



International Legal Standards to Guide Mexico's Upcoming Electoral Reform



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Executive Summary and Recommendations

In August 2025, the Mexican government announced its intent to introduce a new constitutional amendment to reform the national electoral framework.¹ This announcement is particularly significant because it follows unsuccessful efforts by the prior Morena government to overhaul the electoral system via "Plan A" and "Plan B."² Framed as measures for administrative savings, those initiatives proposed a "simplification" that experts and international bodies warned would undermine the electoral authority's effectiveness and dismantle vital democratic safeguards.³ In this context, the government's proposal to introduce another electoral reform raises serious concerns that the new proposal will also undermine the integrity of elections and democracy in Mexico.

The significance of these concerns can be understood in light of Mexico's democratic history. The current electoral model was built specifically to end seventy years of one-party rule (1929–2000),⁴ during which the government controlled every stage of the voting process.⁵ Through a decades-long cycle of constitutional reforms—from 1977 to 2014—Mexico successfully moved the administration of elections away from the government towards independent electoral authorities.⁶ This electoral system—internationally recognized for its competence and technical efficiency⁷ is crucial for ensuring free and fair elections and protecting the right to vote. The

government's proposal risks reversing that important progress.

In advance of the forthcoming constitutional reform proposal, this report sets forth international legal standards to which the reform must conform. To enable a rigorous analysis of the new initiative, it outlines Mexico's international legal obligations to uphold democratic and political rights.⁸

Mexico is party to the American Convention on Human Rights (ACHR) and the International Convention on Civil and Political Rights (ICCPR).⁹ Its Constitution requires compliance with international law.¹⁰

As set forth below, Mexico is required to comply with its obligations under international law to (i) comply with the principle of non-regression; (ii) ensure effective electoral systems; (iii) promote and defend representative democracy; (iv) guarantee the right to vote; (v) guarantee political pluralism; (vi) ensure voter autonomy and government neutrality during elections; and (vii) ensure the independence and competence of electoral authorities.

Mexico's Obligation to Comply with the Principle of Non-Regression

The ACHR and ICCPR establish the principle of non-regression, which requires States to refrain from adopting measures that reduce the existing level of rights protection. In the Inter-American system, the IACHR has made explicit that the ACHR obligates states to ensure the progressive realization of rights it protects,¹¹ which entails “a corollary obligation not to reverse the achievements” for protecting rights, and that, “at a minimum,” observance of and access to protected rights must “not be diminished over time.”¹²

Mexico's Constitution also embeds this principle in domestic law: Article 1 expressly establishes the principle of progressivity,¹³ and the Supreme Court has clarified that progressivity entails “a prohibition on regressivity.” “In principle, the legislature is prohibited from enacting legislative measures that limit, restrict, eliminate, or disregard the scope and protection that, at a given time, was already recognized for human rights.”¹⁴ Accordingly, any change to the current electoral system will have to adhere strictly to this principle.

Mexico's Obligation to Ensure Effective Electoral Systems

Article 2 of the ACHR obligates states parties to undertake measures to give

effect to the rights it assures.¹⁵ Article 23 of the Convention protects the right to participate in government, including the right to vote and to be elected.¹⁶ The Inter-American Court of Human Rights (IACtHR) has emphasized that political rights “cannot [exist] merely by virtue of the provisions that embody them,” because they are “ineffective without ... a complex institutional, economic and human apparatus” that makes them real in practice.¹⁷ The IACtHR has established that “[i]n the sphere of political rights the guarantee obligation is especially relevant and is implemented, among other mechanisms, by the establishment of the organizational and institutional aspects of the electoral processes, and by the enactment of norms and the adoption of different types of measures to implement the rights and opportunities recognized in Article 23 of the [American] Convention. In the absence of this action by the State, the right to vote and to be elected could simply not be exercised.”¹⁸

Accordingly, Articles 23 and 24 of the American Convention—read together with Article 2—require the State not only to formally recognize political rights, but to ensure their effective enjoyment on a basis of equality and non-discrimination by adopting the legislative and other measures necessary to give those rights domestic effect.¹⁹ As the IACtHR has underscored, this duty to guarantee political rights “is not fulfilled merely by issuing laws and regulations” that formally recognize them; rather, it requires adopting the necessary measures to guarantee their full exercise, particularly where certain groups face conditions of

weakness or helplessness that impede equal participation.²⁰

This is an affirmative, effectiveness-oriented obligation: Article 2 compliance “includes the issuance of rules and the development of practices leading to effective enforcement” and “the adoption of measures to abrogate norms and practices” that violate Convention guarantees.”²¹

Accordingly, the forthcoming electoral reforms must preserve or strengthen (not weaken) the effectiveness of political rights.

