompt performance of its duties;
- XIII. To prepare all kind of ports, to set up maritime and border customs, indicating the place to install them;
- XIV. To grant, according to the law, a pardon to the convicts sentenced because of federal crimes and to the convicts sentenced for common crimes committed in the Federal District;
- XV. To grant exclusive privileges, for a limited time, to discoverers, inventors or improvers in any branch of industry, according to the applicable law;
- XVI. During the recess of the Senate, the President of the Republic can make the appointments mentioned in the paragraphs III, IV and IX, having the approval of the Permanent Committee;
- XVII. At any moment, to choose for a coalition government with one or several political parties represented at the Congress. A covenant and a program shall regulate the government coalition; the majority of the present members of the Senate shall approve these programs and covenants. The covenant shall state the causes for the dissolution of the coalition;
- XVIII. To submit to the Senate a list of three candidates to become Justices of the Supreme Court of Justice per each vacancy; and to require authorization for their leaves and resignations to the Senate;
- XIX. Reject, under the terms described by the Constitution and the law, the appointments of the Commissioners of the National Transparency Agency issued by the Senate.
- XX. Other powers expressly conferred by this Constitution.

### **Article 90**

All regulations, decrees, covenants and orders issued by the President of the Republic shall also be signed by the Secretary of State in charge of the matter, otherwise they won't be compulsory.

## **SECTION II**

### **On the Secretary of State and Federal Public Administration**

### **Article 91**

To be Secretary of State, it is required to be a Mexican citizen by birth, with legal capacity to exercise his rights, and to be at least 30 years old.

The Secretaries of State as soon as the ordinary period of sessions is open, shall answer to the Congress for the state of their respective affairs.

### **Article 92**

Federal Public Administration shall be centralized and decentralized. The law shall allocate the federal administrative affairs among the Ministries and shall set the general basis to create decentralized entities; this law shall regulate the relations between decentralized entities and the President of the Republic or between them and the Ministries.

The Federal Executive will represent the Federation in any matters that it is a party through the Legal Counselor of the Government or the Ministries in the terms established by law.

The functions of the Legal Counselor of the Government shall depend upon the office within the Federal Executive that the law establishes for that purpose.

In regard of public health, the following provisions will apply:

- I. The General Board of Health shall report directly to the President of the Republic, without intervention of any Ministry. The orders and provisions issued by the General Board of Health shall be compulsory for the whole country;
- II. In the event of serious epidemic or risk of invasion of exotic diseases, the Ministry of Public Health shall issue immediately the appropriate preventive measures, which later shall be approved by the President of the Republic;
- III. The Sanitation Authority [Ministry of Public Health] shall be an executive organ; its provisions shall be observed by the administrative authorities throughout the country;
- IV. Measures issued by the General Board of Health for campaigns against alcoholism, drugs and enervation substances and other campaigns to prevent environmental pollution shall be review by the Congress in the cases that apply;
- V. The Congress of the Union and the local legislatures shall issue the laws that prevent alcoholism.

### **Article 93**

Any of the Houses of the Congress can call the Secretaries of State, the directors and managers of decentralized entities and the heads of autonomous agencies so, under oath, they provide more information or respond any questions regarding a topic that is being studied or discussed in the Congress.

The House of Representatives, by request of a quarter of its members, and the Senate, by request of a half of its members, shall have the power to create committees to investigate the functioning of decentralized and semipublic entities. The results of the investigations shall be submitted to the President of the Republic.

Any of the Houses can require, by a written inquiry, information or documents to the heads of the federal agencies. They shall answer the inquiry within the next 15 days after request was received.

These attributions shall be exercised according to the Law of the Congress and its statutory laws.

## **CHAPTER IV**

## **On the Public Prosecution Service and the Federal Attorney General**

### **Article 94**

The Public Prosecution Service shall have the power to prosecute in court all the federal crimes. It shall have the powers to request precautionary measures against the suspects; submit evidence to prove the liability in the acts that the law specifies as crimes; procure that federal criminal trials are carried out with regularity so that justice may be provided in a prompt and expeditious manner; to request the imposition of penalties; and, to intervene in all matters determined by law.

The Public Prosecution Service shall be organized by an Office of the Attorney General as an autonomous public organ with legal personality and endowed with its own patrimony.

The law shall establish the basis for training and updating activities for public servants that work at the Office of the Attorney General, as well as the basis for the professional development of them. This basis shall follow the principles of legality, objectivity, efficiency, professionalism, honesty, and the respect for human rights.

The Office of the Attorney General shall have the number of specialized agencies established by the law. The heads of these specialized agencies will be appointed and removed by the Attorney General. The Senate may object those appointment according to the procedures established by law.

To be appointed as Attorney General it is required to fulfill the stipulations stated in items I to IV of Article 96 of this Constitution.

The Attorney General shall remain in office for nine years and shall be appointed and removed according to the law.

Every year the Attorney General shall present an activity report to the Legislative and Executive Powers. The Congress may summon the Attorney General to appear before them and account for his performance or inform about his administration.

## **CHAPTER V**

### **On the Judicial Power**

### **Article 95**

The judicial power of the United Mexican States is vested in a Supreme Court of Justice, an Electoral Court, specialized circuit courts, unitary circuit courts and the district courts.

The laws shall regulate, based on this Constitution, powers and functioning of the Supreme Court of Justice, the circuit courts, the district courts and the Electoral Court. The law shall establish liabilities for the Judicial Power's employees.

Constitutional adjudications [*amparo*], constitutional controversies and unconstitutionality claims shall have priority when one of the chambers of the Congress, through its Speaker, or the President of the Republic, through its Legal Councilor, justifies the urgency based on social interest or public order, in accordance with the statutory laws.

The law shall define the cases where precedents established by the federal and circuit courts shall be compulsory, relating to interpretation of the Constitution and general laws, as well as the requirements for interruption and modification thereof.

The President of the Supreme Court of Justice shall manage the Supreme Court's internal affairs. The Federal Judicial Council shall deal with matters of administration, supervision and discipline of the Circuit and District Courts according to the provisions established by law.

The administration, supervision and discipline of the Electoral Court shall correspond to a committee of the Federal Judicial Council, which shall be composed of the president of the Electoral Court, who shall chair; a magistrate from the Superior Electoral Court, elected by secret vote; and three members of the Federal Judicial Council.

The Supreme Court of Justice shall propose its own budget. The Electoral Court shall submit its proposal about its own budget to the president of the Supreme Court of Justice and the Federal Judicial Council shall propose the budget for the rest of the federal judicial branch. These budgets shall be sent to the President of the Supreme Court so they can be included in the Federal Budget.

The Supreme Court of Justice shall resolve disputes arising between the Supreme Court of Justice and its employees. The Electoral Court shall resolve in a definitive and irrefutable manner the issues or conflicts between the Electoral Court and its employees. The Federal Judicial Council shall settle disputes between the federal judicial branch and its employees.

## **Article 96**

The Supreme Court of Justice of the Nation shall consist of eleven Justices and shall work at plenary meetings or at courtrooms.

Justices of the Supreme Court shall be appointed for a term of fifteen years; they may be removed only in the cases provided in the Title Four of this Constitution. Justices shall be entitled to a retirement payment at the end of their term. Supreme Court Justices cannot serve a second term, unless they have held the office as provisional or interim Justices.

To be appointed as Justice of the Supreme Court of Justice of the Nation, it is required:

- I. To be a Mexican citizen by birth, with legal capacity to exercise his political and civil rights;
- II. To be at least 35 years old to the date of the appointment;
- III. To hold, at the date of the appointment, a law degree for at least the past 10 years, issued by an institution legally empowered for that purpose;
- IV. To have a good reputation and not have been convicted for a crime punishable by imprisonment for more than one year. However, should the crime have been any



other which would seriously damage good reputation, he shall be disqualified for office, whatever penalty may have been;

V. To have lived in the country the last two years before appointment;

VI. Not have been Secretary of State, Attorney General, Senator, Federal Representative, Governor or Head of the Federal District Government for a whole year previous the appointment date.

Preferably, Justices shall be persons who have served with efficiency, ability and integrity in the dispensation of justice, or who have distinguished themselves by their honor, ability and career in the legal field.

### **Article 97**

For appointment of a Justice of the Supreme Court, the President of the Republic shall submit a list of three candidates to the Senate. The Senate will summon these candidates to assess them and then they shall appoint the candidate that should fill the vacancy. Within a 30-day period, the Senate shall choose one of the candidates by the vote of two thirds of the present members of the Senate. This period may not be extended. Should the Senate not decide within such term, then the President of the Republic shall appoint one person from the list he has proposed.

If the Senate rejects all the three candidates in the list, the President of the Republic shall submit a new list of three candidates, considering the provisions established in the previous paragraph. If the Senate rejects this second list completely, the President of the Republic shall appoint one person from such list.

Each minister of the Supreme Court of Justice, upon taking office, will take the corresponding oath according to the law provisions.

If a Justice is absent by cause of death or any other definitive cause, the President of the Republic shall submit a list of three candidates to the Senate in order to appoint a new Justice according to the provisions stated in the first two paragraphs of this article.

The Supreme Court of Justice can grant leaves permits to the Justices if the leave do not exceed one month. The President of the Republic with the Senate's approval shall grant those leaves exceeding such term. No leave may exceed two years.

Whenever the absence of a Justice exceeds one month, the President of the Republic shall submit the appointment of an interim Justice to the Senate according to the first two paragraphs of this article.

Resignation of a Justice shall be accepted only due to serious causes. Resignation shall be submitted to the President of the Republic, who, if accepts it, shall in turn submit resignation to the Senate for its approval.

### **Article 98**

The Supreme Court of Justice in plenary meeting shall have the power to issue general covenants in order to achieve an adequate distribution of issues among the courtrooms and to submit to the collegiate circuit courts those cases where they shall have established

precedents and those affairs selected by the Supreme Court in order to deal with the cases promptly. Said covenants shall come into force after being published.

Sessions in plenary meeting or in courtrooms shall be public, in accordance with the law. Exceptionally, sessions may be secret whenever public interest or public morality should so require it.

Every four years, the Supreme Court of Justice, in plenary meeting, shall appoint a president for the Supreme Court from among its members. The President of the Supreme Court cannot be reelected for the next immediate term.

The Supreme Court of Justice shall have the power to appoint and remove its secretary and other public servants.

## **Article 99**

The Federal Judicial Council, based on objective criteria and observing the requirements and procedures established by law, shall appoint district and circuit judges. District and circuit judges shall be appointed for a six years term. At the end of such term, they may be ratified or promoted, in such case, they may be dismissed only in the cases described by the law and following the procedures established by this Constitution and the laws.

