

GENERAL AGREEMENT FOR GENDER PARITY APPOINTMENT, PROMOTION AND DEVELOPMENT OF JUDICIAL CAREERS AT THE ELECTORAL COURT OF THE FEDERAL JUDICIAL BRANCH

General Provisions

Article 1. The provisions herein are to be observed on a general basis; their objective is to regulate the appointment, promotion and development of judicial careers at the Electoral Court of the Federal Judicial Branch, according to the gender parity principle as the guiding principle throughout its interpretation and application.

Article 2. For the purposes of this Agreement, the following shall mean:

I. Agreement. The General Agreement for the appointment, promotion and development of all positions of the judicial career with gender parity at the Electoral Court.

II. Training Center. Electoral Training Center of the Electoral Court.

III. Administration Commission. The Administration Commission of the Electoral Court of the Federal Judicial Branch.

IV. Committee on Training and Judicial Career. The committee on Training and Judicial Career of the Electoral Court.

V. Human Resources Coordination. The Human Resources Coordination and Administrative Liaison of the Electoral Court.

VI. Authorization. The mechanism or scheme to authorize the types of activities in the judicial career at the Electoral Court.

VII. Parity Admission. Access mechanism for parity implementation through actions, measures and programs at the electoral Court of the Federal Judicial branch.

VIII. Care work and duties. Those related to the parenting and care practices on children, elderly people, temporarily or permanently sick or disabled people.

IX. Organic Law. Organic Law of the Federal Judicial Branch.

X. Gender Parity. Constitutional principle oriented to fight the results of historical and structural discrimination to women at public decision-making spaces. It corresponds to an encompassing and equitable understanding of democracy where the detailed and nominal women's representation is essential.

XI. Judicial Career Staff. Authorized civil servants that met the requirements established in the Organic Law to be considered members of the Judicial Career System of the Electoral Court.

XII. Gender perspective. Methodological tool that allows displaying the differential impact brought about by the rules on sex and gender.

XIII. Promotion. Promotion followed by a member of the judicial career to a higher level based on the provisions of the Organic Law and this Agreement.

XIV. Judicial Career System. Set of principles and rules that regulate the appointment and promotion of people authorized to perform positions established in fractions II, IV, V, VIII and X of Article 110 of the Organic Law, as well as the position of the Regional Chamber Clerk of Court, position comparable to that specified on fraction VI of the same legal precept.

XV. Electoral Court. The Electoral Court of the Federal Judicial Branch comprising the Superior Chamber and Regional Chambers.

Article 3. The Chambers of the Electoral Court will take the action and develop the programs necessary thus women and men under gender parity conditions take the ranks of the judicial careers.

For the appointment at the Judicial Career System, the personnel will need to meet the requirements established in the Organic Law and be subject to the procedures herein considered.

Article 4. The appointment and promotion of civil servants that are part of the judicial career will take place on the terms of this Agreement.

The judicial career will be ruled by the principles of excellence, professionalism, objectivity, impartiality, independency, gender parity, seniority and equal opportunities.

The Model Code of Electoral Judicial Ethics will guide the interpretation and application of this General Agreement.

Article 5. The substantial purpose of the implementation of the Gender Parity Judicial Career System is to establish an appointment, promotion and development model of the jurisdictional activity of the Electoral Court, oriented by principle of equal opportunities, objectivity, legality, professionalism and excellence.

The model tends to rule the social and cultural patterns of conduct addressed with a view to eliminate preconceptions and practices that impact the appointment, promotion and development of the judicial career, and that result in an imbalance between sexes or any other form of discrimination.

The prohibition of all forms of discrimination based on ethnic origin, nationality, gender, age, abilities, social status, health, religion, opinion, sexual orientation, marital status or any other that constitutes and affront to human dignity and has the purpose and/or results on nullifying or damaging the person's rights and freedoms, with the specific purpose of moving towards an appointment, promotion and development plan of the judicial career with gender parity shall prevail at the interpretation and application of the principles in this General Agreement.

Article 6. The Electoral Court will implement a plan of positive action oriented to generate a model that preserves equal conditions among sexes for the appointment, promotion and development of the judicial career.