Mexico’s Obligation to Promote and Defend Representative Democracy

Mexico has an affirmative obligation to promote and defend representative democracy as the foundation of the rule of law. The Inter-American Democratic Charter, by which Mexico is bound,²² states that member state “governments have an obligation to promote and defend” democracy,²³ and adds that representative democracy is “strengthened and deepened” by the “permanent, ethical, and responsible participation” of the citizenry within a legal framework aligned with the constitutional order.²⁴ Consistent with that approach, the Inter-American Commission on Human Rights (IACHR) has emphasized the “direct relationship” between political rights and democracy and the need to guarantee citizens and organized political groups space to assemble publicly and

foster broad debate over public decisions.²⁵

Mexico’s Obligation to Guarantee the Right to Vote

Under the ACHR, Mexico must ensure that “[e]very citizen shall enjoy” the right “to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters.”²⁶ In addition, where the exercise of Convention rights “is not already ensured” domestically, Mexico must “adopt ... such legislative or other measures as may be necessary to give effect” to those rights.²⁷

The ICCPR also specifically guarantees that “[e]very citizen shall have the right and the opportunity ... (b) [t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”²⁸ Mexico must also “take the necessary steps ... to adopt such legislative or other measures as may be necessary to give effect” to Covenant rights.²⁹

Consistent with the principle of representative democracy enshrined in the Inter-American Democratic Charter, the Mexican Constitution defines the country as a representative, democratic, secular, and federal Republic, and affirms that sovereignty resides essentially in the people.³⁰ This constitutional framework is

anchored in the exercise of political-electoral rights, most notably the rights to vote and to stand for election,³¹ and rests on the premise that the renewal of public authorities must occur through free, genuine, and periodic elections.³²

Mexico's Obligation to Guarantee Political Pluralism

International standards, as established by the IACHR on Human Rights, link democratic institutional design to political pluralism and meaningful political participation. The IACHR has explained that political rights “serve to strengthen democracy and political pluralism,”³³ prevent political power from being monopolized, and require conditions for open political contestation. The IACHR has further described as “Commission doctrine” that the right to political participation includes the ability to organize parties and political associations that, through “open discussion and ideological struggle,” “prevent a monopoly on power by any one group or individual.”³⁴ This approach also tracks the Inter-American Democratic Charter’s identification of “the pluralistic system of political parties and organizations” as an essential element of representative democracy.³⁵

In alignment with these international standards, the Mexican constitutional framework employs a dual-layered protection to guarantee pluralism. On the one hand, the electoral system utilizes a

mixed model, combining 300 plurality-based districts with 200 seats assigned through proportional representation, supported by strict limits on overrepresentation.³⁶ On the other hand, to ensure substantive fairness in competition, Article 41 of the Constitution categorically mandates that public financing must prevail over private funding.³⁷ This design is intended to prevent any single political force from parlaying a simple majority into absolute legislative dominance, while simultaneously shielding political power from being captured by economic interests.

Mexico's Obligation to Ensure Voter Autonomy and Government Neutrality in Elections

According to Article 25(b) of the ICCPR, Mexico must ensure elections held by universal and equal suffrage and secret ballot, “guaranteeing the free expression of the will of the electors.”³⁸ The UN Human Rights Committee explains that this guarantee requires an electoral environment in which voters are “free to support or to oppose government, without undue influence or coercion of any kind,” and in which “[v]oters should be able to form opinions independently... free of ... inducement or manipulative interference of any kind.”³⁹

The IACHR has articulated the same concern, warning that elections are not “fair and balanced” when there is “excessive use of State media,” which can

create a “disequilibrium” that “necessarily affects the enjoyment of political rights.”⁴⁰

These standards presuppose a duty of governmental neutrality: public authorities may not deploy official power, through state resources, state communications, or other institutional advantages, to tilt electoral competition in favor of incumbents or against the opposition.

