

*Unofficial Translation*

**DECREE by which the General Law on Victims is issued.**

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**At the margin a stamp with the National Shield, which says: United Mexican States - Congress of the Union.**

"THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES, OF WHICH I AM A MEMBER:

**THE GENERAL LAW ON VICTIMS IS ISSUED**

**SOLE ARTICLE** - The General Law of Victims is enacted.

**GENERAL VICTIMS ACT**

**TITLE ONE**

**GENERAL PROVISIONS**

**CHAPTER I**

**APPLICATION, OBJECT AND INTERPRETATION**

This General Law is of public order of social interest and observance throughout the national territory, in terms of the provisions of article 1, third paragraph, article 17, and article 20, paragraph C, of the Political Constitution of the United Mexican States, international treaties entered into and ratified by the Mexican State, and other laws relating to victims.

In rules protecting victims in laws passed by Congress, the law that is most favorable to the person shall always apply.

This Law obliges the authorities of the three spheres of government, and of the three Constitutional Powers, as well as any office, dependency, organism or public or private institution that watches over the protection of the victims, to provide help, assistance or integral reparation.

Integral reparation includes measures of restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition, in their individual, collective, material, moral and symbolic dimensions. Each of these measures shall be implemented in favour of the victim, taking into account the gravity and magnitude of the punishable act committed or the gravity and magnitude of the violation of his/her rights, as well as the circumstances and characteristics of the victimizing act.

**Article 2.** The object of this Law is:

- I. Recognize and guarantee the rights of victims of crime and human rights violations, especially the right to assistance, protection, attention, truth, justice, integral reparation, restitution of their violated rights, due diligence, non-repetition and all other rights enshrined in the Constitution, in the International Human Rights Treaties to which the Mexican State is a party and other human rights instruments;
- II. Establish and coordinate the necessary actions and measures to promote, respect, protect, guarantee and enable the effective exercise of the victims' rights; as well as implement mechanisms to ensure that all authorities within their respective spheres of competence comply with their obligations to prevent, investigate, punish and achieve comprehensive reparation;
- III: Guarantee the effective exercise of the victims' right to justice in strict compliance with the rules of due process;
- IV. Establish the specific duties and obligations of the authorities and anyone involved in victim-related procedures;
- V. Establish sanctions for non-compliance by action or omission of any of its provisions.

This Act shall be interpreted in conformity with the Constitution and with international human rights treaties and shall at all times promote the fullest protection of the rights of individuals.

**CHAPTER II**

**CONCEPT, PRINCIPLES AND DEFINITIONS**

Direct victims are those persons who have directly suffered any damage or economic, physical, mental, emotional, or in general any endangerment or injury to their legal property or rights as a consequence of the commission of a crime or violations of their human rights recognized in the Constitution and in the International Treaties to which the Mexican State is a party.

Relatives or dependants who have an immediate relationship with the direct victim and any person who in any way suffers harm or endangers his or her rights by assisting a victim are indirect victims.

The quality of victims is acquired with the accreditation of the damage or impairment of rights in the terms established in this Law, and regardless of whether the person responsible for the damage is identified, apprehended, or convicted, or of his or her participation in any judicial or administrative procedure.

The mechanisms, measures and procedures established in this Law shall be designed, implemented and evaluated applying the following principles:

**Dignity:** Human dignity is a value, a principle and a fundamental right, the basis and condition of all others. It implies the understanding of the person as holder and subject of rights and not to be the object of violence or arbitrariness on the part of the State or individuals.

By virtue of the victim's human dignity, all State authorities are obliged at all times to respect the victim's autonomy, to consider it and to treat it as an end in itself. Similarly, all State authorities are obliged to ensure that the existential minimum to which the victim is entitled is not diminished, nor that the essential core of his rights is not affected.

In any case, any rule, institution or act deriving from this Act shall be interpreted in accordance with the human rights recognized by the Constitution and the international treaties to which the Mexican State is a party, always applying the most beneficial rule for the individual.

**Good faith - The** authorities will presume the good faith of the victims. The public servants who intervene on the occasion of the exercise of the rights of the victims should not criminalize them or make them responsible for their situation as victims and should provide them with help, attention and assistance services from the moment they require it, as well as respect and allow the effective exercise of their rights.

**Complementarity -** The mechanisms, measures and procedures contemplated in this Law, especially those related to assistance, aid, protection, attention and integral reparation to victims, should be carried out in a harmonious, effective and efficient manner, always understood as complementary and not excluding.

Individual, administrative or judicial reparations, as well as collective reparations, must be complementary in order to achieve the comprehensiveness that reparation seeks.

**Due diligence -** The State shall carry out all necessary actions within a reasonable time to achieve the object of this Law, especially prevention, aid, attention, assistance, the right to truth, justice and integral reparation in order for the victim to be treated and considered as a rightful subject.

The State shall remove the obstacles that prevent real and effective access by victims to the measures regulated by this Act, take priority action aimed at strengthening their rights, contribute to their recovery as subjects in full exercise of their rights and duties, and permanently evaluate the impact of actions implemented in favour of victims.

**Differential and specialized approach:** The existence of population groups with particular characteristics or with greater vulnerability due to their age, gender, sexual preference or orientation, ethnicity, condition of disability and others is recognized.

The various authorities involved in the application of this Act shall offer, within the scope of their respective competencies, special guarantees and protection measures to groups exposed to a greater risk of violation of their rights, such as children, young people, women, older adults, persons with disabilities, migrants, members of indigenous peoples, human rights defenders and persons in situations of internal displacement. The best interests of the child shall at all times be recognized. All regulations, institutions and acts deriving from this Act shall integrate a cross-cutting approach to gender and the protection of persons and groups in a situation of special vulnerability.

This principle includes the adoption of measures that respond to the attention of such particularities and degree of vulnerability, recognizing also that certain damages suffered by their severity require a specialized treatment to respond to their rehabilitation and reintegration into society.

**Transformative approach:** The various authorities involved in the application of this Law shall, within the scope of their respective competencies, make the necessary efforts to ensure that the aid, protection, care, assistance and comprehensive reparation measures to which victims are entitled contribute to the elimination of discrimination and marginalization schemes that could have been the cause of the victimizing acts.

**Free of charge -** All actions, mechanisms, procedures and any other procedure involving the right of access to justice and other rights recognized in this Law shall be free of charge for the victim.

**Equality and non-discrimination.** In the exercise of the rights and guarantees of victims and in all proceedings referred to in this Act, the authorities shall conduct themselves without distinction, exclusion or restriction, exercised on the grounds of sex, race, colour, ethnic, social, national, language, religion, political, ideological or any other opinion, gender, age, sexual preference or orientation, marital status, health conditions, membership of a national minority, property and disabilities, or any other condition that has the purpose or effect of preventing or nullifying the recognition or exercise of the rights and the real equality of opportunity of persons, or any other condition that has the purpose or effect of preventing or nullifying the recognition or exercise of the rights and real equality of opportunity of persons. Any guarantee or special mechanism shall be based on reasons of differential approach.

**Integrity, indivisibility and interdependence -** All the rights contemplated in this Law are interrelated. The enjoyment and exercise of these rights cannot be guaranteed without at the same time guaranteeing the rest of the rights. The violation of one right will jeopardize the exercise of others.

In order to guarantee comprehensiveness, assistance, attention, help and integral reparation to the victims will be carried out in a multidisciplinary and specialized manner.

**Maximum protection:** Understood as the obligation of any authority of the three orders of government to ensure the widest application of measures to protect the dignity, liberty, security and other rights of the victims of crime and human rights violations.

The authorities shall at all times take measures to ensure their safety, protection, physical and psychological well-being and privacy.

**No criminalization:** The authorities must not aggravate the suffering of the victim, nor treat her in any case as a suspect or responsible for the commission of the facts that she denounces.

No authority or individual may publicly speculate about the victims' membership in organized crime or their association with any criminal activity. Stigma, prejudice and subjective considerations should be avoided.

**Secondary victimization** - The particular characteristics and conditions of the victim may not be a reason for denying her quality. Nor may the State demand mechanisms or procedures that aggravate their condition, or establish requirements that hinder and prevent the exercise of their rights or expose them to further harm through the conduct of public servants.

**Joint participation:** In order to overcome the vulnerability of victims, it is necessary to work together. Civil society and the private sector, including groups or collectives of victims, may implement plans or measures that contribute to the attainment of these objectives.

Once the victim's rights are guaranteed, he or she should collaborate with investigations and measures to overcome his or her condition of vulnerability, within his or her possibilities, taking into account the context, provided that the measures do not imply a detriment to his or her rights.

**Progressivity and non-regressivity** - The authorities committed in the application of this Law acquire the obligation to carry out all the necessary actions to guarantee the rights recognized in this Law and may not back down or subordinate those rights, standards or levels of compliance reached.

**Publicity:** All actions, mechanisms and procedures must be public, provided that this does not violate the human rights of the victims or the guarantees for their protection.

The State should implement effective dissemination mechanisms in order to provide information and guidance to victims about their rights, guarantees and remedies, as well as actions, mechanisms and procedures at its disposal, which should be addressed to victims and publicized in a clear and accessible manner.

**Accountability** - The authorities and officials in charge of the implementation of the Law, as well as as well as the plans and programs that this law regulates, will be subject to effective mechanisms of accountability and evaluation in which public participation must be contemplated, including victims and groups of victims.

**Transparency:** All actions, mechanisms and procedures carried out by the State in the exercise of its obligations towards the victims should be implemented in such a way as to guarantee access to information, as well as the corresponding follow-up and control.

The authorities should have effective mechanisms for accountability and evaluation of the policies, plans and programmes that are implemented to guarantee the rights of victims.

**Preferential treatment** - All authorities within their jurisdiction have an obligation to ensure dignified and preferential treatment of victims.

**Article 6.** For the purposes of this Law, the following definitions shall apply:

- I. **Legal Advisor:** Federal Legal Advisor for Victims;
- II. **Legal Consultancy:** Federal Legal Advisor's Office for Victim Attention;
- III. **Victims' Commissions:** State and Federal District Commission for Comprehensive Care of Victims;
- Executive Committee:** Executive Committee for Victim Care;
- V. **Compensation:** Financial compensation to which the victim is entitled;
- VI. **Damage:** Death or bodily injury, moral and material damage or harm, except to property owned by the person responsible for the damage; loss of income directly derived from an economic interest; loss of income directly derived from the use of the environment incurred as a result of significant deterioration of the environment, taking into account savings and costs; cost of reinstatement measures, limited scope of measures actually taken or to be taken; and cost of preventive measures, including any loss or damage caused by such measures, to the extent that the damage results or results;
- VII. **Offense:** Typical, unlawful and culpable conduct punishable under criminal laws and their equivalents referred to by the international treaties to which Mexico is a party;
- VIII. **Fund:** Fondo de Ayuda, Asistencia y Reparación Integral;
- IX. **Group:** Group of people linked by constant temporal spaces, which, articulated in their mutual internal representation, implicitly and explicitly proposes a task that conforms its purpose, interacting through mechanisms of assumption and assignment of roles;
- X. **Diffuse or collective interest:** Corresponds to the interest of a plurality of persons belonging to a non-organized and non-individualized social group or to an indigenous community or people;
- XI. **Law:** General Victims Act;
- Migration:** Any movement of persons into or within the territory of another State regardless of size, composition or cause. Migration includes displacement by refugees, displaced persons, uprooted people and economic migrants;
- Migrant:** A person who, voluntarily and for personal reasons, moves from his place of origin to a particular destination with the intention of settling there;
- XIV. **Irregular migrant:** A person who, after irregular entry or expiration of his/her visa, has an illegal status in the receiving or transit country. The term applies to migrants who violate the admission rules of a receiving country or to any other person not authorized to stay in the country;

- XV.** It consists of the obligation of the State to provide the victim and his or her family nucleus with a place in which adequate attention is given to them so that they may overcome their condition and their subsistence is assured with the due dignity that must be recognized to human beings at each moment of their existence;
- XVI.** **Essential nucleus:** That part of the right that grants fundamental rights of direct and immediate application and that tends to the satisfaction of the basic needs of its holder or holders;
- SEVENTEENTH. Procedure:** Judicial or administrative proceedings;
- XVIII. Registry:** National Registry of Victims;
- NINETEENTH. Regulations:** Internal Regulations of the Executive Committee for Victim Care;
- XX System:** National Victim Care System;
- XXI. Victim:** A person who has directly or indirectly suffered the impairment of his or her rights as a result of a human rights violation or the commission of a crime;
- XXII. Violation of human rights:** Any act or omission that affects the human rights recognized in the Constitution or in international treaties, when the agent is a public servant in the exercise of his functions or powers or an individual who exercises public functions. It is also considered a violation of human rights when the action or omission referred to is carried out by a private individual instigated or authorized, explicitly or implicitly by a public servant, or when he acts with the acquiescence or collaboration of a public servant.

**TITLE SECOND  
OF THE RIGHTS OF VICTIMS  
CHAPTER I**

**OF THE GENERAL RIGHTS OF VICTIMS**

**Article 7:** The rights of victims provided for in this Act are by way of illustration and shall be interpreted in accordance with the provisions of the Constitution, the treaties and the laws applicable to the care of victims, always favouring the widest possible protection of their rights.

Victims shall have, inter alia, the following rights:

- I. The right to be treated with humanity and respect for their dignity and human rights by public servants and, in general, by the personnel of the public institutions responsible for compliance with this Law, as well as by individuals who have agreements to provide services to victims;
- II. The right to seek and receive help, assistance and care in a timely, prompt, equitable, free and effective manner by personnel specialized in attending to the harm suffered since the commission of the victimizing act, regardless of the place where the victim is located; as well as the right to ensure that such help, assistance and care does not lead, in any case, to new trauma;
- III. The right to truth, justice and integral reparation through accessible, appropriate, sufficient, rapid and effective remedies and procedures;
- IV. Victims, regardless of whether they are subject to criminal or other proceedings, have the right to the protection of the State, including their physical and psychological well-being and the security of their environment, with respect for their dignity and privacy.  
This includes the right to protection of her privacy from unlawful interference, as well as the right to count on her and her family members with effective protective measures when her life or personal integrity or personal liberty is threatened or at risk because of her victim status and/or the exercise of her rights;
- V. The right to request and receive clear, precise and accessible information on the routes and means of access to the procedures, mechanisms and measures established in this Law;
- VI. The right to request, access and receive, in a clear and precise manner, all the official information necessary to achieve the full exercise of each of their rights;
- VII. The right to obtain in a timely, quick and effective manner all documents required for the exercise of their rights, including identification documents and visas;
- VIII. The right to know the status of judicial and administrative proceedings in which he has an interest as an intervening party;
- IX. Right to be effectively heard by the respective authority, when present at the hearing, diligence or any other action and before the authority pronounces itself;
- X. The right to the notification of the resolutions that are dictated in the System relative to the requests of entrance and of measures of help, of assistance and integral reparation;
- XI. The right to have one's consulate immediately notified in accordance with international standards protecting the right to consular assistance in the case of foreign victims;  
The right to family reunification when, because of their type of victimization, their family nucleus has been divided;
- XIII. The right to return to one's place of origin or to relocate in conditions of voluntariness, security and dignity;
- XIV. The right to attend and participate in scenarios of institutional dialogue;
- XV. The right to benefit from affirmative actions and social programs carried out by the State to protect and guarantee their right to life in conditions of dignity;

- XVI. The right to participate in the formulation, implementation and monitoring of public policy on prevention, aid, care, assistance and integral reparation;
- SEVENTEENTH. The right to ensure that the public policies implemented on the basis of this Act have a cross-cutting and differential approach, particularly with regard to children, older persons and indigenous populations;
- XVIII. The right not to be discriminated against or limited in their rights, except in the cases expressly indicated in this Law;
- NINETEENTH. The right to receive specialized treatment that will allow their physical and psychological rehabilitation in order to achieve their reintegration into society;
- XX. The right to access available justice mechanisms to determine responsibility for the commission of the crime or violation of human rights;
- XXI. The right to make informed decisions about access to justice or alternative mechanisms;
- XXII. Right to a prompt and effective investigation leading to the adequate identification, capture, prosecution and punishment of all those responsible for the damage, to the clarification of the facts and to reparation of the damage;
- XXIII. The right to participate actively in the search for the truth and in the mechanisms of access to justice available to them, in accordance with the procedures established in the law on the matter;
- XXIV. Right to freely express their opinions and concerns before the corresponding authorities and bodies, and to have them, as the case may be, considered in decisions affecting their interests;
- XXV. Right to exercise legal remedies against decisions affecting their interests and the exercise of their rights;
- XXVI. Right to be granted, in appropriate cases, provisional/humanitarian aid;
- XXVII. The right to receive the free assistance of an interpreter or translator of their language, if they do not speak the Spanish language or have a hearing, verbal or visual impairment;
- XXVIII. The right to work collectively with other victims for the defence of their rights, including their reintegration into society;
- XXIX. Right to have collective spaces where individual or collective support is worked and that allow them to relate to other victims, and
- XXX. The others indicated by the Constitution, the International Treaties, this Law and any other applicable provision in the matter or special legislation.

