



GLOBAL IMPUNITY INDEX

2015

Global Impunity Index 2015

GII 2015

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Juan Antonio Le Clercq Ortega and Gerardo Rodríguez Sánchez Lara, editors

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Global Impunity Index GII 2015

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(Center of Studies on Impunity and Justice)

Universidad de las Américas Puebla

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April 2015

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INTRODUCTION

Luis Ernesto Derbez Bautista, PhD

PRESIDENT OF THE *UNIVERSIDAD DE LAS AMÉRICAS PUEBLA*

Impunity is one the most serious problems in the country and a matter of concern in the international community. It is a multidimensional phenomenon that involves several factors and causes. Even when it happens on a daily basis, it has not been sufficiently studied from a quantitative point of view.

Impunity is a complex subject involving two fundamental areas of accountability of States: security and justice institutions. Structural and functional problems in these two areas are the precursors of insecurity, violence, corruption and grave human rights violations.

From an etymological perspective impunity has a simple meaning: “crime without punishment”. However, impunity is closely linked with unequal access to justice, inadequate institutional design, lack of structural capacities and disregard of citizen’s rights. Countries that do not commit to improve their institutions and public policies, allowing deep inequality in the economy, security and justice sectors, face the risk of a public security crisis, high rates of violence and human rights violations.

By identifying impunity as a threat to democracy and public life in Mexico and elsewhere in the world, the *Universidad de las Américas Puebla* (University of the Americas Puebla - UDLAP) has developed the first worldwide quantitative and qualitative study on this phenomenon, the Global Impunity Index (GII). In February 2014, a group of in-house researchers, analysts of the *Consejo Ciudadano de Seguridad y Justicia del Estado de Puebla* (Citizen Council of Security and Justice of the State of Puebla) and students of the *Programa de Honores* of the UDLAP (Excellence Program of the UDLAP) began to develop a methodology to assess, on an international scale, the installed capacities and public policies of the States to punish crimes against their population.

The design, implementation and assessment of public policies demand a scientific and evidence-based approach. The United Nations has acknowledged the importance of improving domestic statistics on justice and security to ensure better policies on public security and to promote the respect of human rights. The rule of law, governance, fight against corruption, reduction of violence and access to information have also been recognized as key elements for sustainable human development.

Thus, the *Universidad de las Américas Puebla* (University of the Americas Puebla) launches the first Global Impunity Index through the its new *Centro de Estudios sobre Impunidad y Justicia* (International Center of Studies on Impunity and Justice), which aims to develop specialized studies, as well as critical and strategic thinking on institutional design models and public policies to reduce impunity levels worldwide. We invite the reader to go through this document and analyze the statistical results of the Index (which are also available in the website of the CESIJ) and to engage in a discussion on the ways in which our communities and institutions can fight impunity, a worldwide problem.

Prologue

Mr. Andrea Ambrogi Domínguez

PRESIDENT OF THE CITIZEN COUNCIL OF SECURITY AND JUSTICE OF THE
STATE OF PUEBLA

PRESIDENT OF CESIJ'S HONORARY COUNCIL

A society cannot rely on the fact that the values and principles of its members are sufficient to guarantee a harmonious and respectful coexistence. It is necessary to ensure that the antisocial behavior of every individual is punished and that all community members are aware of this.

Therefore, creating laws that seek to regulate human behavior is not enough—it is also important to be certain of the enforcement of such laws and that those who break them will be punished. Otherwise, antisocial behavior is multiplied and generalized.

This is how impunity occurs, being one of the most significant issues that the world is facing, since it is considered as the main factor fueling and promoting crime and corruption.

Thus, it is important to study it thoroughly; understanding the factors that triggers it and knowing its scope. This is why, over a year ago, Mr. Derbez and myself decided to outline the first ideas that today make up this Index.

Our initial interest was contributing and generating — from the academic and civic field — better conditions of security and justice. However, we understood that, before attaining these conditions, we had to identify the situation of the lack of punishment of criminals in our society.

The first major finding was the lack of a comprehensive and specialized research on the subject. In such a context we decided to create a working group, which I am proud to be part of. This team gave life to a one-of-a-kind and pioneering study worldwide, being a scientific measurement that is neither based on perceptions nor on opinions, but on consolidated data from reliable statistical bases.

I would like to thank the UDLAP and the whole research team for their valuable work, and especially to Mr. Derbez, because without his support, vision and experience this effort would not have been possible.

I am sure that the Global Impunity Index will encourage new research that in turn will contribute to a deeper understanding of this problem and to a subsequent design of solutions in the global fight against impunity. Especially, I wish that this could be a tool that puts the fight against impunity in the focus of public policies dedicated to abate insecurity and corruption in Mexico.

EXECUTIVE SUMMARY

- The Global Impunity Index is the first major international academic effort to measure impunity per country, an exercise that involves the measurement of an extremely complex and multidimensional phenomenon.
- CESIJ has found that impunity is a multidimensional phenomenon that exceeds the analysis of punishable crimes like homicide (murder) and that impunity has three main dimensions: security, justice and human rights.
- The measurement of impunity is based on two main standards: first, the functionality of the security, justice and human rights systems of countries and second, the structural capacity within the institutional designs.
- Statistics show that impunity is closely linked with relevant situations that are of primary importance for Mexicans, such as human development, inequality and corruption.
- The wealth of countries, namely, their economic capacity of production, is not a determinant factor of impunity.
- While assigning appropriate resources for justice and security systems is necessary, it is of greater importance that such institutions function properly and respect human rights.
- There is a link between inequality and impunity. Countries that do not provide economic development opportunities are failing in taking the necessary steps to reduce unequal access to security and justice for their population.
- Countries with intermediate and high levels of human development have low impunity rates.

Worldwide Results

- This document is based on the analysis of information from the 193 Member States of the United Nations and other 14 territories that produce commensurable statistical information. However, the Global Impunity Index only includes information of 59 out of the 193 Member States of the UN, as those are the only ones with sufficient and updated statistical information on security, justice and human rights.
- As many as 134 Member States of the United Nations do not have statistics on security and justice allowing a comparative assessment on security and justice. Those States are included in a subgroup titled “statistical impunity and structural problems”. Some of them can be easily incorporated into the GII should they provide statistical information on their outstanding indicators.
- Countries that adequately combine the structural capacity of their security and justice institutions with the respect for human rights have low levels of impunity. Amongst these countries are Croatia, Slovenia, Czech Republic, Montenegro, Bulgaria, Malta, Poland, Lithuania, Serbia, Norway, Denmark, Slovakia, Finland, the Netherlands, Austria, Andorra, Germany, Bosnia and Herzegovina, Estonia and Portugal.
- The GII revealed that the five countries with the highest impunity levels are Philippines, Mexico, Turkey, Colombia and the Russian Federation.

- Mexico and other 11 countries (Austria, Barbados, Bulgaria, Chile, Finland, Japan, the Netherlands, Poland, Portugal and the Czech Republic) are at the forefront on statistical information on security and justice.
- Unfortunately, emerging countries like Australia, Brazil, China, Indonesia, Niger and South Africa do not report information on security and justice to the United Nations on a systematic basis, making very difficult to compare them with the rest of the world. For this reason they are not included in the measurement of the Index.
- Most of the countries of Africa, Central Asia and Oceania have a structural deficit to measure impunity in statistical terms because they do not report their information to the United Nations on these issues. The international community has a major responsibility in the development of institutions that produce domestic statistics, in order to ensure a professional and objective measurement of the Post-2015 Development Agenda of the United Nations.
- The UNODC (United Nations Office on Drugs and Crime) and Mexico through the INEGI (The National Institute of Statistics and Geography - Instituto Nacional de Estadística y Geografía) must uphold the worldwide technical lead on statistics for the measurement of the Sustainable Development Goals of the Post-2015 Development Agenda of the United Nations.

Results on Mexico

- Mexico is ranked 58th in impunity among the 193 United Nations Member States. Nevertheless, it ranks 58th (penultimate position) among the 59 countries with sufficient statistical information for the estimation of the Global Impunity Index.
- Mexico and other eleven countries (Austria, Barbados, Bulgaria, Chile, Finland, Japan, the Netherlands, Poland, Portugal, Czech Republic and Serbia) are at the forefront in the development of statistical information on human rights and justice.
- Mexico must prioritize two main areas: the functionality of the security system and the structure of the justice system.
- On the functionality of the security system, the Index shows the need to optimize and carry out adequate investigations on most of the persons that have formal contact with security forces. Mexico does not need to invest more resources on the increase of police institutions; rather the focus needs to be on the procedures that ensure the effectiveness of police. That would contribute to reduce the workload of the judicial institutions.
- The Index shows that Mexico needs to increase the number of judges of the justice system. Such action would have an immediate impact on judicial procedures, as the increase of judges could reduce the number of persons held without any type of sentence and also reduce overcrowding in prisons.
- The GII found an average rate of 17 judges per 100,000 inhabitants per country. Mexico has 4 judges per 100,000 inhabitants, a smaller number compared with the global average. Croatia, the country with the lowest impunity rate has 45 judges per 100,000 inhabitants.
- On the functionality of the Mexican security system, the Index showed the following: the system is deficient with almost half of persons held without any type of sentence (46%); there is little correlation between the number of persons imprisoned for homicide and the number of reports/complaints (denuncias) for this crime and; there is

a small number of judges compared with the number of cases in Courts, affecting the attention given to penitentiary procedures.

- On the structure of security systems, the Index depicts the governmental efforts of increasing law enforcement in Mexico with 355 police per 100,000 inhabitants, a number that is very close to the average, which is of 332 police per 100,000 inhabitants.
- The human rights variables amount to the 33% of the overall ranking of Mexico. However, measuring and comparing Mexico from a human rights perspective does not reduce the impunity rate in the country, as it remains in the last places regarding the remaining variables.
- Impunity in Mexico is functional and structural. While impunity did not emerge in the current administration, urgent measures need to be taken to reduce the prevailing high levels of impunity.

Results on Latin America

- The GII showed that the seven Latin American and Caribbean countries with the lowest impunity rates are Costa Rica, Barbados, Panama, Trinidad and Tobago, Bahamas, Guyana and Chile.
- Other countries from Latin America, like Venezuela, Surinam, Santa Lucia, Haiti, Ecuador, Antigua and Barbuda, Guatemala, Granada, Belize, Uruguay and Bolivia do not produce sufficient statistic information for their incorporation into the GII. These countries have information with six or less indicators, and therefore are included in the category of “statistical impunity and structural problems”. Their governments must take all the necessary efforts to report their statistics to the United Nations.

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The creation of a Global Impunity Index demanded academic and research efforts and also administrative and technical assistance for the functioning of the Center of Strategic Studies. We would like to thank the three academic vice-presidencies (*vicerrectorías*) of the University for their support in both fields.

The support of the Dean's Office of the Department of International Affairs and Political Science since early 2014 was essential for the project. We also express our gratitude with Ambassador Raphael Steger Cataño for his advice and guidance.

For the first research stage we were fortunate to work with experts on security, justice and human rights in Mexico and worldwide. We are deeply grateful with professor Carlos Martinez Velazquez of the *Centro Ciudadano y Consumidor, A.C.* (Citizen and Consumer Center, A.C.), who coordinated the qualitative research team. Amongst the extraordinary team are professor Cesar Montiel Olea, Eddy Angelica Encinales Duarte and Luis David Capistran, who were in charge of the first stage of the statistical database that has over 30,000 data.

The second stage of the project, which started in 2015, benefited from the strategic intervention of professors Azucena Cháidez Montenegro and Edgar Valle Álvarez, both from SIMO Consulting and the *Colectivo de Análisis para la Seguridad con Democracia A.C.* (Center of Analysis for Security with Democracy, A.C) for the consolidation of the statistical model of the Global Impunity Index. They also coordinated the team of analysts in charge of the qualitative model of the GII.

Mr. Pablo Reynoso, internationalist from the UDLAP coordinated the third specialized team in charge of the qualitative analysis for the GII. Students from the excellence and scholarship program of the International Affairs, Political Science and Law careers conformed this team, and made major contributions in the elaboration of emblematic domestic cases to study impunity in depth.

The Law School of the University and renowned national human rights and victimization specialists, including attorney Adla P. Karam Araujo and Ulises Sandal, Ph.D., advised on how to approach comprehensively the legal processes leading to impunity.

We sincerely thank the strategic planning and communication teams of the UDLAP, including professors Deyra Ibarretche del Toro and Lorena Martínez Gómez, and Mr. Luis Salazar Gámez from the University's Council. In the Center we believe, adequate outreach of public policy and academic research enables correct implementation and evaluation. We thank you for ensuring the outreach and analysis of our research products.

Any research project of international scope demands the support of administration and finance teams. In such topics, we thank professors Mónica Núñez Huerta from UDLAP and María Guadalupe Acosta Pineda of the Citizen Council.

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Since 2014, we have had the support of the Mexico Liaison and Partnership Office of the United Nations Office on Drug and Crime, headed by Antonio Mazzitellu, as well as of the Center of Excellence in Statistical Information on Government, Crime, Victimization and Justice, a joint project from the UNODC and INEGI, headed by professor Salomé Flores Sierra Franzoni. We would also like to acknowledge the leadership of INEGI and UNODC in the United Nations Statistical Commission to improve the quality and availability of statistics on crimes and criminal justice worldwide.

Finally, this publication and the creation of the Specialized Center on Impunity and Justice (CESIJ) would not have been possible without the resolved support of Mr. Luis Ernesto Derbez Bautista, Ph.D., dean of the UDLAP, of Mr. Andrea Ambrogi Domínguez, president of the *Consejo Ciudadano de Seguridad y Justicia de Puebla* (Citizen Council of Security and Justice of the State of Puebla) and permanent guest to the *Consejo Nacional de Seguridad de México* (National Security Council of Mexico). It was them who spearheaded this initiative with a clear goal in mind: to measure on a systematic and comparative basis impunity, a global and multidimensional problem, in order to contribute to a better design of policies on public security, justice and to the respect for human rights.

JUAN ANTONIO LE CLERCQ ORTEGA, PhD
GERARDO RODRÍGUEZ SÁNCHEZ LARA, MPP

INTRODUCTION

There have been countless reports, statements, speeches, recommendations and legislative acts on impunity around the world over the past decade. Sadly, actions against human rights, equality and impartial justice take place on a regular basis in Mexico.

Elements contributing to this situation are manifold. The increasing transnational nature of organized crime, vigilante movements acting on the fringes of the law, continuous internal demographic changes, persistent lack of capacity of the justice system, lack of an adequate legal framework to counter organized crime from a wider perspective of citizen security, as well as the geographic location of Mexico, are amongst the conditions that affect this situation. However, from the standpoint of civil society, the main concern in this complex social knot consists in understanding the capacities and specific actions that States carry out to prevent and counter impunity. The measurement of these capacities and their performance within the institutions in charge of providing security and justice allows the identification of weak spots that foster impunity.

The Global Impunity Index derives from the urgent need to understand a multidimensional phenomenon. Impunity is the source and consequence of major social problems as insecurity, injustice, violence and corruption. Unfortunately, the international community has not developed a universally accepted methodology to evaluate States on this subject matter.

As of February 2014, the *Universidad de las Américas Puebla* (University of the Americas Puebla) aimed to analyze the phenomenon of impunity that until then had not been measured from a structural and functional perspective, and on a worldwide scale. For this reason, the UDLAP gathered a group of academics and experts in public policy, political science, international affairs, security, justice and human rights to suggest a methodology to investigate this phenomenon on a comprehensive fashion.

The Global Impunity Index resulted from this unprecedented international academic effort and aims to approach this phenomenon comprehensively. The construction of indicators to compare United Nations Member States on security and justice has only recently become a priority. But the future is promising.

Year 2015 is upon us and with it, the time to define a new development agenda for the coming years. September 2015 is the deadline for the definition of the new United Nations millennium development goals, during the UN Summit for the Adoption of the Post-2015 Development Agenda that will take place in New York.

The discussions over the new United Nations millennium development goals, also known as the Post-2015 Development Agenda, have addressed the importance of governance, the Rule of Law and justice as fundamental components of sustainable human development. From the seventeen goals currently under discussion, goal number 16, referring to the promotion of peaceful and inclusive societies for sustainable development,

provide access to justice for all and build effective, accountable and inclusive institutions at all levels is particularly relevant.

We strongly support the efforts of Mexico and other member States for the technical consolidation of Goal 16. We deeply appreciate the invitation that the Ministry of Foreign Affairs extended us to contribute, from the civil society, to this major effort.

In conclusion, the objective of this project, ongoing since 2014, is to establish a reliable and rigorous indicator for the comparative measurement of impunity rates in different countries of the world. We are convinced that high rates of impunity are the underlying explanation to grave problems in Mexico, like corruption, insecurity and violence. Through the creation of the Global Impunity Index we aim to contribute to the national debate on the need to develop better institutional frameworks and public policies to face these threats to human development in the country and worldwide on an informed basis. Ours is a project that stands out as the first one that approaches the multidimensional phenomenon of impunity by gathering statistical information and analysis of cases worldwide.

The creation of this index forms part of a wider project that includes the creation of the *Centro de Estudios sobre Impunidad y Justicia* (Specialized Center on Impunity and Justice – CESIJ), through which the UDLAP will promote the development of research networks, specialized studies, a laboratory for statistic information on impunity and active collaboration with civil society organizations, as well as national and international academic institutions.

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GLOSSARY

Corruption (Lat. corruptiō) vice or abuse introduced in nonmaterial things. In organizations, especially in public ones, a practice consisting in the use of functions and means of the former for profit, economic or otherwise, of its managers.

Rule of Law The situation of the State being subjected to the Constitution and approved regulations, in accordance to the procedures established by the latter and which guarantee the responsible and controlled functioning of the organs of power, the exercise of authority in agreement with known and non-retroactive regulations and the observance of individual, collective, cultural and political rights.¹

Governance Traditions and institutions through which authority is exercised in a country. This includes the process through which governments are elected, controlled and replaced; the capacity of the government to formulate and apply public policies efficiently, as well as the respect of citizens and the state for the institutions that rule the economic and social relationships among them.²

Impunity (lat. Impūnitas) Lack of punishment. (Orentlicher Report, 2005) The impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.³

Justice (lat. iustitia): One of the four cardinal virtues, which tend to give each one whatever, is due or belongs to him/her. It is also understood to be that which must be done according to right or reason. Finally, it is a public condemnation or punishment.

Phenomenon (lat. phaenomenon, and gr. φαινόμενον): Every manifestation that becomes present to an individual consciousness and appears as object of his/her perception. Extraordinary and surprising thing. In Immanuel Kant's philosophy, whatever is the object of sensible experience.

Peace (lat. pax, pacis): Situation and mutual relation of those not at war. In other words, safety and tranquility of countries, in opposition to war or turmoil.

Security (lat. securitas): the quality or state of being secure as freedom from danger (safety) and freedom from fear or anxiety.

¹ Inter-American Institute of Human Rights, Electoral Dictionary, San José de Costa Rica, (www.iidh.ed.cr/comunidades/redelectoral/docs/red_diccionario/estado%20de%20derecho.htm)

² World Bank Official Definition, Worldwide Governance indicators, Washington D.C. info.worldbank.org/governance/wgi/index.aspx#home

³ Report of the independent expert to update the set of principles to combat impunity, Diane Orentlicher, Commission on Human Rights, February 8, 2005, e/Cn.4/2005/102/add.1

ACRONYMS AND ABBREVIATIONS

CCSJP	Citizen Council for Security and Justice of Puebla
ECLAC	Economic Commission for Latin America and the Caribbean
CESIJ	Center of Studies on Impunity and Justice
IACHR	Inter-American Court of Human Rights
IGI	Índice Global de Impunidad
GII	Global Impunity Index
OECD	Organization for Economic Cooperation and Development
OAS	Organization of American States
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNDP	United Nations Development Program
UDLAP	Universidad de las Américas Puebla

WHAT IS IMPUNITY AT GLOBAL SCALE?