Article 7. The Electoral Court will establish and organized, preferably within the institutional working hours, training courses to promote the necessary education to generate equal conditions to all civil servants, and that will allow their promotion at the judicial career.

Article 8. The development of the training and evaluation plans for the appointment, promotion and development of the judicial career should recognize the need of generating equal conditions for women and men, hence, leaves, staggered hours, large or encompassing notice mechanisms will be granted, or any other positive measures will be taken that allow women, and specifically mothers, as well as men with care practices, to compete under equal conditions.

Article 9. Within the context of provision of services, the Electoral Court will develop programs, and take the necessary measures and actions to create nursing areas with the necessary equipment, and will provide, with the necessary safety measures, the child care service for the preschoolers or elementary school children of working parents, when children be on the regular vacation period or due to any other reason justified by national education provisions.

Article 10. To that effect, for those who perform care duties, specially working mothers, the head of the area will assign working schedules compatible to their working performance and comprehensive training for examination related to the judicial career. Likewise, the necessary measures will be taken to guarantee their participation on training courses.

Article 11. The childcare service may include as part of children development, educational, cultural and entertaining programs consistent with the corresponding school level.

Of the Judicial Career

Article 12. The judicial career at the Electoral Court will include the following ranks:

- I. General Clerk of Court for the Superior Chamber;
- II. Deputy General Clerk of Court of the Superior chamber;
- III. Briefing Attorney of the superior Chamber;
- IV. Clerk of Court of the Regional Chamber¹;
- V. Deputy Clerk of Court of the Regional Chamber; and,
- VI. Actuary of the Federal Judicial Branch.

Article 13. The persons who are part of the Judicial Career System on a higher rank may hold a lower rank position without taking any aptitude test.

¹ Categoría equiparable a la descrita en la fracción VI, del Article 110 de la Ley Orgánica.

Article 14. The Administration Commission may hold agreements with academic institutions or institutions in charge of delivering justice, either national or foreign; organize conferences and seminars with the purpose of disseminating the nature of the judicial function, and assist to its constant improvement; promoting those measures that contribute to the education of civil servants that meet the required principles.

The Training Center will assist for that effect under the terms established by the Administration Commission.

Article 15. For the best development of the Judicial Career System at the Electoral Court, the following shall occur:

- I. Selecting the career personal as expressly provided herein;
- II. Promoting the development of the career personal through their education, training and updating; and,
- III. Encouraging among the personal violence and discrimination free working environments, as well as excellence, objectivity, impartiality, professionalism, independency, equal opportunities, seniority and gender parity, and values ruling the federal jurisdictional activity.

Seniority will count from the date of entry to any of the ranks considered herein. The maternity, paternity and/or care duty leaves will not interrupt the seniority calculation.

Article 16. The Administration Commission and the Training Center will cooperate with the Justices' and Actuary Offices of the Electoral Court, within their respective duties, to implement, develop and execute the Judicial Career System.

Priority will be given to those performing care duties to keep or chose the assignment best suited to their roles. The assignment preference specification under no circumstances will result in discrimination to access or promotion of a position.

The above shall also be considered when the services needs demand commissioning employees of the Court.

Of the Judicial Career and Training Committee

Article 17. A Judicial Career and Training Committee will be established and shaped under the parity principle, which consists on a proportion not exceeding three members of the same sex, by a total of five Justices of the Electoral Court as follows:

- I. It will be chaired by the person holding the presidency of the Electoral court;
- II. One woman Justice and one men Justice of the Superior Chamber of the Electoral Court; and,
- III. One woman Justice and one men Justice of the Regional Chambers of the Electoral Court.

The head of the Training Center will perform the role of the technical secretary.

Article 18. The Judicial Career and Training Committee will be in charge of approving and resolving the matters submitted as provided in this Agreement.

