Mexico: the trespassing of political representation

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The representative system of the young Mexican democracy is systematically situated in a vulnerable position by several facts: the lack of transparency in the exercise of public administration, the embezzlement of state and municipal finances, the use representative positions in trenches defending particular interests and use of public resources for private purposes. Corruption, impunity, poor quality of public services, delays in judicial proceedings, limits on rights of audience and violence, and the lack of development and low levels of well-being, are some of the reasons for the failure of the new Mexican democracy. The trespassing of the representation affect the important political agreements and mainly of civil and social rights. Despite its shortcomings and failures, the recently conquered, representative spaces in democratic politics appear as the option to modify an adverse social and economic reality.

The new Mexican democracy

In Mexico, until recently the principles of freedom, democracy, respect for human rights, fundamental freedoms and the rule of law were virtually nonexistent. They began to become a reality with the democratization process during the nineties, in the late twentieth century. In that sense, we cannot talk of a democratic regression, quite the opposite: in the late eighties began the decline of the authoritarian system of hegemonic party, whose axis was a single political party, the PRI, which was replaced by a system of moderate pluralism; as in 1997, the president and his party, the PRI lost its majority in the house of representatives in 2000 and also lost their majority in the Senate and the presidency, resulting in the first alternation in power to the federal government.

At the same time, this country is characterized by a weak civil society, marked by deep social inequalities, low levels of civic and political participation, and lack of trust in political elites. Therefore, the recent democratic political culture is still poor and mostly not extended to the majority of the population. Mexico is a country overwhelmed by organized crime, high rates of unemployment (disguised by underemployment and informal employment), social unrest, endemic corruption and a very low economic growth, which has immersed society into a vicious circle of unemployment, poverty and recession. Deep social inequality, poor economic performance, weak rule of law and civil society, in turn, result in a feeling of discomfort with democracy, that is to say, against the representative system.
Inequality
By 2006, a population of 44 million Mexicans were unable to cover costs on food, education, clothing, health, housing and transportation. Before the 2008 crisis, the National Institute of Statistics, Geography and Informatics (INEGI) reported a contraction in household income, this means that despite more members of the family are now working the overall income is lower.

People of impoverished rural and urban areas, indigenous and internal migrants have limited access to the exercise of economic and social rights. There is an estimated 30 million people who have no work stability and social security. With low incomes and without possibilities to have the Popular health Insurance or to have access to decent housing They also find it difficult to meet their basic needs of food, clothing and recreation. Many of these 30 million Mexicans also depend largely on subsidies and grants that are awarded government programs to combat poverty (Emmerich, 2009).

The figures of increasing poverty in the country also show a worrying scenario. According to the measurements of the National Council for the Evaluation of Social Policy (CONEVAL, 2009), Mexicans poverty concerning food provision increased from 14.4 to 19.5 million between 2006 and 2008 (from 13.8% to 18.2%), this means that there are 5 million more extreme poor in the country in just two years, excluding the impact of the international financial crisis of 2008. In that year, poverty affected 26.8 million, from, 21.7 million in 2006 (increased from 20.7% to 25.1% of the population) . By that time 50.5 million Mexicans were in patrimonial poverty, 5.8 million more than in 2006 (42.6% went from 47.4%). This shows that the country is becoming more unequal and poor. The data that include the effects of the economic crisis, indicate that in 2009, 9 million people were added to poverty status in Latin America, of which 40 percent of those are from Mexico Thus, the number of poor Mexicans increased by 3.6 million during 2009, with a universe of 54 million poor people by 2010, almost exactly half of a population of 108 million that year, according to the National Population Council (CONAPO ) (IETD, 2010).

In 2002-2004, 5% of the population was undernourished, percentage equal to that recorded in 1990-92 (World Bank, 2007). Given these facts, government programs to fight against poverty provided financial support intended for food, education and health care to the most vulnerable families as measures to combat poverty. Voluntarily enrolled in the Seguro Popular (Health Popular Insurance) and children affiliated in Insurance for a New Generation, people have health services, but not high quality, as the Mexican Social Security Institute (IMSS) and the Institute of Social Security in Service for State Workers (ISSSTE), lack of equipment, drugs and doctors needed. In an attempt to solve these problems, during the government of Enrique Peña Nieto (2012-2018) the National Campaign Against Hunger was launched.