## **CHAPTER II OF THE RIGHTS TO HELP, ASSISTANCE AND CARE**

**Article 8.** Victims shall receive timely and rapid assistance in accordance with the immediate needs directly related to the victimizing event, with the objective of meeting and guaranteeing the satisfaction of their needs for food, personal hygiene, handling of supplies, kitchen utensils, emergency medical and psychological care, emergency transport and temporary housing in dignified and safe conditions, at the time of the commission of the crime or violation of rights or at the time when the authorities have knowledge of the crime or violation of rights. Aid measures will always be provided with a gender and differential cross-cutting approach.

Victims of crimes or violations of rights against freedom and integrity shall receive specialized emergency medical and psychological assistance under the terms of this Law.

Public officials shall provide clear, accurate and accessible information to victims and their families on each of the guarantees, mechanisms and procedures that allow timely, rapid and effective access to the assistance measures contemplated in this Law.

**Article 9.** Victims shall have the right to assistance and care, which shall always be guaranteed including a transversal gender and differential approach.

Assistance is understood as the integrated set of mechanisms, procedures, programmes, measures and resources of a political, economic, social and cultural nature, among others, under the responsibility of the State, aimed at re-establishing the effective exercise of the rights of victims, providing them with the conditions to lead a dignified life and guaranteeing their incorporation into social, economic and political life. Among these measures, victims will be provided with specialized medical assistance including psychiatric, psychological, trauma and thanatology.

Attention is understood as the action of providing information, orientation and legal and psychosocial accompaniment to the victims, with a view to facilitating their access to the rights to truth, justice and integral reparation, qualifying the exercise of these rights.

Assistance and care measures do not replace or replace comprehensive reparation measures, therefore, the cost or disbursements incurred by the State in the provision of care and assistance services shall in no case be deducted from the compensation to which the victims were entitled.

## **CHAPTER III THE RIGHT OF ACCESS TO JUSTICE**

**Article 10.** Victims have the right to an adequate and effective judicial remedy, by independent, impartial and competent authorities, which guarantees them the exercise of their right to know the truth, to an immediate and thorough investigation of the crime or human rights violations suffered by them with

due diligence, to have the perpetrators of the crimes and rights violations prosecuted and punished with due process, and to obtain full reparation for the damages suffered.

Victims shall have access to the justice mechanisms available to the State, including judicial and administrative procedures. The relevant legislation governing their involvement in the various procedures should facilitate their participation.

#### **CHAPTER IV THE RIGHTS OF VICTIMS IN CRIMINAL PROCEEDINGS**

In order to guarantee the rights established in article 10 of this Act, victims shall have access to the mechanisms and procedures provided for in the Constitution, applicable local and federal laws and international treaties.

**Article 12.** Victims shall likewise enjoy the following rights:

- I. To be informed in a clear, precise and accessible manner of their rights by the Public Prosecutor's Office or the first authority with which they have contact or that they know of the criminal act, as soon as it occurs. The Public Prosecutor's Office shall communicate to the victim the rights recognized in the Political Constitution of the United Mexican States, the International Treaties and this Law in his favor, leaving a record in the investigation folder of this fact, regardless of whether or not there is a probable person responsible for the facts;
- II. To be compensated in an expeditious and fair manner. In cases where the judicial authority issues a conviction, it may not absolve the person responsible for reparations, including the payment of compensation. If the victim or his or her Legal Adviser does not seek compensation, the Public Prosecutor's Office is obliged to do so;
- III. To cooperate with the Public Prosecutor's Office; to receive all the data or evidence at their disposal, both in the investigation and in the process, to discharge the corresponding diligences, and to intervene in the trial as full parties exercising their rights during the trial, which in no case may be less than those of the accused. They shall also have the right to be granted every facility for lodging complaints or grievances;
- To be advised and represented within the investigation and process by a Legal Advisor. In cases where they are unwilling or unable to hire a lawyer, they shall be provided by the State, in accordance with the procedure of the law on the matter; this includes their right to freely choose their legal representative;
- V. To have the right to second instance and other ordinary and extraordinary remedies in the same cases and under the same conditions as the defendant and in the others designated by law;
- VI. To challenge before the judicial authority the omissions of the Public Prosecutor's Office in the investigation of the crimes, as well as the resolutions of reserve, non-exercise, waiver of the criminal action or suspension of the procedure, regardless of whether the damage has been repaired or not;
- VII. To appear at the investigation or trial and to have measures taken to minimise the inconvenience caused, to protect their privacy, identity and other personal data, if necessary;
- VIII. To guarantee their safety, as well as that of their families and that of witnesses on their behalf, against all acts of threat, intimidation and reprisal;
- IX. To freely express their opinions and concerns to the appropriate authorities and bodies responsible for the administration of justice, and to have them, where appropriate, taken into account in decisions affecting their interests;
- X. To give or extend their statements without being identified within the hearing, having the obligation of the judge to safeguard their personal data and, if requested, to do so by electronic means;
- XI. To obtain a simple copy, free of charge and immediately, of the proceedings in which they are involved;
- To request precautionary or precautionary measures for the safety and protection of victims, offended parties and prosecution witnesses, for the investigation and prosecution of those likely to be responsible for the crime, and for the securing of property to repair the damage;
- XIII. To offer or request the revaluation of the evidence through independent expert opinions, accredited by a national or international human rights protection body;
- XIV. To be informed of the conduct of hearings where their rights are to be discussed and to be present at such hearings;
- XV. To be notified of any decision that may affect their rights and to challenge that decision;
- XVI. In cases involving serious human rights violations, to request the intervention of independent experts to advise the competent authorities on the investigation of the facts and the carrying out of expert reports. Civil society organizations or victims' groups may also request that groups of such experts review, report and carry out recommendations to achieve access to justice and truth for victims.

In addition to what is stated in the applicable laws, integral reparation includes:

- I. The restoration of things to the state they were in before the crime was committed or the violation of one or more of the human rights;
- II. The restitution of all property or values of their property that have been seized or recovered by the authorities including their fruits and accessories, if not possible, the payment of their updated value. In the case of fungible property, the judge may order the handing over of an object equal to the object of the offence without the need for expert evidence;

- III. Reparation for moral damage suffered by the victim or persons entitled to full reparation. Moral damage is understood to be those harmful effects of the facts of the case that are not of an economic or patrimonial nature and cannot be assessed, therefore, in monetary terms. Moral harm includes suffering and afflictions caused to direct victims and their relatives, as well as the impairment of very significant values for persons and any disturbance that is not susceptible to pecuniary measurement. In cases where the offence constitutes a serious violation of human rights, the moral harm to the victim shall be presumed;
- IV. Compensation for the damage caused;
- V. The payment of wages or corresponding payments, when injuries cause incapacity to work in a trade, art or profession;
- VI. In cases of crimes or serious violations of human rights, payment of the legal expenses and costs of the legal adviser when the latter is private;
- VII. Payment for medical treatment which, as a consequence of the crime or violation of human rights, is necessary for the recovery of the victim's mental and physical health, as well as the cost of transport, accommodation or food if the victim resides in a municipality or delegation other than that of the prosecution.

**Article 14.** When the accused evades the action of justice, he fails to appear before the competent judicial authority hearing his case on such fixed days as it deems appropriate to inform him and as many times as he is summoned or required to do so, or he fails to inform the competent judicial authority of changes of domicile or absence from the place of the trial authorised by the competent judicial authority, the latter shall, without delay, order that the sum guaranteeing reparation of the damage be delivered to the victim, recording in the file the final payment of the deposited amount, which does not imply that full reparation of the corresponding damage has been effected.

In cases where the guarantee was made by mortgage or pledge, the competent judicial authority shall issue such assets to the relevant tax authority for recovery, which shall be delivered without delay to the victim. In the same terms, the guarantors are obliged to pay immediately the reparation of the damage, applying for its collection, in any case, the coercive economic procedure indicated by the fiscal laws.

**Article 15.** Victims shall have the right to have their temporary or permanent ~~physical~~ or mental disability, as well as their status as children and adolescents or older adults, considered. Also, to respect a transversal approach of gender and cultural, religious, creed, ethnic differences, among others equally relevant. Where necessary, the State shall provide interpreters and translators. Victims may not be discriminated against on any grounds in accordance with the Constitution, International Human Rights Treaties, this Act and other applicable human rights treaties.

**Article 16.** The victim may have access, in a subsidiary manner, to the Fund for Aid, Assistance and Integral Reparation, with the prior agreement of the Executive Commission, under the terms of Title Eight of this Law. All of the above, without prejudice to the resulting administrative, criminal and civil responsibilities and sanctions.

**Article 17.** Victims have the right to intervene in the criminal process and must be recognized as subjects of the process under the terms of the Constitution and the International Human Rights Treaties, but if they do not wish to appear in the process, they will be represented by a legal advisor or, as the case may be, by the Public Prosecutor's Office, and shall be personally notified of all acts and decisions terminating the proceedings, of appeals, whether ordinary or extraordinary, as well as of amendments to protective measures adopted because of a risk to their safety, life or limb or amendments to the judgment.

Victims have the right to be informed of the scope and significance of the expert examinations to which they may be subjected, depending on the nature of the case, and, if they accept such examinations, to be accompanied at all times by the Victims' Advocate or the person they consider.

Any appearance before the investigative body, the judge or court, or before any other authority or expert requiring the presence of the victim, shall be deemed justified for the purposes of work and school, and the victim shall be entitled to all the emoluments referred to in the Federal Labour Act.

Victims shall have the right to opt for conflict resolution in accordance with the rules of alternative justice, through institutions such as conciliation and mediation, in order to facilitate reparation of damage and reconciliation of the parties and the guarantee of non-repetition.

No conciliation or mediation may be carried out unless it can be proved by appropriate means that the victim is in a position to make such a decision, and the procurator's offices shall keep a register and a specific audit of the cases in which it is the victim's decision to use these alternative dispute resolution channels, notifying the women's protection bodies in any case so that they can be sure that the victim had the accompaniment he or she required to make such a decision. Public servants who urge victims to make these decisions without their being aware of the consequences will be punished.

**Article 21.** In cases of human rights violations or crimes arising therefrom, in addition to all the guarantees enshrined in the preceding articles, victims shall have the following rights:

- I. A prompt and effective investigation leading to the identification, capture, prosecution and conviction of those responsible for violations of international human rights law, to the clarification of the facts and to their full reparation;
  - II. To be repaired by the State in an integral, adequate, differentiated, transforming and effective manner for the impairment they have suffered in their rights as a consequence of human rights violations and for the damages that these violations caused them;
  - III. To know the truth of what happened about the facts in which his human rights were violated for which the authority must report the results of the investigations, and
- To have his life and bodily integrity protected and safeguarded in accordance with article 34 of the Federal Organized Crime Act.

## **CHAPTER V OF THE RIGHT TO THE TRUTH**

**Article 22.** Victims, their families and society in general have the right to know the facts constituting the crime and the human rights violations to which they were subjected, the identity of those responsible, the circumstances that led to their commission, as well as to have access to justice in conditions of equality.

Victims and their families have the imprescriptible right to know the truth and to receive specific information about the violations of rights or the crimes that directly affected them, including the circumstances in which they occurred and, in the cases of deceased, disappeared, absent, not located or lost persons, to know their fate or whereabouts or that of their remains.

Victims, their families and society have the right to know the historical truth of the facts.

Victims and their families have the right to participate actively in the search for the truth of the facts and in the different mechanisms provided for in the legal systems in which they will be allowed to express their opinions and concerns when their interests are affected. Victims should be free to decide on their participation and have sufficient information about the implications of each of these mechanisms.

The State, through the respective authorities, has the obligation to initiate, immediately and as soon as it is made aware of them, all the steps available to it to determine the whereabouts of the disappeared persons. This includes the implementation of search mechanisms in accordance with applicable law and the international treaties to which Mexico is a party.

Part of this obligation includes the exhumation of cemeteries, clandestine graves or other places where the bodies or bones of the victims are found or where there are reasonable grounds to believe that they are. Exhumations should be carried out with due diligence and competence and in accordance with international standards and protocols on the subject, always seeking to ensure the correct location, recovery and subsequent identification of bodies or bones under internationally recognized scientific standards.

The relatives of the victims have the right to be present at exhumations, by themselves and/or through their legal advisors; to be informed about the protocols and procedures that will be applied; and to appoint independent experts, accredited by a national or international human rights protection body, who will contribute to the better development of the exhumations.

Once the technical and scientific evidence to which the State is bound, referred to in this Act and in the Codes of Criminal Procedure, has been fully identified and carried out, the bodies or bones of the victims should be handed over to their relatives, with full respect for their dignity and their religious and cultural traditions.

If necessary, in order to guarantee the investigations, the authority should formally inform the relatives of the obligation not to cremate the remains, until such time as there is an enforceable sentence.

In order to guarantee the full exercise of this right by the victims, their families and society, the State may create mechanisms for independent, impartial and competent investigations that meet, inter alia, the following objectives:

- I. The precise historical clarification of human rights violations, the dignification of victims and the recovery of historical memory;
- II. Determination of individual or institutional responsibility for the facts;
- III. The debate on the official history where the victims of these violations can be recognized and heard;
- IV. Contributing to overcoming impunity by recommending the formulation of investigative policies;
- V. The recommendation of reparations, institutional reforms, and other policies necessary to overcome the conditions that facilitated or allowed rights violations.

In order to achieve these objectives, consultations should include the participation and opinion of victims, groups of victims and their families.

The investigation should guarantee the rights of victims and witnesses by ensuring their voluntary presence and testimony. The confidentiality of victims and witnesses shall be guaranteed where this is a necessary measure to protect their dignity and integrity, and the necessary measures shall be taken to ensure their safety. Likewise, in the cases of persons affected by an accusation, it must provide them



with the opportunity to be heard and to confront or refute the evidence offered against them, either personally, in writing or through designated representatives.

The investigation should follow protocols of action with the aim of ensuring that the statements, conclusions and evidence collected can be used in criminal proceedings as evidence with the proper formalities of law.

**Article 27.** Civil society organizations, such as professional associations, non-governmental organizations and academic institutions, may provide, to the competent authority, their investigations of human rights violations, in order to contribute to the search for and knowledge of the truth. The authorities must give the necessary guarantees so that this activity can be carried out freely and independently.

**Article 28.** The authorities are obliged to preserve archives relating to human rights violations and to respect and guarantee the right of access to them.

The State has the duty to ensure the preservation of these archives and to prevent their theft, destruction, concealment or falsification; as well as to allow their public consultation, but particularly in the interest of the victims and their families in order to guarantee the full exercise of their rights.

When the purpose of consulting the archives is to promote historical research, the authorization formalities shall have the sole purpose of safeguarding the integrity and safety of the victims and other persons, and in no case may the authorization formalities be applied for censorship purposes.

National and international courts, national and international human rights bodies and researchers working on this responsibility are free to consult archives relating to human rights violations. This access shall be guaranteed by complying with the relevant requirements for the protection of privacy, including in particular the assurances of confidentiality provided to victims and other witnesses as a precondition for their testimony.

In such cases, consultation of the archives may not be refused for reasons of national security except that, in exceptional circumstances, the restriction is previously established by law, the authority has demonstrated that the restriction is necessary in a democratic society to protect a legitimate national security interest and that the refusal is subject to review by the competent authority and may be subject to independent judicial review.

Every person shall have the right to know whether he or she appears in the State archives and, if so, after exercising his or her right of consultation, to challenge the legitimacy of the information and content concerning him or her by exercising the corresponding right. The authority shall ensure that the document amended after challenge includes a clear reference to the information and contents of the document whose validity is challenged and both shall be delivered together when the first one is requested. In the case of deceased persons, this right may be exercised by their family members.

## CHAPTER VI

### THE RIGHT TO FULL REPARATION

**Article 30.** Victims have the right to be compensated in a timely, full, differentiated, transformative, integral and effective manner for the damage they have suffered as a consequence of the punishable act that has affected them or the human rights violations they have suffered, including restitution, rehabilitation, compensation, satisfaction and non-repetition measures.