Of Parity Admission and Promotion in the Judicial Career System

Article 19. Those people interested in joining the Judicial Career System should meet the requirements established in the Organic Law, the Position Catalogue and the following:

a) For Instructor Secretary:

- I. Holding the Mexican citizenship in full exercise of his/her political and civil rights, and a voter's card;
- II. Not having been convicted for any crimes, save it had not been willful deserving a penalty of more than one year of imprisonment;
- III. Holding a professional law degree, legally issued for at least three years;
- IV. Submitting to the evaluation determined by the Administration Commission to credit the experience and knowledge requirements on the performance of the electoral area;
- V. Three years professional experience on activities related to the area; and,
- VI. Not having been sanctioned with temporary disqualification to hold any job or any public office or having been dismissed from the latter as a result of an administrative sanction due to serious acts.

b) For Briefing Attorney of the Superior Chamber, the same requirements mentioned on the above section with the exception of the professional experience, professional degree, which shall be two years.

c) For Briefing Attorney of a Regional Chamber, the same requirements mentioned on the section above.

d) For the Actuary:

- I. Holding the Mexican citizenship in full exercise of his/her political and civil rights, and a voter's card;
- VII. Not having been convicted for any crimes, save it had not been willful deserving a penalty of more than one year of imprisonment;
- I. Not having been sanctioned with temporary disqualification to hold any job or any public office or having been dismissed from the latter as a result of an administrative sanction due to serious acts; and,
- II. Submitting to the evaluation determined by the Administration Commission to credit the basic knowledge requirements.

Article 20. With the exception of the General and Deputy Clerk of court of the Superior Chamber, joining the Judicial Career System will be through aptitude tests or passing the courses delivered for such purposes by the Training Center.

The Administration Commission will establish, by proposal of the Judicial Career and Training Center the frequency of said aptitude tests.

In order to make the care duties compatible with the judicial career requirements, those performing said duties may have a fifteen days paid absence leave to prepare for said tests and meet the requirements of the contests.

Article 21. For the purpose of this Agreement, the persons that are part of the Judicial Career System of the Supreme Court of Justice of the Nation and the

Federal Judiciary Council may request the Administration Commission, through the Training Center, and previously approved by the Judicial Career and Administration Commission, to be considered members of the Electoral Court Judicial Career System. For the admission of said request, it shall include the official document issued by the corresponding competent bodies certifying they are part of said Judicial Career System.

Article 22. For application and promotion within the Judicial Career System, those persons who have performed within the Electoral Court on offices will be on preferential basis.

Article 23. Based on the results of the aptitude tests as well as the training to join the Judicial Career System delivered by the Training Center, the latter will make a list of the names of the authorized persons.

Said list will be published in the web cite of the Training Center for the Justices of the Electoral Court to be able to select and appoint the persons they consider suitable to take the vacancies at their offices, or that of the Judicial Actuary, either temporary or permanent, following at all time the parity admission.

The list will be refreshed monthly by the Training Center with the information sent by the Human Resources Department regarding openings and removals of the judicial career categories, in such a way that it includes the names of the persons authorized to take a judicial career office and are not in office.

The Judicial Career personnel of the Electoral Court that for any reason holds a leave will continue authorized for a three-years-period after said leave. This prerogative will not be applicable when the completion of their services results from an administrative, occupational or criminal responsibility.

Of the Aptitude Tests

Article 24. The calls for aptitude tests may be open or closed as determined on a case basis by the Administration Commission.

Article 25. The Training Center will apply the tests preferably at the facilities of the Electoral Court determined for such purposes by the Superior Chamber and Regional Chambers, considering at all times that the set up of the venue generates equal conditions and opportunities with gender parity.

Only the persons meeting the requirements established in articles 216 and 217 of the Organic Law and those established in the Positions Catalogue may apply for aptitude tests.

Article 26. With the purpose of making the announcement for the callings, admission and testing procedures more efficient and under gender parity conditions, the use of information systems will be privileged.

In case of allowing applicants to submit their documents electronically, they shall state under oath that the information sent electronically is authentic and they commit to present it at anytime when requested, either in original or certified copy.

In case of not presenting it without any justified or proved cause, within the terms granted for that, they will be excluded from the corresponding selection process.

Evaluations will be recorded and available for the general public at the Internet web site of the Electoral Court to promote transparency on the procedure, guaranteeing the protection of personal data.

Article 27. The Training Center will be responsible of preparing the aptitude tests, in coordination with the General Court Secretariat and the Jurisprudence,

Monitoring and Consultation Department of the Superior Chamber of the Electoral Court.

Article 28. An Evaluation Committee with members of the Instructor Secretary or the General Court Secretariat of the Superior Chamber and the Academic Committee, appointed by the Justices of the Superior Chamber will be integrated under the gender parity principle in order to assist on the evaluation of the aptitude tests.