Circuit magistrates and district judges shall take the oath before the Supreme Court of Justice and the Federal Judicial Council.

The law shall create the basis to train and update judicial public officials; as well as the basis for the development of the judicial career, which shall be governed by the principles of excellence, objectivity, impartiality, professionalism and independence.

The magistrates and judges shall appoint and remove the respective employees of the Circuit and District Courts according to the regulations on judicial career.

The Supreme Court of Justice can request to the Federal Judicial Council the investigation on the behavior of a federal judge or magistrate.

## **Article 100**

The Electoral Court is a specialized body of the Federal Judicial Branch. It shall be the highest authority in this matter, with exception of what is established in the Article 105, paragraph II, of this Constitution.

The organization of the Electoral Court, the jurisdiction of its courtrooms, the procedures to decide the affairs that are under its jurisdiction, as well as the mechanisms to set mandatory legal precedents in this matter shall be regulated by this Constitution and the laws.

The Electoral Court shall work on a permanent basis; it shall have a Superior Electoral Court and regional electoral courts. Its deciding sessions shall be public in accordance with the law. The Electoral Court shall issue its internal regulations and general agreements.

Seven electoral magistrates shall integrate the Superior Electoral Court. The president of the Electoral Court shall be in office for four years and shall be elected among the members of the Court.

Magistrates composing the superior and the regional electoral courts shall be nominated by the Supreme Court of Justice and elected by the vote of the two-thirds of the present members of the Senate. The election of the magistrates shall be staggered, observing the rules and procedures established by law.

Magistrates composing the Superior Electoral Court shall meet the requirements stated by the law, which may not be less than those required to be a minister of the Supreme Court of Justice of the Nation. Magistrates shall hold the office for nine years. This term cannot be extended. The magistrates of the Superior Electoral Court shall submit their resignations, leaves and permits to the same Superior Court, which shall process and grant them, as applicable, in accordance to this article.

Magistrates composing the regional courts of the Electoral Court shall meet the requirements stated by the law, which may not be less than those required to be a circuit magistrate. Regional magistrates shall hold the office for nine years. This term cannot be extended, unless they get a promotion.

In case of a definitive vacancy, a new magistrate shall be appointed, who shall finish the term.

Labor relations between the Electoral Court and its employees shall be regulated by the rules applicable to the federal judicial branch and by the special laws and exceptions applicable to them.

The Electoral Court shall resolve the issues listed below, in a definitive and irrefutable manner, observing the provisions established by this Constitution and the applicable law:

- I. Electoral appeals regarding the election of Federal Representatives and Senators;
- II. Appeals about election of the President of the Republic. The Superior Electoral Court will be the only court to resolve these appeals. The Superior Electoral Court shall carry out the final count of votes in the election of the President of the Republic, once all the appeals thereof have been resolved. Then, the Electoral Court shall declare the validity of the election and shall name the elected President, to the candidate who has obtained the highest number of votes.  
The Superior Electoral Court and the regional electoral courts can annul an election only due to the causes expressly indicated in the law;
- III. Appeals about acts and resolutions issued by the federal electoral authority, different to those mentioned in the two previous paragraphs, that violates constitutional and legal norms;
- IV. Appeals about final acts and resolutions issued by the state electoral authorities related to the organization and validation of elections; as well as controversies arisen during the electoral process that could affect such electoral process or the results thereof. This procedure shall be admissible only when the remedy requested is physically and legally possible within the electoral terms, and provided that it is feasible to be implemented before the date legally established for setup of the electoral bodies or for inauguration of elected officials;

- V. Appeals regarding acts and resolutions that infringe political-electoral rights of citizens: right to vote, right to be elected, right to freely join a party, right to peaceful assembly, in accordance to this Constitution and laws. Appeals filed by citizens against the political party they are affiliated, will be valid only if the plaintiff has exhausted all the instances provided by the party for solution of internal conflicts. The law shall establish regulations and terms for this kind of contestations;
- VI. Labor conflicts between the National Electoral Institute and its employees;
- VII. The definition and imposition of sanctions by the National Electoral Institute on political parties, political associations, private or legal entities, either national or foreign, who have infringed the provisions provided by this Constitution and the laws;
- VIII. The matters that the National Electoral Institute submits to its consideration for the violations stated in the on article 41 part B and article 134 paragraph eight of this Constitution; to the regulation about the political and electoral propaganda and for performing anticipated pre-campaign and campaign acts;
- IX. Others that the law establishes.

The Superior Electoral Court, by request or by their own motivation can bring cases from regional electoral courts. Likewise, the Superior Electoral Court can submit cases to the regional electoral courts for their knowledge and resolution. The law shall establish regulations and procedures to exercise such kind of power.

The courtrooms of the Electoral Court shall make use of the necessary urgent means in order to enforce their sentences and resolutions, in accordance with the terms established by law.

Without detriment to the Article 105 of this Constitution, the courtrooms of the Electoral Court can determine not to apply electoral laws that are contrary to this Constitution. Such kind of resolutions shall be limited to the concrete case in question. In such event, the Superior Electoral Court shall notify the Supreme Court of Justice of the Nation.

If a courtroom of the Electoral Court defends a thesis on the unconstitutionality of an act or resolution, or on the interpretation of a constitutional provision, and such argument may be contradictory to the one sustained by the Supreme Court of Justice or its courtrooms, then any of the Justices, courtrooms or parties can denounce the contradiction, according to the terms established by the law. The Supreme Court of Justice of the Nation, in plenary meeting, shall decide which argument shall prevail. Such kind of resolutions shall not affect the cases already decided.

## **Article 101**

The Federal Judicial Council shall be a body belonging to the federal judicial branch and it shall be independent to issue its resolutions. Also, it shall have full technical and managerial independence.

The Federal Judicial Council shall be composed of seven members: the president of the Supreme Court of Justice, who shall also be the chairman of the Council; three councilors appointed by the Supreme Court in plenary meeting, by at least eight votes; the

candidates proposed by the Supreme Court shall be circuit magistrates or district judges; two councilors appointed by the Senate and one councilor appointed by the President of the Republic.

All councilor shall meet the requirements established in the Article 96 of this Constitution. They shall perform their duties in an independent and impartial manner. During their term in office, they may only be removed in accordance with the provisions established in the Title Four of this Constitution.

Except by the chairman of the Council, the councilors shall hold the office for a period of five years, after that they shall be replaced in a staggered manner. Councilors cannot be appointed for a second period.

The Federal Judicial Council shall work at plenary meeting or at committees. The plenary meeting of the Council shall decide on appointment, assignment, ratification and dismissal of magistrates and judges, as well as on other affairs defined by the law.

The Federal Judicial Council shall have the power to make and execute general covenants in order to achieve an adequate performance of its duties. The Supreme Court of Justice can request the Council to make and execute those general covenants that are necessary to achieve an adequate performance of the federal duties. The Supreme Court of Justice, in plenary meeting, can also review such covenants and, if necessary, revoke them by a majority of at least eight votes. The law shall regulate the exercise of these powers.

The Federal Judicial Council shall establish the number, circuit division, territorial jurisdiction and, if applicable, the specialization of the Circuit and District Courts. Likewise, it shall establish plenary meetings of Circuit Courts considering the number and specialization of each collegiate circuit court within that circuit; they shall do so by the use of general agreements. The laws shall establish the composition and functioning of these plenary bodies.

Federal Judicial Council's decisions are final and irrefutable; therefore, no trial or legal instrument will be accepted against such decisions, except by decisions related to appointment, assignment, ratification and dismissal of magistrates and judges. Such kind of decisions can be reviewed by the Supreme Court of Justice only with the purpose to verify that they have been taken according to the rules established in the applicable organic law.

## **Article 102**

Remuneration granted to the Justices of the Supreme Court, electoral magistrates, councilors of the Federal Judiciary and, circuit and district judges may not be reduced during their term.

Justices of the Supreme Court of Justice, electoral magistrates, circuit magistrates, district judges, their respective clerks and councilors of the Federal Judicial Council cannot accept or perform any other job or assignment, either in a private company or in the federal or state government, or in the Federal District Government, except for those performed for free in scientific, educational, literary or charitable associations.

Justices of the Supreme Court of Justice, circuit magistrates, district judges, councilors of the Federal Judicial Council and magistrates of the Superior Electoral Court, within the two years after finishing their respective term, may not work as attorneys, lawyers or legal representatives in any case before the agencies belonging to the federal judicial power.

During the same term, the former Justices may not be appointed for the positions mentioned in the Article 96, paragraph VI of this Constitution, unless they have been appointed as interim or alternate.

Impediments established in this article will apply also to the judicial officials who are granted a leave permit.

In the event of infringement of the provisions stated in the previous paragraphs, the offenders shall be punished with dismissal and loss of benefits, even benefits that could correspond to such position in the future, regardless of other penalties that the law may establish.

### **Article 103**

The Federal Judicial Power shall resolve all disputes concerning:

- I. Laws or acts issued by the authority, or omissions committed by the authority, which infringe the fundamental rights recognized and protected by this Constitution and the international treaties signed by Mexico.
- II. Laws or acts issued by the federal government and which break or restrict the sovereignty of the Mexican states or the Federal District.
- III. Laws and acts issued by the state authorities or the Federal District Government, which invade the federal authority's jurisdiction.

### **Article 104**

The federal courts shall have jurisdiction over:

- I. Proceedings related to federal crimes;
- II. Any civil or mercantile controversy arisen about the observance and enforcement of federal laws or international treaties signed by Mexico. The plaintiff can file such kind of controversy with an ordinary court when the controversy affects only private interests. Sentences pronounced by a trial court may be challenged with the appropriate appellate court;
- III. Review resources filed against final rulings pronounced by the contentious-administrative courts of the Federation and the Federal District, only in the cases stated by the law.  
Review resources that are to be heard by the specialized circuit courts shall be subject to the formalities established by the statutory law of the articles 103 and 107 of this Constitution related to indirect adjudications. No trial or legal instrument shall be admissible against the rulings pronounced by the specialized circuit courts on such review resources;
- IV. Any controversy relating to maritime law;

- V. Any controversy where the Federal Government is an interested party;
- VI. Any controversy or action mentioned in the Article 105;
- VII. All disputes between a Mexican state and one or more neighbor states;
- VIII. All controversies regarding diplomats and consuls;
- IX. All controversies, related to jurisdictions between federal courts, between a federal court and a state court, or between a federal court and a Federal District court, or between two courts belonging to different states, or between a state court and a Federal District Court.