The phenomenon of impunity is a major matter of concern in the international community due to its impact in the lives of millions of persons and importance for most of the issues of the national and international agenda. There is consensus amongst scholars and researchers on the multidimensional nature of impunity, and on its many causes and consequences; all of which have an impact, directly or indirectly, in justice, corruption, security, the respect for human rights, the rule of law and authentic democracy.⁴

1.1 THE DEFINITION OF IMPUNITY

A correct understanding of the notion of impunity demands an overview of its fundamental role in the contemporary world history. Impunity became meaningful and relevant as of the second half of 20th century, during the weakening of military dictatorships in Latin America, authoritarian governments in Central America and the so-called “Dirty War” in Mexico and their overthrow in an international context. In this scenario, non-governmental organization, jurists and international organizations like the Inter American Court on Human Rights demanded the compliance of the fundamental obligation of democratic States, albeit emerging, to “*respect human rights, prevent their violation and investigate them, hold perpetrators accountable and provide effective remedies for victims*”, as well as the derogation of amnesty laws that foster oblivion, denial and silence of State impunity practices.⁵

⁴ Las siguientes fuentes de información identifican algún tipo de correlación entre impunidad y corrupción. Juan C. Echeverry y Zeinab Partow, “Por qué la justicia no responde al crimen”, en Corrupción, crimen y violencia, Bogotá, Universidad de los Andes, Transparencia Mexicana, 2005. Índice nacional de corrupción y buen gobierno. Disponible en: [http://www.tm.org.mx/ índice—nacional de corrupción—y—buen—gobierno—incbg](http://www.tm.org.mx/índice—nacional-de-corrupción—y—buen—gobierno—incbg), consultado el 2 de abril de 2015. Nick Jorgensen, “Impunity and Oversight: When do Governments Police Themselves?”, en Journal of Human rights. Routledge: Taylor & Francis Group, 2009. D. A. Shirk, Drug Violence and State Responses in México. University of San Diego Department of Political Science, 2010. pp. 1—20. The World Justice Project y el Failed State Index (Actualmente: Fragile State Index) Chris, Jochnick, “Confronting the impunity of Non—State Actors: New Fields for the Promotion of Human Rights”, en Human Rights Quarterly, Vol. 21, No. 1. 1999.

Los siguientes documentos identifican alguna correlación entre los Derechos Humanos y la impunidad: Michael Humpher y Estela Valverde, “Human Rights, Victimhood and Impunity: An Anthropology of Democracy in Argentina”, en Social Analysis, Vol. 51, 2007. Nick Jorgensen, “Impunity and Oversight: When do Governments Police Themselves?”, en Journal of Human rights. Routledge: Taylor & Francis Group, 2009. Dermot Groome, “The Right to Truth in the Fight Against Impunity”, en Berkeley Journal of International Law. Vol. 29. 2011. Naomi Roth—Arriza, “Combating Impunity: Some Thoughts on the Way Forward”, en Law and Contemporary Problems, Vol. 59, No 4, 1996. José Serralvo, “Privatized Military Firms’ Impunity in Cases of Torture: A Crime of Humanity”. International Community Law Review, Vol. 14, 2012.

⁵ Convención Americana de Derechos Humanos (CADH), artículo 1.1. y 2.; y Pacto Internacional de derechos Civiles y Políticos (PIDCP), artículo 2.

The current approach of the Commission of Human Rights of the United Nations to impunity includes two dimensions: *de facto* impunity and *de jure* impunity. *De facto* impunity refers to the weakness of institutions, in particular of the judiciary, fueled by actions that block procedures or corrode the independence and impartiality of justice institutions. In several cases impunity has amounted to the reluctance of security forces to provide evidence for the identification of perpetrators of human rights abuses, the reluctance of officials allegedly involved in human rights violations to appear before courts, in the falsification of public records, or in the intimidation and threat to victims, judges, lawyers and witnesses. *De iure* impunity refers to laws, regulations or legal institutions impeding that alleged perpetrators of human rights violations appear before justice, including in the institutions in charge of conducting investigations. Thus, rules providing a priori immunity to security forces amount to a “blank check” for law enforcement officers that violate human rights.⁶

*Impunity means the impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.*⁷

There is academic consensus in the sense that impunity has rarely just legal roots; on the contrary, impunity results from interlinked normative and structural factors. In other words, impunity “is a phenomenon that involves several factors relating to one another on a different fashion in each case⁸; it is a phenomenon with legal, social, cultural, psychological and even economic dimensions.”⁹ On the issue, Wilder Tayler states: “in human rights violations cases, the criminal judicial system for the prosecution and sanction of perpetrators is absent or just is not triggered”. Namely, we are dealing with the institutionalization of injustice by those that are in charge of serving justice. This situation encourages the repetition of massive violations and increases the will of perpetrating crimes, affecting individuals and societies.¹⁰

Concerned with this situation, the international community has made major efforts to prevent, investigate and sanction human rights violations by ensuring the observance of the right to know and, by implication, the right to the truth, the right to justice and the right to reparation.¹¹ Despite these efforts, persistence of impunity is undisputable.

⁶ Wilder Tayler, “La Problemática de la Impunidad y su tratamiento en las Naciones Unidas —Notas para la Reflexión—”, Revista IIDH. 1996, Vol. 24. San José, Costa Rica. Página. 188.

⁷ Comisión de Derechos Humanos de la ONU, 2005.

⁸ Rodrigo Uprimny y Diana Esther Guzmán. Experiencias exitosas de lucha contra la impunidad, Centro de Estudios de Derecho, Justicia y Sociedad, 2007.

⁹ Kai Amos, Impunidad y Derecho Penal Internacional. Buenos Aires. Editorial, Ad Hoc. Segunda Edición Actualizada y revisada. 1999 p. 35

¹⁰ Seminario impunidad y sus efectos en los procesos democráticos. Declaración de Santiago. Santiago de Chile, diciembre 1996.

¹¹ Comisión de Derechos Humanos de la ONU, 2005.

1.2 WHY DO WE NEED TO TALK ABOUT IMPUNITY?

The understanding and detailed measurement of factors fostering impunity within the institutional performance is fundamental because impunity leads to lack of trust in public institutions. In the words of Herta Däubler-Gmelin: *“impunity is simply the antagonist of the rule of law”*, namely, lack of punishment is one of the main obstacles for the consolidation and enjoyment of human rights, security, liberty and justice; all of them fundamental for ensuring a democracy within States.¹²

The administration of justice is a particularly important foundation of democracy, although a completely democratic country does not guarantee efficient justice, and vice versa. The coexistence of a democratic country and detrimental justice, as well as the coexistence of corrupted justice in an antidemocratic country are unthinkable. A democratic environment based on the enjoyment of human rights includes the active participation of society in the political construction of its community, at the time that they are held accountable in the justice system. However, in many countries the concept of democracy has been narrowed to a merely formal concept to choose public representatives, setting aside a system of checks and balances and State accountability. These situations often lead to a sort of totalitarian system that avoids the enforcement of democratic instruments and the administration of justice.¹³ In words of Mariclaire Acosta *“we cannot create substantive democracy without ensuring access to justice, the kind of democracy that allows and encourages the exercise of rights and, thus, citizenship”*.¹⁴

Despite efforts to reduce corruption and impunity in democratic States, problems and patterns dating back to the origins of private property and the firsts government systems remain.¹⁵ Thus, when we discuss about impunity we discuss about social and political failures, and also of fundamental problems for the sound development of a society.

Corruption is at the core of impunity. For instance, in Mexico, neither passing of laws on the issue and anticorruption obligations nor the development of institutional control mechanisms in the political agenda have eradicated impunity. Thus, impunity results from technical implementation problems, along with the absence of State control and civil society.

A democratic system that puts in first place the supreme power of the people, transparency and accountability can deter impunity in different government offices and set forth trust standards amongst the population, at the time that improves governability and increases social stability.

¹² J. Álvarez Chinchón, “Impunidad, sistema de Justicia, estado de Derecho y democracia. ¿Es peor la impunidad que el crimen en sí mismo?”, en Espacio Abierto—Revista del Centro de Investigación y Estudios Judiciales, número 20/2014, pp. 18—22.

¹³ Índice de Desarrollo Democrático de América Latina.

¹⁴ <http://superandolaimpunidad.cide.edu/>

¹⁵ Claudia Cruz Santiago, Mejores prácticas internacionales en materia de combate a la impunidad y la corrupción, México, Grupo parlamentario del PRD en la LX Legislatura de la Cámara de Diputados del Congreso de la Unión, 2008, p. 15.

1.3 THE STATE OF ART: HOW HAS IMPUNITY BEEN MEASURED?

The concept of impunity allows for a wide margin of interpretation and also diverse measurement methodologies.¹⁶ In general terms, organizations around the world use the following two methodologies: one based on a narrow interpretation of impunity that measures unpunished crimes and a second one that has an empirical basis based on the concept and its current meaning in several countries.¹⁷ Understandably, the measurement of impunity is not a common or systematic practice despite several attempts to do so. Further, such attempts have not been standardized and results still depend in an important extent on governments will to provide updated and complete information. Now we will refer to the difficulties of impunity calculations.

The United Nations is amongst the lead institutions collecting information in crimes and functioning of criminal justice systems; information aimed to improve transnational measurements through the creation of indicators. The database of the United Nations Office on Drugs and Crime does not allow obtaining information on unpunished crimes. Underreporting of crimes (the dark figure) and crime denounces not processed or recorded due to administrative issues make of the overall measurement of violations a complex task.¹⁸ A basic measurement of impunity consists on the number of reported homicides *versus* the convictions for homicide over the same year. Timing and validity of data are the fundamental shortcomings of this methodology, but also the gap between the legal and real timing of judicial procedures; this is, reported homicides in a year can lead to judicial procedures ending in a different year from the one of the actual perpetration of the crime. Further, there is lack of correspondence between the legal and real timing of proceedings: cases can take more than that the deadlines set forth in law, making difficult the standardization of data and accurate calculation of the number of unpunished cases.

At the same time, these databases are not diverse enough to create new indicators that in theory are related with impunity. Moreover, the United Nations receives information directly from governments, making difficult to corroborate the accuracy of numbers: it all depends on the level of transparency. Finally, the same variable can measure different things depending on the country, making them incommensurable.

The Committee to Protect Journalists (CPJ), an independent organization that fosters press freedom worldwide, offers another approach to impunity and calculates an impunity index based on the number of unresolved killings of journalists as a percentage of the overall population of each country.¹⁹ In its reports, the CPJ defines “killing” as a deliberate attack against an individual in connection with his/her journalistic work; cases are considered as unresolved when perpetrators are not found.²⁰ The CPJ index combines two elements in a sole indicator – this is, the unresolved cases and the population of a country – but fails to take into consideration diverse factors and elements for a deeper assessment of impunity at global scale.

¹⁶ Jorge Viñuales, “Impunity: Elements for an Empirical Concept”, en *Law and Inequality*, 2007.

¹⁷ ONU, Amnistía Internacional (AI), el Comité para la Protección de los periodistas (CPJ, por sus siglas en inglés), las distintas Comisiones de Derechos Humanos alrededor del mundo.

¹⁸ Oficina de las Naciones Unidas contra la Droga y el Delito, Estadísticas de delincuencia y justicia penal. Recurso disponible en línea. Última revisión el 22 de marzo de 2015: <http://www.unodc.org/unodc/en/data—and—analysis/statistics/crime.html>.

¹⁹ Comité para la Protección de Periodistas. <http://www.cpj.org/killed/>, consultado el 22 de marzo de 2015.

²⁰ Comité para la Protección de Periodistas. <http://www.cpj.org/killed/>, consultado el 22 de marzo de 2015.

The assessment of Amnesty International (AI) is relevant to address this methodology and conceptual gap. In its report *Mexico under the shadow of impunity*, AI makes reference to an array of elements that could be included in a more comprehensive concept of impunity, like torture, extrajudicial killings, disappearances, arbitrary detentions, assessment of the justice system, transparency or opacity of government institutions and the existence or lack of legal mechanisms for the protection of victims.²¹ In some countries defense lawyers commonly do not attend to cross-examinations or fail to act when their clients are torture or ill-treated. All this evidences the limitations of the CPJ index for approaching a wider notion of impunity.

Simultaneously, the World Justice Project (WJP) developed an index on the perception of the Rule of Law in 99 countries through the creation of indicators that measure the level of corruption amongst public officers across the three branches of government: the executive, congress and the judiciary.²² This project also addresses the perception of order and security (reflected in efficient crime control) as well as the perception of criminal justice. That is, whether it is effective, impartial, free from corruption and governmental influence and respectful of defense rights, amongst others. While these indicators do not measure impunity as such, they have contributed to foster a broader concept of impunity in the society. These indicators are useful to measure possible sources of impunity in cases of opacity or negligence of state and government actors. Unlike the UN and the CPJ, measuring impunity *stricto sensu* the approach of WJP has empirical grounds and follows a systematic process, which is an advantage. Moreover, in order to report the Rule of Law from the point of view of citizens, the questions for the calculation of the index were based on two original databases that the WJP put together in each country: the General Population Survey and the Questionnaires of Qualified Respondents. The data collected, that is not publicly available, gathers experiences and the citizen perception on the performance of States and State agents, and also on the functioning of the legal framework in each country. Results were drawn from approximately 500 assessment variables collected from over 100,000 citizens and legal experts in 99 countries.

A fundamental issue when discussing impunity is the respect for human rights. Generally, the State violations are the ones that go unpunished. Nevertheless, there is lack of consensus on the best way of measuring human rights violations. Below we elaborate on the approach of this study, drawing from the indicators developed by Cingranelli-Richards (CIRI). These indicators reflect the level of impunity in each country. However, their methodology has accuracy limitations, shown in the vast array of each of its responses.

Finally, Amnesty International (AI) considers useful an empiric approach to impunity that serves as a bridge between the concept and its actual meaning in several parts of the world. AI took a sample of 98 cases classified as completely or partially unpunished from a total of 3,000 reports of its online library. Cases were analyzed on a regional basis to determine if the concept of impunity led to geographical differences coming from the cultural, social and political conditions of each country. The final product was a definition of impunity based on two dimensions. The first one, divided in structural and functional aspects, covers the causes and conditions that perpetuate a state of impunity. The second

²¹ México, Bajo la sombra de la impunidad, 1999. <https://www.amnesty.org/es/documents/AMR41/002/1999/es/>, consultado el 22 de marzo de 2015.

²² <http://data.worldjusticeproject.org/>, consultado el 22 de marzo de 2015.

one identifies the status of alleged perpetrators, this is, those that benefit from impunity. For AI impunity is not a definitive “phrase” encompassing all the meaning of the word, but as a group of practices that include different actors; a wide and flexible term that depicts the problems emerging in different regions and that leaves space for the specificities of each country.

All these suggest that the analysis of AI could be a feasible indication of what “impunity” means in practice. However, according to Viñuales, this notion could be preliminary and controversial because from a methodological point of view the construction of a general empirical concept of impunity, with data from a sole organization, is not possible, regardless of how important or influential the organization is.²³ That said, the concept of impunity is vague and not conclusive. The construction of an index and list of impunity based on an empirical construction of indications from the UN, the CIRI, the WJP and Global Integrity, human rights commissions and victimization surveys could lead to a comprehensive quantitative measurement of impunity per country, region or at a global scale. All the impunity measures mentioned previously are examples of how organizations develop concepts that are not comprehensive when defining the extent of impunity in a society.

Based on the above, the Global Impunity Index presents the measurement of impunity of 59 countries and the establishment of a list of results, as objective as data allows. The concept is measured based on indicators related with the causes of impunity. These indicators correspond to homogeneous variables gathered from several well-recognized sources and from databases from different countries. Methodology of the GII is available in chapter 2.

²³ Op. cit. p. 23.

How has Impunity been Measured? 2 Methodologies	
In strict sense Measures perpetrated crimes that go unpunished	In broad sense Has an empirical foundation based on the concept and its current use
How is it measured? Crimes perpetrated/crimes prosecuted	How is it measured? May take into consideration causes and conditions that perpetuate a state of impunity, perpetrators and citizen perception
Results Isolated numbers on:	Results <ul style="list-style-type: none"> • Citizen perception on the extent of corruption and criminal justice • Indexes reflect the current use of mechanisms linked with impunity issues
<ul style="list-style-type: none"> • Homicides • Torture • Sexual abuse • Extrajudicial killings • Disappearances • Others 	
Shortcomings	Shortcomings
<ul style="list-style-type: none"> • Data comes from governments, so is difficult to confirm the accuracy of numbers • It is not a comprehensive index • Timing and validity of data • Not all have been standardized at a global scale to be considered commensurable 	<ul style="list-style-type: none"> • It is not a comprehensive index • From a methodological point of view the construction of a general empirical concept of impunity, with data from a sole organization, is not possible, regardless of how important or influential the organization is

Global Impunity Index

2.1 DIMENSIONS OF THE MODEL

Impunity is a multidimensional phenomenon involving several factors and causes that demand the construction of an index that takes into consideration its nature and the factors that shape it. The underlying goal of the Global Impunity Index is to create a model capable of measuring at least three dimensions of at least two fundamental governance areas for the prevention of impunity: security and the administration of justice. These dimensions, categorized in structural, functional and human rights, consider a subset of variables that measure the response of the State to impunity in these two fields. The first edition of the Global Impunity Index is based on variables that specialized literature considers fundamental for the characterization of impunity and that are available for all the 59 countries under study.²⁴ If countries increase their transparency levels when reporting their domestic numbers to United Nations Office on Drugs and Crime (UNODC) is possible to increase the number of variables for the dimensions of the model. Unlike other models, the Global Impunity Index has as main interest and is designed to process exclusively factual data and not data coming from perceptions that can be biased when compared between the different countries included in the Index.²⁵

Dimensions of the model	Structural	The structural dimension reports the official capacities of States to punish, though procedures respectful of due process, to those contravening the Rule of Law
	Functional	The functional dimension measures the performance of government areas in charge of punishing those that infringe the Rule of Law, regardless of their legal framework, capacities and institutional infrastructure or capacities
	Human Rights	By the incorporation of a human rights variable nationwide, the Global Impunity Index proposes a comprehensive approach to the subject, by referring also to the crimes perpetrated by the State that go unpunished

²⁴ Más adelante se explica la forma en que se ha desarrollado la imputación de valores y en qué casos se aceptó.

²⁵ La correlación del IGI con el Índice de Corrupción del Banco Mundial alcanza una R2 de 0.18, mientras que la correlación del IGI con el índice de Rule of Law alcanza una R2 de 0.27.

1. STRUCTURAL DIMENSION

The structural dimension reports the official capacities of States to punish, though procedures respectful of due process, to those contravening the Rule of Law. These capacities include variables on human capital of states to counter impunity (police and judges), the infrastructure of the penitentiary system, and ideally should incorporate additional variables like government expenditures and itemization in each of these areas. However, this remains a pending issue. Few countries provide budgetary information on a systematic basis, mostly members of the OECD informing on the official capacity of judicial systems and police, particularly, of crime investigation police.

