

PART ONE – GENERAL INFORMATION AND STATISTICS

I. Questions for non-Contracting States

- 1) Please indicate why your State is not a Contracting State to the Access to Justice Convention (select as many answers as are relevant):
- The availability of provisions relating to non-discrimination with respect to legal aid, including the provision of legal advice, security for costs, copies of entries and decisions, and physical detention and safe-conduct, in your domestic law, bilateral, regional or multilateral instruments means that so far it has not appeared to your authorities that there would be added value in becoming a Party to the Access to Justice Convention
 - The number of persons involved in any cross-border case who would benefit from non-discrimination in access to justice matters has so far been limited and has not required a global framework
 - There are legal obstacles in your domestic legal system that prevent your State from becoming a Party to the Convention – if so, please specify what these are:
Article 10 of the Convention is incompatible with the Mexican legislation
 - Your State considers that there are specific issues arising out of the Access to Justice Convention (*e.g.*, the scope of the Convention, language requirements, the requirement to provide legal advice, the application of reciprocity provisions of Art. 28, etc.) which dissuade your State from joining the Access to Justice Convention – please explain:
 - Your State does not have the means or resources to properly implement the Access to Justice Convention – please explain / specify:
Article 10 of the Convention is incompatible with the Mexican legislation, and would require a Reserve.
 - The question of becoming a Party to the Convention has never been examined in detail
 - Other reasons – please explain:
- 2) Is your State currently studying the Access to Justice Convention or does your State envisage studying it with a view to becoming a Party in the near future?
- YES – please specify (status of considerations in your State, etc.):
Is in review by competent Authorities
 - NO
- 3) Article 1(2) of the Access to Justice Convention provides that persons who formerly had their habitual residence in a Contracting State in which court proceedings are to be or have been commenced shall be entitled to legal aid as provided in Article 1(1) if the cause of action arose out of their former habitual residence in that State (*e.g.*, tenancy, wrongful termination or social security claims arising from employment contracts performed in that State). Have persons in your State transmitted applications for legal aid to the Competent Authority of a State Party under Article 1(2) of the Convention?

YES – please explain / specify (if possible, please indicate whether or not legal aid was granted in the State Party; if legal aid was not (fully) granted, please explain what the reasons were):

NO

No information available

4) In the case of proceedings in your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?

YES – please explain / specify if there are any qualifications or exceptions to the rule:

NO

5) Is your State aware of the extent, if any, to which your nationals or persons habitually resident in your State are confronted by requirements to provide any security, bond or deposit abroad because of their foreign nationality or their absence of domicile or residence in another country where proceedings are commenced?¹

YES – please explain:

NO

6) Please forward a list of any bilateral, regional or multilateral instruments to which your State is a Party and that provide rules for the non-discrimination with respect to legal aid, including the provision of legal advice, security for costs and enforceability of orders for costs, copies of entries and decisions as well as physical detention and safe-conduct:

N/A

¹ In this context, the Permanent Bureau would like to recall some of the benefits of Chapter II of the Access to Justice Convention. Chapter II provides a mechanism that facilitates access to justice in all States Parties by exempting persons from the obligation to provide security for costs, under certain circumstances, and by providing, where necessary, a speedy procedure to render enforceable orders for payment of costs and expenses in proceedings made against a person so exempted. Pursuant to Arts 14 and 15 of the Convention, a person who is habitually resident in a Contracting State, and who is a plaintiff or person who intervenes in proceedings before the courts or tribunals of another Contracting State, shall not incur an obligation to provide security for costs by reason only of their foreign nationality or their lack of domicile or residence in the State where the proceedings have been commenced. In exchange for this benefit, the Convention provides that orders for the payment of costs made in a Contracting State in such circumstances are to be rendered enforceable without charge in any other Contracting State.