**Article 31.** For the purposes of this Law it shall be understood that:

- I. Restitution seeks to return the victim to the situation prior to the commission of the punishable act or the violation of their human rights;
- II. Rehabilitation seeks to make it easier for the victim to cope with the effects suffered as a result of the punishable act or human rights violations;
- III. Compensation should be awarded to the victim in a manner appropriate and proportionate to the gravity of the punishable act committed or human rights violation suffered and taking into account the circumstances of each case. It shall be awarded for all economically assessable damage, suffering and losses resulting from the punishable act or the violation of human rights;
- IV. Satisfaction seeks to recognize and restore the dignity of victims;
- V. Non-repetition measures seek to ensure that the punishable act or violation of rights suffered by the victim does not occur again;
- VI. For the purposes of this Act, collective redress shall be understood as a right held by groups, communities or social organizations that have been affected by the violation of the individual rights of members of the collectives, or where the damage has a collective impact. The restitution of affected rights will be oriented towards the reconstruction of the collective social and cultural fabric that recognizes the impact on the institutional capacity to guarantee the enjoyment, protection and promotion of rights in affected communities, groups and peoples.

The collective measures to be implemented will tend to the recognition and dignification of the victimized collective subjects; the reconstruction of the collective life project, and the social and cultural fabric; the psychosocial recovery of the affected populations and groups and the promotion of reconciliation and the culture of the protection and promotion of human rights in the affected communities and collectives.

The measures of restitution, rehabilitation, compensation, satisfaction and measures of non-repetition provided for in this Act apply, as the case may be, both to victims who have individually suffered injury to their legal property or their human rights and to victims who have collectively suffered such injuries.

**TITLE THIRD**  
**IMMEDIATE AND HUMANITARIAN AID MEASURES**  
**CHAPTER I**  
**HEALTH MEASURES**

The seriousness of the harm suffered by the victims will be the axis that will determine priority in their assistance, in the provision of services and in the implementation of actions within the institutions in charge of providing them with care and treatment.

The services referred to in this Act shall take into account whether the victim belongs to a vulnerable group, its characteristics and special needs, particularly in the case of women, minors, older adults and the indigenous population.

**Article 33.** The public hospitals of the Federal Government, the states, the Federal District and the municipalities have the obligation to provide emergency care immediately to victims who require it, regardless of their socioeconomic capacity or nationality and without requiring a prior condition for admission.

**Article 34.** Emergency medical, dental, surgical and hospital services shall consist of:

- I. Hospitalization;
- II: medical and surgical equipment, including prostheses and other instruments required by the person for mobility, in accordance with the opinion of the medical specialist in the field;
- Medicines;
- Medical fees, in the event that the health system most accessible to the victim does not have the services that the victim requires immediately;
- V. Medical analysis services, laboratories and diagnostic images;
- VI Transport and ambulance;
- Mental health services in cases where, as a result of the commission of a punishable act or the violation of human rights, the person is seriously affected psychologically and/or psychiatrically;
- VIII. Reconstructive dental services for damage caused as a result of the punishable act or the violation of human rights;
- IX. Voluntary interruption of pregnancy services in cases permitted by law, with absolute respect for the will of the victim;
- X. Attention to the sexual and reproductive rights of women victims;
- XI. In the event that the medical institution to which the victim goes or is sent does not have the provisions of sections II and III and its costs have been covered by the victim, the states and municipalities will reimburse them fully and immediately.

The states, the Government of the Federal District and municipalities where the victimizing act has been committed shall pay the victims, out of their budgets and without intermediaries, the funeral expenses that they must incur when their relatives or loved ones were murdered. In the case of crimes at the federal level, they shall be for the account of the federal treasury. These costs shall include transport costs where the death occurred in a place other than that of his place of origin or where his family members decide to bury his body elsewhere. For no reason shall victims be prohibited from seeing the remains of their family members, if they wish to do so. If the victims' relatives have to be transported elsewhere for the recognition procedures, their expenses must also be covered.

The Executive Commission shall define and guarantee the creation of a Model of Comprehensive Health Care with a psychosocial, educational and social assistance focus, which shall contemplate the mechanisms of articulation and coordination between the different obligated Entities and Public Assistance Institutions that, in accordance with the Regulations of this Law, provide the subrogated services to which it refers. This model should include service to those who are not beneficiaries of a social benefit system or will be complementary when the necessary specialized services cannot be provided by the system to which it belongs.

The federal, state and Federal District Governments, through their public health agencies, dependencies and entities, as well as those municipalities that have the infrastructure and capacity to provide services, within the framework of their competencies, shall be the entities obliged to issue the victim identification card to the health system, in accordance with the National Registry of Victims, in order to guarantee priority assistance and attention for reparative purposes.

The credentialing process will be carried out gradually and progressively, giving priority to victims of serious damage to health and personal integrity. However, those victims who do not have such a card and require immediate attention should be attended to as a matter of priority, while they are registering.

**Article 38.** In matters of medical, psychological, psychiatric and dental assistance and care, the victim shall have all the rights established by the General Health Law for the Users of Health Services, and shall have the following additional rights:

- I. To provide free and quality permanent medical and psychological care in any of the federal, state and municipal public hospitals, according to their competence, for injuries, illnesses and emotional trauma resulting from the crime or the violation of human rights suffered by her. These services shall be provided on a permanent basis, when required, and shall not be denied, even if the victim has received the assistance measures set forth in this Act, which, if determined by the physician, shall continue to be provided until the end of treatment;
  - II. The federal, state and Federal District governments, through their public health agencies, dependencies and entities, as well as those municipalities that have the infrastructure and capacity to provide services, within the framework of their competencies and legal bases for action, must grant medical appointments, within a period of no more than eight days, to victims who request it, except in cases of emergency health care, in which case the attention will be immediate;
  - III. Once the general or specialized medical evaluation, as the case may be, and the corresponding delivery of the medical formula, the immediate delivery of the medicines to which the victim is entitled will be made and will be channeled to the specialists necessary for the integral treatment, if that were the case;
- You will be provided with medical and surgical material, including prostheses and other instruments or apparatus required for your mobility in accordance with the opinion given by the medical specialist in the matter, as well as the services of medical analysis, laboratories and diagnostic images and the reconstructive dental services required for the damage caused as a consequence of the punishable act or the violation of your human rights;
- V. Permanent mental health care shall be provided in cases where, as a consequence of the victimizing act, the victim is seriously affected psychologically and/or psychiatrically;
  - VI. Permanent maternal and child care when appropriate, including nutrition programmes.

**Article 39.** All victims of rape or any other conduct affecting their physical or psychological integrity shall be guaranteed access to emergency contraception and voluntary interruption of pregnancy services in the cases permitted by law, with absolute respect for the victim's wishes; they shall also undergo periodic examinations and specialized treatment, for the time necessary for their full recovery and in accordance with the recommended medical diagnosis and treatment; in particular, the monitoring of any sexually transmitted diseases and the Human Immunodeficiency Virus shall be considered a priority for their treatment.

In each of the public entities that provide services, assistance and care to victims, there will be personnel trained in the treatment of sexual violence with a cross-cutting gender approach.

The federal, state and Federal District Governments, through their public health agencies, dependencies and entities, as well as those municipalities that have the infrastructure and capacity to provide services, shall define the procedures to guarantee free preoperative, postoperative, surgical, hospital and dental medical assistance services, according to the medical concept and assessment, to treat temporary and permanent injuries and other physical and psychological health effects that have a direct causal relationship with the behaviors.

In the event that the medical institution to which the victim goes or is sent does not comply with the provisions of the preceding articles and its costs have been covered by the victim, the Fund for Aid, Assistance and Comprehensive Reparation established under this Act shall reimburse them fully and promptly, with the fund having the right to repeat against those responsible.

The Federal, State and Federal District Governments, through their secretariats, dependencies, agencies and entities of Public Health, as well as those municipalities that have the infrastructure and capacity to provide services shall define the procedures to guarantee, free of charge, the pre-operative, post-operative, surgical, hospital and dental medical assistance services that would be available according to the medical concept and assessment, which would allow to treat transitory and permanent injuries and other physical and psychological health effects that may be related to direct causal to the behaviors.

In the event that the medical institution to which the victim goes or is sent does not comply with the provisions of the preceding articles and its costs have been covered by the victim, the Fund for Aid, Assistance and Comprehensive Reparation created by this Law shall be reimbursed in a full and prompt manner.

## **CHAPTER II HOUSING AND FOOD MEASURES**

The National System for the Comprehensive Development of the Family (DIF) or its analogous, similar or correlative, the agencies on which the existing shelters and shelters depend and which provide these services at the federal, state or municipal level, shall contract services or directly provide safe and dignified accommodation and food to victims who are in a particularly vulnerable condition or who are threatened or displaced from their place of residence because of the punishable act committed against them or the violation of their human rights. Shelter and food shall be provided for as long as necessary to ensure that the victim overcomes emergency conditions and is able to return freely, in safe and dignified conditions, to his or her home.

## **CHAPTER III**

## **TRANSPORT MEASURES**

When the victim is in a place other than that of his place of residence and wishes to return to the same, the states shall pay the corresponding expenses, guaranteeing in all cases that the means of transport used by the victim for his return is the safest and the one that causes less trauma according to his conditions.

## **CHAPTER IV PROTECTION MEASURES**

When the victim is threatened in his or her personal integrity or life, or when there are good reasons to believe that these rights are at risk because of the crime or the violation of human rights suffered, the authorities of the national, state, Federal District or municipal levels, in accordance with their powers and capacities, shall immediately take such measures as may be necessary to prevent the victim from suffering any injury or harm.

Victim protection measures should be implemented based on the following principles:

- I. Principle of protection: It considers the protection of life, physical integrity, liberty and security of persons to be paramount;
  - II. Principle of necessity and proportionality: Protective measures must be commensurate with the level of risk or danger to which the person to whom they are addressed is exposed and must be applied as soon as necessary to ensure his safety or to reduce existing risks;
- Principle of confidentiality: All information and administrative or jurisdictional activity related to the scope of protection of persons must be reserved for the purposes of the respective investigation or process;
- Principle of timeliness and effectiveness: Measures must be timely, specific, adequate and efficient for the protection of the victim and must be granted and implemented as soon as and for as long as they guarantee their objective.

In accordance with applicable laws, federal, state or municipal authorities that contribute to endangering the safety of victims, whether through intimidation, reprisals, direct threats or when there is sufficient data to show that the victims could again be affected by the collusion of those authorities with those responsible for the commission of the crime or with an implicated third party that threatens or damages the physical or moral integrity of a victim, shall be sanctioned administratively, civilly or criminally, in accordance with applicable laws.

**Article 47.** The measures adopted shall be in accordance with the threat they seek to conjure and shall take into account the particular vulnerability of the victims and respect, in all cases, their dignity.

## **CHAPTER V MEASURES IN THE AREA OF LEGAL ADVICE**

The national, state, Federal District and municipal authorities shall immediately provide victims with full and clear information and advice on the judicial, administrative or other remedies and procedures to which they are entitled in order to better defend their interests and meet their needs, as well as on all the rights of those to whom they are entitled in their capacity as victims. The Executive Commission shall guarantee the provisions of this article through the Federal Legal Counsel for Victims under the terms of the corresponding title.

**Article 49.** Information and advice must be provided free of charge and by professionals who are familiar with the rights of victims, guaranteeing them treatment that respects their dignity and effective access to the full and peaceful exercise of all their rights.

## **TITLE FOUR ASSISTANCE AND CARE MEASURES AIMED AT RESTORING THE VICTIM TO HIS OR HER RIGHTFUL PLACE.**

### **THE FULL EXERCISE OF THEIR RIGHTS, AND TO PROMOTE THE OVERCOMING OF THEIR CONDITION**

#### **CHAPTER I GENERAL PROVISIONS**

The Executive Commission for Victim Care, responsible for the creation and management of the National Registry of Victims referred to in Title Seven of this Act, shall ensure that victims' access to the Registry is effective, rapid and differential in order to enable them to benefit from the assistance and care measures provided for in this Act.

**Article 51. In accordance with** the guidelines developed by the Executive Commission, the Secretariats, agencies, agencies and entities of the Federal Government in the health, education, social development and other sectors, and the Secretariats, agencies and entities of the State and the Federal District, in the same areas, as well as those municipalities that have the infrastructure and capacity to provide services, within the framework of their powers and legal bases of action, shall take into account the main effects and consequences of the victimizing act, always respecting the general principles established in this Act and in particular the differential approach for women; children and adolescents; persons with disabilities and older adults and the indigenous population.

All measures of assistance, care, protection or services granted by federal public institutions, states, the Federal District and municipalities to victims for any reason shall be free of charge and victims shall

be treated with dignity regardless of their socio-economic capacity and without requiring any prior condition for admission to them other than those established in this Act.

## **CHAPTER II EDUCATIONAL MEASURES**

**Article 53.** The policies and actions established in this Chapter are aimed at ensuring victims' access to education and promoting their permanence in the education system, if, as a result of crime or human rights violations, studies are interrupted, measures will be taken to overcome this condition caused by the victimizing act. Similarly, efforts will be made to guarantee exemption for victims of all types of academic costs in public preschool, primary, secondary and upper secondary education institutions.

The institutions of the national education system shall provide education in such a way as to enable the victim to enter society promptly and, in due course, to develop a productive activity.

**Article 55.** All educational authorities within the scope of their competence shall give special attention to

care for schools that, because of the particular condition of assistance and attention to victims, face a greater possibility of backwardness or desertion, and should promote the necessary actions to compensate for the educational problems derived from this condition.

**Article 56.** The State, through its decentralized bodies and private individuals with authorization or with official recognition of the validity of studies, is obliged to provide educational services so that, free of charge, any victim or their minor children, with effective equality of access and permanence in educational services for the rest of the population, may attend preschool, primary and secondary education. These services shall be provided within the framework of federalism and competition provided for in the Political Constitution of the United Mexican States and in accordance with the distribution of the educational social function established in the applicable Education Law.

**Article 57:** In accordance with this Act, the victim or his family members shall have the right to receive full scholarships for study at least up to high school for themselves or their dependents who require it.

The Federal, State and Federal District Governments, through their education secretariats, agencies, entities and agencies, as well as those municipalities that have the infrastructure and capacity to provide services, shall, within the framework of their competencies, deliver to child and adolescent victims the respective school packages and uniforms to guarantee decent conditions and their permanence in the education system.

The victim or his minor children shall have access to free textbooks and other complementary educational materials provided by the Ministry of Public Education.

**Article 60.** The Federal, State and Federal District Governments, through their secretariats, agencies, entities and agencies of Education and Higher Education Institutions, within the framework of their autonomy, shall establish selection, admission and enrolment processes that allow victims who so require access to the academic programmes offered by these institutions, for which they shall include measures for exemption from the payment of enrolment forms and degree fees, and shall implement measures for preferential access for victims.

## **CHAPTER III ECONOMIC AND DEVELOPMENT MEASURES**

Within the Social Development Policy, the State, at its three levels, shall have the obligation to guarantee that all victims receive the benefits of social development according to their needs, particularly in order to assist victims who have suffered serious harm as a consequence of the victimizing act.

They are rights for social development, education, health, food, housing, the enjoyment of a healthy environment, work and social security and those relating to non-discrimination under the terms of the Political Constitution of the United Mexican States and international human rights treaties.

The municipalities, the governments of the federal states and the Federal Executive Branch, in their respective spheres, shall formulate and implement assistance policies and programs that include opportunities for productive development and income for the benefit of victims, allocating the necessary budgetary resources and establishing quantifiable goals for this purpose.

The State at all three levels is obliged to provide the necessary information on such programmes, their rules of access, operation, resources and coverage, without being able for any reason to exclude victims from such programmes.

Victims shall be subject to the provisions of the respective tax laws.

## **CHAPTER IV MEASURES OF CARE AND ASSISTANCE IN THE PROCUREMENT AND ADMINISTRATION OF GOODS AND SERVICES. JUSTICE**

**Article 66.** Measures of care and assistance in the administration of justice shall be permanent and shall include, as a minimum:

- I. Assistance to the victim during any administrative procedure related to his or her status as a victim;

- II. Assistance to the victim in criminal proceedings during the investigation stage;
- III. Assistance to the victim during the trial;
- IV. Assistance to the victim during the post-trial stage.  
These measures shall be provided to the victim regardless of the legal representation and advice given to the victim by the Legal Adviser.

**TITLE FIVE  
COMPREHENSIVE REPARATION MEASURES**

**CHAPTER I  
RESTITUTION MEASURES**

**Article 67.** Victims shall have the right to restitution, if possible, in respect of their violated rights, as well as in respect of their property and properties, if they have been dispossessed, in any way, of them.