Variables included in the 2015 version of this dimension:

	Governance Areas	
Structural	Security System	Justice System
	Police personnel or law enforcement personnel per 100,000 inhabitants	Number of professional judges and magistrates per 100,000 inhabitants
	Prison staff divided by the penitentiary capacity	
	Prisons, penal institutions or correctional institutions divided by the penitentiary capacity	
	Prisons staff divided by prisoners in prisons, penal institutions or correctional institutions	

Security System

1. Police personnel or law enforcement personnel per 100,000 inhabitants.
2. Prison staff divided the penitentiary capacity.
3. Prisons, penal institutions or correctional institutions divided by the penitentiary capacity.
4. Prisons staff divided by prisoners in prisons, penal institutions or correctional institutions.

Justice System

1. Number of professional judges and magistrates per 100,000 inhabitants

United Nations Office on Drugs and Crime Definitions:

1. *Police personnel or law enforcement personnel* means, personnel in public agencies as of December 31 of the year under study, whose principal functions are the prevention, detection and investigation of crime and the apprehension of alleged offenders. Data concerning support staff (secretaries, clerks etc.) is excluded.
2. *Professional judges or magistrates* means both full-time and part-time officials authorized to hear civil, criminal and other cases, including in appeal courts, and make dispositions in a court of law. Associate judges and magistrates authorized as above are also included.

3. *Prison staff* means all individuals employed in penal or correctional institutions, including management, treatment, custodial and other personnel (maintenance, food service etc.).
4. *Penitentiary capacity* means the number available spaces for the accommodation of prisoners without overcrowding, excluding accommodation or operational capacity for the detention of persons due to their immigration status.
5. *Prisons, penal institutions or correctional institutions* mean all public and privately financed institutions where persons are deprived of their liberty. The institutions may include, but are not limited to, penal, correctional, or psychiatric facilities under prison administration.
6. The term *prisoners in prisons, penal institutions or correctional institutions* excludes people detained for administrative reasons, including people detained while their migration status is under investigation.

2. FUNCTIONAL DIMENSION

The functional dimension measures the performance of government areas in charge of punishing those that infringe the Rule of Law, regardless of their legal framework, capacities and institutional infrastructure or capacities. If the structural dimension refers to official capacities and therefore of the States commitment to counter impunity, the functional dimension refers to the social results in practice of the performance and institutional arrangements of each country. Each one of the variables of this dimension aims to summarize stories that altogether allow and understanding of the specific challenges that each country faces to counter impunity.

Variables included in the 2015 version of this dimension:

	Governance Areas	
	Security System	Justice System
Functional	Overall number of persons brought before the criminal courts divided by the overall number of persons that had formal contact with the police	Percentage of persons detained without any type of judgment/adjudication
		Overall number of prisoners in prisons, penal institutions or correctional institutions
		Persons brought before the criminal courts divided by the professional judges or magistrates
		Overall number of prisoners in prisons, penal institutions or correctional institutions divided by the overall number of persons convicted

Security System

1. Overall number of persons brought before the criminal courts divided by the overall number of persons that had formal contact with the police.

Justice System

1. Percentage of persons *detained without any type of judgment/adjudication*.

2. Overall number of *prisoners in prisons, penal institutions or correctional institutions*.
3. Persons brought before the criminal courts divided by the *professional judges or magistrates*.
4. Overall number of *prisoners in prisons, penal institutions or correctional institutions* divided by the overall number of *persons convicted*.

United Nations Office on Drugs and Crime Definitions

1. *Persons detained without any type of judgment/adjudication* means persons incarcerated in prisons, penal institutions or correctional institutions awaiting first trial or adjudication by relevant/competent authorities.
2. *Formal contact* with the police and/or criminal justice system includes the suspected, arrested or cautioned.
3. *Persons prosecuted* mean alleged offenders prosecuted by means of an official charge, initiated by the public prosecutor or the law enforcement agency responsible for prosecution.
4. *Persons brought before the criminal courts* means persons indicted before the judicial authority authorized to issue convictions under domestic criminal law, whether the conviction was later upheld or not.
5. *Persons convicted* means persons found guilty by any legal body duly authorized to pronounce them convicted under national law, whether the conviction was later upheld or not. The total number of persons convicted includes the number convicted of serious special law offences but excludes the number convicted of minor road traffic offences and other petty offences.
6. *Intentional homicide* may be understood to mean death deliberately inflicted on a person by another person, including infanticide.
7. *Professional judges or magistrates* means both full-time and part-time officials authorized to hear civil, criminal and other cases, including in appeal courts, and make dispositions in a court of law. Associate judges and magistrates authorized as above are also included.
8. The term *prisoners in prisons, penal institutions or correctional institutions* excludes people detained for administrative reasons, including people detained while their migration status is under investigation.

3. HUMAN RIGHTS

Any discussion on impunity must bear the importance of violations perpetrated by the State against the population. Unpunished violations to human dignity contribute to an environment of impunity. The variables of the prior dimensions do not allow the identification of these types of problems within States; rather they focus in the procedures to punish crimes perpetrated by individuals and not by the State. By the incorporation of a human rights variable nationwide, the Global Impunity Index proposes a comprehensive approach to the subject, by referring also to the crimes perpetrated by the State that go unpunished.

This dimension incorporates variables that measure the status of human rights worldwide as objectively as possible. According to scholar Todd Landman, there are three

means to measure human rights: normative, practical and government results.²⁶ This document disregards a purely normative measurement because the signature, ratification and even the incorporation of the highest international human rights standards does not guarantee their compliance. The measurement of government results can be vague and lacks of minimum commensurable standards, given the nature of human rights standards and the diversity of actions that each country carries out to incorporate and respect the legal framework on the matter.

We addressed these limitations by taking into consideration existent oversight mechanisms. The main procedure has been based on the universal human rights system, composed by a relevant number of experts that yet has proven to be insufficient due to difficulties to access and trigger its procedures, and the amount of cases that reach specialized committees of the United Nations system or regional systems. The United Nations Human Rights Council is another mechanism. Unlike other procedures (including special rapporteurs, treaty bodies), the Council work on the basis of reports that States are obliged to file before it on a regular basis. This mechanism receives reports from all States regularly; however, this report called Universal Periodic Review is filed before a political body not to a body of experts and therefore the final conclusions/recommendations are not necessarily consistent as they come from member States of the Council and not by experts on the field.²⁷

Further, the United Nations has also developed a methodology to produce human rights indicators under the following categories: structural indicators, process indicators and results indicators. Thus far, this methodology only permits standardized measurements, and does not attempt to inquire or produce unified, systematic and commensurable statistics or standards that allow a general measurement of the state of human rights worldwide.²⁸ The recommendation to create indicators on the matter, while relevant for countries interested in producing reliable information is of little use for our study because currently there is not systematized information under this methodology in most of the countries.

Another set of indicators come from education or non-governmental organizations that analyze the status of human rights per country. Whereas these organization analyze the status of human rights per country, the systematization of information under vague criteria such as “it rarely happens” or “it happens frequently” that may be put into question for their relativity. This is the case of Freedom House or the *Political Terror Scale*, developed by experts from the University of North Carolina and the State University of Arizona, in the United States of America.²⁹

Bearing in mind the limitations of standardized measurements on the situation of human rights worldwide, we decided to use for this project the Cingranelli and Richards (CIRI) Human Rights Data Project.³⁰ The methodology of this project consists on the gathering of information on 15 human rights recognized across the international community. The information, collected on a yearly basis between 1981 and 2011 identifies

²⁶ Todd Landman, “Measuring Human Rights: Principles, Practice, and Policy”, en Human Rights Quarterly, Vol. 26, No. 4, noviembre 2004, pp. 906-931.

²⁷ Universal Periodic Review (Examen Periódico Universal) de Naciones Unidas <http://www.upr-info.org/es>, consultado 1 de abril de 2015.

²⁸ Human Rights Indicators. A guide to Measurement and Implementation http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf, consultado el 1 de abril de 2015.

²⁹ Political Terror Scale <http://www.politicalterroryscale.org/>, consultado el 1 de abril de 2015.

³⁰ CIRI Human Rights Project <http://www.humanrightsdata.com/>, consultado el 1 de abril de 2015.

facts classified as human rights violations, using as source reports from governmental institutions and non-governmental organizations. While there is not an assessment on the gravity of the violations perpetrated, values are assigned pursuant the number of available reports on specific human rights violations in 126 over 20 years. This is valuable information inasmuch it allows the identification of reports on the human rights violations under study and the number of reports per year, standardizing the measurements without entering into the details of each case.³¹ This information has been already used in several academic projects, such as the *Human Rights Atlas*, as its nature only allows knowing the existence or lack of reports.³²

This first version of the Global Impunity Index includes four fundamental variables for the assessment of human rights, which are directly related with the areas covered by the Index: security; torture and extrajudicial killings as often – although not exclusively – security forces are the main perpetrators of these human rights violations; justice, that includes political imprisonment and disappearances. According to the CIRI Human Rights Project, such variables are defined as follows.

Security System

1. Torture

Torture refers to the purposeful inflicting of extreme pain, whether mental or physical, by government officials. This includes the use of physical and other force by police and prison guards due to tangible negligence by government officials. The coding scheme of this variable, based on reports filed before international bodies, is the following:

- 0 = Frequent reports/Practiced frequently (50 or more instances)
- 1 = Occasional reports/ Practiced occasionally (from 1 to 49 instances)
- 2 = Not practiced / Unreported (zero instances)

* The death penalty does not qualify as torture. This variable, does not include general prison conditions.

2. Extrajudicial Killings

This variable refers to killings by government officials without due process of law. It includes murders by private groups if instigated by the government. These killings may result from the deliberate, illegal, and excessive use of lethal force by the police, security forces, or other agents of the state and includes deaths resulting from torture. The coding scheme of this variable is the following:

- 0 = Frequent reports/Practiced frequently (50 or more killings)
- 1 = Occasional reports/ Practiced occasionally (from 1 to 49 killings)
- 2 = Not practiced / Unreported (zero killings)

³¹ Esta metodología permite únicamente identificar tres rangos de posibilidades 0= violación practicada con frecuencia (50 o más reportes); 1= violación practicada ocasionalmente (1 a 49 reportes); o bien 2= no ha ocurrido o no ha sido reportada (no existen reportes).

³² Human Rights Atlas, <http://www.humanrightsatlas.org>, consultado el 1 de abril de 2015.

Justice System

1. Political Imprisonment

Political imprisonment refers to the incarceration of people by government officials because of: their speech; their non-violent opposition to government policies or leaders; their religious beliefs; their non-violent religious practices including proselytizing; or their membership in a group, including an ethnic or racial group. This variable responds to the question: are there any people imprisoned because of their political, religious, or other beliefs or belonging to a group?

0 = Yes, and many (50 or more political prisoners held)

1 = Yes, but few (from 1 to 49 political prisoners held)

2 = None / None Reported (zero political prisoners held)

* Individuals who are imprisoned because they themselves have committed crimes whose punishment is not limited by international law (e.g. murder, theft, etc.), regardless of the reasons why they committed those acts, are not considered political prisoners.

2. Disappearances

The disappearances variable refers to cases in which people have disappeared, agents of the state are likely responsible, and political motivation may be likely. In most instances, disappearances occur because of a victim's political involvement or knowledge of information sensitive to authorities. Often, victims are referred to by governments as "terrorists," and labeled a threat to national security. The coding scheme of this variable is the following:

0 = Have occurred frequently (50 or more disappearances)

1 = Have occurred occasionally (from 1 to 49 disappearances)

2 = Have not occurred / Unreported (zero disappearances)

* This variable does not consider reported kidnapping as disappearances, even if they remain unsolved.

The database specifies which countries do not have any report or those where materials were not available.

2.2 DATA MANAGEMENT

WORLDWIDE GOVERNANCE INDICATORS

Situations occurring in breach of the legal framework, like corruption, are difficult to measure and track, making difficult the development of studies and indicators that capture and effectively reflect corruption, democracy, Rule of Law and impunity levels. The reduction of such complex options to a sole indicator is not feasible empirically.

Methodologies developed thus far focus on a specific definition or field and therefore their indicators explain partial realities. Results must be taken with caution and in the context of

their conceptual framework. Another difficulty when developing these indexes is the high costs involved in the incorporation of several countries and conducting the required over the course of several years. Few projects have succeeded in doing so. Yearly indicator estimations are fundamental for approaching governance issues. Faced with the lack of standardized and accurate data, several organizations have chosen to gather information from experts and citizen perception surveys in each country. These indicators, available in several countries, show and reveal weaknesses of States and, by remaining available over long periods of time they also show backlashes or progress in governance issues. For these reasons, they are fundamental for increasing international pressure over governments.

Examples include:

1. The Global Integrity Index, of Global Integrity.
2. The Rule of Law Index, of the World Justice Project.
3. The Worldwide Governance Indicators Project of the World Bank

These indicators are very useful for the identification of governance levels on an international scale, even when their methodology is narrowed to specific goals and conceptual frameworks and none of them focuses in the measurement of impunity. Further, countries included in these indicators are not necessarily aligned with the 31 countries studied in the Global Impunity Index.

Aiming to fill an information gap, this document proposes a model for the measurement of impunity that reflect the real situation, rather than presenting qualitative or perception measurements. For that purpose, use available information on crimes and the judicial system per country, allowing therefore a comparison between countries, as well as the identification of obstacles and information needs for analyzing and constructing impunity indicators on a global scale.

Data

The United Nations Office on Drugs and Crime (UNODC) has the sole compilation of hard data on security, justice and crime, with information between 2003 and 2012 on several countries and indicators. It should be noted that both, countries and indicators, vary each year. UNODC Databases include information on:

- Resources of the criminal justice system
- Persons detained
- Persons prosecuted
- Persons convicted
- Prisons

Indicators on persons detained per type of crime, persons convicted and the years of conviction are only available for the period 2010 - 2012. These indicators serve as inputs for the construction of the structural and functional dimensions that crosscut the justice and security systems.

For the human rights dimension we used other sources of information. The *CIRI Human Rights Data Project* was deemed the most adequate was, with a range that goes from 1981 to 2011. From this source, we selected:

- Reports on extrajudicial killings.

- Reports on torture.
- Reports on political imprisonment.
- Reports on disappearances.

2.3 SPECIFICATIONS OF THE INDEX: THE DEVELOPMENT OF THE GII

Our main goal was the development of an indicator that includes as many countries as possible, that leaves an open path for updating information in the future and that allows the formulation of specific recommendations on public policies. The indicator values of the Global Impunity Index rank between 0 and 100, where 0 amounts to lack of impunity and 100 to the highest level of impunity, based on the countries under study.

The creation of the Global Impunity Index took place in three stages, explained as follows.

STAGE ONE: STANDARDIZATION OF POTENTIAL INDICATORS

Drawing from the information of the UNODC and the CIRI we created potential indicators (see chart 1) and adjusted them to the dimensions and crosscutting axis of the theoretical framework of the Global Impunity Index. The creation of variables followed the “from crime to punishment” path. This is to say, from the record of the crime by the police, the investigation procedure, persons prosecuted, persons convicted to the criminal system. All this procedure is linked with the availability of financial and human resources in the justice and security systems: the lack of such resources increases the probabilities of impunity. Overall, we created 23 potential indicators according to chart 1 “*Potential Indicators for the Global Impunity Index*”.

We applied the indicators the standardization method Min-Max to obtain commensurable scaling values between the dimensions and the crosscutting axis that would allow the analysis of time correlations and crosscutting issues. For that purpose, we used all the years and countries available and we performed the standardization per year. Based on these 23 *potential* indicators, we calculated a correlation matrix for all the years and countries with information and subsequently applied the Bonferroni correction, a method used for multiple comparisons, that allows the study of the performance of the different ways to approach a fact, through the analysis of the variance with the aim to know if, overall, the different performances differ significantly among one another. We also conducted tests by region to analyze the consistency of the selected indicators. As result, we eliminated the countries of Africa and Oceania from the calculation because the resulting correlations diverted in direction and significance from other regions and also due to the lack of statistical information. This exercise shed fundamental information on the most important indicators for the construction of the Index and allowed the development of a notion of impunity, from the available information.

STAGE TWO: SELECTION OF SUB-DIMENSIONS

The UNODC database does not allow the development of a continuous Index over years for a specific group of countries; its data is not perfectly commensurable due to the multiplicity

of countries, unavailable information for several years and variations in the information governmental agencies report to the UNODC. This situation led to the following decisions.

Unavailable Years. Taking into consideration that years do not change dramatically from one year to the other, we used the closest information to year 2012, but not before 2010 for the relevant *potential* indicators. Thus, there was only one index for one year: *circa* 2012.

Non-Commensurable Information. For purposes of consistency in the indicator there must be a significant correlation between the Global Impunity Index and the governance indicators related with impunity. The adjustment need not be perfect because they are measuring different issues, however, there must be a significant coefficient of an R2 superior to 0.20. In this case, we used the indicators on the rule of law and corruption from the World Bank that has a strict methodology.

Chart 1 “Potential Indicators for the Global Impunity Index”

No.	Description
1	Police personnel or law enforcement personnel per 100,000 inhabitants
2	Number of professional judges and magistrates per 100,000 inhabitants
3	Prisons staff divided by prisoners in prisons, penal institutions or correctional institutions
4	Prisoners in prisons, penal institutions or correctional institutions divided by the penitentiary capacity
5	Prisons staff divided by prisoners in prisons, penal institutions or correctional institutions
6	Persons that had formal contact with the police divided by overall number of reports ¹
7	Persons brought before the criminal courts divided by the number of Police personnel or law enforcement personnel
8	Persons brought before the criminal courts divided by the number of professional judges and magistrates
9	Persons brought before the criminal courts divided by the overall number of persons that had formal contact with the police
10	Persons convicted divided by number of persons that had formal contact with the police
11	Persons convicted divided by persons brought before the criminal courts
12	Persons convicted divided by the number of professional judges and magistrates
13	Percentage of Prisoners without any type of judgment/adjudication
14	Prisoners for homicide divided by the overall number of homicides
15	Prisoners for violent crimes divided by the number of reports of violent crimes ²
16	Prisoners for property crimes divided by the number of reports of crimes against property ³
17	Percentage of persons convicted to 20 or more years divided by the percentage of prisoners for homicide
18	Prisoners divided by persons convicted
19	Prisoners divided by the overall number of reports ¹
20	Disappeared persons ⁴
21	Extrajudicial killings ⁵
22	Torture ⁵
23	Prisoners ⁵
¹ Includes reported homicides and reports for assault, trespassing, kidnapping, robbery, sexual violence and car theft.	
² Assault, kidnapping, robbery and sexual violence.	
³ Trespassing, non-violent robbery and car theft.	
⁴ Categorical and ordinal variable: 50 and more equal to 0; from 1 to 49 equal 1; no disappeared equal 2.	
⁵ Categorical and ordinal variables: 0 = Frequent reports/Practiced frequently; 1 = Occasional reports/ Practiced occasionally; 2 = Not practiced/ Unreported (zero instances).	

Unavailable Countries. We used the regional median for those countries that did have information on some of the selected indicators, but information was unavailable for others.

