

**CONSTITUTIONAL REFORM BARRING THE “AUTOMATIC TRANSFER” OF MEXICO’S ATTORNEY
GENERAL TO THE NEW NATIONAL PROSECUTOR’S OFFICE: IMPORTANT BUT INSUFFICIENT
TO CREATE A BETTER INSTITUTION**

Barring the “automatic transfer” of Mexico’s current attorney general to the new National Prosecutor’s Office is a positive step forward, but additional constitutional and legal reforms are needed to guarantee the new institution’s ability to effectively prosecute crimes, reduce corruption and impunity, and ensure that the first national prosecutor is free from political influence.

Washington, DC—On August 27, Mexico published a [constitutional reform](#) that prevents the last attorney general of Mexico’s current Attorney General’s Office (*Procuraduría General de la República*, PGR) from automatically becoming the head of the new National Prosecutor’s Office (*Fiscalía General de la República*), which will be an institution independent and autonomous from the executive branch. Before this reform, the last attorney general named by the president would have automatically become the country’s first national prosecutor—who will head the new office for nine years—without having undergone an adequate selection process. This would have allowed for a continuation of the deep-rooted practice in Mexican politics of making high-level appointments based on political favors rather than on merit.

Mexican civil society has been pushing for this constitutional reform since November 2016. According to the **Washington Office on Latin America (WOLA)** and the **Due Process of Law Foundation (DPLF)**, the elimination of the “automatic transfer” (*pase automático*) is a positive development, but [important reforms are still needed](#) for the national prosecutor to be truly autonomous from political interference and for the new institution to be able to effectively investigate crimes and reduce violence, corruption, and impunity. This includes comprehensively reforming article 102 of Mexico’s Constitution in order to lay a solid foundation for the new National Prosecutor’s Office, including by prohibiting any officials or PGR personnel accused of torture, obstruction of justice, or other illegal acts from being automatically transferred over to the new institution. An “Implementing Law” (*Ley Orgánica*) is also needed to prevent the transition of the PGR to the new National Prosecutor’s Office from becoming a mere change in name that allows for the continuation of the vices and institutional practices that have resulted in an inefficient criminal justice system and widespread impunity.

“The appointment of the first national prosecutor will put to the test the new administration’s true political will to begin a new era in the fight against impunity in Mexico. The degree to which international standards of transparency, citizen participation, and merit are respected will serve as a measure of that commitment,” said [Úrsula Indacochea](#), Senior Program Officer at DPLF.

WOLA and DPLF applaud the steps taken by the new government’s transition team to develop the Implementing Law for the new National Prosecutor’s Office. We also welcome its openness to the

participation of civil society, victims' groups, human rights groups, justice experts—including the citizens' collectives #FiscalíaQueSirva and #VamosPorMás—and academics in discussions surrounding this process. We urge Mexico's Congress to promote a serious, thorough, and technical debate about the Implementing Law, which will lay the groundwork for the future of the institution.

“In appointing Mexico's first national prosecutor, President-elect Andrés Manuel López Obrador and the new Mexican Congress have the opportunity to put an end to the harmful and deep-rooted practice of appointing senior-level public officials based on their ties to certain political groups rather than on their ability to respond to the needs of citizens,” said [Ximena Suárez-Enríquez](#), WOLA Assistant Director for Mexico.