Restitution measures include, as appropriate:

- I. Re-establishment of freedom in the event of abduction or enforced disappearance;
- II. Restoration of legal rights;  
Restoration of identity;  
Restoration of life and family unity;
- V. Restoration of citizenship and political rights;
- VI Safe and dignified return to the place of residence;  
Reintegration into employment, and
- VIII. Return of goods guaranteeing their effective and full use and enjoyment.

In cases where the victim has been convicted illegitimately, restitution includes, in addition to freedom under terms established by the competent authorities, removal from the respective criminal record.

**CHAPTER II  
REHABILITATION MEASURES**

**Article 68.** Rehabilitation measures include, but are not limited to, the following, as appropriate:

- I. Specialized medical, psychological and psychiatric care;  
Legal services and advice aimed at qualifying the exercise of victims' rights and guaranteeing their full and peaceful enjoyment;  
Social services aimed at guaranteeing the full restoration of the rights of the victim as a person and as a citizen;  
Education programmes aimed at the training and formation of victims in order to guarantee their full reintegration into society and the realization of their life project;
- V. Job training programmes aimed at achieving the victim's full reintegration into society and the realization of his or her life project, and
- VI All measures aimed at reintegrating the victim into society, including his group or community.

When rehabilitation measures are granted, special treatment shall be given to child victims and to the children of victims and to older adults dependent on them.

**CHAPTER III  
COMPENSATION MEASURES**

Compensation shall be awarded for all economically assessable damages, suffering and losses resulting from the crime or violation of human rights, including judicial error.

These damages, sufferings and losses shall include, inter alia and as a minimum:

- I. Physical or mental harm;
- II. The loss of opportunities, in particular employment, education and social benefits;
- III. Material damage, including permanent damage and loss of income, as well as loss of profit;
- IV. Moral damage and damage to the dignity of the victim; and
- V. Costs of legal or expert assistance, medicines and medical services and psychological and social services.

**Article 71.** The Executive Commission, through the determination of the amount indicated by the jurisdictional authority in the final sentence, by decision of the Public Prosecutor's Office when the person responsible has been removed from justice, has died or disappeared and therefore makes the exercise of criminal action impossible, or when there is a determination of a human rights violation issued by the competent authority, or when any public human rights body, whether national, local or in accordance with international treaties, has determined that there is an obligation to make reparation, it shall proceed, by agreement of the full Executive Committee, to cover in a subsidiary manner the amount of compensation for these concepts under the terms of this Law and its Regulations. The amount of the subsidy to which the State may be bound shall be up to five hundred times the minimum monthly wage in the Federal District. The Executive Committee will have ninety days to issue a determination.

**CHAPTER IV  
SATISFACTION MEASURES**

**Article 72.** Satisfaction measures include, among others and as appropriate:

- I. Verification of the facts and full and public disclosure of the truth, to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, his or her family members, witnesses or persons who have intervened to assist the victim or to prevent further crimes or human rights violations from occurring;
  - II. The search for missing persons and for the bodies or bones of those killed, as well as assistance in recovering them, identifying them and reburial them according to the explicit or presumed wish of the victim or the cultural practices of their family and community;
  - III. An official declaration or court decision restoring the dignity, reputation and rights of the victim and persons closely associated with the victim;
- A public apology from the State, the perpetrators and others involved in the punishable act or the violation of rights, including recognition of the facts and acceptance of responsibility;
- V. The application of judicial or administrative sanctions to those responsible for human rights violations;
  - VI. The performance of acts commemorating the honour, dignity, suffering and humanity of the victims, both living and dead.

## CHAPTER V NON-REPETITION MEASURES

**Article 73.** Non-repetition measures are measures taken to ensure that victims are not subjected to repeated violations of their rights and to help prevent or avoid the repetition of acts of the same nature.

These shall consist of the following:

- I. The exercise of effective control by civilian authorities of the armed and security forces;
- II. Ensuring that all criminal and administrative proceedings conform to national and international standards relating to the competence, independence and impartiality of judicial authorities and guarantees of due process;
- III. Strengthening the independence of the judiciary;
- IV. Limiting the participation in government and political institutions of political leaders who have planned, instigated, ordered or committed serious human rights violations;
- V. The exclusion from participation in government or security forces of military, intelligence and other security personnel declared responsible for planning, instigating, order or commit serious human rights violations;
- VI. Protection of legal, health and information professionals;
- VII. The protection of human rights defenders;
- VIII. Priority and continuing human rights education for all sectors of society and human rights training for law enforcement officials, as well as for the armed and security forces;
- IX. Promoting the observance of codes of conduct and ethical standards, in particular those defined in international human rights and human rights protection standards, by public officials, including personnel of the armed and security forces, penitentiaries, the media, medical, psychological and social service personnel, as well as personnel of commercial enterprises;
- X. The promotion of mechanisms for the prevention, monitoring and peaceful resolution of social conflicts; and
- XI. Review and reform of laws, regulations or legal systems that contribute to or permit gross violations of international human rights standards.

Aggregate public penalties are understood as public penalties in all crimes, which seek to guarantee non-repetition, and which shall be imposed in the following crimes in which reparation of damage is appropriate:

- I. Supervision of authority;
- II. Prohibition to go to a certain place or obligation to reside there;
- III. No offense bond;
- IV. Attendance at human rights training courses, and
- V. Attendance at unhabituation or detoxification treatment.

Supervision by the authority is understood to be that consisting of the observation and guidance of convicted persons, exercised by specialized personnel, with the aim of contributing to the protection of the victim and the community.

This measure shall be introduced when the deprivation of liberty is replaced by another sanction, the custodial sentence is reduced or the sentence is suspended.

Considering the characteristics of the offender and the victim, the judge may prohibit the sentenced person from going to a particular place or residing there, thus ensuring the safety of the victim.

The judge in the sentence shall demand a guarantee not to offend, which shall become effective if the accused violates the provisions of the foregoing article, or in any way repeats the acts of annoyance to the victim. This guarantee shall not be less than the applicable fine and may be granted in any of the forms authorized by law.

When the subject has been sentenced for crimes related to the violation of human rights, or to the abuse of alcoholic, narcotic, psychotropic or similar substances, regardless of the corresponding penalty, they shall apply courses and treatments to prevent their recidivism and encourage their detoxification.

**SIXTH TITLE**  
**NATIONAL VICTIM CARE SYSTEM**  
**CHAPTER I**  
**CREATION AND OBJECT**

The National Victim Care System, the highest institution in the field in the United Mexican States, was established to establish, regulate and supervise the guidelines, plans, programmes, projects, actions and other public policies implemented for the protection, aid, assistance, care, access to justice, truth and comprehensive reparation for victims at the local, federal and municipal levels.

The National Victim Care System is made up of all federal, local and municipal public institutions and entities, autonomous bodies and other public or private organizations responsible for protection, aid, assistance, care, defence of human rights, access to justice, truth and comprehensive reparation for victims, as detailed in Chapter II of this Title.

The System groups, arranges and systematizes existing institutions and agencies, and coordinates them with the agencies and institutions created here.

The System shall have the operational structure detailed in Chapter III of this Title. It will represent victims and groups of victims, governmental organizations working with victims, as well as the various state institutions responsible for protection, aid, assistance, care, defence of human rights, access to justice, truth and integral reparation.

**Article 80.** The Federal Government, the states, the Government of the Federal District, the Municipalities and the social and private sectors, each within the scope of their competencies, shall establish mechanisms for the organization, supervision, evaluation and control of services in the areas of protection, aid, assistance and attention, access to justice, truth and integral reparation to victims, related to this Law.

**CHAPTER II**  
**INTEGRATION OF THE NATIONAL VICTIM CARE SYSTEM**

The National Victim Care System shall comprise the institutions responsible for implementing, developing, establishing, regulating and supervising the guidelines, plans, programmes, projects, actions and other public policies implemented for the protection, aid, assistance, care, protection of human rights, access to justice, truth and comprehensive reparation for victims at the local, federal and municipal levels.

It will be made up of the institutions, entities, agencies and other federal participants listed here, including, where appropriate, the counterpart institutions at the state and municipal levels:

- I. Executive Power:
    - a. Head of the Federal Executive, who will preside over it,
    - b. The heads of state and municipal executives,
    - c. Procuraduría General de la República and Procuradurías Generales de Justicia,
    - d. Health Secretariats,
    - e. Ministry of Finance and Public Credit,
    - f. Social Development Secretariats,
    - g. Ministry of Foreign Affairs,
    - h. Public Education Secretariats,
    - i. Secretariats of Public Security,
    - j. Federal Police,
    - k. National System for the Integral Development of the Family,
    - l. National Public Security System,
    - m. National Institute of Statistics and Geography,
    - n. National Institute of Migration,
    - o. National Women's Institute,
    - p. Federal Public Defender's Office,
    - q. Offices of the Public Registry of Property and Commerce,
    - r. Civil Registry Offices, and
    - s. The rest of the Executive required depending on the specific problem being addressed.
  - II. Legislative Power:
    - a. Members of the Chamber of Deputies,
    - b. Members of the House of Senators, and
    - c. Members of the legislative power of the federative entities.
- Judicial Branch:
- a. Members of the Judicial Branch of the Federation, and
  - b. Federal Judiciary Council.
- Public Bodies:
- a. National Human Rights Commission,
  - b. Public bodies for the protection of the human rights of federal entities,



- c. National Autonomous University of Mexico, and
- d. Autonomous universities of the federative entities.
- V. Representatives of civil society organizations specializing in the defense of victims of crime and human rights violations.
- VI. Representatives of victim groups.
- VII. Academics.
- VIII. Representative of the Office of the United Nations High Commissioner for Human Rights.
- IX. Guests of non-governmental organizations and national and international bodies of consular representations, rapporteurs and members of working groups of the United Nations or Inter-American systems, and other national and international experts and specialists in victim care.
- X. The other institutions, public and private organizations, national or foreign, that may be required, according to the type of problem that is addressed in relation to the victims.

### **CHAPTER III**

#### **OPERATIONAL STRUCTURE OF THE NATIONAL VICTIM CARE SYSTEM**

The National Victim Care System shall be operated by the Executive Commission for Victim Care.

The Fondo del Ayuda, Asistencia y Reparación Integral (Comprehensive Aid, Assistance and Reparation Fund) and the National Registry of Victims derive from the Executive Commission.

In order to guarantee victims' effective access to the rights, guarantees, mechanisms, procedures and services established by this Act, the Federal Government and the states will have, within the framework of their competence, a Victims' Fund and a Victims' Registry, which will operate through the committees they create in their respective spheres.

### **CHAPTER IV**

#### **EXECUTIVE COMMISSION FOR THE CARE OF VICTIMS**

**Article 83.** The Executive Commission is the executive body through which the System operates, allowing the direct representation and participation of victims and civil society organizations in all institutions of the National Victim Care System, promoting their intervention in the management and construction of public policies, as well as the exercise of surveillance, supervision and evaluation tasks of the institutions that make up the System, with the objective of guaranteeing a transparent exercise of their attributions. It is a decentralized body of the Federal Public Administration, with its own legal personality and patrimony, and enjoys technical, management and budgetary autonomy.

The Executive Committee shall be composed of nine commissioners. The Federal Executive shall send to the Senate, upon convocation, three proposals for each commissioner to be elected. The Senate shall elect by an absolute majority vote of those present.

In order to ensure that victim groups, specialists and experts working in victim care are represented on the Executive Commission, the Commission will be composed of the following terms of the proposals submitted to the Federal Executive:

- I. Five commissioners specialized in law, psychology, human rights, sociology or equivalent specialties, proposed by public universities;
- II. Four commissioners representing groups of victims, proposed by non-governmental organizations, registered with the Ministry of Foreign Affairs, with accredited activity attending to victims of at least five years of age, or by public human rights bodies.

For the election of the commissioners, the Senate will form a Plural Commission composed of the presidents of the Justice, Governance, Vulnerable Groups and Gender Equity Commissions, which will be constituted into the Commission responsible for leading the selection process and which will receive the commissioners' proposals.

In its composition, the Executive and the Senate will seek the integration of the different geographical regions of the country and different types of victimizing events.

**Article 85.** To be commissioned is required:

- I. Mexican nationality;
- II. Age of majority, and
- III. not have held public office within two years prior to their appointment.

In the election of commissioners, respect for the principles that provide the framework for this Act, especially those of a cross-cutting gender and differential approach, must be guaranteed.

The Commissioners shall hold office for five years and shall be renewed on a staggered basis every two years until the end of their term of office, electing from among them, through a democratic process in the terms of their own Rules of Procedure, a Commissioner-President who shall serve for one year with the capacity to be re-elected for another year.

The Executive Committee shall have the following functions and powers:

- I. Guarantee the full exercise of victims' rights;
- II. Implement mechanisms to ensure the care of victims, the definition of representatives of victims, autonomous public human rights bodies and non-governmental organizations in the various institutions of the System;

- III. To elaborate annually the tabulations of compensatory amounts under the terms of this Law and its Regulations;
- To participate in the actions and definitions of the comprehensive national policy and public policies necessary for the fulfillment of the object of this Law;
- V. To evaluate the effectiveness of the Programme's actions, based on measurable results;
- VI To propose measures, actions, mechanisms, improvements and other policies related to the object of this Law;
- VII. Create a mechanism for monitoring and evaluating the Law and the public policies derived from it, establishing the indicators that allow precise monitoring;
- Ensure full compliance with this Act and applicable international instruments;
- IX. If necessary, request the competent body to apply the corresponding disciplinary measures and sanctions; supervise that public policies conform to the principles established by law;
- X. To make recommendations to the members of the system that should be attended by them;
- XI. To appoint the owners of the Fund and of the Register;
- XII. To draw up, in accordance with this Law, its Regulations;
- XIII To formulate proposals for a comprehensive national policy for the prevention of violations of rights.  
In addition, the Act provides for the protection of human rights, care, assistance, protection, access to justice, truth and comprehensive reparation for victims in accordance with the principles established in this Act;
- XIV. To establish obligatory measures, guidelines or directives that facilitate dignified, comprehensive and effective conditions for the care and assistance of victims, allowing their recovery and re-establishment in order to achieve the full exercise of their right to justice, truth and integral reparation;
- Ensure inter-institutional coordination of the National Victim Care System and the committees of the federal entities and the Federal District, ensuring due representation of all its members and especially of the areas, institutions, groups of victims or organizations required to deal with a specific problem, in accordance with the principles established in this Act and those of coordination, concurrence, subsidiarity, complementarity and delegation;
- XVI. Establish the guidelines, guidelines, plans and programmes that allow for the immediate, urgent and effective protection of victims when their lives or integrity are at risk;
- SEVENTEENTH. Establish measures that contribute to guaranteeing comprehensive, effective and efficient reparation for victims who have suffered harm as a result of the commission of a crime or the violation of their human rights;
- XVIII. Issue guidelines that facilitate victims' effective access to truth and justice;
- NINETEENTH. Establish guidelines, guidelines and minimum policies to be implemented in the field for the training, formation, updating and specialization of public officials or dependents of the institutions in charge of implementing, developing, establishing, regulating and supervising the guidelines, plans, programs, projects, actions and other public policies that are implemented for the protection, aid, assistance, attention, access to justice, truth and integral reparation to victims at the local, federal and municipal levels;
- XX Establish guidelines to integrate public and private efforts to enable the effective enjoyment of the human rights of victims;
- XXI. To issue guidelines for the timely and effective channelling of human, technical, administrative and economic resources necessary for the fulfilment of actions, plans, projects and programmes for care, assistance, access to justice, truth and comprehensive reparation for victims at the federal, state and municipal levels;
- XXII: Establish guidelines, supervise and coordinate the operation of the National Registry of Victims and the Federal Legal Advisor's Office for Victim Services;
- XXIII. Issuing guidelines for the transmission of information by institutions, agencies, civil society organizations and other individuals to form part of the National Registry of Victims.
- To create a platform for integrating, developing and consolidating information on victims at the national level in order to guide policies, programmes, plans and other actions in favour of victims for the prevention of crime and violations of human rights, care, assistance, access to the truth, justice and comprehensive reparation in order to carry out monitoring, follow-up and evaluation of compliance with the policies, actions and responsibilities established in this Act. The Executive Commission of the National Victim Care System will dictate the guidelines for the transmission of information from the institutions that are part of the System, taking care of the confidentiality of the information but allowing there to be a follow-up and review of the cases that may require it;
- Take the necessary steps to ensure that victims are included in the National Register of Victims and that their rights are fully exercised. The Executive Commission shall be the receiving body for victims whose rights, including access to the system, have been violated at the federal, local or municipal levels, and shall seek to ensure that their rights are respected;
- XXVI To elaborate the general protocols of action for the prevention, care and research of crimes or violations of human rights. The states and municipalities must adapt their manuals, guidelines, programmes and other actions to what is established in these protocols, and must adapt them to the

local situation provided that they contain the minimum procedures and guarantees that the general protocols establish for victims;