### **Article 105**

The Supreme Court of Justice of the Nation shall exclusively resolve the cases related to the following topics, in accordance with the provisions established by the applicable statutory law:

- I. About constitutional controversies, except for those referring to electoral matters, between:
  - a. The Federal Government and one state or the Federal District.
  - b. The Federal Government and one municipal authority.
  - c. The Executive Power and the Congress of the Union; the President of the Republic and any of the Houses; or the President of the Republic and the Permanent Committee, acting as federal bodies or as Federal District's bodies.
  - d. Two states.
  - e. A state and the Federal District.
  - f. The Federal District and a municipal council.
  - g. Two municipal councils belonging to different states.
  - h. Two powers belonging to the same state about the constitutionality of their acts or regulations.
  - i. A state and one of its municipal councils, about the constitutionality of their acts or regulations.
  - j. A State and a municipal government belonging to another State, about the constitutionality of their acts or general norms.
  - k. Two governmental bodies belonging to the Federal District Government, about the constitutionality of their acts or general norms.
  - l. Two autonomous constitutional entities or between one autonomous constitutional entity and the Federal Executive or the Mexican Congress when the issue is related to the constitutionality of their acts or general norms.

The rulings taken by the Supreme Court of Justice, by a majority of eight vote, invalidating general provisions, shall have general compulsory effect; provided that the respective controversy is related to general provisions of the States or Municipalities challenged by the Federal Government, municipal dispositions challenged by the States or in the cases indicated in paragraphs "c", "h" and "k". In all other cases, the rulings pronounced by the Supreme Court of Justice shall have effect only on the particular case in question.

II. Unconstitutionality lawsuits directed to raise a contradiction between a general regulation and this constitution.

Unconstitutionality lawsuits shall be filed within the 30 days after publication of the regulation. These lawsuits shall be initiated by:

- a. Thirty-three percent of the members of the House of Representatives against federal laws or laws enacted by the Congress and applicable to Federal District;
- b. Thirty-three percent of the members of the Senate against federal laws or laws enacted by the Congress and applicable to Federal District, or against international treaties signed by the Mexican State;
- c. The Executive Federal, through its Legal Government Counselor, against general norms of the federation or the federal entities.
- d. Thirty-three percent of the members of a state legislature, against laws enacted by such state legislature.
- e. Thirty-three percent of the members of the Federal District's Assembly of Representatives, against laws enacted by the Assembly.
- f. The political parties registered before the National Electoral Institute, through their national leaders and against federal or local electoral laws; and, state parties with local registration, through their leaders, only against laws enacted by the state legislature from the state that granted them registration.
- g. The National Human Rights Commission, against federal or state laws or laws enacted by the Federal District Government; as well as law against international treaties signed by the President of the Republic and approved by the Senate, which hamper the human rights system established in this Constitution and in the international treaties that Mexico has ratified. Likewise, the human right protection organs, equivalent to the National Commission for Human Rights in the federal entities against local legislation issued by the Local Congress and the Federal District Commission for Human Rights against the laws issued by the Federal District Legislative Assembly.
- h. The National Institute of Transparency, Access to Information and Protection of Personal Data against federal, local laws and laws of the Federal District, as well as international treaties signed by the Federal Executive and approved by the Senate when these diminish the right of access to information and the protection of personal data. Likewise, the local transparency agencies may present an unconstitutional inquiry against the local laws enacted by the State Legislatures or the Federal District Transparency Agency can do so against the laws enacted by the Federal District Assembly.
- i. The General Attorney in regard to the federal and local criminal laws and criminal procedure laws, as well as other issues related to his functions.

The only mechanism to present a non-conformity against electoral laws to the Constitution is the one stated in this article.



The resolutions of the Supreme Court of Justice may only declare the invalidity to the challenged norms if the resolution is approved by a majority of at least eight votes. That declaration shall not have retroactive effects, except those regarding criminal justice, in this case general legal principles and provisions in the subject shall apply.

In case of failure to comply with the Supreme Court resolutions, procedures established in the first two paragraphs of item XIII Article 107 Constitution shall be applied.

### **Article 106**

The Supreme Court of Justice of the Nation may hear appeals against rulings pronounced by district judges, provided that the Federal Government is an interested party in the case and such case is transcendental. The Supreme Court may exercise this power by its own motion or justified request of the corresponding unitary circuit court or of the Federal Executive through its Legal Government Counselor, as well as of the Attorney General in the matters that concern to the Public Prosecution Service.

### **Article 107**

All controversies mentioned in the article 103 of this Constitution, except for electoral controversies, shall follow the legal procedures and formalities established by the statutory law, according to the following principles:

- I. The constitutional adjudication shall be carried out at the request of the offended party. The offended party is the holder of an individual or collective right, which has been violated by the challenged act, affecting his/her legal framework, either directly or by the means of his/her special situation before the legal system. Regarding acts or rulings pronounced by administrative or labor courts, the plaintiff must argue that he/she holds a subjective right that has been directly and personally affected.

In the constitutional adjudication, the deficiencies about the violation of rights or damages might be accepted and corrected according to the provisions stated in the statutory law. The law shall also establish the protection and procedural advantages that may apply in benefit to communal and indigenous populations in the adjudication procedures in which they are an interested party.

- II. The sentence pronounced in a constitutional adjudication shall cover only to the plaintiffs, protecting them only in the specific case concerned in the complaint. If a court rules unconstitutionality of a general provision for a second consecutive time in constitutional adjudications, the Supreme Court of Justice of the Nation must notify the authority that enacted such provision.

When the bodies belonging to the Federal Judicial Branch establish legal precedents by repetition, ordering unconstitutionality of a general provision, the Supreme Court of Justice of the Nation shall notify the authority that enacted such provision. If after 90 days the unconstitutionality has not been overcome, the Supreme Court of Justice of the Nation shall issue a general declaration of

unconstitutionality, indicating its scope and conditions, according to the statutory law. Such declaration must be approved by a majority of 8 votes.

The previous two paragraphs do not apply to general provisions for taxation.

III. The constitutional adjudication against rulings pronounced by judicial, administrative or labor courts shall be admissible only in the following cases:

a. Against final rulings, binding judgments or resolutions that end the trial, no matter if infringement is committed by such rulings, binding judgments or resolutions, or during the proceedings affecting the plaintiff's defense and the verdict. Regarding the constitutional adjudication mentioned in this subdivision and in the section V of this article, the specialized circuit court shall proceed according to the statutory law.

The aggregate adjudication may be filed according to the terms and procedures established in the statutory law.

For the constitutional adjudication admissibility, first the plaintiff must exhaust the ordinary instruments provided by the applicable law, which may be suitable to modify or revoke the final sentence, binding judgment or ruling, except for the cases when the law allows plaintiff to waive such resources.

Against final rulings, binding judgments or resolutions that end the trial, the infringements committed to the procedural laws shall be acknowledged, considering that the plaintiff's defense have challenged during the trial by an ordinary request. This will not be required in constitutional adjudications that involve child rights, rights of people with disabilities, marital status, family stability or in the criminal cases that were brought by the defendant.

b. Against acts in trial which enforcement would render them impossible to retribute, provided that all applicable appeals have been exhausted.

c. Against acts affecting persons who are not involved in the trial.

IV. Regarding the administrative matter, the constitutional adjudication is accepted also against rulings pronounced by other authorities, different to the judicial, administrative and labor courts, which caused irreparable offence. It is necessary to exhaust these means of defense, provided that the effects of such acts have been suspended by the court or by the plaintiff through the appropriate legal instrument. In this case, the constitutional adjudication shall have the same scope than the one indicated by the statutory law, and the requirements will be the same as required to grant the final suspension. Also, the term shall not be greater than the one established for provisional suspension, regardless of whether the act may be suspended or not, according to the law.

It is not necessary to exhaust such means of defense when the challenged act has no grounds, or when only direct violations to this Constitution are argued.

V. The constitutional adjudication against final sentences, binding judgments or rulings that end the trial, shall be filed with the competent specialized circuit court, according to the statutory law.

The Supreme Court of Justice may, by its own motion or by motion of the collegiate circuit court, the Attorney General in the issues that concern to the Public Prosecution Service, or by the Federal Executive through its Legal

Government Counselor, hear direct constitutional adjudications given that are considered important or transcendental.

The Statutory Law shall indicate the procedure and conditions to be met by the collegiate circuit courts and the Supreme Court in order to pronounce a ruling relating to section V of this Article.

- VI. The constitutional adjudication against acts or omissions committed during a trial, in the trial context or after that the trial, or against acts that affect persons who are not involved in the trial, or against general laws or administrative authority's acts or omissions, shall be lodged before the district judge having jurisdiction over the place where the harmful actions have been committed or have been tried to be committed. The procedure for adjudication shall follow the procedures considered by the law.
- VII. The sentences pronounced as a result of a constitutional adjudication by a district judge or a unitary circuit court may be reviewed. Such review shall be lodged before the Supreme Court of Justice:
- a. In the event that the unconstitutionality still remains after the constitutional adjudication filed against general provisions that directly violates the Constitution.
  - b. In the cases mentioned in the Article 103, sections II and III, of this Constitution.

The Supreme Court of Justice may, by its own motion or by request of any of the organs or public servants mentioned in the second last paragraph of fraction V, hear constitutional adjudications in review process that are considered important or transcendental. In all other cases, reviews shall be lodged before a collegiate circuit court, which sentence shall be final and shall not admit any further review.

- VIII. Regarding the direct constitutional adjudication, the review resource is appropriate to challenge the sentences concerning the unconstitutionality of general provisions, or make a direct interpretation of a constitutional provision, or failed to rule on these issues, provided that the Supreme Court of Justice considers that such rulings create an important and transcendent criterion. The Supreme Court of Justice shall follow the general agreements decided in the plenary meetings, the subject of the review shall limit to constitutional issues without considering other issues.
- IX. Claimed acts may be suspended in the cases and under the terms established by statutory law. For this purpose, the adjudication judge shall make an analysis on the law and public interest. The judge shall also consider the cases in which suspension might not be granted.  
The competent authority that does not comply with the suspension or that given the suspension it does not comply with it due to negligence or mistrust must be criminally liable.
- X. The direct constitutional adjudication shall be lodged before the authority responsible, which shall rule on the suspension. In other cases, suspension shall be filed with the district court or the unitary circuit court, which shall rule on suspension, or with the state courts where allowed by law.  
Appeals against violations to the constitutional rights provided under articles 16, related to criminal matter, 19 and 20, shall be filed with the superior court

standing directly above the court that committed the infringement, or with the appropriate district judge or unitary circuit court. The rulings pronounced hereby may be reviewed according to the provisions established in the paragraph VII of this article.

