

Seeking to bring public defense closer to all people



Instituto Federal de Defensoría Pública



EXECUTIVE SUMMARY

ANNUAL REPORT 2021 - 2022



PODER JUDICIAL DE LA FEDERACIÓN
CONSEJO DE LA JUDICATURA FEDERAL



Consejo de la Judicatura Federal

Executive Summary

This report reflects the work of the Federal Public Defender's Office carried out in the period June 2021 - May 2022. Three years after the current administration began, it is important to [account](#) for the performance and results of the work of this institution, as well as to identify best practices and plan next steps; always with the main objective of guaranteeing the human right to a free public defense of quality.

The work of the Federal Public Defender's Office focuses on two main areas: [criminal defense](#) at the federal level and [legal advice](#) on civil, family, mercantile, and labor matters, among others. In all cases, it is sought that the services provided incorporate differentiated approaches that guarantee the human rights of users, mainly their full access to justice free of discrimination of any kind.

In criminal matters, the Federal Public Defender's Office has [842 public defenders and 870 administrative officers](#), with presence throughout the country. In the case of legal advice, there are currently 280 legal advisers and 274 officers. Regarding advisors, it stands out that [41 are specialized in serving people in context of human mobility](#), [35 in serving people with disabilities](#) and [55 in labor matters](#). Also, the Federal Public Defender's Office has 133 bilingual public servants, making it possible to have the capacity to provide services in [148 linguistic variants](#).

The criminal defense exercised by the Federal Public Defender's Office benefited 52,671 in [both criminal justice systems](#) in this period: 45,514 in the adversarial system and 7,157 in the traditional system. This is equivalent to a 20% increase in the number of people represented, compared to the previous period. Public defenders made 109,987 prison visits, 85,689 were face-to-face (78%) and 24,298 remotely (22%). The renewed role of the officers stands out, who participated in obtaining 5,370 pre-evidences (an increase of 67% compared to the [previous report](#)).

Reaffirming the Federal Public Defender's Office's commitment to putting people at the center and guaranteeing their human rights to a fair trial, due process and to be free from arbitrary detention, efforts continue to combat excessive pre-trial detention and to favor alternative measures to imprisonment.

In this period, the Federal Public Defender's Office obtained 1,291 freedoms due to the modification of precautionary measures. Also, a favorable resolution was achieved in the [amparo en revisión 315/2021](#) that was heard by the First Chamber of the Supreme Court of Mexico, with which a mandatory precedent is established that generates limits on automatic pre-trial detention and that can benefit thousands of people. 2,209 liberties were obtained for pre-release benefits and a total of 7,866 liberties were obtained through other means established in the procedural laws, such as the 3,742 liberties obtained during the ministerial investigation, the 1,641 due to the dismissal of criminal action, and the 861 due to a not-binding over to trial decision.

In addition, 660 [amnesty applications](#) were submitted. The freedom of 62 people (23 women and 39 men) has been obtained due to the situation of extreme poverty they suffered, their belonging to an indigenous or Afro-American group, or due to gender issues that placed them in a situation of extreme vulnerability.

Regarding the legal advice services provided in this period, 30,502 people were benefited, through 37,067 services provided, an increase of 68% compared to the [previous report](#).

Legal advisers specialized in serving people in context of human mobility made 263 visits to shelters and kitchens, as well as 858 to [immigration stations](#) to provide guidance, advice, and representation services. The Federal Public Defender's Office represented 6,542 and released 1,539 people. Of the people served, 1,952 requested refugee status, which was granted in 445 cases. Of the 79 users who requested family reunification, 52 are already reunited.

In the case of [services provided to people with disabilities](#), the Federal Public Defender's Office provided 1,031 services (173% more than in the previous period). Legal advisors entered 37 public and private psychiatric centers and hospitals that provide specialized care to people with psychosocial disabilities in 20 states.

In labor matters, 3,544 workers, beneficiaries, pensioners, unions, or employers were attended. Derived from the coordination between the Federal Labor Defense Attorney's Office and the Federal Public Defender's Office, the Federal Labor Defense Attorney's Office channeled 1,020 users to the Federal Public Defender's Office, and the latter channeled 48 people to the Federal Labor Defense Attorney's Office.

In compliance with the reinforced obligation to serve vulnerable sectors of the population, during this period the Federal Public Defender's Office assisted 874 [indigenous people](#), 254 in legal advice and [620 in criminal defense](#), as well as 3 Afro-Mexicans represented in criminal proceedings. The obtaining of 45 freedoms of indigenous people should be highlighted, analyzing in each of these the situations of vulnerability and their cosmovision. Also, 850 adolescents were represented in criminal proceedings. 4,907 elderly people were attended. Legal advice services were provided to 152 people from the LGBTTTIQ+ community.

For the first time in history, the Federal Public Defender's Office promotes litigation before international human rights organizations, seeking to guarantee access to international justice for survivors of torture and other human rights violations. Proof of this is the case of "[Leopoldo](#)", who is a survivor of sexual torture and has been in pre-trial detention for almost a decade. The UN [Committee Against Torture](#) is hearing his case. In addition, the [UN Working Group on Arbitrary Detention](#) issued an [Opinion](#) in the case of a woman survivor of sexual torture, in pre-trial detention for more than 13 years. The Federal Public Defender's Office is pursuing the effective implementation of this Opinion.

Two communications were presented to the [UN Human Rights Committee](#), denouncing the case of 2 women in pre-trial detention for 9 years. Also, a request for precautionary measures was filed with the [Inter-American Commission on Human Rights](#), in response to the acts of torture denounced in July 2021 by dozens of people deprived of their liberty at [CEFERESO 14 in Durango](#).