- XXVII. In cases of serious human rights violations or serious crimes committed against a group of victims, establish emerging comprehensive programmes of aid, care, assistance, protection, access to justice, truth and comprehensive reparation;
- XXVIII. Create and coordinate Special Committees for Victim Care that require prevention, care and investigation with a national perspective, such as in cases of disappearance, loss, absence or non-tracing of persons, trafficking in persons, smuggling of persons and kidnapping, so that beyond the actions, proposals, plans or programmes that are derived for a specific group of victims, an integral approach to the treatment of victims and comprehensive reparation is maintained;
- To coordinate and implement compliance with international human rights judgments handed down against the Mexican State in accordance with their content and in close coordination, consultation and collaboration with the victims and their representatives;
- XXX. To carry out national diagnoses that make it possible to assess the specific problems faced by victims in terms of the prevention of crime or violations of human rights, care, assistance, access to justice, the right to the truth and comprehensive reparation of damages;
- XXXI: Generate specific diagnoses on the needs of the states and municipalities in terms of training, human and material resources required to guarantee a minimum standard of dignified care for victims when they require assistance, support, assistance or access to justice, truth and comprehensive reparation in such a way that it is available and effective. These diagnoses will serve as the basis for the channelling or distribution of resources and services corresponding to the members of the National Victim Care System;
- To submit an annual report on the progress of the Programme to the Congress of the Union;
- XXXIII. To support Civil Society Organizations that dedicate themselves to help, attention, assistance, access to truth and justice in favor of the victims, prioritizing the work of those who are in places where the conditions of access to help, assistance, attention and justice, truth and integral reparation become difficult due to the precarious conditions of development and marginalization;
- XXXIV Evaluate the guidelines, criteria, programs and actions of the State Victims' Committees that it considers pertinent and that are put to its consideration for evaluation by any of the members of the Executive Commission or the State Victims' Committees or the Federal District;
- XXXV: Implement control mechanisms, with the participation of civil society, to monitor and evaluate public actions, programmes, plans and policies in the area of victims. Supervision should be permanent and the specific committees or bodies set up in this respect should issue recommendations that will be binding on the institutions concerned; and
- To receive and evaluate the reports submitted by the owner of the Federal Fund for Aid, Assistance and Integral Reparation of Victims and to issue the pertinent recommendations in order to guarantee an optimal and effective functioning, following the principles of publicity and transparency.

**Article 87.** The Executive Commission has the duty to coordinate with the federal entities and institutions of the National Victim Care System and with counterpart entities and institutions of the State and the Federal District, including the autonomous human rights protection agencies. It should have the necessary administrative support staff to carry out its functions.

The Executive Commission shall prepare annually a Comprehensive Victim Care Programme for the purpose of creating, reorienting, directing, planning, coordinating, executing and supervising the public policies of the National Victim Care System, in order to guarantee compliance with this Act by using the Fund and progress in the Register.

**Article 89.** Comprehensive national policy on human rights violations, care and assistance, protection, access to justice, access to truth and comprehensive reparation for victims, as well as the Annual Comprehensive Plan for Victim Care will be representative of the proposals generated at the Municipal, State, Federal and Federal District levels.

**Article 90.** In cases of serious human rights violations or crimes committed against a group of victims, the request for the establishment of emerging programs of help, assistance, protection, access to justice, access to truth and integral reparation may come from victims, nongovernmental organizations or any other public or private institution that has among its purposes the defense of human rights.

Non-governmental organizations, municipalities, states or any of the three Powers of the Union may submit the proposal whose information will be validated with the institutions that have the direct information and who have the obligation to submit all the data for the establishment of the program. These programs may also be established by the Executive Commission itself at the proposal of one of its members when the analysis of the information from the National Registry of Victims determines that attention is required for a particular situation or groups of victims.

**Article 91.** The national diagnoses of the Executive Commission should be situational and focused on specific situations faced by certain groups of victims such as children, indigenous people, migrants, women, the disabled, in crimes such as family violence, sexual violence, kidnapping, homicides or in

certain human rights violations such as forced disappearance, arbitrary execution, torture, arbitrary detention, among others.

These diagnoses will serve as a basis for creating special programs, reorganizing or redirecting actions, public policies or laws that, according to their nature and competence, are carried out by the members of the National Victim Care System, as well as for channeling or distributing the necessary resources.

The Executive Commission will also be able to count on expert group consultancies by topic, requesting support from national or international public human rights bodies, national or foreign public or private institutions or organizations with wide experience in certain problems related to the attention, assistance, justice, truth and integral reparation to the victims. The resources allocated for this purpose must be public, monitorable and easily accessible to civil society and the internal control bodies from which the funds are allocated.

In addition to technical and scientific expertise, the contribution of victim groups and grassroots organizations working directly with victims should be sought at all times.

**Article 92.** The Executive Committee shall be of a permanent nature and shall meet at least once a week and in extraordinary session, whenever the urgent situation so requires. The members have the obligation to attend the sessions, if a commissioner is absent in three occasions, consecutive or not, during a year, from the ordinary sessions unjustifiably he will be removed from his position. The determinations will be made by the majority of those present.

At the request of the members of the Executive Commission or at the proposal of the Presiding Commissioner, groups of victims, an autonomous public body for the protection of human rights, or civil society organizations specializing in victims, public servants at the federal, state, or municipal level may be summoned as required for the performance of their functions. This public servant has the obligation to appear and coordinate the actions that are necessary for effective compliance with this Law.

In order to achieve specialization, integral and coordinated attention in matters that need to be dealt with throughout the country, the Executive Commission shall have the following committees, whose attributions shall be developed in its Internal Regulations:

- I. Family Violence Committee;
- II. Sexual violence committee;
- III. Committee on Trafficking and Smuggling of Persons;  
Committee on Missing, Missing, Absent or Lost Persons;
- V. Committee of homicide victims;
- VI Torture Committee;
- VII. Arbitrary Detention Committee;
  
- VIII. Interdisciplinary Evaluation Committee, and
- IX. Committee on Economic, Social, Cultural and Environmental Rights.

**Article 95.** Committees may also be established by group of victims such as children, older adults, women, indigenous people, migrants, persons with disabilities, among others.

The victim care commissions of each federal state shall also have special committees to enable them to focus on needs and comprehensive public policies that respond to local realities.

These committees will generate precise situational diagnoses that will allow them to evaluate which are the laws, public policies or state actions that impede an effective access of the victims to attention, assistance, protection, justice, truth or integral reparation. They will also evaluate prevention policies on the specific situation that is evaluated from a vision of citizen and human security.

The authorities are obliged to provide all the information required by these committees for the evaluation and preparation of the diagnoses, taking care of the victims' private information.

The Presiding Commissioner shall have the following powers:

- I. To convene, direct, coordinate and follow up the meetings held by the Executive Committee;
  - II. To create guidelines, mechanisms, instruments and indicators for the follow-up and monitoring of the functions of the Executive Committee;
- Notify the members of the National Victim Care System of their commitments and follow up on them through the sessions held;
- Coordinate the functions of the National Registry of Victims through the creation of guidelines, mechanisms, instruments and indicators to implement and monitor the proper functioning of this registry;
- V. Report to the Chamber of Deputies, when required, on the functions entrusted to that Committee and to the National Registry of Victims and the Fund;
  - VI To appoint, with the vote of the Plenary of the Executive Commission, the heads of the committees referred to in article 94, as well as the heads of the Fund, the National Registry of Victims and the Federal Legal Advisory Office for Victim Care, with the approval of the majority of the plenary of commissioners;
  - VII. Coordinate the directions for the fulfillment of the functions of the Executive Committee;
- Guarantee the registration of victims who go directly to the Executive Commission to request their registration in the National Registry of Victims, as well as the services of help, assistance, attention, access to justice,

access to the truth and comprehensive reparation that they request, which will be done through the competent bodies, following up to the final stage to guarantee the effective fulfillment of the functions of the institutions and notifying the Chamber of Deputies, when required, of the results of their actions;

- IX. To propose to the Plenary of Commissioners the collaboration agreements or the hiring of experts required for the fulfillment of their functions;
- X. To carry out the annual operational programs and the annual budgetary requirements corresponding to the Executive Commission, and present them to the President of the Mexican Republic, so that through them they may be presented for budgetary approval to the Chamber of Deputies, and
- XI. Such other functions as may be required for the effective performance of the functions of the Executive Committee.

## **CHAPTER V NATIONAL REGISTRY OF VICTIMS**

The National Registry of Victims is the administrative and technical mechanism that supports the entire process of entry and registration of victims of crime and human rights violations into the system created by this Act.

The National Registry of Victims is a fundamental support to ensure that victims have timely and effective access to the measures of aid, assistance, care, access to justice and comprehensive reparation provided for in this Act.

It will be attached to the Executive Committee for Victim Care of the System and will have a holder who will be appointed by the President Commissioner.

The Federal Government, the states and the Federal District will have their own registries, which will feed information to the National Registry.

**Article 99.** The National Registry of Victims shall be fed by the following sources:

- I. Applications for admission made directly by victims of crime and human rights violations, through their legal representative or a relative or trustworthy person before the Federal, State, or Federal District Register, as appropriate;
- II. Applications for entry to the Federal, State or Federal District Register submitted by any of the authorities and individuals referred to in article 101 of this Act as responsible for entering the names of the victims of the crime or human rights violation into the System; and
- III. Records of victims existing at the time of entry into force of this Act that are located in any institution or entity at the federal, state or municipal level, as well as public human rights commissions in cases where recommendations have been issued, precautionary measures or conciliation agreements have been concluded.

Entities that produce and use information on victims and that currently have victim registries shall make the information they produce and administer available to the National Registry of Victims, in accordance with the provisions of the laws regulating the handling of personal data, for which the respective confidentiality agreements for the use of the information shall be signed.

In cases where there is documentary support for records recognizing victim status, a digital copy must be provided to the National Registry of Victims. If these media do not exist, the entities referred to in this article shall certify this circumstance. These entities will be responsible for the content of the information they transmit to the National Registry of Victims.

Applications for admission shall be made free of charge to the Executive Commission for Victim Care and its state or Federal District counterparts, as the case may be, in accordance with jurisdiction.

Mexicans domiciled abroad may submit the Incorporation of Data to the National Registry of Victims before the Embassy or Consulate of the country where they are. In countries where there is no representation of the Mexican State, they may go to the nearest country that has Diplomatic headquarters.

The information accompanying the Incorporation of Data to the Registry shall be recorded in the single declaration format designed by the Executive Commission and its use shall be mandatory by the authorities responsible in accordance with this Law for guaranteeing such entry. The single declaration format shall be simple to complete and shall seek to collect the information necessary for the victim to have full access to all his rights, including those recognized in this Act.

The registration of the victim does not imply ex officio entry into the System. In order to have access to the measures of aid, assistance, support and integral reparation of the System, the admission shall be made, and the respective evaluation shall be made in compliance with the provisions of Chapter IV of this Title.

To be processed, the Incorporation of Data to the National Registry of Victims must, as a minimum, contain the following information:

- I. The identification details of each of the victims who are applying for admission or on whose behalf admission is being sought. In the event that the victim for security reasons requests that his or her personal data not be made public, the confidentiality of his or her data must be ensured. If counted, official identification information must be provided;

- II. The full name, title and signature of the official of the entity that received the Incorporation of Data to the Registry and seal of the agency;
- III. The fingerprint of the person applying for registration;
- IV. The signature of the person applying for registration. In cases where the person states that he or she cannot sign or cannot sign, the fingerprint will be taken as valid;
- V. The circumstances of mode, time and place prior to, during and after the occurrence of the victimizing events;
- VI. The official seeking the declaration shall record it verbatim, in full and in detail in the terms to be issued;
- VII. The contact details of the person applying for registration, and
- VIII. Information on the relationship or affective relationship with the victim of the person applying for registration, when it is not the victim who does so. If the admission is requested by a public servant, the name, position and dependency or institution to which it belongs must be detailed.

In the event that any of the information indicated herein is missing, the Executive Committee shall request the entity that initially processed the incorporation of data to supplement the information within a maximum period of 10 days. This does not affect, in any way, the guarantee of the rights of the victims who applied to the Registry or on whose behalf the application was made.

**Article 102.** It shall be the responsibility of the entities that receive applications for admission to the National Registry of Victims:

- I. Ensure that persons applying for entry into the National Registry of Victims are treated preferentially and guided in a dignified and respectful manner;
- II. For applications for entry into the Register taken in person, complete correctly, in full and legibly, the single declaration format designed by the Executive Committee;
- III. To have the technological and administrative means necessary for the taking of the declaration, in accordance with the parameters defined by the Executive Committee of the National Victim Care System;
- IV. forward the original of the statements taken in person, the next business day following the taking of the statement to the place which the Executive Commission, state or Federal District according to jurisdiction;
- V. Guide the person applying for admission on the procedure and effects of the diligence;
- VI. To gather the necessary information on the circumstances of time, manner and place that generated the victimizing act, as well as its socioeconomic characterization, with the purpose of having precise information that facilitates its evaluation, in accordance with the principle of joint participation enshrined in this Law;

Investigate the reasons why the application for registration was not previously carried out;

Verify the minimum legibility requirements in the documents provided by the declarant and relate the number of pages attached to the declaration;

- IX. Under no circumstances refuse to receive the application for registration of the victims referred to in this Act;
- X. To guarantee the confidentiality, confidentiality and security of the information and to abstain from making use of the information contained in the application for registration or the diligence process to obtain benefits for oneself or for third parties, or for any use other than that provided for in this Law, and those relating to the Protection of Personal Data;
- XI. Provide a copy or receipt or proof of your application for registration to the victims or those who made the application, and

To comply with the other obligations determined by the Executive Committee.

**Article 103.** Once the application has been submitted, it shall be entered in the Register, and the information collected in the single format shall be evaluated together with the documentation submitted that accompanies said format.

In order to carry out this assessment, the Executive Commission, the State Commissions and the Federal District Commissions may request the information it deems necessary from any of the entities of the State, of the federal, local and municipal order, which will be in the duty to provide it within a term that does not exceed ten days. Once this evaluation has been carried out.

If there is reasonable doubt as to the occurrence of the facts, the victim or the person requested shall be heard and may attend before the respective Committee on Victims. In the case of proven facts or facts of a public nature, the principle of good faith referred to in this Law shall be applied.

The assessment process referred to in the preceding paragraphs does not, in any case, suspend the emergency aid measures to which the victim is entitled.

The assessment of the facts of the declaration shall not be required when:

- I. There is a conviction or decision by the competent judicial or administrative authority;
- II. There is a determination by the National Human Rights Commission or State Human Rights Commissions to report on these facts, including recommendations, conciliations or precautionary measures;

- III. The victim has been recognized as such by the Public Prosecutor's Office, by a judicial authority, or by a visitor from public human rights organizations, even when no sentence or resolution has been issued;
- IV. When the victim has a report that acknowledges such a character issued by an international mechanism for the protection of human rights that Mexico recognizes as competent, and
- V. When the authority responsible for the violation of human rights recognizes such a character.

The victim shall also have the right to be informed of all actions taken during the registration process. When a third party applies for admission, they must be notified in writing whether or not the admission was accepted.

Entry in the National Register of Victims may be cancelled when, after the assessment referred to in Article 103 has been carried out, including having listened to the victim or to the person who requested the entry, the Executive Commission or the respective State Commission finds that the application for registration is contrary to the truth regarding the victimizing acts in such a way that it is possible to conclude that the person is not a victim. The denial shall be made in relation to each of the facts and may not be made in a global or general manner.

The decision cancelling entry in the Register must be founded and reasoned. The victim, his/her legal representative, the person duly authorised by the victim to be notified, or the person who has applied for admission must be notified personally and in writing so that the victim may, if he/she so wishes, lodge an appeal for reconsideration of the decision with the Executive Committee so that it may be clarified, modified, added to or revoked in accordance with the procedure laid down in its Rules of Procedure.

Notification shall be made directly. In the absence of a more effective means of personal notification, the victim shall be sent a summons to the address, fax number or e-mail in the single declaration format or in other information systems to appear for the personal notification procedure. The summons shall be sent within five days following the adoption of the decision of non-inclusion and the notification procedure shall be recorded in the file.

Scope of the information of the National Registry of Victims.