After the results of the variance and covariance matrixes, and the Bonferroni correction, the conceptual framework of the Global Impunity Index and the adjustments for lack of data, we selected 14 indicators. Correlation matrixes provided information on the need to use complementary indicators to get results reflecting that higher indicators worsen the condition of each dimension. See chart 2 “*Indicators per dimension and crosscutting axis*”

Chart 2 “*Indicators per Dimension and Crosscutting Axis*”x

Dimension Crosscutting Axis	Security System	Justice System
Structural	Police personnel or law enforcement personnel per 100,000 inhabitants (complementary)	Number of professional judges and magistrates per 100,000 inhabitants
	Prisoners divided by the overall penitentiary capacity	
	Prisons staff divided by the overall penitentiary capacity (complementary)	
	Prisons staff divided by the overall number of prisoners (complementary)	
Functional	Overall number of persons brought before the criminal courts divided by the overall number of persons that had formal contact with the police (complementary)	Persons brought before the criminal courts divided by the number of professional judges and magistrates
		Number of prisoners divided by persons convicted
		Percentage of persons detained without any type of judgment/adjudication
		Prisoners for homicide divided by the overall number of homicides (complementary)
Human Rights	Extrajudicial killings (complementary)	Disappearances (complementary)
	Torture (complementary)	Political imprisonment (complementary)

THIRD STAGE: INDEX ESTIMATION

To obtain the index for each dimension and cross axis a simple mean was applied, i.e. an equal weight is given to each sub-dimension; this is for dimensions built by more than one indicator. Each dimension was integrated in the following way:

$$ESS = \frac{polpc + reccap + percap + perrec}{4}$$

4

Where *ESS* stands for the security system's structural dimension; *polpc* is police per 100,000 inhabitants (complement); *reccap* is inmates per total capacity of prisons; *percap* is personnel in prisons per total capacity of prisons (complement) and *perrec* is personnel in prisons per total inmates (complement.)

$$ESJ=jpc$$

Where *ESJ* is the structural system of justice dimension; *jpc* is judges per 100,000 inhabitants (complement.)

$$FSS=atcf$$

Where *FSS* is the security system's functional dimension and *atcf* is persons appearing in court per persons in formal contact with the police.

$$FSJ = \frac{atj + recon + recssen + rechomh}{4}$$

Where *FSJ* is the justice system's functional dimension; *atj* is persons appearing in court per number of judges; *recon* is inmates per convicted persons; *recssen* is percentage of inmates without sentence; and *rechomh* is inmates convicted of homicide per total homicides (complement.)

$$DHSS = \frac{ejec+tort}{2}$$

Where *DHSS* is the security system's human rights dimension, *ejec* is the frequency of extrajudicial executions and *tort* is the frequency of torture cases.

$$DHSJ = \frac{desap + encar}{2}$$

Where *DHSJ* is the judicial system's human rights dimension; *desap* is disappeared; and *encar* is the frequency of political incarceration.

$$GII = \frac{ESS + ESJ + FSS + FSJ + DHSS + DHSJ}{6}$$

Likewise, for the Global Impunity Index a simple mean of all dimensions and cross axis was applied.

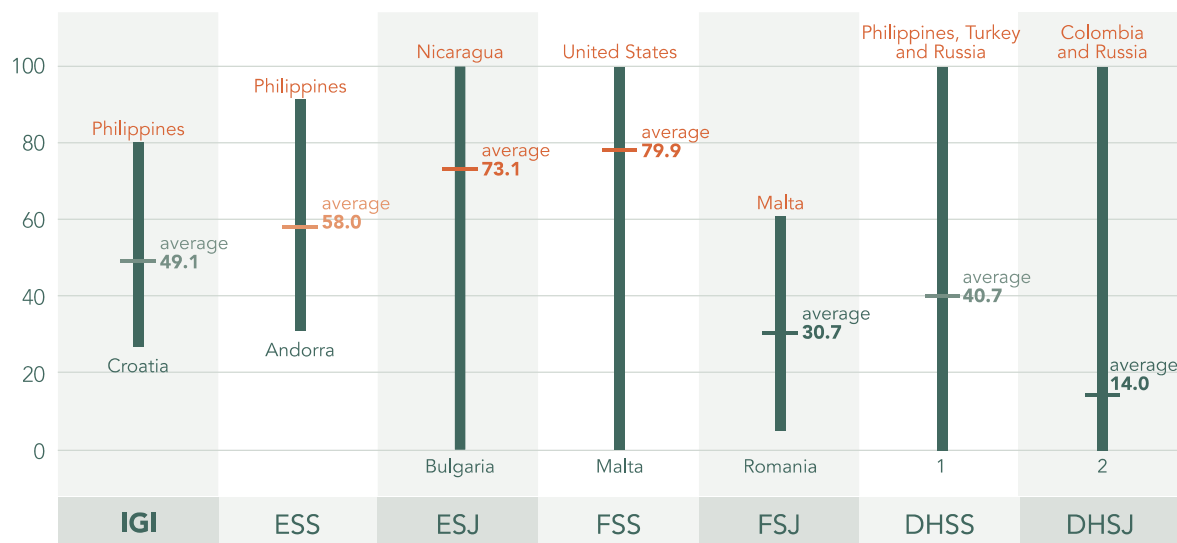
2.4 RESULTS AND CONTRIBUTIONS OF EACH DIMENSION TO THE INDEX

Given the difficulties in the information availability, the GII was estimated for a total of 59 countries, with the data close to 2012, but not before 2010. It is important to remember that the higher the index the higher the degree of impunity in the country, relative to the other countries included in the index. The way to interpret the index is by its relative distance and position regarding other countries and not by its absolute value, since the latter is a function of the maximum and minimum values for the set of countries having information in the corresponding dimension.

The positions obtained show that the Philippines occupy the first place in impunity with 80.0 GII. On the other extreme is Croatia, the last place, with a 27.5 GII. Mexico stands in the second place regarding impunity, which is not encouraging at all, although it describes our reality accordingly. See Table 3 (GII's Position and Value and its Dimensions for 59 Countries.)

One of the GII's advantages is that it allows us to analyze by dimension the differences among countries, since their position changes for each dimension. The highest and lowest scores per dimension are (see Graph 1):

Graphic 1 **Global Impunity Index and dimensions**



1 Singapore, Germany, Andorra, Netherlands, Finland, Denmark, Norway, Malta, Czech Republic, Slovenia and Croatia.

2 Argentina, Jamaica, Chile, United States, Guyana, Bahamas, Trinidad and Tobago, Panama, Mongolia, Paraguay, Barbados, Ireland, Japan, Costa Rica, Albania, Hungary, Romania, Singapore, France, Cyprus, Canada, Switzerland, Italy, Portugal, Estonia, Bosnia Herzegovina, Andorra, Austria, Netherlands, Slovakia, Denmark, Norway, Serbia, Lithuania, Sweden, Montenegro, Czech Republic, Slovenia and Croatia.

Chart 3. Positioning and value of the Global Impunity Index and its dimensions, 59 countries

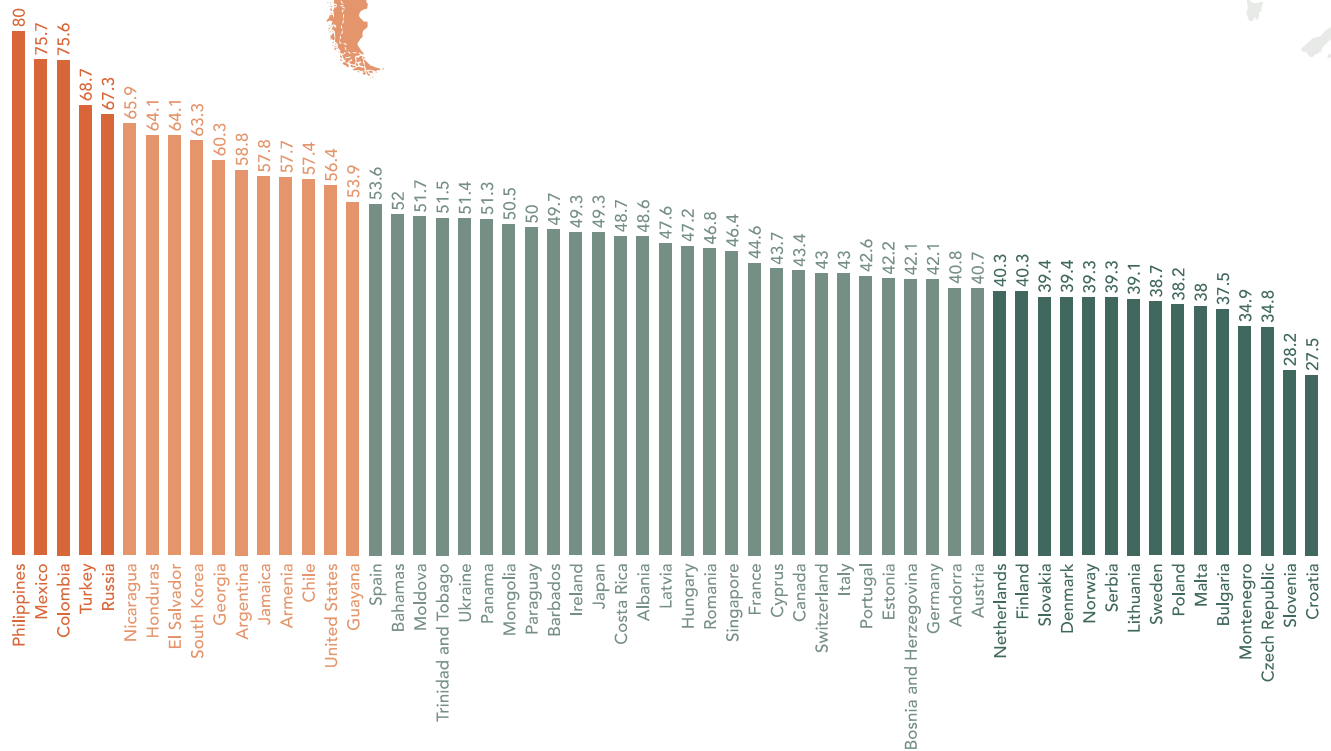
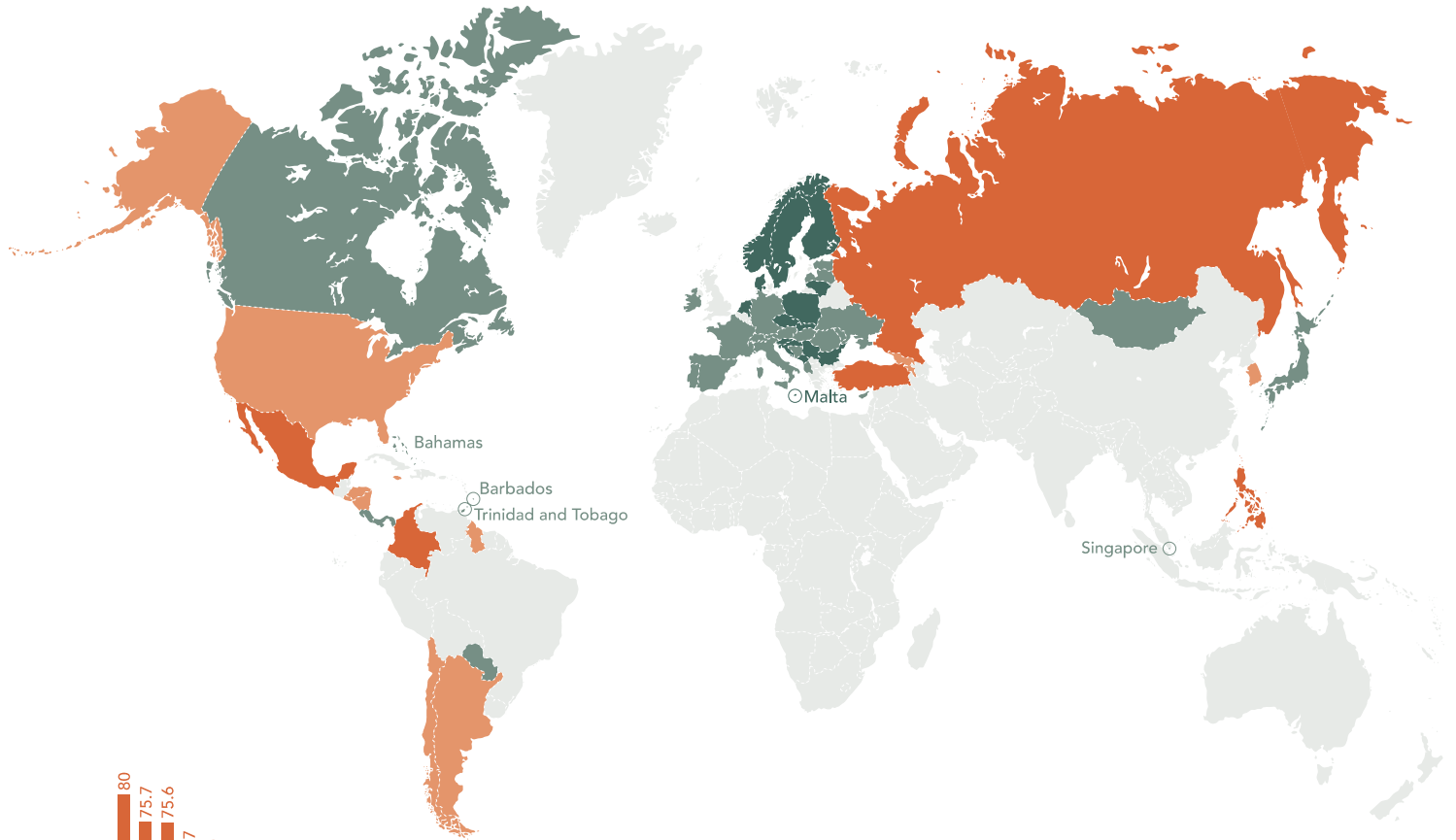
Relative position	Region	Country	GII	Structural		Functional		Human Rights	
				Security System	Justice System	Security System	Justice System	Security System	Justice System
59	Europe	Croatia	27.5	46.5	22	70.8	25.5	0	0
58	Europe	Slovenia	28.2	53	17.2	74.7	24.1	0	0
57	Europe	Czech Republic	34.8	54.6	50.9	89.1	14.2	0	0
56	Europe	Montenegro	34.9	46.3	26.5	86	25.8	25	0
55	Europe	Bulgaria	37.5	61.3	0	71.6	17	50	25
54	Europe	Malta	38	57.9	84.6	0	60.3	0	25
53	Europe	Poland	38.2	63.7	55.6	44.3	15.4	25	25
52	Europe	Sweden	38.7	38.3	64	79.4	25.3	25	0
51	Europe	Lithuania	39.1	63.6	56.7	71.9	17.7	25	0
50	Europe	Serbia	39.3	58.7	47.3	74.3	30.4	25	0
49	Europe	Norway	39.3	47.5	75.3	79.4	33.7	0	0
48	Europe	Denmark	39.4	43.5	75.6	79.4	38	0	0
47	Europe	Slovakia	39.4	54.2	58	76.8	22.5	25	0
46	Europe	Finland	40.3	51.1	69.9	78.8	41.9	0	0
45	Europe	Netherlands	40.3	43.1	76.7	89.8	32.2	0	0
44	Europe	Austria	40.7	57.5	52.1	92.3	17.2	25	0
43	Europe	Andorra	40.8	31.6	75.4	98.6	39.2	0	0
42	Europe	Germany	42.1	56	58.1	86.1	27.5	0	25
41	Europe	Bosnia and Herzegovina	42.1	46.1	51.6	79.4	25.7	50	0
40	Europe	Estonia	42.2	54.5	70.5	79.4	24	25	0
39	Europe	Portugal	42.6	53.9	71.7	83.5	21.6	25	0
38	Europe	Italy	43	41.3	69.1	79.4	18	50	0
37	Europe	Switzerland	43	55.6	75.4	79.4	22.8	25	0
36	America	Canada	43.4	53.9	75.4	79.7	26.3	25	0
35	Asia	Cyprus	43.7	39.3	86.6	79.4	32.1	25	0
34	Europe	France	44.6	60.3	77.7	72.6	32.1	25	0
33	Asia	Singapore	46.4	73.5	98.3	74.5	32.4	0	0
32	Europe	Romania	46.8	65	67.6	92.8	5.1	50	0
31	Europe	Hungary	47.2	66.7	52.6	87.2	26.9	50	0
30	Europe	Latvia	47.6	56.2	64.4	79.4	35.3	25	25
29	Europe	Albania	48.6	45.5	85.2	83.4	27.3	50	0
28	America	Costa Rica	48.7	68.7	59.4	79.4	34.9	50	0
27	Asia	Japan	49.3	68.3	97	54.9	25.5	50	0
26	Europe	Ireland	49.3	46.1	96.5	79.4	24	50	0
25	America	Barbados	49.7	52.4	87	99	34.6	25	0
24	America	Paraguay	50	69.2	82.2	59.5	39.2	50	0
23	Asia	Mongolia	50.5	60.9	73.4	83	35.4	50	0
22	America	Panama	51.3	69.2	87.4	69.3	56.9	25	0
21	Europe	Ukraine	51.4	60.5	60.3	61.3	26.5	75	25
20	America	Trinidad and Tobago	51.5	47	89	98.2	24.9	50	0
19	Europe	Moldova	51.7	53	79.9	76.1	26.3	50	25
18	America	Bahamas	52	46.8	86.7	82.4	46.3	50	0
17	Europe	Spain	53.6	58.2	82.9	79.4	26.4	25	50

16	America	Guyana	53.9	65.5	97.6	72.3	37.7	50	0
15	America	United States	56.4	62.1	84.5	100	42	50	0
14	America	Chile	57.4	67.9	83.4	64.8	53.3	75	0
13	Asia	Armenia	57.7	57.5	88.9	90.7	8.8	75	25
12	America	Jamaica	57.8	52.2	98.5	79.4	41.6	75	0
11	America	Argentina	58.8	53.9	94.2	82.4	47.4	75	0
10	Asia	Georgia	60.3	75.5	93.3	69.4	23.9	75	25
9	Asia	South Korea	63.3	66.3	92.1	79.4	42.2	50	50
8	America	El Salvador	64.1	86	82.8	79.4	36.2	75	25
7	America	Honduras	64.1	77.3	83	72.9	26.4	75	50
6	America	Nicaragua	65.9	75.6	100	82.4	37.5	75	25
5	Europe	Russia	67.3	49.7	67	70.5	16.5	100	100
4	Asia	Turkey	68.7	67.2	77.9	74.5	42.5	100	50
3	America	Colombia	75.6	71.2	84.1	93.2	30.1	75	100
2	America	Mexico	75.7	65.9	94.5	97.8	46.2	75	75
1	Asia	Philippines	80	90.6	98.9	74.5	40.8	100	75

GLOBAL IMPUNITY INDEX (IGI) 2015

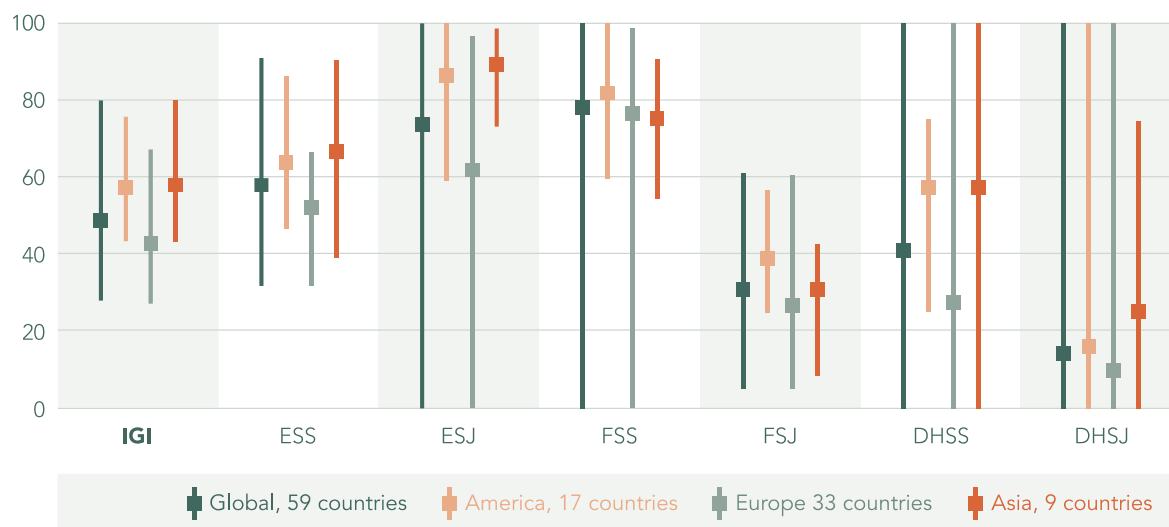
greatest  least

 Countries not included in the index



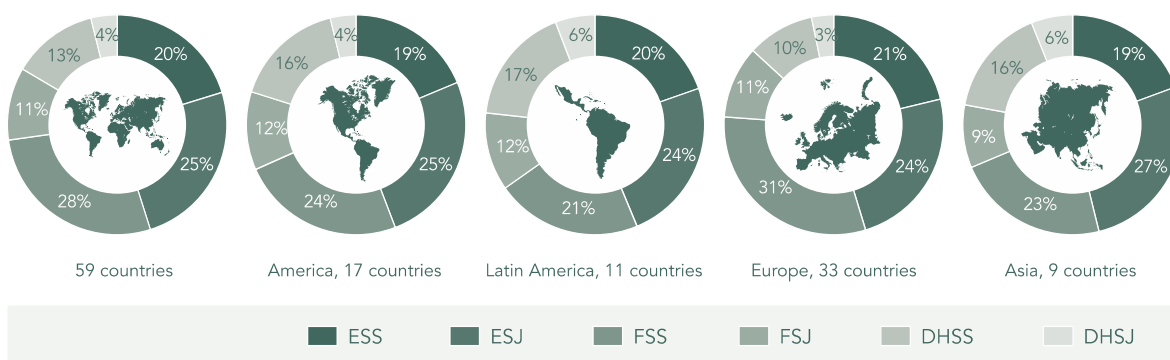
Two countries may have a similar GII yet their position inside each dimension may be totally different. This means that impunity spreads through different dimensions, thus the public policy actions should be different. In some cases it will be necessary to strengthen the security system in the structural dimension either by increasing human resources, or by training the same ones to develop their capabilities. In other cases, the functional dimension will have greater weight. The maximum, minimum and average GII scores and its dimensions reflect intra-regional inequalities, but also among regions (see Graph 2.) It is relevant to add that the regional classification was done accordingly with the one done by the United Nations.