In the event that the district judge or unitary circuit court does not reside in the same place than the authority responsible, then the law shall define the appropriate judge or court to lodge the constitutional adjudication. Such judge or court can suspend temporarily the challenged act in accordance with the law.

XI. In the event that collegiate courts of the same circuit defend contradictory criteria regarding constitutional adjudications under their jurisdiction, then the Attorney General, in regard to criminal and criminal procedures issues, as well as in issues related to his function; the collegiate circuit courts and their members; the district judges; the Federal Executive, through its Legal Counselor, or the parties involved can report this contradiction to the appropriate circuit court, which shall decide which argument shall prevail as legal precedent.

In the event that circuit courts belonging to different circuits, or the specialized circuit courts belonging to the same circuit, or collegiate circuit courts of the same circuit with different specialization defend contradictory criteria in the matters of their jurisdiction, then the ministers of the Supreme Court of Justice of the Nation, the circuit courts or the bodies mentioned in the previous paragraph can report this contradiction to the Supreme Court of Justice, so that the Plenary Meeting or the respective courtroom decides which argument shall prevail.

In the event that the courtrooms belonging to the Supreme Court of the Nation defend contradictory criteria in the constitutional adjudications under their jurisdiction, then the ministers of the Supreme Court of Justice of the Nation; the collegiate circuit courts and their members; the district judges; the Attorney General in criminal or criminal procedures issues or in matters related to his functions; the Federal Executive through its Legal Government Counselor; or the parties involved can report this contradiction to the Supreme Court of Justice in their plenary meeting so that they can decide which argument shall prevail according to the laws and norms.

Rulings pronounced by the plenary meeting of the Supreme Court of Justice or by one of its courtrooms, or by the circuit courts according to the previous paragraphs, shall only establish jurisprudence. They shall not affect the specific legal situations derived from the sentences pronounced in the trials that a contradictory legal precedents arose.

XII. The Attorney General, or the federal public prosecutor appointed by for that effect, shall be an interested party in all constitutional adjudications in which the challenged act involves procedures in regard to criminal matters and those that the law establishes.

XIII. If the authority responsible fails to enforce the sentence pronounced in the constitutional adjudication, but such failure is justified, then the Supreme Court of Justice of the Nation shall grant the authority responsible a reasonable term to enforce the sentence, according to the procedure provided by the statutory law. This term may be extended at the request of the authority responsible. If failure to observe the sentence is not justified, or the term has expired, then the Supreme

Court of Justice shall dismiss the head of the authority responsible from office and bring him/her to trial before the appropriate district judge. This will apply also to the hierarchical superior of the authority responsible if he/she is liable, as well as to the previous heads of the authority responsible, if they failed to enforce the sentence.

If the act in question is repeated, given that the constitutional adjudication has been granted, the Supreme Court of Justice shall dismiss the head of the authority responsible from office, according to the procedure established by the law. The Supreme Court shall notify the Federal Public Prosecution Service, unless the authority responsible acted without premeditation and cancels the act in question before the Supreme Court of Justice pronounces the respective ruling.

The Supreme Court of Justice can replace the sentence pronounced in a constitutional adjudication, by its own motion or at the request of plaintiff, when the execution of such sentence affects seriously the society or third parties, more than the benefits granted to the plaintiff, or when it is impossible or excessively onerous restore the previous situation. Then, the sentence should be exchanged by an economic compensation to the plaintiff. For this purpose, the parties shall sign a covenant before the Supreme Court of Justice.

The constitutional adjudication cannot be filed until the sentence is enforced.

## **Chapter VI**

### **On Federal Courts**

#### **Article 108**

- A. According to item XIII part B of Article 27 of this Constitution regarding agrarian justice administration, the law shall establish agrarian courts vested with autonomy and full jurisdiction, which shall be composed of judges nominated by the President of the Republic and approved by the Senate or by the Permanent Commission during recess period.
- B. The Federal Administrative Court created by the Congress shall have full autonomy to issue its resolutions and shall have the responsibility of solving controversies between the federal public administration and individuals. Administrative courts shall impose penalties on public employees originated by administrative liabilities that the law considers as severe felonies and to the individuals that participate in those acts, as well as to set the compensations and economic sanctions for the damages to the Public Treasury or the assets of the public agencies. The law shall establish its organization and functions, as well as the number, mode and responsibilities of its members. The law shall also establish a system of appeals to its resolutions.
- C. The Commission for Conciliation and Arbitration mentioned in part XX part A of Article 123 of this Constitution shall be formed by an equal number of representatives of workers and employers and one government representative. The

- Federal Court for Conciliation and Arbitration mentioned in item XII part B Article 123 shall be formed according to the provisions of the statutory law.
- D. Military Courts shall resolve cases regarding crimes and offences against military discipline according to article 12 of this Constitution and the laws.

## **TITLE FOUR**

### **On Public Servants' Liabilities**

#### **Article 109**

For the purposes of this Title, public servants or civil servants are defined as the representatives elected by popular vote; the members of the Federal Judicial Branch; the members of the Judicial Branch of the Federal District; the officials, the public employees and, in general, any person who holds any position or assignment in the Congress of the Union, in the Federal District's Assembly of Representatives, in the federal government or in the Federal District Government. Public servants are also the persons who work in the autonomous bodies created by this Constitution. Public servants are accountable for the acts or omissions they commit in the performance of their duties.

The President of the Republic, during his term in office, may only be impeached only for treason or serious common crimes.

Governors, representatives of the State Houses, magistrates of the States' Supreme Courts, members of the local Judicial Councils, members of the Municipal Councils and the members of the autonomous entities established in the local constitutions or the autonomous entities established by the Federal District Charter, shall be liable for infringements against this Constitution and federal laws, as well as for mishandling federal funds and resources.

The constitutions of the States shall detail the public servants that perform any job, position or assignment in the state or municipal government according to the terms described in the first paragraph of this article in order to establish the effects of their performance. Those public servants shall be accountable for the mishandling of public resources or for public debt.

The public servants described in this article shall submit, under oath, a declaration of assets and properties and a declaration of interests before the corresponding authorities and according to the terms defined by the law.

#### **Article 110**

Public servants and individuals that infringe the law concerning the responsibilities with the State shall be penalized according to the following:

- I. The sanctions mentioned Article 111 can be imposed to public servants described in the same article through an impeachment procedure when during their time in office they commit acts or omissions that affect fundamental public interests or they affect their proper exercise.

Impeachment due to expression of ideas is not accepted.

- II. Perpetration of crimes by any public servant or individuals that commit corruption acts shall be prosecuted according to the applicable criminal law.
- III. Administrative penalties shall be imposed to the public servants who commit acts or omissions affecting their legality, honesty, loyalty, impartiality and efficiency while performing their duties or commissions. The law shall determine the procedures for the investigation of those acts, as well as the penalties that apply to those cases.

The Federal Auditing Office, the Comptroller Offices or their partners in the local governments will investigate the administrative offences accordingly. The Administrative Justice Court that correspond shall resolve the case. Other offences and sanctions will be resolved by the internal comptroller offices.

The law shall establish the cases and procedures to challenge the categories given by the internal comptroller offices about administrative offences as severe or not severe.

The provisions stated in Article 95 of this Constitution must be followed for the investigation, prosecution and resolution of the administrative responsibilities of the members of the Federal Judicial Power. This does not affect the powers of the Federal Auditing Office regarding accountability procedures on the management, use and safekeeping of public resources.

Federal public agencies, local and municipal public agencies, as well as the public agencies of the Federal District and its territorial divisions shall have internal comptroller offices that will have the powers and responsibilities that the law establishes.

- IV. The Administrative Justice Courts shall impose economic sanctions, disqualifications to participate in public tenders, leasing other services; as well as to establish the restoration of the damages caused to the Treasury or the federal, local or municipal agencies to those individuals that participated in serious administrative offences regardless of other type of responsibilities that emerge from these actions. Companies shall be punished in terms of this provision for the acts related to serious administrative offences, in the terms described by the law.

The procedures for the punishment application in the cases mentioned in the previous paragraph shall be independent. Never shall a punishment for one single action be applied more than once.

Any citizen, by its own responsibility and presenting evidence, may file an inquiry before the House of Representatives about the acts and omissions mentioned in this article.

Provisions about fiscal and financial secrecy or protection of data in deposit, management, savings or investment operations shall not proceed when the agencies responsible of investigation and sanction of administrative responsibilities or corruption acts are performing its duties. The law shall establish the procedures in which this information will be delivered.

The Federal Auditing Office and the Ministry responsible for the internal control of the Federal Executive, may use the resolutions of the Specialized Anti-Corruption Prosecution Office and the Federal Administrative Justice Court, as stated in Article 20 part B item IX and Article 104 item III of this Constitution.

The State's responsibility for the damages caused to the rights and property of the individuals due to its irregular administration shall be objective and direct. The individuals will have the right to compensation according to the basis, limits and procedures established by law.

### **Article 111**

The following civil servants may be impeached:

- I. Members of the Senate and members of the House of Representatives;
- II. Justices of the Supreme Court of Justice;
- III. Judges from the Electoral Court;
- IV. Circuit magistrates and district judges;
- V. Councilors of the Federal Judiciary Council;
- VI. Secretaries of State;
- VII. General managers, or equivalent of the decentralized agencies, semipublic companies, associations assimilated by semipublic companies and public trusts that depend on the Federal Government;
- VIII. Members of the Federal District's Assembly of Representatives;
- IX. Magistrates and judges of ordinary courts in the Federal District;
- X. Councilors of the Federal District's Judiciary Council;
- XI. Head of the Federal District Government;
- XII. The Attorney General of the Federal District;
- XIII. The Federal Attorney General;
- XIV. President of the Electoral Council, Electoral Councilors and the Executive Secretary of the National Electoral Institute;
- XV. Members of the constitutional autonomous organs.

Governors, local representatives, magistrates of the local superior courts and the members of the local judiciary councils, as well as the members of the local agencies that the local constitutions and the Federal District Charter grants autonomy, may only be impeached in reason of serious infringement of this Constitution and the federal laws derived from it and the mishandling federal funds and resources. However, the ruling shall be only declarative and shall be notified to the state legislature in order to implement the pertinent proceeding.

Penalties for public servants shall be the dismissal from office and disqualification to perform any public function, job, position or assignment in the public service.

The procedure shall be as follows: the House of Representatives shall substantiate the case, shall hear the accused and the absolute majority of the members of the House shall declare the impeachment. Then the House of Representatives shall submit the impeachment to the Senate.

