

## Executive Summary

### Introduction

The pandemic caused by the spread of the COVID-19 virus has implied a major challenge for the health systems and economies all around the world, as well as for their justice institutions; Mexico has not been the exception.

The emergency situation emerged in the midst of a digital transformation of the Federal Judiciary Council (“Council”), derived from the strategy that had been drawn up to enhance the use of information and communication technologies, especially, the use of electronic files and the best use of information systems, which required redoubled efforts.

The access to justice should be guaranteed without endangering health, life and integrity of the population in the context of this health emergency situation, since justice administration is one of the pillars of democracy and must continue so in order to ensure its operation. With this objective, the Council adopted a series of measures applicable to the courts of the Federal Judiciary under its charge, which progress could be described by stages.

- **First stage: containment of the emergency (March 18 to May 5, 2020)**

Following the World Health Organization’s declaration of the global pandemic, a time of widespread uncertainty began. In Mexico, as in many countries, the first measure applied was confinement; meanwhile, different courses of actions were studied and analyzed in order to come up with a strategy and resources to deal with the situation.

#### *Policy measures*

During this first stage, General Plenary Agreements 4/2020, 5/2020, 6/2020 and 7/2020 were issued. These instruments recognized the public service of justice administration as an essential activity and, consequently, the operation of the courts were kept open only for the attention of urgent cases. In order to determine whether or not a case was urgent, human rights, the relevance and possibility of their eventual transgression and the consequences during the contingency period were considered.

This transitory measures gave rise to questions that were resolved through the SECNO/4/2020 and SECNO/5/2020 newsletter of the Executive Secretary of New Courts (SECNO), providing certainty to justice operators.

### *Technological measures*

The use of real-time video conference was implemented for criminal matters, guaranteeing the principles of immediacy, contradiction and publicity.

### *Civil protection measures*

Social distancing and distance work measures were adopted as central elements to prevent occupational risks and protect the public, both in courts and in the administrative areas under of the Council's responsibility.

### **• Second stage: first step towards the restoration of judicial activity on a larger scale (May 6 to June 15, 2020)**

Derived from the extension of the health contingency period and taking into account the recommendations of international organizations, a larger operation scheme was set up. This gave place to the beginning of the restoration process of judicial activity, especially for urgent cases, cases pending of final resolution and resumption of the procedures followed through the online trial.

### *Policy measures*

During this period, the General Plenary Agreements 8/2020, 9/2020, 10/2020 and 11/2020 were approved, which most relevant aspects are: **(i)** special treatment of cases related to people held in prisons and who are in a particularly vulnerable situation; **(ii)** the obligation to analice the possible affectations and intersectional impacts on access to economic and social rights for vulnerable groups and populations, especially and enunciatively those groups with a vulnerability related to health; and **(iii)** resumption of all matters followed by online trial.

During this stage, the Secretary of the Special Commission issued the circulars 7/2020 and 8/2020; while the SECNO issued the interpretive circular SECNO/7/2020, in order to give content and scope of the measures adopted in the referred agreements.

### *Technological measures*

The functionalities of the online trial were complemented by the expedition of digital certificates with validity comparable to the autographed signature. The use of computer applications and electronic devices was authorized and encouraged to improve labor efficiency.

### *Civil protection measures*

Guidelines were approved and disseminated in the following areas: **(i)** safe return to work; **(ii)** admission of people to properties buildings managed by the Council; **(iii)** courts' clerks and workers of the public defense staff; **(iv)** people with disabilities; **(v)** document and file management; and **(vi)** installation and administration of sanitizing stations.

### **• Third stage: consolidation of the digital strategy (June 16 to August 2, 2020)**

This stage consolidated the first phase of the digital strategy announced in work general lines of Minister President Arturo Zaldívar, guaranteeing the right of access to the justice administration in an expeditious way and access to information and communication technologies through the concept of e-Justice from the Electronic System of the Federation Judiciary.

### *Regulatory and technological measures*

The General Plenary Agreements 12/2020, 13/2020, 14/2020, 15/2020, 16/2020, 17/2020, 18/2020 and 19/2020 were approved.

The first agreement played a key role that allowed to concentrate and regulate all the electronic services of the Council. The second agreement allowed the opening of all federal cases, regardless their instance or subject, having as a central axis the remote work and, specifically, the intensive use of the renewed technological platform of the Council.

Agreements 16/2020 and 17/2020 conciliated vacation periods for jurisdictional staff and administrative areas with the work schemes implemented during the contingency. In addition, the second of these instruments institutionalized the use of the electronic signature as an essential tool for the communications and proceedings of the Council. This was complemented with the guidelines for the use of the electronic signature application, developed by the Council.

Likewise, the Special Commission resolved one of the main problems at the beginning of this stage, consisting on the lack of digitization of the necessary

records for remote proceedings. For that purpose, the use of mobile devices was approved for the digitalization of documents and to add them to secure websites, for improving labor mobility and operational efficiency.

- **Fourth stage: re-establishment of judicial activity (August 3 to October 31, 2020)**

As a result of the experience acquired in the previous stages and taking into account the commitment of the federal justice system to continue its operation at the jurisdictional or administrative level, the total regularization of activities was achieved, while guaranteeing the lowest epidemiological risk as possible among staff and the public.

*Regulatory, technological and civil protection measures*

In this respect, General Plenary Agreements 21/2020 and 22/2020 were approved. The first agreement determined the restoration of the operation of the courts and the consequent reactivation of procedural deadlines, as well as the physical processing of applications, lawsuits, incidents, appeals and other promotions. The second agreement completed the process of regularization and restoration of the Council's activities, especially in investigations, audits, patrimonial evolution studies, disciplinary procedures, labor procedures, appeals and legal disagreements.

Among the most important aspects were the measures adopted to regulate physical presence of people at the buildings managed by the Council, and the regulation and operational adjustments that allowed take full advantage of the technological development and capacities of the courts and administrative areas of the Council for the benefit of citizens.