Graph 2 **Maximum, average and minimum values of IGI and dimensions**



In America (17 countries) and Asia (9 countries), the greatest dispersion is seen in DHSJ, followed by DHSS, while in Europe (33 countries) the dispersion among countries is very high for the ESJ, FSS, DHSS and DHSJ dimensions. The dimensions ESJ and FSS in the group of 59 countries cover 53% of the impunity measured by the index, while the human rights dimension is the one with the lowest input, particularly in the cross axis of the justice system. America (17 countries) and Asia (9 countries) have similar distributions in the contribution of each dimension and cross axis, ESJ standing out with 25% and 27% respectively; whereas in Europe, the biggest contribution to GII is the FSS dimension with 31% (see Graph 3.)

Graph 3 **Contribution to Impunity**



Slovenia has dimensions ESS and FSS reaching the highest GII's contributing scores with 31% and 44%, respectively. Russia is the country where the human rights dimension has the highest contribution, with 25% in each cross axis (see Graph 4.)

Finally, as a consistency exercise, the Rule of Law Index and the Corruption Index – both from the World Bank- were used to analyze their statistical correlation with GII, considering that both phenomena have a significant relation with impunity. Generally, impunity tends to be higher in those countries with highest levels of corruption; similarly, where the Rule of Law is weaker, impunity tends to be present too. It is important to note that in both indicators the higher the index, the better the condition. Graph 4 shows GII's relation with each of these. When observing the indexes separately, as well as in the graphs, a negative trend shows, meaning that the higher the impunity the higher the corruption and the weaker the rule of law.

Graph 4 **Relation between IGI and Indexes for Corruption and rule of law**

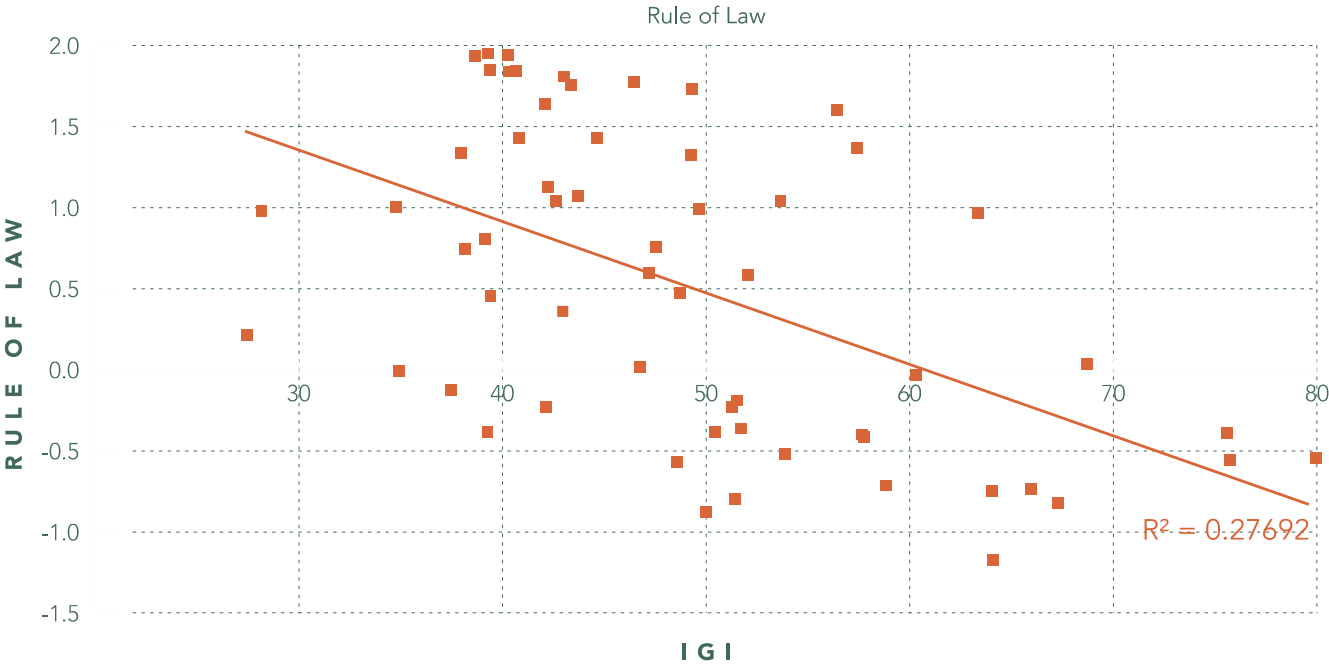
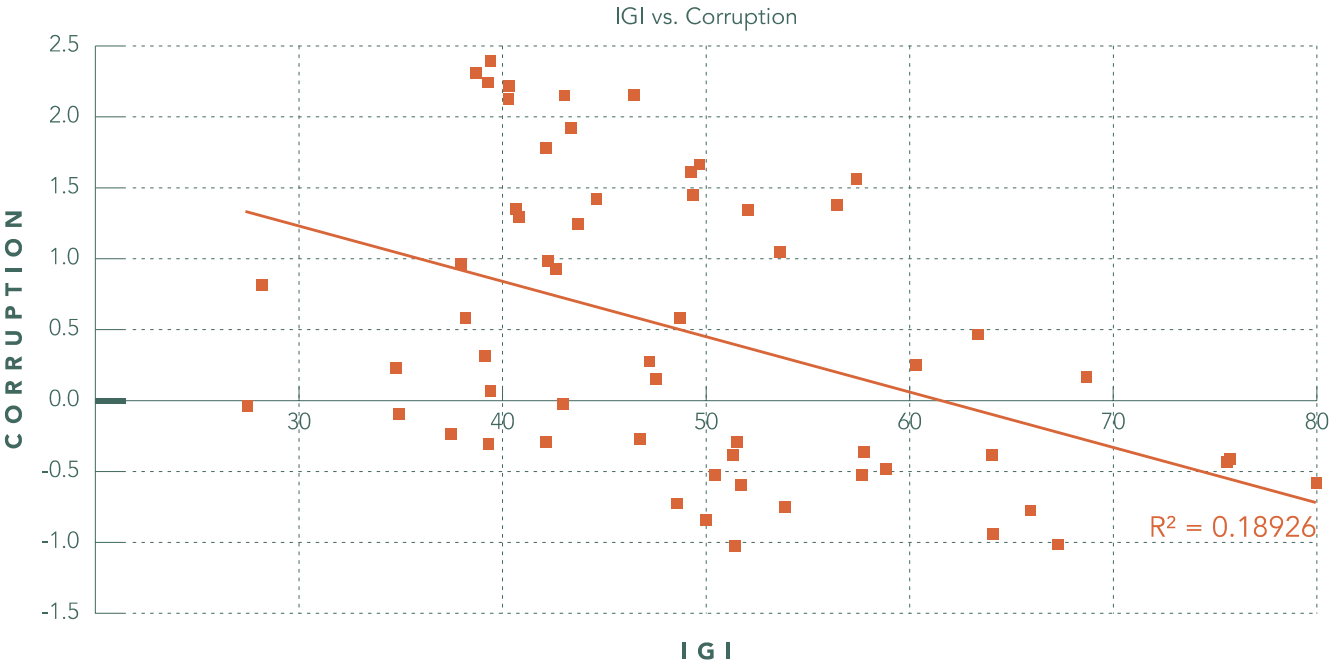


Chart 4. Contribution per dimension to GII

Region	Country	Structural		Functional		Human Rights	
		Security System	Justice System	Security System	Justice System	Security System	Justice System
Europe	Croatia	28%	13%	43%	15%	0%	0%
Europe	Slovenia	31%	10%	44%	14%	0%	0%
Europe	Czech Republic	26%	24%	43%	7%	0%	0%
Europe	Montenegro	22%	13%	41%	12%	12%	0%
Europe	Bulgaria	27%	0%	32%	8%	22%	11%
Europe	Malta	25%	37%	0%	26%	0%	11%
Europe	Poland	28%	24%	19%	7%	11%	11%
Europe	Sweden	17%	28%	34%	11%	11%	0%
Europe	Lithuania	27%	24%	31%	8%	11%	0%
Europe	Serbia	25%	20%	32%	13%	11%	0%
Europe	Norway	20%	32%	34%	14%	0%	0%
Europe	Denmark	18%	32%	34%	16%	0%	0%
Europe	Slovakia	23%	25%	32%	10%	11%	0%
Europe	Finland	21%	29%	33%	17%	0%	0%
Europe	Netherlands	18%	32%	37%	13%	0%	0%
Europe	Austria	24%	21%	38%	7%	10%	0%
Europe	Andorra	13%	31%	40%	16%	0%	0%
Europe	Germany	22%	23%	34%	11%	0%	10%
Europe	Bosnia and Herzegovina	18%	20%	31%	10%	20%	0%
Europe	Estonia	22%	28%	31%	9%	10%	0%
Europe	Portugal	21%	28%	33%	8%	10%	0%
Europe	Italy	16%	27%	31%	7%	19%	0%
Europe	Switzerland	22%	29%	31%	9%	10%	0%
America	Canada	21%	29%	31%	10%	10%	0%
Asia	Cyprus	15%	33%	30%	12%	10%	0%
Europe	France	23%	29%	27%	12%	9%	0%
Asia	Singapore	26%	35%	27%	12%	0%	0%
Europe	Romania	23%	24%	33%	2%	18%	0%
Europe	Hungary	24%	19%	31%	9%	18%	0%
Europe	Latvia	20%	23%	28%	12%	9%	9%
Europe	Albania	16%	29%	29%	9%	17%	0%
America	Costa Rica	23%	20%	27%	12%	17%	0%
Asia	Japan	23%	33%	19%	9%	17%	0%
Europe	Ireland	16%	33%	27%	8%	17%	0%
America	Barbados	18%	29%	33%	12%	8%	0%
America	Paraguay	23%	27%	20%	13%	17%	0%
Asia	Mongolia	20%	24%	27%	12%	17%	0%
America	Panama	22%	28%	23%	18%	8%	0%
Europe	Ukraine	20%	20%	20%	9%	24%	8%
America	Trinidad and Tobago	15%	29%	32%	8%	16%	0%
Europe	Moldova	17%	26%	25%	8%	16%	8%
America	Bahamas	15%	28%	26%	15%	16%	0%
Europe	Spain	18%	26%	25%	8%	8%	16%
America	Guyana	20%	30%	22%	12%	15%	0%
America	United States	18%	25%	30%	12%	15%	0%
America	Chile	20%	24%	19%	15%	22%	0%

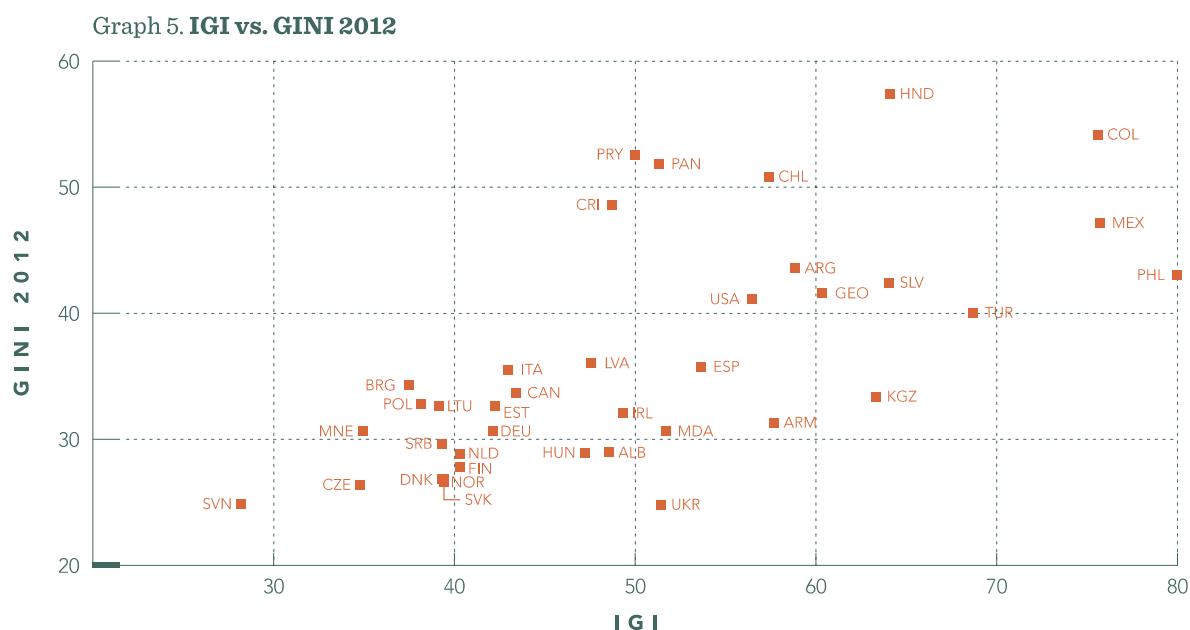
Asia	Armenia	17%	26%	26%	3%	22%	7%
America	Jamaica	15%	28%	23%	12%	22%	0%
America	Argentina	15%	27%	23%	13%	21%	0%
Asia	Georgia	21%	26%	19%	7%	21%	7%
Asia	South Korea	17%	24%	21%	11%	13%	13%
America	El Salvador	22%	22%	21%	9%	20%	7%
America	Honduras	20%	22%	19%	7%	19%	13%
America	Nicaragua	19%	25%	21%	9%	19%	6%
Europe	Russia	12%	17%	17%	4%	25%	25%
Asia	Turkey	16%	19%	18%	10%	24%	12%
America	Colombia	16%	19%	21%	7%	17%	22%
America	Mexico	15%	21%	22%	10%	17%	17%
Asia	Philippines	19%	21%	16%	9%	21%	16%
Global	Average, 59 countries	20%	25%	28%	11%	13%	4%
America	America average, 18 countries	19%	25%	24%	12%	16%	3%
Europe	Europe average, 33 countries	21%	24%	31%	11%	10%	3%
Asia	Asia average, 10 countries	19%	27%	23%	9%	16%	6%

A graphical analysis is not enough; as a consequence, three regression models with Ordinary Least Squares were run, with GII as the dependent variable. This was done to analyze the consistency of our indicator and to determine if the negative trend observed graphically is meaningful. This was also useful to identify the adjustment level of the three models. In the first model only the corruption dependent variable was added, which produces a negative and significant coefficient at 99% with an adjustment (R^2) of 0.19. The second model shows a negative and significant relation at 99% for the coefficient of the variable Rule of Law, and an adjustment (R^2) of 0.28; this could be interpreted as impunity being more related to Rule of Law than to corruption. This is understandable from the way the GII is constructed, including variables about conditions in the security and judicial systems. When both indicators are incorporated (model 3) we observe that the coefficients are significant, and have an adjustment that increases to an $R^2=0.33$; however, the coefficient sign of the corruption index is reversed. This happens because the dependent variables have a very high correlation, causing multicollinearity.

2.5 RELATIONSHIP OF THE INDEX WITH OTHER INDICATORS

The correlation coefficient measures the linear relation among data. It is identified with the Greek letter (ρ), whose value ranges from 1 to -1, a perfect positive linear relation being 1 and a perfect linear negative relation -1. The values that represent high levels of correlation are two different sets: those between -1 to -0.5 contain a representative negative correlation; the other set goes from 0.5 to 1 and means that they have a representative positive correlation. Assertions and inferences can be made about these intervals, whereas those coefficients outside the intervals are not significant to make assertions.

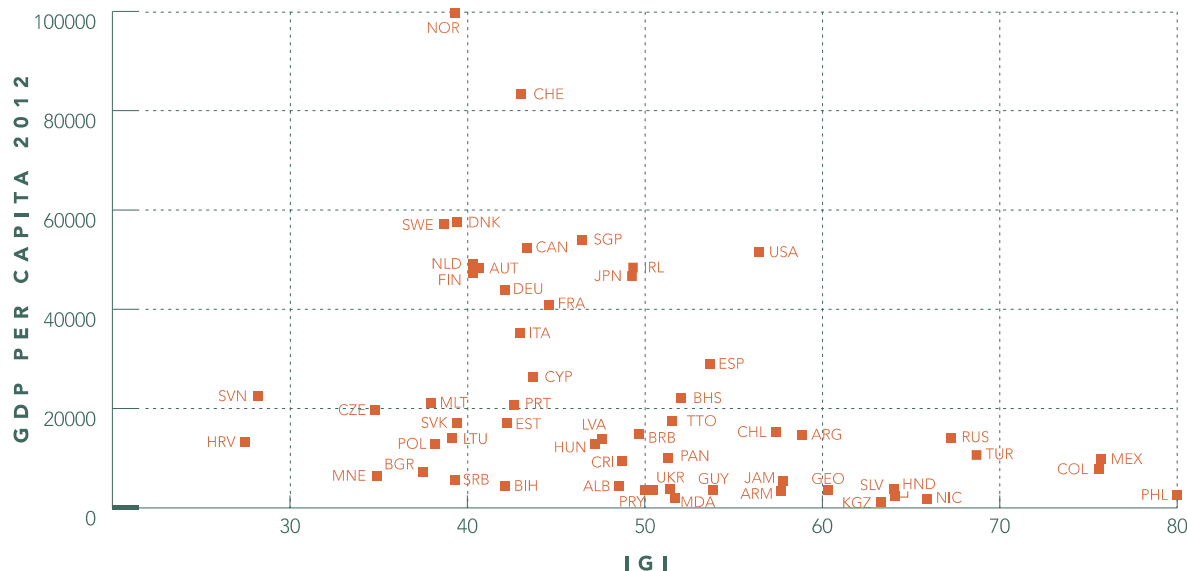
It was sought to contrast GII with other existent indicators to identify a possible relation with them. Additionally, this exercise allows identification of other variables that explain impunity in order to have a more general overview of the countries.