The Senate shall carry out the necessary proceedings and shall hear the accused. The Senate then shall become jury and shall impose the appropriate penalty by the vote of the two-thirds of the members present.

Rulings pronounced by the House of Representatives and the Senate are irrefutable.



## **Article 112**

To criminally proceed against public servants mentioned in items I, II, V, VI, VIII, XI and XIII of Article 111, as well as the President of the Electoral Council and Electoral Councilors of the General Council of the National Electoral Institute and the Judges of the Superior Electoral Court due to crime accusations during their time in office, the House of Representatives shall declare, by absolute majority of the present deputies, whether there are grounds to proceed against the accused.

A negative declaration by the House of Representatives shall suspend any further procedure. However, such a suspension shall not resolve the indictment in a definitive way. Once the accused finish his term in office, a criminal trial shall begin if the charges remain because this declaration does not decide on the elements of the accusation.

If the House of Representatives declare the indictment, the individual shall be turned over the respective authorities, which shall proceed according to the law.

The President of the Republic may be charged only before the Senate and according to the provisions established by the Article 111. The Senate shall resolve the case observing the applicable criminal law.

Governors, local representatives, magistrates of the local superior courts and the members of the local judiciary council, and members of the local entities that are granted autonomy by the local constitution or the Federal District Charter may be indicted for federal crimes and shall follow the procedures established in this article. However, the indictment ruling shall be only declarative and shall be notified to the state legislature in order to implement the pertinent proceedings.

It is not necessary that the House of Representatives declare the indictment when any public servant, mentioned in the first paragraph, perpetrates a crime while he is not holding office. Nor will it be necessary for the civil lawsuits against any public servant.

However, if the public servant resumes duties or has been appointed or elected for a new position, which is mentioned in this Article, he shall be indicted according to such article.

If the resolution declares the indictment, the public servant shall be removed from office while is on trial. In the event of acquittal, the accused can resume duties. In the event of guilty verdict, pardon may not be granted to the accused, provided that the crime was perpetrated during his term.

Prison sentences shall be applied according to that established in the criminal law. In the case of crimes where the perpetrator obtains economic benefit or cause damage or loss to property, prison sentence shall be proportional to the profit obtained by the accused and to the damages and losses caused by his unlawful conduct.

Economic penalties cannot exceed three times the amount of gains obtained or the damages or losses caused.

Rulings pronounced by the House of Representatives and the Senate are irrefutable.

## **Article 113**

The National Anticorruption System will be the coordinating entity between the authorities of every government level responsible for prevention, detection and punishment of administrative responsibilities in corruption acts, as well as the surveillance and control of public resources. For the fulfillment of its objectives, the System shall have a Coordinating Committee, its integration and functions shall be established by the law. There shall also be a Citizen Participation Committee with the members and functions that the law describes.

The States and the Federal District shall establish local anti-corruption systems to coordinate the corresponding local authorities about the prevention, detection and punishment of administrative responsibilities and corruption acts.

#### **Article 114**

The impeachment procedure against a public servant can be initiated only during the time he is holding office and within the first year after such term. Punishments shall be applied within the first year after that proceedings have initiated.

Crimes perpetrated by a public servant during the time he is holding office shall be punished according to the statutes of limitations provided by the criminal law. Such terms shall never be shorter than three years. Statute of limitations shall be interrupted while the public servant holds any of the offices listed in the Article 112.

The law shall establish the cases where the statute of limitations shall be applied to administrative liability, taking into account the nature and consequences of the acts or omissions mentioned in the Article 110, paragraph III. Statute of limitations shall never be shorter than seven years for serious acts or omissions.

### **TITLE FIVE**

#### **On the States of the Federation and the Federal District**

#### **Article 115**

The states comprising the United Mexican States shall adopt a republican, representative, democratic, secular and popular form of government for their own organization. The states shall be divided into municipalities, which shall be the basis of the political and administrative organization according to the following criteria:

- I. Each municipality shall be governed by Municipal Council, which shall be composed of one Mayor and the number of councilors and community representatives established by law. This Constitution grants the governing powers to the Municipal Council exclusively and there shall not be an intermediate authority between the Municipal Council and the local governments.  
There will be consecutive election for the same office to the Presidents of the Municipal Councils, councilors and community representatives for an additional term in office whenever the term in office does not exceeds three years. These candidates shall only be nominated by the same party or coalition party that

nominated them to their first term in office, unless they had resigned or lost their membership before the first half of their term in office.

If any of the Municipal Council members resign from its duties, substitutes shall be appointed to the vacant positions, according to the procedures described by the law.

State legislatures, by resolution of the two-thirds of their members, can suspend a Municipal Council, eliminate it or suspend or revoke the powers of any of its members due to a serious cause mentioned by law, provided that the members of the Municipal Council have had sufficient opportunity to submit evidence and provide arguments that to their consideration may be useful.

In the event that the state legislature eliminates a Municipal Council, or in the event of resignation or absolute absence of the majority of its members, when the law does not allow the substitutes to finish the term nor to call elections, the state legislature shall appoint some inhabitants to make up a city board, which shall finish the term. The law shall establish the number of members for such city board. The members of the city board shall meet the same requirements than the councilors;

- II. Municipalities shall be vested with legal status and shall manage their own assets in accordance with the law.

The Municipal Councils shall have the power to approve and issue statutory laws, regulations and administrative rulings within their respective jurisdictions, according to the laws enacted by the local Congress. The Municipal Councils shall have the powers to organize the municipal public administration and to regulate public procedures, functions, affairs and services and to encourage citizen participation.

The purpose of such laws shall be to define:

- a. The general basis of the municipal public administration and the administrative procedures, including legal challenges and the bodies that shall resolve the controversies that could arise between the municipal government and private individuals, observing the principles of equality, open trial, hearing and legality.
- b. The cases where the consent of the two-thirds of the Municipal Council members is required to pronounce rulings affecting the Municipal Council's assets, or to approve agreements or acts for a period longer than the term of the Municipal Council in question.
- c. The applicable norms to the agreements mentioned in the items III and IV of this article and in the second paragraph of part F of Article 116 of this Constitution.
- d. The procedure to be followed by the state government in order to take charge of a municipal function or service due to the lack of a service provision agreement and by consideration of the legislature that the municipal government is not able to provide the service. In this case, it shall be necessary a previous request from the Municipal Council in question, approved by at least the two-thirds of its members.

- e. The provisions to be applied in those municipalities where there are no ordinances or statutory laws.

State legislatures shall establish the procedures to be followed in order to resolve conflicts that may arise between the municipal councils and the state government, or between two or more municipal councils, caused by the acts mentioned in the previous items *c* and *d*.

III. Municipal Councils shall be in charge of the following functions and public services:

- a. Drinking water, drainage, sewerage system, treatment and disposal of sewage
- b. Street lighting
- c. Garbage cleaning, collection, transport, treatment and final disposal
- d. Municipal markets and wholesale markets
- e. Cemeteries
- f. Slaughterhouse
- g. Streets, parks and gardens, as well as their equipment
- h. Public security, according to the provisions established by the Article 31 of this Constitution, as well as preventive and transit police
- i. Other services determined by the state legislature, depending on the territorial, social and economic conditions of the municipality and on the administrative and financial resources of the Municipal Council.

Without detriment of their constitutional jurisdiction, Municipalities shall follow the provisions stated by federal and local laws when performing their functions or providing a service.

The Municipal Councils, prior agreement of their councils, can coordinate their activities and collaborate to improve public services and their functions. For this purpose, the approval of the state legislature is necessary. When two or more Municipal Councils belonging to different states want to collaborate, the approval of their respective state legislature is necessary. Likewise, a Municipal Council and the respective state can make and execute agreements to authorize the state to temporarily take charge of one or some public services, directly or through the appropriate body, or when the municipality and the state agree to provide public services in a coordinated manner.

Indigenous communities belonging to the same municipality can also coordinate and collaborate according to the law and for the purposes indicated thereof.

IV. Municipal Councils shall freely manage their properties and assets, which shall be composed of the yields generated by their properties, as well as of the taxes and other revenues authorized by the state legislatures. It also includes:

- a. Taxes according to the rates established by the state legislature including additional rates for real estate property, taxes on division, consolidation, improvement and transfer of property; as well as any others that result from a change in the value of real estate. Municipal Councils can make and execute agreements with the state to authorize the state government to take charge of some functions regarding to management of local taxes.
- b. Federal contributions to the Municipalities authorized annually by the state legislature, specifying conditions, amounts and terms.

c. Revenue generated by provision of public services.

Federal laws shall not restrict the power of the state legislatures to fix the taxes and prices of the public services mentioned in the previous items *a* and *c*. Federal laws shall not grant tax exemptions thereof. State laws shall not grant tax exemptions or allowances to the benefit of any person or institution. Only the properties belonging to the federal, state and municipal governments shall be exempt from taxes, provided that they are not used by semi public or private entities for purposes different to those defined as public purpose.

Municipal Councils shall submit to the state legislature their proposal for tolls, charges, rates, taxes and the table of property value, which serve as basis to fix the property tax.

State legislatures shall approve the revenue law for the Municipal Councils, and shall review their public accounts. The Municipal Council, based on the available revenue, shall approve the expense budget and it shall include detailed information about the salaries of the municipal public servants, according to that established in the Article 127 of this Constitution.

The resources constituting the municipal treasury shall be used directly by the Municipal Council or by whomever it authorizes, according to the law.

- V. In accordance with the terms provided by the applicable federal and state laws, the Municipal Councils shall have power to:
- a. Plan, approve and manage urbanization and urban development.
  - b. Participate in the creation and administration of its own territorial reserves.
  - c. Participate in regional development planning, according to the general plans. Federal and state governments shall invite Municipal Councils to participate in regional development planning.
  - d. Authorize, control and supervise land use within their territory and jurisdiction.
  - e. Intervene in regularization of urban land tenure.
  - f. Grant construction permits.
  - g. Participate in creation and administration of nature reserves and in development and application of rules on this topic.
  - h. Participate in the development and implementation of public transportation programs, provided that such programs affect the Municipal Council's territory.
  - i. Make and execute agreements to manage and protect federal zones.

The Municipal Councils shall have power to issue administrative regulations and provisions necessary for the performance of their duties, where applicable and according to the purposes established in Article 27 part B of this Constitution.

- VI. When two or more urban settlements located in two or more different municipalities or states tend to form one single urban settlement, then the federal, state and municipal governments involved shall coordinate and collaborate to plan

and regulate the development of such urban settlement, observing the applicable federal law.