The information systematized in the National Registry of Victims will include:

- I. The account of the victimizing event, as recorded in the single declaration format. The initial report will be updated as the respective criminal investigation progresses or through other mechanisms to clarify the facts;
- II. The description of the damage suffered;
- III. Identification of the place and date where the victimizing event occurred;
- IV. The identification of the victim or victims of the victimizing event;
- V. The identification of the person or entity that requested the registration of the victim, when not directly requested by the victim;
- VI. The identification and detailed description of the assistance and care measures that have actually been guaranteed to the victim;
- VII. The identification and detailed description of any reparation measures granted to the victim; and
- VIII. The identification and detailed description of the protection measures, if any, provided to the victim.

The information entered in the National Register of Victims should ensure that the differential approach is respected.

The Executive Commission shall draw up a plan for dissemination, training and updating on the procedure for the receipt of the declaration and its processing up to the decision whether or not to include it in the National Registry of Victims. The entities in charge of receiving and processing the Incorporation of Data in the Registry will guarantee the implementation of this plan in the respective federal, state and municipal orders.

## CHAPTER VI

### ENTRY OF THE VICTIM INTO THE SYSTEM

**Article 108:** Entry into the system shall be made by means of a complaint, the complaint, or news of facts that may be made by the victim himself, the authority, the public body for the protection of human rights, or a third party who has knowledge of the facts.

**Article 109.** The victim's statement. Authorities that are obligated to receive the complaint, the complaint, or the news of facts.

Any authority which has contact with the victim shall be obliged to receive the victim's statement, which shall consist of a narrative of the facts with the details and evidence offered by the victim, which shall be recorded in the single statement format. The Public Prosecutor's Office, Public Defenders, legal advisors to victims, and Human Rights Commissions may not refuse to receive such a statement.

When the authorities cited are not accessible, available or refuse to receive the statement, the victim may go to any other federal, state or municipal authority to make the statement, which shall be obliged to receive it, including but not limited to the following:

- I. Mexican Embassies and Consulates abroad;
- Health;
- III. Education

- IV. DIF;
- V. Women's Institute;
- VI. Hostels;
- VII. Public Defender's Office, and
- VIII. Municipal Trustee.

**Article 110:** They may also receive the complaint, the complaint or news of facts from the victim, to enter the system:

- I. Embassies and Consulates of foreign countries with representation in Mexico;
- Private health and education institutions.

**Article 111.** Once the denunciation, complaint or news of facts has been received, it shall be brought to the attention of the most immediate authority within a term not exceeding twenty-four hours.

In the case of persons in the custody of the State, the authorities in charge of places of deprivation of liberty shall be obliged to receive the declaration.

When a public servant, especially those who have the obligation to take the victim's complaint without being a ministerial or judicial authority, becomes aware of an act of violation of human rights, such as: torture, arbitrary detention, forced disappearance, arbitrary execution, sexual violence, he shall immediately report it.

**Article 112.** Any authority, as well as individuals who have knowledge of a crime or violation of human rights, will have the obligation to enter the name of the victim into the System, thereby contributing the elements it has. The Executive Commission shall have the obligation to make the missing information available through the Federal Committee or the Federative Entities or the authorities that make up the National Victim Care System.

When the victim is over 12 years of age, he or she may apply for entry into the system on his or her own or through his or her representatives.

In the case of victims under the age of 12, application for admission may be made through their legal representative or through the authorities referred to in article 101.

The granting of the status of victim, for purposes of this Law, is made by the Executive Commission, supported by the determinations of the following authorities:

- I. The Judge with an enforceable sentence;
- II. The judge of the case who has knowledge of the fact and the elements to prove that the subject is the victim, can be judges of amparo, civil, family;
- III. The Public Prosecutor's Office;
- IV. Human Rights Commissions, and
- V. The international human rights protection bodies that Mexico recognizes as having competence.

The Executive Commission must study the case and, if appropriate, acknowledge the status of victim. To this end, it shall take into account the reports of the family or peace judges, from which the situations arise, in order to determine that the person who has requested it may acquire the status of victim.

**Article 114.** Recognition of the status of victim shall have effect:

- I. Access to all rights, warranties, actions, mechanisms and procedures, under the terms of this Law, and
- II. In the case of serious injuries, crimes against psychosexual freedom, family violence, trafficking in persons, kidnapping, deprivation of liberty and all those that prevent the victim from adequately defending his or her rights; that the judge in the case or the authority responsible for the procedure immediately suspend all trials and administrative proceedings and halt all statutes of limitations and expiration periods in which the victim is involved, and all the effects derived from them, as long as his or her condition is not surpassed.

The procedure and the elements to be accredited shall be determined in the corresponding Regulations.

The competent authorities attached to the National Victim Care System shall guarantee the services of help, attention, assistance, access to justice, truth and comprehensive reparation for foreigners who have been victims of crime or human rights violations in Mexico, signing the corresponding cooperation agreements with the competent authorities of the country where the victim returns and with the support of the Mexican consulates in that country.

Victims shall have the right to compensation, on the terms and in the amounts determined by a final judgement of a competent jurisdictional body; in cases where there has been no judgement, with the prior agreement of the Executive Commission, and on the basis of the opinion of the Interdisciplinary Evaluation Committee, the State's pecuniary liability shall be subsidiary and shall compensate the victim, without prejudice to the civil, criminal and administrative liabilities that the same facts may imply and in accordance with the provisions of this Law.

## SEVENTH TITLE

### OF THE DISTRIBUTION OF COMPETENCES

**Article 117.** The three levels of government shall contribute to the fulfillment of the objectives of this Law.

in accordance with the powers provided for in this legal order and other applicable legal instruments.



**CHAPTER I  
OF THE FEDERAL GOVERNMENT**

**Article 118.** Corresponds to the Federal Government:

- I. Guarantee the full exercise of victims' rights;
  - II: Formulate and conduct a comprehensive national policy to recognize and guarantee the rights of victims;
  - III Ensure full compliance with this Act and applicable international instruments;
  - IV. Elaborate, coordinate and apply the Program referred to in the Law, with the help of the other authorities in charge of implementing the present legal order;
  - V. Ensure the dissemination and promotion of the rights of indigenous victims based on the recognition of the nation's multicultural composition;
  - VI Carry out, through the National Human Rights Commission and the State and Federal District Commissions, and with the support of local bodies, information campaigns, with emphasis on the doctrine of comprehensive protection of the human rights of victims, knowledge of the laws and the measures and programmes that protect them, as well as the legal remedies that assist them;
- Promote the formation and updating of inter-institutional coordination agreements between the different government bodies, so that they serve as a channel for achieving comprehensive care for victims, in order to facilitate the work of the Executive Commission;
- VIII. To conclude cooperation, coordination and concertation agreements in this area;
  - IX. Assist public or private institutions dedicated to the care of victims;
  - X. Ensure that the rights of victims and the protection of victims are given preferential attention by all authorities, within the scope of their respective competences;
  - XI. Evaluate and consider the effectiveness of the Programme's actions, based on measurable results;
- Develop all necessary mechanisms for the enforcement of this Law, and
- XIII Any other powers conferred by this Law or other applicable laws.

**CHAPTER II  
INTERINSTITUTIONAL COORDINATION**

The Federal Government is responsible for inter-institutional coordination:

- I. To implement the necessary measures to prevent violations of the human rights of victims;
  - II. To design a comprehensive policy with a cross-cutting gender approach to promote a culture of respect for the human rights of victims;
  - III. Elaborate the Program in coordination with the other member authorities of the System;
- Coordinate and follow up on the actions of the three orders of government in the areas of comprehensive reparation, non-repetition, aid and assistance to victims;
- V. To coordinate and monitor the work of the Federal Public Administration agencies and entities to promote and defend the human rights of victims;
  - VI Establish, use, supervise and maintain all instruments and actions aimed at improving the System and the Program;
  - VII. Execute and follow up the actions of the Programme, with the aim of evaluating its effectiveness and redesigning the actions and measures that require it;
- Monitor and promote guidelines for the media to strengthen dignity and respect for victims;
- IX. Sanction, in accordance with the law, the media that do not comply with the provisions of the previous section;
  - X. Carry out a national diagnosis and other complementary studies on a regular basis on victims in all areas, providing objective information for the development of government policies on prevention, care, assistance and protection of victims;
  - XI. To disseminate, through various means, the results of the System and the Programme to which this Law refers;
  - XII. To conclude agreements on cooperation, coordination and conclusion in this field, and
  - XIII The others foreseen for the fulfillment of the present Law.

**CHAPTER III  
SOCIAL DEVELOPMENT**

It corresponds to the Federal Public Administration in matters of Social Development:

- I. To promote social development from the point of view of integral protection of the human rights of the victims;
  - II. Assist in the promotion of the human rights of victims;
- III: Formulate the State's social development policy taking into account the advancement of victims and their full participation in all spheres of life;
- IV. Establish, use, supervise and maintain all instruments and actions aimed at improving the System and the Program;
  - V. To enter into cooperation, coordination and concertation agreements in this area; and
  - VI The others foreseen for the fulfillment of the present Law.

**CHAPTER IV  
THE INTEGRAL DEVELOPMENT OF THE FAMILY**

It corresponds to the Federal Public Administration in matters of Integral Development of the Family:

- I. The care and legal protection of older adults who are victims of any crime or violation of human rights;
- II. The care and legal protection of minors who are victims of any crime or violation of human rights; and
- III. The care and legal protection of persons with disabilities who are victims of any crime or violation of human rights.

#### **CHAPTER V PUBLIC SAFETY**

It corresponds to the Federal Public Administration in matters of Public Security:

- I. To train the personnel of the different police instances to attend victims in a first contact;
  - II. to take the necessary measures and take the necessary actions, in coordination with the other authorities, to achieve the objectives provided for in this Law;
- Organize, direct and administer a victim care service and conclude collaborative agreements with other institutions in the public and private sectors to better fulfil this responsibility;
- Design a comprehensive policy for the prevention of crimes and human rights violations in the public and private spheres;
- V. Propose to the Federal Executive the measures that guarantee the congruence of the criminal policy in favor of the victims, among the dependencies of the Federal Public Administration;
- 
- VI. Implement programmes for the prevention and eradication of violence, especially against girls, boys, young people, women, indigenous people, older adults, within and outside the family;
  - VII. Execute and follow up the actions of the Programme, as appropriate;
  - VIII. To formulate actions and programmes aimed at fostering a culture of respect for the human rights of victims;
  - IX. To elaborate and disseminate multidisciplinary studies and statistics on the victimological phenomenon;
  - X. Carry out, in coordination with the Office of the Attorney General of the Republic, studies on unreported criminal acts and incorporate this variable in the design of policies for the prevention and protection of the human rights of victims;
  - XI. To design, with a cross-cutting vision, a comprehensive policy with a cross-cutting gender perspective aimed at the prevention, care, punishment and eradication of violent crimes and human rights violations;
- Collaborate, in the protection of the physical integrity of victims and in the preservation of their property, in situations of danger when they are threatened by disturbances or other situations involving violence or imminent risk;
- XIII. Establish, use, supervise and maintain all instruments and actions aimed at improving the System and the Program;
- Safeguard the integrity and heritage of the victims, during the prevention of the commission of federal crimes;
- XV. To enter into cooperation, coordination and concertation agreements in this area; and
  - XVI. The others foreseen for the fulfillment of the present Law, its Regulations and the Program.

#### **CHAPTER VI OF PUBLIC EDUCATION**

It corresponds to the Federal Public Administration in matters of Public Education:

- I. Define in education policies the principles of equality, equity, non-discrimination and unrestricted respect for human rights;
  - II. To develop educational programs, at all levels of schooling, that foster a culture of human rights and respect for the dignity of persons;
  - III. To develop multidisciplinary research aimed at creating models for the detection of violence against women in educational establishments;
- IV: Train teachers in human rights;
- V. Establish a permanent scholarship programme for direct and indirect victims who are in primary, secondary, preparatory or university education in public institutions so that they can continue their studies. These supports will continue until the end of their higher education;
  - VI. Design and disseminate educational materials that promote unrestricted respect for human rights;
- Provide human rights training for all school personnel;
- VIII. Eliminate from educational programmes materials that advocate violence or contribute to the promotion of stereotypes that discriminate and promote inequality; and
  - IX. Establish, use, supervise and maintain all instruments and actions aimed at improving the System and the Program.

#### **CHAPTER VII EXTERNAL RELATIONS**

It corresponds to the Federal Public Administration in matters of Foreign Relations:

- I. Promote, encourage and ensure the coordination of actions abroad in the area of international cooperation of Federal Public Administration agencies and entities that guarantee the protection of victims' rights;
- Intervene in the conclusion of international treaties, agreements and conventions that are linked to the protection of the human rights of victims, to which the country is a party;

- III. To disseminate among the members of the Mexican Foreign Service the subject matter of the Law and its Regulations, for the adequate and effective fulfillment of their obligations;
- IV: Report to the competent authority when it has knowledge of human rights violations;
- V. Maintain communication with public sector agencies in order to promote effective practices for the prevention and protection of victims' rights;
- VI To implement abroad, in coordination with corresponding institutions, associations and chambers, the necessary mechanisms to provide immediate protection to victims, through guidance and referral to the competent institutions;
- VII. Establish information mechanisms so that nationals, when they are abroad, know where to turn if they are victims, and
- VIII. Any others expressly attributed to it by laws and regulations.

#### **CHAPTER VIII OF HEALTH**

It corresponds to the Federal Public Administration in matters of Health:

- I. To provide comprehensive and interdisciplinary medical and psychological care to victims through health sector institutions;
  - II. Create training programmes for health sector personnel on victim care and the application of international protocols and Mexican official standards in this area;
  - III. Establish professional and effective programmes and services, with twenty-four hours in public offices related to the care of victims;
- Providing comprehensive services to victims so that they are able to participate fully in public, social and private life;
- V. Disseminate material on victim care to health sector institutions;
  - VI Refer victims to institutions that provide them with specialized care and protection;
- Participate actively, in the implementation of the Programme, in the design of new models of prevention and care for victims, in collaboration with the other authorities responsible for the implementation of this Act;
- VIII. Ensure that the human rights of victims are respected in the provision of health sector services;
  - IX. Train health sector personnel to detect victims;
  - X. Support the authorities responsible for investigating crime or human rights violations by providing at least the following information:
    - (a) The number of victims treated in hospital centres and services;
    - (b) The type of violation suffered by the victim;
    - (c) The effects on the victim; and
    - (d) Resources allocated to the care of victims;
  - XI. To enter into cooperation, coordination and concertation agreements in this area; and
  - XII. The others foreseen for the fulfillment of the present Law.

#### **CHAPTER IX ACCESS TO JUSTICE**

It corresponds to the Federal Public Administration in matters of access to justice:

- I. Promote the training and specialization of officers of the Federal Investigative Police, officers of the Public Prosecutor's Office, experts and all personnel responsible for the administration of justice in the area of human rights;
  - II. To provide victims with guidance and advice for their effective care and protection, in accordance with the Organic Law of the Office of the Attorney General of the Republic, its Regulations and other applicable laws;
  - III. Make arrangements for the victim to receive emergency medical care;
- Provide the bodies responsible for compiling statistics with the necessary references on the number of victims treated;
- V. Provide victims with comprehensive information on the public or private institutions responsible for their care;
  - VI Provide victims with objective information to enable them to recognize their situation;
- Promote a culture of respect for the human rights of victims and guarantee the safety of those who denounce;
- VIII. To enter into cooperation, coordination and concertation agreements in this area; and
  - IX. The others foreseen for the fulfillment of the present Law, and its Regulations.

#### **CHAPTER X OF THE FEDERATIVE ENTITIES**

It corresponds to the federative entities and the Federal District, in accordance with the provisions of this Law and the local ordinances applicable in the matter:

- I. To implement and articulate its public policies in accordance with the comprehensive national policy for the adequate care and protection of victims;
  - II. Exercise its regulatory powers for the application of this Law;
  - III. Assist in the adoption and consolidation of the System;
- Participate in the elaboration of the Programme;

- V. Strengthen and promote the creation of public and private institutions that provide care for victims;
  - VI To promote, in coordination with the Federal Government, programmes and projects for the care, education, training, research and culture of the human rights of victims in accordance with the Programme;
- Promote local programmes for the advancement and development of women and improve their quality of life;
- VIII. Provide the budgetary, human and material resources, in coordination with the authorities that integrate the local systems, to the state programs and the Program;
  - IX. Promote the creation of shelters for victims according to the model of care designed by the System;
  - X. Promote information programs to the population on the subject;
  - XI. Promote comprehensive re-educational programs for the accused;
- To disseminate the contents of this Law through all the media;
- XIII Submit an annual report on the progress of local programmes;
  - XIV. Review and evaluate the effectiveness of actions, public policies, and state programs, based on the results of the research carried out for this purpose;
  - XV. Encourage the participation of private organizations dedicated to the promotion and defense of human rights in the execution of state programs;
- XVI. Receive from private organizations proposals and recommendations on the care and protection of victims, in order to improve mechanisms in this area;
- SEVENTEENTH. To provide statistical authorities with the information they need to compile statistics;
- XVIII. To promote reforms, within the scope of its competence, for the fulfillment of the objectives of this Law, and
- NINETEENTH. To enter into cooperation, coordination and concertation agreements on the matter, and applicable to the matter, granted by law or other legal systems.
- The federal authorities will take the necessary steps to encourage local authorities to reform their legislation in favour of and support for victims.