A positive correlation among the data is observed graphically. The GINI Index measures inequality; specifically, it estimates income inequality inside a country, but it also captures any form of unequal distribution.³³ The index ranges between the values of 0 and 1, where 0 represents perfect equality – all citizens have the same income – and 1 means a single person concentrates all the country's income. In this case, the GINI index was multiplied by 100 to enable an easier, simple comparison between indexes. The graph shows that for higher inequality impunity is higher. Statistically, the correlation coefficient of the data is $\rho=0.67$. With these two indicators it is possible to claim that those countries with higher inequality among their citizens have higher levels of impunity. These results clearly show that impunity and inequality are correlated problems.

³³ <http://data.worldbank.org/indicatorSI.POV.GINI> (accessed March 28, 2015)

Graph 6. IGI vs. GDP per capita 2012



It is possible to observe graphically that there is no apparent relation among the data, since the trend is not clear: it is not possible to explain one variable in relation to the other one. Statistically the correlation coefficient is $p=0.38$, which shows a negative linear relation, but the value is small, which does not assure that there is a lineal relation between them. It is not possible to claim that GDP per capita explains impunity levels.³⁴ This implies that inequality is not related to impunity and that they measure different things, so it is not possible to modify the impunity situation through the increase in GDP per capita. See graph 7.

The Human Development Index (HDI) is an indicator consisting of three elements: health, education and standard of living.³⁵ If the level of this three elements is high, the indicator is also high. The graph identifies that the data has a negative relation and that it is distributed uniformly across the graph. Hence, for a higher HDI indicator, the impunity index is lower. Additionally, the correlation coefficient is $p=-0.6$, confirming the negative relation among data. It is possible to conclude, then, that countries with greater HDI have lower levels of impunity.

³⁴ <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD> (accessed March 28, 2015)

³⁵ <http://hdr.undp.org/en/data> (accessed April 2, 2015)

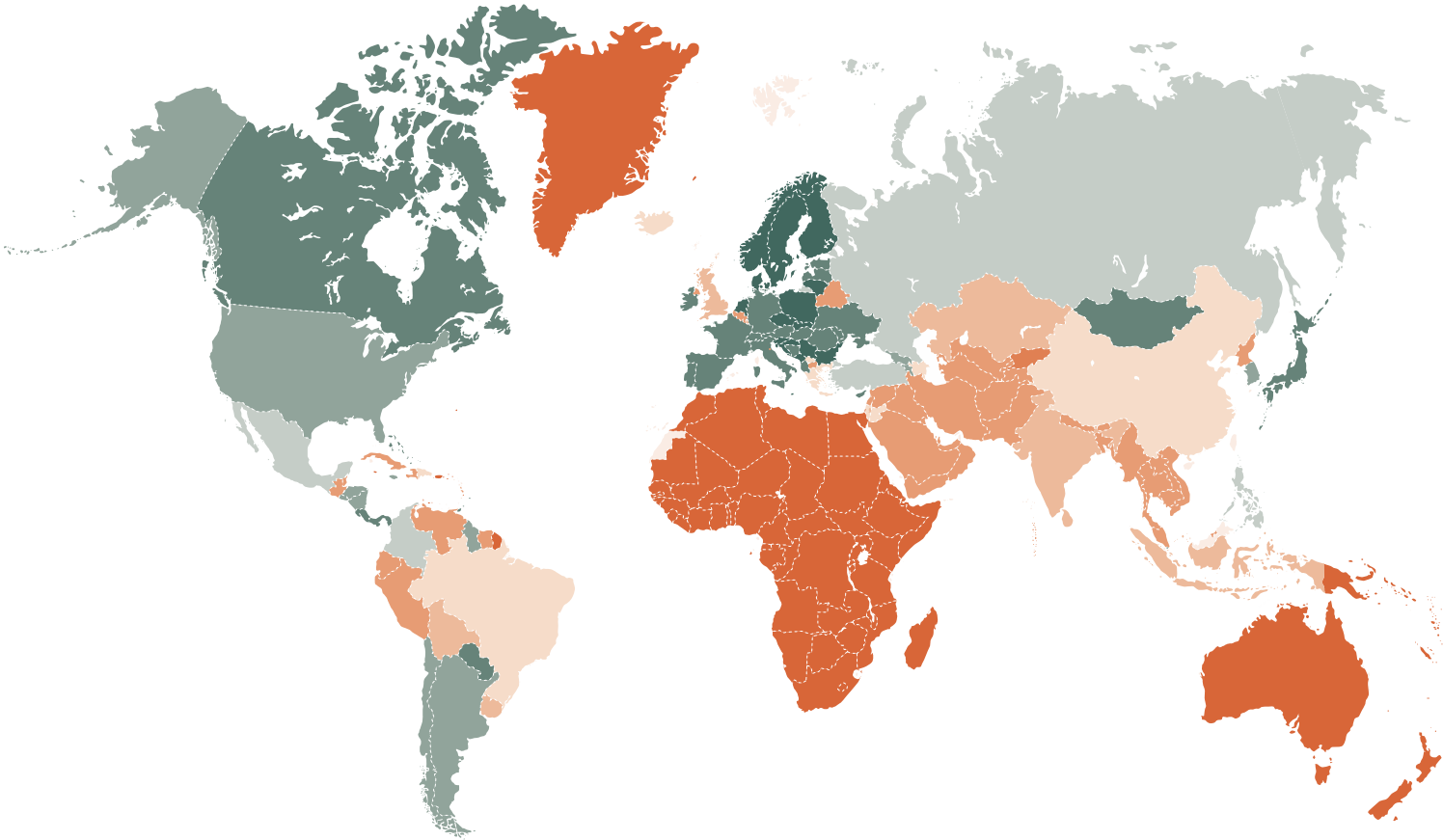
Graph 7. IGI vs. HDI 2012



Impunity can be explained by inequality (GINI) and human development (HDI) in the countries, but not by the wealth of their citizens (per capita GDP). It is possible also to claim that, to reduce impunity levels, it is important to reduce inequality among citizens, and to increase the quality of health, education and living standards.

COUNTRIES WITH LESS THAN 10 VARIABLES

greatest 8 to 9 6 to 7 4 to 5 2 to 3 0 to 1 least



INDEX RANKING

From the 59 countries included in the Global Impunity Index, we selected the most representative countries of the Pole, this is, those with the high, intermediate and low impunity levels to understand why they report such levels. The GII describes the specific procedures taking place in countries to sanction crimes and avoid impunity: from the moment police detain alleged perpetrators to the moment a judge issues a decision, including the conditions of the penitentiary system and the functioning of judicial procedures.

3.1 Countries with High Impunity Levels

Philippines, Mexico, Colombia, the Russian Federation and Turkey are amongst the countries with the highest levels of impunity. Data reveals that the main issues for Latin American countries are security structures and administration of justice. In contrast, the former Soviet Union including its European and Asian territories is the country with the highest impunity levels based on the assessment of its human rights reports.

Honduras

In Honduras, similar to another Central America countries, violence and economic inequality represent an obstacle for the construction of a democratic State as they undermine the capacity of State institutions to administrate justice and provide security.³⁶ The results of the Global Impunity Index confirm this trend: Honduras is ranked 7th in security system structure.

One explanation is the number of police per 100,000 inhabitants: Honduras has an average of 154 police per 100,000 inhabitants, a percentage relatively small to the average worldwide average. Furthermore, Honduras is amongst the countries with the lowest levels of prison staff. The conditions of penitentiary institutions in Honduras are critical. According to information that Human Rights Watch³⁷ obtained from the Human Rights Commissioner of Honduras (*Comisionado de los Derechos Humanos en Honduras – CONADEH*) in the sense that, as of May 2013 prisons accommodated over 12, 600 prisoners throughout the country, despite having an official capacity for 8,200 prisoners. The international organization also alerted on the particularly entrenched corruption amongst penitentiary officers of the country.

³⁶ Comisión Económica para América Latina y El Caribe, Informe La hora de la igualdad: brechas por cerrar, caminos por abrir, 2012.

³⁷ Una de las principales organizaciones internacionales independientes dedicadas a la protección y defensa de los derechos humanos.

As to the performance of the justice system, the results of the Global Impunity Index coincide with those of the World Bank in 2008 in the sense that institutions in charge of ensuring the Rule of Law have been poorly managed, creating incentives for corruption.³⁸ According to the same investigation the users of Honduras justice system are pessimistic on the efficiency and honesty of judicial public officers, they believe that perpetrators of crimes will not be punished, that only the most important cases reach Courts and that they fear reprisals should they report crimes.

Mexico and Colombia

The Global Impunity Index showed similarities between Mexico and Colombia on structure indicators, and also on those referring to the justice and security systems. This may be related with the fact that during the 70's both countries experienced an increase of organized crime linked with drug-trafficking issues, affecting the State capacity to provide security and justice and creating an environment of corruption amongst authorities that act, sometimes, in complicity with criminals.³⁹

On the structure of the justice system, Mexico and Colombia rank in the same position on the number of police per 100,000 inhabitants (335 and 347 respectively). Regarding their penitentiary systems, there is no significant difference between the two countries in terms of prison staff divided by the official capacity, the prison staff divided by prisoners in prisons and in the variable showing the relation between prisoners in prisons and the penitentiary capacity. All these indicators are below the average, showing fundamental flaws in the security system from the detention of a person to its imprisonment while waiting for a trial. Overcrowding in prisons, torture and accused lack of knowledge of judicial procedures characterize the penitentiary systems of both countries.⁴⁰

Mexico and Colombia have similar results on the performance of the justice system, with comparable numbers on the persons with formal contact with courts. They also present similar numbers on the variable showing the number of persons in prison divided by the number of persons convicted for a grave crime, despite Colombia has a significantly higher number of judges per 100,000 inhabitants than Mexico (10 and 4, respectively). Mexico and Colombia have significant differences on the percentage of persons detained without any type of judgment (47 and 33, respectively), that in both countries is higher than the worldwide average (23). The underlying explanation is that in Mexico and Colombia the pre-trial detention model prevails, this is, the incarceration of indicted persons during the criminal procedures. In 2008 Mexico drove criminal reforms narrowing the application of pre-trial detention for petty offenses.

³⁸ Debido Proceso Legal y Banco Mundial, Las reformas a la administración de justicia en Honduras y Bolivia, Razones que han obstaculizado su éxito y cómo enfrentarlas, 2008.

³⁹ Véanse José Luis Cadena, "Geopolítica del narcotráfico, México y Colombia: la equivocación en el empleo de las fuerzas militares", en Revista Mexicana de Ciencia Política, vol. 54, núm. 210, 2010. Ver también Jorge Chabat, "Narcotráfico y Estado: El discreto encanto de la corrupción", en Letras Libres, 2005

⁴⁰ Washington Office on Latin America-WOLA, Sistemas sobrecargados: Leyes de drogas y cárceles en América Latina, Washington, 2010.

3.2 Countries with Intermediate Impunity Levels

Japan

The UNODC numbers reflect low levels of criminality in Japan, with a particularly small number of homicides: 3 per 100,000 inhabitants.⁴¹ For this reason is considered one of the safest countries worldwide. The Global Impunity Index shows that the structure of the security system of Japan has a similar rank that the one of Switzerland, this is, there is an average of 205 police per 100, 000 inhabitants, a number below the global average (334) and almost a third part of the number for Croatia (495). In contrast, Japan reported the United Nations a significantly small result than Croatia on the penitentiary staff divided by the penitentiary capacity. The same results are observed in terms of the penitentiary police divided by the number of prisoners, as Japan has a lower rank than Croatia and Switzerland. The Japanese justice system characterizes for an extreme discipline that, beyond cultural issues, reflects on the lack of transparency of procedures. An example is the situation of detainees, which can be put in isolation for 23 days, without having contact with their attorney. In the period under review, non-governmental organizations like the Center of Rights of Prisoners of Tokyo have denounced human rights violations in prisoners held in prisons. The Global Impunity Index revealed similar information: Japan has high rates of torture reports.

Japan is ranked amongst the last positions on the structure of the justice system. The low percentage of judges per 100,000 inhabitants (3) explains this situation in part. Results of Japan on the performance of the justice system reflect a contradictory situation: while the percentage of persons detained without any type of judgment/adjudication is below the worldwide average, the trend reversed when we analyzed the numbers of prisoners divided by the number of persons convicted, ranking Japan in a similar position than Honduras. This is particularly relevant on the cases of prisoners sentenced to death, like Hakamada Iwao, who spend 45 years in the death row and was finally released due to mental illness complications.⁴² Situations allowing punishment to persons that are not necessarily guilty amount to impunity.

Spain

The Global Impunity Index shows that, interestingly, Spain has the highest impunity levels in the European Union (EU), ranked in the 17th overall position. The number of judges per 100,000 inhabitants is low with 11 judges, ranking Spain in the 24th position of the Global Impunity Index, just above Malta, Albania and Ireland in the EU. On the contrary, regarding the number of police per 100,000 Spain ranks in the 40th position with an average of 383, above the European average. The correlation between the prison staff and prisoners is of 1. The number of persons that had formal contact with the police but were not brought before criminal courts is of 1, placing Spain in the 35th position, slightly below the average. Finally, Spain has the 33th position on the number of persons detained without any type of judgment/adjudication within the worldwide average, with 23% of persons in prison

⁴¹ UNODC, Global Study on Homicide, Viena, 2013.

⁴² Amnistía Internacional, Un año después de la liberación de Hakamada ¿Cómo viven los presos condenados a muerte en Japón?, 2015.

without even a preliminary judgment. It must be noted that Spain did not even provide official numbers in this regard.

These results show the judicial system is the main problem in Spain and explain why it has the highest impunity levels in the EU. The low number of judges per 100,000 inhabitants as well as low number of judgments are relevant indicators on this regard.

According to available public information, the justice system in Spain is inefficient in processing judicial dockets, making impunity prevail. The last administrations have attempted to address the issue from different angles aiming to reduce the response times of judicial authorities.⁴³ For that, there have been two schemes: to increase the number of judges and officers at the judiciary in order to expedite the management of dockets and issuance of decisions or judgments, or to subject the workload of courts to specific temporary frameworks. The first option implied an important amount of public resources and appeared impossible to all the political parties.⁴⁴ The forthcoming economic crises and an manifest political blockage of the judiciary by the majority of political parties –that the Minister of Justice Alberto Ruiz Gallardón himself recognized– made of this last option the only feasible one, this is, overload courts with judicial procedures, and setting forth deadlines for the issuance of decisions and judgments.⁴⁵

United States

The United States has diverse variables, but in the Global Impunity Index it ranks in the 15th position, meaning that impunity levels in the United States are considerably high. Highly negative results in some variables explain this situation.

The number of police per 100,000 inhabitants is low (2011) that, while not alarming, is below the average. Likewise, the number of judges per 100,000 inhabitants is of barely 10, placing the United States also below the global average. However, the number of detainees without judgment is relatively low: 23% of the overall number of prisoners. Further, the correlation between the penitentiary staff and prisoners is of 46%. To the contrary, two variables position the United States in the very last place of the ranking. Perhaps the most important one is the number of persons that have formal contact with security forces but were not brought before criminal courts. The Index shows that less of 1% of persons that have formal contact with the system are not brought to a formal procedure, making of the United States the country in the last position in this ranking. Yet, the United States is the country with the highest number of prisoners with judgments, even if they are not final: 25% of prisoners are in this situation. The difference between these two variables for the United States is at the average. However, the variable on the number of persons that had formal contact with the police but were not brought before criminal courts is the highest of all the countries included in the index, which automatically places the United States below the average.

Why the United States is ranked below the average in the Global Impunity Index? The procedure from the perpetration of a crime until the issuance of a judgment is the

⁴³ Comparecencia del Ministro de Justicia ante la Comisión de Justicia del Senado, el 5 de marzo de 2012. Versión estenográfica.

⁴⁴ Ley Orgánica 8/2012, de 27 de diciembre, de medidas de eficiencia presupuestaria en la Administración de Justicia, por la que se modifica la LOPJ.

⁴⁵ Comparecencia del Ministro de Justicia ante la Comisión de Justicia del Senado, el 25 de enero de 2012. Versión estenográfica.

following: the United States is the highest ranked on cases of first contact of an individual without a judicial procedure. However, when a case is brought before criminal courts the number of persons detained without any type of judgment/adjudication is within the average rank, as well as the number of convictions. This demonstrates that the judicial system works once it is triggered. But police actions downgrade the United States in the Global Impunity Index. The United States is the country with the highest number of formal contact with the police without cases reaching criminal courts, focusing the Index precisely in the correlation between the police with society. The level of detentions that do not reach a judicial stage is the highest of the table, turning a red light over the police as a potential source of impunity. The US Department of State implicitly acknowledges this situation, as evidenced by the Global Impunity Index.⁴⁶

3.3 Countries with Low Impunity Levels

Croatia and the Balkans

The Global Impunity Index showed that Croatia is the country with the lowest impunity levels (27 out of 100). Further, the four countries with the most favorable indicators, resulting with low impunity rates Croatia, Slovenia, Montenegro and Bulgaria.

On the correlation between the number of judges per 100,000 inhabitants, Bulgaria is the country with the highest number of judges (57), followed by Slovenia (48), Croatia (45) and Montenegro (42).

Regarding the number of police per 100,000 inhabitants, Montenegro is the country with the highest figures with 678 police, followed by the Russian Federation (521), Panama (513) and Barbados (with 502). However, these three countries – Russia, Panama and Barbados – have a low numbers of judges per 100,000, namely, Russia 20, Panama 8 and Barbados 8, preceded by Croatia with 45. The number of police is an important indicator for the remaining three countries of this group. Bulgaria is ranked 58th in the ranking with 387 police members, and Slovenia is ranked 21th with 356 police members, showing that there is no correlation between the number of police per habitant and the impunity index unless it is linked with the justice system.

The number of persons detained without reaching the judicial system measures the effectiveness of police. This means that, when faced with a potential case, the police detain few persons, only the ones allegedly involved in the perpetration of a crime. Croatia is ranked 10th in police effectiveness, above the average rank, with a percentage of 54% of prison staff compared with the overall number of prisoners.

Croatia is ranked 26th in the number of persons brought before criminal courts with delays in the issuance of judgments/adjudications with a 23% of prisoners in this situation, that is, above the average but not particularly outstanding. However, Croatia is ranked 45th in prisoners with convictions, amounting to a 22% of the overall numbers. This means that even when the number of persons before the judicial system is relatively high, the justice

⁴⁶ <http://www.bjs.gov/index.cfm?ty=tp&tid=703>, consultado el 1º de abril de 2015, así como Washington Post, Current law gives police wide latitude to use deadly force, 28 de agosto de 2014. Es importante destacar que los datos más nuevos que ofrece el Departamento de Justicia (Bureau of Justice Statistics) son de 2002.

system issues sufficient convictions or adjudications resulting in acceptable levels of administration of justice in Croatia.