VII. Preventive police shall be under the Mayor's command, according to the terms established by the State's Public Security Act. Municipal police shall obey the orders given by the Governor in extreme cases or serious disturbances of public order.

The President of the Republic shall have command of public force in the place where he resides regularly or temporarily.

VIII. State laws shall introduce the principle of proportional representation in the election of the Municipal Council members in all municipalities.

IX. The applicable state laws in accordance with the Article 123 of this Constitution and its statutory provisions shall guide labor relations between the Municipal Council and its employees.

## **Article 116**

Public power the states shall be divided into three branches: executive, legislative and judicial. Two or more of these powers cannot be united in one single person or corporation, nor shall the legislative branch be vested in one single person.

The election for state governor and for local representatives shall be by direct vote, according to the provisions established by the law.

The state constitution shall organize each state power, according to the following provisions:

### **A. Executive Power**

I. State Governors shall not hold the office for more than a six-year term.

II. State Governors elected by popular vote, in ordinary or extraordinary elections, cannot have another term in office by any motive, not even as interim, provisional or substitute.

III. The following public servants may never be elected for the immediate subsequent term:

a. The substitute of a governor or the person appointed to finish the term due to the absolute absence of the constitutional governor, even if the position has a different name.

b. The interim governor, the provisional governor or the person appointed to substitute the governor during temporary absences, whenever this takes place during the last two years of the governor's term.

IV. To become a constitutional State Governor it is required to be a Mexican citizen by birth, be a native of the given state or have a residence in that state for at least the 5 immediate years to the day of the election.

### **B. Legislative Power**

I. The number of local representatives in the state congress shall be proportional to the number of inhabitants, but it should not be less than fifteen representatives.

II. The local Congress shall be formed with elected representatives according to the principles of relative majority and proportional representation in the terms established by law.

In no case a political party may have a number of representatives, by both relative majority and proportional representation principles, that exceeds, in percentage of the total legislature, by eight points its percentage of votes obtained in the election. This principle shall not be applied to the political party that by its triumphs in uninominal districts gets a percentage of representatives from the total legislature larger than the addition of its percentage of votes obtained in the election plus eight percentage points. Likewise, the minimum percentage of representation of a political party shall not be less than the percentage of votes obtained in the election minus eight percentage points.

III. State representatives may be elected up to four consecutive periods. For this matter, the candidate shall only be nominated by the same party or any coalition party that nominated him/her for the first term in office; unless, he/she had resigned or lost its membership before the first half of their tenure.

IV. The state legislature shall approve the corresponding annual expense budget. Salaries for the public servants shall observe the provisions established in the Article 127 of this Constitution.

The state legislative, executive and judicial branches, as well as the autonomous entities recognized by the state constitution, shall include in their proposal for expenses budget the detailed information about salaries for their employees.

V. State legislatures shall have a Local Auditing Office, which shall be granted with technical and managerial autonomy, as well as autonomy to decide about its internal organization, functioning and rulings according to the law. The auditing function shall be exercised according to the principles of legality, impartiality and reliability. This office shall audit the State and Municipal management of funds, local resources and public debt. The reports of the Local Auditing Office shall be public.

The head of the Local Auditing Office shall be appointed by the two-thirds of the members present in the Local House of Representatives. The head of the Local Auditing Office will remain in office for a period of no less than seven years. The elected official will be required to have five years of experience in matters of control, financial auditing and liabilities.

The public account of the previous years shall be sent to the State Legislature before April 30<sup>th</sup> of the current year. This time limit may only be postponed upon a justified request issued by the Governor and after consideration of the Legislature.

VI. The State Legislature will regulate the terms for the citizens to submit legislative bills before the respective Congress.

### C. Judicial Power

I. The local judicial power shall be exercised by the courts established by the corresponding state constitution.

II. The magistrates and judges shall be granted with independence in the performance of their duties by the state constitutions and the local organic laws of the respective state. These laws shall establish the requirements for admission, training and continuity of those employees of the state judicial branch.

III. Magistrates and judges appointed shall preferably be persons who have served efficiently and honestly in the judiciary, or who deserve the position because of their honorability, abilities and previous performance in the legal career.

IV. Local magistrates shall meet the requirements established in sections I to V of the Article 95 of this Constitution. Persons that during the previous year to the day of the appointment have held the office of Secretary or equivalent, local Attorney General or local representative of the Congress may not be magistrate.

Magistrates shall hold the office during the period of time specified in the local constitution, they may be reelected and they also may be removed from office only according to the state constitution and to the States' Public Service Accountability Act.

V. Magistrates and judges shall receive an adequate remuneration, which is non-negotiable and may not be reduced during their term in office.

D. The constitutions and laws of the states may grant full autonomy to the Administrative Justice Courts to issue their resolutions, establish their internal organization, their functioning and procedures and in the case, the procedures against their resolutions. The Courts shall resolve the controversies between the local and municipal public administration and between private parties. According to the respective laws, the Courts shall impose the corresponding sanctions to the local or municipal public servants for severe infringements to their administrative duties and to the individuals that participate in severe administrative infringements, as well as to establish the respective compensations or pecuniary sanctions that result from the damages to the Municipal or Local Treasuries or to the resources of local or municipal entities.

The investigation procedures, the presentation of evidence and the punishment of the administrative liabilities of the members of the local judicial branch shall be according to the provisions of the respective local constitution, without diminishing the responsibilities of the Auditing Office about the management, safekeeping and use of public resources.

E. Labor relations between the state government and its employees shall be regulated by the laws enacted by the state legislature, based on the Article 123 of this Constitution and on its statutory regulations.

F. Federal government and state governments can agree to transfer among them of some functions, provision of public services or implementation of infrastructure and works, whenever it is necessary for the economic and social development of the country.



- State government and Municipalities can make and execute such agreements to provide public services or perform functions mentioned in the previous paragraph.
- G. The local constitutions shall establish specialized, impartial, collegiate and autonomous entities responsible for guarantee the right of access to information and the protection of personal data held by obligors [*sujetos obligados*], following the principles and fundamentals established in the 7<sup>th</sup> Article of this Constitution and the general law issued by the Mexican Congress.
  - H. The State Constitutions shall guarantee that the justice administration functions are based on the principles of autonomy, efficiency, impartiality, legality, objectivity, professionalism, responsibility and respect to human rights.

### **Article 117**

According to this Constitution and the general laws in this regard, the State Constitutions and local electoral laws shall guarantee that:

- I. Governors, local representatives and municipal council members are elected through universal, free, secret and direct vote. The Election Day must occur on the first Sunday of June on the year that it correspond, unless the election happens on the same year than a federal election and it does not concur with the same date that the federal election;
- II. Electoral authorities shall guide their performance according to the principles of certainty, fairness, legality, objectivity and maximum publicity. They shall be granted with autonomy to perform their functions and with independence to make its resolutions, according to the provisions described by the law.

### **Article 118**

The following are considerations for the States.

- A. In any case they shall:
  - I. Sign alliances or coalitions, or make treaties with any other state or foreign government;
  - II. Mint money or issue money, stamps or stamped paper;
  - III. Establish local customs offices, levy a road tax on the persons or goods that pass through their territory, or tax the circulation or consumption of domestic and foreign products.
  - IV. Enact or keep in force fiscal laws or provisions that establish differences between the taxes and requirements for domestic products or foreign products by sole reason of origin.
  - V. To make and execute bonds or loan agreements with foreign governments, foreign associations or foreign private parties, or when such bonds or loans are to be paid with foreign currency or outside the country.  
States and Municipal Councils may only make and execute bonds or loan agreements when such resources are to be allocated in the investment of productive public projects or to refinance them, these agreements must follow the best market conditions. The same applies to decentralized

organs, public companies, public trusts or in the case of the States when they endorse Municipal debt. State Legislatures shall establish the basis on the corresponding law to follow this precept and to establish the concepts and amounts for these agreements. Never shall the governments pursue these debt agreements to cover regular expenditures. The executive power shall report these debt agreements in their annual accountability report.

State Legislatures, by a two third vote of the present members of the Congress shall authorize maximum amounts to agree on bonds and loan contracts given the best market conditions and with a previous analysis of its use, its payment capabilities, and in some cases to establish the source of payment or a payment guarantee.

Regardless the previous statement, States and Municipal Councils shall agree on liabilities to cover their short term needs but it may not surpass the maximum amounts or the conditions established by the general law issued by the National Congress. The short-term liabilities shall be fully paid no further than three months prior the end of the corresponding government period and no new liabilities shall be agreed within those last three months.

VI. Levy a different tax on production, store or sale of leaf snuff than the tax authorized by the Congress of the Union.

B. Without approval of the Federal Congress:

I. Establish tonnage duties or any other port duties, or levy a tax on importing or exports;

II. Have permanent troops or warships;

III. Declare war against foreign nation, except for cases of invasion or imminent danger. In such case, the state shall notify immediately the President of the Republic.

## **Article 119**

The Powers of the Union have the duty to protect the states against foreign invasion or violence. In the event of uprising or internal social unrest, the Powers of the Union must protect the state, as long as they are called by the state legislature, or by the governor if legislature is not in session.

Each State and the Federal District are obliged to deliver, without delay, those suspected, processed or convicted persons required by another state, as well as to carry out confiscation and delivery of objects and instruments used in perpetration of the crime and the benefits thereof. These obligations will be discharged through the respective organs of justice procurement, observing the conditions established in the collaboration agreements made by the states. For this purpose, the local authorities can make and execute collaboration agreements with the Federal Attorney General's Office.

The petitions for extradition, made by a foreign State, shall be processed by the President of the Republic, with the intervention of the judicial authority in accord with the provisions stated in this Constitution, in the applicable international treaties and in the statutory laws. In those cases, the writ of the judge, ordering to comply with the call for

extradition, shall be enough to cause the person requested to be detained for up to 60 calendar days.

### **Article 120**

It is mandatory for the Governors to publish and uphold federal laws.

### **Article 121**

Each state of the Federation shall give full faith and credit to the public acts, registrations and judicial proceedings made by the other states. The Federal Congress, through general laws, shall establish the method to prove such acts, registrations and judicial proceedings and their effect, in accord with the following bases:

- I. The laws of a state only have effect inside its own territory; as a consequence, they have no effect outside its limits;
- II. Personal property and real estate shall be subject to the local law of place where they are located;
- III. Rulings passed by a court of a state about property rights on properties located in another state, may only be enforced in the other state if the local laws so establishes.  
Sentences about personal rights may only be enforced in other state when the person judged has, expressly or by reason of residence, submitted himself to the jurisdiction of the courts that pronounced such sentences, provided that the person has been summoned to appear in the trial;
- IV. Acts pertaining to marital status, carried out according to the laws of a state, shall be valid in the other states;
- V. University degrees issued by a state government, in accordance with its laws, shall be valid in the other states.