Income inequality and inequality of opportunities
The a link between wealth and ownership concentration, influence of the private elites over the government and increasing inequality is clear. Tax evasion on income and property taxes and low percentage of taxpayers make
tax revenues insufficient. Another way of achieving economic privileges are fiscal policies which benefit just a few percentage of the population. Since the late 1970s, in 29 of the 30 countries in which data are available there is a lower marginal tax rate for the wealthiest sectors of society and Mexico is the country where more tax breaks for the highest incomes are granted. (Source: "Top Marginal Personal Income Tax Rates, 1975-2008," Tax Policy Center, offers data of France, United Kingdom, United States, Mexico, Sweden and Germany, Oxfam, 18-19).

At the end of the third quarter of 2014, 60 large companies were able to avoid the payment of 232 thousand million pesos to the Mexican treasury under the concept or deferred taxes. The government is constantly increasing taxes to balance public finances while at the same time allows large corporations not only to legally escape and evade the IRS, but grants them large tax credits which usually are not paid. According to reports from the Ministry of Finance, the private sector owes 453 thousand million pesos in tax credits, and half of that amount, 232 thousand million pesos, is concentrated only in 60 consortia.

Income inequality can determine unequal opportunities: the opportunities the children will have in their life will depend heavily on the socioeconomic situation of their parents. This "opportunity hoarding" perpetuates inequalities. It occurs when specific groups assume control of resources and valuable assets for their own benefit and seek to guarantee for them only the gains generated from those resources. These may be different types of resources, such as government spending, access to quality education or better paid jobs. (C. Tilly, 1999; Oxfam, 21-22).

**Inequality undermines political institutions**

The increase of inequality within countries influences the political process and undermining institutions in pro of the privileged, this hampers the efforts to strengthen political participation and building inclusive political systems (Oxfam, 11).

Representative democracy is a way of organizing the power to extend citizenship in its three dimensions (political, civil and social) it also prevents or limit the domination of some individuals or groups over others. Its origin is the popular sovereignty as a source of power; exercised through the republican institutions of government, regulated in the democratic state of law, and its purpose is to ensure, materialize and extend the rights of citizens in the three core areas of citizenship (UNDP, 2010).

Political citizenship concerns the forms of access and the conditions of permanence in public office; as well as the representation of women and ethnic minorities; and the decision-making mechanisms of government, in particular with regard to the relations between the Executive and Legislative powers, and the design of the constitutional framework and reform processes. Concerning civil citizenship it is at the same time considered, the main reason
of basic freedoms, access to justice and access to public information; in the case of social citizenship, the lack of access of the majorities to health services, education and social protection, and the vast extent of poverty and inequality (Marshall, 1965: 22-23; UNDP, 2010: 16).

Building more equitable societies means in first instance the enjoyment of civil and political rights and economic, social and cultural rights as part of an integral view on the fundamental rights of the people. If no progress is made with regard to economic, social and cultural rights, civil sectors with few resources and low levels of education, tend to lose respect to political rights. As Ocampo says: “Poverty and lack of citizenship often go hand in hand” (2000: 49): “We can have democracy or we may have wealth concentrated in few hands, but we can not have both.” (Louis Brandeis in Oxfam, 2)

**Discomfort with the New Democracy**

The National Survey on Quality of Citizenship published in 2013, included 11,000 interviews, with information representative of the whole Republic, organized into five geographical regions, 10 states or federal entities and 12 municipalities. The Country Report of the National Electoral Institute of Mexico, presents interesting results that match similar studies of the kind, such as the Latinobarometer (2013).

Little appreciation for the political class and the pluralist system of parties. The trust of citizens towards political parties and its members is less than 20%, and only 34% trust the electoral authority. Only 36% trust their state government and only 30% have confidence in municipal government. Data also shows distrust of the legislature, the mayor, and politicians in general, although electoral participation remains at 62%. The perception of justice and the rule of law are negative. Only 4 out of 100 consider laws are respected "much", while 37 argue that "little" and 29 "nothing". 61% of those who have been victims of crime, did not file any complaint, and four out of ten reported having had bad experiences with authority.