Year 2011 was the starting point of several judicial reforms in these four Balkan countries, in an important extent due to European Union requirements for new State members or for candidate countries. Back then, the European Commission affirmed that most of the candidate countries to the European Union had not made substantial progress on judicial reforms due to the political instability of their governments, making those reforms more susceptible of political manipulation and impeded the fight against corruption, closely linked to political power. While the recommendations of the European Union appeared to be purely technical, they are addressed at both, the judicial system to make it reachable to common citizens and to high-level corruption. Despite this, the assessment of the European Commission is positive regarding the reforms to the justice system.⁴⁷

It is important to note that in the Balkans, reforms to police system is linked with the judicial reforms. Through guidelines, the European Commission has set forth that police reform and, therefore, the number of police per inhabitant, is linked and equally important than the judicial reform. In this sense, as seen before, the comparative data of this Balkan group with Russia, Panama and Barbados are significant; the police number is not directly related with the impunity index. To the contrary, data showed the correlation between numbers of judges per inhabitant with impunity. Thus, the recommendations of the European Commission on the linkage between the police reform and justice reforms appear to make sense. To the contrary, a police reform unlinked with a deep judicial reform does not reduce impunity rates by itself.

The problems of the judicial system –persons detained without a judgment/adjudication, poor capacity to look after the penitentiary population– can reduce the Global Impunity Index but are controllable if the judicial system issues judgments/adjudications and, therefore, is able to ease the transit of persons detained without any type of judgment or adjudication. This is, precisely, the case of Croatia, where there is a relatively high number of persons detained without any type of judgment or adjudication, which may be a negative variable in the measurement of the Global Impunity Index, is compensated with the number of final judgment at the end of the procedure, in other words, the Croatian justice system allows to serve justice.

⁴⁷ Comisión Europea, Comunicado de prensa, 20 de julio de 2011.

Regional Remarks: Africa and Oceania

During the variables analysis for the development of the Index we identified atypical cases in the data (*outliers*) in the countries of Africa and Oceania. The *outliers* are data that increase the variables variance and bias the distribution; this is, they are observations with a significant distance with other observations. When a distribution has *outliers* not all the estimators are strong enough to make estimations on the distribution; for instance, the average becomes a better estimator. This situation demands specific theoretical deliberations. A distribution is biased due to the existence of atypical data and, therefore, does not comply with the fundamental requirements for the development of statistical models.

In Africa, the two main problems were the lack of data and, when available, they were part of the negative radical of the distribution, but the distance between these data and the rest of the information allows considering the existence of an *outlier*. In Oceania, we found the opposite problem: countries with information available were part of the positive radical of the variables; however similar to Africa, the rest of the data turns them in *outliers*; even when they are positive data the distance with the rest of the information biases the development of the indicator: countries, especially Australia and New Zealand bias the distribution of positive data.

Faced with this situation, we assessed the theoretical options and decided to eliminate this information from the Index, giving the same treatment to *outliers* than most of the studies. The extreme values distribution of these two continents invites to a particular analysis of both cases in further editions.

The Case Study of Mexico

The fact that Mexico faces a critical position on impunity is not new. The facts taken place over the past decade speak by themselves: the fight against organized crime – without accountability –, high levels of corruption in political power, enforced disappearances and outstanding rate of unpunished crimes have created a perception in the international and international public opinion of lack of governability and authentic citizen concern demanding responses and solutions from authorities.

The 2014 National Poll on Victimization and Perception of Insecurity (ENVIPE) of the National Institute of Statistics and Geography (INEGI) shows that Mexicans perceive impunity as one of the top ten problems in their States.⁴⁸ The last administrations have developed strategies for the improvement of public security focusing in two main issues: the creation of more and better police –like the recently created National Gendarmerie– and the increase of penalties for high-impact crimes like kidnapping. Despite these efforts, it would appear that impunity is still entrenched in the political system, making difficult the administration of justice and the respect for human rights. Faced with this situation we need to ask: which situations inside the Mexican judicial structure foster the impunity?

Impunity casts doubts over the respect of the right to justice. Ideally, officers involved in the investigation and prosecution of crimes, as well as their punishment (from the investigation, detention, procedures, judgments and imprisonment) should ensure the respect of this right. However, instruments like this one evidences some of the failures of the justice and security systems in Mexico.

The rank of Mexico in the Global Impunity Index shows, amongst other issues, overcrowding in prisons boosted by excessive workload of judicial institutions unable to keep the pace for timely judging the cases of penitentiary population. According to the Index, the underlying explanations to overcrowding and the difficult relation between prisons and courts go back to the first stages of criminal procedures. In Mexico, most of formal contacts are not brought before judges, showing a practice in the first stages of the procedure there is of “*the more persons detained and prosecuted, the better results*”.⁴⁹ In this situation, security forces would be entering into contact with a high number of innocent civilians and allowing corruption for those that are the actual perpetrators of crime that entered into contact with security forces and the first judicial stages.

It should be noted, though, that Mexico is amongst the countries with the highest amount of available information that favors the measurement of impunity; however, despite the government concerns over this phenomenon, it would appear that it has not taken the appropriate actions. Examples include recent statements of the President when he referred to the commitment to foster “actions to enforce the human right to justice” and narrow

⁴⁸ <http://www.inegi.org.mx/est/contenidos/proyectos/encuestas/hogares/regulares/envipe/>, consultado 2 de abril de 2015.

⁴⁹ Guillermo Zepeda Lecuona, El uso excesivo e irracional de la prisión preventiva en México, <http://www.juridicas.unam.mx/sisjur/penal/pdf/11-516s.pdf>, consultado el 31 de marzo de 2015.

those to “common justice” in family, labour, property and consumer issues, disregarding the alarming lack of capacity of the criminal system.⁵⁰

Interpretation of Dimensions for Mexico

Despite government efforts to reduce impunity the country has an alarming position in the ranking of the Global Impunity Index. Based on the Index results, Mexico has two major areas of concern: the functionality of the security system and the structure of the justice system. Unlike countries with low impunity rates, in Mexico the security system fails to conduct investigations in most of the cases of persons suspected, detained, arrested or under pre-trial detention in the investigative stage (*arraigo*).

The second major concern that fosters impunity is the structural shortcomings of the justice system. The Index showed an average rate of 17 judges per 100,000 inhabitants per country. Mexico has 4 judges per 100,000 inhabitants. Mexico has 4 judges per 100,000 inhabitants, a smaller number compared with the global average, which raises concerns excessive workload in courts. Countries with lower impunity levels, for instance, Croatia with 45 judges per 100,000 inhabitants, have an improved capacity and are able to pay due attention to cases.

The Index provides significant information on impunity coming from the security and penitentiary systems, on prisoners and on crime failures. On the functionality of the Mexican security system, the Index showed the following: the system is deficient with almost half of persons detained without any type of judgment/adjudication (46%); there is little correlation between the number of persons imprisoned for homicide and the number of reports/complaints (*denuncias*) for this crime and; there is a small number of judges compared with the number of cases in Courts, affecting the attention given to penitentiary procedures. When compared with other countries with lower impunity rates, the differences are quite significant. For instance, with Croatia that has a 23% of persons detained without judgments and they have an adequate correlation between the prisoners and reports of homicides.

On the structure of security systems, the Index depicts the governmental efforts of increasing law enforcement in Mexico with 355 police per 100,000 inhabitants, a number closer to the average, which is of 332 police per 100,000 inhabitants. However, it also reveals overcrowding in prisons that impedes prison staff to provide essential services for prisoners.

Recommendations for Mexico based on the Global Impunity Index.

The Global Impunity Index revealed that Mexico must prioritize two main areas: the functionality of the security system and the structure of the justice system.

On the functionality of the security system, the Index shows the need to optimize and carry out adequate investigations on most of the persons that have formal contact with security forces. Mexico does not need to invest more resources on the increase of police institutions; rather the focus needs to be on the procedures that ensure the effectiveness of police. That would contribute to reduce the workload of the judicial institutions. On the

⁵⁰ 10 acciones por un México con Paz con Justicia y Desarrollo,
<http://www.excelsior.com.mx/nacional/2014/11/28/994660>, consultado el 30 de marzo de 2015.

second dimension, the Index shows that Mexico needs to increase the number of judges of the justice system. Such action would have an immediate impact on judicial procedures, as the increase of judges could reduce the number of persons held without any type of sentence and also reduce overcrowding in prisons.

Outstanding Information for the Analysis of Impunity

The main obstacle for the development of the Index was the lack of information. In one hand, country reports are not published on a regular basis; countries do not report all the information and reports do not take into consideration all countries. The other major problem was the absence of variables that allow the construction of a stronger index.

Outstanding variables that would strengthen the Index include:

1. **Justice System Expenditures as a Percentage of the Gross Domestic Product (GDP) or national budget.** The Index revealed the fundamental role of judges in the reduction of impunity; therefore, the knowledge of the expenditures in this issue is fundamental for strengthening the indicator. Number of prosecutor offices and prosecutions per inhabitant. Unlike the number of police and judges per inhabitant, there is no information on the number of prosecutors, who are in charge of the continuity of judicial procedures. Information that became available on this regard would allow adding another dimension to the study.
2. **Outcome and Follow Up to Open Cases.** A problem we faced was the time framework of the information. Thus, the knowledge of the results of open cases versus the number of open cases per year – and not by the end of the process – will allow to elaborate further on the efficiency of the security and justice systems.
3. **Standardized and Periodic Victimization Polls.** One of the main challenges for the measurement of the dark figure (*cifra negra*) was the difference between the victimization polls that follow the United Nations standards. Also, information is not available for the same years. Both situations did not allow comparing countries.
4. **Number of Fugitive Convicted Prisoners that are not Recaptured.** The number of fugitive convicted prisoners that are not recaptured is a form of impunity. Despite having received a punishment, convicted prisoners that escape and are not recaptured are avoiding their punishment, remaining unpunished. This is another dimension for the analysis of impunity.
5. **Length of the Judgment per Crime Set Forth in Law.** This information sets forth the severity of the punishment compared with the gravity of the perpetrated crime. This information allows comparing the type of crime punished more severely and set the correlation between those and crimes classified as grave crimes.

6. **Length of the Judgment per Actual Crime.** With this variable we aim to measure the actual time a convicted prisoner spends in prison for the crime he/she perpetrated and allows to measure the functioning of the justice system, as well as the identification of impunity holes, this is, cases where there is as simulation of punishment of grave crimes with low convictions in reality.

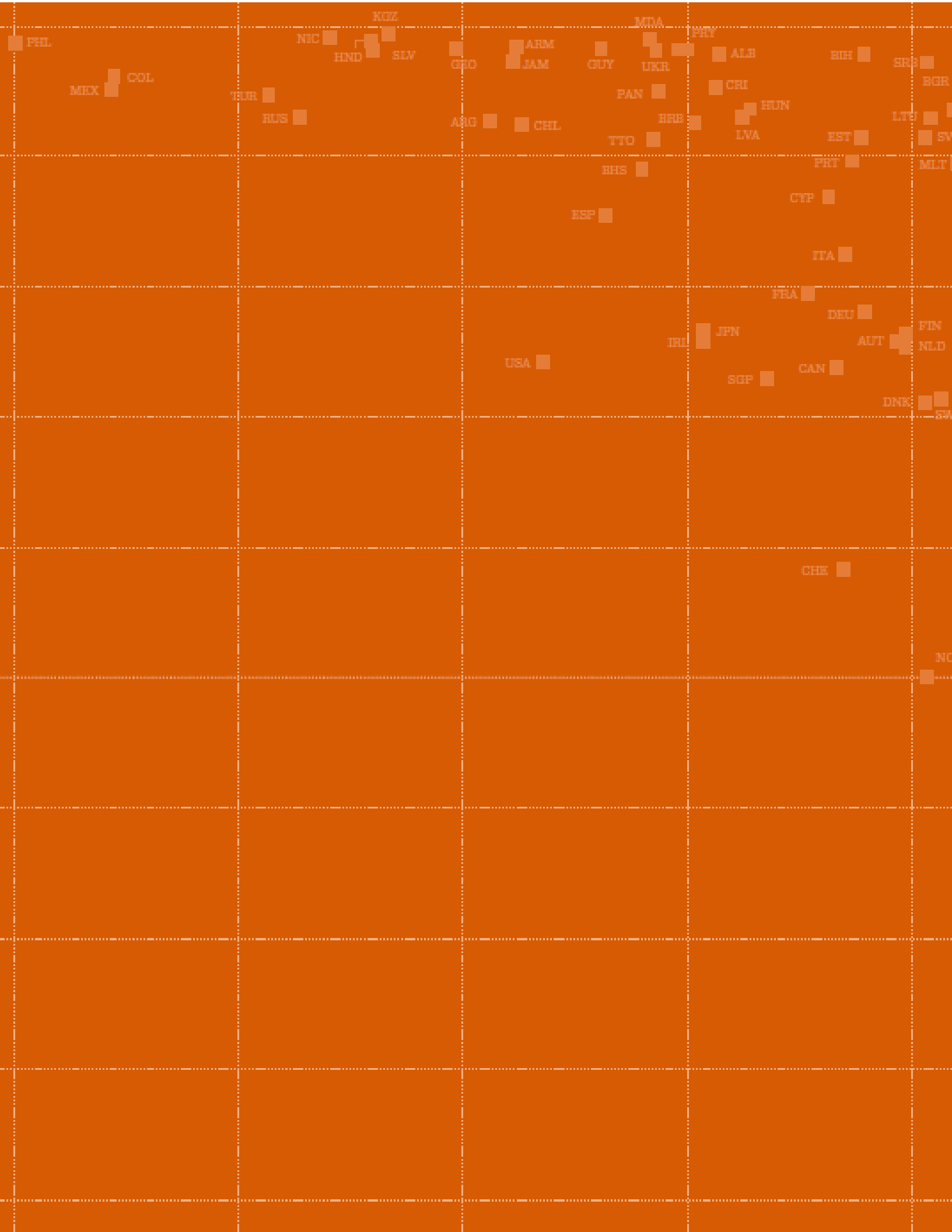
These are some of the variables that would allow strengthening the Index and the incorporation of other dimensions. This study aims to offer additional information each year, have new indicators that include comparison points, references and, finally, provide a comprehensive report while having more variables.

Conclusions

The Global Impunity Index is the result of an unprecedented effort for understanding impunity in a comprehensive approach. This phenomenon undermines the credibility on institutions, weakens the State and, lastly, it affects the social pact. As mentioned before, impunity is very difficult to measure. And there is also the need of knowing the extent and consequences of this phenomenon. Information is, at the same time, fundamental to address this need and its main weakness: we depend on the will of States for understanding impunity better. And despite States reluctance to provide information, this study is an invitation for governments to transparent and open their information: countering impunity is in their best interest.

This document is an attempt to understand impunity from its origins through the final process, this is, an appropriate punishment for the perpetrated crime. This model includes three dimensions: the security system, the justice system and human rights. Results showed the importance of approaching impunity from a comprehensive perspective. Beyond wealth, impunity is linked with corruption and inequality. This is consistent with observed regional differences: in general, the structural dimension has the same influence throughout the regions. However, we cannot address the functional and human rights dimensions of the model without identifying the inequality problems in Latin America and Asia, as well as corruption in those regions. In general terms, the Index shows that impunity is not only cause my negligent performance, but also for negligence in dealing with State shortcomings, including those of the security and justice systems and of the responsibility of each State to respect, protect and ensure human rights.

Pending issues to deal with impunity are manifold. From the creation and transparency of data to the specific actions that States carry out to improve the physical and human conditions of the systems in charge of strengthening the Rule of Law. This study is not aimed to be exhaustive but to set the foundations of a systematic and objective measurement of impunity, including the conditions that allow its expansion. The Global Impunity Index is just the first step in a long path.



ANNEX 1: PROBLEMS FOR THE CALCULATION OF THE DARK FIGURE (*CIFRA NEGRA*)

A significant percentage of criminal cases are never reported to the police and, therefore, are not included in official statistics. This unknown figure, called “dark figure” or “hidden figure” of crimes amounts to a lack of punishment of perpetrators of crimes and, therefore, is an fundamental indicator for the development of a Global Impunity Index. An example of this is the case of Mexico. According to the 2008 National Poll on Insecurity (ENSI), the police did not record crimes in 85% of the overall crimes, showing that the availability of this information in a statistical analysis may affect the results obtained.⁵¹

The regular procedure for the calculation of the “dark figure” is the result between the overall perpetrated crimes, including those unreported, minus the number of crimes reported to the police. This equation that may appear basic is hard to obtain in a global scale because normally there is only official data available to compare countries. This has led researchers to the use of different instruments to traditional statistics for the measurement of criminal justice, such as victimization studies that, even when they allow obtaining a “dark figure” and are a valuable source of complementary information from police statistics, there are not performed on a systematic or standardized basis in several countries. Next, we reproduce some inconveniences and limitations for the calculation of the dark figure in victimization studies.

First, not all crimes can be captured through this method. For instance, some victimization polls neither include homicide nor the consensual crimes without direct victims, such as drug consumption or gambling; they do not include “fraud, embezzlement, employee pilferage, price-fixing and the wide range of consumer, corporate and white-collar crimes”.⁵² This situation makes difficult the calculation of the dark figure based on UNODC data because it is possible that it is already included –or not – and in these situations is not possible to compare between actors or elements.

Second, the application of a different victimization polls in each country leads to non-standardized questions that make difficult to obtain the dark figure for several countries, for instance, common questions in the victimization polls include: have you or any of your relatives been victim of a crime over the past year, yes or no?; have you been

⁵¹ Victimization, incidencia y cifra negra en México. Análisis de la ENSI-6. Instituto ciudadano de estudios sobre la inseguridad A.C., https://www.oas.org/dsp/documents/victimization_surveys/mexico/mexico_analisis_ensi6.pdf, consultado el 2 de abril de 2015.

⁵² ONU. 2004. Manual para la elaboración de un sistema de estadísticas sobre justicia penal. 47p., http://unstats.un.org/unsd/publication/SeriesF/SeriesF_89S.pdf, consultado el 2 de abril de 2015.

victim of a crime?; how many times have you been victim of a crime over the past year? These three questions provide diverse information. The first one could double crimes by including relatives; the second does not take into consideration the diversity of crimes and perpetrators for one victim; and the third one is the ideal question to calculate the overall number of crimes but in practice is not applied often. The compilation of mixed information impedes the calculation of global numbers.

Third, studies on victimization are not applied on a regular basis, i.e. yearly, making common the finding of gaps when it comes to create the database on dark figures.

Fourth, despite UNODC efforts to create a standardized methodology for the International Crime Victims Survey (ICVS) States have different information needs, nor the same goals, they do not show interest in applying the victimization polls and, therefore, the calculation of the dark figure is possible for a small number of countries, as shown in Table 1.

Table 1 - History Results of the International Crime Victims Survey

Country	2000	2004	2006	2008	2010
Canada					93.1
Chile			99.44	99.07	
Colombia		88.35	85.29	90.69	
Costa Rica			82.12	75.76	
Denmark					54.12
Ecuador			92.83		
Finland	82.12				
Germany					92.55
Guatemala		99.6	99.83	99.20	
Japan	94.63				
Mexico		98.95	99.14	98.93	
Netherlands					93.97
Nicaragua			97.19		
Panama		86.84	76.26	80.01	
Paraguay					
Portugal	93.18				
Sweden	93.77				91.52

We calculated the dark figure from the difference of the overall number of crimes minus the prosecuted persons (persons with an open case in the relevant year). We did not include homicide prosecutions, this is, we deleted homicide cases from the overall number of prosecutions. Finally, it should be noted that we took the numbers on prosecutions and population per country from the UNODC and the World Bank, whereas we used the UNCIRI victimization polls.