The Federal Public Defender's Office continues to strengthen its strategy to combat torture and ill-treatment, seeking to guarantee that the absolute prohibition of these acts becomes a reality. 937 new cases were added to the 7,779 reported in the [last report](#). To date there are a total of 8,716 reports of possible acts of torture or ill-treatment throughout the country. Between September 2019 and May 2022, 5,106 complaints have been filed with the competent prosecutor's offices.

Based on "legit interest", the Federal Public Defender's Office, through its Technical Secretariat Against Torture and Ill-Treatment, filed 36 writs of *amparo* in favor of 67 people, seeking to advance criminal investigations of the crime of torture. There are already 231 *amparo* trials. In addition, derived from the 138 trials in which the absence of creation and operation of the National Registry for Torture is claimed, the [First Chamber of the Supreme Court of Mexico resolved the criteria contradiction 31/2021](#), determining that [the Registry is widely linked to the clarification of acts of torture and ill-treatment, derived from its nature as an investigative tool](#).

Seeking the effective implementation of the [General Law on the matter](#), 39 writs of *amparo* were filed in almost the entire country, giving a total of 83 lawsuits filed by the Federal Public Defender's Office seeking the creation of special prosecutor's offices in the investigation of torture and ill-treatment. In this period, 4 *amparo* judgments were dictated in [Colima](#), [Tlaxcala](#), [Yucatán](#) and [Hidalgo](#), ordering the creation of these special prosecutor offices.

The Federal Public Defender's Office filed 5 writs of *amparo* against federal and local authorities, claiming the failure to prevent torture and ill-treatment inside Mexican prisons. With this, they sum up to 10 *amparo* trials on behalf of 944 people deprived of their liberty.

The Human Rights Strategic Litigation Unit of the Federal Public Defender's Office filed 91 lawsuits related to the [excessive duration of automatic pre-trial detention](#), the harmonization of domestic law with international law, pre-release benefits for people with disabilities, equality of arms among defense and prosecutors, State patrimonial responsibility processes, litigation against norms that criminalize the interruption of pregnancy, among others. Likewise, 14 *amicus curiae* and 3 letters of support have been presented by various civil society organizations specializing in the defense and protection of human rights.

For the Federal Public Defender's Office, the [professionalization of its personnel](#) and the generation of practical tools that strengthen the defense and ensure the quality of the services provided are essential. For this reason, in this period 116

people entered the specialty in criminal defense and 108 in legal advice. 720 people participated in the criminal defense updating courses while 254 people registered for the legal advice.

In addition, 323 public servants participated in the “Specialization Course on labor reform. Fourth and Fifth Generations”, taught by the [Federal School of Judicial Training](#). Due to the coordinated work within the framework of the [Inter-American Association of Public Defenders](#), a cycle of conferences was organized that benefited 2,905 public servants from the Federal Public Defender’s Office.

Likewise, during this period, the Attention Protocols for [people in context of human mobility](#), for [people with disabilities](#), for the special representation of [children and adolescents](#), and the [Practical Guide](#) for the proper use of the Attention Card for the Documentation of torture and ill-treatment, were created and socialized.

Within the framework of these actions, the [Forensic Sciences Area](#) of the Federal Public Defender’s Office has been vital in strengthening the defense strategies of public defenders and legal advisers throughout the country. Currently, there are 30 specialists in expert activities and 32 specialties. During this period, 8,644 requests for intervention were received from public defenders and legal advisers, which represents an increase of 196% compared to the previous period.

Seeking to bring public defense closer to all people, in this period the [Defensatel](#) received 10,702 calls, the Federal Public Defender’s Office was inaugurated in Tlaxcala and a Metrobus station was established in Mexico City, called “*Defensoría Pública*”.

Considering that the [supervision and recognition of the personnel](#) is important to guarantee the quality of the services provided, in this period 1,076 supervisions were carried out: 841 in criminal defense and 235 in legal advice, representing an increase of 135%, in relation to those made in the previous period. In addition, 673 evaluations were carried out: 531 in criminal defense (with average results of 86.2) and 142 in legal advice (with average results of 84.5). In addition, awards such as the [Ponciano Arriaga and Jacinto Pallares Medals](#) (for the most outstanding defenders and advisors) and the [Benita Galeana Certificate](#) (for the best legal officer) were awarded.

Regarding the efficient use of human, material and financial resources, the Federal Public Defender’s Office has a total of [2,983 positions](#) (1,449 are occupied by men and 1,443 by women). For fiscal year 2021, the authorized budget was \$22,397,042.00. For fiscal year 2022, there is a budget of \$22,124,937.00.

Regarding the respect and guarantee of labor rights, the Federal Public Defender’s Office granted permanent positions to 158 workers, from which 53% are women; and 697 leaves of absence with pay. In addition, 1,650 personal days were authorized, that is, 182% more personal days than the previous period.

Finally, this report has a special chapter entitled “Beyond the numbers: the stories

behind the work of the Federal Public Defender's Office." These pages show the context in which the almost 3,000 people who are part of the Federal Public Defender's Office carry out their work and the lives that have been transformed.

In the context of a generalized situation of violence, discrimination, and criminalization against women in Mexico, the work of the Federal Public Defender's Office stands out in serving [women criminalized for the interruption of their pregnancy and relatives of victims of femicide](#). Likewise, considering the widespread practice of torture and the impunity that surrounds this crime, a qualitative report is presented on the methods of torture used in the country, authorities denounced, contexts and patterns found.