According to the data discrimination has increased in this period. 75.3% of the population perceives that people are discriminated because of their physical appearance, 76% because of their social class, 71% concerning skin color, 59% for being female and 71% for their Indigenous status. In Mexico there is a very small tradition of participatory society in community and civic life. Only 3.38% of the respondents are active members of a political party, of a union 3.65, 1.5 of a professional association, an environmental group 1.21 and 1.08 of an organization for the protection of human rights. Elites are more organized to promote and defend their interests than the poor, as higher level of education and income increases dramatically the belonging to civil society organizations, and this widens more the social gaps. The distrust on institutions, the perception of discrimination as a widespread practice and weak social organization affect the appreciation for democracy. 53% of Mexicans believe that democracy is preferable to any other system of government, lower than the Latin American average level; but 18% really don't care for one democratic system or another, and 23% say that an
authoritarian government is preferable to a democratic one since a strong 
hand is preferable in some circumstances.

**Corruption**

Perceptions Index on Corruption 2012, prepared by Transparency 
International, reports that Mexico recorded 34 points, which ranked 105 out of 
176 classified countries and therefore under its main trading partners, Canada 
and the U.S., that were found in number 9 and 19 positions respectively; it 
also has the highest rate of corruption in the OECD and is where most taxes 
are paid. "Mexico is ranked with a score of 34 and occupies position 105 
along with countries such as Algeria, Armenia, Bolivia, Gambia, Kosovo, Mali 
and the Philippines."

Transparency Mexico also reported that according to "Global Corruption 
Barometer 2013", 17% of Mexicans who reported paying a bribe in the past 
12 months, it was to have access or to facilitate a process in the education 
sector.

Mexico Evaluates, meanwhile, regrets that the issue on fighting corruption 
was not included in an extraordinary period session in Congress, before 
September 2013. "In the anti-corruption commission case, at the beginning of 
this government announced the disappearance of the Ministry of Public 
Administration, (...) however, the discussion on the initiatives (...) for the 
creation of an anti-corruption body is still pending, which creates uncertainty 
and does not allow to overcome the weaknesses and inefficiencies to the 
previous anticorruption scheme still current " questioned the organization. 
(Transparency International: worsening level corruption in Mexico during the 
first year of the administration of EPN, La Jornada and Reforma, December 3, 
2013).

According to the Corruption Perception Index carried out by Transparency 
International, Mexico is 105 among 176 nations. In the panorama of 
corruption the country is similar to Kosovo, Mali, the Philippines and Albania. 
Ironically in the national scope, the fact that 71 countries were evaluated even 
more than Mexico is presented as a positive sign. (Forbes Mexico, May 19, 
2014)

Socially, corruption is perceived as an endemic and immutable malady 
impossible to question and confront. To this perception, we must add that of 
those that give it a positive value and see corruption as the engine of the 
economic machine, which steers the justice system and is the factor that 
makes things work. Social punishment towards corrupt practices is almost 
nonexistent. Rather, it is a practice encouraged and commended: he who 
gives a bribe "in Mexico called a bite" or gets a contract by giving money, is 
considered as skillful. That's why in the vast catalog of national problems, 
corruption hardly appears and this also explains why the National Anti-
Corruption Commission still has not been integrated, and the head of the 
Ministry of Public Service is a manager's office, as said in the report by 
Transparency International.
"For decades we have attributed low growth to the absence of economic reforms such as those approved between December 2012 and 2013 at the constitutional level. However, once the secondary legislation of each reform was approved, it showed the barrier in which private investment corruption represent. Corruption means a lack of legal certainty, the increase of costs in each procedure or contract, production costs and profitability of companies. If we consider the figures of the World Bank, corruption is costing Mexico 9% of GDP per year, that means, two points more than Carlos Slim’s fortune. In the Center for Economic Studies of the Private Sector, the figure is 20% of GDP. In other words, one fifth of what we produce is diluted, filtered and seeps in corruption.

The National Institute of Statistics and Geography (INEGI) in Mexico revealed that 12.1 percent of the population has had a corruption experience while performing administrative procedures, requested services and having other contacts with civil servants during 2013. The Quality and Governmental Impact Survey (ENCIG) 2013 shows that 89.7 percent of the population perceives the police as the public institution where there is more corruption, followed by political parties with 84.4 percent and the Attorney General (in charge of the administration of justice) with 78.4 percent. The ENCIG estimated that the prevalence of corruption was 12.1%, while the incidence of corruption per 100,000 inhabitants was 24,724, making it at national level, an incidence corruption rate of 24.7% (UNONOTICIAS, 16 June 2014), only in connection with public officials.