Statistics from table 1 were calculated as follows: we used victimization polls to obtain numbers on victims of crime. From there, we identified the relevant question to obtain the dark figure for most of the countries: have you or any of your relatives been victim of a crime over the past year, yes or no? The overall number of responses amounted to the 100% of crimes perpetrated in the given year and country. This calculation was also useful to obtain the percentage of prosecuted persons (excluding homicides) from the overall crimes perpetrated the year under study. The result of the 100% minus the prior result is an approximation to the percentage of the dark figure.

It is important to emphasize that the result of the dark figure for Mexico in the 2008 ENSI poll is 13 points far from the results of Table 1. This difference is precisely the result of the problem explained in this document for the calculation of the dark figure. For this reason, this study does not take into consideration the dark figure in the construction of the global impunity index.

ANNEX 2: THE SELECTION OF THE 59 COUNTRIES

In principle, we used a database of 193 countries (disaggregating some of the countries according to government changes over time, resulting in an overall number of 219) that complied with the condition of incorporating all the countries of the different databases used for the development of the Global Impunity Index with the aim of including information on countries to be included in the Index and to identify those that are recurrent in the databases. Further, we standardized the names of all the databases and added the initials that identify them worldwide to create a database that is simple and standard. The normalization and initials were also used to compare results with other global indicators such as the GINI, *per capita* GDP, the Human Development Index or Poverty Level.

Table 2

Country	Code	Country	Code	Country	Code
Afghanistan	AFG	Guam	GUM	Papua New Guinea	PNG
Albania	ALB	Guatemala	GTM	Paraguay	PRY
Algeria	DZA	Guinea	GIN	Peru	PER
American Samoa	ASM	Guinea-Bissau	GNB	Philippines	PHL
Andorra	ADO	Guyana	GUY	Poland	POL
Angola	AGO	Haiti	HTI	Portugal	PRT
Anguilla	AIA	Honduras	HND	Puerto Rico	PRI
Antigua and Barbuda	ATG	Hong Kong, China	HKG	Qatar	QAT
Argentina	ARG	Hungary	HUN	Reunion	REU
Armenia	ARM	Iceland	ISL	Romania	ROM
Aruba	ABW	India	IND	Russia	RUS
Australia	AUS	Indonesia	IDN	Rwanda	RWA
Austria	AUT	Iran	IRN	Samoa	WSM
Azerbaijan	AZE	Iraq	IRQ	San Marino	SMR
Bahamas	BHS	Ireland	IRL	Sao Tome and Principe	STP
Bahrain	BHR	Israel	ISR	Saudi Arabia	SAU
Bangladesh	BGD	Italy	ITA	Senegal	SEN
Barbados	BRB	Jamaica	JAM	Serbia	SRB
Belarus	BLR	Japan	JPN	Seychelles	SYC
Belgium	BEL	Jersey, Channel Islands	JEY	Sierra Leone	SLE
Belize	BLZ	Jordan	JOR	Singapore	SGP
Benin	BEN	Kazakhstan	KAZ	Slovakia	SVK
Bermuda	BMU	Kenya	KEN	Slovenia	SVN
Bhutan	BTN	Kiribati	KIR	Solomon Islands	SLB
Bolivia	BOL	Democratic People's Republic of North Korea	PRK	Somalia	SOM
Bosnia and Herzegovina	BIH	South Korea	KOR	South Africa	ZAF
Botswana	BWA	Kosovo	KSV	South Sudan	SSD

Brazil	BRA	Kuwait	KWT	Spain	ESP
Brunei	BRN	Kyrgyzstan	KGZ	Sri Lanka	LKA
Bulgaria	BGR	Laos	LAO	Palestine	SPL
Burkina Faso	BFA	Latvia	LVA	Saint Kitts and Nevis	KNA
Burundi	BDI	Lebanon	LBN	Saint Lucia	LCA
Cambodia	KHM	Lesotho	LSO	Saint Vincent and the Grenadines	VCT
Cameroon	CMR	Liberia	LBR	Sudan	SDN
Canada	CAN	Libya	LBY	Suriname	SUR
Cape Verde	CPV	Lichtenstein	LIE	Swaziland	SWZ
Cayman Islands	CYM	Lithuania	LTU	Sweden	SWE
Central African Republic	CAF	Luxemburg	LUX	Switzerland	CHE
Chad	TCD	Macau, China	MAC	Syria	SYR
Chile	CHL	Macedonia	MKD	Taiwan	TWN
China	CHN	Madagascar	MDG	Tajikistan	TJK
Colombia	COL	Malawi	MWI	Tanzania	TZA
Comoros	COM	Malaysia	MYS	Thailand	THA
Democratic Republic of the Congo	ZAR	Maldives	MDV	East Timor	TMP
Congo	COG	Mali	MLI	Togo	TGO
Cook Islands	COK	Malta	MLT	Tonga	TON
Costa Rica	CRI	Marshall Islands	MHL	Trinidad and Tobago	TTO
Ivory Coast	CIV	Martinique	MTQ	Tunisia	TUN
Croatia	HRV	Mauritania	MRT	Turkey	TUR
Cuba	CUB	Mauritius	MUS	Turkmenistan	TKM
Cyprus	CYP	Mexico	MEX	Tuvalu	TUV
Czech Republic	CZE	Micronesia	FSM	Uganda	UGA
Denmark	DNK	Moldavia	MDA	Ukraine	UKR
Djibouti	DJI	Monaco	MCO	United Arab Emirates	ARE
Dominica	DMA	Mongolia	MNG	United Kingdom	GBR
Dominican Republic	DOM	Montenegro	MNE	United Kingdom (England and Wales)	ENG
Ecuador	ECU	Morocco	MAR	United Kingdom (Northern Ireland)	IRE
Egypt	EGY	Mozambique	MOZ	United Kingdom (Scotland)	SCO
El Salvador	SLV	Myanmar	MMR	United States	USA
Equatorial Guinea	GNQ	Namibia	NAM	Uruguay	URY
Eritrea	ERI	Nauru	NRU	Uzbekistan	UZB
Estonia	EST	Nepal	NPL	Vanuatu	VUT
Ethiopia	ETH	Netherlands	NLD	Venezuela	VEN
Fiji	FJI	Netherland Antilles	ANT	Vietnam	VNM
Finland	FIN	New Caledonia	NCL	Virgin Islands	VIR
France	FRA	New Zealand	NZL	Gaza Strip	WBG
French Guyana	GUF	Nicaragua	NIC	Yemen	YEM
Gabon	GAB	Niger	NER	Zambia	ZMB
Gambia	GMB	Nigeria	NGA	Zimbabwe	ZWE
Georgia	GEO	Niue	NIU		
Germany	DEU	Norway	NOR		
Ghana	GHA	Oman	OMN		
Greece	GRC	Pakistan	PAK		
Greenland	GRL	Palau	PLW		
Granada	GRD	Panama	PAN		

Afterwards, we developed a database with the core information (*datos madre*) that included all the analysis variables to work with them on an ordered fashion and without confusions. Then, we created six subsets of databases: Structural Security System, Functional Security

System, Human Rights Security System, Structural Justice System, Functional Justice System, and Human Rights Justice System that are the dimensions of the Index.

Once we selected the variables and time framework of the Index, as well as relevant theoretical and statistical considerations we created a database including 219 countries and 14 final variables. From there the conclusion drawn was that only 12 countries have all the variables. It is important to acknowledge the commitment of this group of countries in the creation and report of information, as well as the diversity of existing data.

Table 3

Country	Code	Country	Code	Country	Code
Austria	AUT	Portugal	PRT	Japan	JPN
Czech Republic	CZE	Serbia	SRB	Chile	CHL
Finland	FIN	Netherlands	NLD	Mexico	MEX
Bulgaria	BGR	Poland	POL	Barbados	BRB

Due to lack of measurement units in countries, we identified those States with one or two outstanding variables. The list of the 27 countries that met this condition is shown next:

Table 4

Country	Code	Missing Variables	Country	Code	Missing Variables	Country	Code	Missing Variables
Denmark	DNK	1	Colombia	COL	1	Italy	ITA	2
Finland	FIN	1	Ireland	IRL	1	Latvia	LVA	2
Slovakia	SVK	1	Slovenia	SVN	1	Croatia	HRV	2
Costa Rica	CRI	1	Armenia	ARM	1	Albania	ALB	2
Hungary	HUN	1	Mongolia	MNG	1	Andorra	ADO	2
Malta	MLT	1	Paraguay	PRY	1	Honduras	HND	2
Guyana	GUY	1	Cyprus	CYP	2	Germany	DEU	2
Georgia	GEO	1	Estonia	EST	2	Bosnia and Herzegovina	BIH	2
South Korea	KOR	1	Sweden	SWE	2	Montenegro	MNE	2

From those we obtained a list of 39 countries that still were insufficient; therefore, we included the countries with 3 and 4 outstanding variables. Finally, these 20 countries (table 3), completed the final list for the Index.

Table 5

Missing Variables	Country	Code	Missing Variables	Country	Code	Missing Variables
3	Russia	RUS	3	France	FRA	4
3	Argentina	ARG	3	Philippines	PHL	4
3	Panama	PAN	3	Moldavia	MDA	4
3	Bahamas	BHS	3	Ukraine	UKR	4
3	Switzerland	CHE	4	Nicaragua	NIC	4
3	Canada	CAN	4	Turkey	TUR	4
3	Spain	ESP	4			

To complete the outstanding information we used several viable statistic models. Due to the specific conditions of the variables, in concrete, their dispersion, we used the regional average (robust estimation in data with high levels of dispersion) as the equation (*estimador de la esperanza*) to complete missing information. In this way we ensure that the chosen variables are the closest to reality and that they do not affect the measurement units. We only needed to add four sets of information to the 15% of the countries that are part of the final Index, allowing a robust index. Lastly, it should be noted that 95 countries did not have any of the 14 variables to be included in the Index, amounting to a 43% of the overall list and showing the clear lack of information.

Countries with Less than 10 Variables

Ranking	Country	Code	Number of Indicators
131	Algiers	DZA	0
132	American Samoa	ASM	0
133	Angola	AGO	0
134	Anguilla	AIA	0
135	Aruba	ABW	0
136	Australia	AUS	0
137	Benin	BEN	0
138	Bermuda	BMU	0
139	Botswana	BWA	0
140	Burkina Faso	BFA	0
141	Burundi	BDI	0
142	Cameroon	CMR	0
143	Cape Verde	CPV	0
144	Cayman Islands	CYM	0
145	Central African Republic	CAF	0
146	Chad	TCD	0
147	Macau	MAC	0
148	Comoros	COM	0
149	Democratic Republic of the Congo	ZAR	0
150	Congo	COG	0
151	Cook Islands	COK	0
152	Ivory Coast	CIV	0
153	Djibouti	DJI	0
154	Egypt	EGY	0
155	Equatorial Guinea	GNQ	0
156	Eritrea	ERI	0
157	Ethiopia	ETH	0
158	Fiji	FJI	0
159	French Guyana	GUF	0
160	Gabon	GAB	0
161	Gambia	GMB	0
162	Ghana	GHA	0
163	Greenland	GRL	0
164	Guam	GUM	0
165	Guinea	GIN	0
166	Guinea Bissau	GNB	0

167	Jersey	JEY	0
168	Kenya	KEN	0
169	Kiribati	KIR	0
170	Lesotho	LSO	0
171	Liberia	LBR	0
172	Libya	LBY	0
173	Madagascar	MDG	0
174	Malawi	MWI	0
175	Mali	MLI	0
176	Marshall Islands	MHL	0
177	Martinique	MTQ	0
178	Mauritania	MRT	0
179	Mauritius	MUS	0
180	Micronesia	FSM	0
181	Morocco	MAR	0
182	Mozambique	MOZ	0
183	Namibia	NAM	0
184	Nauru	NRU	0
185	Netherland Antilles	ANT	0
186	New Caledonia	NCL	0
187	New Zealand	NZL	0
188	Niger	NER	0
189	Nigeria	NGA	0
190	Niue	NIU	0
191	Palau	PLW	0
192	Papua New Guinea	PNG	0
193	Puerto Rico	PRI	0
194	Reunion	REU	0
195	Rwanda	RWA	0
196	Samoa	WSM	0
197	Sao Tome and Principe	STP	0
198	Senegal	SEN	0
199	Seychelles	SYC	0
200	Sierra Leone	SLE	0
201	Solomon Islands	SLB	0
202	Somalia	SOM	0
203	South Africa	ZAF	0
204	South Sudan	SSD	0
205	Sudan	SDN	0
206	Swaziland	SWZ	0
207	Tanzania	TZA	0
208	Togo	TGO	0
209	Tonga	TON	0
210	Tunisia	TUN	0
211	Tuvalu	TUV	0
212	Uganda	UGA	0
213	Virgin Islands	VIR	0
214	Vanuatu	VUT	0
215	West Bank and Gaza Strip	WBG	0
216	Zambia	ZMB	0
217	Zimbabwe	ZWE	0

Ranking	Country	Code	Number of Indicators
130	Kyrgyzstan	KGZ	3

Ranking	Country	Code	Number of Indicators
90	Afghanistan	AFG	4
91	Antigua and Barbados	ATG	4
92	Bahrain	BHR	4
93	Bangladesh	BGD	4
94	Belarus	BLR	4
95	Bhutan	BTN	4
96	Brunei	BRN	4
97	Cambodia	KHM	4
98	Cuba	CUB	4
99	North Korea	PRK	4
100	Dominica	DMA	4
101	Ecuador	ECU	4
102	Haiti	HTI	4
103	Iran	IRN	4
104	Iraq	IRQ	4
105	Kuwait	KWT	4
106	Laos	LAO	4
107	Lebanon	LBN	4
108	Malaysia	MYS	4
109	Maldives	MDV	4
110	Burma	MMR	4
111	Nepal	NPL	4
112	Oman	OMN	4
113	Pakistan	PAK	4
114	Peru	PER	4
115	Qatar	QAT	4
116	Saint Lucia	LCA	4
117	San Marino	SMR	4
118	Saudi Arabia	SAU	4
119	Surinam	SUR	4
120	Syria	SYR	4
121	Taiwan	TWN	4
122	Tajikistan	TJK	4
123	Timor-Leste	TMP	4
124	Turkmenistan	TKM	4
125	United Arab Emirates	ARE	4
126	Uzbekistan	UZB	4
127	Venezuela	VEN	4
128	Vietnam	VNM	4
129	Yemen	YEM	4

Ranking	Country	Code	Number of Indicators
83	Belgium	BEL	5
84	Belize	BLZ	5
85	Grenada	GRD	5

86	Guatemala	GTM	5
87	Thailand	THA	5
88	Macedonia	MKD	5
89	United Kingdom (Northern Ireland)	IRE	5

Ranking	Country	Code	Number of Indicators
77	Bolivia	BOL	6
78	Kazakhstan	KAZ	6
79	Palestine	SPL	6
80	United Kingdom (England and Wales)	ENG	6
81	United Kingdom (Scotland)	SCO	6
82	Uruguay	URY	6

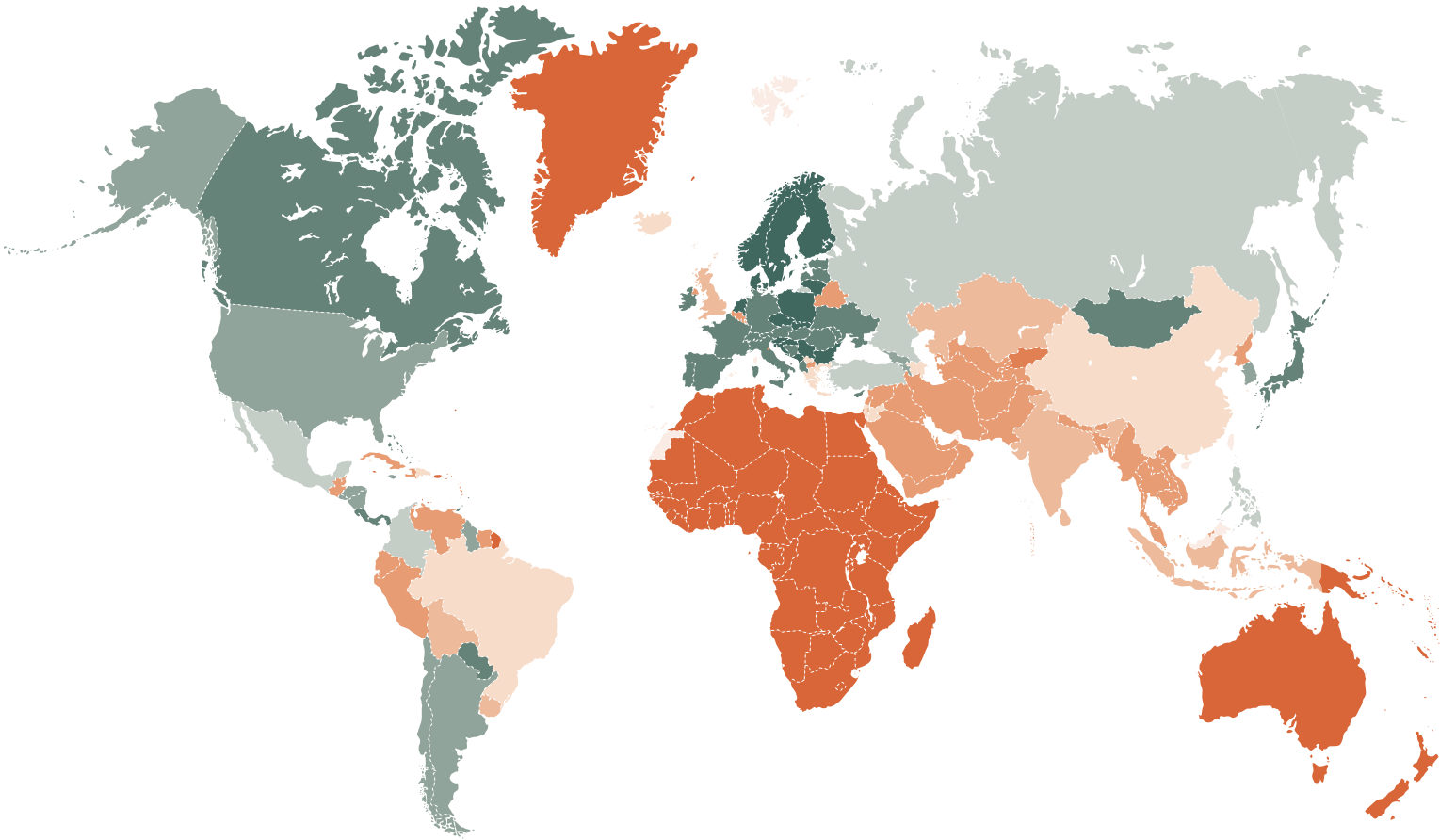
Ranking	Country	Code	Number of Indicators
72	India	IND	7
73	Indonesia	IDN	7
74	Luxembourg	LUX	7
75	Saint Kitts and Nevis	KNA	7
76	Sri Lanka	LKA	7

Ranking	Country	Code	Number of Indicators
65	Brazil	BRA	8
66	China	CHN	8
67	Greece	GRC	8
68	Iceland	ISL	8
69	Israel	ISR	8
70	Kosovo	KSV	8
71	Saint Vincent and the Grenadines	VCT	8

Ranking	Country	Code	Number of Indicators
60	Azerbaijan	AZE	9
62	Jordan	JOR	9
63	Lichtenstein	LIE	9
64	Monaco	MCO	9
61	Dominican Republic	DOM	9

COUNTRIES WITH LESS THAN 10 VARIABLES

greatest 8 to 9 6 to 7 4 to 5 2 to 3 0 to 1 least



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