Mexico implements these neutrality requirements domestically through Article 134 of the Constitution, which obliges public officials to apply public resources “with impartiality ... without influencing the fairness/equity of competition among political parties,” and requires that government propaganda⁴¹ be strictly “institutional,” limited to “informative, educational or social orientation” purposes, and never include “names, images, voices, or symbols,” implying personalized promotion.⁴² Mexico’s Electoral Tribunal has similarly held that, under the constitutional principle of neutrality, “public power must not be used to influence the voter,” and it has recognized a heightened “a heightened/special duty of care” for public officials to avoid putting at risk the principles of impartiality, equity, and neutrality during electoral contests.⁴³

Mexico’s Obligation to Safeguard the Independence and Competence of Electoral Authorities

According to Article 25(b) of the ICCPR, elections must be conducted in a manner that guarantees “the free expression of the will of the electors.”⁴⁴ To make that guarantee operational, the UN Human Rights Committee specifies that “[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”⁴⁵ The U.N. Office of the High Commissioner for Human Rights has emphasized that, throughout the electoral cycle, States must ensure that the relevant institutions, including the “election management body,” “can function independently and/or impartially.”⁴⁶

In the Inter-American human rights system, the IACHR has likewise emphasized the need for electoral oversight systems that are “independent, impartial, and legitimate,” supported by adequate financing and technical capacity to oversee elections.⁴⁷

Mexico’s obligations also draw support from the UN Convention against Corruption (UNCAC) which it has ratified.⁴⁸ UNCAC requires States Parties to “endeavour to adopt, maintain and strengthen systems” for recruiting and selecting “civil servants” and, where appropriate, “other non-elected public officials” based on “objective criteria such as merit, equity and aptitude,” and to include “procedures for the selection and training” of officials in positions especially vulnerable to corruption.⁴⁹ These standards require Mexico to preserve electoral authorities that (i) are

institutionally independent from governmental and partisan control so they can supervise elections “fairly” and “impartially,” and (ii) are professionally constituted through objective, merit-based selection and training criteria that protect the technical competence—and credibility—of electoral administration.

Mexico has fulfilled this requirement by establishing constitutionally autonomous bodies, such as the National Electoral Institute (INE) and Local Public Bodies (OPLs), whose council members are appointed by a qualified majority and serve fixed tenures that transcend presidential cycles.⁵⁰ These electoral authorities—particularly INE—have been internationally recognized for their technical expertise, professionalism, and institutional design geared toward impartiality.⁵¹ The core source of this autonomy is the National Professional Electoral Service, a career civil service based on merit and constant evaluation⁵² supported by a robust oversight system for accountability.⁵³ Furthermore, the federalized structure has been strengthened by INE's authority to appoint local councilors, a move that ended the historical subordination of OPLs to state governors.⁵⁴ Finally, the Federal Electoral Tribunal (TEPJF) serves as the supreme jurisdictional authority for election-related matters, safeguarding the legality of all electoral actions.⁵⁵ The principle of non-regression requires that any regulatory reform preserve or improve upon this electoral system.

Recommendations

Based on the foregoing analysis, we submit the following recommendations to the Congress of the Union and the Federal Executive Branch:

1. Establish the principle of non-regression as an absolute legislative benchmark

Consistent with the principle of non-regression, Mexico must subject all reform proposals to strict scrutiny to disqualify any measure that weakens, restricts, or dismantles existing guarantees regarding suffrage and electoral organization.

2. Preserve the proportional representation system and limits on overrepresentation

Mexico must maintain the mixed electoral system and constitutional limits on overrepresentation.

3. Guarantee the primacy of public financing to prevent state capture of elections

Mexico must uphold the preponderance of public over private financing as an essential "positive measure" to ensure fairness in the contest.

4. Maintain the regime of governmental neutrality and impartiality in elections

Mexico must preserve the constitutional prohibitions under Article 134 regarding the use of public resources, government propaganda, and the personalized promotion of public servants.

5. Preserve the independence and competence of electoral authorities

Mexico must guarantee that electoral authorities remain independent from political interference by protecting the integrity of member appointments, ensuring budgetary sufficiency, and maintaining the stability of the National Professional Electoral Service.

6. Strengthen electoral federalism and local infrastructure

Mexico must preserve the operational capacity of Local Public Bodies (OPLs) as indispensable entities for the organization of elections in the states.

7. Ensure the progressive expansion of voting methods

Mexico must refrain from restricting or eliminating mechanisms that have expanded access to suffrage— such as overseas voting, early voting, voting in pretrial detention, and electronic voting. Reforms should focus exclusively on removing technical obstacles to voting, in compliance with the duty to "adopt effective measures" under Article 2 of the American Convention, which recognizes that universal suffrage requires constant adaptation to include historically marginalized sectors.

Acknowledgments

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Footnotes

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⁹ American Convention on Human Rights (Pact of San José, Costa Rica), OAS Treaty Series No. 36 (1969) (Mexico: instrument of accession received March 24, 1981), http://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights_sign.htm; International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (Mexico: accession March 23, 1981), http://treaties.un.org/pages/viewdetails.aspx?chapter=4&clang=en&mtmsg_no=iv-4&src=ind.