Of the Evaluation

Article 29. The aptitude tests will be on two stages to evaluate skill and knowledge of applicants on each category of the Judicial Career System. Points will be allocated on each stage, and then added to obtain the final result on a maximum 100-points scale where the minimum passing scale will be eighty points.

Article 30. The first stage will be to write the conclusions of a judgment or the actuarial proceedings, which will provide sixty points to the final grade.

From said exercises the following will be evaluated:

- a) For the Briefing and Instructor Secretary of the Superior Chamber and the Briefing Secretary of the Regional Chamber:

ITEM TO EVALUATE	POINTS PER ITEM
Comprehension of the problem. It evaluates the level of understanding of the problem stated by identifying the claim, litis, grievances asserted, the context, the considerations that justify the sense of the decision and, therefore, the points disputed that should be studied.	Up to ten
Writing and syntax. The draft judgment should be	Up to five

written according to the syntax and grammar rules.	
Order, consistency and complete overview of the case. It has the purpose of evaluating the clarity, consistency, exhaustiveness and logical sequence of the conclusions stated.	Up to twenty
Argumentation, soundness of the reasoning and legal, jurisprudential and theoretical support. It will focus on the soundness and creativity of the reasoning justifying the decision. Additionally, knowledge of international human rights standers should be proved.	Up to twenty-five

b) For the Actuary the following will be evaluated:

ITEM TO EVALUATE	POINTS PER ITEM
Reason and Subject. Proceeding shall be reasoned according to the judgment.	Up to ten
Statutory basis: Legal provisions supporting the proceeding shall be accurately identified, as well as those related to the notification of the decision of the respective challenging mean.	Up to five
Writing and syntax: The certificate, official document and respective reasons shall be written according to the syntax and spelling rules.	Up twenty
Order and consistency of the grounds or subject: On each proceeding the applicant shall provide a logical sequence in the structure of the written text.	Up to twenty-five

Points allocated by the Evaluation Committee will be expressed in absolute numerals.

Article 31. The second evaluation stage will account for up to forty points of the final grade, and will be the answers to a questionnaire of up to forty-questions that prioritizes reasoning and argumentation.

Article 32. Tests will be applied in two stages using information technology. To take both evaluations applicants will receive an id code and password that will allow them access to a learning platform throughout all the process.

Article 33. In case of not passing the tests herein mentioned, subsequent tests may be taken on the dates established by the Administration Commission. In case of not passing the test in the same category for three consecutive times, another test may not be taken until a year after the last taken.

Article 34. Within fifteen days after the evaluation, the Training Center will published on the Internet web sit of the Electoral Court the results of the aptitude exams with the points obtained by each applicant. Said publications will serve as notifications for the interested persons.

Article 35. Within four working days after publishing the results, the applicants may request in writing to the Training Center the reasons supporting their grades.

Article 36. The applicant may challenge the results obtained within four working days after notified of the result of his/her request for clarification. Said disagreement should be presented at the Training Center. Those living outside Mexico City may electronically mail it to the Training Center form the account given at the registration to the corresponding aptitude contest

Article 37. The Judicial Career and Training Committee will resolve the disagreements within the twenty-working-days period after reception. The resolution issued will be final and unassailable, and shall be notified personally on electronic mail to the claimant or at the address appointed for such effect.

Of Appointments

Article 38. Justices of the Chambers of the Electoral Court are to nominate from the list of persons authorized, the personnel to hold judicial career offices.

The Briefing and instructor secretary of Justices' offices of the Superior Chamber of the Electoral Court will be confirmed, at least, with two thirds of the personnel from the Judicial Career System.

Justices, as well as the heads of the areas of the Electoral Court may interview the applicants as part of the process previous to their appointment.

Article 39. In order to cover the vacancies at the judicial career offices, actions, programs and the necessary measures with a result ensuring the appointment, promotion and development in a parity context will be privileged.

Article 40. When the Administration Commission determines the creation of urgent employment position, with the purpose of not affecting the jurisdictional activity, Justices may immediately and directly select non-authorized personnel. This criteria may be used as long as the personnel meets the requirements of the position and gender parity is respected, said personnel should then be authorized in the Judicial Career System at the next selection process.