#### **CHAPTER XI OF THE MUNICIPALITIES**

**Article 128.** In accordance with this Law and the relevant local laws, the municipalities shall have the following powers:

- I. To implement and articulate, in accordance with national and state policy, municipal policy for the adequate care and protection of victims;
  - II. Assist with the Federal Government and federal entities in the adoption and consolidation of the System;
  - III Promote, in coordination with the states, training courses for persons who care for victims;
  - IV. Execute the necessary actions for the fulfillment of the Program;
  - V. Support the creation of comprehensive re-education programmes for accused persons;
  - VI Support the creation of safe havens for victims;
- To participate in and assist in the protection and care of victims;
- VIII. To enter into cooperation, coordination and concertation agreements in this area; and
  - IX. The other applicable to the matter, which may be granted by the Law or other applicable legal systems.

#### **CHAPTER XII OF PUBLIC SERVANTS**

**Article 129.** Corresponds to public servants.

All public servants, in the exercise of their functions and in accordance with the scope of their competence, from the first moment they have contact with the victim, shall have the following duties:

- I. Officially identify themselves to the victim, detailing the name and position they hold;
  - II. Develop with due diligence the powers recognized in this Act, in compliance with the principles established in Article 3 of this Act;
  - III Ensure that international human rights standards and instruments are respected and implemented;
- Treat the victim with humanity and respect for his or her dignity and human rights;
- V. Provide special attention to victims so that administrative and legal proceedings for the administration of justice and the granting of reparation do not generate a new harm, violation, or threat to the security and interests of the victim, family members, witnesses or persons who have intervened to help the victim or prevent new violations;
  - VI To avoid any treatment or conduct involving secondary victimization or incrimination of the victim under the terms of article 5 of this Act;
- Provide the victim with clear, precise and accessible guidance and information on their rights, guarantees and appeals, as well as on the mechanisms, actions and procedures established or recognized in this Law;
- VIII. To deliver in a timely, fast and effective manner, all documents required for the exercise of their rights, including identification documents and visas;
  - IX. Not hinder or condition the victim's access to justice and truth, as well as to the mechanisms, measures and procedures established by this Law;

- X. Submit to the Public Prosecutor's Office, or as the case may be, to public human rights bodies, the denunciations and complaints that they receive in compliance with this Law. This official presentation must be made within three working days after the victim, or his or her representative, formulated or delivered it;
- XI. Entering the victim in the National Registry of Victims, when its competence so requires;  
To provide the relevant authority with the documents, evidence or proof in its possession when these are requested of it or relate to the complaint, grievance or request submitted by the victim under the terms of this Act;
- XIII Investigate or verify the facts denounced or disclosed, trying not to further violate the rights of the victims;
- XIV Guarantee that the victim has a free exercise of all rights and guarantees as well as mechanisms, procedures and actions contemplated in this Law;
- XV. To carry out ex officio the actions tending to the search of disappeared, lost, absent or not located persons, as well as the identification of persons, corpses or found remains;
- XVI. To assist in re-establishing the whereabouts of victims, recovering them, identifying them and, where appropriate, burying them according to the explicit or presumed wish of the victim or the cultural traditions or practices of their family and community;
- SEVENTEENTH. Adopt or request from the competent authority, immediately and specifically, the necessary measures to bring about the cessation of the denounced or evidenced human rights violation;
- XVIII. Allow access to places, documents, files, interviews and other requests required by public human rights bodies, when these are carried out within their competence and for the purpose of investigating alleged human rights violations; and
- NINETEENTH. Refrain from requesting or receiving from victims or their representatives monetary or in-kind gratuities, gifts, favours or advantages of any kind.

Non-compliance with the duties indicated in this Law for public servants shall be sanctioned with the corresponding administrative or criminal liability.

Any individual who exercises public functions by virtue of concession mechanisms, permit, contracting or any other suitable means, shall be subject to the duties detailed above, with the scope and limitations of the scope of his competence. The obligations shall apply from the moment the victim comes into contact with him or her in compliance with measures of care, assistance, aid, support, integral reparation or any mechanism for access to justice.

**Article 131.** Any alteration in the records or reports shall generate disciplinary responsibility for whoever endorses or authorizes it, likewise shall generate subsidiary responsibility of its hierarchical superior. This is without prejudice to any administrative or criminal liability that may arise.

### **CHAPTER XIII PROSECUTION SERVICE**

**Article 132.** Corresponds to the Public Prosecutor's Office.

In addition to the duties set forth in Article 12, the Ministerio Público, within the scope of its competence, shall:

- I. To inform the victim, as soon as he or she appears before him or appears before him or her, of his or her rights.  
In addition to the provisions of the Constitution and international treaties, the respective criminal code and criminal procedure and the other applicable provisions, as well as the scope of these rights, and must leave a written record of the reading and explanation carried out;
- II: Monitor compliance with the duties enshrined herein, especially the legal duty to search for and identify disappeared victims;
- III. To request the precautionary seizure of property subject to seizure or extinction of ownership, in order to ensure full reparation of the damage suffered by the victim, as well as the exercise of other rights;
- IV: Request the necessary precautionary or protective measures for the protection of the victim, his or her family and/or property, when necessary;
- V. To request evidence in order to accredit, determine and quantify the damage of the victim, specifying what relates to moral and material damage, following the criteria of this Law;
- VI To direct the patrimonial studies and pertinent investigations in order to determine the existence of goods susceptible of extinction of dominion;
- VII: Request reparation of the damage in accordance with the criteria set forth in this Law;
- VIII. To provide information on the alternative dispute resolution measures offered by the Law through institutions such as conciliation and mediation, and to guarantee that the choice and exercise of these measures is carried out with full knowledge and absolute voluntariness;
- IX. When the insured property is placed in the victim's custody or returned to the victim, the victim must be clearly informed of the extent of the situation and its consequences for the process; and
- X. When the body or human remains of the family member or close persons are handed over to the victim, and he or she has not caused an execution, he or she must be informed that it is his or her duty not to subject them to cremation. Such a duty can only be imposed on the victim for the sake of realizing his right to truth and justice.

### **CHAPTER XIV**

## **OF MINISTERS, MAGISTRATES AND JUDGES**

**Article 133.** Corresponds to ministers, magistrates and judges, within the scope of their competence:

- I. Guarantee the rights of victims in strict application of the Constitution and International Treaties;
  - II. Dictate the necessary corrective measures in order to prevent the continuation of human rights violations or the commission of certain illicit acts;
- Impose appropriate disciplinary sanctions;
- IV: Resolve expeditiously and diligently the requests that are presented before them;
  - V. Issuing the necessary precautionary measures to ensure the safety of victims and their legal assets;
  - VI. ensure that the choice and exercise of alternative dispute resolution measures is carried out in accordance with the principles underpinning restorative justice, especially voluntary justice;
  - VII. Ensure that the victim is notified when his interests and rights are at stake, even if his contribution is not legitimized in court;
  - VIII. Allowing the victim to participate in the non-judicial acts and proceedings requested by the victim, even when the victim's assistance is not legitimized in procedural terms;
  - IX. Listen to the victim before passing sentence, as well as before resolving any act or measure that affects or is linked to their rights or interests;
  - X. When the insured property is placed in the victim's custody or returned to the victim, the victim must be clearly informed of the extent of the situation and its consequences for the process; and
  - XI. When the body or human remains of the family member or close persons are handed over to the victim, and the cause has not caused execution, they must inform her that it is her duty not to subject them to cremation. Such a duty can only be imposed on the victim for the sake of realizing his right to truth and justice.

## **CHAPTER XV OF THE FEDERAL LEGAL ADVISER TO THE VICTIMS**

It corresponds to the Federal Legal Advisor of the Victims:

- I. Seek to make effective each of the rights and guarantees of the victim, especially the right to protection, truth, justice and integral reparation;
  - II. To provide the victim with clear, accessible and timely information on the rights, guarantees, mechanisms and procedures recognized by this Law;
  - III. Advise and assist victims in any act or procedure before the authority;
- IV: Formulate complaints or grievances;
- V. Represent the victim in all criminal proceedings;
  - VI. Informing and advising the victim on alternative conflict resolution measures, and ensuring that they are carried out in strict compliance with the principles underpinning restorative justice, especially voluntary justice, and
- To monitor the effective protection and enjoyment of the rights of victims in the proceedings of the Public Prosecutor's Office at each and every stage of the criminal procedure and, where appropriate, to make up for its shortcomings before the relevant jurisdictional authority when the federal legal adviser to victims considers that the protection of victims' rights by the Public Prosecutor's Office is not effectively ensured.

## **CHAPTER XVI OF OFFICIALS OF PUBLIC BODIES FOR THE PROTECTION OF HUMAN RIGHTS**

**Article 135.** Corresponds to officials of public protection bodies.

In addition to the duties established for all public servants, officials of public human rights protection bodies, within the scope of their competence, shall:

- I. Receive complaints of alleged human rights violations;
- II. Receive reports of alleged criminal acts and forward them to the Public Prosecutor's Office;
- III. Investigate alleged human rights violations;
- IV: Respect, within the framework of their investigations, the international protocols for the documentation of cases of alleged human rights violations;
- V. Request, when appropriate, precautionary measures, necessary to guarantee the safety of victims, relatives or legal assets;
- VI. Follow up on requests made to the executive or judicial authority; in case of omissions or breaches by the authority or individual, denounce them through the appropriate channels;
- VII. Use all national and international mechanisms to ensure that administrative, civil or criminal responsibility for serious human rights violations is terminated in an effective and timely manner; and
- VIII. Recommend reparations for victims of human rights violations based on the standards and elements established in this Law.

## **CHAPTER XVII OF THE POLICE**

In addition to the duties established for all public servants, and the specific provisions contemplated in the respective regulations, the members of the police of the three orders of government, within the scope of their competence, are responsible for them:

- I. Inform the victim, as soon as he or she appears before him or appears before him or her, of the rights granted to him or her by the Constitution and international treaties, the respective criminal code and criminal procedure and other applicable provisions, as well as the scope of those rights, and must leave a written record of the reading and explanation given;
- II. To allow the participation of the victim and his or her counsel in proceedings aimed at the administration of justice, as well as the exercise of their assistance;
- III: Facilitate the victim's access to the investigation, in order to respect his or her right to the truth;
- IV: Collaborate with the courts of justice, the Public Prosecutor's Office, prosecutors' offices, comptrollers' offices and other authorities in all police actions required;
- V. Submit the respective test data and reports, with due diligence in accordance with Article 4 of this Act;
- VI Respect best practices and minimum standards of international human rights law, and Maintain updated records in compliance with this Law and the laws in accordance with its competence.

#### **CHAPTER XVIII OF THE VICTIM**

**Article 137.** Corresponds to the victim:

- I. Act in good faith;
- II. Cooperate with authorities seeking respect for their right to justice and truth, provided that it does not involve a risk to their person, family or legal property;
- III. Preserve the property subject to insurance when it has been returned or placed in their custody, as well as not cremate the bodies of family members to them delivered, when the authority so requests, and for the period determined necessary, and
- IV When you have access to confidential information, respect and keep it confidential.

Any employer of a victim, whether public or private, shall allow and respect the victim to make use of the mechanisms, actions and procedures recognized to give effect to his rights and guarantees, even if this implies absenteeism.

#### **TITLE EIGHT FUND FOR AID, ASSISTANCE AND COMPREHENSIVE REPARATION (FUND) CHAPTER I OBJECT AND INTEGRATION**

The purpose of the Fund is to provide the necessary resources for the aid, assistance and comprehensive reparation of victims of crime and victims of human rights violations.

An item may be earmarked for research and diagnostics on the situation of victims, provided that this optimizes compliance with the object of the Fund.

**Article 140.** The Fund for Aid, Assistance and Comprehensive Reparation shall consist of:

- I. Resources expressly provided for that purpose in the Federation's Expenditure Budget under the corresponding heading, without such resources being available for a different purpose. The Chamber of Deputies of the Congress of the Union shall provide the necessary funds in order to have the necessary resources for the victims;
- II. Resources obtained through the disposition of assets confiscated in criminal proceedings;
- Resources from bonds or guarantees that become effective when the defendants fail to comply with the obligations imposed by the authority;
- Resources from fines and pecuniary sanctions imposed by the administrative or judicial authority when duties recognized by this Law are violated;
- V. Appeals from fines and sanctions imposed on the State for human rights violations;
- VI Donations or contributions made in their favour by third parties, be they governments, international organisations, individuals or companies, provided that the control and transparency mechanisms required by law have been guaranteed;
- VII. The amount established in the judgment as a consequence of the support provided by companies that have financed organized groups outside the law;
- VIII. The amount of the integral reparation of the damage when the beneficiary renounces it or does not claim it within the established legal term;
- IX. Public auctions for objects or securities that are available to investigative or judicial authorities, provided that they have not been claimed by the person entitled to do so, in terms of the law, and
- X. Sums recovered by the State in civil suits, mandatory repetition, against public servants found responsible for human rights violations.

The Fund shall be exempt from all taxation of a fiscal and parafiscal nature, as well as from the various taxes that may be levied on operations carried out with the State where the Fund has its headquarters.

The necessary agencies and bodies shall be created for the better operation of the Fund at the federal, state and municipal levels, which shall be governed by the provisions of this Law and the corresponding Regulations.

When the situation so warrants, and by decision of the Executive Commission, an emergency fund may be created for urgent support, which shall be allocated part of the resources of the Fund for a determined period of time.

The Executive Committee, within a maximum period of ten days, will determine the emergency financial support required.

When the measures identified in Titles Three, Four and Five of this Law cannot be covered by the responsible public bodies or the institution or its officials refuse to grant them, a special appropriation of the Fund shall be allocated for these purposes.

The unjustified denial of the measures to which reference is made, will import a violation to the duties contemplated in this Law and the consequent sanctions.

## **CHAPTER II ADMINISTRATIVE**

The Fund in its federal and local dependencies shall be administered by a Titular appointed by the President Commissioner of the Executive Commission, approved by the majority of the full commissioners, and shall be administered following criteria of transparency, timeliness, efficiency and rationality.

**Article 146.** The resources of the Fund shall be administered and operated through a public trust without an organic structure and shall not be a parastatal entity.

**Article 147.** The exercise of the resources of the Fund and its supervision shall be governed by the provisions of the Federal Laws on Budget and Fiscal Responsibility and on Fiscalization and Accountability of the Federation or, as the case may be, by the equivalent local legislation in the case of the funds of the federative entities.

**Article 148.** The Titular of the Fund will have the attributions and duties that the Regulation of this Law confers to him. In particular, it must:

- I. Carefully administer the resources that make up the Fund in order to allow effective compliance with the object of this Law;
- II: Manage to ensure that the resources allocated to the Fund enter the Fund in a timely manner;  
Submit periodic reports and accountability to the Plenary of the Executive Committee;  
Make the necessary provisions to ensure the solvency of the Fund.

**Article 149.** The resources of the Fund shall be applied to grant economic support to the victim, which may be of help, assistance or integral reparation, under the terms of this Law and in accordance with the respective Regulations.

The Titular of the Fund will determine the support that corresponds to grant to the victim, previous opinion that on the matter emits the Interdisciplinary Committee evaluator. The payment of indemnities shall be governed by the terms set forth in article 71 of this Law.

**Article 150.** The Titular of the Fund, with the support of the financial consultant, shall render monthly accounts before the Executive Commission, and when required by the latter, which once it has received the corresponding reports and explanations, shall pronounce on the matter. The Executive Committee may in turn make such recommendations as it deems necessary.

The Fund will be audited annually by the Superior Audit Office of the Federation.

The Regulations of the Executive Commission shall specify the operation, scope and specific criteria for allocating the resources of the Fund.

