

**THE NATIONAL LAW ON THE MECHANISMS FOR THE ALTERNATIVE RESOLUTION
OF DISPUTES IN CRIMINAL MATTERS IS PUBLISHED**

On 29 December 2014, the National Law on the Mechanisms for the Alternative Resolution of Disputes in Criminal Matters was published. This law establishes the principles, conditions and requirements for the operation of alternative justice mechanisms in criminal proceedings.

Alternative criminal justice mechanisms seek to promote the solution of disputes resulting from non-serious crimes, through procedures based on dialogue, effectiveness and confidentiality.

The Law establishes certain rights and obligations for those involved in alternative resolution mechanisms, as well as the procedure that needs to be followed, how these mechanisms are formed, which cases are admissible, among others.

The three existing alternative justice mechanisms are also described in the law:

1. **Mediation:** the intervening parties seek and propose solutions to the controversy. A facilitator ensures the communication and mutual understanding between the parties.
2. **Conciliation:** the intervening parties propose options for the solution of the controversy they are involved in, and the facilitator may present different solutions.
3. **Collective reparation:** the victim, the accused or the affected community seek or propose various solutions to a controversy, with the purpose of arriving at an Agreement which takes into account individual and collective needs and responsibilities, as well as the re-integration of the victim and the accused into the community.

In accordance with the Law, an Agreement made between the parties that complies with all formalities will be valid and executable. Once approved by the Attorney General's Office or by a Judge, the criminal procedure will cease, only to continue if the Agreement is not complied with.

Additionally, the Law establishes that the Attorney General's Office, State Prosecutor's Offices and the federal and local judicial branches must develop areas which specialize in alternative

justice. The main objective of these areas is to monitor and promote the compliance with all Agreements made within the Alternative Criminal Justice Mechanisms.

It is important to highlight that the National Code for Criminal Procedure establishes that Reparation Agreements may proceed only in the following cases:

- I. In crimes which are investigated only when the victim presents a complaint;
- II. In crimes where there is no wilful intention by the perpetrator;
- III. In crimes involving property committed without any violence.

It is also important to highlight that with the adoption of this law different articles of the National Code of Criminal Procedures and the Federal Code of Criminal Procedures were also amended. The Law will begin operating gradually, without exceeding June 2016. In order to ensure its full operation, state legislatures must ensure local legislation is in line with federal law.

The regularization of alternative justice mechanisms in Mexican criminal law is extremely important, since it ensures not only that conflicts are resolved more quickly, but also that both parties to the conflict are satisfied and that the victim is offered full reparation.

The adoption of this law must be seen within the framework of all actions taken by the administration of President Enrique Peña Nieto to ensure the full and effective implementation of the 2008 criminal justice reform. This law ensures that a brief criminal procedure is incorporated into the justice system, with full respect to the rights of the accused and of the victim. It will also contribute to the reduction of costs and time in criminal procedures, and will have positive effects in eliminating over-populated prisons.

References:

National Law for Alternative Criminal Justice Mechanisms: http://www.dof.gob.mx/nota_detalle.php?codigo=5377563&fecha=29/12/2014