Article 41. The file made by the Human Resources Department or the documents submitted by the applicants will be the ideal means to check the requirements established in the Organic Law and in this Agreement.

Article 42. In order to proof seniority or professional experience referred herein, the Human Resources Department will have at all times the power to verify the information provided or request additional data.

Article 43. Appointment of heads of the General and Deputy Clerk of Court of the Superior Chamber, respectively, will be made by the proposal of the head of the Presidency of the Electoral Court and submitted to the decision of the Plenary of the Superior Chamber.

Article 44. Once the civil servant is appointed to take an office of any of the categories herein, he/she shall deliver the Human Resources Department the original documents certifying the compliance of the requirements for the positions, thus the Department will make the file with copies of said documents checking them previously.

Article 45. According to the service needs and temporarily, the career personnel may be commissioned to provide services at Chambers other than those where originally he/she works.

Updating and Professionalization of the Career Personnel

Article 46. The updating and professionalization processes of the career personnel will be yearly and defined by the Judicial Career and Training Committee, approved by the Administration Commission and its application coordinated by the Training Center, oriented at all times to the principles of excellence, professionalism, objectivity, impartiality, independence, gender parity, equal opportunities and seniority.

Article 47. The Training Center will keep a record of the results obtained by the career personnel in order to develop the action necessary for professionalization.

Scholarships and Awards

Article 48. The electoral judicial merit medal will be delivered yearly to civil servants of the judicial career to award their merits.

The Administration Commission will approved the terms of the call issued for such effect and will chose the person considered the winner of such award.

Article 49. The award will be delivered to civil servants gathering at least the following requirements:

- I. Be recognized for his/her professional work;
- II. Not have been sanctioned for a serious misconduct of a disciplinary administrative proceeding; and
- III. Have at least a five-years seniority judicial career within the Electoral Court.

Article 50. The Administration Commission may administer the scholarship awarding to study in national and foreign institutions for the judicial career civil servants at the categories established herein, according to the applicable normativity.

Article 51. The Administration Commission will privilege the authorized scholarships that benefit the higher number of civil servants of the judicial career respecting the gender parity.

Article 52. Scholarships or supports may be granted simultaneously to more than one judicial career civil servant attached to a same Justice office, as long as it does not impact the jurisdictional activities.

The persons in charge of care duties, as well as those from the under-represented gender at the Court shall be considered as priority to receive academic

scholarships, proper incentives to facilitate training, updating, professionalization and promotion within the Court.

Article 53. The Electoral Court will yearly allocate a special budget for the development of the Judicial Career System as well as to establish scholarships favoring the gender parity principle.

Of the Career Personal Training

Article 54. The Training Center will promote the constant education, training and updating of the career personnel through different academic programs either national or foreign.

Article 55. Training courses will be coordinated by the Training Center according to the provisions in the Internal Regulation of the Electoral Court, the General Agreement of Administration and the Academic Program approved by the Academic and Editorial Committee and the Administration Commission.

Training courses shall include those related to gender equality, human rights, jurisprudence and good practices of other national and international courts, as well as those related to the vulnerable groups' political-electoral rights.

Article 56. For file updating each civil servant should submit to the Human Resources Department the documents certifying the training delivered or taken, and all those related to any of the judicial career principle.

Considering that education and skills required by the care roles are valuable and contribute to the working environment, these will have a curricular value regardless of the sex of the caregiver.

Curricular assessment shall be free of discriminating stereotypes on the expectations and skills of people based on sex and gender.

Article 57. Persons certifying said course outstandingly, will be certified to teach them, which will be considered for the effects of their judicial career.

Article 58. Academic and training exchange will be promoted with the Institute of the Federal Judiciary.

Rights and Obligations of Career Personnel

Article 59. The rights of the judicial career personnel are:

- I. Receiving appointment as member of the judicial career after meeting all requirements for it;
- II. If budget availability allows for it, the career personnel will have the right to receive scholarships to take courses that promote their professional development;
- III. If the workload allows for it, receiving the corresponding support and authorization to participate on training and updating courses; and,
- IV. Others specified by the laws and agreements of the Administration Commission.