### **Article 122**

According to Article 47 of this Constitution, the Federal District's government ruled by the Federal Powers together with the local Executive, Legislative and Judicial powers, upholding the provisions set forth by the applicable laws.

## **TITLE SIX**

### **On Labor and Social Security**

### **Article 123**

Every person has the right to have a decent and socially useful job. Therefore, the state shall promote employment creation and social organization of work according to the law.

The Congress of the Union, without contravening the following basic principles, shall issue labor laws. These laws shall uphold the following provisions:

A. Employment contracts to workers, day laborers, domestic employees, artisan, in a general manner shall consider that:

I. The maximum duration of the working day shall be eight hours and night work shall be seven hours.

When overtime is required it shall pay for the extra time of work an additional one hundred percent of the payment for regular hours. In no case overtime can exceed three hours per day nor three consecutive days. People younger than 16 years may not be hired for these labors.

II. For every six days of work, a worker must have at least one day of rest.

III. Labor of children under fifteen years of age is prohibited. Children older than fifteen years old and less than sixteen shall have a maximum working day of six hours. Unhealthy or dangerous work, industrial night work and any work after ten o'clock at night is prohibited for these minors.

IV. During pregnancy, women shall not perform any work that requires excessive physical effort and that could potentially be dangerous to the pregnancy. Women have the right to enjoy a leave due to childbirth, which shall cover six weeks before the birth and six weeks thereafter. During such leave, women shall receive their full wages and retain their employment and the rights acquired under their labor contract. During the nursing period, they shall have two special rest periods per day, consisting of half hour each one, to feed their babies.

V. In relation to wages, the following provision must be observed:

a. Equal wages shall be paid for equal work, regardless of sex or nationality;

b. Wages must be paid in the legal currency used at the moment;

c. Minimum wage shall be general or professional. The general minimum wages are related to the different economic zones for where they are established. Professional wages shall apply on specific industries, professions, trades or special works.

The general minimum wage must be sufficient to satisfy the normal material, social, and cultural needs of a family, and to provide the compulsory education of children. The professional minimum wage shall be fixed by taking into account the conditions of the different industrial and commercial activities.

A national commission composed by representatives of the workers, employers, and the Government shall fix minimum wages. Special advisory committees may assist this national commission if it considers them necessary for a better performance of its duties.

d. The minimum wage shall be exempt from compensation, or deduction.

VI. Workers are entitled to participate in profit sharing.

A national commission composed of workers and employers representative plus federal government representatives shall establish a percentage of profits that must be shared among workers. The law shall establish the basis and regulations for this commission, as well as the exceptions that can be

made to profit sharing schemes and the basis by which the profit amounts are established. The right of the workers to receive a share of the profits does not imply that they can participate in the management of the company.

- VII. In all farming, industrial, or mining corporation, or any other kind of business, employers are obliged to provide to workers comfortable and hygienic housing. This obligation shall be discharged through contributions made by the companies to a national housing fund, which shall provide the workers with inexpensive loans, sufficient to acquire a house.

The law shall create a body composed of representatives of the Federal Government, of the workers and of the employers to manage the resources of the national housing fund. The companies located outside the villages are obliged to establish schools, medical services and other services necessary in the community. In addition, in these work centers, when the population of the community exceeds 200 inhabitants, a tract of land of not less than five thousand square meters must be set aside to use them as public markets, municipal services and recreation centers.

Establishments selling intoxicating liquors and casinos are prohibited in all work centers.

- VIII. The companies are obliged to provide their workers with training for the job. The statutory law shall establish the systems, methods and procedures through which employers will meet this requirement.
- IX. The employer shall observe the legal regulations on hygiene and health that are applicable to his establishment, and to adopt adequate measures for the prevention of accidents in the use of machines, instruments and materials. The employer must organize the work in such a way to protect the health and safety of workers and of unborn children, in the case of pregnant women. The law shall define the penalties applicable to offenders.
- X. Employers shall be responsible for labor accidents and for occupational diseases of workers. Therefore, in accordance to the law, employers shall pay the appropriate compensation, depending on the consequences of the accident or disease such as death, temporary or permanent incapacity to work. This liability shall remain even when the employer contracts the work through an intermediary.
- XI. Both, employers and workers shall have the right to associate for the defense of their respective interests, by forming unions, professional associations, etc.
- XII. The laws shall recognize strikes and lockouts as rights of workers and employers considering the following provisions:
- a. Strikes shall be legal when their purpose is to attain equilibrium between the several factors of production, harmonizing labor rights and the purposes of capital. In the case of public services, the workers must notify, at least ten days in advance, the Commission for Conciliation and Arbitration about the date agreed for the suspension of work. Strikes shall be considered as illegal only when the majority of strikers carry out violent acts against persons or property, or in the event of war, when the workers belong to governmental establishments or services.

- b. Lockouts shall be legal only when an excess of production makes it necessary in order to maintain prices at a reasonable level, with prior approval of the Commission for Conciliation and Arbitration.
- XIII. Differences or disputes between employers and workers shall be subject to the decisions of the Commission for Conciliation and Arbitration, the same that was established by Article 108 part C of this Constitution.  
If an employer refuses to submit the conflict to the Commission for Conciliation and Arbitration or to accept the decision thereof, the work contract shall be terminated and the employer shall give to the worker a compensation equal to three months salary, plus the liabilities originated by the conflict. This provision shall not be applicable in the case of actions covered in the following section. If the workers refuse to submit the conflict to the Commission for Conciliation and Arbitration, the work contract shall be terminated.
- XIV. If an employer fires a worker without justified cause or because he has joined an association or union, or for having taken part in a lawful strike, then the employer is obliged to fulfill the work contract or to compensate the worker with a quantity equal to three months salary, whatever the worker chooses. The law shall specify those cases in which the employer may be exempted from the obligation of paying compensation. The employer is also obliged to pay a three months salary compensation to the worker if the worker leaves his employment due to the employer's lack of honesty or because the employer mistreats the worker or worker's wife, parents, children or siblings. The employer cannot be exempted from this liability when his subordinates or members of his family acting with his consent or tolerance inflict the mistreatment.
- XV. Credits in favor of workers for wages earned within the last year, and for compensations, shall have priority over all other obligations in the event of receivership or bankruptcy.
- XVI. Only the worker shall be responsible for debts acquired by himself and payable to his employer or to his employer's associates, relatives or dependents. In no case the payment can be exacted from the members of the worker's family, nor are these debts demandable for an amount exceeding one-month salary.
- XVII. Employment services shall be free for workers, whether the service is performed by a municipal office, an employment agency or any other public or private institution. When providing employment services, labor demand must be taken into account. In equal conditions, the persons who are the only income source for their family shall have preference.
- XVIII. Every work contract made between a Mexican and a foreign employer must be authenticated by the responsible municipal authority and countersigned by the consul of the country to which the worker intends to go. Such work contract shall include a clause clearly specifying that the employer will bear the costs of repatriation.
- XIX. The following conditions or clauses shall be considered null and void and not binding on the contracting parties, even if expressed in the contract:

- a. Those that fix an inhuman working day;
- b. Those that fix wages that are not remunerative, according to the criteria of the Commission for Conciliation and Arbitration;
- c. Those providing a period longer than one week for the payment of a daily wage;
- d. Those indicating as the place of payment of wages a recreation center, cheap restaurant, coffee shop, tavern, bar, or store, except for the employees of such establishments;
- e. Those indicating the direct or indirect obligation of acquiring basic products in specific stores or places;
- f. Those that allow the retention of wages as a fine;
- g. Those that constitute a waiver by the worker of indemnification to which he is entitled due to labor accidents, occupational diseases, damages caused by breach of contract or dismissal;
- h. Any other provision that imply waiver of any right granted to workers by the law;

XX. The laws shall determine what property constitutes the family patrimony. Such property shall be inalienable, not subject to taxes or attachment. This property shall be transferrable as inheritance and shall be granted with the simplification the formalities thereof.

XXI. Social Security Laws shall be considered for social welfare. This act shall include disability benefit, retirement pension, life insurance, involuntary unemployment benefit, health services, nursery services, and other services intended to guarantee wellbeing of workers, farm workers and other kind of employees, as well as the wellbeing of their families.

XXII. Cooperatives established for the construction of inexpensive and hygienic houses to be purchased on installments by workers, shall be considered of social utility.

XXIII. Enforcement of the labor laws belongs to the authorities of the states, within their respective jurisdictions. However, it is the exclusive jurisdiction of the federal authorities in matters regarding industrial and service sectors that the statutory laws establish. Likewise, the following corporations shall be part of the federal jurisdiction:

- a. Those corporations that are administered directly or in a decentralized form by the Federal Government
- b. Those corporations that have a contract or license granted by the Federal Government, and connected industries.
- c. Those corporations working in federal zones or under federal jurisdiction, in territorial waters or inside the exclusive economic zone of the nation.

XXIV. The following topics shall be the exclusive jurisdiction of the federal authorities:

- a. Labor disputes that affect two or more states;
- b. Collective work contracts that have been declared obligatory in more than one state;

c. Employer's obligations related to educational matters, according to the respective law;

d. Employer's liabilities regarding training for workers, and safety and hygiene at work centers.

State authorities shall assist federal authorities in matters under local jurisdiction, in accord with the applicable statutory law.

- B. The Powers of the Union, the Federal District Government and their employees:
- I. The maximum duration of the working day shall be eight hours. The maximum duration of night work shall be seven hours. Those in excess will be considered overtime, the salary to be paid for overtime shall be 100% more than the amount fixed for regular hours. Overtime work may never exceed three hours a day nor three times consecutively.
  - II. For every six days of work, the employee must have at least one day of rest, with full payment of wage.
  - III. Workers shall be entitled to vacations of not less than twenty days a year.
  - IV. Wages shall be subject of the following provisions:
    - a. Wages shall be fixed in the respective budgets, and their amount may not be decreased while a given budget is in effect, observing the provisions stated by the Article 127 of this Constitution;
    - b. In no case, the wages of the public servants may be lower than the minimum wage established for the Federal District and the states.
    - c. Equal wages shall be paid for equal work, regardless the gender
    - d. Withholdings, discounts, deductions or attachments from wages may only be made in those cases provided by law.
  - V. Personnel appointments shall be done according to the knowledge and skills of the candidates. The State shall organize schools on public administration.
  - VI. The promotions shall be granted according knowledge, skills and seniority. Under the same conditions, the individual representing the only source of income for his family shall have preference.
  - VII. Workers may be suspended or fired only due to justified cause and according to the law. In the event of unjustifiable dismissal, employees have the right to choose between reinstatement and the appropriate indemnity through the appropriate legal proceedings. In case of positions axing, the affected workers shall have the right to get another position equivalent to the position that has been suppressed or to get compensation.
  - VIII. Public employees shall have the right to associate in order to protect their common interests. They may also exercise their right to strike, observing the requirements prescribed by law, whenever the rights established by this article are generally and systematically violated.
  - IX. Social security shall be organized according to the following minimum basis:
    - a. Social security shall cover work accidents, occupational diseases and other diseases, pregnancy, retirement, disability, elderlies, and death.