Governors have been accused with illegal appropriation of public resources. On May 8, 2014, an order of imprisonment was decreed against Luis Armando Reynoso, a Pan Militant who was the Governor for Aguascalientes 2006 to 2012. Got an imprisonment order for the crime of embezzlement, in detriment of the Institute of Housing and Land Management of the State of Aguascalientes, for 26 million pesos. On May 22, 2014 the former Governor was issued a second warrant of formal arrest for the same crime (Reforma, 9 and 23 May 2014). Andrew M. Granier, PRI former governor of Tabasco 2006-2012, also in prison for a similar offense. Embezzlement is a crime which consists of theft of public funds made by whoever is in charge of government during his or her administration.

Union leaders are not exempt. Elba Esther Gordillo, leader of the National Union of Education Workers (SNTE), was arrested on February 27, 2014. On March 4, 2013, the judge issued for the first time formal prison on charges of organized crime and money laundering for one thousand 978 million pesos. Tax evasion was later added to these crimes (Reforma, February 27, March 5 and June 3, 2014).

Corruption is a problem which costs Mexico at least 100,000 million dollars a year (Forbes, May 19, 2014). To grow faster, it is essential to prioritize the issue of corruption. In this regard, we need to reinforce transparency practices, and follow the recommendation of Transparency International preventing the expenditure of a large proportion of public money with absolute
discretion and fighting against impunity. (La Jornada and Reforma, December 3, 2013).

**Political representation to the test**

Political representation is "a stable relationship between citizens and government by which the latter are allowed to rule in the name and following the interests of the former, and subject to political responsibility for their own behavior and eager to face the same citizens through electoral institutional mechanisms. "(Cota, 1996, 272) Representation is essentially at the same time, the principle of political legitimacy, institutional structure (lasting and fundamental guarantee element) and mode of behavior.

According to Bernard Manin (1998), those who govern are appointed by election at regular intervals, and in these rulers not all citizens fit; representatives have a degree of independence from the wishes of their constituents, so that they are not bound by the promises made to voters; those governed can express their political opinions and desires without being subject to the control of the rulers: vision of the future of the voters is only a wish, but if they are dissatisfied with the performance of those in charge, their verdict (retrospective motivation) result in an order; in public decisions, on the contrary, we witnessed a debate process, in which the involved party as well as the channels of public communication intervene.

The representative system, therefore, cannot be limited to electoral mechanisms or internal functioning rules of popular choice, but, on that basis, extend the performance of their functions, which must have at least two features: to be attached to the legal system and look out for the collective welfare. The conflict of interests financial or other, and the lack of transparency in their performance, are discarded. Representation entails an obligation of the representative to explain and justify the policies adopted (Linz, 2002, p 312), as well as the responsibility to create the necessary consensus issuing the laws to attend and act in the "best interest of the voters'. (Przeworski, Stokes and Manin, 1999).

In today's Mexico, the integration of the legislative and executive powers and its procedures have been further refined due to the development of the party system and legislation on the matter. The problem lies mainly in the absence of conditions for the effective exercise of rights. The diversity of needs and demands arising from social inequality becomes a mechanism that discredit the institutions of the new democracy. We can call this origin failure. The other problem deals with public performance associated with corruption and inefficiency to meet social demands, as the behavior of the representatives may affect the forms of coexistance.

In literature, there has been building consensus that democracy and wealth concentrated in few hands, are not compatible. The extreme economic inequality is worrying because of the harmful effects in which concentration of wealth can lead to equity in political representation. "When wealth
appropriates the development of government policies, by abducting them, laws tend to favor the rich, even at the expense of everyone else. The result is the erosion of democratic governance, the destruction of social cohesion and the disappearance of equal opportunities. Unless brave policy solutions are adopted to stop the influence of wealth in politics, governments will work in the interests of the rich, and the political and economic inequalities will continue to increase. " (Oxfam, 2)

Political inequity and inequality

With the publication of the book by the French Thomas Piketty, Le Capital au XXI Siecle (Editions du Seuil, Paris, 2013, 972 p.), The question about the effect of inequality on democracy, become relevant again. Piketty shows the tremendous growth of inequality and concentration of wealth that has occurred in developed countries since the seventies. "An immense wealth can buy a huge influence," says Paul Krugman. Tyler Cowen, an economist at George Mason University, does not deny the existence of inequalities and its possible detrimental effect on democracy when one part of the population is distanced away from the institutions (El País International, May 25, 2014).