## **CHAPTER III OF THE PROCEDURE**

In order to have access to the resources of the Fund, the victim must submit a request to the authorities, autonomous public bodies for the protection of human rights or individuals empowered under this Act to enter the system, accompanied by a judgement, resolution, recommendation, report or opinion, under the terms of article 71 of this Act, which provides for such access or with the agreement of the Executive Commission in accordance with the procedures established by it.

Whoever receives the request must submit it to the Executive Commission or State Commission within a period that may not exceed two days.

**Article 153.** As soon as it receives a request, the Executive Commission shall turn it over to the interdisciplinary team of case documentation for the integration of the file that will serve as the basis for the proposal that the Titular of the Fund submits to the Executive Commission to determine the support or assistance required by the victim.

**Article 154.** The Owner of the Fund must integrate said file in a term not greater than four days, which must contain at least:

- I. Copy of the denunciation or complaint, in its case of the complaint presented before the Public Human Rights Organisms, or the petition or communication presented to the international organisms for the



protection of human rights to which Mexico recognizes competence. If the victim has not initiated these actions, his application to any of the institutions or bodies referred to in this Act is sufficient;

- II. Specification of the damage or damages suffered by the victim;
  - III. Detail of the needs required by the victim to face the consequences of the crime or violation of their human rights;
- Copy of the sentence, resolution, recommendation, report or opinion, in the terms of article 71 of the present Law, that instructs such access or with the agreement of the Executive Commission in accordance with the procedures established by it, and
- V. If available, a list of medical or psychological reports detailing the victim's injuries as a result of the commission of the crime or the violation of human rights.
- Article 155.** In the case of an application for aid, it must also be added:
- I. A social work study carried out by the Interdisciplinary Evaluation Committee that lists the conditions of victimization faced by the victim and the needs to be met in order to deal with the consequences of victimization;
  - II. Medical opinion specifying the affectations suffered, the sequelae and the treatment, prosthesis and other needs that the person requires for recovery;
  - III. Psychological opinion in case the victim requires mental health care specifying the needs that need to be met for the victim's recovery, and

Proposal for a resolution to be adopted by the Executive Committee justifying and legally arguing the need for such assistance.

The victim is only obliged to provide the information, documentation and evidence in his possession. It is the responsibility of the Committee to ensure the integration of the respective folder.

**Article 156.** Once the request is received, it will be evaluated by the interdisciplinary evaluating committee to analyze, evaluate and specify the measures that will be granted in each case.

The Regulation of this Act shall specify the procedure to be followed for the granting of aid.

In the case of a request for assistance, the Executive Committee may not take more than twenty working days to resolve the origin of the request.

**Article 157.** Applications for access to the resources of the Fund referred to in the preceding article shall be admissible provided that the victim:

- I. Have an enforceable judgment indicating that you suffered the damage from such illicit acts, as well as the amount to be paid and/or other forms of reparation;
- You have not reached full payment of the damages caused to you;
- III. has not received full reparation for the damage by any other means, which may be proven by the office of the criminal judge or by any other reliable means; and
  - IV. submit a request for assistance, aid or comprehensive reparation, provided that such request is endorsed by the Executive Committee.

**Article 158.** Requests submitted in terms of this Chapter shall be dealt with in the order in which they are received and to the extent of the resources of the Fund.

#### **CHAPTER IV OF THE REPAIR**

If the State is unable to fully or partially implement the order for full reparation, established by court order or by agreement of the Executive Commission, it must justify the reason and take sufficient measures to collect its value, or take the appropriate steps to ensure that the victim's full reparation is achieved.

In the case of full compensation for damage caused by crimes, irregular administrative acts or human rights violations, the sole decision issued by the competent jurisdictional body in the case of crimes, or by the autonomous public body for the protection of human rights or the international body for the protection of human rights to which Mexico accords competence in the case of violations of human rights not classified as crimes, shall be sufficient for the competent authority, the party responsible, to pay or make reparation for the damage in kind determined by that body. In the event that it is impossible to determine the identity of the person responsible and with the prior agreement of the Executive Commission, the victim may resort to the latter so that through it the integral reparation may be proceeded through in a subsidiary manner under the terms of this Law.

In the case of full reparation for the commission of private crimes and when it is demonstrated that the person does not have the means to repair the damage, the victim may apply to the Executive Commission so that, depending on the seriousness of the crime, the appropriate action may be taken in accordance with the principles of this Act.

When the determination and quantification of support and reparation has not been given by a judicial authority or national or international human rights protection body, it shall be carried out by the Executive Commission. If the same was not documented in the criminal procedure, this Commission will proceed to its documentation and integration of the file as indicated in articles 153, 154 and 179 of the present Law.

Where part of the damage suffered is explained as a result of the victim's act or omission, such conduct may be taken into account when determining compensation.

**Article 164.** When the damage has been caused by more than one agent and it is not possible to identify the exact participation of each of them, a subsidiary responsibility shall be established vis-à-vis the victim, and the amount of the payment of compensation shall be distributed in equal parts among all the cocausants with the prior agreement of the Executive Commission.

**Article 165.** Aid and assistance measures may be of various kinds, in compliance with the provisions of this Law and the Regulations of the Executive Commission. Comprehensive repair should be covered

in national currency, with the exception that it may be paid in kind in accordance with the resolution issued by the Executive Commission.

The Executive Commission shall have powers to cover the needs in terms of assistance, aid and integral reparation, through the federal, state or municipal government programs available.

When the payment of reparation is appropriate, the Fund shall record the judicial decision that motivated it and the amount of compensation, which shall be of public consultation.

#### TITLE NINE

#### OF TRAINING, FORMATION, UPDATING AND SPECIALIZATION

**Article 168:** Members of the system who come into contact with the victim in compliance with measures of care, assistance, aid, support, comprehensive reparation or any mechanism for access to justice must include in their programmes thematic content on the principles, rights, mechanisms, actions and procedures recognized by this Act, as well as the specific human rights provisions contained in the Constitution and international treaties, specific protocols and other instruments of international human rights law.

These entities must design and implement a monitoring system that measures the impact of the training on the members of their respective dependencies. To that end, account should be taken, inter alia, of the complaints and allegations made against those officials, the sanctions imposed, the interviews and direct polls carried out on the victims.

**Article 169:** All procedures for the recruitment, selection, retention, encouragement, promotion and recognition of public servants who, because of their competence, have direct treatment or offer their services to victims in compliance with measures of assistance, aid, support, comprehensive reparation or any mechanism for access to justice, must include within the assessment criteria an item relating to human rights.

The National Conference on the Administration of Justice and the National Conference of Secretaries of Public Security, in compliance with the powers conferred on them by the General Law on the National Public Security System, especially those determined by article 63 thereof, shall ensure that the thematic content set out in this Act forms part of the strategies, policies and models of professionalization, as well as the supervision of the corresponding programmes in the training institutes.

The federal and state expert services shall train their officials and employees so that the victim may receive specialized care in accordance with the type of victimization suffered, and have the rights granted to him or her by the Political Constitution of the United Mexican States and international human rights treaties.

The Institutes and Academies responsible for the training, formation, updating and specialization of federal, state and municipal ministerial, police and expert public servants shall coordinate with each other in order to comply fully with the Master Professionalization Programs set forth in the General Law of the National Public Security System and the minimum guidelines imposed by this Chapter of this Law.

They should also propose collaboration agreements with universities and other educational institutions, public or private, national or foreign, in order to provide comprehensive academic training and excellence to public servants of their respective agencies.

The obligations listed in this article also apply to the equivalent entities for the training, formation, updating and specialization of the members of the Judicial Branch and the Secretariat of National Defence, in the three orders of government.

**Article 173:** The National Human Rights Commission and the public institutions for the protection of human rights in the federal entities shall coordinate in order to comply fully with the powers referred to therein.

These institutions must carry out their work as a matter of priority so that the assistance, support, advice and follow-up are effective and enable victims' rights to be exercised in practice.

As part of comprehensive assistance, care and reparation, victims shall be provided with vocational training and guidance.

Education and training will be carried out with a differential and transforming approach. Programmes shall be offered to the victim on the basis of interest, status and context, taking into account the usefulness of such training or education. The aim is to provide the victim with suitable tools to help make

comprehensive care and reparation effective, as well as to promote the strengthening and resilience of the victim.

The victim should also be provided with specific occupational guidance to enable him or her to choose the most suitable training and education programmes, plans and routes in accordance with his or her interest, condition and context.

In order to comply with the above, the programs existing in the three orders of government at the time of the issuance of this Law shall be applied, guaranteeing their consistency with the guiding principles, rights and guarantees detailed therein. When the federal government, federal entities and the Federal District do not have the necessary support for the fulfillment of the obligations referred to herein, they must create specific programs and plans.

**TENTH TITLE**  
**OF THE FEDERAL LEGAL ADVICE FOR VICTIMS' CARE**  
**SINGLE CHAPTER**

The Executive Commission creates the Federal Legal Counsel for Victims, an area specializing in legal counsel for victims.

The Federal Legal Adviser's Office shall be composed of Federal Legal Advisers for Victims, experts and technical professionals in various disciplines required for the defence of victims' rights.

It will have a Board of Directors, a Director General and the administrative units required for the performance of its functions, in the terms established in the Regulations.

**Article 177.** The Federal Legal Department is responsible for the following functions:

- I. To coordinate the Legal Advice Service for Victims in matters of federal jurisdiction, in order to guarantee the rights of victims contained in this Law, in international treaties and other applicable provisions;
- II. Coordinate the legal representation and advice service for victims in criminal, civil and human rights matters of federal jurisdiction, in order to guarantee access to justice, truth and comprehensive reparation;

Select and train public servants attached to the Federal Legal Department;

IV Designate at least one Legal Advisor to the Victims and the necessary aid personnel for each investigative unit of the Federal Public Prosecutor's Office, the Circuit Court and each Federal Court dealing with criminal matters;

V. Enter into coordination agreements with all those who can contribute to the defence of victims' rights; and

VI Any others that may be required for the defence of victims' rights.

**Article 178.** Provision of legal advice to victims.

The victim will have the right to appoint a Legal Advisor who will choose freely from the moment of entering the System. If you do not have a private attorney, the Executive Commission of the National Victims System should appoint one through the Federal Legal Department.

The victim shall have the right to have his or her lawyer present at all acts in which he or she is required to appear.

The service of the Federal Legal Department will be free of charge and will be provided to all victims who want or can hire a private lawyer and especially to:

- I. People who are unemployed and have no income;
- II. Retired or pensioned workers, as well as their spouses;
- III. Temporary or underemployed workers;
- IV. Indigenous people, and
- V. People who, for any social or economic reason, have a need for these services.

The figure of Federal Legal Adviser for Victim Care is created, which shall have the following functions:

- I. Assist and advise the victim from the first moment he or she comes into contact with the authority;
- II. Represent the victim in an integral manner in all proceedings and trials to which he or she is a party, for which he or she must carry out all legal actions aimed at his or her defence, including those relating to human rights, both nationally and internationally;

Provide the victim with clear, accessible, timely and detailed information and legal advice, whether in criminal, civil, family, labour or administrative matters;

IV: Inform the victim of the meaning and scope of the measures of protection, aid, assistance, care and comprehensive reparation and, where appropriate, bring them before the judicial and administrative authorities;

V. Follow up on all the procedures for protection, aid, assistance and care measures that are necessary to guarantee the physical and psychological integrity of the victims, as well as their full recovery;

VI To inform and advise the victim's next of kin, or such other persons as the victim may decide, about the services available to the State to provide help, assistance, advice, legal representation and other rights established in this Law, international treaties and other applicable laws;

VII. Keep a punctual record of the actions taken and form a case file;

Processing and providing copies of the victim's file, should the victim require them;

- IX. To monitor the effective protection and enjoyment of the rights of victims in the proceedings of the Public Prosecutor's Office at each and every stage of the criminal procedure and, where appropriate, to make up for the shortcomings of the latter before the corresponding jurisdictional authority when the federal legal adviser to victims considers that the protection of the rights of victims by the Public Prosecutor's Office is not effectively ensured; and
- X. Any others that may be required for the integral defence of the victims' rights.

**Article 180.** To enter and remain as Legal Advisor is required:

- I. Be Mexican or foreigner with immigration status of immigrant in exercise of their political and civil rights;
- II. have a degree in law, with a professional certificate issued by the competent authority;
- III. To pass the corresponding entrance examinations and competitive examinations, and
- IV: Not have been convicted of an intentional crime with a custodial sentence of more than one year.

The Legal Adviser shall be immediately assigned by the Executive Commission, with no other requirements than the request made by the victim or at the request of any institution, human rights body or civil society organization.

The career civil service for Legal Advisers includes selection, admission, assignment, permanence, promotion, training, benefits, incentives and sanctions. This career civil service shall be governed by the provisions set forth in the Regulations of this Act.

**Article 183.** The Director General, legal advisers and technical staff of the Federal Legal Department shall be considered trusted public servants.

The Board of Directors shall be composed of the Director General of the Federal Legal Department, who shall preside over it, as well as six legal professionals of recognized prestige, appointed by the Executive Commission on the proposal of the Director General.

The members of the Board of Directors shall perform their functions in a personal and non-delegable manner and shall hold office for three years and may be re-elected for a further three years.

The Board of Directors may meet with a minimum of four members and shall make its decisions by majority vote of the members present. In the event of a tie, the Director General shall have the casting vote.

The ordinary sessions shall be verified at least every two months, without prejudice to the fact that they may be convened by the Director General or by means of a request made to him by at least three members of the Board of Directors, when it is considered that there are important reasons for doing so.

**Article 186.** These are the powers of the Board of Directors:

- I. Set policy and actions related to legal advice to victims;
- II. To promote the contribution of public and private institutions, bodies and associations to raising the professional level of legal advisers, and also to provide the Board with technical advice in the specific areas or matters in which it may require it;
- Promote studies aimed at perfecting the Federal Legal Advisory Service;
- IV: Promote the conclusion of agreements with the different social sectors and public and private organizations, on topics such as training and support;
- V. Approve the guidelines for the selection, admission and promotion of legal advisers for victim care;
- VI Approve the general bases for the organization and operation of the Federal Legal Department;
- VII. Approve the proposed preliminary draft budget submitted for consideration by the Executive Committee;
- VIII. Approve the general guidelines for the hiring of experts and specialists in the various areas of knowledge in which they are required;
- IX. Approve the Annual Training and Stimulus Plan of the Federal Legal Department;
- X. To examine and approve the periodic reports submitted to it by the Director-General; and
- XI. Any other powers granted by this Law and other applicable legal provisions.

The Director General of the Federal Legal Department shall be appointed by the Presiding Counsellor with the approval of the Plenary of Commissioners and shall hold office for three years, and may be re-elected for up to three more years.

**Article 188.** The Director General of the Federal Legal Department must meet the following requirements for appointment:

- I. Be a Mexican citizen and be in full exercise of their rights;
- II. be at least thirty years of age on the day of appointment;
- III. Proof of three years' experience in the practice of law, especially related to matters related to their functions; and possess, on the date of designation, a professional degree and certificate of Licenciado en Derecho, issued by the authority or institution legally empowered to do so, with a minimum age of five years computed on the date of designation, and
- IV. enjoy a good reputation, professional prestige and not have been convicted of an intentional crime with a custodial sentence of more than one year. However, in the case of illicit acts such as theft, fraud, falsification, abuse of trust or any other act that seriously damages the person's reputation in the public sphere, the person shall be disqualified from holding office regardless of the penalty imposed.

The Executive Committee shall endeavour to prefer, under equal circumstances, the person who has held the position of public defender or similar.



Kidnapping, regulation of section XXI of article 73 of the Political Constitution of the United Mexican States, shall be assumed by the Federal Legal Department as from the entry into force of this Law.

**FOURTEENTH** - **The** advisors and lawyers attached to the various instances of procuration of justice and attention to victims will receive training from the Federal Legal Department so that they can compete as Victim Lawyers.

**FIFTEENTH** - All the institutions in charge of training shall establish plans and programs tending to train their personnel in order to comply with this Law.

**SIXTEENTH** - The institutions already existing at the time of the entry into force of this Law shall operate with their structure and budget, without prejudice to the special allocations they receive for compliance with the obligations imposed on them by this Law.

Mexico City, April 30, 2012.

SEN. **JOSE GONZALEZ MORFIN**, President - Dip. **Guadalupe Acosta Naranjo**, President - SEN. **RENAN CLEOMINIO ZOREDA NOVELO**, Secretary - Dip. **Guadalupe Pérez Domínguez**, Secretary - Headings. "

DGPL.-2P3A.-6469, signed by Senator José González Morfin, President of the Board of Directors of the House of Senators, in order to comply with the provisions of Article 72, Section B of the Political Constitution of the United Mexican States, and for its due observance.