- b. In case of accident or illness, the worker shall keep the right to work for the time specified by law.
- c. During pregnancy, women shall not perform such work that requires excessive physical effort and could be dangerous to the pregnancy. Women have the right to enjoy a disability leave due to childbirth, which shall cover one month previous to the birth and two months thereafter. During such disability leave, women shall receive their full wages and retain their employment and the rights acquired under their labor contract. During the nursing period, they shall have two special rests per day, consisting of half hour each one, to feed their babies. In addition, they shall enjoy medical and obstetrical services, medicines, nursing aid and nursery services.
- d. Worker's family has the right to medical care and medicines, according to the law.
- e. The Social Security System shall create centers for vacations and convalescence, as well as cheap grocery stores for workers and their families.
- f. The Social Security System shall provide to workers inexpensive housing for rent or sale, in accordance with previously approved programs. Additionally, the State shall create a national housing fund and shall make contributions to it. Such fund shall provide the workers with inexpensive loans, sufficient to acquire a comfortable and hygienic house, or to build, renovate or improve their home or to pay loans used to buy a house.

Contributions made to the national housing fund shall be notified to the respective Social Security Institute. The law of such Institute, as well as the other applicable laws, shall regulate the administration of the national housing fund and shall establish procedures to grant loans to workers.

- X. Individual, collective and inter-union conflicts shall be submitted to a federal court for conciliation and arbitration, according to the statutory law. The labor conflicts between the Federal Judicial Power and its workers shall be resolved according to article 95 of this Constitution.
- XI. Military and naval personnel, Foreign Service personnel, public prosecutors, legal experts and members of the public security corps, shall be governed by their own laws. Public prosecutors, legal experts and members of the police forces belonging to the Federation, the Federal District, the states and the municipal councils, can be dismissed if they do not meet the requirements established by law or due to liabilities as a result of their functions. If the jurisdictional authority determines that dismissal or any other form of termination is not justified, the State shall be obliged only to pay to the employee the compensation and other benefits established by law. Regardless the result of the ruling, the employee shall not be reinstated back to service.

The federal, state and municipal authorities, as well as the Federal District Government, shall implement complementary social security systems to

strengthen social security for the employees of the Public Prosecution System, of the police forces and of the legal services, as well as for their families.

The State shall provide active members of the Army, Air Force and Navy with the benefits mentioned in the paragraph *f* section IX of this part, through the body created for this purpose in such institutions.

XII. The Central Bank and all the federal public organs belonging to the Mexican banking system shall follow the provisions established in this part regarding labor relations between them and their employees.

XIII. The law shall determine what positions are to be considered as trusted positions. Persons who hold such positions shall be entitled to the social security and protection of wages.

## **TITLE SEVEN**

### **General Provisions**

#### **Article 124**

The powers not expressly granted by this Constitution to federal officials, shall be considered as reserved to the States.

#### **Article 125**

No person may hold two federal elective offices at the same time, nor one federal and one state elective office; but an elected candidate may choose which of the two he desires to hold.

#### **Article 126**

No payment shall be made if it is not included in the budget or provided for by a subsequent law.

#### **Article 127**

Employees of the Federal Government, the State governments, the Federal District Government and the Municipal Councils, as well as the employees of any governmental agency, semipublic companies, public trusts, autonomous bodies and any other public entity, shall receive an adequate remuneration for their work or commission and it shall be proportional to their responsibilities.

This remuneration shall be established in a fairly manner in the annual expenditure budgets that corresponds. The remunerations shall follow the basis and principles that the law establishes.

## **Article 128**

Every public official, without exception, before taking office, shall swear to uphold the Constitution and to the laws emanating thereof.

## **Article 129**

During peacetime, no military authority may perform any functions other than those directly related to military affairs. There shall be fixed and permanent military command headquarters only in the castles, forts and warehouses immediately subordinated to the Federal Government, or in the camps, barracks or dumps established for the troops outside towns or cities.

## **Article 130**

The historic principle of separation between the State and religion shall guide the provisions established in this article. Churches and any other religious groups shall observe the law.

Only the Congress of the Union can legislate on matters of public worship, churches and religious groups. The respective public statutory law shall develop and detail the following provisions:

- I. Churches and religious groups shall have a legal status as religious association after the corresponding registration procedures according to the conditions and requirements established by the law.
- II. The government shall not intervene in the internal affairs of the religious associations.
- III. Mexicans and foreigners can become ministers of any religious denomination. However, they must meet the requirements established by law.
- IV. Religious ministers cannot hold public offices, according to the statutory law. As citizens, they shall have the right to vote, but they do not have the right to be elected. Those who have ceased being church ministers with the required anticipation and by the procedures established in the law might be elected.
- V. Church ministers cannot form associations for political purposes nor shall they promote or discourage the vote for candidates or political parties. Neither may they oppose the laws of the Nation or its institutions, nor insult patriotic symbols in any form, in public meetings, in worship or in religious literature.  
The formation of any kind of political group with a name containing any word or other symbol related to any religion is strictly prohibited.
- VI. Church ministers, their ascendancy, children, siblings and spouses, as well as their religious associations, cannot inherit by will from their followers or people that had received spiritual counsel from them and do not have family relationship of up to fourth grade.

Acts of marital status pertain only to the administrative authorities under the terms established by law. The law shall define the effect and validity for the marital status acts.

The law shall confer powers and duties on civil matters to the federal, state and municipal authorities.

### **Article 131**

The Federal Government can, exclusively, tax imports and exports, and merchandises that pass in transit through the national territory. The Federal Government has also the power to regulate at all times, and even to prohibit, for security reasons, the circulation of merchandises across the country, regardless of their origin. However, the Federal Government cannot establish or enact, in the Federal District, those taxes and laws mentioned in items III and IV part A of Article 118.

The President of the Republic can be empowered by the Federal Congress to increase, decrease, or abolish tariff rates on imports and exports that were approved by the Congress; to establish new tariff rates; to restrict and to prohibit the importation, exportation or transit of products, articles and goods in order to regulate foreign trade, the stability of domestic production, to regulate domestic economy or for any other purpose in benefit of the country. The President of the Republic shall send to the Congress, for its approval, the annual budget that must include the report of the exercise of this power.

### **Article 132**

The forts, barracks, warehouses and other buildings used by the Federal Government to provide public services or for public use, shall be subject to the jurisdiction of the federal powers in accordance with the law enacted by the Federal Congress. However, if the Federal Government acquires properties in the future within the territory of any state, in order to put such property under federal jurisdiction, the consent of the respective legislature shall be necessary.

### **Article 133**

This Constitution, the laws derived from it and enacted by the Federal Congress, and all the treaties made and executed by the President of the Republic, with the approval of the Senate, shall be considered as the supreme law of the country. The judges of each state shall observe the Constitution, the laws and treaties, despite any contradictory provision that may appear in the states' constitutions or local law.

### **Article 134**

The economic resources available for the federal, state and municipal governments, for the Federal District, and for the political-administrative bodies belonging to it, shall be managed by the principles of efficiency, effectiveness, economy, transparency and honesty in order to achieve the objectives for which they are intended.

The results of the use of such resources shall be evaluated by the technical agencies created by the Federation, the States and the Federal District Government so that these

resources are distributed in an appropriate manner in the corresponding budgets according to the previous paragraph, regardless the provisions stated in articles 75 and 79 of this Constitution.

All contracts made by the authorities and entities mentioned before on acquisitions, renting, transfers, provision of services and works shall be awarded by open tenders, where bidders submit their sealed bids. These sealed bids will be publicly opened to guarantee that the State gets the best market conditions available in regard to price, quality, financing, opportunity and other appropriate conditions.

When the tenders are not convenient to guarantee these market conditions, the law shall establish the basis, procedures, regulations, requirements and other conditions necessary to guarantee that the State gets the best conditions in terms of economy, effectiveness, efficiency, impartiality and honesty.

Management of federal economic resources by state and municipal governments, the Federal District Government and its political-administrative bodies shall be carried out observing the basis established in this article and the applicable statutory laws. Revision of the use of such resources shall be made by the technical state agencies mentioned in the second paragraph of this article.

Public servants shall be accountable for any violation committed against the provisions established in this article, according to the terms stated in the Title Four of this Constitution.

The public servants of the federal, state and local governments, as well as the Federal District public servants and the public servants of its political-administrative bodies are, at all times, obliged to impartially manage the public resources under their responsibilities without affecting the fairness of the competition between political parties.

Propaganda disseminated through any media by the government, the autonomous bodies, agencies and other public administration entities of any of the government levels shall be done in an institutional manner for information, education or guiding purposes. In no case, this propaganda shall include names, images, voices or symbols that imply the personal promotion of a public servant.

The laws, within their jurisdiction, shall guarantee the strict enforcement of the provisions stated in the two previous paragraphs and shall include penalties to be applied to offenders.

## **TITLE EIGHT**

### **On Constitutional Amendments**

#### **Article 135**

This Constitution may be subject of additions and amendments. To approve and include such amendments or additions, the vote of two-thirds of the present members of the Congress of the Union is required and, additionally, it is required that the majority of the local Congresses approve these amendments.

The Congress of the Union or the Permanent Committee, as appropriate, shall count the votes of the legislatures and shall announce those additions or amendments that have been approved.

## **TITLE NINE**

### **On the Inviolability of the Constitution**

#### **Article 136**

This Constitution shall not lose its authority and effect, even if its observance is interrupted by a rebellion. In the event that a government, whose principles are contrary to those that are sanctioned herein, is established through any public disturbance, the observance of this Constitution shall be reestablished as soon as the people recover their liberty. Those who have taken part in the government emanating from the rebellion, as well as those who have cooperated with such persons, shall be judged in accordance with this Constitution and the laws derived from it.