¹⁰ Constitución Política de los Estados Unidos Mexicanos [CPEUM] arts. 1, 133 (recognizing human rights in the Constitution and in international treaties to which Mexico is a party; and establishing that treaties made by the President with Senate approval, consistent with the Constitution, are part of the “Ley Suprema de toda la Unión”), <http://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>.

¹¹ Organization of American States. (1969). *American Convention on Human Rights* (“Pact of San José, Costa Rica”), art. 26 (Progressive Development). <http://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm> and Inter-American Court of Human Rights. (2025, May 29). *Emergencia Climática y Derechos Humanos* (Advisory Opinion OC-32/25, Series A No. 32, para. 282) (stating that, pursuant to Article 29 ACHR, interpretation of the rights protected in the Inter-American system must be guided by an evolutionary perspective consistent with the progressive development of international human rights law). <https://ecojurisprudence.org/wp-content/uploads/2025/07/IACHR-Opinion-Consultiva-OC-32-25.pdf>; see also Inter-American Court of Human Rights. (2012, November 28). *Artavia Murillo et al. (“In Vitro Fertilization”) v. Costa Rica* (Preliminary Objections, Merits, Reparations and Costs, Series C No. 257, para. 245) (human rights treaties as “living instruments”; evolutive interpretation consistent with Article 29 ACHR). <https://hrlibrary.umn.edu/iachr/C/257-ing.html>.

¹² Inter-American Commission on Human Rights (IACHR), *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* (2011), para. 52 (“a corollary obligation not to reverse the achievements”), and para. 57 (“at a minimum... not be diminished over time”), <http://www.oas.org/en/iachr/women/docs/pdf/womendesc2011.pdf>; American Convention on Human Rights, art. 29(a) (no interpretation permitting a State “to suppress the enjoyment or exercise” of rights or “to restrict them to a greater extent”), <http://www.oas.org/en/iachr/mandate/basics/3.american%20convention.pdf>.

¹³ Constitución Política de los Estados Unidos Mexicanos, art. 1 (obligation to protect and guarantee rights “de conformidad con... [el] principio... de... progresividad”), <http://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>.

¹⁴ Suprema Corte de Justicia de la Nación (Primera Sala), Jurisprudencia 1a./J. 87/2017 (10a.), Registro 2015304, page 12. http://www.supremacorte.gob.mx/sites/default/files/comunicacion_digital/2017-11/TesisPrimeraSaladel20deoctal17denovde2017.pdf.

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¹⁶ Organization of American States. (1969). *American Convention on Human Rights* (Pact of San José) (Art. 23). https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights.pdf.

¹⁷ Inter-American Court of Human Rights. (2008). *Case of Castañeda Gutman v. Mexico: Preliminary objections, merits, reparations and costs* (Judgment of August 6, 2008, Series C No. 184, para. 159). http://www.corteidh.or.cr/docs/casos/articulos/seriec_184_ing.pdf.

¹⁸ Inter-American Court of Human Rights. (2008). *Case of Castañeda Gutman v. Mexico: Preliminary objections, merits, reparations and costs* (Judgment of August 6, 2008, Series C No. 184, para. 159). http://www.corteidh.or.cr/docs/casos/articulos/seriec_184_ing.pdf.

¹⁹ Organization of American States. (1969). *American Convention on Human Rights* (Pact of San José) (Arts. 2, 23 and 24). https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights.pdf.

²⁰ Inter-American Court of Human Rights. (2005, June 23). *Case of YATAMA v. Nicaragua* (Preliminary Objections, Merits, Reparations and Costs), Judgment, Series C No. 127, para. 201. <https://summa.cejil.org/api/files/12588.pdf>.

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- ⁴¹ In this section, “government propaganda” (Spanish: *propaganda gubernamental*) refers to institutional government communications/advertising disseminated by public entities to inform the public about government actions, services, or policies—i.e., communications that (by design) are not supposed to be electoral campaigning. Mexico’s Constitution frames this as communication that must have an *institutional character*
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and *informative, educational, or social orientation* purposes, and it bars personalized promotion. See CPEUM art. 134. See also the constitutional rule (and its standard exceptions) requiring suspension of government propaganda during campaigns, summarized in TEPJF's institutional materials. <https://www.te.gob.mx/eje/media/files/417613184113bed.pdf>.

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⁴³ Tribunal Electoral del Poder Judicial de la Federación, Sala Superior. (2023). *SUP-REP-240/2023 y acumulados* (paras. 129–132, pp. 42–43). <https://www.te.gob.mx/media/SentenciasN/pdf/Superior/SUP-REP-0240-2023.pdf>.

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