Unlike developed countries, inequality in Mexico has not changed. The representative system does not seem to be prepared to meet the challenges arising from the increase in poverty and the fall of household incomes. The inequity of political representation is associated with inequality. For United States, Bartels (2005) presents statistical evidence that prove the political preferences of the wealthy are mostly represented in the government of the country, compared with those of the middle classes. On the contrary, the preferences of the poorest citizens do not show any statistical impact on the distribution of the vote in Congress of their elected representatives. If this trend continues, it is likely that public policies will reproduce the conditions that are increasing economic inequality and political exclusion (Oxfam 12).

Mexico is an example of how monopolies coexist with a dysfunctional legal system. According to OECD, the privatization of the Mexican telecommunications sector in the eighties provides a clear example of the links between monopolistic behavior, weakness and inadequacy of legal and regulatory institutions and the consequent economic inequality. The "OECD Study on policies and telecommunications regulation in Mexico" (2012), shows that the monopolistic behavior of América Móvil is facilitated by a dysfunctional legal system that de facto replaced the right and responsibility of the elected government to develop an economic policy in that field and regulate markets. (OECD, 2012)

The strength of the two large corporations of commercial television is another example. The Chamber of Deputies of the LIX Legislature approved on December 5, 2005, amendments to both the Federal Radio and Television Act and the Federal Telecommunications Act by the affirmative vote of all parties. The Senate also voted favorably, although very divided. The whole project was quite advantageous for Televisa and TV Azteca on the rest of the media in the country. The amendments allowed these corporations to monopolize the digital television spectrum without the governments' possibility to charge
them for the use of concessions to transmit on that frequency, at the same
time that the endorsement of concessions in perpetuity were ratified
automatically. It was an excluding reform that did not guarantee access to
indigenous peoples and media communities to this kind of transmission. The
new legal framework for communications do not guarantee the exercise of
freedom of expression and information and the right to public information for
citizens.

Before Congress, the government of Vicente Fox gave in to the electronic
media. On October 10, 2002, the Presidency of the Republic enacted, by
decree, a new regulation of the Federal Radio and Television Law on
concessions, permits and content of transmissions of Radio and Television,
which changed the content of the Law In it, tax is reduced towards television
and radio dealers which state taxed at 90% in the case of television and
nearly 80% for radio, so the tax law stipulation (180 minutes per day radio and
television) became 18 minutes a day for television and 35 minutes a day for
the radio. The government's justification for this reduction was that the media
allocated unusable time to the State, for example, late in the morning
(between 0:00 and 5:00), times which had virtually no audience. And as "the
state did not have tools for demanding better hours," according to the
Secretary of the Interior (2002), the government chose to negotiate with
representatives of the media to reduce the time taxed in exchange for better
broadcasting times. By this reform 18 minutes of the State would be
transmitted between 6:00 and 24 hrs. The other unprecedented measure that
President Vicente Fox took in favor of the television corporation was the
anticipated endorsement of concessions. Many of the concessions of the
television channels of Televisa and TV Azteca would expire between 2007
and 2011, so the endorsement was for the government which was to begin in
2006. However, President Fox arrogated that attribution and endorsed in
advance, not only for six years, which was used to until then, but until 2021
(Official Gazette, November 10, 2002).

In June 2007, the Supreme Court examined the unconstitutionality demand
promoted by 47 senators from different parties on May 4, 2006. The Court
found unconstitutional reforms that violated several articles of the
Constitution, that were infringing the guarantees of equality, legal certainty
and freedom of expression, made evident the discrimination in the access to
the media and restricted the possibility of competition at the moment of
granting concessions among whose purpose was profit and those with had
permits for educational and cultural purposes, such as community radio and
television But with or without such reform, the monopolistic concentration of
media displays a force of such magnitude that managed to weaken the of
decision capacity of a sovereign state.