Article 60. The obligations of the career personnel are:

- I. Assist on the purposes entrusted to the Electoral Court;

- II. Exercise their functions based on the principles of equality, excellence, objectivity, impartiality, professionalism and independence;
- III. Get accredited on training and updating courses, as well as on the respective evaluations;
- IV. Promote working spaces free of violence and discrimination;
- V. Cooperate on the delivery of courses organized by the Training Center;
- VI. According to the service needs and work loads, the members of the judicial career shall be available to be commissioned to other Chambers of the Electoral Court, considering the provisions of Article 16 of this Agreement;
- VII. Meeting the regulation applicable to their roles, as well as that related to the Judicial Career System; and,
- VIII. Others established in the laws and agreement of the Administration Commission.

Of the severance of the career personnel

Article 61. The career personnel may request one-year leaves to study or perform care duties under the terms of the Organic Law and corresponding guidelines and will have the right to be reinstated to the Judicial Career System on the job he/she was performing.

Article 62. Severance of career personnel may happen on the following causes:

- I. Resignation in writing that will become effective on the date when resignation is received;
- II. Retirement due to age or time of service;
- III. Removal or disqualification on a final resolution that states so; and,
- IV. Failure to comply the obligations established herein.

Of the mechanism to modify the Agreement

Article 63. The Superior Chamber of the Electoral court has the power to promote before the Administration Commission a reform to this Agreement by initiative of any Justice member of the Chamber.

Article 64. The Administration Commission will resolve matters that were not considered herein.

Transitory

One. This Agreement will become effective the day after published at the Official Gazette of the Federation.

Two. Any similar legal nature provision that defies the principles, bases, procedures and rights herein recognized is invalid, without prejudice to the considerations in the following transitory articles.

Three. The jurisdictional personnel currently working as the General Clerk of Court of the Superior Chamber, Deputy Clerk of Court of the Superior Chamber, General Clerk of Court of a Regional Chamber, Deputy Clerk of Court of a Regional Chamber, Briefing and Instructor Secretary of the Superior Chamber, Briefing Secretary of the Regional Chambers and Judicial Actuary, to the date of

publication of this Agreement at the Official Gazette of the Federation will be part of the Judicial Career System.

Four. As of the effective date of this Agreement, the selection process called under the terms of article 20 will privilege the necessary, general and specific conditions that favor women`s empowerment to join the Judicial Career System at the Electoral Court.

Five. The Department of Human Resources and Administrative Liaison, and the Equal Rights and Gender Parity Department will present to the Administration Commission within 60 natural days after the publication of this Agreement their institutional working hours that balance the service needs and personal and family life of the civil servants of the Electoral Court.

Six. This Agreement is for publication at the Official Gazette of the Federation and for broader dissemination at the Internet and intranet sites of the Electoral Court.

The under signed, Mr. Jorge Enrique Mata Gómez, Secretary of the Administration Commission of the Electoral Court of the Federal Judicial Branch, base on the provisions of article 170, fraction VIII of the internal regulation of said jurisdictional body

EL SUSCRITO, LICENCIADO JORGE ENRIQUE MATA GÓMEZ SECRETARIO DE LA COMISIÓN DE ADMINISTRACIÓN DEL TRIBUNAL ELECTORAL DEL PODER JUDICIAL DE LA FEDERACIÓN, CON FUNDAMENTO EN LO DISPUESTO EN EL ARTICULO 170, FRACCIÓN VIII, DEL REGLAMENTO INTERNO DEL CITADO ÓRGANO JURISDICCIONAL.

-----**C E R T I F I E S**-----

That this document in 26 sheets is the **General Agreement for the Appointment, Promotion and Development of the Judicial Career with Gender Parity at the Electoral Court of the Federal Judicial Branch**, approved by the Administration Commission on ruling **009/S1(19-I-2016)**, issued at the First Ordinary Session held on January 19, 2016, that is in the files of the Legal Affairs Department. I ATTEST.

Mexico, Federal District, January 22, 2016.-----

**THE SECRETARY OF THE ADMINISTRATION COMMISSION OF THE
ELECTORAL COURT OF THE FEDERAL JUDICIAL BRANCH**

MR. JORGE ENRIQUE MATA GÓMEZ