State failure in ending monopolistic practices has brought enormous costs in
Mexico. As we showed at the beginning, this country has a high level of
inequality, and the lowest GDP of all OECD countries. The lack of competition
allows companies to impose exorbitant prices, which hurts consumers and
ultimately produces an increase in economic inequality. When elites exploit
the weakness and incompetence of antimonopoly authorities, price formation
resembles a government rent paid to large companies. If the government does not act when companies are in a dominant position they prevent competition, consumer goods become more expensive and, if income does not increase, inequality worsens. (Oxfam 17-18)

Democratic politics, the best resource

How can policy address widespread demands on social issues like welfare, diversity and family life? Demos (2013) posed this question to the European Union. He noted that due to increased inequalities and setbacks in rights, democracy cannot be taken for granted. In November 2013, the World Economic Forum released its report Global Outlook Agenda 2014, which placed increasing income inequality as the second largest global threat of the next 12 to 18 months.

In Mexico, democracy emerged in the context of strong social inequalities and inequities. Along with this, crime plays and even replaces the legitimate authority in some parts of the country. Meanwhile, social participation is threatened and corruption increased; freedom of speech and access to justice, at the same time, are limited.

However, in this country we have never experienced a situation in which civil and social rights are fully exercised by most Mexicans. Furthermore, the effectiveness of state law has been practiced with certain intervals and limited ranks. It has not been a decrease of regions unprotected by state law and in some cases civil rights have regressed. In these circumstances, the great asset is in the field of politics: despite its unfulfillments and failures, The recently conquered democratic politics, representative in species, seems to be the option to modify an adverse social and economic reality.

Representative and transparent government is a central pivot for social development and a precondition both for equal participation and as social stability. Such governments are also a condition to fight against inequality. The increase in public spending and reducing inequality are closely linked to the existence of more transparent and representative governments (Oxfam, 28). The contrary situation promotes insecurity and detachment to institutions.

In December 2012, with the arrival of the new government, the Mexico Pact was signed between the leaders of the three major parties (PRI, PAN, PRD) and the President. This agreement seeked the transformation of the economy and the political system. Based on the consensus of the political parties and the government, the commitment was to promote the reforms necessary to improve the living conditions of Mexicans, the strengthening and democratization of the state and the expansion and the effective exercise of social rights

Comprised five core agreements: 1 To transform Mexico into a society of rights: where all Mexicans can exercise their rights under the Constitution. 2. Promoting economic growth, employment and competitiveness. The aim is to
create conditions for Mexico to grow to its true potential; 3. Achieving security and justice, that is, make real the right of Mexicans to live in an environment of peace and tranquility; 4. Increase and compromising transparency accountability and fighting corruption and 5. Improve conditions for democratic governance. Within these five agreements 95 commitments were defined base of a political and legislative agenda of consensus among the political forces.

As a result of this Pact, between December 2012 and April 2013, constitutional reforms were approved in education, telecommunications and energy (oil and electricity) which presented as the solution to the ancestral national problems. This means to an improvement of the Constitution, but, in itself, is far from representative to the effective exercise of rights which is its duty as a rightful guardian. However, under the agreements reached in the Covenant represent a step forward.

The constitutional reform in education is intended to improve the quality of education and expand their coverage; the telecommunications and the subsequent reforms to the Federal Law of Economic Competition (April 2014), seek to modify the monopolistic concentration of the media. Energy has been more controversial: it offers to create jobs and lower the prices of fuels and electricity in exchange associating private capital in areas previously reserved to the State.

The first two have been seen as measures to reduce the political influence of trade union groups (in the case of education) and of the wealthy entrepreneurs (with telecommunications) that have defied the state. Legislative and regulatory functions had been trespassed by these groups, creating imbalances in the rights and political representation. That kind of uneven political influence has wrested the citizens revenues from natural resources, unfair tax policies generated, encouraged corrupt practices and blocked the regulatory power of governments.

In a short time, Mexico has developed its democratic practices. Political parties compete for voters increasingly offering better laws to meet their requirements. But corruption and legal loopholes reduce the chances and promote misappropriation of the tax revenue needed to solve inequality issues. Similarly, the process of democratization has been accompanied by a long period of economic stagnation, widespread poverty, falling wages, informality and loss of expectation of a better future. Quoting Kimlicka (1996), political representation requires to go through and be contaminated by the impulse of democratic defense of the rights.
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